

AVIATION MAINTENANCE TECHNICIAN CERTIFICATION SERIES

AVIATION LEGISLATION

10



EASA 2023-889 COMPLIANT

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VERSION	EFFECTIVE DATE	DESCRIPTION OF REVISION(S)
001	2014.02	Module creation and release.
002	2017.05	Format Update/Addition of Part-T, Submodule 6.
003	2019.08	Updated to current regulations, and reduction of Submodule 4 to appropriate level 1 requirements.
004	2020.10	Enhanced or modified content within the following Submodules: Submodule 1: Updated to current regulations EU 2018/1139 and 376/2014 Submodule 2: Definitions section added Submodule 3: Definitions section added Submodule 4: Complete rewrite for updated regulations Submodule 5: Definitions section added Submodule 6: Complete rewrite for updated regulations Submodule 7: Definitions section added
004.1	2021.04	Submodule 3: Corrected answer to question 3-2 from 2 to 3.
004.2	2023.04	Inclusion of Measurement Standards for clarification, page iv. Minor appearance and format updates.
005	2024.04	Regulatory update for EASA 2023-989 compliance

Module was reorganized based upon the EASA 2023-989 subject criteria. Enhancements included in this version 005 are:

- 10.1 *Regulatory Framework* - Added the relationship between regulations (hard law) and AMC, GM and CSS (soft law).
 - 10.1 *Regulatory Framework* - Added occurrence reporting EU 376/2014.
 - 10.1 *Regulatory Framework* - Added relationship between the annexes.
 - 10.3 *Approved Maintenance Organisations*- Added Combined Airworthiness Organizations
 - 10.4 *Independent Certifying Staff*- Added new content.
 - 10.9 *Maintenance and Certification Beyond Current EU Regulations*- Added description of EMAR regulations.
 - 10.10 *Cybersecurity in Aviation Maintenance*- New Submodule on Cybersecurity.
- Replaced all questions and answers.

TABLE OF CONTENTS

AVIATION LEGISLATION

Revision Log	iii
Measurement Standards	iv
Basic Knowledge Requirements	v
Part 66 Basic Knowledge Requirements	vi
Table of Contents	vii
10.1 REGULATORY FRAMEWORK	1.1
International Civil Aviation Organization (ICAO)	1.1
The Chicago Convention	1.2
Second Freedom Agreement	1.2
Fifth Freedom Agreement	1.2
ICAO Goals and Objectives	1.2
ICAO Strategic Objectives	1.2
ICAO Composition and Concerns	1.3
Technical Annexes	1.3
Annex 1 – Personnel Licensing	1.3
Annex 6 – Operation of Aircraft	1.3
Annex 8 – Airworthiness of Aircraft	1.4
Annex 10 – Aeronautical Telecommunications	1.4
European Union Institutions	1.4
The Role of the European Commission	1.4
European Union Aviation Safety System	1.5
European Union Aviation Safety Agency (EASA)	1.6
EASA Responsibilities	1.6
Independence and Supervision	1.7
Working Methods	1.7
Studies and Research	1.7
EASA Internal Structure and Operation	1.8
Staff And Language	1.8
Management Board	1.8
Member States Advisory and Technical Bodies (MAB and TEBS)	1.9
Executive Director	1.9
Board of Appeals	1.9
Financial Requirements	1.9
European Union Member States and National Aviation Authority	1.9
Sharing of Roles	1.10
Member State Obligations	1.10
Bilateral Agreements Concluded by the European Commission	1.10
EASA Relations with Other Aviation Authorities	1.10
Multilateral Cooperation	1.10
Bilateral Cooperation	1.10
International Cooperation	1.10
Rules and Authority	1.10
Regulation 2018/1139 (the Basic Regulation)	1.10
Regulation No 748/2012 (Initial Airworthiness)	1.11
Regulation 1321/2014 (Continued Airworthiness)	1.12
Relationship Between the Annexes	1.12
Relationship Between "Hard Law" and Soft Law (AMC, GM and CSS Soft Law)	1.12
Hard Law	1.12
Soft Law	1.12
Acceptable Means of Compliance (AMC)	1.12
Guidance Material (GM)	1.13
Certification Specifications (CS)	1.13
Special Conditions	1.13
Occurrence Reporting According to Regulation EU 376/2014	1.13
Mandatory Reporting	1.13
Voluntary Reporting	1.13
Occurrence Reporting System	1.13
Storage of Safety Occurrences and Recommendations	1.13
Risk Classification	1.14
Exchange of Information	1.14
Protection of Data and Confidentiality	1.14
Relationship Between the Annexes	1.14
Relationship Between The Annexes (Parts)	1.14
Interactions Between Different Parts	1.14
Relationship Between Regulation (EU) No 965/2012 and (EU) No 1178/2011	1.15
Regulation (EU) No 965/2012 (Air Operations)	1.16
Regulation (EU) No 1178/2011 (Aircrew)	1.16
How (EU) No 965/2012 and (EU) No 1178/2011 Complement Each Other	1.16
Submodule 1 Practice Questions	1.17
Submodule 1 Practice Answers	1.18
10.2 - CERTIFYING STAFF	2.1
General	2.1
Part 66	2.1
Aircraft Maintenance Licenses	2.1
Obtaining an EASA B1 or B2 Part 66 License	2.3
Aircraft Groups	2.3
Application for an Aircraft Maintenance License	2.3
Privileges of Aircraft Maintenance Licenses	2.4
Requirements for Exercising Privileges	2.5
Definitions for Exercising Privileges	2.5
Basic Knowledge Requirements	2.5
Basic Experience Requirements	2.6
License Extension	2.6
Alternate Experience	2.6
Continued Validity of the Aircraft Maintenance License	2.7
Aircraft Rating Requirements	2.7
Limitations	2.7
Evidence of Qualification	2.8
Information In Part 66 Appendices	2.8
Submodule 2 Practice Questions	2.9
Submodule 2 Practice Answers	2.10
10.3 - APPROVED MAINTENANCE ORGANIZATIONS	3.1
Part 145	3.2
Part 145 – Maintenance Organization Requirements	3.2
General	3.2
Scope	3.2
Application	3.2
Terms of Approval	3.2
Facility Requirements	3.2
Personnel Requirements	3.3
Certifying Staff and Category B1 and B2 Support Staff	3.4
Equipment, Tools and Material	3.6

