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To:
- **EASA Production Organisation Approval (POA) holders and applicants for which EASA acts as Competent Authority, and**
- **EASA/NAA inspectors allocated/seconded to the oversight or the initial certification of the above-mentioned organisations**

Subject: Implementation of Safety Management System requirements in Part 21 Production Organisations (POA) for which EASA acts as Competent Authority, in accordance with Commission Implementing Regulation (EU) 2022/203, Commission Delegated Regulation (EU) 2022/201 and Commission Implementing Regulation (EU) 2022/1253

To Whom It May Concern,

The intention of this letter is to provide information on the forthcoming changes introduced by Commission Implementing Regulation (EU) 2022/203, Commission Delegated Regulation (EU) 2022/201, and Commission Implementing Regulation (EU) 2022/1253 amending Commission Regulation (EU) No 748/2012 and its Annex I (Part 21), introducing, among other changes, Safety Management System (SMS) requirements for Production Organisation Approval (POA) holders and applicants.

It also intends to provide guidance on the implementation of these changes and how EASA, acting as Competent Authority, will manage the related transition phase.

1. Applicability

Commission Implementing Regulation (EU) 2022/203, Commission Delegated Regulation (EU) 2022/201 and Commission Implementing Regulation (EU) 2022/1253 shall apply from 7 March 2023. Production organisations already holding a valid approval at this date are given a grace period of 2 years to correct any finding of non-compliance related to the new requirements introduced by the regulations mentioned above. Therefore, all the findings have to be corrected by 7 March 2025 at the latest.

2. Main changes

The new regulations introduce a number of new or amended requirements affecting the organization structure, management personnel, processes, and procedures. The AMC and GM material is expected to be published in the following months, which will facilitate the identification of changes and help organisations during the transition period.

3. Implementation of the changes

The implementation of the regulations will be different depending on the status of the Production Organisation Approval, as described in the following paragraphs.

3.1. Organisations holding a valid POA before 7 March 2023

Organisations intending to maintain their POA valid need to comply with the updated Part 21 as of 7 March 2023. In case of non-compliance with the new requirements introduced by Commission Implementing Regulation (EU) 2022/203, Commission Delegated Regulation (EU) 2022/201, and Commission Implementing Regulation (EU) 2022/1253 EASA will raise one (or more) finding(s) which shall be closed by 7 March 2025. If an organisation has not closed the related finding(s) after 7 March 2025, the approval certificate shall be revoked, limited, or suspended in whole or in part.

3.1.1 Application for SMS implementation by approval holders

Considering that the compliance with SMS requirements will have an important impact on procedures, processes, and organizational structure, an application package is expected as per 21.A.147 any time after the date of this letter, and should include the following elements:

- EASA Form 51 containing a clear statement in block “4.1 General” indicating that the significant change application is related to SMS implementation (e.g., “SMS implementation in accordance with Regulation (EU) 2022/201”). It is recommended that this application is not combined with another change (e.g., scope of approval, name change, etc.) to avoid that any delay in SMS implementation impacts other business development changes;
- an implementation plan including timelines for compliance with the new regulation;
- a revised POE reflecting the amended procedures i.a.w. Commission Implementing Regulation (EU) 2022/203, Commission Delegated Regulation (EU) 2022/201, and Commission Implementing Regulation (EU) 2022/1253

Note 1: Incomplete application packages will be rejected by EASA and returned to the applicant with an explanation.

Note 2: It is recommended to wait until the publication of the AMC/GM before drafting the POE and submitting an application to EASA.

