

NOTICE OF PROPOSED AMENDMENT (NPA) No 12/2004

DRAFT OPINION OF THE EUROPEAN AVIATION SAFETY AGENCY,

**for a Commission Regulation 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,**

AND

DRAFT DECISION OF THE EXECUTIVE DIRECTOR OF THE AGENCY,

**amending Decision No. 2003/1/RM of the Executive Director of the Agency of 17
October 2003 on acceptable means of compliance and guidance material 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
("AMC and GM to Part 21")**

Miscellaneous Part 21

Explanatory Note

I. General

1. The purpose of this Notice of Proposed Amendment (NPA) is to propose an amendment to the Annex (Part 21) to the Commission Regulation (EC) No 1702/2003¹ (document 1) and to Decision No. 2003/1/RM of the Executive Director of the Agency of 17 October 2003 (document 2). The reason for this proposal is outlined further below. This rulemaking activity is included in the Agency's rulemaking programme for 2004

2. The Agency is directly involved in the rule-shaping process. It assists the Commission in its executive tasks by preparing draft regulations, and amendments thereof, for the implementation of the Basic Regulation, which are adopted as "Opinions" (Article 14.1). It also adopts acceptable means of compliance and guidance material to be used in the certification process (Article 14.2)

3. The text of this NPA is developed by the Agency. It is submitted for consultation of all interested parties in accordance with Article 43 of the Basic Regulation and Articles 5(3) and 6 of the EASA rulemaking procedure².

4. This NPA implements the rulemaking tasks 21.002 and 21.003 of the Agency rulemaking programme for 2004.

21.002; Approved organisations certificate number: As required, *inter alia*, by the provision of 21.B230(b) of Part 21, the Agency has specified with Decision No. 2004/4/RM the format of the reference number for organisation approvals to be issued by the Agency and National Aviation Authorities. The relevant requirements, forms and AMC need to reflect this policy.

21.003; Cleaning up of Part 21 and AMC/GM: During the initial consultation of the draft Part 21 and acceptable means of compliance and guidance material to Part 21, there were not enough time and resources to consider all comments. Therefore the responses to some of the comments, where they were found to be less urgent, were deferred for later consideration. In addition during the first year of implementing Part 21 and its AMC and GM, the text appeared to contain several errors and inconsistencies. This NPA contains proposals to address all these issues.

¹ OJ L 243, 27.9.2003, p. 6.

² Decision of the Management Board concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications and guidance material ("rulemaking procedure"), EASA MB/7/03, 27.6.2003.

II. Consultation

5. To achieve optimal consultation, the Agency is publishing the draft opinion and draft decision on its internet site. Comments should be provided within 3 months in accordance with Article 6(4) of the EASA rulemaking procedure.

Comments on this proposal may be forwarded (*preferably by e-mail*), using the attached comment form, to:

By e-mail: NPA@easa.eu.int

By correspondence: Ms. Inge van Opzeeland
Postfach 10 12 53
D-50452 Köln, Germany
Tel: +49 221 89990 5008

Comments should be received by the Agency **before 10-02-2005** and if received after this deadline they might not be treated. Comments may not be considered if the form provided for this purpose is not used.

III. Comment response document

6. All comments received will be responded to and incorporated in a Comment Response Document (CRD). This may contain a list of all persons and/or organisations that have provided comments. The CRD will be widely available ultimately when the Agency's opinion and decision are adopted.

IV. Content and discussion of the envisaged changes

7. Hereunder are described the envisaged changes and the reasons therefore. They are further detailed in the attached draft Commission Regulation and draft Agency Decision, which shall be read together with this explanatory document..

a. Environmental protection

Proposal: Replace the term “noise, fuel venting and exhaust emissions” by “environmental protection” in 21A.245(a) and GM 21A.101 item 4.a.

Justification: Consistency of terminology

b. Paragraph numbers consistency

Proposal: Make the paragraph numbering of 21A.125 and 21A.432 consistent with the other paragraph numbering.

Justification: Consistency in numbering of paragraphs

c. Mandatory Design Organisation Approval for TC holders of certain propellers

Proposal: Change the text of 21A.14(b)(5) by replacing “variable” with “adjustable”.

