



NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-10

DRAFT OPINION OF THE EUROPEAN AVIATION SAFETY AGENCY

for a Commission Regulation amending Commission Regulation (EC) No 2042/2003 of 20 November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks

and

DRAFT DECISION OF THE EXECUTIVE DIRECTOR OF THE EUROPEAN AVIATION SAFETY AGENCY

amending Decision No 2003/19/RM of the Executive Director of the Agency of 28 November 2003 on acceptable means of compliance and guidance material to Commission Regulation (EC) No 2042/2003 of 20 November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks

'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'

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A. Explanatory Note

I. General

1. The purpose of this Notice of Proposed Amendment (NPA) is to envisage amending Commission Regulation (EC) No 2042/2003¹ of 20 November 2003 laying down implementing rules for the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks, and the Decision of the Executive Director of the Agency No 2003/19/RM² of 28 November 2003 on acceptable means of compliance and guidance material to Commission Regulation (EC) No 2042/2003. The scope of this rulemaking activity is outlined in the Terms of Reference MDM.047.
2. The European Aviation Safety Agency (hereinafter referred to as the Agency) is directly involved in the rule-shaping process. It assists the Commission in its executive tasks by preparing draft regulations, and amendments thereof, for the implementation of Regulation (EC) No 216/2008³ (hereinafter referred to as the Basic Regulation) which are adopted as "Opinions" (Article 19(1)). It also adopts Certification Specifications, including Airworthiness Codes and Acceptable Means of Compliance and Guidance Material to be used in the certification process (Article 19(2)).
3. When developing rules, the Agency is bound to follow a structured process as required by Article 52(1) of the Basic Regulation. Such process has been adopted by the Agency's Management Board and is referred to as "The Rulemaking Procedure"⁴.
4. This rulemaking activity is included in the Agency's Rulemaking Programme for 2010. It implements the rulemaking task MDM.047.
5. The text of this NPA has been developed by the Agency. It is submitted for consultation of all interested parties in accordance with Article 52 of the Basic Regulation and Articles 5(3) and 6 of the Rulemaking Procedure.

II. Consultation

6. To achieve optimal consultation, the Agency is publishing the draft opinion and decision of the Executive Director on its website. Comments should be provided within 3 months in accordance with Article 6(4) of the EASA Rulemaking procedure. Comments on this proposal should be submitted by one of the following methods:

CRT: Send your comments using the Comment-Response Tool (CRT) available at <http://hub.easa.europa.eu/crt/>

¹ Commission Regulation (EC) No 2042/2003 of 20 November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks (OJ L 315, 28.11.2003, p. 1). Regulation as last amended by Commission Regulation (EU) No 127/2010 of 5 February 2010 (OJ L 40, 13.2.2010, p. 4).

² Decision No 2003/19/RM of the Executive Director of the Agency of 28 November 2003 on acceptable means of compliance and guidance material to Commission Regulation (EC) No 2042/2003 of 20 November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks, as last amended by Decision 2010/002/R of the Executive Director of the Agency of 28 April 2010.

³ Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC. (OJ L 79, 19.3.2008, p. 1). Regulation as last amended by Regulation (EC) No 1108/2009 of the European Parliament and of the Council of 21 October 2009 (OJ L 309, 24.11.2009, p. 51).

⁴ Management Board decision concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications and guidance material (Rulemaking Procedure), EASA MB 08-2007, 13.6.2007.

E-mail: In case the use of CRT is prevented by technical problems these should be reported to the [CRT webmaster](#) and comments sent by email to NPA@easa.europa.eu.

Correspondence: If you do not have access to internet or e-mail you can send your comment by mail to:
 Process Support
 Rulemaking Directorate
 EASA
 Postfach 10 12 53
 D-50452 Cologne
 Germany

Comments should be submitted by **10 November 2010**. If received after this deadline they might not be taken into account.

III. Comment Response Document

7. All comments received in time will be responded to and incorporated in a comment response document (CRD). The CRD will be widely available on the Agency's website and in the Comment-Response Tool (CRT).

IV. Executive summary and summary table

EXECUTIVE SUMMARY

TERMINOLOGY AND ACRONYMS

- ATO: Approved flight training organisation.
- Basic Regulation: Regulation (EC) No 216/2008 as last amended by Regulation (EC) No 1108/2009.
- CAT: Commercial Air Transport.
- COM: Commercial operation as defined in Article 3(i) of Regulation (EC) No 216/2008.
- CAMO: Continuing airworthiness management organisation approved pursuant to Part-M.
- CAMO-T: Continuing airworthiness management organisation approved pursuant to Part-M and with approved procedures to manage third country registered aircraft in accordance with Part-T.
- CofA: Airworthiness certificate.
- ELA1 aircraft means the following European Light Aircraft:
 - (i) an aeroplane, sailplanes or powered sailplane with a Maximum Take-off Mass (MTOM) less than 1000 Kg that is not classified as complex motor-powered aircraft;
 - (ii) a balloon with a maximum design lifting gas or hot air volume of not more than 3400 m³ for hot-air balloons, 1050 m³ for gas balloons, 300 m³ for tethered gas balloons;
 - (iii) an airship designed for not more than two occupants and a maximum design lifting gas or hot-air volume of not more than 2500 m³ for gas airships.
- Local-CAT operator means a commercial air transport operator which complies with all the following conditions:
 - the operator is approved in accordance with Part-OR Subpart-OPS;

- the aircraft listed in its operator's certificate are aircraft other than complex motor-powered aircraft; and
 - the commercial air transport activity is limited to flights departing from and arriving to the same airport or authorised landing point.
- Operating organisation: means the lessor in case of a wet lease-in agreement or the operator that actually operates the flight in case of a code-share agreement.
 - Regulation 2042/2003: Regulation (EC) No 2042/2003 as last amended by Regulation (EU) No 127/2010.
 - Part-M Subpart-F organisation: Organisation approved pursuant to Annex I (Part-M) Subpart-F to Regulation (EC) No 2042/2003.
 - Part-145 organisation: Organisation approved pursuant to Annex II (Part-145) to Regulation (EC) No 2042/2003.

Summary of the proposal

The adoption of the Basic Regulation has originated the need to review Regulation (EC) No 2042/2003 in order to verify consistency between both Regulations and ensure that Regulation (EC) No 2042/2003 contains the appropriate means to implement the essential requirements set forth in the Basic Regulation. This review has to take into account the framework for future regulations in the field of operations.

Additionally, this NPA proposes to align Part-M with ICAO Annex 6 requirement for human factor principles to be observed in the design and application of the aircraft maintenance programme for aircraft involved in CAT.

Issue 1: Complex motor-powered aircraft vs large aircraft

The Basic Regulation imposes requirements to aircraft depending on its complexity; in particular, the Basic Regulation defines the category of complex motor-powered aircraft and the requirements that these aircraft shall comply. Currently, Regulation (EC) No 2042/2003 defines "large aircraft" and establishes provisions applicable to them. This proposal replaces the concept of "large aircraft" in Regulation (EC) No 2042/2003 by the concept of "complex motor-powered aircraft", except for:

- provisions of 145.A.30 (h) which might be affected by the Opt-out measures of article 7(3)(g) of Regulation (EC) No 2042/2003; and
- provisions of 66.A.30 and 66.A.45 for which amendment has already been proposed in Opinion 05/2009.

Issue 2: Commercial operations and commercial air transport

The Basic Regulation imposes requirements for operation of aircraft for commercial purposes; the proposal amends Part-M to implement those requirements. In particular, the proposal requires that:

- continuing airworthiness management of aircraft operated for commercial purposes has to be performed by a CAMO.
- maintenance of aircraft operated for commercial purposes has to be performed by a Subpart-F organisation or a Part-145 organisation.

The future regulations in the field of operations introduce a definition for CAT. However, the current Regulation (EC) No 2042/2003 does not contain a definition for CAT. Instead, it limits the applicability of the provisions referring to CAT to air carriers licensed pursuant to Regulation (EC) No 1008/2008. The amendment aligns Regulation (EC)

No 2042/2003 with the definition for CAT given in the future operations regulations, but it proposes alleviations to:

- A. local-CAT operators and operators of ELA1 aircraft and balloons, to allow them to:
 - i. contract a CAMO instead of the obligation to be CAMO approved themselves, and
 - ii. contract a Subpart-F organisation instead of the obligation to contract a Part-145 organisation;
- B. non-Community operators of aircraft registered in the EU, to allow them to contract a CAMO instead of the obligation to be CAMO approved themselves.

Issue 3: The scope of article 4(1)(c) of the Basic Regulation

Article 4(1)(c) of the Basic Regulation imposes to aircraft registered in a third country used by EU operators the need to comply with the applicable provisions of the Basic Regulation. In order to implement this requirement in Regulation (EC) No 2042/2003, Part-T is proposed.

Part-T contains the following requirements:

CASE 1: Dry lease-in of a third country registered aircraft by an EU operator:

- for CAT operators and COM operators other than ATO: this case is not compatible with Part-OR Subpart-OPS which requires aircraft to have a CofA issued in accordance with Part-21;
- for ATO, Part-OR Subpart-ATO does not prevent the use of third country registered aircraft. This amendment proposes to limit the use of this aircraft to ATO providing flight training outside the territory of the EU;
- for ATOs operating these aircraft for commercial purposes or ATOs operating complex motor-powered aircraft:
 - the ATO shall contract a CAMO-T;
 - the ATO shall contract a qualified maintenance organisation;
 - aircraft shall have a type-certificate issued or accepted by EASA;
 - aircraft shall have a CofA in accordance with ICAO Annex 8 issued by the country where the flight training takes place;
- for ATOs operating aircraft other than complex motor-powered for non-commercial purposes:
 - aircraft shall have a type-certificate issued or accepted by EASA;
 - aircraft shall have a CofA in accordance with ICAO Annex 8 issued by the country where the flight training takes place;
 - maintenance of the aircraft may be performed by a qualified maintenance organisation or by a person holding an ICAO Annex 1 maintenance licence.

CASE 2: Aircraft registered in a third country and subject to wet lease-in or code-share by an EU CAT operator.

- Aircraft will be required to:
 - have a type-certificate issued in accordance with ICAO Annex 8;
 - hold a CofA in accordance with ICAO Annex 8;

- the operating organisation shall hold an air operator's certificate in accordance with ICAO Annex 6;
- the operating organisation shall ensure that aircraft are maintained by a qualified maintenance organisation complying with the requirements of ICAO Annex 6.

CASE 3: Aircraft registered in a third country used into, within or out of the Community by an operator established or residing in the Community.

- For complex motor-powered aircraft:
 - the operator shall contract a CAMO-T;
 - the operator shall contract a qualified maintenance organisation;
 - aircraft shall have a type-certificate issued or accepted by EASA;
 - aircraft shall have a CofA in accordance with ICAO Annex 8.
- For other than complex motor-powered aircraft:
 - the aircraft shall have to a type-certificate issued in accordance with ICAO Annex 8;
 - the aircraft shall hold a CofA in accordance with ICAO Annex 8;
 - the operating organisation shall ensure that aircraft are maintained by a qualified maintenance organisation complying with the requirements of ICAO Annex 6.

SUMMARY TABLE

			CONTINUING AIRWORTHINESS MANAGEMENT	MAINTENANCE	
EU registered aircraft (Part-M is applicable to them)	COM	CAT	1) Local CAT operators	<ul style="list-style-type: none"> o Operator shall obtain CAMO approval, or o Operator shall contract a CAMO 	Part-M Subpart-F or Part-145
			2) ELA1 and Balloons	<ul style="list-style-type: none"> o Operator shall obtain CAMO approval, or o Operator shall contract a CAMO 	Part-M Subpart-F or Part-145
			3) non-Community CAT operators	<ul style="list-style-type: none"> o Operator shall obtain CAMO approval, or o Operator shall contract a CAMO 	Part-145
			4) Other than 1), 2), 3)	CAMO linked to the AOC, operator shall be CAMO approved	Part-145
	COMM other than CAT, including COMM ATO	Complex motor-powered aircraft	<ul style="list-style-type: none"> o Operator shall obtain CAMO approval, or o Operator shall contract a CAMO 	Part-145	
		Other than complex motor-powered aircraft	<ul style="list-style-type: none"> o Operator shall obtain CAMO approval, or o Operator shall contract a CAMO 	Part-M Subpart-F or Part-145	
	NON-COM (including non-COM ATO)	Complex motor-powered aircraft	<ul style="list-style-type: none"> o Operator shall obtain CAMO approval, or o Operator shall contract a CAMO 	Part-145	
		Other than complex motor-powered aircraft	CAMO is NOT required	Independent certifying staff, pilot owner maintenance, Part-M Subpart-F, Part-145	

			CONTINUING AIRWORTHINESS MANAGEMENT	MAINTENANCE	
NON-EU registered aircraft (part-T applicable to them)	COM	CAT	Dry lease-in	Incompatible with Part-OR Subpart-OPS, the aircraft must hold a CofA issued in accordance with Part-21	
			Wet-lease-in and code share	<ul style="list-style-type: none"> o ICAO Annex 8 type-certificate o ICAO Annex 8 CofA o ICAO Annex 6 Air Operator Certificate o Continuing airworthiness management is performed by the operator of the aircraft 	<ul style="list-style-type: none"> o Qualified maintenance organisation, or o ICAO Annex 6 maintenance organisation
		COM other than CAT, including COM ATO	COM (except ATO)	Incompatible with Part-OR Subpart-OPS, the aircraft must hold a CofA issued in accordance with Part-21	
			ATO providing flight training inside the territory of EU	Not permitted (the aircraft must be registered in the EU)	
			ATO providing flight training outside the territory of EU	<ul style="list-style-type: none"> o EASA type-certificate. o ICAO Annex 8 CofA. o Operator shall contract a CAMO-T. 	<ul style="list-style-type: none"> o Qualified maintenance organisation, or o ICAO Annex 6 maintenance organisation
	NON-COM (including non-COM ATO)	Non-COM ATO providing flight training inside the territory of EU	Not permitted (the aircraft must be registered in the EU)		
		Non-COM ATO providing flight training outside the territory of EU and private operators	Complex motor-powered aircraft	<ul style="list-style-type: none"> o EASA type-certificate o ICAO Annex 8 CofA o Operator shall contract a CAMO-T 	<ul style="list-style-type: none"> o Qualified maintenance organisation or o ICAO Annex 6 maintenance organisation
			Other than complex motor-powered aircraft	<ul style="list-style-type: none"> o EASA type-certificate o ICAO Annex 8 CofA o CAMO/ CAMO-T not required 	<ul style="list-style-type: none"> o ICAO Annex I licence, or o Qualified maintenance organisation, or o ICAO Annex 6 maintenance organisation

V. Content of the draft opinion/decision

As outlined in the ToR, this NPA tackles the issues of:

- the alignment of Regulation (EC) No 2042/2003 with the Basic Regulation, and
- the alignment of Regulation (EC) No 2042/2003 with the ICAO Annex 6⁵ requirement for human factor principles to be observed in the design and application of the aircraft maintenance programme.

For the sake of clarity, each issue will be dealt separately in this section V.

Alignment of Regulation (EC) No 2042/2003 with Regulation (EC) No 216/2008: Background

8. In February 2008 the legislative process to extend the scope of Regulation (EC) No 1592/2002 reached a conclusion with the adoption of the Regulation (EC) No 216/2008. The adoption of this Regulation has originated the need to review Regulation (EC) No 2042/2003 in order to verify consistency between both Regulations and ensure that Regulation (EC) No 2042/2003 contains the appropriate means to implement the essential requirements set forth in the Basic Regulation.
9. The specific essential requirements in the field of continuing airworthiness of aircraft are contained in the Basic Regulation in Annex IV section 6 and section 8 (g) and in Annex I section 3. In particular, Annex IV section 6, contains common requirements for all aircraft, whereas section 8 (g) contains specific requirements for the operation of aircraft for commercial purposes and the operation of complex motor-powered aircraft. Annex I section 3 contains the essential requirements to be met by the organisations responsible for the continuing airworthiness management and maintenance.
10. Article 5(5)(j) of the Basic Regulation states that measures shall be established to show how aircraft referred to in article 4(1)(c) shall comply with the essential requirements for airworthiness of Annex I
11. During the drafting process the following main areas have been identified:
 - The definition of "complex motor-powered aircraft" introduced by article 3(j) of the Basic Regulation;
 - The definition of "commercial operations" introduced by article 3(i) of the Basic Regulation, and the definition of "commercial air transport".
 - The scope defined in article 4(1)(c) of the Basic Regulation
12. This NPA does not propose a date for the entry into force of the amendment since this will highly depend on the date of entry into force of future regulations in the field of operations⁶.

The definition of "complex motor-powered aircraft"

13. Article 3(j) of the Basic Regulation introduces the category of complex motor-powered aircraft. During the development of Opinion 3/2004 the Agency found that there was a need to define an aircraft categorisation based on the complexity of the aircraft. This new category should better reflect recent developments in aircraft technology than the existing category of "large aircraft"⁷ primarily based on the maximum take-off mass. "Complex motor-powered aircraft" are required to meet all essential requirements for air

⁵ Annex 6 to the Convention on International Civil Aviation, eighth edition amendment 33-B.

⁶ NPA 2008-022: "Authority Requirements and Organisation Requirements" and NPA 2009-02: "Implementing Rules for Air Operations of Community Operators".

⁷ Large aircraft is defined in Regulation (EC) No 2042/2003 article 2(d), as an aircraft, classified as an aeroplane with a maximum take-off mass of more than 5700 kg, or a multi-engined helicopter.

operations through appropriate implementing rules while aircraft other than complex motor-powered aircraft are subject to a lighter set of essential requirements.

14. Aircraft included in each category are highlighted in the following table:

Complex motor-powered aircraft	Large aircraft
<ul style="list-style-type: none"> • Aeroplanes with MTOM > 5700 kg • Aeroplanes certified for more than 19 passengers • Aeroplanes certified for minimum crew of 2 pilots • Aeroplanes with 1 or more turbojet engines • Aeroplanes with 2 or more turboprop engines • Helicopters with MTOM > 3175 kg • Helicopters certified for more than 9 passengers • Helicopters certified for minimum crew of 2 pilots • Tilt rotor aircraft 	<ul style="list-style-type: none"> • Aeroplanes with MTOM > 5700 kg • Helicopters with multiple engine

15. As a result, those provisions in Regulation (EC) No 2042/2003 that are related to the "large aircraft" category need to be reviewed and adapted accordingly to ensure that "complex motor-powered aircraft" comply with the essential requirements for continuing airworthiness contained in the Basic Regulation Annex IV section 6 and section 8(g).
16. In particular, Basic Regulation in Annex IV section 8g imposes certain continuing airworthiness tasks of complex motor-powered aircraft to be controlled by an organisation responsible for the continuing airworthiness management and maintenance of complex motor-powered aircraft to be performed by a qualified organisation. Such organisations shall hold an approval as required by Annex 1 section 3.a which excludes the possibility that natural persons may act as such qualified organisations if they do not hold an organisation approval.
17. This review brought forth the conclusion that Part-M provisions which are currently applicable to "large aircraft" can be transposed to "complex motor-powered aircraft". However this is not the case for:
- provisions of 145.A.30 (h) which might be affected by the Opt-out measures of article 7(3)(g) of Regulation (EC) No 2042/2003; and
 - provisions of 66.A.30 and 66.A.45 for which amendment has already been proposed in Opinion 05/2009.
18. Therefore, the Agency has decided to replace the concept of "large aircraft" in Part-M and make every provision which is currently applicable to "large aircraft" to become applicable to "complex motor-powered aircraft". Conversely, in the case of article 7 of Regulation (EC) No 2042/2003, Part-145 and Part-66 the Agency has decided to keep the concept of "large aircraft".
19. Since certain aircraft which are not currently considered "large aircraft" will fall under the category of "complex motor-powered aircraft", one of the consequences of this proposal is the applicability of a heavier set of requirements for these aircraft, in particular the obligation to contract a continuing airworthiness management organisation approved pursuant to Part-M Subpart G (CAMO) and a Part-145 organisation for those types of operations where it was not already required.
20. Conversely, certain multi-engine helicopters, which are currently considered "large aircraft", will not be considered as "complex motor-powered aircraft" if their MTOM is

below 3175 kg. This means a lighter set of requirements for these aircraft, in particular no obligation to contract neither a CAMO nor a Part-145 organisation unless the type of operation requires it.

