



Publication and Consultation of Certification Memoranda, Special Conditions, Equivalent Safety Findings, Deviations

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Publication and Consultation of Certification Memoranda, Special Conditions,
Equivalent Safety Findings, Deviations

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DOCUMENT CONTROL SHEET

Reference documents

EASA Management Board Decision 12-2007

a) Procedures

PR.CERT.00001 - Airworthiness of type design

b) Internal documents

- WI.CERT.00146 – CRI and CAI writing and management
- WI.CERT.00154 – Purpose, criteria, categories and format of Certification Memoranda
- FO.CERT.00139 – Tracking Sheet to issue a Certification Memorandum
- FO.CERT.00163 – Tracking Sheet to issue a Consultation Paper
- TE.CERT.00075 – CRI Consultation Paper
- TE.CERT.00141 – Certification Memorandum
- TE.RPRO.00064 – Comment Response Document (default, when Comment Response Tool (CRT) is used)
- TE.CERT.00142 – Comment Response Document (exception, when CRT is not used)

Note: Templates are available in “Certification Process Documents” in SEPIAC

Abbreviations/Definitions

a) Abbreviations

- AMC/GM: Acceptable Means of Compliance and Guidance Material
- CB: Certification Basis
- CEX: Chief Expert
- CPCM: Chief Project Certification Manager
- CRD: Comment Response Document
- CRI: Certification Review Item
- CP: Consultation Paper
- CPC: Consultation Process Coordinator (Senior PCM Function)
- CS: Certification Specification
- CM: Certification Memorandum
- Dev: Deviation
- DOT: Department of Transportation (USA)
- EASA: European Union Aviation Safety Agency
- ESF: Equivalent Safety Finding
- FAA: Federal Aviation Administration
- HoD: Head of Department
- NAA: National Aviation Authority
- NPA: Notice of Proposed Amendment





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PCM: Project Certification Manager
QE: Qualified Entity
SC: Special Condition
SenEX: Senior Expert
SenPCM: Senior Project Certification Manager
WI: Work Instruction

Log of issues		
Issue	Issue date	Change description
001	28/06/2011	First issue
002	15/10/2019	Second Issue. Update to reflect: <ul style="list-style-type: none"> the current organisation, introduction of new CM criteria (limited life of 2 years), simplification of the process for CM category 2, introduction of the Consultation Process Coordinator (CPC) role, inclusion of publication of SC/ESF Dev
003	26/03/2024	Third Issue. Update to clarify the process in the context of DFP IAW Improvement project Workstream 7. The purpose, criteria, categories and format of Certification Memoranda is moved to WI.CERT.00154.

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1. Purpose and scope

EASA Management Board Decision 12-2007, dated 11 September 2007, Article 3 (2.) requires that Deviations (DEV) from the applicable airworthiness codes, environmental protection certification specifications and/or acceptable means of compliance with Part 21, as well as important Special Conditions (SC) and Equivalent Safety Findings (ESF) shall be subject to a public consultation of at least 3 weeks.

This Work Instruction provides instructions for the management of internal consultation and public consultation of Certification Memoranda (CMs) as well as of Special Conditions (SCs), Equivalent Safety Findings (ESFs), and Deviations (DEV).

Interpretative Material (IM) and Means of Compliance (MoC) to SC do not need to be externally consulted. They may be published to support the public consultation of the SC or may be also published for public consultation. If decided to be externally consulted, this data shall follow the same process.

Writing and management of Special Conditions (SCs), Equivalent Safety Findings (ESFs), and Deviations (DEV) is described in WI.CERT.00146.

The purpose, criteria, categories and format of Certification Memoranda is described in WI.CERT.00154.

This Work Instruction describes:

- How to process CMs and Consultation Papers¹ (CPs) for SCs, ESFs and DEVs for public consultation
- The responsibilities of different actors in the drafting, internal consultation and EASA internal release of proposed CMs and CPs for public consultation
- The publication for external consultation
- Resolution of external comments and
- The publication of final CMs, SCs, ESFs and DEVs and their archiving

This Work Instruction affects anyone who prepares, reviews, validates, approves and manages the public consultation process of CMs/ESFs/SCs/DEVs. It also details the liaison with IT and the Communications Department for publication of documents on EASA website for public consultation.

2. CM, SC, ESF, DEV Development and Consultation Process

The process for development and consultation of a CM, SC, ESF, DEV follows the steps detailed below and as shown in the flowchart of Figure 1 in the Appendix of this WI. Step 2 is different for CMs compared to the process used for CPs and therefore, it is described separately for these two types of documents.

