EASA

Comment Response Tool

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Title	Contracting of continuing airworthiness management activities
NPA Number	NPA 2010-09

UK CAA (European.Affairs@caa.co.uk) has placed **27** unique comments on this NPA:

Cmt	Segment description	Pag	Comment	Attachme
50	(General Comments)	0	General Comment: The UK CAA supports the proposal to introduce Part M Subpart J; it believes that this is a positive move that will provide AOC holders with greater operational flexibility.	
51	(General Comments)	0	General Comment: A number of paragraphs of Part M being proposed for change under NPA 2010-09 are also subject to proposed amendment by NPA 2010-10. It is recommended that the Agency produces a consolidated text addressing both NPAs that takes into account the proposed amendments to the same paragraphs of (EC) 2042/2003 (e.g. paragraphs M.A.201, M.B.701).	
52	(General Comments)	0	General Comment: The concept of Risk Assessment Analysis (RAA) and Means of Active Control (MAC) has been introduced through development of new AMC material. Given that AMC material is not binding, Competent Authorities, Operators and approved organisations may introduce alternative/additional means of compliance if they so wish. For concepts as fundamental as those proposed in the NPA, the CAA believes the RAA, and MAC, where applicable, should be required by the Regulation.	
53	B. DRAFT OPINION(S) AND/OR DECISION(S) - I Draft Opinion Part-M - Paragraph M.A.201 Responsibilities	34 - 35	**Paragraph No: M.A.201(h)2(i)** **Comment:** The responsibilities of Subpart J are not clear with respect to contracting maintenance through another operator, i.e. can maintenance only be contracted through another Subpart G organisation or can it be contracted through another Subpart J operator. **Justification:** Clarity.	
54	B. DRAFT OPINION(S) AND/OR DECISION(S) - I Draft Opinion Part-M - New Subpart J to Part-M - M.A.1013	40 - 41	**Paragraph No: M.A.1013(a)** **Comment:** The paragraph states: 'In order to enable the competent authority to determine continued compliance with this Subpart, the operator shall notify the competent authority of: (a) any change notified to them by the contracted M.A. Subpart G organisation under M.A.713(b) and .....;'	

	Changes to the operator related to Part M Subpart J		What is the Competent Authority expected to do with the information, particularly when the contracted Subpart G organisation is in another member state?	
55	B. DRAFT OPINION(S) AND/OR DECISION(S) - I Draft Opinion Part-M - Subpart B – Paragraph M.B.704	42 - 43	**Paragraph No: M.B.704(e)** **Comment:** This paragraph refers to the Competent Authority making recommendations. Currently the regulation does not make reference to recommendations, only level 1 and 2 findings. Refer to paragraph M.B.705. **Justification:** There is currently no reference to recommendations within the regulation. **Proposed Text:** 'The competent authority shall record all findings and finding closure actions (actions required to close findings).'	
56	B. DRAFT OPINION(S) AND/OR DECISION(S) - I Draft Opinion Part-M - Subpart J to section B to Part-M - M.B.1002 Initial application	43	**Paragraph No: M.B.1002** **Comment:** The wording on M.B.1002(f) should be the same as M.B.704 (e) – See the UK CAA comment on M.B.704(e). **Justification:** Consistency. **Proposed Text:** 'The competent authority shall record all findings and finding closure actions (actions required to close findings).'	
57	B. DRAFT OPINION(S) AND/OR DECISION(S) - I Draft Opinion Part-M - Subpart J to section B to Part-M - M.B.1004 Continuing oversight	44	**Paragraph No: M.B.1004(c) & (d)** **Comment:** Product samples <u>may</u> require the Competent Authority of the Subpart J organisation to review records etc. at a Subpart G organisation located within another member state. Paragraph (d) requires findings to be confirmed to the 'Applicant organisation'. In this context is it the subpart G organisation or Subpart J operator? **Justification:** Clarity. **Proposed Text:** 'All findings shall be raised in writing to the operator.'	
58	B. DRAFT OPINION(S) AND/OR DECISION(S) - I Draft Opinion Part-M - Appendix I to Part-M - Part B	46 - 52	**Paragraph No: Part B, Paragraph 1** **Comment:** It is not clear who is responsible for informing the contracted Part 145 organisation, the contracted Subpart G organisation or the Subpart J operator. **Justification:** Clarity.	
59	B. DRAFT OPINION(S) AND/OR DECISION(S) - I Draft Opinion Part-M - Appendix I to Part-M - Part B	46 - 52	**Paragraph No: 18** **Comment:** The paragraph references coordinating of aircraft weighing, however it does not mention with whom. EU-OPS 1.605 Appendix 1 paragraph 4 requires weighing to be accomplished either by the manufacturer or maintenance organisation. **Justification:** Clarity. **Proposed Text:** 'Coordinate the weighing of aircraft with an approved	