Justification: With the current text the TC holder of a variable pitch propeller would not be required to have a Subpart J DOA, although the design of those propellers is complex. If it was intended to cover variable pitch propeller then it would have sufficed to simply list “propeller”. The intent was to include fixed pitch propellers and adjustable pitch propellers for which the pitch can be varied and subsequently fixed on the ground. For variable pitch propeller the Agency considers that the design organisation shall hold a DOA.

d. Endurance flight tests, 21A.35(b)(2)

Proposal: Remove hot-air airships, hot-air balloons, free gasballoons and tethered gasballoons from the applicability of the requirement for 150 hour functional and reliability flying.

Justification: Consistency in approach of “light” aviation

e. Issue of certificate of airworthiness and restricted certificate of airworthiness

Proposal: Bring structure of the paragraphs 21A.183 and 21A.184 in line and delete the sentence “This may include inspections by the competent authority of the Member State of registry”

Justification: To bring internal consistency between the two paragraphs. The sentence “This may include inspections by the competent authority of the Member State of registry” is deleted because this is not a requirement and the authority already has the right to inspect without this provision, as confirmed in 21B.320.

f. Findings

Proposal: Restore consistency in the paragraphs related to “Findings” and their consequences by modifying 21B.225 to include “by the competent Authority”

Justification: Restore consistency.

g. 21A.263(b) Privileges

Proposal: Add “or” after semi-colon. Delete semi-colon at the end,

Justification: correction of error

h. 21A.307(a) Release of parts and appliances for installation

Proposal: Make text of 21A.307(a) consistent with the EASA Form 1

Justification: Internal consistency.

i. 21A.609(f) Obligations of holders of ETSO authorisations

Proposal: Correct cross-reference to 21A.3 instead of 21A.3(b), (c)

Justification: There is also an obligation for ETSO authorisation holders in 21.A3(a) and the new wording is consistent with the obligations for TC and STC holders.

j. 21A.801(d) Identification of products

Proposal: Amend text for balloons: delete “free” and add “load frame assembly”.

Justification: Requirement should also be applicable to tethered balloons. Moreover the Agency considers that the load frame assembly of a balloon should also be marked.

k. 21B.235 Continued surveillance

Proposal: Correct error by deleting repetition of “competent authority”

Justification: Correction of error.

l. EASA Form 1

Proposal: Completion instructions should reflect latest development of the JAA FORM 1 and errors on the form should be corrected.

Justification: Correct an error and implement the latest version of the completion instructions as agreed under the JAA.

m. EASA Form 15a

Proposals:

- replace “a member of the European Aviation Safety Agency” by “Member State of the European Union”
- delete “Aircraft Type”
- delete “ARC reference”

Justification: Correct an error and restore consistency with Part M. The ARC reference can be deleted because the ARC is already fully identified by the aircraft registration and the date of issuing.

n. EASA Form 24

Proposal: Delete reference to EASA logo

Justification: The Restricted Certificate of Airworthiness is issued by the Member State and not by EASA.

o. EASA Form 25

Proposal: Delete reference to EASA logo

Justification: The Certificate of Airworthiness is issued by the Member State and not by EASA.

Proposal: Change reference in Block 5 to Article 5(2)(c) instead of 5(3)(c)

Justification: Correction of drafting error.

p. EASA Form 52

Proposal: Block 17 should read "... condition **for** safe operation ..."

Justification: Correction of editorial error.

q. EASA Form 52 Completion Instructions

Proposal: delete first three paragraphs before " 1. purpose and scope" (transferred from AMC 21A.130(a) –related to privileges-)

Justification: Correct error in transposition of JAR-21

r. AMC 3 to 21A.129(c) / GM 3 to 21A.165(c)

Proposal: Replace the term "significant components" by "components that have special traceability requirements for continued airworthiness purposes".

Justification: The term "significant component" is not defined and therefore the intent of the technical records is now reflected. The components concerned should be identified by the design approval holder.

s. AMC 2 to 21A.130(b)

Proposal: Correct minor errors in the introduction paragraph.

Justification: Correction of errors.

t. GM 21A.145(c)(2)

Proposal: The source where the EASA Form Four can be found should be.

