



Publication of Certification Memo, Special Conditions, Equivalent Safety Findings, Deviations

Doc #
Approval Date

WI.CERT.00057-002
15/10/2019

Publication of Certification Memo, Special Conditions, Equivalent Safety Findings, Deviations

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DOCUMENT CONTROL SHEET

Reference documents

a) Procedures

PR.CERT.00001 - Airworthiness of type design

b) Internal documents

FO.CERT.00139 – Notification of a proposal to issue a Certification Memorandum
TE.CERT.00141 – Certification Memorandum
TE.CERT.00142 – Comment Response Document

Abbreviations/Definitions

a) Abbreviations

- AMC/GM: Acceptable Means of Compliance and Guidance Material
- CB: Certification Basis
- CE: Chief Expert
- CRD: Comment Response Document
- CRI: Certification Review Item
- CP: Consultation Paper
- CPC: Consultation Process Coordinator (Senior PCM Function)
- CS: Certification Specification
- CM: Certification Memorandum
- Dev: Deviation
- DOT: Department of Transportation (USA)
- EASA: European Aviation Safety Agency
- ESF: Equivalent Safety Finding
- FAA: Federal Aviation Administration
- HoD: Head of Department
- NAA: National Aviation Authority
- NPA: Notice of Proposed Amendment
- PCM: Project Certification Manager
- QE: Qualified Entity
- SC: Special Condition
- WI: Work Instruction





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Log of issues		
Issue	Issue date	Change description
001	28/06/2011	First issue
002	15/10/2019	Second Issue. Update to reflect: <ul style="list-style-type: none">• the current organisation,• introduction of new CM criteria (limited life of 2 years),• simplification of the process for CM category 2,• introduction of the Consultation Process Coordinator (CPC) role,• inclusion of publication of SC/ESF Dev





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1. Purpose and scope

EASA Management Board decision 12/2007, dated 11 September 2007, Article 3 (2.) requires that Deviations (Dev) from the applicable airworthiness codes, environmental protection certification specifications and/or acceptable means of compliance with Part 21, as well as important Special Conditions (SC) and Equivalent Safety Findings (ESF) shall be subject to a public consultation of at least 3 weeks.

This Work Instruction provides a standardised format and instructions for issuing Certification Memoranda (CMs), for the management of internal consultation and public consultation of the CMs as well as of Special Conditions (SCs), Equivalent Safety Findings (ESFs), and Deviations (Devs).

This Work Instruction describes:

- The purpose of CMs
- EASA Certification Memoranda criteria
- The CM categories
- How to develop a CM, SC, ESF, DEV
- The responsibilities of different actors in the drafting of CM, SC, ESF and Dev
- Publication for consultation, archiving and
- The CM format

This Work Instruction affects anyone who prepares, reviews, validates and approves CM, ESF, SC and Devs.

All chapters are applicable to Certification Memoranda (CM).

Chapters 4 to 7 are applicable to new Special Conditions, Equivalent Safety Findings and Deviations.

It is recommended that the proposed SC/ESF/Dev is in a mature/ finalised version (i.e. after conclusive discussion between the PCM, Expert(s), and Applicant).

This Work Instruction affects anyone who prepares, reviews, validates and approves CMs and manages the public consultation process of the CMs/ESFs/SCs/Devs. It also details the liaison with the Communications Department for publication of documents on EASA website for public consultation.

2. Purpose of CMs

EASA Certification Memoranda clarify the European Aviation Safety Agency's general course of action on specific certification items.

They are intended to provide interpretative material on a particular subject and, as non-binding material, may provide complementary information or interpretative material for compliance demonstration with current standards. Where possible the material instead should be proposed for incorporation in AMC/GM. Where the material is not mature enough for the introduction in AMC/GM, or there is a need for an urgent publication, the text may be captured in a CM.

Certification Memoranda are not intended to introduce new certification requirements or to modify existing certification requirements and cannot constitute any legal obligation. They cannot go beyond what is allowed in Part-21 but they may contain guidance or alternative means of compliance, which are not (yet) mature for rulemaking.

Certification Memoranda must not be misconstrued as formally adopted Acceptable Means of Compliance (AMC) or as Guidance Material (GM).

EASA Certification Memoranda are living documents into which either additional criteria or additional issues can be incorporated as soon as a need is identified by EASA.