21. Section V.A. Regulatory Impact Assessment "Introduction of the complex motor-powered aircraft category" of this NPA identifies the affected aircraft types.

The definitions of "commercial air transport" and "commercial operations"

22. Article 3(i) of the Basic Regulation introduces the concept of "commercial operations". These operations encompass both commercial air transport and commercial operations other than commercial air transport.
23. In line with the Basic Regulation article 8(2) operators engaged in commercial operations shall demonstrate their means and capabilities, which shall be recognised through the issuance of a certificate. Moreover, in its Annex IV, section 8 (g), the Basic Regulation imposes certain continuing airworthiness tasks of aircraft involved in commercial operations to be controlled by an organisation responsible for the continuing airworthiness management, and maintenance of these aircraft to be performed by a qualified organisation. Such organisations shall hold an approval as required by Annex 1 section 3 (a) which excludes the possibility that natural persons may act as such qualified organisations if they do not hold an organisation approval.
24. For the particular case of organisations providing flight training, hereinafter referred to as 'ATO', future Part-OR Subpart-ATO⁸ requires these organisations to hold a certificate, whether their flight training activity falls under the definition of commercial operations or not. Those ATO providing flight training, which falls under the definition of commercial operations, will have to comply with the requirements of Regulation (EC) No 2042/2003 applicable to commercial operators, whereas those ATO providing flight training which does not fall under the definition of commercial operations will have to comply with those requirements of Regulation (EC) No 2042/2003 applicable to the aircraft complexity.
25. Regarding the concept of "commercial air transport" there is no definition in the current Regulation (EC) No 2042/2003. However, in article 1(3) it states that the provisions of the Regulation related to commercial air transport are applicable to licensed air carriers as defined by Community law (Regulation (EC) No 1008/2008⁹).
26. Regulation (EC) No 1008/2008 on common rules for the operation of air services in the Community defines in article 2(10) an air carrier as *an undertaking with a valid operating licence or equivalent*, and in article 3(3) specifies that the following categories of air services will not be required to hold a valid operating licence:
- non-power-driven aircraft and/or ultra light power driven aircraft; and
 - local flights.

In addition, Regulation (EC) No 1008/2008 does not apply to aircraft registered in a Member State and operated by non-Community operators.

This means that those operators described above are not considered air carriers and hence the provisions of current Regulation (EC) No 2042/2003 related to commercial air transport are not applicable to them.

27. Since this has created a significant number of misunderstandings among the competent authorities and stakeholders, and NPA 2009-02 on Implementing Rules for Air Operations of Community Operators has already proposed a definition of "commercial air transport"¹⁰

⁸ NPA 2008-022: "Authority Requirements and Organisation Requirements".

⁹ Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (recast) (OJ L 293, 31.10.2008, p. 3).

¹⁰ Commercial air transport is being defined as an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire (cf. explanatory note to NPA 2009-02 § 53).

in line with ICAO Annex 6, the Agency is proposing to introduce the same definition in Regulation (EC) No 2042/2003.

28. Although this definition will also cover those operators not subject to Regulation (EC) No 1008/2008 if they are involved in the transport of passengers, cargo or mail for remuneration or hire, it is the intention of the Agency to ensure that the new rules are proportionate to the complexity of the aircraft involved as long as compliance with the Basic Regulation is ensured.
29. Hence, all provisions in Regulation (EC) No 2042/2003 that are related to "Commercial Air Transport" need to be reviewed to ensure compliance with the Basic Regulation essential requirements defined in Annex IV section 8 (g) and, in order to adapt them to the particular operations. In this context, proportional amendments are proposed to Regulation (EC) No 2042/2003 to address the specific nature of non-power-driven aircraft, local flights and non-Community operators.
30. Even though the category of non-power-driven aircraft includes balloons and sailplanes, and excludes powered sailplanes and self-launching sailplanes and airships, during the drafting process was considered that to a certain extent it would not be proportionate to exclude powered sailplanes and self-launching sailplanes and certain airships from the alleviations to be proposed for commercial air transport. Therefore this NPA proposes alleviations for the ELA1 aircraft¹¹ category, which will also include some small aeroplanes.
31. As for local flights, it would be disproportionate to provide alleviations to local flights if they are carried out with complex motor-powered aircraft. Therefore this NPA introduces the concept of "local-CAT operator". A "local-CAT operator" is defined as a commercial air transport operator which complies with all the following conditions:
 - the operator is approved in accordance with Part-OR Subpart-OPS;
 - the aircraft listed in its operator's certificate are aircraft other than complex motor-powered aircraft; and
 - the commercial air transport activity is limited to flights departing from and arriving to the same airport or authorised landing point.
32. Consequently, this NPA introduces, in the case of commercial air transport, derogations for :
 - A. local-CAT operators and operators of ELA1 aircraft and balloons, to allow them to:
 - i. contract a CAMO instead of the obligation to be CAMO approved themselves, and
 - ii. contract an M.A. Subpart F organisation instead of the obligation to contract a Part-145 organisation;
 - B. non-Community operators of EU registered aircraft, to allow them to contract a CAMO instead of the obligation to be CAMO approved themselves.

The scope of article 4(1)(c) of the Basic Regulation

33. Article 4(1)(c) of the Basic Regulation applies to:
 - aircraft registered in a third country and used by an operator for which a Member State ensures oversight of operations; and

¹¹ "ELA1 aircraft" means the following European Light Aircraft:

- (i) an aeroplane, sailplane or powered sailplane with a Maximum Take-off Mass (MTOM) less than 1000 kg that is not classified as complex motor-powered aircraft;
- (ii) a balloon with a maximum design lifting gas or hot air volume of not more than 3400 m³ for hot-air balloons, 1050 m³ for gas balloons, and 300 m³ for tethered gas balloons;
- (iii) an airship designed for not more than two occupants and a maximum design lifting gas or hot-air volume of not more than 2500 m³ for gas airships.

- aircraft registered in a third country used into, within or out of the Community by an operator established or residing in the Community.

34. The scope of the paragraph above may be divided in the following categories:

1. Aircraft registered in a third country and subject to dry lease-in by an operator for which a Member State ensures oversight of operations.

This would affect organisations approved in accordance with future Part-OR Subpart-OPS¹² and future Part-OR Subpart-ATO.

Currently the dry-lease is incompatible with future Part-OR Subpart-OPS where an operator approved in accordance with Part-OR Subpart-OPS, (hereinafter referred to as an 'EU operator') will require that all aircraft operated have a certificate of airworthiness in accordance with Part 21. Therefore it will not be further considered in this NPA.

In the case of ATO, current national regulations and future Part-OR Subpart-ATO do not prevent the operation of third country registered aircraft by ATO to provide flight training. Furthermore, currently an ATO approved by any of the Member States may provide training outside the territory of the EU. This is also allowed by future Part-OR Subpart-ATO, and this training is usually delivered with aircraft registered in the country where the training takes place. Consequently, this NPA proposes provisions for aircraft registered in a third country and operated by an ATO to provide flight training outside the territory of the EU. Aircraft operated by an ATO to provide flight training inside the territory of the EU will be required to be registered in one of the EU Member States..

The applicable essential requirements are:

- for aircraft operated by an ATO providing flight training for commercial purposes, and for complex motor-powered aircraft operated by ATO, the requirements of Annex IV section 6 (continuing airworthiness) and additionally, those in section 8 (g) (additional requirements for operation for commercial purposes and for operation of complex motor-powered aircraft);
- for other than complex motor-powered aircraft operated by an ATO providing flight training for other than commercial purposes, the requirements of Annex IV section 6 (continuing airworthiness).

2. Aircraft registered in a third country and subject to wet lease-in or code-share by an EU operator.

Essential requirements applicable to these aircraft are those in Annex IV section 6 (continuing airworthiness) and additionally, those in section 8 (g) (additional requirements for operation for commercial purposes).

3. Aircraft registered in a third country used into, within or out of the Community by an operator established or residing in the Community.

Essential requirements applicable to these aircraft are those in Annex IV section 6 (continuing airworthiness) and for complex motor-powered aircraft those in section 8 (g) additional requirements for operation of complex motor-powered aircraft.

35. The specific essential requirements in the field of continuing airworthiness contained in the Basic Regulation apply to:

1. Continuing airworthiness of aircraft
 - a. Annex IV section 6, contains common requirements to all aircraft (independently of aircraft category or operation), regarding:
 - the operation of aircraft,

¹² NPA 2009-02c Implementing Rules for Air Operations of Community Operators, published on EASA website at: http://www.easa.europa.eu/ws_prod/r/doc/NPA/NPA%202009-02C.pdf.

- pre-flight inspection,
 - maintenance programme,
 - preservation of records,
 - release to service,
 - modifications and repairs.
- b. Annex IV section 8 (g) contains specific requirements for operation for commercial purposes and operation of complex motor-powered aircraft regarding:
- The need of an approved organisation responsible for the continuing airworthiness management and maintenance.
 - The need of such organisations to have an organisation manual.
2. Organisations responsible for the continuing airworthiness management and maintenance:
- a. Annex I section 3 contains common requirements for organisations referred in 1(b) above with regard to the conditions to be met by the organisation.
36. It has to be highlighted that the essential requirements described above impose to complex motor-powered aircraft and aircraft used in commercial operations the use of organisations responsible for the continuing airworthiness management and maintenance which must hold an approval, although it does not specify under which Regulation they must be approved.
37. Article 4(6) of the Basic Regulation states that the Regulation shall not affect the rights of third countries as specified in international conventions, in particular the Chicago Convention. With regard to continuing airworthiness this should be understood as the functions set up in Article 31 (Certificate of Airworthiness) of the Convention and detailed in Annex 8 (Airworthiness of Aircraft).
38. Consequently, the NPA proposes requirements to be complied with in addition to those imposed by the State of Registry to ensure the continuing airworthiness of the aircraft during its service life, and proposes requirements for operators to demonstrate compliance with both the State of Registry requirements and the additional requirements.
39. It could be argued that this may result in a situation in which an operator may not demonstrate compliance with both sets of requirements. Hence the approach taken during the development of the NPA was to adhere to the ICAO requirements which are considered to provide an equivalent level of safety to those imposed in the Basic Regulation Annex IV section 6 and section 8 (g). Complying with the "equivalent" ICAO requirement would be a means to comply with the Basic Regulation requirements.
40. Article 5(5)(j) of the Basic Regulation states that measures shall be established to show how aircraft referred to in article 4(1)(c) comply with the essential requirements for airworthiness set forth in Annex I of the Basic Regulation.
41. As a result, Regulation (EC) No 2042/2003 has to be amended ensuring that:
- provisions are established for aircraft in article 4(1)(c) to comply with the applicable essential requirements set forth in the Basic Regulation; and
 - those provisions are compatible with the rights of third countries and the obligations of Member States.
42. During the drafting process it was considered that including the requirements applicable to 4(1)(c) aircraft in Part-M would increase considerably the complexity of Part-M and it would make it difficult to understand and apply. Therefore they should be better included in a "self-contained" Annex. As a result an Annex V (Part-T) to Regulation (EC) No 2042/2003 is being proposed.

43. Furthermore, a paragraph has been added in article 1 of Regulation (EC) No 2042/2003 explaining when aircraft shall be registered in one of the Members States. Aircraft registered in the Member States shall comply with the applicable requirements of Part-M, whereas third country registered aircraft as referred to in article 4(1)(c) of the Basic Regulation shall comply with the applicable requirements of Part-T.
44. The structure of Annex V (Part-T) has been kept as similar as possible to the structure of Annex I (Part-M). Section A of Annex V contains the technical requirements applicable to aircraft, operators, continuing airworthiness management organisations and maintenance organisations. Section B contains the administrative requirements for the competent authorities.
45. The proposed approach in this NPA for aircraft registered in a third country is based on the following main considerations:
- a. Aircraft registered in a third country and subject to wet lease-in or code-share by a Community Operator**
- The lessor¹³ in case of wet lease-in or the operating carrier¹⁴ in case of a code-share agreement (hereinafter called "operating organisations") are non-Community operators which hold an operating certificate issued by the competent authority of their State of Operator. In NPA 2009-02c "Implementing Rules for Air Operations of Community Operators", Part OR Subpart OPS subjects the approval of the wet lease-in or code-share agreement to the condition that the lessor or the operating carrier holds an operator certificate in compliance with ICAO Annex 6.
 - Comparing ICAO Annex 6 requirements for commercial air transport operators and the applicable essential requirements of the Basic Regulation shows that an equivalent requirement may be found in ICAO for almost all the continuing airworthiness essential requirements of the Basic Regulation. Table 1 below lists the equivalent requirements.

Table 1

Requirements of Basic Regulation	ICAO Annex 6
<p><u>Operation of aircraft</u> <u>Annex IV 6.a.</u> The aircraft must not be operated unless: (i) the aircraft is in an airworthy condition; (ii) the operational and emergency equipment necessary for the intended flight is serviceable;</p>	<p>ICAO Annex 6 part I 8.1.1 (aeroplanes) ICAO Annex 6 part III section II 6.1 (helicopters)</p>
<p><u>Operation of aircraft</u> <u>Annex IV 6.a.</u> The aircraft must not be operated unless: (iii) the airworthiness document of the aircraft is valid; and</p>	<p>ICAO Annex 6 part I 8.1.1 (aeroplanes) ICAO Annex 6 part III section II 6.1 (helicopters)</p>
<p><u>Maintenance programme</u> <u>Annex IV 6.a.</u> The aircraft must not be operated unless: (iv) the maintenance of the aircraft is performed in accordance with its maintenance programme. +</p>	<p>ICAO Annex 6 part I 8.3 (aeroplanes) ICAO Annex 6 part III section II 6.3 (helicopters)</p>

¹³ Lessor means the operator who leases an aircraft to another operator.

¹⁴ Operating carrier means the operator that actually operates the flight.

<p><u>Annex IV 6.c.</u> The maintenance programme must contain in particular, maintenance tasks and intervals, especially those that have been specified as mandatory in the instructions for continuing airworthiness.</p>	
<p>Preflight <u>Annex IV 6.b.</u> Before each flight or consistent series of consecutive flights, the aircraft must be inspected, through a pre-flight check, to determine whether it is fit for the intended flight.</p>	No equivalent ICAO requirement
<p>Release to service <u>Annex IV 6.d.</u> The aircraft must not be operated unless it is released to service by <i>qualified persons or*</i> organisations, after maintenance. The signed release to service must contain in particular, the basic details of the maintenance carried out.</p> <p>*This requirement has to be read in conjunction with <u>Annex IV section 8 (g)</u></p>	<p>ICAO Annex 6 part I 8.1.2, limited to organisations approved in accordance with 8.7 (aeroplanes) ICAO Annex 6 part III section II 6.1.2 limited to organisations approved in accordance with ICAO Annex 6 part I 8.7 (helicopters)</p>
<p>Approved Maintenance organisation <u>Annex IV section 8 (g).</u> The tasks specified in (...) points 6.d (...) must be controlled by an organisation responsible for the continuing airworthiness management that must meet, in addition to those requirements of Annex I point 3.a, the following conditions: (i) the organisation must be qualified for the maintenance of products, parts and appliances under its responsibility or have established a contract with such a qualified organisation for these products, parts and appliances. + <u>Annex I 3. Organisations</u> (including natural persons undertaking design, manufacture or maintenance) 3.a. Organisation approvals must be issued when the following conditions are met: 3.a.1. the organisation must have all the means necessary for the scope of work. These means comprise, but are not limited to, the following: facilities, personnel, equipment, tools and material, documentation of tasks, responsibilities and procedures, access to relevant data and record-keeping; 3.a.2. the organisation must implement and maintain a management system to ensure compliance with these essential requirements for airworthiness, and aim for continuous improvement of this</p>	ICAO Annex 6 part I 8.7

<p>system;</p> <p>3.a.3. the organisation must establish arrangements with other relevant organisations, as necessary, to ensure continuing compliance with these essential requirements for airworthiness;</p> <p>3.a.4. the organisation must establish an occurrence reporting and/or handling system, which must be used by the management system under point 3.a.2 and the arrangements under point 3.a.3, in order to contribute to the aim of continuous improvement of the safety of products.</p>	
<p><u>Preservation of records</u></p> <p><u>Annex IV 6.e.</u> All records demonstrating the airworthiness of the aircraft must be kept until the information contained has been superseded by new information equivalent in scope and detail but not less than 24 months in the case of detailed maintenance records. When the aircraft is leased, all records demonstrating the airworthiness of the aircraft must be kept at least for the length of the lease.</p>	<p>ICAO Annex 6 part I 8.4 ICAO Annex 6 part III section II 6.8</p>
<p><u>Organisation responsible for the continuing airworthiness management</u></p> <p><u>Annex IV section 8 (g).</u> The tasks specified in 6.e (...) must be controlled by an organisation responsible for the continuing airworthiness management that must meet, in addition to those requirements of Annex I point 3.a, the following conditions:</p> <p>(i) the organisation must be qualified for the maintenance of products, parts and appliances under its responsibility or have established a contract with such a qualified organisation for these products, parts and appliances.</p> <p>(ii) the organisation must establish an organisation manual providing, for use and guidance of personnel concerned, a description of all continuing airworthiness procedures of the organisation including when applicable a description of administrative arrangements between the organisation and the approved maintenance organisation.</p> <p>+</p> <p><u>Annex I 3. Organisations</u> (including natural persons undertaking design, manufacture or maintenance)</p> <p>3.a. Organisation approvals must be issued when the following conditions are met:</p>	<p>ICAO Annex 6 part I 8.1.4 (aeroplanes), part-III section II 6.1.4 (helicopters) requires the operator to employ a person or group of persons to ensure the maintenance is carried out in accordance with the maintenance control manual.</p> <p>ICAO Annex 6 part I 8.2 (aeroplanes), and part-III section II 6.2 (helicopters) state the provisions that should be met by the maintenance control manual.</p>

<p>3.a.1. the organisation must have all the means necessary for the scope of work. These means comprise, but are not limited to, the following: facilities, personnel, equipment, tools and material, documentation of tasks, responsibilities and procedures, access to relevant data and record-keeping;</p> <p>3.a.2. the organisation must implement and maintain a management system to ensure compliance with these essential requirements for airworthiness, and aim for continuous improvement of this system;</p> <p>3.a.3. the organisation must establish arrangements with other relevant organisations, as necessary, to ensure continuing compliance with these essential requirements for airworthiness;</p> <p>3.a.4. the organisation must establish an occurrence reporting and/or handling system, which must be used by the management system under point 3.a.2 and the arrangements under point 3.a.3, in order to contribute to the aim of continuous improvement of the safety of products.</p>	
<p><u>Modifications and repairs</u> <u>Annex IV 6.f</u> All modifications and repairs must comply with the essential requirements for airworthiness. The substantiating data supporting compliance with the airworthiness requirements must be retained.</p>	<p>ICAO Annex 6 part I 8.6 (aeroplanes) ICAO Annex 6 part III section II 6.6 (helicopters)</p>

From this table it could be concluded that:

- Part-T would have to define which airworthiness document is considered acceptable to meet the requirement of the Basic Regulation Annex IV, section 6.a.(iii).
- The operating organisations are required by ICAO to perform the continuing airworthiness functions stated in Annex IV section 6, therefore they could be considered as the organisations responsible for the continuing airworthiness management required by Annex IV section 8 (g).
- The aircraft are required by ICAO Annex 6 to be maintained and released to service by an approved organisation or by personnel licensed in accordance with ICAO Annex 1 whereas Basic Regulation Annex IV section 8 (g) requires a qualified approved organisation. This should be specified in Part-T.

b. 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

- Part-T would have to define which airworthiness document is considered acceptable to meet the requirement of the Basic Regulation Annex IV, par. 6.a.(iii).
- Annex IV section 8 (g) of the Basic Regulation requires a continuing airworthiness management organisation to control certain tasks. In addition,

this organisation has to be approved in accordance with the requirements of Annex I section 3 (a). However ICAO Annex 6 does not have a similar requirement. Thus, the Agency proposes that this organisation is a CAMO.

