Nr	Paragraph	Comment	Response
		General	
060	?	"…except Powered sailplanes, Hot-Air-balloons and Hot-Air-Airships and…."	Comment not handled as paragraph is not identified.
093	General	"no particular comment on this IR 21 consultation. "	Noted.
043	General	In many places the word "derogate" is used. We would prefer to use the word "deviate" here.	Disagreed. "Derogate" and "deviate" have different meanings.
140	General	The estimated permission of traffic should be valid on the whole sphere of the EASA.	Noted. The permit to fly is issued by the Member State of registry and the limitation cannot go beyond the airspace of that State. After the transitional period, when the Agency fully takes over, the scope may be broadened to cover EASA.
083	General	For purposes of harmonisation, the FAA suggests that "environmental protection" be consistently replaced throughout Annex Part 21 with "noise, fuel venting and exhaust emissions", as appropriate.	Deferred to such time as Part 21 may be "tidied up".
082	General	For some modifications (e.g. installation of special equipment) to dedicated aircraft, it was possible to apply for a major alteration. We could not find any similar certification procedure in the EASA rules. Do such rules exist with a description of the Eligibility and Application?	There is no rule for major alteration. A modification must be handled under Subpart D or E.
082	General	Are the TC and STC certification the only tools for a design certification, even for non critical minor modifications?	No. Minor changes can be approved under Subpart D.
099	General	CAA-NL suggests to replace "The Basic regulation" with "The EASA regulation" as in the regulation on Continuing Airworthiness, for uniformity purpose.	Noted. For uniformity purposes, Regulation 1592/2002 is now referred to as "Basic Regulation" under both the certification and continuing airworthiness regulations.
146	General	Style for the text is not the same through the text. For instance,	Noted.

		the first level of subparagraph * is numbered using letters but in some cases numbers (21.1 or 21A.181 for example). * the phrases start with uppercase or with lowercase and end with dots or semicolons but without editorial rules . A style should be defined once and used throughout the text.	The numbering is consistent. It corresponds with the relevant Section. 21.1 is a general provision which applies to both Sections.
146	General	Some sections are numbered using a number ended with A and B. Inconsistencies occur in the numbering. Examples: 21A.3 and 3B or 21A.112 and 112B, but 21A.16A and 16B, 21A.118A and 118B, … Rules for numbering the sections should be defined.	Deferred. The inconsistency is recognized.
146	General	The IR-21 introduces the words "airworthiness code", "certification basis", "certification specifications" and "airworthiness specifications". The use of these different terms through the IR-21 can be confusing. The terms "airworthiness code" and "type-certification basis" are defined but not "certification specifications" and "airworthiness specifications". Examples. * For instance if the certification basis is to be used for the issue of a type-certificate (21A.17), then 21A.23(b)(2) should refer to the certification basis. * The airworthiness codes seem to refer to the current JAR. Then 21A.19 should refer to the Airworthiness codes. * On the other side, the equivalent EASA regulations of some current JAR are called "Certification Specification" (CS-25, CS-E, …). The use of terms should be clarified and the IR-21 updated as appropriate.	Carried. Within Part 21 instances of “certification specification(s) have generally been changed to “airworthiness code(s)” in line with the Basic Regulation, Article 14(2). However: 21A.609(c) now reads “airworthiness specifications”. 21A.174(d)(5) now reads “applicable certification specifications” 21A.184(a)(2)(i) and (b)(1) now read “specific certification specifications” The heading of 21A.303 is now amended to read “Compliance with applicable requirements.”
166	General	The review by lawyers of the draft CS-E/P/APU has raised an	Noted.

		issue in relation to part 21. These drafts sometimes refer to "components". EU Regulation 1592 has not defined components". Part 21 uses this word 3 times (in 21A.603 and in Form One) but it is not defined. This word is used in the maintenance area and is defined. Consistency of definition in all EASA texts (Part 21, Part M, CS, etc.) must be ensured unless the word "components" in certification area has a different meaning. As a minimum, this word should be defined in Part 21 and associated CS.	The word “component” does not appear anymore in 21A.603, although it will remain within the EASA Form One for harmonisation purposes.
108	General	Our comments are based on the following considerations: • The need to publish sufficient regulatory material to allow EASA to start its operation on 28 September 2003. • The need to allow on-going activities to continue uninterrupted by the implementation of the regulation. We fully recognise the need to publish sufficient regulatory material to allow EASA to start its operation on 28 September. For that reason we are prepared to accept the proposal for Part 21 with some changes that are detailed in our enclosed comments. This acceptance must, however, be made with a certain reservation pending receipt of the documents in their Swedish version. Finally, we wish to stress the necessity of ensuring continuity during transition from the current system to EASA. In general, we think that the additional transition period of 42 months according to Article 56 of the EASA regulation should be used in full to achieve a smooth transition. In other case, we run the risk of facing serious safety problems and disruption of on-going acitivities.	Noted.

121	General	Continued validity of authorisations and approvals have a negative influence on the competent authority's possibility to get deficiencies corrected. In accordance to danish legislation in general it is very difficult to withdraw an already given authorisation	Disagreed. It is still possible to correct deficiencies. Part 21 includes the conditions for continued validity which national authorities must apply.
099	Findings - General 21A.125B and C, 21B.143 and 145, 21A.158 and 159, 21A.258 and 259, 21B.225 and 245	In comparing texts, we have noted that the current draft Parts contain very different wording on findings and their consequences in the context of organisation approvals, even though the guiding principles are very much the same. We would regret such a lack of legal clarity, especially where it would take a relatively small effort to come up with some standardised wording, without really touching upon the substance. As a consequence CAA-NL has put forward a proposal to harmonise the wording of the comparable paragraphs in the various subparts, in order to make perfectly clear that there is no divergence within the EASA system as regards the principles that apply to findings and approvals. For Harmonized proposal sea attached document.	Noted. Wording has been standardised to ensure legal certainty.
		Section A - General	
119	General - Section A	The current JAR 21.1(e) is missing and covered by neither the Basic Regulation nor the Commision Regulation. JAR 21.1(e) is key requirement to control activity subcontracted outside the EU countries and ensure the associated Authority investigation/surveillance, particularly in the global production sector. Add the applicable JAR 21.1e) material somewhere in the Commission Regulation (eg Article 4) or in its Annex, Sect A. : A proposal for such applicable material may be the following text in italic: *When any of the facilities of the organisation or any of his*	Disagreed JAR 21.1 is all that is required. JAR 21 was only applicable within JAA Member States. Part 21 is global in its application. Text of JAR 21.1(e) is not necessary in Part 21, as organisation approvals can be granted everywhere in the world. Obligation to have procedures with subcontractors and to allow Authority inspections are contained in Subpart G and J. In addition, through article 18 of the Basic Regulation, the Agency can establish working arrangements with foreign Authorities.

		partners or subcontractors are located outside a EU country, the competent Authority does not issue an approval unless- *(1) The organisation has submitted information regarding the procedures for coordination with those facilities, including the relationship between the organization and the foreign facility; and* *(2) These procedures and relationships are acceptable to the competent Authority to enable it to make all the inspections and tests necessary to find compliance with the applicable provisions of the Annex to this Regulation.*	
112	General - Section A, Subparts F,G,H and I	There should be a transition period established at least for those subparts. This will allow the Member State authorities properly transfer existing certificates to EASA certificates. The end of such period should be defined. During transitional period both type of certificates should remain valid. Our experience shows that adopting new requirements without reasonable transition period worsen the situation. In most cases the situation remains as was before.	Disagreed. It is already covered in the draft Regulation, under Articles 2, 3 and 4.
080	General - Section A / Subpart B/Subpart H	Article 5 (Airworthiness) of the Council Regulation N° 1592/2002 states as condition for the issuance of a "restricted type certificate" that the <u>number</u> of aircraft of the same type, eligible for a "restricted certificate of airworthiness", justifies a type certification process. Aircraft eligible for a "restricted certificate of airworthiness", still according to the article 5 of the Council Regulation, are those deviating from the essential requirement (i.e. applicable airworthi-ness codes) but complying with "specific airworthiness specifications" to ensure adequate safety with regard to their intended use. So for the "restricted type certificate" the compliance is still with the "specific airworthiness specifications" throughout the	Disagreed. Compliance with specific airworthiness specifications is covered in 21A.23(a)(1) for restricted type-certificates and in 21A.184(b) for restricted certificates of airworthiness without restricted type-certificate.

		appropriate certification basis. The criteria above seem have not found a clear transposition in the affected subparts of Part 21. In fact the paragraph 21A.184 of subpart H deals the case of the restricted C of A without a restricted type-certificate quite differently from that with the restricted type-certificate. The subparagraph (b) considers deviations from the essential requirements as pertinent to the former case only, but this is also true, according to the article 5 of the Council Regulation, when a restricted type-certificate is issued.	
023	General - Subpart B/Q for engine and propeller	The review by lawyers of the draft CS-E/P/APU has raised an issue in relation to Part 21. These drafts contain the following, which is considered as possible Part 21 material. **CS-APU 50 Identification** **(a) The APU identification must comply with Part 21A.807 (c).** In CS-E, there is the following **CS-E 120 Identification** **(a) The Engine identification must comply with IR 21A.801 (a).** And in CS-P the following **CS-P 20 Propeller Configuration and Identification** **(b) The Propeller identification must comply with IR 21A.801 (b) and IR 21A.805.** The rationale for having these paragraphs in CS is as follows. What is a product (aircraft, engine or propeller)? It is simply the identification plate. If you change all parts over the years, except the identification plate, you still have the same individual product. The identification plate is an integral part of the type design. But subpart Q of Part 21 is not applicable for certification (no cross-reference found in subpart B). Furthermore, subpart Q refers to the producer / manufacturer, not to the designer. Then, because the identification plate is a very important part of the design of the product and because Part 21 is inadequate, there must be a “rule” in CS-E/P/APU referring to	Noted. A text similar to 21A.109 and 21A.118A is now being proposed for a new 21A.44(b) to read as follows: (b) specify the marking in accordance with Subpart Q.

		sub-part Q, otherwise no one would have the idea of applying this hidden text. It should be noted that Part 21 itself is not part of the certification basis defined in 21A.17 and that 21A.20 or 21A.21 only refer to type-certification basis. In conclusion, nowhere subpart Q is checked during certification. Sub-part Q should be cross referenced in sub-parts related to "certification" (B, D, E, O …). For example in 21A.31 ?	
146	General - 21.1 and others	21.1 and several others Reason(s) for proposed text/comment 21.1 defines the words "Competent Authority". The words "competent authority" (without uppercase) are also introduced, under the form of "competent authority of the Member State" or "competent authority of the Member State of Registry" (for instance in 21A.165 and 21A.174), sometimes associated with the word "Agency". The use of words should be clarified and harmonised. Moreover, if "Member State" is necessary and sufficient remove all "of Registry". Occurrences noted at least in 129(f), 165(f), 174(b), 177, 179(b), 180, 183(a), 184(a), 185, 204(a), 204(c), 205, 207 and 210.	Disagreed. "Competent Authority" with uppercase is defined. Where competent authority is used without uppercase dictionary language applies. In addition it is in that case used to indicate a particular authority, e.g. of the State of registry, a third country etc.
21.1			
146	21.1	 PROPOSED TEXT/COMMENT (a) for organisations having their principal place of business in a Member State, the authority designated by that Member State; or (b) for organisations having their principal place of business located in a third country, the Agency. Reason(s) for proposed text/comment	Numbering carried.

		Incorrect numbering of the subparagraphs. Replace numbers by letters.	
146	21.1	Section A – paragraph 21.1 Proposal is to replace “Principal place of business” by “place of legal juridical status of TC holder” Text should be read as:: 21.1 General For the purpose of this part, “Competent Authority” shall be: (1) for organisations having their place of legal juridical status of Type Certificate holder in a Member State, the Authority designated by that Member State; or (2) For organisation having their place of legal juridical status of Type Certificate holder located in a third country, the Agency. Reason(s) for proposed text/comment Proposed regulation defines the relevant Authority in relation to the “Principal place of Business”. This definition seems to be not enough clear, and not enough accurate to fulfil the aim of this regulation. “Principal place” may have various interpretation here which may introduce misunderstanding: is it commercial approach where the product is sold (state of the biggest customers), is it production approach where the manufacturing activities are significant (state of production/assembly), is it legal approach where the Head Quarter is located (state of legal juridical position). Current business leads main designers/ manufacturers companies to create consortium for each new product, having	Disagreed. Concept of “principal place of business” is commonly used in Community law. The European Court of Justice has abundantly adjudicated on its purpose and meaning.

		partners coming from various EU Member States and/or none EU Member States, with the same or equivalent involvement and responsibility. At least for this type of companies, it is very important to know if this regulation has to be handled though commercial, production or legal aspect.	
177	21.1	The paragraph refers to 'Member States'. It is not clear whether these states are members of the Agency, or of another body such as the EU. Clarification is therefore requested.	Disagreed. Where "Member State" is used, it refers always to the Member States of the European Union. The Agency cannot have Member States since it is an executive body of the Community.
147	21.1	The paragraph refers to 'Member States'. It is not clear whether these states are members of the Agency, or of another body such as the EU. Clarification is therefore requested	Disagreed. Where "Member State" is used, it refers always to the Member States of the European Union. The Agency cannot have Member States since it is an executive body of the Community.
146	21.1 (1)	Replace " the authority designated by that Member State", by " the authority designated by that Member State, or , under agreement with the Member State concerned, the Agency". Consistency with EASA Regulation (Article 15, paragraph 2.b.ii). Possibility for transnational European organisations to get organisation approvals (production, maintenance) from Agency.	Noted. Text has been changed accordingly to read: "or the Agency if so requested by that Member State"
Section A			
091	21A.2	A general clause to delegate any and every action as obligation to be undertaken by the holder or applicant is not in line with other legal requirements from the commercial, private, product liability and other sectors.	Disagreed. 21A.2 merely opens up the possibility to have certain tasks undertaken by another person. Of course, it is for the applicant/holder to consider all consequences involved (commercial, legal etc.).
165	21A.2	**2.** **POSITION:** (cross out the parts that are not applicable) Agree / Accept / No comment / Propose different text / General comment / Propose to delete paragraph.	Noted. However, since the applicant for, or holder of, a certificate may be either a natural or legal person

		3. PROPOSED TEXT/COMMENT: "…can show that ~~its~~ he has made…" Furthermore, it is felt that advisory material is needed to make this paragraph really applicable	the term "its" is deemed more appropriate.
146	21A.2	PROPOSED TEXT/COMMENT … provided the holder of, or applicant for, that certificate can show that he or she has made an agreement with the other person such as to ensure that the holder's responsibilities are and will be properly discharged. Reason(s) for proposed text/comment Improvement of the text.	Noted. However, since the applicant for, or holder of, a certificate may be either a natural or legal person the term "its" is deemed more appropriate. In addition "responsibilities" now reads "obligations" to remain consistent with 21A.44.
019	New 21.3 on definitions	**A1. To add the following definitions to IR 21.3:** (e) "Type" means a defined build standard of an aeronautical product (Aircraft, Engine, Propeller) that has been approved by the Agency by issuance of a Type Certificate, or for which an application for issuance of a Type Certificate has been filed with the Agency. A Type may consist of several variants, which are defined build standards of the product sufficiently similar to be covered by, and listed on, one Type Certificate. The documentation and information constituting the Type Design is defined in IR 21A.31. (f) "Variant" means a defined build standard of an aeronautical product which differs from other build standards of the same type to an extent that necessitates its identification as a separate sub-type on the Type Certificate (TC) and Type Certificate Data Sheet (TCDS) but is similar enough to the baseline type or other variants to be covered by the same TC. Variants can either be generated by developing them in parallel, i.e. developing a new type in more than one variant from the start, or by incorporating significant changes to the baseline type design. Sometimes, variants are referred to as models or mark numbers.	Deferred. Comment merits further consideration in due time.

		(g) A modification is a change to the defined build standard of a type or variant which does not necessitate a variant to be generated, i.e. a change that is not significant. Modifications are generally not recorded on the TC / TCDS other than by general reference to the Service Bulletins by which they are disseminated. (h) Changes to type design: Whenever the approved build standard of a type or variant, as defined in IR 21A.31, is amended or redefined, this constitutes a change to type design. Changes to type design can be substantial, significant, major or minor. Substantial changes effectively generate a new Type. Significant changes are changes which affect the product in such a way that it becomes necessary to identify the changed product as a separate variant in the TC / TCDS. Major and minor changes are covered by modifications, they are changes that do not necessitate identification of the changed product in the TC / TCDS.	
165	21A.3	**2. <u>POSITION:</u>** (cross out the parts that are not applicable) Agree / Accept / No comment / Propose different text / General comment / Propose to delete paragraph. **3. <u>PROPOSED TEXT/COMMENT:</u>** Having deleted JPA, the holder of a minor change approval producing parts with EPA marking is no longer required (as it was the JPA holder in JAR-21) to establish the system for collection, investigation etc, nor to report, nor to investigate. However the text retains the reference of the continuing airworthiness of the product, *part* or appliance. It applies to (a), (b)(1) and (c)(1). Para 21A.4 is however correctly worded.	Deferred. It was not felt that minor change and repair approval holders had to comply with 21A.3, because of the minor nature of the design. This can be re-evaluated later by EASA.
080	21A.3	According to the proposed version of paragraph 21A.3 (a) it applies also to the holders of European Technical Standard Order (ETSO) authorisations . So they should have “a system for collecting information related to failures, malfunctions and	Disagreed. Current text has been introduced through NPA 21-24.

		defects, etc.…… Information about this system shall be made available to all known operators of the products, part or appliance and… ". Parts and appliances showing compliance under ETSO authorisation procedures of subpart O of Part 21 are approved on the products within TC or STC processes and the holders of an ETSOA normally doesn't know end users of their parts or appliances. They have not direct contact with the operators, even if they receive information through TC and /or STC holders. Then paragraph 21A.3(a) should be modified accordingly .	
080	21A.3	Reference to "the holder of a <u>restricted</u> type-certificate" should be done in the affected paragraphs.	Carried.
043	21A.3	21A.3 (b) (2) "……in a form and manner <u>established</u> by the Agency…..". Earlier versions of JAR 21 used the wording <u>acceptable</u> i.s.o. <u>established</u> (which is too restrictive) , and we prefer the word <u>acceptable.</u>	Disagreed. For legal certainty the Agency must determine in a transparent manner all conditions it whishes to impose. "Acceptable" implies too much discretion.
029	21A.3	Failure, malfunction, defects and occurrences should be reported to the local NAA as well as EASA.	Noted. Reporting in 21A.3 relates to design approval holders, under Agency responsibility. It is suitable to have only one reporting line for such matters. If the NAA need to be informed, it will derived from other responsibilities they will have under other Regulations (eg, Part 145, M…)
044	21A.3	**Failures, malfunctions, and defects** Change to read: "…holder of a type-certificate, supplemental type-certificate, change in type design, European Technical Standard Order… **Reason:** This paragraph should include changes in type design,	Deferred. It was not felt that minor change and repair approval holders have to comply with 21A.3, because of the minor nature of the design. This can be re-evaluated later by EASA.

		especially if that is the basis for a part approval under the EPA process.	
146	21A.3	It is not clear , in paragraph 21A.3, that EPA holders have to comply with continued airworthiness requirements for the parts which they produce.	Covered through the design approval requirements (if major change, requirement put on STC holder – nothing if it is a minor change).
165	21A.3(a)	**2. <u>POSITION:</u>** (cross out the parts that are not applicable) ~~Agree / Accept / No comment~~ / Propose different text / ~~General comment / Propose to delete paragraph.~~ **3. <u>PROPOSED TEXT/COMMENT:</u>** "..this system shall be <u>provided</u> to all known operators…" It is questionable that "made available" is strong enough.	Disagreed. Wording is appropriate and is consistent with current practice.
077	21A.3(a)	This item requires the TC holder to have a system for the collation, investigation and analysis of failures, malfunctions etc which might have an adverse effect on continued airworthiness. This also requires that the TC holder make details of the system available to all known holders of the product. This latter element of the requirement is unreasonable and too onerous in the burden it places on the TC holder. The TC holder should have in place a system and should promulgate details of that system by Service Bulletin or other means which can be accessed, either free or by subscription, by those owners, operators and maintenance organisations which have an interest in sustaining the continued airworthiness of their aircraft. In Part M a responsibility is placed on the aircraft owner/operator for managing the continued airworthiness of his/her aircraft; this responsibility should extend to the owner/operator making himself known to the TC holder and subscribing to the appropriate services for continued airworthiness. **Recommendation:** The last sentence of 21A.3(a) should be amended to read as follows: "Information about this system shall be made available to all []	Disagreed Existing text already implies the intention of the comment.

		operators of the product, part or appliance and, or request, to any person authorised under other implementing Regulations, who make themselves known to the holder of a type certificate, supplemental type certificate, ETSO authorisation or a major repair design approval".	
172	21A.3(a)	Change to read: "…holder of a type-certificate, supplemental type-certificate, change in type design, European Technical Standard Order…". Rationale: This paragraph should include changes in type design, especially if that is the basis for a part approval under the EPA process.	Deferred. It was not felt that minor change and repair approval holders have to comply with 21A.3, because of the minor nature of the design. This can be re-evaluated later by EASA.
167	21A.3(a)	Change to read: "…holder of a type-certificate, supplemental type-certificate, change in type design, European Technical Standard Order…". Rationale: This paragraph should include changes in type design, especially if that is the basis for a part approval under the EPA process.	Deferred. It was not felt that minor change and repair approval holders have to comply with 21A.3, because of the minor nature of the design. This can be re-evaluated later by EASA.
146	21A.3 (b)	PROPOSED TEXT/COMMENT (b) Reporting to the Agency. Reason(s) for proposed text/comment Improvement of the text. End the first phrase of the section with a dot.	Carried.
147	21A.3(b) and 21A165(f)(2)	To harmonize the two sentences : For the "failures, malfunctions or defects …. which may result in an unsafe condition" mentioned in 21A.3(b) it is required to "Report to the Agency" For the "deviations which could lead to an unsafe condition" ….mentioned in 21A.165(f)(2) : it is required to "Report to the Agency or the Competent Authority of the Member State, or both"	Disagreed. 21A.3(b) is only design-related, while 21A.165(f)(2) is primarily production-related, with possible implications on design. Therefore the reporting structure is different. However the text has now been revised in accordance with new 21A.129(f)(2).

		Reason(s) for proposed ~~text~~/comment To improve consistency on the reporting process to the Authorities.	
077	21A.3(b)(1)	This topic requires the TC holder to report to EASA details of any failure, malfunction etc which might result in an unsafe condition. There is no definition of what is meant by the term **unsafe condition**. It will be totally impracticable to notify to the Agency details of every failure or malfunction. Moreover, it is not made clear as to what weight of aircraft this requirement applies, nor is there a reference to the type of operations being undertaken (ie, commercial air transport etc). If it is assumed that this requirement applies to all aircraft weights and types of operation (eg, private and recreational as well as commercial air transport) the notification requirement will be onerous and will have the danger of swamping significant airworthiness information under a mass of irrelevant detail and trivia. The requirement to submit reports under this topic should allow the exercise of judgement by the TC holder, based on his skill, knowledge and experience of the aircraft type concerned. **Recommendation:** The following words should be added to the end of 21A.3(b)(1): "…… which, **in the judgement of a type experienced engineer,** has resulted in or may result in an unsafe condition".	Disagreed. See AMC 21A.3B(b) – Definition of an unsafe conditions.
073	21A.3(b)(1)	To be discussed : The required severity of the fault is not indicated, and the definition of an 'unsafe condition' is not given. While for a large commercial aircraft it might be important to report all faults, this should not be a requirement for light aircraft used for recreational purposes. For light aircraft, differentiation has to be made between unexpected faults that	Deferred.

		are critical to flight safety, and normal wear and tear items that are not, and which would be replaced in any case under a standard maintenance program. Otherwise, significant airworthiness information may be swamped under a mass of irrelevant detail and trivia. It is suggested that the requirements for the reporting system be based on aircraft weights and type of operation (e.g., commercial air transport, etc).	
167	21A.3(b)(1)	The reporting requirement is conditioned upon an "unsafe condition". The phrase, "unsafe condition" is used in several section of Part-21. However, there is no stated definition or criteria stated within this document. We request that it be defined within this Part-21.	Disagreed. See AMC 21A.3B(b) – Definition of an unsafe conditions.
172	21A.3(b)(1)	The reporting requirement is conditioned upon an "unsafe condition". The phrase, "unsafe condition" is used in several section of Part-21. However, there is no stated definition or criteria stated within this document. We request that it be defined within this Part-21.	Disagreed. See AMC 21A.3B(b) – Definition of an unsafe conditions.
077	21A.3(b)(2)	Following on from the above, this topic requires the subject reports to be submitted within 72 hours of an unsafe condition being identified. Again, there is no definition of unsafe condition**.** Moreover, there is no time allowance for weekends, public holidays etc which might occur immediately after a defect becomes known to the TC holder. Indeed, it seems unlikely that the offices of the Agency will be manned 24 hours a day, seven days a week for the receipt of these reports within 72 hours of them first being reported to the TC holder and for immediate action to occur within the Agency. Therefore, if the Agency will not be able to act immediately on receipt of the reports, why must they be submitted within 72 hours of the report being received by the TC holder? It makes far more sense to submit the reports within a reasonable timescale, say five working days, when considered information could be provided, with the onus being placed on the TC holder to	Disagreed Subject has been extensively debated when JAA developed material for occurrence reporting.

		submit the report more quickly if the 'unsafe condition' has serious implications. Once again, reliance should be placed on the judgement of the TC holder, based on his skill, knowledge and experience of the aircraft type concerned. **Recommendation:** The wording of 21A.3(b)(2) should be amended as follows: "…….. dispatched not later than five working days after the identification ……."	
073	21A.3(b)(2)	Again, there is no definition of an unsafe condition. There is no allowance for weekends, public holidays, etc. Again, it is suggested that the requirements for the reporting system be based on aircraft weights and type of operation (e.g., commercial air transport, etc) and that for light aircraft, gliders and balloons it is not practical or necessary to adopt this proposed reporting regime providing the onus is placed on the owner to ensure the aircraft is brought back to an airworthy condition and the actions taken to do so are recorded in the aircraft log book.	Disagreed. See AMC 21A.3B(b) – Definition of an unsafe conditions.
147	21A.3(b)(2), 21A165(f)(2) 21A129(f)(2)	To include in appendix of Part 21, the form to be used for the "reports to the Agency" in case of failures, malfunctions and defects. **Reason(s) for proposed ~~text~~/comment** To clarify and harmonize the types of information to mention on the form.	Deferred. The occurrence reporting system as a whole will have to be put in place.
147	21A.3(b)(2)	Proposed text: Replace ' ...in a form and manner established by the Agency' with *'in a form and manner acceptable to the Agency'* *Reason:* *It will be difficult to devise a single form of report that will adequately and efficiently reflect the needs of all approved organisations. The proposed text is consistent with that*	Disagreed. For legal certainty the Agency must determine in a transparent manner all conditions it whishes to impose. "Acceptable" implies too much discretion.

		currently used in JAR 21, which has proved to be an appropriate means of controlling this requirement.	
177	21A.3(b)(2)	Replace ' ...in a form and manner established by the Agency' with *'in a form and manner acceptable to the Agency'* *Reason:* *It will be difficult to devise a single form of report that will adequately and efficiently reflect the needs of all approved organisations. The proposed text is consistent with that currently used in JAR 21, which has proved to be an appropriate means of controlling this requirement.*	Disagreed. For legal certainty the Agency must determine in a transparent all conditions it whishes to impose. Acceptable implies too much discretion.
091	21A.3(c)	Reported occurrences from operations and maintenance need also to be mentioned and covered here because for these occurrences an investigation by the FC/STC holder or manufacturer might be required.	Disagreed. 21A.3(a) requires the holder to have a system for collection; 21A.3(b) obliges the holder to report to the Agency. Operation and maintenance reporting will fall in this system. Obligation to report from operation and maintenance side is addressed in Reg. 1592/2002, Annex I, 3.a.4, and in related implementing rules.
133	21A.3 (and 21A.3B)	These Sections specify conditions to be fulfilled by approval holders in order that the Agency can carry out its continued airworthiness functions. However, the list of approval types only covers TC, STC, ETSO, or major repair design approval. With respect to Parts and Appliances, the Consultation Paper 1/2003-06-05, Attachment 3 (Transfer Policy), Section 1.3 (Parts and appliances approvals) specifies that existing approvals remain valid, but continued airworthiness will be under the Agency's responsibility as from the date when it starts operating. In most cases the existing Parts and Appliances approvals will not be associated with an ETSO Authorisation and, therefore, Sections 21A.3 and 21A.3B will not apply to the holders of approvals adopted by the Agency under the transfer policy. To get round this problem it is proposed that the applicability of these Sections is extended to "*The holder of a type certificate, supplemental type certificate,*	Carried

		European Technical Standard Order (ETSO), major repair design approval, or any other relevant approval deemed to have been issued under this Regulation."	
091	21A.3B	Issuance of AD's is an obligation (i. a. w. ICAO requirements) of the "state of design" and EASA does not represent the state of design because EC is no state and no ICAO member.	Disagreed. A Member State may designate the Agency to undertake these tasks, which is not contrary to ICAO. Full response on the issue of ICAO State of Design will be provided for in the final Opinion of the Agency submitted to the Commission.
080	21A.3B	The affected paragraph does not provide any implementing rule for the case when, according to the article 10 of Council Regulation 1592/ 2002, the Member State should react immediately to a safety problem which involves a product. The fact that Part 21 (Section A, Section B and related AMC & GM) doesn't implement the provision of the article 10 creates doubts with regard to a topic so critic: can the competent Authority of a Member State issue an airworthiness directive ? (According to 21A.3B this is allowed to the Agency only); If it is allowed, should be in place a common way to do it ?	Disagreed. Article 10 is a self-executing provision, on the basis which States can react immediately. There is no need for further implementing rules.
080	21A.3B	Reference to "the holder of a restricted type-certificate" should be done in the affected paragraphs.	Carried.
146	21A.3B	Section A / Subpart A – paragraph 21A.3B Proposal is to replace "aircraft" by "aircraft, engine or propeller". Text should be read as:: 21A.3B Airworthiness directives	Deferred. It is recognized that it is current practice to issue ADs on engines and propellers, but the proposed text is coming from the published JAR-39. There may be rationales to address only aircraft, therefore amendment of the text as proposed should be done carefully and needs further evaluation by the Agency.

