

MODULE 10

FOR B1 & B2 CERTIFICATION

AVIATION LEGISLATION

Aviation Maintenance Technician Certification Series



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WELCOME

The publishers of this Aviation Maintenance Technician Certification Series welcome you to the world of aviation maintenance. As you move towards EASA certification, you are required to gain suitable knowledge and experience in your chosen area. Qualification on basic subjects for each aircraft maintenance license category or subcategory is accomplished in accordance with the following matrix. Where applicable, subjects are indicated by an "X" in the column below the license heading.

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REVISION LOG

VERSION	EFFECTIVE DATE	DESCRIPTION OF CHANGE
001	2014 02	Module Creation and Release
002	2017 05	Format Update/Addition of Part-T, Sub-Module 06.
003	2019 08	Updated to current regulations, and reduction of Sub-Module 04 to appropriate level 1 requirements.

AVIATION LEGISLATION

Welcome	iii
Revision Log.....	iii
Forward.....	iv
EASA License Category Chart	v
General Knowledge Requirements	v
Contents	ix

SUB-MODULE 01

REGULATORY FRAMEWORK

Knowledge Requirements	1.1
10.1 - Regulatory Framework	1.2
International Civil Aviation Organization (ICAO)	1.2
The Chicago Convention	1.2
Second Freedom Agreement	1.3
Fifth Freedom Agreement	1.3
ICAO Goals and Objectives.....	1.3
ICAO Strategic Objectives.....	1.3
ICAO Composition and Concerns.....	1.4
Technical Annexes	1.4
Annex 1 - Personnel Licensing	1.5
Annex 6 - Operation of Aircraft	1.5
Annex 8 - Airworthiness of Aircraft.....	1.5
Annex 10 - Aeronautical Telecommunications	1.5
European Union Aviation Safety System	1.5
European Union Institutions.....	1.6
The Role of the European Commission (EC).....	1.6
Role of the European Aviation Safety Agency (EASA)	1.8
EASA Responsibilities	1.9
Independence and Supervision	1.9
Working methods	1.10
Studies and Research	1.11
EASA Internal Structure and Operation.....	1.11
Staff and Language.....	1.11
Management Board	1.12
Member States' Advisory Body (MAB) and Technical Bodies (TeBs)	1.12
Executive Director	1.12
Board of Appeals.....	1.12
Financial Requirements	1.12
The Role of Members States	1.13
Sharing of Roles	1.13
Member State Obligation	1.13
Rules and Authority	1.13
Regulation (EU) 2018/1139 (Basic Regulation)	1.13
Regulation (EU) 748/2012 (Part-21)	1.14
Regulation (EC) 1321/2014	1.15

Relationship Between the Annexes (Parts)	1.16
EASA Relations with the Other Aviation Authorities	1.16
Multilateral Cooperation	1.16
Bilateral Cooperation	1.16
International Cooperation	1.16
Questions	1.17
Answers	1.18

SUB-MODULE 02

CERTIFYING STAFF – MAINTENANCE

Knowledge Requirements	2.1
10.2 - Certifying Staff – Maintenance	2.2
General.....	2.2
Part-66	2.2
Scope	2.2
License Categories	2.2
Aircraft Groups.....	2.4
Application	2.4
Eligibility	2.4
Privileges	2.4
Requirements for Exercising Privileges.....	2.7
Definitions for Exercising Privileges	2.7
Basic Knowledge Requirements	2.8
Basic Experience Requirements	2.9
License Extension	2.9
Alternate Experience	2.9
Continued Validity of the Aircraft	
Maintenance License	2.10
Aircraft Rating Requirements	2.10
Limitations	2.10
Evidence of Qualification	2.10
Information in Part-66 Appendices	2.11
Questions	2.13
Answers	2.14

SUB-MODULE 03

APPROVED MAINTENANCE ORGANIZATIONS

Knowledge Requirements	3.1
10.3 - Approved Maintenance Organizations	3.2
Part-145	3.2
Part-145 – Maintenance Organization Requirements	3.2
General	3.2
Definitions	3.2
Scope	3.3
Application	3.3
Terms of Approval	3.3

