


Comment				Comment summary	Suggested resolution	Comment is an observation or is a suggestion	Comment is substantive or is an objection	CM Writer comment disposition	CM Writer response
NR	Author	Section, table, figure	Page						
1	Airbus	section 2 – last paragraph	3	To remind that a change may be also a mitigation	Similarly, GM 21.A.3B(d)(4) is written under the assumption that restoring an adequate level of airworthiness risk after the discovery of an unsafe condition is necessarily performed in two steps: first by immediate alleviating actions such as an inspection or limitation (or a change), and then the final fix (which can be one or more major changes to the type certificate).	suggestion	substantive	accepted	
2	Airbus	Section 3.2 item2	4	Noncompliance is different from Unsafe. This chapter seems to address cases where unsafe condition is alleviated, and it remains only noncompliance to be managed. GM 21.A.3B(d)(4) is related to unsafe condition corrective action and based on Design Objective for HAZ or CAT approach. It cannot be applied when we are in a “Safe” condition but non-compliant but able to demonstrate that design objectives are fulfilled. In that situation, attached abacus would allow to demonstrate “no limitation”.... Agreed to have EASA agreement, but it would be more focussed on engineering judgement and industrial capability to restore the full compliance.	The additional (complementing) corrective actions necessary to restore full compliance with the applicable certification basis at product level are identified and planned by the TC, RTC or STC holder by identification of the affected certification basis and reference of the complementing corrective changes. These complementing corrective changes are to be accepted by EASA. The complementing corrective changes will be approved at a later stage, according to a timescale that are to be accepted by the Agency (see GM 21.A.3B(d)(4) Defect correction – Sufficiency of proposed corrective action), and	Suggestion	substantive	Not accepted	As described in the purpose and scope, the proposed CM is applicable only to changes with non-compliance conditions which are to be mandated through an AD. Therefore an unsafe condition is existing in such a case. For a change approval, full compliance to the certification basis needs to be provided. An immediate step, not yet fully compliant but not justifying an AD would be not acceptable.
3	Airbus	3.2 item 2	4	The additional (complementing) corrective actions necessary to restore full compliance with the applicable certification basis at product level might not be known at the time of approval of the initial mitigating change. The complete identification and the associated planning shall not be a condition to not approve the mitigation change as this would lengthen the risk exposure.	The condition on full identification and associated planning should be removed from the approval condition –remove the entire item 2 as it should not be a condition for approval.	suggestion	objection	Not accepted	Even if the detailed additional (complementing) corrective actions might be not yet known at the time of the initial mitigating change, the way forward should be provided and accepted by EASA to ensure a final fully compliant fix in a reasonable timeframe. EASA agree that this shall not increase the risk exposure.
4	Airbus	Section 3.2 Item 3.	4	Guidance Material GM 21.A.3B(d)(4)(4.1)(i)- is for Catastrophic issues (unsafe); Guidance Material GM 21.A.3B(d)(4)(4.1)(i)- for Hazardous (Also unsafe). Residual noncompliance, meaning when unsafe is corrected cannot be managed by those GM. it would be more focussed on engineering judgement and industrial capability to restore the full compliance	The residual non-compliance at aircraft level shall be covered by additional mitigating means as described per GM 21.A.3B(d)(4)(4.1)(i) and GM 21.A.3B(d)(4)(4.2)(i) – that will be approved at a later stage, according to a timescale that are to be accepted by the Agency	suggestion	objection	Not accepted	The initial mitigating change increases the level of safety. The improved failure condition might still fall under the unsafe condition definition. In any case, there should be limitations included to cover the residual non-compliance as described in the referenced GMs.

