

NPA 2007-08 BGA Comments at 8 Oct 07

Part Name- Part M

Art/Nr/Chapter - NPA A. IV -Content of Draft Opinion
– Background Information – Page 6, Para 12

Comment Text

In producing NPA 2007-08 EASA has clearly dismissed the widely held view in industry that there is a need to develop proportionate standardizing regulation under a Part M 'Light'. The BGA (in common with many industry bodies) continues to contest the rationale behind a 'one size fits all' regulation. The reasons given in IV-12 of NPA2007/08 for a single Part M regulation are those for the convenience of the regulator, and not for the satisfactory and economic function of the GA industry. These are minor, secondary issues compared to continuing effective and economic operation of all light and sport aircraft.

While M017 and M005 have to some extent relieved the processes associated with compliance with Part M the basic distribution of roles tasks and responsibilities remains totally unsuitable for light/GA.

The BGA is fully aware of the current discussions in EASA Group MDM032. We wholly support their development of a range of more open regulations under the heading of the 'European Light Aircraft' (ELA), wherein as a matter of principle, the owner remains responsible for the safe operation of his aircraft without the necessary stipulation of a hierarchy of professionally licensed organisations and prescribed detailed procedures.

Given that such a policy is even under consideration, the imposition in the interim of Part-M (amended to NPA2007/08) with its prescriptive approach would create great cost and hardship. This would be particularly severe to the BGA because of the existing de-regulated status, but also of concern to all. In everyone's interest the implementation of this NPA should be delayed pending further investigation. Should this draft of Part-M be pursued, EASA should at least commission an in-depth RIA to demonstrate that it holds value compared to this new MDM032 (ELA) approach to the GA/light/sport aviation sector

Reason Text

In light/sport/GA a lighter regulation has, over several decades, been demonstrated to be effective and specifically safe, as exemplified by the record of many national associations such as the BGA. The separate limbs of the regulation as set out in Part M (Sub Parts F,G and I) complicate and diversify these roles in an unstructured manner, requiring owners (usually private individuals) to engage commercially with a multiplicity of regulatory bodies many of whom are themselves overburdened with external assessment and quality overviews inappropriate to the level of their activity and irrelevant to safety.. The additional expenses of these measures are considerable and directly to the detriment of the development of these industries.

All other comment made by BGA against this NPA are direct examples of this overriding issue of principle.

Commenter – BGA

Part Name- Part M

Art/Nr/Chapter M.A.502 – (Page 52 in Draft Opinion)

Comment Text

The component maintenance approval sub-categories are over elaborate for GA/air sport applications. Essentially any part removed from an airframe becomes a component requiring a separate component requiring a separate approval. This is unnecessarily complex for GA/air sport and is anyway covered by rules associated issue of Form1.

Reason Text

While it can be argued that these extant ATA categories can be intelligently applied by NAA's it is already clear that this is not happening. Additional justification and approval negotiations are being required to secure separate component approvals. A wider view of components classification is justified in Sport/GA, with a broader approval for basic airframe structure and control components included in the fundamental approval. The only separate component approvals necessary in this sector are for built in systems such as Electrical (C5), Avionics - Nav and Comms (C3) Engine and APU(C7), Fuel (C9), Helicopter Rotors and Transmission (C10/11), Propellers (C13).

Commenter – BGA

Part Name- Part M

Art/Nr/Chapter - NPA A. IV -Content of Draft Opinion
– Background Information – Page 6, Para 13

Comment Text

Licensing of engineers. As written, this draft of Part M unreasonably diminishes the role and privileges of individual licensed engineers. The entire document remains oriented wholly towards the imposition on owners to engage (several) professionally qualified ORGANISATIONS, eg. Sub Part F for maintenance, CAMO for airworthiness and/or NAA for ARC issue (in the general case). Maintenance and many of the CAMO functions could equally be carried out by qualified licence engineers provided his responsibilities and privileges are properly recognised such as in M.A.600 (areas).

Reason Text

The requirement to engage with organisations with approvals will inevitably drive up costs to those organisations, NAA's and owners alike, without benefit top safety or regulation efficiency. The only beneficiaries to this approach will be lawyers and Professional Indemnity Insurance companies.

UK holds its Licensed Engineers in good repute, but this situation does not appear to be reflected across Europe. Those European nations who have less regard and/or less control over their licensed engineers should be advised to apply appropriate legislation rather than diminish the role of these individuals in the pan European rule. Without doing this, Part M and associated personnel licensing initiative such as Part 66 will be ineffective and the whole regulation will become an expensive bureaucratic exercise to the detriment of sport/GA aviation..

