

**NOTICE OF PROPOSED AMENDMENT (NPA)  
No 16/2006**

**DRAFT OPINION OF THE EXECUTIVE DIRECTOR OF THE AGENCY**

**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**

**And**

**DRAFT DECISION OF THE EXECUTIVE DIRECTOR OF THE AGENCY,**

**AMENDING**

**Decision No. 2003/1/RM of the Executive Director of the Agency of 17 October 2003 on acceptable means of compliance and guidance material 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 (“AMC and GM to Part 21”)**

***SUBPART J DOA***

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## **A. Explanatory Note**

### **I. General**

1. The purpose of this Notice of Proposed Amendment (NPA) is to propose an amendment to the Annex (Part 21) of Commission Regulation (EC) No 1702/2003<sup>1</sup> and to Decision No. 2003/1/RM of the Executive Director of the Agency of 17 October 2003<sup>2</sup>. The scope of this rulemaking activity is outlined in ToR 21.024(a) and is described in more detail below.
2. The Agency is directly involved in the rule-shaping process. It assists the Commission in its executive tasks by preparing draft regulations, and amendments thereof, for the implementation of the Basic Regulation<sup>3</sup> which are adopted as “Opinions” (Article 14.1). It also adopts Certification Specifications, including Airworthiness Codes and Acceptable Means of Compliance and Guidance Material to be used in the certification process (Article 14.2).
3. When developing rules, the Agency is bound to following a structured process as required by Article 43.1 of the Basic Regulation. Such process has been adopted by the Agency’s Management Board and is referred to as “The Rulemaking Procedure”<sup>4</sup>.
4. This rulemaking activity is included in the Agency’s rulemaking programme for 2007. It implements the rulemaking task 21.024(a): Subpart J DOA.
5. The text of this NPA has been developed by a dedicated EASA rulemaking group. It is submitted for consultation to all interested parties in accordance with Article 43 of the Basic Regulation and Articles 5(3) and 6 of the EASA rulemaking procedure.

### **II. Consultation**

6. To achieve optimal consultation, the Agency is publishing the draft opinion and decision of the Executive Director on its internet site. Comments should be provided within 3 months in accordance with Article 6(4) of the EASA rulemaking procedure.

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1 Commission Regulation (EC) No 1702/2003 of 24 September 2003 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances. OJ L 243, 27.9.2003, p. 6.

2 Decision No 2003/1/RM of the Executive Director of the Agency of 17.10.2003 on acceptable means of compliance and guidance material 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 (“AMC and GM to Part 21”).

3 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. OJ L 240, 7.9.2002, p.1.

4 Management Board decision 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

7. Comments on this proposal may be forwarded (*preferably by e-mail*), using the attached comment form, to:

**By e-mail:** [NPA@easa.europa.eu](mailto:NPA@easa.europa.eu)

**By correspondence:** Process Support Unit  
Rulemaking Directorate  
EASA  
Ref: NPA 16-2006  
Postfach 10 12 53  
D-50452 Cologne  
Germany

Comments should be received by the Agency **before 12 January 2007**. If received after this deadline they might not be treated. Comments may not be considered if the form provided for this purpose is not used.

### **III. Comment response document**

8. All comments received in time will be responded to and incorporated in a comment response document (CRD). This may contain a list of all persons and/or organisations that have provided comments. The CRD will be widely available on the Agency's website.

### **IV. Content of the draft opinion and draft decision**

#### **Task 1**

The primary aim of this NPA is to propose changes to Part 21 and its associated Acceptable Means of Compliance/Guidance Material (AMC/GM). It introduces the concept of an approved certification programme to enable the level and area of the Agency's involvement in any certification activities to be predetermined from the outset. Establishment of an approved certification programme will enable the applicant to better plan and resource certification activities and will provide the applicant with greater legal certainty on the acceptance of compliance documentation submitted to the Agency. Safeguards are retained in this proposal to ensure the Agency's involvement where unforeseen conditions arise that may cause a departure from the approved certification programme.

#### **Task 2**

Approval of minor changes to aircraft flight manuals has been a recurrent problem. Privileges extended to a Design Organisation Approval (DOA) holder under 21A.263(c)(4) to approve certain aircraft flight manual changes without the involvement of the Agency are inconsistent with the identification of *minor* under 21A.91. Part 21 and the guidance material associated with the procedures for the approval of documentary changes to aircraft flight manuals (GM 21A.263(c)(4)), are therefore amended to enhance DOA privileges and to remove this inconsistency.

## V. Regulatory Impact Assessment (Task 1)

### 1. Purpose and Intended Effect

a. Issue which the NPA is intended to address

Subject to 21A.257(b), compliance documents submitted by a DOA holder under the privileges of 21A.263(b) shall be accepted by the Agency without further verification. However, under 21A.257(b) the Agency can challenge any findings and investigate the DOA and any sub-contractors to ensure minimum requirements are and continue to be met. In the past, this has led to inconsistent application of the rules and procedures. The normal level of the Agency's involvement in verifying compliance will generally be dependent on the nature and complexity of the individual activity. It has therefore been suggested that changes to Part 21 and/or general guidelines (AMC/GM) be produced so that the level of the Agency's involvement can be predetermined, providing more legal certainty to the applicant and consistency regarding the level of involvement of the Agency.

b. Scale of the issue

Certification procedures to which this proposal relates are relevant to all applicants for initial issue of a type-certificate/restricted type-certificate, change to a type-certificate/restricted type-certificate, supplemental type-certificate and major repair design approval.

c. Brief statement of the objectives of the NPA

This NPA proposes changes to Part 21 and its AMC/GM to introduce the concept of an approved certification programme. This will enable the level and area of the Agency's involvement in any certification activities to be predetermined from the outset, and takes into account the competence demonstrated by the issuance of the DOA, if applicable.

### 2. Options

a. The options identified

Four options could be identified for EASA action:

*Option 1:* Do nothing

*Option 2:* Enhanced Agency standardisation of current rules.

*Option 3:* A rule change, so that the responsibility for establishing proof of compliance is fully and clearly given to the DOA with a privilege in the rule, similar to the 21A.163 POA privileges. A TC, STC or major repair design approval would be obtained by the DOA upon presentation of a statement of compliance, without further showing.

*Option 4:* A rule change reflecting current best working practices, in which the involvement of the Agency will be predetermined on the basis of the competence and experience demonstrated by the applicant, in particular taking into account the DOA privileges of 21A.263(b), if applicable.

- b. The preferred option selected  
(See sub-paragraph 5. below)

**3. Sectors concerned**

Those affected by this proposal would include DOA holders and applicants for initial issue of a type-certificate/restricted type-certificate, change to a type-certificate/restricted type-certificate, supplemental type-certificate and major repair design approval.

**4. Impacts**

- a. All identified impacts

- i. Safety

*Options 1&2:* No safety impact identified.

*Option 3:* A negative safety impact would arise if the direct involvement of the Agency is lost for complex aircraft<sup>5</sup>. There was general agreement within the rulemaking group drafting these proposals that the involvement of the Agency in the certification process contributes to the quality of the compliance demonstration. In addition, the introduction of new technology/processes often requires a degree of independent technical oversight to ensure safety. Agency direct involvement also acts to support company airworthiness staff in resisting internal pressure placed upon them due to business objectives. On the other hand the experience of glider regulation in the UK where the airworthiness is ensured by the British Gliding Association has shown a level of safety comparable to those of gliders regulated more classically in other countries. (See A-NPA 14-2006 proposing a concept for better regulation in General Aviation for more details).

