

EUROPEAN GLIDING UNION

EGU Meeting on EASA "Part M" with MM. Sivel and Morier from the EASA Rulemaking Directorate, held on 16-04-2005 in Frankfurt.

Present:

EGU: R. Stuck, J. Neumann (DE), M. Müller (DE), E. Blumer (CH), P. Pauwels (BE), T. Slater (UK), G. Raudsanmoen (N), H. Svensson (S), J. Helminen (FI), J.P. De Loof (F), H. Van Leeuwen (NL), E. Norskov (DK), J. Feldborg (DK), H. Hald (DK),
German glider manufacturers: W. Scholz (WS)
Europe Air Sports (EAS): R. Schuegraf (RSc)
EASA: Y. Morier (YM), E. Sivel (ES)

1. Introduction

RS recalls that EGU is also the gliding working party of Europe Air Sports and works in close collaboration with EAS. The EGU would be more than happy if the EAS proposal to keep the maintenance of all aircraft with MTOM < 2730 kg under national regulation would be accepted by EASA. ES answers that this is not possible within the framework of Regulation 1592.

2. Presentation by E. Sivel

His PowerPoint presentation is divided into three parts:

- I. The EU institutional framework – How all this fits in.
- II. Part – M General intent
- III. Regulatory Impact Assessment (RIA) results

I. The EU institutional framework

The principles: ... CENTRALISATION IS THE EXCEPTION

The EC Treaty provides however for the delegation of executive powers for the adoption of standards to the Commission (hard law) or to an executive agency (soft law).

In such cases delegated powers shall be strictly defined to allow judicial control of executive acts.

The application of Community law, in particular the evaluation of conformity with binding standards, may also be delegated to the Commission or a Community Agency.

The exercise of such powers shall be subject to judicial remedies available to individuals.

Work is being done to extend the scope of this regulation to air operations and flight crew licensing.

Ultimately it could also cover the safety regulation of airport operations and air traffic control services.

The sharing of roles

The Commission:

- adopts Implementing Rules (Commission Regulations 1702/2003 and 2042/2003)
- oversees the implementation of common rules by NAAs, including use of safeguard provisions (art. 10 of Regulation 1592/2002)
- negotiates international agreements

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The Agency:

- develops common rules (EASA regulation and implementing rules);
- adopts material for the application of common rules (airworthiness codes, interpretative and advisory material);
- issues type certificates (TC, STC,...) and organisations' approvals (DOA – Design Organisation Approval - and foreign POA, MOA...) and ensures related continued oversight;
- monitors the application of rules by Member States and recommends to the Commission the necessary enforcement actions;
- acts as focal point vis-à-vis third countries and international organisations for the harmonisation of rules and the recognition / validation of certificates;
- provides expertise as appropriate for rulemaking and certification tasks;
- issues individual airworthiness certificates and approvals to organisations and personnel in their territory;
- may take action on a case-by-case basis if so required to ensure safety or appropriate operational flexibility.

Advice may be received from high-level bodies:

- SSCC (Safety Standards Consultative Committee) of EASA
= industry/partners (where EAS has a seat)
- AGNA (Advisory Board of National Authorities)
= board of national CAA's
- The Commission tasks EASA with management objectives and time frames

Differences with the JAA system

The Community being a supranational organisation, Member States may no longer:

- issue their own rules,
- deviate from common rules,
- impose additional requirements nor
- conclude arrangements with third countries.

As a consequence they can no longer take a position in the JAA. The Agency has become a JAA member to take over the Member States' roles in that organisation

EASA will be the filter between the Member States and ICAO

Certification outside Certification Specification (CS) 22 (for gliders / sailplanes) is possible, "unless otherwise accepted by EASA"

II. Part – M General intent

The general concept is to allow continuous airworthiness.

Part M offers all possibilities ...according to ES

The owner makes his own choice to maintain his glider:

- him/herself (pilot owner maintenance)
- via Sub Part F maintenance organisation
- via Sub Part G CAMO

In an uncontrolled environment a pilot owner who maintains his own glider, can issue his own CRS (Certificate of Release to Service) for pilot-owner maintenance and for all tasks, unless

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an approval system exists for personnel in that Member State. The ARC (Annual Review Certificate) will be delivered every year by the Competent Authority.

In a controlled environment the pilot-owner maintenance is still possible, if the Subpart G is informed about each task. The validity of the ARC is extended twice for each of the 2nd and 3rd years by Subpart G; every third year a new ARC is issued by Subpart G after a physical survey.

