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Issue 4

Legal Opinion Forces Debate on B1/B2 Support Staff

UK affiliate ALAE have been campaigning for more transparency over the role of B1/B2 support staff within base maintenance. ALAE consider that the role of the licensed engineer is being severely undermined due to the incorrect application of regulation 145.A.30 (h). To support their argument ALAE enlisted the assistance of Gates & Partners, the worlds leading aviation lawyers in order to try and determine what is actually required in order to meet the intent of the regulation.



MRO's are increasingly making use of non licensed personnel to perform tasks during base maintenance inputs. This is of course nothing new and is perfectly acceptable as long as the supervisory role of B1/B2 support staff is not overlooked.

Unfortunately an increasing number of engineers are questioning their role in base maintenance as company procedures seek to bypass support staff involvement.

ALAE chairman Robert Alway said that "it is important engineers understand that even approved company procedures does not replace the legal responsibility placed on engineers to supervise base maintenance tasks".

Robert went on to applaud EASA for recognising the consequences of the issue by placing support staff responsibilities on the rulemaking agenda.

AEI General Secretary Fred Bruggeman agreed, "it is a worrying situation. Despite a common belief to the contrary, Part 145 certifying authorisations do not automatically take responsibility away from an individual. The Licensed engineer must ensure their actions align primarily with European regulations at all times and under all circumstances."

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Aircraft
Engineers
International

Special Points of
Interests:

- Legal Opinions
- News from Australia
- NAA Audit Concerns
- 38th AEI Annual Congress News

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Base Legal Opinion



“B1 and B2 support staff shall ensure all relevant tasks and inspections have been performed to the required standard”

The continuously evolving regulatory environment can be difficult to follow even for those directly involved. The further one moves away from that inner circle the more difficult it becomes to remain up to date and it shouldn't come as a surprise to learn that confusion prevails.

The evidence is all around us. Ask any licence holder or quality manager who is actually responsible should something go terribly wrong and you will undoubtedly receive numerous differing opinions with the most common probably being “the company is responsible”.

Differing opinions and mixed messages from operators on responsibility is not good news for certifying staff. Without a clear course to follow an engineer could very quickly find themselves in an uncomfortable situation where at best, integrity is placed at risk, whilst at worst ones freedom,

Confusion over responsibilities within Base maintenance is currently a cause for serious concern. In Europe JAR 145 required the use of support staff within base maintenance.

JAR 145.30 Para. G (2) stated that:

“In addition such JAR-145 approved maintenance organisation must have appropriate aircraft type rated staff qualified in accordance with JAR-145.35 (b) and (e) plus JAR-66 subcategory B1 and B2 to support the category C certifying staff”.

The AMC material to JAR 145 Para. G (2) stated that:

“Support means that the category B1 qualified staff must be satisfied that all mechanical tasks / inspections have been carried out to the required standard and the category B2 qualified staff must be satisfied that all avionic tasks / inspections have been carried out to the required standard before the category C certifying staff issues the certificate of release to service”.

The above regulation and AMC make it clear that although authorised but non licensed staff can in fact perform any task, there remains a clear responsibility for B1/B2 type rated support staff to ensure that all tasks have been carried out to the require

standard. This of course can only be done through supervision.

If we now take a look at the currently applicable EASA regulation we uncover a subtle but important change in emphasis.

Part 145.A.30 (h) states that:

“Any organisation maintaining aircraft shall:

1. in the case of base maintenance of large aircraft, have appropriate aircraft type rated certifying staff qualified as category C in accordance with Part-66 and 145.A.35.

In addition the organisation shall have sufficient aircraft type rated staff qualified as category B1 and B2 in accordance with Part-66 and 145.A.35 to support the Category C certifying staff.

(i) B1 and B2 support staff shall ensure that all relevant tasks or inspections have been carried out to the required standard before the category C certifying staff issues the certificate of release to service”. ⇨

Legal Opinion Cont...



⇨ So now the requirement to ensure that all tasks have been performed to the required standard has moved from AMC's to the rule itself. In effect an upgrade because the regulation itself is considered as a “hard rule” i.e. not open to interpretation. AMC's however are considered as “soft rules” and differing interpretations are acceptable as long as the intent of the hard rule is still met.

This change in emphasis should strengthen the requirement significantly. Yet if we now take a look at the situation throughout Europe we discover that in many companies the exact opposite has occurred with more and more tasks being performed by authorised but unlicensed colleagues. This often results in heavy maintenance checks being progressed without any support staff on shift. In some extreme cases B1/B2

Support Staff are asked to sign off tasks once all panels etc. have been reinstalled so access and therefore proper control is no longer possible.

Remember, in the eyes of the law you could be held accountable for tasks even without having been involved.

The ALAE legal opinions can be viewed on the AEI website.

News From Australia

As we are all too well aware a LAMEs job is absolutely critical to the safe running of aircraft and the protection of passengers, but it's still not widely recognised in the greater community. At 3am when you're under an engine on the tarmac in either freezing or boiling temperatures, changing a fuel valve or knee deep in wiring diagrams – the passengers for the day ahead are still tucked up in bed, with no thought of all the work that's gone into making their aircraft safe.