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<sup>5</sup> As defined in the legislative proposal (COM (2005) 579) to extend the scope off EASA  
*Complex-motor-powered aircraft means:*

(i) *an aeroplane:*

- *with a maximum certificated take-off mass exceeding 5,700kg or;*
- *with a maximum approved passenger seating configuration of more than 9 or;*
- *certificated for operation with a minimum crew of at least 2 pilots or;*
- *equipped with (a) turbojet engine(s); or*

(ii) *a helicopter:*

- *with a maximum certificated take-off mass exceeding 3,175kg or;*
- *with a maximum approved passenger seating configuration of more than 5 or;*
- *certificated for operation with a minimum crew of at least 2 pilots; or*

(iii) *a tilt rotor aircraft;*

*Option 4:* No safety impact. Curtailing the Agency's ability to investigate compliance documentation as it sees fit, through the establishment of an approved certification programme, may be seen by some as having a negative safety impact. However, the DOA concept, as applied today, already provides for certain checks and assurances, and compliance documentation submitted by a DOA holder, within the scope of their approval, can be accepted by the Agency without further verification. The approved certification programme will ensure that an appropriate level of Agency involvement is determined, linked to the demonstrated capability and experience of the applicant. This will enable the Agency to focus limited resources on areas where there are perceived weaknesses and potentially higher risk areas (i.e.. novel features, application/ interpretation of new requirements and new means of compliance). Provisions are made in this proposal to enable enhanced Agency involvement if unexpected conditions arise during the certification programme.

ii. Economic

*Option 1:* Uncertainties regarding acceptance by the Agency of compliance documentation would remain. This will affect the ability of the applicant to plan and resource certification activities with confidence, leading to high certification costs than may be strictly necessary.

*Option 2:* Enhanced standardisation of certification procedures would clarify issues regarding the acceptance of DOA privileges and the ability of the Agency to challenge compliance documentation. This would lead to economic savings for industry.

*Option 3:* Potentially provides the greatest economic saving to industry. However, there would be a question regarding recognition and acceptance by foreign authorities, which could potentially negate any savings made. It should be noted that the FAA has recently issued the light sport aircraft rule that allows the use of Industry Standards for aircraft of a take-off mass of less than 600kg. Such an option has the potential to be better received if limited to the lower range of general aviation aircraft (See A-NPA 14-2006 for more details)

*Option 4:* Predetermining the level and areas of Agency involvement would provide economic savings to applicants through the ability to plan and resource a certification programme with greater confidence. The Agency may also gain through better resource planning.

- iii. Environmental  
No environmental impact has been identified
  - iv. Social  
No social impact has been identified
  - v. Other aviation requirements outside EASA scope  
No impact has been identified
- b. Equity and fairness in terms of distribution of positive and negative impacts among concerned sectors.
- Option 1:* There are currently inconsistencies in the application of certification procedures and the recognition and acceptance of DOA privileges. This has led in the past to unequal treatment of applicants, contrary to a prime EASA objective. This situation may continue if the issue is not addressed.
  - Option 2:* Enhanced standardisation will have a positive benefit in ensuring equal treatment of applicants.
  - Option 3:* Would eliminate the problem as the applicant is fully responsible for the showing of compliance. However, without the direct involvement of the Agency in certification activities, there may be a loss of uniformity regarding the application of rules and working practices.
  - Option 4:* Would predetermine the areas and level of Agency involvement, based on the established ability and experience of the applicant. This is considered a fair and equitable approach, given the limited resources of the Agency.

## **5. Summary and Final Assessment**

- a. Comparison of the positive and negative impacts for each option evaluated
- Option 1:* Existing certification rules and procedures would continue to be applied inconsistently, leading to uncertainty regarding the acceptance of compliance documentation submitted to the Agency, the inability to plan certification activities with confidence, and subsequent high certification costs.
  - Option 2:* Enhanced standardisation would remove inconsistencies in the application of existing rules, leading to more uniform application. However, as enhanced standardisation could only treat the symptoms rather than the root cause of the problem, ambiguities in the rules themselves would remain and prior knowledge as to their application will not be transparent to applicants.
  - Option 3:* The applicant would have greater legal certainty on the acceptance of compliance documentation submitted to the Agency, enabling clearer planning of resources and certification activities and leading to reduced costs. Safety may be adversely impacted by this option if applicable to complex aircraft, together with loss of uniformity in application of rules and working



practices and the loss of recognition by foreign authorities in the case of complex aircraft.

*Option 4:* Enabling the areas and levels of Agency involvement to be predetermined in an approved certification programme, would aid industry in planning certification activities and provide economic benefits. Safety will be assured by initially basing the approved certification programme on the level of the applicant's expertise and Agency's confidence in their ability to design and certificate a product. Provisions would be made to enable enhanced Agency involvement where unexpected conditions arise during the certification programme.

b. A summary describing who would be affected by these impacts and analysing issues of equity and fairness

Those affected by this proposal would include applicants for a type-certificate/restricted type-certificate, major change to a type-certificate/restricted type-certificate, supplemental type-certificate or repair design approval.

c. Final assessment and recommendation of a preferred option

Option 4 is selected. This will provide industry with clear and transparent rules regarding the level and area of Agency involvement in a certification programme. It will also clarify the acceptance by the Agency of DOA privileges and lead to enhanced standardisation. Safety is maintained by ensuring that Agency involvement is established based on the level of confidence with the applicant, taking into account their capability and experience. Provisions are made to enable enhanced Agency involvement where unexpected conditions arise during the certification programme.

The choice of Option 4 also reflects the advice given by Industry.

## VI. Regulatory Impact Assessment (Task 2)

### 1. Purpose and Intended Effect

a. Issue which the NPA is intended to address

Approval of minor changes to aircraft flight manuals has been a recurrent problem. Privileges extended to a DOA under 21A.263(c)(4) to approve certain aircraft flight manual changes without the involvement of the Agency are inconsistent with the identification of *minor* under 21A.91. It is therefore intended to review the guidance material associated with the procedures for the approval of documentary changes to aircraft flight manuals contained in GM 21A.263(c)(4).

b. Scale of the issue

Approval of minor changes to aircraft flight manuals is relevant to all DOA holders and applicants for DOA approval.

c. Brief statement of the objectives of the NPA

This NPA proposes changes to 21A.263(c)(4) and GM 21A.263(c)(4) to extend and clarify approvals of minor changes to aircraft flight manuals.

**2. Options**

a. The options identified

Two options could be identified for EASA action:

*Option 1:* Do nothing

*Option 2:* Amend 21A.263(c)(4) and its associated GM to allow minor changes to aircraft flight manuals to be approved under DOA privileges.

b. The preferred option selected

(See sub-paragraph 5 below).

**3. Sectors concerned**

Those affected by this proposal would include DOA holders and applicants for DOA approval

**4. Impacts**

a. All identified impacts

i. Safety

*Option 1:* No safety impact identified.