ES confirms that Part 66 (licensing of engineering personnel) will not apply to gliding / gliders and that the Airworthiness Review Certificates for gliders will be issued by persons allowed to do so under national regulation, if any (Grandfather rights).

ES confirms that the pilot-owner maintenance concept also applies to mechanics working in a club workshop.

Main activities on Part M:

Notice of Proposed Amendment (NPA) 9/2004

Editorial changes have been made to Regulation 2042/2003 which seemed to alter the intent.

EASA is now in the process of finalising the CRD.

Regulatory Impact Assessment (RIA)

The process is the following:

- Draft terms of reference
- Open work for tender
- Oversight of work
- Analysis of results

The results of the RIA will not be published but EASA will issue an NPA due to be published in May.

Possible changes to Part-M to be adopted as soon as possible
Development of extra AMC (Acceptable Means of Compliance) material (Grouped)

Entry into Force

Entry into force will be on 28th September 2005 for commercial Air Transport.
Full entry into force (i.e. for gliding) will be on the 28th September 2008.

III. Conclusions of the RIA

ES lists the changes which will be proposed in the NPA:

- M.A.607 Certifying staff
Paragraph (b) transferred to M.A.801
- M.A.712 Quality system
(f) In the case of a small M.A. Subpart G organisation that does not have the privileges granted under M.A.711(b), when the M.A.703 extent of approval does not include aircraft used for commercial air transport or aircraft above 2730kg MTOW or multi-engine helicopters, the quality system can be replaced by performing organisational reviews on a regular basis.
- M.A.801 Aircraft certificate of release to service
(c) By derogation to M.A.801(b) in the following unforeseen cases, where an aircraft is grounded at a location other than the main base where no appropriate certifying staff

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is available, the person responsible under M.A.201(a) may authorise any person with not less than 3 years maintenance experience and holding a valid ICAO compliant aircraft maintenance licence rated for the aircraft type requiring certification, provided there is no organisation appropriately approved under this Part at that location and the contracted organisation obtains and holds on file evidence of the experience and the licence of that person.

The person responsible under M.A.201(a) shall:

- obtain and hold in the aircraft records details of all the work carried out and of the licence held by that person issuing the certification, and
 - ensure that any such maintenance that could affect flight safety is rechecked by an appropriately authorised M.A.801(b) person, and
 - notify the competent authority or the contracted Subpart G organisation responsible for continuing airworthiness management when contracted in accordance with M.A.201(e) within 7 days of the issuance of such certification authorisation.
- M.A.901 Aircraft airworthiness review
- (e) Whenever circumstances show the existence of a potential safety threat or in the absence of a continuing airworthiness management organisation approved for the aircraft type, the Competent Authority may decide to carry out the airworthiness review and issue the airworthiness review certificate itself. In this case, the owner or operator shall provide the Competent Authority with:
- the documentation required by the Competent Authority,
 - suitable accommodation at the appropriate location for its personnel, and
 - when necessary the support of personnel appropriately qualified in accordance with Part-66.
- Appendix I Continuing Airworthiness Arrangement
- 5.2. Obligations of the owner:
- 10. inform the approved organisation of the aircraft flying hours on a regular basis.
- Appendix II EASA Form 1
- Block 13...*
- Some examples of the information to be quoted are as follows:
 - M.A. Subpart F approval reference Part-M Certificate of Release to Service
- Block 19* Contains the required release to service statement. For all maintenance by M.A. Subpart F approved maintenance organisations the box "other regulation box specified in block 13" should be ticked and the certificate of release statement made in block 13. When non Part-M maintenance is being released block 13 shall specify the particular national regulation. In any case the appropriate box shall be 'ticked' to validate the release.
- Appendix VIII Limited Pilot Owner Maintenance
- Changes have been made in the list of tasks that are better adapted to gliders and balloons.
- A full review of this appendix has been put on the Rulemaking Directorate's work programme.

3. Discussion

The representatives of the gliding movement are disappointed that the results of the RIA will not be published and that the RIA has not taken into account any of their comments (*post meeting note 23 April, Friedrichshafen, EAS Congress – this is something Europe Air Sports intends to challenge*). The only positive result is the fact that there will be an AMC on gliding / gliders and that the pilot owner will be allowed to do all tasks listed in the maintenance manual of the manufacturer.

