

# Workshop: Presentation of NPA 2016-08 'Import of aircraft'

## Proposed amendments (1)

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# Overview of proposed amendments

## ➤ Concept:

CoA attest compliance of an individual aircraft with an EASA approved design. It also identifies aircraft registration. Described in Part-21.

ARC – confirms that continuing airworthiness requirements are being followed for this aircraft. Need to be attached to the CoA. Described in Part-M.

Airworthiness statement (for export) issued by foreign authority – states that the aircraft complies with an approved design (or identifies differences) and ensures that the aircraft was airworthy at the time of export, i.a.w. foreign rules.



# Overview of proposed amendments

- **1. Import of new foreign aircraft manufactured without a POA.**
- 2. Form 24 and 25 (+ cleaning of GM21.B.325)
- 3. Transfer of aircraft
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- 6. Flow diagram for the import process
- 4b y 5b. Import process without Airworthiness Statement.



# import of new foreign aircraft

- Import of new aircraft:
  - Basic concept: Foreign production organisations shall manufacture under EASA POA.
  - Derogation is possible



# import of new foreign aircraft

## ➤ Article 9 of EU 748/2012

### Article 9 Production organisations

1. An organisation responsible for the manufacture of products, parts and appliances shall demonstrate its capability in accordance with the provisions of Annex I (Part 21).
2. By way of derogation from point 1, a manufacturer whose principal place of business is in a non-member State may demonstrate its capability by holding a certificate issued by that State for the product, part and appliance for which it applies, provided:
  - (a) that State is the State of manufacture; and
  - (b) the Agency has determined that the system of that State includes the same independent level of checking of compliance as provided by this Regulation, either through an equivalent system of approvals of organisations or through direct involvement of the competent authority of that State.



# Before: import of new foreign aircraft

## 21A.174 Application

(a)...

(b) Each application for a certificate of airworthiness or restricted certificate of airworthiness shall include: (...)

(i) a statement of conformity:

- issued under point 21.A.163(b); or
- issued under point 21.A.130 and validated by the competent

authority; or

– for an imported aircraft, a statement signed by the exporting authority that the aircraft conforms to a design approved by the Agency;

(ii) a weight and balance report with a loading schedule;



# Proposal for new foreign aircraft

## ➤ Import of new aircraft

### 21.A.174 (b):

Each application for a certificate of airworthiness or restricted certificate of airworthiness shall include:

(2) with regard to new aircraft:

~~(i) a statement of conformity:~~

~~— issued under point 21.A.163(b); or~~

~~— issued under point 21.A.130 and validated by the competent authority; or~~

~~— for an imported aircraft, a statement signed by the exporting authority that the aircraft conforms to a design approved by the Agency;~~

(i) when the aircraft has been produced under Part-21, a Form 52 issued under point 21.A.163(b), or issued under point 21.A.130 and validated by the competent authority;

(ii) a weight and balance report with a loading schedule;

(iii) the flight manual, when required by the applicable certification specifications for the particular aircraft;



# Proposal for new foreign aircraft

## Article 2 Products, parts and appliances certification

1. Products, parts and appliances shall be issued certificates as specified in Annex I (Part 21).

### **3.1.1. Changes to the cover regulation of Commission Regulation (EU) No 748/2012**

A new point 3 is added to Article 2 as follows:

3. The application for an airworthiness certificate for a new aircraft, whose manufacturer has demonstrated its production capability in accordance with point 2 of Article 9, will be accompanied by a statement signed by the exporting authority confirming that the aircraft conforms to a design approved by the Agency.