*Option 2:* As this proposal relates to minor revisions to the aircraft flight manual, no safety impact is identified.

ii. Economic

*Option 1:* No economic impact identified.

*Option 2:* Provides a cost saving to industry, as minor revisions to aircraft flight manuals would be approved under DOA privileges.

iii. Environmental

No environmental impact has been identified

iv. Social

No social impact has been identified

v. Other aviation requirements outside EASA scope

No impact has been identified

b. Equity and fairness in terms of distribution of positive and negative impacts among concerned sectors.

No issues identified.

## 5. Summary and Final Assessment

a. Comparison of the positive and negative impacts for each option evaluated

*Option 1:* An inconsistency would remain between the DOA privileges granted under 21A.263(c)(4) to approve certain aircraft flight manual changes without the involvement of the Agency, with the identification of *minor* under 21A.91.

*Option 2:* A regulatory inconsistency would be removed and an extension to existing DOA privileges provided. This would lead to economic savings for industry with no safety impact.

b. A summary describing who would be affected by these impacts and analysing issues of equity and fairness

Those affected by this proposal would include DOA holders and applicants for DOA approval.

c. Final assessment and recommendation of a preferred option

Option 2 is selected. This will remove a regulatory inconsistency and provide an extension to existing DOA privileges, leading to economic savings with no safety impact.

The choice of Option 2 reflects the advice given by Industry.

**B. Draft opinion and decision**

**I. Introduction**

Having decided on the most appropriate option to progress (see RIAs above), the rulemaking group agreed to develop the concept, along the following lines:

- clarify the process used for compliance demonstration, highlighting in particular the concept of an approved certification programme. This would be established at the beginning of any certification project, to define what needs to be done (identification of applicable certification specifications, the means of compliance, and compliance documentation)
- clarify how Agency involvement will be defined and agreed for each certification project, taking into account the DOA privileges granted under 21A.263(b), if applicable.
- allow special Agency intervention in case of unforeseen events
- clarify DOA privilege regarding compliance documentation to facilitate the determination of “no Agency involvement” for individual areas, being based on the established level of confidence with the DOA:
  - through the demonstration of capability, in terms of means, procedures, appropriately qualified persons, as recognised in the terms of a design organisation approval; and
  - satisfactory experience on certification exercises.

The level of confidence established for an individual area may be based upon key personnel only, or organisation performance only, or a combination of both.

The rulemaking group determined that, to establish legal certainty, changes to Part 21 requirements were necessary. The rulemaking group reviewed all Part 21 requirements calling for Agency technical activities, to identify what needed to be clarified or improved to implement the concept described above. This included consideration to solve recurrent issues on aircraft flight manual change approvals, especially those associated with minor design changes that do not meet the documentary definition as currently proposed in GM 21A.263(c)(4).

## II Draft Opinion PART 21

The text of the amendment is arranged to show deleted text, new text or a new paragraph as shown below:

1. ~~Text to be deleted is shown with a line through it.~~
2. **New text to be inserted is highlighted with grey shading.**
3. ....  
Indicates that remaining text is unchanged in front of or following the reflected amendment.  
....

### Subpart B – Type-Certificates and Restricted Type-Certificates

Proposal 1: Amend existing 21A.20 to read as follows:

#### **21A.20 Compliance with the type-certification basis and environmental protection requirements**

- (a) The applicant for a type-certificate or a restricted type-certificate shall show compliance with the applicable type-certification basis and environmental protection requirements. ~~and shall provide to the Agency the means by which such compliance has been shown.~~
- (b) The applicant shall propose a certification programme, which the Agency shall approve, detailing:
  1. the means of compliance; and
  2. the compliance documentation structure; and
  3. the involvement of the Agency in the compliance demonstration activities, taking into account the DOA privileges granted under 21A.263(b), if applicable.
- (c) The applicant shall record justification of compliance within compliance documents as per the approved certification programme prescribed in paragraph (b).
- (d) Where conditions arise that may cause a departure from the approved certification programme established in paragraph (b), the applicant shall provide whatever additional information is requested and allow, where necessary, changed Agency involvement in the compliance demonstration activities. The certification programme shall be updated accordingly and approved by the Agency.
- (e) The applicant shall declare that it has shown compliance with ~~the~~ applicable type-certification basis and environmental protection requirements, according to the approved certification programme established under paragraph (b).
- ~~(e) Where the applicant holds an appropriate design organisation approval, the declaration of paragraph (b) shall be made according to the provisions of Subpart J.~~

Proposal 2: Amend existing 21A.21 to read as follows:

**21A.21 Issue of a type-certificate**

The applicant shall be entitled to have a product type-certificate issued by the Agency after:

- (a) ....
- (b) submitting the declaration referred to in 21A.20(he); and
- (c) ....

Proposal 3: Amend existing 21A.33 to read as follows:

**21A.33 ~~Inspections~~Investigation and tests**

- (a) The applicant shall perform all inspections and tests ~~necessary to show compliance with the applicable type certification basis and environmental protection requirements, where identified as means of compliance.~~
- (b) ....
- (c) The applicant shall allow the Agency to make ~~any~~ inspections necessary to check compliance with paragraph (b), as established in 21A.20(b).
- ~~(d) The applicant shall allow the Agency to review any report and make any inspection and to perform or witness any flight and ground test necessary to check the validity of the declaration of compliance submitted by the applicant under 21A.20(b) and to determine that no feature or characteristic makes the product unsafe for the uses for which certification is requested.~~
- (de) For tests performed or witnessed by the Agency ~~under paragraph (d):~~
  1. The applicant shall submit to the Agency a statement of compliance with paragraph (b); and
  2. No change relating to the test that would affect the statement of compliance may be made to a product, part or appliance between the time compliance with paragraph (b) is shown and the time it is presented to the Agency for test.

**Subpart D – Changes To Type-Certificates and Restricted Type-Certificates**

Proposal 4: Amend existing 21A.97 to read as follows:

**21A.97 Major changes**

(a) An applicant for approval of a major change shall:

- ~~1. Submit to the Agency substantiating data together with any necessary descriptive data for inclusion in the type design;~~
12. Show that the changed product complies with applicable certification specifications and environmental protection requirements, as specified in 21A.101; and
23. Demonstrate ~~Declare that it has shown~~ compliance with the applicable certification specifications and environmental protection requirements in accordance with 21A.20(b), (c), (d) and (e); ~~and shall provide to the Agency the basis on which such a declaration is made; and~~
4. ~~Where the applicant holds an appropriate design organisation approval, make the declaration of subparagraph (a)(3) according to the provisions of Subpart J;~~
35. Comply with 21A.33 and, where applicable, 21A.35.

(b) Approval of a major change in a type design is limited to that or those specific configuration(s) in the type design upon which the change is made.

Proposal 5: Amend existing 21A.103 to read as follows:

#### **21A.103 Issue of approval**

- (a) The applicant shall be entitled to have a major change to a type design approved by the Agency after:
1. submitting the declaration referred to in 21A.20(e)97(a)(3); and
  2. ....