- Part-T introduces the specific requirements that the CAMO has to meet in order to manage these aircraft.
- Annex IV section 8 (g) of the Basic Regulation requires maintenance to be performed by a qualified approved maintenance organisation. An organisation meeting the requirements of ICAO Annex 6 part I 8.7 and acceptable to the State of Registry will be considered as a qualified maintenance organisation.

c. Aircraft other than 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

- Part-T would have to define which airworthiness document is considered acceptable to meet the requirement of the Basic Regulation Annex IV 6.a.(iii).
- The operator shall be responsible for the continuing airworthiness of the aircraft and for performing the continuing airworthiness tasks. In this case, the Basic Regulation imposes neither a continuing airworthiness management organisation nor an approved maintenance organisation.

d. Complex motor-powered aircraft registered in a third country and operated by an ATO to provide training outside the territory of the EU (regardless of whether the operation is commercial or not)

The conditions of paragraph b. above apply.

e. 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 commercial purposes.

The conditions of paragraph b. above apply.

f. 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.

The conditions of paragraph c. above apply

46. As Part-T contains requirements both for aircraft and organisations, point T.1 proposes the definition of the Competent Authority for the oversight of individual aircraft and for the oversight of the continuing airworthiness management organisation. With respect to individual aircraft the definition of the competent authority has been kept in line with the proposal in the futures Part-OR Subpart-ATO and Part-OPS. As for the continuing airworthiness management organisation the allocation of the competent authority has been kept in line with Part-M paragraph M.1.
47. Part-T, Subpart A contains the scope of Part-T and the definitions of particular concepts used in this part.
48. Part-T, Subpart B details the requirements to be met by the aircraft included in the scope of Part-T and by the operators of those aircraft in order to comply with the essential requirements of the Basic Regulation.
49. Point T.A.201 lists the requirements which are common to all aircraft included in the scope of this Part-T. These requirements stem from Annex IV section 6 of the Basic Regulation. In particular it is specified that the airworthiness certificate of the aircraft shall comply with ICAO Annex 8.
50. Point T.A.210 details the additional requirements for aircraft registered in a third country and subject to a wet lease-in agreement or code-share agreement by a Community operator and for the operating organisation to comply with Basic Regulation Annex IV section 8 (g) and Annex I section 3 (a) of the Basic Regulation.

51. Point T.A.220 contains the additional requirements for 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, complex motor-powered aircraft registered in a third country and operated by an ATO to provide training outside the territory of the EU, and, aircraft registered in a third country and operated by an ATO to provide training outside the territory of the EU for commercial purposes.
- The aircraft shall have a type-certificate issued or validated by the Agency.
 - The operator is required among other things, prior to the commencement of the operations, to:
 - i. declare that the aircraft complies with the airworthiness requirements established by the State of Registry. The format of the declaration is established in Appendix II to Part-T.
 - ii. establish a contract with a CAMO. The content of the contract is established in Appendix I to Part-T;
 - iii. provide the CAMO with an aircraft maintenance programme acceptable to the State of Registry.
 - iv. establish a contract with a qualified maintenance organisation.
52. Point T.A.230 contains the additional requirements for aircraft other than 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. For those aircraft the owner shall ensure compliance with the common requirements described in point T.A.201 and shall ensure that the aircraft is maintained either by a qualified maintenance organisation complying with point T.A.501 or by a person holding a licence issued in accordance with ICAO Annex 1.
53. Subpart C details the content of the maintenance programme.
54. Subpart E details the requirements which must be met by the qualified maintenance organisation. These requirements are in line with those contained in Annex I section 3.a of the Basic Regulation.
55. Subpart-F details the requirements which must be met by the qualified maintenance organisation's management system. This is required by the Basic Regulation, Annex I section 3.a.2.
56. Subpart G contains the additional requirements that a continuing airworthiness management organisation approved pursuant to Part-M Subpart G must meet to manage the continuing airworthiness of aircraft affected by T.A.220. In particular:
- T.A.704 requires additional procedures to be included in the exposition.
 - T.A.708 details which are the tasks that the organisation is responsible to perform.
 - T.A.709 explains what documentation sources must be used to perform the M.A.708 tasks.
 - T.A.712 requires the quality system to monitor the activities of the organisation under Part T, and excludes the possibility for organisations without a quality system to work under Part T.
 - T.A.715 and T.A.716 specify the additional conditions under which the approval of a continuing airworthiness management organisation and the finding classification must be performed.
57. The administrative requirements for competent authorities are described in Section B.

Alignment of Regulation (EC) No 2042/2003 with ICAO Annex 6 requirement for human factor principles to be observed in the design and application of the aircraft maintenance programme

58. The ICAO Annex 6 requirement for human factors principles to be observed in the design and application of the operator's maintenance programme should be addressed in regulation (EC) No 2042/2003.
59. The ICAO document 9683 Human Factors Training Manual contains guidance material on the application of human factors principles. In particular, part 1 chapter 4 Ergonomics describes the impacts that inadequacies in aviation documentation may have and includes some aspects that should be optimised in the design of documentation.
60. This NPA proposes both a requirement to be included for commercial air transport operators with aircraft other than balloons and ELA1 aircraft to take into account human factors principles in the design of their operator's maintenance programme, and guidance material describing which aspects should be considered.
61. Finally, this NPA includes the corresponding amendments to AMC and Guidance Material to Regulation (EC) No 2042/2003.

VI. Regulatory Impact Assessment

For this Regulatory Impact Assessment, the effects of introducing the new category complex motor-powered aircraft, the new definitions of commercial air transport and commercial operations and the applicability to aircraft referred to in article 4(1)(c) of the Basic Regulation are assessed separately. It has to be clarified that this amendment to Regulation (EC) No 2042/2003 is imposed by the need to ensure compliance with the Basic Regulation and for that reason this RIA does not evaluate different options but the global impact of the proposed changes.

VI.A. Introduction of the category of “complex motor-powered aircraft”

62. Purpose and intended effects:

As explained in section IV, on the one hand, the Basic Regulation introduces in article 3(j) the definition of complex motor-powered aircraft category and in Annex IV section 6 and section 8 (g) the continuing airworthiness essential requirements for these aircraft. Hence, Regulation (EC) No 2042/2003 needs to be reviewed and amended accordingly to ensure those continuing airworthiness essential requirements are addressed. On the other hand, the current Regulation (EC) No 2042/2003 contains the category of large aircraft, which does not correspond with “complex motor-powered aircraft”. During the drafting process of this proposed amendment, the Agency decided to remove the concept of “large aircraft” from Part-M and make every provision which is currently applicable to “large aircraft” applicable to “complex motor-powered aircraft”.

63. Sectors concerned:

This RIA assesses the impact of this decision together with the obligations imposed by the Basic Regulation on complex motor-powered aircraft.

First of all, the Agency identified the groups of aircraft which will be impacted by this amendment. These are:

- Group 1: Aircraft which are not considered “large aircraft” in accordance with the definition given in the current Regulation (EC) No 2042/2003, but which will fall under the category of “complex motor-powered aircraft” in accordance with the definition given in the Basic Regulation.
- Group 2: Aircraft which are considered large aircraft in accordance with the definition contained in the current Regulation (EC) No 2042/2003 but which cannot be considered as complex motor-powered aircraft in accordance with the Basic Regulation.

The categories of aircrafts that fall in each group are identified in the following table:

Group 1 aircraft	Group 2 aircraft
<ul style="list-style-type: none"> • Aeroplane with a MTOM \leq 5700 kg certificated for 19 or more pax • Aeroplane with a MTOM \leq 5700 kg certificated for minimum crew of at least 2 pilots. • Aeroplane with a MTOM \leq 5700 kg equipped with 1 or more turbojet engine • Aeroplane with a MTOM \leq 5700 kg equipped with 2 or more turboprop engines. • Single engine helicopter MTOM $>$ 3175 kg • Single engine helicopter certificated for 	<ul style="list-style-type: none"> • Helicopter multiple engine with: <ul style="list-style-type: none"> ○ \leq 3175 MTOM and ○ \leq 9 passengers and ○ certificated for minimum crew of 1 pilot.

<ul style="list-style-type: none"> • more 9 pax • Single engine helicopter certified for minimum crew of at least 2 pilots • tilt rotor aircraft 	
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The aircraft types under each category identified by the Agency are the following:

Group 1	Group 2
(Bombardier) Learjet 23 (GE CJ610)	Agusta A109 Series
Cessna 425 (PWC PT6)	Bell 206LT (RR Corp 250)
Cessna 441 (Honeywell TPE331)	Bell 222 (RR Corp 250)
Cessna 500 (PWC JT15D)	Bell 230 (RR Corp 250)
Cessna 501/551 (PWC JT15D)	Bell 427 (PWC PW207D)
Cessna 510 (PWC PW615)	Bell 430 (RR Corp 250)
Cessna 525/525A (Williams FJ 44)	Eurocopter AS 355
Dornier Seastar CD2 (PWC PT6)	Eurocopter BO 105 Series
Eclipse EA500 (PWC PW610)	Eurocopter EC 135
Embraer EMB-110 (PWC PT6)	
Embraer EMB-121 (PWC PT6)	
(Hawker Beechcraft) Beech 90 Series (PWC PT6)	
(Hawker Beechcraft) Beech 200 Series (PWC PT6)	
(Hawker Beechcraft) Beech 99/100 Series (PWC PT6)	
(Hawker Beechcraft) Beech B100 (Honeywell TPE331)	
(Hawker Beechcraft) Beech 390 (Williams FJ44)	
Mitsubishi MU-2B (Honeywell TPE331)	
Piaggio P166 (Lycoming turboprop)	
Piaggio P180 Avanti/Avanti II (PWC PT6)	
Piper PA-42 (Honeywell TPE331)	
Piper PA-42 (PWC PT6)	
Twin Commander (Gulfstream/Rockwell/Aerocommander) 680/681/690/695 Series (Honeywell TPE331)	
Reims F406 (PWC PT6)	

Viking Air (De Havilland) DHC-6 (PWC PT6)	
Vulcanair AP.68TP Series (RR Corp 250)	
ASTA (GAF) (Nomad) N24A (RR Corp 250)	
B-N Group (Britten-Norman) BN-2T (Islander) (RR Corp 250)	
Dornier DO 28D-6/128-6 (PWC PT6)	
M7 Aerospace (Fairchild) SA26-AT (Honeywell TPE331)	
Piper PA-31T (PWC PT6)	
Shorts SC7 Skyvan 3 Variant 100 (Honeywell TPE331)	
Agusta AB204, AB205 / Bell 204, 205, 210 (Honeywell T53)	
Bell 214 (Honeywell T5508D)	
Kaman K-1200 (Honeywell T5317)	

64. **The main issues to be considered for the impact assessment can be summarised as follows:**

The new requirements imposed to Group 1 aircraft are:

- The obligation to contract a CAMO and a Part-145 organisation.
- The obligation to perform an analysis of the effectiveness of the aircraft maintenance programme.
- The obligation to establish an embodiment policy for non-mandatory modifications and/or inspections.
- The obligation to include in the maintenance programme a reliability programme.
- The need for the CAMO managing those aircraft to establish and control the competence of personnel involved in the continuing airworthiness management, airworthiness review and/or quality audits.

Conversely, for Group 2 aircraft:

- The owner may manage the continuing airworthiness.
- Maintenance may be performed by Part-M Subpart F organisations or independent certifying staff.
- It will not be required to perform an analysis of the effectiveness of the aircraft maintenance programme.
- It will not be required to establish an embodiment policy for non-mandatory modifications and/or inspections.
- It will not be required to include in the maintenance programme a reliability programme.
- A CAMO managing those aircraft will not be required to establish and control the competence of personnel involved in the continuing airworthiness management, airworthiness review and/or quality audits.

65. **Impacts**

i. Safety

The amendment is expected to have a global positive impact due to the fact that the changes will increase the level of safety of aeroplanes and helicopters that, although with low maximum take-off mass, have a high performance.

ii. Economic

An increase in regulatory compliance costs is expected, induced mainly by the obligation of Group 1 aircraft to contract a CAMO and a Part-145 organisation.

iii. Environmental

No impacts.

iv. Social

No impact.

v. Other aviation requirements outside EASA scope

No impact.

It has to be highlighted that, although in this section V.A the impacts of the introduction of the "complex motor-powered aircraft category" have been assessed independently, the effect of these amendments in the whole context of Regulation (EC) No 2042/2003 is less significant since:

- Any aircraft, including group 1 aircraft, involved in commercial air transport is already required in the current Regulation to be managed by the CAMO of the operator and to contract a Part-145 organisation.
- Any aircraft, including group 1 aircraft, involved in commercial operations which are requested by a Member State to hold a certificate, is already required to contract a CAMO.

66. **Summary and final assessment**

The amendment is expected to increase the level of safety and to have a limited economic impact. Group 1 aircraft will be required to contract a CAMO and a Part-145 organisation and this will increase their maintenance costs, whereas Group 2 aircraft will not be required to contract neither a CAMO nor a Part-145 organisation and therefore decreasing their maintenance costs.

VI.B. Introduction of new definitions for "commercial air transport" and "commercial operations"

67. **Purpose and intended effects**

When adopting the new Basic Regulation, the clear intention of the legislator was to respond to the ever increasing demand for safety from society, including not only in the area of commercial air transport, but also for other commercial operations, where protection of property, passengers and persons on the ground should equally be ensured. To this regard, the positive effects in terms of safety of the envisaged changes do not need to be established again at the level of this NPA, as these have already been analysed and confirmed at the time the opinion for the new Basic Regulation was issued.

The introduction of the definition of "commercial air transport" stems from the need to remove any misunderstanding on the application of this Regulation and the need to align with the proposed Regulation in the field of operations¹⁵.

¹⁵ NPA 2009-02: Implementing Rules for Air Operations of Community Operators published on EASA website at: http://www.easa.europa.eu/ws_prod/r/r_archives.php

68. **Sectors concerned**

The introduction of the definition of commercial air transport is expected to affect those operations which Regulation (EC) No 1008/2008 does not consider air carriers, and for which the provisions of commercial air transport established in Regulation (EC) No 2042/2003 do not apply. These operations are:

- Operation of balloons and gliders involving the transport of passengers, cargo or mail for remuneration or hire, and
- Local flights involving the transport of passengers, cargo or mail for remuneration or hire.

As explained in section IV, the amendment proposes for these aircraft proportionate requirements in order not to invalidate the alleviations introduced through amending Regulation (EC) No 1056/2008, within the limits of what remains compatible with the essential requirements laid down in Annex IV to the Basic Regulation.

Another sector concerned is the commercial air transport undertaken by non-Community operators with aircraft registered in the Members States and for which the State of Registry responsibilities have not been transferred.

As for the introduction of the requirements for commercial operations, they will only affect those Members States where a certificate was not required for this type of operations.

69. **The main issues to be considered for the impact assessment can be summarised as follows:**

- ELA1 aircraft operators and balloon operators involved in commercial operations (including commercial air transport) will have to contract a CAMO and a Part-M Subpart F organisation. This means that pilot-owner maintenance or the use of independent certifying staff will not be permitted.
- Local-CAT operators will have to contract a CAMO and a Part-M Subpart F organisation. This means that pilot-owner maintenance or the use of independent certifying staff will not be permitted.
- All commercial operators other than commercial air transport will have to contract a CAMO and a Part-M Subpart F/Part-145 maintenance organisation.
- It has also to be considered that since the introduction of Part-M in 2003, it can be observed that operators in the field of general aviation have already started creating or contracting a CAMO.

70. **Impacts**

i. Safety

The amendment is expected to have a global positive impact due to the fact that the changes will increase the level of safety in the area of commercial operations where protection of property, passengers and persons on the ground should equally be ensured.

ii. Economic

An increase in regulatory compliance costs is expected, induced mainly by the obligation for certain operators to contract a CAMO and a Part-M Subpart F/Part-145 organisation.

iii. Environmental

No impacts.

iv. Social

It will impact all commercial operations' pilot owners and independent certifying staff, which may no longer exercise certification privileges.

v. Other aviation requirements outside EASA scope

No impact.

71. **Summary and final assessment**

The amendment is expected to increase the level of safety and to have a limited economic impact.

VI.C. The scope of article 4(1)(c) of the Basic Regulation72. **Purpose and intended effects**

One of the aims of the Basic Regulation is to ensure effectively the safety of third-country aircraft used for any purpose by Community operators. Therefore when adopting the new Basic Regulation the scope of applicability was broadened to the aircraft referred to in article 4(1)(c)¹⁶.

73. **The main issues considered in the impact assessment are:**

- A. Requirements applicable to Community commercial air transport operators establishing wet lease-in or code-share agreements with operators using third country registered aircraft.
- B. Requirements applicable to ATO operating third country registered aircraft to provide flight training.
- C. Requirements applicable to operators of third country registered aircraft established or residing in the Community.

A. Requirements applicable to Community commercial air transport operators establishing wet lease-in or code-share agreements with operators using third country registered aircraft74. **Options:**

- a. The options identified:
 - Option 1: Impose to third country aircraft to comply with the requirements of Part-M, hence operators would need to contract a CAMO and a Part-145 maintenance organisation.
 - Option 2: Impose to third country aircraft to comply with "ICAO equivalent requirements" to Part-M, hence allow Community operators to establish wet-lease-in or code-share agreements with third country operators holding an AOC in accordance with ICAO Annex 6, provided these operators manage the continuing airworthiness of the aircraft in accordance with ICAO Annex 6 and maintenance of those aircraft is performed by a qualified maintenance organisation meeting the requirements of ICAO Annex 6.
- b. The preferred option selected (if possible)

The selected option is Option 2.

75. **Sectors concerned**

The proposed amendment of Regulation (EC) No 2042/2003 introduces a new Part-T that affects:

- a. Community commercial air transport operators establishing wet lease-in agreements with third country operators. These will be the case of airlines which use third country operators.

¹⁶ COM(2005) 579 final. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1592/2002 of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency.

- b. Community commercial air transport operators establishing code-share agreements with third country operators. These will be airlines wishing to extend their global reach and enabling them to be better placed in the market.

