The View from Cologne

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AEA Europe Meeting Highlights International Aspects of Association

This month's column was written immediately following the annual AEA Europe meeting, which took place in Cologne, Germany, this year. The regional meeting's location, topics and attendance not only were important to our European members, but they also highlighted the truly international aspect of the association and covered topics of interest to AEA members worldwide.

AEA members planning to attend EBACE in 2008 also should consider attending the AEA Europe meeting in 2008, which will take place either immediately before or immediately after EBACE.

This year's AEA Europe agenda included topics such as the European Union EASA/FAA Bilateral Aviation Safety Agreement (which should be signed before this article is published); extensive discussions of European Aviation Safety Agency (EASA) rules, regulations and policies; and many of the CNS (communication, navigation and surveillance) requirements, which are being implemented in Europe, and which soon might be required in the United States.

With the volume of aircraft being maintained and altered by foreign repair stations (either U.S.-registered aircraft in Europe or European-registered aircraft in the U.S.), as well as more than 1,170 EASA repair stations in the U.S. and more than 420 U.S. repair stations in Europe, this meeting not only supports our European members, but it also supports all AEA members.

Just as the actions of TCCA (Transport Canada Civil Aviation), CASA (Civil Aviation Safety Agency of Australia) and the FAA affect aviations around the world, so do the actions of EASA. The AEA is active with every major regulatory authority on behalf of its membership — in support of its local AEA members particularly, and all AEA members in general.

Aviation is a global industry; avionics manufacturing and certification is a global industry; and the maintenance and modification of aircraft is a global industry — as such, the AEA is a global association.

The location of this year's AEA Europe meeting was important because EASA headquarters is directly next door to the Hyatt Regency Hotel where the AEA hosted the meeting. Being that close to the primary regulatory body of European aviation was no accident. The city and hotel were both selected to facilitate the maximum participation of EASA personnel at this year's meeting. We were successful.

AEA Europe Regulatory Meeting

The AEA's European regulatory session opened with Kevin Hallworth, avionics certification manager for EASA. Hallworth provided an excellent oversight of EASA, both structurally and politically. He further provided significant insight into the challenges of avionics installations and EASA's concern for managing and regulating the proper installation and testing of installed systems.

EASA struggles with the same challenges the FAA faces: How to ensure advanced avionics are properly installed and tested in AMOs and repair stations that cross the entire spectrum of qualifications and talents.

Unfortunately, like the FAA, it seems the only tool at EASA's disposal is to make installations of advanced avionics a "major modification," even though they don't technically meet the regulatory criteria of a major modification. There were even some anecdotal discussions that an avionics installation may be minor for a designated organization approval (DOA) holder, while it might be major for a non-DOA maintenance organization. Clearly, we have a long way to go on this topic.

The beauty of EASA regulations is they apply equally to every organization, in every country, regardless of the National Aviation Authority and regardless of the organization's relationship to the authority. By design, EASA implementation rules do not (and must not be allowed to) discriminate.

The regulatory session continued with a dynamic presentation again this year from John Law, Mode S and ACAS program manager for Eurocontrol. Law has participated in previous AEA Europe meetings, and we were pleased he could join us again.

Throughout the AEA membership,

the implementation of air traffic control equipment is a large part of an AEA member's business, and knowing the what, when and how of the ATC modernization allows an avionics shops to plan for the future. Knowing the "regulator" and how to contact that person is an added bonus.

Law provided an excellent oversight of the technology, then provided those in attendance with an excellent marketing tool: the implementation schedule for elementary and enhanced surveillance Mode S ground stations throughout Europe.

Remember the basic Mode S regulation, IFR/GAT:

• 5700 kg or max cruising TAS greater than 250 knots: EHS (including ELS)

• All others: ELS

The Eurocontrol requirements for Mode S operations can be found at www.eurocontrol.int/msa/public/standard_page/modes_homepage.html.

The lunch break brought us a welcome speech from Patrick Goudou, executive director of EASA. Goudou gave an overview of EASA's organization and accomplishments in its young three-and-a-half years since its establishment. He also joined us for lunch and visited with AEA members before, during and after lunch.