			maintenance organisation as required by the maintenance programme or the operational requirements, or following repair/modification/painting (if applicable), and produce a weight and balance report.'	
60	B. DRAFT OPINION(S) AND/OR DECISION(S) - I Draft Opinion Part-M - Appendix I to Part-M - Part B	46 - 52	**Paragraph No: 5.2 subparagraph 1.** **Comment:** This paragraph refers to the operator having an SMS system in place. Currently EASA / EU-OPS / JAR-OPS 3 has not mandated operators to have an SMS system. If the operator is required to have an SMS system in order to hold a Part M Subpart J approval, this should be stipulated within the regulation.	
61	B. DRAFT OPINION(S) AND/OR DECISION(S) - I Draft Opinion Part-M - Appendix I to Part-M - Part B	46 - 52	**Paragraph No: 5.2 subparagraphs 3, 4 and 5.** **Comment:** The proposed text of paragraph 3 states: 'Has sufficient knowledge of the applicable M.A Subpart G organisation procedures....' What does 'sufficient' mean in this context? **Justification:** The language used should be consistent with that used elsewhere within EASA regulations (Part 145 for example) such as 'basic knowledge', 'working knowledge', 'detailed knowledge'.	
62	B. DRAFT OPINION(S) AND/OR DECISION(S) - II Draft Decision of Part-M (Acceptable Means of Compliance to Part-M) - AMC M.A.201(h) Responsibilities	53	**Paragraph No: AMC M.A.201(h)1&2.** **Comment:** The introduction of the Risk Assessment Analysis (RAA) based on Safety Management System (SMS) concepts proposed in this NPA should be timed to coincide with, or lag slightly behind, the establishment of SMS within the flight operations domain. This should ensure that an Operator is fully conversant with SMS principles at the point in time when an RAA could be required. **Justification:** Assurance that the correct skills and competencies exist within an AOC holder, prior to the application of SMS to this specific aspect of continuing airworthiness management.	
63	B. DRAFT OPINION(S) AND/OR DECISION(S) - II Draft Decision of Part-M (Acceptable Means of Compliance to Part-M) - AMC M.A.708 (c) Continuing airworthiness management	58 - 60	**Paragraph No: M.A.708(c)5** **Comment:** There should be a reference to what happens when the contractor Subpart G organisation approval is suspended, revoked, surrendered etc., as the link to the contracted Part 145 approval is broken.	
64	B. DRAFT OPINION(S) AND/OR DECISION(S) - II Draft Decision of Part-M (Acceptable Means of	60 - 62	**Paragraph No: AMC M.A.711(a)2** **Comment:** As the concept of an SMS system may be new to the organisation and has not yet been included within other EASA regulations, there should be further guidance for the organisation on what the Risk Assessment Analysis entails.	