76. **Impacts**

i. Safety

Option 1: This option is expected to increase the level of safety by imposing third country registered aircraft to comply with the requirements of Part-M in addition to the State of Registry requirements.

Option 2: This option is expected to increase the level of safety by imposing Community operators to demonstrate the compliance of the third country operators with the ICAO requirements equivalent to those imposed by the Basic Regulation to them and the aircraft they operate.

ii. Economic

Option 1: This option is expected to increase significantly regulatory compliance costs for third country operators and as a result for Community operators wishing to establish a wet-lease-in or a code-share agreement with them.

Option 2: This option is expected to increase moderately regulatory compliance costs for third country operators and as a result for Community operators wishing to establish a wet-lease-in or a code-share agreement with them.

iii. Environmental

No impacts.

iv. Social

Option 1: The expected increase in the costs associated to wet-lease-in and code-share agreements will have as a consequence a reduction in the number of Community operators establishing such agreements and therefore will be detrimental to the mobility of the European citizens.

Option 2: No social impact is expected.

v. Other aviation requirements outside EASA scope

ICAO Annex 6 regulates international commercial air transport with aeroplanes and helicopters, and establishes minimum standards and recommended practices. This has been taken into account when drafting Part-T in order not to affect the rights of third countries and not to impose requirements which would be incompatible with the ICAO standards.

77. **Summary and final assessment**

Option 2 is the preferred option because it creates an increase in the level of safety while having a limited impact on economics.

B. Requirements applicable to ATO operating third country registered aircraft to provide flight training

Future Regulation Part-OR Subpart-ATO does not prevent the operation of third country registered aircraft by ATO to deliver flight training. Indeed, currently some flight training organisations approved by the Member States may provide training outside the territory of the EU, and this training is usually provided with aircraft registered in the country where the training takes place. This practice is demonstrated to lower the cost of the flight training while keeping the safety objectives of the training.

The proposal should therefore make compatible current business practices with the objectives of the Basic Regulation.

ATO operating third country registered aircraft to provide flight training for commercial purposes shall comply with the essential requirements imposed by the Basic Regulation

to operation of aircraft for commercial purposes, whereas ATO operating third country registered aircraft to provide flight training for non-commercial purposes shall comply with the applicable essential requirements of the Basic Regulation depending on the complexity of the aircraft.

78. **Options:**

A. The options identified:

Option 1: Impose to third country aircraft operated by an ATO to provide flight training outside the territory of the EU to comply with the requirements of Part-M, hence operators would need to contract a CAMO and a Part-M Subpart-F or Part-145 maintenance organisation.

Option 2: Create a specific set of requirements (Part-T) for these aircraft. Part-T will rely on compliance with State of Registry requirements, the use of a maintenance organisation acceptable to the State of Registry and meeting the requirements of the Basic Regulation (referred as "qualified maintenance organisation") and the use of a CAMO to perform certain continuing airworthiness tasks as required by the Basic Regulation (referred as "CAMO-T").

B. The preferred option selected (if possible)

The selected option is Option 2.

79. **Sectors concerned**

ATO operating third country registered aircraft to provide flight training.

80. **Impacts**

i. Safety

Option 1: This option is expected to increase the level of safety by imposing third country registered aircraft to comply with the requirements of Part-M in addition to the State of Registry requirements.

Option 2: This option is expected to increase the level of safety by imposing ATO the need to contract a CAMO-T, to declare the compliance of the aircraft with the State of Registry requirements and to contract a qualified maintenance organisation.

ii. Economic

Option 1: This option is expected to increase significantly the regulatory compliance costs for ATO operating aircraft registered in a third country, as they would need to contract a Part-M Subpart-F or a Part-145 organisation and which should also be acceptable to the State of Registry.

Option 2: This option is expected to increase moderately the regulatory compliance costs for ATO operating aircraft registered in a third country. These ATO will be required to contract a CAMO-T; however they will not be required to contract a Part-M Subpart-F or Part-145 and they will be allowed to contract a qualified maintenance organisation.

iii. Environmental

No impacts.

iv. Social

Option 1: The expected increase in the costs will reduce the amount of ATO providing flight training outside the territory of the EU and this will increase the cost of the flight training

Option 2: The expected moderate increase in the cost is not expected to impact the amount of ATO providing flight training outside the territory of the EU, therefore no social impact is expected.

- v. Other aviation requirements outside EASA scope
No impacts.

81. **Summary and final assessment:**

Option 2 is the preferred option because it increases the level of safety while having a limited impact on economics.

C. Requirements applicable to operators of third country registered aircraft established or residing in the Community when used into, within or out of the Community.

82. **Options**

- A. The options identified:

Option 1: Impose to third country aircraft operated by an operator established or residing in the Community to comply with the requirements of Part-M, hence:

- operators of complex motor-powered aircraft would need to contract a CAMO and a Part-145 organisation, and
- operators of aircraft other than complex motor-powered would not need to contract a CAMO but maintenance to the aircraft would have to be performed by a Part-M Subpart-F or independent certifying staff holding a part-66 licence.

Option 2: Create a specific set of requirements (Part-T) for these aircraft. Part-T will rely on compliance with State of Registry requirements, and for complex motor-powered aircraft will allow the use of a maintenance organisation acceptable to the State of Registry and meeting the requirements of the Basic Regulation (referred as "qualified maintenance organisation") and the use of a CAMO to perform certain continuing airworthiness tasks as required by the Basic Regulation (referred as "CAMO-T").

- B. The preferred option selected (if possible)

The selected option is Option 2.

83. **Sectors concerned**

Operators of aircraft registered in a third country established or residing in the Community.

84. **Impacts**

- i. Safety

Option 1: This option is expected to increase the level of safety by imposing third country registered aircraft to comply with the requirements of Part-M in addition to the State of Registry requirements.

Option 2: This option is expected to increase the level of safety by imposing operators of complex motor-powered aircraft the need to contract a CAMO-T, to declare the compliance of the aircraft with the State of Registry requirements and to contract a qualified maintenance organisation.

- ii. Economic

Option 1: This option is expected to increase significantly the regulatory compliance costs for operators of complex motor-powered aircraft registered in a third country established or residing in the Community, as they would need to contract a CAMO and Part-M Subpart-F or a Part-145 organisation which should also be acceptable to the State of Registry.

Option 2: This option is expected to increase moderately the regulatory compliance costs for operators of complex motor-powered aircraft registered in a third country established or residing in the Community, as they would need to contract a CAMO-T; however they will be not be required to contract a Part-M Subpart-F or Part-145

organisation and they will be allowed to contract a qualified maintenance organisation.

iii. Environmental

No impacts.

iv. Social

No impacts.

v. Other aviation requirements outside EASA scope

No impacts.

85. **Summary and final assessment**

Option 2 is the preferred option because it increases the level of safety while having a limited impact on economics.

B. Draft Opinion(s) and/or Decision(s)

The text of the amendment is arranged to show deleted text, new text or new paragraph as shown below:

1. deleted text is shown with a strike through: ~~deleted~~
2. new text is highlighted with grey shading: **new**
3. (...) indicates that remaining text is unchanged in front of or following the reflected amendment.

I. Draft Opinion (EC) No 2042/2003

86. Article 1 is replaced by the following:

Article 1
Objective and scope

This Regulation establishes:

1. Common technical requirements and administrative procedures for ensuring the continuing airworthiness of aircraft registered in a Member State, including any component installation therein, unless their regulatory safety oversight has been delegated to a third country and they are not used by a Community operator.
2. Common technical requirements and administrative procedures to ensure compliance with essential requirements set forth in the Basic Regulation for continuing airworthiness of:
 - a. aircraft registered in a third country and any component installation therein, used by an operator for which any Member State ensures oversight of operations, and,
 - b. aircraft registered in a third country and any component installation therein, used into, within or out of the Community by an operator established or residing in the Community.

Aircraft shall be registered in one of the Member States when:

- i. operated by an organisation approved in accordance with Part-OR Subpart-OPS;
- ii. operated by an organisation approved in accordance with Part-OR Subpart-ATO, hereinafter referred to as 'ATO', providing flight training inside the territory of the Member States.

87. Article 2 is amended as follows:

Within the scope of ~~the basic~~ **this** Regulation, the following definitions shall apply:

(...)

(n) "commercial air transport" means an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire.

(o) "local-CAT operator" means a commercial air transport operator which complies with all the following conditions:

- the operator is approved in accordance Part-OR Subpart-OPS;
- the aircraft listed in its operator's certificate are aircraft other than complex motor-powered aircraft; and
- the commercial air transport activity is limited to flights departing from and arriving to the same airport or authorised landing point.

88. Article 3 is amended as follows:

1. The continuing airworthiness of aircraft **referred to in article 1(1)** and components for installation therein shall be ensured in accordance with the provisions of Annex I.
2. Organisations and personnel involved in the continuing airworthiness of aircraft **referred to in article 1(1)** and components for installation therein, including

maintenance, shall comply with the provisions of Annex I and where appropriate those specified in Articles 4 and 5.

3. By derogation from paragraph 1, the continuing airworthiness of aircraft referred to in article 1(1) holding a permit to fly, shall be ensured on the basis of the specific continuing airworthiness arrangements as defined in the permit to fly issued in accordance with the Annex (Part-21) to Commission Regulation (EC) No 1702/2003.
4. For aircraft referred to in article 1(1) not used in commercial air transport, (...)
5. The continuing airworthiness of aircraft referred to in article 1(2) and components for installation therein shall be ensured in accordance with the provisions of Annex V.
6. Organisations and personnel involved in the continuing airworthiness of aircraft referred to in article 1(2), including maintenance, shall comply with the provisions of Annex V.

89. Article 4 is amended as follows:

1. Organisations involved in the maintenance of ~~large aircraft or of aircraft used for commercial air transport~~ aircraft referred to in article 1(1), and components intended for fitment ~~thereto~~ therein, shall be approved in accordance with the provisions of Annex I Subpart F or Annex II, as applicable.
(...)

Annex I (Part-M) to Regulation (EC) No 2042/2003 is amended as follows:

90. In M.1, paragraph 4 is replaced as follows:

4. for the approval of maintenance programmes,
 - (i) the authority designated by the Member State of registry, or
 - (ii) if agreed with the Member State of registry prior to the approval of the maintenance programme:
 - (a) the authority designated by the Member State of the operator, or
 - (b) the authority responsible for the oversight of the continuing airworthiness management organisation which is managing the continuing airworthiness of the aircraft.

91. In M.A.201 paragraphs (f), (g), (h), (i) and (j) are replaced as follows:

(f) In the case of complex motor-powered aircraft, in order to satisfy the responsibilities of paragraph (a) the owner of an aircraft shall ensure that the tasks associated with continuing airworthiness are performed by an approved continuing airworthiness management organisation. A written contract shall be made in accordance with Appendix I. In this case, the continuing airworthiness management organisation assumes responsibility for the proper accomplishment of these tasks

(g) Maintenance of complex motor-powered aircraft, aircraft used for commercial air transport and components thereof shall be carried out by a Part-145 approved maintenance organisation.

(h) Notwithstanding (g), maintenance of aircraft used by local-CAT operators, ELA 1 aircraft and balloons used for commercial air transport and components thereof may be carried out by a Part-M Subpart F approved maintenance organisation.

(i) In the case of commercial air transport the operator is responsible for the continuing airworthiness of the aircraft it operates and shall:

1. be approved, as part of the air operator certificate issued by the competent authority, pursuant to M.A. Subpart G for the aircraft it operates; and
2. be approved in accordance with Part-145 or contract such an organisation; and

3. ensure that paragraph (a) is satisfied.

(j) Notwithstanding (i)(1), for aircraft engaged in commercial air transport with an operator for which the State of Operator is not a Member State, the operator is responsible for the continuing airworthiness of the aircraft it operates and shall:

1. be appropriately approved, pursuant to M.A. Subpart G, for the management of the continuing airworthiness of the aircraft it operates, or
2. contract such an organisation.

(k) Notwithstanding (i), in the case of a local-CAT operator or operator engaged in commercial air transport with ELA 1 aircraft or balloons, the operator is responsible for the continuing airworthiness of the aircraft it operates and shall:

1. be appropriately approved, pursuant to M.A. Subpart G, for the management of the continuing airworthiness of the aircraft it operates or contract such an organisation; and
2. be appropriately approved in accordance with M.A. Subpart F or Part-145, or contract such organisations.
3. ensure that paragraph (a) is satisfied.

(l) In case of commercial operations, other than commercial air transport, the operator shall:

1. be appropriately approved, pursuant to M.A. Subpart G, for the management of the continuing airworthiness of the aircraft it operates or contract such an organisation;
2. be appropriately approved in accordance with M.A. Subpart F or Part-145, or contract such organisations; and
3. ensure that paragraph (a) is satisfied.

(m) The owner/operator is responsible for granting the competent authority access to the organisation and aircraft to determine continued compliance with this Part.

92. In M.A.301, paragraphs (2), (4) and (7) are amended as follows:

2. the rectification to an officially recognised standard of any defect and damage affecting safe operation taking into account, for all complex motor-powered aircraft ~~large aircraft~~ or aircraft used for commercial operations ~~air transport~~, the minimum equipment list and configuration deviation list if applicable to the aircraft type;

(...)

4. for all complex motor-powered aircraft ~~large aircraft~~ or aircraft used for commercial air transport, except in the case of a local-CAT operator, ELA1 aircraft and balloons, the analysis of the effectiveness of the M.A.302 approved maintenance programme;

(...)

7. for non-mandatory modifications and/or inspections, for all complex motor-powered aircraft ~~large aircraft~~ or aircraft used for commercial air transport, except in the case of a local-CAT operator, ELA1 aircraft and balloons, the establishment of an embodiment policy;

93. In M.A.302, paragraph (c)(ii) is amended as follows:

(ii) The continuing airworthiness management organisation shall not use the indirect approval procedure when this organisation is not under the oversight of the Member State of Registry, unless an agreement exists in accordance with point M.1, paragraph 4(ii) ~~or 4(iii)~~, as applicable, transferring the responsibility for the approval of the aircraft maintenance programme to the competent authority responsible for the continuing airworthiness management organisation

94. In M.A.302, paragraph (f) is amended as follows:

(f) For complex motor-powered aircraft ~~large aircraft~~, when the maintenance programme is based on maintenance steering group logic or on condition

monitoring, the aircraft maintenance programme shall include a reliability programme.

95. In M.A.302, paragraph (h) is added as follows:

(h) For commercial air transport, except in the case of a local-CAT operator, ELA1 aircraft and balloons, the design and application of the operator's maintenance programme shall observe Human Factors principles.

96. In M.A.305, point (b)(2) is amended as follows:

2. when required in point M.A.306 for commercial air transport or by the Member State for commercial operations other than commercial air transport, the operator's technical log.

97. In M.A.306, point (a) is amended as follows:

(a) ~~In the case of~~ For commercial air transport, except in the case of aircraft referred to in M.A.201 (k), in addition to the requirements of M.A.305, an operator shall use an aircraft technical log system containing the following information for each aircraft:

(...)

98. In M.A.504, paragraph (b) is amended as follows:

(b) Unserviceable components shall be identified and stored in a secure location under the control of an approved maintenance organisation until a decision is made on the future status of such component. Nevertheless, for aircraft not used in commercial air transport other than complex motor-powered aircraft ~~large aircraft~~, the person or organisation that declared the component unserviceable may transfer its custody, after identifying it as unserviceable, to the aircraft owner provided that such transfer is reflected in the aircraft logbook or engine logbook or component logbook.

99. M.A.601 is amended as follows:

This Subpart establishes the requirements to be met by an organisation to qualify for the issue or continuation of an approval for the maintenance of aircraft and components ~~not~~ listed in point M.A.201(g), as established in M.A.201.

100. In M.A.703, paragraph (b) is deleted and paragraph (c) is renumbered as follows:

~~(b) Notwithstanding paragraph (a), for commercial air transport, the approval shall be part of the air operator certificate issued by the competent authority, for the aircraft operated.~~

~~(c)~~(b) The scope of work deemed to constitute the approval shall be specified in the continuing airworthiness management exposition in accordance with point M.A.704.

101. Point M.A. 704 (a) (9) is replaced as follows:

9. For aircraft involved in commercial air transport, except aircraft referred to in M.A.201 (j) and M.A.201 (k), the list of approved aircraft maintenance programmes.

10. For aircraft not involved in commercial air transport and aircraft referred to in M.A.201 (j) and M.A.201 (k), the list of "generic" and "baseline" maintenance programmes.

102. In M.A.706, paragraphs (b), (d) and (k) are amended as follows:

(b) For commercial air transport, except aircraft referred to in M.A.201 (j) and M.A.201 (k), the paragraph (a) accountable manager shall be the person who also has corporate authority for ensuring that all the operations of the operator can be financed and carried out to the standard required for the issue of an air operator's certificate.

- (d) ~~For commercial air transport,~~ The accountable manager referred to in paragraph (b) shall designate a nominated post holder. This person shall be responsible for the management and supervision of continuing airworthiness activities, pursuant to paragraph (c).
- (k) For all ~~large~~ complex motor-powered aircraft and for aircraft used for commercial air transport the organisation shall establish and control the competence of personnel involved in the continuing airworthiness management, airworthiness review and/or quality audits in accordance with a procedure and to a standard agreed by the competent authority;

103. In M.A.707 (a), a new paragraph 3 is added as follows:

- (a) (...)
 - 1. (...)
 - 2. (...)
 - 3. Notwithstanding paragraph 1, aircraft of 2730 kg MTOM and below used by local-CAT operators and all ELA1 aircraft, the staff shall comply with the provisions of paragraph 2.

104. In M.A.708 paragraph (b)(2) is amended as follows:

- 2. present the aircraft maintenance programme and its amendments to the competent authority for approval, unless covered by an indirect approval procedure in accordance with point M.A.302(c), and provide a copy of the programme to the owner of aircraft ~~not involved in commercial air transport,~~

105. In M.A.708 paragraph (c) is amended as follows:

- (c) ~~In the case of~~ For commercial operations air transport, when the operator is not appropriately approved to Part-145 or Part-M.A. Subpart F, the operator shall establish a written maintenance contract between the operator and a Part-145 or Part-M.A. Subpart F approved organisation or another operator, detailing the functions specified under M.A.301-2, M.A.301-3, M.A.301-5 and M.A.301-6, ensuring that all maintenance is ultimately carried out by a Part-145 or Part-M.A. Subpart F approved maintenance organisation and defining the support of the quality functions of M.A.712(b). The aircraft base, scheduled line maintenance and engine maintenance contracts, together with all amendments, shall be approved by the competent authority. However, in the case of:
 - 1. an aircraft requiring unscheduled line maintenance, the contract may be in the form of individual work orders addressed to the Part-145 or Part-M.A. Subpart F maintenance organisation.
 - 2. component maintenance, including engine maintenance, the contract as referred to in paragraph (c) may be in the form of individual work orders addressed to the Part-145 or Part-M.A. Subpart F maintenance organisation.
 (...)

106. In M.A.709 paragraph (b) is amended as follows:

- (b) For aircraft not involved in commercial air transport and aircraft referred to in M.A.201 (j) and M.A.201 (k), the approved continuing airworthiness management organisation may develop "baseline" and/or "generic" maintenance programmes in order to allow for the initial approval and/or the extension of the scope of an approval without having the contracts referred to in Appendix I to this Annex (Part-M). These "baseline" and/or "generic" maintenance programmes however do not preclude the need to establish an adequate Aircraft Maintenance Programme in compliance with point M.A.302 in due time before exercising the privileges referred to in point M.A.711.