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5	Airbus	Section 3.2	4	<p>The CM does not clarify by which means the residual noncompliance shall be followed. A change to type certificate should identify all its affected requirements. The impact of the change to TC on its affected requirements might not influence nor degrade the non-compliance. In such case, the non-compliance shall be managed and traced by continued Airworthiness process, the certification programme of the change to TC will refer to the continued Airworthiness report. As the certification programme of such change will be frozen at the time of approval and will not be reopened, the complementary action to restore the full compliance will be managed by the continued Airworthiness process.</p> <p>Examples of such change are: 1 - a change on an equipment is proposed to improve the compliance to a specific CS25 requirement, an noncompliance on the pre-change equipment definition is detected on an different CS25 requirement and is on different constituent of the equipment, the proposed change to TC shall not embed the noncompliance of the Pre-change, the proposed change to TC can be approved without any deviation, and the additional configuration for the management of the noncompliance should be taken into account within the continued Airworthiness process 2 – a change is introducing an additional protection means to a non-compliance of a different equipment, the change (and other mitigation means if any) is restoring the safety level according to GM21.A.3B, if the residual noncompliance is associated to the separate equipment, the change to TC introducing the additional protection can be approved without any deviation (as the residual noncompliance is independent of the proposed change to TC)</p>	<p>Clarify that the traceability of the residual noncompliance should be made in the context of continued airworthiness process. And secure the completeness of assessment thru a relationship between the Change to TC dossier and the Continued Airworthiness dossier.</p> <p>Modify the section 3 accordingly (see proposal)</p>	suggestion	substantive	Not accepted	<p>Chapter 3.2, conditions 2 and 3 clarify how the residual non-compliance should be followed, first by corresponding limitations and second by additional (complementing) corrective actions. If the change to type certificate does not increase the level of safety, condition 1 is not fulfilled and the change will not be approved.</p> <p>Since the approval of a change to type certificate, covered by 21.A.103(a)(2)(i), does not fall under the continued airworthiness process, the proposal is not seen as adequate.</p> <p>Example 1: If the equipment change does not affect the “different” CS paragraph, this CM is not applicable. The change is fully compliant and the parallel non-compliance shall be covered by the continued airworthiness process. If the equipment change does affect the “different” CS paragraph, the parallel separate non-compliance should be covered according to chapter 3.2.</p> <p>Example 2: See answer to example 1</p>

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6	Airbus	Section 1 Section 3	3 4	<p>As written, the scope of the CM does not cover the changes to TC that improve the design of a component/item without impact on already identified noncompliance of such component/item with the certification basis.</p> <p>Provided:</p> <ul style="list-style-type: none"> - the noncompliance is already managed as agreed with EASA in the frame of the continued airworthiness process through mitigating means as described per GM 21.A.3B(d)(4)(4.1)(i) and GM 21.A.3B(d)(4)(4.2)(i); - The corrective actions necessary to restore full compliance with the applicable certification basis at product level are identified and planned by the TC and accepted by EASA; <p>Such changes (not impacting the non-compliance) should be subject to EASA approval like the ones subject to this draft CM restoring only partially the compliance.</p> <p>The interpretation and method of this Certif Memo being acceptable in the context of partial restoring of non-compliance, such approach is therefore acceptable in the context of no impact on the noncompliance or transfer toward a “less severe” non-compliance.</p>	<p>Modify the section 1 to add the changes to TC which do not impact (neither positively nor adversely) the already identified non-compliance with the certification basis.</p> <p>It is acceptable that a change to type certificate can be demonstrated compliant but the aircraft remains still noncompliant.</p> <p>Modify the section 3 accordingly (see proposal)</p>	suggestion	substantive	noted	<p>See answer provided to example 1 above.</p> <p>There might be a misunderstanding of the introduction in 3.2. “where the individual change as such cannot restore full compliance to the <u>applicable</u> certification basis”. The <u>applicable</u> certification basis is the certification basis applicable to the change including the affected areas of the product but not the one applicable to the complete product. This clarification has been added to 3.2.</p>
7	Airbus	All			<p>Consolidated proposal for rewording according to above comments</p> <p> Airbus reworded proposal CM-21.A-D-1</p>	suggestion	substantive	Not accepted	See above