



European Aviation Safety Agency

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Cologne, 19th December 2006
EASA S1 FBA/MKI D (2006) 53605

Mr Kevin Humphreys
Director of Safety Regulation Division
Irish Aviation Authority
Aviation House
Hawkins Street Dublin 2
IRELAND

Subject: MAST Standardisation Inspection of Ireland (9.2006)

Attachment: Final Report on the Standardisation Inspection of Ireland

Dear Mr Humphreys,

With reference to Basic Regulation¹ and namely Art.16 thereof, your country was inspected by the Agency in September 2006, from the 18th to the 22nd.

As you know, the purpose of this standardisation inspection was to monitor the application by the IAA of the Basic Regulation and its implementing rules for Continued Airworthiness², namely Part-M, Part-145, Part-66, Part-147 and Part-21 Subparts H and I, and to report the results to the European Commission.

The inspection was conducted for the first time by application of the newly issued Standardisation Inspection Regulation³.

The open and constructive discussions with the IAA through the visit were much appreciated. On behalf of the inspection team, I would like to thank all those concerned by the visit, in particular Mr David Shaw, who played a key role in its success. Please also convey our thanks to the visited undertakings for having welcomed the team in their facilities.

This inspection has highlighted the commitment from the IAA to achieve the adequate implementation of EU regulations. However, this inspection has also revealed several areas for improvement.

You will find attached the final report arising from the visit, established on the basis of the preliminary report that was presented and discussed on September 22nd in Dublin during

¹ Regulation (EC) 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency

² Commission Regulation (EC) No 2042/2003 of 20 November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks

³ Commission Regulation (EC) No 736/2006 of 16 May 2006 on working methods of the European Aviation Safety Agency for conducting standardisation inspections

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the closing session. The findings raised in the preliminary report were reviewed by EASA and classified as per the Standardisation Inspection Regulation³ Art.13.

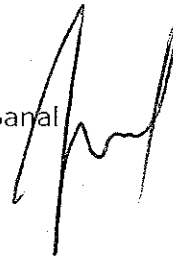
Findings classified (c), (d) and (f) need your further attention (please refer to the attached document).

Please note that in application of Art. 10 of the Standardisation Inspection Regulation³, this letter and the attachment report are also sent to your State Permanent Representation to the European Union and to the European Commission, to whom the Agency shall also report on the follow-up actions and on the closure of the findings.

Thank you in advance for your prompt answer to this letter.

Yours sincerely,

F. Banal



Copy: IAA (Mr David Shaw)
EASA.E (Mr Goudou)



Final Report
on the EASA Standardisation Inspection of

Member State: Ireland

National Aviation Authority: Irish Aviation Authority

Dates of Inspection: 18-22 September 2006

Report ID: S1.F016.IE.09.2006

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European Aviation Safety Agency

Standardisation Inspection Final Report

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Table of Contents

Foreword	4
Part 1 – Executive Summary	5
Part 2 – Conduct of the Inspection	7
2.1 Background.....	7
2.2 Scope.....	7
2.3 National Coordinator	7
2.4 Inspection Team	7
2.5 Officials Met	7
2.6 Inspection Programme.....	8
2.7 Additional Information	8
Part 3 – Immediate Safety Hazards (ISH)	9
Part 4 – Comments of the National Aviation Authority.....	10
Part 5 – Finding Classes and Initial Follow-up	11



Foreword

Articles 16.1 and 45 of the basic regulation¹ require the European Aviation Safety Agency (EASA) to conduct standardisation inspections, in order to monitor the application by National Aviation Authorities (NAA) of this Regulation and of its implementing rules, and to report to the Commission.

For the purpose of assessing compliance with the basic regulation and its implementing rules

Article 3.1 of the standardisation inspection regulation² states that the Agency shall carry out inspections of National Aviation Authorities whereby it shall examine in particular compliance of these [National Aviation] Authorities with the annexes [of the implementing rules]

Article 3.2 of the standardisation inspection regulation rules that the Agency may also conduct investigations of undertakings under the oversight of the inspected NAA.