107. In M.A.711 paragraph (a) is amended as follows:

- (a) A continuing airworthiness management organisation approved in accordance with Section A, Subpart G of this Annex (Part-M) may:
1. manage the continuing airworthiness of aircraft referred to in article 1(1) of this regulation, except those involved in commercial air transport, as listed on the approval certificate."/;
 - ~~2. manage the continuing airworthiness of commercial air transport aircraft when listed both on its approval certificate and on its Air Operator Certificate (AOC);~~
 - 3.2 arrange to carry out limited continuing airworthiness tasks with any contracted organisation, working under its quality system, as listed on the approval certificate;
 - 4.3 extend, under the conditions of point M.A.901(f), an airworthiness review certificate that has been issued by the competent authority or by another continuing airworthiness management organisation approved in accordance with Section A, Subpart G of this Annex (Part-M);

108. In M.A.712 paragraphs (e) and (f) are replaced as follows:

- (e) In case of commercial air transport, except for operators referred to in M.A.201 (j) and M.A.201 (k), the M.A. Subpart G quality system shall be an integral part of the operator's management system.
- (f) In the case of a small continuing airworthiness management organisation, the quality system may be replaced by regular organisational reviews subject to the approval of the competent authority, provided that:
- i. the organisation does not manage the continuing airworthiness of aircraft used in commercial air transport other than aircraft referred to in M.A.201 (k), and
 - ii. the organisation does not issue airworthiness review certificates for aircraft above 2730 kg MTOM other than balloons.

In the case where there is no quality system, the organisation shall not contract continuing airworthiness management tasks to other parties.

109. In M.A.801 paragraph (c) is amended as follows:

- (c) By derogation from point M.A.801(b)2 for ELA1 aircraft not used in commercial operations ~~air transport~~, aircraft complex maintenance tasks listed in Appendix VII may be released by certifying staff referred to in point M.A.801(b)2;

110. In M.A.803 paragraph (b) is amended as follows:

- (b) For any ~~privately operated~~ non-complex motor-powered aircraft of 2730 kg MTOM and below, sailplane, powered sailplane or balloon, that are not involved in commercial operations the Pilot-owner may issue a certificate of release to service after limited Pilot-owner maintenance as specified in Appendix VIII.

111. M.A.901 paragraph is amended as follows:

- (a) (...)
- (b) (...)
- (c) For all aircraft used in commercial air transport, and aircraft above 2730 kg MTOM, ~~except balloons~~, that are in a controlled environment, the organisation referred to in (b) managing the continuing airworthiness of the aircraft may, if appropriately approved, and subject to compliance with paragraph ~~(k)~~ (l):
1. issue an airworthiness review certificate in accordance with point M.A.710, and;
 2. for the airworthiness review certificates it has issued, when the aircraft has remained within a controlled environment, extend twice the validity of the airworthiness review certificate for a period of one year each time;

- (d) For all aircraft used in commercial air transport and aircraft above 2730 kg MTOM, ~~except balloons, that~~
- (i) ~~that~~ are not in a controlled environment, or
 - (ii) ~~which~~ ~~whose~~ continuing airworthiness is managed by a continuing airworthiness management organisation that does not hold the privilege to carry out airworthiness reviews,
- the airworthiness review certificate shall be issued by the competent authority upon satisfactory assessment based on a recommendation made by a continuing airworthiness management organisation appropriately approved in accordance with Section A, Subpart G of this Annex (Part-M) sent together with the application from the owner or operator. This recommendation shall be based on an airworthiness review carried out in accordance with point M.A.710;
- (e) For aircraft not used in commercial air transport of 2730 kg MTOM and below, ~~and balloons,~~ any continuing airworthiness management organisation approved in accordance with Section A, Subpart G of this Annex (Part-M) and appointed by the owner or operator may, if appropriately approved and subject to paragraph ~~(k)~~ **(l)**:
1. issue the airworthiness review certificate in accordance with point M.A.710, and
 2. for airworthiness review certificates it has issued, when the aircraft has remained within a controlled environment under its management, extend twice the validity of the airworthiness review certificate for a period of one year each time;
- (f) By derogation from points M.A.901(c)2, ~~and~~ M.A.901(e)2, ~~and~~ M.A.901(j)2 for aircraft that are in a controlled environment, the organisation referred to in (b) managing the continuing airworthiness of the aircraft, subject to compliance with paragraph (k), may extend twice for a period of one year each time the validity of an airworthiness review certificate that has been issued by the competent authority or by another continuing airworthiness management organisation approved in accordance with Section A, Subpart G of this Annex (Part-M);
- (g) By derogation from points M.A.901(e), ~~and~~ M.A.901(i)2 ~~and~~ M.A.901(j) for ELA1 aircraft not used in commercial ~~operations~~ ~~air transport and not affected by point M.A.201(i)~~, the airworthiness review certificate may also be issued by the competent authority upon satisfactory assessment, based on a recommendation made by certifying staff formally approved by the competent authority and complying with provisions of Annex III (Part-66) as well as requirements laid down in point M.A.707(a)2(a), sent together with the application from the owner or operator. This recommendation shall be based on an airworthiness review carried out in accordance with point M.A.710 and shall not be issued for more than two consecutive years;
- (h) (...)
- (i) (...)
- (j) Notwithstanding paragraph (c) and (d), for aircraft of 2730 kg MTOM and below used by local-CAT operators, for all ELA1 aircraft and for all balloons, any continuing airworthiness management organisation approved in accordance with Section A, Subpart G of this Annex (Part-M) and appointed by the owner or operator may, if appropriately approved and subject to paragraph (k):
1. issue the airworthiness review certificate in accordance with point M.A.710, and
 2. for airworthiness review certificates it has issued, when the aircraft has remained within a controlled environment under its management, extend twice the validity of the airworthiness review certificate for a period of one year each time.
- ~~(j)~~ **(k)** (...)
- ~~(k)~~ **(l)** (...)

112. Paragraph M.B.105 is amended as follows:

- (a) In order to contribute to the improvement of air safety, the competent authorities shall participate in a mutual exchange of all necessary information in accordance with Article ~~11~~ 15 of the Basic Regulation.

113. Paragraph M.B.701 is replaced as follows:

- (a) Applicants for an initial approval in accordance with Part-OR Subpart-OPS, and where applicable for any variation, shall provide the competent authority with:
- i. the aircraft maintenance programme,
 - ii. the aircraft tech log, if applicable,
 - iii. where appropriate the technical specification of the maintenance contracts between the operator and an approved maintenance organisation pursuant to M.A. Subpart F or Part-145,
 - iv. for commercial air transport, except aircraft referred to in M.A.201 (j) and M.A.201(k), the continuing airworthiness management exposition,
 - v. for operators referred to in M.A.201(j) and M.A.201 (k), and commercial operations other than commercial air transport the technical specification of the contracts between the operator and the approved continuing airworthiness management organisation.
- (b) Applicants for an initial approval in accordance with Part-OR Subpart-ATO, and where applicable for any variation, shall provide the competent authority with:
- i. the aircraft maintenance programme,
 - ii. if applicable, the technical specification of the maintenance contracts between the ATO and an approved maintenance organisation pursuant to M.A. Subpart F or Part-145, and,
 - iii. if applicable, the technical specification of the contracts between the ATO and the approved continuing airworthiness management organisation.

114. In M.B.703 paragraph (d) is amended as follows:

- (d) In the case of commercial air transport, except for aircraft referred to in M.A.201(j) and M.A.201(k), the information contained on an EASA Form 14 will be included on the air operator's certificate.

115. In M.B.902 paragraph (b) is amended as follows:

- (b) The competent authority shall have appropriate airworthiness review staff to carry out the airworthiness reviews.
1. For ~~all~~ aircraft used in commercial air transport, and aircraft above 2730 kg MTOM, except balloons, these staff shall have acquired:
 - (...)
 2. (...)
 3. Notwithstanding paragraph 1, aircraft of 2730 kg MTOM and below used by local-CAT operators and ELA1 aircraft, the staff shall comply with the provisions of paragraph 2.

116. Appendix I paragraph is amended as follows:

(...)

The owner entrusts to the approved organisation the management of the continuing airworthiness of the aircraft, the development of a maintenance programme that shall be approved by the ~~airworthiness authorities~~ competent authority of the Member State where the aircraft is registered, and the organisation of the maintenance of the aircraft according to said maintenance programme in an approved organisation.

117. Appendix VI page 1 is amended as follows:

Appendix VI

Continuing Airworthiness Management Organisation Approval referred to in Annex I (Part-M) Subpart G.

[MEMBER STATE*]

A Member of the European Union **

**CONTINUING AIRWORTHINESS MANAGEMENT ORGANISATION APPROVAL
CERTIFICATE**

Reference: [MEMBER STATE CODE *].MG.XXXX (ref. AOC XX.XXXX)

Pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council and to Commission Regulation (EC) No 2042/2003 for the time being in force and subject to the condition specified below, the [COMPETENT AUTHORITY OF THE MEMBER STATE *] hereby certifies:

[COMPANY NAME AND ADDRESS]

as a continuing airworthiness management organisation in compliance with Section A, Subpart G of Annex I (Part-M) of Regulation (EC) No 2042/2003, approved to manage the continuing airworthiness of the aircraft listed in the attached schedule of approval and, when stipulated, to issue recommendations and airworthiness review certificates after an airworthiness review as specified in point M.A.710 of Annex I (Part-M), and, when stipulated, to issue permits to fly as specified in point M.A.711(c) of Annex I (Part-M) of the same regulation.

CONDITIONS

1. This approval is limited to that specified in the scope of approval section of the approved continuing airworthiness management exposition as referred to in Section A, Subpart G of Annex I (Part-M) of Regulation (EC) No 2042/2003.
2. This approval requires compliance with the procedures specified in the Annex I (Part-M), and if applicable Annex V (Part-T) to Regulation (EC) No 2042/2003 approved continuing airworthiness management exposition,
3. This approval is valid whilst the approved continuing airworthiness management organisation remains in compliance with Annex I (Part-M) and, if applicable, Annex V (Part-T) to Regulation (EC) No 2042/2003.
4. Where the continuing airworthiness management organisation contracts under its Quality System the service of an/several organisation(s), this approval remains valid subject to such organisation(s) fulfilling applicable contractual obligations.
5. Subject to compliance with the conditions 1 to 4 above, this approval shall remain valid for an unlimited duration unless the approval has previously been surrendered, superseded, suspended or revoked.

If this form is also used for commercial air transport operators other than operators referred to in M.A.201 (j) and M.A. 201 (k) AOC holders, the AOC number shall be added to the reference, in addition to the standard number, and the condition 5 shall be replaced by the following extra conditions:

6. This approval does not constitute an authorisation to operate the types of aircraft referred in paragraph 1. The authorisation to operate the aircraft is the Air Operator Certificate (AOC).
7. Termination, suspension or revocation of the AOC automatically invalidates the present approval in relation to the aircraft registrations specified in the AOC, unless otherwise explicitly stated by the competent authority.

8. Subject to compliance with the previous conditions, this approval shall remain valid for an unlimited duration unless the approval has previously been surrendered, superseded, suspended or revoked.

Date of original issue:

Signed:

Date of this revision:Revision No:

For the Competent Authority: [COMPETENT AUTHORITY OF THE MEMBER STATE *]

Page ... of

(...)

EASA Form 14 Issue 4

Annex V (Part-T) to Regulation (EC) No 2042/2003 is added as follows:

118. Annex V is added as follows:

Annex V

PART-T

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T.1 Competent Authority

For the purpose of this Annex, the Competent Authority shall be:

1. For aircraft referred to in T.A.101 (i) the authority that has issued the approval pursuant to Part-OR Subpart-OPS to the Community operator
2. For aircraft referred to in T.A.101 (ii) the authority designated by the Member State where the operator resides or is established.
3. For aircraft referred to in T.A.101 (iii) the authority that has issued the approval pursuant to Part-OR Subpart-ATO.
4. For the oversight of a continuing airworthiness management organisation as specified in T.A. Subpart G
 - (i) the authority designated by the Member State where that organisation has its principle place of business, or
 - (ii) the Agency if the organisation is located in a third country.

SECTION A – TECHNICAL REQUIREMENTS**Subpart A: General****T.A.101 Scope**

This Annex establishes the standards and technical requirements to be complied with, in order to ensure that continuing airworthiness is maintained in compliance with the essential requirements of Annex IV to Regulation (EC) No 216/2008, by:

- i. aircraft registered in a third country and subject to a wet lease-in agreement or code-share agreement with a Community operator
- ii. aircraft registered in a third country and used into, within or out of the Community by an operator established or residing in the Community
- iii. aircraft registered in a third country and operated by an ATO to provide flight training outside the territory of the EU.

It also specifies the conditions to be met by the persons and organisations responsible for the management of the continuing airworthiness and maintenance of such aircraft.

T.A.102 Definitions

Within the scope of this Part-T, the following definitions shall apply:

(a) "Code share" means an arrangement between commercial air transport operators under which an operator places its designator code on a flight operated by another operator, and sells and issues tickets for that flight.

(b) "Wet lease agreement" means an agreement between commercial air transport operators where the aircraft is operated under the Air Operator Certificate of the lessor.

(c) "operating organisation" means the lessor in case of a wet lease-in agreement or the operator that actually operates the flight in case of a code-share agreement.

Subpart B: Requirements

T.A.201 Common requirements

1. The aircraft shall not be operated unless:
 - a. The aircraft is in an airworthy condition.
 - b. The operational and emergency equipment necessary for the intended flight is serviceable.
 - c. The aircraft holds a valid certificate of airworthiness issued in accordance with ICAO Annex 8.
 - d. The maintenance of the aircraft is performed in accordance with a maintenance programme which shall comply with the requirements of Subpart C.
 - e. Any defect or damage affecting safe operation of the aircraft is rectified to a standard acceptable to the State of Registry.
 - f. It complies with any applicable:
 - (i) airworthiness directive adopted or mandated by the State of Registry,
 - (ii) operational mandatory information, issued or adopted by the State of Operator,
 - (iii) continued airworthiness requirement established by the State of Registry.
2. The aircraft shall be inspected, through a pre-flight inspection, before each flight, to determine whether it is fit for the intended flight.
3. All modifications and repairs shall comply with airworthiness requirements established by the State of Registry.
4. The following aircraft records shall be kept until the information contained has been superseded by new information equivalent in scope and detail but not less than 24 months:

- a. The total time in service (hours, cycles and calendar time, as appropriate) of the aircraft and all life-limited parts;
 - b. The time in service (hours, cycles and calendar time, as appropriate) since the last overhaul of the aircraft or its components subject to a mandatory overhaul limit;
 - c. Current status of compliance with all mandatory continuing airworthiness information developed or adopted by the State of Registry;
 - d. Current status of compliance with the maintenance programme;
 - e. Appropriate details and substantiating data of all modifications and repairs.
5. A release to service shall be issued to the aircraft after maintenance. The signed release to service shall contain, in particular, the basic details of the maintenance carried out.

T.A.210: Additional requirements for aircraft registered in a third country and subject to a wet lease-in agreement or code-share agreement with a Community operator.

To obtain the approval, as established in Part-OR, Subpart OPS, for the wet lease-in of an aircraft registered in a third country, or for a code-share agreement of an aircraft registered in a third country, a Community operator shall demonstrate to its competent authority that the operating organisation complies with the requirements of T.A.201 and in addition:

1. The aircraft conforms to a type-certificate issued in accordance with ICAO Annex 8.
2. The aircraft maintenance programme required pursuant to T.A.201 point (1) (d) has been approved by the State of Registry.
3. Aircraft maintenance is performed by a qualified maintenance organisation complying with the requirements of Subpart E.
4. The operating organisation holds an Air Operator Certificate in compliance with ICAO Annex 6.
5. The operating organisation has all the means necessary to ensure that the requirements of this Subpart are complied with, such as: facilities, personnel, equipment, tools and material, documentation of tasks, relevant data and provisions for record-keeping.
6. The operating organisation has established an occurrence reporting system in order to contribute to the aim of continuous improvement of the safety of products.
7. The operating organisation has implemented and maintains a management system in compliance with Subpart F to ensure it continuously complies with the applicable requirements of this part.
8. The operating organisation has established a manual for the use and guidance of personnel involved in the management of the continuing airworthiness. The manual contains a description of all continuing airworthiness procedures including when applicable:
 - a. A description of the arrangement between the operating organisation and the qualified maintenance organisation.
 - b. A description of the procedures established by the operating organisation to ensure its responsibilities are complied with.
 - c. Lines of responsibility throughout the operating organisation, specifying the names and duties of the persons responsible in the operating organisation.

- d. A description of aircraft types and models to which the manual applies.
- e. A reference to the aircraft maintenance programme and procedures to monitor the performance and efficiency of the maintenance programme including changes to correct any deficiency in that programme.
- f. A description of the methods used for the completion and retention of the maintenance records required.
- g. A description of the procedures for complying with the requirements of the occurrence reporting system.

T.A.220: Additional requirements for 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, complex motor-powered aircraft registered in a third country and operated by an ATO to provide training outside the territory of the EU, and aircraft registered in a third country and operated by an ATO to provide training outside the territory of the EU for commercial purposes.

1. The aircraft shall have a type-certificate issued or validated by the Agency.
2. The aircraft maintenance programme required pursuant to T.A.201 point 1 (d) shall comply with the requirements established by the State of Registry.
3. The operator shall:
 - a. ensure that the requirements of T.A.201 are complied with.
 - b. declare to the competent authority its capability and means to comply with the applicable requirements specified in this part prior to commencing operations. A declaration shall be made using the form contained in Appendix II to this Part.
 - c. notify the competent authority of any changes affecting its activity and its declaration through submission of an amended declaration.
 - d. ensure that the tasks specified in T.A.201 paragraph (1), (4) and (5) associated with continuing airworthiness are performed by a continuing airworthiness management organisation approved in accordance with Part-M Subpart G for the aircraft type and compliant with the additional requirements of Subpart G. For this purpose a contract shall be made in accordance with Appendix I to this Part.
 - e. ensure that the aircraft is maintained by a qualified maintenance organisation pursuant to Subpart E, acceptable to the State of Registry. For this purpose a contract shall be established between the operator and the qualified maintenance organisation
 - f. submit to the competent authority the declaration together with a copy of the contracts required by (d) and (e). Operations shall not commence before an acknowledgement of receipt from the competent authority has been received.
4. For complex motor-powered aircraft registered in a third country and operated by an ATO to provide training outside the territory of the EU, and aircraft registered in a third country and operated by an ATO to provide training outside the territory of the EU for commercial purposes, the certificate of airworthiness required by T.A.201 point 1 (c) shall have been issued by the country where the flight training takes place.

T.A.230 Additional requirements for aircraft other than 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.

1. The operator shall ensure that the requirements of T.A.201 are complied with.
2. The aircraft shall have a type-certificate issued or validated by the Agency.
3. The aircraft maintenance programme required pursuant to T.A.201 point 1 (d) shall comply with the requirements established by the State of Registry.
4. Aircraft maintenance shall be performed by a qualified maintenance organisation pursuant to Subpart E or by a person holding a license issued in accordance with ICAO Annex 1, as acceptable to the State of Registry.

Subpart C: Maintenance programme

T.A.301 Contents of the maintenance programme

1. The maintenance programme shall be based on maintenance programme information made available by the organisation responsible for the type design.
2. The maintenance programme shall contain maintenance tasks and the intervals at which such tasks are to be performed; taking into account the anticipated use of the aircraft. In particular, the maintenance programme shall identify the tasks and intervals that have been specified as mandatory in the instructions for continued airworthiness.