CONTENTS

Facility Requirements	3.3	Scope	4.13
Personnel Requirements	3.4	Authority Requirements for Air Operations	
Certifying Staff and Category B1 and B2		Annex III (Part-ORO)	4.17
Support Staff	3.6	General (GEN)	4.17
Equipment, Tools and Material	3.8	Scope	4.17
Acceptance of components	3.8	Operator Responsibilities.....	4.17
Maintenance Data.....	3.9	Air Operator Certification (AOC).....	4.18
Production planning	3.10	Air Operator Certificate	4.18
Certification of Maintenance	3.10	Manuals, Logs and Records (MLR)	4.18
Maintenance Records	3.11	Minimum Equipment List (ORO.MLR.105)	4.18
Occurrence Reporting	3.11	Technical Crew in HEMS, HHO or	
Safety and Quality Policy	3.12	NVIS Operations (TC)	4.19
Maintenance Organization Exposition (MOE)	3.12	Scope	4.19
Privileges of the Organization	3.13	Commercial Air Transport Operations Annex IV	
Part-M; Subpart-F Maintenance Organization	3.13	(Part-CAT)	4.19
Scope	3.13	General Requirements (GEN)	4.19
Facilities	3.13	Taxiing of Airplanes (CAT.GEN.MPA.125)	4.19
Personnel Requirements	3.14	Rotor Engagement – Helicopters	
Certifying Staff.....	3.14	(CAT.GEN.MPA.130)	4.19
Components, Equipment and Tools.....	3.15	Documents, Manuals and Information To	
Maintenance Data.....	3.15	Be Carried (CAT.GEN.MPA.180)	4.19
Maintenance Work Orders	3.15	Operating Procedures (OP).....	4.21
Maintenance Standards	3.15	Refuelling/Defuelling with Passengers Embarking,	
Component Certificate of Release to Service.....	3.15	On Board or Disembarking.....	4.21
Component Certificate Of Release To Service ..	3.15	Pushback and Towing – Airplanes	4.21
Maintenance Records	3.15	Ice and Other Contaminants	
Privileges of the Organization	3.16	Ground Procedures	4.21
Organizational Review	3.16	Mass and Balance, Loading.....	4.21
Questions	3.17	Mass and Balance Data and Documentation	4.21
Answers	3.18	Instruments and Equipment – General.....	4.22
		Minimum Equipment for Flight	4.23
		Spare Electrical Fuses	4.23
		Operating Lights	4.23
		Equipment to Clear Windshield	4.23
		Operations Under VFR by Day – Flight	
		and Navigational Instruments and	
		Associated Equipment	4.23
		Operations Under IFR or at Night – Flight	
		and Navigational Instruments and Associated	
		Equipment	4.23
		Additional Equipment for Single Pilot	
		Operation Under IFR	4.24
		Altitude Alerting System.....	4.24
		Terrain Awareness Warning System (TAWS)	4.24
		Airborne Collision Avoidance System (ACAS)	4.25
		Airborne Weather Detecting Equipment	4.25
		Additional Equipment for Operations in	

SUB-MODULE 04

AIR OPERATIONS

Knowledge Requirements	4.1
10.4 - Air Operations	4.2
Scope	4.2
Specialized Operations	4.2
Commercial Operations & Commercial	
Air Transport	4.2
Complex Aircraft	4.2
Contents of Regulations	4.3
General Understanding of Air Operations	4.3
Regulation on Air Operations – Structure	4.3
Basic Regulation (EC) No 1139/2018 – Analysis by	
category, Regulation and Implementation	4.8
Air Operations (AIR-OPS) Annex II (Part-ARO)	4.11
Issue of the Air Operator Certificate.....	4.11

