

A reply to EASA circular inquiry, dated 4 July 2011, on Part-M for General Aviation, RHA/ime/R(4) 2011(D)53023

Dear Mr Sivel,

Thank you for assessing the impact of the actual Part M requirements on the general Aviation community and giving SAMA the possibility to (re-)emphasize its views and considerations on that subject.

Many of the Swiss Aircraft Maintenance Association's members are small organisations, principally active in the General Aviation sector (GA) and work on aircraft below 5.7 t MTOM. Some work on aircraft above 5.7 t MTOW but below the MTOW of Airliner Aircraft and with low annual utilisation. It is obvious that the board is regularly faced with feedbacks on EASA regulations in this sector. The following considerations summarise such feedbacks, following as far as possible the issues proposed and numbered in your circular.

As a guideline for our proposal we had in mind, the *“agenda for sustainable future in general and business aviation European Parliament resolution of 3 February 2009 on an Agenda for Sustainable Future in General and Business Aviation (2008/2134(INI))* „ and especially articles two to six of the hereunder referenced document

[Sustainable future for general and business aviation](#)

and as well as the COUNCIL OF THE EUROPEAN UNION in COMPET223 from 31. May 2011 <http://register.consilium.europa.eu/pdf/en/11/st10/st10985.en11.pdf>

Where the council is *“underlining, that opportunities offered by the Single Market have to be supported by simple, consistent, transparent and accessible legislation;”*

„IMPROVING EXISTING EU LEGISLATION AND ENSURING HIGH QUALITY OF NEW LEGISLATION THROUGH IMPACT ASSESSMENTS, SIMPLIFICATION, AND REDUCTION OF ADMINISTRATIVE BURDENS“

1. Format of the rules

The actual Part-M is against the recommendations of the EU council papers above and presents non-proportional burdens for GA in two respects. First, the requirements are not adapted for maintaining a reasonable safety level of the aircraft types mostly operated in this sector, and second they are not adapted to the typical type of operations **nor organisation**. The user of the regulation is forced to constantly search through the different Basic Regulation, implementing rules, annexes, subparts, appendices and this not only in PART M but as well in PART 145, PART 66 and others. Unfortunately, EASA has rejected earlier proposals aiming to reduce the administrative burden with a 'Part-M light' containing everything the organisation and its staff must know to safely and successfully accomplish their work. The argument against a 'light' version was that it is easier from a rulemaking point of view to define exemptions for certain particular cases than to issue several similar regulations.

The result is now paradox insofar as the smaller organisations must not only consult the rules but also a patchwork of exemptions and variants in order to assess what might be applicable in their particular case. Furthermore, the very segmented EASA rulemaking make it very hard to keep an overview on what is going on. As opposed to large organisations in commercial air transport, general aviation small and medium enterprises (SME's) have very limited administrative and no legal capacities.

This paradox certainly is not beneficial to safety. The obvious human factors consideration is that easy to understand and plausible regulations would be safer and more effective.

An other negative result of applying 'large' regulations on 'small' organisations is that some NAA's expanded considerably (in the councils document this is called “gold plating”) instead of reducing its resources since the adherence to EASA regulations.

It seems that EASA is reviewing this rulemaking principle in the mean time. Hence we propose that continuing airworthiness requirements for GA be established in a much simplified and separate regulation. With respect to present experience, appropriately weighted risks and considering the typical size, process and structures of concerned organisations / persons, we believe that continuing airworthiness as defined in the basic regulation could be implemented in three segments, each proportional to its typical operation, aircraft and maintenance environment.