T.A.302 Amendment of the maintenance programme

1. The operating organisation in the case of aircraft referred to in T.A.101 (i), or the operator in the case of aircraft referred to in T.A.101 (ii) and T.A.101 (iii) is responsible for the development of the maintenance programme and its compliance with the State of Registry requirements.
2. The maintenance programme shall be amended as required by the State of Registry.

Subpart D (Reserved)**Subpart E: Qualified maintenance organisation****T.A.501 Qualified maintenance organisation**

A qualified maintenance organisation shall comply with the following requirements:

- a. The organisation shall hold a maintenance organisation approval issued by an ICAO contracting State.
- b. The organisation shall have all means necessary for the scope of work, such as: facilities, personnel, equipment, tools and material, documentation of tasks, responsibilities and procedures, access to relevant data and record-keeping.
- c. The organisation shall establish an occurrence reporting system in order to contribute to the aim of continuous improvement of the safety of products.
- d. The organisation shall establish an organisation's manual in accordance with T.A.502. The organisation's personnel shall have access to the applicable parts of the manual.
- e. The organisation shall implement and maintain a management system in accordance with Subpart F to ensure that it continuously complies with the applicable requirements of this Part.
- f. The organisation shall establish arrangements with other relevant organisations, as necessary, to ensure the maintenance performed to the aircraft complies with the requirements of this Part.

T.A. 502 Maintenance organisation's manual

1. The maintenance organisation shall provide for the use of the maintenance personnel a procedures manual containing the following information:
 - a) a general description of the scope of work authorised;
 - b) a description of the organisation's procedures and quality or inspection system;
 - c) a general description of the organisation's facilities;
 - d) lines of responsibility throughout the organisation, specifying the names and duties of the persons responsible in the organisation;
 - e) a description of the procedures used to establish the competence of maintenance personnel;
 - f) a description of the method used for the completion and retention of the maintenance records;
 - g) a description of the procedures for preparing the maintenance release and the circumstances under which the release is to be signed;
 - h) the personnel authorised to sign the maintenance release and the scope of their authorisation;
 - i) when applicable, a description of the additional procedures for complying with an operator's maintenance procedures and requirements;
 - j) a description of the procedures for complying with the occurrence information reporting system requirements T.A.501 (b)(2);
 - k) a description of the procedure for receiving, assessing, amending and distributing within the maintenance organisation all necessary instructions for continued airworthiness from the type-certificate holder or type design organisation.

2. The organisation shall ensure that the procedures manual is amended as necessary to keep the information contained therein up to date.

Subpart F: Management system

T.A.601 Management system

- (a) Operating organisations and qualified maintenance organisations shall establish and maintain a management system that includes:
- (1) clearly defined lines of responsibility throughout the organisation;
 - (2) a description of the overall philosophies and principles of the organisation with regard to safety, referred to as the safety policy;
 - (3) the identification of aviation safety hazards involving the activities of the organisation, their evaluation and the proactive and reactive management of associated risks, including taking effective actions to mitigate the risk;
 - (4) personnel trained and competent to perform their tasks;
 - (5) documentation of all management system key processes, including a process for making personnel aware of their responsibilities and an amendment procedure;
 - (6) a function to monitor compliance of the organisation with the relevant requirements.
- (b) The management system shall correspond to the size, nature and complexity of the activities, taking into account the hazards and associated risks inherent in these activities.

Subpart G: Additional requirements for continuing airworthiness management organisations approved pursuant to Annex I (Part-M) Subpart G

T.A.701 Scope

This Subpart establishes the requirements to be met in addition to the requirements of Part-M Subpart G by an organisation approved in accordance with Part-M Subpart G to manage the continuing airworthiness of:

- o 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,
- o complex motor-powered aircraft registered in a third country and operated by an ATO to provide training outside the territory of the EU, and,
- o aircraft registered in a third country and operated by an ATO to provide training outside the territory of the EU for commercial purposes.

T.A. 704 Continuing airworthiness management exposition

In addition to the requirements of M.A.704 (a) the exposition shall contain procedures specifying how the continuing airworthiness management organisation ensures compliance with this Subpart G.

T.A.708 Continuing airworthiness management

Notwithstanding M.A.708, for every aircraft managed following the requirements of Part-T, the approved continuing airworthiness management organisation shall:

1. ensure that all maintenance is carried out in accordance with the maintenance programme referred to in T.A.220 (2), and that the aircraft is released to service by an organisation in accordance with T.A.220 (3)(e);
2. ensure that all applicable airworthiness directives as mandated by the State of Registry are applied;
3. ensure that any operational mandatory information, issued or adopted by the State of Operator is applied;
4. ensure that all defects discovered during scheduled maintenance or reported are corrected by an appropriately approved maintenance organisation, in accordance with maintenance data acceptable to the State of Registry;
5. ensure that the aircraft is taken to a Subpart E qualified maintenance organisation whenever necessary;
6. coordinate scheduled maintenance, the application of airworthiness directives, the replacement of service life-limited parts, and component inspection to ensure the work is carried out properly;
7. manage and archive the continuing airworthiness records required by T.A.201 (4).

T.A 709 Documentation

By derogation from M.A.709 (a) and (b), for every aircraft managed following the requirements of Part-T the approved continuing airworthiness management organisation shall hold and use applicable maintenance data acceptable to the State of Registry. This data may be provided by the operator, which shall be reflected in the contract specified in T.A.220 (3)(d). In such a case, the continuing airworthiness management organisation only needs to keep such data for the duration of the contract, except when required by point M.A.714.

T.A.711 Privileges

A continuing airworthiness management organisation approved in accordance with Part-M, Subpart G may perform the tasks specified in T.A.708 for the aircraft referred to in T.A.701 provided that:

1. the continuing airworthiness management organisation has established procedures, approved by the Competent Authority, to ensure compliance with Part-T; and,
2. a contract is made in accordance with Appendix I between the operator and the continuing airworthiness management organisation.

T.A.712 Quality system

1. In addition to the requirements of M.A.712, the continuing airworthiness management organisation shall ensure that the quality system monitors that all activities under this Subpart are performed in accordance with the approved procedures.
2. An organisation managing the continuing airworthiness of aircraft referred to in T.A.701 is not eligible for using the provisions of M.A.712 (f).

T.A.714 Record-keeping

1. In addition to the requirements of M.A.714 (a) the organisation shall keep the records required by T.A.201 (4).

T.A.715 Continued validity of approval

In addition to the conditions of M.A.715(a) for an organisation managing the aircraft referred to in T.A.701 the approval shall remain valid subject to:

- a. the organisation complying with the applicable requirements of Part-T, and
- b. the competent authority being granted access to the organisation and aircraft to determine continued compliance with Part-T.

T.A.716 Findings

1. In addition to M.A.716 (a), a level 1 finding is any significant non-compliance with Part-T requirements which lowers the safety standard and hazards seriously the flight safety.
2. In addition to M.A.716 (b), a level 2 finding is any non-compliance with the Part-T requirements which could lower the safety standard and possibly hazard the flight safety.

SECTION B – ADDITIONAL PROCEDURES FOR COMPETENT AUTHORITIES

Subpart A – General

T.B.101 Scope

This Section establishes the administrative requirements to be followed by the competent authorities in charge of the application and the enforcement of Section A of this Part-T.

T.B.102 Competent authority

(a) General

A Member State shall designate a competent authority with allocated responsibilities as referred to in T.1. This competent authority shall establish documented procedures and an organisational structure.

(b) Resources

The number of staff shall be appropriate to carry out the requirements as detailed in this Section B.

(c) Qualification and training

All staff involved in Part-T activities shall comply with the requirement of M.B.102 (c).

(d) Procedures

In addition to the requirements of M.B.102 (d) the competent authority shall establish procedures detailing how compliance with this Part is accomplished.

T.B.103 Acceptable means of compliance

The Agency shall develop acceptable means of compliance Member States may use to establish compliance with this Part. When the acceptable means of compliance are complied with, the related requirements of this Part shall be considered as met.

T.B.104 Record-keeping

(a) The requirements of M.B.104 (a), (b), (c) and (e) are applicable to this Part-T.

(b) The minimum records for the oversight of each aircraft shall include, at least, a copy of:

- i. the aircraft's certificate of airworthiness,
- ii. all relevant correspondence relating to the aircraft,
- iii. details of any exemption and enforcement action(s),
- iv. the declaration required by T.A.220 (3) (b);
- v. the contracts required by T.A.220 (3) (d) and (e),

(c) All records specified in M.B.104 shall be made available, upon request, to another Member State, the Agency or the State of Registry.

T.B.105 Mutual exchange of information

(a) The requirements of M.B.105 are applicable to this Part-T.

Subpart B – Accountability

T.B.201 Responsibilities

The competent authorities as specified in T.1 are responsible for conducting inspections and investigations in order to verify that the requirements of this Part-T are complied with.

Subpart G: Additional requirements for continuing airworthiness management organisations approved pursuant to Annex I (Part-M) Subpart G

T.B.701 Application

Applicants for an initial approval in accordance with Part-OR Subpart-ATO using aircraft registered in a third country, and where applicable any variation, shall provide the competent authority with:

1. the aircraft certificate of airworthiness required pursuant to T.A.201 point 1 (c),
2. the aircraft maintenance programme required pursuant to T.A.201 point 1 (d),
3. if applicable, the technical specification of the contract between the ATO and the approved continuing airworthiness management organisation,
4. if applicable the technical specification of the contract between the ATO and the qualified maintenance organisation,
5. if applicable the declaration required by T.A.220 (3)(a).

T.B.702 Initial approval

In addition to the requirements of M.B.702, when the organisation's continuing airworthiness management exposition contains procedures to manage the continuing airworthiness of aircraft referred to in T.A.101(ii), the competent authority shall establish that those procedures comply with Part-T and it shall verify that that the organisation complies with Part-T requirements.

T.B.704 Continuing Oversight

In addition to the requirements of M.B.704 the competent authority shall ensure that the relevant sample of the aircraft managed by the approved organisation includes aircraft referred to in T.A.101 (ii)

T.B.705 Findings

In addition to the requirements of M.B.705, for organisations managing the continuing airworthiness of aircraft referred to in T.A.701 the competent authority shall also take actions when during audits, ramp inspections or by other means evidence is found showing non-compliance with the Part-T requirements.

T.B.903 Findings

In addition to the requirements of M.B.903, the competent authority shall also take actions against the aircraft referred to in T.A.101 if non-compliance to Part-T requirements is identified, including taking measures as necessary, such as the grounding of aircraft, to prevent the continuation of an infringement.

Appendix I to Part-T: Continuing Airworthiness management contract

1. The contract shall be developed taking into account the requirements of Part-T and those mandated by the State of Registry.

3. It shall contain, as a minimum, the:

- Aircraft registration and State of Registry,
- Aircraft manufacturer/Type/Model,
- Aircraft serial number,
- Aircraft operator contact details,
- Continuing airworthiness management organisation name, address and approval reference,
- State of Registry's regulation applicable to the aircraft.

4. It shall state the following:

The operator is responsible to ensure that the aircraft holds an aircraft maintenance programme acceptable to the State of Registry.

The operator entrusts to the approved organisation the performance of the T.A.708 continuing airworthiness management tasks, including the organisation of the maintenance of the aircraft according to the said maintenance programme in a qualified maintenance organisation.

According to the present arrangement, both signatories undertake to follow the respective obligations of this arrangement.

The operator certifies, to the best of their belief that all the information given to the approved organisation concerning the continuing airworthiness of the aircraft is and will be accurate and that the aircraft will not be altered without prior approval of the approved organisation.

In case of any non-conformity with this arrangement, by either of the signatories, it will become null. In such a case, the operator will retain full responsibility for every task linked to the continuing airworthiness of the aircraft and will inform to its competent authority within two weeks.

5. When an operator contracts an M.A. Subpart G approved continuing airworthiness organisation the obligations of each party shall be shared as follows:

5.1. Obligations of the contracted Part-M Subpart G organisation:

1. have the aircraft type in the scope of its approval;
2. respect the conditions to maintain the continuing airworthiness of the aircraft listed below:
 - a. organise for all maintenance to be carried out by an approved maintenance organisation;
 - b. organise for all applicable airworthiness directives to be applied;
 - c. organise for all defects discovered during scheduled maintenance, airworthiness reviews or reported by the owner to be corrected by an approved maintenance organisation;
 - d. coordinate scheduled maintenance, the application of airworthiness directives, the replacement of life-limited parts, and component inspection requirements;
 - e. inform the owner each time the aircraft shall be brought to an approved maintenance organisation;
 - f. manage all technical records;
 - g. archive all technical records;

5. inform the competent authority whenever the aircraft is not presented to the qualified maintenance organisation by the operator as requested by the approved organisation;
6. inform the competent authority whenever the present arrangement has not been respected;
7. carry out all occurrence reporting mandated by applicable regulations;
8. inform the competent authority whenever the present arrangement is denounced by either party.

5.2. Obligations of the operator:

1. have a general understanding of this Annex (Part-T);
2. provide the Part-M Subpart G organisation with the maintenance programme;
3. present the aircraft to the qualified maintenance organisation agreed with the Part-M Subpart G organisation at the due time designated by the Part-M Subpart G organisation;
4. not modify the aircraft without first consulting the Part-M Subpart G organisation;
5. inform the Part-M Subpart G organisation of all maintenance exceptionally carried out without the knowledge and control of the Part-M Subpart G organisation;
6. report to the Part-M Subpart G organisation through the logbook all defects found during operations;
7. inform the competent authority whenever the present arrangement is denounced by either party;
8. inform the competent authority and the approved organisation whenever the aircraft is sold;
9. inform on a regular basis the Part-M Subpart G organisation about the aircraft flying hours and any other utilisation data, as agreed with the Part-M Subpart G organisation;
10. organise the approval of any modification to the aircraft in accordance the requirements of the State of Registry before it is embodied;
11. organise the approval of any repair to the aircraft in accordance with the requirements of the State of Registry before it is carried out.

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 as follows:

119. The title of AMC M.A.201 (h) is amended as follows:

AMC M.A.201(h) (i) Responsibilities

120. In AMC M.A.201(h), paragraph 2 is amended as follows:

The performance of ground de-icing and anti-icing activities does not require a Part-145 or Part-M Subpart F approval

121. In AMC M.A.201(h), paragraph 7 is amended as follows:

7. When an operator is not appropriately approved in accordance with Part-145 or Part-M.A. Subpart F, the operator should provide a clear work order to the maintenance contractor. The fact that an operator has contracted a maintenance organisation approved under Part-145 or Part-M.A. Subpart F should not prevent it from checking at the maintenance facilities on any aspect of the contracted work if it he wishes to do so to satisfy its his responsibility for the airworthiness of the aircraft.

122. The title AMC M.A.201(h)1 is amended as follows:

AMC M.A.201(h) (i) (1) Responsibilities

123. In AMC M.A.201(h)1 paragraph 4 is deleted as follows:

~~4 Part M does not provide for organisations to be independently approved to perform continuing airworthiness management tasks on behalf of commercial air transport operators. The approval of such activity is vested in the operator's air operator's certificate (AOC). The sub contracted organisation is considered to perform the continuing airworthiness management tasks as an integral part of the operator's continuing airworthiness management system, irrespective of any other approval held by the subcontractor including a M.A. Subpart G approval.~~

124. In AMC M.A.201 (h) 1 paragraphs 5 to 13 are renumbered as follows:

~~5~~ **4** (...)

~~6~~ **5** (...)

~~7~~ **6** (...)

~~8~~ **7** (...)

~~9~~ **8** (...)

~~10~~ **9** (...)

~~11~~ **10** (...)

~~12~~ **11** (...)

~~13~~ **12** (...)

125. AMC M.A.201(h)2 is amended as follows:

AMC M.A.201(h) (i) (2) Responsibilities

126. AMC M.A.201 (h) 2, point 1 is amended as follows:

1. The requirement is intended to provide for the possibility of the following three alternative options:

- (a) an operator to be approved in accordance with Part-145 or Part-M.A. Subpart F to carry out all maintenance of the aircraft and components;
- (b) an operator to be approved in accordance with Part-145 or Part-M.A. Subpart F to carry out some of the maintenance of the aircraft and components. This, at

minimum, could be limited line maintenance but may be considerably more but still short of option (a);

- (c) An operator not approved in accordance with Part-145 or Part-M.A. Subpart F to carry out any maintenance.

127. AMC M.A.201 (h) 2, point 2.3 is amended as follows:

2.3 The competent authority will require an operator to enter into a contract with an appropriately approved Part-145 or Part-M.A. Subpart F organisation except in those cases where the competent authority believes that it is possible to obtain sufficient satisfactorily experienced staff to provide the minimal maintenance support for option (b), in which case option (b) would apply.

128. In AMC M.A. 301 (1) paragraph 3 is amended as follows:

In the case of commercial air transport, an operator should publish guidance to maintenance and flight personnel and any other personnel performing pre-flight inspection tasks, as appropriate, defining responsibilities for these actions and, where tasks are contracted to other organisations, how their accomplishment is subject to the quality system of M.A.712. It should be demonstrated to the competent authority that pre-flight inspection personnel have received appropriate training for the relevant pre-flight inspection tasks. The training standard for personnel performing the pre-flight inspection should be described in the operator's continuing airworthiness management exposition of the organisation managing the continuing airworthiness of the aircraft.

129. In AMC M.A.301 (2) is amended as follows:

In the case of commercial air transport operations the operator should have a system to ensure that all defects affecting the safe operation of the aircraft are rectified within the limits prescribed by the approved minimum equipment list (MEL) or configuration deviation list (CDL) as appropriate if applicable; also ~~Also~~ that such defect rectification cannot be postponed unless agreed by the operator and in accordance with a procedure approved by the competent authority.

In the case of commercial air transport or complex motor-powered aircraft ~~large aircraft~~, a system of assessment should be in operation to support the continuing airworthiness of an aircraft and to provide a continuous analysis of the effectiveness of the M.A. Subpart G approved continuing airworthiness management organisation's defect control system in use.

(...)

130. In AMC M.A.302 (f), point 2 is amended as follows:

2. Reliability programmes need not be developed for aircraft ~~not considered as large aircraft~~ or that contain overhaul time periods for all significant aircraft system components.

131. AMC M.A.302 (h) is added as follows:

AMC M.A.302 (h) Aircraft Maintenance programme

The following aspects should be taken into account in the design and application of the maintenance programme:

- written language, which involves not only vocabulary and grammar, but also the manner in which they are used;
- the typography and the layout have a significant impact on the comprehension of the written material;
- the use of diagrams, charts or tables replacing long descriptive text is advantageous to assist comprehension; and

- the use of colour in illustrations reduces the discrimination workload and has a motivational effect.

132. AMC M.A.306 (a) Operators technical log system is amended as follows:

~~For commercial air transport the~~ The operator's aircraft technical log is a system for recording defects and malfunctions during the aircraft operation and for recording details of all maintenance carried out on an aircraft between scheduled base maintenance visits. In addition, it is used for recording flight safety and maintenance information the operating crew need to know.

(...)

133. In AMC M.A.501(c) point 1 (b) is amended as follows:

- (b) For sailplanes and powered sailplanes, non-required instruments and/or equipment certified under the provision of CS 22.1301(b), if those instruments or equipment, when installed, functioning, functioning improperly or not functioning at all, do not in themselves itself, or by their its effect upon the sailplane and its operation, constitute a safety hazard.