Following lunch, Mark Wilson, executive director of the British Business and General Aviation Association and director of the European Council of General Aviation Support, gave an update on various industry initiatives regarding EASA. Wilson began by welcoming the AEA to ECOGAS, as the AEA's membership in the European Council of General Aviation Support was approved earlier this year, and now, AEA is a proud member and supporter of ECOGAS.

Although European-wide data is not commonly available, Wilson said for EU15 there are approximately:

• 29,000 single-engine piston aircraft

• 4,000 multi-engine piston aircraft

• 150 single-engine turboprop

• 1,000 multi-engine turboprop

• 2,500 jets

ECOGAS members represent the interests of more than 1,000 companies ranging from small and medium enterprises, which are its majority, to large multi-national organizations. Including manufacturing and services, ECOGAS estimates the total value of the general aviation industry to the European community to be more than $15 billion Euro per year and employing more than 70,000 people.

Along with Wilson's numerous activities on behalf of general aviation, he currently sits as the chairman of the EASA Advisory Board. The EAB is a formal consultative body — established by Art 24 of Basic Regulation (1592/2002) — which, by law, must be involved on EASA budgetary matters. It also provides wide management/political input to EASA but does not get involved in the details of rulemaking, which is managed by the Safety Standards Consultative Committee.

General aviation is represented on the EAB through the organizations of EASA, IAOPA, ECOGAS, and EBAA. The AEA provides input on the management of EASA through its membership in ECOGAS.

On March 28, 2007, the EAB provided a position paper on a proposal for future EASA fees and charges. In its position paper, the EAB summarized its recommendations, including:

• EAB cannot support the proposal for a future EASA fee scheme.

• Stating the earlier EAB and EASA management board proposals (hourly based system with compensation/transition measures) are either impossible or unacceptable, EAB recommends steps be initiated toward revision of EASA funding principles to a fully public-funded organization.

• In the meantime, EAB recommends keeping current EASA fees and charges regulations effective, and adopting measures to improve efficiency and reduce costs for both the agency and interested parties.

Following Wilson's presentation, EASA again took the stage — this time regarding Parts 66, 145 and 147 training.

Since the inception of the EASA implementing rules, AEA members have struggled to understand the role of Part 147-approved training organizations and when their utilization is required.

Juan Anton of EASA provided an excellent overview of the training requirements. Anton began with an explanation of EASA's requirements for basic, type and continuation training.

The basic knowledge requirements are contained in 66.A.25. For basic knowledge, training is not required. However, attendance in a Part 147 organization approved-training course reduces the basic experience requirements for licensing from five years to two years. (See 66.A.30(a)(2).)

Anyone who elects to bypass Part 147 training must demonstrate by examination his or her knowledge of the modules in Appendix I to the AMC for Part 66. The basic examination standards are defined in Appendix II. The examinations are performed by either a Part 147 or by the competent authority.

Full or partial credit may be granted for other technical qualifications considered equivalent by the competent authority. However, the competent authority must prepare an examination credit report (See 66.B.400).

This was good news for AEA members because it clarified an avionics

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Frequently Asked Questions

The following information is from the European Aviation Safety Agency.

TOPIC:

EASA Required Training

QUESTION:

Part 147-approved organizations can give courses outside Part 66; how can they approve these courses — continuation, task training, NDT, engine run?

ANSWER:

According to a July 25, 2005 "Frequently Asked Question" and its answer provided by the European Aviation Safety Agency, courses outside of Part 66 are not covered by community law, and the agency would consider them as not having been considered by the legislature as safety critical.

EASA further states, "As a consequence, they should not be subject to any kind of regulation at the national level."

It is the AEA's opinion this same logic applies to the Aircraft Electronics Association as it provides various courses to meet the criterion of continuation training at its various AEA regional meetings and its annual convention.

Note: The AEA offers "Frequently Asked Questions" to foster greater understanding of the Federal Aviation Administration regulations and the rules governing our 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.

