


EASA	COMMENT RESPONSE DOCUMENT
	EASA PAD No. 09-117 [Published on 02 October 2009 and officially closed for comments on 30 October 2009]

Commenter 1 : Dasnair SA - Charles Aufranc - 15/10/2009
Comment # 1

This kind of AD is a duplication of a process already sufficiently covered in the approved maintenance programme under Part M.

Every time chapter 5-40 is revised (and this happens frequently), a new AD has to be issued, because AD 2008-0221 lists every Dassault aircraft model.

PAD 009-117 should thus supersede AD 2008-0221, but can't because all Dassault models are covered, including the revision status (i.e. • Revision 17 with its Temporary Revision TR01 for Mystère-Falcon 50 (DGT 113872))

Instead of listing the revision status, it should say "as revised", then it would not have to be re-issued with every change to chapter 5-40.

Also, if the aircraft changes the operator, the AD has to be signed off again, as it is the operator's responsibility. A Part 145 can't sign off the AD because they cannot change the maintenance programme to include the latest chapter 5-40 revision. It is up to the operator; with the result that each time the ARC is renewed, the same discussion takes place as to why it was not signed off by a 145 organization.

My proposal is to cancel all the AD's referring to the CMR's or ALI's, chapter 5-40 etc, as it is a duplication with the maintenance programme. A CAMO and its maintenance programme is an approved organisation with a quality system and is audited by the member state authority on a regular basis.

EASA response:

It is EASA policy that ALS revisions that introduce new or more restrictive mandatory maintenance tasks lead to issuance of an Airworthiness Directive, unless either failure to comply with the ALS revision does not result in a potential unsafe condition or an AD that adequately addresses all the restrictive items raised in the ALS has already been issued prior to the ALS revision.

It is true, as highlighted by the commenter, that Part M.A.302 requires that "every aircraft shall be maintained in accordance with a maintenance programme approved by the competent authority, which shall be periodically reviewed and amended accordingly... The maintenance programme must establish compliance with instructions for continued airworthiness issued by type certificate and supplementary type certificate holders..." and that "the maintenance programme must reflect applicable mandatory regulatory requirements addressed in documents issued by the Type Certificate Holder to comply with Part 21A.61".

In addition, Part M.A.709 requires operators to hold and use applicable current maintenance data in the performance of continuing airworthiness tasks. Nevertheless, EASA having taken over the responsibility of State of Design for Continuing Airworthiness of EU products, is concerned about solely relying on Part M, which is applicable to EU registered aircraft only. It is therefore decided that dissemination of such Mandatory Continuing Airworthiness Information towards all ICAO contracting states is required, through issuance of an AD. The commenter proposal is therefore not accepted.