TABLE OF CONTENTS

Acceptance of Components	3.6	Aircraft Maintenance Programs	5.5
Maintenance Data	3.6	Specialized Operations	5.5
Production Planning	3.7	Performance Based Navigation	5.5
Certification of Maintenance.	3.7	Reduced Vertical Separation Minima (RVSM)	5.5
Maintenance Records	3.8	Low Visibility Approach Operations (Cat II/III).	5.6
Occurrence Reporting	3.8	Definitions	5.6
Safety and Quality Policy	3.8	Low Visibility Operations - General Operating Rules.	5.6
Maintenance Organization Exposition (MOE)	3.9	Extended Diversion Time Operations (EDTO/ETOPS)	5.6
Privileges of the Organization.	3.9	Definitions	5.7
Part CAO.	3.10	Minimum Equipment List (MEL) and	
General.	3.10	Configuration Deviation List (CDL)	5.7
Scope	3.10	MELS and MMELS.	5.7
Terms of Approval.	3.10	Rectification Intervals	5.7
Combined Airworthiness Exposition	3.11	Configuration Deviation List	5.7
Facilities.	3.11	Aircraft Placarding and Markings	5.8
Personnel Requirements	3.11	Emergency Exit Markings.	5.8
Certifying Staff	3.11	National Registration Markings	5.8
Components, Equipment and Tools	3.12	Product Data Plates	5.8
Maintenance Data and Work Orders	3.12	Documents To Be Carried On Board	5.8
Aircraft Certificate of Release to Service	3.12	Flight Manual	5.9
Component Certificate of Release to Service	3.12	Certificate of Registration	5.9
Record Keeping	3.12	Certificate of Airworthiness (COA)	5.9
Privileges of the Organization.	3.13	Noise Certificate	5.9
Quality System and Organizational Review.	3.13	Air Operators Certificate.	5.9
Submodule 3 Practice Questions.	3.15	Operations Specifications	5.9
Submodule 3 Practice Answers	3.16	Radio License.	5.9
		Technical Log with Certificate of Release to Service	5.10
		Minimum Equipment List	5.10
		Flight Plan	5.10
		Mass and Balance Form.	5.10
		Submodule 5 Practice Questions.	5.11
		Submodule 5 Practice Answers	5.12
10.4 - INDEPENDENT CERTIFYING STAFF	4.1	10.6 - CERTIFICATION OF AIRCRAFT, PARTS, AND	
Independent Certifying Staff Authorization.	4.1	APPLIANCES	6.1
Airworthiness Reviews Performed by Independent		Certification Specifications	6.2
Certifying Staff	4.1	CS 22 – Sailplanes and Powered Sailplanes	6.2
Authorized Independent Airworthiness Review Staff		CS 23 – Normal Utility Aerobatic and Commuter Airplanes	6.2
(Part M1.A.904).	4.2	CS 25 – Large Airplanes	6.2
Airworthiness Review	4.2	CS 27 – Small Rotorcraft	6.3
Airworthiness Review Certificate	4.2	CS 29 - Large Rotorcraft.	6.3
Airworthiness Review Checklist.	4.3	CS VLA – Very Light Airplanes.	6.4
Independent Certifying Staff and Component Maintenance.	4.3	CS STAN – Standard Changes and Repairs	6.4
Basic Maintenance Experience	4.3	Production Organization Approval.	6.4
Submodule 4 Practice Questions.	4.5	Approval Requirements (21A.145)	6.4
Submodule 4 Practice Answers	4.6	Privileges (21A.163).	6.5
		Obligations of the Holder (21A.165)	6.5
		Duration and Continued Validity (21A.159)	6.5
		Design Organization Approval	6.6
		Part 21 – Subpart J.	6.6
		Approval Requirements (21A.245)	6.6
		Privileges (21A.263)	6.6
		Duration and Continued Validity (21A.259)	6.6
		Documents	6.6
		Type Certificates	6.6
		Scope	6.6
10.5 - AIR OPERATIONS	5.1		
General Understanding of EU-OPS	5.2		
Differences Between Commercial and Non Commercial			
Air Operations Maintenance.	5.2		
Non Commercial Operation	5.2		
Complex Aircraft Operators	5.3		
Airworthiness	5.3		
Maintenance of Commercial and Non Commercial Aircraft.	5.4		
Regulatory Environment	5.4		
Maintenance Standards and Schedules	5.4		
Scale and Complexity	5.4		
Maintenance Personnel	5.4		
Documentation and Record Keeping	5.4		
Air Operator's Certificate (Subpart AOC)	5.4		
Operator's Responsibilities	5.4		