On this account, the Agency has mandated its Approvals and Standardisation Directorate with the conduct of standardisation inspections in Member States and, if necessary, at undertakings.

Findings against National Aviation Authorities of the inspected Member State are classified in line with Article 13 of the standardisation inspection regulation and are presented in the appendices to this report (see Part 5).

Observations made at undertakings have already been communicated to the NAA by means of the Preliminary Inspection Report. The NAA is reminded that it is responsible for taking appropriate action for remedy and is invited to report periodically to the Agency on the status and mode of the related corrective actions.

¹ REGULATION (EC) No 1592/2002 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency

² COMMISSION REGULATION (EC) No 736/2006 of 16 May 2006 on working methods of the European Aviation Safety Agency for conducting standardisation inspections



Part 1 – Executive Summary

Acknowledgement.

The NAA showed a very cooperative attitude throughout this standardisation inspection and fully supported the standardisation process, including frank commenting and interactive feedback. The team is thankful to the NAA for its openness, its full transparency and its positive attitude at all phases throughout the visit. This contributed to the efficiency and effectiveness of the standardisation inspection and resulted in the inspection being successfully completed.

General Issues.

This Standardisation Inspection was the first EASA MAST Standardisation inspection in Ireland after the new EU regulation 736/2006 came into the force, as well as the first visit for the IAA after the completed transition to Part 66 licences for aircraft heavier than 5700kg and the implementation of Part M for commercial operators.

There are no significant changes within the IAA since the previous MAST inspection in September 2004.

The IAA does not have any regional offices, all activities are centralised in the Dublin Headquarters.

The observed IAA staff were found to be very competent and EASA were satisfied with high level of expertise of the inspectors involved during the inspection. The number of IAA staff involved in Continuing Airworthiness activities is currently 29 people. This number is considered satisfactory for the predicted workload.

The majority of the problems found by the MAST team are related to administrative problems, with no significant findings observed.

The general conclusion of the inspection: The level of IAA competence, capability and expertise in Continued Airworthiness tasks was found by the MAST team to be high.

Part-21 Subparts H and I

No findings.

Part-M

Minor administrative findings.

Part-145

Minor administrative findings.

Part-66



European Aviation Safety Agency	
Standardisation Inspection Final Report	Form # Q.F016-00 Report ID: S1.F016.IE.09.2006

Minor administrative findings.

Part-147

Minor administrative findings.

**Part 2 – Conduct of the Inspection****2.1 Background**

A standardisation inspection was performed at the Irish Aviation Authority (IAA) in Ireland. The visit took place from 18 September 2006 to 22 September 2006.

The purpose of this standardisation inspection was to monitor the application by the national aviation authority of the common rules in the field of aviation safety and to report the results to the European Commission.

The inspection was conducted in application of Article 16 and pursuant to Article 45 of Regulation (EC) No 1592/2002 and in accordance with the provisions of Commission Regulation (EC) No 736/2006 on working methods of the European Aviation Safety Agency for conducting standardisation inspections, using approved procedures and relevant guidance material of the European Aviation Safety Agency, as amended.

2.2 Scope

The scope of this standardisation inspection covered the Basic Regulation (EC) No 1592/2002 including following Implementing Rules:

Commission Regulation (EC) No 1702/2003

Annex Part 21 Subpart H

Annex Part 21 Subpart I

Commission Regulation (EC) No 2042/2003

Annex I Part-M

Annex II Part-145

Annex III Part-66

Annex IV Part-147

2.3 National Coordinator

Pursuant to Article 6.4 of Commission Regulation (EC) No 736/2006, Member States shall appoint a national coordinator to assist EASA at all stages of the standardisation inspection process. The individual nominated by the IAA was Mr David Shaw.

