

EASA

Comment Response Tool

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| Title | Alignment of Regulation (EC) No 2042/2003 with Regulation (EC) No 216/2008 and with ICAO Annex 6 requirement for human factor principles to be observed in the design and application of the aircraft maintenance programme |
| NPA Number | NPA 2010-10 |

UK CAA (European.Affairs@caa.co.uk) has placed **26** unique comments on this NPA:

| Cmt | Segment description | Page | Comment | Attachment |
|------------|----------------------------|-------------|---|-------------------|
| 14 | General comments | 1 | Comment: A number of paragraphs being proposed for change under NPA 2010-10 are also being proposed for change under NPA 2010-09. The proposed changes are made against the current text published in Commission Regulation (EC) No 2042/2003. The resulting text does not take into account the proposed amendments to the same paragraphs of (EC) 2042/2003 proposed by NPA 2010-09. (e.g. paragraphs M.A.201, M.B.701) | |
| 15 | General comments | 1 | Comment: The operator has the responsibility for continuing airworthiness, but this proposal diffuses the situation. The CAMO-T may be in conflict, or cannot take responsibility, where an aircraft is managed by an organisation required and approved by the State of Registry. The proposed requirements duplicates/divides the responsibility for airworthiness such that delineation between the operator and the CAMO-T is not clear. | |
| 16 | General comments | 1 | Comment: The Competent Authority under T.B.201 and T.B.705 is given the authority to take action . There are no requirements placed on the CAMO-T to take any actions on receipt of notification of findings as required in Part M M.A.716 (c). | |
| 17 | General comments | 1 | Comment: The safety case has not been provided to justify why this system of airworthiness management for non-EU aircraft has been proposed. It has not been explained why it is necessary to adopt this approach to satisfy the basic regulation. | |
| 18 | General comments | 1 | Comment: The principle of introducing the definition for Complex Motor Powered Aircraft (CMPA) in place of Large Aircraft is a good one but there are concerns that multi engine helicopters below the 3175 kg MTOM limit (e.g. Augusta 109E helicopter) now drop out of the requirements to be managed by a CAMO and to have Part 145 maintenance. Many of these rotorcraft are more complex than some of the conventional aircraft that now fall in to the CMPA category. Consideration should be given to including multi-engined helicopters in the Part M requirements applicable to CMPA. | |
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| 19 | A. EXPLANATORY NOTE - IV. Executive summary and summary table - Issue 3: The scope of article 4(1) (c) of the Basic Regulation | 6 - 7 | <p>Paragraph No: Issue 3 – The scope of article 4(1)(c) of the Basic Regulation, CASE 1 (first bullet point)</p> <p>Comment:: Part-T (Annex V) should include requirements for third country registered aircraft being dry leased-in. See CAA UK comment for dry leasing-in of third country registered aircraft submitted for CRD to NPA 2008-22c and 2009-02c Organisation Requirements (CRD b.2) – paragraph OR.OPS.AOC.100 (c) (2) requirement for AR.OPS.110 (a) (1).</p> | |
| 20 | A. EXPLANATORY NOTE - IV. Executive summary and summary table - SUMMARY TABLE [Non- EU registered aircraft (Part- T is applicable to them)] | 9 | <p>Paragraph No: Summary Table (non-EU registered aircraft (Part-T applicable to them))</p> <p>Comment:</p> <p>(1) Part-T (Annex V) should include requirements for third country registered aircraft being dry leased-in.</p> <p>(2) In addition, the first column of the table states “NON-EU registered aircraft (part-T applicable to them)”. This would also include countries that are not EU states but are part of the EEA (such Norway and Iceland).</p> <p>Justification:</p> <p>(1) See CAA UK comment for dry leasing-in of third country registered aircraft submitted for CRD to NPA 2008-22c and 2009-02c Organisation Requirements (CRD b.2) – paragraph OR.OPS.AOC.100 (c) (2) requirement for AR.OPS.110 (a) (1).</p> <p>(2) The cover pages of Regulation (EC) Nos 216/2008, 1008/2008 and 2042/2003 all state “Text with EEA relevance”. For consistency and clarification purposes, replace Non-EU registered with third country registered</p> <p>Proposed Text:</p> <p>(1) Requires further discussion.</p> <p>(2) “Third Country registered aircraft (Part-T applies)”.</p> | |
| 21 | A. EXPLANATORY NOTE - V. Content of the draft opinion/decision - The scope of article 4(1)(c) of the Basic Regulation | 13 - 16 | <p>Paragraph No: 34 (1)</p> <p>Comment: Part-T (Annex V) should include requirements for third country registered aircraft being dry leased-in.</p> <p>Justification: See CAA UK comment for dry leasing-in of third country registered aircraft submitted for CRD to NPA 2008-22c and 2009-02c Organisation Requirements (CRD b.2) – paragraph OR.OPS.AOC.100 (c) (2) requirement for AR.OPS.110 (a) (1).</p> | |
| 22 | A. EXPLANATORY NOTE - VI. Regulatory Impact Assessment - VI.A. Introduction of the category | 23 - 25 | <p>Paragraph No: 63</p> <p>Comment: The Bell 430 is identified as a Group 2 aircraft based on the number of passengers and minimum crew.</p> <p>Justification: This aircraft should be Group 1 as for certain operations it requires 2 crew and the maximum number of passengers can be 10 persons, excluding crew. As referenced in the</p> | |

