

# TRANSITION PERIOD FOR LSA AIRCRAFT UNDER PERMIT TO FLY

## **1.- INTRODUCTION:**

A Light Sport Airplane (LSA) is a simple two-seater with a maximum take-off weight of 600kg as defined in CS-LSA, certification specifications issued by EASA on 27 June 2011. During the last 3 years, EASA has approved for these aircraft Flight Conditions to obtain an EASA Permit to Fly (PtF) according to Regulation 1702/2003 (as amended by Regulation 375/2007) Part 21A.701(a)(15). These Permit to Fly are intended for non-commercial flying activity on individual non-complex aircraft for which a Certificate of Airworthiness is not appropriate. The intention was to issue Type Certificates or Restricted Type Certificates for the type and Certificates of Airworthiness or Restricted Certificates of Airworthiness for the individual aircraft when the European Light Aircraft (ELA) rules were adopted by the European Commission and there would be a new simplified process for the LSA aircraft certification. EASA issued opinion 01/2011 on 18<sup>th</sup> of March 2011 and the new ELA rules, Regulation 748/2012, were published by the European Commission on the 21<sup>st</sup> of August 2012 and have entered into force the 10<sup>th</sup> of September 2012.

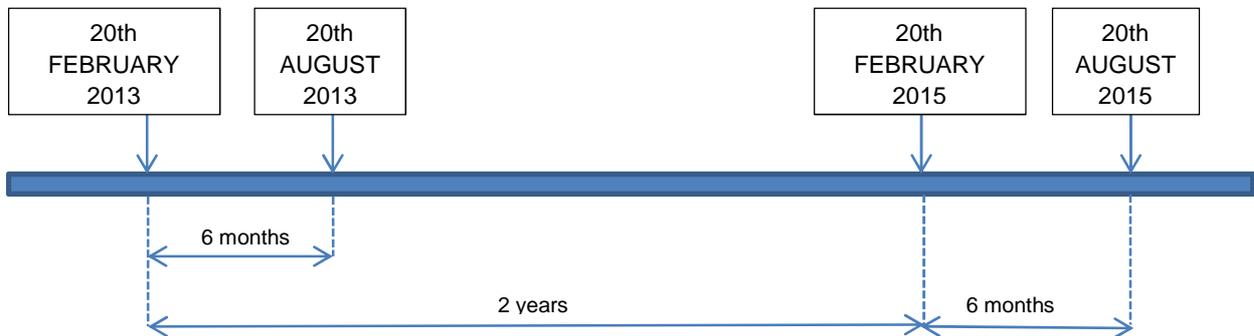
With the European Light Aircraft (ELA) rules approved by the European Commission, a Permit to Fly according to 21A.701(a)(15) is no longer appropriate and it is intended to transition to normal or Restricted Certificates of Airworthiness.

The following cases of LSA aircraft are considered:

1. Existing types for which Flight Conditions have been previously approved
  - 1.1. Renewal for aircraft currently flying
  - 1.2. New build aircraft deliveries
2. New types for which Flight Conditions have not previously been approved by EASA:
  - 2.1. Application received before 20th February 2013
  - 2.2. Application received after 20th February 2013

## **2.- TRANSITION PERIOD:**

The following transition period is established: 2 years and 6 months



20th February 2013 = Start of the transition period

20th August 2013 = Certification plan submitted to EASA (required in some cases, see below)

20th February 2015 = Certification deadline

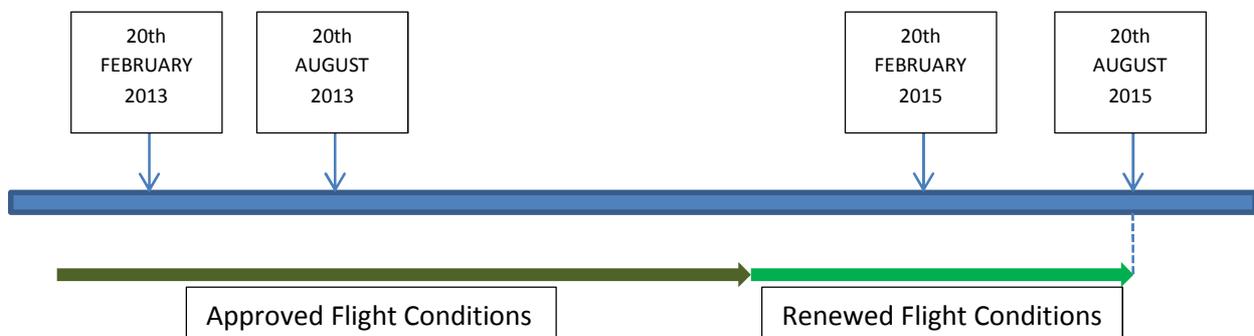
20th August 2015 = Modification and conformity inspection deadline

### **CASE 1: Existing types for which Flight Conditions have previously been approved**

For aircraft of a Type Design known to the Agency, for which flight conditions have been previously approved, the following 2 years and 6 months transition period is established. The objective of the transition period is to give time to the manufactures to complete the certification process (two years) to obtain the Type Certificate for the type design and normal Certificates of Airworthiness for individual aircrafts and to complete any modifications and inspections necessary to comply with the TC build standard and to establish conformity (six months).