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## Proposed amendments

- **instructions for Form 24 (RCoA) & 25 (CoA) are provided in GM 21.B.325**



# GM to 21.B.325 (instructions for Form 24 & 25)

Competent authority LOGO

# CERTIFICATE OF AIRWORTHINESS

( <sup>1</sup> )	[Member State of registry] [COMPETENT AUTHORITY OF THE MEMBER STATE]	( <sup>2</sup> )
1. Nationality and registration marks	2. Manufacturer and manufacturer's designation of aircraft	3. Aircraft serial number
4. Categories		
<p>5. This Certificate of Airworthiness is issued pursuant to the Convention on International Civil Aviation dated 7 December 1944 and Regulation (EC) No 216/2008, Article 5(2)(c) in respect of the abovementioned aircraft which is considered to be airworthy when maintained and operated in accordance with the foregoing and the pertinent operating limitations.</p> <p>Limitations/Remark:</p> <p>(<sup>3</sup>)</p> <p>Date of issue:    Signature:</p>		
6. This Certificate of Airworthiness is valid unless revoked by the competent authority of the Member State of registry.		
A current Airworthiness Review Certificate shall be attached to this certificate.		

EASA Form 25 Issue 2.

**This certificate shall be carried on board during all flights**



## Proposed change: Form 24 & 25 instructions

Block 4: Use one or more of the following categories identified in the second column of this table:

Airworthiness code used for certification	CofA category (Block 4)
CS-LSA	Light sport aeroplane
CS-VLA	Very light aeroplane
CS-VLR	Very light rotorcraft
CS-22	Sailplane or powered sailplane-utility and/or aerobatic category
CS-23	Normal, utility, aerobatic or commuter category aeroplane
CS-25	Large aeroplane
CS-27	Small rotorcraft
CS-29	Large rotorcraft
CS-31HB	Hot-air balloon
CS-31GB	Free gas balloon
CS-31TGB	Tethered gas balloon

The same classification is also proposed to be used with RCoA (Form 24)



# Proposed amendments in new GM 21.B.325 (c)

GM 21.B.325 (b) is renamed amended as follows:

## **GM 21.B.325(b)(c) Completion of the Airworthiness Review Certificate by a Member State**

~~1-Purpose: In accordance with the applicable continuing airworthiness requirements a certificate of airworthiness is valid only if a valid airworthiness review certificate issued in accordance with Part-M is attached to it. For new aircraft, the competent authority will issue the airworthiness review certificate when issuing the certificate of airworthiness.~~

Deleted text is already in the current rule, see below

### 21.B.325 Issue of airworthiness certificate

(c) For a new aircraft or used aircraft originating from a non-member State, in addition to the appropriate airworthiness certificate referred to in point (a) or (b), the competent authority of the Member State of registry shall issue an initial airworthiness review certificate (EASA Form 15a, see Appendix II)



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# Changes proposed for transfer of aircraft

Proposed amendments w.r.t the movement of a/c already registered in a EASA MS (transfer).

Paragraphs affected: 21.A.174(b)(3), 21.A.179, 21.B.326 (b), 21.A.327 (a)(2), 21.B.320 and 21.A.174(e)



# Changes proposed for transfer of aircraft

‘Transfer’ means between EASA MS.

Principle: Unless the a/c documentation is invalid, the aircraft is already in the system prescribed by Part-21 and Part-M. The process should be admin only.

## 21.A.174 Application

(b) (3) with regard to used aircraft:

(i) originating from a Member State (\*):

- an valid (\*\*) airworthiness review certificate issued in accordance with Part-M; and

- a copy of the certificate of airworthiness or restricted certificate of airworthiness with the former registration.

(\*) – *Already proposed with NPA 2015-17*

(\*\*) – *Import with invalid Airworthiness Certificate is proposed in 21.A.174(e)*





# Changes proposed for transfer of aircraft

## 21.A.179 Transferability ~~and re-issuance~~ within a Member States (\*)

Where **the person responsible for the continuing airworthiness** ~~ownership~~ (\*\*) of an aircraft has changed and the aircraft remains on the same register, the airworthiness shall be transferred together with the aircraft;

~~if the aircraft is registered in another Member State, the certificate of airworthiness, or the restricted certificate of airworthiness shall be issued:~~

- ~~(i) upon presentation of the former certificate of airworthiness and of a valid airworthiness review certificate issued under Part M; and~~
- ~~(ii) when satisfying point 21.A.175.~~

(\*) – *Already proposed with NPA 2015-17*

(\*\*) *Ownership could change without changing airworthiness responsibilities*



# Changes proposed for transfer of aircraft

## 21.B.326 Certificate of Airworthiness (\*)

The competent authority of the Member State of registry shall issue a certificate of airworthiness for: (...)