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| | of "complex motor-powered aircraft" - Sectors concerned | | Canadian TCDS H 88 issue 11: 2 (pilots) For Category A, elevated helipad operation. Refer to flight manual. The Model 430 can be approved for maximum occupants of 11 (including crew), i.e. maximum number of passengers of 10. (Refer Note 16 of Canadian TCDS H88.) Proposed Text: Move Bell 430 to Group 1 aircraft | |
| 23 | A. EXPLANATORY NOTE - VI. Regulatory Impact Assessment - VI.A. Introduction of the category of "complex motor-powered aircraft" - Impacts | 26 | Paragraph No: 65 Comment: The impact assessment is questionable; the impact on safety is not true for helicopters as the relaxation for the Group 2 helicopters is not included in the safety case. These helicopters are complex aircraft technically, with multiple turbojet engines, sophisticated avionics and composite materials. | |
| 24 | B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Article 1 | 34 | Paragraph No: I Draft Opinion (EC) No 2042/2003 – Article 1 (Objective and Scope), paragraph 1 Comment: This paragraph provides "common technical requirements and administrative procedures for ensuring the continuing airworthiness of aircraft registered in a Member State ... unless regulatory safety oversight has been delegated to a third country and they are not used by a Community operator." This text implies an all or nothing delegation of regulatory safety oversight responsibilities. It is not clear about partial delegation of those regulatory safety oversight responsibilities. For the sake of clarity, the paragraph should highlight that those regulatory safety oversight responsibilities not delegated to a third country still needs to comply with this Regulation (2042/2003). Justification: Clarity. Proposed Text: Add a new sentence after "... and not used by a Community operator", as follows: " Those regulatory safety oversight responsibilities not delegated to the third country shall comply with this Regulation". | |
| 25 | B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Article 1 | 34 | Paragraph No: I Draft Opinion (EC) No 2042/2003 – Article 1 (Objective and Scope), paragraph 2 Comment: This paragraph includes the common technical requirements and administrative procedures for ensuring the continuing airworthiness of aircraft registered in a third country when used by an operator for which a Member State ensures oversight of operations, which includes wet leasing-in. Justification: Third Country registered aircraft being wet leased-in by a Community operator does not need to comply with all of Regulation (EC) No 2042/2003; it will only need to comply with Annex V (Part-T). Proposed Text: Amend paragraph 2a: "... aircraft registered in a third | |

