European Union Aviation Safety Agency

Explanatory Note to ED Decision 2023/013/R
in accordance with Article 4(2) and 7 of MB Decision 01-2022

Acceptable means of compliance and guidance material
to Annex Ib (Part 21 Light) to Regulation (EU) No 748/2012 and
to the annexes to Regulation (EU) No 1321/2014

RELATED NPA: 2023-101 (#1, #2, #3, #4 & #5) — RMT.0727 PHASE 1

EXECUTIVE SUMMARY

This Decision issues acceptable means of compliance (AMC) and guidance material (GM) to Annex Ib (Part 21 Light) to Regulation (EU) No 748/2012 and to Annex I (Part-M), Annex II (Part-145), Annex III (Part-66), Annex Vb (Part-ML), Annex Vc (Part-CAMO) and Annex Vd (Part-CAO) to Regulation (EU) No 1321/2014 with the objective to provide affected stakeholders with cost-efficient and proportionate means to comply with the regulatory requirements in the fields of the initial and continuing airworthiness of aircraft intended primarily for sport and recreational purposes.

Compared to Part 21, Part 21 Light provides a lighter approach to the certification of those general aviation (GA) aircraft and introduces the possibility for a declaration of design compliance to be submitted as an alternative to certification. Part 21 Light also provides for the possibility to demonstrate design and production capabilities through a declaration, instead of an approval, and for certain production activities the demonstration of production capabilities is not required at all. These new possibilities in the field of initial airworthiness are also reflected in the field of continuing airworthiness.

These AMC and GM are expected to facilitate the application of the new initial airworthiness and amended continuing airworthiness requirements and contribute towards reducing the regulatory burden for designers and manufacturers of aircraft intended primarily for sport and recreational purposes and other stakeholders involved in continuing airworthiness while continuing to ensure a high level of safety as intended by Part 21 Light and Regulation (EU) No 1321/2014. This Decision is expected to facilitate the implementation of the amended regulations.

REGULATION(S) TO BE AMENDED/ISSUED

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AFFECTED STAKEHOLDERS: Aircraft manufacturers and designers; design organisation approval (DOA) and production organisation approval (POA) holders; GA operators; continuing airworthiness management organisations (CAMOs); approved maintenance organisations (AMOs); Combined Airworthiness Organisations (CAOs), and competent authorities, including EASA

WORKING METHOD(S)

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Related documents / information: TOR RMT.0727 Issue 1; NPA 2023-101 Packages #1, #2, #3, #4 & #5

PLANNING MILESTONES: Refer to the latest edition of the EPAS Volume II.
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1. About this Decision

1.1. How this regulatory material was developed

EASA developed this ED Decision in line with Regulation (EU) 2018/11391 (the Basic Regulation) and MB Decision No 01-2022 on the Rulemaking Procedure2, as well as in accordance with the objectives and working methods described in the Terms of Reference (ToRs) for this RMT3.

The draft regulatory material was consulted with the EASA Advisory Bodies (ABs) in accordance with Article 6(3) of MB Decision No 01-2022.

The draft regulatory material was consulted in thematic packages as described below in order to allow stakeholders to focus their review based upon their interest in the topics.

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<th>Package number</th>
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Comments were received from EASA’s Advisory Bodies (ABs) (SAB (industry associations) and Member States Advisory Body (MAB)). EASA reviewed the comments received during the consultation and duly considered them.

Further, EASA hosted a dedicated workshop on the AMC & GM to Part 21 Light during the consultation period of the NPAs with its ABs. The aim of the workshop was to provide stakeholders with a better understanding of the contents of the NPAs and the proposed AMC and GM to Part 21 Light.

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2 EASA is bound to follow a structured rulemaking process as required by Article 115(1) of Regulation (EU) 2018/1139. Such a process has been adopted by the EASA Management Board (MB) and is referred to as the ‘Rulemaking Procedure’. See MB Decision No 01-2022 of 2 May 2022 on the procedure to be applied by EASA for the issuing of opinions, certification specifications and other detailed specifications, acceptable means of compliance and guidance material (‘Rulemaking Procedure’), and repealing Management Board Decision No 18-2015 (https://www.easa.europa.eu/the-agency/management-board/decisions/easa-mb-decision-01-2022-rulemaking-procedure-repealing-mb).

