



# INTERNATIONAL NEWS AND REGULATORY UPDATES

F R O M   R I C   P E R I  
VICE PRESIDENT OF GOVERNMENT & INDUSTRY AFFAIRS FOR AEA

*The Aircraft Electronics Association's international membership continues to grow. Currently, the AEA represents avionics businesses in more than 35 countries throughout the world. To better serve the needs of the AEA's international membership, the "International News and Regulatory Updates" section of Avionics News offers a greater focus on international regulatory activity, international industry news, and an international "Frequently Asked Questions" column to help promote standardization. If you have comments about this section, send e-mails to [avionicsnews@aea.net](mailto:avionicsnews@aea.net).*

## Take Advantage of All the AEA Europe Meeting Offers

B Y   F R A N Z   R E D A K  
EUROPEAN REGULATORY CONSULTANT FOR AEA

**F**rom May 18-20, the AEA Europe Meeting is marked in my diary. It will be the 23rd of its kind in Europe. Since 1995, I have attended each of these meetings and have enjoyed every single one.

These meetings have proven to be important in many respects. First, as an aviation enthusiast myself, it is pure

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fun to talk with so many people in the same field while enjoying and discussing new inside views. When I leave these meetings, I am always excited by the fresh set of minds and the new opportunities I receive from business colleagues. I soak up like a sponge

what information I can and try to use it somehow in the next 12 months until the next meeting.

Attending the AEA Europe Meeting provides members with all of the following:

- Information on the regulatory changes in the past, the present and in the mid- and long-term future.
- A chance to talk with EASA specialists on specific issues.
- Information from vendors about the latest developments on equipment and customer support topics.
- A chance to discuss individual problems appearing in your organization or your country with others experiencing similar problems.
- A chance to discuss regulatory problems in the round-table discussion groups with a follow-up from the AEA.
- Vendor training and AEA training workshops.
- A chance to meet colleagues and business partners you deal with during the year.

• Insight into FAA regulations and how they interact with European regulations.

During the AEA Europe Meeting in May 2003, I remember when the basic regulation (EC 1592/2002) was in place and Ric Peri, vice president of government and industry affairs for AEA, told us what an enormous impact it would have in a few months' time. We could not imagine at the time what changes were in store. Twelve months later, we were surprised how much the European system had changed.

Thinking back, I have enjoyed the presentations and discussions we have had with EASA representatives and its specialists on various topics. In 2006, the first time the AEA Europe Meeting was hosted in Cologne, Germany, just around the corner from EASA's headquarters, Patrick Goudou, executive director of EASA, spoke to us and told us about the challenges EASA had to

go through during the implementation of EASA regulations.

I remember discussions and interpretations with John Law and Kevin Hallworth on the Mode-S requirement. We also had discussions and presentations on the Part 21 process to obtain a design organization approval and on major/minor classification. There were discussions on Part 145 maintenance presentations, including the latest changes to CS 25 EAPAS (aging wiring) regulations, and Part 147 training organizations where the AEA provided us with a list of training organizations in Europe and their capabilities.

Not only is the regulatory portion of the meeting's program of interest and importance for AEA members throughout Europe, I also want to highlight the importance of other business-related presentations offered, such as the importance of customer service, business relationships, human factors, and the U.S. anti-trust rule and export limitations, which all have a major impact on European maintenance and installation shops.

Of course, the AEA Europe Meeting also is a forum to refresh your knowledge on membership benefits and highlights the importance of encouraging more European companies to join.

In addition to the regulatory and membership aspects of the meeting, we all look forward to seeing our vendors to discuss sales or technical issues. The AEA meeting is the perfect forum in Europe to speak to the vendor representatives who could provide you with the necessary information for your next maintenance or installation proposal.

A new facet of the European meeting was added last year. An

optional full-day U.S. regulatory session, presented by Ric Peri, provides members with the unique opportunity to hear about regulatory changes or highlights of the U.S. system. This session is of utmost importance if your organization is not only an EASA Part 145 repair station, but also FAA Part 145-approved. This session also can serve to satisfy your recurrent training needs for the FAA regulatory system.

