

# EUROPE AIR SPORTS

## DETAILED RESPONSE TO CONSULTATION PAPER 1/2003-06-02 ON DRAFT OPINION FOR COMMISSION REGULATION AND IMPLEMENTING RULES PART M

REF S3042C, 16 JULY 2003 (pages 1-33)

Reference to detailed rules	Existing Text	Proposed text	Reason for proposed change / comment
<b>Part M</b>			
General Comments			<p>1. These measures have been drawn up to cover a wide and, in our view, overly ambitious range of aviation activities. Whilst others will hold views on the core regulatory aims in respect of large-scale commercial aviation, scant regard has been paid to the impact of these regulations on non-commercial light and sporting aviation. Indeed the views of sport aviation were not considered when the scope of applicability of these rules was first made by proposals of the European Commission and enactment by the European Parliament.</p> <p>2. These measures represent a major intervention in sport and recreational aviation that is demonstrably unnecessary. In many European nations the previous national policies have encouraged de-regulation from National Airworthiness Authorities to self interest groups, such as NACs or individual air sport associations or NGBs. In these cases NAA scrutiny has invariably found that national associations are fully capable of ensuring air</p>

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			<p>safety, demonstrated by accident/incident rates which compare favourably and often marked improvements on those where heavier legislation is applied.</p> <p>3. These measures, if implemented, will heavily limit the development of sporting aviation, including gliding, in most European nations. The proposed rules will at best lead to an increased workload for the voluntary staff of air sports organisations in terms of more administrative work without increasing safety. At worst it will preclude this completely and render sporting aviation, including gliding, uneconomic.</p> <p>4. This situation is well exemplified in the example case of UK where some 2500 gliders / sailplanes have been operated to a high technical safety standard on a self-regulated basis by the national association, the British Gliding Association (BGA) for the past 55 years. The UK is now faced with the prospect of taking emergency measures to cover the continuing operation in the short term. There is no satisfactory information by which the suitability and the future role and requirements that are to be placed on the UK CAA, BGA, its officials and the industry base on which it</p>
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			<p>relies, can be assessed.</p> <p>5. The view of European Gliding Union (the representative body of EU national gliding federations on regulatory matters, and is the recognised working party for gliding in Europe Air Sports) is that this regulatory effort could be used better in other ways, leaving the national systems substantially as they are today for non-commercial, sport and recreational aviation, including gliding. It must be remembered that these national systems have all lived up to recognised safety standards.</p> <p>6. The consultation period is inadequate, particularly considering that many of the air sport National Governing Bodies (NGBs) to which many of the rules may soon apply are currently either deregulated, or operating to a specialist set of requirements. Therefore, these organisations will not be familiar with the current JAR regulations, either in format or content.</p> <p>7. The time frame given to comment on these proposed rules, and in view of their complexity, raises some concern of whether EASA is giving higher priority to the process and timescales that has been laid down in the</p>
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			<p>Regulation, than to the need for a comprehensive review and regulatory and safety impact assessment of the proposals. In the time given for transition within and by the mentioned organisations it is very unlikely that the transition can take place in a safe and orderly way.</p> <p>8. Whilst consultation has periodically been offered to sport aviation by the Core Group, it has generally proved unproductive in progressing the major issues concerning the sport aviation community, which to date has functioned to the satisfaction of the national authorities from which they have either received their delegation or have been subject to a watching brief. The responses from the Core Group have been singularly lacking in apparent willingness to listen to and take on board the very genuine and deep rooted concerns from the real experts in airworthiness safety (who are to be found mainly in the air sport associations and NACs rather than NAAs) for the future of this sector of aviation. The basis of democracy is being undermined by this approach, and could lead to a reduction in safety if expert opinion is not heard.</p> <p>9. It is apparent that many of the requirements</p>
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			contained in Part M are not appropriate for gliders, light aircraft and balloons. Little consideration appears to have been given to airworthiness system currently in place in Member states. These include specialist procedures for the regulation of gliders, vintage and 'orphan' production aircraft, and balloons.
<b>Part M Commission draft Regulation</b>	Preamble – between (4) and (5)	In adopting measures for the implementation of common essential requirements in the field of airworthiness, the Commission must take care that they reflect the state of the art and the best practices, take account world-wide aircraft experience and scientific progress and allow for immediate reaction to established causes of accidents and serious incidents	EAS propose insertion in Part M Regulation, the text of paragraph (5) of the preamble to The Part 21 Regulation, as it is no less applicable to maintenance as it is to certification.
Article 3 paragraph 3	By derogation to paragraph 1, the continuing airworthiness of aircraft holding a permit to fly shall be ensured on the basis of the national regulations of the State of registry, subject to Community law.	By derogation to paragraph 1 and as exemptions to the applicability of Articles 4,5 and 6, the continuing airworthiness of (a) aircraft holding a permit to fly, and (b) aircraft up to 2000 kgs MTOW and balloons,	EAS propose the extension of the derogation for permit to fly aircraft to Articles 4,5 and 6 and to other aircraft up to 2000kgs MTOW and balloons. See comments in section 2 (high-level comments) of the EAS response.