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ES does not seem to understand our concerns. According to him we will still be able to do the maintenance in the same manner we did it in the past ... RS objects that the change from the actual system to Part M will obviously require additional paperwork and extra costs. Furthermore if all existing maintenance models can be certified within Part M why is there any change needed at all?

Most participants agree that there is no need to change a system which worked well for decades, as demonstrated by the negligible number of accidents due to poor maintenance .

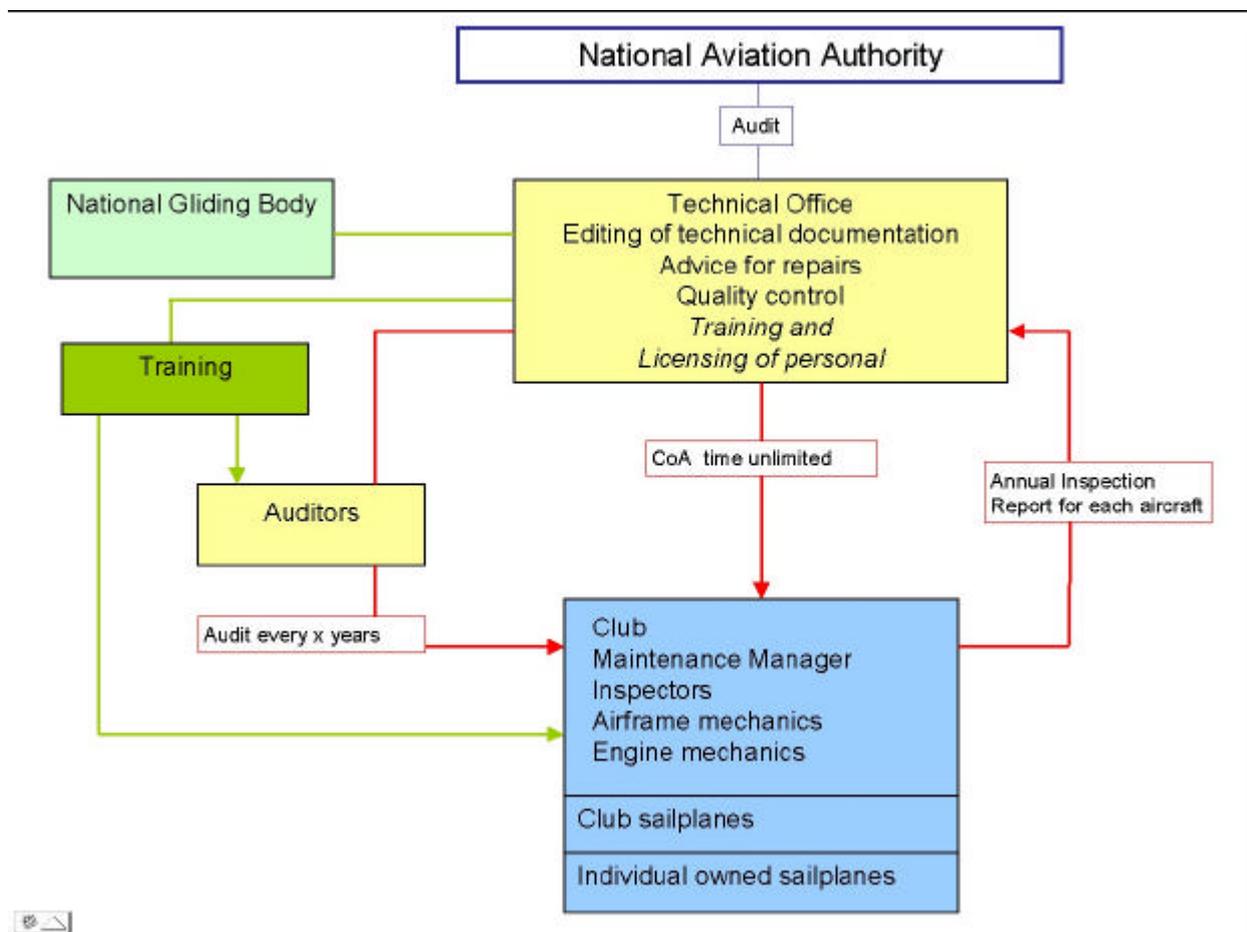
PP notices that EASA wants to implement in Europe the French system of maintenance which is probably the most bureaucratic and the least pragmatic one in Europe.

RS asks if there will be one single AMC for gliding and ballooning. ES answers "yes". RS states that he would prefer to have one AMC dedicated to gliding alone because both activities have little in common. RS asks also if EGU will be represented in the working group in charge of drafting the AMC. ES answers that this will be decided in the SSCC (follow up action: RSc of EAS).