Even if your organization is not dual-rated, this session can be a valuable information source. For example: How knowledgeable are you on validations of STCs from the other side of the pond? How does the proposed bilateral agreement between the EU and U.S. affect your business? You might want to know what the documentation system is like in the FAA system compared to the EASA system. Do you know how to support the import or export of an aircraft with changes incorporated based on Form 337 or minor changes? If not, don't miss the opportunity to learn this year.

Last, but not least, there is the private component of the meeting to consider. Many of the companies and individuals we competed with business-wise in the past or those who have served us as vendor representatives have become our business partners and friends with whom we spend time privately throughout the year.

I am sure you will enjoy the time spent when members and vendor representatives come together to speak about what has happened in the past year over drinks or dinner. Why don't you take real advantage of your AEA membership and join in on the AEA Europe meeting?

## UNITED STATES News & Regulatory Updates

### LaHood Becomes the 16th U.S. Secretary of Transportation

Ray LaHood became the 16th U.S. secretary of transportation on Jan. 23. In nominating LaHood, President Barack Obama said, "Few understand our infrastructure challenge better than the outstanding public servant



Ray LaHood

that I'm asking to lead the Department of Transportation."

Secretary LaHood's primary goals in implementing President Obama's priorities

for transportation include safety across all modes, restoring economic health, creating jobs, sustainability, shaping the economy of the coming decades by building new transportation infrastructure, and ensuring transportation policies focus on people who use the transportation system and their communities.

As secretary of transportation, LaHood leads an agency with more than 55,000 employees and a \$70 billion budget that oversees air, maritime and surface transportation missions.

LaHood said he would bring President Obama's priorities to the department and see them effectively implemented with a commitment to fairness across regional and party lines and between people who come to the issues with different perspectives.

Prior to this new appointment, LaHood served for 14 years in the U.S.

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House of Representatives from the 18th District of Illinois (from 1995-2009).

During this time, LaHood served on the House Transportation and Infrastructure Committee and on the House Appropriations Committee. He also served in the Illinois State Legislature. Before his career in government, LaHood was a high school teacher.

### Special Surveillance Required for Air Tour Operators

The Federal Aviation Administration published Notice N 8900.65, "FY 2009 Surveillance of Air Tour Operators (Maintenance)" on Jan. 15.

This notice establishes special surveillance requirements for commercial air tour operators in response to a National Transportation Safety Board safety recommendation. The notice is applicable to Title 14 of the Code of Federal Regulations, Parts 121, 135 and 91 operators conducting commercial air tours (reference: 14 CFR, Part 136, §136.1).

Each airworthiness ASI with air tour responsibility will amend their fiscal year 2009 work programs to include at least one planned maintenance surveillance item for each air tour operator at each location where a company's maintenance is conducted.

The purpose of the inspection is to verify the performance of maintenance in accordance with the air tour operator's manual and the regulations (for example, Part 91 air tour operators without company manuals in accordance with 14 CFR, Part 91, §91.405).

The surveillance required by this notice can be shared between the maintenance and avionics inspector.

### OSHA Proposes New Protocols for Respiratory Protection Standard

The Occupational Safety and Health Administration is proposing adding two PortaCount quantitative fit-testing protocols to its Respiratory Protection Standard (29 CFR, 1910.134). The proposed protocols would apply to employers in general industry, shipyard employment and the construction industry.

The first of the two proposed protocols consists of the eight fit-testing exercises described in Part I A.14 of Appendix A of the Respiratory Protection Standard, except each exercise would last 30 seconds instead of the currently required 60 seconds.

The second proposed protocol would eliminate two of the eight fit-testing exercises, with each of the remaining six exercises to last 40 seconds. In addition, this proposed protocol would increase the current minimum pass-fail fit-testing criterion from a fit factor of 100 to 200 for half masks, and from 500 to 1,000 for full facepieces.

