

Proposal for a

COMMISSION REGULATION (EC) No .../..

of [...]

amending Commission Regulation (EC) No 1702/2003, laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency ⁽¹⁾ (hereinafter referred to as ‘the basic Regulation’), and in particular Articles 5 and 6 thereof,

Having regard to Commission Regulation (EC) No 1702/2003 of 24 September 2003, laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations⁽²⁾,

Whereas :

- (1) It is necessary to make improvements to and to correct errors in the Annex (hereinafter referred to as “Part 21”) to the Commission Regulation (EC) No 1702/2003, and to bring some of its provisions in line with the numbering policy that the Agency had to define in accordance with 21.B230(b).
- (2) The measures provided by this Regulation are based on the opinion issued by the Agency ⁽³⁾ in accordance with Articles 12(2)(b) and 14(1) of the basic Regulation.
- (3) The measures provided for in this Regulation are in accordance with the opinion⁴ of the European Aviation Safety Agency Committee established by Article 54(3) of the Basic Regulation.
- (4) The Commission Regulation (EC) No 1702/2003 should therefore be amended accordingly,

¹ OJ L 240, 7.9.2002, p.1.

² OJ L 243, 27.9.2003, p. 6.

³ Opinion 03/2006

⁴ [To be issued.]

HAS ADOPTED THIS REGULATION:

Article 1

The Annex (Part 21) to Commission Regulation (EC) 1702/2003 is hereby amended as follows:

1. Subparagraph (b)5 of paragraph 21A.14 is replaced by the following:
“5. a fixed or adjustable pitch propeller.”
2. Subparagraph (b)2 of paragraph 21A.35 is replaced by the following:
“2. For aircraft to be certificated under this Section, except hot-air airships, hot-air balloons, free gasballoons, tethered gasballoons, sailplanes and powered sailplanes and except aeroplanes of 2722 kg or less Maximum Take-Off Mass (MTOM), to determine whether there is reasonable assurance that the aircraft, its parts and appliances are reliable and function properly.”
3. Paragraph 21A.112 is amended by adding an ‘A’ at the end of the paragraph number.
4. Paragraph 21A.125 is amended by adding an ‘A’ to at the end of the paragraph number.
5. Subparagraph (c)2 of paragraph 21A.165 is replaced by the following:
“2. Determine that other products, parts or appliances are complete and conform to the approved design data and are in a condition for safe operation before issuing EASA Form 1 to certify conformity to approved design data and condition for safe operation, and additionally in case of engines, determine according to data provided by the engine type-certificate holder that each completed engine is in compliance with the applicable emissions requirements as defined in 21A.18(b), current at the date of manufacture of the engine, to certify emissions compliance, or”
6. Paragraph 21A.183 is replaced by the following:

“21A.183 Issue of certificates of airworthiness

The competent authority of the Member State of registry shall issue a certificate of airworthiness for:

- (a) new aircraft:
 1. Upon presentation of the documentation required by 21A.174(b)(2).
 2. When the competent authority of the Member State of registry is satisfied that the aircraft conforms to an approved design and is in a condition for safe operation.
- (b) used aircraft:
 1. upon presentation of the documentation required by 21A.174(b)(3) demonstrating that:

- (i) the aircraft conforms to a type design approved under a type-certificate and any supplemental type-certificate, change or repair approved in accordance with this Part; and
 - (ii) the applicable airworthiness directives have been complied with; and
 - (iii) the aircraft has been inspected in accordance with the applicable provisions of Part M;
- and
2. when the competent authority of the Member State of registry is satisfied that the aircraft conforms to an approved design and is in a condition for safe operation.”

7. Subparagraph (a) of paragraph 21A.184 is replaced by the following:

- “(a) The competent authority of the Member State of registry shall issue a restricted certificate of airworthiness for:
1. new aircraft:
 - (i) upon presentation of the documentation required by 21A.174(b)(2)
 - (ii) when the competent authority of the Member State of registry is satisfied that the aircraft conforms to a design approved by the Agency under a restricted type-certificate or in accordance with specific certification specifications, and is in a condition for safe operation.
 2. used aircraft:
 - (i) upon presentation of the documentation required by 21A.174(b)(3) demonstrating that:
 - (A) the aircraft conforms to a design approved by the Agency under a restricted type-certificate or in accordance with specific certification specifications; and
 - (B) the applicable airworthiness directives have been complied with; and
 - (C) the aircraft has been inspected in accordance with the appropriate provisions of Part M;
 - and
 - (ii) when the competent authority of the Member State of registry is satisfied that the aircraft conforms to the approved design and is in a condition for safe operation.”