		(a) An airworthiness directive means a document issued or adopted by the Agency which mandates actions to be performed on an aircraft, an engine or a propeller to restore an acceptable level of safety, when evidence shows that the safety level of this aircraft, engine or propeller may otherwise be compromised. …. (d) An airworthiness directive shall contain at least the following information: (1) … (2) an identification of the affected products (aircraft, and/or engine and/or propeller) (3) … (4) … (5) … Reason(s) for proposed text/comment Proposed regulation limits the scope of the Airworthiness Directives to the aircraft product. The scope should be extended to all products having Type Certificate. Aircraft engine and propeller should be considered in this paragraph.	
108	21A.3B (and 21B.60)	Rules and procedures should be included in Part 21 to cover the case when a competent authority of a Member State is reacting immediately to a safety problem in accordance with Article 10 of the Basic Regulation. a) The definition of an airworthiness directive in 21A.3B(a) need to be expanded to include also such Member State airworthiness directives. b) 21B.60 or a separate paragraph in Section B should define the procedure for the Member State to issue such	Disagreed. Part 21 as a whole is flexible enough to allow for immediate reaction by Member States under certain limitations, including the rules and procedures of Article 10 of the Basic Regulation.

		airworthiness directives and the subsequent notification to the Agency and other Member States. Reason (s) for proposed text or comment: EASA Regulation Article 5.5(c) instructs the Commission to: "allow for immediate reaction to established causes of accidents and serious incidents" when establishing the implementing rules referred to in paragraph 4 of the same article.	
133	21A.3B (and 21A.3)	These Sections specify conditions to be fulfilled by approval holders in order that the Agency can carry out its continued airworthiness functions. However, the list of approval types only covers TC, STC, ETSO, or major repair design approval. With respect to Parts and Appliances, the Consultation Paper 1/2003-06-05, Attachment 3 (Transfer Policy), Section 1.3 (Parts and appliances approvals) specifies that existing approvals remain valid, but continued airworthiness will be under the Agency's responsibility as from the date when it starts operating. In most cases the existing Parts and Appliances approvals will not be associated with an ETSO Authorisation and, therefore, Sections 21A.3 and 21A.3B will not apply to the holders of approvals adopted by the Agency under the transfer policy. To get round this problem it is proposed that the applicability of these Sections is extended to "*The holder of a type certificate, supplemental type certificate, European Technical Standard Order (ETSO), major repair design approval, or any other relevant approval deemed to have been issued under this Regulation.*"	Carried.
161	21A.3B	Add a new subparagraph (b) as follows: "(b) The Agency may adopt directly the airworthiness directives from the State of design."	Disagreed. Covered by 21A.3B(a) and 21B.60, which refer back to the Basic Regulation, Article 15(1)(j) which is interpreted as covering ADs.

		Amend current subparagraph (b), (c) and (d) of 21A3B as follows: (c) In cases other than (b), the Agency shall issue an airworthiness directive when: (1) an unsafe condition has been determined by the Agency to exist in an aircraft, as a result of a deficiency in the aircraft, or an engine, propeller, part or appliance installed on this aircraft ; and (2) that condition is likely to exist or develop in other aircraft. (d) When an airworthiness directive has to be issued by the Agency to correct the unsafe condition referred to in paragraph (c), or to require […] (e) An airworthiness directive shall contain […] Reason(s) for proposed text/comment *Implementation problem* To provide the possibility for the Agency to adopt State of Design's (even if non EU) AD's without the need to issue itself a specific document. Consistent with (a), JAR 21 and ICAO Annex 8.	
147	21A.3B	21A.3B takes over the rules on airworthiness directives that were in JAR-39. However the provisions of JAR 39.7(b) ("No person may operate an aircraft to which an Airworthiness Directive applies, except in accordance with the requirements of that Airworthiness Directive, unless otherwise agreed with the Authority of the State of registry") have not been transposed into Part 21. It is important to keep such a provision in the EASA regulatory system, including the "unless otherwise agreed" possibility, be it in Part 21 or Part M.	Noted. This text is not included in Part 21 as it relates to operators. Operators will be required to comply with ADs under the continuing airworthiness regulation (namely Part M).
165	21A.3B	**2.** **POSITION:** (cross out the parts that are not applicable) Agree / Accept / No comment / Propose different text / General comment / Propose to delete paragraph.	Noted No change proposed. Operators are required to comply with ADs under

		3. PROPOSED TEXT/COMMENT: Whilst the para defines an AD as "a document", in legal terms it should probably be defined as "a decision". It says nowhere that the affected operators shall comply with the requirements of the airworthiness directive.	the draft Regulation on the continuing airworthiness of aircraft, products, parts and appliances.
167	21A.3B(c)	Change to read: "…holder of a type-certificate, supplemental type-certificate, change in type design, European Technical Standard Order…". Rationale: This paragraph should include changes in type design, especially if that is the basis for a part approval under the EPA process.	Deferred. Text is coming from JAR-21 Amdt 5. It was not felt that this requirement applies to minor change and repair approval holders. This can be re-evaluated later by EASA.
172	21A.3B(c)	Change to read: "…holder of a type-certificate, supplemental type-certificate, change in type design, European Technical Standard Order…". Rationale: This paragraph should include changes in type design, especially if that is the basis for a part approval under the EPA process.	Deferred. Text is coming from JAR-21 Amdt 5. It was not felt that this requirement applies to minor change and repair approval holders. This can be re-evaluated later by EASA.
044	21A.3B(c)	Airworthiness Directives Change to read: "…holder of a type-certificate, supplemental type-certificate, change in type design, European Technical Standard Order… Reason: This paragraph should include changes in type design, especially if that is the basis for a part approval under the EPA process	Deferred. Text is coming from JAR-21 Amdt 5. It was not felt that this requirement applies to minor change and repair approval holders. This can be re-evaluated later by EASA.
077	21A.3B(c)(2)	This topic requires the TC holder to distribute to all known owners details of descriptive data and accomplishment instructions to support EASA Airworthiness Directives. Again, this topic warrants the same responses and amendments as shown at 21A.3(a).	Disagreed. Existing text already implies the intention of the comment.
091	21A.4	In cases of approval of repair – and/or modification design the coordination with the relevant Part M-, Part 145- or operators organisation is required and has to be added.	Deferred.

080	21A.4	Reference to "the holder of a restricted type-certificate" should be done in the affected paragraphs.	Carried.
147	21A.11	The definition of 'restricted type certificate' has not been included in this paragraph and it is therefore unclear what the purpose and applicability is of such a document. Similarly, the paragraph only identifies aircraft as being eligible for the restricted type certificate, and it is therefore unclear whether other products (for example engines or propellers) are eligible for restricted type certificates.	Noted. Article 5(3)(c) of the Basic Regulation identifies that the restricted type-certificate is only used in association with aircraft. 21A.41 now includes "restricted TCs" as well as type-certificates in order to provide a definition.
177	21A.11	The definition of 'restricted type certificate' has not been included in this paragraph and it is therefore unclear what the purpose and applicability is of such a document. Similarly, the paragraph only identifies aircraft as being eligible for the restricted type certificate, and it is therefore unclear whether other products (for example engines or propellers) are eligible for restricted type certificates.	Noted. Article 5(3)(c) of the Basic Regulation identifies that the restricted type-certificate is only used in association with aircraft. 21A.41 now includes "restricted TCs" as well as type-certificates in order to provide a definition.
165	21A.13	Whilst eligibility clauses in JAR-21 talk about "person", including legal persons as per the definition in JAR-21.2, same paragraphs in Part 21 only talk about "organisations". Is anything wrong with an individual person applying for a TC or a STC of a product or change to a product of simple design?	Noted. There is nothing wrong. Clarification will be made throughout whole Part 21 to replace "any person" or "organisation" where applicable with "any natural or legal person" to be more consistent with Community law.
161	21A.14 (and 21A.112B, 21A.432B, 21A.602B)	Referenced paragraphs require organisations applying for a TC, STC, major repair design approval or ETSO to demonstrate their capability, either by obtaining a DOA under subpart J or by using procedures, to be agreed by the Agency, setting out the design practices, resources and sequence of activities necessary to comply with the relevant subpart. It is recommended that part 21 formalises this alternative by introducing a design capability certificate to be granted under a separate subpart. Reason(s) for proposed text/comment *Implementation problem*	Deferred. What is proposed is a new concept that deserves further consideration by the Agency.

		JAA experience shows the need to standardise the so called "alternative procedures" . It was at some stage proposed to create a new certificate , to formalise the authority agreement on the applicant procedures , under a new JAR 21 subpart JC. This is still considered by DGAC to be the best way to proceed and, indeed , DGAC has created a national certificate named "certificat d'aptitude à la conception" (Design Capability Certificate) which has a limited validity (3 years, as for DOA) , and subject to DGAC surveillance after issuance. Hence it is recommended that part 21 adopt the same concept and introduces a design capability certificate to be granted under a separate subpart.	
054	21A.14	In 21A.14(b)(1) insert after "…or a powered sailplane,…" the following: "…***a balloon, a hot air airship,***…" Justification: Balloons and hot air airships are of comparable, simpler technical complexity and should be added to the list. Obviously, they were left out as no Lighter-than Air JARs were existent so far. This has been remedied by CG 9 recently.	Carried. New text reads as follows: "(1) a very light aeroplane or rotorcraft, a sailplane or a powered sailplane, a balloon, a hot air airship."
044	21A.14 - Subpart J	**Design Organization Approval** The Rule does not specifically call out that this is not applicable (or applicable) to none European entities. It is assumed that this approval is only for companies within European and that a US company would not be required to obtain DOA in order to obtain European validation of it's products. **Reason:** Continue to use the process with EASA that is being used with the JAA.	Disagreed. Part 21 applies in context of the Basic Regulation. DOA can be granted to non EU companies, if requested. For US companies, bilateral approach will apply as currently in JAA system. See also draft Regulation, Article 3(2).
122	21A.14(a)		Noted.

		" any organization .. applying for TC ….." " a <u>single person</u> should be able to apply as well for TC etc….	This falls under 21A.13 ("natural or legal person").
073	21A.14(b)	While the JAR 21 standard is generally too onerous for recreational light aircraft design and production, it is noted that specific allowance (by derogation) is made in this sub-paragraph for specialist Design Approval of organisations undertaking the design of sailplanes, powered sailplanes, very light aeroplanes, light aircraft, engines and propellers. This is welcome. To help in the consultation process, it would be useful if the Agency could describe typical requirements, conditions and limitations under which such specialist design approvals could be granted. It is noted that Balloons are not listed in the range of product types covered by this sub-paragraph. Simplified design Approvals must be available to balloon manufacturers. The design Approval requirements must rely heavily on current design and manufacturing practices in the Balloon industry, to preserve the exemplary safety record of this specialist category of aircraft.	Deferred. Agency procedures will be required. Noted. 21A.14 is now changed as follows: (b)(1) a very light aeroplane or rotorcraft, a sailplane or a powered sailplane, a balloon, a hot air airship."
161	21A.14(b)	**Question :** Is the intent of the text really to consider that an organisation applying for TC or Restricted TC for balloons, airships or very light rotorcraft should demonstrate its capability by holding a DOA subpart J ? Reason(s) for proposed text/comment *<u>Implementation problem</u>* The Agency agreement, as an alternative procedure to the demonstration of capability, is envisaged when the product for which the organisation is applying for a TC or Restricted TC is one of the product listed in (b)(1) to (5). This list comes from NPA 21-23, whose purpose was to clarify	Noted. 21A.14 is now changed as follows: (b)(1) a very light aeroplane or rotorcraft, a sailplane or a powered sailplane, a balloon, a hot air airship."

		the former concept of "Simple design" by providing with a list of eligible products that were identified by their JAR Airworthiness Code number (JAR VLA & JAR 22, JAR 23 under certain conditions, JAR E for piston engines, Subpart H (engine) & J (propeller) or JAR 22, or JAR P for fixed pitch propeller). In its draft IR 21-Issue 2, the core group has noted the following *"there may be in the future additions, like balloons, airships,…".* Besides, JAR VLR for Very light rotorcraft was not in the original list as it has been only recently adopted. However, it is not clear whether the intent was to exclude them or not.	
120	21A.14(b)	<u>Proposal:</u> Introduce / amend **AMC to 21A.14 (b)** with the following meaning (the wording may be improved but not changed in its contents): (i) "The size and the organisational level of the design organisation should in general be adequate to the size and the complexity of the design project. In case of simple designs according to 21A.14(b)(1) the design organisation may be as small as only a single person who can demonstrate adequate knowledge and/or can demonstrate adequate support in special technical questions." (ii) "Agency agreement for the use of alternative procedures acc. to IR21A.14(b) is generally granted if the applicant has been previously certified (before 28.09.03) as a national design organisation in accordance with JAR 21.13(b) for the development of simple design products acc. to IR21.14(b)(1). The corresponding procedures that are laid down in the design organisation handbook and the privileges belonging to it shall be the base for the alternative procedures set forth under IR21A.14(b)." <u>Proposal / Comment:</u> We strongly recommend that EASA will establish a kind of "competence centre" for sailplanes and powered sailplanes	Deferred. Transferred to consultation process on AMC/GM to Part 21.

		according to IR21A.14(b)(1). This could for example be easily delegated to the German LBA which has proven to have excellent expert knowledge, while the good co-operation during the last decades ensured a very high safety standard for our products. In our opinion this measure would drastically decrease the organisational workload for the small and medium size companies that are involved in this kind of business. Our feeling is that it is not adequate for the small companies to deal with a “big” authority. The organisational level (concerning size and procedures) of the design organisation on the one hand, and the competent certification authority on the other hand, must be adapted to the size and complexity of the products to be developed, manufactured and repaired. This “competence centre” should also be authorised to grant privileges to the design organisation. Their extent may depend on the a) size, b) the organisational level and c) the experience (no. of A/C, TCs, years in business, etc.) of the specific company as well as d) the quality of the co-operation between the authority and the company. <u>Special justification:</u> Sailplanes and powered sailplanes designed to JAR-22, OSTIV AS or older equivalent requirements were usually designed by single persons. The accident records of these designs show a low rate of technical failure, whereas micro-lights and ultra-light-sailplanes not designed and certified to JAR-22 but quite sophisticated in performance and design, have a higher rate of technical failures. From this point of view it makes little sense to require an inadequately high organizational level for these kinds of small design organizations, as the inherent impact to the cost of the product may make its final market price prohibitive and the potential customer may buy a cheaper but uncertified product	

		instead. <u>General justification:</u> From the science of economics it is well known, that for the solution of every problem there is also an optimum for the size of the corresponding organization. It is obvious, that the organization to design an Airbus 380 must be different from that, which is responsible for a sailplane design. This knowledge does not only apply to the size of the design organization, but to the production organization and for the necessary capital supply of these companies. It also applies to the size and organisational level of the corresponding certifying authority to achieve an optimum on economical efficiency. When one person is enough to responsibly design a sailplane or a powered sailplane his counterpart in the certifying authority should also be a single competent person. Both, the designer as well as the certifying person should have access to consultants in special certification problems like for example: • flutter, • fatigue, • unusual flight tests, • special test equipment It is very important that the introduction of the EASA will be as cost-neutral as possible for our companies. Not a long time ago many companies have been forced to re-certify their design and production organisation acc. to the JAR-standard. Due to the general economical situation there are currently no reserves that can cover additional expenses that may be	

		involved in the transition to the new EASA-standard. If this will result in a significant internal workload (salaries) and/or additional certification fees for DOA/POA or product certification there is a high probability that some of our companies will not survive it.	
103	21A.14(b)	IR 21A.14 (b) Proposal: Introduce / amend **AMC to 21A.14 (b**) with the following meaning (the wording may be improved but not changed in its contents): (iii) "The size and the organisational level of the design organisation should in general be adequate to the size and the complexity of the design project. In case of simple designs according to 21A.14(b)(1) the design organisation may be as small as only a single person who can demonstrate adequate knowledge and/or can demonstrate adequate support in special technical questions." (iv) "Agency agreement for the use of alternative procedures acc. to IR21A.14(b) is generally granted if the applicant has been previously certified (before 28.09.03) as a national design organisation in accordance with JAR 21.13(b) for the development of simple design products acc. to IR21.14(b)(1). The corresponding procedures that are laid down in the design organisation handbook and the privileges belonging to it shall be the base for the alternative procedures set forth under IR21A.14(b)." Proposal / Comment: We strongly recommend that EASA will establish a kind of "competence centre" for sailplanes and powered sailplanes according to IR21A.14(b)(1). This could for example be easily delegated to the German LBA which has proven to have excellent expert knowledge, while the good co-operation during the last decades ensured a very high safety standard for our	Deferred as above.

		products. In our opinion this measure would drastically decrease the organisational workload for the small and medium size companies that are involved in this kind of business. Our feeling is that it is not adequate for the small companies to deal with a “big” authority. The organisational level (concerning size and procedures) of the design organisation on the one hand, and the competent certification authority on the other hand, must be adapted to the size and complexity of the products to be developed, manufactured and repaired. This “competence centre” should also be authorised to grant privileges to the design organisation. Their extent may depend on the a) size, b) the organisational level and c) the experience (no. of A/C, TCs, years in business, etc.) of the specific company as well as d) the quality of the co-operation between the authority and the company. <u>Special justification:</u> Sailplanes and powered sailplanes designed to JAR-22, OSTIV AS or older equivalent requirements were usually designed by single persons. The accident records of these designs show a low rate of technical failure, whereas micro-lights and ultra-light-sailplanes not designed and certified to JAR-22 but quite sophisticated in performance and design, have a higher rate of technical failures. From this point of view it makes little sense to require an inadequately high organizational level for these kinds of small design organizations, as the inherent impact to the cost of the product may make its final market price prohibitive and the potential customer may buy a cheaper but uncertified product instead. <u>General justification:</u> From the science of economics it is well known, that for the	

		solution of every problem there is also an optimum for the size of the corresponding organization. It is obvious, that the organization to design an Airbus 380 must be different from that, which is responsible for a sailplane design. This knowledge does not only apply to the size of the design organization, but to the production organization and for the necessary capital supply of these companies. It also applies to the size and organisational level of the corresponding certifying authority to achieve an optimum on economical efficiency. When one person is enough to responsibly design a sailplane or a powered sailplane his counterpart in the certifying authority should also be a single competent person. Both, the designer as well as the certifying person should have access to consultants in special certification problems like for example: • flutter, • fatigue, • unusual flight tests, • special test equipment It is very important that the introduction of the EASA will be as cost-neutral as possible for our companies. Not a long time ago many companies have been forced to re-certify their design and production organisation acc. to the JAR-standard. Due to the general economical situation there are currently no reserves that can cover additional expenses that may be involved in the transition to the new EASA-standard. If this will result in a significant internal workload (salaries) and/or additional certification fees for DOA/POA or product certification there is a high probability that some of our companies will not survive it.	

165	21A.4(b) [should read 14(b)]	**3. <u>PROPOSED TEXT/COMMENT:</u>** Balloons were not included in NPA 21-23 as a derogation of DOA requirement because they were not regulated by JAA. EASA will regulate balloons (CS-31 is proposed), therefore balloons should be included in the list of products of simple design, together with airships.	Noted. Revised text now read as follows: "(1) a very light aeroplane or rotorcraft, a sailplane or a powered sailplane, a balloon, a hot air airship."
060	21A.14(b)(1) Demonstration of capability	Additional text: (6) Hot – Air – Balloon and Hot a Air - Airships	Carried. Revised text now reads as follows: "(1) a very light aeroplane or rotorcraft, a sailplane or a powered sailplane, a balloon, a hot air airship."
098	21A.14 (b) (1)	Mention the balloon as other aircraft.	Carried. Revised text now reads as follows: "(1) a very light aeroplane or rotorcraft, a sailplane or a powered sailplane, a balloon, a hot air airship."
099	21A.14(b)(1)	Editorial remark: 21A.14(b)(1) deals with sailplanes, where 35(b)(2) deals with gliders. Please use one term consequently.	Noted. Term "gliders" has been replaced by "sailplane or powered sailplane" in accordance with 21A.35(b)(2).
122	21A.14(b) (1)	"…..powered sailplanes, or… " "…..powered sailplanes, <u>or balloons or hot air airships</u>… "	Noted. Revised text now reads as follows: "(1) a very light aeroplane or rotorcraft, a sailplane or a powered sailplane, a balloon, a hot air airship."
139	21A. 14 (b)(1)	The specification should be expanded for balloons and hot air airships. Argument: Balloons and hot air airships has a simple design, too, like sailplanes.	Noted. Revised text now reads as follows: "(1) a very light aeroplane or rotorcraft, a sailplane or a powered sailplane, a balloon, a hot air airship."
147	21A.14(b)(2)	3000 pounds is converted to 1360 kg in 21A.14(b)(2)(v), and to	Carried.

	(v) (and 21A.101(c)	1361 kg in 21A.101(c). Accuracy and consistency of unit conversions have to be checked in EASA regulations	21A.14(b)(2)(v) has now been changed to read 1361 kg.
073	21A.14(b)(2)(i)	"Single piston engine, naturally aspirated, of not more than 260 hp MTOP." Suggest the engine power limit be raised to 260 BHP to cater for popular engines.	Deferred.
073	21A.14(b)(2)(ii)	Suggest the engine power limit be raised to 260 BHP to cater for popular engines. Suggest the requirement for ACJ material to indicate what constitutes 'conventional configuration'. Biplanes and canards should be included.	Deferred.
133	21A.14 (b)(2)(i)	"Single piston… …250 hp MTOP", it is assumed that MTOP means Maximum Take-Off Power? It is suggested that this acronym should be spelled out for the convenience of readers.	Carried.
073	21A.14(b)(2)(iii)	Suggest the requirement for ACJ material to indicate what constitutes 'conventional material and structure'. Composite materials should be included.	Deferred
024	21A.14(b)(3)	This represents the opinion of the experts of […] and is consistent with the opinion of engine authorities in JAA countries. This memo is not related to interface between engine certification specifications and IR 21. But this would probably be the only possible input of the engine community in the preparation of IR 21. […] has noted that, in the draft IR 21 we have got, the proposed 21.14 is not consistent with the current policy with regard to engines. The engine authorities have never accepted to consider a piston engine as being of "simple design" (JAR-21 terminology). Therefore, a DOA has been imposed and should be still imposed in EASA context. The draft 21.14 (b)(3) is not considered as being appropriate.	Disagreed. 21A.14 is offering for a range of products an alternative to DOA for demonstration of capability, but DOA remains still an option. This is not related to simple design, but to the kind of organisation.

		In addition, it should be noted that an engine certified one day under sub-part H of JAR-22 can be certified under JAR-E the following day (we have such experience). The comment above would then similarly apply to 21.14 (b)(4). Similarly, 21.14 (b)(5) could be questioned. A fixed pitch propeller might have a complex design including new unusual materials. Therefore, […] is suggesting CG3 to consider advice from the engine authorities (which are not represented in CG3). Side comment : it appears that the confusion which exists in current JAR-21 is still present in IR 21. The subject is "design organisation" (title of sub-part JA or JB of JAR-21) but the discriminating criteria is not the organisation but the "design" (JAR 21.13), this criteria being interpreted as meaning … "task of showing compliance" (ACJ 21.13 (a)) ! The final version of NPA 21-23 is not known to us and we have not seen the responses to comments. Logic would lead to consider that any applicant should have a design organisation (this is what they are supposed to do : to design a product), addressing certification and continued airworthiness (this is the subject of type certification). The authorities would expect them to have an appropriate organisation in relation to this activity. So it would be clearer and more logical to impose some requirements of general nature (something like "safety objectives") to all organisations. This confusion seems to be linked to what appears as being an interpretation of the current DOA: all companies should be organised like Airbus. Of course, this immediately leads to exemption for "simple design" or small companies ! Revision 1 No answer from CG 3 on this memo has been received. The	

		draft issue 1 of IR 21 is not acceptable. […] strongly disagrees with 21A.14 (b)(3). The engine authorities have always imposed a DOA to TC holders for engines (turbine and piston engines). The design of all engines is not “simple” and the airworthiness effect of an engine failure may be really important. We have difficulty with 21A.14 (b)(4). As noted above, an engine certified one day under sub-part H of JAR-22 can be certified under JAR-E the following day (we have such experience). Similarly, 21A.14 (b)(5), we disagree. A propeller blade failure is always a hazardous event (as a minimum). The design must be covered by a DOA.	
054	21A.14 (b) (3)	Limitation of alternate procedures for piston engines by changing 21A.14 (b) (3) as follows: "(3) a piston engine meeting all of the following elements: • Naturally aspirated • Conventional configuration • Mechanically controlled, or” Justification: Recent developments in the field of piston engines have shown that these products get more and more complex. This includes but is not limited to Full Authority Digital Electronic Control (FADEC) Systems, unconventional design features such as Diesel-engines with high-pressure direct injection or turbo-charged engines. The design capability for these kinds of engines should require an approved design organisation. The way of derogation from paragraph 21A.14 (a) in the current version might compromise safety.	Disagreed. 21A.14 is offering for a range of products an alternative to DOA for demonstration of capability, but DOA remains still an option. This is not related to simple design, but to the kind of organisation.

133	21A.14(b)(3) and (4)	Subpart J approval is not required for piston engines, sailplane engines and fixed pitch propellers. Whilst we would accept that for sailplane engines and fixed pitch propellers this may be acceptable, modern piston engine designs may be complex. It is therefore proposed that paragraph (b)(3) be amended to read "a piston engine of simple design".	Disagreed. 21A.14 is offering for a range of products an alternative to DOA for demonstration of capability, but DOA remains still an option. This is not related to simple design, but to the kind of organisation.
120	21A.14 (b)(4)	Engines for powered sailplanes should no be limited to piston and/or spark ignition engines. Engines like rotary engines, electrical motors and small jet engines must be possible. 21A.13(a)(4) does not principally prohibit this, but CS 22 must still be adapted / amended. (i) It is strongly recommended from our side that the airworthiness requirements for engines used in powered sailplanes will remain under CS22, Subpart H. JUSTIFICATION: (i) Powered sailplanes are already powered by rotary engines, small jet turbines or electrical engines. For environmental friendly designs there should be no administrative obstacle for battery or fuel cell powered electric motors. (ii) These engines are used in sailplanes that are designed for safe landings without engine. We are afraid of additional and unnecessary certification work when CS22 will be split into several parts while the safety will not be increased by this measure.	Deferred. Current text of 21A.14(b)(4) is correctly addressing concern, but comment is deferred, waiting final decision on structure of CS-E and CS-22.
103	21A.14(b)(4)	21A.14 (b)(4) (ii) Engines for powered sailplanes should no be limited to piston and/or spark ignition engines. Engines like rotary engines, electrical motors and small jet engines must be possible. 21A.13(a)(4) does not principally prohibit this, but CS 22 must still be adapted / amended. (iii) It is strongly recommended from our side that the airworthiness requirements for engines used in powered sailplanes will remain under CS22, Subpart H.	Current text of 21A.14(b)(4) is correctly addressing concern, but comment is deferred, waiting final decision on structure of CS-E and CS-22.

		JUSTIFICATION: (iii) Powered sailplanes are already powered by rotary engines, small jet turbines or electrical engines. For environmental friendly designs there should be no administrative obstacle for battery or fuel cell powered electric motors. (iv) These engines are used in sailplanes that are designed for safe landings without engine. We are afraid of additional and unnecessary certification work when CS22 will be split into several parts while the safety will not be increased by this measure.	
073	21A.14(b)(5)	"A fixed pitch or variable pitch propeller" Considering the popularity (and reliability) of variable pitch propellers in the kit aircraft industry, which should follow through to the light aircraft industry, consideration should be given to including variable pitch propellers.	Carried Text amended as proposed, to have the option available.
177	21A.15	Should paragraphs (b) and (c) also include references to restricted type certificates for consistency with paragraph (a)?	Carried, for (b) only. Restricted type-certificates are only possible for aircraft (see Basic Reg., Article 5(3)(b)).
147	21A.15	Should paragraphs (b) and (c) also include references to restricted type certificates for consistency with paragraph (a)?	Carried, for (b) only. Restricted type-certificates are only possible for aircraft (see Basic Reg., Article 5(3)(b)).
165	21A.15	**2. POSITION:** (cross out the parts that are not applicable) ~~Agree / Accept / No comment~~ / Propose different text ~~/ General comment / Propose to delete paragraph.~~ **3. PROPOSED TEXT/COMMENT:** "…comply with the applicable administrative procedures…" is making procedures mandatory through a Regulation, that does not appear to be good technique. Text used in 21A.93 and 21A.113 ("in a form and manner established by the Agency") felt much more appropriate	Carried "(a) An application for …shall be made in a form and manner established by the Agency."