VIEW FROM WASHINGTON

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apprenticeship program is still a viable method of recruiting future technicians.

Type-training requirements are contained in 66.A.45. For large aircraft and complex aircraft, which are listed in Appendix I to the AMC for Part 66, type ratings must be endorsed in the license.

Type training is mandatory and must be conducted by an approved Part 147 organization or may be approved by the competent authority, especially when attendance at a Part 147 program is not possible because of lack of approved courses or when attendance isn't feasible.

Type training includes both a theoretical element, which is evaluated by an examination, and a practical element, which is evaluated by assessment, as per Appendix III.

The practical element may range from two weeks to four months depending on previous experience on similar aircraft and is given as part of an approved course performed by a Part 147 organization, or the practical element may be conducted by a Part 145 under the supervision of the Part 147. A Part 145 maintenance organization also has the option of applying to its competent authority for approval of a specific course without the oversight of a Part 147.

Type-training requirements for non-large aircraft and non-complex aircraft are different (66.A.45). The type ratings or group ratings or manufacturer group ratings still must be endorsed on the license; however, type training is not required.

A type examination per Appendix III must be given, which demonstrates practical experience in the aircraft type.

The AEA previously met with EASA and asked the organization to address an alternate means of compliance when Part 147 training is not available because there are very few approved Part 147 courses for general aviation and business aviation aircraft.

Anton addressed these issues:

• If type training is required, a course may be approved by the competent authority. It generally helps if the theoretical portion is provided by the manufacturer or a recognized training organization, and the practical portion provided by a Part 145 organization with the content approved by the competent authority.

• If type training is not required, an examination may be performed by the competent authority, and the practical experience may be obtained in a Part 145; although the student still has the choice of undergoing training in a Part 147-approved course. The examination will be performed by the organization providing theoretical training, while the practical experience still will be obtained in a Part 145.

Anton delighted the group with an overview of the rulemaking working group 66.009 task, which, if approved in the NPA stage, would alleviate the requirement for type training or type examination for B2 engineers on all aircraft other than those defined as large or complex and for B1, B2 and C engineers working on all non-complex piston-engine airplanes.

Anton also reviewed the tasks of:

• 66-003: Aircraft type ratings for Part 66 AML / Appendix I to AMC

• 66-004: Duration of training

• 66-006: B1/B2 privileges

• 66-007: Databank questions

• 66-008: AML renewal

• 66-009: General aviation / definition of a complex aircraft

• 66-011: Type training, Appendix III

These all should be released later this year as a consolidated notice of proposed amendment.

In addition, Anton reviewed the requirements for "continuation"

training. EASA IR 145.A.35(d) calls for "sufficient continuation training." Continuation training requirements are defined in 145.A.35(d) and M.A.607(a)(2). AMC 145.A.35(d) requires certifying staff remain current about procedures, human factors and technical knowledge.

According to Anton, continuation training should cover changes to regulations, procedures, maintenance instructions and human factors issues.

In addition, continuation training should address incidents at the maintenance organization where procedures were not followed. The duration of the training is linked to the number of findings in the maintenance organization's quality audits, regarding maintenance errors and not following procedures.

And, most importantly, the scope and length of continuous training depends on the scope of work of the organization. Details of continuation training should be in the maintenance organization's MOE.

The method (or methods) the maintenance organization uses for training is, by regulation, flexible. The maintenance organization may use college courses, internal courses, seminars, conference courses, Part 147 courses and others, or any combination providing adequate continuation training on regulations, procedures, maintenance instructions and human factors, depending on the needs of the maintenance organization.

M.A.607(a)(2) calls for "certifying staff to have an adequate understanding of the relevant aircraft/component to be maintained together with the associated organization procedures." (See AMC M.A.607(1).)

Following Anton's presentation, it was agreed the annual AEA Europe meeting qualified as part of AEA members' continuation training requirements for those in attendance (and could qualify in the future for those who didn't attend this year but will attend in the future).

This year's conference seminars covered topics such as regulations, changes to regulations, AMCs, human factors associated with the use of specialized tools and test equipment, wire maintenance procedures, and technical topics on Garmin and Avidyne products.