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| | | | country, used by an operator for which a Member State ensures oversight of operations, which shall comply with Annex V (Part-T)... " | |
| 26 | B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex I (Part-M) to Regulation (EC) No 2042/2003 is amended - M.A. 302, paragraph (h) | 37 | Paragraph No: 95 - M.A.302 Comment: Human Factors are being introduced for the design and application of maintenance programme. There is insufficient depth and detail in the current statement, this should go further and be expanded to include the functions and processes of the CAMO, in particular the planning process. | |
| 27 | B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex I (Part-M) to Regulation (EC) No 2042/2003 is amended - M.A. 704 (a) (9) | 37 | Paragraph No: 101 – M.A.704 Comment: Whilst the change to Point M.A. 704(a)(9) & (10) makes reference to the list of approved maintenance programmes for commercial air transport and the list of 'generic' and 'base line' maintenance programmes, to be included in the CAME, this does not address the CAMO listing the approved maintenance programmes of <u>managed aircraft</u> which may be either complex and non complex motor-powered aircraft (non CAT) in the CAME. Justification: Where a CAMO is managing complex/non complex powered aircraft, other than for commercial air transport purposes, these should also be listed in the CAME in order that they can effectively demonstrate the number of maintenance programmes under their control. Proposed Text: Amend point M.A. 704(a)(10) – 'For aircraft not involved in commercial air transport, the list of applicable approved maintenance programmes for aircraft managed by the CAMO and the list of 'Generic' and 'Baseline' maintenance programmes.' | |
| 28 | B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex V - PART-T - Contents | 44 - 45 | Paragraph No: 118 - Part – T Contents, T.A.210 Comment: States "Additional requirements for aircraft registered in a third country and subject to a wet lease-in agreement or code share agreement with the Community operator". Dry leasing-in of third country registered aircraft should be included in Part-T Justification: See CAA UK comment for dry leasing-in of third country registered aircraft submitted for CRD to NPA 2008-22c and 2009-02c Organisation Requirements (CRD b.2) – paragraph OR.OPS.AOC.100 (c) (2) requirement for AR.OPS.110 (a) (1). Proposed Text: "... requirements for aircraft registered in a third country and subject to a wet or dry lease-in agreement or..." | |
| 29 | B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft | 45 - 46 | Paragraph No: T.A.101 Scope, paragraph i Comment: Only refers to wet lease-in of third country registered aircraft. This should include dry leasing-in of third country registered aircraft. | |

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| | Opinion (EC) No 2042/2003 - Annex V - SECTION A – TECHNICAL REQUIREMENTS - Subpart A: General - T.A.101 Scope | | See CAA UK comment for dry leasing-in of third country registered aircraft submitted for CRD to NPA 2008-22c and 2009-02c Organisation Requirements (CRD b.2) – paragraph OR.OPS.AOC.100 (c) (2) requirement for AR.OPS.110 (a) (1). Justification: As per above Proposed Text: “... aircraft registered in a third country and subject to a wet or dry lease-in agreement...” | |
| 30 | B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex V - SECTION A – TECHNICAL REQUIREMENTS - Subpart A: General - T.A.102 Definitions | 46 | Paragraph No: T.A.102 Definitions, paragraph (b) Comment: This text should reflect the same definition for wet lease agreement as specified in Article 2 (25) of Regulation (EC) No 1008/2008. See CAA UK comment on definition of wet lease agreement submitted for CRD to NPA 2008-22c and 2009-02c Organisation Requirements (CRD b.1) – paragraph Article 2 (Definitions), Paragraph 16 (Wet lease agreement). Justification: As per above. Proposed Text: “... ‘wet lease agreement’ means an agreement between air carriers pursuant to which the aircraft is operated under the AOC of the lessor. ” | |
| 32 | B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex V - SECTION A – TECHNICAL REQUIREMENTS - Subpart A: General - T.A.102 Definitions | 46 | Paragraph No: T.A.102 Definitions, paragraph (b) Comment: This section should include a definition for dry lease agreement as specified in Article 2(24) of Regulation (EC) No 1008/2008. See CAA UK comment on definition of wet lease agreement submitted for CRD to NPA 2008-22c and 2009-02c Organisation Requirements (CRD b.1) – paragraph Article 2 (Definitions), Paragraph 3 (Dry lease agreement). Justification: As per above. Use established definition in Article 2(24) of Regulation (EC) No. 1008/2008. Proposed Text: Add new paragraph: “ ‘Dry lease agreement’ means an agreement between undertakings pursuant to which the aircraft is operated under the AOC of the lessee.” | |
| 31 | B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex V - SECTION A – TECHNICAL REQUIREMENTS - Subpart B: Requirements - T.A.230 Additional requirements for aircraft other than | 49 | Paragraph No: T.A.230(3) Comment: Aircraft defined by T.A.230 are required to comply with T.A.201. T.A.230 3. conflicts with T.A.201 1.d. and Subpart C. This is not an additional requirement as the title indicates but is in conflict with T.A.201. This item should be removed and the revised wording for T.A.301 should be accepted. Proposed Text: T.A.301 - The aircraft maintenance programme, where required by the State of Registry, shall comply with the requirements established by the State of Registry | |

