

Title: Amendment of the ANO 2009 and British Civil Airworthiness Requirements. IA No: CAA - ASAP - 0001 Lead department or agency: Civil Aviation Authority Other departments or agencies:	Impact Assessment (IA)		
	Date: 25/10/2011		
	Stage: Final		
	Source of intervention: Domestic		
	Type of measure: Secondary legislation		
Contact for enquiries: UK Airworthiness Rulemaking Manager email: Requirements@caa.co.uk			
Summary: Intervention and Options			RPC: RPC Opinion Status

Cost of Preferred (or more likely) Option			
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, Measure qualifies as One-Out?
£1.44m	£1.44m	£0m	Yes OUT

What is the problem under consideration? Why is government intervention necessary?

When the European Aviation Safety Agency was created in September 2003, the EU Regulation was written such that it excluded a small category of aircraft with regard to their airworthiness regulation. These aircraft remain the responsibility of the relevant national aviation authorities, in the UK, the Civil Aviation Authority. These so called 'non-EASA' aircraft are regulated using the time honoured British Civil Airworthiness Requirements. When aircraft need to move from one regulatory system to the other for operational reasons, due to the difficulties of finding procedural equivalence, additional costs and risks are incurred.

What are the policy objectives and the intended effects?

The objective is to introduce a new set of British Civil Airworthiness Requirements for aircraft maintenance and continuing airworthiness which are as close as possible in style to the European regulations, this will avoid the costs and risks involved in operating two different airworthiness regulatory systems in parallel, and offer the UK aircraft operating and maintenance industries the benefits of the more modern European style regulations. The changes to the BCARs will introduce a new non-expiring certificate of airworthiness and an Airworthiness Review Certificate as already used in the European system. Changes to the Air Navigation Order will be required in order to give these changes a legal basis.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

Two policy options have been identified:

- (1) A 'do nothing' option. Doing nothing would perpetuate the additional costs and risks incurred when transferring aircraft between the two different regulatory systems and would not allow those sectors of the industry looking after BCAR aircraft, the benefits already enjoyed by those sectors of the industry operating under the European regime.
- (2) Introduce European style regulations for the 'non-EASA' aircraft, this will make it much easier to transfer aircraft between the two regulatory systems in order to meet operational needs, reduce the costs and risks associated with trying to find procedural equivalence between the two systems and will enable qualified organisations dealing with aircraft maintained under the BCAR system to issue review certificates without the involvement of the CAA. The preferred option is option (2).

Will the policy be reviewed? It will be reviewed. If applicable, set review date: 10/2013					
Does implementation go beyond minimum EU requirements?			No		
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.	Micro Yes	< 20 Yes	Small Yes	Medium Yes	Large Yes
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent) No impact due to this proposal.			Traded: n/a		Non-traded: n/a

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible SELECT SIGNATORY: _____ Date: _____

Summary: Analysis & Evidence

Policy Option 1

Description:

FULL ECONOMIC ASSESSMENT

Price Base Year 2011	PV Base Year 2011	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: Optional	High: Optional	Best Estimate: £1.44m

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	Optional	Optional	Optional
High	Optional	Optional	Optional
Best Estimate		0	0

Description and scale of key monetised costs by 'main affected groups'

No costs are envisaged as a result of this simplification of the procedural airworthiness requirements.

Other key non-monetised costs by 'main affected groups'

None envisaged.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	Optional	Optional	Optional
High	Optional	Optional	Optional
Best Estimate		£0.173m	£1.44m

Description and scale of key monetised benefits by 'main affected groups'

Benefits are reduced costs for **operators and maintenance organisations** trying to transfer aircraft from one airworthiness system to the other, as only one style of procedural airworthiness requirements will be in use. The max. no. of affected aircraft is 120, with the max. additional time to perform a review estimated at 40 hrs. Hourly rate taken to be £29.66, with non-labour costs taken to be 21.2% of labour costs. $29.66 \times 40 \times 120 \times 1.212 = £172,550$.

Other key non-monetised benefits by 'main affected groups'

A small reduction in CAA staff costs, as Aircraft Surveyors will not need to be trained, nor kept current on two different sets of procedural airworthiness requirements.