#### **Subpart E – Supplemental Type-Certificates**

Proposal 6: Amend existing 21A.114 to read as follows:

#### **21A.114 Compliance with the certification specifications and environmental protection requirements**~~Showing of compliance~~

- (a) ~~The~~Any applicant for a supplemental type-certificate shall ~~comply with 21A.97.~~show that the changed product complies with applicable certification specifications and environmental protection requirements, as specified in 21A.101;

(b) The applicant shall demonstrate compliance with the applicable certification specifications and environmental protection requirements in accordance with 21A.20(b), (c), (d) and (e);

(c) The applicant shall comply with 21A.33 and, where applicable, 21A.35.

Proposal 7: Amend existing 21A.115 to read as follows:

**21A.115 Issue of a supplemental type-certificate**

(a) The applicant shall be entitled to have a supplemental type-certificate issued by the Agency after:

~~(a) complying with 21A.103(a);~~

1. submitting the declaration referred to in 21A.20(e); and

2. It is shown that:

- (i) the changed product meets the applicable certification specifications and environmental protection requirements, as specified in 21A.101;
- (ii) any airworthiness provisions not complied with are compensated for by factors that provide an equivalent level of safety; and
- (iii) no feature or characteristic makes the product unsafe for the uses for which certification is requested.

~~(3.b)~~ demonstrating its capability in accordance with 21A.112B;

~~(4.e)~~ where, under 21A.113(b), the applicant has entered into an arrangement with the type-certificate holder,

~~(i)1-~~ The type-certificate holder has advised that its has no technical objection to the information submitted under 21A.93; and

~~(ii)2-~~ The type-certificate holder has agreed to collaborate with the supplemental type-certificate holder to ensure discharge of all obligations for continued airworthiness of the changed product through compliance with 21A.44 and 21A.118A.

(b) Approval of a supplemental type-certificate is limited in accordance with 21A.97(b).

**Subpart J – Design Organisation Approval**

Proposal 8: Amend existing 21A.257 to read as follows:

**21A.257 Investigations**

~~(a)~~The design organisation shall make arrangements that allow the Agency to make any investigations, including investigations of partners and subcontractors, necessary to determine compliance and continued compliance with the applicable requirements of this Subpart.



~~(b) The design organisation shall allow the Agency to review any report and make any inspection and perform or witness any flight and ground test necessary to check the validity of the compliance statements submitted by the applicant under 21A.239(b).~~

Proposal 9: Amend existing 21A.263 to read as follows:

### **21A.263 Privileges**

(a) ....

(b) ~~Subject to 21A.257(b), compliance documents submitted by the applicant~~ The holder of a design organisation approval shall be entitled, within its terms of approval and under the conditions defined in the design assurance system, to perform compliance demonstration activities with no involvement of the Agency, in accordance with the approved certification programme established under 21A.20(b), for the purpose of obtaining:

1. a type-certificate or approval of a major change to a type design; or
2. a supplemental type-certificate; or
3. an ETSO authorisation under 21A.602(b)(1); or
4. a major repair design approval;

~~shall be accepted by the Agency without further verification.~~

(c) The holder of a design organisation approval shall be entitled, within its terms of approval and under the relevant procedures of the design assurance system:

1. to classify changes to type design and repairs as 'major' or 'minor'.
2. to approve minor changes to type design and minor repairs.
3. to issue information or instructions containing the following statement: 'The technical content of this document is approved under the authority of DOA nr. [EASA]. 21J. [xyz].'
4. to approve ~~documentary changes~~ minor revisions to the aircraft flight manual, and issue such ~~revision changes~~ containing the following statement: 'Revision nr. xx to AFM ref. yyy, is a Approved under the authority of DOA nr. [EASA]. 21J. [xyz].'
5. to approve the design of major repairs to products for which it holds the type-certificate or the supplemental type-certificate.

### **Subpart M – Repairs**

Proposal 10: Amend existing 21A.433 to read as follows:

### **21A.433 Repair design**

(a) The applicant for approval of a repair design shall:

1. Show compliance with the type-certification ~~specifications~~ basis—and environmental protection requirements incorporated by reference in the type-certificate or supplemental type-certificate, as applicable, or those in effect on the date of application (for repair design approval), plus any

amendments to those certification specifications ~~or special conditions~~ the Agency finds necessary to establish a level of safety equal to that established by the ~~type-certification specifications basis~~ incorporated by reference in the type-certificate or supplemental type-certificate.

2. Submit all necessary substantiation data, when requested by the Agency, taking into account the DOA privileges granted under 21A.263(b), if applicable.
3. Declare compliance with the certification specifications and environmental protection requirements of subparagraph (a)(1).

(b) ...

### III Draft Decision “AMC & GM to PART 21”

The text of the amendment is arranged to show deleted text, new text or a new paragraph as shown below:

1. ~~Text to be deleted is shown with a line through it.~~
2. **New text to be inserted is highlighted with grey shading.**
3. ....  
Indicates that remaining text is unchanged in front of or following the reflected amendment.  
....

#### Subpart B – Type-Certificates

Proposal 11: Amend existing AMC 21A.14(b) to read as follows:

##### **AMC 21A.14(b)**

##### **Alternative Procedures**

....

#### **2 Management of the (supplemental) type certification process**

- 2.1 **Approved certification programme: See AMC 21A.20(b) for type-certification and AMC 21A.114 for supplemental type-certification.** ~~For a particular project, at the beginning of the process, the applicant must propose to the Agency for acceptance a certification programme that includes:~~

~~Part 1 – Procedures for the management of the certification programme: creation and update all along the certification process to integrate the progress of the activities, distribution.~~

~~This part must also include the milestones of the project development up to the type certification or approval of the major change, with the minimum administrative delays imposed by the Agency when necessary.~~

~~Part 2 – The attribution of responsibilities, as follows:~~

- ~~— names of the persons having specific responsibilities in the frame of the certification programme~~
- ~~— the description of their tasks, responsibilities and associated competences~~
- ~~— scope of authority of signatories.~~

~~Part 3 – The airworthiness requirements applicable to the project, corresponding interpretations, and the equivalence of safety or other specific cases related to the applicable requirements.~~

~~Part 4 – Working methods for showing of compliance and providing to the Agency the means by which such compliance has been shown.~~

This includes all or part of the following, depending on the complexity of the product:

- ~~—— the means by which compliance will be shown (means of compliance), in relation with the requirements and/or their detailed interpretation~~
- ~~—— the technical criteria associated with the means of compliance~~
- ~~—— milestones specific to particular technical areas in relation with the general planning of the project~~
- ~~—— the decision process, especially the key points where an Agency decision is needed before further action~~
- ~~—— the flow of information to the Agency~~
- ~~—— the configuration control, especially of the test specimen used to show compliance~~
- ~~—— the organisation of the work for the interfaces or multidisciplinary subjects~~
- ~~—— those compliance documents that will be subject to verification by the Agency~~
- ~~—— the establishment of the compliance documentation, including the time schedule and availability to the Agency~~
- ~~—— the control of the time schedule, for the accomplishment of the tasks in due time.~~

The applicant must submit all revisions of the certification programme to the Agency for acceptance.