3. EASA Certification Memoranda criteria

Certification Memoranda must adhere the following criteria:

- **EASA Certification Memoranda must not introduce new or modify the regulatory requirement.** The Certification Memoranda should only contain alternative acceptable means of compliance and/or guidance material providing useful interpretations, but it must not contradict the existing regulations, certification specifications and formally adopted AMC and GM. Only the rulemaking process can effect changes to regulations or introduce new certification requirements.
- **EASA Certification Memoranda are non-binding material.** Although they are related to and refer to regulatory requirements, formally adopted AMC or GM, EASA Certification Memoranda may only contain interpretative material for information purposes only and, on their own, are not legally binding. They provide an interpretation of Part-21 or the certification specifications by EASA as the competent authority applying those rules. They must not be used as a vehicle to upgrade their content or any referenced material of AMC/GM nature to give it a binding status.
- **EASA Certification Memoranda are of a limited time life typically of two (2) years** (except under exceptional circumstances that are duly justified). After two years, their content will be revisited and in case it advantageously complements the regulatory material, it could be included in a NPA of a regular update rulemaking task.
- **EASA Certification Memoranda should not include mandatory language** such as “shall”, “must”, “required” or “requirement”, unless the Agency is using these words to describe a regulatory requirement, certification specification or formally adopted AMC/GM; or the language is addressed to Agency staff and will not foreclose Agency consideration of positions advanced by affected private parties. As a practical matter, EASA Certification Memoranda may also describe technical requirements in mandatory terms as long as it is clear that the EASA Certification Memoranda itself does not impose legally enforceable rights or obligations.
- **EASA Certification Memoranda must not invalidate a method of compliance the EASA previously agreed to, unless:**
 - (1) It was accepted in error.
 - (2) It is no longer in conformance with a change in the regulations.
 - (3) It no longer supports a finding of compliance; in which case, a justification should be included in the EASA Certification Memorandum.

If an EASA Certification Memorandum contains a method of compliance that is more stringent than an already existing one, the EASA Certification Memorandum must make clear that the previously acceptable method is still acceptable.

- **EASA Certification Memoranda may be called up in specific projects. However, they cannot become part of the Certification Basis.**

If no controversy with the applicant about their application in the project, their recording in CRI A-01 or in the accepted certification programme including revision status and date (outside the certification basis) is seen as sufficient. In the event there is no consensus with the applicant about their application in the project, a CRI should be raised according to the normal process to record the 'controversial item' or, if necessary, to record a means of compliance different from the material in the CM.





4. Categories of CMs

As a general rule, the subject of a CM can be either of a “generic” or “technical” nature. The subject of the CM determines to which CM Category the CM belongs and the rules to be followed in preparing, reviewing, validating and approving CMs.

Category 1 CM – Subjects of a generic nature related to e.g. interpretation of implementing rules and related AMC/GM,

Category 2 CM – Subjects of a technical nature related to e.g. any Certification Specification.

5. CM, SC, ESF, Dev Development

The development of a CM, SC, ESF, Dev should follow the steps detailed below:

1. Initiation of the:
 - a. CM category 1 drafting by the CM Author after having had CT.0.1 Manager agreement as documented in the FO.CERT.00139.
 - b. CM category 2 , SC, ESF, DEV by the Author after having had the agreement at the lowest commonly applicable management level
 - i. for one affected section by the Section Manager of the relevant product line
 - ii. for one affected department by the Head of department (HoD) of the relevant product line
 - iii. for more than one affected department by the Heads of department (HoD) of the relevant product lines and CT.0.1 Manager
2. Preparation of a CM, SC, ESF, Dev proposal by the Author and
 - a. in case of Category 1 CM: Senior PCM(s), Chief PCM, secondary experts of the affected technical domain
 - b. in case of Category 2 CM, SC, ESF, Dev: Senior Expert (SE)/Chief Expert (CE), secondary panel experts of the affected technical domain(s) and project PCM
3. Internal review process performed by the EASA team as described above, the Consultation Process Coordinator (CPC) and Initial Airworthiness Specifications Section Manager (CT.5.1).
4. Acceptance of the “Proposed” CM, SC, ESF, Dev at the lowest commonly applicable management level: as described under item 1.b.
5. Public consultation process of the “Proposed” CM, SC, ESF, Dev managed by the CPC
6. Creation of the Comment Response Document (CRD) by the CPC together with
 - a. in case of Category 1 CM: the CM Author, Senior PCM(s), Chief PCM, secondary experts of the affected technical domain
 - b. in case of category 2 CM, SC, ESF, Dev: the Author, Senior Expert/Chief Expert responsible for the CS-parts the document to be published relates to
7. Validation of the “Final” document by EASA team as described under item 2, the Consultation Process Coordinator and Initial Airworthiness Specifications Section Manager (CT.5.1). In case that the comments to the public consultation leads to a new proposal, the process re-starts at item 1.
8. Information of the “Final” document by the CPC to the lowest commonly applicable management level as described under item 1.b.
9. Publication of the “Final” document by the CPC
10. Update of the CM repository (see chapter 7.), filing and quarterly reporting to CT Management by Certification Strategy & International Validation Section (CT.5.3), respectively SC, ESF, Dev repository (see chapter 7.)
11. Yearly monitoring of the CMs by Certification Strategy & International Validation Section (CT.5.3) (validity, proposal to CT. 7.1 for incorporation in CS or AMC/GM).