3.1.2 Management of SMS implementation by EASA

EASA will apply the following approach during the transition period from 7 March 2023 to 7 March 2025:

- the oversight of the POAs will be performed according to Regulation (EU) 748/2012 as amended by Regulation (EU) 2022/201, Regulation (EU) 2022/203, and Regulation (EU) 2022/1253;

- at the time of the next audit of an Organisation not yet compliant with Commission Implementing Regulation (EU) 2022/203, Commission Delegated Regulation (EU) 2022/201, and Commission Implementing Regulation (EU) 2022/1253, EASA will raise a generic “SMS transition finding” (instead of raising non-compliances against each individual regulatory paragraphs introduced by the new Regulation). The due date of this finding will be set to 7 March 2025, however Organisations are strongly encouraged to provide their corrective actions as early as possible before the finding deadline. In case of identified non-compliances against requirements not impacted by the new Regulation, EASA will raise findings as per the usual process ;
- the Organisation will be considered compliant with SMS in accordance with Commission Implementing Regulation (EU) 2022/203, Commission Delegated Regulation (EU) 2022/201, and Commission Implementing Regulation (EU) 2022/1253 at the approval of the SMS-related Significant Change, based on an EASA Form 56 recommendation issued by the relevant Inspector. As with any Significant Change, the POA holder will receive the formal approval through a letter sent by email. There will be no change to the EASA Form 55 certificate, which remains valid. It is understood that the maturity of the SMS within an Organisation needs time to develop in order to be effective and the approval of the SMS-related Significant Change is meant to show that the required enablers of a functioning management system are present and suitable;
- for Organisations where the SMS-related Significant Change cannot be approved by 7 March 2025 (i.e. the “SMS transition finding” becomes overdue), EASA will suspend the Production Organisation Approval.

3.2. Applicants for an initial POA

As from 7 March 2023 a new POA certificate can only be issued to organisations which are also compliant with the “new Part 21” (as amended by Commission Implementing Regulation (EU) 2022/203, Commission Delegated Regulation (EU) 2022/201, and Commission Implementing Regulation (EU) 2022/1253). The following cases apply:

(a) Initial investigations already on-going at the date of this letter

The application and related investigation are expected to comply with the “old Part 21” (before Commission Implementing Regulation (EU) 2022/203, Commission Delegated Regulation (EU) 2022/201, and Commission Implementing Regulation (EU) 2022/1253) and should be completed before 7 March 2023, with the issuance of the approval certificate by EASA. It is however not forbidden to implement the requirements of the “new Part 21” prior to this date, but the compliance will be checked by EASA only after the rules become applicable.

After the issuance of the approval, the process described in point 3.1 of this letter applies.

Note: The Organisation should ensure to have closed all findings related to the initial investigation by 7 January 2023, to allow the allocated Inspector to issue the recommendation for the initial approval by 7 February 2023. For all the recommendations received before this date, EASA commits to issue the related approval certificates before 7 March 2023.

If the initial approval certificate is not issued by 7 March 2023, the initial approval certificate can only be issued once compliance with Regulation (EU) 2022/201 has been demonstrated and verified.

(b) Organisations applying for an initial POA after the date of this letter

EASA recommends that any new organisation applying for a POA should directly target compliance with the “new Part 21” as amended by Commission Regulation (EU) 2022/201. This is justified by the fact that the standard timing to issue an initial approval is more than 8 months from the application date and the remaining time before March 2023 is normally not compatible with the issuance of an approval by 7 March 2023. Nevertheless, organisations intending to comply with the “old Part 21” should clearly specify their intention at the time of application, and a feasibility review will be performed by EASA before acceptance.

(c) Organisations applying for an initial POA after 7 March 2023

The application and related investigation are expected to comply with the “new Part 21” (as amended by Regulation (EU) 2022/201).

The initial approval certificate can only be issued once compliance with Regulation (EU) 2022/201 has been demonstrated and verified.

3.3. Organisations holding a Suspended or Limited POA approval before 7 March 2023

Depending on the reinstatement timeframe, the following cases apply:

(a) Approval reinstated before 7 March 2023

The approval can be reinstated according to the “old Part 21” (before Regulation (EU) 2022/201). After reinstatement, the process described in point 3.1 of this letter applies.

(b) Approval reinstated after 7 March 2023

The approval can only be reinstated according to the “new Part 21” as amended by Commission Regulation (EU) 2022/201.

EASA remains available to answer any question and support the Organisations during this important update of Part 21.

POA holders and applicants should contact their allocated Inspector.

Organisations interested in an EASA POA but having not yet applied should contact our functional mailbox foreignPOA@easa.europa.eu

Yours faithfully,

Olivier TRIBOUT