



INTERNATIONAL NEWS AND REGULATORY UPDATES

FROM R I C P E R I
VICE PRESIDENT OF GOVERNMENT & INDUSTRY AFFAIRS FOR AEA

The Aircraft Electronics Association's international membership continues to grow. Currently, the AEA represents avionics businesses in more than 35 countries throughout the world. To better serve the needs of the AEA's international membership, the "International News and Regulatory Updates" section of Avionics News offers a greater focus on international regulatory activity, international industry news, and an international "Frequently Asked Questions" column to help promote standardization. If you have comments about this section, send e-mails to avionicsnews@aea.net.

Regulatory Issues Reviewed During AEA Europe Meeting

The Aircraft Electronics Association hosted the annual AEA Europe Meeting in May, in Cologne, Germany. The meeting featured another solid program, and hopefully, you were able to attend this year.

During the meeting, the AEA gave a review of regulatory issues important to its European membership, followed by a presentation from John Vincent, the head of the safety analysis and research department for the European Aviation Safety Agency. Vincent's presentation focused on the activities of his office, specifically those with the European Strategic Safety Initiative (ESSI).

ESSI is an aviation safety partnership between EASA, other regulators and the industry. Its objective is to further enhance safety for citizens in Europe and worldwide through safety analysis, implementation of cost-effective action plans, and coordination with other safety

initiatives worldwide.

EASA launched ESSI in July 2006, as a 10-year program. It has three teams: the European Commercial Aviation Safety Team

Continuing Airworthiness Program (COSCAP) of the ICAO Technical Cooperation Program.

ECAST monitors the implementation of action plans inherited from

EHST is committed to the goal of reducing the helicopter accident rate by 80 percent worldwide by 2016, with an emphasis on improving European safety.

(ECAST), the European Helicopter Safety Team (EHST), and the European General Aviation Safety Team (EGAST).

ECAST addresses large, fixed-wing aircraft operations and aims to further enhance commercial aviation safety in Europe and for European citizens worldwide. It cooperates with the Commercial Aviation Safety Team and other major safety initiatives worldwide, in particular under the Cooperative Development of Operational Safety and

the former Joint Safety Strategic Initiative of the Joint Aviation Authorities, and it has developed a new safety approach using a three-phase process:

- Phase 1: Identification and selection of safety issues
- Phase 2: Safety issues analysis
- Phase 3: Development, implementation and monitoring of actions plans

Phase 1 was conducted from April 2006 to December 2007. Eighteen safety subjects were identified as

topics for further analysis in Phase 2. Last year, using a prioritization process combining safety importance, coverage and high-level, cost-benefit considerations, ECAST decided to launch two activities on safety management systems and ground safety as part of Phase 2.

EHST brings together manufacturers, operators, research organizations, regulators, accident investigators and a few military operators from across Europe. It is the helicopter branch of ESSI and the European component of the International Helicopter Safety Team.

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General aviation is a high priority for EASA. General aviation is a dispersed community of diverse components, such as business aviation, aerial work, air sports and recreational activities. EGAST is a new venture in Europe and a challenge.

The initiative responds to the need for a coordinated European effort. The stated mission of EGAST is to promote and initiate best practices and awareness to improve safety, thereby reducing the accident rates. This objective applies to all general aviation sectors. The team can make non-binding recommendations. In addition, specific objectives and priorities can be defined at sector level, depending on safety importance and available resources.

The AEA participates on European General Aviation Safety Team. As EGAST develops tools to better communicate safety initiatives to the public, the AEA will ask its membership to help distribute these products.

UNITED STATES News & Regulatory Updates

FAA Withdraws Repair Station Proposal

In the May 7, 2009, *Federal Register*, the FAA withdrew the Dec. 1, 2006, notice of proposed rulemaking, which would have revised the system of ratings and require repair stations to establish a quality program.

According to the FAA, it withdrew the NPRM because it was determined the NPRM did not adequately address the current repair station environment and because of the significant issues commenters (including the AEA and its members) raised.

Changes for Drug- and Alcohol-Testing Program

In the May 14, 2009, *Federal Register*, the FAA made a significant change to the agency's drug and alcohol regulations by placing them in a new part. The FAA is not making any substantive changes to the drug and alcohol regulations in this rulemaking.

The change becomes effective July 13, 2009.

This rule is intended to reorganize the requirements for drug and alcohol testing into a single part. It also clarifies the rules by replacing references to appendices, such as I and J with references to Part 120.

