

Considering the Role and Purpose of EASA User Guides within the European Union

Discussion Paper presented by Sofema Aviation Services (SAS) www.sassofia.com

Introduction

Under European Law EASA was not allowed (although this is now permitted to a degree with the latest Basic Regulation (Regulation (EU) 2018/1139)) to involve directly in the legal framework within a member state.

As part of the obligations to the EU each member state will comply with EASA Implementing Rules (IR) and either accept Acceptable Means of Compliance (AMC) or develop an Alternate means of Compliance (AMOC) – which shall be registered with EASA)

Guidance Material (GM) does not carry any regulatory obligation – however is typically considered best practice

EASA fulfils the role of Competent Authority for all Third Country approval holders in respect of the following approvals

- Part CAMO
- Part 145
- Part CAO
- Part 21 G
- Part 147

EASA Manages the following approval directly worldwide

- Part 21 J

What Are User Guides?

User Guides are documents which fulfil a guidance role to support the relevant regulation and are produced by EASA as part of its role as the Competent Authority (CA) for third country approval holders

Why European Countries do not have such user guides

There are two answers

- The first is cost – the entire portfolio of user guide information is substantial and would carry a significant cost.
- The second relates to the practicality of requiring 30 plus countries to develop equivalent level of detailed information basically saying exactly the same thing user different words.

Where do user guides sit in the hierarchy of regulatory information?

Within the EU there is no formal framework which involves the mandated compliance to USER Guide requirements.

Within third countries it would be reasonable to identify user guides as an extension of Guidance Material (GM)

Can EASA User Guides be used to generate a finding during an audit of a EU organisation?

In general and reference the above a finding must be specifically related to a non-conformity with Implementing rules / AMC / or GM – A finding can not be normally referenced to a USER guide “best practice”

However Please Note

- It is quite normal for EU Competent Authorities to identify a particular practice within the User Guide and to request conformity – this is entirely in keeping with their role and responsibility (such behaviour could be considered as the adoption of User Guide Best Practice)

Can EASA User Guides be used to demonstrate compliance or to answer a potential finding during an audit of an EU organisation?

The answer is yes of course – The user guide is not introducing additional regulations simply explaining how an organisation may demonstrate compliance.

Note EASA Comment

This User Guide is **complementary** to the requirements of Implementing Rule - Annex II, Part-145 “as amended” and does not supersede or replace the information defined within that document.

Therefore, it is important to note that the User Guides add nothing additional to the regulatory framework other than to provide in significant details a practical way of interpreting and complying with the regulatory requirement.

Notes regarding best practice auditing

- All audit findings should be related to specific findings and not based on opinion.
- Where there is a lack of details within the AMC material – it can often be found that the user guide recognises this and has addressed the need for understanding the objectives in more details (such detail is infinitely better than the auditor's opinion)

Root Cause of the discrepancy between UG & AMC Material – The Root Cause is that the EU competent authorities have not bridged the gap by providing expanded guidance information.

- This can be addressed in each specific case or common sense can prevail where to all practical purposes – if you comply with an AMC in respect of User Guide “best practice” then this should be sufficient for the auditor.

It is not intended that 145 should be based on different standards in different jurisdictions.

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