

Executive Director Decision

2017/024/R

of 14 December 2017

amending Acceptable Means of Compliance and Guidance Material to Part-21

‘AMC/GM to Part-21 – Issue 2, Amendment 7’

THE EXECUTIVE DIRECTOR OF THE EUROPEAN AVIATION SAFETY AGENCY,

Having regard to Regulation (EC) No 216/2008¹, and in particular Article 38(3)(a) thereof,

Having regard to Commission Regulation (EU) No 748/2012², and in particular Article 10 thereof,

Whereas:

- (1) EASA shall, pursuant to Article 18(c) of Regulation (EC) No 216/2008, issue certification specifications and acceptable means of compliance, as well as guidance material, for the application of Regulation (EC) No 216/2008 and its implementing rules.
- (2) Acceptable means of compliance are non-binding standards adopted by EASA which may be used by persons and organisations to demonstrate compliance with Regulation (EC) No 216/2008 and its implementing rules.
- (3) Guidance material is non-binding material developed by EASA which helps to illustrate the meaning of a requirement or specification and is used to support the interpretation of Regulation (EC) No 216/2008, its implementing rules, certification specifications and acceptable means of compliance.
- (4) EASA shall, pursuant to Article 19(2) of Regulation (EC) No 216/2008, reflect the state of the art and the best practices in the fields concerned and update its decisions taking into account worldwide aircraft experience in service, and scientific and technical progress.
- (5) Commission Regulation (EU) 2015/1039³, amending Commission Regulation (EU) No 748/2012, includes in its Annex I (Part-21) flight test safety improvement issues, and defines and harmonises flight test crew qualifications.

¹ Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1).

² Commission Regulation (EU) No 748/2012 of 3 August 2012 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 (OJ L 224, 21.8.2012, p. 1).

³ Commission Regulation (EU) 2015/1039 of 30 June 2015 amending Regulation (EU) No 748/2012 as regards flight testing (OJ L 167, 1.7.2015, p. 1).

- (6) With Decision 2016/028/R EASA decided not to establish a new lead flight test engineer licensing scheme, however, EASA recognises that existing national licensing schemes may provide a benefit if they are recognised as a means for design organisations to demonstrate compliance with the lead flight test engineer competency/experience requirements of Annex I (Part-21) to Regulation (EC) No 748/2012.
- (7) This decision aims at providing acceptable means of compliance for approved design organisations when demonstrating capabilities of its lead flight test engineers in accordance with Appendix XII of Annex I (Part-21) to Regulation (EC) No 748/2012.
- (8) The Continuous Improvement Team, composed of representatives from EASA, the Federal Aviation Administration and Transport Canada Civil Aviation, developed a proposal for the amendment to the existing regulatory guidance material on the changed product rule (point 21.A.101) in view of the recently experienced implementation issues and challenges.
- (9) Following a public consultation, FAA has implemented the proposal from the Continuous Improvement Team by adopting AC 21.101-1B on 11 March 2016, taking into considerations comments also from EU industry and EASA.
- (10) EASA, pursuant to Article 52(1)(c) of Regulation (EC) No 216/2008 and Article 15 'Special rulemaking procedure: direct publication' of the EASA Rulemaking Procedure⁴, has consulted its Advisory Bodies on the matters which are the subject of this Decision and has provided thereafter a written response to the comments received,

HAS DECIDED:

Article 1

The Annex to Decision N°2012/020/R of the Executive Director of the Agency of 30 October 2012 is amended as laid down in the Annex to this Decision.

Article 2

This Decision shall enter into force on the first day following that of its publication in the Official Publication of the Agency.

Done at Cologne, 14 December 2017

*For the European Aviation Safety Agency
The Executive Director*

Patrick KY

⁴ EASA Management Board (MB) Decision No 18-2015 of 15 December 2015 replacing Decision 01/2012 concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications, acceptable means of compliance and guidance material ('Rulemaking Procedure') (<http://www.easa.europa.eu/system/files/dfu/EASA%20MB%20Decision%2018-2015%20on%20Rulemaking%20Procedure.pdf>)