At this time, the FAA is working on a major revision of its drug- and alcohol-testing regulations. Given the complexity of the revision and the time it will take to complete the rulemaking process, the FAA has concluded, in the interim, it makes sense to pull the existing regulations together in one place. The FAA expects this to clarify the requirements for testing and simplify locating specific provisions, as well as changes to those provi-

sions, for individuals and entities required to comply with the FAA's drug- and alcohol-testing requirements.

The regulations governing FAA-required drug- and alcohol-testing requirements currently are scattered throughout Chapter I of Title 14, Code of Federal Regulations. Requirements for affected certificated airmen are in Parts 61, 63, 65 and 67. Requirements for affected air carriers and operators are in Parts 91, 121 and 135. Requirements for affected air traffic control facilities and air traffic controllers are included in Subpart B of Part 65. Requirements for repair stations certificated under Part 145 and contractors who elect to have drug- and alcohol-testing programs are included in appendices I and J of Part 121.

This rulemaking will gather the existing regulations into the new part, remove them from their existing locations, and provide cross-references in Part 91 and Part 135 to the new part.

The FAA has begun moving away from using the terms "anti-drug program" and "alcohol-misuse prevention program" in favor of "drug-testing program" and "alcohol-testing program" where appropriate. For example, in this rulemaking, the FAA uses the term "drug-testing program" instead of "anti-drug program" in Section 120.101 and "alcohol-testing program" instead of "alcohol-misuse prevention program" in Section 120.21(a). However, the "Operations Specifications A449," which relates to drug and alcohol testing still is titled "Anti-drug and Alcohol-Misuse Prevention Program Operations Specifications."

Schedule of Charges Updated Outside the United States

The FAA announced the availability of Advisory Circular AC 187-1C, which transmits an updated schedule of charges for services of FAA Flight Stan-

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dards aviation safety inspectors outside the United States. The advisory circular has been updated in accordance with the procedures listed in 14 CFR, Part 187, Appendix A.

AC 187-1C provides the fees and charges the FAA charges for the certification and management of foreign repair stations, among other actions. This advisory circular became effective July 1, 2009. A copy of this publication can be downloaded from [http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/b38e4a75d8e55cae862575b6004e937a/\\$FILE/AC%20187-1C.pdf](http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/b38e4a75d8e55cae862575b6004e937a/$FILE/AC%20187-1C.pdf).

FREQUENTLY ASKED QUESTIONS

United States

Alteration Records

The following information is from the Federal Aviation Regulations.

Recently, one of our AEA members was challenged regarding the adequacy of an alteration record. The FAA inspector insisted the maintenance record did not meet the mandate of 14 CFR 43.9.

QUESTION:

What is the requirement for alteration records?

ANSWER:

14 CFR 43.9 address the content, form and disposition of maintenance, preventive maintenance, rebuilding and alteration records. For this answer, the quote is shortened to just address alteration records:

14 CFR 43.9 (a) mandates each

person who alters an aircraft, appliance or part to make an entry in the maintenance record of that equipment containing either a description of work performed or a reference to the data used for the alteration.

In addition, the maintenance record must contain the date the work was completed; the name of the person performing the work if other than the person who is approving the aircraft for return-to-services; and the signature, certificate number and kind of certificate held by the person approving the work. The signature constitutes the approval for return-to-service only for the work performed.

In addition to the general maintenance record entry, major repairs and major alterations shall be entered on a form, and the form disposed of in the manner prescribed in 14 CFR Part 43, Appendix B by the person performing the work.

The important issue here is, the maintenance record may contain either a full and thorough description of the alteration or a reference to the data used for the alteration. It does not require both.

AC 43-9C, "Maintenance Records," describes methods, procedures and practices determined to be acceptable means of showing compliance with the general aviation maintenance record-making and recordkeeping requirements of Title 14 of the Code of Federal Regulations, Parts 43 and 91. Section 43.9 (a) (1) requires the maintenance record entry to include "a description of the work performed."

According to the advisory circular, the description should be in sufficient detail to permit a person unfamiliar with the work to understand what was done, as well as the methods and procedures used in doing the work. When the work is extensive, this results in a voluminous record. To provide for this contingency, the rule permits ref-

erence to technical data acceptable to the Administrator in lieu of making the detailed entry.

Manufacturers' manuals, service letters, bulletins, work orders, FAA ACs and others, which accurately describe what was done or how it was done, may be referenced. Except for the documents mentioned, which are in common usage, referenced documents are to be made a part of the maintenance records and retained in accordance with section 91.417(b).

