

OPINION NO 1/2004¹
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**

¹ 24.02.2004

I. General

1. The purpose of this Opinion is to propose an amendment to the Annex (Part 21) to the Commission Regulation (EC) No 1702/2003². The reason for this proposal is outlined further below.
2. The Agency is directly involved in the rule-shaping process. It assists the Commission in preparing drafts in accordance with the procedures of Regulation (EC) No 1592/2002, which will be submitted to the Commission as “Opinions” (Articles 14 and 43)
3. The text of this Opinion was developed by the Agency and submitted for consultation of all interested parties in accordance with Article 5(3) of the EASA rulemaking procedure³.

II. Consultation

4. The draft Opinion for a Commission Regulation amending Commission Regulation (EC) No 1702/2003 was published on the Agency website (www.easa.eu.int) on 16 January 2004, and circulated through the JAA, in the form of Notice of Proposed Amendment No 1/2004.
5. Considering the nature of the proposal and the need to act urgently, interested parties were requested to provide comments within 4 weeks in accordance with Article 6(5) of the EASA rulemaking procedure.
6. By the closing date of 16 February, 16 comments were received showing unconditional support for the measure.

III. Comment response document

7. All comments received have been acknowledged and incorporated into a so-called Comment Response Document (CRD), attached to this Opinion as Annex I. This CRD contains a list of all persons and/or organisations that have provided comments. The CRD will be made widely available, in particular through the Agency website.

IV. Content of the draft Commission Regulation

8. Paragraph 21A.163 of Part 21 stipulates the privileges of approved production organisations. The intent of subparagraph (c) is to specify that an approved production organisation can issue an authorised release certificate (EASA Form 1) for engines, propellers, parts or appliances without further showing.
9. However, the wording used, in particular the cross-reference to paragraph 21A.307, does not reflect properly the intent of this subparagraph (c). As worded, this privilege would be

² OJ L 243, 27.9.2003, p. 6. Due to be re-published.

³ Decision of the Management Board concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications and guidance material (“rulemaking procedure”), EASA MB/7/03, 27.6.2003.

limited to parts and appliances. In other words, manufacturers of engines and propellers would not be allowed to release their products with an EASA Form 1.

10. During the consultation on the draft Part 21 the Agency was made aware of this error and agreed to correct it. Unfortunately that was overlooked during the following process so that the final regulation adopted could have detrimental effects on the industry if not corrected urgently. As such a correction is not purely editorial, since it does affect the substance of the requirements included in Part 21, it was necessary to undertake a rulemaking process. The form (an amending Commission regulation) and manner (a reduced consultation period) were accepted by all interested parties.
11. Therefore it is now proposed to the Commission to make the necessary correction in the form of an amending regulation (“repair legislation”), attached to this Opinion as Annex II. The proposed change is to delete the cross-reference to 21A.307 as follows:

“(c) In the case of other products, parts or appliances issue authorised release certificates (EASA Form 1) ~~under 21A.307~~ without further showing.”

V. Regulatory Impact Assessment

12. The proposal is expected to have only a positive impact, as it will reinstate the privilege for approved engine and propeller production organisations to issue an authorised release certificate for their products.

Annex I - Comment Response Document

Comment No.	Comment provider	Comment	Response
1.	Dowty Propellers	The proposed change to the above paragraph is acceptable	Noted
2.	Thomas Cook Airlines UK Ltd	We are in agreement with the proposed amendment	Noted
3.	FAA	Concur with proposed change to delete the cross-reference to 21A.307 in paragraph 21A.163	Noted
4.	MOT Austria	NPA No. 1/2004 fully accepted by Austria	Noted
5.	Snecma Moteurs	Snecma Moteurs is in agreement and supports this NPA	Noted
6.	DGAC France	Agree with proposal to delete the words "under 21A.307"	Noted
7.	FOCA Switzerland	FOCA has no comment to the presented proposal and agrees with it.	Noted
8.	MTU Aero Engines GmbH	MTU requested to delete the cross-reference to 21A.307	Noted
9.	LBA Germany	Agrees on the proposed amendment and has no further comments	Noted
10.	UK CAA	UK CAA has no comments to make. The UK CAA find the proposal acceptable as written	Noted
11.	Rolls Royce plc	We agree that this NPA corrects an error which could prevent the release of engines or propellers. We support the NPA	Noted
12.	AECMA POA WG	We agree that this NPA corrects an error which could prevent the release of engines or propellers. We support the NPA	Noted
13.	ECOGAS	ECOGAS supports the NPA	Noted
14.	AIRBUS	Airbus is in agreement with the proposed correction, which will eliminate any misinterpretation of the intent of this paragraph	Noted
15.	DGAC Spain	The NPA is supported	Noted
16.	Dassault Aviation	The Dassault specialists have reviewed the document NPA No 1/2004 and they have no comments on this document	Noted