6. Action holders and their responsibilities

6.1. Author

1. Drafts the CM, SC, ESF, Dev
2. Identifies affected product lines (relevant CS / Requirement, products, ...)
3. Involves
 - a. for category 1 CMs: Senior PCM(s), Chief PCM, secondary panel experts of the affected technical domain
 - b. for category 2 CM, SC, ESF, Dev: Senior Expert (SE), Chief Expert (CE), secondary panel experts of the affected technical domain(s) and project PCM
4. Decides if the CM, SC, ESF, Dev should be further consulted with support of CPC
5. Involves the Initial Airworthiness Specifications Section Manager (CT.5.1)
6. Involves the legal department (following the working instruction WI.CERT.00006), if necessary
7. Provides a mature draft CM, SC, ESF, Dev to the CPC
8. Answers the comments gathered through the Comment Response Document (CRD) resulting from the public consultation
9. Records all subject related documents in one EASA central folder

Notes:

- a. The Author should be an expert in the technical area to be addressed. A PCM could be as well the Author if the PCM has the necessary expertise.
- b. Coordination with the Bilateral Partners should be agreed with management in accordance with 5.1 above, taking into account the timeline and need for harmonisation.

6.2. CPC (Consultation Process Coordinator)

1. Checks that the author consulted the technical representatives (here above identified) of all affected technical domains
2. Checks and ensure a standardised form, structure and wording of the CM, SC, ESF, Dev (use of the applicable referenced templates)
3. Checks if the Initial Airworthiness Specifications Section Manager (CT.5.1) was consulted
4. Checks if the Legal Department, if necessary, was consulted
5. Identifies and ensures that the management of the affected product lines supports the public consultation of the drafted CM, SC, ESF, Dev
6. Agrees with the Author about any change occurring following the CPC review
7. Publishes the CM, SC, ESF, Dev for public consultation (see chapter 6.)
8. Sums-up all comments received during public consultation in a CRD, and addresses the CRD to the author for review and replies
9. Publishes the final CRD and CM, SC, ESF, Dev
10. Maintains a table/database recording the CM, SC, ESF, Dev consultations
11. Provides CT.5.3 with the proposed and final CM, SC, ESF, Dev and CRD and with status information to enable the update of the EASA centralised repositories

Note: For category 2 CMs, SC, ESF, Dev, the CPC function should be covered by a Senior PCM function. For Cat 1 CMs, the CPC will be elected depending on the subject matter.

6.3. Directorate focal (CT.5.3)

1. Establishes one EASA CM SC, ESF, Dev repository (tbd)
2. Informs CT Director/Deputy Directors & CT.01 Manager regularly (quarterly) of new and on-going CMs





3. Monitors on an yearly basis the validity of the CMs

6.4. Chief Expert/Senior Expert, Secondary panel experts of the affected technical domain(s), Project PCM

Review and validate the proposed and final category 2 CM, SC, ESF, Dev. The senior expert should have accepted the content before the chief expert starts the review. The chief expert might delegate the involvement to the senior expert, in this case the chief expert should be informed only.

6.5. Chief PCM/Senior PCM, Secondary panel experts of the affected technical domain(s)

Review and validate the proposed and final category 1 CM. The chief PCM might delegate the involvement to the senior PCM, in this case the chief PCM should be informed only.

6.6. Initial Airworthiness Specifications Section Manager (CT.5.1)

1. Reviews the proposed CM, SC, ESF, Dev to ensure that there is no contradiction with Part 21, related CSs (drafting rules etc.).
2. Supports the periodically review of the already published CMs to ensure their currency, to consider incorporation in CS or AMC/GM, and to propose cancellation if a CM is no longer valid.