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		other than aircraft used for commercial air transport, shall be ensured on the basis of the national regulations of the State of registry, subject to Community law.	
Article 4 (1)	Organisations involved in the maintenance of large aircraft or of aircraft used for commercial air transport, and components intended for fitment thereto, shall be approved in accordance with the provisions of Annex II		EAS assumes that the application of Part 145 is, by implication of this article, restricted to large aircraft as defined in Article 2(e). However, if this assumption is correct, then clarification is required on Article 7 (2)(b) where reference is made to the applicability of Part 145 to aircraft below 5700 kgs. Further, with reference to Part M Sub part B paragraph (g), EAS would welcome confirmation that aircraft other than large aircraft as defined would not be required to be maintained by organisations with Part 145 approval. This proposed amendment is only applicable in the event that then proposed change to Article 3 is not accepted.
Article 5 (2)	Any aircraft maintenance licence and if any, the technical limitations associated with that licence, issued by a Member State in accordance with the JAA requirements and procedures and valid at the time of entry into force of this Regulation, shall be deemed to have been issued under	Any aircraft maintenance licence and, if any, the technical limitations associated with that licence, issued by a Member State <i>either</i> (a) <i>in accordance with the JAA requirements and procedures,</i> <i>or</i>	This provision needs to cater for the current licences in place at national level but which were not issued as a result of a JAA procedure. This is in order to provide “grandfather rights” to existing certifying personnel in air sports organisations  This proposed amendment is only applicable to

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	this Regulation.	(b) <i>in accordance with a Member State's own procedures</i> and valid at the time of entry into force of this Regulation, shall be deemed to have been issued under this Regulation.	the EAS submission in the event that the proposed change to Article 3 is not accepted. However, the proposal may be relevant to aircraft of higher MTOW in any case.
Article 6 (2)	Any maintenance organisation approval issued by a Member State in accordance with the JAA requirements and procedures and valid at the time of entry into force of this Regulation shall be deemed to have been issued under this Regulation. For this purpose,.....	Any maintenance organisation approval issued by a Member State <i>either</i> (a) <i>in accordance with the JAA requirements and procedures,</i> <i>or</i> (b) <i>in accordance with a Member State's own procedures</i> and valid at the time of entry into force of this Regulation shall be deemed to have been issued under this Regulation. For this purpose,.....	This provision needs to cater for the current approvals and arrangements in place at national level for training but which were not issued as a result of a JAA procedure. This is in order to provide "grandfather rights" to existing training organisations in air sports associations and NACs  This proposed amendment is only applicable to the EAS submission in the event that then proposed change to Article 3 is not accepted. However, the proposal may be relevant to aircraft of higher MTOW in any case.
Article 7 (2)	The provisions of Annex I related to the continuing airworthiness of aircraft not used for commercial air transport, and components intended for fitment thereto, shall enter into force on 28 September 2005, and.....	The provisions of Annex I related to the continuing airworthiness of aircraft not used for commercial air transport, and components intended for <i>installation therein</i> , shall enter into force on 28 September <u>2007</u> , and.....	Due to the many and complex implications of the proposed changes, EAS propose to extend the implementation date to March 2007.  This proposed amendment is only applicable in the event that then proposed change to Article 3 is not accepted.
<b>Part M Commission draft</b>			

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Implementing Rules			
M1 (Purpose)			<p>In some countries the national air sport association or federation, in the form of a National (air sport) Governing Body (NGB), or the national aero club (NAC) is the current “competent authority” in respect of</p> <ul style="list-style-type: none"> <li>(a) oversight of continuing airworthiness of individual aircraft and issue of airworthiness review certificates, and / or</li> <li>(b) oversight of a maintenance organisation (Sub part F), and / or</li> <li>(c) approval of maintenance programmes</li> </ul> <p>either on a delegated basis from the NAA or on a stand alone basis (e.g. BGA for UK gliding).</p> <p>In this introductory section to Part M it needs to be recognised that the “competent authority” should not be limited to the National Aviation Authority (e.g. UK CAA, German LBA, French DGAC), but could equally be the NGB or NAC.</p> <p>The concept of such bodies taking on these roles, without necessarily a sub delegation from an NAA, is foreseen in Regulation 1592 in the term “qualified entity”.</p>