Icing Conditions at Night	4.25	Annex VI	4.32
Flight Crew Interphone System.....	4.25	Non-Commercial Air Operations with Other	
Crew Member Interphone System.....	4.25	Than Complex Motor Powered Aircraft	
Public Address System.....	4.25	(PART-NCO) Annex VII	4.32
Cockpit Voice Recorder	4.25	Specialized Operations (PART-SPO)	
Flight Data Recorder	4.25	Annex VIII.....	4.32
Combination Recorder.....	4.26	Operator's Responsibilities	4.32
Seats, Seat Safety Belts, Restraint Systems		Responsibilities (M.A.201)	4.32
And Child Restraint Devices	4.26	Aircraft Maintenance Program.....	4.32
Fasten Seat Belt And No Smoking Signs	4.26	General Presentation	4.32
Internal Doors And Curtains	4.26	The General Maintenance Review Board	
First-Aid Kit.....	4.27	(MRB) Process	4.33
Emergency Medical Kit.....	4.27	Structure Program	4.33
First-Aid Oxygen.....	4.27	Analysis of Accidental Damage.....	4.34
Supplemental Oxygen – Pressurized Airplanes	4.27	Damage Analysis due to the Environment	4.34
Supplemental Oxygen – Non-Pressurized		The "ALI" (Airworthiness Limitation Items)	4.34
Airplanes	4.28	Zonal Inspection Program (ZIP)	4.34
Crew Protective Breathing Equipment	4.28	The MRB Report (Maintenance Review Board)	4.34
Hand Fire Extinguishers	4.28	Maintenance Planning Document (MPD)	4.35
Crash Axe And Crowbar	4.29	Minimum Equipment Lists & CDL	
Marking of Break-In Points.....	4.29	(Operator's Responsibilities)	4.35
Means For Emergency Evacuation	4.29	MEL	4.35
Megaphones	4.29	CDL	4.35
Emergency Lighting and Marking	4.29	Manuals To Be Carried (OPS 1.130)	4.35
Emergency Locator Transmitter (ELT)	4.29	Identification of Parts and Appliances	4.35
Flight Over Water	4.30	Identification of Products	4.35
Survival Equipment	4.30	Identification of Parts and Appliances	4.36
Headset.....	4.30	Marking of Break-In Points.....	4.36
Radio Communication Equipment	4.30	Emergency Markings.....	4.36
Audio Selector Panel	4.31	Emergency Exit Markings	4.36
Transponder	4.31	Interior Emergency Lighting and Emergency	
Specific Approvals – Annex V (Part-SPA)	4.31	Light Operation	4.37
Operations in Airspace with Reduced Vertical		Questions	4.39
Separation Minima (RVSM)	4.31	Answers	4.40
RVSM Operations	4.31		
RVSM Operational Approval	4.31		
Helicopter Emergency Medical Services			
(HEMS) Flight	4.31		
Equipment Requirements (SPA.RVSM.110)	4.31		
Extended Range Operations with Two-Engined			
Airplanes (ETOPS)	4.31		
ETOPS.....	4.31		
Operational Approval	4.31		
En-Route Alternate Aerodrome	4.31		
Annexes VI, VII and VIII	4.32		
Non-Commercial Air Operations with Complex			
Motor-Powered Aircraft (PART-NCC)			

SUB-MODULE 05

CERTIFICATION OF AIRCRAFT, PARTS AND APPLIANCES

Knowledge Requirements	5.1
10.5 - Certification of aircraft, parts and appliances	5.2
Sailplanes And Powered Sailplanes (CS 22)	5.2
Normal, Utility Aerobatic And Commuter Airplanes	
(CS 23)	5.2
Large Airplanes (CS 25).....	5.2
Small Rotorcraft (CS 27.1)	5.3
Large Rotorcraft (CS 29.1).....	5.3
CS-VLA Very Light Airplanes	5.4