6.7. Section Manager of relevant product line to which the published document relates

Accepts the proposed category 2 CM, SC, ESF, Dev if the document affects the corresponding section only.

6.8. HoD of relevant product line to which the published document relates

Accepts the proposed category 2 CM, SC, ESF, Dev if the document affects the corresponding department only.

6.9. CT.01 Manager

1. Decides at the onset of the process if the category 1 CM is needed (recorded in the document TE.CERT.00139 – Notification of proposal to issue a Certification Memorandum).
2. Leads the process for documents that are affecting more than one department: nominates an Author, accepts the proposed document.

7. Publication for consultation

The publication on the EASA website will be managed by the CPC. An E-mail should be sent to: website@easa.europa.eu attaching the pdf document and indicating the location on EASA website, the title, the date of publication, and proposed consultation duration (min 3 weeks), as follows:

Please upload this info on our website as written below:

1- URL: <http://www.easa.europa.eu/document-library/public-consultations>





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2- Title of the upload: CM, SC / ESF / Deviation on xxxx - Applicable to zzzz

3- Date of upload: dd-mm-yyyy

4- File(s) to be uploaded:

[file name].pdf

5- Proposed period of consultation:

6- Observations: [contact details] (*by default CPC*)

Note: In case of Consultation Process Coordinator absence a back-up contact should be ensured.

The file to be published for consultation, the CRD and final version of the file shall be uploaded to the same website.

The list with the nominated CPCs will be maintained by CT.5.3 and published on CT Intranet Working Centre (<http://ic/navigate/ct-certification-dir/working-center/>).

At the end of the process, a new webpage will be created for each CM. The webpage lists the Final CM, the Proposed CM and the CRD and it will be reflected on the list of CMs: <http://easa.europa.eu/certification/certification-memoranda.php>

The EASA CM/SC/ESF/DEV CRD template should be used when drafting CRDs. The author internally reviews and responds to comments using the CRD format, by indicating in the column "comment disposition" whether the specific comment is "Accepted", "Partially Accepted", "Noted" or "Not Accepted".

8. Archiving

The departmental CPC keeps an electronic file of each CM, SC, ESF, Dev that has been initiated.

The official file should include, as appropriate:

1. Notification of a proposal to issue a CM, SC, ESF, Dev, Document TE.CERT.00139, containing CT.01 Manager agreement to proceed
2. A copy of the Proposed CM, SC, ESF, Dev that went out for internal review
3. Copies of the internal comments received and copy of disposition of those comments
4. Copies of validation/approval emails
5. A copy of the Proposed CM, SC, ESF, Dev that went out for public consultation
6. Copies of the public comments received and copy of disposition of those comments (CRD)
7. A copy of the 'published' final CM, SC, ESF, Dev and related CRD

8.1. When to revise or cancel a CM

A revision either modifies an entire CM or adds new information or modifies existing information. The new version has a new Issue, date and letter designation in the document number. The modified sections will be identified by a vertical line in the right margin or by highlighting them, and the log of issues will be updated accordingly. The revised CM shall follow the same preparation, review, validation and approval process as applied for the initial issue.

The review of CMs is scheduled periodically (no later than two years after its publication), in order to ensure its currency with the regulatory material. Following the review, the CM could be revised, cancelled (if no longer valid) or cancelled and its content included in a rulemaking task, if it was concluded that its content advantageously complements the regulatory material.

If there is a need to cancel a CM, the Implementation Support Services Section must be notified. A brief justification must be provided for the cancellation of the CM, including information on any replacement document. Only the Head of





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Department or CT.01 Manager for Category 2 CMs (depending on the same conditions as described in 5(8)) or the CT.01 Manager for Category 1 CMs has the authority to cancel it and to request withdrawal of its publication.

9. CM format

9.1. CM template

This chapter requires the use of the EASA CM template (TE.CERT.00140) when creating CMs. Instructions for completing the CM format are provided below, following the same headings as indicated on EASA template.

9.2. Explanation of the content of the CM

This shall apply both for Proposed CMs and final CMs. The cover page shall contain the following

EASA CM Reference Number

General information about subject numbers

Certification Memoranda numbers relate to the subject or discipline/ panels. The subject/discipline numbers and related subject/discipline areas are defined below. (Category 2 CM).

Consult the Implementation Support Services Section for subjects/ disciplines/ panels not shown in this list or if you don't want to relate your CM to these subjects/ disciplines/ panels.