134. AMC M.A.601 is amended as follows:

An approved maintenance organisation may be approved under national Regulations to maintain aircraft/aircraft components not type-certified by the Agency.

135. In AMC M.A.704, points 2 and 3 are amended as follows:

2. A continuing airworthiness management exposition should comprise:

Part 0 General organisation

Part 1 Continuing airworthiness procedures

Part 2 Quality system or organisational review (as applicable)

Part 3 Contracted maintenance (for operators commercial operations) – management of maintenance (liaison with maintenance organisations in the case of non-commercial air transport operations)

Part 4 Airworthiness review procedures (if applicable)

3. Where an M.A. Subpart G organisation is also approved to another Part, the exposition or manual required by the other Part may form the basis of the continuing airworthiness management exposition in a combined document. Example for a combined Part-145 and M.A. Subpart G organisation:

Part-145 Exposition

Part 1 Management

Part 2 Maintenance procedures

Part L2 Additional line maintenance procedures

Part 3 Quality system and/or organisational review (as applicable)

Part 4 Contracts with owners/operators

Part 5 Appendices (sample of documents)

Part 7 FAA supplement (if applicable)

Part 8 TCCA supplement (if applicable)

Part 3 should also cover the functions specified by M.A.712 quality system.

Part 4 should also cover contracted maintenance (for commercial operations operators)- management of maintenance (liaison with maintenance organisations in the case of non-commercial air transport operations)

(...)

136. AMC M.A.707 (a) (1) Airworthiness review staff is amended as follows:

~~For all aircraft used in commercial air transport, and any other aircraft, other than balloons, above 2730 kg MTOM,~~ In paragraph M.A.701 (a) (1) (c) formal aeronautical maintenance training means training (internal or external) supported by evidence on the following subjects:

(...)

137. AMC M.A.707 (a) (2) Airworthiness review staff is amended as follows:

~~For all balloons and any other aircraft of 2730 Kg MTOM and below, not used in commercial air transport:~~ In paragraph M.A.701 (a) (2):

(...)

138. AMC M.A.708 (c) is amended as follows:

1. Where an operator is not approved under Part-145/Part-M.A. Subpart F or an operator's maintenance organisation is an independent organisation, a contract should be agreed established between the operator and a maintenance organisation approved under Part-145/Part-M.A. Subpart F, which specifies, in detail, the work to be performed by the maintenance organisation. Appendix XI to this AMC gives further details on the subject.

2. (...)

3. (...).

4. (...)

5. It is possible to contract another operator that is not directly approved under Part-145/Part-M.A. Subpart F. In this case the operator's continuing airworthiness management exposition should include appropriate procedures to ensure that all this contracted maintenance is ultimately performed on time by organisations approved under Part-145/Part-M.A. Subpart F in accordance with the contracting operator's data. In particular the quality system procedures should place great emphasis on monitoring compliance with the above. The list of Part-145 approved contractors, or a reference to this list, should be included in the operator's continuing airworthiness management exposition.

6. (...)

7 The purpose of M.A.708(c) is to ensure that all maintenance is carried out by properly approved Part-145/Part-M.A. Subpart F organisations. This does not preclude a primary maintenance arrangement with an operator that is not such an organisation, when it proves that such an arrangement is in the interest of the operator by simplifying the management of its maintenance, and the operator keeps an appropriate control of it. Such an arrangement should not preclude the operator from ensuring that all maintenance is performed by a Part-145/Part-M.A. Subpart F approved organisation and complying with the M.A.201 continuing airworthiness responsibility requirements. Typical examples of such arrangements follow:

— Component maintenance:

The operator may find it more appropriate to have a primary contractor, that would despatch the components to appropriately approved organisations, rather than itself sending himself different types of components to various maintenance organisations approved under Part-145/Part-M.A. Subpart F. The benefit for the operator is that the management of maintenance is simplified by having a single

contact point for component maintenance. The operator remains responsible for ensuring that all maintenance is performed by maintenance organisations approved under Part-145/Part-M.A. Subpart F and in accordance with the approved standard.

— Aircraft, engine and component maintenance:

The operator may wish to have a maintenance contract with another operator of the same type of aircraft not approved under Part-145/Part-M.A. Subpart F. A typical case is that of a dry-leased aeroplane between operators where the parties, for consistency or continuity reasons (especially for short term lease agreements), find it appropriate to keep the aeroplane under the current maintenance arrangement. Where this arrangement involves various Part-145/Part-M.A. Subpart F approved contractors, it might be more manageable for the lessee operator to have a single contract with the lessor operator. Such an arrangement should not be understood as a transfer of responsibility to the lessor operator: the lessee operator, being the approved operator of the aircraft, remains responsible for the continuing airworthiness of the aircraft in performing the M.A.708 functions, and employing the M.A.706 continuing airworthiness management group of persons and staff.

In essence, this does not alter the intent of M.A.201 ~~(h)~~ (i) in that it also requires that the operator has to establish a written maintenance contract acceptable to the competent authority of operator and, whatever type of acceptable arrangement is made, the operator is required to exercise the same level of control on contracted maintenance, particularly through the M.A.706 (c) continuing airworthiness management group of persons and quality system as referred to in M.A.712.

139. In AMC M.A.709, the last paragraph is amended as follows:

Continuing airworthiness management organisations may seek authorisation for indirect approval in order to amend the aircraft maintenance programme mentioned above in accordance with M.A.302(c). The indirect approval procedure should include provisions to notify to the competent authority that an aircraft maintenance programme specific for a customer has been created. The reason is that, for aircraft refer to in ~~according to~~ M.A.704(a) 9 (10), ~~for aircraft not involved in commercial air transport~~ the Continuing Airworthiness Management Exposition (CAME) only needs to include the reference to the baseline/generic maintenance programme.

140. AMC M.A.711 (b) is amended as follows:

An organisation may be approved for the privileges of M.A.711(a) only, without the privilege to carry out airworthiness reviews. This can be contracted to another appropriately approved organisation. ~~In such a case, it is not mandatory that the contracted organisation is linked to an AOC holder, being possible to contract an appropriately approved independent continuing airworthiness management organisation which is approved for the same aircraft type.~~

141. AMC M.A.711 (c) is amended as follows:

The sentence 'for the particular aircraft for which the organisation is approved to issue the airworthiness review certificate' contained in M.A.711(c) means that:

- For aircraft used in commercial air transport and aircraft above 2730 kg MTOM, ~~and except balloons~~ those aircraft referred to in M.A.901 (j), the permit to fly can only be issued for aircraft which are in a controlled environment and are managed by that M.A. Subpart G organisation.

For aircraft not involved in commercial air transport of 2730 kg MTOM and below, and for ~~all balloons~~ those aircraft referred to in M.A.901 (j), the permit to fly can be issued for any aircraft.

142. AMC M.A.803 is amended as follows:

- ~~1. Privately operated means the aircraft is not operated pursuant to M.A.201 (h) and (i).~~
- ~~2. 1 (...)~~
- ~~3. 2 (...)~~
- ~~4. 3 (...)~~

143. The title of AMC M.A.901 (j) is amended as follows:

AMC M.A.901 (j) (k) Aircraft airworthiness review

144. In AMC M.B.301 (b) point 6 is amended as follows:

6. In the case of aircraft involved in commercial air transport, except for local-CAT operators, ELA1 aircraft and balloons, or complex motor-powered large aircraft, development of the approved operator's maintenance programme is dependent upon sufficient satisfactory in-service experience which has been properly processed. In general, the task being considered for escalation beyond the MRB limits should have been satisfactorily repeated at the existing frequency several times before being proposed for escalation. Appendix I to AMC M.A.302 and M.B.301 (b) gives further information.

145. In AMC M.B.301(c) point 3 is amended as follows:

3. When the competent authority requests, the organisation should make provision for the attendance of a competent authority's representative at meetings held to consider maintenance implications arising from reviews of the above provisions.

146. AMC M.B.701 (a) paragraph 3 is amended as follows:

3. The applicant should inform the competent authority where base and scheduled line maintenance is to take place and give details of any contracted maintenance which is in addition to that provided in response to M.A.201 (h) 2 or M.A.708 (c).

147. AMC M.B.702 (b) paragraph 2 is amended as follows:

Contracts for subcontracting continuing airworthiness management tasks by operators should be included in the continuing airworthiness organisation exposition. The competent authorities should verify that the standards set forth in AMC M.A.201 (h) (i) 1 have been met when approving the exposition

148. AMC M.B.901 paragraph 4 is amended as follows:

In some cases, the inspector may decide that it is necessary to organise:

- a physical survey of the aircraft, or
- a full or partial airworthiness review.

In this case, the inspector should inform the M.A. Subpart G organisation or M.A.901(g) certifying staff making the recommendation with sufficient notice so that it may organise itself according to M.A.901 (j) (k)

Furthermore, this part of the investigation should be carried out by appropriate airworthiness review staff in accordance with M.B.902(b).

149. AMC M.B.902(b)(1) Airworthiness review by the competent authority is amended as follows:

~~For all aircraft used in commercial air transport, and any other aircraft, other than balloons, above 2730 kg MTOM, In paragraph M.B.902 (b)(1)(c) formal aeronautical maintenance training means training (internal or external) supported by evidence on the following subjects:~~

(...)

150. AMC M.B.902(b)(2) is amended as follows:

~~For all balloons and any other aircraft of 2730 Kg MTOM and below, not used in commercial air transport, In paragraph M.B.902 (b)(2)(c) appropriate aeronautical maintenance training means demonstrated knowledge of the following subjects:~~

(...)

151. The title of Appendix II to M.A. 201 (h) 1 is amended as follows:

Appendix II to M.A. 201 ~~(h)~~ (i) 1

152. Appendix II to M.A. 201 (h) 1 paragraph 2.9 is amended as follows:

2.9 Airworthiness Directives

While the various aspects of AD assessment, planning and follow-up may be accomplished by the subcontracted organisation, embodiment is performed by a Part-145 or **Part-M Subpart F** maintenance organisation. The operator is responsible for ensuring timely embodiment of applicable Ads and is to be provided with notification of compliance. It therefore follows that the operator should have clear policies and procedures on AD embodiment supported by defined procedures which will ensure that the operator agrees to the proposed means of compliance.

153. Appendix II to M.A. 201 (h) 1 paragraph 2.11 is amended as follows:

2.11 Service life-limit controls & component control/removal forecast

Where the subcontracted organisation performs planning activities, it should be specified that the organisation should be in receipt of the current flight cycles; flight hours; landings and/or calendar controlled details as applicable, at a frequency to be specified in the contract. The frequency should be such that it allows the organisation to properly perform the subcontracted planning functions. It therefore follows that there will need to be adequate liaison between the operator, ~~his~~ **its** Part-145 ~~or Part-M Subpart F~~ maintenance organisation(s) and the subcontracted organisation. Additionally the contract should specify how the operator will be in possession of all current flight cycles, flight hours, etc. in order that the operator may assure the timely accomplishment of the required maintenance.

154. Appendix II to M.A. 201 (h) 1 paragraph 2.13 is amended as follows:

(...)

For all other defects identified during maintenance, the information should be brought to the attention of the operator who dependant upon the procedural authority granted by the competent authority may determine that some defects can be deferred. Therefore, adequate liaison between the operator, his subcontracted organisation and contracted Part-145 ~~or Part-M Subpart F~~ maintenance organisation should be ensured.

(...)

Deferment of MEL/CDL allowable defects can be accomplished by a contracted Part-145 ~~or Part-M Subpart F~~ organisation in compliance with the relevant ~~technical-log~~ procedures, subject to the acceptance by the aircraft commander.

155. Appendix II to M.A. 201 (h) 1 paragraph 2.14 is amended as follows:

(...)

All incidents and occurrences that fall within the reporting criteria defined in Part-M and Part-145 should be reported as required by the respective requirements. The operator should ensure adequate liaison exists with the subcontracted organisation and the **Part-M Subpart F** or Part-145 organisation.

156. Appendix II to M.A. 201 (h) 1 paragraph 2.16 is amended as follows:

(...)

Check Flights are carried out under the control of the operator. Check flight requirements from the subcontracted organisation or contracted Part-M Subpart F or Part-145 maintenance organisations should be agreed by the operator.

157. Appendix II to M.A. 201 (h) 1 paragraph 2.17 is amended as follows:

(...)

2.17.2 Meetings provide one important corner stone whereby the operator can exercise part of its responsibility for ensuring the airworthiness of the operated aircraft. They should be used to establish good communications between the operator, the subcontracted organisation and, where different to the foregoing, the contracted Part-M Subpart F or Part-145 organisation.

(...)

158. Appendix V to AMC M.A.704, the table of content is amended as follows:

(...)

1.1 Aircraft technical log utilisation and MEL application, **if applicable**. (~~commercial air transport~~). Aircraft continuing airworthiness record system utilisation (~~non-commercial air transport~~)-**if applicable**.

(...)

159. Appendix V to AMC M.A.704, part 0.1 is amended as follows:

(...)

In the case of commercial ~~air transport~~ **operations**, suspension or revocation of the approval of the Part-M Subpart G continuing airworthiness management approval or the ~~non-existence~~ **of the contract**, **as required by M.A.201**, would invalidate the AOC or ATO approval, as applicable.

160. Appendix V to AMC M.A.704, part 0.2 is amended as follows:

a) Brief description of the organisation

(This paragraph should describe broadly how the whole organisation [~~i.e.~~including the whole operator **if part of the same organisation** ~~in the case of commercial air transport~~ or the whole organisation when other approvals are held] is organised under the management of the accountable manager, and should refer to the organisation charts of paragraph 0.4.)

(...)

c) Aircraft managed – Fleet composition

(...)

For commercial ~~air transport~~ **operations**, the fleet composition reference with the aircraft registrations is given by Joe Bloggs Airlines' current AOC (*or else where e.g. in the Operation Manual, by agreement of the competent authority*)

161. Appendix V to AMC M.A.704, part 0.3 is amended as follows:

(...)

b) Nominated post holder for continuing airworthiness (~~for commercial air transport~~) **referred to in M.A.706 (d)**

(This paragraph should:

- Emphasise that the nominated post holder for continuing airworthiness is responsible to ensure that all maintenance is carried out on time to an approved standard.

- Describe the extent of his authority as regards his Part-M responsibility for continuing airworthiness.

~~This paragraph is not necessary for organisations not holding an AOC)~~

(...)

162. Appendix V to AMC M.A.704, part 0.4 is amended as follows:

a) General organisation chart

This flow chart should provide a comprehensive understanding of the whole company's organisation, as described in 0.2 a). For example, ~~in the case of an AOC holder for an organisation which is also an AOC holder.~~

(...)

b) Continuing airworthiness management organisation chart

(...)

For example, ~~in the case of an AOC holder~~ for an organisation which is also an AOC holder.

163. Appendix V to AMC M.A.704, part 1.1 is amended as follows:

b) M.E.L. application

(...)

This paragraph does not apply to those types of aircraft that do not have an MEL ~~or are not used for commercial air transport and that~~ are not required to have one.)

(...)

(4) Acceptance by the crew ~~(For commercial air transport)~~

(...)

164. Appendix V to AMC M.A.704, part 5 is amended as follows:

(...)

5.3 List of subcontractors as per AMC M.A.201 ~~(h)~~ (i) 1 and M.A.711 (a) (3)

(...)

5.5 Copy of contracts for subcontracted work (appendix II to AMC M.A.201 ~~(h)~~ (i) (1))

165. Appendix VII to AMC M.B.702(f) Part 3 is amended as follows:

(...)

1.1 Aircraft technical log utilisation and MEL application, **if applicable.** ~~(commercial air transport). Aircraft continuing airworthiness record system utilisation (non-commercial air transport)-if applicable.~~

(...)

5.3 List of subcontractors as per M.A.711 (a) 3 and AMC M.A.201 ~~(h)~~ (i) (1)

(...)

5.5 Copy of contracts for subcontracted work (appendix II to AMC M.A.201 ~~(h)~~ (i) (1))

(...)

166. Appendix XI to AMC to M.A.708(c) is amended as follows:

CONTRACTED MAINTENANCE

1. Maintenance contracts

The following paragraphs are not intended to provide a standard maintenance contract but to provide a list of the main points that should be addressed, when applicable, in a maintenance contract between an Operator and a Part-145/ Part-M Subpart F approved organisation, hereinafter refer to as approved maintenance organisation. As only the technical parts of the maintenance contracts have to be acceptable to the competent authority, the following paragraphs only address technical matters and exclude matters such as costs, delay, warranty, etc.

When maintenance is contracted to more than one Part-145 approved maintenance organisation (for example aircraft base maintenance to X, engine maintenance to Y and line maintenance to Z1, Z2&Z3), attention should be paid to the consistency of the different maintenance contracts.

A maintenance contract is not normally intended to provide appropriate detailed work instruction to the personnel (and is not normally distributed as such). Accordingly there should be established organisational responsibility, procedures and routines in the operator's M.A. Subpart G & Part-145 approved maintenance organisation to take care of these functions in a satisfactory way such that any person involved is informed about his/her responsibility and the procedures which apply. These procedures and routines can be included/appended to the operator's CAME and approved maintenance organisation's manual MØE or consist in separate procedures. In other words procedures and routines should reflect the conditions of the contract.

2. Aircraft/Engine maintenance

The following subparagraphs may be adapted to a maintenance contract that applies to aircraft base maintenance, aircraft line maintenance and engine maintenance.

Aircraft maintenance also includes the maintenance of the engines and APU while they are installed on the aircraft.

2.1. Scope of work

The type of maintenance to be performed by the Part-145 approved maintenance organisation should be specified unambiguously. In case of line and/or base maintenance, the contract should specify the aircraft type and, preferably include the aircraft's registrations.

In case of engine maintenance, the contract should specify the engine type.

2.2. Locations identified for the performance of maintenance/ Certificates held

The place(s) where base, line or engine maintenance, as applicable, will be performed should be specified. The certificate held by the approved maintenance organisation at the place(s) where the maintenance will be performed should be referred to in the contract. If necessary the contract may address the possibility of performing maintenance at any location subject to the need for such maintenance arising either from the unserviceability of the aircraft or from the necessity of supporting occasional line maintenance.

2.3. Subcontracting

The maintenance contract should specify under which conditions the Part-145 approved maintenance organisation may subcontract tasks to a third party (whether this third party is an approved maintenance organisation part-145 approved or not). At least the contract should make reference to 145.A.75 or /M.A.615, as applicable to the organisation. Additional guidance is provided by the AMC 145.A.75 and AMC M.A. 615 as applicable to the

organisation. In addition the operator may require the ~~Part-145~~ approved maintenance organisation to obtain the operator's approval before subcontracting to a third party. Access should be given to the operator to any information (especially the quality monitoring information) about the ~~Part-145~~ approved maintenance organisation's subcontractors involved in the contract. It should however be noted that under operators responsibility both the operator and its competent authority are entitled to be fully informed about subcontracting, although the competent authority will normally only be concerned with aircraft, engine and APU subcontracting.

2.4. Maintenance programme

(...)

2.5. Quality monitoring

The terms of the contract should include a provision allowing the operator to perform a quality surveillance (including audits) upon the ~~Part-145~~ approved maintenance organisation. The maintenance contract should specify how the results of the quality surveillance are taken into account by the ~~Part-145~~ approved maintenance organisation (see also paragraph 2.22. 'Meetings').