TABLE OF CONTENTS

Validity.....	6.7	Types of Service Bulletins (SB).....	7.9
Supplemental Type Certificates.....	6.7	Alert Service Bulletin.....	7.9
Certificates of Airworthiness.....	6.8	Standard Service Bulletin.....	7.9
Restricted Certificates Of Airworthiness.....	6.8	Engine Conversion Service Bulletin.....	7.9
Permits to Fly.....	6.9	Service Bulletin Contents.....	7.9
Aircraft Registration.....	6.9	Planning Information.....	7.9
Noise Certification.....	6.10	Material Information.....	7.10
Weight Schedule.....	6.10	Service Letter (SL).....	7.10
Mass and Balance Documentation.....	6.11	Modifications and Repairs.....	7.10
Radio Station License and Approval.....	6.11	Maintenance Documentation.....	7.10
Submodule 6 Practice Questions.....	6.13	Part M – Subpart D: Maintenance Standards.....	7.11
Submodule 6 Practice Answers.....	6.14	Critical Maintenance Tasks.....	7.11
		Independent Inspection.....	7.11
10.7 - CONTINUING AIRWORTHINESS.....	7.1	Aircraft Defects.....	7.11
PART 21: Provisions for Continuing Airworthiness.....	7.2	Part M – Subpart E: Components.....	7.12
Failures, Malfunctions and Defects.....	7.2	Part M – Subpart F: Maintenance Organization.....	7.12
System for Collection, Investigation and Analysis of Data... ..	7.2	Part M – Subpart G: Continuing Airworthiness	
Reporting to EASA.....	7.2	Management Organization.....	7.12
Investigation of Reported Occurrences.....	7.2	Part M – Subpart H: Aircraft Certificate of Release to	
Airworthiness Directives.....	7.2	Service (CRS).....	7.12
Subpart P: Issue A Permit To Fly.....	7.2	Pilot/Owner.....	7.12
PART M.....	7.2	Part M – Subpart I: Airworthiness Review Certificate (ARC).....	7.12
Part M Subpart A: General.....	7.2	Physical Survey.....	7.13
Solvency of Air Carriers.....	7.3	Part Camo (Annex VC): Continuing Airworthiness Management	
Which Part M is Applicable?.....	7.3	Organization.....	7.13
Part M – Subpart B: Accountability.....	7.3	Mandatory Occurrence Reporting.....	7.14
Occurrence Reporting.....	7.3	Management System.....	7.14
Part M – Subpart C: Continuing Airworthiness.....	7.3	CAMO Requirements in Addition to the	
Preflight Inspection.....	7.3	Management System.....	7.14
Minimum Equipment and Configuration Deviation Lists:		Contracting and Subcontracting.....	7.14
MEL/CDL.....	7.3	Facilities.....	7.14
Aircraft Maintenance Program (AMP).....	7.3	Continuing Airworthiness Management Records.....	7.14
Certificate of Release to Service (CRS).....	7.4	Personnel Requirements.....	7.14
Effectiveness.....	7.4	Continuing Airworthiness Management.....	7.14
Modifications and Repairs.....	7.4	Airworthiness Review.....	7.15
Mass and Balance (M&B) Statement.....	7.4	Part ML (Annex VB).....	7.15
Maintenance Check Flights (MCF).....	7.4	Continuing Airworthiness Management.....	7.15
Aircraft Maintenance Program (AMP).....	7.4	Occurrence Reporting.....	7.15
Basic Principles.....	7.5	Part ML - Continuing Airworthiness.....	7.15
Continuing Airworthiness Record System.....	7.5	Part ML - Aircraft Maintenance Program (AMP).....	7.15
Maintenance Modes.....	7.5	Aircraft Continuing Airworthiness Record System.....	7.15
Hard Time.....	7.6	Part ML – Subpart D: Maintenance Standards.....	7.15
On-Condition.....	7.6	Part ML – Subpart E: Components.....	7.16
Condition Monitoring.....	7.6	Service Life Limited Components.....	7.16
Aircraft Technical Log System.....	7.6	Part ML – Subpart H: Certificate of Release	
Aircraft Maintenance Programs.....	7.6	to Service (CRS).....	7.16
Maintenance Checks and Inspections.....	7.6	Limited tasks of the Pilot Owner.....	7.16
"A" Check.....	7.7	Part CAO Combined Airworthiness Organization.....	7.16
"B" Check.....	7.7	Submodule 7 Practice Questions.....	7.17
"C" Check.....	7.7	Submodule 7 Practice Answers.....	7.18
"D" Check.....	7.7		
Airworthiness Directives.....	7.7	10.8 - OVERSIGHT PRINCIPLES IN CONTINUING	
Purpose.....	7.7	AIRWORTHINESS.....	8.1
Issuance.....	7.8	Aircraft Continuing Airworthiness Monitoring (ACAM).....	8.1
Service Bulletins.....	7.8	Oversight Principles Regulations.....	8.2
Scope.....	7.8	Regulation EU 2021/1963 - Oversight Principles.....	8.2