Key assumptions/sensitivities/risks

Discount rate (%) 3.5%

Main assumption is that State aircraft and (EC) 216/2008 Annex II aircraft will continue to remain outside of the responsibilities of the European Aviation Safety Agency. Additionally, there will be no reduction in safety as a result of these changes.

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			In scope of OIOO?	Measure qualifies as
Costs: 0	Benefits: £0.173m	Net:	Yes	OUT

Evidence Base (for summary sheets)

There is discretion for departments and regulators as to how to set out the evidence base. However, it is desirable that the following points are covered:

1. Problem under consideration.

Prior to September 2003, the airworthiness of aircraft was ensured by secondary legislation, the Air Navigation Order (ANO) and a set of CAA requirements, the British Civil Airworthiness Requirements (BCARs). In September 2003, EC Regulation 1592/2002 created the European Aviation Safety Agency (EASA), since superseded by Regulation 216/2008. The Agency assumed legal responsibility for the airworthiness of the bulk of the aircraft operating within the EU, several thousands of aircraft. However, the architects of these regulations decided that there were some aircraft for which EASA would not assume responsibility. These aircraft comprise the State aircraft and those aircraft listed in Annex II to the regulations. The relevant texts are included in this impact assessment at Annex 1. These so called non-EASA aircraft remain the responsibility of the national aviation authorities, and in the UK their airworthiness is maintained by the CAA under the ANO and the BCARs.

In addition to the creation of the European Aviation Safety Agency, the EU law makers created a set of implementing regulations, these are EU law and the one of relevance to this impact assessment is Commission Regulation (EC) No. 2042/2003 'on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks'. This regulation contains four annexes, the relevant ones for the purposes of this impact assessment are Annex I (Part-M) and Annex II (Part-145). These annexes are based on the concepts of a non expiring certificate of airworthiness and a document called an Airworthiness Review Certificate (ARC). This latter document is a certificate issued when an approved organisation is satisfied that a particular aircraft is airworthy. The approved organisation has to review all of the documentation associated with the maintenance of the aircraft and its state of modification and repair. This approach to airworthiness is seen as a more modern approach by the European Aviation Safety Agency, involving the approved organisation more deeply in finding the aircraft airworthy, and therefore superior to any previous approaches to the maintenance of the airworthiness of aircraft.

On the other hand, the relevant British Civil Airworthiness Requirements were developed over many decades prior to the creation of EASA and its implementing regulations. The BCARs and the relevant articles of the Air Navigation Order are based upon the concept of an expiring certificate of airworthiness, which must be renewed after maintenance, modification or repair of the aircraft by the CAA. There is no such device as an Airworthiness Review Certificate in the UK ANO/BCAR system.

Because some aircraft will need to move between one system and the other, there is a need to make these movements as simple as possible. An example of such a move might be that a Police Authority might need a helicopter to stand in for their usual aircraft whilst it is undergoing heavy maintenance. A helicopter of the correct type may be available, but it will be operating under EASA regulations, with an EASA non-expiring certificate of airworthiness and an Airworthiness Review Certificate. As a Police operation is a State aircraft operation, the aircraft cannot legally be operated under Regulation (EC) 216/2008, it is outside the legal competence of the EU and EASA. The aircraft therefore needs to be issued with a UK CAA type of certificate of airworthiness. Clearly, the approved organisation and the CAA will need to find procedural equivalence between the two systems, and in practice this is a source of additional work and costs, both for the operator and the CAA. This is compounded, when the aircraft returns to being an EASA managed aircraft, as during its time as an ANO/BCAR managed aircraft, it will have had no Airworthiness Review Certificates issued, as no ARCs are required under the old UK system.

These proposals are designed to produce a set of BCAR rules which resemble the European/EASA system as closely as possible. This will make it as easy as possible for aircraft which have to move from one system to the other for operational or other reasons. Changes to the Air Navigation Order are also needed in order to give the changed BCARs, particularly the non-expiring certificate of airworthiness and the national airworthiness review certificate (National ARC), their legal basis. The need to change the secondary legislation of the ANO, has given rise to this impact assessment.

2. Policy objective

CAA's policy objective is to produce a British Civil Airworthiness Requirements regulatory system which looks as close as possible to the EASA regulation system so as to facilitate the movement of aircraft between the two systems. Changes are needed to the Air Navigation Order in order to give a legal basis for these revised and modernised BCARs.