Justification: correction of cross-reference.

u. GM 21A.151

Proposal: Correct minor misspelling in scope B2

Justification: Correction of error.

v. GM No 3 to 21A.165(c)

Proposal: Correct numbering of items after item 15.

Justification: Correction of error.

w. GM 21A.804

Proposal: A new GM is introduced to clarify the intent of paragraph 21A.804. It is made clear that the requirement to mark parts with the name, trademark or symbol identifying the manufacturer, is only applicable when prescribed in the applicable design data.

Justification: A lot of questions were raised on the interpretation of this paragraph. There is a need to improve the text of the requirement itself but this will be part of a separate rulemaking activity dealing with identification of parts and appliances. In the mean time the proposed GM should help to remove the ambiguity.

x. GM No 1 and 2 to 21B.50

Proposal: GM No 1 and 2 to 21B.50 should both be deleted since there is no 21B.50 in Part 21

Justification: During the finalisation of Part 21 the paragraph 21B.50 was deleted and so should the two associated GM.

y. GM No 2 to 21B.220(c)

Proposal: Form 56 contains copied text from regulation 1702. However in some cases the text in the Form 56 does not take into account the amendments made during the adoption process of this regulation. This needs to be corrected.

Justification: Correct inconsistency with Part 21 itself

z. *AMC 21B.235(c)*

Proposal: To AMC 21B.235(c) should be added that after each continued surveillance cycle (2 years period for POA) the EASA Form 56 as completed by the POATL is countersigned by the person responsible within the Competent Authority's for his acceptance.

Justification: To clarify responsibilities within the Authority.

aa. *Approved organisations certificate number*

Proposal: Incorporate Agency approval numbering decision in 21A.263, EASA Form 55, EASA Form 65 and delete AMC No. 2 to 21B.230 as a result of the issuing of this decision

Justification: The Agency Decision 2004/04/RM regarding organisation approval reference numbering will have to be reflected in the rule and in the EASA forms. AMC 2 to 21B.230 can be deleted in total as it is superseded by the Agency Decision.

8. As promised in the relevant CRDs, the Agency has reviewed all other deferred comments on the original Part 21 and AMC/GM. This review leads it to reject or further defer some of the suggestions made at the time. The reasons therefore are described below:

a. *Coordination between design and maintenance*

Comment: Add coordination with maintenance organisations to 21A.4 Coordination between design and production.

Response: After consideration the Agency has not identified a need for a requirement regarding coordination in the field of continued airworthiness similar to production-design. Maintenance organisations already have an obligation to report airworthiness issues to the design approval holder, whereas design approval holders have an obligation to provide the most updated continued airworthiness information to known operators.

b. *Inspection frequency for POA Quality assurance and DOA Design assurance function*

Comment: The inspection frequency for the POA quality assurance function in 21A.139(b)(2) and the DOA design assurance function in 21A.239(a)(3) should be prescribed.

Response: This item is moved to rulemaking task MDM. 004 "Implementation of COrA in DOA and POA requirements", to be dealt with together with other consistency of organisation approval requirements issues. If agreed this could be included in GM No. 1 to 21A.139(b)(2).

c. *Change the term "handbook" into "exposition"*

Comment: Change "handbook" to "exposition" in 21A.243(a)&(c) & 21A.265(a).

Response: Because this is not just an editorial change the item is moved to rulemaking task MDM.004 "Implementation of COrA in DOA and POA requirements", to be dealt with together with other consistency of organisation approval requirements issues. The term "handbook" is also used in 21.A243(b), 21.A247, 21.A265(b) and 21.A605(e) and in many places in AMC and GM.

d. *Consistency of requirements related to "findings"*

Comment: Findings and consequences should be consistent.

Response: Consistency within Part 21 is improved. Consistency with other Parts, such as M and 145 is moved to rulemaking task MDM.004 “Implementation of CO_RA in DOA and POA requirements”, to be dealt with together with other consistency of organisation approval requirements issues.

e. 21A.263(c)(4) DOA Privileges

Comment: Add “AFM supplement” to the statement.

Response: After due consideration of this proposal the Agency came to the conclusion that there is no need to change the existing text: if changes to the AFM can be made, also changes to AFM supplements can be made.

f. 21A.606(c)

Comment: Consider reference to 21A.609.