(b) used aircraft **originating from a Member State (\*\*)** upon presentation of the documentation required in 21.A.174(b)(3)(i) **and upon satisfying the language requirements in 21.A.175.** ~~demonstrating that:~~

~~(i) the aircraft conforms to a type design approved (...); and~~

~~(ii) the applicable airworthiness directives have been complied with; and~~

~~(iii) the aircraft has been inspected in accordance with the applicable provisions of Annex I (Part M) of Regulation (EC) No 2042/2003;~~

~~2. when the competent authority of the Member State of registry is satisfied that the aircraft conforms to an approved design and is in a condition for safe operation. This may include inspections by the competent authority of the Member State of registry. (\*\*)~~

*(\*) – Already proposed with NPA 2015-17*

*(\*\*) – The issuance of a CoA for a used a/c originating from a non-MS has not changed. It is now contained in new paragraph (c).*



# Changes proposed for transfer of aircraft

## 21.B.327 Restricted certificate of airworthiness

Changes proposed for paragraph 21.B.326(a)(2) *<issuance of a RCoA for an a/c originating from a MS>* are identical to 21.B.326 (b) *<see previous slide>*

Changes proposed for paragraph 21.B.326(a)(3) *<issuance of a RCoA for an a/c originating from a non-MS>* are identical to 21.B.326 (c) and have not changed *<see previous slide>*



# Changes proposed for transfer of aircraft

Principle: If the aircraft is already in the system prescribed by Part-21 and Part-M, the process should be admin only.

## ➤ 21.B.320 Investigation

(a) Except for the issuance of airworthiness certificates described in 21.B.326(b) and 21.B.327(a)(2), *<transfer of used aircraft with CoA or RCoA>* the competent authority of the Member State of registry shall perform sufficient investigation activities for an applicant for, or holder of, an airworthiness certificate to justify the issuance, maintenance, amendment, suspension or revocation of the certificate or permit.



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# EU registered aircraft without valid airworthiness certificate

## Proposal

### 21.A.174 Application

(...)

(e) By way of derogation from 21.A.174(b)(3)(i) *<transfer of used aircraft with valid ARC>* an application may be made for an airworthiness certificate for an aircraft originating from a Member State for which, in accordance with 21.A.181, its airworthiness certificate is no longer valid.

In this case a recommendation for the issuance of an ARC, following the process described in M.A.904 of Annex I (Part-M) to Commission Regulation (EU) No 1321/2014, shall be provided with the application.

*Note: This is not a 'transfer'!!*



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# Airworthiness Certificates for used aircraft originating from a non-MS (\*\*)

Proposed amendments w.r.t the import of a/c coming from a non-MS.

Paragraphs affected: 21.A.174(b)(3)(ii) (application process), 21.B.326&327 (issuance of (r)CoA), M.A.707 (AR staff for M.A.904), M.A.710 (airworthiness records), M.A.904 (airworthiness review for import), GM M.A.304 (a/c config), AMC M.A.707, AMCs M.A.904, GM M.A.904(a)(2) (\*)

*(\*) – Paragraph identification refer to current rule/AMC/GM. These paragraph references change in NPA 2015-17 - 'Airworthiness review process'*

*(\*\*) Reminder note: The process for importing aircraft from US, Canada & Brazil are covered by the respective Bilateral Agreements*





# Airworthiness Certificates for used aircraft originating from a non-MS

Current text:

21.A.174(b)(3)(ii) Application

(b)(3)(ii) Each application for a (r)CoA for a used aircraft originating from a non-MS shall include:

- **a statement by the competent authority of the State where the aircraft is, or was, registered, reflecting the airworthiness status of the aircraft on its register at time of transfer;**

(...)

