

DRAFTING GROUP TASKING FORM

EASA

TERMS OF REFERENCE

TOR Nr: 21.023

Issue: 1

Date: 20 January 2006

Regulatory reference: Part-21, Sections A and B, Subpart H and 21A.23, and associated AMC/GM

Reference documents: pre-RIA 21.023

1.Subject: Permit to Fly / Restricted Certificates of Airworthiness

2.Problem / Statement of issue and justification; reason for regulatory evolution (regulatory tasks):

During the transposition of JAR-21 into EU law it was recognised that common requirements were necessary to address the issuance of Permits to Fly (PtF). However due to a lack of time no detailed and comprehensive set of requirements and AMC/GM was developed. Therefore a transition period until March 2007 was established during which the NAAs were still responsible for all aspects related to PtF, giving the Agency time to prepare an opinion for amending Regulation 1702/2003. Many comments on the draft Part 21A.185 ("Issue of Permits to Fly") were deferred and were intended to be addressed in this rulemaking activity. These however indicated that there would be merit envisaging that the Agency issuing itself some permits to fly, in particular for aircraft that cannot obtain other airworthiness certificates, at least for a relatively long period (certification flight testing or unconventional aircraft). Although this could be clarified in Part 21, it was felt appropriate to also foresee a legal basis in the Basic Regulation and the proposal adopted by the Commission for extending EASA scope includes provisions therefore.

Recent developments have shown that there is also a need to improve the requirements related to the issuance of restricted certificates of airworthiness. This has become particularly apparent in the way we deal with aircraft without a TC holder or where the TC has become invalid for other reasons ("orphan aircraft"). The Basic Regulation refers to the various airworthiness certificates currently used in aviation, but does not clarify what they exactly are deemed to address. It is time now to correct this uncertainty and to specify the cases in which each certificate is to be used.

3.Objective:

The aim of this rulemaking task is to review the requirements for all the airworthiness certificates other than the standard certificate of airworthiness. A consistent framework for the various possibilities should be established defining those possibilities and elaborating conditions for issuance. The envisaged deliverables are draft NPA texts for amending Part 21 and/or its AMC/GM accordingly. If necessary it is possible also to suggest amendments to the Basic Regulation.

4. Specific tasks and interface issues (Deliverables):

General

- Elaborate definitions for each category of airworthiness certificates (all but standard C of A), describing when they are used and the purpose of those certificates;
- Consider most appropriate sharing of tasks among the possible players, Agency, NAAs and MOA/CAMO/POA/DOA/AOC;
- Previous NAA rules and procedures as well as non-EU states rules and procedures will be considered as examples.

Permit to Fly:

- Re-assess the involvement of the Agency and NAA's in the process of issuance of each

kind of PtF;

- careful consideration should be given to operational aspects (e.g. differentiate PtF in development/certification phase from PtF required for fleet operations)
- For certification test flights; the Agency's draft NPA related to Flight Testing resulting from task MDM.003 should be considered;
- Define the term "a basic flight";
- Define, if necessary, general limitations relative to the use of aircraft with a PtF.

Restricted Certificate of Airworthiness:

- Consider the two possibilities: R-CoA based on an R-TC and R-CoA based on "specific certification specifications";
- Clarify what the above "specific CS" are or should be, as well as how they are issued/established, amended, suspended, revoked / withdrawn;
- Clarify the role of the Agency as regard the oversight of orphan aircraft. This would ensure that the legislator is well aware of the associated liability consequences. In the same way, the nature of the conditions that can be imposed by the Agency on aircraft owners and State of registry to ensure appropriate data reporting and reduce risks associated to loop-holes in such reporting, shall be clarified;
- Clarify the process in absence of a Restricted TC (application, establishment of the "specific CS", showing of compliance, EASA finding (what kind of statement? On what kind of form?)). In particular, it may be necessary to also develop guidance material for 21A.23 "Issue of restricted type certificate" explaining the use of this paragraph, and/or to 21A.184(b), or even propose changes to Part 21, to provide clear eligibility criteria for such R C of A
- Define, if necessary, general limitations relative to the use of aircraft with a R-CoA.

5. Working Methods (in addition to the applicable EASA procedures):

- Drafting group
- The group shall establish a concept may decide to split up in sub-groups if this is deemed necessary.
- Meetings shall be held at the Agency's head office in Cologne.

6. Time scale, milestones:

NPA to be drafted by 1 April 2006.

EASA DRAFTING GROUP

GROUP COMPOSITION

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Composition:

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