091	21A.15 (a)	The agency is not defined as the competent authority for all type-certificate applications. There are some cases were the type-certification remains with the NAA's.	Disagreed. According to the Basic Regulation the Agency is the competent authority for all TC-applications.
120	21A.15 (a)	COMMENT: For products under 21A.14 (b) (1) simplified administrative procedures shall be granted. Product complexity and procedure complexity must be adequate (see our comment concerning IR21A.14(b)). The JAA "local procedure" was adding in the past 16 additional administrative steps into a type certification procedure. In order to keep straighter for SME's, a procedure for "simple design" was discussed. Even that reviewed administrative procedure seemed to be too complicated for SME's. No sailplane or powered sailplane was ever submitted to this procedure due to the complexity of these rules. Already to get into contact with the office in charge of such a "rigid" organization like the JAA was almost impossible. The German sailplane manufactures will come into severe problems as they do not have the resources to train their staff in time to handle the new procedures nor the time to follow administrative procedures applicable for airliner requirements.	Deferred. To be considered by the Agency when developing its internal type-certification procedures.
103	21A.15 (a)	COMMENT: For products under 21A.14 (b) (1) simplified administrative procedures shall be granted. Product complexity and procedure complexity must be adequate (see our comment concerning IR21A.14(b)). The JAA "local procedure" was adding in the past 16 additional administrative steps into a type certification procedure. In order to keep straighter for SME's, a procedure for "simple design" was discussed. Even that reviewed administrative procedure	Deferred. To be considered by the Agency when developing its internal type-certification procedures.

		seemed to be too complicated for SME's. No sailplane or powered sailplane was ever submitted to this procedure due to the complexity of these rules. Already to get into contact with the office in charge of such a "rigid" organization like the JAA was almost impossible. The German sailplane manufactures will come into severe problems as they do not have the resources to train their staff in time to handle the new procedures nor the time to follow administrative procedures applicable for airliner requirements.	
146	21A.16A	Section A / Subpart B – paragraph 21A.16A Proposal is to transfer paragraph 21A.16A for Section A/Subpart B to Section B/Subpart A. Reason(s) for proposed text/comment Proposed regulation paragraph defines tasks for the Agency, to create rules to be applied by the applicants to show compliance of products. This regulation addresses Agency duties which should be handled in the section B of IR21 "Procedures for competent authorities".	Disagreed. This paragraph has been introduced to clearly link the concept of airworthiness codes used in Part 21 with the essential requirements of Basic Regulation and the duty put on the Agency to develop certification specifications (ref. article 14). Therefore it is appropriately located.
133	21A.16A	21A.16A refers to the Basic Regulation without definition. It is proposed that the term Basic Regulation is replaced by "Regulation (EC) 1592/2002 – the Basic Regulation".	Noted. For uniformity purposes, Regulation 1592/2002 is now referred to as "Basic Regulation" under both the certification and continuing airworthiness regulations.
161	21A.16A	*Editorial* • Paragraph 21.16A is redundant with Article 13 of the Basic regulation *Implementation problem* • The existing and well proven JAR codes for General Aviation aircraft as JAR 23, JAR-VLA and JAR 22 will not automatically ensure the full compliance with the essential requirements as defined in Annex I of the Basic Regulation. It	Disagreed. This paragraph has been introduced to clearly link the concept of airworthiness codes used in Part 21 with the essential requirements of Basic Regulation and the duty put on the Agency to develop certification specifications (Article 14). Therefore it is appropriately located.

		is supposed that it is not the objective of the EASA not to accept the current certification codes for those products. • A detailed study of Regulation 1592/2002 demonstrates that at least the following issues exist : - **Paragraph 1.a. 1.b. :** the ditching is not required by JAR 23, JAR 22 and JAR-VLA (identical in FAR 23). - **Paragraph 1.a. 1.c. :** the dynamic effects are not considered in JAR 22 and JAR-VLA. - **Paragraph 1.a. 4. :** the fatigue evaluation is not required by JAR-VLA. - **Paragraph 1.b. 3. :** the fatigue evaluation is not required by JAR-VLA. - **Paragraph 2.c.1. :** the lightning protection and the HIRF protection are not required by the JAR-VLA and JAR 22. - **Paragraph 2.c.2. :** the emergency landing conditions are not required by JAR-VLA and JAR 22. • There is no background or substantive data for such a sudden move toward a much more stringent requirements. • In addition this would raise significant issues with foreign Civil Aviation Authorities for any validation project of a type of aircraft and put the European Industry in a very unfair and difficult economical position (when compared to e.g. their US competitors). Annex I to the Basic Regulation must be amended urgently.	Remainder is deferred. The comment will be further handled when reviewing the draft CS. Not relevant for Part 21.
165	21A.16A	Given that it deals with parts and appliances also, it is felt Subpart A will be the most proper place for this paragraph.	Disagreed. Despite parts and appliances are mentioned in 21A.16A, the main purpose of this paragraph is to introduce concept of airworthiness codes for products. Therefore it is properly located.
103	21A.16B(a)	The Agency shall prescribe special detailed technical specifications, named special conditions, for a product ***within a period of one month***, if the ……..	Deferred. This is a procedural matter for EASA administrative procedures, under article 44 of the Basic Regulation.

		JUSTIFICATION: Especially SME's do need a response from the Agency within a reasonable time schedule in order to be capable in planning the type certification process.	
120	21A.16B(a)	The Agency shall prescribe special detailed technical specifications, named special conditions, for a product ***within a period of one month***, if the …….. JUSTIFICATION: Especially SME's do need a response from the Agency within a reasonable time schedule in order to be capable in planning the type certification process.	Deferred. This is a procedural matter for EASA administrative procedures, under article 44 of the Basic Regulation.
161	21A.17	• In sub-paragraph (a)(2), the reference should be to 21A.16B. Both sub-paragraphs (a) and (b) are relevant, not only (a).	Disagreed. Reference to 21A.16B(a) is enough, as this paragraph, not 21A.16B(b), qualifies when a special condition is needed.
147	21A17(a)(1)	(1) The applicable airworthiness code established by the Agency that is effective on the date of application for that certificate unless~~:~~ (i) Otherwise specified by the Agency; or (ii) Compliance with later effective amendments is elected by the applicant or required ~~by the Agency~~ under this paragraph. **Reason(s) for proposed text/comment** […] disagrees with the fact that the wording 'by the Agency' has been introduced in this subparagraph. Having explicitly 'the Agency' in seems to imply that the Agency has the discretionary power require later effective amendments, others than only those which are required under subparagraph (d). This is not in line with the main principle that the requirements basis is frozen at the time of application for TC. We have had negative experience before this was	Noted. Text modified as follows: " (ii)…or required under paragraphs (c) and (d)."

		regulated by JAR-21, whereby authority members could impose any new material during any time of the TC-process. With JAR-21 this was improved regulatory wise, but in practice has let to many discussions as authority specialists had the tendency to still impose any new (draft) material coming out of the rulemaking process. If in case of consistency reasons, the wording 'by the Agency' cannot be deleted, then we propose to make clear that this is only related to subparagraph (d). The text should then read: (ii) Compliance with later effective amendments is elected by the applicant or required by the Agency under subparagraph (d).	
165	21A.17(a)	"The type certification basis to be notified to the applicant for the issuance of a type certificate or a restricted type certificate…" It will make it consistent with 1592.	Carried. Change will appear in the final opinion submitted to the Commission.
175	21A.17(b)	Large aircraft is not defined. Large aeroplane is defined in draft CS - 1. Small rotorcraft is defined in draft CS - 27. Large rotorcraft is not defined. A definition of large aircraft is provided in the Commission Regulation on Maintenance. Include definition of large aircraft in Commission Regulation on Certification, and use 5700 kg instead of 5.7 tons.	Carried. "Large aircraft" is now replaced by "Large aeroplanes and large rotorcraft". Definition is not needed.
165	21A.17(b)	Does the term "large aircraft" include also "rotorcraft"?. Current JAR-21 talks about applications made under JAR-25 or –29, therefore it includes rotorcraft.	Carried. "Large aircraft" is now replaced by "Large aeroplanes and large rotorcraft". Definition is not needed.
133	21A.17(b)	There is no definition available of a 'large aircraft'.	Carried. "Large aircraft" is now replaced by "Large aeroplanes and large rotorcraft". Definition is not needed.
146	21A.17 and	Define the "type-certification basis" as the applicable	Disagreed.

	21A.18	requirements for type certification of a product, covering both the applicable requirements for airworthiness and for environmental protection. Combine paragraphs 21A.17 and 21A.18 into a single paragraph 21A.17 covering both the applicable requirements for airworthiness and for environmental protection. Reason(s) for proposed text/comment Type certificate issuance covers both airworthiness and environment aspects (ref 21A.21, 21A.41). Type-certification basis must logically also cover both aspects. No justification is provided that could explain disrupting above elementary logic. EASA establishment should be taken as an opportunity to build a straightforward and logical system. Should above proposal be accepted and incorporated , the formulation of many other paragraphs of Part 21 would be significantly simplified (by single reference to type certification basis).	Two paragraphs have been proposed due to different nature of text for airworthiness (certification specifications) and environmental protection (requirements). The Basic Regulation defines essential environmental protection requirements in a different way to essential airworthiness requirements. Hence the need for different treatment in IRs. Other commentss requested separate IRs for noise/emissions.
165	21A.17	Add a new 21A.17(d) “In the case of an application for a restricted type certificate, the Agency might notify specifications different than those prescribed in subparagraph (a)(1) of this paragraph, provided they ensure adequate safety with regard to the intended use of the aircraft.” Reason: proposed 21A.17 does not properly address cert. basis for restricted TC. New proposal is consistent with Art. 5.3.b) and c) of 1592 and makes proposed 21A.23(a) redundant.	Disagreed. It is felt more appropriate to keep the specific aspects for issue of restricted type-certificate in 21A.23.

054	21A.17 and 21A.18 and 21A.21	Delete 21A.18, reference in 21A.21 (c) (1) and insert 21A.17 (e) as follows: "(e) When establishing the type-certification basis the applicable requirements for environmental protection are those designated in Part 34 and Part 36." Justification: The Regulation (EC) No 1592/2002 separates the essential requirements for environmental protection from those for airworthiness via Article 6 and defines them in a way that is quite different to the manner in which the airworthiness essential requirements are defined. In 21A.18 of "Part 21 - Consultation document" designation of applicable environmental protection requirements and certification specifications is provided by giving reference to chapters of Annex 16, Volumes I and II. It is not intended to issue Part 34 and 36 as separate documents. Contrary to this approach, we propose that the implementing rules for environmental protection are published as separate documents, Part 34 for emissions and Part 36 for noise. The reasons for this recommendation are as follows: The Regulation No 1592/2002 breaks up an already coherent, standalone set of requirements (ICAO Annex 16, Volumes I and II). We believe dedicated Parts (Part 34 and 36) are necessary to restore the coherence and integrity of the two Volumes of Annex 16. These Parts would point up to the essential requirements of the Regulation and down to the certification specifications and guidance material. Parts 34 and 36 would be a positive signal of EASA's intent to apply ICAO standards and of the importance of environmental protection to the Agency. Burying this information within Part	Disagreed Policy decision has been taken to place the requirements within Part 21 rather than to use the separate Annexes as stand-alone Parts. The cross reference to Annex 16 remains therefore in Part 21. If additional projects demand changes within the requirements then these will be separately identified and addressed as and when they arise.

		21 on the other hand may be interpreted in a negative way. Directors General of JAA member states directed that JARs 34 and 36 be standalone documents in their own right, reproducing the entire text of the respective Volumes of Annex 16 and ICAO guidance material in JAR format. This decision was made to facilitate any future policy that may be forthcoming to deviate from the Annex. We believe that the most effective way to implement Regulation 1592/2002 is via dedicated Parts for environmental protection. A policy decision in the future to deviate from Annex 16 could most simply be realised by a change to these Parts, rather than a change to Part 21 and all associated references therein. The recommendation would align the structure of the EASA regulatory material with other major codes, in particular FAR Part 21 and FAR Part 36. The FAA uses the same device of a one-line reference in FAR 21 to FAR 36 and more importantly the ICAO Annex itself, which thereby connects the procedural and technical environmental requirements. A unilateraldeviation from a structure that is currently harmonised across the world would be unwarranted and difficult from a presentational point of view. The proposed recommendation is in line with the conclusions from […], and has been submitted to the European Commission in December 2002.	
161	21A.18	Modify paragraph(a) as follows: "(a) The applicable Chicago Convention Annex 16 noise requirements for the issue of a type-certificate for an aircraft are ". • **General Comment** : We understand that the intent of the Parliament was to have the noise and emissions levels	Deferred. The Basic Regulation defines the appropriate amendment of Annex 16 to be applied and there is no need to repeat this amendment in Part 21. However, a Commission proposal under article 6(2) of the Basic Regulation will be reviewed by the EASA Committee for adoption in September.

		specified in the Implementation Rule, the methods for measurement being specified in the Certification Specifications (CS 34&36 or so). An AMC to 21A.18 should therefore be developed in the CS 21 (AMC&GM) to indicate that "the applicable noise/emission requirements […] are those prescribed in Annex 16 […]" only covers the levels applicable, not the measurement procedures. Reason(s) for proposed text/comment <u>Implementation problem:</u> • The existing text may be understood as requiring compliance with any amendment of Annex 16. This is not in compliance with article 6 of the Basic Regulation. *NOTE: Paragraph (a) and (b) could be replaced by a simple reference to article 6 of the Basic Regulation. The structure of Annex 16 is easy to find in Annex 16 itself.* • **General Comment** : One should not think, that a Chapter of ICAO Annex 16 would legally be the equivalent of an IR, while an Appendix would be the equivalent of an AMC and the Manuals would be the equivalent of the GM. As a mater of fact, the material of ICAO Annex 16 is not organised that way, which means that the Chapters contain not only noise or emission levels as applicable according to the product, but also some measurement procedures. However, ICAO Annex 16, provides in the Appendices (together with the Guidance Material of the Environment Technical Manual) the equivalent measurement procedures that give the necessary flexibility. To keep the necessary flexibility intended by the Parliament when specifying only the Chapters and not the Appendices in the Basic regulation, • an AMC to 21A.18 should remind that paragraph 21A.18 only covers the levels specified in Annex 16 Chapters, and the Certification Specification to come should include the measurement procedures as specified in the Annex 16 Chapters **+** Appendices **+** the Environment Technical Manual	Deferred. The Basic Regulation defines the essential requirements for environmental protection to be "the environmental protection requirements contained in Annex 16…, except for its Appendices.", i.e., the requirements contained in the Chapters of Annex 16.

104	21A18	Delete 21A18 and insert 21A.17 (e) as follows: "(e) When establishing the type-certification basis the applicable requirements for environmental protection are those designated in Part 34 and Part 36." To add IR34 and 36 as proposed by […]. Justification: The Regulation (EC) No 1592/2002 separates the essential requirements for environmental protection from those for airworthiness via Article 6 and defines them in a way that is quite different to the manner in which the airworthiness essential requirements are defined. In 21A.18 of "Part 21 - Consultation document" designation of applicable environmental protection requirements and certification specifications is provided by giving reference to chapters of Annex 16, Volumes I and II. It is not intended to issue Part 34 and 36 as separate documents. • The currently proposed system would make future additions of requirements that are not (yet) part of the Annex 16 difficult. For example, the possible need for requirements for Tilt Rotors or Airships would be cumbersome to meet and probably lead to a shift to a standalone document anyway. I think the most effective way to implement Regulation 1592/2002 is via dedicated parts for environmental protection. • The Regulation No 1592/2002 breaks up an already coherent, standalone set of requirements (ICAO Annex 16, Volumes I and II). Dedicated Parts (Part 34 and 36) are necessary to restore the coherence and integrity of the two Volumes of Annex 16. These Parts would point up to the essential requirements of the Regulation and down to the certification specifications and guidance material. This would provide transparency to users and the general public.	Disagreed. Policy decision has been taken to place the requirements within Part 21 rather than to use the separate Annexes as stand-alone Parts. The cross reference to Annex 16 remains therefore in Part 21. If additional projects demand changes within the requirements then these will be separately identified and addressed as and when they arise.

		• Directors General of JAA member states directed that JARs 34 and 36 be standalone documents in their own right, reproducing the entire text of the respective Volumes of Annex 16 and ICAO guidance material in JAR format. This decision was made to facilitate any future policy that may be forthcoming to deviate from the Annex. There is no reason to think that this would change with the advent of EASA. The transition to the EASA system is not intended to make policy changes at the same time, the currently proposed deviation from established policy is not appropriate. • The recommendation would align the structure of the EASA regulatory material with other major codes, in particular FAR Part 21 and FAR Part 36. The FAA uses the same device of a one-line reference in FAR 21 to FAR 36 and more importantly the ICAO Annex itself, which thereby connects the procedural and technical environmental requirements. A unilateral deviation from a structure that is currently harmonised across the world would be unwarranted and difficult from a presentational point of view. The proposed recommendation is in line with the conclusions from […], and has been submitted to the European Commission in December 2002.	
083	21A.18(a)	(a) The applicable noise requirements for the issue of a type-certificate for an aircraft are prescribed in Annex 16 to the Chicago Convention: (1) for subsonic jet aeroplanes, in Volume I, Part II, Chapters 2, 3 and 4, as applicable; (2) for propeller-driven aeroplanes, in Volume I, Part II, Chapters 3, 4, 5, 6 and 10, as applicable; (3) for helicopters, in Volume I, Part II, Chapters 8 and 11, as applicable; and (4) for supersonic aeroplanes, in Volume I, Part II, Chapter 12, as applicable.	Carried. 21A.18 now reads as follows: "(a) The noise requirements for the issue of a type-certificate for an aircraft are prescribed according to the provisions of Chapter 1 of Annex 16, Volume I, Part II to the Chicago Convention and: (1) for subsonic jet aeroplanes, in Volume I, Part II, Chapters 2, 3 and

		The FAA believes that ICAO Annex 16 , Chapter 1 should be included under the applicable noise requirements in section 21A.18(a) given, for example, that Chapter 1, section 1.9 specifies the criteria for determination of noise standard applicability.	4, as applicable; (2) for propeller-driven aeroplanes, in Volume I, Part II, Chapters 3, 4, 5, 6 and 10, as applicable; (3) for helicopters, in Volume I, Part II, Chapters 8 and 11, as applicable; and (4) for supersonic aeroplanes, in Volume I, Part II, Chapter 12, as applicable. (b) The applicable emission requirements for the issue of a type-certificate for an aircraft and engine are prescribed in Annex 16 to the Chicago Convention: (1) for …"
083	21A.18(c)	(c) The Agency shall issue in accordance with Article 14 of the Basic Regulation certification specifications providing for acceptable means to demonstrate compliance with the aircraft noise and the aircraft engine emissions requirements laid down in paragraph (a) and (b). Section 21A.18(c) specifies that the Agency shall issue certification specifications providing for acceptable means of compliance with the aircraft noise and aircraft engine emissions requirements. Given the FAA/JAA harmonisation efforts that have taken place, the FAA would view the ICAO Annex 16 appendices corresponding to the ICAO Annex 16 Chapters identified in section 21A.18 (a) and (b) as the appropriate certification specifications to be issued under 21A.18(c).	Noted. Airworthiness codes have been prepared based upon the Annex 16 appendices. In addition 21A.18(c) now reads as follows: "…compliance with the noise and the emission requirements laid down in …"
177	21A.18(c)	Punctuation change – missing commas. Proposed text: 'The Agency shall issue, in accordance with Article 14 of the Basic Regulation, certification specifications providing for acceptable means to.....'	Carried.

147	21A.18(c)	Punctuation change – missing commas. Proposed text: 'The Agency shall issue, in accordance with Article 14 of the Basic Regulation, certification specifications providing for acceptable means to.....'	Carried.
165	21A.19	Whilst eligibility clauses in JAR-21 talk about "person", including legal persons as per the definition in JAR-21.2, same paragraphs in Part 21 only talk about "organisations". Is anything wrong with an individual person applying for a TC or a STC of a product or change to a product of simple design?	Noted. A review of all Part 21 has been carried out to show that applications may be made by any "natural or legal person". This definition will, as necessary, replace the use of the word "organisation".
054	21A.19	Change 21A.19 as follows: "Any organisation applicant who proposes to change a product shall apply for a […]." Justification: The general term applicant needs to be introduced here to guarantee consistency with 21A.14 where under (a) an organisation shall demonstrate design capability by means of a Design Organisation Approval i.a.w. Subpart J or by way of derogation or under (b) by way of derogation from (a) an applicant may seek Agency agreement for the use of alternative procedures. This two options need to be reflected in 21A.19.	Disagreed. Clarification is not felt needed.
146	21A.19 (and 21A.91)	Inconsistent use of the words "weight" and "mass".	Carried. Change "weight" into "mass". 21A.91 is correct.
177	21A.19	Proposed text change to: 'Any organisation proposing to change a product.....'	Noted. "Proposing" is carried.
147	21A.19	Proposed text change to: 'Any organisation proposing to change a product.....'	Noted. "Proposing" is carried.

083	21A.20(b)	(b) The applicant shall declare that he has shown compliance with all applicable type-certification basis and environmental protection requirements. The FAA has not to date accepted statements of compliance to noise and emissions requirements by our bilateral partners. We have only allowed the witnessing of tests. Allowing this by an approved organization will require that these changes be identified to the FAA for our review. This could inhibit our ability to accept minor changes. For a noise or emissions certification, an applicant's declaration of compliance does not preclude the authorities responsibility to ultimately find compliance. EASA acceptance of compliance solely based upon an applicant's declaration of compliance would not satisfy FAA requirements. FAA will still have to have in place under the bi-lateral a means of ensuring FAA involvement in environmental approvals by individuals or organizations.	Deferred. This is a bilateral issue between the Commission and FAA. The Agency may have same concerns with use of Designated Engineering Representative (DERs). The legitimate concerns of both parties will no doubt be raised during future bilateral discussions.
146	21A.20(b) and (c)	PROPOSED TEXT/COMMENT (b) The applicant shall declare that **he or she** has shown compliance with all applicable type-certification basis and environmental protection requirements. (c) Where the applicant holds an appropriate design organisation approval, the declaration of paragraph (b) **shall** be made according to the provisions of Subpart J. Reason(s) for proposed text/comment Improvement of the text.	Noted. However, since the applicant for, or holder of, a certificate may be either a natural or legal person the term "its" is deemed more appropriate.
146	21A.21(a)	PROPOSED TEXT/COMMENT (a) demonstrating **his or her** capability in accordance with 21A.14; Reason(s) for proposed text/comment Improvement of the text.	Noted. However, since the applicant for, or holder of, a certificate may be either a natural or legal person the term "its" is deemed more appropriate.

161	21A21(c)	Amend 21A21(c) as follows: "(c) it is shown in a manner acceptable to the Agency that:" Reason(s) for proposed text/comment This is the current JAR 21 text and it is important to specify that the showing of compliance is subject to the agency agreement. This is the core of the certification process. *N.B. : consistent with 21A103 (issue change of approval)*	Noted. This is already implicit to the obligation of "showing" to the Agency. 21A.103 has been changed accordingly to remove inconsistency.
099	21A.21(c)	The first sentence should be in line with the wording of 21A.103(a)(2): "It is shown in a manner acceptable to the agency that:" to give the agency maximal flexibility in its compliance check.	Noted. This is already implicit to the obligation of "showing" to the Agency. 21A.103 has been changed accordingly to remove inconsistency.
165	21A.21(c)	Change "it is shown that" by "<u>having</u> shown that" Reason: consistency with (a) and (b)	Disagreed. Consistent with 21A.103.
147	21A.21(d)	(d) In the case of an aircraft, the engine or propeller, or both, if installed in the aircraft, have been issued a type-certificate in accordance with this Part***, or Article 2 of Commission Regulation (EC) No …/.. of […] 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 organizations.*** **<u>Reason(s) for proposed text/comment</u>** Engines and propellers that have been type-certificated before 28 September 2003 by a then Member State must be eligible for installation on newly certificated aircraft without re-certification under Part 21.	Noted. Text has been changed accordingly: "Part" replaced by "Regulation". Paragraph (d) now reads as follows: "(d) In the case of an aircraft type certificate, the engine or propeller, or both, if installed in the aircraft, have a type-certificate issued or determined in accordance with this Regulation".
080	21A.23	To be consistent with the requirements of the paragraph 21A.13 and 21A.21(a) of the same subpart B, the affected paragraph (21A.23) should be modified requiring that the applicant of a Restricted Type Certificate, before it is issued, has demonstrated its capability in accordance with the	Deferred. This is a new subject. Some material was needed to implement article 5.3 of Reg. 1592/2002. It is agreed that the Agency will have to further refine it.

		requirements of 21A.14 (Demonstration of capability).	
080	21A.23	Under this paragraph at the same time some conditions are removed through the reference to 21A.21(c) and then taken again into account with the subparagraphs (a)(1) and (a)(2) . To avoid confusion to the reader it is proposed to modify the paragraph 21A.23 (a) as follows : " (a) The applicant shall be entitled to have a restricted type-certificate for an aircraft issued by the Agency when ~~the provisions of 21A.21(c) are not met . In that case, the applicant shall~~ it: (1) comply……..." .	Deferred. This is a new subject. Some material was needed to implement Article 5(3) of the Basic Regulation. It is agreed that the Agency will have to further refine it.
029	21A.23	The definition of "Restricted Type Certificate", as well as the restrictions which may be applicable to same, are not adequately defined. (i.e.: Can a ICAO Standard Certificate of Airworthiness be issued to a product with a "Restricted" TC ?)	Deferred. This is a new subject. Some material was needed to implement article 5(3) of the Basic Regulation. It is agreed that the Agency will have to further refine it.
161	21A23(a)	Amend as follows: "(a) The applicant shall be entitled to have a restricted type-certificate for an aircraft issued by the Agency when the Agency determines that the provisions of 21A. 21(c) cannot be met due to a particular use. In that case, the applicant shall: (1) comply with the appropriate type-certification basis established by the Agency ensuring adequate safety with regard to the intended use of the aircraft, and with the applicable environmental protection requirements (2) expressly state that he is prepared to comply with 21A.44." Reason(s) for proposed text/comment *Impracticable* The intent is not to issue a Restricted Type Certificate to any product that can not be issued a normal TC (This would be an open door to any aircraft already certified to ICAO Annex 8 in a third country). Type certification has to remain the normal	Disagreed. It is agreed that a type-certificate is the normal approach. However, the Basic Reg., Article 5(3)(b) and (c) is not defining the restricted type-certificate as a means to deal only with particular use of aircraft.

		procedure for a normal use of an aircraft. The only aircraft eligible for a restricted type certificate should be those aircraft which cannot meet the Agency certification specifications due to their particular use (such as A300-600 ST "Beluga" or agricultural aircraft)	
133	21A.23(a)	The text "The applicant shall be entitled to have a restricted type-certificate… …when the provisions of 21A.21(c) are not met." This could be misunderstood as meaning that the applicant is entitled to their certificate without further showing. The following is proposed: "For an aircraft that does not meet the provisions of 21A.21(c), the applicant shall be entitled to have a restricted type-certificate issued by the Agency after: (1) complying with the appropriate type-certification basis established by the Agency… …applicable environmental protection requirements (2) expressly stating that he or she is prepared to comply with 21A.44."	Carried. 21A.23(a) will now read as follows: "For an aircraft that does not meet the provisions of 21A.21(c), the applicant shall be entitled to have a restricted type-certificate issued by the Agency after: (1) complying with the appropriate type-certification basis established by the Agency… …applicable environmental protection requirements (2) expressly stating that it is prepared to comply with 21A.44."
165	21A.23(a)	Add a new 21A.17(d) "In the case of an application for a restricted type certificate, the Agency might notify specifications different than those prescribed in subparagraph (a)(1) of this paragraph, provided they ensure adequate safety with regard to the intended use of the aircraft." Reason: proposed 21A.17 does not properly address cert. basis for restricted TC. New proposal is consistent with Art. 5.3.b) and c) of 1592 and makes proposed 21A.23(a) redundant. Previous proposal to add a 21A.17(d) makes 21A.23(a) redundant, because then it will be covered under 21A.21(c) [same as the standard case]. Then 21A.23 (b)(2) can be moved to 21A.21 (d)(2), as follows: (d) In the case of an aircraft, the engine or propeller or both, if installed in the aircraft,shall:	Deferred. It is felt more appropriate to keep the specific aspects for issue of restricted type-certificate in 21A.23. This is a new subject. Some material was needed to implement article 5(3) of the Basic Regulation. It is agreed that the Agency will have to further refine it.

		(1) have been issued a type certificate in accordance with this part; or (2) if the aircraft is being issued a restricted type certificate, have been shown to be in compliance with the certification specifications necessary to ensure safe flight of the aircraft. Making the whole of 21A.23 paragraph unnecessary.	
146	21A.23(a)(2)	PROPOSED TEXT/COMMENT (2) expressly state that **he or she** is prepared to comply with 21A.44. Reason(s) for proposed text/comment Improvement of the text.	Noted. However, since the applicant for, or holder of, a certificate may be either a natural or legal person the term "its" is deemed more appropriate.
147	21A.23(b)(1)	(1) have been issued a type-certificate in accordance with this Part***, or Article 2 of Commission Regulation (EC) No …/.. of […] 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 organizations***; or **Reason(s) for proposed text/comment** Engines and propellers that have been type-certificated before 28 September 2003 by a then Member State must be eligible for installation on newly certificated aircraft without re-certification under Part 21.	Noted. Text has been changed accordingly: "Part" replaced by "Regulation". Paragraph (b)(1) now reads as follows: "(1) have a type-certificate issued or determined in accordance with this Regulation; or".
165	21A.33	JAR-21 contains a provision (21.33 (c)(1)) requiring the applicant to have made all inspections and ground and flight testing necessary to determine that the design complies with the airworthiness requirements relevant to the tests to be performed before the authority performs these tests. This is considered to be an important safety provision and should not be lost.	Noted. JAR 21.33 has been modified following implementation problem with para. (c)(1), because in some instances, it was not practical to repeat expensive tests. The new text allows the necessary flexibility.

146	21A.33(b)	PROPOSED TEXT/COMMENT (b) Before each test required by paragraph (a) is undertaken, the applicant **shall** have determined: Reason(s) for proposed text/comment Improvement of the text.	Carried.
146	21A.33(c) and (d)	This comment is related to and should be treated in relation with the comments on 21A.263 and 21A.257(b), as they all relate to verification activities performed by the Agency in the frame of Technical Certification. The proper references with Subpart J need to be created in order to get consistency between Subpart B and J in relation to compliance demonstration activities, which will not be further verified by the Agency. 21A.33(b) Except for privileges under Subpart J, the applicant shall allow the Agency to make any inspection necessary to check compliance with paragraph (b). 21A.33(c) Except for privileges under Subpart J, the applicant shall allow the Agency to make any inspection and any flight and.…….. Reason(s) for proposed text/comment Although there are references in Subpart J to Subpart B, there are no references from Subpart B to Subpart J. In Subpart J the privileges of a DOA, related to Compliance Demonstration activities are described. It would be inconsistent to require under Subpart J that the Agency shall accept these activities without further verification,	Disagreed. Subpart B is not referring to Subpart J because alternative procedures can be used in some instances. Privileges are contained in Subpart J itself and cannot be repeated in Subpart B. Anyway, under Subpart J, the Agency retains the right to make inspections or tests (see 21A.257(b)).

		but to require under Subpart B that the applicant shall allow the Agency to make any inspection, test, etc.	
147	21A.33(d)	Propose : The applicant shall allow the Agency to make or witness any inspection and any flight and ground test.....' Reason: For type certificated products other than aircraft it is unlikely that the Agency would conduct a test, but it may wish to witness tests conducted by the applicant.	Noted. Paragraph now reads as follows: "… (d) The applicant shall allow the Agency to make any inspection and to perform or witness any flight and ground test necessary to…"
177	21A.33(d)	Propose : The applicant shall allow the Agency to make or witness any inspection and any flight and ground test.....' Reason: For type certificated products other than aircraft it is unlikely that the Agency would conduct a test, but it may wish to witness tests conducted by the applicant.	Noted. Paragraph now reads as follows: "… (d) The applicant shall allow the Agency to make any inspection and to perform or witness any flight and ground test necessary to…"
069	21 A.35(b)(2)	b.2.) For aircraft to be certificated under this section, except gliders, **balloons** and except aircraft of 2.730 kg … The balloons should be me mentioned as well as gliders.	Deferred.
054	21A.35(b)(2)	In 21A.35(b)(2) the word "...glider..." to be replaced by the following: "*...**sailplanes, powered sailplanes, balloons, hot air airships**...*" **Justification:** • The term "sailplane" should be used persistently instead of "glider". • Consequently "powered sailplanes" should be added to the list. • Balloons and hot air airships are of comparable, simpler technical complexity and should be added to the list.	Deferred for adding "balloons and hot air airships" Carried for replacing "gliders" by "sailplanes and powered sailplanes". In addition, second "aircraft of 2730" has been replaced by "aeroplanes of 2722".