Default timelines are given for each step that are different for CMs and CPs in some steps. Such default timelines provide a general reference of the time targeted for standard CMs/CPs and might be determined differently for the specific steps depending on the priority, workload and extent of work related to the individual CM / CP.

Step 1 – Identify the need for consultation

The need to develop a CM or to initiate a CP process for a SC/ESF/DEV should be identified by the project certification team or could be identified by any EASA staff in coordination with the Senior or Chief of the primarily

¹ For the purpose of this WI SCs, ESFs and DEVs are called “Consultation Papers” when initially published for external comments in the “proposed” status.





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affected technical domain, i.e. senior/chief expert if related to CS or senior/chief PCM if related to processes (CM category 1)(identifying group).

The criteria for a public consultation are:

- for CMs the public interest for future certification projects and to ensure equal treatment of industry, and
- for CPs on SCs, ESFs and DEVs described by WI.CERT.00146 chapter 2.4, item 6.

Note:

In the case of a request to initiate a CP process for a SC/ESF/DEV, for awareness the Section Manager (SM) is to be informed by the PCM on project level before this Step 1 – Initiation.

a) The identifying group describes briefly,

- the objective of the CM and how it could improve the current IAW/VAL/CAW process (in case of CMs category 1), or
- the SC/ESF/DEV. Typically this could be provided through a copy of the draft/latest CRI used in the context of the associated certification project. It is recommended that SCs/ESFs/DEVs developed in the context of an ongoing certification project are in a mature/ finalised version (i.e. after conclusive discussion between the PCM, Expert(s), and Applicant and just pending administrative closure) before they are sent to the responsible CPC with the proposal to initiate the CP process .

b) The Senior or Chief of the primarily affected technical domain², product or process:

- proposes the author and drafting team responsible for the drafting of the CP under step 3, default is:
 - For SC/ESF/DEV => team Expert and PCM of the associated certification project + SenEX of the primarily affected technical domain,
 - For CMs category 2 => SenEX of the primarily affected technical domain.
 - For CMs category 1 => Chief PCM of the primarily affected process

The default member may also decide to delegate the membership in the drafting team entirely to a Senior or other experienced Expert/PCM. If in this case the default member wants to be involved at a later stage, e.g. before step 5, this should be handled between the drafting team and the default member directly.

- identifies all potentially affected products, sections and departments
- proposes other affected products and secondarily affected technical domains that should be involved later at step 4 or step 5 for specific technical advice, and
- identifies if the need is seen to seek an upfront involvement of bilateral partner(s) at the end of step 4 following completion of the technical review and/or the legal department during step 5.
- proposes an adaptation of the default timeline if needed depending on the priority and the related extent of work.
- requests a CM reference from the CT.5 focal point as per WI.CERT.00154, if there is no applicable “Master Technical Subject reference” from the SEPIAC Master CRI Repository, to ensure a unique reference per CM. The entry for the new CM shall be added in the Management and consultation database.

c) Based on the nature of the consultation subject the identifying group should send a request for initiation of:

- a CM process to the appropriate CT management, being the CT.5 HoD for CMs category 1 and the lowest common management level of the affected products for CMs category 2 using the form FO.CERT.00139, or
- a CP process for a SC/ESF/DEV to the responsible CPC using the form FO.CERT.00163

including the information listed under items a) and b) above.

² For the purpose of this working instruction, technical domains are defined in accordance with the list of subjects for which EASA has introduced the function of Senior Experts.



**Step 2 – Confirm the initiation of the CM / CP Process****a) Certification Memorandum**

Following the review of the request provided under step 1, the responsible CT management level, as defined under step 1c), confirms (or not) the initiation of the CM process on the proposed subject. If confirmed, the CT management:

- ensures the completeness of the drafting team³,
- checks and confirms the impacted products and the secondarily affected technical domains that are to be involved
- checks and confirms the need of upfront involvement of bilateral partner(s).
- checks and confirms the proposed timeline.

In case of an update of an already existing CM with a new issue, the step 2 is performed by the CPC.