CONTENTS

Production Organization Approval.....	5.4	System	6.6
Approval Requirements (21A.145).....	5.4	Owner And/Or The Operator Obligations	6.7
Privileges (21A.163)	5.5	Operator Technical Log System	6.7
Obligations Of The Holder (21A.165)	5.5	Maintenance Standards – Subpart-D.....	6.7
Duration And Continued Validity (21A.159)	5.5	Maintenance Data	6.7
Design Organization Approval.....	5.5	Performance of Maintenance.....	6.8
Part-21 – Subpart-J	5.5	Aircraft Defects	6.8
Approval Requirements (21A.245)	5.5	Components – Subpart-E.....	6.8
Privileges (21A.263)	5.7	Installation	6.8
Duration and Continued Validity (21A.259).....	5.7	Components Maintenance.....	6.9
Documents.....	5.8	Caution.....	6.9
Type Certificates	5.8	Control of Unserviceable Components	6.9
Scope	5.8	Maintenance Organization – Subpart-F	6.10
Validity	5.8	Continuing Airworthiness Management	
Supplemental Type Certificates	5.9	Organization - Subpart-G	6.10
Certificates of Airworthiness	5.10	Certificate of Release to Service (CRS)	
Restricted Certificates of Airworthiness	5.11	Subpart-H	6.10
Permits to Fly	5.12	Aircraft Certificate Of Release To Service	6.10
Aircraft Registration.....	5.12	Component Certificate Of Release To Service	6.11
Noise Certification	5.13	Pilot-Owner Authorization	6.12
Weight Schedule	5.14	Airworthiness Review Certificate – Subpart-I ..	6.12
Mass and Balance Documentation		Aircraft Airworthiness Review	6.12
(Air Operations 1.625)	5.14	Validity Of The Airworthiness	
Radio Station License and Approval	5.15	Review Certificate	6.14
Approval	5.15	Findings	6.14
Questions	5.17	Part-T	6.15
Answers	5.18	Acceptable Means of Compliance and Guidance	
		Material to Annex Va (Part-T) to Commission	
		Regulation (EU) No 1321/2014.....	6.15
		Part-T Scope and Responsibilities	6.15
		Annex VA (Part-T)	6.15
		Scope	6.15
		Responsibilities	6.15
		Section 1.....	6.15
		Section 2.....	6.16
		Section 3.....	6.16
		Questions	6.17
		Answers	6.18
		SUB-MODULE 07	
		APPLICABLE NATIONAL AND	
		INTERNATIONAL REQUIREMENTS	
		Knowledge Requirements	7.1
		10.7 - Applicable National and Int'l Requirements.....	7.2
		Maintenance Checks And Inspections	7.2
		General	7.2
		"A" Check	7.2

SUB-MODULE 06

CONTINUING AIRWORTHINESS

Knowledge Requirements	6.1
10.6 - Continuing Airworthiness	6.2
Part-21 General Provisions	6.2
Failures, Malfunctions And Defects	6.2
Airworthiness Directives	6.2
Part-M	6.3
General – Subpart-A.....	6.3
Scope	6.3
Accountability – Subpart-B	6.3
Responsibilities.....	6.3
Occurrence Reporting	6.4
Continuing Airworthiness - Subpart-C	6.5
Continuing Airworthiness Tasks	6.5
Maintenance Program	6.5
Airworthiness Directives	6.6
Data For Modifications And Repairs	6.6
Aircraft Continuing Airworthiness Record	

"B" Check	7.2
"C" Check	7.2
"D" Check	7.2
Airworthiness Directives.....	7.3
Purpose	7.3
Issuance	7.4
Service Bulletins	7.4
ATA Spec 2200	7.4
Scope	7.4
Types of Service Bulletins	7.5
Alert SB	7.5
Standard SB	7.5
Engine Conversion SB	7.5
Service Bulletin Contents.....	7.5
General	7.5
Planning Information	7.5
Material Information	7.6
Service Letter (SL).....	7.7
Modifications And Repairs	7.7
Maintenance Documentation	7.7
Minimum Equipment Lists (MMEL/MEL)	7.7
DDL Dispatch Deviation List (OR CDL)	7.8
Minimum Equipment Requirements.....	7.8
Test Flights	7.8
Permit To Fly	7.8
ETOPS/EDTO	7.8
Definition:	7.8
All Weather Operations (Cat 2 and 3 Operations)..	7.9
Definitions:	7.9
Air Operations Subpart-E	7.9
Low Visibility Operations - General Operating Rules (OPS 1.440)	7.9
Maintenance	7.9
General	7.9
Equipment Approval	7.10
Maintenance Control System	7.10
Maintenance Control Manual	7.10
Questions	7.11
Answers	7.12
Acronym Index.....	A.1
Glossary	G.1
Index	I.1

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 good 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 (SMS) 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 (EASP) - 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 1-2*.

EUROPEAN UNION INSTITUTIONS

Figure 1-3 below shows the EU institutions and their interdependence in terms of aviation safety.

THE ROLE OF THE EUROPEAN COMMISSION (EC)

The European Commission is one of the institutions of the European Union (EU). (Figure 1-4) 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:

- 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.
- Implementing EU policies and the budget
 - Sets EU spending priorities, together with the Council and Parliament.
 - Draws up annual budgets for approval by the Parliament and Council.
 - Supervises how the money is spent, under scrutiny by the Court of Auditors.
- Enforcing European law



Figure 1-2. EU Aviation Safety System.