- I. Type of operations
- II. Type of aircraft
- III. Type of organisation

Segment and applicability	Regulation	Main considerations
First segment I. Type of operation Airline like operation II. Type of Aircraft Complex, large aircraft used in Public/Commercial Air Transport, e.g. airline and charter. III. Type of maintenance organisation Complexity : <ul style="list-style-type: none"> ▪ Shift changes ▪ (multiple) handovers ▪ multiple locations with each staffed > 10 ▪ high depth of penetration ▪ complex widespread international customer base 	Part-M regulations shall apply and include 145 streamlined exclusively for public air transport . <i>Rmk: This was the sector in mind when Part M was designed. Part-M shall be harmonised with other widely recognised rules in view of worldwide standards</i>	Maintenance as well as ops generally performed by large organisations, fleet of same/similar aircraft; high impact / public attention of incidents/accidents
Second segment I Type of operation Commercial and non commercial operations (but not Public Air transport) II Type of aircraft Complex aircraft and non complex aircraft < 19 PAX III Type of maintenance organisation one shift system (no handovers)	Simplified Part-M' regulation shall apply containing everything for this segment CAMO optional, fully integrated or deleted <ul style="list-style-type: none"> ▪ which procedures are necessary to make CAMO optional ? ▪ Simplify what ? ▪ Simplify how ? 	Maintenance generally performed by smaller and 'multifunction' MO (SME's), hence broader general competences, less segmented /specialised; far smaller real and public impact of incidents /accidents.
Third segment I Type of operation Non commercial operation including Sightseeing and flight training, club activities, leisure and private flying, flight training II Type of aircraft Non complex aircraft, e.g. <2000 kg/ 4 Pax III Type of maintenance organisation club or private operations, Small ~ 25 staff Private Flying, Basic training, Sightseeing Flights.	(No Part) Reference only to essential (continuing) airworthiness requirements; emphasis on owners responsibility : design owner states minimum maintenance requirements for a type; aircraft owner is responsible for a maintenance program adapted to the particular aircraft and equipment; qualified person validates the maintenance program; a bi-annual review verifies that the aircraft remains airworthy in accordance with these rules.	Maintenance generally performed by qualified individuals or small organisations; negligible risks for third parties, strictly personal and local impact of incidents /accidents

2. Generic maintenance programmes (MP) and indirect approval procedure

MP for individual aircraft and operation types shall be based on generic ones or/and directly refer to manufacturers recommended MP.

We have no indications of safety risks related to indirect approvals. For non complex/light aircraft (third segment above), an approval through assessment and validation by a licensed maintenance technician should be envisaged.

3. Approval/acceptance of repairs and modifications

Repairs and modifications on non complex aircraft shall be acceptable if completed in accordance with accepted standards, e.g. FAA AC43.13. There are no indications that the use of such common standards in practical work presents a safety risk on non large aircraft.

4. Acceptance of components from US/CDN

Compatible components released to any accepted, non-EASA Standard shall be acceptable for installation. Additional EASA certifications or releases do not increase the safety level.

5. Scope of work authorised to the Pilot-owner

We have no indications that the pilot-owner scope of work on non complex aircraft presents any safety risks. In particular cases, a periodic airworthiness review or other circumstances might lead to a revision of the scope – restriction or extension – as defined in the maintenance programme.

6. Scope of work authorised to independent certifying staff

Maintenance release of non complex aircraft (as well as for Annex II aircraft) shall be open for appropriately qualified independent certifying staff. In addition, some specialised work/tasks may be performed and released by independent certifying staff. Some NAA's maintain a system of specialist-licences ('S' licence). The 'S' licence states the scope of work authorised, which may be performed either independently or within an organisation. This is a simple and clarifying licence system.

7. Licensing of certifying staff

The EASA proposals for B3 and L licences indicate that there is an accepted need for simpler, more practice oriented qualifications than those actually defined in Part-66, particularly when considering non complex aircraft. We think that the 'B3' proposal shows the right direction: reducing abstract theories and formalities will give more room for the development of practical competences and personality, as well as motivation to start a career in aircraft maintenance.

We would favour a practice related 'B3', upgradeable Part-66 licence covering non complex aircraft. For any certifying competence below that licence – if at all necessary and reasonable besides pilot-owner maintenance – we would advocate a solution where the interested associations/clubs etc. take the responsibilities to comply with basic regulation requirements (Annex I). Simplifying the requirements would also ease the tasks of EASA and NAA's and would have a considerable financial benefit.