CANADA News & Regulatory Updates

TCCA/EASA Move Forward with Bilateral Agreement

At the Canada/European Union Economic Summit in May, in Prague, Czech Republic, an air safety agreement was signed by the two governments. This will enable the agreement to be presented to the Canadian and EU parliaments for ratification. The agreement will enable the long-awaited Bilateral Airworthiness Treaty, which will include procedures for reciprocal acceptance of supplemental type certificates between Transport Canada Civil Aviation and the European Aviation Safety Agency.

Although the content of the proposed Bilateral Airworthiness Treaty is not available, it is believed for STC applications under the bilateral agreement, EASA will accept the TCCA STC and TCCA recommendation without further technical review, and issue a EASA STC. The STC fee will be the only charge, as there will not be a technical review fee.

AEA members in Canada will be notified as soon as the details of the Bilateral Airworthiness Treaty are made available.

EUROPE

News & Regulatory Updates

EASA Proposes Amended List of Aircraft Type Ratings

NPA 2009-05, issued in May by EASA, contains an amendment to Part 66 AMC, Appendix I, on aircraft type ratings for Part 66 aircraft maintenance license. The NPA proposes an amended list of aircraft type ratings (aircraft/engine combinations) to promote a common standard throughout the European Union member states.

The proposed changes to the system include:

- Modification of the current tables to show more data on the types.
- Simplification and harmonization of type ratings.
- Deletion of aircraft type, which have not been granted a type certificate under the basic regulation, and Annex II aircraft.

Interested parties can comment on this NPA until Aug. 13, using the comment response tool.

Of special interest for maintenance organizations and design organizations is a new term of reference, MDM.020. EASA has identified a need to further clarify the terms “critical systems,” “critical tasks” and “sensitive maintenance.” The related task was identified and issued in May. The trigger for this task was the outcome of an investigation report from the Danish Investigation Board on an ATR 42 accident in Norway. The plan is to issue an NPA in the second quarter of 2010.

Eurocontrol Calls for Prompt Action Regarding TCAS II

A new study regarding the new TCAS II Version 7.1 has shown it would lower the probability of a mid-air collision in European airspace. The results of the study indicate implementation of TCAS II Version 7.1 in the aircraft fleets is urgently required.

Eurocontrol believes prompt action by regulators is required to mandate forward and retrofit of TCAS II Version 7.1 in European airspace. However, the implementation schedule (both forward- and retrofit) has not yet been established.

FREQUENTLY ASKED QUESTIONS

International: Australia

CASA Enforcement Manual

The objectives of the CASA Enforcement Manual are to provide an overview of CASA’s enforcement policy as well as a description of the roles and responsibilities of various CASA staff; a description of the enforcement tools available; and the aids to enforcement. The manual contains the guidelines and procedures for appropriate use of enforcement tools; reporting enforcement; recording enforcement; collecting and handling evidence; use of investigators; procedures to be followed by investigators; investigations by inspectors; gaining access; note taking and interviewing; detaining aircraft; and getting police assistance.

QUESTION:

What is “informal enforcement” in Australia?

ANSWER:

According to the CASA Enforcement Manual, an informal enforcement is action taken by CASA that does not involve the exercise of any of CASA’s specific variations, suspensions, cancellations, examinations, EVUs, infringement notices or similar statutory powers, or a recommendation for prosecution. Therefore, such action generally is not reviewable by an external appeal body, such as a court or tribunal. It is used for less

serious breaches of the aviation law in appropriate circumstances.

Appropriate circumstances for the use of informal enforcement include any one or more of the following:

- When the breach or other failure to meet the required standard was not deliberate.
- When the breach or other failure to meet the required standard was not the result of a substantial disregard for safety.
- Where the person has a constructive attitude to compliance.
- Where the person does not have a history of similar breaches or failures.
- Where it is considered that informal enforcement action will be a sufficient deterrent.

Inappropriate circumstances for the use of informal enforcement include any one or more of the following:

- Where the breach or failure to meet the required standard poses a serious or potentially serious risk to aviation safety.
- Where the breach or failure to meet the required standard seriously endangered life.
- Where the breach of failure to meet the required standard was deliberate, fraudulent or demonstrated a reckless disregard for safety.
- Where the breach of failure to meet the required standard caused or resulted in an accident or serious incident. □

Note: The AEA offers “Frequently Asked Questions” to foster greater understanding of the aviation regulations and the rules governing the industry. The AEA strives to ensure FAQs are as accurate as possible at the time of publication; however, rules change. Therefore information received from an AEA FAQ should be verified before being relied upon. This information is not meant to serve as legal advice. If you have particular legal questions, they should be directed to an attorney. The AEA disclaims any warranty for the accuracy of the information provided.