



OPINION No 06/2008

OF THE EUROPEAN AVIATION SAFETY AGENCY

of 10 October 2008

for a Commission Regulation amending 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, as well as for the certification of design and production organisations

AND

for a Commission Regulation amending Commission Regulation (EC) No 2042/2003 of 20 November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks

'Authorised Release Certificate EASA Form 1'

I. General

1. The purpose of this opinion is to suggest the Commission to amend:
 - the Annex Part-21 to Commission Regulation (EC) No 1702/2003¹ (hereinafter Part-21) and in particular its Appendix 1, EASA Form 1 Authorised Release Certificate;
 - the Annex I to Commission Regulation (EC) No 2042/2003² (hereinafter Part-M) and in particular its Appendix II, EASA Form 1, and;
 - the Annex II to Commission Regulation (EC) No 2042/2003 (hereinafter Part-145) and in particular its Appendix I, EASA Form 1.
2. The Opinion has been adopted, following the procedure specified by the European Aviation Safety Agency's (the Agency) Management Board³, in accordance with the provisions of Article 19 of Regulation (EC) No 216/2008⁴ (hereinafter referred to as the Basic Regulation).

II. Consultation

3. Notice of Proposed Amendment (NPA) 2007-13⁵ that contained the draft opinion for a Commission Regulation amending Part-21, Part-M and Part-145 was published on the Agency website on 12 September 2007.
4. By the closing date of 12 December 2007, the Agency had received 171 comments from 25 national authorities, professional organisations and private companies.
5. All comments received have been acknowledged and incorporated into a Comment Response Document (CRD), which was published on the Agency's web site on 24 July 2008. This CRD contains a list of all persons and/or organisations that have provided comments and the answers of the Agency.
6. By 25 September 2008 four reactions to the CRD from two commentators were received.

Reactions related to the Acceptable Means of Compliance and Guidance Material which is not the subject of this Opinion will be subsequently addressed in the respective Agency Decision to amend such documents. The reactions related to the subject of this Opinion (proposed amendments of the Implementing Regulations) are discussed in the following.

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, as well as for the certification of design and production organisations (OJ L 243, 27.9.2003, p. 6). OJ L 243, 27.9.2003, p. 6. Regulation as last amended by Regulation (EC) No 287/2008 of 28 March 2008 (OJ L 87, 29.3.2008, p. 3).

² Commission Regulation (EC) No 2042/2003 of 20 November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks (OJ L 315, 28.11.2003, p. 1). Regulation as last amended by Commission Regulation (EC) No 376/2007 (OJ L 94, 4.4.2007, p. 18).

³ Decision of the Management Board concerning the procedure to be applied by the Agency for the issuing of Opinions, Certifications Specifications and Guidance Material (Rulemaking Procedure). EASA MB 08-2007, 13.06.2007.

⁴ 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, 19.03.2008, p. 1)

⁵ See Rulemaking Archives at http://www.easa.europa.eu/ws_prod/r/r_archives.php.

One reaction suggests retaining the current completion instructions for block 4 "Approved Organisation Name and address" of the EASA Form 1. The new instructions proposed in this Opinion no longer require adding a second address when the place of manufacture is not listed in the approval certificate of the approved organisation. This could for instance be the situation when parts are produced by a supplier. The Agency does not agree with the suggestion made for the following reason. The removal of the second address in block 4 has been extensively discussed at drafting group meetings. The drafting group concluded that the name and address of the approved organisation would suffice for identifying the organisation responsible for the issuance of the EASA Form 1 and traceability of the parts and appliances. The Agency agrees to this conclusion.

A second reaction suggests amending M.A.802 "Component certificate of release to service" in order to recall that an EASA Form 1 does not constitute an authorisation for installation. The Agency does not agree to such amendment since the EASA Form 1 already includes such clarification in the Note to Form 1 under "User/Installer Responsibilities".

The last reaction concerns the deletion of block 9 "Eligibility" in the EASA form 1 and recommends that the block should be kept as such but to mark it with "reserved" in order to limit the impact by having to renumber the other blocks. This point was also discussed extensively at drafting group meetings and a large consensus for deleting block 9 was reached by Industry and the Authorities around the world. Keeping block 9 was expected to create ambiguity between the existing and new version of the EASA Form 1 that would look similar, but have different completion instructions. Moreover, no adverse comments regarding this issue were received at the stage of the NPA public consultation. The Agency takes the view that the block 9 should be deleted.

Further review by the Agency revealed minor textual inconsistencies between the Part-21 Appendix 1, Part-M Appendix II and Part-145 Appendix I, which have been corrected.