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			EAS strongly recommends an amendment to the M1 section of Part M to reflect this intention and possibility.
M.A.101 Scope	This part establishes the measures to be taken to ensure that airworthiness is maintained, including maintenance, it also specifies the conditions to be met by the persons or organisations involved in such continuing oversight.	This part establishes the measures to be taken to ensure that <u>airworthiness in respect of aircraft covered by Article 3 of Regulation 21 (as amended in this response)</u> is maintained, including maintenance. It also specifies the conditions to be met by the persons or organisations involved in such continuing oversight.	<p>EAS is of the opinion that Part M has been drafted mainly with large aircraft (as defined by Article 2(e)) in mind. Many of the provisions would be entirely inappropriate to light aircraft and air sport aircraft maintenance. The provisions do not take fully into account the best practices, as required by the preamble to the draft Regulation, and already well-established in most if not all EU Member States, and operating in a variety of frameworks, both regulated and non-regulated.</p> <p>What really is required is a separate set of maintenance rules specific to the light aircraft category (and which could be for aircraft below 2000 kgs, and balloons), which embraces the current best practices and provides a far less prescriptive framework. In the absence of such separate proposals at this stage, <b>EAS has recommended in the section responding to the main regulation articles for Part M, a derogation for aircraft up to 2000 kgs, and applicability of national rules.</b></p>

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			<p><b>The comments below are provided only in the event that the Europe Air Sports recommendation in relation to Article 3 of this Regulation (21) is not adopted.</b></p>
<p>M.A.201 Responsibilities</p>			<p>para (e): The requirement to use a “Continuing Airworthiness Management Organisation” (i.a.w. subpart G) to maintain airworthiness for gliders and light aircraft is a significantly increased organisational and financial burden, for little or probably no gain in safety, and is strongly opposed. This is a view held by the majority of gliding federations in Europe, and this objection has been raised repeatedly by Europe Air Sports (<i>Norwegian Gliding</i>).</p> <p>For the regulation to remain workable for sport aviation, the Maintenance Organisations mentioned in subparts F and G may be a NAC or NGB, in which case the maintenance organisation that has already been established by several NGBs can be continued following adaptation, where applicable, to the proposed Part M. This has been tabled and agreed at meetings with the Core Group, but this required formal clarification in the draft implementing rules.</p>

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M.A.202 Occurrence Reporting			
M.A.202(a)	Any person or organisation accountable under MA.201 shall report to the State of registry, the organisation responsible for the type design and, if applicable, the Member State of operator, any identified condition of an aircraft or component that could hazard the aircraft.		<p>Mandatory reporting of any hazardous condition is inappropriate and unreasonable for non-commercial recreational light aircraft operators. Current UK law only mandates occurrence reporting for aircraft involved in commercial operations.</p> <p>As the required severity of the fault is not indicated, there is a risk that significant airworthiness information and administration systems will become swamped under a mass of irrelevant detail and trivia.</p> <p>It is impractical to expect a light aircraft owner to report a defect to the organisation responsible for type design as well as to the national authority.</p> <p>It is suggested that the requirements for the reporting system be based on aircraft weights and type of operation (eg, commercial air transport, etc).</p>
M.A.202(d)	Reports shall be made as soon as practicable, but in any case within seventy-two hours of the person or organisation identifying the condition	Reports shall be made as soon as practicable, but in any case within five working days of the person or organisation identifying the	The seventy-two hour requirement to report occurrences is unacceptable. This does not necessarily give sufficient time to correctly identify the problem, and makes no allowance

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	to which the report relates. A copy of the report shall be incorporated in the aircraft maintenance record system.	condition to which the report relates. A copy of the report shall be incorporated in the aircraft maintenance record system.	for weekends or public holidays.  Suggest the response time be stated in terms of working days.  Again, it is suggested that the requirements for the reporting system be based on aircraft weights and type of operation (eg, commercial air transport, etc).
M.A.301 Continuing airworthiness tasks			
M.A.301 (2), (6)			Industry standard repair methods such as those contained in FAA AC.43.13 should be recognised.
M.A.302 Maintenance Program			
M.A.302 (a)	Every aircraft shall be maintained in accordance with a maintenance programme approved by the competent authority, which shall be periodically reviewed and amended accordingly.		It will often be inappropriate for recreational light aircraft owners or light aircraft maintenance organisations to draft maintenance programs for their aircraft.  It should be confirmed that pre-existing generic maintenance programs, such as the UK Light Aircraft Maintenance Schedule (LAMS), are satisfactory maintenance programs.