EASA developed the final text of this Decision based on the input of the AB consultation and published the Decision at the Official Publication of EASA.
2. **In summary — why and what**

2.1. **Why we need to act — issue/rationale**

Currently, Part 21 does not provide sufficient proportionality with regard to the nature of and risks associated with certain products and activities, such as aircraft primarily used for sport and recreational purposes. As a consequence, the certification costs and the associated administrative burden are high for the small-aircraft community, which is the least able to bear them.

The issue is prevalent with existing GA manufacturers, but is also often cited as being the main reason why aircraft manufacturers are reluctant to leave their national regulatory systems and enter the EASA regulatory system and enjoy the benefits of the wider EU market.

For this reason, the European Commission adopted Implementing Regulation (EU) 2022/1361 and Delegated Regulation (EU) 2022/1358 for Part 21 Light based upon EASA’s Opinion No 05/2021.

Furthermore, also based upon EASA’s Opinion No 05/2021, the European Commission adopted Implementing Regulation (EU) 2022/1360 in order to amend Regulation (EU) No 1321/2014 and reflect in the field of continuing airworthiness the new possibilities introduced by Part 21 Light.

The AMC and GM issued with this Decision will provide the means to achieve compliance with these simplified requirements for aircraft primarily used for sport and recreational purposes.

2.2. **Who is affected by the issue**

Manufacturers and designers of GA aircraft, GA operators, as well as national competent authorities (NCAs) and EASA.

2.3. **How could the issue evolve**

If no regulatory action were taken to introduce AMC and GM to Part 21 Light, then this could have led to the new requirements being implemented in a non-harmonised manner by Member States and GA aircraft manufacturers.
2.4. What we want to achieve — objectives

The overall objectives of the EASA system are defined in Article 1 of the Basic Regulation. The regulatory material issued with this Decision is expected to contribute to achieving these overall objectives by addressing the issue described in Section 2.1.

The specific objective of this Decision is to issue AMC and GM to the simplified requirements contained in Part 21 Light that will enable the application of a proportionate approach for products that are considered to pose less risk when compared to other, more complex products. This Decision is intended to achieve an overall reduction in the administrative burden and its associated costs, while supporting innovation in the GA sector at the same time.

2.5. How we want to achieve it — overview of the amendments


The primary focus of the regulatory material issued with this Decision is to provide applicants/declarants with guidance material to enable them to better understand what is required by Part 21 Light and how they can ensure compliance.

The subject AMC and GM have been prepared in such a manner to minimise the need for cross references between subparts which will enable applicants/declarants to easily find the required material. This also will enable applicants/declarants to only need to use the subparts that are applicable to them; for example, an applicant for a type certificate would not be interested in the contents of Subparts C, F, N and R, which are only applicable for declarations of design compliance.

2.6. What are the stakeholders’ views

2.6.1. NPA 2023-101 — Packages #1 to #4

Packages #1 to #4 of NPA 2023-101 were shared for consultation with the P&CA TeB, the DM.TEC, the GA TeB and the GA.COM members for a period which started on 22 March and ended on 5 May 2023.

The following comments were received:

— *Package #1 Initial Airworthiness — Subparts A, B, C and P*: 23 comments (DE, FR);
— *Package #2 Design and Production Organisations — Subparts G, J and R*: 42 comments (FR, BE);
— *Package #3 Design changes and repairs designs — Subparts D, E, F, M and N*: 6 comments (DE, BE);
— *Package #4 Airworthiness and Noise Certificates and Parts and Markings — Subparts H, I, K and Q*: 2 comments (FR).

GAMA provided comments directly into the NPA files for Package #1 and #2 only.