While not completely meeting the personalized requirements of each unique maintenance organization, the annual AEA Europe meeting, as is the case for all AEA regional meetings, certainly should be part of a comprehensive continuation-training program for AEA members.

Overall, the annual AEA Europe meeting was a grand success, and I look forward to seeing everyone there next year. ❑

Regulatory Update

United States

Payment of Fees from Outside the U.S. to the FAA Amended

Effective June 11, 2007, the rule pertaining to payment of fees to the Federal Aviation Administration for certification services performed outside the United States allows payment by credit card for certification services.

In the April 12, 2007 Federal Register, the FAA issued a direct final rule, amending the regulations pertaining to payment of fees to the FAA for certification services performed outside the United States. Until now, fees could be paid by check, money order, wire transfer or draft, payable in U.S. currency and drawn on a U.S. bank.

Currently, fees for certain aircraft flights transiting U.S.-controlled airspace can be paid by credit card. This notice amends the regulations to allow payment by credit card for certification services performed outside the U.S.

This change is necessary to make payment for certification services consistent with payment for other services. It also will expedite payments and support the U.S. Department of the Treasury electronic commerce program.

In addition, this rule amends the regulations where it is unclear fees for airmen certification services apply to all applicants outside the United States, regardless of citizenship. This action is necessary to provide consistency within FAA regulations.

Canada

TCCA Enacts Regulations for Pitot Heat-Indication Systems

CAR 704.69 and CAR 705.82 have been promulgated to require all aircraft operated under CAR 704 (commuter operations) and 705 (airline operations) to have a pitot heat-indicating system, effective June 30, 2008. The system shall meet the requirements of Airworthiness Manual 525.1326.

Although transport category aircraft are required to have such a system as part of their certification basis, prior to these regulations, non-transport category aircraft were not required to have this system. The new regulations ensure pitot heat-indication systems

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are fitted to aircraft operating in commercial air service and are operating properly prior to flight.

The new regulations do not apply to non-transport category aircraft manufactured prior to Dec. 31, 1964.

For more information about CAR 704.69, visit www.tc.gc.ca/CivilAviation/Regserv/Affairs/cars/Part7/Subpart4.htm.

For more information about CAR 705.82, visit www.tc.gc.ca/CivilAviation/Regserv/Affairs/cars/Part7/Subpart5.htm.

Europe

EASA

New Fees and Charges Regulation Likely to Enter Into Force

A new fees and charges regulation likely will enter into force and may be directly applicable from June 1, 2007.

Flat fees for most applications, such as new type certificates, changes, repairs, supplemental type certificates and organizations approvals, will replace the current combination of fixed and variable fees. Hourly fees only will apply for a limited number of specific applications, such as alternative procedures to DOA, AMOCs, validation support, MRB, and flight conditions for permits to fly.

All new applications received on and after the implementation date will be subject to the new rules. Ongoing product certification activities will be subject to the new rules without a transition phase.

The new tariffs will be applied from the implementation date onward, and the calculation of total fees due will be based on a proportionate basis.

New application forms, as well as detailed guidance material and FAQs, can be found on the EASA website at www.easa.eu.int.

Acceptance of U.S.-Developed Repair Design Data Extended

EASA has extended the acceptance of repair design data developed by U.S. organizations/persons for use on EU-registered aircraft and related articles. The new executive director decision, ED 2007/001/C, amends previously issued ED 2004/04/CF.

The acceptance, as per the decision, now specifies, "repair design, not related to critical parts of a product," whereas the previous wording was, "minor repair design of a product for which the United States of America is state of design."

The EASA website, www.easa.eu.int, provides information about the contents and the ED decision.

Acceptance of STC Applications Negotiated Between EASA, FAA

Important and of interest to all supplemental type certificate holders and users is, as part of a new United States/European community bilateral agreement, the FAA and EASA have negotiated broader acceptance of STC applications.

