



**OPINION No 02/2009**  
**OF THE EUROPEAN AVIATION SAFETY AGENCY**  
**of 11 November 2009**

**for a Commission Regulation amending 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 organisations**

*'Repair and design changes to European Technical Standard Order (ETSO)'*

## I. General

1. The purpose of this opinion is to suggest the Commission to amend the Annex to Commission Regulation (EC) No 1702/2003<sup>1</sup> (hereinafter Part-21) and in particular the requirements for design organisations, repairs and European Technical Standard Order (ETSO) Authorisation related to the repair of the auxiliary power units (APU).
2. The Opinion has been adopted, following the procedure specified by the European Aviation Safety Agency's (the Agency) Management Board<sup>2</sup>, in accordance with the provisions of Article 19 of Regulation (EC) No 216/2008<sup>3</sup> (hereinafter referred to as the Basic Regulation).

## II. Consultation

3. Notice of Proposed Amendment (NPA) 2008-12<sup>4</sup> that contained the draft opinion for a Commission Regulation amending Part-21 was published on the Agency website on 19 May 2008.
4. By the closing date of 19 August 2008, the Agency had received 62 comments from 23 national aviation authorities, professional organisations and private companies.
5. All comments received have been acknowledged and incorporated into a Comment Response Document (CRD), which was published on the Agency's web site on 30 April 2009. This CRD contains a list of all persons and/or organisations that have provided comments and the answers of the Agency.
6. NPA 2008-12 contained two different proposals to amend Part-21 related to ETSO. The first proposal was to allow minor changes or repairs to an ETSO article by other persons than the ETSO Authorisation holder. In the current requirements only the ETSO Authorisation holder is entitled to make minor changes to the ETSO. The other proposed amendment would accept repairs to APU in accordance with Part-21 Subpart M.
7. Based on the comments received during the consultation, the Agency concluded that the first proposal to allow other persons than the ETSO Authorisation holder to apply for a minor change or repair to an ETSO article would not bring the requested flexibility. Therefore the Agency had decided to withdraw this part of the NPA. This decision was reflected in the CRD. There were no significant comments against the proposal to accept repair to APU in accordance with Subpart M. As reflected in the CRD this proposal is kept and carried in this opinion.
8. By 29 June 2009 no significant reactions were received to the CRD.

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<sup>1</sup> 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 organisations (OJ L 243, 27.9.2003, p. 6). Regulation as last amended by Regulation (EC) No 1057/2008 of 27 October 2008 (OJ L 283, 28.9.2008, p. 30).

<sup>2</sup> Decision of the Management Board concerning the procedure to be applied by the Agency for the issuing of Opinions, Certifications Specifications and Guidance Material (Rulemaking Procedure). EASA MB 08-2007, 13.06.2007.

<sup>3</sup> Regulation (EC) No 216/2008 of the European Parliament and of 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, 19.03.2008, p. 1)

<sup>4</sup> See Rulemaking Archives at [http://www.easa.europa.eu/ws\\_prod/r/r\\_archives.php](http://www.easa.europa.eu/ws_prod/r/r_archives.php).

### **III. Content of the Opinion of the Agency**

9. This opinion proposes to amend Part-21, in particular the provisions related to repair to APU. The content of these amendments is explained below.
10. According to the current requirement, 21A.431(d) Subpart M – “Repairs”, is not applicable to ETSO article. Instead, a repair to an APU needs to be approved in accordance with Subpart D (minor change) or Subpart E (major change) procedural provisions for design changes. In accordance with Part 21A.604(b), using the Subpart E process for major repairs to APUs leads to a separate ETSO authorisation. This is considered highly impractical, especially considering the fact that the repair designer would become fully responsible for the design of the entire APU.
11. The concept and complexity of APUs resembles that of aircraft engines and in some cases APU designs are even derived from engine designs. It is therefore considered more consistent to make Subpart M for repairs also applicable to APU in line with repairs to engines. The restriction in Subpart M for ETSO that are APU is therefore removed and provisions for repairs to APU in Subpart O are amended.

### **IV. Regulatory Impact Assessment**

12. Changing the process for repair to APU from Subpart D or E to Subpart M will have a positive economic effect since it removes the administrative burden for a new ETSO authorisation. This process is more consistent with repairs to engines.

Cologne, 11 November 2009

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