The European Sailplane Manufacturers (ESM) association provided a letter raising 10 generic points.

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General comments received and summary of EASA’s responses to them

— Concern was expressed about the consultation process only involving the ABs and not the wider GA community in order to maximise the GA industry’s expertise and experience. [GAMA]

— The consultation process for the AMC and GM to Part 21 Light followed the same consultation process as for the Part 21 Light Regulation and no issues were raised during the previous consultation relating to the need for a wider consultation. Therefore, for consistency reasons, EASA followed the same consultation process. In the past, the level of responses from the wider GA community has not been significant for public consultations issuing NPAs and the main contributors are usually AB members.

— Uneasiness was expressed about the increased trend towards focused consultations and the use of other flexible consultation means instead of formal public NPAs. [ESM]

— It is not necessarily expected that publicly consulted NPAs would increase the level of stakeholder feedback from the GA community. Generally, the use of focused consultations allows EASA to propose concepts at an early stage and reach smaller organisations (i.e. through online webinars) and a wider audience. This permits changes to the proposed concepts to be made quickly in response to the feedback received.

— The reuse of some existing AMC & GM to Part 21 as the basis for some of the AMC & GM to Part 21 Light caused some concerns. It was felt that the AMC & GM to Part 21 Light should be fully bespoke and give flexibility and judgement to the competent authority. [GAMA]

— Some regulatory requirements in Part 21 Light are identical to those of Part 21 and do not warrant a more proportionate approach (an example is occurrence reporting). Part 21 Light is objective based; therefore, detailed AMC & GM are necessary to explain how to show compliance and some functions are common to Part 21. In some areas, AMC & GM that are aligned with Part 21 allow for an easier transition from Part 21 to Part 21 Light and also from Part 21 Light to Part 21. For declared aircraft, there are no design organisation requirements which create the need for ‘core functions’ to be described in AMC that are common to Part 21 (mainly in its Subpart A).

— It was proposed that EASA in conjunction with relevant national authorities organise pilot projects to update and refine the AMC & GM to Part 21 Light in the near-term. [GAMA]

— EASA is open to explore pilot projects to further refine the AMC & GM to Part 21 Light. EASA has developed the most appropriate AMC & GM based on experience it has, without experience in applying the new more proportionate regulatory requirements in Part 21 Light to actual projects. EASA has ensured as much flexibility as possible to make it easy to develop alternative means to comply once the requirements apply. A further update to the AMC & GM is expected after more experience is gained with projects.

— Concern was expressed about the level of effort required for existing APDOA organisations to transition to declared design organisations under Part 21 Light Subpart J. A request was received to allow the use of APDOA for Part 21 Light or to provide an exception to the SMS requirements in Part 21 Subpart J. [ESM]

— The possibility to use APDOA is not included in Part 21 Light, and AMC cannot be used to change this. This would require the amendment of Annex Ib (Part 21 Light) to Regulation (EU) No 748/2012. The level of effort to transition to Part 21 Light Subpart J is noted but some core functions are common for organisations that use APDOA and those required for declared design organisations. There are no SMS requirements in Part 21 Light Subpart J which should provide for a proportionate alternative to Part 21.
A request was also received to allow an exception to the SMS requirements of Part 21 Subpart G for production organisations using Part 21 Light so that existing POA holders are alleviated. [ESM]

- This change would require the amendment of Part 21 Light. Existing POA holders may easily transition to become declared production organisations to be alleviated from the SMS requirements of Part 21 Subpart G. There is a high number of common requirements.

Concerns were expressed about not being able to use the Part 21 declared process for electric motors installed on sailplanes. [ESM]

- This remains a possibility under the Part 21 Light ‘certified’ process. For the ‘declared’ process, the risk of the integration of an electric propulsion system into a sailplane was considered too high. This is due to the limited maturity of standards for battery technology and also the significantly reduced involvement of EASA. This may evolve in the future as technology matures and EASA gains more confidence in the use of this technology and the ‘declared’ process.

