

NOTICE OF PROPOSED AMENDMENT (NPA) No 1/2004

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.**

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. The reason for this proposal is outlined further below.

2. The Agency is directly involved in the rule-shaping process. It assists the Commission in preparing drafts in accordance with Basic Regulation procedures, which will be submitted to the Commission as “Opinions” (Article 14).

3. The text of this NPA is developed by the Agency and submitted for consultation of all interested parties in accordance with Article 5(3) of the EASA rulemaking procedure⁽²⁾.

II. Consultation

4. To achieve optimal consultation, the Agency will rely on existing official channels and consultation practice currently applied by the JAA to disseminate the draft opinion to its widest audience and collect the related comments. Considering the nature of the proposal and the need to act urgently, it is requested to provide comments within 4 weeks in accordance with Article 6(5) 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: consultation.ir-cs@jaa.nl

By correspondence: Inge van Opzeeland
NPA Administrator
Joint Aviation Authorities
Box 3000
2130 KA Hoofddorp
Netherlands
Fax: +31 23 56 21714

before 16 February 2004

III. Comment response document

5. All comments received will be responded to and incorporated in a so-called Comment Response Document (CRD). This may contain a list of all persons and/or organisations that

¹ OJ L 243, 27.9.2003, p. 6. Due to be re-published.

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.

have provided comments. The CRD will be widely available ultimately when the Agency's opinion is submitted to the Commission for adoption.

IV. Content of the draft Regulation

6. Paragraph 21A.163 stipulates the privileges of approved production organisations. The intent of subparagraph (c) is to specify that an approved production organisation can issue an authorised release certificate (EASA Form 1) for engines, propellers, parts or appliances without further showing.

However, the wording used, in particular the cross-reference to paragraph 21A.307, does not reflect properly the intent of this subparagraph (c). As worded, this privilege would be limited to parts and appliances. In other words, manufacturers of engines and propellers would not be allowed to release their products with an EASA Form 1.

7. During the consultation on the draft Part 21 the Agency was made aware of this error and agreed to correct it. Unfortunately that was overlooked during the following process so that the final regulation adopted could have detrimental effects on the industry if not corrected urgently. As such a correction is not purely editorial, since it does affect the substance of the requirements included in Part 21, it is necessary to undertake a rule making process. In view of the nature of the change however and taking into account the need to act urgently the Agency considered that a reduced consultation period would be acceptable to all interested parties.

8. Therefore it is now proposed to make the necessary correction. The proposed change is to delete the cross-reference to 21A.307 as follows:

“(c) In the case of other products, parts or appliances issue authorised release certificates (EASA Form 1) ~~under 21A.307~~ without further showing.”

V. Regulatory Impact Assessment

9. The proposal is expected to have only a positive impact as it will reinstate the privilege for approved engine and propeller production organisations to issue an authorised release certificate for their products.

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 correct an error in paragraph 21A.163(c) of the Annex (hereinafter referred to as “Part 21”) to the Commission Regulation (EC) No 1702/2003⁴, regarding the privilege of an approved production organisation to issue an authorised release certificate (“EASA Form 1”) for products.
- (2) The current text gives rise to deviating interpretations and does not reflect its original intent which is to confer such privilege upon approved production organisations of products.
- (3) The measures provided by this Regulation are based on the opinion issued by the Agency⁽⁵⁾ in accordance with Articles 12(2)(b) and 14(1) of the basic Regulation.
- (4) The measures provided for in this Regulation are in accordance with the opinion⁶ of the European Aviation Safety Agency Committee established by Article 54(3) of the Basic Regulation.
- (5) The Commission Regulation (EC) No 1702/2003 should therefore be amended accordingly,

¹ OJ L 243, 27.9.2003, p. 6. Due to be re-published.

² OJ L 240, 7.9.2002, p. 1.

³ OJ L 245, 29.9.2003, p. 7.

⁴ OJ L 243, 27.9.2003, p. 5

⁵ [To be issued.]

⁶ [To be issued].

HAS ADOPTED THIS REGULATION:

Article 1

Part 21 to Regulation (EC) No 1702/2003 is amended as follows:

1. In paragraph 21A.163(c), the words “under 21A.307” are deleted.

Article 2

Entry into force

This Regulation shall enter into force on [the day of publication].

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