

EASA

TERMS OF REFERENCE

TOR Nr: 21.038
Issue: 1
Date: 8 November 2007
Regulatory reference: Part-21
Reference documents:

1. Subject:

Possibility for “exemption” from the applicable airworthiness code and “elect to comply” for TCs, STCs and changes to TCs

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

Unlike the rules for establishing the type certification basis for applications for type certificate (TC) (21A.17(a)1.(i)); the Part-21 requirements for TC changes and Supplemental Type Certificates (STCs) do not contain a possibility to deviate from the applicable airworthiness code, except in the case of equivalent safety findings (21A.103(a)(2)(ii)). Experience has shown that for the majority of cases there is no need to exempt but certainly in the case of special cabin modifications for privately owned large aeroplanes there can be such a need.

Another inconsistency between the rules for establishing the certification basis for new TC and those for changes is the lack of a possibility for the applicant of a change or an STC to elect to comply with a later amendment of the applicable airworthiness code.

Finally the current flexibility provision for new TCs in 21A.17(a)(1)(i) does not contain the boundaries that are put by the Basic Regulation. For clarity these should be added.

3. Objective:

During the drafting of Part-21 the possibility to deviate from applicable airworthiness codes in case of a change to TC or STC has been omitted by accident. The intended rulemaking action should correct this oversight.

At the same time the current “exemption” provision for new TCs should be reworded to better reflect the intent of the Basic Regulation on this subject. The Basic Regulation intends to allow deviations from the applicable airworthiness code as long as a level of safety is obtained equivalent to that intended by the Essential Requirements.

Finally the rules for establishing the certification basis for changed products does not include a provision for dealing with cases where the applicant elects to comply with amendments of the airworthiness code made after the filing of the application.

4. Specific tasks and interface issues (Deliverables):

- Amend 21A.17(a)1.(i) to reflect better the relevant Basic Regulation provisions;
- Amend 21A.101 to restore consistency with 21A.17

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

The task is performed by the Agency.

6. Time scale, milestones:

The NPA shall be ready January 2008.