Recognising, valuing and promoting the worth of LAMEs is an important part of ALAEA's work and it's a task we can all play a role in. A team of ALAEA members who travelled to Las Vegas last month to compete in the 3rd Annual AMT maintenance skills competition did their bit to promote the important skills of LAMEs.

TEAM ALAEA was the first non-US team to compete in the event, which tests practical and theoretical knowledge on subjects such as damaged flight controls cable identification, turbine engine troubleshooting and avionic troubleshooting.

turbine engine troubleshooting and avionic troubleshooting. While our team didn't register among the prizewinners at the end, they competed strongly and showed the professionalism of Australian LAMEs on an international stage. Here is an excerpt from a letter sent by Ken MacTiernan, Director of AMT Society and MSC Chairman:

"First and foremost I must say THANK YOU! I have to say that I was simply amazed to learn that the members of the ALAEA team have never worked together and that they actually met for the first time when they all landed in LAX ... they all behaved like a well-organized, skilled team of AMEs. There was no mistaking the pride and ability of the Australian AMEs! Their goal was to 'fly the colors' and they did that extremely well ... none are more skilled than Australian AMEs."

Ken honours our team with his words of praise and I personally thank him on their behalf. This was our first time at the event and I commend all the participants on their professionalism and effort. Now that we've tested the water we look forward to competing annually in this competition that

annually in this competition that recognises our profession.

STANDING UP FOR LAME'S

Members will recall that CASA had issued an NPRM, which among other things, attempted to remove the terms LAME and AME from the statutes.

We asked for the membership to express their views on that proposition and more than 1200 responses to CASA showed a widespread opposition. Quite rightly LAMEs saw this change in terminology as a serious degradation and a dangerous opening for aviation companies to approve people for positions for which they are unqualified or unlicensed. As a result of that opposition CASA advised the Standards Consultative Committee that the idea was dropped.

Aviation businesses are increasingly controlled by accountants and they regard us as an overhead expense so there is a constant battle to prevent them reducing maintenance standards to a dangerous level. We are the last chance filter for safe aviation maintenance so thanks for your assistance and keep up the good work.



Paul Cousins, ALAEA President

"Recognising, valuing and promoting the worth of LAMEs is an important part of ALAEA's work and it's a task we can all play a role in"

Agreement at Virgin

Engineers working for Virgin Tech voted overwhelmingly to support the ALAEA negotiated terms and conditions offer. The offer won widespread support with 94% of ballot papers returned in favour of the Agreement. (turnout 91%).

ALAEA President Paul Cousins thanked Virgin members for their commitment and unity. ALAEA membership at Virgin has risen

from around 40% eighteen months ago to nearly, if not, 100% now.

That membership density has been the single most important factor in swinging the company towards an offer that Virgin aircraft engineers could be happy with. Paul also used the opportunity to thank the Virgin Tech negotiating committee, ALAEA

Federal Secretary Steve Purvinas and Vice President Wes Bell for their hard work and persistence.

Without the time and effort put in a lesser agreement would have made it's way onto the table.

Editor's Comment: These articles highlight what can be achieved when engineers unite to fight a common cause.

Las Vegas AMT Competitors



Concerns over Australian NAA (CASA) Audits



Aircraft Engineers International (AEI) welcomes the news that the Australian Licensed Aircraft Engineers Association (ALAEA) has been successful in its three year legal battle against the Australian Civil Aviation Safety Authority (CASA) in order to gain access to safety related audit reports of CASA approved foreign maintenance bases.

The legal challenge arose after poor quality maintenance was discovered on Qantas aircraft after being maintained at approved facilities in Singapore and Hong Kong.

One Qantas aircraft allegedly departed an approved foreign maintenance organisation with over 450 open defects. The maintenance facilities in question have a stamp of approval from the Australian Aviation Authority (CASA) just as they do from EASA, the European Aviation Safety Agency.

Due to the seriousness of the safety lapses and concern at how these companies obtained a Government seal of approval, the ALAEA using the freedom of information act requested all CASA audit reports on the companies concerned.

The response from the Australian national aviation authority to this and other similar incidents was to spend over 300,000 Australian tax payer's dollars trying to prevent the release of information into the public domain.

The implications of this case are far reaching and will eventually take on a global perspective. The evidence produced so far clearly highlights a standard of work well below that which is acceptable,



yet the organisations concerned continue to operate under multiple approvals obtained from various national aviation authorities around the world. In fact there is a link to EASA (European Aviation Safety Agency) who have issued European stamps of approval to the companies in question.

AEI have been campaigning for some time on the issue of European aviation safety and transparency. European regulators sup-

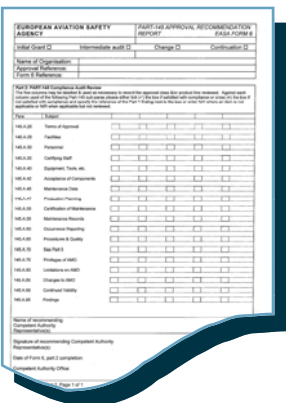
ported by the EU continue to maintain that audit information is commercially sensitive and could potentially be damaging to an airline operator. Yet whilst this information remains withheld more and more European airlines make use of cheaper, EASA approved foreign based maintenance facilities.