#### **CASE 1.1.- Renewal for aircraft currently flying**

For aircraft S/N with approved flight conditions valid on 20th February 2013 the flight conditions will be renewed. The period of validity will be granted until 20th August 2015.



## CASE 1.2.- New build aircraft deliveries

New aircraft S/N could also apply for flight conditions approval from 20th February 2013 to 20th August 2013. The period of validity will be granted until the 20th of August 2015. From the 20th of August 2013 no new flight conditions will be issued if the organisation producing the aircraft have not applied for a POA and have an agreed work program in place with the Competent Authority for achievement of the POA and for the transition of all aircraft delivered before TC/RTC.



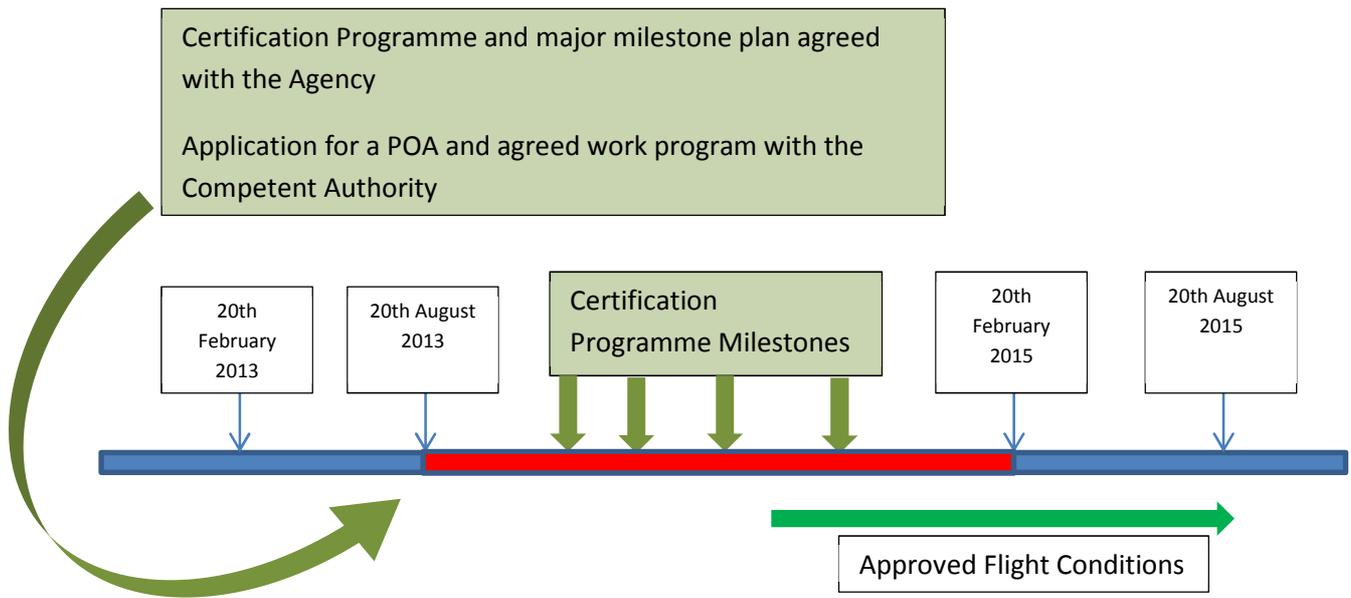
New aircraft S/N could also apply for flight conditions approval from the 20th of August 2013 to the 20th of February 2015 but this will be restricted to aircraft which conform to a type design for which significant progress has been made towards the approval of the Type Certificate or Restricted Type Certificate. The period of validity will be granted until 20th August 2015.

In order to show significant progress the following conditions have to be met before 20th August 2013:

- Certification Programme and major milestone plan (including if applicable DOA/APDOA milestones) agreed with the Agency.
- Certification Basis and Means of Compliance agreed with the Agency.
- Application for a POA and agreed work program with the Competent Authority for achievement of the POA and for the transition of all aircraft delivered before TC/RTC.

and

EASA is satisfied with the progress made according to the Certification Programme milestones submitted by the applicant. Applicants can revise the Certification Plan if agreed with EASA.