Response: After due consideration of this proposal the Agency came to the conclusion that adding such a reference here is not appropriate.

g. EASA Form 52

Comment: Block 1 should also cover EASA.

Response: The Agency believes that there is no need to address EASA here: EASA is not a State.

h. EASA Form 55

Comment: Add Regulation number (1702)

Response: The Agency believes that a reference to Part 21 is sufficient.

i. AMC 2 to 21A.130(b) Form 1 for Subpart F

Comment: Reconsider the wording in paragraph 3 Block 4 with respect to responsibilities.

Response: The Agency has reviewed the wording and found it appropriate for its purpose.

V. Regulatory Impact Assessment

9. The proposals are expected to have no or only positive impact except for proposal 7.c above which is extending the obligation to hold a DOA to applicants for a type certificate or a supplemental type certificate for a variable pitch propeller. The Agency however believes that the added compliance costs for these applicants are justified by additional safety benefits. Because of the complexity of the design of such products the Design Organisation Approval can help in preventing design flaws and associated safety risks.

Draft

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⁽¹⁾
(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 ⁽²⁾ (hereinafter referred to as ‘the basic Regulation’), as last amended by Regulation (EC) No 1643/2003⁽³⁾ and adapted by Regulation (EC) No 1701/2003 (),and in particular Articles 5 and 6 thereof,

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 ⁽⁴⁾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 opinion⁵ 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 243, 27.9.2003, p. 6.

² OJ L 240, 7.9.2002, p.1.

³ OJ L 245, 29.9.2003, p. 7.

⁴ [To be issued.]

⁵ [To be issued.]

HAS ADOPTED THIS REGULATION:

Article 1

The following amendments to Part 21 of Commission Regulation (EC) 1702/2003 shall be made

[For ease of understanding deleted text is marked with ~~strike through~~ and new text is marked **bold underlined**. In the final Regulation the drafting will be done in accordance with Community guidelines.]

21A.14 Demonstration of capability

- (b).....
(5) a fixed or ~~variable~~ **adjustable** pitch propeller.

21A.35 Flight tests

- (b) The applicant shall make all flight tests that the Agency finds necessary:
(1)
(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.

21A.125A Issue of letter of agreement

21A.183 Issue of certificates of airworthiness

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

1-~~(a)~~ new aircraft:

- ~~(i)~~**1.** Upon presentation of the documentation required by 21A.174(b)(2).
~~(ii)~~**2.** When **the competent authority of the Member State of registry is satisfied that** the aircraft conforms to an approved design and is in condition for safe operation. ~~This may include inspections by the competent authority of the Member State of registry.~~

2-~~(b)~~ used aircraft:

- ~~(i)~~**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) ~~to 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
- (ii)2. when **the competent authority of the Member State of registry is satisfied that** the aircraft conforms to an approved design and is in condition for safe operation. ~~This may include inspections by the competent authority of the Member State of registry.~~

21A.184 Issue of restricted certificates of airworthiness

- (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** ~~demonstrating~~ 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 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 condition for safe operation. ~~This may include inspections by the competent authority of the Member State of registry.~~
- (b) For an aircraft that cannot comply with the essential requirements referred to in the Basic Regulation and which is not eligible for a restricted type-certificate, the Agency shall, as necessary to take account of deviations from these essential requirements:
 - 1. issue and check compliance with specific certification specifications ensuring adequate safety with regard to the intended use, and
 - 2. specify limitations for use of this aircraft.
- (c) Limitations for use will be associated with restricted certificates of airworthiness including airspace restrictions as necessary to take account of deviations from essential requirements for airworthiness laid down in the Basic Regulation.

21A.245 Approval Requirements

- (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, ~~noise, fuel venting and exhaust emissions~~ **and environmental protection** objectives for the product.

21A.263 Privileges

- (a)
- (b) Subject to 21A.257(b), compliance documents submitted by the applicant for the purpose of obtaining:
1.; or
 2.; or
 3. an ETSO authorisation under 21A.602(b)(1); **or**
 4. a major repair design approval
- shall be accepted by the Agency without further verification.
- (c)
1.
 2.
 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]."
 4. to approve documentary changes to the aircraft flight manual, and issue such changes containing the following statement : "Revision nr. xx to AFM ref. yyy, is approved under the authority of DOA nr.{EASA}.**21J**. [xyz]."
 5.

