



Explanatory Note to Decision 2014/007/R

'AMC & GM to Part 21 Amendment 2 to Issue 2' 'Operational Suitability Data'

RELATED NPA/CRD 2009-01 — OPINION No 07/2011 — RMT.0103 (21.039(b) — 31.01.2014

EXECUTIVE SUMMARY

The European Commission has adopted Commission Regulation (EU) No 69/2014¹ amending Commission Regulation (EU) 748/2012 which allows the Agency to approve operational suitability data (OSD) as part of the type-certification process. It is necessary to support the above amendment by new Acceptable Means of Compliance (AMC) and Guidance Material (GM).

¹ Commission Regulation (EU) No 69/2014 of 27 January 2014 amending Regulation (EU) No 748/2012 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 (OJ L 23, 28.1.2014, p 12).

Applicability		Process map	
Affected regulations and decisions:	AMC/GM Part 21	Terms of Reference:	13.09.2007
Affected stakeholders:	Aircraft TC holders and applicants	Concept Paper:	No
Driver/origin:	Regulation (EC) No 216/2008	Rulemaking group:	Yes
Reference:		RIA type:	Full
		Technical consultation during NPA drafting:	Yes
		Publication date of the NPA:	2009/1
		Duration of NPA consultation:	5½ months
		Review group:	Yes
		Focussed consultation:	Yes
		Publication date of the Opinion:	2011/Q4

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1. Procedural information

1.1. The rule development procedure

The European Aviation Safety Agency (hereinafter referred to as the 'Agency') developed ED Decision 2014/007/R in line with Regulation (EC) No 216/2008² and the Rulemaking Procedure³.

This rulemaking activity is included in the Agency's Rulemaking Programme for 2014 under RMT.0607 (21.039(b))⁴. The scope and timescale of the task were defined in the related Terms of Reference (see process map on the title page).

The draft text of this Decision has been developed by the Agency based on the input of the Rulemaking Group RMT 21.039a. All interested parties were consulted through NPA 2009-01⁵. 1011 comments were received from interested parties, including industry and national aviation authorities.

The Agency has reviewed the comments received on the NPA. The comments received and the Agency's responses are presented in the Comment-Response Document (CRD) 2009-01⁶.

The final text of this Decision with the AMC/GM has been developed by the Agency based on the input of the Review Group RMT 21.039(a) and focused consultation.

The process map on the title page summarises the major milestones of this rulemaking activity.

1.2. Structure of the related documents

Chapter 1 contains the procedural information related to this task. Chapter 2 explains the core technical content. Chapter 3 provides references. The text of the AMC/GM is annexed to the ED Decision.

² Regulation (EC) No 216/2008 of the European Parliament and 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, 19.3.2008, p. 1), as last amended by Commission Regulation (EU) No 6/2013 of 8 January 2013 (OJ L 4, 9.1.2013, p. 34).

³ The Agency is bound to follow a structured rulemaking process as required by Article 52(1) of the Basic Regulation. Such process has been adopted by the Agency's Management Board and is referred to as the 'Rulemaking Procedure'. See 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 Decision No 01-2012 of 13 March 2012.

⁴ <http://easa.europa.eu/rulemaking/terms-of-reference-and-group-composition.php#21>.

⁵ In accordance with Article 52 of Regulation (EC) No 216/2008 and Articles 5(3) and 6 of the Rulemaking Procedure.

⁶ <http://easa.europa.eu/rulemaking/r-archives.php#crd>.

2. Explanatory Note

This amending Decision provides AMC/GM to Commission Regulation (EU) No 748/2012⁷ of 3 August 2012 laying down, among others, requirements for certification of aircraft, as amended by Commission Regulation (EU) No 69/2014.

2.1. Overview of the issues to be addressed

Commission Regulation (EU) 748/2012 is amended to introduce operational suitability data (OSD) into the aircraft type certification process.

It is necessary to support the above amendment by new Guidance Material.

2.2. Objectives

The overall objectives of the EASA system are defined in Article 2 of Regulation (EC) No 216/2008. This proposal will contribute to the achievement of the overall objectives by addressing the issues outlined in Chapter 2. The specific objective of this proposal is, therefore, to maintain a high level of safety, to ensure proportionate rules where appropriate, and to warrant flexibility and efficiency for operators and authorities.

2.3. Overview of the amendments

The Annex, Part 21, to Commission Regulation (EU) 748/2012, is amended by adding new points or adding the OSD into existing points. Some of these points are further explained in the Guidance Material. The main issues are the following:

In Part 21 a new point 21.A.15(d) is added explaining the content of OSD. Guidance Material was developed explaining which OSD elements apply to the various categories of aircraft and what the status will be of the OSD when used by the operators and training organisations.

The amended Part 21 acknowledges that the OSD may not be complete at the time of issuance of the type certificate. Guidance material explains that it is possible to have provisional data approved in the meantime to help the first operators.

⁷ Commission Regulation (EU) No 748/2012 of 03 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 and repealing Commission Regulation (EC) No 1702/2003 (OJ L 243, 27.9.2003, p. 6-79). Regulation as last amended by Commission Regulation (EU) 69/2014 of 27 January 2014 (OJ L 23, 28.1.2014, p. 12).

3. References

3.1. Related regulations

Commission Regulation (EU) No 69/2014 amending Commission Regulation (EU) No 748/2012 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 organisation.

3.2. Affected decisions

Decision 2012/020/R of the Executive Director of the Agency of 30 October 2012 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').