Concerning Type Rating requirements: we consider those requirements to be limiting and more complex than necessary as outlined in our comment to NPA 2008-10. (attached)

8. Qualification and position requirements for airworthiness review staff

The content and purpose of an airworthiness review is well defined. In smaller organisations, the same person is normally competent for releases to service as well as for airworthiness reviews. Our experience shows that many of the small organisations have started a cooperation, mutual exchange of review staff between themselves, after they were shown the benefits in respect to human factors and responsibility. We would advocate that

for non-complex aircraft certifying staff may not only review the aircraft and recommend ARC renewal, but also be allowed to directly renew the ARC unless substantial evidence (data) would prove that this was not a safe process in the past.

An ARC renewal period of three years would be appropriate and safe enough to the second and third segment.

9. CAMO

The CAMO concept introduces at least one additional interface into formal airworthiness. Whereas this may be justified for large organisations with many hierarchy levels, it mainly introduces an additional source of potential errors in SME organisations. We recommend to withdraw the CAMO requirement for non complex in favour of sample airworthiness-maintenance contracts between owner and maintenance organisation, where the responsibility for continuing airworthiness tasks is clearly defined. This would simply confirm and clarify the classic way of maintaining light aircraft in an airworthy status.

10. ACAM

Aircraft Continuous Airworthiness Monitoring is a typical example of the complexity of the rules for users in the second and third segment. With this regulation the verification of a verification is introduced, which may eventually be appropriate on a Airline Passenger or large Cargo Aircraft where during a period of one, two , three years several dozens to more than several hundred different staff are involved in assuring its continuous airworthiness. SME's involve much less staff and overview is straightforward. Working with 145A30&35 there are many cross-references' indicating where the appropriate code is to be found. Considering twenty one step cross-references and many up to five times interlinked steps, brings the total of references on seven pages to a total of eighty-three links. This is an impossible puzzle to understand for a non permanent desk worker who should fix aircraft safely and makes the review more time consuming then the actual work itself . The consequence of such complexity for basically straightforward undertakings may be the reason for the unexpected growth of authority staff on NAA and EASA level with the associated cost explosion.

The whole ACAM concept does not add safety and should be eliminated altogether at least for the second and third segment.

11. Other considerations

The roles of the actors

The common – also public – perception of aviation authority's role is that they are responsible for the safety in aviation.

On the other hand, the liability for a product will always be traced back to its designer, manufacturer, operator, maintainer. A certificate for a product or a licence for an activity does not take away that liability or responsibility.

A certificate or a licence states that a product or an activity conforms to an agreed standard, whereas that standard is usually driven by industry experience and feasibility. In other words, the main role of the authority (or of any other assessment body) is standardisation, more explicitly expressed by ensuring mutual recognition and tradability. This is not the same as the common perception, responsible for ensuring safety. Ensuring safety is and will remain the prime concern of the industry and of each actor. This responsibility can not be transferred to any third body or authority.

We are aware that these considerations exceed the scope of 'Part-M implementation', but we have a strong feeling that clarifying discourses on mutual roles (and interests) could lead to easier rulemaking as well as to rules understandable for the end-users.

The purpose of regulations

Again, this point obviously exceeds 'Part-M implementation'. We recognise and appreciate that EASA tries to streamline, harmonise aviation do's and don'ts across the many cultures across Europe, to create what is often called a level playing field.

We believe that 'level playing field' is simply a myth, normally pointed at to defend particular interests against 'cowboys'. This results in complex and highly detailed regulations on how to do something instead of describing the required result. If the description of a result is clear, it can be left to the different 'cultures' how to achieve them. This would mean to accept that different cultures exist instead of trying to streamline, eliminate them.

Aiming regulations at a required result would also decrease their complexity. The aim in regulating should be simplicity (proportional and easily understandable, thus best compliance) and the least involvement possible of authorities in normal circumstances and procedures.

Sincerely,

Franz Meier

Director of SAMA
Swiss Aircraft Maintenance Association
Mobile: +41 79 33 46 170
Landline: + 41 44 586 79 31
SVFB Sekretariat
c/o Lufthansa Technics Switzerland
POB
4002 Basel