2.4 Inspection Team

The EASA inspection team was composed as follows:

Team Leader: Mark Kieft, EASA

Team Member: Gérard Herzin, GSAC France

Team Member: Olgert van der Boom, CAA Netherlands

2.5 Officials Met

During the course of the on-site phase of the inspection, meetings took place with following officials of the NAA:



European Aviation Safety Agency

Standardisation Inspection Final Report

Form # Q.F016-00
Report ID:
S1.F016.IE.09.2006

Kevin Humphreys, Director of Safety Regulation Division
Brian Skehan, Head of Airworthiness Standards Department
Jim Fortune, AMEL Officer
Denis O'Shea, 145 Base and Components Officer
Flannan Garry, Aircraft Registration Officer
David Shaw, Part M Officer

2.6 Inspection Programme

The inspection programme was proposed by EASA and agreed with the NAA. The visiting phase began with a preliminary meeting on 7 September 2006 and concluded with a wrap-up meeting on 27 September 2006 at Cologne.

The inspection was conducted in Dublin, headquarters of the Irish Civil Aviation Authority named the Irish Aviation Authority, in this report referred to as "NAA", the competent authority designated by Ireland according to Statutory Instrument No 469 of 2003. The NAA has no regional offices.

The programme also included several visits to undertakings under the surveillance of the NAA, comprising:

- 0 production organisation approval holders
- 2 air operators
- 1 maintenance organisation
- 1 maintenance training organisation

At the closing session held in Dublin on 22 September 2006, pursuant to Article 9 (d) of Regulation (EC) 736/2006, the appointed National Coordinator was provided with a Preliminary Inspection Report, which included a list of requirements reviewed, a list of findings and observations made at undertakings together with NAA comments, if any.

The following officials of the inspected NAA attended the closing session:

Kevin Humphreys, Director of Safety Regulation Division
Brian Skehan, Head of Airworthiness Standards Department
Jim Fortune, AMEL Officer
Denis O'Shea, 145 Base and Components Officer
Flannan Garry, Aircraft Registration Officer
David Shaw, Part M Officer

2.7 Additional Information

None



Part 3 – Immediate Safety Hazards (ISH)³

None

³ Article 9.1 (d) of Commission Regulation (EC) No 736/2006.



Part 4 – Comments of the National Aviation Authority⁴

The NAA inspected provided the following initial general comment to the preliminary report:

- The comments below do not represent all of the comments of the IAA but are preliminary in nature only.

Some comments specific to findings can be found together with the related finding in the corresponding appendix.

⁴ Article 10 of Commission Regulation (EC) No 736/2006



Part 5 – Finding Classes and Initial Follow-up

The findings were reviewed and classified by EASA in accordance with the definition below from Article 13 of Commission Regulation (EC) 736/2006.

Class (a) fully compliant;

Class (b) are compliance findings, but improvement is recommended in areas (reference to the rules affected) for better efficiency;

Class (c) are non compliance findings, with objective evidence of minor deficiencies showing non-compliance with the applicable requirements in areas which could raise standardisation concerns that the NAA has to address in order to demonstrate compliance with European regulations;

The NAA is requested to send to EASA, within 10 weeks from the date of receipt of this report, the action plan that is deemed necessary for each item, together with the date planned for completion.

Class (d) are non compliance findings, with objective evidence of significant deficiencies showing non-compliance with the applicable requirements in areas, which, besides standardisation concerns, raise safety concerns if not promptly corrected;

These findings require the urgent attention of the NAA.

The NAA must report to EASA, within 14 days from the date of receipt of this report, the action(s) that the NAA has decided is needed for each item, the current status of implementation and the date the NAA proposes for completion.

Class (e) not applicable;

Class (f) are findings not confirmed, material evidence not being directly available at the time of the visit.

The NAA is requested to provide clarification to EASA on these open issues, within 14 days from the date of receipt of this report, so that compliance with the rules can be determined. These findings shall otherwise be classified as (c) or (d).

Action: According to the inspection findings presented in the appendices, the first relevant deadline in the follow-up phase of this standardisation inspection is 10 weeks from the date of receipt of this report.

All submitted remedial action plans shall be agreed with EASA within a maximum of 16 weeks upon receipt of this report.

