



Comment Form

*Comment nr.....
(for EASA use only)*

A-NPA 14-2006

(end of comment date: 16 October 2006)

Instructions:

Comments should be sent in 'WORD', using the following link: NPA@easa.europa.eu

*This comment and the identity of the sender will be published in the Comment Response Document (CRD)
unless a specific justified objection is received by EASA.*

1a. **COMMENT TO** (*Specify clearly Part/Chapter Number*):

- I. General, II. Consultation, III. Comment Response Document
- IV. Background
- V.A. Concept: The state of play
- V.B. Concept: Principles used in the development of the concept
- V.C. Concept: Description of the concept
- V.D. Concept: Discussion
- Appendix 1 / Attachments
- General Comment(s)

1b. **AFFECTED PARAGRAPH** (*Specify clearly Paragraph Number*):

2. **PROPOSED TEXT/ COMMENT:**

Question 1

Austro Control supports the idea of deregulation/relaxation of the current structure of implementing rules in the area of airworthiness, continuing airworthiness, licensing and operations. The proposed concept however seems to be unbalanced in some areas and need further review. At this point in time, we consider to develop our own option for review of the working group beneficial.

Based on our own judgement of the situation in the field of General Aviation, we are herewith proposing a new option for the envisaged areas of regulation (see attached spreadsheet).

One particular constraints on the development of products in this domain are certainly the foreign market barriers in terms of certification efforts required. As those products are rarely designed for the EU market only, any mismatch between the US and the EU framework of regulations (e.g. MTOM for recreational category) will restrain such developments. The definition of a new recreational aircraft category hence has to be scrutinized in this respect. At the other hand, the current US LSA category weight restriction would exclude some sailplane and powered sailplane developments. As a compromise, we are proposing a MTOM of **650 kg** for a new category of aircraft. In our view, balloons and airships within that weight envelope would also be entitled to join this group.



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For non-commercial aircraft between the MTOM of the new recreational aircraft category and 5700kg, we also envisage a revision to some of the major concepts of the current implementation rules. (see attached spreadsheet).

Question 2

We are concerned that with the introduction of EC 1592/2002 all initial certification responsibilities except for Annex II products were transferred to the Agency and when the well functioning certification structures of most of the national aviation authorities of the MS were destroyed, than the Commission and EASA want to delegate initial certification functions to industry and assessment bodies.

The same recruitment problems currently painfully experienced by EASA will be mirrored on those assessment bodies.

In addition for this assessment bodies liability and the obligation to provide the service in any cases must be solved. What happens when this assessment bodies are due to commercial aspects not interested to provide the service. Who is than obliged to do the initial certification, EASA or the NAA of the MS.

We support only assessment bodies limited for the tasks according to the attached spreadsheet.

Question 3

See comment question 1

Question 4

a) Should assessment bodies be involved in the oversight of continuing airworthiness, such as ARCs' renewal

When no organisation is available to provide the service than the NAA of the MS might be the best choice to carry out the AR inspection. This would also make economical sense for small NAA´s due to the fact that a minimum staff has to be maintained for the part M fleet survey and other inspection tasks (CofA, ARC) in any case. We do not think that other than the Subpart G or NAA´s should be entitled to do the ARC renewal.

b) What should be the role of NAAs in this field?

See answer a)

c) Should continuing airworthiness requirements be adapted to the size/type of aircraft? How should this be done?

Airworthiness Review Certificates can be deleted for new recreational category, instead a Annual Inspection to be performed by a lincensed repairman could be introduced (similar to US system) Approval of the maintenance programme could be simplified. See attached LTH43, "approval of maintenance programs for non-commercial aircraft" which represents a Austrian AMC to part M §302 .

Pilot/owner maintenance could be extended for aircraft operated in a club when clear standards (responsible person, documented procedures etc) are defined.



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For other simplifications, see attached spreadsheet.

d) Is it worth developing standards modifications and repairs that could be embodied without the need for further approvals? Which bodies should do so?

Document similar to FAA AC 43.13 would be helpful, but clear requirements how to use this standards are required.

EASA together with the NAA's of the MS using Article 43 procedures should approve this document.

f) Is it possible to develop Industry Standards to be used in continuing airworthiness processes? Which bodies should be in charge?

Not supported, part M concept should be kept

Question 5

Recreational operation and recreational PPL (European Private Pilot Licence) should be limited to single pilot/ engine aircraft with 650kg MTOW for VFR flights only.

No controlled airspace

Non- ICAO Annex 1 standard

Medical attestations/certificates issued by assessment bodies only with special knowledge and training based on an adequate standards

Recreational PPL's could be issued by an assessment body.

Question 6

See answer question 5

Question 7

Since free circulation within the MS is one of the reasons of implementing the basic regulation Austria opts to completely change this issue.

Annex II products should not longer be eliminated from the scope of the basic regulation.

All products should fall under the basic regulation.

a. rulemaking, certification specifications, AMC or guidance material should be EASA responsibility
b. certification of Annex II products becomes for all products above 650kg MTOM responsibility of the MS

c. certification of Annex II products becomes for all products below 650kg MTOM responsibility of the approved organisation (manufacture) or the NAA of the MS.

AD's will be issued by EASA or the NAA (for AD's outside of EASA's responsibility, e.g. maintenance related) of the MS.

Organisations or assessment bodies will be approved by the NAA of the MS (or for 3rd country organisations) or by EASA.



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This would be an advantage with regard to free circulation of products.

3. JUSTIFICATION:

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4. PERSON/ORGANISATION PROVIDING THE COMMENT:

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Dated:



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GUIDELINES TO COMMENT

1. For a better handling of comments we strongly recommend to use this form.
2. Please use **one form per comment and fill in completely the provided form**.
3. If there is insufficient space on the form, please use attachments and summarise your comments on the form.
4. In case of disagreement, failure to explain the reason(s) for disagreeing may well result in the comments being laid aside for lack of understanding.
For the same reason, the grounds for deleting a paragraph should be explained.
5. This comment and the identity of the sender will be published in the Comment Response Document (CRD) unless a specific justified objection is received by EASA (for more information see Regulation (EC) No 1049/2001 of The European Parliament and of The Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (Official Journal L 145 of 31 May 2001, page 43)).
6. All comments must be sent according to the instructions at the top of the document and should be received by EASA **not later than 16 October 2006**.