*Note: New paragraph 21.A.174(d) derogates the normal process and, permitting in exceptional cases, the application for a CoA without the airworthiness statement referred above (a.k.a. Export CoA).*



# Airworthiness Certificates for used aircraft originating from a non-MS

## Proposal

21.A.174(b)(3)(ii) Application

(...)

- a weight and balance report ~~with a loading schedule~~ corresponding to the aircraft current configuration.
- the flight manual when such material is required by the applicable airworthiness code for the particular aircraft;
- historical records to establish the production, modification, and maintenance standard of the aircraft, including all limitations associated with a restricted certificate of airworthiness under point 21.B.327(c);
- a recommendation for the issuance of ~~a certificate of airworthiness or restricted certificate of airworthiness and~~ an airworthiness review certificate following an airworthiness review in accordance with **M.A.904** of Part-M.



# Changes proposed for transfer of aircraft

## 21.B.326 Certificate of Airworthiness (\*)

The competent authority of the Member State of registry shall issue a certificate of airworthiness for: (...)

(c) used aircraft originating from a non-Member State or State aircraft:

1. upon presentation of the documentation required in 21.A.174(b)(3)(ii) or (b)(4) demonstrating that:

(i) the aircraft conforms to a type design approved and design changes i.a.w. Part-21 (...);

(ii) the applicable airworthiness directives have been complied with; and

(iii) the aircraft has been inspected in accordance with the applicable provisions of Annex I (Part-M) of Regulation (EU) No 1321/2014;

2. when the competent authority of the Member State of registry is satisfied that the aircraft conforms to an approved design and is in a condition for safe operation. This may include inspections by the competent authority of the Member State of registry.



# Airworthiness Certificates for used aircraft originating from a non-MS

'State aircraft'  
(see later)

## Proposal

M.A.904 Airworthiness review of aircraft imported into the EU

(a) When importing an aircraft onto a Member State register from a third country or an aircraft referred to in Article 1 (2)(a) of Regulation (EC) No 216/2008, the applicant shall:

Implicit call to new GM  
M.A.304

(...)

2. for aircraft other than new, have an airworthiness review carried out satisfactorily in accordance with point M.A.901, including the assessment of the aircraft configuration; and

3. have all maintenance carried out to comply with the ~~approved~~ applicable maintenance programme in accordance with point M.A.302.

(e) The Member State shall also issue the airworthiness review certificate ~~valid normally for one year unless the Member State has safety reason to limit the validity.~~ < Proposed in NPA 2015-17 >



# Airworthiness Certificates for used aircraft originating from a non-MS

New GM M.A.304 is added:

## **GM M.A.304 Data for modifications and repairs**

The aircraft configuration is the consistent set of its functional and physical characteristics, as defined in the applicable aircraft documentation.

The understanding of the aircraft configuration is essential to ensure the aircraft continuing airworthiness. For each individual aircraft, this is defined by means of a complete description of the aircraft type design, plus all embodied modifications and repairs.

The configuration of an individual aircraft is the baseline for determining the aircraft physical conformity with the approved design. Also, some elements of the configuration of the individual aircraft influence the contents of the aircraft maintenance programme, the aircraft flight manual, etc.

While the embodiment of a single modification or repair on an aircraft compliant with M.A.304 cannot affect the safety of an individual aircraft, the joint impact of several independently approved modifications or repairs is not assessed during their approval process and, if embodied on the same individual aircraft may affect its airworthiness. The management of the aircraft configuration is the responsibility of the person responsible for its continuing airworthiness. This person has to assess, prior to the embodiment of a new modification or repair, that:

- (i) the modifications and/or repairs are in compliance with M.A.304, and;
- (ii) the new modification and/or repair will not conflict with the modifications and repairs already embodied, affecting thus the aircraft airworthiness.