098	21A.35 (b) (2)	Mention the balloon as gliders.	Deferred.
054	21A.35(b)(2)	change 21A.35(b)(2) as follows: "(2) For aircraft to be certificated under this Section, except […] aircraft of 2730kg 2722kg or less maximum certificated weight, […]." Justification: 21A.35(b)(2) and 21.A101(c) are not in line concerning the corresponding mass in SI units to 6000lbs. The correct conversion value is 2722kg.	Carried. In addition "weight" should be changed to "mass".
073	21A.35(b)(2)	It is assumed from this paragraph that the requirements of 21A.35(f) are not applicable to gliders and light aircraft, and the number of test hours required will be agreed on a case by case basis. A 150-hour minimum flight-time requirement for the certification of gliders and light aeroplanes is considered onerous and totally unnecessary. No objective assessment is given as to why it is proposed as 150 hours, when industry experience is far fewer hours	Noted. 21A.35(b)(2) is not applicable and therefore 21A.35(f) is not applicable as 21A.35(f) relates to 21A.35(b)(2).
099	21A.35(b)(2)	Editorial remark: 21A.14(b)(1) deals with sailplanes, where 35(b)(2) deals with gliders. Please use one term consequently.	Carried for replacing "gliders" by "sailplanes and powered sailplanes"
120	21A.35(b)(2)	...under this Section, except *sailplanes and powered sailplanes* and except… JUSTIFICATION: This was the first occurrence of the word "glider". Before, the wording "sailplane" and "powered sailplane" was used.	Carried for replacing "gliders" by "sailplanes and powered sailplanes"
139	21A. 35 (b)(2)	The listing should be expanded for balloons and hot air airships. Argument: extensive tests of flying are not necessary.	Deferred.

122	21A.35 (b) (2)	". For aircraft to be certified ….." to be extended to: "…. <u>sailplanes, balloons, hot air airships</u> …."	Carried for replacing "gliders" by "sailplanes and powered sailplanes".
103	21A.35(b)(2)	….under this Section, except <u>*sailplanes and powered sailplanes*</u> and except… JUSTIFICATION: This was the first occurrence of the word "glider". Before, the wording "sailplane" and "powered sailplane" was used.	Carried for replacing "gliders" by "sailplanes and powered sailplanes".
147	21A.35(b)(2) (and 21A.101(c))	6000 pounds is converted to 2730 kg in 21A.35(b)(2), and to 2722 kg in 21A.101(c). Accuracy and consistency of unit conversions have to be checked in EASA regulations.	Carried. 21A.35(b)(2)(v) now reads "2722" kg.
060	21A.35(f)	Additional text: (3) For Hot-Hot-Air-Balloons and Hot-Air-Airships at least 50 hours of operation.	Deferred.
080	21A.41	There is no reference to the Restricted Type Certificate. It is proposed to add : "and the restricted type certificate" to 21A.41.	Noted. Text changed accordingly: "The type-certificate and restricted type-certificate…."
095	21.A41	State of Design to be included into the TC to obtain foreign, non EU registration i.a.w. ICAO requirements.	Disagreed. A review of ICAO Annex 8 has not shown any reason for this information to be included.
146	21A.41	Section A / Subpart B – paragraph 21A.41 Proposal is to add a sentence stating that emission data are included in the engine TCDS Text should be read as:: 21A.41 Type-certificate The type-certificate is considered to include the type design,	Noted. Proposed closing sentence of 21A.41 is the following: "The engine type-certificate data sheet includes the record of emission compliance."

		the operation limitations, the type-certificate data sheet for airworthiness and emissions, the applicable type-certification basis and environmental protection requirements with which the Agency records compliance, and any other conditions or limitations prescribed for the product in the applicable certification specifications and environmental protection requirements. (a) The aircraft type-certificate, in addition, includes the type-certificate data sheet for noise. (b) The engine type-certificate, in addition, includes the record of emission compliance in the type-certificate data sheet. Reason(s) for proposed text/comment Emission requirements are relevant of the engine as part of the certification basis. Emission data is collected as part of the engine certification demonstration, and compliance against emission requirements is recorded in the engine TCDS. Proposed rule should show clearly that emissions demonstration is included in the engine type-certificate data sheet.	
161	21A.41	• Amend 21A41 as follows: "(a) The type-certificate or restricted type-certificate is considered to include the type design, the operating limitations, the type-certificate data sheet for airworthiness and emissions, the applicable type-certification basis and environmental protection requirements with which the Agency records compliance, and any other conditions or limitations prescribed for the product in the applicable certification specifications and environmental protection requirements. (b) The aircraft type-certificate or restricted type-certificate, in addition, includes the type-certificate data sheet for noise (c) For the restricted type-certificate this shall include the status of compliance with ICAO Annex 8."	Carried for addition of restricted type-certificate. Text modified as follows: " The type-certificate <u>and restricted type-certificate are both</u>…. The aircraft type-certificate <u>and restricted type-certificate</u>, in addition, <u>both</u>…" Proposal to add a new (c) is deferred for further review by the Agency.

		• Amend Form 24 consequently Reason(s) for proposed text/comment *Editorial* • New lay-out for readability • (a) & (b) "or restricted type certificate" is added to make it clearer that 21A41 covers both TC and Restricted TC. Part 21 should be checked accordingly. *Implementation problem* • The competent authority will need to know whether the Restricted TC complies with ICAO Annex 8 or not, before issuing a restricted certificate of airworthiness to such aircraft.	
083	21A.41	The type-certificate is considered to include the type design, the operating limitations, the type certificate data sheet for airworthiness and emissions, the applicable type-certification basis and environmental protection requirements with which the Agency records compliance, and any other conditions or limitations prescribed for the product in the applicable certification specifications and environmental protection requirements. The aircraft type-certificate, in addition, includes the type-certificate data sheet for noise. Since EASA is type certificating the aircraft for airworthiness as well as noise we do not see a reason to have a separate type certificate data sheet for noise.	Disagreed. TCDS for noise is considered to be the most efficient manner to record certified noise levels against which NAs will issue individual noise certificates. Note that the noise type certification basis itself is recorded in the TC.
165	21A.41	A strong plea is made to keep a single set of type certificate data sheet that include all data on airworthiness, noise and emissions, to make its administration easier.	Disagreed. TCDS for noise is considered to be the most efficient manner to record certified noise levels against which NAAs will issue individual noise certificates. Note that the noise type certification basis itself is recorded in the TC.
166	21A.41	The review by lawyers of the draft **CS-E/P/APU** has raised an	Noted.

		issue in relation to part 21. These drafts contain requirements imposing incorporation of some information in the Type Certificate Data Sheet (TCDS). This can obviously be understood as being relevant to Part 21. But, this raises an issue related to Part 21 as it is currently proposed for consultation. This TCDS is referenced in 21A.41 as being part of the type certificate but is nowhere defined. Consequently, the content of a TCDS is not defined in Part 21 or in any known document. Then, the following comments are proposed in relation to Part 21 (a) Is it acceptable to impose requirements onj the content of TCDS in certification specifications ? (b) If answer to (a) is "no", then, TCDS should be defined in Part 21 and rules related to its content should be added to Part 21.	AMC material required to be included against 21A.41 to identify TCDS content. It is considered that top level requirements should be in Part 21, with specific details in related required airworthiness code.
146	21A.41	" The Type Certificate is considered to include the type design, the operating limitations, the type certificate data sheet, the applicable type-certification basis and environmental protection requirements with which the Authority records compliance, and any other conditions or limitations prescribed for the product in the airworthiness codes and environmental protection requirements." (last sentence deleted) Reason(s) for proposed text/comment Proposed texts for above mentioned articles of draft Commission Regulation and Part 21 are implying to have two different type-certificate data sheet : one TC data sheet for airworthiness and emissions and one TC data sheet for noise. AECMA disagrees with the above proposal which has no logic,	Disagreed. TCDS for noise is considered to be the most efficient manner to record certified noise levels against which NAs will issue individual noise certificates. Note that the noise type certification basis itself is recorded in the TC.

		no justification, and entails unecessary additional paperwork and bureaucracy which are contrary to fundamental objectives of Basic Regulation. The type-certificate attests compliance with both the airworthiness codes (plus any special conditions) and environmental protection requirements (ref 21A.21, 21A.41). There must be only one type-certificate data sheet, which must logically reflect all aspects covered by the type-certificate. Nota : See other AECMA comments replacement of "certifications specifications" by "airworthiness codes". Note : See also AECMA comments for proposed definition of Type Certification basis (see AECMA comment on Part 21, paragraph 21A.17 and 21A.18), which is not taken into account in the above mentioned proposed formulation of paragraph 21A.41. Note : See also AECMA comment on Subpart I : Noise Certificates.	
073	21A.44 Obligations of the holder	"Each holder of a type-certificate or restricted type certificate shall undertake the obligations laid down in 21A.3, 21A.3B, 21A.4 and 21A.55, 21A.57 and 21A.61 and, for this purpose, he or she shall continue to meet the qualification requirement for eligibility under 21A.13." There is no paragraphs 21A.49, nor 21A56, 58, 59, 60 in the draft.	Disagreed. Reference to 21A.49 is now deleted. Legal advice was to delete existing JAR 21A.49, not found necessary.
077	21A.44	This topic places a requirement on the TC holder to comply with other requirements including 21A.49 and 21A.55 to 61. In the consultation paper there is no topic 21A.49. Moreover, of the sequence 21A.55 to 21A61, some of the numbers are missing. The narrative at topic 21A.44 should make it clear if the latter are inclusive numbers or if it is the intention that some numbers in the sequence will be missed out.	Carried. Reference to 21A.49 is now deleted. Legal advice was to delete existing JAR 21A.49, not found necessary.

146	21A.44	PROPOSED TEXT/COMMENT "21A.3, 21A.3B, 21A.4, 21A.49 and 21A.55 to 21A.61 and, …" Reason(s) for proposed text/comment The section 21A.49 does not exist.	Carried. Reference to 21A.49 is now deleted. Legal advice was to delete existing JAR 21A.49, not found necessary.
133	21A.44	This refers to 21A.49, which is missing; 21A.49 should be identical to the current JAR21.49, Availability of Type Certificate.	Carried. Reference to 21A.49 is now deleted. Legal advice was to delete existing JAR 21A.49, not found necessary.
146	21A.44	In 21A.44, change reference to 21A.13 into 21A.14 (or into 21A.21A). Reason(s) for proposed text/comment 21A.13 deals with eligibility to be an applicant (possibility to be "in the process" of demonstrating capability). 21A.14 deals with eligibility/capability to be an holder of a TC (must have demonstrated capability). 21A.44 deals with the obligations of a TC holder (must continue to meet criteria for eligibility/capability to be a TC holder , i.e. criteria for demonstration of capability under 21A.14).	Carried.
099	21A.44	This paragraph reveres to the obligations laid down in 21A.49, however this paragraph does not exists in this draft Part 21, as in JAR 21.49 Availability of certificate to the authority. CAA-NL suggests JAR 21.49 to be introduced in this Part 21.	Disagreed in view of other comments received. Reference to 21A.49 is now deleted. Legal advice was to delete existing JAR 21A.49, not found necessary.
161	21A.44	Restore missing lost 21A49 or delete the reference to § 21A49 in § 21A44 **" *21A.49 Availability*** The holder of a type certificate shall make the certificate	Disagreed in view of other comments received. Reference to 21A.49 is now deleted. Legal advice was to delete existing JAR 21A.49, not found necessary.

		available, on request to the competent authority." Reason(s) for proposed text/comment Paragraph 21A.44 reefers to 21A.49 which does not exist anymore. Restore JAR 21.49. Core groups were not supposed to change JAR 21.	
177	21A.44	Propose : delete reference to 21A.49, as this paragraph does not exist.	Carried Reference to 21A.49 is now deleted. Legal advice was to delete existing JAR 21A.49, not found necessary.
167	21A.44	The referenced "21A.49" does not exist. Please adjust the reference.	Carried Reference to 21A.49 is now deleted. Legal advice was to delete existing JAR 21A.49, not found necessary.
147	21A.44	Propose : delete reference to 21A.49, as this paragraph does not exist	Carried Reference to 21A.49 is now deleted. Legal advice was to delete existing JAR 21A.49, not found necessary.
147	21A.44	Comment: Para 21A.44 contains a reference to 21A.49 which in an earlier draft stated 'The holder of a type certificate shall make the certificate available on request to the executive director or to the national authorities'. However 21A.49 is now not in this latest consultation document therefore either 21A.49 is re-instated or the document should be searched to remove references to it	Noted. Reference to 21A.49 is now deleted. Legal advice was to delete existing JAR 21A.49, not found necessary.
098	21A.47	To be established: how long the relevant design information shall be held (at least 5 years).	Comment not understood.
133	21A.47	It is proposed that this paragraph is amended to allow the Agency to maintain Type Certificates where companies have failed to maintain company approval as allowed for in ICAO Annex 8.	Disagreed. No contingency exists within the Basic Regulation for the Agency to take over the obligations of the type-certificate holder.
120	21A.51	COMMENT: In case that the holder of the TC is not longer available, and if	Deferred.

		no one else can be found to take over the responsibility for the TC, there should be provisions made, that the Agency may be able to take care of these type certificates. If a SME is not longer able to follow the administrative procedures of the Agency it would be most adverse for the owners of a product from this SME if the type certificate would be withdrawn. Some type certificates are valid for up to one thousand individual sailplanes or powered sailplanes. Unless there is no safety issue there is no reason to withdraw a TC.	
103	21A.51	COMMENT: In case that the holder of the TC is not longer available, and if no one else can be found to take over the responsibility for the TC, there should be provisions made, that the Agency may be able to take care of these type certificates. If a SME is not longer able to follow the administrative procedures of the Agency it would be most adverse for the owners of a product from this SME if the type certificate would be withdrawn. Some type certificates are valid for up to one thousand individual sailplanes or powered sailplanes. Unless there is no safety issue there is no reason to withdraw a TC.	Deferred.
122	21A.51(2)	Suggestion: possible transfer of TC to an other holder (person or organisation)	Deferred
161	21A.51	• Amend 21A51 as follows: "A type-certificate or restricted type-certificate shall be issued for an unlimited duration. It shall remain valid until (1) surrendered, suspended or revoked by the Agency.." • Include provisions in SECTION B for the suspension or revocation of the TC Reason(s) for proposed text/comment	Deferred. The text as written ensures that the validity of a type-certificate with an unlimited duration is linked to the compliance with Part 21. When the holder is not complying anymore with Part 21, the validity needs to be discontinued, mainly for safety reasons. Noted. In principle, suspension is no ground for invalidity

		Implementation problem • Current draft part 21 text links the validity of the TC to the holder remaining in compliance with subpart B. • A TC holder may cease to comply with subpart B: - it may lose its DOA , temporarily or permanently. - it may disappear yet, the TC may still be valid if the TC holder is still able to assure continued airworthiness responsibilities or if the agency fulfils the continuing airworthiness function in case the TC holder has disappeared. ECAR M § MA 901 mentions that a C of A becomes invalid if : 4. the type certificate under which the certificate of airworthiness was issued is suspended or revoked. This may imply that, if a TC holder loses its DOA or disappears, the TC is invalid and all C of A are invalid. This is not desirable. The proposed text leaves to the Agency the decision to suspend or revoke the TC. • *SECTION B:* If no corresponding provision is added in SECTION B, the Agency will have no mean to revoke or suspend. This will necessitate a thorough examination of the signification of the TC (document showing compliance of a type with certifications basis, ability of the holder to ensure continuing airworthiness, etc.) and of the consequences on individual C of A. **General comment:** With regard to other deviations from JAR 21 due to NPA 21-3 Issue 2 (deemed to be mature but which has not been approved and for which questions remain open as no “comment/response document” has ever been issued), it is all the more damageable to comment hastily. A deep reflection has to be carried out actually to avoid potential implementation problem or deadlocks.	under Part 21.

		For instance, do we want environmental requirements non compliances to be a condition for an automatic suspension of a TC ? What would be the impact on individual certificates of airworthiness issued according to such TC, etc.	
165	21A.51	Suspension or revocation by the Agency should be also clearly spelled as causes to put an end to the validity of a type certificate. Furthermore, it will not be consistent with 21A.181(4)	Noted. 21A.51 now reads as follows: (a) A type-certificate and restricted type-certificate shall be issued for an unlimited duration. They shall remain valid subject to: (1) The holder remaining in compliance with this Part; and (2) The certificate not being surrendered or revoked under the applicable administrative procedures established by the Agency. (b) Upon surrender or revocation, the type-certificate and restricted type-certificate shall be returned to the Agency.
177	21A.51	As written, this paragraph appears to be an instruction to the Agency. It would therefore be appropriate to replace the first sentence with : 'Type certificates and restricted type certificates are issued for an unlimited time period.'	Disagreed. Change not needed.
099	21A.51	As it is not desirable to leave invalid TC's with the former holder, CAA-NL suggests a new subparagraph to be introduced stating the following: "(b) Upon suspension or revocation the applicable Type-Certificate shall be surrendered to the agency."	Noted. 21A.51 now reads as follows: "… (b) Upon surrender or revocation, the type-certificate and restricted type-certificate shall be returned to the Agency."

147	21A.51	As written, this paragraph appears to be an instruction to the Agency. It would therefore be appropriate to replace the first sentence with : 'Type certificates and restricted type certificates are issued for an unlimited time period.'	Disagreed. Change not needed. (a) A type-certificate and restricted type-certificate shall be issued for an unlimited duration. They shall remain valid subject to: …"
054	21A.51	Proposal: add 21A.51 (b) and (c) as follows: (a) A type-certificate …. "(b) In case, a T.C. is going to be surrendered, the holder of the T.C. is obliged to make reasonable efforts to transfer the certificate and its responsibilities to a person complying with 21A.112B. (c) The Agency reserves the right to take over the certificate together with the related responsibilities." Justification: The T.C. is a prerequisite for C of A. Once the T.C. is invalid, all related C of A have to be revoked and the aircraft are not allowed to be operated any more. This means, the holder of a pertained airplane would be expropriated. The loss of a design organisation approval according to 21A.14 does not affect the airworthiness of an aircraft immediately. So the type-certificate need not be withdrawn automatically. It may partly be in the financial interest of the design organisation to surrender the type-design without an important technical reason, in order to avoid long-term technical support.	Disagreed. No contingency exists within the Basic Regulation for the Agency to take over the obligations of the type-certificate holder.
098	21A.55	To be established: how long the relevant design information shall be held (at least 5 years).	Deferred.
054	21A.55	In 21A.55 add after the last sentence the following: "*The documentation shall be kept at least 6 years after removal of the type from service.*"	Deferred.

		Justification: Even if the last individual aircraft of a type has been removed from service, there might be reasons (accident investigation, legal procedures or legal disputes) why the records are needed.	
069	21A.55	A period of time should be established how long the relevant design information shall be held. It should be at least 5 years.	Deferred.
166	21A.61	The review by lawyers of the draft CS-E/P/APU has raised an issue in relation to part 21. These drafts contain requirements related to the "airworthiness limitations section" of the instructions for continued airworthiness. They also contain a requirement for formal approval of this section by the Agency : this is understood as being relevant to Part 21. This highlights a deficiency in proposed Part 21. 21A.61 refers to the instructions for continued airworthiness. 21A.31 refers to the "airworthiness limitations section of the instructions for continued airworthiness". There is no link between these two paragraphs. This is a first deficiency in Part 21. Nowhere in Part 21, there is a rule imposing approval by the Agency of the airworthiness limitations. The changes to them are correctly addressed under sub-part D as any other change to the type design. But the initial formal approval is not a rule in Part 21. This should be corrected.	Noted. To move responsibility to Part 21 and for consistency, the following changes to be included: In 21A.31(a): ” (3) An approved airworthiness limitations section of the instructions for continued airworthiness as defined by the applicable airworthiness code; and” In 21A.97(a): “(3) …with the applicable type-certification basis and environmental ….
167	21A.61	Add subsections (c) and (d) that protect the intellectual property rights of and provides some cost recovery to the	Disagreed. This requirement is based closely on the JARs.

		provider of the instructions for continued airworthiness. (c) The term 'make available' means providing at a fair and reasonable price. Such price may include recurring and non-recurring costs associated with post-certification development, preparation and distribution. (d) Nothing is this section shall be construed as requiring the holder of a design approval to make available proprietary information to any other party unless it is deemed essential to continued airworthiness. Further, we note by way of example that the requirements for ICA for different products (engines, aircraft, rotorcraft, etc.) may differ as in the case of U.S. ICA regulations. Section 21A.61 does not provide specificity as to the details, it is requested that these be provided in the requirements for the different products.	The safety requirements must remain independent of any commercial interest, however justified. Different instructions for CA requirements stem from Subpart B overall and, as defined in the associated airworthiness codes.
120	21A.61	Propose different text: "The holder of the POA shall furnish ..." Justification: In some cases DO and PO are different companies. In this case there must be provisions that the DO continuously supplies the PO with all necessary documents for continued airworthiness, but thereafter the PO should be responsible to distribute this information to their customers (these customers need not necessarily be known by the DO). There may be many changes in the ownership of sailplanes and powered sailplanes within short periods of time. Also the lifetime of such a products may be more than 40 years and regarding that it is almost impossible to keep track of thousands of individual sailplanes and powered sailplanes - especially for the DO. It would be best to supply instructions for continued	Disagreed. There must be an arrangement between DO and PO (under Subpart F or G) to cover case described by the comment.

		airworthiness by an Internet homepage.	
103	21A.61	Propose different text: "The holder of the POA shall furnish ..." Justification: In some cases DO and PO are different companies. In this case there must be provisions that the DO continuously supplies the PO with all necessary documents for continued airworthiness, but thereafter the PO should be responsible to distribute this information to their customers (these customers need not necessarily be known by the DO). There may be many changes in the ownership of sailplanes and powered sailplanes within short periods of time. Also the lifetime of such a products may be more than 40 years and regarding that it is almost impossible to keep track of thousands of individual sailplanes and powered sailplanes - especially for the DO. It would be best to supply instructions for continued airworthiness by an Internet homepage.	Disagreed. There must be an arrangement between DO and PO (under Subpart F or G) to cover case described by the comment.
165	21A.61	"…on request to any other person required by another Regulation to comply with any of the terms of those Instructions…" It should be worthy to precise from where the requirement can come, in view of recent discussions in foreign countries.	Disagreed. To be so precise may be too limiting.
175	21A.61(a)	We understand why permitting an incomplete set of ICA is being allowed formally. But, this is not compatible with the requirements of FAR 21. This could lead the FAA to not issue an airworthiness certificate until these documents are developed and available.	Noted.
077	21A.61(a)	This topic requires TC holders to furnish a full set of continued airworthiness documentation to owners of one or more aircraft	Disagreed. Existing text already implies the intention of the

		on delivery and thereafter to make that documentation available on request to any other person. **Recommendation:** See response and the proposed new wording at 21A.3(a) concerning the responsibilities which must be applied to the owner or other interested person.	comment.
077	21A.61(b)	Notification of changes in continued airworthiness documentation; see comments above at 21A.3(a). This topic also requires the TC holder to notify the Agency of a 'programme' showing how changes to continued airworthiness documentation are distributed. There is no definition of the term 'programme'. The need to devise a programme like this will be an onerous imposition and will divert the TC holder's skilled staff from important technical work onto work of a bureaucratic nature rather than allow them to focus directly on the needs of continued airworthiness. This is yet another case of over-zealous regulation. **Recommendation:** Delete the whole of the last sentence of 21A.61(b).	Disagreed. Provision related to programme is currently in JAR airworthiness codes. As it was considered as a procedural issue, it was moved to Part 21.
147	21A.61(b)	Propose that the paragraph is changed to: '(b) In addition, changes to the instructions for continued airworthiness shall be made available all known operators of the product and shall be made available on request to any person required to comply with any of those instructions.' Reason: 1) Changes to instructions for continued airworthiness may be made for reasons other than those identified in the current draft of this paragraph, and therefore the reference to 'service experience or design changes' is proposed to be deleted. 2) Changes to instructions for continued airworthiness are generally distributed as soon as possible following their approval, and therefore it is not logical to require a programme for distribution. The final sentence of the current draft of this paragraph is therefore proposed to be deleted.	Noted. Provision related to programme is currently in JAR airworthiness codes. As it was considered as a procedural issue, it was moved to Part 21. Text now reads as follows: "(b) In addition, changes to the instructions for continued airworthiness shall be made available to all known operators of the product and shall be made available on request to any person required to comply with any of those instructions. A programme showing…."
133	21A.61(b)	Last sentence	Deferred.

		Recommend changing word 'programme' to 'process' or 'procedure'.	Programme may not be the most appropriate word, but it has been used in JAR xx.1529. As it was considered as a procedural issue, it was moved to Part 21.
177	21A.61(b)	Propose that the paragraph is changed to: '(b) In addition, changes to the instructions for continued airworthiness shall be made available all known operators of the product and shall be made available on request to any person required to comply with any of those instructions.' Reason: 1) Changes to instructions for continued airworthiness may be made for reasons other than those identified in the current draft of this paragraph, and therefore the reference to 'service experience or design changes' is proposed to be deleted. 2) Changes to instructions for continued airworthiness are generally distributed as soon as possible following their approval, and therefore it is not logical to require a programme for distribution. The final sentence of the current draft of this paragraph is therefore proposed to be deleted.	Noted. Provision related to programme is currently in JAR airworthiness codes. As it was considered as a procedural issue, it was moved to Part 21. Text will be modified as follows: "(b) In addition, changes to the instructions for continued airworthiness shall be made available to all known operators of the product and shall be made available on request to any person required to comply with any of those instructions. A programme showing…."
146	21A.61(b)	21A.61(b), 21A.120(b), 21A.449(b), Delete last sentence. Reason(s) for proposed text/comment Last sentence does not add anything to the requirement which is self explanatory and contained in first sentence. This last sentence is in fact describing a an acceptable means of compliance with the requirement expressed by the first one. It should therefore be positioned within the AMC part , with a description as one of the possible means to comply with 21A.61(b).	Disagreed. Provision related to programme is currently in JAR airworthiness codes. As it was considered as a procedural issue, it was moved to Part 21.