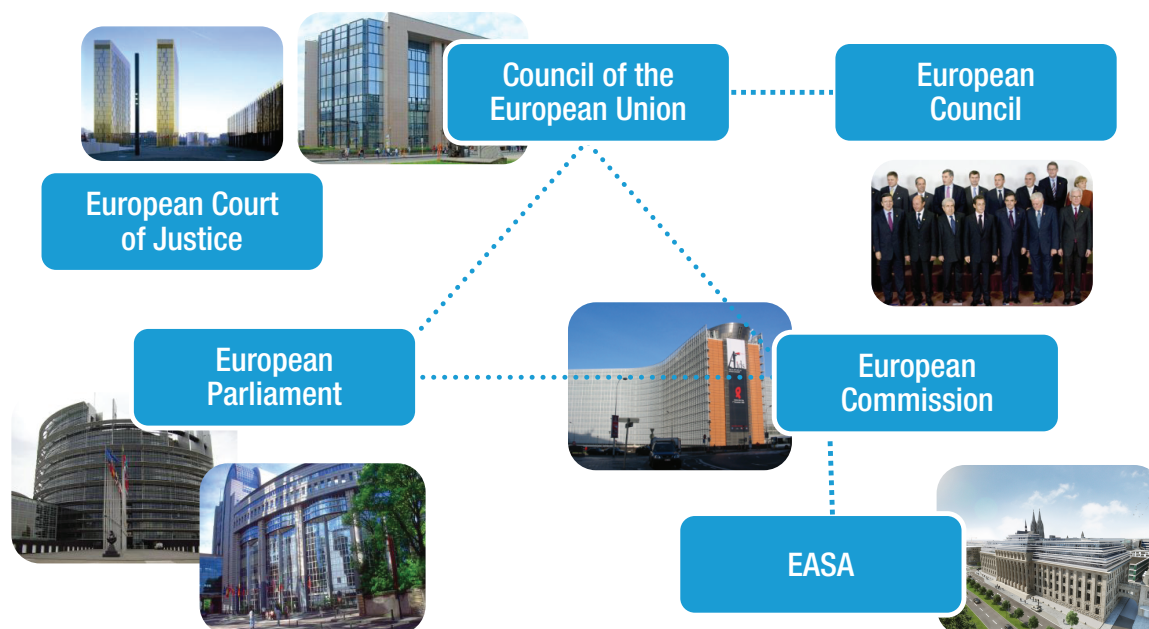


Figure 1-3. EU institutions.

- Together with the Court of Justice, ensures that EU law is properly applied in all the member countries.
- 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.

The European Commission's activities in civil aviation fall within the responsibility of the Directorate-General for Transport and the Environment (DG TREN). 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 (27 28 total commissioners). 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 (18 total). (*Figure 1-4*)



Figure 1-4. European Commission headquarters in Brussels, Belgium.

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, generally on a Wednesday, and during the monthly sessions of the European Parliament in Strasbourg. (*Figure 1-5*)

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



Figure 1-5. European Parliament in Strasbourg, France.

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 (CJEU). 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.

ROLE OF THE EUROPEAN 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 4 permanent international representations: Washington (USA), Montreal (Canada), Beijing (China) and 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) No 1592/2002 (repealed by Regulation (EC) No 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) No 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 so-called new 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

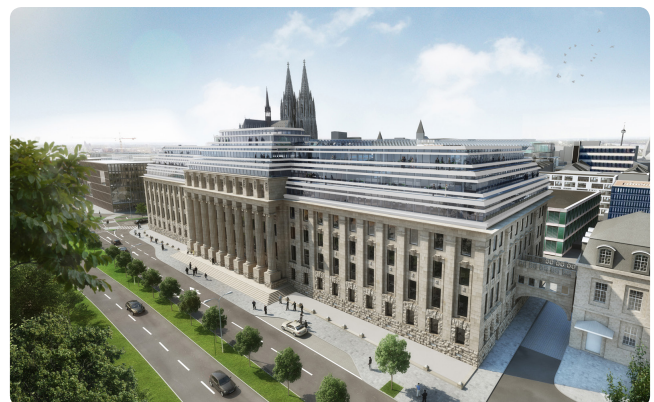


Figure 1-6. EASA headquarters in Cologne, Germany.