TABLE OF CONTENTS

ED Decision 2022/011/R - Management System Assessment	8.2
Information Deemed Necessary For Oversight	8.2
Regulation EU 2021/1963 - Oversight Program	8.2
ED Decision 2022/011/R - Annual Review	8.2
ED Decision 2022/011/R - Subcontracted Activities	8.2
ED Decision 2022/011/R - Oversight Planning Cycle	8.3
ED Decision 2022/011/R - Audit	8.3
ED Decision 2022/011/R - Extension of the Oversight Planning Cycle Beyond 24-Months	8.3
Submodule 8 Practice Questions	8.5
Submodule 8 Practice Answers	8.6
10.9 - MAINTENANCE AND CERTIFICATION BEYOND CURRENT EU REGULATIONS	9.1
Maintenance of European Union Aircraft Not Within the Scope of Regulation EU No 2018/1139 (Annex I Aircraft)	9.1
Aircraft Not Subject to the Regulation EU No 2018/1139	9.1
Mechanic Licenses Specific for General Aviation	9.1
B2L Avionics License	9.1
B2L Aircraft Maintenance License Privileges	9.2
L License	9.2
Light Part M	9.2
European Military Airworthiness Requirement (EMAR) 66 License	9.2
Military Airworthiness Requirement License (MAML) Categories	9.2
Application for a MAML License	9.3
Privileges of an MAML License	9.3
Category A MAML	9.3
Category B1 MAML	9.3
Category B2 MAML	9.3
Category C MAML	9.3
Military Aircraft Type Ratings	9.3
Applicable Requirements for Component Maintenance	9.4
Component Maintenance	9.4
Key Elements Typically Found in a CMM	9.4
Welding	9.4
Aircraft Painting	9.5
Safety Regulations	9.5
Non-Destructive Testing (NDT)	9.5
Submodule 9 Practice Questions	9.7
Submodule 9 Practice Answers	9.8
10.10 - CYBERSECURITY IN AVIATION MAINTENANCE	10.1
Cybersecurity And Aircraft Systems	10.1
The Importance of Cybersecurity in Aviation Maintenance	10.1
Regulation EU 2023/203	10.1
Part IS (Annex II) of EU No 2023/203	10.2
Information Security Management System	10.2
ISMS Implementation And Maintenance	10.2
Governance	10.2
Risk	10.3
Compliance	10.3
Plan-Do-Check-Act Approach	10.3
Compliance Monitoring	10.3
Maintaining Compliance	10.3
Examples of Threat Scenarios	10.4
Aircraft to ATC Digital Communications	10.4
Tampered Air Traffic Data	10.4
Aircraft Operators	10.4
Supply Chain, Design and Manufacturing Ground Infrastructure	10.4
NAA's NOTAM System and Associated Infrastructure	10.4
NAA Airworthiness Directive System	10.5
Submodule 10 Practice Questions	10.7
Submodule 10 Practice Answers	10.8
Acronym Definitions	A.1

ANNEX 8 – AIRWORTHINESS OF AIRCRAFT

This Annex is of importance to technicians in that it deals with the principles that, in the interest of the safety, an aircraft must be designed, constructed and operated in compliance with the appropriate airworthiness requirements of the state of registry of the aircraft. Consequently, the aircraft is issued with a certificate of airworthiness declaring that the aircraft is fit to fly.