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			<p>It should be recognised that LAMS will not be reviewed by the maintenance organisation. This should be the responsibility of the NAA, in collaboration with maintenance organisations.</p> <p>In a typical NAC or NGB for gliding, if the general maintenance manual for gliders (approved in most cases by the relevant NAA), combined with the manufacturers type-specific maintenance manuals, ADs, service bulletins etc. can be defined as a “maintenance programme”, then existing systems in NGBs should provide compliance with this paragraph.</p>
M.A.302 (d)	<p>... The programme must include a reliability programme when the maintenance programme is based:</p> <ol style="list-style-type: none"> <li>1. On Maintenance Steering Group logic, or;</li> <li>2. Mainly on condition monitoring.</li> </ol>		<p>Introduction of a reliability program is not realistic for vintage aircraft used for recreational purposes maintained on a condition monitoring basis, other than to schedule inspections with annual inspections, and to comply with ADs as appropriate.</p> <p>In any case, the terms used in this sub-paragraph, ie, reliability programme, condition monitoring etc are not defined in Part M and this information must be provided.</p>
M.A.304 Data for modification and repairs.	All modifications and repairs shall be carried out using data approved by the Agency or by an approved Part 21 design organisation.		Guidance is required regarding repair procedures. For example, industry standard repair methods such as those contained in FAA AC.43.13 should be recognised.

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			<p>Recognition must be made of the fact that repairs to gliders have been based on standard repair methods for many years. These methods have been generated by NACs and NGBs but almost certainly have no approval basis under JAR 21.</p> <p>The requirement that data for all modifications and repair must be approved by “the Agency” (= EASA), seems excessively and unnecessarily strict and cumbersome, and may lead to a very time-consuming approval process. Primarily, this should be the task of the national competent authority, delegated to the approved airworthiness management organisation, especially for repairs. Another problem is that this rule does not distinguish between minor and major modifications / repairs.</p>
M.A.402 Maintenance data			
M.A.402(c)	<p>The person or organisation maintaining an aircraft shall ensure that all applicable maintenance data is current and readily available for use when required. Except for simple maintenance tasks, the maintenance data must be transcribed onto work cards or worksheets.</p>		<p>There is no definition of what constitutes a simple maintenance task.</p>

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M.A.403 Performance of maintenance.			
M.A.403 (a)	All maintenance shall be performed by qualified personnel, following the methods, techniques, standards and instructions specified in M.A.402 maintenance data.		<p>This sub-paragraph does not necessarily allow for pilot maintenance tasks?</p> <p>What does ‘qualified personnel’ mean? This term must be clearly defined.</p> <p>It is unrealistic to expect everyone carrying out work on an aircraft to be qualified to the standard of BCAR Section L or JAR/IR66. If this were the case, how would it be possible for unqualified personnel to gain experience prior to gaining a BCAR/JAR/IR licence?</p> <p>It is essential, for both economic and training requirements, that unqualified personnel be allowed to conduct maintenance work whilst under the supervision of a qualified person.</p>
M.A.403(c)	The area in which maintenance is carried out shall be clear and clean in respect of dirt and contamination.	The area in which maintenance is carried out shall be as clear and clean in respect of dirt and contamination as appropriate for the maintenance work being carried out.	For private light aircraft, it should be recognized that it should be acceptable to perform most general maintenance tasks in the hangar where the aircraft is kept. It should be recognized that it is often the case that standards of cleanliness will vary in these circumstances.
M.A.404 Aircraft Defects			

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M.A.404 (b)	Only the authorised certifying staff, according to M.A.801 (b) 1, M.A.801 (b) 2 or Part 145 can determine.....	Only the authorised certifying staff, according to M.A.801 (b) 1, M.A.801 (b) 2 or Part 145, or the pilot in command of the aircraft, can determine.....	<p>There will be many defects that a pilot of a light aircraft, glider or balloon could assess as not affecting flight safety. Therefore, restricting the judgement to authorised certifying staff (unless this includes the owner/pilot) is not appropriate or necessary, particularly bearing in mind that the certifying maintenance staff may not have any greater understanding of the implications than the pilot, and their non-availability in an amateur club environment on any particular day could prevent a safe flight unnecessarily.</p> <p>Propose that owner/pilot can make assessment, and if the pilot is in doubt he can always consult a suitably qualified person.</p>
M.A.501 Components Installation			
M.A.501 (a)	No component may be fitted unless it is in a satisfactory condition and has been appropriately released to service on an EASA Form 1 or equivalent	No <u>component specified in the type certificate or equivalent as essential to primary flight safety</u> may be fitted unless it is in a satisfactory condition and has been appropriately released to service on an EASA Form 1 or equivalent	<p>The requirements of (a) and (b) do not distinguish between flight-safety critical and non-critical components or materials, and does not distinguish between classes of aircraft, when requiring that all must be released by an EASA Form One or equivalent.</p> <p>This will lead to problems related to installation of non-compulsory or “non flight safety critical” equipment in gliders, e.g.</p>

