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Title	Import of aircraft from other regulatory system, and Part-21 Subpart H review
NPA Number	NPA 2016-08

UK CAA (European.Affairs@caa.co.uk) has placed 12 unique comments on this NPA:

Cmt	Segment description	Pag	Comment	Attachm
91	3.1.2. Changes to the cover regulation of Commission Regulation (EU) No 748/2012 - 21.A.174	10 - 12	<p>Page No: 10</p> <p>Paragraph No: 21.A.174 (b)(2)(i)</p> <p>Comment: The change to this paragraph only makes reference to Part 21 with regard to accepting a new aircraft. An individual with limited knowledge of Part 21 and the Basic Regulation may not understand the Regulation structure, and that aircraft are also accepted under Bilateral agreements and also under Article 9 point 2 for which this section of Part 21 is not applicable.</p> <p>Justification: Clarity and better understanding.</p> <p>Proposed Text: Add a new GM 21.A.174(b)(2)(i) as follows:</p> <p>GM 21.A.174(b)(2)(i) Aircraft imported from a State where a Bilateral agreement exists, or, in accordance with Article 2 of this Regulation, are not covered under this requirement.</p>	
92	3.1.2. Changes to the cover regulation of Commission Regulation (EU) No 748/2012 - 21.A.174	10 - 12	<p>Page No: 11</p> <p>Paragraph No: 21.A.174 (b)(4)</p> <p>Comment: The proposal restricts the issuance of the airworthiness certificate to the State of Registry for the member State where the aircraft was used as a State aircraft. Not all aircraft are modified for State operation, and some member States may not wish to be involved with the process of returning a State aircraft to the EASA regime. Flexibility should be given to enable the applicant for the CofA to go to other member States to return an aircraft.</p> <p>Justification: To provide flexibility.</p> <p>Proposed Text: Amend 21.A.174 (b)(4) as follows:</p> <p>(4) with regard to aircraft which were excluded from the applicability of the Regulation (EC) No 216/2008 in accordance with Article 1 (2)(a), being only operated as 'State aircraft' for the Member State that will receive the</p>	

			application the application shall include:
93	3.1.2. Changes to the cover regulation of Commission Regulation (EU) No 748/2012 - 21.A.174	10 - 12	<p>Page No: 12</p> <p>Paragraph No: 21.A.174 (e)</p> <p>Comment: Paragraph 21.A.174 (e) makes reference to 21.A.174(b)(3)(i) where the requirement is for a valid airworthiness review certificate (ARC) and a copy of the airworthiness certificate. Reference to 21.A.181 in 21.A.174 (e) implies that it is the Certificate of Airworthiness that is no longer valid, but does not indicate which of the 4 conditions of 21.181(a) sub-paragraphs (1) to (4) this may be due to.</p> <p>An airworthiness review would not be the acceptable method to revalidate the certificate of airworthiness in all cases.</p> <p>In addition, where the certificate of airworthiness of an aircraft is no longer valid, the certificate should be reissued by the State of Registry prior to change of registration. The State of Registry will have the relevant knowledge as to why the Certificate was deemed to be invalid.</p> <p>Justification: To improve clarity.</p> <p>Proposed Text: Amend 21.A.174 (e) to read:</p> <p>(e) By way of derogation from 21.A.174(b)(3)(i), an application may be made for an airworthiness certificate For an aircraft originating from a Member State for which, in accordance with 21.A.181, its airworthiness certificate is no longer valid, In this case An application for an airworthiness certificate with a recommendation for the issuance of an ARC, following the process described in M.A.904 of Annex I (Part-M) to Commission Regulation (EU) No 1321/2014, shall be provided with the application: made to the State of Registry under whose authority the airworthiness certificate was made invalid, or to provide a statement to the importing State with the details as to why the airworthiness certificate was made invalid.</p>
94	3.1.3. Changes to Annex I (Part-M) to Commission Regulation (EU) No 1321/2014 - M.A.707	15	<p>Page No: 15</p> <p>Paragraph No: M.A.707</p> <p>Comment: Additional competency and experience requirements have been added for the airworthiness review staff, and for these individuals to be specifically authorised by the CAMO. With this proposed change, individuals and organisations will not be readily identified as being capable of importing an aircraft originating from a non member state unless a new privilege is also specified.</p> <p>A new privilege is needed in M.A.711 in a new paragraph (d).</p>

