

OPINION No 03/2006

OF THE EUROPEAN AVIATION SAFETY AGENCY

for a Commission Regulation amending Commission Regulation (EC) No 1702/2003 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

I. General

1. The purpose of this opinion is to suggest the Commission to amend the Annex (Part 21) of Commission Regulation (EC) No 1702/2003¹. The reasons for this rulemaking activity are outlined further below.
2. The Opinion has been adopted, following the procedure specified by the Agency's Management Board², in accordance with the provisions of Article 14 of Regulation (EC) No 1592/2002³.

II. Consultation

3. The draft Opinion for a Commission Regulation amending Commission Regulation (EC) No 1702/2003 was published (notice of proposed amendment NPA 12/2004) on the Agency website on 10.11.2004.
4. By the closing date of 10.02.2004, the Agency had received 29 comments from 9 national 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 26.04.2006. Several of the comments have lead to changes in the proposed amendments and these are reflected in the CRD.

III. Content of the Opinion of the Agency

6. During the initial consultation of the draft Part 21 and acceptable means of compliance and guidance material to Part 21, there were not enough time and resources to consider all comments. Therefore the responses to some of the comments, where they were found to be less urgent, were deferred for later consideration. In addition during the first year of implementing Part 21 and its AMC and GM, the text appeared to contain several errors and inconsistencies. This Opinion contains proposals to address all these issues.
7. As required, *inter alia*, by the provision of 21.B230(b) of Part 21, the Agency has specified with Decision No. 2005/05/R the format of the reference number for organisation approvals to be issued by the Agency and National Aviation Authorities. The relevant requirements, forms and AMC need to reflect this policy. This Opinion proposes the necessary changes to Part 21.
8. One of the proposals in the original NPA was to change the heading of Form 15a Airworthiness Review Certificate by replacing "a member of the European Aviation Safety Agency" by "Member State of the European Union". Although there were no comments on this proposal the Agency has decided to withdraw this proposal. The original justification for the proposal

¹ OJ L 243, 27.9.2003, p. 6.

² Decision of the Management Board concerning the procedure to be applied by the Agency for the issuing of Opinions, Certifications Specifications and Guidance Material. EASA MB/7/03 of 27.06.2003 (rulemaking procedure).

³ OJ L 240, 7.09.2002, p. 1.

was that the current text could be confusing. However the Agency has found that the new text could be equally confusing taking into account that some non-EU States have joined EASA and also use this form. Moreover the same phrase is used in several other EASA Forms. The Agency therefore considers the current text to be acceptable until a new consistent text is introduced for all EASA forms.

Cologne, 7 November 2006

P. GOUDOU
Executive Director