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			<p>soaring flight computers / electronic variometers and GPS flight recorders. Such equipment not only used in most gliders but also is also absolutely essential for achieving sporting and recreational performance as distinct from safe flight. Such equipment is not normally manufactured by companies approved to issue JAR/EASA Form One certificates.</p> <p>It should be noted that many countries have simplified regulations for non flight-safety critical equipment, in particular GPS receivers for use in aircraft that are VFR equipped only.</p>
M.A.501 (b)	<p>Prior to installation of a component on an aircraft the person or approved maintenance organisation shall satisfy itself that the eligibility and status of the particular aircraft component permits the component to be fitted.....etc.</p>	<p>Prior to installation <u>on an aircraft</u> of a component <u>specified in the type certificate or equivalent as essential to primary flight safety</u>, the person or approved maintenance organisation shall satisfy itself that the eligibility and status of the [<i>particular</i>] <u>specified</u> aircraft component permits <u>that</u> component to be fitted.....etc.</p>	<p>See comments above</p>
M.A.501 (c)	<p>Standard parts shall only be fitted to an aircraft or a component when the maintenance data specifies the particular standard part. ...etc</p>	<p>This requires re-drafting to cater for the position of, particularly, historic aircraft and those where the original manufacturer is</p>	<p>Sub-paragraphs (c) and (d) introduce very strict requirements for “standard” parts and materials. The requirement for a “conformity statement” may lead to excessive paperwork in</p>

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		nolonger in existence and there is no successor-approved organisation.	cases where “commercial standard components” can be used.  For older aircraft, generally without support from the manufacturer (who no longer exists) standard parts are simply not always available and therefore alternative solutions have to be found, with due attention to airworthiness.
M.A.501 (d)	Material being either raw material or consumable material shall only be used in an aircraft or a component when the aircraft or component manufacturer states so in relevant maintenance data		See comment above. The requirement for specific raw materials and “consumables” to be stated in “manufacturers maintenance data” will be a particular problem for maintaining and repairing older gliders, for which either the manufacturer no longer exists and / or the materials originally specified are no longer available and suitable alternatives can and are used.  It is also undesirable that M.A. 501 does not provide any options for exceptions to this regulation.
M.A.502 Components maintenance (b)	Maintenance of any component may be performed by M.A.801 (b) 2 certifying staff only whilst such components are fitted to the aircraft. Such components, nevertheless, can be temporarily removed for maintenance when such removal is	[Requires revision in accordance with comments]	It is a problem that the term “maintenance” does not distinguish between different types of maintenance, e.g. functional testing or installation/removal versus operations actually being an intrusion into the component. The requirement that components may only be removed for maintenance “when such removal

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	<p>expressly permitted by the aircraft maintenance manual to improve access for maintenance</p>		<p>is expressly permitted by the aircraft maintenance manual” is unnecessarily strict, particularly because maintenance manuals for gliders and light aircraft do not usually specify allowable removal/installation of components to this degree of detail. This appears to be a new requirement, which has not been present in earlier versions of ECAR-M that have been reviewed previously, and does not seem to have been introduced as a result of any review comment. This particular requirement should be deleted.</p> <p>Again, for gliders, the components affected by this rule should only be those that form part of the type certificate of airworthiness or equivalent items that are safety-critical.</p>
<p>M.A.503 Service life limited components.</p>	<p>Installation of life-limited components will not exceed the approval service life limit as specified in the approved maintenance programme and airworthiness directives.</p>		<p>The requirement to abide by service limits of components is not consistent with the current arrangements for extending the lives of engines under, for example, UK CAA Airworthiness Notice 35, and many aircraft would be grounded if their engines were not able to continue in use beyond the manufacturers published TBO.</p> <p>To remove the ability to operate engines beyond their published TBO in accordance with CAA Airworthiness Notice 35 would ignore the massive satisfactory service</p>

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			experience history associated with operating time-expired engines on an on-condition basis beyond the TBO.
M.A.504 Control of unserviceable components			
M.A.504 (b)	Unserviceable components shall be identified and stored in a secure location under the control of the M.A.502 approved organisation until a decision is made on the future status of such components.	Unserviceable components shall be identified.	<p>It is simply unrealistic to expect that in the light aircraft and glider environment, unserviceable parts would be identified and kept under the control of an approved organisation and stored in a secure place.</p> <p>Instances of worn-out or unserviceable parts, in this sector of aviation, being put back into service are virtually non-existent. This proposed bureaucracy is unnecessary and unenforceable.</p>
M.A.504 (d)	Any person or organisation accountable under Part M shall, in the case of a paragraph (c) unsalvageable component: 1. retain such component in the paragraph (b) location, or; 2. arrange for the component to be mutilated in a manner that ensures that it is beyond economic salvage or repair before relinquishing responsibility for such component.	Delete	See comment above for part (b) of this subpart.
<b>Subpart F</b>			