			<p>Justification: To aid clarity</p> <p>Proposed Text: Add a new paragraph as follows:-</p> <p>M.A.711 (d)</p> <p>An approved continuing airworthiness management organisation registered in one of the Member States may, additionally, be approved to carry out airworthiness reviews referred to in point M.A.904 and:</p> <p>issue a recommendation for the airworthiness review to the competent authority of the Member State of registry.</p>	
95	3.1.3. Changes to Annex I (Part-M) to Commission Regulation (EU) No 1321/2014 - M.A.707	15	<p>Page No: 15</p> <p>Paragraph No: M.A.707(a)3</p> <p>Comment: The wording is not consistent with the other sections of M.A.707(a)</p> <p>Justification: For consistency with M.A.707(a) 1 & 2.</p> <p>Proposed Text: Amend to read:</p> <p style="text-align: center;">For used aircraft to be imported into the EU, this these staff-shall, in addition</p>	
96	3.2.2. Changes to AMC/GM to Annex I (Part-21) to Commission Regulation (EU) No 748/2012 - GM 21.A.174 (b)(3)(ii) and (d)	16 - 17	<p>Page No: 16</p> <p>Paragraph No: GM 21.A.174(b)(3)(ii) and (d) penultimate paragraph</p> <p>Comment: For a member State or applicant to possess a thorough knowledge of the aviation legislation and the acceptable procedures of the exporting State will impose a heavy burden that is not necessary. With the absence of the statement, an application can be accepted, as detailed in paragraph 21.A.174(d). The new process for accepting an aircraft without a statement does not require a knowledge of the previous state of registry legislation or procedures, therefore this text is not necessary.</p> <p>Justification: This adds nothing of value, nor to safety.</p> <p>Proposed Text: Amend to read:</p> <p>The importing Member State should insist on a statement from the former State of registration reflecting the airworthiness status of the aircraft at the time of import. In the absence of such statement, the airworthiness status of an aircraft in the previous regulatory system cannot be determined by an importing Member State or by the applicant requesting the issuance of an airworthiness certificate unless they possess a thorough knowledge of the aviation legislation and the acceptable procedures of</p>	

			the exporting State.
97	3.2.2. Changes to AMC/GM to Annex I (Part-M) to Commission Regulation (EU) No 1321/2014 - GM M.A.304	23	<p>Page No: 23</p> <p>Paragraph No: GM M.A.304, 4th paragraph</p> <p>Comment: The proposed text for Data for modification and repair places the responsibility for the management of the aircraft configuration on the person responsible for the aircraft's continuing airworthiness. From M.A.201(a) it is the owner who is responsible for the continuing airworthiness of the aircraft. The majority of aircraft owners would not have the necessary competence to review and make the appropriate decisions as required by this Guidance Material.</p> <p>Justification: This task needs to be carried out by appropriate competent persons.</p> <p>Proposed Text: Amend to read:</p> <p>While the embodiment of a single modification or repair on an aircraft compliant with M.A.304 cannot affect the safety of an individual aircraft, the joint impact of several independently approved modifications or repairs is not assessed during their approval process and, if embodied on the same individual aircraft may affect its airworthiness. The management of the aircraft configuration is the responsibility of the person responsible for its continuing airworthiness. This person must ensure that has to assess, an assessment is carried out prior to the embodiment of a new modification or repair, that:</p>
98	3.2.2. Changes to AMC/GM to Annex I (Part-M) to Commission Regulation (EU) No 1321/2014 - AMC M.A.904 (a)(2)	24 - 25	<p>Page No: 24</p> <p>Paragraph No: AMC M.A.904(a)(2), 2.(b), 2nd bullet point</p> <p>Comment: The proposed text requires that the previous maintenance regime is equivalent to Part M and for the individual carrying out the review to make the judgement. Previous maintenance should be carried out in accordance with the requirements of the previous State of Registry. These aircraft were not subject to the Basic Regulation and IRs prior to import.</p> <p>Justification: Consistency.</p> <p>Proposed Text: Amend to read:</p> <p>Maintenance performed on the aircraft and its components that has been released to service in accordance with the previous State of Registry's airworthiness requirements is deemed to be acceptable. Previous maintenance, performed on the aircraft and its components and released to service under third country's airworthiness requirements, is deemed acceptable as long as the aircraft was on the third country's register and the maintenance was performed in</p>