8. Subparagraph (a) of paragraph 21A.245 is replaced by the following:

- “(a) The staff in all technical departments are of sufficient numbers and experience and have been given appropriate authority to be able to discharge their allocated responsibilities and that these, together with the accommodation, facilities and equipment are adequate to enable the staff to achieve the airworthiness and environmental protection objectives for the product.”

9. Paragraph 21A.263 is amended as follows:

- (a) Subparagraph (b)3 is replaced by the following:

- “3. an ETSO authorisation under 21A.602(b)(1); or”
- (b) Subparagraph (c)3 is replaced by the following:
“3. to issue information or instructions containing the following statement: “The technical content of this document is approved under the authority of DOA nr. EASA.21J.[xyz].””
- (c) Subparagraph (c)4 is replaced by the following:
“4. to approve documentary changes to the aircraft flight manual and supplements, and issue such changes containing the following statement : ”Revision nr. xx to AFM (or supplement) ref. yyy, is approved under the authority of DOA nr.EASA.21J.[xyz].””
10. Subparagraph (a) of paragraph 21A.307 is replaced by the following:
“(a) Accompanied by an authorised release certificate (EASA Form 1), certifying that the item was manufactured in conformity to approved design data and is in a condition for safe operation; and”
11. Paragraph 21A.432 is amended by adding an ‘A’ at the end of the paragraph number.
12. Subparagraph (c) of paragraph 21A.606 is replaced by the following:
“(c) Expressly stating that it is prepared to comply with 21A.609.”
13. Subparagraph (f) of paragraph 21A.609 is replaced by the following:
“(f) Comply with 21A.3, 21A.3B and 21A.4.”
14. Subparagraph (d) of paragraph 21A.801 is replaced by the following:
“(d) For manned balloons, the identification plate prescribed in paragraph (b) shall be secured to the balloon envelope and shall be located, if practicable, where it is legible to the operator when the balloon is inflated. In addition, the basket, load frame assembly and any heater assembly shall be permanently and legibly marked with the manufacturer’s name, part number, or equivalent, and serial number, or equivalent.”
15. Subparagraph (a) of paragraph 21A.804 is replaced by the following:
“(a) Each part or appliance shall be marked permanently and legibly with:
1. a name, trademark, or symbol identifying the manufacturer in a manner identified by the applicable design data; and
2. the part number, as defined in the applicable design data; and
3. the letters EPA (European Part Approval) for parts or appliances produced in accordance with approved design data not belonging to the type-certificate holder of the related product, except for ETSO articles.”
16. Subparagraph (a) of paragraph 21B.225 is replaced by the following:
“(a) When objective evidence is found by the Competent Authority, showing non compliance of the holder of a production organisation approval with the applicable requirements of this Part, this finding shall be classified in accordance with 21A.158(a) and:

1. A level one finding shall be notified to the holder of a production organisation approval immediately and shall be confirmed in writing within 3 working days after determination.
2. A level two finding shall be confirmed in writing to the holder of the production organisation approval within 14 working days after determination.”

17. Subparagraph (a) of paragraph 21B.235 is replaced by the following:

- “(a) In order to justify the maintenance of the production organisation approval the Competent Authority shall perform continued surveillance:
1. to verify that the production organisation approval holder’s quality system still complies with Section A, Subpart G; and
 2. to verify that the organisation of the production organisation approval holder operates in accordance with the production organisation exposition; and
 3. to verify the effectiveness of the production organisation exposition procedures; and
 4. to monitor by sample the standards of the product, part or appliance.”