When aircraft being maintained under the EASA Part 145 (European maintenance requirements for aircraft used in commercial air transport) or Part M (European maintenance requirements for aircraft not used in commercial air transport), regulations are needed as, for example State aircraft, they must move from the EASA regulatory system to the BCAR system. The CAA cannot apply the Part 145 or Part M regulations, which both it and the industry would prefer to do, as these fall within the legal competency of the EASA. Therefore, CAA intends via this proposal, to introduce BCAR rules as close as possible in style to the EASA rules, so that a consistent standard may be applied to the maintenance and continuing airworthiness of these aircraft, and to make transfer of the relevant aircraft as straightforward as possible. There will be no additional cost for those companies which choose to convert their approval, other than a small written addition to their capability exposition to describe the aircraft types they wish to cover.

Who is affected:

The organisations affected will include some operators, who may have their own aircraft maintenance engineering departments, plus organisations which exist solely to perform aircraft maintenance and continuing airworthiness work under contract.

Safety Assessment:

It would be safer to have a BCAR regulatory regime based upon the European regulations, than to persist with the existing UK system which is based upon different principles. Having two different regimes, makes it difficult to find procedural equivalence for an aircraft transitioning from one regulatory regime to the other and would be conducive to error on the part of maintenance and continuing airworthiness organisations, and also possibly, on the part of CAA Airworthiness Surveyor staff operating 'in the field'. The EASA style regulations involve the approved organisation much more, rather than relying more on the Aviation Authority, in finding a particular aircraft airworthy. It should be noted that, there will be no change to the technical requirements for aircraft, the changes all centre around the aircraft maintenance inspection regime and the change from regular certification by the CAA, to the issuing of a non-expiring certificate of airworthiness, with reviews being carried out by approved organisations. The changes therefore, impose no additional costs or reductions in safety.

3. Descriptions of options considered

Option 1 – 'do nothing'

It would be unsatisfactory to leave the BCAR requirements as they are, because CAA is having to make changes to its internal procedures used for dealing with these excluded aircraft, in order to accommodate the fact that the EASA system exists and the majority of Europe's aircraft are already covered by it. The existing BCAR texts no longer describe how CAA deals with the aircraft excluded from the legal remit of the European Aviation Safety Agency, and it would be misleading to continue to promulgate these requirements procedures as correct. Doing nothing would perpetuate the safety risks and additional costs incurred by running two entirely different systems in parallel. The present system only permits certificates of airworthiness to be renewed through the CAA.

Option 2 – introduce European style regulations for the ‘non-EASA’ aircraft

Make a comprehensive revision of the relevant British Civil Airworthiness Requirements to reflect the principles upon which the European regulations used for European Aviation Safety Agency aircraft are based. This will demonstrate the UK’s support for the principles of the European regulation as requested in the last sentence of Article I, second paragraph of Regulation (EC) 216/2008 (see Annex 1 to this impact assessment). Moreover, it will provide consistent regulations for those aircraft which will transfer between the two regulatory systems, reducing any safety risk in running two different systems alongside each other.

For those organisations presently approved to EASA organisation rules, these amended BCAR requirements will enable them to manage both groups of aircraft in exactly the same way. There will be no additional cost for those companies which choose to become approved under the new BCAR company approval, other than a small written addition to their capability exposition – this should only take a few minutes to write. Companies will have the opportunity to become approved to issue the Airworthiness Review Certificate, enabling them to re-validate the non-expiring certificate of airworthiness without CAA involvement, a major advantage compared with the existing BCAR system which requires the involvement and costs associated with CAA involvement in the renewal of the existing UK style renewable certificates of airworthiness.

The supporting legal changes needed to be made to the Air Navigation Order in order to give the BCAR requirements their legal basis, introduce no additional regulations, and no new costs to either the CAA or the affected industry. The ANO articles which will permit the CAA to issue non-expiring certificates of airworthiness and the conferring on suitably approved organisations of the right to issue National Airworthiness Review Certificates, will replace the present articles requiring the issue of expiring certificates of airworthiness by the CAA, entirely.