Timeline – 5 working days

b) Consultation Paper for proposed SC / ESF / DEV

Following the review of the requested public consultation provided under step 1, the CPC confirms (or not) the initiation of the CP process on the proposed SC/ESF/Dev. For that purpose the CPC:

- confirms that no previous SC/ESF/DEV exist on this subject. In case that the actual request proposes changes to an existing SC/ESF the CPC should check with the relevant SenEX if the subject changes are considered important in accordance with EASA Management Board decision 12/2007.
- ensures the completeness of the drafting team as proposed by step 1b,
- checks and confirms the secondarily affected technical domains and products that should be involved,
- checks and confirms the need of upfront involvement of the legal department and bilateral partner(s),
- informs the CT.5 focal point about the upcoming CP.

In case of potentially controversial topics, the CPC informs the affected management levels.

The management decision taken under step 2a) shall be reported to the CPC and CT.5 focal point. The CPC decision taken under step 2b) shall also be reported to the CT.5 focal point. The entry for the new CM / CP will be added in the Management and consultation database and in the list of prospective CM / CP on the EASA website by the CT.5 focal point.

Timeline – 5 working days

Step 3 – Drafting of the CP/ proposed CM

Once the need for the public consultation of a new or revised CM, SC, ESF or DEV is confirmed under step 2, the author completes the drafting of the proposed CM / CP with the support of the drafting team (if assigned).

At the completion of step 3, the author provides the draft proposed CM/CP to the relevant EASA stakeholders for the internal technical review (step 4), which are:

- the CPC. In case that more than one CPC should be affected, all affected CPCs shall be informed and the CPC of the firstly affected product line should be in charge.
- the CT.5.1 SM respectively the delegate (for rulemaking aspects)
- the SenEXs of secondarily affected technical domains, if any
- the Chief PCM of the primarily affected process (IAW, VAL, CAW) (for CMs category 1)

³ In case it is decided by CT management that a CM should be drafted with the support of external parties/industry, this is clearly indicated in the proposed CM provided for publication.





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- the Chief Expert of the primarily affected technical domain (for CPs and CMs category 2)

Timeline – 10 working days for CPs / to be determined by management for individual CM

Step 4 – EASA Internal Technical Review of the Draft CP/proposed CM

The EASA stakeholders as described by the previous steps perform their technical review of the document.

In this context the CPC checks if:

- all relevant stakeholders as identified in steps 2 and 3 are included in the distribution of the document(s)
 - the format of the document is in accordance with the standards used (usage of correct templates TE.CERT.00075 for CPs and TE.CERT.00141 for CMs)
- the draft CP/proposed CM is well structured, readable and technically comprehensible⁴. Any concerns on these aspects should be discussed and resolved between the CPC and the drafting team.
- the final draft proposed CP needs to be reviewed by Legal Department during step 5 before the official publication. In accordance with WI.CERT.00006 the Legal Department should be informed and consulted when decisions may result in formal appeals or complains to the Agency.

This check is a shared duty between the CPC and the technical reviewer from CT.5. In case that the CPC and/or CT.5 identifies a need for involvement from the Legal Department before publication, this should be confirmed with the appropriate CT management level (same as involved in step 5).

All comments raised by the technical reviewers go back to the author, who updates the draft CP/proposed CM until common agreement is reached. If needed, the CPC supports the resolution of controversial comments between the involved parties.

Timeline – 10 working days for CPs / 15 working days for CMs

Following completion of the EASA internal technical review and, if decided under Step 2, the author coordinates the mature draft CP/proposed CM with his bilateral partners' counterparts on technical level. Comments should be sought within a clearly defined deadline (as e.g. 3 weeks, unless the content of the CP/CM is complex). In parallel the subject to be consulted should be shortly presented in the affected EASA safety boards to raise a broad awareness in the certification organisation.

At the completion of step 4⁵, the CPC distributes the final draft CP/proposed CM for the managerial review (step 5) to:

- the lowest common CT management level of the affected products and
- the legal department (if confirmed previously by the appropriate CT management level under this step 4).

Step 5 – Managerial Review of the Final Draft CP/proposed CM

The responsible manager and legal department (if identified under step 4) perform their review of the document to check if the final draft CP/proposed CM is ready for publication.

- Any technical comment is to be provided directly to the author (CPC should be copied), who updates the final draft CP/proposed CM until common agreement is reached.
- If the comments are editorial only, the feedback is to be provided to the CPC.

As soon as all comments are resolved, the responsible manager confirms the agreement to the publication of the final CP/proposed CM to the CPC.

⁴ The independent check of the technical comprehensibility of the CP is considered as one of the most important tasks for the involvement of the CPC during the internal consultation in order to ensure the highest quality of the final documents published by EASA in the context of this process.