Annex 8 includes broad standards which define, for application by the national airworthiness authorities, the minimum basis for the recognition by states of certificates of airworthiness for the purpose of flight of aircraft of other states into and over their territories, thereby achieving, among other things, protection of other aircraft, third parties and property.

Annex 8 is divided into four parts:

1. Part I: Definitions.
2. Part II: Procedures for certification and continuing airworthiness of aircraft.
3. Part III: Technical requirements for the certification of new large aeroplane designs.
4. Part IV: Helicopters.

ANNEX 10 – AERONAUTICAL TELECOMMUNICATIONS

Aeronautical telecommunication agreement and cooperation is required for successful international aviation operations. Annex 10 deals with issues related to aeronautical telecommunications. It subdivides this subject matter and addresses specific issues in a series of volumes as follows:

- Volume 1: Radio Navigation Aids
- Volume 2: Communications Procedures
- Volume 3: Communications Systems
- Volume 4: Surveillance Radar and Collision Avoidance System
- Volume 5: Aeronautical Radio Frequency Spectrum Utilization

EUROPEAN UNION INSTITUTIONS

Figure 1-2 shows the EU institutions and their interdependence in terms of aviation safety.

THE ROLE OF THE EUROPEAN COMMISSION

The European Commission is one of the institutions of the European Union (EU). **[Figure 1-3]** It is independent of the individual EU states and holds great powers. The European Commission represents and defends the European Union as a whole entity. It presents legislative proposals and oversees the application of policies and implementation of the EU budget.

The main roles of the European Commission are:

- a. Proposing new legislation - The commission is the sole EU institution tabling laws for adoption by the parliament and the council that:
 - Protect the interests of the EU and its citizens on issues that can't be dealt with effectively at national level.
 - Get technical details right by consulting experts and the public.
- b. Implementing EU policies and the budget:
 - Sets EU spending priorities, together with the council and parliament.
 - Draws up annual budgets for approval by the council and parliament.
 - Supervises how the money is spent, under scrutiny by the court of auditors.
- c. Enforcing European law:
 - Together with the Court of Justice, ensures that EU law is properly applied in all the member countries.
- d. Representing the EU on the international stage:
 - Speaks on behalf of all EU countries in international bodies, in particular in areas of trade policy and humanitarian aid.
 - Negotiates international agreements for the EU.

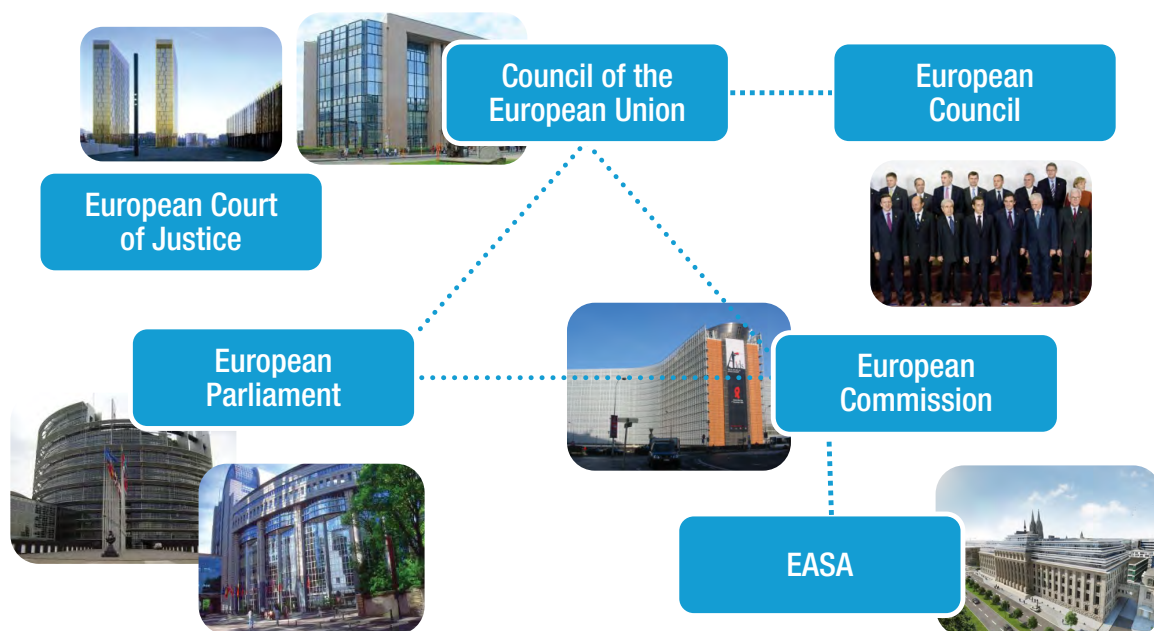


Figure 1-2. EU institutions.