processes and assists Member States 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 (JAA) 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) No 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 (SES II), the European Community adopted Regulation (EC) No 1108/2009 amending Regulation (EC) No 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

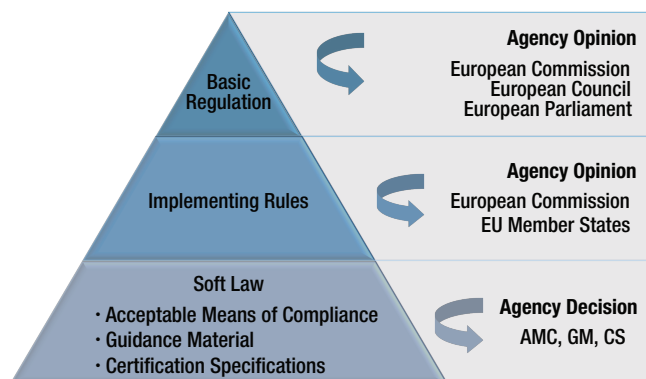


Figure 1-7. EASA Regulatory Structure.



Figure 1-8. EASA Core Activities.

annual report and work program (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 organizations representing 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.

Note to the image above: The Rulemaking Advisory Group and the Thematic Advisory Groups have been replaced by the Member States' Advisory Body (MAB) and the Member States' Technical Bodies (TeBs). The Safety Standards Consultative Committee (SSCC) and its Subcommittees have been replaced by the Stakeholders Advisory Body (SAB).

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.

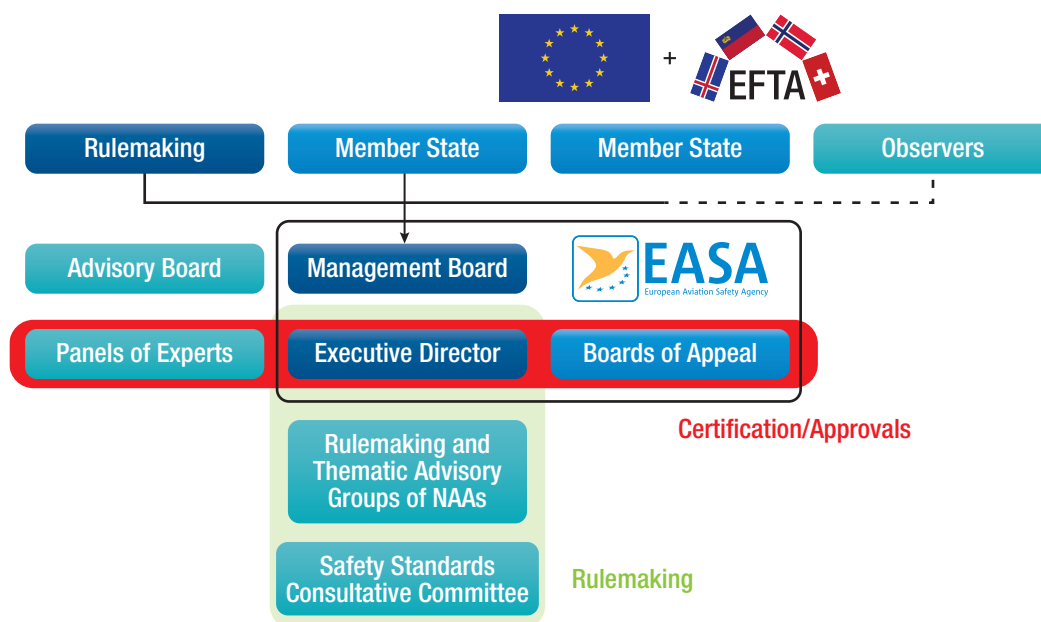


Figure 1-9. EASA Governance.

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.

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: Executive Directorate, Certification Directorate, Flight Standards Directorate, Resources & Support Directorate and 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 Commission into all official languages of the Community which are: Bulgarian, Czech, Croatian, Danish, Dutch, Estonian, Finnish,



Figure 1-10. EASA Organization Structure.