While this agreement is being finalized and ratified (and should be signed officially this summer), the FAA and EASA have agreed to amend the scope of acceptance in existing Bilateral Aviation Safety Agreement implementation procedures for airworthiness with six EU member states — France, Germany, Italy, the Netherlands, Sweden, and the United Kingdom — to enable this broader acceptance early through an exchange of letters.

Consequently, since April 1, 2007, for STC designed for products having an FAA type certificate, the following STC applications from applicants in these six EU member states can be accepted by the FAA:

- All STC on products for which EASA acts on behalf of the state of design.
- Basic STCs on any aircraft, independent of its state of design.
- Criteria to classify STC as non-basic.
- Changes classified as significant in accordance with 21A.101(b).
- Where applicable, changes addressing any of the criteria identified in type validation principles as SSDs, project and generic VIs.
- Any other design changes categorized as a non-basic STC by EASA.
- All other STCs are considered basic STCs.

Changes Made to ETSO Approval for CS-ETSO

Deviation requests for ETSO approval for CS-ETSO applicable to various aircraft instruments, such as aircraft altimeters, manifold pressure instruments, maximum allowable airspeed indicator systems and ELT transmitters, have been made public and are accepted, in principle, by EASA.

The deviations include dial color, displaying altitude on an electronic display, method of indication of altitude, use of frequency 243 MHz for ELT, and use of 406.028 MHz in lieu of 406.025 in emergency locator transmitters.

The paper can be found on the certification/consultation portion of EASA's website, www.easa.eu.int.

Member States' Obligations Include Proper Enforcement

Terms of Reference Number MDM.039 identifies the need for compliance with legal requirements to be supported by enforcement means, which is the reason the European Court of Justice has established that member states' obligations under the treaty include proper enforcement.

This enforcement may be exercised using administrative measures, such as the withdrawal, suspension or limitation of certificates/approvals issued, or the application of fines.

The process, which was started by

EASA, involves developing the list of possible infractions and the scale of the related fines and sanctions. Such material would be used to develop the implementing rules for agency fines, as well as AMC and guidance material that could be used by member states to adjust their national enforcement system, as appropriate.

EASA is working on an NPA to be published December 2007, with an opinion or decision to be issued by July 2008.

EASA Forms

Newly revised EASA forms have been entered and are available on the EASA website. These include the forms needed during the STC process.

To find the form you might need, visit www.easa.eu.int.

Australia

CASA Regulations Non-Harmonized with EASA Regulations

Contrary to the AEA's best efforts, the Civil Aviation Safety Agency of Australia is moving head-on to change the Australian aviation regulations. The AEA still is actively engaged with the authority to ensure general aviation is represented adequately as the agency moves forward with its GA standards.

As CASA adopts what it refers to as the "European best practice," the European best practices are changing through the EASA NPA process, adopting a realistic approach to general aviation aircraft maintenance.

Although the CASA regulations have yet to be published, they already are non-harmonized with the EASA regulations.

CASA Issues New Civil Aviation Order

Although CASA has yet to answer the public's comments on its proposed regulations, CASA has issued a new civil aviation order (CAO) that offers the option for Australian aircraft maintenance personnel to obtain licenses and ratings based on the EASA categories A, B1 and B2, and aircraft ratings.

It also involves recognition of specifically approved maintenance-training organizations operating under detailed, self-prepared expositions, setting out their training objectives, resources and capabilities.

According to CASA, these licenses and approvals eventually will come under CASR Parts 66 and 147, respectively. This CAO is intended to provide access to the new license categories in advance of that legislation.

There is no requirement to transfer to the new license categories. These new licenses are available in parallel with the current license structure — they are simply being made available for those organizations or individuals who can benefit from them.

CASA has given the Brisbane-based training organization Aviation Australia approval to operate under the new standards. This means, Aviation Australia can offer apprentices and current aviation engineers training, which is aligned closely with the European standards.

CASA said the new maintenance training and licensing standards primarily are aimed at large aircraft maintenance organizations, and will commit to new standards for the general aviation maintenance sector to be introduced later.

CAO 100.66 can be viewed at www.casa.gov.au/newrules/maint/cao10066/index.htm. ❑