Figure 1-3. European Commission headquarters in Brussels, Belgium.



Figure 1-4. European Parliament in Strasbourg, France.

The European Commission's activities in civil aviation fall within the responsibility of the Directorate General for Transport and the Environment. Specifically, within the organization of the Directorate of Air Transport, Unit F2 is responsible for single European sky & modernization of air traffic control. Unit F3 deals with air safety and Unit F4 is responsible for infrastructures and airports.

Since, 1 November 2004, the European Commission has a commissioner for each member state. The commission has a president, a vice president, who is also the representative for foreign affairs and safety policy, and 25 members each in charge of an individual area of concern (for example, regional policy, business, action on climate, etc.) In November of 2014, the number of commissioners was reduced to two thirds of the number of member states.

The members of the Commission are chosen from member state nationals following a fair rotation system between member countries. The Commission is responsible to the European Union parliament.

The Commission is assisted by a secretary general who prepares the work and ensures coordination between its branches and other institutions. The length of mandate of the Commission is five years as is the term of office of the European parliament. The commission meets at least once a week in Brussels and during the monthly sessions of the European Parliament in Strasbourg. [Figure 1-4]

The European Commission promotes the general interests of the EU and takes appropriate initiatives to that end. It ensures external representation of the EU with international organizations in most areas. The EC also provides delegations to third countries (non EU states). European Commission responsibilities include:

1. Initiation of Legislative Power - most of the legislative acts of the Council (Council of Ministers of the European Union) require a proposal for such action from the Commission. The Council cannot amend a proposal without a unanimous ruling. The Commission can modify the proposal as long as the council has not ruled on it.
2. Guardianship of Treaties - the Commission ensures compliance with and enforcement of European law and secondary legislation (regulations, directives, decisions, etc.) under the control of the Court of Justice of the

European Union. It inquires, prevents and penalizes members for non-compliance with European treaties. It can appeal to the Court of Justice of the European Union if a state does not follow the opinion that the European Commission has previously sent.

3. Execution Power - the Commission is the body that executes policies and measures adopted by the Council of Ministers of the European Union. It administers the budget and manages common policies and funding. The Council monitors EC activities through various committees.

EUROPEAN UNION AVIATION SAFETY SYSTEM

The objective of the European Aviation Safety Program is to ensure that the system for the management of aviation safety in the European Union delivers a safety performance that is the best of any world region, uniformly enjoyed across the whole Union, and continuing to improve over time. In doing so the EU will use, as a measurement of success, the rate of fatal accidents per 10 million flights per world region.

The strategy for aviation safety in the EU for the coming years was established by the European Commission in a Communication to the Council and the European Parliament called Setting up an Aviation Safety Management System for Europe.

In order to further improve the already excellent safety record that exists in the civil aviation industry, ICAO has promoted the principles of safety management. These principles revolve around the implementation of a safety management system in industry organizations and a State Safety Program (SSP) in contracting states.

The sharing of roles between the EU and the member states, as described in the EASA Basic Regulation, makes it necessary for the member states to work together with EASA to fully implement the SSP. Production of an EU equivalent of an SSP, an European Aviation Safety Program, is a more efficient means of discharging this obligation and would support the EU Members and associated states in developing their own SSPs.

The key players and their role in the European Union Aviation Safety System are shown in Figure 1-5.



Figure 1-5. EU Aviation Safety System.

EUROPEAN UNION AVIATION SAFETY AGENCY (EASA)

The European Aviation Safety Agency (EASA or the Agency) is the centerpiece of the European Union's strategy for aviation safety. Its mission is to promote and achieve the highest common standards of safety and environmental protection in civil aviation. EASA is the agency of the EU that looks after flight safety. It is based in Cologne, Germany and became operational in September 2003. The agency employs over 800 aviation experts and administrators from all European Union countries. [Figure 1-6]

EASA gathers 32 member states, 28 of them being European Union states and the remaining 4 are EFTA states (Switzerland, Norway, Iceland, and Lichtenstein). It has four permanent international representations:

- Washington (USA)
- Beijing (China)
- Montreal (Canada)
- Singapore

The creation of EASA paved the way for a new EU legislation on safety and the environmental compatibility of civil aviation. EASA was established in 2002 by Regulation EC 1592/2002 (repealed by Regulation EC 216/2008) of the European Parliament and the Council in order to ensure a high and uniform level of safety in civil aviation, by the implementation of common safety rules and measures. The new Basic Regulation EU 2018/1139 entered into force on 22 August 2018 and sets out the tasks of the Agency. In addition to the tasks previously established, the basic regulation formalizes EASA's role in the domain of drones and urban air mobility, enabling the Agency to prepare rules for all sizes of civil drones and harmonize standards for the commercial market across Europe. The regulation enlarges the Agency's role in areas such as in environmental protection, research and development, or international cooperation. The new mandate also gives EASA a coordinating role in cyber security in aviation.