One In, One Out:

Whilst this regulatory proposal does not strictly meet the definition of being within the scope of OIOO, as no secondary legislation (Air Navigation Order), is being eliminated, several of the proposed BCAR chapters will fully replace existing chapters, which will be deleted. In addition it will be possible for certain organisations to become qualified to issue an Airworthiness Review Certificate, and therefore re-validate one of the new non-expiring certificates of airworthiness, without further reference to the CAA, which is an advantage not available under the existing BCARs, and represents a small amount of de-regulation. Therefore a limited amount of ‘one in one out’ regulation change will occur.

Consultations

Two rounds of internal consultation were carried out within the CAA, to solicit the opinions of a wide range of technical experts and managers, upon the BCAR changes. The first comment round produced 360 comments, and the second round produced 29 comments. These were used to develop and refine the proposals. An external consultation was carried out between October and December 2010, of those companies and organisations affected. Proposals to make changes to the Air Navigation Order in order to support the introduction of these proposed BCAR changes were included. No comments were received regarding the proposed ANO changes. 66 comments were received regarding the proposed BCAR chapters, a brief comment summary is attached at Annex 2.

Costs

There are estimated to be no additional costs involved. There will be cost reductions, as it will no longer be necessary to maintain two entirely different systems. Those companies which are currently approved under the EASA system will incur no new costs from replacing their existing BCAR approvals with the new EASA style approvals. Safety may be improved by this change to the regulations which are intended to bring the UK into alignment with European legislation.

Benefits

The benefits to UK organisations, are threefold: firstly, it will enable maintenance organisations already working to EASA regulations, to use UK regulations based upon the same principles as the European regulations when performing maintenance and continuing airworthiness work on non-EASA aircraft, including the ability to re-validate certificates of airworthiness without the involvement of the national aviation authority, secondly, it will facilitate the movement of aircraft between the two regulatory systems, for example, State Aircraft such as aircraft needed for use by the police (particularly at short notice for operational reasons), and thirdly, it will increase the transparency in CAA's processes and procedures as recommended by the Hampton report, because CAA's regulations will be closely modelled on the now more widely recognised European regulations.

The benefits to CAA, are twofold: firstly, the internal procedures used by CAA staff to perform the initial and any required subsequent issue of the certificates of airworthiness for non-EASA aircraft, will be the same in principle as those used for EASA aircraft, saving a small amount of staff time and costs, and secondly, in situations where an EASA aircraft needs to become a non-EASA aircraft, it will be much easier for CAA technical staff operating 'in the field' to see equivalence between the records and certificates issued for the aircraft as an EASA aircraft and those for its time as a non-EASA aircraft, or vice-versa.

There will be cost reductions for the industry in not having to maintain two different systems operating alongside each other.

The benefits in reduced administrative burden for the industry is assessed as a saving of £172,550 per year. The Present Value (over 10 years) = summation of $172,550/(1.035)$ to $172,550/(1.035)^{10} = 1440031$ rounded to £1,440,000.

This is based on the following assumptions:

1. the maximum number of aircraft which could be affected is estimated to be 120 per year, this includes EASA aircraft moving to having UK certificates of airworthiness, and aircraft moving in the opposite direction, from UK to EASA certificates of airworthiness etc. This number is based upon data obtained from the Approvals and Applications department of the CAA, which shows that 64 companies holding BCAR approvals, have in previous years, submitted an average of 1.875 applications of this type, per year.
2. the maximum additional time taken to perform an airworthiness review, due to the differences between the EASA system and the present BCAR system has been estimated to be 40 hours. This number is based upon discussions held with CAA Southern Regional office.
3. the average wage of an industry employee involved in the review has been taken to be £53,500 per annum (£237 per day, based on 8 hours work from a standard economic assumption of 1804 hours worked annually). This wage is based on CAA HR department data, showing that the salaries of engineers recruited to work as CAA airworthiness surveyors is between £44k and 63k depending on experience and amount of qualifications. This data is correct at August 2011.
4. The total resource cost is calculated as being equal to the gross wage rate plus non-wage labour costs such as national insurance, pensions and other costs. Guidance from WebTAG puts the figure for non-wage costs at 21.2% of the wage rate.

Some of the new BCAR chapters, those concerned with the non-expiring certificate of airworthiness and the national airworthiness review certificate, will replace existing BCAR chapters which will be deleted. Therefore a limited amount of 'one in one out' regulation change will occur.