		Same comment for paragraphs 21A.120(b) and 21A.449(b).	
161	Subpart D (and E?)	• Amend title as follows: "***Subpart D – Changes to the type-certificate or restricted type-certificate***" • Amend the text accordingly all through Subpart D, and (as applicable only) Subpart E Reason(s) for proposed text/comment *Editorial* Current wording is not clear.	Noted. Title now reads as follows: "Changes to the type-certificates and restricted type-certificates"
080	Subpart D	Because changes could affect also the "restricted type certificate" the Subpart D should be reviewed accordingly, adding " restricted type-certificate holder" or "restricted type certificate" as appropriate.	Noted. Title now reads as follows: "Changes to type-certificates and restricted type-certificates" 21A.90 on scope now reads as follows: "....those approvals. In this Subpart, references to type-certificates include type-certificate and restricted type-certificate."
083	21A.91	Changes in type design are classified as minor and major. A "minor change" is one that has no appreciable effect on the mass, balance, structural strength, reliability, operational characteristics, noise, fuel venting, exhaust emission, or other characteristics affecting the airworthiness of the product. Without prejudice to 21A.19, all other changes are "major changes" under this Subpart. Major and minor changes shall be approved in accordance with 21A.95 or 21A.97 as appropriate, and must be adequately identified. Draft Annex Part 21 conflicts with how acoustical, fuel venting	Disagreed. In the past EASA NAs recognized a separate classification for changes adversely affecting an aircraft's noise levels. EASA policy is to now include changes affecting environmental characteristics into the definitions of "minor" and "major". The acoustical change exceptions in 14 CFR Part 21.93(b) are under consideration by ICAO/CAEP and are likely to be adopted by EASA once

		and exhaust emissions changes are classified in the U.S. In the U.S. acoustical and emission change are each classified separately from the determination of major/minor. There can be minor changes that may result in an acoustical or emissions change. We propose that the existing reference to noise, fuel venting, and exhaust emissions be removed. After the sentence, …all other changes are "major changes," add the following: In addition to being "major or minor" any voluntary change in the type design of an aircraft that may increase the noise levels of that aircraft is an "acoustical change," and any voluntary change in the type design of the airplane or engine that may increase fuel venting or exhaust emissions is an "emissions change." In addition, the acoustical change exceptions in Federal Aviation Administration 14 CFR Part 21.93 (b) should also be included Annex Part 21 Subpart D.	approved by ICAO.
146	21A.91	21A.91 (a) Changes in type design are classified as minor and major: (1) A "minor change" is one that has no appreciable effect on the mass, balance, structural strength, reliability, operational characteristics, noise, fuel venting, exhaust emission, or other characteristics affecting the airworthiness of the product. (2) Without prejudice to 21A.19, all other changes are "major changes" under this Subpart. (3) All changes to a type design that affect a part identified as critical are "major changes" under this Subpart. (b) Major and minor changes shall be approved in accordance with 21A.95 or 21A.97 as appropriate, and shall be adequately identified. Reason(s) for proposed text/comment The rationale for deleting the subpart P of the IR-21 can be summarised as follows: An applicant who is not the TC holder	Deferred. The debate on critical parts is still open, therefore it is not proposed at this stage to anticipate the conclusions on this discussion. Some elements can be found in GM 21A.91 and GM 21A.435(a) and further amendments of the rule needs full consideration. It should be done later by the Agency.

		may apply for a change to an existing part using the subpart D when the change is minor and the subpart E when the change is major and he/she should mark the part with the letters EPA. Current JAR 21.701(d) states that the rules governing the JPA apply to a modification part where the change is a minor change and the part has not been identified as a critical part. The subpart D of the IR-21 as it is written does not address the case of a change to a critical part and such a change could be approved as any other minor change by the Applicant when he has an approval. The IR-21, section 21A.107, states that the applicant, when he/she is not the TC holder, must furnish the variations to the instructions for continued airworthiness associated to the design change. But this applicant may have some difficulties for assessing the impact on the certified product of the change in terms of airworthiness limitations. To address this situation the proposal consists in classifying all changes to a critical part as "major". So these changes should be approved by the Agency.	
019	21A.91	**A2. To modify IR 21A.91 as follows:** Changes to type design are classified as minor, major, significant and substantial. (a) *Minor Changes.* A "minor change" is one that has no appreciable effect on the mass, balance, structural strength, reliability, operational characteristics, noise, fuel venting, exhaust emission, or other characteristics affecting the airworthiness of the product. (b) *Major Changes.* A "major change" is a change that may have an appreciable effect on the features listed in sub-paragraph (a) but does not affect the appearance or behaviour	Deferred. Comment merits further consideration in due time.

		of the product to such an extent that there is a necessity to identify the changed product as a separate variant on the Type Certificate. (c) *Significant Changes.* A "significant change" is a change that affects the appearance or behaviour of the product to such an extent that the changed product needs to be identified on the Type Certificate as a separate variant of the baseline type. (d) *Substantial Changes.* A "substantial change" is a change that is so extensive that a substantially complete investigation of compliance with the applicable certification specifications is required, i.e. a change requiring a new type certificate in accordance with IR 21A.19.	
146	21A.91 (and 21A.19)	Inconsistent use of the words "weight" and "mass".	Disagreed. 21A.91 is the correct provision. 21A.19 has been changed to remove inconsistency.
155	21A.91	Concerning the changes to a part introduced by someone else than the TC Holder, the IR-21 does not split the changes between changes to existing parts (modification parts) and approval of new parts (replacement parts). The application for an approval of a part designed by someone else than the TC Holder to replace existing parts that could adversely impact mechanical and aero-thermal design of a critical part, should be considered as a major change and approved according to Subpart E.	Deferred.
125	21.A.91	Concerning the changes to a part introduced by someone else than the TC Holder, the IR-21 does not split the changes between changes to existing parts (modification parts) and approval of new parts (replacement parts). The application for an approval of a part designed by someone else than the TC Holder to replace existing parts that could adversely impact mechanical and aero-thermal design of a critical part, should be considered as a major change and approved according to Subpart E.	Deferred.

019	21A.92	**A3. To modify subparagraph (a) of IR 21A.92 as follows:** (a) The Agency will only accept an application for approval of a substantial, significant or major change to a type design under Subpart D from the type certificate holder; all other applicants for a substantial, significant or major change to a type design must apply under Subpart E.	Deferred. Comment merits further consideration in due time.
155	21A.97	[…] believes that non-TC holder parts can influence aero / thermo / mechanical behaviour of adjacent parts in a way difficult to analyse without a global system view and all along the life of the product, including potential repair impact. As a consequence, […] proposes that the substantiation data shall include proof of evidence that those aspects have been reliably covered in the analysis.	Deferred.
161	21A.97	It is suggested to delete (a)(4) Reason(s) for proposed text/comment *Editorial* The wording of (a)(4) is questionable. Of course it should refer to subpart J and not to part J. The purpose of subpart J is the granting of a design organisation approval (DOA) (see 21A.231). Therefore, when an applicant holds a DOA, it fully complies with subpart J. Then, (a)(4) is redundant and should therefore be deleted. Note that this was not part of JAR 21.97.	Text as in JAR-21 at Amendment 5. Correction from “Part” to “Subpart J” has now been made.
019	21A.97	**A4. To modify sub-paragraph (a) of IR 21A.97 as follows:** **IR 21.A97 Significant and Major Changes** (a) An applicant for approval of a significant or major change must...	Deferred. Comment merits further consideration in due time.
125	21A.97	[…] believes that non-TC holder parts can influence aero /	Deferred.

		thermo / mechanical behaviour of adjacent parts in a way difficult to analyse without a global system view and all along the life of the product, including potential repair impact. As a consequence, […] proposes that the substantiation data shall include proof of evidence that those aspects have been reliably covered in the analysis.	Can be dealt with when reviewing the AMC's.
146	21A.97(a)(3)	PROPOSED TEXT/COMMENT (3) Declare that **he or she** has shown compliance with applicable certification specifications and environmental protection requirements and shall provide … Reason(s) for proposed text/comment Improvement of the text.	Noted. However, since the applicant for, or holder of, a certificate may be either a natural or legal person the term "it" is deemed more appropriate.
165	21A.97(a)(4)	"…according to the provisions of Subpart J" Typo correction	Carried.
019	21A.101	**A5. To modify sub-paragraphs (a) and (b) of IR 21A.101 as follows:** **IR 21.A101 Designation of applicable certification specifications and environmental protection requirements** (a) An applicant for a change to type design must show that the changed product complies with the airworthiness code and environmental protection requirements that are applicable to the changed product. (1) For substantial and significant changes, compliance must be shown with the airworthiness code and environmental protection requirements in effect at the date of the application for the change. For significant changes, exceptions are detailed in sub-paragraphs (b) and (c).	Deferred. Comment merits further consideration in due time.

		(2) For major and minor changes, compliance must be shown with the airworthiness code and environmental protection requirements incorporated by reference in the type certificate unless sub-paragraph (d) applies. (b) The applicant for a significant change may show compliance with an earlier amendment of an airworthiness code for any of the following: (1) Each area, system, part or appliance that the Agency finds is not affected by the change. (2) Each area, system, part or appliance for which the Agency finds that compliance with an airworthiness code described in sub-paragraph (a)(1) would not contribute materially to the level of safety. (3) Each area, system, part or appliance for which the Agency finds that compliance with an airworthiness code described in sub-paragraph (a)(1) would be impractical. The earlier amended airworthiness code may not precede the corresponding airworthiness code incorporated by reference in the type certificate.	
161	21A.101	Amend 21A101(a) as follows: "(a) An applicant for a change to a type-certificate shall demonstrate that the changed product complies with the airworthiness code that is applicable to the changed product and that is in effect at the date of the application for the change, and with the environmental protection requirements." Reason(s) for proposed text/comment *Impracticable* Consistent with current practices.	Carried. Whilst the text as drafted is fine, it is clear that when translated into French it causes confusion. The proposed text (but referring back to 21A.18) is deemed safer and clearer.

		The applicable noise & emission requirements (levels and dates) as stated in 21A.18 are contained in the Chapters of Annexe 16, Volume 1 and 2. N.B. : This is consistent with the wording of FAR 21.101 which does not specify any date for FAR 34 and 36, because the reference dates are self-contained in FAR 34 and 36.	
165	21A.101	Proposed text includes the so called "changed product rule". The training of the NAA,s personnel on its application will not have been completed by 28 September.	Deferred.
147	21A.101(a)	(a) An applicant for a change to a type-certificate shall demonstrate that the changed product complies with the airworthiness code ~~and environmental protection requirements~~ that ~~are~~ ***is*** applicable to the changed product and that ~~are~~ ***is*** in effect at the date of the application for the change, ***and with the applicable environmental protection requirements as prescribed in Annex 16 to the Chicago Convention, Volumes I and II.*** **Reason(s) for proposed text/comment** JAR 21.101 and FAR 21.101 were recently amended as regards the airworthiness requirements that are applicable to changed products ("the Changed Product Rule" – FAR Amendment 21-77; JAA NPAs 21-7, 21-28 and 21-32). The intent of the Changed Product Rule was to change the way of determining the reference date for the airworthiness requirements only. The reference dates for the applicable environmental protection requirements are established in ICAO Annex 16, and in FAR 34 and 36 for the FAA. 21.101 must not interfere with this principle. The text that we are proposing is similar, it its intent, to the current FAR 21.101(a): "(a) An applicant for a change to a type certificate must show that the changed product complies with the airworthiness requirements applicable to the category of the product in effect	Carried though reference to Annex 16 is redundant and should preferably refer to 21A.18 considering that the text as drafted may be misinterpreted when translated.

		on the date of the application for the change and with parts 34 and 36 of this chapter."	
146	21A.101(d)	PROPOSED TEXT/COMMENT (d) If the Agency finds that the airworthiness code in effect at the date of the application for the change **does not provide** adequate standards with respect to the proposed change, the applicant **shall** also comply with any special conditions, and amendments to those special conditions, prescribed under the provisions of 21A.16B, to provide a level of safety equivalent to that established in the airworthiness code in effect at the date of the application for the change. Reason(s) for proposed text/comment Editorial: * Correct the type "does not provide …". * Replace "the applicant must comply …" by "the applicant shall comply …".	Carried.
165	21A.101(e)	Does the term "large aircraft" include also "rotorcraft"?. Current JAR-21 talks about applications made under JAR-25 or –29, therefore it includes rotorcraft.	Carried. "Large aircraft" now reads "Large aeroplanes and large rotorcraft". Definition is not needed
175	21A.101(e)	Large aircraft is not defined. Large aeroplane is defined in draft CS - 1. Small rotorcraft is defined in draft CS - 27. Large rotorcraft is not defined. A definition of large aircraft is provided in the Commission Regulation on Maintenance. Include definition of large aircraft in Commission Regulation on Certification, and use 5700 kg instead of 5.7 tons.	Carried. "Large aircraft" now reads "Large aeroplanes and large rotorcraft". Definition is not needed
083	21A.103	(a) The applicant shall be entitled to have a major change to a type design approved by the Agency after: (1) submitting the declaration referred to in 21A.97(a)(3); and (2) It is shown in a manner acceptable to the Agency that:	Deferred. This is a bilateral issue being currently discussed by the Commission and FAA.

		(i) The changed product meets the applicable certification specifications and environmental protection requirements, as specified in 21A.101; (ii) Any airworthiness provisions not complied with are compensated for by factors that provide an equivalent level of safety; and (iii) No feature or characteristic makes the product unsafe for the uses for which certification is requested.	
019	21A.103	**A6. To insert a new sub-paragraph (a) to IR 21A.103, to renumber the sub-paragraphs of IR 21.A103 accordingly and to modify the new IR 21.A103 as follows:** **IR 21.A103 Issue of approval** (a) The Agency approves a substantial change to a type design by issuance of a new type certificate in accordance with IR21A.19 and IR21A.21. (b) The agency approves a <u>significant or major</u> change to a type design if-...	Deferred. Comment merits further consideration in due time.
073	21A.103(b)	"A minor change to a type design shall only be approved in accordance with 21A.95 if it is shown that <u>the areas affected by the change</u> meet the applicable certification specifications, as specified in 21A.101." Minor modification should not require a compliance checklist for the entire product. Only that that the minor modification itself, and areas effected by it, are compliant.	Disagreed. Common practice for handling a minor change is as already as described in proposed change.
098	21A.105	To be established: how long the relevant design information shall be held (at least 5 years).	Deferred.
054	21A.105	In 21A.105 add after the last sentence the following:	Deferred.

		"***The documentation shall be kept at least 6 years after removal of the type from service.***" **Justification:** Even if the last individual aircraft of a type has been removed from service, there might be reasons (accident investigation, legal procedures or legal disputes) why the records are needed.	
069	21 A.105	A period of time should be established how long the relevant design information shall be held. It should be at least 5 years.	Deferred.
146	21A.107	PROPOSED TEXT/COMMENT (a) Except for type type-certificate … … with any of the terms of those instructions. (b) In addition, changes … … those instructions. A programme showing how changes to the variations to the instructions for continued airworthiness are distributed shall be submitted to the Agency. Reason(s) for proposed text/comment Intent of 21A.107 (Instructions for continued airworthiness) is the same as the one of 21A.61 and 21A.120. All sections should have close texts.	Noted. Inconsistency with other related provisions has been removed. Text now reads as follows: "(a) The holder of a minor change…with any of the terms of those instructions. (b) In addition, changes … … those instructions."
147	21A.107	21A.107 *Minor change:* instructions for continued airworthiness (No change to the text) **<u>Reason(s) for proposed text/comment</u>** The text of this paragraph applies to minor changes only. Having this information in the title would help the reader.	Disagreed. Intent understood but text clear enough.

167	21A.107	Same comment as 21A.61 above.	See response to comment 167/21A.61.
161	21A.107	Amend 21A107 as follows: "The approval holder of a minor change to type design shall furnish at least one set of the associated variations, if any, to the instructions for continued airworthiness of the product on which the minor change is to be installed, prepared in accordance with the applicable type-certification basis, to each known owner of one or more aircraft, aircraft engine, or propeller incorporating the minor change, upon its delivery, or upon issuance of the first certificate of airworthiness for the affected aircraft, whichever occurs later, and thereafter make those variations in instructions available, on request, to any other person required to comply with any of the terms of those instructions. In addition, changes to those variations of the instructions for continued airworthiness shall be made available to all known operators of a product incorporating the minor change and shall be made available, on request, to any person required to comply with any of those Instructions." Reason(s) for proposed text/comment *Editorial* Current wording is redundant and misleading. One could understand that TC holders do not have to comply with the requirements related to Instructions for continued airworthiness. It is clear that this paragraph also applies to TC holder which comply with it through 21A.61	Noted. Text no reads as follows: "The holder of a minor change approval to type design shall furnish at least one set of the associated variations, if any, to the instructions for continued airworthiness of the product on which the minor change is to be installed, prepared in accordance with the applicable type-certification basis, to each known owner of one or more aircraft, ~~aircraft~~ engine, or…"
165	21A.107	"…on request to any other person required by another Regulation to comply with any of the terms of those Instructions…" It should be worthy to precise from where the requirement can come, in view of recent discussions in foreign countries.	Disagreed. To be so precise may be too limiting.
161	21A.109	It is suggested to delete paragraph 21A109.	Disagreed.

		Reason(s) for proposed text/comment *Impracticable* • ***"Except for…"*** **:** redundant and misleading, should be deleted. • ***(a):*** unnecessary as already required in § 21A.4, should be deleted. • ***(b):*** not mature (see below), should be deleted. As a matter of fact, all paragraphs related to EPA marking in IR 21 are new compared to JAR 21. This new concept is not mature enough to be made an obligation to everybody. For example, one should at least have made a difference between - Parts and appliances aimed at replacing existing parts or appliances (e.g. a turbine blade), for which EPA marking is recommended, and - Non existing parts (e.g. : a CD player in a general aviation aircraft) for which EPA marking would be ludicrous)	21A.109 has been added for consistency with 21A.44 (TC holders) and 21A.118A (STC holders). EPA marking results from the review of Subpart P concept and is simply adding a requirement to mark some parts with the letters EPA, in accordance with 21A.804. CD player example is not relevant: 21A.804 applies only to parts that must be identified with a Part number, as defined in the applicable design data.
177	21A.109 (and 21A.118A)	There is no definition of what an EPA part is, or how approval is to be obtained. It is proposed that the words 'including EPA ' are deleted from this paragraph.	Disagreed. 21A.109 refers to 21A.804(a), where EPA marking is specified.
043	21A.109	21A.109 (a) and (b) and 21A.451 (b) : we assume that the approval holder of a minor change to type design in its relation to a Maintenance Organisation i.s.o. a Production Organisation does not have to undertake the obligations laid down in 21A.4 and 21A.804(a). Can you please clarify?	Disagreed. The approval holder of a minor change to type design must comply with 21A.109.
147	21A.109	21A.109 *Minor change:* obligations and EPA marking (No change to the text) **Reason(s) for proposed text/comment**	Disagreed. Intent understood but text clear enough.

		The text of this paragraph applies to minor changes only. Having this information in the title would help the reader.	
147	21A.109 (and 21A.118A)	There is no definition of what an EPA part is, or how approval is to be obtained. It is proposed that the words 'including EPA ' are deleted from this paragraph.	Disagreed. 21A.109 refers to 21A.804(a), where EPA marking is specified.
146	21A.109(a)	PROPOSED TEXT/COMMENT "… laid down in 21A.4, 21A.105 and 21A.107; and". Reason(s) for proposed text/comment Intent of 21A.109(a) (Obligations) is exactly the same as the one of 21A.118A(a)(1). Both sections should have the similar texts.	Carried Text changed as proposed.
167	21A.109(a)	Change to read: "…undertake the obligations laid down in 21A.3, 21A.3B, 21A4, 21A.105, and 21A.107;…". Rationale: This paragraph should require the same obligations for a holder of a minor change in type design, especially if that is the basis for a part approval under the EPA process.	Noted. Occurrence reporting is not required for minor changes. Text now reads as follows: "(a) undertake the obligations laid down in 21A.4, 21A.105 and 21A.107; and"
172	21A.109(a)	Change to read: "…undertake the obligations laid down in 21A.3, 21A.3B, 21A4, 21A.105, and 21A.107;…". Rationale: This paragraph should require the same obligations for a holder of a minor change in type design, especially if that is the basis for a part approval under the EPA process.	Noted. Occurrence reporting is not required for minor changes. Text now reads as follows: "(a) undertake the obligations laid down in 21A.4, 21A.105 and 21A.107; and"
044	21A.109(a)	**Airworthiness Directives** Change to read: "…undertake the obligations laid down in 21A.3, 21A.3B, 21A4, 21A.105, and 21A.107;…	Noted. Occurrence reporting is not required for minor changes. New text now reads as follows:

		Reason: This paragraph should require the same obligations for a holder of a minor change in type design, especially if that is the basis for a part approval under the EPA process.	"(a) undertake the obligations laid down in 21A.4, 21A.105 and 21A.107; and"
147	21A.109(b) (and 21A.118A)	There is no definition of what an EPA part is, or how approval is to be obtained. It is proposed that the words 'including EPA ' are deleted from this paragraph.	Disagreed. 21A.109(b) refers to 21A.804(a), where EPA marking is specified.
165	21A.109(b)	This should only be required when manufacturing of new parts is required, which is not always the case (there are changes / STC,s that only involve relocation of existing elements).	Noted. Marking will only be required when the change involves production of new parts. Text unchanged.
133	Subpart E	General It would appear that there is no obligation, within the rule, for a STC Holder/Applicant to provide installation/embodiment instructions and guidance.	Deferred Comment merits further consideration in due time.
146	Subpart E	Add a paragraph : "record keeping" Reason(s) for proposed text/comment Consistency with subparts B (21A.55) and subpart D (21A105).	Disagreed Already addressed 21A.118(a)(1) by means of reference to 21A.105 which requires record keeping.
165	21A.112	Whilst eligibility clauses in JAR-21 talk about "person", including legal persons as per the definition in JAR-21.2, same paragraphs in Part 21 only talk about "organisations". Is anything wrong with an individual person applying for a TC or a STC of a product or change to a product of simple design?	Disagreed. Already addressed 21A.118(a)(1) by means of reference to 21A.105 which requires record keeping. Noted. A review of all Part 21 has been carried out to show that applications may be made by any "natural or legal person". This definition will, as necessary, replace the use of the word "organization".
161	21A.112	• Amend paragraph **21A.112 Eligibility** as follows: "(a) Any organisation which has demonstrated, or is in the process of demonstrating, its capability under 21A.112B shall be eligible as an applicant for a supplemental type-certificate under the conditions laid down in this Subpart.	Disagreed. Concept of alternative procedure, as described in 21A.112B(b) can be very simple for an unique case. Therefore, it is not felt necessary to derogate.

		(b) Owners of aircraft may apply for a supplemental type certificate if they comply with the conditions set out in 21A.112B(c)" Reason(s) for proposed text/comment *Impracticable* • As this modification will be, by essence, unique a demonstration of capability would consist of a loss of time. The owner will have to propose some certification basis and to provide the compliance reports. If he or she is not capable, the modification will not be approved. *Implementation problem* • Whenever STC is concerned, "organisation" should be replaced by "person", as in subpart F, to make clear that it covers both the case of an organisation and a single owner, where applicable.	
108	21A.112(b) [should be 112B]	For one-time STCs applied for by aircraft owners and applicable for one individual aircraft only there should not be a need for demonstration of capability. Proposed text: Insert an additional derogation paragraph (c) in 21A.112B Reason for proposed text or comment: The present paragraph 21A.112B includes an undue burden on individual aircraft owners.	Deferred. Comment merits further consideration in due time. For the time being, alternative procedures provide enough flexibility.
161	21A.112B	• Amend paragraph **21A.112B Demonstration of capability** as follows: "(a) Any organisation applying for a supplemental type-certificate shall demonstrate its capability by holding a design organisation approval, issued by the Agency in accordance with Subpart J. (b) By way of derogation from paragraph (a), as an alternative procedure to demonstrate its capability, an applicant may seek Agency agreement for the use of procedures setting out the specific design practices, resources and sequence of activities	Disagreed. Concept of alternative procedure, as described in 21A.112B(b) can be very simple for an unique case. Therefore, it is not felt necessary to derogate.

		necessary to comply with this Subpart. (c) By way of derogation from paragraph (a), no demonstration of capability is requested for the modification performed by the owner of an aircraft on his aircraft provided it is one of the following products: ▪ a general aviation aeroplane of less than 5.7 T MTOW; ▪ a glider; ▪ a balloon; ▪ a rotorcraft of less than 3175 Kg MTOW," Reason(s) for proposed text/comment *Impracticable* • As this modification will be, by essence, unique a demonstration of capability would consist of a loss of time. The owner will have to propose some certification basis and to provide the compliance reports. If he or she is not capable, the modification will not be approved. *Implementation problem* • Whenever STC is concerned, "organisation" should be replaced by "person", as in subpart F, to make clear that it covers both the case of an organisation and a single owner, where applicable.	
161	21A.112B (and 21A.14, 21A.432B, 21A.602B)	Referenced paragraphs require organisations applying for a TC, STC, major repair design approval or ETSO to demonstrate their capability, either by obtaining a DOA under subpart J or by using procedures, to be agreed by the Agency, setting out the design practices, resources and sequence of activities necessary to comply with the relevant subpart. It is recommended that part 21 formalises this alternative by introducing a design capability certificate to be granted under a separate subpart.	Deferred. What is proposed is a new concept that deserves further consideration by the Agency.

		Reason(s) for proposed text/comment *Implementation problem* JAA experience shows the need to standardise the so called "alternative procedures" . It was at some stage proposed to create a new certificate , to formalise the authority agreement on the applicant procedures , under a new JAR 21 subpart JC. This is still considered by DGAC to be the best way to proceed and, indeed , DGAC has created a national certificate named "certificat d'aptitude à la conception" (Design Capability Certificate) which has a limited validity (3 years, as for DOA) , and subject to DGAC surveillance after issuance. Hence it is recommended that part 21 adopt the same concept and introduces a design capability certificate to be granted under a separate subpart.	
073	21A.112B(b)	It is envisaged that it will desirable for the appropriate National Governing Bodies (NGBs) to obtain Approval to enable them to design and approve modifications (major and minor) to light aircraft, balloons and gliders. On the basis that it can be recognised that the scope of such approval will be limited to specific areas of expertise (NGBs will usually be the centre of excellence for such knowledge in each country), guidance for the approval of such bodies for limited design Approval under subpart E would be welcome.	Noted. The decision on the use of Qualified Entities and the associated procedures will be determined by the Agency.
147	21A.112B(b)	(b) ***In the case of a change that is of simple design,*** ~~B~~***b***y way of derogation from paragraph (a), as an alternative procedure to demonstrate its capability, an applicant may seek Agency agreement for the use of procedures setting out the specific design practices, resources and sequence of activities necessary to comply with this Subpart. **Reason(s) for proposed text/comment**	Disagreed. Concept of simple design has not been retained in Part 21. Determination to have DOA, or not, will be made on a case-by-case basis, using as guidelines the examples proposed in GM 21A.112B.

		The alternative procedure should be acceptable only under "simple design" criteria. Although examples are given in the related guidance material, the basic criteria should be in the rule. See JAR 21.112 and IR 21A.14(b)	
167	21A.113(b)	Insert the word "voluntary" before "arrangement" in line 7. Then add the following to the end of subsection (b): "The type-certificate holder shall not be obligated to enter into an arrangement with the applicant and shall make its own voluntary judgment whether or not to enter into any such arrangement." Our intent is to make it clear that a certificate holder cannot be forced into entering into an agreement with an applicant because the applicant wishes an agreement. This clarity is necessary to avoid future misinterpretation.	Disagreed. Text is not putting an obligation on the TC holder. It is an obligation on the STC applicant to justify that he has the appropriate resources and information.
172	21A.113(b)	Insert the word "voluntary" before "arrangement" in line 7. Then add the following to the end of subsection (b): "The type-certificate holder shall not be obligated to enter into an arrangement with the applicant and shall make its own voluntary judgment whether or not to enter into any such arrangement." Our intent is to make it clear that a certificate holder cannot be forced into entering into an agreement with an applicant because the applicant wishes an agreement. This clarity is necessary to avoid future misinterpretation.	Disagreed. Text is not putting an obligation on the TC holder. It is an obligation on the STC applicant to justify that he has the appropriate resources and information.
147	21A.114	~~Any~~ Each applicant for a supplemental type-certificate shall comply with 21A.97. **Reason(s) for proposed text~~/comment:~~** Improved grammar	Disagreed.
082	21A.115	Paragraph (c) requests an agreement with the type certificate holder and the following paragraphs (1) and (2) ask for a no technical objection by the type certificate holder and a respective cooperation.	An interface specification can be sufficient. It will have to be explained to the Agency in accordance with 21A.113(b). For minor changes, Subpart E does not apply.

		Our question: If an interface specification exists, issued by the type certificate holder which defines the available interface e.g seat track allowable loads, would that be sufficient to install certain equipment to the seat tracks without further investigations at the type certificate holder or is a agreement mandatory even for minor modifications within the cabin?	
099	21A.115(a)	"complying with 21A.103(a)", because 21A.103(b) is only applicable for minor changes and thus not relevant, an STC is by definition a major change. CAA-NL suggests to limit the reverence.	Carried.
029	21A.115(c)	suggest to modify as follows "...certificate holder, unless the Agency has agreed that an arrangement is not justified..."	Disagreed. In the absence of justifications, it was felt that there is no added value to add such a provision.
172	21A.115(c)	This section is unclear. We request that subsection (c) be changed to read: "only in those cases where the type-certificate holder has voluntarily entered into an arrangement with the applicant, as provided for under 21A.113,". The rationale is provided in the comment to 21A.113.	Disagreed. Text is not putting an obligation on the TC holder. It is an obligation on the STC applicant to justify that he has the appropriate resources and information.
167	21A.115(c)	This section is unclear. We request that subsection (c) be changed to read: "only in those cases where the type-certificate holder has voluntarily entered into an arrangement with the applicant, as provided for under 21A.113,". The rationale is provided in the comment to 21A.113.	Disagreed. Text is not putting an obligation on the TC holder. It is an obligation on the STC applicant to justify that he has the appropriate resources and information.
146	21A.116	Change end of paragraph to read : " ....and for this purpose has demonstrated its ability to qualify under the criteria of 21A.112B." Reason(s) for proposed text/comment Consistency with wording of 21A115(b) and 21A.47. Direct reference to 21A112B is preferable.	Carried.

146	21A.117 (b)	* In 21A.117(b), a major change designed by an STC holder remains a change to the corresponding Type Certificate. * Therefore, according 21A.92, such a change, which is designed by someone who is not the T.C. holder, must be treated as an STC. * The exception introduced in 21A.117(b) (coming from the NPA21.20 of the JAR 21) is therefore inconsistent with 21A.92.	Noted. Concept is to allow a STC Holder to make major changes to its own STC without issuing a new STC. New proposal to clarify reads as follows: "(b) Each major change…. (c) By way of derogation from paragraph (b), a major change to that part of a product covered by a supplemental type-certificate submitted by the supplemental type-certificate holder itself may be approved as a change to the existing supplemental type-certificate."
054	21A.118A	**Proposal:** add 21A.118 (c) and (d) as follows: (a) A supplemental …. "(b) In case, a S.T.C. is going to be surrendered, the holder of the S.T.C. is obliged to make reasonable efforts to transfer the certificate and its responsibilities to a person complying with 21A.112B. (c) The Agency reserves the right to take over the certificate together with the related responsibilities." To keep an aircraft on the register it needs beside the actual certificate of airworthiness a typecertificate. So one important prerequisite for the registration fails if the type-certificate is surrendered. This means, the holder of a pertained airplane would be expropriated.	Deferred. Comment merits further consideration in due time.