2.6. Competent authority involvement

When the operator's competent authority and the ~~Part-145~~ approved maintenance organisation's competent authority is not the same, the operator and the ~~Part-145~~ approved maintenance organisation have to ensure together with their competent authority that the respective competent authority's responsibilities are properly defined and that, if necessary, delegations have been established.

2.7. Airworthiness data

(...)

2.8. Incoming Conditions

The contract should specify in which condition the operator should send the aircraft to the ~~Part-145~~ approved maintenance organisation. For checks of significance i.e. 'C' checks and above, it may be beneficial that a work scope planning meeting be organised so that the tasks to be performed may be commonly agreed (see also paragraph 2.23: 'Meetings').

2.9. Airworthiness Directives and Service Bulletin/Modifications

The contract should specify what information the operator is responsible to provide to the ~~Part-145~~ approved maintenance organisation, such as the due date of the airworthiness directives (ADs), the selected means of compliance, the decision to embody Service Bulletins (SBs) or modification, etc. In addition the type of information the operator will need in return to complete the control of ADs and modification status should be specified.

2.10. Hours & Cycles control

Hours and cycles control is the responsibility of the operator, but there may be cases where the ~~Part-145~~ approved maintenance organisation should receive the current flight hours and cycles on a regular basis so that it may update the records for its own planning functions (see also paragraph 2.22: 'Exchange of information').

2.11. Service life-limited components

Service life-limited components control is the responsibility of the operator. The ~~Part-145~~ approved maintenance organisation will have to provide the operator with all the necessary information about the service life-limited

components removal/installation so that the operator may update its records (see also paragraph 2.22 'Exchange of information').

2.12. Supply of parts

The contract should specify whether a particular type of material or component is supplied by the operator or by the contracted ~~Part 145~~ approved **maintenance** organisation, which type of component is pooled, etc. The contract should clearly state that it is the ~~Part 145~~ **approved maintenance organisation** competence and responsibility to be in any case satisfied that the component in question meets the approved data/standard and to ensure that the aircraft component is in a satisfactory condition for installation. In other words, there is definitely no way for a ~~Part 145~~ approved **maintenance** organisation to accept whatever is supplied by the operator. Additional guidance is provided by 145.A.42 and **M.A.501** for acceptance of components.

2.13. Pooled parts at line stations

(...)

2.14. Scheduled maintenance

For planning scheduled maintenance checks, the support documentation to be given to the ~~Part 145~~ approved **maintenance** organisation should be specified. This may include, but may not be limited to:

- applicable work package, including job cards;
- scheduled component removal list;
- modifications to be incorporated.

When the ~~Part 145~~ approved **maintenance** organisation determines, for any reason, to defer a maintenance task, it has to be formally agreed with the operator. If the deferment goes beyond an approved limit, refer to paragraph 2.17: 'Deviation from the maintenance schedule'. This should be addressed, where applicable, in the maintenance contract.

2.15. Unscheduled maintenance/Defect rectification

The contract should specify to which level the ~~Part 145~~ approved **maintenance** organisation may rectify a defect without reference to the operator. As a minimum, the approval and incorporation of major repairs should be addressed. The deferment of any defect rectification should be submitted to the operator and, if applicable, to its competent authority.

2.16. Deferred tasks

(...)

2.17. Deviation from the maintenance schedule

Deviations have to be requested by the operator to its competent authority or granted by the operator in accordance with a procedure acceptable to its competent authority. The contract should specify the support the ~~Part 145~~ approved **maintenance** organisation may provide to the operator in order to substantiate the deviation request.

2.18. Test flight

(...)

2.19. Bench Test

(...)

2.20 Release to service documentation

The release to service has to be performed by the ~~Part-145~~ approved ~~MOE~~ approved maintenance organisation in accordance with its ~~MOE~~ approved procedures. The contract should, however, specify which support forms have to be used (Operator's technical log, ~~Part-145~~ approved maintenance organisation's maintenance visit file, etc.) and the documentation the ~~Part-145~~ approved maintenance organisation should provide to the operator upon delivery of the aircraft. This may include, but may not be limited to:

- certificate of release to service — mandatory,
- flight test report,
- list of modifications embodied,
- list of repairs,
- list of ADs incorporated,
- maintenance visit report,
- test bench report.

2.21. Maintenance recording

The operator may contract the ~~Part-145~~ approved maintenance organisation to retain some of the maintenance records required by Part-M Subpart C. It should be ensured that every requirement of Part-M Subpart C is fulfilled by either the operator or the ~~Part-145~~ approved maintenance organisation. In such a case, free and quick access to the above-mentioned records should be given by the ~~Part-145~~ approved maintenance organisation to the operator and its competent authority (in case of two different competent authorities involved, see paragraph 2.6 'competent authority involvement').

2.22. Exchange of information

Each time exchange of information between the operator and the ~~Part-145~~ approved maintenance organisation is necessary, the contract should specify what information should be provided and when (i.e. on what occasion or at what frequency), how, by whom and to whom it has to be transmitted.

2.23. Meetings

For the competent authority to be satisfied that a good communication system exists between the operator and the ~~Part-145~~ approved maintenance organisation, the terms of the maintenance contract should include the provision for a certain number of meetings to be held between both parties.

(...)

2.23.5. Reliability meeting

When a reliability programme exists, the contract should specify the operator's and ~~Part-145~~ approved maintenance organisation respective involvement in that programme, including the participation in reliability meetings."

II.B. Acceptable Means of Compliance (AMC) for Annex V (Part T) to Regulation (EC) No 2042/2003

167. AMC T.A.201 (2) is added as follows:

AMC T.A.201 (2) Preflight

Contents of the pre-flight inspection may be found in AMC M.A.301 -1.

168. AMC T.A.201 (4) is added as follows:

AMC T.A.201 (4) Mandatory Continuing Airworthiness Information

Mandatory continuing airworthiness information refers to any generally applicable information which it has been found necessary for the continuing airworthiness of the aircraft, including its engines and propellers when applicable, and for the safe operation of the aircraft and notification of the suspension or revocation of a type-certificate. The term "mandatory continuing airworthiness information" is intended to include mandatory requirements for modification, replacement of parts or inspection of aircraft and amendment of operating limitations and procedures. Among such information is that issued by Contracting States in the form of airworthiness directives.

169. AMC T.A.210 (3) is added as follows:

AMC T.A.210 (3) Maintenance programme

A maintenance programme in compliance with:

- ICAO Annex 6 part I chapter 8 section 8.3, in case of aeroplanes, or
 - ICAO Annex 6 part III chapter 6 section 6.3, in case of helicopters,
- meets the requirements of T.A.210 (2) and T.A.201 (1)(d).

170. AMC T.A. 210 (6) is added as follows

AMC T.A. 210 (6) Occurrence reporting system

The occurrence reporting system should describe the procedures used by the operating organisation to notify the competent authority designated by the State of Registry, the organisation responsible for the type design or supplemental type design and the Member State of operator, of any identified condition of an aircraft or component which endangers flight safety.

171. AMC T.A.220 (3) (e) is added as follows:

AMC T.A.220 (3)(e) Additional requirements for 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, complex motor-powered aircraft registered in a third country and operated by an ATO to provide training outside the territory of the EU, and aircraft registered in a third country and operated by an ATO to provide training outside the territory of the EU for commercial purposes

A contract should be established between the operator and a qualified maintenance, which should specify, in detail, the work to be performed by the qualified maintenance organisation. The Appendix to this AMC gives further details on the subject. Both the specification of work and the assignment of responsibilities should be clear, unambiguous and sufficiently detailed to ensure that no misunderstanding arises between the parties that could result in a situation where work that has a bearing on the airworthiness or serviceability of aircraft is not or will not be properly performed.

172. AMC T.A.501 is added as follows:

AMC T.A. 501 Qualified maintenance organisation

A maintenance organisation in compliance with the requirements of ICAO Annex 6 part I section 8.7 should be considered a qualified maintenance organisation in accordance with this section.

173. AMC T.A.510 is added as follows:

AMC T.A.510 Procedures Manual

The procedures manual may be issued in separate parts or as a single manual.

174. AMC T.A.704 is added as follows:

AMC T.A.704 Continuing airworthiness management exposition additional procedures

1. The purpose of the additional procedures is to describe the process and methods the M.A. Subpart G organisation should implement to manage the continuing airworthiness of:
 - a. 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,
 - b. complex motor-powered aircraft registered in a third country and operated by an ATO to provide training outside the territory of the EU, and
 - c. aircraft registered in a third country and operated by an ATO to provide training outside the territory of the EU for commercial purposes.

Compliance with its contents will ensure compliance with Part-T requirements.

2. In addition to the contents described in AMC M.A.704 the continuing airworthiness management exposition should comprise an additional chapter. Guidance on the specific contents may be found in Appendix to AMC T.A.704.

175. AMC T.B. 702 (c) is added as follows:

AMC T.B. 702 (c) Issue of approval

The audit report form EASA Form 13, should contain the adequate elements to allow the competent authority to verify compliance with the Part-T requirements. Guidance on the additional contents may be found in Appendix to AMC T.B.702.

Appendix to AMC T.A.220 (3)(e) CONTRACTED MAINTENANCE**1. Maintenance contracts**

The following paragraphs are not intended to provide a standard maintenance contract but to provide a list of the main points that should be addressed, when applicable, in a maintenance contract between an operator and a qualified maintenance organisation.

When maintenance is contracted to more than one qualified maintenance organisations attention should be paid to the consistency of the different maintenance contracts.

2. Aircraft/engine maintenance

The following subparagraphs may be adapted to a maintenance contract that applies to aircraft and/or engine maintenance.

1. Scope of work

The type of maintenance to be performed by the qualified maintenance organisation should be specified unambiguously. The contract should specify the aircraft type and include the aircraft's registrations.

In case of engine maintenance, the contract should specify the engine type.

2. Locations identified for the performance of maintenance/certificates held

The place(s) where aircraft or engine maintenance, as applicable, will be performed should be specified. The certificate held by the qualified maintenance organisation at the place(s) where the maintenance will be performed should be referred to in the contract. If necessary the contract may address the possibility of performing maintenance at a different location.

3. Subcontracting

The maintenance contract should specify under which conditions the qualified maintenance organisation may subcontract tasks to a third party (whether this third party is a qualified maintenance organisation or not). The operator may require the qualified maintenance organisation to obtain its approval before subcontracting a third party. Access should be given to the operator to any information (especially the quality monitoring information) about third parties subcontracted by the qualified maintenance organisation.

4. Maintenance programme

The maintenance programme under which the maintenance has to be performed has to be specified.

5. Quality monitoring

The terms of the contract should include a provision allowing the operator to perform a quality surveillance (including audits) upon the qualified maintenance organisation. The maintenance contract should specify how the results of the quality surveillance are taken into account by the qualified maintenance organisation.

6. Instructions for continued airworthiness

The instructions for continued airworthiness and other additional airworthiness data used for the purpose of this contract. This may include, but may not be limited to:

- maintenance programme,
- airworthiness directives,
- major repairs/modification data,
- aircraft maintenance manual,
- aircraft IPC,
- wiring diagrams,
- troubleshooting manual,
- Minimum Equipment List,
- operator's manual,

- Flight Manual,
- engine maintenance manual,
- engine overhaul manual.

7. Incoming conditions

The contract should specify in which condition the operator should send the aircraft to the qualified maintenance organisation.

8. Airworthiness Directives, repairs and modifications

The contract should specify what information the operator is responsible to provide to the qualified maintenance organisation and, in addition the type of information the qualified maintenance organisation should provide to the operator in return.

9. Hours & Cycles control

If required the procedure followed by the operator to notify the current flight hours and cycles to the qualified maintenance organisation.

10. Service life-limited components

The qualified maintenance organisation will have to provide the operator with all the necessary information about the service life-limited components removal/installation so that the operator may update its records.

11. Supply of parts

The contract should specify whether a particular type of material or component is supplied by the operator or by the qualified maintenance organisation, which type of component is pooled, etc. The contract should clearly state that it is the competence and responsibility of the qualified maintenance organisation to be in any case satisfied that the component in question meets the approved data/standard and to ensure that the aircraft component is in a satisfactory condition for installation.

12. Scheduled maintenance

For planning scheduled maintenance checks, the support documentation to be given to qualified maintenance organisation should be specified. This may include, but may not be limited to:

- applicable work package, including job cards;
- scheduled component removal list;
- modifications to be incorporated.

13. Unscheduled maintenance/defect rectification

The contract should specify to which level the qualified maintenance organisation may rectify a defect without reference to the operator. As a minimum, the approval and incorporation of major repairs should be addressed. The deferment of any defect rectification should be submitted to the operator.

14. Deferred tasks

The use of the operator/ATO's MEL and the relation with the operator in case of a defect that cannot be rectified should be addressed.

15. Test flight

If any test flight is required after aircraft maintenance, the contract should specify which procedures should be followed.

16. Release to service documentation

The release to service has to be performed by the qualified maintenance organisation in accordance with the procedures described in its organisation's manual. The contract should, however, specify which support forms have to be used and the documentation the qualified

maintenance organisation should provide to the operator upon delivery of the aircraft. This may include, but may not be limited to:

- Certificate of release to service — mandatory,
- flight test report,
- list of modifications embodied,
- list of repairs,
- list of ADs incorporated,
- maintenance visit report,
- test bench report.

17. Exchange of information

Each time exchange of information between the operator and the qualified maintenance organisation is necessary, the contract should specify what information should be provided and when (i.e. on what occasion or at what frequency), how, by whom and to whom it has to be transmitted.

18. Meetings

For the competent authority to be satisfied that a good communication system exists between the operator and the qualified maintenance organisation the terms of the maintenance contract should include the provision for a certain number of meetings to be held between both parties.

- o Contract review
Before the contract is applicable, it is very important for the operator and the qualified maintenance organisation to meet in order to be sure that every point leads to a common understanding of the duties of both parties.
- o Work scope planning meeting
Work scope planning meetings may be organised so that the tasks to be performed may be commonly agreed.
- o Technical meeting
Scheduled meetings may be organised in order to review on a regular basis technical matters such as Airworthiness Directives, future modifications, major defects found during maintenance check.
- o Quality meeting
Quality meetings may be organised in order to examine matters raised by the operator quality surveillance and to agree upon necessary corrective actions.

Appendix to AMC T.A.704

PART 6: CONTINUING AIRWORTHINESS PROCEDURES FOR AIRCRAFT REFERRED TO IN T.A.701

6.1 CONTINUING AIRWORTHINESS MANAGEMENT

6.1.1 Aircraft continuing airworthiness records system

a) Aircraft continuing airworthiness record system

This section should describe the system used by the organisation to manage the aircraft's continuing airworthiness records.

b) MEL procedures

This paragraph should describe the specific responsibilities of the organisation and the aircraft operator with regard to the issue, update, use and management of the MEL, if applicable to the aircraft.

6.1.2 Aircraft maintenance programme

This paragraph should describe the specific responsibilities of the organisation and the aircraft operator with regard to the development, update, approval or acceptance and management of the maintenance programme.

6.1.3 Time and continuing airworthiness records, responsibilities, retention, access

a) Hours and cycles recording

(The recording of flight hours and cycles is essential for the planning of maintenance tasks. This paragraph should explain how the continuing airworthiness management organisation has access to the current flight hours and cycle information and how it is processed through the organisation.)

b) Records

(This paragraph should give in detail the type of company documents that are required to be recorded and what are the recording period requirements for each of them. This can be provided by a table or series of tables that would include the following:

- -Family of document [if necessary],
- -Name of document,
- -Retention period,
- -Responsible person for retention,
- -Place of retention.

c) Preservation of records

(This paragraph should set out the means provided to protect the records from fire, floods, etc., as well as the specific procedures in place to guarantee that the records will not be altered during the retention period [especially for the computer record])

d) Transfer of continuing airworthiness records

(This paragraph should set out the procedure for the transfer of records, in case of transfer of the aircraft to another organisation. In particular, it should specify which records have to be transferred and who is responsible for the coordination [if necessary] of the transfer.)

6.1.4 Accomplishment and control of Airworthiness Directives

This paragraph should demonstrate that there is a comprehensive system for the management of airworthiness directives (AD). It may for instance include the following subparagraphs:

a) AD information

(This paragraph should explain what the AD information sources are (State of Registry, operator, manufacturer) and who receives them in the organisation.)

b) AD decision

(This paragraph should explain how and by whom the AD information is analysed and what kind of information is provided to the contracted maintenance organisations in order to plan and to perform the AD. This should as necessary include a specific procedure for emergency AD management.)

c) AD control

(This paragraph should specify how the organisation manages to ensure that all the applicable AD are performed and that they are performed on time. This should include a close loop system that allows verifying that for each new or revised AD and for each aircraft:

1. the AD is not applicable or,
2. if the AD is applicable:
 - the AD is not yet performed but the time limit is not overdue,
 - the AD is performed, and any repetitive inspection is identified and performed.

This may be a continuous process or may be based on scheduled reviews.)

6.1.5 Modifications and repairs standards

This paragraph should describe the specific responsibilities of the organisation and the aircraft operator with regard to the management and approval of any modification and repair before embodiment.

6.1.6 Defect reports

a) Analysis

(This paragraph should explain how the defect reports provided by the contracted maintenance organisations are processed by the continuing airworthiness management organisation. Analysis should be conducted in order to give elements to activities such as maintenance programme evolution and non mandatory modification policy.)

b) Liaison with manufacturers and regulatory authorities

(Where a defect report shows that such defect is likely to occur to other aircraft, a liaison should be established with the manufacturer and the certification competent authority, so that they may take all the necessary action.)

c) Deferred defect policy

(Defects such as cracks and structural defect are not addressed in the MEL and CDL. However, it may be necessary in certain cases to defer the rectification of a defect. This paragraph should establish the procedure to be followed in order to be sure that the deferment of any defect will not lead to any safety concern. This will include appropriate liaison with the manufacturer.)

6.2 CONTRACTED MAINTENANCE

6.2.1 Monitoring that all maintenance is carried out by a qualified maintenance organisation

This paragraph should set out a procedure to review that the maintenance organisation is qualified for the maintenance being performed on the aircraft and that the maintenance organisation is acceptable to the State of Registry. If necessary, the procedure may be subdivided as follows:

- a) Aircraft maintenance
- b) Engines
- c) Components

Appendix to AMC T.B.702 Additional contents of the EASA Form 13

- Additional elements to be included in EASA Form 13 Part 2

Part 2T: T.A. Subpart G Compliance Audit Review									
Para.	Subject								
T.A.704	Continuing airworthiness management exposition (see Part 3)								
T.A.708	Continuing Airworthiness Management								
T.A.709	Documentation								
T.A.711	Privileges								
T.A.712	Quality system								
T.A.714	Record-keeping								
T.A.716	Findings								
T.A.201	Common requirements								
T.A.220	Additional requirements								

- Additional elements to be included in EASA Form 13 Part 3

PART 3: Compliance with M.A. Subpart G continuing airworthiness management exposition (CAME)		
Part 6	CONTINUING AIRWORTHINESS PROCEDURES FOR AIRCRAFT REFERRED TO IN T.A.701	
Part 6.1	CONTINUING AIRWORTHINESS MANAGEMENT	
6.1.1		Aircraft continuing airworthiness record system utilisation
6.1.2		Aircraft maintenance programmes
6.1.3		Time and continuing airworthiness records, responsibilities, retention, access
6.1.4		Accomplishment and control of airworthiness directives
6.1.5		Modifications and repairs standards
6.1.6		Defect reports
Part 6.2	CONTRACTED MAINTENANCE	
6.2.1		Monitoring that all maintenance is carried out by a qualified maintenance organisation