2.2 Compliance documentation: see AMC 21A.20(c) The applicant must establish procedures for creating compliance documents in such a way that:

- ~~- the kind of document and the technical objectives for each document are determined at the beginning of the process~~
- ~~- the production of the documents is carefully managed all along the process, in accordance with the milestones defined in the certification programme~~
- ~~- the various issues of a document are controlled.~~

Each document must contain:

- ~~—— the reference of the requirements covered by the document~~
- ~~—— data showing compliance and a statement by the applicant declaring compliance with these requirements~~

~~A numbering system to identify the compliance documents must be defined in order to have an adequate link with the certification programme.~~

~~Except as otherwise agreed with the Agency, all compliance documents must be produced before issuance of the final statement of compliance required by 21A.20(b) or 21A.97(a)(3).~~

~~2.3 There are no privileges associated with alternative procedures, however the Agency will decide on the extent of its involvement in the verification of compliance documents. This involvement may vary according to the Agency knowledge of the applicant from previous and on-going activities and the resulting assessment of competence, and must be addressed in the certification programme.~~

~~...~~

### **3.3 Approval of changes to type design**

~~....~~

#### *3.3.2 Compliance documentation*

For major changes and those minor changes to type design where additional work to show compliance with the applicable airworthiness requirements is necessary, compliance documentation must be established in accordance with AMC 21A.20(c) following guidelines of paragraph 2.2.

#### *3.3.3 Approval process*

A For the approval of major changes to type design, an approved certification programme as defined in AMC 21A.97 paragraph 2.4 must be established.

~~....~~

Proposal 12: Introduce a new AMC 21A.20(b) to read as follows:

#### **AMC 21A.20(b)**

#### **Approved certification programme**

#### **1 Initiation**

1.1 For a particular project and as part of the technical familiarisation, the applicant should propose a certification programme, that the Agency approves, that includes:

1.1.1 a plan containing the following information:

- Description of the project and the kind of operations envisaged
- The proposed certification specifications, special conditions, equivalent safety findings and environmental protection requirements
- The description on how compliance will be shown, with proposed means of compliance (see appendix for codes). The description of the means of compliance should be sufficient to determine that all necessary data will be collected and compliance can be shown

- The compliance documentation structure that provides the framework to organise the relationship between the applicable requirements and the associated compliance document(s).
- A compliance checklist addressing each paragraphs of the type-certification basis and environmental protection requirements applicable to the project
- Identification of relevant key staff interfacing with the Agency

1.1.2 a project schedule including major milestones;

1.1.3 the Agency level of involvement, in particular in the following activities:

- compliance documentation reviews
- participation in inspections, in particular, those related to verification of compliance with 21A.33(b)
- participation in audits or design reviews
- participation in tests
- witnessing tests
- conducting tests
- assessments or investigations.

For each means of compliance, the criteria to be used to identify activities in which the Agency will not be involved, include the following:

- well known design features
- usual means of compliance
- accumulated experience related to the kind of project
- in-service experience
- level of established confidence with the applicant, in particular taking into account the DOA privileges of 21A.263(b), if applicable.

1.2 The certification programme can be developed step by step, when the information needed is not available at the beginning of the project.

1.3 For a simple project, the certification programme can be proposed with the application.

1.4 The certification programme can be based on modules that can be updated independently.

1.5 The Agency's approval of the certification programme should be formalised and recorded.

## **2 Maintenance and update of the approved certification programme**

The applicant should keep the certification programme current throughout the project and submit all revised elements to the Agency for approval.

**Appendix to AMC 21A.20(b) - Approved certification programme  
Means of compliance codes**

Type of Compliance	Means of Compliance	Associated Compliance Documents
	MC0 : Compliance statement - reference to Type Design documents - election of methods, factors .... - definitions	Type Design Documents Recorded Statements
Engineering Evaluation	MC1 : Design Review	Description, Drawings
	MC2 : Calculation/Analysis	Substantiation Reports
	MC3 : Safety Assessment	Safety Analysis
Tests	MC4 : Laboratory Tests	Test Programmes Test Reports Test Interpretations
	MC5 : Ground Tests on related product	
	MC6 : Flight Tests	
	MC8 : Simulation	
Inspection	MC7 : Design Inspection/Audit	Inspection or Audit Reports
Equipment Qualification	MC9 : Equipment Qualification	Note : Equipment qualification is a process which may include all previous means of compliance

Proposal 13: Introduce a new AMC 21A.20(c) to read as follows:

**AMC 21A.20(c)**

**Compliance documentation**

1. Compliance documentation comprises of one or more reports, drawings, specifications, calculations, analysis etc and provides a record of the means by which compliance with the applicable type certification basis and environmental protection requirements is shown.
2. Each compliance document should normally contain:
  - an adequate link with the corresponding certification plan or with an equivalent document submitted as part of the application for a design approval
  - the reference of the certification specifications, special conditions or environmental protection requirements addressed by the document
  - data showing compliance

- a statement by the applicant declaring that the document provides the proof of compliance for which it has been created
  - the appropriate authorised signature.
3. Each compliance document should have a number and issue date. The various issues of a document should be controlled.

Proposal 14: Introduce a new GM 21A.20(d) to read as follows:

**GM 21A.20(d)**

**Changed Agency involvement**

1. Conditions that may cause a departure from the approved certification programme include:
- critical event on similar product or part, requiring safety review
  - unexpected event during the certification process covered by the approved certification programme (accident, incident, failure, marginal results...)
  - issues not identified at time of the approved certification programme:
    - new or novel design features
    - new deviations
    - new equivalent safety findings
    - changed means of compliance
    - changed or new interpretative material
    - identification of features or characteristics that could make the product unsafe
2. Following submission of information, the applicant and the Agency may accept a change in the Agency involvement. In such a case, the relevant elements of the certification programme should be updated and approved by the Agency.

Proposal 15: Introduce a new GM 21A.20(e) to read as follows:

**GM 21A.20(e)**

**Final statement**

Except as otherwise agreed with the Agency, all compliance documents should be produced before issuance of the final statement of compliance required by 21A.20(e).

**Subpart D – Changes To Type-Certificates**

Proposal 16: Introduce a new AMC 21A.97 to read as follows:

**AMC 21A.97**

**Compliance demonstration process for major changes**



1. AMC/GM to 21A.20 should be used for a major change.
2. For major changes not requiring long and complex compliance demonstration activities, a proposed certification programme, as described in AMC 21A.20(b) paragraph 1, can be submitted with the application in a simplified format. The proposed certification programme should contain at least the following elements:
  - Purpose of change
  - Description of change
  - Applicability
  - Applicable certification specifications, special conditions, equivalent safety findings and environmental protection requirements
  - The description on how compliance will be shown, with proposed means of compliance (see appendix to AMC 21A.20 for the codes to be used) and compliance documents proposed
  - If relevant, the delivery schedule of compliance documents and level of Agency involvement.

### **Subpart E – Supplemental Type-Certificates**

Proposal 17: Introduce a new AMC 21A.114 to read as follows:

#### **AMC 21A.114**

#### **Compliance demonstration process for Supplemental Type-Certificate**

1. AMC/GM to 21A.20 should be used for a supplemental type-certificate.
2. For major changes approved under a supplemental type-certificate and not requiring long and complex compliance demonstration activities, a proposed certification programme, as described in AMC 21A.20(b) paragraph 1, can be submitted with the application in a simplified format. The certification programme should contain at least the following elements:
  - Purpose of change
  - Description of change
  - Applicability
  - Applicable certification specifications, special conditions, equivalent safety findings and environmental protection requirements
  - The description on how compliance will be shown, with proposed means of compliance (see appendix to AMC 21A.20 for the codes to be used) and compliance documents proposed
  - As appropriate, the involvement of the type-certificate holder of the product on which the STC is proposed (see 21A.113 and 115).
  - If relevant, the delivery schedule of compliance documents and level of Agency involvement.