		The loss of a design organisation approval according to 21A.14 does not affect the airworthiness of an aircraft immediately. So the type-certificate need not be withdrawn automatically. It may partly be in the financial interest of the design organisation to surrender the type-design without an important technical reason, in order to avoid the trouble of longterm technical support.	
165	21A.118A(b)	This should only be required when manufacturing of new parts is required, which is not always the case (there are changes / STC,s that only involve relocation of existing elements).	Noted. Marking will only be required when the change involves production of new parts. Text unchanged.
177	21A.118A	There is no definition of what an EPA part is, or how approval is to be obtained. It is proposed that the words 'including EPA ' are deleted from this paragraph.	Disagreed. 21A.118A(b) refers to 21A.804(a), where EPA marking is specified.
146	21A.118A	Obligations of STC holder : Add a paragraph on obligation to continue to meet criteria for eligibility/capability to be a STC holder , i.e. criteria for demonstration of capability under 21A.112B. Reason(s) for proposed text/comment Consistency with 21A.115(b). Similarity with 21A.44.	Carried. Add in 21A.118A as the closing sentence of (a): "…(1)…(2)…and, for this purpose, continue to meet the qualification requirements of 21A.112B."
147	21A.118A (and 21A.109)	There is no definition of what an EPA part is, or how approval is to be obtained. It is proposed that the words 'including EPA ' are deleted from this paragraph.	Disagreed. 21A.118A(b) refers to 21A.804(a), where EPA marking is specified.
165	21A.118B (added in database from JM)	Suspension or revocation by the Agency should be also clearly spelled as causes to put an end to the validity of a type certificate. Furthermore, it will not be consistent with 21A.181(4)	Noted. 21A.118B has now been amended to clarify the basis for continued validity of the certificate as follows: "(a) A supplemental type-certificate shall be issued for an unlimited duration. It shall

			remain valid subject to: (1) The holder remaining in compliance with this Part; and (2) The certificate not being surrendered or revoked under the applicable administrative procedures established by the Agency. (b) Upon surrender or revocation, the supplemental type-certificate shall be returned to the Agency."
122	21A.118B(2)	Suggestion: possible transfer of TC to another holder (person or organisation)	Deferred. Comment merits further consideration in due time.
146	21A.118B	PROPOSED TEXT/COMMENT (a) The holder remaining in compliance with this Part; and (b) the certificate not being surrendered. Reason(s) for proposed text/comment Editorial. The subparagraphs are nor correctly numbered.	Carried as to the numbering.
161	21A.118B	• Amend 21A118 as follows: "A type-certificate or restricted type-certificate shall be issued for an unlimited duration. It shall remain valid until (2) surrendered, suspended or revoked by the Agency.." "A supplemental type-certificate shall be issued for an unlimited duration. It shall remain valid until surrendered, suspended or revoked by the Agency." Reason(s) for proposed text/comment *Implementation problem* Current draft part 21 text links the validity of the STC to the holder remaining in compliance with subpart E.	Deferred. The text as written ensures that the validity of a type-certificate with an unlimited duration is linked to the compliance with Part 21. When the holder is not complying anymore with Part 21, the validity of the certificate needs to be discontinued, mainly for safety reasons. However, 21A.118B for STC (and 21A.51 for TC) have now been amended to clarify the basis for continued validity of the certificate as follows:

		A STC holder may cease to comply with subpart B: - it may lose its DOA , temporarily or permanently. - it may disappear yet, the STC may still be valid if the STC holder is still able to assure continued airworthiness responsibilities or if the agency fulfils the continuing airworthiness function in case the STC holder has disappeared. As written, may imply that, if a STC holder loses its DOA or disappears, the STC is invalid. Does it mean that all modifications based on such STC would become invalid and have to be dismounted ? This is not desirable. The proposed text leaves to the Agency the decision to suspend or revoke the TC. **General comment:** With regard to other deviations from JAR 21 due to NPA 21-3 Issue 2 (deemed to be mature but which has not been approved and for which questions remain open as no "comment/response document" has ever been issued), it is all the more damageable to comment hastily. A deep reflection has to be carried out actually to avoid potential implementation problem or deadlocks. For instance, do we want environmental requirements non compliances to be a condition for an automatic suspension of a TC ? What would be the impact on individual certificates of airworthiness issued according to such TC, etc.	"(a) A supplemental type-certificate shall be issued for an unlimited duration. It shall remain valid subject to: (1) The holder remaining in compliance with this Part; and (2) The certificate not being surrendered or revoked under the applicable administrative procedures established by the Agency. (b) Upon surrender or revocation, the supplemental type-certificate shall be returned to the Agency." Furthermore it is a task for the Agency to improve its policy on this matter.
099	21A.118B	Should be renumbered 21A.118C, and CAA-NL suggests a new 21A.118B to be introduced with the same content as Part/JAR 21A.49 "**Availability of certificate to the authority**". Reverence to this new paragraph should be incorporated into 21A.118A(a)(1).	Disagreed. Legal advice was to delete existing JAR 21A.49, not found necessary.
099	21A.118B	(renumbered from 21A.118B) As it is not desirable to leave invalid STC's with the former holder, CAA-NL suggests a new subparagraph (b) to be introduced stating the following: "(b) Upon suspension or revocation the applicable Supplemental Type-Certificate shall be surrendered to the	Noted. New paragraph (b) reads as follows: "Upon surrender or revocation, the

		agency."	supplemental type-certificate shall be returned to the Agency."
165	21A.118B	Suspension or revocation by the Agency should be also clearly spelled as causes to put an end to the validity of a type certificate. Furthermore, it will not be consistent with 21A.181(4)	Disagreed. Suspension is in principle no ground for invalidity under Part 21. 21A.118B is furthermore adapted to ensure conformity with 21A.51.
146	21A.120	[like 449 ….]	Disagreed.
161	21A.120	• Amend 21A120 as follows: "(a) The holder of the supplemental type-certificate for an aircraft, engine, or propeller, shall furnish at least one set of the associated variations to the Instructions for continued airworthiness, prepared in accordance with the applicable type-certification basis, to each known owner of one or more aircraft, aircraft engine, or propeller incorporating the features of the supplemental type-certificate, upon its delivery, or upon issuance of the first certificate of airworthiness for the affected aircraft, whichever occurs later, and thereafter make those variations in Instructions available, on request, to any other person required to comply with any of the terms of those Instructions. (b) In addition, changes to those variations of the Instructions for continued airworthiness shall be made available to all known operators of a product incorporating the supplemental type-certificate and shall be made available, on request, to any person required to comply with any of those Instructions. " Reason(s) for proposed text/comment *Implementation problem* Restore JAR 21 wording. This could at the most be the material for an AMC, not for the regulation.	Disagreed. Last sentences of (a) and (b) have been added following establishment of Certification Specifications, to transfer from JAR codes to Part 21 provisions considered as procedural issues. Previously a rule in airworthiness JARs, it was felt appropriate to put it as a rule in Part 21.
165	21A.120	"…on request to any other person required by another Regulation to comply with any of the terms of those	Disagreed. To be so precise may be too limiting.

		Instructions…" It should be worthy to precise from where the requirement can come, in view of recent discussions in foreign countries.	
167	21A.120	Same comment as 21A.61 above.	Same response as 21A.61 above.
133	21A.120	The instructions for continued airworthiness of an STC do not relate back to the Type Certificate holder as a significant structural or system change may impact on the original Type Certificate holder's inspection requirements. Further, although the paragraph requires this to be prepared in accordance with the applicable type Certificate basis, this does not indicate that the STC holder must be aware of MSG-3 or other related maintenance analysis techniques and how the STC has a bearing on the original MRBR	Disagreed. In such case, link with the TC Holder is provided through 21A.115(c) and 21A.118A.
095	21.A120(a)	"heavy maintenance", delete the word "heavy". Heavy maintenance is not defined.	Disagreed. This is a common aeronautical expression in maintenance organisation.
091	21A. 120 (a)	Because the EC is no state and not member of ICAO the "State of Design" has to be defined and mentioned on the TC or TCDS to fulfill the relevant ICAO obligations. Otherwise a mutual recognition within ICAO will not be possible.	Disagreed. Relation between comment and provision is not understood. In general, The Chicago Convention does prevent a State of design to allocate certification tasks to another entity, in this case the Agency.
146	21A.120(a)	PROPOSED TEXT/COMMENT Replace "… to the Instructions …" by "… to the instructions …" in 21A.120(a) Reason(s) for proposed text/comment Editorial.	Carried consistently in the whole of Part 21. Removed capital "I" in "instructions".
175	21A.120(a)	We understand why permitting an incomplete set of ICA is being allowed formally. But, this is not compatible with the requirements of FAR 21. This could lead the FAA to not issue	Noted.

		an airworthiness certificate until these documents are developed and available.	
146	21A.120(b)	Delete last sentence. Reason(s) for proposed text/comment Last sentence does not add anything to the requirement which is self explanatory and contained in first sentence. This last sentence is in fact describing a an acceptable means of compliance with the requirement expressed by the first one. It should therefore be positioned within the AMC part , with a description as one of the possible means to comply with 21A.61(b). Same comment for paragraphs 21A.120(b) and 21A.449(b).	Disagreed. Provision related to programme is currently in JAR airworthiness codes. As it was considered as a procedural issue, it was moved to Part 21.
147	21A.120(b)	Propose that the last sentence is deleted. Reason: Changes to instructions for continued airworthiness are generally distributed as soon as possible following their approval, and therefore it is not logical to require a programme for distribution. The final sentence of the current draft of this paragraph is therefore proposed to be deleted.	Disagreed. Provision related to programme is currently in JAR airworthiness codes. As it was considered as a procedural issue, it was moved to Part 21.
177	21A.120(b)	Propose that the last sentence is deleted. Reason: Changes to instructions for continued airworthiness are generally distributed as soon as possible following their approval, and therefore it is not logical to require a programme for distribution. The final sentence of the current draft of this paragraph is therefore proposed to be deleted.	Disagreed. Provision related to programme is currently in JAR airworthiness codes. As it was considered as a procedural issue, it was moved to Part 21.
099	Subparts F, G and J	The order of the subsequent topics dealt with in the Subparts F, G and J are different for each Subpart. CAA-NL suggests a common order to improve the uniformity and the accessibility of this document.	Deferred. Comment merits further consideration in due time.
133	21A.121	There is no definition of what circumstance would require the	Disagreed. This is described in 21A.124 and associated

		issue of a Subpart F approval	AMC/GM.
175	21A.121	Since the provisions of Section A of Part 21 are obligatory for an applicant, the word “procedure” may not be the appropriate terminology to indicate that this Subpart is actually a requirement or rule imposed on an applicant. Also, Section 21A.125B already makes reference to the “applicable requirements of this Part…” Change the word “procedure” to “applicable requirements” or “rules”.	Disagreed. Procedures, including administrative procedures may contain binding obligations.
175	21A.121	To be consistent with Subpart G, it would be appropriate to restructure the current paragraph into a new (a), and add a new (b) that reads similar to 21A.131. Add an “(a)” before the current paragraph wording, and add a new (b) that reads: (b) This Subpart establishes the rules governing the obligations of the manufacturer of a product, part, or appliance being manufactured under this Subpart	Carried.
054	21A.124(b)	Replace 21A.124 (b)(1)(i) with the following new wording: (i) for a defined scope of work an agreement referred to under (a) of this paragraph is appropriate; Justification: The inappropriateness of a production organisation approval under Subpart G should not automatically make an applicant eligible under Subpart F.	Deferred. Comment merits further consideration in due time.
147	21A.124(b)(1)(i)	Insert: '…. would be inappropriate; and (ii) the certification…'	Noted. Text will read in the final opinion submitted to the Commission as follows:

		Reason(s) for proposed text/comment There is no guidance for when it would be inappropriate to issue approval under Subpart G, here or in SECTION B/Subpart F. It is assumed that it is because the approval process has not been completed. If this is not so then there needs to be guidance on what is inappropriate and there should be more requested of the applicant in terms of the organisation in the form of a design assurance system and a commitment.	(1)… (i)…inappropriate; or (ii) the certification…. Guidance is provided under the draft GM 21A.124(b)(1) (published for consultation).
161	21A.125	• Amend 21A125 as follows: "The applicant shall be entitled to have a letter of agreement issued by the Competent Authority agreeing to the showing of conformity of individual products, parts and appliances under this Subpart, after: (a) having established a production inspection system that ensures that each product, part or appliance conforms to the applicable design data and is in condition for safe operation. (b) providing a manual that contains: (1) a description of the production inspection system required under paragraph (a), (2) a description of the means for making the determinations of the production inspection system, (3) a description of the tests of 21A.127 and 21A.128, and the names of persons authorised for the purpose of 21A.130 (a). (c) demonstrating that it is able to provide assistance in accordance with 21A.3 and 21A.129(d). The letter of agreement shall remain valid until it is surrendered, superseded, revoked, suspended or expired"	Noted. A new paragraph 21A.125C has now been introduced on duration and continued validity in accordance with 21B.130 and 21B.145. **"21A.125C Duration and continued validity** The letter of agreement shall be issued for a limited duration not exceeding one year. It shall remain valid unless: (1) The holder of the letter of agreement fails to demonstrate compliance with the applicable requirements of this Subpart; or (2) There is evidence that the manufacturer cannot maintain satisfactory control of the manufacture of products, parts or appliances under the agreement; or (3) The manufacturer no longer meets the requirements of 21A.122.

		Reason(s) for proposed text/comment *Implementation problem* There is no provision on the validity of the letter of agreement.	(4) the letter of agreement has been surrendered, revoked under 21B.145, or has expired."
175	21A.125	A new section on Findings has been inserted into this Subpart, and the numbering for the section is 21A.125B. It is appropriate to have 21A.125B, but only if the first section (Issue of a letter of agreement) is labeled 21A.125A. Change the numbering of 21A.125, Issue of a letter of agreement, to "21A.125A". Note: If the first section (Issue of a letter of agreement) is changed to 21A.125A, this will also effect the current reference to 21A.125(b) in Section B 21B.135(b)(2).	Deferred. Final policy on format and drafting techniques is to be defined by the Agency in due time.
054	21A.125	Add new paragraph 21A.125 (d) as follows: (d) giving evidence that personnel is competent and qualified appropriately. Justification: Without a statement about staff qualification no standards can be applied to personnel under this Subpart.	Deferred. Comment merits further consideration in due time.
133	21A.125(b)(1) (and 21A.158B(b)(1)and 21A.258)	There are inconsistencies in Part 21A Subparts F, G & J with regard to actions resulting from Level One findings when compared to the information published in Part.21B. This particular paragraph falls short in not allowing the competent authority to prevent further production until it is satisfied the level one finding has immediately been addressed. It should further indicate that the POA should consider the production items that have been previously released The manner in which this paragraph is written would allow the	Carried. The relevant paragraphs are harmonized as far as possible and will lead to harmonized consequences of Level One findings. However differences will remain as result of the fact that there are different competent authorities for the different approvals.

		POA to continue on for 21 days with a serious non-compliance before suspension. In comparison, the Level 1,2 & 3 findings in the design Part 21A.258 these appear to be more effective including a corrective action plan	
175	21A.125(c)	The use of the pronoun “it” in (c) does not compliment the beginning sentence of 21A.125 which states “The applicant shall....” Change the word “it” to “the applicant” or “he or she”.	Carried.
161	21.125B	Delete paragraph Reason(s) for proposed text/comment There is no need to include requirements on findings in Section A. Findings are made by the authority and the certificate holder perfectly knows that if they are not corrected, the certificate can be limited, suspended or revoked. All this material would be better placed in S	Disagreed. Findings were previously within the JIPs. However, no visibility was provided to the applicant/holder of potential consequences of findings. This is corrected in Part 21 by its inclusion within Section A.
177	21.125B (21A.158, 21.258)	It is proposed that each of these paragraphs is deleted. Reasons: 1) These paragraphs were not part of JAR-21 and have not been adequately discussed with interested parties. 2) the definition of a Level One finding is sufficiently confusing that in the future, individual safety concerns could be interpreted as reasons for a Level One finding. The imposition of a requirement for corrective action within 21 days would have serious implications for Eurpean industry. It would also be wholly inconsistent with the procedures previously adopted within JAR-39 which are incorporated by reference to IR 21A.3. 3) The approach taken in IR 21 is inconsistent with that taken in IR-145 and IR-M.	Disagreed. 1. Findings were previously within the JIPs. However, no visibility was provided to the applicant/holder of potential consequences of findings. This is corrected in Part 21 by its inclusion within Section A. 2. The concept of findings was previously contained in JIPs with which naas had to comply and may not have been directly visible to industry but nevertheless was applied. It is not agreed that there are unjustified inconsistencies between 21A.3 or 3B and other associated Subparts in Part 21. It is agreed however, that subsequent refinement of this process may recommended within the continuing rulemaking activities.

			3. May be subject to further refinement. However, there is sufficient difference between IR-21 and IR-145 / IR-M findings paragraphs to warrant separate entries
175	21A.125B	In subparagraphs (a), (a)(1), (a)(2), and (b), a reference is made to "this Part." To be consistent with the other Part 21 Subparts and their sub-paragraphs, the references should be made to "this Subpart." Change the words "this Part" to "this Subpart".	Disagreed. Compliance is related to Part as a whole, as relevant, not only to Subpart F.
175	21A.125B(b)(3)	The paragraph as written does not notify the holder of a letter of agreement what corrective action should be taken when there is a level three finding, but only states that a level three finding does not require immediate action. This paragraph should also state what corrective action should be taken by the holder when there is a level three finding. Add an additional sentence to 21A.125B(b)(3) which explains what corrective action needs to be taken by the holder of a letter of agreement when there is a level three finding, even if the action is not immediate.	Noted. Unless otherwise stated, it is implicit that level three findings require no positive action, i.e., obligation, on the part of the holder.
099	New 21A.125C	CAA-NL suggests a new paragraph on the topics of Duration and Continuing Validity of the Letter of Agreement to be incorporated here in line with 21A.159.	Noted. Paragraph similar to 21A.159 has now been introduced, consistent with 21B.130, i.e., here time limited. **"21A.125C Duration and continued validity** The letter of agreement shall be issued for a limited duration not exceeding one year. It shall remain valid unless: (1) The holder of the letter of agreement fails to demonstrate compliance with the applicable requirements of this Subpart; or

			(2) There is evidence that the manufacturer cannot maintain satisfactory control of the manufacture of products, parts or appliances under the agreement; or (3) The manufacturer no longer meets the requirements of 21A.122. (4) the letter of agreement has been surrendered, revoked under 21B.145, or has expired."
099	Findings - General - 21A.125B/C, 21B.143/145, 21A.158/159, 21A.258/259, 21B.225/245	In comparing texts, we have noted that the current draft Parts contain very different wording on findings and their consequences in the context of organisation approvals, even though the guiding principles are very much the same. We would regret such a lack of legal clarity, especially where it would take a relatively small effort to come up with some standardised wording, without really touching upon the substance. As a consequence CAA-NL has put forward a proposal to harmonise the wording of the comparable paragraphs in the various subparts, in order to make perfectly clear that there is no divergence within the EASA system as regards the principles that apply to findings and approvals. For Harmonized proposal sea attached document.	Noted. Wording has been standardised to ensure legal certainty.
147	21A.125B, (and 21.158, 21.258)	It is proposed that each of these paragraphs is deleted. Reasons: 1) These paragraphs were not part of JAR-21 and have not been adequately discussed with interested parties. 2) the definition of a Level One finding is sufficiently confusing	Disagreed. The concept of findings was previously contained in JIPs with whichNAAs had to comply and may not have been directly visible to industry but nevertheless was applied. It is agreed however, that subsequent refinement of this process may recommended within the continuing rulemaking activities.

		that in the future, individual safety concerns could be interpreted as reasons for a Level One finding. The imposition of a requirement for corrective action within 21 days would have serious implications for Eurpean industry. It would also be wholly inconsistent with the procedures previously adopted within JAR-39 which are incorporated by reference to IR 21A.3. 3) The approach taken in IR 21 is inconsistent with that taken in IR-145 and IR-M	
147	21A.125B (and 21A.158, 21B.143, 21B.225)	To mention only in one paragraph the definition of the findings (proposal to be added in the Subpart A of the Section A or Section B) **Reason(s) for proposed text/~~comment~~** To avoid redundancies and improve consistency in the document.	Disagreed. Each Subpart contains provision on findings that have been harmonized as much as possible. They contain small differences consistent with the scope of the Subpart (design or production).
146	21A.125B Findings, (Subpart F), [and 21A.158 Findings (Subpart G) and 21A.258 Findings (Subpart J)]	PROPOSED TEXT/COMMENT None at this stage of Part 21 issue 1 setting up. It is acknowledged that Article (5) paragraph 4.f) of the Basic Regulation identifies that "the Commission shall adopt, (…) the rules for the implementation of this Article, specifying in particular: (…) conditions to issue, maintain, amend, suspend or revoke organisation approvals required (…)". Nevertheless : - JAR 21 amendment 5 does not include any equivalent "Findings" paragraph, in any of the three affected Subparts - neither could one be found in any JAA official document having had the opportunity to be formally commented upon by the interested parties : it was not in any previously issued JAA NPA - it was neither in any POA nor DOA related TGM, through	Disagreed. The concept of findings was previously contained in JIPs with which naas had to comply and may not have been directly visible to industry but nevertheless was applied. It is agreed however, that subsequent refinement of this process may recommended within the continuing rulemaking activities.

		which experience could have formally be gained - it is explained nowhere within the detailed explanatory memorandum. Therefore, it is judged that these paragraphs are not mature, nor substantiated enough, to be included right away within issue 1 of Part 21. Within the little time available between its discovery in the project and the comment date, the […] established that its contents, notably the immediate suspension of the design organisation approval in case of level one finding : 21A.258(b)(1), is a considerable change. It would effectively, would the case happen, immediately halt the industrial production, with no mechanism formally identified to allow discussions to take place between the holder of the approval and the Agency before the suspension occurs. These discussions, though it is acknowledged that they should be rapid, in order not to let stay a situation where safety of aircraft could be compromised, are felt necessary to ensure : - that the supposed failing holder understands what the finding is, and can confirm that the finding represents a true situation, not an erroneous assessment - that, when the finding is confirmed, the holder can identify and mandate emergency corrective actions, to the satisfaction of the Agency, before industrial output had to be suspended as a likely consequence of the suspension of the design organisation approval. Such a process where the holder and the Agency would actively work together to find a suitable agreement would be consistent with paragraph 21A.3 way of managing situations where the level of safety of the product may be found to be	

		temporarily compromised. As currently written, it is judged that 21.A258 cannot be accepted, as it can be interpreted that it introduces requirements that are more severe than these from JAR 39, or JAR 21.A3. This in turn would introduce unequal treatment between European holders of certificates or approvals, and their competitors abroad. Therefore, the […] recommends that paragraphs 21A.125B (Subpart F), 21A.158 (Subpart G) and 21A.258 be not a part of issue 1 of Part 21. It is suggested instead to launch regulatory work through the applicable procedure of the Agency, such as the best procedures could be identified, discussed, assessed, justified and eventually entered into Part 21. Note 1 : this proposed change in Part 21 paragraphs is associated with a separate, but consistent, proposal of improvement to the "(EC) No …/.. 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" : Article 3, paragraph 3, and Article 4, paragraph 3. Note 2 : would the text eventually stay, we believe it would be clearer delete the word "the" into (a)(1) of each paragraph, such as to read "… could affect the safety of aircraft" instead of "… could affect the safety of the aircraft", as more than one aircraft, e.g. a fleet of aircraft from a given Type, may be affected.	
161	21A.126(a)	Amend 21A.126 (a) as follows: "(a) The production inspection system required under 21A.125(a) shall provide a means for determining that: […] (3) Processes, manufacturing techniques and methods of	Noted. Text changed to read: "…in accordance with specifications accepted by the Competent Authority."

		assembly affecting the quality and safety of the finished product are accomplished in accordance with specifications acceptable to the Competent Authority." […] Reason(s) for proposed text/comment *Implementation problem* • (a)(3): "*specified best practices*" is vague and arbitrary. Restore JAR 21 wording.	
175	21A.126(a)(3)	Using the phrase "specified best practices" gives the impression that these best practices are specifically defined somewhere. Are these best practices defined by the Authority? Industry? And where are these best practices kept or recorded? Suggest changing the word "specified" to "acceptable industry and Authority" best practices. Also indicate where these best practices can be found.	Noted. Text changed to read: "…in accordance with specifications accepted by the Competent Authority."
161	21A.128	Amend paragraph 21A.128 as follows: "Each manufacturer of engines, or propellers manufactured under this Subpart shall subject each engine, or variable pitch propeller, to an acceptable functional test as specified in the type-certificate holder's documentation, as a means of establishing relevant aspects of compliance with 21A.125(a)." Reason(s) for proposed text/comment *Implementation problem* "*To determine if it operates properly throughout the range of operation for which it is type certificated*" is totally out of the competence of the production organisation. The functional test should be performed as specified by the TC holder.	Noted, keeping existing text to keep the objective of the text. "Each…functional test as specified in the type-certificate holder's documentation, to determine if it operates…."
080	21A.129	Add "the holder of a restricted type-certificate" to the subparagraphs (d) and (f).	Carried.
099	21A.129	As it is not desirable to leave invalid Letters of Agreement with	Noted.

		the former holder, CAA-NL suggests a new subparagraph (g) to be introduced stating the following: **"(g) Upon suspension or revocation the applicable Letter of Agreement shall be surrendered to the competent authority of the Member State."** 21B.145 If the above comment is not accepted: A new subparagraph (e) could be introduced stating the following: **"(e) Upon suspension or revocation the applicable Letter of Agreement shall be surrendered to the competent authority of the Member State."**	It is agreed that the obligation to return the letter in case of surrender or revocation could fall under 21A.129. The relevant provision however is to be found in 21A.125C for reasons of internal consistency.
175	21A.129(a)	These products, parts or appliances should be available to the Agency for standardization. Add the words "or Agency" at the end of the sentence.	Disagreed. See definition of Competent Authority in 21.1, including the Agency.
161	21A.129(f)	Amend paragraph 21A.129(f)(2) as follows: "(2) Report to the Agency and the competent authority the deviations which could lead to an unsafe condition identified according to sub-paragraph (f)(1) of this paragraph. Such reports must be made in a form and manner acceptable to the Agency, according to 21A.3(b)(2), and the competent authority of the Member State. " Reason(s) for proposed text/comment <u>*Implementation problem*</u> It is not clear, with the current wording, who should be reported to and when. The proposed wording makes it clearer. <u>*Editorial*</u> • "*of the Member State*" is not necessary (redundant when the competent authority is the authority of the Member state, inconsistent when the Agency is the competent authority) • Self explanatory 21A3(b)(2) deals only with "*Reporting to the Agency*"	Carried. Text to be adapted as proposed.
147	21A.129(f)(2	To include in appendix of Part 21, the form to be used for the	Deferred.

	) (and 21A.3(b)(2), 21A.165(f)(2))	"reports to the Agency" in case of failures, malfunctions and defects. **Reason(s) for proposed ~~text~~/comment** To clarify and harmonize the types of information to mention on the form.	The occurrence reporting system as a whole will have to be put in place by the Agency in due time. Nevertheless it should not be be reflected in Part 21 or appendix. If needed, the reference can be made in GM
146	21A.129(f)(2)	PROPOSED TEXT/COMMENT (f)(1) … (2) … Such reports **shall** be made in a form … Reason(s) for proposed text/comment Editorial.	Carried.
099	21A.129(f)(2)	CAA-NL suggests reports to be made to **the competent authority only**, depending on the situation this is either the agency or the authority of the member state.	Disagreed. Wording has been chosen to cover the case where both Agency and Authority of Member State must be informed.
165	21A.129(f)(2)	There should be no ambiguity left on to whom the manufacturer must report.	Noted. It is proposed to clarify 21A.165(f)(2) to read: "(2) Report to the Agency ~~or~~ and the competent authority of the Member State~~, or both,~~…" In addition, cooperation is required by 21B.45.
095	21.A130(a)	Can the EASA FORM ONE be signed by another person than CS?	Plain answer is "no".
094	21.A130(b)(1)	Statement conforms to the applicable design data, is not in line with EASA FORM ONE, must read: approved design data...	Carried. Text changed as proposed.