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| | <p>complex motor-powered aircraft registered in a third country used into, within or out of the Community by an operator established or residing in the Community, and aircraft other than complex motor-powered aircraft registered in a third country and operated by an ATO to provide training outside the territory of the EU for non-commercial purposes</p> | | | | |
| 33 | <p>B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex V - SECTION A – TECHNICAL REQUIREMENTS - Subpart C: Maintenance programme - T.A.301 Contents of the maintenance programme</p> | 49 | <p>Paragraph No: T.A.301(1) Comment: T.A. 301 is too restrictive on specifying that the programme shall be based on information made available by the organisation responsible for the type design. Secondly, no reference is made to the programme being approved by the State of Registry as specified in T.A. 210(2). Furthermore, there is an inconsistency between T.A. 220 and 230 and T.A.210. The former specifies that the maintenance programme shall comply with the requirements established by the State of Registry, whereas T.A. 210 requires the maintenance programme to be approved by the State of Registry. Justification: ICAO Annex 6 Chapter 3.11, 3.11.2.3 recommends that the programme should be based on programme information made available by the State of Design, or by the organisation responsible for the type design. When accepting a maintenance programme approved by the State of Registry, or a programme which complies with the requirements of the State of Registry, there is no need to be prescriptive regarding the content. Proposed Text: The maintenance programme shall comply with the requirements established by the State of Registry.</p> | | |
| 34 | <p>B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003</p> | 51 - 52 | <p>Paragraph No: T.A.708 Comment: No reference is made to modifications and repairs. Justification: Reference to modification and repairs should be included to maintain consistency with M.A. 708.</p> | | |

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| | - Annex V - SECTION A – TECHNICAL REQUIREMENTS - Subpart G: Additional requirements for continuing airworthiness management organisations approved pursuant to Annex I (Part- M) Subpart G - T.A.708 Continuing airworthiness management | | Proposed Text: Ensure that modifications and repairs are approved in accordance with the requirements of the State of Registry. | |
| 35 | B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex V - SECTION A – TECHNICAL REQUIREMENTS - Subpart G: Additional requirements for continuing airworthiness management organisations approved pursuant to Annex I (Part- M) Subpart G - T.A.716 Findings | 53 | Paragraph No: T.A.716 Comment: Nothing has been included in the NPA requiring the operator, CAMO-T, or National Authority to pass any information back to the State of Registry should it be necessary. Where a CAMO-T has identified a level 1 finding the State of Registry should be informed. Proposed Text: "3. Where a level 1 finding has been identified the CAMO-T should inform the State of Registry." | |
| 36 | B. DRAFT OPINION(S) AND/OR DECISION(S) - I. Draft Opinion (EC) No 2042/2003 - Annex V - SECTION B – ADDITIONAL PROCEDURES FOR COMPETENT AUTHORITIES - Subpart G: Additional requirements for continuing airworthiness management organisations approved | 54 - 55 | Paragraph No: T.B.903 Comment: Nothing has been included in the NPA requiring the operator, CAMO-T, or National Authority to pass any information back to the State of Registry should it be necessary. Where the National Authority has to take action as a result of a finding the State of Registry should be informed. Proposed Text: Where the National Authority has to take action against an aircraft, it should inform the State of Registry of its actions. | |