The main assumption is that State aircraft and (EC) 216/2008 Annex II aircraft will continue to remain outside of the responsibilities of the European Aviation Safety Agency. It is possible that a change might be made to Regulation (EC) 216/2008 to bring the excluded aircraft under the remit of the European Aviation Safety Agency, although there is no plan to do so at the present time, and given that the architects of the Regulation chose not to include these aircraft, it seems unlikely that such a change will be soon in coming. In the event that the Regulation was changed to embrace these excluded aircraft, the CAA would immediately withdraw the affected British Civil Airworthiness Requirements.

Wider impacts

Wider impacts are explored in Annex 4 to this impact assessment.

4. Summary and preferred option

The preferred option is Option 2, because it will demonstrate the UK's support for the principles of the European regulation and will provide consistent regulations for those aircraft which will transfer between the two regulatory systems. It will also allow suitably qualified organisations to renew EASA style Airworthiness Review Certificates without the costs presently involved in renewing BCAR style Airworthiness Certificates through the CAA, and will help CAA to meet the recommendations of the Hampton review. There are also potential safety implications, see paragraph 'Safety Assessment' above.

Implementation

Implementation will be by publication of the Air Navigation Order changes in the ANO and publication of the new and revised chapters in the British Civil Airworthiness Requirements publication. The approval of aircraft maintenance and continuing airworthiness organisations, at their request, by the CAA. The initial issue of new non-expiring certificates of airworthiness and initial Airworthiness Review Certificates to the affected aircraft, either at the next renewal of an existing (expiring), certificate of airworthiness; at the owner's request; or when an aircraft needs to transfer from the EASA system to the UK only system.

Annex 1: Extracts from Regulation (EC) 216/2008

{Underlining in both extracts to highlight text relevant to this impact assessment only}

CHAPTER I PRINCIPLES

Article 1

Scope

1. This Regulation shall apply to:

(a) the design, production, maintenance and operation of aeronautical products, parts and appliances, as well as personnel and organisations involved in the design, production and maintenance of such products, parts and appliances;

(b) personnel and organisations involved in the operation of aircraft.

2. This Regulation shall not apply when products, parts, appliances, personnel and organisations referred to in paragraph 1 are engaged in military, customs, police, or similar services. The Member States shall undertake to ensure that such services have due regard as far as practicable to the objectives of this Regulation.

Impact assessment author's note:

The aircraft described in the first sentence of paragraph 2., above are the aircraft referred to as 'State aircraft' in the impact assessment. It is felt that the proposed changes to the Air Navigation Order and the British Civil Airworthiness Requirements, which this impact assessment supports, are an attempt to satisfy the final sentence of the above EU regulation, with respect to aircraft maintenance and continuing airworthiness.

CHAPTER II SUBSTANTIVE REQUIREMENTS

Article 4

Basic principles and applicability

1. Aircraft, including any installed product, part and appliance, which are:

(a) designed or manufactured by an organisation for which the Agency or a Member State ensures safety oversight; or

(b) registered in a Member State, unless their regulatory safety oversight has been delegated to a third country and they are not used by a Community operator; or

(c) registered in a third country and used by an operator for which any Member State ensures oversight of operations or used into, within or out of the Community by an operator established or residing in the Community; or

(d) registered in a third country, or registered in a Member State which has delegated their regulatory safety oversight to a third country, and used by a third-country operator into, within or out of the Community shall comply with this Regulation.

2. Personnel involved in the operations of aircraft referred to in paragraph 1(b), (c) or (d) shall comply with this Regulation.

3. Operations of aircraft referred to in paragraph 1(b), (c) or (d) shall comply with this Regulation.

4. Paragraph 1 shall not apply to aircraft referred to in Annex II.

5. Paragraphs 2 and 3 shall not apply to aircraft referred to in Annex II, with the exception of aircraft referred to in points (a)(ii), (d) and (h) thereof when used for commercial air transportation.

6. This Regulation shall not affect the rights of third countries as specified in international conventions, in particular the Chicago Convention.