	Compliance to Part-M) - AMC M.A.711(a)2 Privileges of the organisation			
65	B. DRAFT OPINION(S) AND/OR DECISION(S) - II Draft Decision of Part-M (Acceptable Means of Compliance to Part-M) - New Subpart J - AMC M.A.1008 (a) Control of continuing airworthiness management	66 - 67	**Paragraph No: AMC M.A.1008(a)3(iv)** **Comment:** This paragraph states: **'**Planning of activities shall take into account HF performance limitations.' Subpart G does not include a similar requirement. The planning of maintenance is already covered under 145.A.47. **Justification:** Consistency.	
66	B. DRAFT OPINION(S) AND/OR DECISION(S) - II Draft Decision of Part-M (Acceptable Means of Compliance to Part-M) - New Subpart J - AMC M.B.105 (a) Mutual cooperation and exchange of information	70	**Paragraph No: AMC M.B.105(a)** **Comment:** The wording of the 4th bullet point could be improved to aid clarity. **Justification:** It is the competent authority for the operator, not the operator that requests information. The competent authority for the Subpart G and operator may not be the same authority. **Proposed Text:** 'The competent authority responsible for the M.A. Subpart G organisation or the **competent authority responsible for the** operator complying with M.A. Subpart J...'	
67	B. DRAFT OPINION(S) AND/OR DECISION(S) - II Draft Decision of Part-M (Acceptable Means of Compliance to Part-M) - New Subpart J - AMC M.B.105 (a) Mutual cooperation and exchange of information	70	**Paragraph No: AMC M.B.105(a)** **Comment:** To aid the proper functioning of the arrangements set out in AMC M.B.105(a) EASA, in conjunction with the Competent Authorities should establish a list of contacts within the Competent Authorities to act as focal points. This will ensure a consistent approach and response between the Competent Authorities when dealing with requests for information. Good communication protocols between Competent Authorities are essential to the safe application and operation of the new organisation approval privileges detailed in this NPA.	
68	B. DRAFT OPINION(S) AND/OR DECISION(S) - II Draft Decision of Part-M (Acceptable	71	**Paragraph No: AMC M.B. 301(c)** **Comment:** Up to three Competent Authorities (CA) could be involved in the oversight of a Commercial Air Transport operator in future (the CA of the State Registry, the CA for the Operator and CA of the CAMO). This raises a concern regarding the application and recognition of the M.A.302 provision for	

	Means of Compliance to Part-M) - New Subpart J - AMC M.B.301 (c) Maintenance Programme		indirect approval of aircraft maintenance programmes. The possibility exists that where the State of Registry is different to the State of the Operator, and responsibility for the management of the aircraft maintenance programme has been passed to a CAMO in a third Member State who holds the indirect approval privilege, the CA responsible under M.1 for the approval of the maintenance programme may have no control or oversight of the content of the maintenance programme. Further work is required to establish if the indirect approval privilege should be applied in the circumstances described above.	
69	B. DRAFT OPINION(S) AND/OR DECISION(S) - II Draft Decision of Part-M (Acceptable Means of Compliance to Part-M) - New Subpart J to section B - AMC M.B.1002 (e) Initial application	75	**Paragraph No: AMC M.B.1002(e)1** **Comment:** The provisional categorisation of findings does not appear elsewhere within Part M or Part 145, however it would be helpful for this to be included.	
70	B. DRAFT OPINION(S) AND/OR DECISION(S) - II Draft Decision of Part-M (Acceptable Means of Compliance to Part-M) - New Subpart J to section B - AMC M.B.1005 (a) 1 - Findings	76 - 77	**Paragraph No: AMC M.B.1005(a)1(1)** **Comment:** Reference is made to the competent authority twice in the same sentence, however, we believe this refers to: (1) the competent authority responsible for the Subpart J organisation and (2) the competent authority for the Subpart G organisation, otherwise it does not make sense. **Justification:** Clarity. Note: If the regulation requires the competent authority responsible for the Subpart J organisation to inform the competent authority responsible for the Subpart G organisation as detailed above, it would make sense to revise AMC M.B.705 to require the competent authority responsible for the Subpart G organisation to inform the competent authority responsible for the Subpart J organisation of any level 1 findings. **Proposed Text:** 'For a level 1 finding the competent authority responsible for oversight of the Subpart J organisation should inform the operator and the competent authority responsible for the oversight of the Subpart G organisation of any potentially affected aircraft so that corrective action can be taken to ensure possible unsafe conditions on these aircraft are corrected before further flight.'	
71	B. DRAFT OPINION(S) AND/OR DECISION(S) - II Draft Decision of Part-M (Acceptable Means of	77	**Paragraph No: AMC M.B.1006(2)** **Comment:** This paragraph states: 'It is recommended that a simple exposition status sheet is maintained which contains information on when an amendment was received by the competent authority and when it was approved.' This is not a recommendation within other EASA regulations, therefore, it should either be deleted or other regulations	