# Airworthiness Certificates for used aircraft originating from a non-MS

## GM M.A.304

- Aircraft configuration is aircraft type design, plus all embodied modifications and repairs. It is defined in the aircraft documentation
- Some elements of the configuration of the individual aircraft influence the contents of the maintenance programme, the AFM, etc.
- The embodiment of several independently approved mods/repairs on the same individual aircraft may affect its airworthiness
- The management of the aircraft configuration is the responsibility of the person responsible for its continuing airworthiness and has to assess that new mod/repair will not conflict with the mods/repairs already embodied, affecting thus the aircraft airworthiness.



# Airworthiness Certificates for used aircraft originating from a non-MS

## New GM M.A.904 (a)(2)

(...) At the time of import of a used aircraft, when assessing its configuration, it is necessary to address the potential interrelation between multiple modifications and/or repairs particularly when such modifications and/or repairs are designed by different persons or organisations.

(...)

When assessing if aircraft modifications interrelate, the organisation conducting the airworthiness review should determine the need for assistance by the aircraft type certificate holder or other relevant organisation holding embodied design approvals.



# Airworthiness Certificates for used aircraft originating from a non-MS

## **Proposal for amendment with regards to records/documentation**

AMC M.A.904 Airworthiness review of aircraft imported into the EU

- Records in English or acceptable to the NAA
- Reconstruction of records is possible i.a.w. AMC M.A.305 (h)
- Consider information on aircraft maintenance history that would meet M.A.305 and M.A.306 to identify work to be undertaken.





# Airworthiness Certificates for used aircraft originating from a non-MS

AMC M.A.904 Airworthiness review of aircraft imported into the EU (cont.)

- Previous maintenance, performed on the aircraft and its components and released to service under third country's requirements, is deemed acceptable as long as the aircraft was on the third country's register and the maintenance was performed in accordance with standards at least equivalent to Part-M.

This requires maintenance (...) carried out by appropriately qualified personnel, being authorised by appropriately approved organisations, and using approved data.

M.A.710 – 'Airworthiness Review' is amended as follows:

(a) To satisfy the requirement for the airworthiness review (...) a full documented review of the aircraft records shall be carried out to be satisfied that: (...)

- 8. from the time when the aircraft is covered by the scope of this regulation, all maintenance performed has been released in accordance with Annex I (Part-M);



# Airworthiness Certificates for used aircraft originating from a non-MS

AMC M.A.904 Airworthiness review of aircraft imported into the EU

- Repaired parts subject to schedule maintenance (e.g. inspections or overhaul) or airworthiness limitations should be accompanied by authorised release certificates, EASA Forms 1 or certificates considered equivalent to Part-M;
- Maintenance not performed to this required level, or in case of doubt, needs to be included into the bridging programme;



# Airworthiness Certificates for used aircraft originating from a non-MS

AMC M.A.904 Airworthiness review of aircraft imported into the EU

- If components subject to an airworthiness limitation have been replaced since new, their records should show them as produced by the original equipment manufacturer (OEM) and the part numbers eligible for installation according (EU) No 748/2012.

If the components do not satisfy these criteria then their eligibility for installation should be separately verified by reference to Part-21 design approval and to a Form 1, or equivalent.



# Airworthiness Certificates for used aircraft originating from a non-MS

AMC M.A.904 Airworthiness review of aircraft imported into the EU

Some elements from previous AMC M.A.904 (a)(2) have been deleted since they are already identified as an item of M.A.901 or they corresponded to operational requirements:

- ~~— AD status, status of SLL parts, maintenance status, W&B,...~~
- ~~— Cockpit configuration, placards, emergency equipment,...~~
- ~~— Compass compensation~~
- ~~— ETOPS, RVSM, AWOPS, RNAV,...~~
- ~~— ...~~



# Airworthiness Certificates for used aircraft originating from a non-MS

AMC M.A.904 Airworthiness review of aircraft imported into the EU

- ~~check flight including check of control system/cockpit ground check/engine run up~~ operational checks to verify proper functioning of aircraft systems and controls; this might include engine run-ups or check flights if verification of required functions cannot be checked on ground



# Airworthiness Certificates for used aircraft originating from a non-MS

Proposal for amendment with regards to certifying staff/CAMO

M.A.707 Airworthiness review staff

(a) (...)