21A.307 Release of parts and appliances for installation

No part or appliance (except a standard part), shall be eligible for installation in a type-certificated product unless it is:

- (a) Accompanied by an authorised release certificate (EASA Form 1), certifying ~~airworthiness~~ **that the item was manufactured in conformity to approved design data and is in condition for safe operation**; and
- (b)

21A.432A Eligibility

21A.609 Obligations of holders of ETSO authorisations

- (f) Comply with 21A.3(b), (e), 21A.3B and 21A.4.

21A.801 Identification of products

(d) For manned ~~free~~ 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.

21B.225 Notification of findings

(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)

21B.235 Continued surveillance

(a) In order to justify the maintenance of the production organisation approval the Competent Authority ~~competent authority~~ shall perform continued surveillance:

1.

EASA Form 1

13. Remarks:

~~Part M Section A Subpart F organisation approval number: AAA RRR XXXX~~

14:

☐ approved design data and are in **a** condition for safe operation”

COMPLETION INSTRUCTIONS:

3. COMPLETION OF THE RELEASE CERTIFICATE BY THE ORIGINATOR

Block 9,

(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.

.....

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 a EASA Form 1 is not necessary. However where a POA holder releases **such** a standard part with a EASA Form 1 then it must be able to demonstrate that it is in control of the manufacture of that part.

EASA Form 15a

MEMBER STATE
~~a~~ Member State of the
European Aviation Safety Agency Union
.....
~~ARC REFERENCE~~

.....
Aircraft type:

EASA Form 24

~~EASA LOGO~~

EASA Form 25

~~EASA LOGO~~

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(~~3~~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.

EASA Form 52

”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 ~~of~~for safe operation.
The aircraft has been satisfactorily tested in flight.”

EASA Form 52

“AIRCRAFT STATEMENT OF CONFORMITY - EASA FORM 52

COMPLETION INSTRUCTIONS

~~For the purpose of Part 21 Section A Subpart F, Statement of Conformity means the EASA Form 52 for complete aircraft or the EASA Form 1 for other products, parts, appliances and/or materials.~~

~~Authorised person means a person identified as signatory in the Manual accepted by the Competent Authority and provided in accordance with 21A.125(b).~~

~~Responsible position means a position held by a person with terms of reference which include responsibility for product conformity, and who has sufficient authority to prevent the release of items which do not conform to the applicable design data and/or are not in condition for safe operation.~~

1 PURPOSE AND SCOPE

Use of the aircraft Statement of Conformity issued by a manufacturer producing under Part 21 Section A Subpart F is described under 21A.130 and the corresponding acceptable means of compliance.”

EASA Form 55

Sheet A:

REFERENCE: ~~NAA.G.XXXX~~ **MS.21G.XXXX**

Sheet B:

“ TA: ~~NAA.G.XXXX~~ **MS.21G.XXXX**”

“This document is part of Production Organisation Approval Number ~~NAA.G.XXXX~~ **MS.21G.XXXX** issued to”

EASA Form 65

Reference: [~~NAA~~].F.[~~XXX~~] **MS.21F.XXXX**

Article 2

Entry into force

This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Union.

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

Draft

DECISION No .../.. OF THE EXECUTIVE DIRECTOR OF THE AGENCY

of [...]

amending Decision No. 2003/1/RM of the Executive Director of the Agency of 17 October 2003 on acceptable means of compliance and guidance material for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organizations (“AMC and GM to Part 21”)

THE EXECUTIVE DIRECTOR OF THE EUROPEAN AVIATION SAFETY AGENCY,

Having regard to Regulation (EC) No 1592/2002 of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency¹ (hereinafter referred to as the “Basic Regulation”), and in particular Article 13 thereof.

Having regard to the 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 appliances², as well as for the certification of design and production organisations, as amended by Commission Regulation yyyy³.