⁵ In urgent cases or if agreed with CT management, the CPC may initiate the step 5 even before the completion of step 4.





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Timeline – 5 working days (this does not include the timeline needed for a review by legal department)

Step 6 – Initiation of final CP / proposed CM external consultation

When all EASA technical and managerial internal stakeholders confirmed agreement with publication the CPC sends a request for publication to “CT.5 Admin Support” by using the template e-mail shown in the Chapter 3 of this WI including:

- the final CP / proposed CM in MS WORD format and
- all information required by the template e-mail.

The CPC copies all parties involved in the drafting of the CP/CM during steps 1-5 for information.

“CT.5 Admin Support” will upload the CP/CM to the EASA Comment Response Tool (CRT) application, liaise with “website@easa.europa.eu” to request the publication on the EASA homepage and updates the database for public consultations.

Note: The table of contents of the CP/CM will be used by the CRT to segment the document and organise the comments received. The CPC should check that an adequate table of contents is included before submitting a final CP/proposed CM for publication

Timeline – 3 working days

Step 7 – Consultation Phase

During the consultation phase interested external parties may review the CP/ proposed CM and provide comments through the EASA CRT application. The default consultation period is 3 weeks, but this time duration could be extended by EASA:

- to accommodate for holidays periods,
- in case of complex subjects published for consultation or
- on request from external parties (bilateral partners, industry stakeholders).

The decision to use an extended consultation period need to be confirmed by CT management.

Timeline – 15 working days (for standard consultation period)

Note to be published on the consultation website:

In order to support an appropriate resolution of comments by EASA later on, the commenters should clearly explain their concern. Most important for the efficient review of external comments by EASA is for the commenter to identify if a modification of the published text is:

- *not requested,*
- *recommended or*
- *requested.*

The commenter should propose a detailed text for a requested text change or suggest how the concern could be resolved.

If a commenter does not clarify the above aspects, comments may not be taken into account.

Step 8 – Comment Response Phase

Following the completion of the consultation phase “CT.5 Admin Support” checks if any comment is received from external parties. If this is not the case, “CT.5 Admin Support” informs the CPC who proceeds with the preparation of the SC/ESF/DEV or final CM (Step 11) and directly initiate its publication.

Otherwise the following actions are to be performed:





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- The “CT.5 Admin Support” extracts the comments from the EASA CRT application and prepares a draft CRD using the template TE.RPRO.00064. The draft CRD is sent to the author, copying the CPC.
- The author with the support of the drafting team (if assigned) prepares the draft EASA responses and include them in the draft CRD. Furthermore, the author updates the text of the draft SC/ESF/DEV/CM, if needed for resolution of comments.

Timeline – 10 working days for CPs / 1 month for CMs

At the completion of step 8, the author sends the filled draft CRD and draft SC/ESF/DEV/CM (if updated) to the relevant stakeholders for the technical review that have already been involved under step 4.

In rare cases, and based on an extensive number and complexity of comments received during step 7 it might be decided by the author and the drafting team that the proposed SC/ESF/DEV/CM needs extensive rework and another loop of consultation:

- either with the publication of a CRD and an updated version of the CP/CM (in this case the steps 9 to 11 are followed as usual, but the process goes back to step 6 afterwards),
- or without a publication of a CRD (in this case the process goes back to step 3, but an explanation is to be included on the EASA webpage at the next publication, step 6).

Step 9 – Technical Review of the Draft CRD and draft SC/ESF/DEV/CM

The relevant stakeholders perform their technical review of the document(s).

In this context the CPC checks if:

- All relevant stakeholders as determined in step 4 are included in the distribution of the document(s).
- The draft CRD addresses all comments raised during the consultation phase (step 7)
- The proposed “EASA comment dispositions” and “EASA responses” are readable and technically comprehensible.
- The draft SC/ESF/DEV/CM is updated in accordance with the proposed “EASA responses”, if needed.

As under step 4, all comments raised by the technical reviewers go back to the author, who updates the draft CRD and draft SC/ESF/DEV/CM until common agreement is reached. If needed, the CPC supports the resolution of controversial comments between the involved parties.

Timeline – 10 working days for CPs / 15 working days for CMs

At the completion of step 9, the CPC distributes the final draft CRD and SC/ESF/DEV/CM to the relevant stakeholders for the managerial review that were involved under step 5.