3. For used aircraft to be imported into the EU, this staff shall (...) have acquired the technical competence and experience necessary to determine that the aircraft meets the requirements of M.A.904 at the time of import.

(b) Airworthiness review staff (...) formally accepted by the competent authority after satisfactory completion of an airworthiness review under the supervision (...). The organisation shall also specifically authorise the airworthiness review staff referred to in M.A.707(a)(3).

AMC to  
M.A.707 (a)(3)



# Airworthiness Certificates for used aircraft originating from a non-MS

## Proposal for amendment with regards to certifying staff

New AMC M.A.707 (a)(3) Airworthiness review staff for import.

(...)

- 1. Technical competence: to determine **the required steps to achieve that the configuration of the imported aircraft is compliant with applicable European rules**. This knowledge may be gained through a training course that focuses on the design approval process of Part-21 and the alleviations for import established in EU bilateral agreements.
  
- 2. Experience: (...) **airworthiness review for importing a used aircraft under supervision by their organisation**, which should record the performance of this airworthiness review and the assessment of the staff.



# Airworthiness Certificates for used aircraft originating from a non-MS

## Proposal for amendment with regards to CAMO

### Appendix V to AMC M.A.704 CAME

#### 4.4 Additional procedures for recommendations to competent authorities for the import of aircraft

*(This paragraph should describe the additional tasks regarding the recommendation for the issuance of an airworthiness review certificate in the case of import of aircraft. This should include:*

- communication with the competent authority of registry;*
- additional items to be reviewed during the airworthiness review of the aircraft to be imported such as the management of aircraft design approvals, for example:*
  - ☐ several approvals that could potentially interrelate and the need to seek support from the (supplemental) type certificate holder,*
  - ☐ changes/repairs classification,*
  - ☐ consideration of PMA parts and TSO articles, and,*
  - ☐ owner/operator produced articles in the light of applicable bilateral agreements;*
- specification of maintenance required to be carried out; etc.*





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# import of 'State aircraft'

Affected paragraphs GM 21.A.174..., 21.A.174(b)(4),  
AMC 21.A.174(b)(4)(v)(C), 21.B.326&327, M.A.904



# import of 'State aircraft'

New GM 21.A.174, 21.B.326 and 21.B.327 introduces two definitions:

'MS of registry' refers to 'importing MS'

'State aircraft' aircraft referred in BR article 1(2)(a) (military, customs, police, search and rescue, firefighting, coastguard, or similar activities or services for a Member State).



# import of 'State aircraft'

## New paragraph 21.A.174(b)(4)

- aircraft which were excluded from the applicability of the BR in accordance with Article 1 (2)(a), being only operated as 'State aircraft' for the Member State that will receive the application:

- (i) a weight and balance report corresponding to the aircraft current configuration,
- (ii) the flight manual, when such manual is required by the applicable airworthiness code for the particular aircraft type,
- (iii) historical records to establish the production, modification, and maintenance standard of the aircraft, including all limitations associated with a restricted certificate of airworthiness under 21.B.327(c),
- (iv) a recommendation for the issuance of an airworthiness review certificate following an airworthiness review in accordance with M.A.904 of Part-M,

(v)...