EASA's mission is to promote the highest possible level of safety and environmental protection in civil aviation. It facilitates the free movement of goods, persons and services, promotes cases for regulatory and certification processes and assists member states



Figure 1-6. EASA headquarters in Cologne, Germany.

in meeting their obligations under ICAO. At the global level, EASA promotes and defends its views on the safety standards to be applied in civil aviation.

EASA RESPONSIBILITIES

At first, EU regulations merely established EASA on the basis for action in the field of certification of aeronautical products, organizations and persons involved in the design, production and maintenance of aircraft. EASA has taken over the responsibilities of the former Joint Aviation Authorities system which ceased on 30 June 2009. The agency's responsibilities are being acquired progressively. In 2008, through the implementation of a new EASA Regulation EC 216/2008, EASA's role was extended beyond its previous scope to cover flight operations and flight crew licensing.

In Autumn 2009, as part of an aviation package also including the second package of measures for Single European Sky, the European Community adopted Regulation EC 1108/2009 amending Regulation EC 216/2008 and extending EASA's remit to encompass the field of aerodromes, air traffic management and air navigation services. As previously, however, aircraft used for military, customs and police services, and persons and organizations involved in such activities, remain outside the remit of EASA.

EASA has currently the following responsibilities:

- Draft implementing rules in all fields pertinent to the EASA mission and provide technical expertise to the EU.
- Certify & approve products and organizations, in fields where EASA has exclusive competence (e.g. airworthiness).
- Provide oversight and support to member states in fields where EASA has shared competence (e.g. air operations, air traffic management).
- Promote the use of European and worldwide standards.
- Cooperate with international actors in order to achieve the highest safety level for EU citizens globally (e.g. EU safety list, third country operators authorizations).
- Perform safety research and analysis including publication of an annual safety review.

The Agency may adopt various types of acts. [Figure 1-7] It may:

- Take binding individual decisions by granting aircraft type certificates and by conducting inspections and investigations.
- Issue non-binding documents containing certification specifications (CS), acceptable means of compliance (AMC) and guidance material (GM) (for use in the certification process) and present opinions to the European Commission on the essential requirements and implementing rules to be adopted.

The Agency also has the power to conduct certain tasks for which collective action is more effective than action by individual member states. In particular, EASA is responsible for the certification of aeronautical products. It also helps the Commission monitor the implementation of rules and safeguards that may be required. EASA provides technical assistance to aeronautical authorities of third countries and international organizations for safety and environmental compatibility of civil aviation. Finally, the Agency supports the European Union and its member states in their cooperation with and assistance to third countries. [Figure 1-8]

INDEPENDENCE AND SUPERVISION

To protect from political interference, decisions of safety must be undertaken by a neutral and independent authority with the necessary skills. EASA and its Executive Director are under the supervision of an independent management board of the Agency, which is responsible for the definition of the Agency's priorities, the establishment of the budget and for monitoring the Agency's operation. It adopts EASA annual report and work program

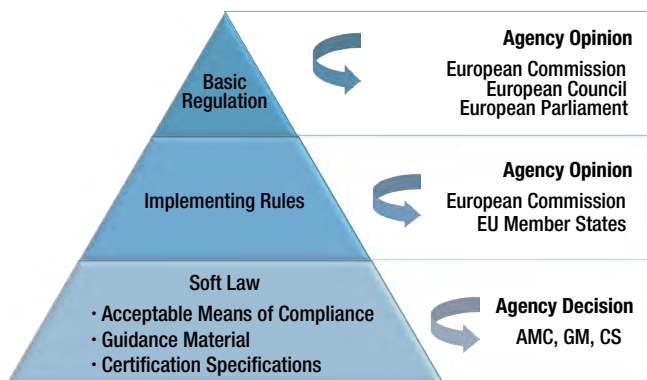


Figure 1-7. EASA Regulatory Structure.

(after approval by the European Commission) and the working procedures to be followed by the Agency. The executive director is appointed by the management board that is composed of representatives from member states and one representative of the commission. The EASA advisory board assists the management board in its work. It comprises of organizations that represent the aviation personnel, manufacturers, commercial and general aviation operators, maintenance industry, training organizations and air sports. [Figure 1-9] The Agency's budget is financed by a contribution from the European Community, fees paid for certificates issued by the Agency and charges for publications and training provided by the Agency.

WORKING METHODS

The Agency applies transparent procedures for the adoption of opinions, acceptable means of compliance and guidance material. These procedures ensure the use of the relevant expertise, wide consultation of all interested parties and the right of each member state to be associated with the adoption process. Special procedures allow the Agency to take immediate action in case of safety problems. Similar transparent procedures apply in the case of individual decisions.