Observations made by the Agency at undertakings, if any, shall be processed by the NAA as findings in accordance with Section B of the applicable Part. The NAA shall periodically report every 90 days to the Agency on the mode and status of any corrective actions agreed between the NAA and the undertakings, until their completion.



European Aviation Safety Agency

Standardisation Inspection Final Report

Form # Q.F016-00
Report ID:
S1.F016.IE.09.2006

In all cases, the NAA is requested to report to EASA in due time. It should be noted that EASA is required to raise a supplementary report to the NAA, the Member State and the European Commission in the event that no satisfactory remedial action is proposed or implemented by the NAA⁵ in the appropriate timescales.

The appendix to this report presents the detailed content of all inspection findings from the Preliminary Inspection Report which have been classified⁶. The following findings have been determined:

Finding class	Number of findings
(a)	3
(b)	0
(c)	18
(d)	0
(e)	0
(f)	0

⁵ Article 15(3) of Commission Regulation (EC) No 736/2006.

⁶ Article 13 of Commission Regulation (EC) No 736/2006.



Standardisation Inspection of Ireland

Appendix to Final Report n° S1.F016.IE.9.2006

Class (c) findings according to Regulation (EC) n° 736/2006 Art. 13

Regulation (EC) n° 1702/2003 (PART-21)

Reference IE #3805 Open

Basis 21.B.235

Finding dated 22/09/2006
The IAA Form 25 Certificate of Airworthiness shows the old classification, such as Transport Category, Private Category etc.

Comment none

Regulation (EC) n° 2042/2003 Annex I (PART-M)

Reference IE #3808 Open

Basis M.B.104a and M.B.704e

Finding dated 22/09/2006
The latest F13 approval continuation recommendation contained the following discrepancies –
•The audit items were shown as closed when the evidence on file shows some corrective actions were still ongoing.
•The letter reference used to close the findings could not be produced.
•The Form 13 part 1, 2 and 3 dates were before the dates of the sub-contractor audits.
•No response letter from the IAA could be found.
•The quality check carried out on the Form 13 did not identify the above issues.

Comment none

Reference IE #3807 Open

Basis M.B.201

Finding dated 22/09/2006
It is not clear in the 83BIS transfer of aircraft to ENAC, who is the EASA competent authority? It is indicated which Part M responsibilities are allocated between each NAA, but the distribution of airworthiness tasks between both member states according to Part M, is not formalised.

Comment NAA comment to the preliminary report - The Article 83 BIS agreement between states is necessarily written in terms of ICAO responsibilities. The responsibilities for the various elements of the EASA requirements are set out in terms of their equivalent ICAO responsibilities. As yet there is no cross reference between the Art 83bis agreement and the EASA requirements.

NAA comment to the final report - In the case of international leasing of aircraft,

delegation under Article 83 bis, it is essential to establish the state of the operator in international law. When regulatory oversight is delegated under article 83bis, the agreement is registered with ICAO along with the list of aircraft affected. All other ICAO member states must recognise this delegation and hold the delegated state responsible as state of the operator. If delegation is not carried out under Article 83bis, ICAO member states are not obliged to recognise the delegation and will hold the state of registry as the state of the operator. This latter situation is clearly unacceptable. Arrangements must be made available to permit the dry leasing of aircraft in Europe if EU airlines are not to be disadvantaged in the world market place.

EASA response - comments noted.

Reference IE #3811 Open

Basis M.B.301b

Finding dated 22/09/2006

A 'one off variation' was approved by the IAA to Lockheed Maintenance Programme ACL-L382-001 using a Temporary Revision (TR). No maintenance programme TR approval procedure or maintenance programme variation procedure exists within the IAA.

Comment NAA comment to preliminary report - IAA does have procedures for the approval of the issue and amendment of maintenance programmes. Please review the attached submission.

NAA comment to final report - The amendment to the maintenance programme was made using an existing IAA checklist and formal approval issued to the operator by means of a maintenance programme approval document, the completed checklist, procedure and evidence of the issue of formal approval was shown to the team during the inspection and again at the wrap up meeting together with an initial written comment on 27th September 2006.