Same as  
import from  
a non-MS



# import of 'State aircraft'

New paragraph 21.A.174(b)(4)

(v)...an acceptable airworthiness statement issued by the 'State aircraft' authority or possibly an 'Evaluation programme'

To be  
presented  
later

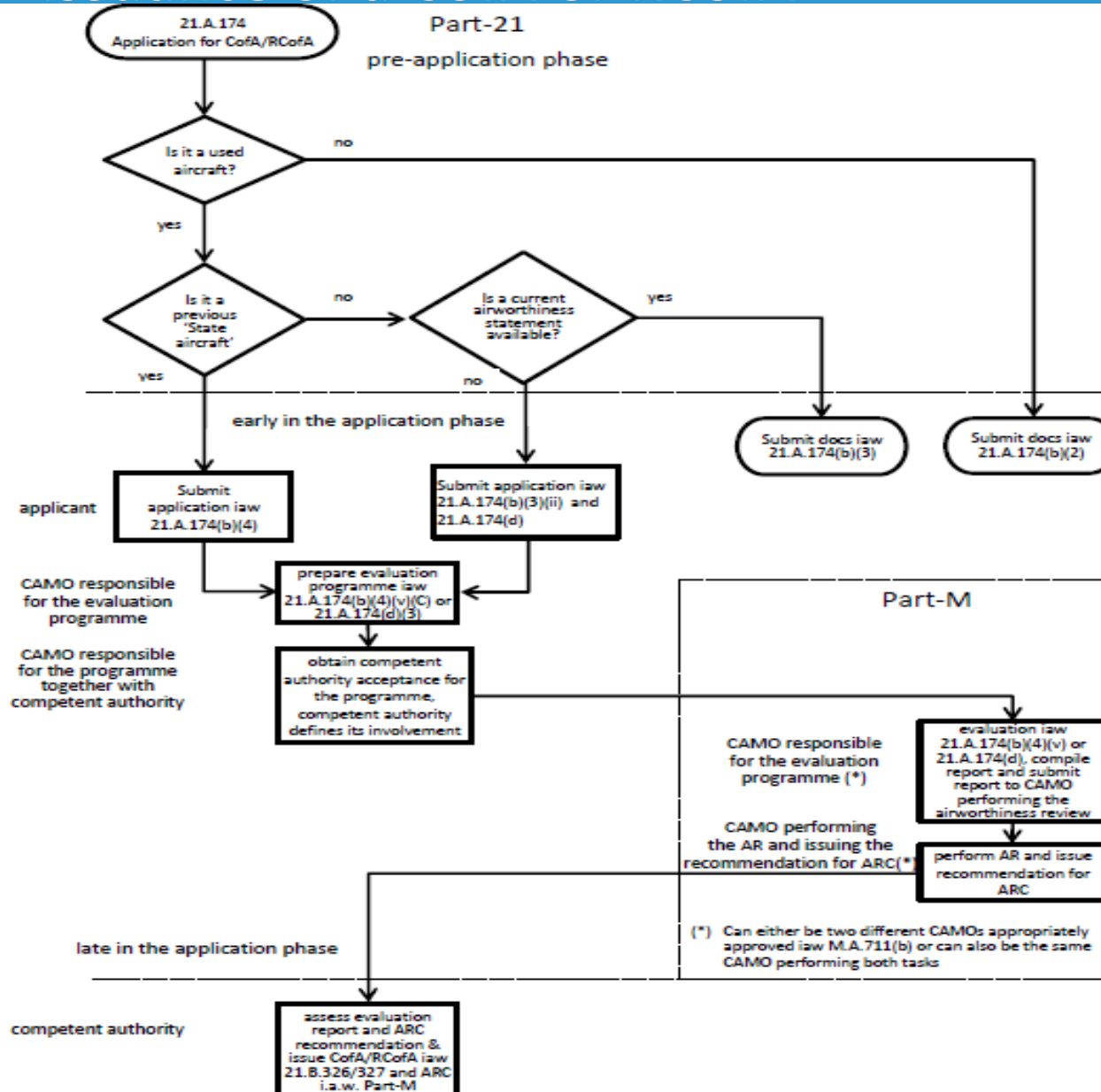


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# GM 21.A.174(b)(4) and (d) Process for application and issuance of a CofA or RCoFA





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# EASA

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## Time for Questions!!

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