Commenter – BGA

Part Name- Part M

Art/Nr/Chapter Airworthiness Review Staff - MA 707, and associated AMC 707(a))

Comment Text

Overview/Audit of processes within the CAMO concept remains unnecessarily burdensome for airworthiness of sport/General aviation. As drafted in NPA2007/08 an already approved CAMO operates with the following constraints:

- The requirement for independent Airworthiness review staff (MA707) increasing the staffing requirements on all but the 'one-man CAMO'. This makes smaller (but greater than one man) organisation overburdened with meaningless segregation of role to the extent that additional staff will be required.
- An externally executed Quality Audit, or internal review (MA712) to be carried out at stipulated intervals.
- The continuing obligation of an NAA to make external audits to its satisfaction at any time at the CAMO's expense.

All of these measures are applied to what is essentially an office based bureaucratic function, not even actually engaged in work on airframes.

Reason Text

These combined measure are wholly disproportionate to for sport/GA operations particularly if, as is expressed intention of the EASA Rulemaking Director, sporting bodies should be enabled to take on these roles . In he view of this sporting association an appropriate sub-set of these requirements would be:

- Complete relaxation of requirement for 'Independent Review Staff'
- Application of internal review process only for sporting bodies and associations acting as CAMO's.
- Continuing reliance on NAA's for the quality audit function.

NB: This comment is directed at the details of the currently drafted regulation. It should be considered alongside the BGA's general comment concerning the CAMO's remit.

Commenter – BGA

Part Name- Part M

Art/Nr/Chapter Quality Systems – MA712

Comment Text

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NB: This comment is directed at the details of the currently drafted regulation. It should be considered alongside the BGA's general comment concerning the CAMO's remit.

Commenter – BGA

Part Name- Part M

Art/Nr/Chapter M.A.502 - Control of Parts (Page 51)

Comment Text

The requirement for storage in 'a secure location under the control of an MA502 approved organisation' is overly prescriptive for non-CAT sport/General aviation. The only necessary requirement for safety is that preparedness of an appropriately qualified engineer/organisation to release the part with a Form 1

Reason Text

This rule has been wholly driven by the 'bogus part' issue in commercial air transport where commercial issues prevail. It is inappropriate to Sport/GA where many parts may be release to commercial stand and/or safely recycled.. While the previous history and stocking of a part may in limited cases be of significance, the judgement should be at the discretion of the appropriate releasing party.

Further it is inappropriate that items that are, in common law, the property of individuals, should be retained by a third party in a remote location. Equally the burden of stock control, storage and record keeping will drive up the costs to all concerned.

Yet again EASA is overly prescriptive of the details by which a rule is executed rather than specifying the overarching regulatory framework.

Commenter – BGA

Part Name- Part M

Art/Nr/Chapter MA.901 – Aircraft airworthiness review (Page 57)

Comment Text

NPA2007-08 (NPA A IV – 39 to 41) has made significant changes and improvements to this part of the rule, specifically enabling light/non-CAT aircraft to continue to operate on owners responsibility, provided ARC's are issued on an annual basis by NAA or CAMO (the so-called Uncontrolled Environment). To be genuinely helpful it could merit widening to enabling ARC renewals at a 3 year interval as with the controlled environment with two extension years allowed, (as Controlled Environment).

Reason Text

This rule now works in a regulatory sense. Nevertheless it is unlikely to be supported by NAA's, who are already disfavouring it as a way forward. EASA should consider supportive action to ensure that this option is not closed out by NAA's for light/non-CAT operation only.

Commenter – BGA

Part Name- Part M

Art/Nr/Chapter - NPA A. IV -Content of Draft Opinion
– Background Information, Changes Rejected – Page 13, Para 51-33

Comment Text

The BGA strongly supports the CAA (UK NAA) position that the rejection of both FAA AC43-13 (guidance material) and FAA 8130-3 (approval parts) is unacceptable. The part issue in particular will lead to unnecessary costs and bureaucracy and that, post 9/2008, owners will be forced to re-certify already accredited US parts for fitting on US aircraft at their own expense.

Reason Text

The reasoning given in the NPA 2007/08 is wholly bureaucratic convenience and ignores the practicalities of day to day operation. None of the bullet points given in para 53 actually addresses the issue. Further promises of developments in the future via MDM032 only increases the impression that the EASA bureaucracy is insufficiently capable of coming to terms with impending situation.