## Subpart J – Design Organisation Approval

Proposal 18: Amend existing GM No.1 to 21A.239(a) to read as follows:

### **GM No. 1 to 21A.239(a)** **Design assurance system**

....

#### 3.1.3 *Compliance Verification*

- a. Approval by signing of all compliance documents, including test programmes and data, necessary for the verification of compliance with the applicable CS and environmental protection requirements as defined in ~~Type Investigation~~ the approved certification programme.

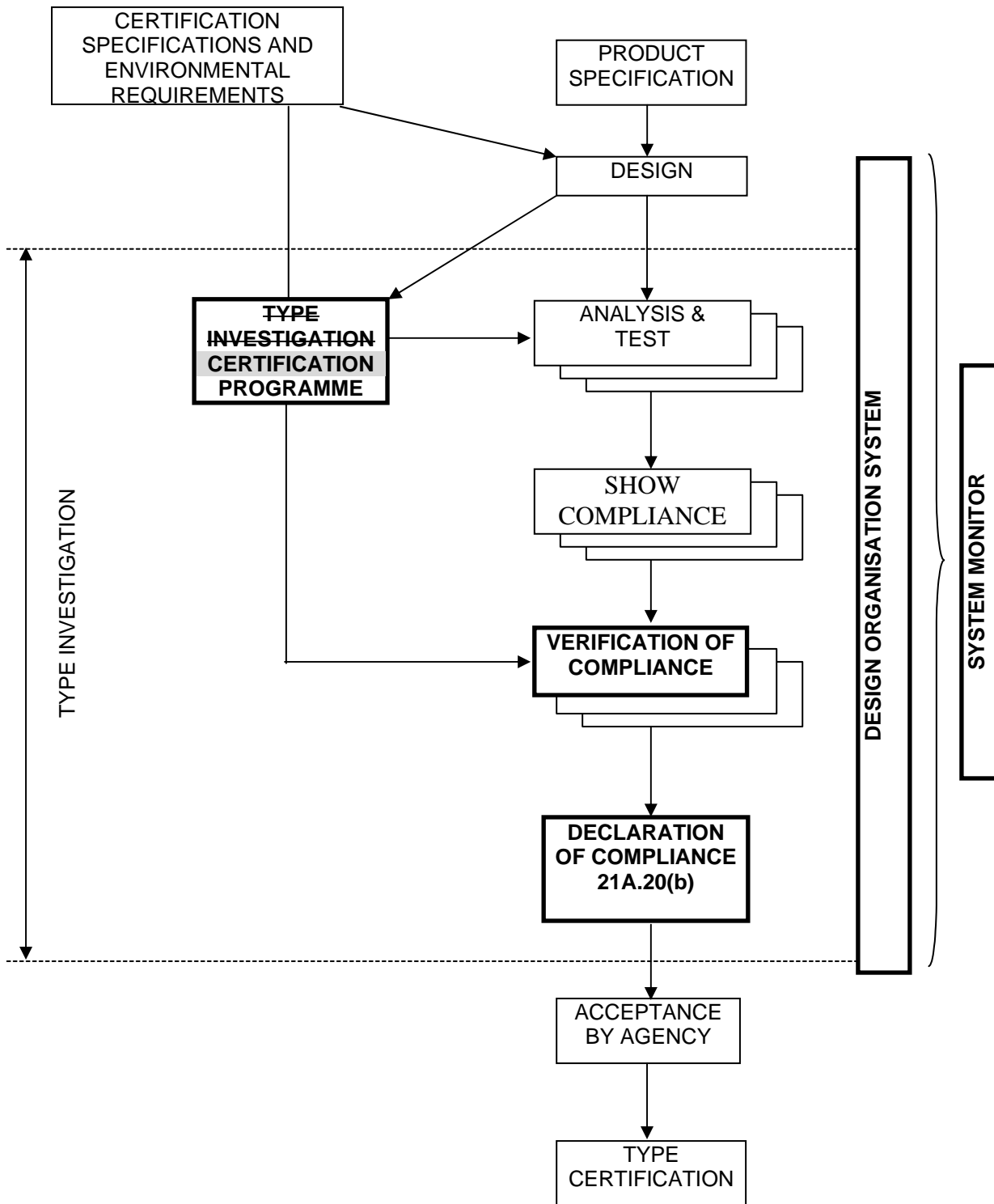
....

#### 3.1.4 *Office of Airworthiness*

....

- j. Preparation of the ~~Type Investigation certification~~ programme and co-ordination of all tasks related to Type Investigation in concurrence with the Agency.

....



: DESIGN ASSURANCE SYSTEM COMPONENTS

**Figure 1 - RELATIONSHIPS BETWEEN DESIGN, DESIGN ASSURANCE AND TYPE INVESTIGATION**

Proposal 19: Amend existing GM No.1 to 21A.243(d) to read as follows:

**GM No. 1 to 21A.243(d)**

**Statement of qualifications and experience**

...

**3.3 Personnel making decisions affecting airworthiness and environmental protection**

3.3.1. For these personnel, ~~no individual statement is required.~~ The applicant should show to the Agency that there is a system to select, train, maintain and identify them for all tasks where they are necessary.

....

3.3.2. Except for personnel described in 3.3.3, an individual statement is not required.

3.3.3. Where key personnel contribute to the level of confidence used in establishing privileges under 21A.263(b), they should be accordingly identified in the handbook or in a document linked to the handbook.

Proposal 20: Amend existing GM 21A.247 to read as follows:

**GM 21A.247**

**Significant changes in the design assurance system**

...

**2 Responsibilities**

- \* Change of the management staff
  - the Head of the design organisation [GM No. 1 to 21A.239(a), para.3.1.2, GM No. 1 to 21A.245, para.4.1, GM 21A.265(b)]
  - the Chief of the Office of Airworthiness [GM No. 1 to 21A.245, para. 4.2]
  - the Chief of the independent monitoring function of the design assurance system[21A.239(a)(3) and AMC No. 1 to 21A.243(a), para.2]
  - key personnel identified in GM No 1 to 21A.243(d), paragraph 3.3.3.
- \* New distribution of responsibilities affecting airworthiness or environmental protection.
- \* For organisations designing minor changes to type design or minor repairs to products, change of the persons identified in GM No. 2 to 21A.243(d).

Proposal 21: Introduce a new AMC 21A.263(b) to read as follows:

**AMC 21A.263(b)**

**DOA privilege related to compliance demonstration**

1. The compliance demonstration activities with no Agency involvement should be based on the established level of confidence with the DOA:

- through the demonstration of capability, in terms of means, procedures, appropriately qualified persons, as recognised in the terms of approval of the design organisation approval; and
  - satisfactory experience on similar certification exercises.
2. The terms of approval may identify areas where confidence in the DOA has been established at a level allowing for no Agency involvement in certification projects. This information should be taken into account when establishing any approved certification programme in accordance with 21A.20(b). The level of confidence established for an individual area may be based upon key personnel only, or organisation performance only, or a combination of both.
  3. Areas can be, but are not limited to, specific types of compliance demonstration activity, that can be restricted, or not, to a specific technical discipline, or product type.
  4. The holder should report to the Agency any factor which may affect the established level of confidence referenced in 1 and 2.