			<p>accordance with standards at least equivalent to Part-M. This requires that the maintenance performed and certified in accordance with equivalent standards to Annex I (Part-M), was carried out by appropriately qualified personnel; being authorised by appropriately approved organisations; and using approved data;</p>
99	3.2.2. Changes to AMC/GM to Annex I (Part-M) to Commission Regulation (EU) No 1321/2014 - AMC M.A.904 (a)(2)	24 - 25	<p>Page No: 24</p> <p>Paragraph No: AMC M.A.904(a)(2), 2.(b) 3rd bullet point</p> <p>Comment: Release documents for components installed under the previous State of Registry's requirements are acceptable at the point of registry transfer. To support anything different will result in many serviceable components being replaced simply to satisfy an overzealous interpretation of what is required for safety. M.A.501 allows components with an EASA Form 1 or equivalent to be fitted, stating that certificates should be equivalent to Part M is not necessary, and is not consistent with M.A.501.</p> <p>Justification: Consistency with Part M.</p> <p>Proposed Text: Amend to read:</p> <p>Repaired parts subject to schedule maintenance (e.g. inspections or overhaul) or airworthiness limitations should be accompanied by authorised release certificates, EASA Forms 1 or certificates considered equivalent to Part M;</p>
100	3.2.2. Changes to AMC/GM to Annex I (Part-M) to Commission Regulation (EU) No 1321/2014 - AMC M.A.904 (a)(2)	24 - 25	<p>Page No: 24</p> <p>Paragraph No: AMC M.A.904(a)(2), 2.(b) 5th bullet point</p> <p>Comment: The proposal limits acceptable parts to those from the OEM and discounts the use of PMA parts, or alternative parts from other sources. It also requires parts to meet the requirements of Part 21, when this may not be appropriate. The fitting of any component should meet the requirements of Part M, M.A.501. All components should meet the relevant conditions of Part M. This paragraph is not required as it is covered by previous text related to the 3rd bullet point.</p> <p>Justification: Text not required, because the requirements are already in M.A.501.</p> <p>Proposed Text: Delete AMC M.A.904(a)(2), 2.(b) 5th bullet point</p> <p>If components subject to an airworthiness limitation have been replaced since new, the records of such components should show them as being produced by the respective original equipment manufacturer (OEM) and the part numbers verified to be eligible for installation according to a design approved under Commission Regulation (EU) No 748/2012. If the</p>

			<p>components do not satisfy these criteria then their eligibility for installation should be separately verified by reference to acceptable Part-21 design approval and to a Form 1, or equivalent in accordance to applicable rules, with regard to the manufacturing of new parts.</p>
101	<p>3.2.2. Changes to AMC/GM to Annex I (Part-M) to Commission Regulation (EU) No 1321/2014 - AMC M.A.904 (a)(2)</p>	<p>24 - 25</p>	<p>Page No: 24-25</p> <p>Paragraph No: AMC M.A.904 (a)(2), 2. (b), (d), (f), (h), (i) and (j)</p> <p>Comment: It is not understood why some of the detail within AMC M.A.904 (a)(2) has been deleted</p> <p>Justification: This guidance is of help to industry as well as the competent authorities. It needs to be retained or placed elsewhere.</p> <p>Proposed Text: Reinstate deleted texts of subparagraphs 2.(b), (d), (f), (h), (i) and (j).</p>
102	<p>3.2.2. Changes to AMC/GM to Annex I (Part-M) to Commission Regulation (EU) No 1321/2014 - GM M.A.904 (a)(2)</p>	<p>26</p>	<p>Page No: 26</p> <p>Paragraph No: GM M.A.904(a)(2), 2nd paragraph</p> <p>Comment: We support the proposal for the need to look for potential interrelationship issues between multiple modifications and/or repairs. This is an important consideration, as such this text should be in the rule not just GM.</p> <p>Justification: For safety, clarity and consistency.</p> <p>Proposed Text: Amend M.A.904(a)2 to read:</p> <p>2. for aircraft other than new, have an airworthiness review carried out satisfactorily in accordance with point M.A.901, including the assessment of the aircraft configuration; and any potential interrelation between multiple modifications and/or repairs</p>