	Compliance to Part-M) - New Subpart J to section B - AMC M.B.1006 Changes		revised. **Justification:** Consistency.	
72	B. DRAFT OPINION(S) AND/OR DECISION(S) - II Draft Decision of Part-M (Acceptable Means of Compliance to Part-M) - PART-4B PERMIT TO FLY PROCEDURES	89	**Paragraph No: PART - 4B PERMIT TO FLY PROCEDURES** **Comment:** The paragraph states: 'This part is not applicable to CAT operators complying with M.A.711(c)' This is incorrect and should either state: 1) 'This part is only applicable to CAT operators complying with M.A.711(c)'; or 2) 'This part is not applicable to CAT operators complying with M.A Subpart J' **Justification:** The existing text is not correct. **Proposed Text:** **'**This part is not applicable to CAT operators complying with M.A Subpart J'	
73	B. DRAFT OPINION(S) AND/OR DECISION(S) - II Draft Decision of Part-M (Acceptable Means of Compliance to Part-M) - Appendix VII to AMC M.B.702(f) EASA Form 13 - PART 1: EASA Form 13G for M.A. Subpart G organisation (s)	95 - 102	**Paragraph No: EASA Form 13G** **Comment:** M.A.202 Occurrence Reporting, which is included in the currently published EASA Form 13 (Ref Appendix VII to AMC M.B.702(f)), is missing from the proposed form. Note 1: This has also been left out of the proposed EASA Form 13J on page 104. Note 2: Other paragraphs have also been missed out from both the EASA Form 13G and Form 13J that are on the current form 13. An example being M.A.307. In addition, we believe for accuracy M.A.301 should also be included. **Justification:** Accuracy. **Proposed Text:** M.A.202 Occurrence Reporting.	
74	B. DRAFT OPINION(S) AND/OR DECISION(S) - II Draft Decision of Part-M (Acceptable Means of Compliance to Part-M) - Appendix VII to AMC M.B.702(f) EASA Form 13 - PART 1: EASA Form 13G for M.A. Subpart G organisation (s)	95 - 102	**Paragraph No: Part 4** **Comment:** As a note has been put against Part 4B referring to organisations having the M.A.711(c) privilege, for accuracy a note should be included against Part 4 referring to organisations having the 711(b) privilege. **Justification:** Accuracy **Proposed Text:** '... (only applicable to M.A. Subpart G organisations having privilege according to M.A.711 (b))'	
76	B. DRAFT	95	**Paragraph No: EASA Form 13G**	

	OPINION(S) AND/OR DECISION(S) - II Draft Decision of Part-M (Acceptable Means of Compliance to Part-M) - Appendix VII to AMC M.B.702(f) EASA Form 13 - PART 1: EASA Form 13G for M.A. Subpart G organisation (s)	- 102	**Comment:** The title for M.A.201 is incorrect (AOC holder subcontracting), as it does not reflect the M.A.201 requirement. In addition, the EASA Form 13G is applicable to non-CAT aircraft as well as AOC holders. **Justification:** Accuracy. **Proposed Text:** 'M.A.201 Responsibilities'	
75	B. DRAFT OPINION(S) AND/OR DECISION(S) - II Draft Decision of Part-M (Acceptable Means of Compliance to Part-M) - New Appendix XIV to AMC M.A. 1010	113 - 117	**Paragraph No: Appendix XIV to AMC M.A.1010 (paragraph 1, second bullet)** **Comment:** The proposed text states: 'Having the privileges to issue/renew the ARC in accordance with M.A. Subpart I' This is not consistent with the wording in Subpart G or I, which is 'issue or recommend'. The term 'renew' is not used elsewhere in Part M. **Justification:** Accuracy. **Proposed Text:** 'Having the privileges to carry out Airworthiness Reviews in accordance with M.A. Subpart G	

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