

European Aviation Safety Agency

**DECISION N° 2007/012/R
OF THE EXECUTIVE DIRECTOR OF THE EUROPEAN AVIATION SAFETY AGENCY
OF 22nd NOVEMBER 2007**

AMENDING THE ANNEX TO DECISION NO 2003/01/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')

THE EXECUTIVE DIRECTOR OF THE EUROPEAN AVIATION SAFETY AGENCY,

Having regard to the 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 Agency¹ (hereinafter "The Basic Regulation"), and in particular Articles 13 and 14 thereof,

Having regard to the 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 organisations²,

Whereas:

- (1) The Agency shall issue certification specifications, including airworthiness codes and acceptable means of compliance, as well as any guidance material for the application of the Basic Regulation and its implementing rules.
- (2) In accordance with article 5.2(d) of the Basic Regulation, organisations responsible for the manufacture of products, parts and appliances shall demonstrate their capability and means to discharge the responsibilities associated with their privileges.
- (3) The definition of "part and appliances" in Article 3(d) in the Basic Regulation does not include "materials".
- (4) The scope of Part 21 Subpart F and Subpart G related to production is limited to the showing of conformity of products, parts and appliances with the applicable design data.

¹ OJ L 240, 7.9.2002, p.1. Regulation as last amended by Commission Regulation (EC) 334/2007 (OJ L 88, 29.3.2007, p. 39).

² OJ L 243, 27.9.2003, p. 6. Regulation as last amended by Regulation (EC) No 375/2007 (OJ L 94, 4.4.2007, p. 3).

- (5) As a consequence, Part 21 Subpart G production organisation approvals and Subpart F letters of agreement cannot be issued for the production of materials.
- (5) It is not necessary to approve the production of materials because the holders of production organisation approvals, Part 21 Subpart F letters of agreement and also approved maintenance organisations are obliged to verify that incoming materials are as specified in the applicable design data.
- (6) The original issue of acceptable means of compliance and guidance material to Part 21 inaccurately made reference to the possibility for the Agency to issue approvals and letters of agreement for the production of materials.
- (7) It is therefore necessary to amend those acceptable means of compliance and guidance material to correctly reflect the legal situation.
- (8) The Agency, pursuant to Article 43 of the Basic Regulation and articles 5(3) and 6 of the EASA rulemaking procedure³, has widely consulted interested parties (see: NPA 2007-03⁴) on the matters which are the subject of this Decision and has provided thereafter a written response to the comments received (see: CRD No 2007-03⁵).

HAS DECIDED:

Article 1

The Annex "Acceptable means of compliance and guidance material to be used in the airworthiness certification of products, parts and appliances and the approval of organisations involved in their design or manufacture" to Decision ED/2003/01/RM of the Executive Director of the Agency of 17 October 2003⁶ is hereby amended in accordance with Annex 1 to this Decision.

Article 2

This decision shall enter into force on 29 November 2007. It shall be published in the Official Publication of the Agency.

Done in Cologne, 22 November 2007

P. GOUDOU

³ 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/08/07, 13.6.2007.

⁴ NPA 2007-03 is available at [http://www.easa.europa.eu/doc/Rulemaking/NPA/final_NPA2007-03_\(AMC_GM_Raw_Materials\)_22.03.07.pdf](http://www.easa.europa.eu/doc/Rulemaking/NPA/final_NPA2007-03_(AMC_GM_Raw_Materials)_22.03.07.pdf)

⁵ CRD 2007-03 is available at http://www.easa.eu.int/home/rm_crd_en.html

⁶ Decision ED/2003/01/RM of the Executive Director of the Agency of 17 October 2003 as last amended by Decision ED/2007/006/R of the Executive Director of the Agency of 04/04/2007.

Annex 1 to Decision 2007/00X/R

The following paragraphs of the Annex to Decision 2003/1/RM AMC and GM to Part 21 are amended as follows:

SECTION A/Subpart F

1. GM No.1 to 21A.121 is amended as follows:

GM No.1 to 21A.121

Applicability - Individual product, part or appliance

In this context, "demonstrating the conformity with the applicable design data of a product, part and appliance" means that conformity with the applicable design data has to be established and shown for each and every product, part ~~or, appliance, or material~~ produced.

2. GM 21A.124(b)(1)(i) subparagraph 1 is amended as follows:

GM 21A.124(b)(1)(i)

Applicability - Inappropriate approval under Subpart G

The issue of a letter of agreement of production under Part 21 Subpart F may be agreed by the Competent Authority when:

- 1 The applicant produces or intends to produce aeronautical products, parts, and/or appliances ~~and/or materials~~ intended for airborne use as part of a type-certificated product (this excludes simulators, ground equipment and tools), and

3. GM 21A.124(b)(1)(ii) is amended as follows:

GM 21A.124(b)(1)(ii)

Certification or approval needed in advance of the issue of a POA

In cases where Part 21 Section A Subpart G is applicable, but when some time is needed for the organisation to achieve compliance with Subpart G, i.e., to establish the necessary documented quality system, the Competent Authority may agree to use Part 21 Section A Subpart F for a limited period (transient phase).

In cases where Part 21 Section A Subpart G is applicable, such as to produce ETSO articles ~~or material~~, a letter of agreement to produce under Part 21 Subpart F should not be given unless an application has been made for organisation approval under Subpart G, and reasonable progress is being made towards compliance with Subpart G. Long-term production under Part 21 Subpart F will not be permitted.