Of course in principal this is perfectly acceptable as long as the facilities do in fact come up to and align with European standards. AEI General Secretary Fred Bruggeman said that "the outsourcing of maintenance to cheaper overseas facilities can be positive in terms of competition and will undoubtedly force airline management to look for innovative ways to improve efficiency and reduce costs. However a level playing field must prevail as far as safety standards are concerned in order to protect the public. Double or false standards cannot be tolerated".

ALAEA meanwhile have suspected that there is cooperation between CASA and Qantas that goes way beyond an operator/regulator relationship. The real answer may well be close to the suspicions raised by ALAEA Federal Secretary Steve Purvinas. ⇨⇨

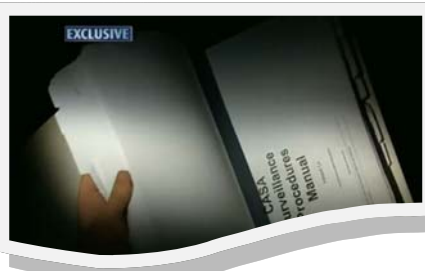
"I suspect that CASA are under industry pressure to give cheaper overseas maintenance facilities a clean bill of health because they are a cheaper alternative to Australian facilities"

Audit Concerns Cont...



⇨⇨ He said "I suspect that CASA are under industry pressure to give cheaper overseas maintenance facilities a clean bill of health because they are a cheaper alternative to Australian facilities".

This is in fact the real issue here. How have we allowed government agencies, financed by tax payer's money, to fail in their primary task of protecting the



public. The remit of any aviation authority or agency is safety first, the remit does not include help-

ing airlines achieve greater profits at the expense of SAFETY.

Obviously AEI are following events closely and have already requested audit reports from EASA relating to these companies.

The full Channel Seven Network expose can be viewed on the AEI website.

38th AEI Annual Congress Hamburg 2010



Vereinigung Luftfahrt e.V. and Berufsverband Prüfer von Luftfahrtgerät e.V. would like to invite all AEI affiliates to the 2010 annual congress From 22nd to 25th of September 2010 in Hamburg, Germany.

Dear delegates, as the President of Vereinigung Luftfahrt e.V. I am glad to welcome you to the 38th congress of AEI in Hamburg. I also welcome you in the name of Thomas Becker, chairperson of the Berufsverband Prüfer von Luftfahrtgerät e.V. By choosing Hamburg as a venue, we hope to provide you, dear delegates, an interesting balance, to gain a bit of distance to airline business after an exhausting meeting day. For this purpose, the Hanseatic city Hamburg offers various opportunities, such as a visit at the harbor, a canal cruise through the "Speicherstadt", a stroll through the historical city centre or a balmy night at the shores of the Alster. These are only some of many ideas this federal state can offer.

We all know the increasing challenges in air traffic, particularly in the area of maintenance. As lobbyists of the employees in air traffic it is our responsibility to accompany positively and participate in the constant changes, our sector is confronted with. We have to consider safety and working conditions of all the people, who work in the companies.

The 38th international AEI congress should amongst others, serve to promote the exchange of information and experience among each other and to find similarities in our work. This is particularly important considering the internationalization of work in the maintenance sector. The problems that arise due to this process are no longer restrained to our own location.

On this note we wish you successful days and a nice stay in the city state of Hamburg.

Yours,

Werner Zielina, President Vereinigen Luftfahrt
Thomas Becker President Berufsverband Prüfer von Luftfahrtgerät e.V.



EDITORS NOTE:

Congress package prices can only be guaranteed for bookings completed and paid for by 10th August 2010.

Bookings made after this date will incur further costs.





What Was It?

Many thanks for all your replies to the last "what was it?". One reply even coming from as far as New Zealand!! The answer of course as many of you correctly stated was that the picture showed the anti vortex jets fitted to the engine nacelles. These consisted of a small forward projecting tube blowing bleed air down and forward to break up vortices, which could otherwise ingest gravel. This was an option available for the 737-200 from Feb 1969 and often included a deflection ski on the nose gear to keep gravel off the underbelly.



Further aspects of the kit were smaller deflectors on the oversized main gear to prevent damage to the flaps and protective shields over hydraulic tubing and brake cable on the main gear strut. Glass fibre reinforced underside of the inboard flaps and Teflon based paint on wing and fuselage under surfaces including strengthened under-fuselage aerials and retractable anti-collision light.

B737 Unpaved Strip Kit ©The Boeing 737 Technical Site

Aircraft Engineers International

We Keep Them Flying Safely

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The AEI newsletter is non political, straight talking and deals directly with safety issues.

We keep them flying safely!

What is it?

B727-200 HZ-SNA has an unusual history. This aircraft has modified fairings on the underside aft of the main gear and on close inspection appears to have a slight contour change in the aft crown skin.

If anyone has an idea as to the reason for this modification please e-mail the editor with a short explanation at pr@airengineers.org



Disclaimer

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