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<b>Maintenance Organisation</b>			
M.A.603 Extent of Approval - General Comment			<p>It is understood from subparts F, G, H and I that only a Subpart G “Continuing Airworthiness Management Organisation” can issue an authorisation or recommendation for continuing airworthiness, and that from subparts F and H that only a Subpart F “Maintenance Organisation” can issue a certificate of release to service (except for so-called “limited pilot-owner maintenance”).</p> <p>These proposed rules apply to all aircraft covered by IR-M : light aircraft, heavy aircraft, gliders, commercial or non-commercial.</p> <p>For gliders in particular, these are a severe tightening of regulations, because in most European countries, Sailplane Technicians (or other equivalent national ratings) have been permitted to authorise or recommend continued airworthiness, and have been permitted to certify that a glider is released to service, based on their personal license and not necessarily on the approval of an organisation.</p> <p>The gliding world has functioned quite satisfactorily over many years, in terms of airworthiness and maintenance safety record, with a combination of some commercial</p>

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			<p>workshops and club or home-based facilities in which individuals (not organisations, though the individuals are part of an organisation and subject to its inspection procedures) conduct the work on a voluntary or self-help basis. The costs of ownership and operating are thereby kept low for those who cannot afford or do not wish to use commercial maintenance services.</p> <p>If these rules are implemented it is no exaggeration to say that it will cause the demise of gliding, for absolutely no gain in safety.</p>
M.A.603 (a)	<p>...</p> <p>The Appendix 4 to this Part contains a table if all classes and ratings possible under MA Subpart F</p> <p>...</p>		<p>Paragraphs 11 and 13 do not exist in Appendix 4. Also table 1 does not exist in Appendix 4.</p> <p>It is impossible to properly comment without these paragraphs and tables being present and it is therefore imperative that the tables are presented and a suitable consultation period is allocated in order to consider the implications for air sport aircraft, gliders and balloons.</p>
M.A. 604, 605 606, 607, 610,614, 616, 617 General comment		<p>These provisions require complete re-writing to be acceptable for the gliding community. They are also “over the top” for light aircraft.</p>	<p>Combined with the observation to M.A.603 above, these rules impose a severe increase of requirements for glider maintenance, with respect to personnel and staffing, facilities (in particular office facilities), and paperwork. These rules appear to have been developed with a relatively large commercial maintenance</p>

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			<p>organisation in mind.</p> <p>This subpart should allow for simpler procedures for gliders, in particular the option for Sailplane Technicians (or other equivalent national ratings) to issue certificates of release to service for gliders, based on their personal licence and not necessarily on the approval of an organisation.</p>
M.A. 605 Facilities			<p>See comments above. These proposed rules are simply unrealistic for the majority of gliders and many light aircraft, and unnecessary, though the general intent of having some “order and organisation” of work is recognised</p>
M.A. 606 Personnel requirements			<p>(g) specifies that certifying staff must comply with requirements of part 66. IR Part 66, Subpart B para 66.A.75 (General) states that “until such time as ECAR-66 specifies a requirement for certifying staff of aircraft other than aeroplanes and helicopters, certificates may be issued on the basis of the applicable national regulations.....”</p> <p>Subject to what is concluded in respect of 66.A.75, for glider maintenance this could create a terminal problem, because Sailplane Technicians (or other equivalent national ratings) do not normally have JAR (IR-Part) 66 certificates/licences.</p> <p>Grandfather rights for the present people are</p>

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			<p>not sufficient; future people need to be treated similarly if gliding is to survive.</p> <p>Because this IR-66 does not seem not have a direct implication on the privilege of issuing a “Certificate of Release to Service” in accordance with IR-M, there is a need to have a similar statement in IR-M subpart F</p>
M.A.607 Certifying staff	(a) & (b)	Remove the rules for gliders and some light aircraft	<p>(a): The requirement that certifying staff must demonstrate 6 months’ maintenance experience within the preceding 2 years, is unnecessary strict for glider maintenance, and introduces two problems:</p> <ol style="list-style-type: none"> <li>1) It might imply that newly licensed technicians cannot issue certificates of release to service until 6 months after receiving the license.</li> <li>2) For volunteer (unpaid) maintenance personnel typical for gliding, it would be impossible to comply with this rule, particularly if the 6 months is reckoned as an equivalent in working hours based on the normal monthly working hours of a paid employee.</li> </ol> <p>This requirement is also new, relative to previously reviewed drafts in ECAR-M. This requirement should be removed, or an exception made for “aircraft other than aeroplanes and helicopters”</p>