EASA response - comments noted.

Reference IE #3812 Open

Basis M.B.303c and d

Finding dated 22/09/2006

An analysis of the findings raised as part of the aircraft monitoring programme is not being completed, to identify the operator / fleet / aircraft which are causing the greatest concern. Note - the IAA use the existing CofA renewal surveys to monitor the airworthiness of individual aircraft / fleet and correct individual issues.

Comment NAA comment to preliminary report - Due to the manner in which various fleet categories on the Irish register are allocated to inspectors they are effectively monitored for trends because the inspector carries out for 100% of the aircraft allocated to him and consequently is aware of any trends within that group. (Revised wording).

NAA comment to final report - MB.303 (c) requires that a surveillance programme be developed taking account of certain factors. For the moment IAA is carrying out a 100% surveillance sample.

MB.303 (d) requires that the surveillance focus on key risk areas. The checklist and procedures used for these inspections have been developed over many years to focus on key risk areas.

MB.303 (d) requires an analysis by the authority of each individual finding to determine its root cause. Where detected, findings are recorded on the inspectors report and must be resolved before the certificate is renewed.

It is acknowledged that this system will change significantly over the next 2 years as we move to the end of the phase in period for Part M and a new system will be developed and implemented by the authority to meet these changes.

EASA response - comments noted

Reference IE #3810 Open**Basis** M.B.701a3**Finding** dated 22/09/2006
The IAA could not show evidence of the Technical Log approval at Issue 4.**Comment** none

Reference IE #3822 Open**Basis** M.B.702(c)**Finding** dated 22/09/2006
The 145 maintenance contract –

- The undertaking stated that the contract had not been reviewed in accordance with the Part M requirements and the contract makes reference to JAA TGL 15.
- The approved contract had been amended (using 'side letters') without approval by the IAA.

Comment NAA comment to final report - MB.702(c) requires that the Authority shall verify the organisations compliance with M.A. Subpart g requirements. The side letters to the contract are the result of a contract assessment required by the Authority for approval under Part M Subpart G. All operators' maintenance contracts were not revised to show compliance by MA reference. These contracts are in compliance with the requirements of the MA parts and it was seen by the IAA an unnecessary burden on operators to have to renegotiate contracts prior to their expiry dateEASA response - comment noted.

Reference IE #3809 Open**Basis** M.B.702c, M.A.704a and b**Finding** dated 22/09/2006
The CAME does not contain –

- A list or details of the sub-contracted organisations in Part 5 appendices.
- Details of the approved Technical Log.
- The identity of the F4 holders, as job titles are used for post holders.

Comment NAA comments to the preliminary report - It should be noted that the subcontractor identity and how the related requirements are met are set out in the CAME. This is a non compliance with the format requirements of the AMC only.

NAA comment to final report - no additional comment.

EASA response - comments noted.

Regulation (EC) n° 2042/2003 Annex II (PART-145)**Reference IE #3820 Open****Basis** 145.B.25**Finding** dated 22/09/2006
The Form 3 includes ratings B1 and D1, which were not removed from the IAA template (it was confirmed that there were no associated privileges).

Comment NAA comment to final report - The format of EASA Form 3 and the instruction for completing the form are contained in appendix II and III of ANNEX II to Regulation 2042 of 2003. The regulation provides no authority to the NAA to modify the form except within the instructions contained in Appendix II. The IAA does not believe that it, or in fact the Agency has the authority to modify the Form 3 except as specifically identified in the regulation. In fact the Form 3 in appendix III is not a template but the legal form of the approved schedule to the Part 145 approval certificate..
IAA believes that any change in this situation would require a change in the regulation.

EASA response - comment noted.

Reference IE #3821 Open

Basis 145.B.30

Finding dated 22/09/2006
The IAA Form 6 template does not include a box to assess MOE paragraphs 2.28 or 3.14.