The Agency and the qualified entities acting on its behalf may undertake the inspections and investigations necessary in order to perform the tasks assigned to them. The Agency conducts inspections in the member states to verify that safety regulations and the implementing rules are applied correctly at national level.

EASA is authorized to conduct the investigations required in order to issue the relevant certificates and ensure continued safety oversight.

STUDIES AND RESEARCH

EASA's basic regulation permits the Agency to launch and finance research projects within its competence, which includes safety and environmental protection. With consideration to the pace of technological developments and changes to business models within aviation, EASA research activities need to expand beyond the Agency's internal needs and resources. Safety, environmental protection and standardization are key cross cutting issues to be tackled as early as possible within research activities and need to be addressed in a coordinated manner with the commensurate involvement of the regulators.



Figure 1-8. EASA Core Activities.

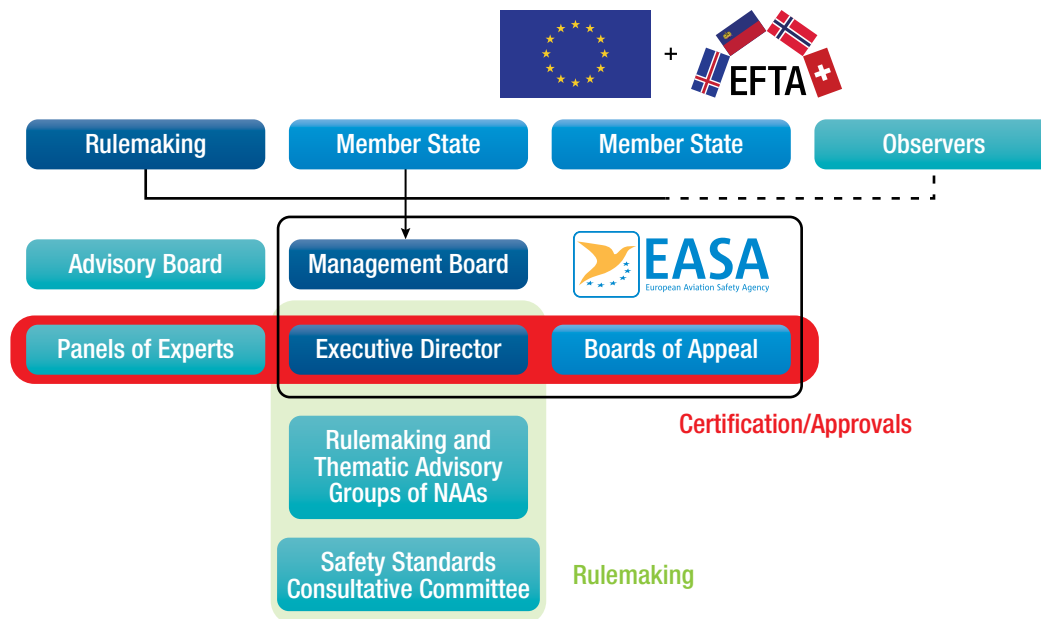


Figure 1-9. EASA Governance.

The Agency also conducts studies and provides reports concerning the safety of European and world-wide aviation. Data on the aviation system and accidents, incidents and occurrences is collected, categorized and stored and forms the base for its studies.

EASA INTERNAL STRUCTURE AND OPERATION

EASA is an independent body of the European Union with its own legal identity. It is headed and represented by its executive director. Its main structure consists of 5 directorates:

1. Executive Directorate
2. Certification Directorate
3. Flight Standards Directorate
4. Resources & Support Directorate
5. Strategy & Safety Management Directorate [Figure 1-10]

STAFF AND LANGUAGE

The Agency's staff consists of a limited number of officials approved by the EC or Member States to carry out management duties. Other employees are recruited by EASA on a limited basis, according to its requirements. All opinions addressed to the commission concerning actions to be adopted must be made in English language, however the regulations to be published are translated by the commission into all official languages of the community which are: Bulgarian, Czech, Croatian, Danish, Dutch, Estonian, Finnish, French, Irish, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, and Swedish. Applications to the Agency for certification may be filed in any of the official languages of the Community and the Agency will reply in the same language.

MANAGEMENT BOARD

A management board is composed of one representative from each Member State and one representative from the Commission. The board elects a chairperson and a deputy chairperson from among its members. The term of office is three years and is renewable. The management board exercises a supervisory function. It appoints the executive director, adopts the annual report and



Figure 1-10. EASA Organization Structure.

work program (after approval by the commission) and makes budgetary decisions. The board dictates the working procedures to be followed by the Agency. This includes guidelines, which must be approved by the commission for the allocation of certification tasks to qualified entities. The stakeholder advisory body assists the management board in its work. It comprises organizations representing aviation personnel, manufacturers, commercial and general aviation operators, maintenance industry, training organizations and air sports.