



TERMS OF REFERENCE

Task Nr: 21.023(b)
Issue: 1
Date: 12 March 2008
Regulatory reference: Part-21, Sections A and B, Subpart B and H, and associated AMC/GM
Reference documents: pre-RIA 21.023

<p>1. Subject: Restricted Certificates of Airworthiness</p>
<p>2. Problem / Statement of issue and justification; reason for regulatory evolution (regulatory tasks): In the beginning of 2006 a rulemaking group was set up and tasked to develop comprehensive requirements in Part 21 for Permit to Fly (PtF) and Restricted Certificates of Airworthiness (R-CoA) (task 21.023) Due to time constraints the group was only able to finish the proposal for PtF as this was seen to have the highest priority. The elaborated requirements for R-CoA will now have to be developed in this task.</p>
<p>3. Objective: The aim of this rulemaking task is to elaborate the current requirements related to Restricted Type Certificates (R-TC) and Restricted Certificates of Airworthiness (R-CoA). The envisaged deliverables are NPA texts for amending Part 21 and its AMC/GM accordingly, and if necessary to Part M and its AMC/GM.</p>
<p>4. Specific tasks and interface issues (Deliverables): Based on the proposals as drafted in rulemaking task 21.023:</p> <ul style="list-style-type: none">- Define when a R-TC can and/or should be issued;- Consider the two possibilities: a R-CoA based on a R-TC and a R-CoA based on "Specific Airworthiness Specifications" (SAS);- Clarify what the above SAS are or should be, as well as how they are issued/established, amended, suspended, revoked / withdrawn;- Clarify the role of the Agency in regard to the oversight of orphan aircraft. This would ensure that the legislator is well aware of the associated liability consequences. In the same way, the nature of the conditions that can be imposed by the Agency on aircraft owners and State of registry to ensure appropriate data reporting and reduce risks associated to loop-holes in such reporting, shall be clarified;- Clarify the process in the absence of a R-TC (application, establishment of the SAS, showing of compliance, EASA finding (What kind of statement? On what kind of form?). In particular, it may be necessary to also develop guidance material to 21A.23 "Issue of a Restricted Type Certificate" explaining the use of this paragraph, and/or to 21A.184(b), or even propose changes to Part 21, to provide clear eligibility criteria for such R-CoA;- Define, as appropriate, general conditions for the maintenance of aircraft with a R-CoA;- Define, if necessary, general limitations relative to the use of aircraft with a R-CoA.
<p>5. Working Methods (in addition to the applicable EASA procedures): The NPA will be drafted by the Agency based on the proposals as drafted by the rulemaking group in the initial phase of task 21.023.</p>

6. Time scale, milestones:

NPA to be drafted by 31 March 2008.