## **CASE 2: New types for which Flight Conditions have not previously been approved by EASA**

### **CASE 2.1.- Application received before 20th February 2013**

Applications for aircraft types for which Flight Conditions have not been previously approved by the Agency will be accepted before 20th February 2013 but, if the investigation for the approval of the Flight Conditions is not completed by this date, the application will be cancelled and the applicant will have to reapply for a normal Type Certificate or Restricted Type Certificate. If the investigation is completed by 20th February 2013 and the Flight Conditions are approved, the approval will be granted until 20th August 2015 and the applications for new aircraft S/N will be handled as CASE 1.2 for existing types for which Flight Conditions have previously been approved.

### **CASE 2.2.- Application received after 20th February 2013**

Applications for approval of Flight Conditions will not be accepted by the Agency. The applicants should apply for a normal Type Certificate or Restricted Type Certificate.

For both cases above, Flight Conditions for the reasons listed in 21A.701(a) for purposes different than (15) will be acceptable, for example, for development or showing compliance with the airworthiness requirements.

### **3.- TERMINATION OF THE TRANSITION PERIOD**

From 20th August 2015 all LSA aircraft should have an approved Type Certificate or Restricted Type Certificate, will have been released by a POA and will have a normal or restricted Certificate of Airworthiness.

For aircraft that previously held a PtF, EASA will request the TC/RTC holders to draft a Service Bulletin (if necessary) to modify the aircraft in order to make them compliant with the approved Type Design. The POA will need to inspect and modify the aircraft as necessary and to show compliance in order to issue a statement of conformity (EASA Form 52) with the approved type design. The National Aviation Authority (NAA) of the State of Registry can then issue a Certificate of Airworthiness (or RCoFA).

The process to issue the Form 52 will be need to be agreed between the POA holder and the Competent Authority (NAA) responsible for the POA. The POA holder will need to satisfy the Competent Authority (NAA) that acceptable compliance is demonstrated for the following points:

1. That a POA is in place (it may be necessary to apply for and gain a POA or extension to the POA);
2. Determine that the previously produced aircraft have been manufactured in accordance with the newly issued POA approved production data, processes and procedures;
3. Determine that the aircraft conforms to the type design and is in a condition for safe operation; (SB embodiment might be needed as indicated above)
4. Provide the proper records of the above activity.

Note – even though no POA was in place when the previously produced aircraft were manufactured, the POA applicant may be able to show compliance with some of the above points by claiming credit through other means, such as:

- Using records gained during 21A.33 compliance testing
- Compliance with ASTM design and production requirements
- Holding an ISO quality approval
- Holding a POA for other types of aircraft
- Working as a sub-contractor to another POA

Notes:

1. the above points are sources of information that could be used by the company to assist them with making their case to the Competent Authority (NAA) to show that the aircraft were manufactured in accordance with the approved POA procedures. It is up to the Competent Authority (NAA) to decide if the case is acceptable.
2. The procedures for prototype products manufactured under the design organisation procedures for 21A.33 may be different from the procedures for series production and this will need to be take into account if credit is sought for the records gained during 21A.33 compliance testing,

If it is not possible to obtain a Form 52 due to POA issues, e.g. if points 1-4 above cannot be met, then:

3. If the aircraft type has a TC or RTC, EASA will require the design holder to review the differences in build standard between the TC/RTC standard and the build standard of the Permit aircraft, and to make a statement of compliance against an acceptable certification basis (e.g. CS-LSA or possibly a reversion to ASTM standards current when the flight conditions were originally approved for the aircraft serial number). This review to be complete before 20th August 2015. If there are any unsafe conditions resulting from this review EASA will amend the flight conditions to require compliance with a service bulletin drafted by the design holder. When the aircraft have been modified and inspected to check the build standard to the satisfaction of the NAA of the state of registry, an unlimited Permit to Fly may be issued according to purpose 21.A701(a)(15).
4. If there is no TC or RTC, e.g. because the design holder has ceased trading, then at 20th August 2015 the flight conditions will expire and EASA will review the compliance documentation submitted for the original flight conditions approval in the light of the lessons learnt during other LSA certification processes and provide a list of findings to the owners of affected aircraft. The owners will then need to find a suitable person to design changes to the aircraft to address these findings and draft a service bulletin. When satisfied that any unsafe conditions are addressed EASA will amend the flight conditions to mandate the SB. When the aircraft have been modified and inspected to check the build standard to the satisfaction of the NAA of the state of registry, an unlimited Permit to Fly may be issued according to purpose 21.A701(a)(15). Note: if it becomes apparent that this option will be applicable before 20th August 2015, then owners may propose a person to undertake a review before this date to avoid grounding of aircraft.