Proposal 22: Amend existing GM 21A.263(c)(4) to read as follows:

**GM 21A.263(c)(4)**

**Procedure for the approval of ~~minor documentary revision~~changes to the ~~a~~Aircraft ~~f~~Flight ~~m~~Manual**

**1 INTENT**

This GM provides guidelines to develop a procedure for the approval of ~~minor documentary revision~~changes to the ~~a~~Aircraft ~~f~~Flight ~~m~~Manual (AFM), hereafter called flight manual (FM).

Each DOA applicant/holder should develop its own internal procedure, based on these guidelines, in order to obtain the associated privilege under 21A.263(c)(4).

**2 ~~MINOR REVISIONS DEFINITION OF DOCUMENTARY CHANGES TO THE AFM~~**

2.1 Revisions are changes to the content of the FM that can be presented in various formats, such as:

- temporary revisions
- revisions
- supplements
- annexes
- appendices...

2.2 The following revisions to the FM are defined as minor revisions.

(a) Revisions to the FM associated with changes to type design classified as minor in accordance with 21A.91.

(b) Revision to the FM not associated with changes to type design (also identified as stand-alone revisions), that falls under one of the following:

- Changes to limitations that are achieved without altering or exceeding certification data (e.g. weight, structural, noise, etc.)
- Consolidation of two or more previously approved and compatible FMs into one, or compilation of different parts taken from previously approved and compatible FMs that are directly applicable to the subject aircraft.
- The introduction of compatible and previously approved FM temporary revisions, appendices and supplements.

(c) ~~Examples of documentary changes to the AFM that may be approved under the DOA privilege:~~ Documentary revisions to the FM, defined as follows:

(1)A - FOR AFM ISSUED BY THE TYPE-CERTIFICATE HOLDER

- Editorial ~~changes~~ revisions or corrections to the AFM.
- ~~Changes to weight limitations that are within all previously EASA approved limitations (e.g., structural, noise, etc.)~~
- ~~The addition of compatible and previously EASA approved AFM Temporary changes, appendices or Supplements.~~
- Conversions of previously FAA or EASA approved combinations of units of measurement added to the AFM in a previously approved manner.
- The addition of aircraft serial numbers to an existing AFM where the aircraft configuration, as related to the AFM, is identical to aircraft already in that AFM.
- The removal of reference to aircraft serial numbers no longer applicable to that AFM.
- The translation of an EASA approved FM into the language of the State of Design or the State of Registration.

(2)B - FOR AFM SUPPLEMENTS ISSUED BY STC HOLDERS

- Editorial ~~changes~~ revisions or corrections to the AFM Supplement.
- ~~Changes to weight limitations that are within all previously EASA approved limitations (e.g., structural, noise, etc.)~~
- Conversions of previously FAA or EASA approved combinations of units of measurement added to the AFM Supplement in a previously approved manner.
- The addition of aircraft serial numbers to an existing AFM Supplement where the aircraft configuration, as related to the AFM Supplement, is identical to aircraft already in that AFM Supplement.
- The removal of reference to aircraft serial numbers no longer applicable to that AFM Supplement.

- The translation of an EASA approved FM into the language of the State of Design or the State of Registration.

2.3 No other revision can be classified as minor, unless specifically agreed by the Agency.

### **3 PROCEDURE FOR THE APPROVAL OF MINOR DOCUMENTARY CHANGES/REVISIONS TO THE FM**

#### **3.1 Content**

The procedure should address the following points:

- preparation of all AFM changes/revisions to the FM,
- classification as minor of documentary the AFM change revision to the FM,
- verification by the airworthiness function, especially regarding the classification of the AFM change,
- approval of the AFM changes/revisions to the FM,
- approval statement and authorised signatories,
- distribution.

#### **3.2 Preparation**

The procedure should indicate how AFM changes/revisions to the FM are prepared and how the co-ordination with people in charge of design changes is performed.

#### **3.3 Classification**

The procedure should indicate how AFM changes/revisions to the FM are classified as minor/documentary changes, in accordance with the criteria of paragraph 2.

~~Changes to the AFM of an editorial nature should be non technical and should normally only affect existing approved data.~~

All decisions of classification of minor revisions to the FM that are not straightforward must be recorded and documented. These records must be easily accessible to the Agency for sample check.

All classifications of minor revisions to FM must be accepted by an appropriate authorised signatory.

The procedure must indicate the authorised signatories for the various products listed in the terms of approval.

#### **3.4 Verification by Office of airworthiness function**

~~The procedure should indicate how people in charge of Office of airworthiness function will:~~

- verify the classification as documentary changes
- review the content of the AFM changes.

### **3.45 Approval**

~~Any change to the AFM should be approved, either by the Agency, or under the privilege of 21A.263(c)(4) for documentary AFM changes.~~

~~For documentary AFM changes, the procedure should indicate how the approval under the privilege of 21A.263(c)(4) will be formalised.~~

The authorised signatories should be identified (name, signature), together with the scope of authorisation, in a document that can be linked to the DOA handbook.

### **3.56 Approval statement and authorised signatories**

Revisions of the AFM approved under the privilege of 21A.263(c)(4) ~~containing only documentary changes~~ should be issued with the approval statement defined in 21A.263(c)(4) on the front page and/or in the log of revisions.

~~When approval status is shown on each page, a simplified statement such as "Approved under the authority of DOA nr. [EASA].J.[xyz]" may be used.~~

~~The authorised signatories should be identified (name, signature), together with the scope of authorisation, in a document that can be linked to the DOA handbook.~~

### **3.7 Maintaining, updating and distribution**

3.11 ~~The procedure should indicate how the master copy of the AFM is maintained and updated, and how approved revisions are distributed, taking account of 21A.57 or 21A.119.~~

## **Subpart M – Repairs**

Proposal 23: Introduce a new AMC 21A.433 to read as follows:

### **AMC 21A.433**

#### **Compliance demonstration process for major repairs**

The applicant should propose an Agency level of involvement based upon the established level of confidence gained on similar activities under its design organisation approval, in particular, taking into account the privilege of 21A.263(b).



#### IV. Justifications

##### **Proposal 1: Amend existing 21A.20**

21A.20(a): The first part of the sentence clearly establishes that the responsibility for the demonstration of compliance belongs to the applicant. The second part is deleted and further elaborated in the new 21A.20(b).

21A.20(b): the previous 21A.20(a) sentence (last part) requires further development to explain what it means. A more detailed process, introducing the concept of an approved certification programme, is proposed. The approved certification programme will be the basis for the determination of Agency involvement in the various compliance demonstration activities like compliance documentation review, inspections, tests, software and complex electronics audits, assessments, investigations....An AMC is also proposed to develop further the concept.