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			<p>(b) The rules concerning maintenance at locations other than the main base appear to be unnecessarily strict and detailed. These rules were not present in previously reviewed ECAR-M drafts. It is proposed that these rules should be removed.</p> <p>(c): Sub-paragraph (a)2 requires certifying staff to have "... an adequate understanding" of the relevant aircraft/components. The term "adequate understanding" is not defined. Care needs to be taken when reaching a definition of this term because for simple aircraft, especially vintage and recreational aircraft below 2730kg, there are no type-training courses available. Most engineers acquire detailed type knowledge of these aircraft through informal on-the-job training (OJT). Making requirements for structured type-training courses at IR147 training organisations will be an utterly unattainable requirement and such strictures must be avoided at all costs. It is vital that such stringent requirements are not imposed on a sector of the industry that cannot meet them.</p>
M.A. 608 Equipment & Tools		For individuals something simpler should be considered, such as "the person undertaking	This proposed rule may be applicable to a commercial maintenance organisation, but is inappropriate for an individual, even where the

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		<u>the maintenance should ensure that he has tools available which are suitable for the work and that tools which require calibration are calibrated to relevant official standards.</u> ”	individual is working under an authorisation or approval from the organisation, but remotely from its base.
M.A. 612 Aircraft certificate of release to service	(b) Each approved maintenance organisation shall produce and use a standardised form for the aircraft certificate of release to service:		In order to limit the amount of paperwork, a written entry in the aircraft technical logbook should be acceptable for simpler maintenance tasks.
M.A.613 Components certificate of release to service	(a) At the completion of all required component maintenance in accordance with this subpart, a component certificate of release to service, EAS Form 1, shall be issued.	(a) At the completion of <u>required maintenance on components that are designated as safety-critical in the type certificate or equivalent</u> , in accordance with this subpart, a component certificate of release to service, EAS Form 1, shall be issued.	This should exclude non safety-critical instruments and other equipment in gliders.
<b>Subpart G Continuing Airworthiness Management Organisation</b>			Repeat of general comments under M.A. 603 above.  There will be considerable overlap in the work required to be carried out by the Subpart G continued airworthiness management organisation and the Subpart F approved maintenance organisation. Owners will have to pay the Subpart G organisation for the work it carries out and will still have to make the statutory payments to the NAA for

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			<p>airworthiness fees etc. The increase in costs associated with the new requirement will be significant for private owners operating aircraft for recreational purposes.</p>
<p>M.A. 704,705,706,707, 712,714 General comment</p>			<p>Combined with the observations above, these rules imply a severe increase of requirements for glider and light aircraft maintenance with respect to personnel and staffing, facilities (in particular office facilities), quality assurance and paperwork. These rules appear to have been developed with a relatively large commercial maintenance organisation in mind.</p> <p>This subpart should allow for much simpler organisational structures and procedures for gliders and light aircraft.</p> <p>Taking glider maintenance as an example the option for Sailplane Technicians (or other equivalent national ratings) to issue certificates of release to service for gliders, based on their personal license and not necessarily on the approval of an organisation.</p> <p>Although EU regulation 1592/2002 specifies that IR-M as applicable for gliders, this EU regulation does not preclude more relaxed rules (within IR-M) for continuing airworthiness of gliders.</p>

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M.A.707 Airworthiness review staff			
M.A.707 (a) 1 & 2	<p>“at least five years experience in continuing airworthiness, and</p> <p>an appropriate Part 66 licence or an aeronautical degree or equivalent, and;</p> <p>formal aeronautical maintenance training;”</p>		<p>It must be recognised that for the light aircraft industry, there are very few Part 66 licensed engineers. Generally, these engineers are licensed under national requirements (BCAR Section L in the UK) for light aircraft, or are approved by NGB organisations in the case of gliders.</p> <p>For gliders, please refer to comments above under M.A.606 – the same issue arises in the context of airworthiness review staff.</p> <p>(a)1: specifies that certifying staff must have “at least five years experience in continuing airworthiness”. This requirement was not in previously reviewed drafts of ECAR-M, and does not seem to have been introduced due to any review comments. It would introduce severe problems into glider maintenance organisations (e.g. recruitment and utilisation/availability of personnel), and should be removed.</p> <p>It is therefore unacceptable to require a Part 66 licensed engineer to carry out the airworthiness review.</p>