ANNEX II

Aircraft referred to in Article 4(4)

Article 4(1), (2) and (3) do not apply to aircraft falling in one or more of the categories set out below:

(a) historic aircraft meeting the criteria below:

(i) non-complex aircraft whose:

— initial design was established before 1 January 1955, and

— production has been stopped before 1 January 1975;

or

(ii) aircraft having a clear historical relevance, related to:

— a participation in a noteworthy historical event, or

— a major step in the development of aviation, or

— a major role played into the armed forces of a Member State;

(b) aircraft specifically designed or modified for research, experimental or scientific purposes, and likely to be produced in very limited numbers;

(c) aircraft of which at least 51 % is built by an amateur, or a non-profit making association of amateurs, for their own purposes and without any commercial objective;

(d) aircraft that have been in the service of military forces, unless the aircraft is of a type for which a design standard has been adopted by the Agency;

(e) aeroplanes, helicopters and powered parachutes having no more than two seats, a maximum take-off mass (MTOM), as recorded by the Member States, of no more than:

(i) 300 kg for a land plane/helicopter, single-seater; or

(ii) 450 kg for a land plane/helicopter, two-seater; or

(iii) 330 kg for an amphibian or floatplane/helicopter single-seater; or

(iv) 495 kg for an amphibian or floatplane/helicopter two-seater, provided that, where operating both as a floatplane/helicopter and as a land plane/helicopter, it falls below both MTOM limits, as appropriate;

(v) 472,5 kg for a land plane, two-seater equipped with an airframe mounted total recovery parachute system;

(vi) 315 kg for a land plane single-seater equipped with an airframe mounted total recovery parachute system;

and, for aeroplanes, having the stall speed or the minimum steady flight speed in landing configuration not exceeding 35 knots calibrated air speed (CAS);

(f) single and two-seater gyroplanes with a maximum take off mass not exceeding 560 kg;

(g) gliders with a maximum empty mass, of no more than 80 kg when single-seater or 100 kg when two-seater, including those which are foot launched;

(h) replicas of aircraft meeting the criteria of (a) or (d) above, for which the structural design is similar to the original aircraft;

(i) unmanned aircraft with an operating mass of no more than 150 kg;

(j) any other aircraft which has a maximum empty mass, including fuel, of no more than 70 kg.

Annex 2: Brief summary of comments received during the consultation of the affected industry

As stated under, Option 2, Consultations, No comments were received regarding the proposed Air Navigation Order changes. Comments were only received regarding the proposed and amended BCAR chapters, a brief summary to try and give a flavour of the comments received and the CAA's responses follows:

Slightly more than half of the comments received were requests for clarification, or raised concerns which were often misunderstandings of the intent of the proposals. Some examples: two commentators requested information regarding transition arrangements, two requested extra guidance material (which has since been written), three queried what would happen to 'Flight under 'A' conditions' (this is a type of approval to fly an aircraft after maintenance, modification or repair, and which are unaffected by the present proposals). Some of the clarifications requested/concerns were related to Permits to Fly, rather than certificates of airworthiness, the present proposals do not affect the issue of Permits to Fly.

Of the remaining comments, five suggested changes to the text which would have created an increased difference between the proposals and the EASA Part M requirements, these were rejected as the main purpose of the proposals is to try and create a set of requirements as close as possible to the existing European requirements. One commentator asked what the CAA would do when the EU "broke up". It was explained that these proposals were supported by the UK Air Navigation Order, and would stand whatever happened to the EU. Five commentators were against the flight test proposals on the grounds that the existing EASA requirements do not contain flight test requirements. It was explained that these proposals contained flight test requirements which CAA believed should be contained within the EASA requirements and that CAA would try to get the European Aviation Safety Agency to adopt the proposals via the technical committees within which CAA technical experts work closely with their Continental counterparts. Seven comments pointed out editorial errors, and two comments simply welcomed the proposals.

Annex 3: Post Implementation Review (PIR) Plan

Basis of the review

CAA Safety Regulation Group - Airworthiness will undertake a commitment to review the outcome of the changes 18 months after their introduction.

Review objective

A check that the new approvals are operating as expected and are facilitating the movement of aircraft between the EASA and the CAA regimes.

Review approach and rationale

A review of monitoring data, including effectiveness of the new approvals and stakeholder views gleaned from audits and everyday contact with the affected industry.

Baseline

Present BCAR procedural requirements regime and the difficulties in showing equivalence between it and the EASA system.

Success criteria

The affected industry and the CAA Surveyors both agree that moving aircraft between the EASA and CAA systems has been facilitated by the changes. Industry say they have found the new approvals straightforward to obtain and that they are comprehensive enough for their purposes.