091	21A.130(c)	It must be made clear, that a part or component which complies to "applicable design data" may not be eligible for installation on a type certified product because that has to comply to "approved design data".	Disagreed. Not found needed in context of 21A.130(c) and (d).
175	21A.130(c)	The "action verb" of this entire subparagraph (c), namely "present a current statement of conformity for validation by the Competent Authority" is buried in (c)(3). It is difficult for the reader to follow the thought process intended by the subparagraph. Reorganize the words of the paragraph to read: **(c) Each manufacturer of such a product, part or appliance shall present a current statement of conformity for validation by the Competent Authority:** **(1) Upon the initial transfer….** **(2) Upon application for the original…** (3) Upon application for the original issue of an airworthiness release document for an aircraft engine, a propeller, or a part or appliance.	Carried.
073	21A.130(d)	"The Competent Authority <u>will agree an audit/inspection system with the manufacturer to assure</u> that the product, part or appliance conforms to the applicable design data and is in condition for safe operation." Validation by a Competent Authority of each part manufactured is an onerous requirement and unnecessary in terms of risk management. The focus should be on organisational process review with initial sampling followed by a structured audit programme once confidence is gained in the procedures in force.	Deferred. Comment merits further consideration in due time.
146	21A.131	PROPOSED TEXT/COMMENT This Subpart establishes: (a) the procedure for the issuance of a production organisation approval for a production organisation showing conformity of	Carried More generally, the provisions on scope have been reviewed for internal consistency.

		products, parts and appliances with the applicable design data. (b) the rules governing the rights and obligations of the applicant for, and holders of, such approvals. Reason(s) for proposed text/comment Improvement of text.	
175	21A.131(a)	Since the provisions of Section A of Part 21 are obligatory for an applicant, the word "procedure" may not be the appropriate terminology to indicate that this Subpart is actually a requirement or rule imposed on an applicant. Also, Section 21A.135 already makes reference to the "applicable requirements under this Subpart." Change the word "procedure" to "applicable requirements" or "rules".	Disagreed. Procedures, including administrative procedures may contain binding obligations.
161	21A.133	"In order to apply for an approval under this Subpart, the applicant shall: (a) justify that, for a defined scope of work, an approval under this Subpart is appropriate for the purpose of showing conformity with the applicable design data; and (b) hold or have applied for an approval of that specific design; or (c) have ensured, through an appropriate arrangement with the applicant for, or holder of, an approval of that specific design, satisfactory co-ordination between production and design." Reason(s) for proposed text/comment <u>Editorial</u> - Consistence with 21A131(a) - Consistence between (b) and (c)	Noted. Paragraph now reads as follows: "(c) have ensured, through an appropriate arrangement with the applicant for, or holder of, an approval of that specific design, satisfactory…"
175	21A.133(c)	Allowing an applicant to be eligible for a production organisation approval when that applicant is solely a	Disagreed. This may be a part of a bilateral activity with the

		subcontractor (supplier) to a U.S. production approval holder (PAH), and therefore under the quality system of the U.S. PAH, has created problems for the FAA and U.S. PAHs. In this scenario, the design and production authority for the manufacture of directly supplied parts rests solely with the U.S. type and production certificate holder (and/or TSOA or PMA holder). If the applicant is issued a POA solely on his/her being a direct supplier to a U.S. PAH, the POA holder will put this directly supplied part on his/her capabilities listing with the privilege to raise an airworthiness approval tag. When European documentation (EASA Form One) is issued on a part that is under the quality system of a U.S. PAH, this creates problem such as Suspected Unapproved Parts because the determination of airworthiness for such parts can only be made by the U.S. design and production approval holder. The solution is not to allow eligibility for POAs to an applicant that is solely a supplier to a U.S. PAH. Add a final sentence in the paragraph: (c) have ensured, through an appropriate arrangement with the applicant for, or holder of, an approval of a specific design, satisfactory coordination between production and design. An applicant is not eligible for an approval under this Subpart when the applicant is acting solely in a supplier/subcontractor capacity to a production approval holder located in the United States. or ….located in a non-EU member State	Commission. However, this paragraph is legitimate when considered in the context of territorial effect of Community law which is limited to the EU.
146	21A.133, 21A.134, 21.135	Formulation of these paragraphs is to be reconsidered in order to allow the possibility for transnational European organisations to obtain a production organisation approval from the EASA Agency itself. . Reason(s) for proposed text/comment Part 21 must reflect possibilities mentioned in : > Basic regulation : Article 15, paragraph 2 (b) (ii) > Explanatory memorandum : Attachment 2, paragraph 1	Noted. The responsibility for the oversight of POA rests with the Member State in which the principal place of business is established. If the Member State so wishes it may request the Agency to issue the approval. In addition paragraph 21.1(a) (new numbering correction) now reads as follows:

		Reformulation will also be needed for Section B.	"…by that Member State, or the Agency if so requested by that Member State; or"
161	21A.139	Amend sub-paragraphs (b)(1)(ix) as follows "(ix) Airworthiness co-ordination with the applicant or holder of the design approval." II - Amend sub-paragraphs (b)(1)(xii) as follows "(xii) Issue of airworthiness documents." Reason(s) for proposed text/comment I – Editorial : *POA approval is linked to a specific design* *II – Editorial:* "airworthiness certifications" is confusing	Noted. Paragraph (b)(1)(ix) now reads as follows: "(ix) Airworthiness co-ordination with the applicant or holder of the design approval." Paragraph (b)(1)(xii) now reads as follows: "(xii) Issue of airworthiness release documents."
175	21A.139(b)(1)(xv)	This paragraph should clarify that work performed at any location other than approved facilities is work performed prior to export of that product or part to another country. After the export of any product or part to another country, the product or part becomes the responsibility of the importing manufacturer/end-user and their aviation authority. And only the importing aviation authority has the regulatory authority to determine how that imported product is to be modified/maintained. Add a clarifying phrase to the sentence: "(xv) Work within the Terms of Approval performed at any location other than the approved facilities, as long as this work is performed prior to export of the product to another country."	Disagreed. As with JAR 21, Part 21 considers that the work performed is *controlled* by the approval holder on its sub-contractor. This is verified as a part of the ongoing surveillance activity.
094	21A.139 (b)(XVI)	Should not be limited to aircraft – includes products as engines and propellers and also components which may need to be maintained during and at the end of a storage period.	Deferred. Further discussion is needed to extend, if appropriate, the maintenance privilege contained in Subpart G.
099	21A.139(b)(2)	CAA-NL suggests to explicitly include a timeframe of two years in witch all relevant aspects of the approved organisation are to be monitored, this to avoid discussions on frequencies and	Deferred. Comment merits further consideration in due time.

		intensity of the monitoring system.	
094	21.A143(a)	The organisation shall submit to the competent Authority a Production Organisation Exposition or an equivalent document such as a Quality Manual in accordance with EN9100.	Noted. The important thing is that the exposition in whatever form shall provide the information required in 21A.143(a).
147	21A.143 (a)	"The organisation shall submit to the Competent Authority a production organisation exposition **or equivalent document** ….." **Reason(s) for proposed text/~~comment~~** To be able to provide the required information in another type of document (such as : a quality manual supplemented by a specific appendix for the additional items to be covered by the Part 21)	Noted. The important thing is that the exposition in whatever form shall provide the information required in 21A.143(a).
091	21A. 143 (a) (5)	The list of certifying staff needs to be referenced in the exposition but not necessarily a part of it (protection of personnel data).	Indeed, that's the intent of the rule as currently written. See also AMC/GM on exposition and certifying staff.
136	21A. 143 (a) (5)	The list of certifying staff needs to be referenced in the exposition but not necessarily a part of it (protection of personnel data).	Indeed, that's the intent of the rule as currently written. See also AMC/GM on exposition and certifying staff.
095	21A.143(a)5	a list of certifying staff has not to be referred in the Exposition but not necessarily part of the Exposition	Indeed, that's the intent of the rule as currently written. See also AMC/GM on exposition and certifying staff.
110	21A.143 (a) (5)	The list of certifying staff needs to be referenced in the exposition but not necessarily a part of it (protection of personnel data).	Indeed, that's the intent of the rule as currently written. See also AMC/GM on exposition and certifying staff.
146	21A.143(b)	PROPOSED TEXT/COMMENT (b) The production organisation exposition **shall** be amended as necessary to remain an up-to-date description of the organisation, and copies of any amendments **shall** be supplied to the Competent Authority.	Carried.

		Reason(s) for proposed text/comment Editorial.	
080	21A.145	Add "restricted type-certificate" and "restricted certificate of airworthiness" in the affected paragraphs as appropriate.	Carried.
177	21A.145	1)The introduction of the environmental protection requirements for use by the POA is a new requirement compared with JAR 21, and has not previously been discussed with industry. 2) In (b)(1), the necessity for a POA to hold data distributed by the Agency implies a different practice from the requirements of JAR 21 where approved data is received from the Design organisation through the link required by JAR 21.4. Urgent clarification is therefore required of what data is required to be obtained by the POA directly from the Agency. 3) In (b)(2) and (b)(3), the POA releases a product, part or appliance on the basis of conformity to an approved design standard. It would not be apparent to the POA (nor has it ever been required of the POA to establish) which elements of the approved data are significant to the compliance with specific airworthiness, noise , fuel venting or emissions requirements. The only requirement for the POA is to establish compliance with the approved data.	Noted. Issue has been discussed during NPA 21-3 consultation. With the introduction of environmental protection requirements in Part 21, it is necessary to refer to both airworthiness requirements and, where necessary, to environmental protection requirements. Data to be provided by the Agency are limited to Regulatory data (ref. previous ACJ 21.145(b)(1) of JAR-21, not retained in EASA context).
147	21A.145	1) The introduction of the environmental protection requirements for use by the POA is a new requirement compared with JAR 21, and has not previously been discussed with industry. 2) In (b)(1), the necessity for a POA to hold data distributed by the Agency implies a different practice from the requirements of JAR 21 where approved data is received from the Design	Noted. Issue has been discussed during NPA 21-3 consultation. With the introduction of environmental protection requirements in Part 21, it is necessary to refer to both airworthiness requirements and, where necessary, to environmental protection requirements.

		organisation through the link required by JAR 21.4. Urgent clarification is therefore required of what data is required to be obtained by the POA directly from the Agency. 3) In (b)(2) and (b)(3), the POA releases a product, part or appliance on the basis of conformity to an approved design standard. It would not be apparent to the POA (nor has it ever been required of the POA to establish) which elements of the approved data are significant to the compliance with specific airworthiness, noise , fuel venting or emissions requirements. The only requirement for the POA is to establish compliance with the approved data.	Data to be provided by the Agency are limited to Regulatory data (ref. previous ACJ 21.145(b)(1) of JAR-21, not retained in EASA context).
147	21A.125B (and 21A.158, 21B.143, 21B.225)	To mention only in one paragraph the definition of the findings (proposal to be added in the Subpart A of the Section A or Section B) **Reason(s) for proposed text/~~comment~~** To avoid redundancies and improve consistency in the document.	Disagreed. Each Subpart containsa provision on findings that have been harmonized as much as possible. They contain small differences consistent with the scope of the Subpart (design or production).
146	21A.145 (b) and 21A.147 (a)	The new requirements concerning “noise, fuel, venting and exhaust emissions of products, parts or appliances” should be removed (design specification concerns) or the necessary links should be clearly defined. This could be achieved by adding a reference to 21A.145 (b) (2) in 21A.4(a).	Disagreed. Data related to environmental protection must be available to the production organisation, as well as airworthiness data
147	21A.145(b)(2) (and 21A.147(a))	“The production organisation has established a procedure to ensure that airworthiness **data, and in case of engine,** noise, fuel venting and exhaust emissions data, are correctly incorporated ….” Or : To remove from the subpart G the “noise, fuel venting and exhaust emissions” subjects which are design and definition data. **Reason(s) for proposed text/comment**	Disagreed. Part 21 introduces environmental protection provisions into DOA/POA as per NPA 21-3. Noise requirements are applied to aircraft, fuel venting requirements are applied to aircraft and engines whilst emissions requirements are applied only to engines. 21A.165(c)(2) quite correctly identifies EASA Form One as being appropriate for compliance of engines with emission requirements. 21A.145(b)(2) and 21A.147(a) are correct as drafted being more

		To clarify the field applicable for the “noise, fuel venting and exhaust emissions” requirements and to be consistent with the 21 A.165(c)(2)	general in nature.
147	21A.145(c)(2)	Propose that in the final sentence the word ‘managers’ is changed to ‘persons’ Reason: consistency with previous parts.	Carried.
177	21A.145(c)(2)	Propose that in the final sentence the word ‘managers’ is changed to ‘persons’ Reason: consistency with previous parts.	Carried
175	21A.145(c)(2)	In subparagraphs (c)(2), a reference is made to “this Part.” To be consistent with the other Part 21 Subparts and their sub-paragraphs, the reference should be made to “this Subpart.” 2) Change the words “this Part” to “this Subpart”.	Disagreed. Compliance is related to Part 21 as a whole, as relevant, not only to Subpart G.
054	21.A.145(c)(3)	Insert into 21.A.145(c)(3) the following: …airworthiness, noise, fuel venting and exhaust emission data matters. Justification: In case of engines and aircraft, the effective co-ordination within the production organisation must be established in respect of noise, fuel venting and exhaust emission data matters too (see also 21A.145(b)(2)).	Carried.
177	21A.147	It is not apparent how a POA has the expertise to establish which changes to his organisation could directly affect the compliance of the product to airworthiness or environmental protection requirements, without reference to the relevant design organisation. The POA releases a product, part or appliance on the basis of conformity to an approved design standard. It would not be apparent to the POA (nor has it ever	Noted. 21A.147 is not mentioning impact on the compliance with airworthiness or environmental protection requirements. The POA should have the expertise to establish which changes to its production organisation, in particular in its quality system, could affect the conformity with approved

		been required of the POA to establish) which elements of the approved data are significant to the compliance with specific airworthiness, noise , fuel venting or emissions requirements. The only requirement for the POA is to establish compliance with the approved data, and therefore his assessment of the effect of changes to his organisation will be limited to consideration of how those changes affect his ability to declare compliance, or his ability to establish from the DOA that the data is approved.	data of the product, part or appliance, and as a consequence, the airworthiness or environmental protection characteristics.
147	21A.147	It is not apparent how a POA has the expertise to establish which changes to his organisation could directly affect the compliance of the product to airworthiness or environmental protection requirements, without reference to the relevant design organisation. The POA releases a product, part or appliance on the basis of conformity to an approved design standard. It would not be apparent to the POA (nor has it ever been required of the POA to establish) which elements of the approved data are significant to the compliance with specific airworthiness, noise , fuel venting or emissions requirements. The only requirement for the POA is to establish compliance with the approved data, and therefore his assessment of the effect of changes to his organisation will be limited to consideration of how those changes affect his ability to declare compliance, or his ability to establish from the DOA that the data is approved.	Noted. 21A.147 is not mentioning impact on the compliance with airworthiness or environmental protection requirements. The POA should have the expertise to establish which changes to its production organisation, in particular in its quality system, could affect the conformity with approved data of the product, part or appliance, and as a consequence, the airworthiness or environmental protection characteristics.
147	21A.147(a) (and 21A.145(b)(2))	"The production organisation has established a procedure to ensure that airworthiness **data, and in case of engine,** noise, fuel venting and exhaust emissions data, are correctly incorporated …." Or : To remove from the subpart G the "noise, fuel venting and exhaust emissions" subjects which are design and definition data.	Disagreed. Part 21 introduces environmental protection provisions into DOA/POA as per NPA 21-3. Noise requirements are applied to aircraft, fuel venting requirements are applied to aircraft and engines whilst emissions requirements are applied only to engines. 21A.165(c)(2) quite correctly identifies EASA Form One as being appropriate for compliance of

		Reason(s) for proposed text/comment To clarify the field applicable for the "noise, fuel venting and exhaust emissions" requirements and to be consistent with the 21 A.165(c)(2)	engines with emission requirements. 21A.145(b)(2) and 21A.147(a) are correct as drafted being more general in nature.
175	21A.147(a)	This paragraph states that each change to the POA that is significant shall be approved by the Competent Authority. Who determines the significance of the change? The POA holder? The Competent Authority? Clarification is needed as to who makes the determination of "significant." Perhaps all changes should be subject to review by the Competent Authority, with the POA holder having the responsibility to notify the Competent Authority of any changes that the POA holder determines to be significant. Change the wording of the paragraph to read: (a) After the issue of a production organization approval, each change to the approved production organisation is subject to review by the Competent Authority. Any change that is determined by the approval holder to be significant to the showing of conformity or to the airworthiness …shall be approved by the Competent Authority.	Disagreed. The overall paragraph places the onus onto the organisation to notify such events.
054	21A.158	Leveling Systems within Part 21 and Part 145 are different with respect to the existence of a level three finding and the appearance of the relevant paragraph in Section A or Section B. Paragraphs 21A.125B, 21A.158, 21A.258 and 145B.258 should be harmonized.	Disagreed. Different rules apply as different safety considerations are at stake in Part 21 and Part 145. Noted. For reasons of internal consistency, the wording on levelling systems has now been standardised in Part 21.
161	21A.158	Propose to delete paragraph Reason(s) for proposed text/comment	Disagreed. Findings have been added in Section A because it contains material to be known by the applicant/holder. Section B only contains material

		There is no need to include requirements on findings in Section A. Findings are made by the authority and the certificate holder perfectly knows that if they are not corrected, the certificate can be limited, suspended or revoked. All this material would be better placed in Section B	explaining what the competent authority has to do with the findings.
177	21A.158, (21.258, 21.125B)	It is proposed that each of these paragraphs is deleted. Reasons: 1) These paragraphs were not part of JAR-21 and have not been adequately discussed with interested parties. 2) the definition of a Level One finding is sufficiently confusing that in the future, individual safety concerns could be interpreted as reasons for a Level One finding. The imposition of a requirement for corrective action within 21 days would have serious implications for Eurpean industry. It would also be wholly inconsistent with the procedures previously adopted within JAR-39 which are incorporated by reference to IR 21A.3. 3) The approach taken in IR 21 is inconsistent with that taken in IR-145 and IR-M.	Disagreed. 1. Findings were previously within the JIPs. However, no visibility was provided to the applicant/holder of potential consequences of findings. This is corrected in Part 21 by its inclusion within Section A. 2. The concept of findings was previously contained in JIPs with which naas had to comply and may not have been directly visible to industry but nevertheless was applied. It is not agreed that there are unjustified inconsistencies between 21A.3 or 3B and other associated Subparts in Part 21. It is agreed however, that subsequent refinement of this process may recommended within the continuing rulemaking activities. 3. May be subject to further refinement. However, there is sufficient difference between IR-21 and IR-145 / IR-M findings paragraphs to warrant separate entries
175	21A.158	In subparagraphs (a), (a)(1), (a)(2), (b), and (d), a reference is made to “this Part.” To be consistent with the other Part 21 Subparts and their sub-paragraphs, the references should be made to “this Subpart.” Change the words “this Part” to “this Subpart”	Disagreed. Compliance is related to the Part as a whole, as relevant, not only to Subpart G.
147	21A.158, (and 21A.258, 21A.125B)	It is proposed that each of these paragraphs is deleted. Reasons: 1) These paragraphs were not part of JAR-21 and have not	Disagreed. The concept of findings was previously contained in JIPs with which naas had to comply and may not have been directly visible to industry but nevertheless was applied. It is agreed however,

		been adequately discussed with interested parties. 2) the definition of a Level One finding is sufficiently confusing that in the future, individual safety concerns could be interpreted as reasons for a Level One finding. The imposition of a requirement for corrective action within 21 days would have serious implications for Eurpean industry. It would also be wholly inconsistent with the procedures previously adopted within JAR-39 which are incorporated by reference to IR 21A.3. 3) The approach taken in IR 21 is inconsistent with that taken in IR-145 and IR-M	that subsequent refinement of this process may recommended within the continuing rulemaking activities.
147	21A.158 (and 21A.125B, 21B.143, 21B.225)	To mention only in one paragraph the definition of the findings (proposal to be added in the Subpart A of the Section A or Section B) **Reason(s) for proposed text/~~comment~~** To avoid redundancies and improve consistency in the document.	Disagreed. Each Subpart containsa provision on findings that have been harmonized as much as possible. They contain small differences consistent with the scope of the Subpart (design or production).
146	21A.158 (and 21A.125B and 21A.258)	PROPOSED TEXT/COMMENT None at this stage of Part 21 issue 1 setting up. It is acknowledged that Article (5) paragraph 4.f) of the Basic Regulation identifies that "the Commission shall adopt, (…) the rules for the implementation of this Article, specifying in particular: (…) conditions to issue, maintain, amend, suspend or revoke organisation approvals required (…)". Nevertheless : - JAR 21 amendment 5 does not include any equivalent "Findings" paragraph, in any of the three affected Subparts - neither could one be found in any JAA official document having had the opportunity to be formally commented upon by	Disagreed. The concept of findings was previously contained in JIPs with which naas had to comply and may not have been directly visible to industry but nevertheless was applied. It is agreed however, that subsequent refinement of this process may recommended within the continuing rulemaking activities. Noted.

		the interested parties : it was not in any previously issued JAA NPA - it was neither in any POA nor DOA related TGM, through which experience could have formally be gained - it is explained nowhere within the detailed explanatory memorandum. Therefore, it is judged that these paragraphs are not mature, nor substantiated enough, to be included right away within issue 1 of Part 21. Within the little time available between its discovery in the project and the comment date, the […] established that its contents, notably the immediate suspension of the design organisation approval in case of level one finding : 21A.258(b)(1), is a considerable change. It would effectively, would the case happen, immediately halt the industrial production, with no mechanism formally identified to allow discussions to take place between the holder of the approval and the Agency before the suspension occurs. These discussions, though it is acknowledged that they should be rapid, in order not to let stay a situation where safety of aircraft could be compromised, are felt necessary to ensure : - that the supposed failing holder understands what the finding is, and can confirm that the finding represents a true situation, not an erroneous assessment - that, when the finding is confirmed, the holder can identify and mandate emergency corrective actions, to the satisfaction of the Agency, before industrial output had to be suspended as a likely consequence of the suspension of the design organisation approval.	

		Such a process where the holder and the Agency would actively work together to find a suitable agreement would be consistent with paragraph 21A.3 way of managing situations where the level of safety of the product may be found to be temporarily compromised. As currently written, it is judged that 21.A258 cannot be accepted, as it can be interpreted that it introduces requirements that are more severe than these from JAR 39, or JAR 21.A3. This in turn would introduce unequal treatment between European holders of certificates or approvals, and their competitors abroad. Therefore, the AECMA recommends that paragraphs 21A.125B (Subpart F), 21A.158 (Subpart G) and 21A.258 be not a part of issue 1 of Part 21. It is suggested instead to launch regulatory work through the applicable procedure of the Agency, such as the best procedures could be identified, discussed, assessed, justified and eventually entered into Part 21. Note 1 : this proposed change in Part 21 paragraphs is associated with a separate, but consistent, proposal of improvement to the "(EC) No …/.. 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" : Article 3, paragraph 3, and Article 4, paragraph 3. Note 2 : would the text eventually stay, we believe it would be clearer delete the word "the" into (a)(1) of each paragraph, such as to read "… could affect the safety of aircraft" instead of "… could affect the safety of the aircraft", as more than one aircraft, e.g. a fleet of aircraft from a given Type, may be affected.	
133	21A.158(b)(	There are inconsistencies in Part 21A Subparts F, G & J with	Carried.

	1) (and 21A.125B(b)(1) and 21A.258)	regard to actions resulting from Level One findings when compared to the information published in Part.21B. This particular paragraph falls short in not allowing the competent authority to prevent further production until it is satisfied the level one finding has immediately been addressed. It should further indicate that the POA should consider the production items that have been previously released The manner in which this paragraph is written would allow the POA to continue on for 21 days with a serious non-compliance before suspension. In comparison, the Level 1,2 & 3 findings in the design Part 21A.258 these appear to be more effective including a corrective action plan	The relevant paragraphs are harmonized as far as possible and will lead to harmonized consequences of Level One findings. However differences will remain as result of the fact that there are different competent authorities for the different approvals.
113	21A.158(b)(2)	The reference in 21A.158(b)(2) of Subpart G of the Annex to the corresponding 21B.245(a)(2)(i) is incorrect. 21B.245 is not divided into paragraphs with numbering, therefore the reference should be made to 21B.245 only.	Noted. First paragraph of 21B.245 is now indented with an “a)” to solve the issue.
175	21A.158(b)(3)	The paragraph as written does not notify the production organization approval holder what action should be taken when there is a level three finding, but only states that a level three finding does not require immediate action. This paragraph should also state what action should be taken by the POA holder when there is a level three finding. Add an additional sentence to 21A.158(b)(3) which explains what action needs to be taken by the production organisation approval holder when there is a level three finding.	Noted. Unless otherwise stated, it is implicit that level three findings require no positive action, i.e., obligation, on the part of the holder.
146	21A.159	PROPOSED TEXT/COMMENT (a) The production organisation fails to … (b) The Competent Authority is prevented by the holder or any	Noted. Text has now been changed following the line of 21A.51.

		of … (c) There is evidence that the production organisation cannot … (d) The production organisation no longer meets the requirements of 21A.133 (d) the certificate has been surrendered. Reason(s) for proposed text/comment 1. The requirements of 21A.133 are included in the requirements of the Subpart G. So 21A.159(4) is covered by 21A.159(1) and should be deleted. 2. Editorial. This paragraph has not the same construction as the other ones. Subparagraphs of first level should start with (a), (b), … and not with (1), (2), …Correct the paragraph.	1. Noted. Text unchanged as 21A.133 reference has been made to emphasize eligibility criteria, especially the link with the design approval holder. 2. Carried.
161	21A.159	Amend 21A159 as follows: "A production organisation approval shall remain valid until it is surrendered, superseded, revoked, suspended or expired." Reason(s) for proposed text/comment ***Impracticable*** - According to the proposed text, if the internal audit system of the organisation finds any non compliance with the regulation the complete approval becomes invalid. What's more if it happens that the non compliance existed 10 days before the audit, it would mean that retroactively the approval was invalid since 10 days ! - Paragraph (2), (3) and (4) are more appropriate as conditions to suspend the approval. - Although we can understand the rationale to have unlimited approvals, it has to be recognised that today oversight of approved organisations is partly based on renewal.	Disagreed. The contents are in essence similar to that previously identified within JIPs. Article 5(4)(e) of the Basic Regulation requires that the specifics/detail of such items be provided and therefore Part 21 is in accord with that Article.

		It should be acknowledged that it is often easier to put pressure on an organisation at the time of renewal rather than suspending an unlimited approval. In addition, it is not rare, when an organisation is raising concern to give a very limited approval and thus have a reinforced surveillance. Switching to unlimited approvals would thus necessitate a major change in the enforcement system which does not seem absolutely necessary at this stage. The experience of DGAC with both time limited approvals (DOA, POA) and unlimited approvals (JAR 145) clearly shows the advantages of limited duration approvals in terms of enhanced motivation for the holder to implement corrective actions in a timely manner. In addition, limited duration approvals set the burden of demonstrating compliance with the requirements onto the holder : at each renewal, the holder must demonstrate, to the satisfaction of the Authority, that it complies with the requirements. For unlimited approvals, the burden of the proof is reversed : the Authority must demonstrate that the holder does not comply with the requirements in order to limit or suspend the approval. Furthermore, approval suspension are very difficult to implement because they stop the production. They are therefore a last resort action. The high level of positive incentive provided by the periodical renewal of time limited approvals has demonstrated its effectiveness in maintaining the POA holders under strict compliance with POA requirements.	
099	21A.159	As it is not desirable to leave invalid POA's with the former holder, CAA-NL suggests a new subparagraph (b) to be introduced stating the following: **"(b) Upon suspension or revocation the applicable POA shall be surrendered to the competent authority."**	Noted. Relevants parts read as follows: "…(5) The certificate has been surrendered or revoked under 21B.245.

		21B.245 If the above comment is not accepted: A new subparagraph (e) could be introduced stating the following: **"(e) Upon suspension or revocation the applicable POA shall be surrendered to the competent authority."**	(b) Upon surrender or revocation the certificate shall be returned to the Competent Authority." "Approval" being understood as a "certificate".
122	21A.159	"… a production organization approval shall be issued limited…."	Disagreed.
146	21A.159	Para (4) should read 'The production organisation no longer meets the requirements of 21A.133;or' Reason(s) for proposed text/comment Missing word.	Carried.
175	21A.159(4)	Since (4) is not the end of the list in the paragraph, the word "or" should be placed after the current sentence in (4). Delete the period after (4) and change the wording to read: "(4) The production organisation no longer meets the requirements of 21A.133; or"	Carried.
080	21A.163	Add "restricted type-certificate" and "restricted certificate of airworthiness" in the affected paragraphs as appropriate.	Noted. The revised text will appear in the final opinion submitted to the Commission.
094	21.21A 163	The privileges should include, that the organisation itself can issue for a new aircraft a C of A for Export.	Disagreed. Under Part 21 Subpart L is not included, removing requirements for export certificate of airworthiness activity. The Commission may not be advised to legislate outside its scope of empowerment granted under the Basic Regulation.
161	21A.163	Amend the text as proposed: " the holder of a production organisation approval may, within	Deferred. Further discussion needed to extend the maintenance privilege contained in Subpart G.

		its scope of approval: (a) Perform production activities under this Part. (b) In the case of complete aircraft and upon presentation of a Statement of Conformity (EASA Form 52) under 21A.174, obtain an aircraft certificate of airworthiness without further showing. (c) In the case of other products, parts or appliances issue authorised release certificates (EASA Form One) under 21A.307 without further showing. (d) Maintain before delivery a new product, part or appliances that he has produced and issue a certificate of release to service in respect of that maintenance." II-Paragraph 21A307 is only related to parts and appliances. What is the document issued for engines and propellers (which are products) and under which conditions ? In compliance with 21A.165(c)(2) the document issued after engine production should attest conformity with emission requirements. Reason(s) for proposed text/comment *<u>I - Implementation problem</u>* - A production organisation is only authorised to maintain aircraft before delivery. - There is no reason to limit the maintenance privileges to aircraft production	Noted. 21A.165(c)(2) adequately defines requirement to certify emissions compliance of engines via EASA Form One. Noted. EASA Form One is used for issue of engine and propeller as defined in 21A.165(c)(2).
175	21A.163(a)	In subparagraph (a), a reference is made to "this Part." To be consistent with the other Part 21 Subparts and their sub-paragraphs, the reference should be made to "this Subpart." Change the words "this Part" to "this Subpart".	Disagreed. Scope is related to Part 21 as a whole, not only to Subpart G.
146	21A.163 (b)	In sub-paragraph 21A.163 (b), add : " ...and an individual noise certificate..."	Noted. Text modified as proposed but for "individual".