Important: During the discussion ES mentions that CS 22 includes powered sailplanes, and that the fact that glider pilots will still be able to fly them, will be made clear to the Member States in an AMC.

4. EGU-common model

JN presents the EGU-model for maintenance of gliders to ES and YM. This model is a synthesis of how the maintenance has been done so far in most European countries (see attached figure)



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The reaction of ES is a little bit surprising. He does not want to give us a clear advice on what to do to be able to continue to do what we have been doing so far within the framework of Part M. He states that there are several solutions. One of the most obvious solutions was to become the Competent Authority for gliding in your own country. Every national gliding organisation will have to negotiate directly with their own CAA. ES says that EASA is not allowed to dictate what they will have to do.

RS objects that this will not be easy to become the Competent Authority for gliding because National CAAs will probably not give out the little power left by EASA. Even the BGA who played this role for decades anticipates difficulties in becoming the UK Competent Authority for gliding.

Member States decide on the fees for certificates ... we have to go shopping to find the cheapest way to maintain our gliders!

The obligation to write an individual maintenance programme for each and every glider (not just each type of glider) is also heavily criticized by the meeting. Since most gliders have a maintenance programme in the maintenance manual it should be sufficient to add the list of equipment, which have a lifetime, to the maintenance manual. ES answers that it does not take much time to assemble such a programme for a glider type and to adapt it to each individual glider. Most participants nevertheless believe that writing 22,000 individual maintenance programmes for all the gliders / sailplanes in Europe is a complete waste of time and money.

5. Need of certification for electrical variometers and other instruments

JN presents a proposal for taking out from the request for certification instruments like electrical variometers in Part 21.

YM supports the interim solution worked out by the LBA/DAeC but proposed another solution consisting in considering this equipment as "standard components". This could be done before end of 2005.

This would be a temporary solution but in the future he intends to propose a modification to Part 21 to address this problem.

RS asks if equipment like the anti collision FLARM could also be added to this list. YM agreed but asked for more information about this system. EB will send information on FLARM to YM.

As old VHF radios must be replaced by new types, and as these new types are not listed on the TCDS, a solution exists via a special form AC4313

6. Definition of UL-gliders:

RS recalls that, according to the existing Annex II of regulation 1592, only ultra light gliders with a structural mass below 80 Kg (single seater) or 100 kg (two seaters) are exempted from the scope of the EASA regulation (and therefore are regulated at national level)

He thinks that the definition of the structural mass is not clear for a glider and that it would be more logical to base the exemption on the empty mass or better on the maximum take off mass (MTOM) as has been done for most other aircraft listed in Annex II.

Furthermore, several Gliding Federations believe that we should ask for an increase in the maximum mass of the ultra light gliders because with the existing definition, in effect only foot-launched hang-gliders and para-gliders are exempted.

RS believes that EASA should align the definition of the ultra light glider with the definition of the motorised UL (MTOM of 300/315 kg for a single seater and 450/472 kg for a two seater). There

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is absolutely no logical reason to exempt motorised aircraft below some MTOM without exempting also gliders with the same MTOM.

YM admits that such a change would make sense. However since, following the CRD about Licensing and Operations, the proposal for modifying the Annex II is already on the table of the European Commission, he advises to act at the political (Commission) level if we want such a change to be implemented.

7. **Conclusion:**

- We got no clear information/answers about the set up of our common model
- Instead of clear advice we got an overview/mix of possibilities and we have to find out by ourself what is feasible ... payable ...
- If we stay with the conclusions of this meeting we will be considered by EASA as having accepted Part M as it is.
- We must adopt a more offensive position. We need to take action with our partners from EAS especially with the motor flyers who are as much affected by part M as we are.

8. **Post Meeting Note**

At the AERO 2005 in Friedrichshafen, Roland Stuck and David Roberts managed to sit close to M. Patrick Goudou, Executive Director of EASA, and Dr Lohl, Head of the Department Certification, during a lunch hosted by the German Glider Manufacturers. RS took this opportunity to tell them clearly that we are unhappy with Part M, that the implementation will result in a high bureaucratic and financial burden and that EASA is changing the maintenance of gliders without any reason since there is obviously no safety case. We learned afterwards that MM.Probst and Sivel were informed about this by M.Goudou and that they intend to contact us again. Lets see what will come out..