Comment none

Reference IE #3823 Open

Basis 145.B.30 and 145.A.20

Finding dated 22/09/2006
MOE paragraph 1.9 has the following discrepancies –
•The limit of the scope of maintenance against each item on the capability list is not specified.
•The trim-shop capability list allows the manufacture of cockpit seat covers (Note, this activity was only applicable to an aircraft type which the operator no longer operates).
•Paragraph 1.9.3 incorrectly states the capability list is for avionic items only.

Comment none

Regulation (EC) n° 2042/2003 Annex III (PART-66)

Reference IE #3814 Open

Basis 66.B.100a

Finding dated 22/09/2006
The verification of the supporting documentation used during the issue of a Part 66 licence was discrepant for the following reasons –
•No proof of the date of birth was provided.
•The experience claimed in one case was validated by a person whose function could not be identified.

Comment NAA comment to preliminary report - There does not appear to be an EASA legal requirement for the Authority to have certified proof of date of birth other than the declaration by the applicant on the application form. (Revised wording).

NAA comment to final report - There is no reference in Part-66.B.100, or in any other section of Part-66, for the requirement to have proof of date of birth other than the requirement for an applicant to enter his/her date of birth on the Form 19 and to confirm that all the information contained in the Form 19 was correct at the time of application. The experience claimed in the case referenced was validated by a named person whose function was known to the Authority and there was also a letter from the quality department confirming the experience. This letter was shown to the inspection team.

EASA response - comments noted.

Reference IE #3816 Open

Basis 66.B.100a and Appendix 5

Finding dated 22/09/2006

The IAA Form 19 did not contain all the applicant's declaration statements, as required by Appendix 5.

Comment NAA comment to preliminary report - The form in current use by IAA is in compliance.

NAA comment to final report - The particular version of Form 19 did not have the declaration statements relating to whether the applicant held or intended to apply for a Part-66 licence from another member state. We had removed those statements (In Error) from the Form 19 following the confirmation from EASA, at a combined industry/NAA meeting held in Cologne that an applicant was entitled to apply for a Part-66 licence in any number of member states. At that meeting the EASA representative said that the referenced statements will have to be removed from the Form 19. However we re-instated the statements following the first standardisation meeting on November 11th 2005 (item 3.9) when EASA invited member states to pay more attention to the applicant statements relating to his/her status relating to Part-66 AML in another member state. It is acknowledged that the IAA acted ultra vires in removing the reference from the form but it automatically corrected the error before the time of the inspection and the Form 19 currently in use is in compliance with Annex III appendix V of Regulation 2042 of 2003.

EASA response - comments noted.

Reference IE #3815 Open

Basis 66.B20b

Finding dated 22/09/2006

A copy of the signed issued Part 66 licence is not held on the applicants file.

Comment NAA comment to final report - Our policy was to retain a copy of the licence, unsigned, but since the EASA inspection we have changed our policy to retain a copy of the signed licence.

EASA response - comment noted.

Regulation (EC) n° 2042/2003 Annex IV (PART-147)

Reference IE #3803 Open

Basis 147.B.10(b)

Finding dated 22/09/2006

An IAA inspector was authorised to conduct Part 147 oversight, but no evidence of training / OJT / previous experience could be demonstrated.

Comment none

Reference IE #3818 Open

Basis 147.B.100

Finding dated 22/09/2006

No Form 22 (EASA or JAA) recommendation was used track the difference findings in the

conversion of this undertaking from JAR 147 to Part 147.

Comment NAA comment to final report - Part-147.B. 100 refers to an initial approval or variation of an approval. Regulation 2042/2003 Article 6 (2) states that any maintenance training organisation approval issued in a Member State in accordance with the JAA requirements and procedures shall be deemed to be issued in accordance with that regulation and it refers to the closure of level 2 findings associated with the differences within one year. There is no requirement in the regulation that identifies this activity as an initial approval or variation and there is no requirement for the findings to be tracked by the use of the Form 22.

EASA response - comment noted.

Reference IE #3817 Open

Basis 147.B.10c and 147.A.105f

Finding dated 22/09/2006

The officially recognised standard for the qualification of instructors, knowledge examiners and practical assessors is not established by the NAA.