Appendix A of OSHA's Respiratory Protection Standard at 29 CFR 1910.134 currently includes three quantitative fit-testing protocols using the following challenge agents: a non-hazardous generated aerosol, such as corn oil, polyethylene glycol 400, di-2-ethyl hexyl sebacate, or sodium chloride; ambient aerosol; and controlled negative pressure. Appendix A of the Respiratory Protection Standard also specifies the procedure for adding new fit-testing protocols to this standard.

To submit comments to this proposal, identified by docket number OSHA-2007-0007 or regulatory information number RIN 1218-AC39, visit the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov).

## FREQUENTLY ASKED QUESTIONS

### United States

### Type Design vs. Type Certificate

*The following information is from FAA Order 8110.4 and 14 CFR Part 21.*

#### QUESTION:

In the "FAQ" in the February issue of *Avionics News*, Ric Peri defined what a change to type design is. What is the difference between a type design and a type certificate?

#### ANSWER:

Type design is a part of the overall type certificate. 14 CFR 21.31 defines "type design" as consisting of:

- a) The drawings and specifications, and a listing of those drawings and specifications, necessary to define the configuration and the design features of the product shown to comply with the requirements of that part of this subchapter applicable to the product.
- b) Information on dimensions, materials and processes necessary to define the structural strength of the product.
- c) The Airworthiness Limitations section of the Instructions for Continued Airworthiness as required by Parts 23, 25, 26, 27, 29, 31, 33 and 35 of this subchapter, or as otherwise required by the Administrator, and as specified in the applicable airworthiness criteria for special classes of aircraft defined in §21.17(b).
- d) For primary category aircraft, if desired, a special inspection and preventive maintenance program designed to be accomplished by an appropriately rated and trained pilot-owner.

e) Any other data necessary to allow, by comparison, the determination of the airworthiness, noise characteristics, fuel venting and exhaust emissions (where applicable) of later products of the same type.

14 CFR 21.41 defines a “type certificate” as including “the type design, the operating limitations, the certificate data sheet, the applicable regulations of subchapter C with which the Administrator records compliance, and any other conditions or limitations prescribed for the product in subchapter C.”

## CANADA News & Regulatory Updates

### Transport Canada Civil Aviation to Host Delegates Conference from May 25-27, in Ottawa

Transport Canada Civil Aviation, National Aircraft Certification Branch, is hosting the next Delegates Conference from May 25-27, in Ottawa.

Although primarily organized for design approval delegates, other industry personnel with involvement in design and modifications of aircraft and equipment are welcome to attend.

In addition to the plenary sessions on regulatory policy, there will be specialist sessions on avionics, structures, occupant safety, powerplants, mechanical systems, flight test and software.

Topics to be presented at the avionics session by TCCA and industry representatives include:

- Revisions to 25.1309 system safety assessment requirements.
- Synthetic vision certification.
- ADS-B certification and operational approval.

- Electrical wiring interconnection systems regulations and requirements.
- Advanced vision systems and equivalent visual operations; harmonized requirements for these technologies to enable the revolutionary goal of full equivalent visual operations.
- Update on the status of the design-related operating rules for flight recorders and Canadian requirements for emergency locator transmitters. The presentation also will address the current issues of AWM 551 and future changes.
- GPS WAAS and LPV description, certification and operational considerations; non-required equipment installations.
- Guidance and policy that should be considered when certifying a no-hazard installation for compliance to 2x.1301 and 2x.1309.

For more information about the Delegates Conference, including registration details, visit [www.tc.gc.ca/CivilAviation](http://www.tc.gc.ca/CivilAviation).

## FREQUENTLY ASKED QUESTIONS

### International: Canada

### Safety Management Systems Accountable Executive

*The following information is from the Transport Canada Civil Aviation website.*

#### QUESTION:

To provide assurance to the accountable executive that this position will not involve the risk of personal liability, what applicable statutory or regulatory reference is available to substantiate the statement that any action taken against

the accountable executive will not result in personal liability and that action is taken against the organization?