Uncertainties created due to a lack of clarity regarding the fees and charges associated with Part 21 Light. [ESM]

- In the future, EASA intends to suggest amending the fees and charges for Part 21 Light. In the meantime, EASA will aim to minimise the fees for the use of declarations.

Concerns were expressed about the volume of AMC & GM material that is provided for Part 21 Light and the clarity of Part 21 Light itself. [ESM]

- Part 21 Light is objective based and requires detailed AMC & GM for regulated entities to show compliance. It contains two separate processes, the ‘certified’ and the ‘declared’ one, and three new subparts which have added to the volume of material. However, unlike Part 21, in Part 21 Light each subpart is ‘self-standing’ and contains no cross references. The user can find all AMC & GM and all regulatory requirements in the subpart(s) they wish to use. This has led to some duplication but has improved the readability of the AMC & GM material. In addition, some subparts are not relevant for some users and this will depend on if they are using the ‘certified’ or the ‘declared’ process. Substantial GM has also been provided to guide new entrants on how to comply with the Part 21 Light requirements.

Comments specific to Package #1 ‘Initial Airworthiness’ (Subparts A, B, C and P)

Various text improvements were proposed to improve the clarity of the AMC & GM to Part 21 Light.

- These improvements were incorporated into the text of the AMC & GM where relevant.

Requests were made for additional information on how the risk assessment for an unsafe condition or root cause analysis can be conducted. [FR]

- This could be considered for the next update of the GM to Part 21 Light based on feedback from stakeholders.

A request was received to formalise the relationship and the need for collaboration between EASA and the national competent authorities in the AMC & GM. [GAMA] [ESM]

- The spirit of Part 21 Light is collaboration between EASA, national competent authorities and manufacturers. It is challenging to document this at AMC & GM level, but the
necessary links between EASA and national competent authorities have been established in the AMC to Part 21 Light.

Comments specific to Package #2 ‘Design and Production Organisations’ (Subparts G, J and R)

— In Package #2, GAMA commented on the AMC & GM to Subpart G (declared production organisations) and provided general comments directly on the text without proposing alternative text.

— Comments received from national competent authorities mainly proposing corrections and text improvements, and requesting clarification.

— GAMA comments expressed the following main concerns:
  — The use of current AMC & GM to Part 21 as the source for the AMC & GM to Part 21 Light. GAMA stated that such AMC & GM may put at risk the Part 21 Light concept for declared production organisations, i.e. creating a ‘POA-like’ approach.
  — Draft AMC & GM ‘requiring’ more than the regulation itself.
  — Use of AMC instead of GM.
  — AMC & GM not being proportionate enough or not sufficiently adapted to the category of products within the scope Part 21 Light;
  — Through the AMC & GM, EASA drafts internal procedures for declared production organisations.

EASA reviewed these comments and revalidated all uses of source material from the AMC & GM to Part 21 and concluded that these were relevant and still proportionate. No instances were discovered where the AMC or GM required more than the regulation itself. A significant number of proposed AMC were adapted to be transposed to GM in order to provide declared production organisations with guidance on how to comply with Part 21 Light. EASA does not intend to draft internal procedures for an organisation but rather provide GM that can be used by an organisation.

Comments specific to Package #3 ‘Design changes and repair designs’ (Subpart D, E, F, M and N)

— Various text improvements were proposed to improve the clarity of the AMC & GM to Part 21 Light. [FR,DE]
  — These improvements were incorporated into the text of the AMC & GM where relevant.

Comments specific to Package #4 ‘Airworthiness and Noise Certificates and Parts and Markings’ (Subparts H, I, K and Q)

— Various text improvements were proposed to improve the clarity of the AMC & GM to Part 21 Light. [FR]
  — These improvements were incorporated into the text of the AMC & GM where relevant.
2.6.2. NPA 2023-101 — Package #5

Package #5 of NPA 2023-101 was shared for consultation with the P&CA TeB, DM.TEC, GA TeB and GA.COM members for a period which started on 9 and ended on 23 May 2023.