Step 10 – Managerial Review of the Final Draft CRD and Final Draft SC/ESF/DEV/CM

The responsible manager performs the managerial review of the document(s) as described in step 5. As soon as all comments are resolved, the responsible manager confirms the agreement to the publication of the final CRD and final SC/ESF/DEV/CM to the CPC.

Timeline – 5 working days for CPs / 10 working days for CMs

Step 11 – Preparation of Final Publication

When all EASA stakeholders confirmed agreement for final publication the CPC introduces any editorial comment to the final CRD and/or SC/ESF/DEV/CM provided during step 10.

In case that no comments are provided during the consultation phase (step 7), the CPC:





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- prepares the Final SC/ESF/DEV/CM from the consulted CP/ proposed CM and
- informs the internal stakeholders that no comment is received.

At the completion of step 11, the CPC initiates the publication of the Final SC/ESF/DEV/CM & CRD (Step 12).

Timeline – 2 working days

Step 12 – Initiation of publication (SC/ESF/DEV/final CM & CRD)

The CPC sends a request for publication to “website@easa.europa.eu” by using a similar template e-mail as under step 6 and shown in the Chapter 3 of this WI including:

- the final CM/SC/ESF/DEV in PDF format,
- the final CRD in PDF format,
- all information required by the template email.

The CPC copies all parties for information that have already been copied under step 6 (including “CT.5 focal point” to update the database for public consultations).

General Guidelines:

The file to be published for consultation, the CRD and the final version of the file shall be uploaded to the same website.

The list with the nominated CPCs and all other needed functions is maintained by CT.0.1 in the “Master Team List of CT Directorate” and published in the SEPIAC repository for “Certification Process Documents”.

At the end of the process a webpage is created for each consulted CM, SC, ESF and DEV. The webpage lists the , Proposed document, filled CRD and Final Document.

3. Template E-Mail for Consultation and Publication

Template e-mail to “CT.5 Admin Support” (for consultation) / website@easa.europa.eu (for publication of final paper) with enclosures as described in step 6 and step 12 of chapter 2:

Please upload the attached file to the EASA CRT application and initiate publication of the below information on our website:

1- URL:

- For the first public consultation, the generic domain: <http://www.easa.europa.eu/document-library/public-consultations> (a specific page for the publication will be created under this domain)
- For subsequent publications, including the final publication, the specific webpage created above
- Only For the final publication of a CM and in addition to b., the webpage with the list of CMs: <http://easa.europa.eu/certification/certification-memoranda.php>

2- Title of the upload: (Proposed) CM / Consultation Paper for SC/ ESF/DEV ref. XXXXXXXX Issue X on “TITLE”

3- Date of upload: dd-mm-yyyy

4- File(s) to be uploaded:

- For the public consultation: proposed CM / CP as MS WORD (Consultation) and PDF (Publication)
- For the final publication: final CM, SC, ESF, Dev as PDF and final CRD as PDF

5- Period of consultation: until dd-mm-yyyy (3 weeks / extended to x weeks)

6- NOTES:





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- a. Official comments to the proposed CM / Consultation Paper are to be filed through the EASA Comment Response Tool.
[Optional for CMs especially after release of the final CM]
- b. Technical questions should be sent to *[author]*.

4. Record Keeping

The departmental CPC keeps an electronic file of each CM, SC, ESF, DEV that has been initiated.
The official file should include:

1. Tracking Sheet to issue a CM, FO.CERT.00139, containing management agreement to proceed (for CMs)
2. Tracking Sheet to issue a Consultation Paper, FO.CERT.00163 containing CPC agreement to proceed (for SCs/ ESFs/ DEVs)
3. Copies of validation/approval emails
4. A copy of the Proposed CM / CP that went out for public consultation
5. Copies of the public comments received
6. A copy of the 'published' final CM, SC, ESF, DEV and related CRD

All relevant files shall be stored also in SEPIAC.





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Appendix Flowchart

Step 1

CM (FO.CERT.00139)

SC/ESF/DEV (FO.CERT.00XXX)

Step 2

Step 3

Step 4

Yes

- Coordinate draft CP/
proposed CM with
bilateral partners
(if decided under step 2)

No

Step 5

technical

None or editorial only

Step 6

Step 7 see next page ...





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[Step 6, see previous page ...](#)

[Step 7](#)

NO

YES

[Step 8](#)

[Step 9](#)

YES

NO

[Step 10](#)

technical

None or editorial only

[Step 11](#)

[Step 12](#)