Reference Number format

All (Proposed and Final) CMs are identified by a unique reference number, allocated by the Implementation Support Services Section. The reference number allows identifying the type of document, and the subject/discipline under which it has been issued.

The name of a CM shall start with a two-letter designator for the document type, preceded with "Proposed" or "Final" as applicable.

a. For Category 1 CMs

The two-letter designator for the CMs shall be followed by a designator indicating the subject category of the CM:

- GEN
- 21.A
- Etc.

Followed by a designator indicating the subject

- (when related to GEN)
 - PROD Product Certification
 - FS Certification Flight Standards
- (when related to PART 21A.)
 - A General
 - B Type Certificates and Restricted Type Certificates
 - C (Not applicable)
 - D Changes to Type Certificates and Restricted Type Certificates
 - E Supplemental Type Certificates
 - F Production without Production Organisation Approval
 - G Production Organisation Approval





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- H Airworthiness Certificates
- I Noise Certificates
- J Design Organisation Approval
- K Parts and Appliances
- L (Not applicable)
- M Repairs
- N (Not applicable)
- O European Technical Standard Order Authorisations
- P Permit to Fly
- Q Identification of Products, Parts and Appliances

b. For Category 2 CMs

The two-letter designator for the CMs shall be followed by a designator indicating the Panel (technical specialty) with prime ownership of the technical content of the CM:

- FT Flight Test
- P Performance
- S Structures
- HS Hydromechanical Systems
- ES Electrical Systems
- AS Avionic Systems
- PIFS Powerplant Installations and Fuel Systems
- CS Cabin Safety
- ECS Environmental Control Systems
- NFVE Noise, Fuel Venting and Emissions
- SWCEH Software and Complex Electronic Hardware
- RTS Rotorcraft transmission
- HF Human Factors
- FCD Flight Crew Data
- DASA Development Assurance and Safety Assessment
- ICA Instructions for Continued Airworthiness
- MRB Maintenance review Board
- MMEL OSD MMEL disciplines
- FSTD OSD Sim disciplines
- CCD OSD Cabin Crew Data
- MCSD OSD Maintenance Certifying Staff Disciplines
- PROP Propulsion

A numerical designator shall follow the technical designator for the CMs itself. A sequential numbering system should be maintained for the CMs. This would be done on a per project, approval activity or program basis. The Issue number identifies the applicable version.

An example follows: CM.HS.004 Issue 01

This CM is a CM with Hydromechanical Systems being the prime technical specialty, and it is the fourth CM raised by this technical specialty on a particular certification item.

Although one discipline/ panel may have primary responsibility for the CM, other discipline/ panels may be involved in a secondary capacity, and thus will take part in the review and sign-off process. CMs that are particularly multidisciplinary (i.e. likely involving more than three specialties) such as will typically have one discipline taking the lead role. In these cases, the designator of the lead specialty will be used in the CM identifier.





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Issue

The Issue of the CM shall always accompany the CM designation (e.g. CM – HS - 004 Issue 01). The Issue is a clear indicator of the number of iterations or stages that the CM has progressed to. The first issuance of the CM shall be designated as Issue 01 (One). Whenever changes to the content of the CM have to be incorporated, the CM is re-issued at the next highest full number. (i.e. Issue index is incremented by 1).

Issue Date

The Issue Date field indicates the date of issuance of the CM at the Issue number indicated. The Issue Date is the Approval Date.

Regulatory Requirement(s):

The Regulatory Requirements field indicates for example the regulation, or the specific numerical reference of the CSs which is/are the subject of the CM. If a range of requirements on a given subject is affected, this can be described as such (e.g. CS 25.855 through CS 25.858). If more than one requirement is affected, all requirements should be listed.

Standard text

The standard text on the CM cover page reflects the “generic” purpose of Certification Memoranda as follows:

“EASA Certification Memoranda are intended to provide interpretative material. Certification Memoranda are provided for information purposes only and must not be misconstrued as formally adopted Acceptable Means of Compliance (AMC) and Guidance Material (GM). Certification Memoranda are not intended to introduce new certification requirements or to modify existing certification requirements and do not constitute any legal obligation.”

Log of Issues

In the event of amendment to previous issue, the Log of Issues field shall be filled-in.

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“Update field” command is recommended after the completion of the document.





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RECORDS (Optional)

Appendix A : Operational Documents

Record	Step / Related to

Appendix B : External Documents

Record	Step / Related to