III. Content of the Opinion of the Agency

7. This opinion is aimed at amending the authorised release certificate (hereinafter EASA Form 1) and its completion instructions in Part 21, Part M and Part 145. The content of these amendments is explained here below.
8. The contents and format of various authorised release certificates (e.g. EASA Form 1, Federal Aviation Administration (FAA) Form 8130-3, Transport Canada Form 24-0078, Brazilian Form SEGVOO 003) have been harmonised. However, because the instructions for completing these forms were never harmonised this resulted in different interpretations of certain information entered in the forms which in turn created some difficulties with the acceptance of these forms.
9. Various problems and questions, relating to these authorised release certificates have also accumulated since the last review. Therefore EASA, the FAA, Transport Canada and various other Aviation Authorities have reviewed the authorised release certificate, its use and the associated instructions. Some specific areas of consideration were:
 - Clear distinction between an EASA Form 1 being used for new parts (production) and used parts (maintenance);
 - Harmonisation of the completion instructions with other Aviation Authorities, whilst recognising that certain terms will only be used unilaterally;

- Use of electronic EASA Form 1;
 - Control of copies of the EASA Form 1;
 - Need for block 9 "Eligibility".
10. Since EASA aims for a high level of harmonisation with these other authorities and global acceptance of the authorised release certificate, EASA established a drafting group. The drafting group cooperated with the Global Manufacturing Initiative (GMI), in which representatives from Aviation Authorities and industry outside Europe participated. This cooperation resulted in a proposal for a general form contents, lay-out, completion instructions and acceptance criteria for the voluntary use of electronic authorised release certificates. This was used as the basis for both the EASA NPA 2007-13 and an FAA draft order 8130.21. It is anticipated that other Aviation Authorities will also use this basis when they amend their regulations. Public consultation of the EASA NPA and internal consultation of the FAA Order generated comments that were reviewed by the EASA drafting group and the FAA. The resulting EASA Form 1 and completion instructions in the CRD 2007-13 therefore reflect a high level of harmonisation that meets the objective of this effort.
 11. To allow for a smooth implementation of the amendments proposed in this Opinion, the Agency proposes a transition period of one year from entry into force of the relevant amendments to the Implementing regulations. During the transition period both the existing and the new version of the EASA Form 1 may be used. EASA Form 1 issued after this period must be issued in compliance with the new rules. Both versions of EASA Form 1 issued before the end of the transition period will continue to be valid with regard to Part 21A.307, Part M.A.501 and Part 145.A.42 for installation of the item(s) covered by the form.
 12. The present opinion only addresses the changes that the Agency suggests to the applicable Commission regulations (Part 21, Part M, and Part 145). The related Acceptable Means of Compliance (AMC) and Guidance Material (GM), which were detailed in the NPA 2007-13 and CRD, will be issued by the Agency once the above mentioned amendments to the Implementing regulations have been adopted by the Commission. The said AMC and GM are considered by the Agency as important for improving the understanding of the proposed amendments.
 13. The Annex I to Commission Regulation (EC) No 2042/2003 and in particular Appendix II, EASA Form 1 in the appendices to Part M is aligned with the changes to the completion instructions as proposed by Opinion 02/2008.

IV. Regulatory Impact Assessment

14. Purpose and intended effect

The aim of this opinion is:

- to introduce a revised EASA Form 1 and completion instructions which are clearer than the present ones and which achieves a high level of harmonisation with the authorised release certificate as it will be amended by the FAA. It is anticipated that other Aviation Authorities will introduce similar amendments to their authorised release certificates, thereby improving global harmonisation.
- to remove block 9 that contains the eligibility information of items released with an EASA Form 1. The removal of this eligibility information from the current EASA Form 1 eliminates possible inconsistencies with approved installation data.
- to remove specific wording in the completion instructions that obstructs the implementation of an electronic EASA Form 1.

15. Scale of the issue and sectors concerned

The EASA Form 1 and equivalent authorised release certificates are used within most regulatory systems for the release of aviation parts and appliances. These

forms are used by thousands of production and maintenance organisations around the world. Therefore Aviation Authorities, production organisations and maintenance organisations are affected.

16. Options

The options identified are either to remain with the current requirements and EASA Form 1 or to move towards a higher level of global harmonisation by amending the EASA Form 1 as proposed.

17. Impacts

Increased harmonisation of the authorised release certificates between the different regulatory systems is considered beneficial to ensure common understanding of the use and meaning of the data provided by the authorised release certificate. The adoption of the proposed amendment to EASA Form 1, accompanied by improved completion instructions which increase the understanding of the form, is expected to have a considerable positive economic impact by preventing unnecessary rejection or blocking of items certified in accordance with the legal framework. It is also expected to have a positive effect on safety by reducing the possibility for ambiguous or conflicting information. Electronic exchange of EASA Form 1 data will also have a positive economic effect due to the reduction of handling costs and the time involved in administration.

Cologne, 10 October 2008

P. GOUDOU
Executive Director