18. EASA Form 1 in Appendix I to Part 21 is amended as follows:

- (a) The text “Part M Section A Subpart F organisation approval number: AAA RRR XXXX” is deleted from block 13 Remarks.
- (b) The second line of text in block 14 is replaced by the following:
” approved design data and are in a condition for safe operation”

19. The completion instructions for EASA Form 1 in Appendix I to Part 21 are amended by replacing the text in chapter 3 for block 9 by the following:

- “Block 9 Used to indicate the type-approved applications for which the released items are eligible for installation, based on the information provided by the design approval holder by virtue of the arrangement described in 21A.4 and 21A.133(b) and (c). The following entries are permitted;
- (a) At least one specific or series aircraft, propeller, or engine model as identified by the design approval holder. In case of engine or propeller release, state the aircraft approved applications, or, if application is not specific, state “type-certificated engine/propeller”. In case of ETSO article state either the type-approved applications or “ETSO article N/A”. In case of items to be installed in an ETSO article, state either “ETSO article N/A” or the ETSO article part number.
 - (b) ‘None’, to be used only when it is known that the items do not yet have a type-approved application, for example: pending type-certificate, for test only, pending approved data. If this category is used, then appropriate explanatory information must be provided in Block 13 and new items may only be released for Conformity purposes.
 - (c) ‘Various’ if known by virtue of the arrangements under 21A.133(b) and (c) to be eligible for installation on multiple type approved

products, according to a procedure approved by the Competent Authority in charge of the POA surveillance.

In the case of multiple type-approved applications it is acceptable for this Block to contain cross reference to an attached document which lists such applications.

Any information in Block 9 does not constitute authority to fit the item to a particular aircraft, engine or propeller. The User/Installer must confirm via documents such as the Parts Catalogue, Service Bulletins, etc., that the item is eligible for the particular installation.

Any information in Block 9 does not necessarily mean that the product, parts or appliances are only eligible for installation on the listed model(s). Nor does it guarantee that the product, parts or appliances are eligible for installation on all entries in Block 9. Eligibility may be affected by modification or configuration changes.

Where a part is identified by the design holder in accordance with officially recognised Standards, then the part is considered a Standard Part and release with an EASA Form 1 is not necessary. However where a POA holder releases such a standard part with an EASA Form 1 then it must be able to demonstrate that it is in control of the manufacture of that part.”

20. EASA Form 15a in Appendix II to Part 21 is amended as follows:

- (a) The text “ARC REFERENCE” is deleted;
- (b) The text ‘Aircraft type:’ is deleted.

21. EASA Form 24 in Appendix IV to Part 21 is amended by deleting the text “EASA LOGO” in the top left corner of the form.

22. EASA Form 25 in Appendix V to Part 21 is amended as follows:

- (a) The text “EASA LOGO” in the top left corner of the form is deleted;
- (b) The first sentence in block 5 is replaced by the following:

“5. This Certificate of Airworthiness is issued pursuant to the Convention on International Civil Aviation dated 7 December 1944 and Regulation (EC) No 1592/2002, Article 5(2)(c) in respect of the abovementioned aircraft which is considered to be airworthy when maintained and operated in accordance with the foregoing and the pertinent operating limitations.”

23. EASA Form 52 in Appendix VII to Part 21 is amended by replacing the text of block 17 by the following:

”17 Statement of Conformity
It is hereby certified that this aircraft conforms fully to the type-certificated design and to the items above in boxes 9, 10, 11, 12 and 13.
The aircraft is in a condition for safe operation.
The aircraft has been satisfactorily tested in flight.”

24. The completion instructions for EASA Form 52 in Appendix VII to Part 21 are amended by deleting the first three paragraphs above chapter 1.

25. EASA Form 55 sheet A in Appendix IX to Part 21 is amended by replacing: “REFERENCE: NAA.G.XXXX” by “REFERENCE: MS.21G.XXXX”

26. EASA Form 55 sheet B in Appendix IX to Part 21 is amended as follows:
- (a) The text in the top right box of the Form is replaced by the following:
“TA: MS.21G.XXXX”
 - (b) The first sentence in the block under the first row is replaced by the following:
“This document is part of Production Organisation Approval Number
MS.21G.XXXX issued to”
27. EASA Form 65 in Appendix X to Part 21 is amended by replacing: “Reference: [NAA].F.[XXX]” by “Reference: MS.21F.XXXX”

Article 2
Entry into force

This Regulation shall enter into force on the day following that of its of publication in the Official Journal of the European Union. The amended Part 21 paragraph 21A.804(a)(1) shall be applicable to designs approved after that date.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission

Member of the Commission