21A.20(c): the concept of a compliance document is introduced in this paragraph (it is not defined as such in the current Part 21), with a link to the approved certification programme in which the documents required to justify compliance will be identified. An AMC is proposed to further detail the content of such a compliance document.

21A.20(d): a mechanism is added to allow departure from the approved certification programme defined in 21A.20(b). The conditions for use are further defined in guidance material.

21A.20(e): same as previous 21A.20(b), plus reference to the approved certification programme, that will contain the details of the work that will allow the applicant to make the final declaration of compliance.

Existing 21A.20(c): is deleted, because 21A.239(a)(2)(i) contains the necessary provisions to require a DOA Holder to exercise responsibilities under the design assurance system.

##### **Proposal 2: Amend existing 21A.21**

21A.21(b): Correction of reference, following new structure of 21A.20.

##### **Proposal 3: Amend existing 21A.33**

21A.33: is now only related to inspections and tests.

21A.33(a): text simplified to refer directly to the cases where inspections and tests have been retained as means of compliance (as determined in 21A.20(b) approved certification programme).

21A.33(d): is deleted as it is now globally covered by the determination of the Agency's involvement in the approved certification programme of 21A.20(b). The possibility to deviate from the approved certification programme is covered

under 21A.20(d), in particular, in relation with the identification of features or characteristics that could make the product unsafe.

21A.33(e): Now renamed (c) and reference to 21A.33(d) is deleted (see above).

**Proposal 4: Amend existing 21A.97**

21A.97(a): deletion of (a)(1), as such requirement already exists in 21A.93; for the rest, as the intent of 21A.97 is identical to 21A.20, the text is re-arranged to have a consistent approach: 21A.20(a) is addressed in 21A.97(a)(1), with specificity for major change; 21A.20(b),(c),(d) and (e) are applicable fully for major changes, without adaptation, therefore direct cross-reference is proposed.

**Proposal 5: Amend existing 21A.103**

21A.103(a)(1): Correction of reference, following new text of 21A.97, and direct cross-reference to 21A.20(e).

**Proposal 6: Amend existing 21A.114**

21A.114: Same intent as 21A.20, therefore same title is used. The cross-reference to 21A.97 is replaced by text, to simplify understanding by STC applicants; as the intent of this paragraph is identical to 21A.20, the text is re-arranged to mirror it:

- 1) 21A.20(a) is addressed in 21A.114(a), with the adaptation needed to properly address the applicable certification basis and environmental protection requirements, in the case of a STC;
- 2) 21A.20(b)(c)(d)(e) are applicable fully for STC, without adaptation, therefore a direct cross-reference is proposed;
- 3) a new 21A.114(c) is introduced to take into account 21.97(a)(3) (previously covered by the cross-reference to 21A.97).

**Proposal 7: Amend existing 21A.115**

21A.115: The cross-reference to 21A.103(a) is replaced by the text itself, to simplify understanding by STC applicants, with adjustment of numbering.

21A.115(b): A new paragraph referring to 21A.97(b) is introduced, to take into account what was previously covered by the reference to 21A.97 contained in previous 21A.114.

**Proposal 8: Amend existing 21A.257**

21A.257: Paragraph (b) is not needed, as it is now addressed for any new certification exercise under the concept of the approved certification programme, as defined in new 21A.20(b).

**Proposal 9: Amend existing 21A.263**

21A.263(b): Task 21.024 has been defined to improve the privilege of 21A.263(b) related to compliance document. It is proposed to address more generally non involvement of Agency in compliance demonstration activities, as defined in 21A.20(b) for a specific project, with a clear link to the capability demonstrated through the design assurance system and described in the terms of approval. Guidance material is proposed to explain the privilege and how it should be implemented.

21A.263(c): Although not identified initially under Task 21.024, this amendment is related to improvement of privileges and is proposed to solve recurrent issues on aircraft flight manual approvals, especially those changes associated with minor design changes but that do not meet the documentary definition as proposed in GM 21A.263(c)(4). The drafting prepared by the EASA FM working group has been used as a starting point. The word “documentary” in 21A.263(c)(4) is replaced by “minor”, and the associated GM modified accordingly. Previous material defining documentary changes is kept as criteria for the definition of minor changes to flight manual. In addition, the word “change” is replaced by “revision” to avoid any confusion with design changes.

**Proposal 10: Amend existing 21A.433**

21A.433: Addition to 21A.433(a)(2), for consistency with new 21A.20(b)(3).

**Proposal 11: Amend existing AMC 21A.14(b)**

AMC 21A.14(b): Existing text on management of the (supplemental) type certification process is replaced by a reference to the new corresponding guidance proposed for 21A.20.

**Proposal 12: Introduce a new AMC 21A.20(b)**

AMC 21A.20(b): A new AMC is added to further develop the concept of the approved certification programme.

**Proposal 13: Introduce a new AMC 21A.20(c)**

AMC 21A.20(c): A new AMC is added to detail the contents of compliance documentation.

**Proposal 14: Introduce a new GM 21A.20(d)**

GM 21A.20(d): A new GM is added to identify the nature of conditions that may cause a departure from the approved certification programme and changed Agency involvement.

**Proposal 15: Introduce a new GM 21A.20(e)**

GM 21A.20(e): A new GM is added to clarify the need to produce compliance documentation prior to issuance of the final statement of compliance.

**Proposal 16: Introduce a new AMC 21A.97**

AMC 21A.97: An AMC is proposed to provide for a simplified mechanism for the major changes not requiring long and heavy certification process, as, in such cases, an approved certification programme in advance will not be practical.

**Proposal 17: Introduce a new AMC 21A.114**

AMC 21A.114: Like for major changes, an AMC is proposed to provide for a simplified mechanism for the STC not requiring long and heavy certification process, as, in such cases, an approved certification programme in advance will not be practical.

**Proposal 18: Amend existing GM No.1 to 21A.239(a)**

GM No. 1 to 21A.239(a): “type investigation programme” is replaced by “approved certification programme”, to reflect the introduction of this concept in AMC 21A.20(b).

**Proposal 19: Amend existing GM No.1 to 21A.243(d)**

GM No. 1 to 21A.243(d): Where privileges obtained under 21A.263(b) are reliant on the involvement of some key personnel, their continued involvement must be properly controlled by both the DOA holder and the Agency. It is therefore proposed to require a specific identification of such persons and to consider any change as a significant change requiring Agency notification. The reason for additional Agency control is the risk for the Agency associated with the new privilege, if not properly monitored. A change of such key personnel needs Agency assessment and may result in a revision to the privilege of 21A.263(b). These provisions are minimising the risk. See also change to GM 21A.247.

**Proposal 20: Amend existing GM 21A.247**

GM 21A.247: See justification under GM No. 1 to 21A.243(d).

**Proposal 21: Introduce a new AMC 21A.263(b)**

AMC 21A.263(b): The guidance describes the concept for the justification of no Agency involvement and associated conditions.

**Proposal 22: Amend existing GM 21A.263(c)(4)**

GM 21A.263(c)(4): Amended to provide additional guidance on minor revisions to the flight manual.

**Proposal 23: Introduce a new AMC 21A.433**

AMC 21A.433: Like for major changes, an AMC is proposed to provide for a simplified mechanism, as, in such cases, an approved certification programme in advance will not be practical.