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M.A.710 Airworthiness review			
M.A.710 (a) 2			Many vintage aircraft do not have flight manuals therefore it would be impossible to carry out an airworthiness review of the type called for on this class of aircraft.
M.A.710 (a) 7			See note above under M.A.503 Service Life Limited Components.
M.A.710 (b)	The approved continuing airworthiness management organisation's airworthiness review staff shall carry out a physical survey of the aircraft. For this survey, airworthiness review staff not appropriately qualified to Part 66 shall be assisted by such qualified personnel.		The requirement for a Part 66 licensed engineer to conduct the airworthiness review is overly burdensome for the light aircraft industry (see comment on M.A.707 Airworthiness Review Staff).
M.A. 711	[Privileges of an approved continuing airworthiness organisation]		The distinction between the tasks listed under (a) (i.e. "Manage the continuing airworthiness of aircraft") and the tasks under (b) (i.e. "issue an airworthiness review certificate" or "make a recommendation for the airworthiness review") seems unclear. In practice, isn't an "airworthiness review certificate" or "recommendation for airworthiness" the end result (with respect to documentation) of the task "manage the continuing airworthiness"?
M.A. 712	[Quality system]		The wording in sub-paragraph (f): "In the case

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			<p>of a small M.A. Subpart G organisation that does not have the privileges granted under M.A.711 (b), .....) seems contradictory. If a subpart G organisation (= Continuing Airworthiness Management Organisation) does not have the privilege to issue an airworthiness review certificate or make a recommendation for airworthiness, such an organisation appears to be of little use, as an airworthiness review certificate is required for the airworthiness certificate to be valid.</p>
M.A.803 Pilot-owner authorisation			
M.A.803 (b), (d)			<p>We note that the person carrying out pilot maintenance must complete a CRS, whereas with the UK system a CRS is not required after pilot maintenance. We do not consider it appropriate or necessary for a pilot to issue a CRS in these circumstances.</p> <p>Instead, we suggest that the pilot records the work carried out in the logbook if in accordance with allowable 'Pilot Maintenance', and signs the logbook with his pilot license number or equivalent.</p>
M.A.902			
M.A.902(c) 2			The requirement for an airworthiness review certificate having to be issued annually (rather

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			than every three years for Certificates of Airworthiness) unless the aircraft has been operating in a controlled environment seems over-burdensome, costly, and inappropriate to light aircraft operation.
Appendix 1 to Part M Continuing Airworthiness Arrangement	<p>“the owner will undertake to inform the airworthiness authorities of the Member State where the aircraft is registered within two full weeks....”</p> <p>Obligations of the approved organisation</p> <p>2 organise all maintenance to be carried out by an approved maintenance organisation</p> <p>2 inform the owner each time the aircraft shall be brought to an approved maintenance organisation</p> <p>5 inform the airworthiness Member</p>		<p>This should only apply to large aircraft. It is unworkable and unnecessary for light aircraft. It adds nothing to safety, but increases bureaucracy and cost</p> <p>This requirement must cater for alternatives to “approved maintenance organisation, unless it recognised that a NGB for an air sport can itself be an approved maintenance organisation in which volunteer personnel can be approved, as is currently the case in many Member States.</p> <p>This requirement makes the system active rather than passive, and is unnecessary for light aircraft, balloons and gliders. It is the responsibility of the owner to meet the maintenance and C of A requirements, otherwise the aircraft etc airworthiness is not valid. See also item 3 of “obligations of the owner”</p>

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	<p>State of registry whenever the aircraft is not presented to the approved maintenance organisation by the owner as requested by the approved organisation</p> <p>6. inform the airworthiness authorities of the Member State of registry whenever the present[ation] arrangement has not been respected</p>		<p>Same comment as above.</p> <p>Same comment as above.</p>
Appendix 8	[Limited pilot owner maintenance]	<p>Add: (32) for gliders, including self launching motor gliders, rigging and de-rigging the glider (33) for gliders, including self launching motor gliders, removal and replacement of instruments and other removable equipment</p>	<p>The ability of glider pilots to rig and de-rig their gliders needs to be allowed somewhere in the rules and maybe Appendix 8 is the appropriate place. Without this, gliding would cease. Also, a glider pilot must be able to change the instruments and other removable equipment when needed, without reference.</p>
Document issue control			<p>As far as EAS can see, there is no issue number or date on the Draft Part M, which does make reference extremely difficult.</p>
Acceptable Means of Compliance (ACJs).			<p>At present it seems that the Acceptable Means of Compliance and Implementation (ACJ) for Part M has not been published on the EASA website for consultation purposes. It is in this material that the actual mechanisms for implementation of Part M will be determined.</p>

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			The ACJ material will have greater direct impact on companies seeking approval than the ‘aspirations’ in the main text of Part M. Therefore, it is important that the ACJ material is distributed for consultation prior to any opinion on implementation.
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Europe Air Sports,  
16 July 2003