



Explanatory Note to ED Decision 2023/022/R

in accordance with Article 4(2) of MB Decision 01-2022

Alignment of Annex I (Part 21) to Regulation (EU) No 748/2012 with Regulation (EU) 2018/1139 (including simple and proportionate rules for GA)

Detailed Technical Specifications and Guidance Material for the declaration of design compliance in accordance with Part 21 Light, Section A, Subpart C

(DS for Part 21 Light (DS-21LD) — Issue 1)

RMT.0727 SUBTASK 1

EXECUTIVE SUMMARY		
<p>This Decision provides the Detailed Technical Specifications to enable an aircraft manufacturer to declare compliance of their design in accordance with Annex Ib (Part 21 Light) to Regulation (EU) No 748/2012.</p> <p>The objective is to maintain a high level of safety for less complex aircraft whilst also providing cost-efficient specifications in the field of initial airworthiness.</p> <p>This ED Decision will facilitate the implementation of the new Annex (Part 21 Light) to Regulation (EU) No 748/2012 that introduced the possibility for aircraft manufacturers to declare compliance of their design.</p>		
REGULATION(S) TO BE AMENDED/ISSUED	ED DECISION(S) TO BE AMENDED/ISSUED	
— N/A	— N/A	
AFFECTED STAKEHOLDERS		
Aircraft manufacturers and designers; GA operators; and competent authorities, including EASA		
WORKING METHODS		
Development	Impact assessment(s)	Consultation
By EASA	Light	None – Exception granted
RELATED DOCUMENTS / INFORMATION		
ToR RMT.0727 Issue 1, issued on 28 August 2019		
PLANNING MILESTONES: Refer to the latest edition of the EPAS Volume II.		

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1. About this Decision

1.1. How this regulatory material was developed

The recently adopted Part 21 Light (Annex Ib to Regulation (EU) No 748/2012) permits an aircraft manufacturer, for a defined scope of simple aircraft, to declare that their design complies with the Detailed Technical Specifications that have been published by EASA. EASA is not involved in the verification of compliance of the design and this remains the responsibility of the person making the declaration.

Part 21 Light requires that EASA publishes the Detailed Technical Specifications against which an aircraft manufacturer can declare compliance. In reality these Detailed Technical Specifications are the same Certification Specifications that are used for the certification of equivalent aircraft under the type-certification process and are not amended (but limited in some cases to simpler designs).

For the ED Decision for the publication of the Detailed Technical Specifications for Part 21 Light (DS-21LD), EASA decided to deviate from the Rulemaking Procedure contained in Management Board Decision N° 01-2022¹ (hereafter referred to as the Rulemaking procedure) for the following reasons:

- The Detailed Technical Specifications for declared aircraft are an intrinsic part of Part 21 Light and the expectation for their publication has been established since the concept was first proposed. In addition, they have been mentioned and described in various workshops, explanatory notes and other consulted regulatory material. Therefore stakeholders are aware that these Detailed Technical Specifications will be published.
- These Detailed Technical Specifications (DS-21LD) do not create any new technical requirements because all regulatory material that is referenced has already been consulted and approved. For example, currently under Part 21 an aircraft (of the mass and number of occupants for the declared process) must be certified in accordance with either CS-23 or, if applicable CS-LSA. The detailed technical specifications in DS-21LD do not fundamentally change this status and a declarant would have to use the same CS-23 or CS-LSA when declaring compliance of their design. The same applies for sailplanes (CS-22) and balloons (CS-31).
- The criticality and impact of the DS-21LD are negligible and the supporting material should be appropriate for this classification to avoid unnecessary document creation and maximise efficiency.
- It is unlikely that there would be additional insight provided by the stakeholders for the regulatory material (i.e. the CSs and SCs) that has already been consulted, approved and published.

For the reasons stated above an EASA Exception was granted.

¹ EASA is bound to follow a structured rulemaking process as required by Article 115(1) of Regulation (EU) 2018/1139. Such a process has been adopted by the EASA Management Board (MB) and is referred to as the 'Rulemaking Procedure'. See MB Decision No 01-2022 of 2 May 2022 on the procedure to be applied by EASA for the issuing of opinions, certification specifications and other detailed specifications, acceptable means of compliance and guidance material ('Rulemaking Procedure'), and repealing Management Board Decision No 18-2015 (<https://www.easa.europa.eu/the-agency/management-board/decisions/easa-mb-decision-01-2022-rulemaking-procedure-repealing-mb>).

2. In summary — why and what

2.1. Why we need to act

Currently, Part 21 does not provide sufficient proportionality with regard to the nature of and risks associated with certain products and activities, such as aircraft primarily used for sport and recreational purposes. As a consequence, the certification costs and the associated administrative burden are high for the small-aircraft community, which is the least able to bear them.