Whereas:

- (1) The Agency should issue certification specifications, including airworthiness codes and acceptable means of compliance, as well as any guidance material for the application of the Basic Regulation and its implementing rules.
- (2) The annex of Commission Regulation 1702/2003 (called Part 21) has been modified by Commission Regulation yyyy, it is necessary to update as appropriate the related means of compliance and guidance material.
- (3) The Agency has, pursuant to Article 43 of the Basic Regulation, consulted widely interested parties on the matters which are subject to this Decision and following that consultation provided a written response to the comments received,

¹ OJ L 240, 7.09.2002, p. 1.

² OJ L 243, 27.09.2003, p. 6.

³ [To be issued, see proposal above]

HAS DECIDED AS FOLLOWS:

Article 1

The following amendments to Decision No. 2003/1/RM of the Executive Director of the Agency of 17 October 2003 shall be made

[For ease of understanding deleted text is marked with ~~strike through~~ and new text is marked **bold underlined**. In the final Decision the drafting will be done in accordance with Community guidelines.]

GM 21A.101

GM 21A.101 Establishment of the type-certification basis of Changed Aeronautical Products

4. EXPLANATION OF TERMINOLOGY

The following is a summary of the terminology used throughout this advisory or guidance material. Further explanations of some of these terms can be found in paragraphs 5, 6, 7, and 8.

a. Type-certification basis: the applicable airworthiness codes as established in 21A.17 and 21A.101, as appropriate, special conditions, equivalent level of safety findings; and exemptions applicable to the product to be certificated.

Note: This GM is not intended for determining the applicable aircraft ~~noise, fuel venting and engine emissions~~ **environmental protection** requirements for changed products.

AMC 3 to 21A.129(c)

AMC No. 3 to 21A.129(c)

Obligations of the manufacturer – Condition for safe operation

3 Technical records which identify the location and serial numbers of significant components **that have special traceability requirements for continued airworthiness purposes** including those identified in 21A.801 and 21A.805.

AMC 2 to 21A.130(b)

AMC No. 2 to 21A.130(b)

Statement of Conformity for Products (other than complete aircraft), parts, appliances and materials - The Authorised Release Certificate (EASA Form One)

A INTRODUCTION

This ~~GM~~**AMC** relates only to the use of the EASA Form One for manufacturing purposes. Attention is drawn to ~~Part 21, and~~ Appendix I to Part 145 which covers the use of the EASA Form One for maintenance purposes.

.....

GM 21A.145(c)(2)

GM 21A.145(c)(2)

Approval Requirements – Responsible managers

.....

The Competent Authority requires the nominated managers to be identified and their credentials submitted on an EASA Form Four (see ~~format in EASA administrative procedures~~ acceptable means of compliance and guidance material to Commission Regulation (EC) No 2042/2003, Appendix X EASA Form Four) to the Competent Authority in order that they may be seen to be appropriate in terms of relevant knowledge and satisfactory experience related to the nature of the production activities as performed by the Part 21 Section A Subpart G organisation.

.....

GM 21A.151

GM 21A.151

Terms of approval – Scope and categories

.....

- B1 Turbine Engines
- B2 Piston Engines Engines
- B3 APU's
- B4 Propellers

.....

GM 3 to 21A.165(c)

GM No. 3 to 21A.165(c)

Obligations of the manufacturer – Condition for safe operation

3 Technical records which identify the location and serial numbers of significant components that have special traceability requirements for continued airworthiness purposes including those identified in 21A.801 and 21A.805.

.....

15 Where applicable there should be a certificate for noise and for the aircraft radio station.

~~17~~6 The installed compass and or compass systems have been adjusted and compensated and a deviation card displayed in the aircraft.

~~18~~7 Software criticality list.

~~19~~8 A record of rigging and control surface movement measurements.

~~20~~19 Details of installations which will be removed before starting commercial air transport operations (e.g., ferry kits for fuel, radio or navigation).

~~24~~0 Where maintenance work has been performed under the privilege of 21A.163(d) issue a release to service that includes a statement that the aircraft is in a condition for safe operation.

~~22~~1 List of all applicable Service Bulletins and airworthiness directives that have been implemented.

.....

GM 21A.804

GM 21A.804

Identification of parts and appliances

It is not the intent of 21A.804(a)(1) to introduce an obligation for a production organisation (manufacturer) to mark new parts or appliances with information which is not defined by the design data. Therefore, the physical marking of parts and appliances is only required as prescribed by the applicable design data, established by the design approval (TC, STC, ETSO, repair, minor change) holder.

