



EUROPEAN AVIATION SAFETY AGENCY
AGENCE EUROPÉENNE DE LA SÉCURITÉ AÉRIENNE
EUROPÄISCHE AGENTUR FÜR FLUGSICHERHEIT

Airworthiness Directives Regulatory Framework

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- International legal context
- EU legal context
- Legal constraints
- ADs: scope consideration
- Emergency Conformity Information
- Other issues

Responsibilities of State of Design (SOD)

- ▶ Transmit to States of Registry (SOR) information necessary for the continuing airworthiness
- ▶ Notify suspension and revocation of TC to the SOR
- ▶ Put in place a system of reporting and analysis of in-service events for large aircraft

Responsibilities of State of Registry (SOR)

- Advise SOD when entering aircraft on register
- Take action upon receipt of mandatory continuing airworthiness information from SOD
- transmit to SOD all mandatory continuing airworthiness information it originates.
- Set up system for occurrence reporting to design organisation.



EASA legal context

- EU Agency cannot set binding standards of general application (“Meroni-case”)
 - Only European Commission can issue generally binding rules
 - System like FAR-39 impractical for urgent issues
- EU Agency can implement EU law with individual legal decisions



Basic regulation (216/2008):

- ▶ Article 20(1): Agency to carry out on behalf of Member States the functions and tasks of the State of design, manufacture or registry when related to design approval
 - » 20(1)(j): the Agency shall ensure the continuing airworthiness of the products it has certificated, including reacting without delay to a safety problem and shall issue and disseminate mandatory information

Basic regulation (216/2008):

- ▶ Article 15 (information network):
obligation to exchange safety information
in addition to mandatory information

IR certification (748/2012):

- Part 21A.3B Airworthiness Directives
 - Confirms responsibility of Agency to issue ADs
 - Elaborates scope and process to issue ADs
 - AD is individual decision: mandatory amendment to TC
 - Not directly legally binding as law
 - Additional law to make AD binding: ➡

IR Maintenance (2042/2003)

- M.A.201 Continuing airworthiness responsibilities:
 - the owner or operator is responsible for the continuing airworthiness of the aircraft.
- M.A.301 Continuing airworthiness tasks:
 - All aircraft must comply with any applicable AD
- M.A.303 Airworthiness Directives:
 - any applicable AD must be carried out



Legal context: Summary

- ICAO Annex 8 assigns responsibilities on SOD and SOR
- The Agency discharges the design approval related SOD and SOR responsibilities on behalf of MS
- Article 20(1)(j) assigns the responsibility to the Agency for reacting to a safety problems

- Part 21 confirms and details the responsibilities of the Agency and of the design approval holders for ADs
- The obligation for operators and owners to comply with AD is included in Part-M
- Member States are responsible for implementing Part-M

EASA ADs are formally addressed to the design approval holder:

➤ Because:

- the EASA AD is a design related decision affecting the TC and its holder
- the Agency cannot issue rules of general applicability addressing unspecified owner(s) / operator(s)

➤ Nevertheless ADs are binding for operators and owners though Part-M



Scope considerations

- Article 20(1): EASA can only issue ADs when related to design approval
- EASA can issue AD when the AD includes a design approval
 - To correct design deficiency
 - In case of non-conformity
 - Acceptance of the non-conformity, subject to conditions
 - Inspection, replacement or modification within specified time frame (delayed implementation is design related)

Remaining non-conformity cases where no AD can be issued:

- no design approval included in the AD: need to put back immediately the affected aircraft into conformity with approved design
- No unsafe condition: acceptance of the non-conformity without conditions.



“Emergency Conformity Information”

- When non-conformity needs to be corrected immediately: No AD, but:
 - “Emergency Conformity Information” issued by the Agency (article 15)
 - NAA to take appropriate enforcement action
 - Not happened since introduction in 2008

Handling of deviations to AD:

- AD is Agency document: only Agency can allow deviations
- Alternative or additional information by TC holder: amended AD
- Alternative design solution is approved by EASA as a design change
- Extension of general compliance schedule can be approved by the Agency
- Extension of compliance can be allowed by NAA using article 14(4)



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Thank You

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