Comment NAA comment to preliminary report - The requirement to set the standard is in 147.A.105f, this is a requirement for the training organisation not the competent authority. The regulation as written requires each individual Part 147 school to set an officially recognised standard. If the agency intends something different, a change in the regulation is required. (Revised wording).

NAA comment to final report - This is a requirement under Part-147.105(f). The organisation in question has identified qualification requirements for its instructors, practical trainer, examiners and assessors. These are outlined in the MTOE. Part-147.A.105 (f) refers to an officially recognised standard, EASA has not defined what an officially recognised standard is. IAA recognises the standards specified in the MTOE as an officially recognised standard.

EASA response - comments noted.

Reference IE #3819 Open

Basis 147.B.110a 66.A.25 147.A.135 147.A.145a

Finding dated 22/09/2006

The IAA utilises 147 approved organisations to issue the Certificate of Recognition on its behalf, after basic training examinations have been conducted in some modules. The 147 organisation issues this certificate even though it does not set the exam or have oversight of the question database. The 147 organisation only facilitates the exam process, and does not provide the examination itself. The exam is provided from the IAA's database.

Comment NAA comment to preliminary report - To prevent any further ambiguity the IAA intends to give a copy of the EASA question bank to all approved part 147 basic training organisations.

NAA comment to final report - 66.A.25, states that the basic knowledge examination shall be conducted by a training

organisation approved under Part 147 or by the competent authority.

147.A.135 provides for the security of examination questions, the conduct of the examination itself and requirements for students and examiners.

147.A.145(a) sets out the privileges of the 147 MTO. Paragraph 147.A. 145(a) 3 states that the MTO may carry out examinations on behalf of the competent authority.

Paragraph 4 states that the MTO may issue a certificate in respect of the previous 3 paragraphs.

IAA provides the question paper in some situations to the MTO who carry out the examination in accordance with 147.A.135. The examinations are carried out on behalf of

the IAA in accordance with 147.A.145(a)3.

This scenario above complies with the requirements quoted in the audit report and IAA does not accept that any breach of the regulation has taken place in this case.

EASA response - comments noted.

Class (a) findings according to Regulation (EC) n° 736/2006 Art. 13

Regulation (EC) n° 1702/2003

Reference IE #3804 Closed

Basis 1702 art 5.1 and 2.9

Finding dated 22/09/2006

Some non commercial aircraft remain on National Certificate of Airworthiness. However, no National Certificates of Airworthiness have been issued since the effective date of the regulation.

Rulemaking advice - it is acceptable to use existing Cofa format until an ARC is required

Comment none

Regulation (EC) n° 1702/2003 (PART-21)

Reference IE #3813 Closed

Basis 21.B.425

Finding dated 22/09/2006

The IAA does not issue EASA Form 45 Noise Certificates. National noise certificates are issued.

Rulemaking advice - national format is acceptable until 28 March 2007.

Comment none

Regulation (EC) n° 2042/2003 Annex I (PART-M)

Reference IE #3806 Closed

Basis M.1.1 and M.B.201

Finding dated 22/09/2006

The IAA has transferred approximately 90 aircraft to the Italian Authority in accordance with ICAO 83 BIS. It is not clear how the M.1.1 requirement is met.

Legal advice - 83 BIS arrangements are acceptable between EU MS. Classified as 'A' fully compliant.

Comment NAA Comment provided to the preliminary report - Article 4.1 clearly allows for the delegation of safety oversight to third countries. It would be unequal treatment to prohibit such arrangement between member states. The text in Article 4 does not prohibit delegation.

NAA Comment provided to the final report - A delegation agreement under Article 83 bis to the Chicago Convention must be written in terms of Annex 1, 6 and 8 to the Convention if it is to be understood by non EASA states into which aircraft subject to the agreement will operate. However, IAA does not see any impediment in revising the agreement and including a matrix to address the distribution of responsibilities under the EASA regulation.

EASA response - agreed.