Marking requirements given by the applicable design data are influenced by relevant airworthiness codes and may vary depending on the part classification, but are fixed at the time of product certification or parts approval. Part marking, as a minimum, should always include a unique part number.

GM No 1 to 21B.50

~~GM No. 1 to 21B.50~~

~~Standardisation findings by the Agency~~

~~The competent authority of the Member State should respond in a positive manner to any findings identified during the standardisation activities by the Agency and should make any recommended changes in its interpretation of Part 21, its procedures or its organisation.~~

~~For standardisation purposes, the competent authority of the Member State should be prepared to accept participation of representatives of the Agency during activities related to Part 21.~~

GM No 2 to 21B.50

~~GM No. 2 to 21B.50~~

~~Standardisation – Means established by the Agency~~

~~The Agency may implement administrative and procedural means to ensure a uniform approach for the implementation of Part 21 throughout the Member States. This may require the individual Member States to adjust their procedures and processes (e.g. a standardised numbering system for approvals) accordingly.~~

GM No 2 to 21B.220(c)

GM No. 2 to 21B.220(c)

Procedures for investigation – General

PART TWO OF FIVE

21A.139 Quality System

(b) The quality system shall contain:

(1) As applicable within the scope of approval, control procedures for:

(ix) Airworthiness co-ordination with the applicant for, or holder of, a design approval.

(2) An independent quality assurance function to monitor compliance with, and adequacy of, the documented procedures of the quality system. This monitoring shall include a feedback system to the person or group of persons ~~specified~~

referred to in 21A.145(c)(2) and ultimately to the manager specified referred to in 21A.145 (c)(1) to ensure, as necessary, corrective action.

21A.145 Approval requirements

- (c) with regard to management and staff:
- (2) A person or a group of persons have been nominated by the production organisation to ensure that the organisation is in compliance with the requirements of this Part, and are identified, together with the extent of their authority. Such person(s) shall act under the direct authority of the ~~senior~~ **accountable** manager referred to in subparagraph (1). The knowledge, background and experience of the persons nominated shall be appropriate to discharge their responsibilities.

21A.147 Changes to the approved production organisation

- (b) The Competent Authority shall establish the conditions under which a ~~Subpart G approved~~ production organisation **approved under this Subpart** may operate during such changes unless the Competent Authority determines that the approval should be suspended.

PART THREE OF FIVE

Production organisation exposition

- (2) The title(s) and names of the ~~persons nominated~~ **managers accepted by the Competent Authority** in accordance with 21A.145(c)(2).
- (3) The duties and responsibilities of the ~~person~~**manager**(s) as required by 21A.145(c)(2) including matters on which they may deal directly with the Competent Authority on behalf of the organisation.
- (4) An organisational chart showing associated chains of responsibility of the ~~managers/persons~~ as required by 21A.145(c)(1) and (c)(2).
- (9) The procedure for the notification of organisational changes to the **Competent** Authority.

AMC 2 to 21B.230

~~AMC No. 2 to 21B.230~~

~~Approval reference number~~

~~The approval reference number must be a unique number allowing to trace any release issued by a POA holder to the respective authority approval. It also must be issued in a standardised manner between the EU Members States to easily allow identification of a production organisation approval in accordance with Part 21. Therefore the format of the approval reference number must comply with the Agency administrative procedures.~~

AMC 21B.235(c)

AMC 21B.235(c)

Continuation of POA

At the end of the 24 months continued surveillance cycle the POATL responsible for the POA should complete an EASA Form 56 (see GM No.2 to 21B.220(c)) as a summary report for the continued surveillance including the recommendation for continuation of the POA as applicable. **The EASA Form 56 should be countersigned by the person responsible within the Competent Authority for**

his acceptance. At this stage there is no limitation to the number of level two findings that may be open, provided they are within the time limits of the respective corrective action plans.

Article 2

This Decision shall enter into force on the day following its publication in the *Official Publication of the Agency*.

Done at Cologne,2005.

For the European Aviation Safety Agency,
Patrick GOUDOU
Executive Director