Monitoring information arrangements

The CAA has an extensive network of regional offices who maintain a close relationship with the affected industry. Regular audits and reviews of organisations requesting approvals ensures that the systematic collection of data suitable for continuous policy review is always available.

Annex 4: Specific Impact Tests

Statutory equality Duties

Race

1. The proposals relate to aircraft maintenance and continuing airworthiness organisations, therefore we don't anticipate that the proposed amendments will lead to different consequences according to people's racial group.

Disability

2. The proposals relate to aircraft maintenance and continuing airworthiness organisations, therefore it is not anticipated that the proposed amendments will lead to disadvantages or discrimination for disabled people.

Gender

3. The proposals relate to aircraft maintenance and continuing airworthiness organisations, therefore we don't anticipate that the proposed amendments will lead to different consequences according to people's gender.

Competition

4. The amendments will not have a negative effect on competition. They may have a positive impact on competition from an EU-wide perspective, as it will allow UK suppliers which might not have previously felt able to meet the European regulations, to see that they may readily do so, with very little change to their existing UK expositions.

Small firms

5. It has been decided to retain BCAR Chapter A8-15 – 'Aeroplanes and Rotorcraft not exceeding 2730 kg – Maintenance Organisations – Group M3', which is a part of the existing BCAR regulation regime, in order to retain some flexibility in approving very small organisations. These very small organisations, may not have the capability to achieve approval under the EASA regulations, and may not wish to maintain EASA aircraft. They may however, wish to maintain non-EASA aircraft, under the existing BCAR regime, and they may do so according to the requirements of Chapter A8-15.

Greenhouse gas assessment

6. The aviation sector has targets and policies to ensure it plays its part in helping to reduce greenhouse gas emissions. These proposals do not affect such policies or targets and are not expected to affect the amount of greenhouse gas producing activity in the industry. Therefore, we do not anticipate any direct impact of these proposals on greenhouse gas emissions.

Wider environmental issues

7. There are two environmental issues relevant to the aviation sector as a whole: noise pollution and air quality. The proposals do not directly influence the overall level of activity in the industry, so we do not anticipate any direct impact in these areas.

Social impacts

Health and well being

8. No part of the amendment is expected to have a direct impact on health. There is no potential for the amendment to directly affect wider determinants of health such as income or the environment, nor is there any potential for the amendment to affect relevant lifestyle related factors such as physical activity or diet. There is no anticipated impact on the demand for health and social care services.

Human rights

9. It is not anticipated that the proposed amendments will have any human rights impacts.

Justice System


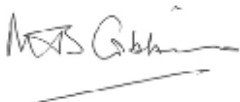
10. It is not anticipated that the proposed amendments will have any implications for the justice system.

Rural proofing

11. We do not believe that the amendments will have a different impact on people in rural areas because of their particular circumstances or needs.

Sustainable development

12. The proposals do not affect the resources available to future generations, and are therefore compatible with sustainable development.

 Regulatory Policy Committee	OPINION	
Impact Assessment (IA)	Amendment of the ANO 2009 and British Civil Airworthiness Requirements	
Lead Department/Agency	Civil Aviation Authority/Department for Transport	
Stage	Final	
Origin	Domestic	
Date submitted to RPC	06/10/2011	
RPC Opinion date and reference	21/10/2011	RPC11-DfT-1105
Overall Assessment	AMBER	
<p>The IA is fit for purpose. The costs and benefits of the proposal have been adequately assessed. However, the IA should include more information about the nature of changes to the British Civil Airworthiness Requirements (BCARs).</p>		
<p>Identification of costs and benefits, and the impacts on small firms, public and third sector organisations, individuals and community groups and reflection of these in the choice of options</p> <p><i>Changes to BCARs.</i> The department has confirmed that the proposed changes to the BCARs, to bring them in-line with the European regime, will not involve any changes to the technical requirements for aircraft. The changes are all around the inspection regime and are centred on the change from regular certification by the BCAR to the issuing of a non-expiring certificate with reviews carried out by approved organisations. This information should be included in the IA to make it clear that there will be no additional costs or reductions in aircraft safety.</p>		
<p>Have the necessary burden reductions required by One-in, One-out been identified and are they robust?</p> <p>The IA identifies the proposal as an 'Out' with an Equivalent Annual Net Cost to Business of -£0.173m. This appears robust.</p>		
Signed		Michael Gibbons, Chairman