The issue is prevalent with existing GA manufacturers, but is also often cited as being the main reason why aircraft manufacturers are reluctant to leave their national regulatory systems and enter the EASA regulatory system and enjoy the benefits of the wider EU market.

For this reason, the European Commission adopted Implementing Regulation (EU) 2022/1361² and Delegated Regulation (EU) 2022/1358³ for Part 21 Light based upon EASA's Opinion No 05/2021⁴.

The Detailed Technical Specifications issued with this Decision will provide the technical requirements for aircraft manufacturers of aircraft primarily used for sport and recreational purposes to declare compliance of their designs.

2.2. What we want to achieve — objectives

The overall objectives of the EASA system are defined in Article 1 of the Basic Regulation⁵. The regulatory material presented here is expected to contribute to achieving these overall objectives by addressing the issues described in Section 2.1.

With the regulatory material presented here, EASA intends to support the application of Annex Ib (Part 21 Light) to Regulation (EU) No 748/2012, the detailed objectives of which are explained in Section 2.2 of EASA Opinion No 05/2021.

The specific objective of this Decision is to issue Detailed Technical Specifications as referenced in Part 21 Light that will enable the application of a proportionate approach for products that are considered to pose less risk when compared to other, more complex products. This Decision is intended to achieve an overall reduction in the administrative burden and its associated costs.

² Commission Implementing Regulation (EU) 2022/1361 of 28 July 2022 amending Regulation (EU) No 748/2012 as regards the certification, oversight and enforcement tasks of the competent authorities in the implementation of the rules concerning the organisations involved in the design and production of aircraft used for sport and recreational aviation (OJ L 205, 5.8.2022, p. 127) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022R1361&qid=1678272149669>).

³ Commission Delegated Regulation (EU) 2022/1358 of 2 June 2022 amending Regulation (EU) No 748/2012 as regards the implementation of more proportionate requirements for aircraft used for sport and recreational aviation (OJ L 205, 5.8.2022, p. 7) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022R1358&qid=1678272247617>).

⁴ Opinion No 05/2021 'Part 21 Light — Certification and declaration of design compliance of aircraft used for sport and recreational aviation and related products and parts, and declaration of design and production capability of organisations' (<https://www.easa.europa.eu/en/document-library/opinions/opinion-052021>).

⁵ Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1535612134845&uri=CELEX:32018R1139>).

3. Expected benefits and drawbacks of the regulatory material

The expected benefits and drawbacks of the regulatory material are summarised below. For the full impact assessment of the amendments to Regulation (EU) No 748/2012 as regards the introduction of Part 21 Light, please refer to Chapter 4 of NPA (draft Opinion) 2021-102 'Part 21 Light — Certification and declaration of design compliance of aircraft intended primarily for sports and recreational use and related products and parts, and declaration of design and production capability of organisations' (RMT.0727).

The Detailed Technical Specifications (DS-21LD) issued by this Decision are not expected to have any additional impact in terms of benefits and drawbacks compared to those that were already described in NPA 2021-102 (for the amendments to Regulation (EU) No 748/2012 as regards Part 21 Light), and the only purpose they serve is to provide the aircraft manufacturer of an aircraft intended primarily for sports and recreational use with the applicable technical specifications for their design using previously approved Certification Specifications.



4. Monitoring and evaluation

EASA shall monitor and evaluate the effectiveness of the Detailed Technical Specifications for Part 21 Light (DS-21LD), as explained in Chapter 4 of EASA Opinion No 05/2021 'Part 21 Light — Certification and declaration of design compliance of aircraft used for sport and recreational aviation and related products and parts, and declaration of design and production capability of organisations'.



5. Proposed actions to support implementation

In order to support the implementation of Part 21 Light concept and the associated AMC and GM and Detailed Technical Specifications (DS-21LD), EASA shall consider the following means:

- focused communication for AB meetings (GA COM, GA TEC, P&CA TeB);
- provision of clarification to NCAs via electronic communication tools;
- detailed explanations/clarification on the EASA website;
- dedicated thematic workshop sessions.



6. References

- 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 (recast) (OJ L 224, 21.8.2012, p. 1)
- Commission Implementing Regulation (EU) 2022/1361 of 28 July 2022 amending Regulation (EU) No 748/2012 as regards the certification, oversight and enforcement tasks of the competent authorities in the implementation of the rules concerning the organisations involved in the design and production of aircraft used for sport and recreational aviation (OJ L 205, 5.8.2022, p. 127)
- Commission Delegated Regulation (EU) 2022/1358 of 2 June 2022 amending Regulation (EU) No 748/2012 as regards the implementation of more proportionate requirements for aircraft used for sport and recreational aviation (OJ L 205, 5.8.2022, p. 7)