4. GM No. 1 to 21A.125 is amended as follows:

GM No. 1 to 21A.125

Letter of agreement - Meaning of individual

"Individual" means that each part number or type of item (i.e., product, part, ~~or appliance, or material~~) to be produced should be specifically referenced, either directly or through a referenced capability list, in the letter of agreement from the Competent Authority. The letter may also specify any limitation in the production rate.

5. GM 21A.129(a), the first sentence is amended as follows:

GM 21A.129(a) Availability for inspection by the Competent Authority

Each product, ~~part, appliance or material~~ part or appliance should be made available for inspection at any time at the request of the Competent Authority.

SECTION A/Subpart G

6. GM 21A.133(a) is amended as follows:

GM 21A.133(a)

Eligibility – Approval appropriate for showing conformity

'Appropriate' should be understood as follows:

- The applicant produces or intends to produce aeronautical products, parts, and/or appliances ~~and/or materials~~ intended for airborne use as part of a type-certificated product (this excludes simulators, ground equipment and tools).
- The applicant will be required to show a need for an approval, normally based on one or more of the following criteria:
 - 1 Production of aircraft, engines or propellers (except if the Competent Authority considers a POA inappropriate).
 - 2 Production of ETSO articles and parts marked EPA.
 - 3 Direct delivery to users such as owners or operators maintenance organisations with the need for exercising the privileges of issuing Authorised Release Certificates – EASA Form 1.
 - 4 Participation in an international co-operation program where working under an approval is considered necessary by the Competent Authority.
 - 5 Criticality and technology involved in the part, or appliance, ~~or material~~ being manufactured. Approval in this case may be found by the Competent Authority as the best tool to exercise its duty in relation to airworthiness control.
 - 6 Where an approval is otherwise determined by the Competent Authority as being required to satisfy the essential requirements of Annex I to the Basic Regulation.
- It is not the intent of the Competent Authority to issue approvals to manufacturing firms that perform only sub-contract work for main manufacturers of products and are consequently placed under their direct surveillance.
- Where standard parts, materials, processes or services are included in the applicable design data (see guidance on applicable design data in GM 21A.131) their standards should be controlled by the POA holder in a manner which is satisfactory for the final use of the item on the product, part or appliance. Accordingly, the manufacturer or provider of the following will not at present be considered for production organisation approval:
 - consumable materials
 - raw materials
 - standard parts
 - parts identified in the product support documentation as 'industry supply' or 'no hazard'
 - non-destructive testing or inspection
 - processes (heat treatment, surface finishing, shot peening, etc.)

7. GM No.2 to 21A.139(b)(2) is amended as follows:

GM No. 2 to 21A.139(b)(2)

Quality System – Adequacy of procedures and monitoring function

Adequacy of procedures means that the quality system, through the use of the procedures as set forth, is capable of meeting the conformity objectives identified in 21A.139(a).

The quality assurance function to ensure the above should perform planned continuing and systematic evaluations or audits of factors that affect the conformity (and, where required, safe operation) of the products, parts, ~~or~~ appliances ~~and/or materials~~ to the applicable design. This evaluation should include all elements of the quality system in order to show compliance with Part-21 Subpart G.

8. AMC 21A.145(d)(1) Subparagraph 1 is amended as follows:

AMC 21A.145(d)(1)

Approval Requirements – Certifying staff

1 Certifying Staff are nominated by the production organisation to ensure that products, parts, ~~and/or~~ appliances ~~and/or materials~~ qualify for Statements of Conformity or Release Certificates. Certifying Staff positions and numbers are to be appropriate to the complexity of the product and the production rate.

9. The table in GM 21A.151 is amended as follows:

GM 21A.151

Terms of approval – Scope and categories

SCOPE OF WORK		PRODUCTS/CATEGORIES
A1	Large Aeroplanes	State types
A2	Small Aeroplanes	"
A3	Large Helicopters	"
A4	Small Helicopters	"
A5	Gyroplanes	"
A6	Sailplanes	"
A7	Motor Gliders	"
A8	Manned Balloons	"
A9	Airships	"
A10	Microlight Aircraft	"
A11	Very Light Aeroplanes	"
A12	Other	"
B1	Turbine Engines	"
B2	Piston Engines	"
B3	APU's	"
B4	Propellers	"
C1	Appliances:	State appliance generic types (e.g., Tyres, Altimeter, etc.) Examples include: Avionic, Com/Nav/Pulse Computer System, Aircraft/Engine/Avionic Instruments, Mechanical/Electrical/ Gyroscopic/Electronic Mechanical/Hydraulic/Pneumatic
C2	Parts:	State part generic types (e.g., Wing, Landing Gear, etc.) Examples include: Structural, Metallic/non-metallic Mechanical/Hydraulic/Pneumatic Electrical Electronic
C3	Materials	
D1	Maintenance	State aircraft types
D2	Issue of permit to fly	State aircraft types

SECTION B/Subpart F

10. The completion instructions of block 4 of Form 60 in AMC 21B.120(c)(1) is amended as follows:

AMC 21B.120(c)(1) Evaluation of applications

EASA Form 60

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Block 4: This Block must include further details of the manufacturing activities under the approval for the addresses indicated in Block 3. The Block "Identification" must indicate the products, parts, or appliances ~~or material~~ intended to be produced, while the Block "Termination" must address any information on the limitation of the activity, e.g., by stating the intended number of units to be manufactured or the expected date of completion of the manufacturing activities.