In total, nine comments were received from two Member States. Those comments focused on:

— the removal of a reference to Part 21 Light from an appendix to AMC regarding training on fuel tank safety issues;
— the addition of references and terms introduced with Part 21 Light in several applicable AMC (e.g. airworthiness data sheet; declarant of a declaration of design compliance).

EASA reviewed and considered all the comments and, where deemed necessary, amended the text that was initially proposed in Package #5 of NPA 2023-101.
3. **What are the expected benefits and drawbacks of the regulatory material**

The expected benefits and drawbacks of the regulatory material are summarised below. For the full impact assessment of the amendments to Regulation (EU) No 748/2012 as regards the introduction of Part 21 Light, please refer to Chapter 4 of NPA (draft Opinion) 2021-102 ‘Part 21 Light — Certification and declaration of design compliance of aircraft intended primarily for sports and recreational use and related products and parts, and declaration of design and production capability of organisations’ (RMT.0727).

The AMC and GM issued by this decision are not expected to have any additional impact in terms of benefits and drawbacks compared to those that were already described in NPA 2021-102 (for the amendments to Regulation (EU) No 748/2012 as regards Part 21 Light), and the only purpose they serve is to provide greater clarity of what is required by the introduction of the new requirements contained in Annex Ib (Part 21 Light) to Regulation (EU) No 748/2012 and by the adoption of Implementing Regulation (EU) 2022/1360 amending Regulation (EU) No 1321/2014 in respect of Part 21 Light.
4. Monitoring and evaluation

EASA shall monitor and evaluate the effectiveness of the AMC and GM to Part 21 Light, as explained in Chapter 4 of EASA Opinion No 05/2021 ‘Part 21 Light — Certification and declaration of design compliance of aircraft used for sport and recreational aviation and related products and parts, and declaration of design and production capability of organisations’\(^{10}\).

5. Proposed actions to support implementation

In order to support the implementation of Part 21 Light and the associated AMC and GM, EASA shall consider the following means:

— focused communication for AB meetings (GA COM, GA TEC, P&CA TeB);
— provision of clarification to NCAs via electronic communication tools;
— detailed explanations/clarification on the EASA website;
— dedicated thematic workshop sessions.
6. References

6.1. Related EU regulations


— Commission Implementing Regulation (EU) 2022/1361 of 28 July 2022 amending Regulation (EU) No 748/2012 as regards the certification, oversight and enforcement tasks of the competent authorities in the implementation of the rules concerning the organisations involved in the design and production of aircraft used for sport and recreational aviation (OJ L 205, 5.8.2022, p. 127)

— Commission Delegated Regulation (EU) 2022/1358 of 2 June 2022 amending Regulation (EU) No 748/2012 as regards the implementation of more proportionate requirements for aircraft used for sport and recreational aviation (OJ L 205, 5.8.2022, p. 7)

— Commission Implementing Regulation (EU) 2022/1360 of 28 July 2022 amending Regulation (EU) No 1321/2014 as regards the implementation of more proportionate requirements for aircraft used for sport and recreational aviation (OJ L 205, 5.8.2022, p. 115)

6.2. Related EASA decisions


“Issue 2 — Amendment 3”

“Issue 2 — Amendment 3”

6. References

“Issue 2 — Amendment 5”
AMC & GM to Annex IV (Part-147) to Commission Regulation (EU) No 1321/2014
“Issue 2 — Amendment 2”
AMC & GM to Annex Va (Part-T) to Commission Regulation (EU) No 1321/2014
“Issue 1 — Amendment 2”
“Issue 1 — Amendment 1”
AMC & GM to Annex Vb (Part-ML) to Commission Regulation (EU) No 1321/2014
“Issue 1”
AMC & GM to Annex Vc (Part-CAMO) to Commission Regulation (EU) No 1321/2014
“Issue 1”
AMC & GM to Annex Vd (Part-CAO) to Commission Regulation (EU) No 1321/2014
“Issue 1”

6.3. Other reference documents
n/a