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| | pursuant to Annex I (Part-M) Subpart G - T.B.903 Findings | | | |
| 37 | B. DRAFT OPINION(S) AND/OR DECISION(S) - II. Draft Decision AMC & GM - II.A. Acceptable Means of Compliance (AMC) for Annex I (Part-M) to Regulation (EC) No 2042/2003 are amended | 59 - 71 | <p>Paragraph No: AMC M.A.706 (New)</p> <p>Comment: The CAMO-T approval can only be granted to organisations already holding a CAMO-G approval. 'M.A.706 Personnel requirements' would apply to both approvals as no additional requirements have been included with this NPA. The knowledge base required by the CAMO-T personnel is potentially far beyond that required for individuals under Part M subpart G, as the personnel involved must have an adequate knowledge of the foreign (Non-EU/EASA) airworthiness requirements for the aircraft being managed. A new item should be added under CAMO-T Subpart G to cover this extended knowledge requirement.</p> <p>Proposed Text: AMC M.A.706 add new item: "For organisations with CAMO-T approval, the qualified staff must be able to demonstrate adequate knowledge of the airworthiness requirements of the State of Registry for the aircraft managed."</p> | |
| 38 | B. DRAFT OPINION(S) AND/OR DECISION(S) - II. Draft Decision AMC & GM - II.A. Acceptable Means of Compliance (AMC) for Annex I (Part-M) to Regulation (EC) No 2042/2003 are amended | 59 - 71 | <p>Paragraph No: Appendix V to AMC M.A.704</p> <p>Comment: Whilst the change to Point M.A. 704 (a)(9) & (10) makes reference to the list of approved maintenance programmes and the list of 'Generic' and 'Base line' maintenance programmes, to be included in the CAME, this is not referenced in Appendix V to AMC M.A. 704.</p> <p>Justification: Further detail should be included in Appendix V to AMC M.A. 704, part 1.2 aircraft maintenance programmes – development and amendment and Appendix V to AMC M.A. 704, part 5 Appendices.</p> <p>Proposed Text: Appendix V to AMC M.A.704 - Part 1.2 Add (5) – Listing of aircraft maintenance programmes. This paragraph should explain how the definitive listing of Approved Maintenance Programmes, including 'Generic' and 'Baseline' programmes is controlled and updated accordingly by the organisation. Further reference should be made to Part 5 of the CAME.</p> <p>Part 5 Appendices 5.7 – List of approved aircraft maintenance programmes. (Commercial Air Transport) 5.8 – List of non-commercial air transport approved maintenance programmes for managed aircraft. 5.9 – List of Generic and Baseline maintenance programmes.</p> | |
| 39 | B. DRAFT OPINION(S) AND/OR DECISION(S) - II. Draft Decision AMC & GM - II.B. Acceptable Means of Compliance (AMC) for | 72 - 73 | <p>Paragraph No: 169 AMC T.A. 210 (3)</p> <p>Comment: (i) Typo - AMC T.A. 210(3) should be T.A. 210(2) (ii) Recognising that ICAO Annex 6 Part I is for Commercial Air Transport, would this be applicable for a maintenance programme which is for an aircraft used by an ATO for training purposes?</p> <p>Justification: If ATO is considered to be Commercial Operations rather than CAT, making reference to ICAO Annex 6 part II, Chapter 2.6</p> | |

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| Annex V (Part T) to Regulation (EC) No 2042/2003 | or 3.8 may be more appropriate. Proposed Text: ICAO Annex 6 part I chapter 8 section 8.3, in the case of aeroplanes used for CAT, or ICAO Annex 6 part II chapter 2.6/3.8 as applicable for aeroplanes used by ATO, or ICAO Annex 6 part III chapter 6, section 6.3, in case of helicopter operations. |
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