#### ANSWER:

During the deliberations of the Canadian Aviation Regulations Advisory Council (CARAC) on the concept of an “accountable executive,” Transport Canada Civil Aviation committed to industry stakeholders that the position of accountable executive would not involve a risk of personal liability.

The amendment to the Canadian Aviation Regulations (CARs), which came into force May 31, 2005, and was published in the *Canada Gazette*, Part II, on June 15, 2005, introduced the requirements for some certificate holders to appoint an accountable executive and to establish a safety management system, and it was drafted in such a way as to clearly vest the certificate holders with the responsibility to comply to these new requirements. None of the designated provisions contained within this amendment apply to the accountable executive.

Although CAR 106.02(1)(a) stipulates the accountable executive is accountable on behalf of the certificate holder for meeting the requirements of the regulations, including the establishment and adherence to a safety management system, the amendment to the CARs has been drafted to clearly establish that the certificate holder ultimately is responsible for ensuring compliance with the new requirements.

For example, CAR 573.04(3)(d)

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indicates the person responsible for maintenance shall, where a finding resulting from a quality assurance program established under subsection 573.09(1) or a safety management system referred to in section 573.30 is reported to them, notify the accountable executive of any systemic deficiency and of the corrective action taken.

In effect, the accountable executive in turn notifies the certificate holder; however, it is the certificate holder who is ultimately responsible, as per CAR 573.03(1)(g), to ensure corrective actions are taken in respect to any findings resulting from a quality assurance program or a safety management system.

The regulation requires the certificate holder to notify the minister of the name of the person who has been appointed as the accountable executive. This requirement ensures there is a name of a person associated with the certificate holder accountable for promoting cultural change and managing the risks associated with the operations conducted under the certificate.

The Aeronautics Act does not assign any personal liability to the accountable executive for the actions of others. However, certain sections of the CARs do assign specific management responsibilities to the accountable executive. If an accountable executive is not performing his or her duties satisfactorily, it can be grounds for

suspension of one or more of the organization's certificates.

*Note: The AEA offers "Frequently Asked Questions" to foster greater understanding of aviation regulations and the rules governing the industry. The AEA strives to ensure FAQs are as accurate as possible at the time of publication; however, rules change. Therefore, information received from an AEA FAQ should be verified before being relied upon. This information is not meant to serve as legal advice. If you have particular legal questions, they should be directed to an attorney. The AEA disclaims any warranty for the accuracy of the information provided.*

## EUROPE News & Regulatory Updates

### **Eurocontrol Promotes Safety, Efficiency Benefits of EHS**

More than 150 civil and military operational, regulatory and safety experts, representing Air Navigation Service Providers and National Aviation Authorities from across Europe, attended a one-day seminar in December. The seminar focused on the safety and efficiency benefits gained from the deployment of secondary surveillance radar and Mode S-enhanced surveillance (EHS).

The development of Mode S enables controllers to know the altitude, airspeed, ground speed, heading, rate

of climb or descent, and the altitude to which an aircraft is climbing or descending without having to ask the pilot. This enhancement not only saves time and effort in the form of reduced radio telecommunications between pilots and controllers, it also has great safety benefits.

"This event attracted Eurocontrol, NATS (U.K.) and HungaroControl, who have highlighted the very real safety, capacity and efficiency benefits of EHS, which translate directly into commercial and business gains," said John Law, Eurocontrol's Mode S and ACAS program manager.

"It also has paved the way for European states to begin exploring the future development potential of EHS and to look at how it can best be tailored and adapted to meet their specific requirements," Law said.

Mode S EHS was first introduced into the busy and complex London Terminal Manoeuvring Area in December 2005. The following year, the number of level busts (incidents of aircraft climbing or descending through their cleared flight levels) had reduced by 24 percent because controllers were aware of what flight level the pilot had actually selected in the cockpit.

Since then, many other Air Navigation Service Providers from states throughout Europe, including Germany, Switzerland, Hungary, Ireland, France, the Netherlands, Belgium and the Czech Republic, as well as the Eurocontrol Upper Area Control Centre at Maastricht, are investigating the utilization of down-linked aircraft parameters.

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