		Add a new sub-paragraph 21A.163 (c) as follows : " Issue an initial airworthiness review certificate (EASA Form 15, see Appendix)", Renumber sub-paragraph 21A.163 (c) and (d) as (d) and (e) respectivelyso as to read 21A.163 Privileges Pursuant to the terms of approval issued under 21A.135, the holder of a production organisation approval may: .(a)..... (b) In the case of complete aircraft and upon presentation of a Statement of Conformity (EASA Form 52) under 21A.174, obtain an aircraft certificate of airworthiness and a individual noise certificate without further showing. (c) In the case of complete aircraft, issue an initial airworthiness review certificate (EASA Form 15, see Appendix). .(d)..... (e)..... . Reason(s) for proposed text/comment Noise certificate : Consistency with 21A.204 (b)(1)(i) and 21A.205. Consistency and similarity with situation for airworthiness certificate (21A.163(b), 21A.174 and 21A.183). NOTE : Comment made on current text. See comment on subpart J : noise certificates The "initial airworthiness review certificate" contains the same statement or information as the conformity statement provided by the manufacturer. An approved POA organisation should be	Airworthiness review certificate: deferred. Comment is suggesting a new privilege that was not intended (See EASA Form 15, designed as an Authority statement). This is a valid point and should be given further consideration by the Agency.

		entitled to issue such document as part of its privileges under paragraph 21A.163 (similar to the possibility for an appropriately approved organisation to renew it subsequently).	
177	21A.163(c)	Propose that reference to 21A.307 must be removed, as it only applies to parts and appliances for installation in a type certificated product. Reason: As written there is no privilege to release type certificated products other than aircraft. This means that complete engines and propellers could not be released by a POA	Carried.
054	21A.163(d)	change 21A.163(d) as follows: "(d) Maintain a new aircraft that he has produced and issue a certificate of release to service in respect to that maintenance until that point, where the regulations of the State of Registry of the aircraft require maintenance to be performed under other regulations than this part." Justification: The privilege for maintenance under POA is not defined clear enough. The limit is clearly that point where the aircraft is finally registered (by the new owner/operator) and therefore the (operational) regulations of the relevant State of Registry will define the limit of this part 21privilege, which should be clearly identified to the part 21 G approval holder / applicant.	Deferred. Comment merits further consideration in due time.
094	21A.163 (d)	Products and components to be included because there are maintenance tasks to be performed during or at the end of storage.	Deferred. Further discussion needed to extend the maintenance privilege contained in Subpart G.
146	21A.163(d)	21A.163 Privileges / Appendix EASA Forms Reference to (new) form EASA Form 53 'certificate of release to service' to be added to 21A.163(d) and included in appendix 'EASA forms'.	Noted. Text now reads as follows: "(d) Maintain….service (EASA Form 53) in respect…"

		Reason(s) for proposed text/comment Standardisation, 21A. 163 (d) mentions a certificate of release to service, but this is not shown in the appendix EASA Forms	
146	21A.163(d)	PROPOSED TEXT/COMMENT (d) maintain a new aircraft that **he or she** has produced … Reason(s) for proposed text/comment Editorial.	Noted. However, since the applicant for, or holder of, a certificate may be either a natural or legal person the term "it" is deemed more appropriate.
035	21A.163(d)	[Different text] "Maintain ~~a new~~ an aircraft that he has produced and issue a certificate of release to service in respect of that maintenance."	Disagreed. Maintenance of in service aircraft must be done in accordance with continuing airworthiness regulations.
139	21A. 163 (d)	The producer of a aircraft could repair them the best. Argument: A limitation of new aircraft is not necessary.	Disagreed to cancel limitation to new aircraft. Maintenance of in service aircraft must be done in accordance with continuing airworthiness regulations.
120	21.A.163(d)	(d) "Maintain an aircraft that he as produced …" JUSTIFICATION: The PO should generally be able to maintain all products of its own production. No one else is more qualified to do this job, not even the best (certified) maintenance facility. In addition, the wording "new" gives no precise information how long a production organization is allowed to do maintenance.	Disagreed. Maintenance of in service aircraft must be done in accordance with continuing airworthiness regulations. Details on implementation of this privilege can be found in GM 21A.163(d).
103	21.A.163(d)	(d) "Maintain an aircraft that he has produced …" JUSTIFICATION: The PO should generally be able to maintain all products of its own production. No one else is more qualified to do this job,	Disagreed. Maintenance of in service aircraft must be done in accordance with continuing airworthiness regulations.

		not even the best (certified) maintenance facility. In addition, the wording "new" gives no precise information how long a production organization is allowed to do maintenance.	Details on implementation of this privilege can be found in GM 21A.163(d).
122	21A.163 (d)	1) why is it limited on NEW aircrafts ? 2) manufacturer should be allowed to undertake all maintenance on new aircraft he has produced..	Maintenance of in service aircraft must be done in accordance with continuing airworthiness regulations. Details on implementation of this privilege can be found in GM 21A.163(d).
080	21A.165	Add "restricted type-certificate" and "restricted certificate of airworthiness" in the affected paragraphs as appropriate.	Noted. The revised text will appear in the final opinion submitted to the Commission.
161	21A.165	• Amend paragraph 21A.165(c)(3) as follows: "(3) Determine that other products, parts or appliances conform to the applicable data before issuing EASA Form One as a conformity certificate to non approved data;" • Amend paragraph 21A.165(f)(2) as follows: "(2) Report to the Agency and the competent authority the deviations which could lead to an unsafe condition identified according to sub-paragraph (f)(1) of this paragraph. Such reports shall be made in a form and manner established by the Agency, in accordance with 21A.3(b)(2), and the competent authority of the Member State." Reason(s) for proposed text/comment • *Editorial* Issue 4 of Form one is now used as a conformity statement (conformity to approved design data or to non approved design data). • *Implementation problem* It is not clear, with the current wording, who should be reported	Disagreed. Not necessary when read in conjunction with 21A.165(c)(1) and (c)(2). Disagreed. As soon as the Agency has decided on the format, reference will be made in the GM related to these provisions. There is no need to include it as an attachment or appendix to Part 21.

		to and when. The proposed wording makes it clearer. *Editorial* • "*of the Member State*" is not necessary (redundant when the competent authority is the authority of the Member state, inconsistent when the Agency is the competent authority) 21A3(b)(2) deals only with "*Reporting to the Agency*"	
177	21A.165(c)(2)	Add after 21A.165(c)(3): 'By way of derogation from paragraph 21A.165(c)(2), compliance timescales for the applicable emissions requirements current at the date of manufacture may be agreed with the Agency' Reason: It is not clear, in the absence of IR-34 and IR-36 whether it is possible for an engine at the date of release to be in compliance with .....'the applicable emissions requirements current at the date of manufacture of the engine'. In particular, the established practice of allowing limited exemptions to emissions requirements must be allowed.	Disagreed. However 21A.165(c)(2) will be amended to read: "(2)…applicable emissions requirements, as defined in 21A.18(b), current at…" Part 21 includes the Implementing Rules for noise and emissions and specifically 21A.18 specifies ICAO Annex 16, Volume II, Part III, Chapters 2 and 3 as being the emission requirements. These Chapters specify what requirements are applicable to engines according to their date of manufacture. The provision of exemptions is described in paragraph 2.1.1 of Chapter 2. ICAO/CAEP has identified the need for clarification of these exemption provisions and it is expected that EASA will adopt any future amendments of Annex 16, including any revisions to these exemption provisions that may be adopted by ICAO.
099	21A.165(d)	Records of the work carried out must be "**acceptable**" to the authority, CAA-NL does not see the need to prescribe a uniform format to the industry and suggests to change the wording.	Disagreed. A uniform "format" has been provided in the context of this draft Regulation: "in a form and manner established by…"
094	21A.165 (d)	Should read ... acceptable to the competent Authority.	Disagreed. A uniform "format" has been provided in the

			context of this draft Regulation: "in a form and manner established by…"
133	21A.165(d)	It is proposed that this should read '…in a form <u>acceptable</u> to the Competent Authority'.	Disagreed. A uniform "format" has been provided in the context of this draft Regulation: "in a form and manner established by…"
147	21A.165(d)	"Record all details of work carried out in a form ~~established by~~ **acceptable to** the Competent Authority" **<u>Reason(s) for proposed text/~~comment~~</u>** Different types of records are used. The sentence can remain the same as in the JAR 21.	Disagreed. A uniform "format" has been provided in the context of this draft Regulation: "in a form and manner established by…"
091	21A.165 (d)	Records from suppliers and subcontractors need to be included.	Disagreed. It is covered by the current wording of 21A.165(d).
094	21A.165 (d)	Records from suppliers and subcontractors to be included.	Disagreed. It is covered by the current wording of 21A.165(d).
165	21A.165(d)	"…in a form <u>acceptable</u> to the Competent Authority" The proposed text (established by) imposes an additional burden to authorities compared to JAR-21	Disagreed. A uniform "format" has been provided in the context of this draft Regulation: "in a form and manner established by…"
146	21A.165(d) and (f)(2)	PROPOSED TEXT/COMMENT (d) Record all details of work carried out in a form agreed with the Competent Authority. (f)(2) … Such reports shall be made in a form and manner agreed with the Agency or the competent authority of the Member State, or both, in accordance with 21A.3(b)(2). Reason(s) for proposed text/comment	Disagreed. Material established by the Agency does not need to be systematically in Part 21.

		IR-21 states that form to be used will be established by the Agency or the competent authority. In this case, they should be part of the Appendix of IR-21. The proposal is to state that the form will be agreed with the authorities.	
146	21A.165(d) (and 21A.165 (f)(2))	Replace 'established by' with 'acceptable to' Reason(s) for proposed text/comment Potentially imposes unnecessary operational constraints on industry, with no safety benefit.	Disagreed. A uniform "format" has been provided in the context of this draft Regulation: "in a form and manner established by…"
147	21A.165(f)(2) (and 21A.3(b)(2), 21A.129(f)(2))	To include in appendix of Part 21, the form to be used for the "reports to the Agency" in case of failures, malfunctions and defects. **Reason(s) for proposed ~~text~~/comment** To clarify and harmonize the types of information to mention on the form.	Deferred. The occurrence reporting system as a whole will have to be put in place by the Agency in due time.
147	21A.165(f)(2) (and 21A.3(b))	To harmonize the two sentences : For the "failures, malfunctions or defects …. which may result in an unsafe condition" mentioned in 21A.3(b) it is required to "Report to the Agency" For the "deviations which could lead to an unsafe condition" ….mentioned in 21A.165(f)(2) : it is required to "Report to the Agency or the Competent Authority of the Member State, or both" **Reason(s) for proposed ~~text~~/comment** To improve consistency on the reporting process to the Authorities.	Disagreed. 21A.3(b) is only design-related, while 21A.165(f)(2) is primarily production-related, with possible implications on design. Therefore the reporting structure is different. However the text has now been revised in accordance with new 21A.129(f)(2).
099	21A.165(f)(2	CAA-NL suggests reports to be made **to the competent**	Noted.

	)	**authority only**, depending on the situation this is either the agency or the authority of the member state.	It is proposed to clarify 21A.165(f)(2) to read: "(2) Report to the Agency ~~or~~ and the competent authority of the Member State~~, or both,~~…" In addition, cooperation is required by 21B.45.
133	21A.165(f)(2)	The NAA will be the responsible authority for subpart G but any occurrence reports will be referred back to the Agency or the NAA competent authority or both i.a.w Part 21A.3(b) 2. However, with regard to a Design Approved company the Agency is the competent authority but there is no requirement in subpart A for a report other than to the Agency. The concern is the link between design and production and that two different competent authorities have no link with regard to design and production standards.	Noted. It is proposed to clarify 21A.165(f)(2) to read: "(2) Report to the Agency ~~or~~ and the competent authority of the Member State~~, or both,~~…" In addition, cooperation is required by 21B.45.
146	21A.165 (f)(2)	Reporting requirement to 'or both' should be deleted from 21A.165(f)(2). Reporting should be limited to the entity in charge of the follow-up of the POA. Reason(s) for proposed text/comment Simplification and clarification of responsibilities	Noted. It is proposed to clarify 21A.165(f)(2) to read: "(2) Report to the Agency and the competent authority of the Member State~~, or both,~~…" In addition, cooperation is required by 21B.45.
165	21A.165(f)(2)	There should be no ambiguity left on to whom the manufacturer must report.	Noted. It is proposed to clarify 21A.165(f)(2) to read: "(2) Report to the Agency and the competent authority of the Member State~~, or both,~~…" In addition, cooperation is required by 21B.45.
094	21A. 165 (i)	Products and components to be included (Maintenance might be necessary after storage or test.)	Disagreed. Text refers to "completed aircraft".
146	Subpart H	Title at the top of the pages for this subpart is erroneous:	Carried.

		replace subpart I by subpart H.	
157	Subpart H	Several sections refer to airworthiness review in accordance with Part M of Regulation (…). Continuing airworthiness management organisations do not in general exist at time of entry into force and are not required for other than commercial air transport until 28 September 2005. Propose to delay Subpart H entry into force until at least 28 September 2004 for commercial air transport and 28 September 2005 for other operations. (Subpart H, 21A.174, 179, 183, 184)	Disagreed. Article 2(12) of the draft Regulation covers the consideration of Part M not being in force at the time of entry into force of Part 21. In such case, and until such time, national rules apply.
080	Subpart H	1) The subpart H, Section A and Section B and related AMC & GM do not contain detailed indications when a Restricted C of A and a Permit to Fly can be issued and the scope(s) for which they should be issued. The Council Regulation 1592/2002 and the current draft of Part 21 define the basic principles, but this is considered not enough for the uniform implementation of those principles. Having a clear indication of the scopes will also facilitate the pertinent Authorities making the transition from the different systems in place in the Member States to the common system of Part 21. FAR 21 System could be a good reference to satisfy the above needs. 2) It seems that the proposed subpart H hasn't provisions for the Experimental Certificates issued for the scopes of Research and development and of Showing compliance with regulations. In fact the permit to fly of paragraph 21A.173(c), because requiring demonstration of capability of safe flight, is considered not appropriate to cases where the scope of flying activities is to show safe flights.	1) Deferred. This is a new subject. It is agreed that the Agency will have to further refine it. 2) Disagreed. Paragraph b) of Annex II of the Basic Regulation excludes aircraft specifically designed or modified for research and experimental purposes. Nevertheless, a Permit to Fly shall define the conditions under which safe flight is possible.

		Should the Experimental Certificates be considered outside the IR- 21 and managed according to the national regulations, waiting for common procedures issued by the EASA ?	
175	21A.171	Since the provisions of Section A of Part 21 are obligatory for an applicant, the word “procedure” may not be the appropriate terminology to indicate that this Subpart is actually a requirement or rule imposed on an applicant. Change the word “procedure” to “applicable requirements” or “rules”.	Disagreed. It is justified that procedures are binding. These are administrative procedures to be followed by the competent authorities.
073	21A.173	Permits to fly shall be issued for aircraft that do not meet, or have not been shown to meet, applicable certification specifications but are capable of safe flight under defined conditions. To help in the consultation process, it would be useful if the Agency could describe typical conditions under which a Permit to Fly could be issued	Deferred. Permits to fly will remain with the NAAs (see draft Regulation, Art. 2(11)) for 42 months.
161	21A.173	“Airworthiness titles shall be classified as follows: (a) Certificates of airworthiness, issued to aircraft which conform to a type-certificate that has been issued in accordance with this Part. (b) Restricted certificates of airworthiness, issued to aircraft: (1) which conform to a restricted type-certificate that has been issued in accordance with this Part; or (2) which have been shown to the Agency to comply with specific certification specifications ensuring adequate safety. (c) Permits to fly, issued for aircraft that do not meet, or have not been shown to meet, applicable certification specifications but are capable of performing safely a basic flight under defined conditions” Reason(s) for proposed text/comment *Editorial:* - See comment on article 1(b) of the regulation	Disagreed. “Titles” are considered to be “certificates” under the Basic Regulation. Others proposed changes are carried.

		- These classification paragraphs should only give definitions and not conditions for issuance which are defined elsewhere. - Stick to the wording of Article 5, §3(a) of the Basic Regulation.	
133	21A.173	This provides for certificates of airworthiness, restricted certificates of airworthiness and permits to fly. An aircraft which could obtain a certificate of airworthiness or a restricted certificate of airworthiness will certainly qualify for a permit to fly. On what basis (if at all) would the Agency refuse to give a permit to fly to such an aircraft. For example, if a person with a Cessna 172 wished to fit an unapproved engine and "downgrade" to a permit to fly, would he be entitled to do so? This should be explained.	Noted. The Basic Regulation, under Articles 5(1), (2), (3) and (4)(f), apply. In the case of permits to fly, paragraph 21A.174(d) has been introduced to allow limitations and or restrictions to be applied.
080	21A.174	To be consistent with Part M Regulation (M.A.904(b)) the last point of subparagraph 21A.174(b)(3)(ii) (*with regard to used aircraft originating from a non-member country*) should be modified as follows: "- a recommendation for the issuance of ~~a certificate of airworthiness or restricted certificate of airworthiness~~ an <u>airworthiness review certificate</u> following an airworthiness review in accordance with Part M of Regulation (..) "	Noted. 21A.174(b)(3)(ii) (last point) now reads as follows: "an airworthiness review certificate issued in accordance with Part M."
095	21. A174	To be added, evidence that the aircraft and its equipment complies to the operationel airworthiness requirements for the intended category of operation (commercial/ non commercial; ETOP, RSVSM;)	Disagreed. See Basic Regulation, Art. 5(2)(c).
054	21A.174	Add the following requirement to 21A.174: 21A.174 (d) (7): „*The applicant shall submit a declaration that the aircraft is safe with regard to its intended use*." The proposed declaration provides the conclusion that an adequate and acceptable level of safety has been shown by the applicant to	Deferred. Permit to fly will remain with the NAAs (see draft Regulation, Art. 2(11)) for 42 months.

		the authority.	
133	21A.174	There are significant inconsistencies between Part 21 Section A, Section B and Part M with regard to the aircraft inspection requirements prior to C of A issue and when the initial Airworthiness Review Certificate is to be issued.	Deferred.
161	21A.174(a)	"(a) Pursuant to 21A.172, an application for an airworthiness certificate shall be made in a form and manner established by the competent authority of the Member State of Registry." Reason(s) for proposed text/comment *Editorial:* Consistence with 21A.204 and other parts of the regulation	Carried.
091	21A. 174(b)	To be added: evidence, that the aircraft and its equipment complies to the operational airworthiness requirements for the intended category of operations (private/commercial/over water/ETOPS/RSVSM or as applicable).	Disagreed. See Basic Regulation, Art. 5 (2)(c).
146	21A.174(b)	PROPOSED TEXT/COMMENT (b) … (1) … (2) … (i) … - … - … - or, for an … Reason(s) for proposed text/comment * Editorial. Start "or, for an imported aircraft …" by a "-". Similar structure of section as 21A.204.	Carried.

146	21A.174(b)(3)	Text concerning the references to Subpart M needs to be provided.	Noted. Reference to the Maintenance Regulation (Part M) will be added in due time.
165	21A.174(b)(2)(ii)	The equivalent JAR-21.174(b)(1)(ii) has some qualifications that have been omitted here	Noted. Some elements have been deleted because experience as shown they were not relevant for the issuance of a C of A.
147	21A.174(b)(3)(ii)	The final bullet of subparagraph (b)(3)(ii) should indicate who is expected or allowed to issue the recommendation for certificate issuance. **Reason(s) for proposed text/comment** Clarification requested.	Disagreed. The conditions for issuance of the recommendation for certificate issuance are defined in the draft Regulation on continuing airworthiness (namely, Part M).
099	21A.174(b)(3)(ii)	last -: "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 part M of Regulation (…)". […] suggests the inclusion of the Airworthiness Review Certificate here to improves the connection between Part 21 and Part M.	Noted. Inclusion of the ARC along comment to better reflect Part M requirements.
175	21A.174(c)	The FAA does not place time limits on the duration of an Export Certificate of Airworthiness, therefore it is not FAA practice to reissue such documents to meet the 60 day requirement. In addition, per 14 CFR part 21 subpart L, the FAA may not issue this document unless the new product is located in the U.S. This requirement in 21A.174(c) will be problematic for the FAA, and we will recommend language in the new bilateral agreement implementation procedures with the U.S. to address this issue.	Noted. 21A.174(c) allows to agree alternative time-limits.
122	21A.174 (d)	addition: No "8) : Statement of Conformity" to be added	Deferred. Permit to fly will remain with the NAAs for 42 months (see draft Regulation, Art. 2(11)).

122	21A.174 (d)	addition: <u>restricted certificate of airworthiness should be valid for all EASA members</u>	Deferred. Comment not fully understood. The paragraph in question relates to permit to fly and not restricted C of A. Permit to fly will remain with the NAAs for 42 months (see draft Reg., Art. 2(11)), during which time limitations on airspace may apply. 21A.184(c) considers restricted C of A where there may or may not be airspace limitations.
139	21A. 174 (d)	For the test should be established a certificate of unobjectionable. Argument: It is necessary for the simplification of administration!	Deferred. Comment not fully understood. Permit to fly will remain with the NAAs for 42 months (see draft Reg., Art. 2(11)).
120	21A.174(d)	Add a new topic: "(8) an inspectors declaration that the aircraft is safe with regard to the applied purpose." JUSTIFICATION: The LBA procedure included this declaration, which was signed by an inspector holding an appropriate license.	Deferred. Permit to fly will remain with the NAAs for 42 months (see draft Reg., Art. 2(11)).
103	21A.174(d)	add a new topic: "(8) an inspectors declaration that the aircraft is safe with regard to the applied purpose." JUSTIFICATION: The LBA procedure included this declaration, which was signed by an inspector holding an appropriate license.	Deferred. Permit to fly will remain with the NAAs for 42 months (see draft Reg. art. 2(11)). Disagreed. Already covered by 21A.185.
147	21A.174(d)(4)	(4) ***Any*** ~~R~~restriction~~s~~ ***considered necessary*** for carriage of persons other than flight crew; **<u>Reason(s) for proposed text/comment</u>** To clarify that the restrictions are established case by case, considering the particular conditions of the flight or series of flights.	Disagreed. No need for improvement. In addition, the current wording is in line with the wording of the Basic Regulation, Art 5(4)(e)(ii).

147	21A.174(d) (5)	Reword: '(5) *A summary of* the ways in…' **Reason(s) for proposed text/comment** There is no guidance as to how detailed the statement of non compliance must be. It must be a summary to enable the Authority to understand the implications on airworthiness and safety, not a long bureaucratic list which is of no real benef	Disagreed. This qualification ("summary of") is deemed superfluous.
165	21A.175	"…acceptable to the authority of the Member State of Registry." To align with existing JAR-21, otherwise it might result in excessive restrictions.	Carried. 21A.175 now reads as follows: "…acceptable to the competent authority of the Member State of registry…"
073	21A.179(b)	Where an aircraft has: (1) a restricted certificate of airworthiness not conforming to a restricted type certificate, or (2) a permit to fly transfer of these documents on sale of the aircraft must be in accordance with the transfer instructions contain within these documents. Issue of these documents may be made only with the formal agreement of the competent authority of the Member State of Registry, which agreement cannot be unreasonably withheld or delayed. Where ownership of an aircraft (or balloon) is more than one person or legal entity, change in ownership shall be notified only when the notified lead owner changes. On sale of an aircraft issued with a Restricted C of A or Permit to Fly, it seems overly onerous to have to ask the permission of the Competent Authority of the Member State of Registry in order to transfer the airworthiness certificate. Instead, it is suggested that transfer limitations should be added to the documents, to allow free transfer within those limits.	Noted. Proposal appears too complex. A change to paragraph 21A.179(b)(2) is proposed, however, as follows: "… (2) a permit to fly, such airworthiness certificates shall be transferred together with the aircraft, provided the aircraft remains on the same register, or issued only with the formal agreement of the competent authority of the Member State of registry to which it is transferred."

		It is very common practice in light aviation, gliding and ballooning for aircraft to be owned by more than one person, in a "syndicate" arrangement, often without a separate legal entity as the means of binding the syndicate partners. It is suggested that when a member of a syndicate sells to another person it should not be necessary to notify the competent authority, but that the registration should be in the name of one person ("and partners") and that notification of a partial sale is only required when the lead name changes.	
133	21A.180	To ensure that the intent of enabling the competent authority to perform inspections is preserved, it is proposed that the following phrase be added to the beginning of this paragraph: "To enable the competent authority to conduct such inspections as it deems necessary, …"	Disagreed. The text as written enables the authority to conduct inspections when necessary.
080	21A.181	The conformity with the approved design should be added to the conditions for the continued validity of the airworthiness certificates. It is proposed to add after point (2) the following : "The aircraft conforms to the approved design; and" .	Disagreed. This is covered through the management of in-service continuing airworthiness.
080	21A.181 and 21A.185	1) According to the paragraph 21A. 181, the permit to flight has unlimited duration. It is envisaged there are cases where limited duration (tipically: permits for ferry flights) is needed; it is here proposed to modify the actual text of 21A.181 as follows: "Except for permits to flight that for the intended scope are time limited, airworthiness certificates shall be issued for unlimited duration……." 2) Even when the permits to flight are issued for unlimited duration, there aren't provisions, like airworthiness review certificates, to verify the continued validity of them. In fact the EASA form 20 of the appendix to Part 21 does not have any airworthiness review certificate attached to it and Part M Regulation seems to deal with C of A and Restricted C of A	Noted. A policy decision from the Commission determined that certificates shall not have any expiry date. Both points 1 and 2 of the comment are Noted. However by way of alleviation to the concerns expressed, para 21A.174(d) has been introduced to allow limitations and or restrictions to be applied in the case of permit to fly aircraft.

		only. It follows that permits to fly with unlimited duration, have no periodic verification of their validity, performed by the pertinent authority of the State of Registry or an appropriate approved organisation. It is recommended to introduce some provisions for the validity verification of permits to fly .	
146	21A.181	Text concerning the references to Subpart M needs to be provided.	Noted. Reference to the draft Regulation on continuing airworthiness (namely, Part M) will be added in due time.
146	21A.181	PROPOSED TEXT/COMMENT (a) in service continuing airworthiness being managed; and (b) maintenance being performed in accordance with Part M of Regulation …; and (c) the aircraft remaining on the same register; and (d) the type-certificate or restricted type-certificate under which it is issued not being previously suspended or revoked under 21A.51. (e) the certificate not being surrendered. Reason(s) for proposed text/comment Editorial. This paragraph has not the same construction as the other ones. Subparagraphs of first level start with (a), (b), … and not with (1), (2), …Correct the paragraph.	Noted. Numbering has now been corrected.
161	21A.181	" (a) A certificate of airworthiness or a restricted certificate of airworthiness shall be issued for an unlimited duration. It shall remain valid subject to: (1) compliance with the applicable continuing airworthiness requirements; and (3) the aircraft remaining on the same register; and (5) the certificate not being surrendered, suspended or revoked.	Noted. A policy decision from the Commission determined that certificates, including permits to fly, shall not have any expiry date. However by way of alleviation to the concerns expressed, para 21A.174(d) has been introduced to allow limitations and or restrictions to be applied

		(b) A permit to fly shall be issued for the duration necessary to its purpose. It shall remain valid subject to: (1) compliance with the associated restrictions, and (2) the permit not being surrendered, suspended, expired or revoked." Reason(s) for proposed text/comment *Implementation problem:* - Most permit to fly are issued for limited duration appropriate to the purpose of the permit. For example a permit for a ferry flight will only be valid for the time necessary to perform the flight. ↳**Amend form 20 accordingly** - Continuing airworthiness requirements of Part M include management and maintenance requirements for aircraft with a C of A or a restricted C of A. - "See also comments on article 2.12" *(a)(4) Impracticable:* - It may not be appropriate to stop all aircraft because the TC is suspended or revoked. There needs to be some serious thinking before making such a decision. The TC may only be suspended because of environmental problems. The TC holder may surrender the TC, but the Agency may ensure continuing airworthiness, etc. It is probably more appropriate to have an independent decision to stop all aircraft of a type through an AD.	in the case of permit to fly aircraft. Text now reads as follows: "… subject to: (1) compliance with the applicable continuing airworthiness requirements; and (2) the aircraft remaining on the same register; and (3) the type-certificate or restricted type certificate under which it is issued not being previously invalidated under 21A.51. (4) the certificate not being surrendered or revoked under 21B.330."
175	21A.181	Since a permit to fly is classified as an airworthiness certificate under 21A.173(c), does this paragraph also pertain to permits to fly? If permits to fly are included in this general paragraph, is the intention to have an unlimited duration on a permit to fly? Normally a permit to fly would only be effective for the period of time specified on the permit. Clarification is needed as to the duration of a permit to fly. Suggest the following language for 21A.181: "An airworthiness	Noted. A policy decision from the Commission determined that certificates shall not have any expiry date. However by way of alleviation to the concerns expressed, para 21A.174(d) has been introduced to allow limitations and or restrictions to be applied in the case of permit to fly aircraft.

		certificate shall be issued for an unlimited duration, with the exception of a permit to fly which will be effective for the period of time specified on the permit. It shall remain valid ……..”	
165	21A.181(1)	Proposed text not specific. Should add “…managed in conformity with any applicable Regulations, Specifications, and directives.”	Noted. Text now reads as follows: “… subject to: (1) compliance with the applicable continuing airworthiness requirements; and…”
133	21A.181(1) (and 21A.211)	“(1) in service continuing airworthiness being managed;” to what objective? It is proposed: “…being managed so as to ensure that the aircraft continues to meet the applicable airworthiness standards;”	Noted. Text now reads as follows: “… subject to: (1) compliance with the applicable continuing airworthiness requirements; and…”
099	21A.181(b)	Since the surrender of the CofA or a PtF is an obligation of the holder, […] suggests the relevant paragraph 21B.330 (b)to be in this Section A, in stead of Section B, and the PtF to be included.	Carried. 21B.330(b) has been moved to Section A. Airworthiness certificate includes Permit to Fly (See 21A.173)
146	21A.183	Text concerning the references to Subpart M needs to be provided.	Noted. Reference to the maintenance Regulation (Part M) will be added in due time.
161	21A.183	I - What is the purpose of (a)(1)(ii), which did not exist in JAR 21 ? It is not clear what is required in addition to § (i) and the statement of conformity to the approved design of 174(b)(2). Similar comment may be made to (a)(2)(ii). It should be clarified whether C of A is issued only after gathering documentation of compliance to an approved design or whether some additional action is required and if yes, what. II – the two hyphens in (a)(2)(i) seems to be conditions for the issuance of 21A.174(b)(3) documentation and thus should	I- Deferred. It is not a duplication: (a)(1)(i) describes an action on the part of the applicant; (a)(1)(ii) describes an action on the part of the authority. Nevertheless, it is recognized that the current wording may give the impression of restricting the POA privilege. This was not the intention and may

		be transferred in that paragraph Reason(s) for proposed text/comment <u>I – Implementation problem</u> - *<u>II - Editorial</u>*	need refining to make this clear. II- Disagreed. They simply qualify the documentation required.
146	21A.183(a)(1)(ii)	Delete paragraph 21A.183(a)(1)(ii) Reason(s) for proposed text/comment - Cancel unecessary duplication : paragraph 21A.183(a)(1)(ii) is covered by paragraph 21A.183(a)(1)(i). - Formulation must ensure that POA holder can obtain issuance of certificate without further showing upon provision of conformity statement in accordance with 21A.163(b).	Deferred. It is not a duplication: (a)(1)(i) describes an action on the part of the applicant; (a)(1)(ii) describes an action on the part of the authority. Nevertheless, it is recognized that the current wording may give the impression of restricting the POA privilege. This was not the intention and may need refining to make this clear.
099	21A.183(a)(2)(ii)	CAA-NL suggests to change the wording as follows, "**when** the aircraft conforms to an approved design …." The conformity is tested according to para (i) and therefore the question whether the aircraft is in condition for safe operation is only a relevant question when the design is approved. (see also 21A.184 (2)(ii))	Carried.
099	21A.184(a)	CAA-NL suggests the layout, structure and the wording of the text to be more in line with 21A.183(a), or Vice versa.	Deferred. This is a new subject. It is agreed that the Agency will have to refine it.
133	21A.184(b)	It appears that the Agency will need to establish the terms on which a restricted C of A may be issued to a particular aircraft (where there is no restricted TC). The implication is that once the Agency has done this it will be for the NAA to issue the certificate once it is satisfied that the Agency specifications have been met. It is proposed that this is set out expressly.	Noted. No change proposed. 184(b) explains how the Agency will approve the definition of an aircraft on a basis of ad-hoc specifications (The Agency is in charge of all design approvals). It will be of the responsibility of the NAA to issue a restricted C of A when satisfied that the aircraft

			conforms to the Agency's approved design (21A.184 (a)(2)(ii)). See also 21B.325
080	21A.184(b)	It should defined when an aircraft is not eligible for a restricted certificate of airworthiness. The principles contained in the article 5 of the Council Regulation should be taken into account (see also the comment to Section A/Subpart B – Subpart H).	Noted. No change proposed. 184(b) explains how the Agency will approve the definition of an aircraft on a basis of ad-hoc specifications (The Agency is in charge of all design approvals). It will be of the responsibility of the NAA to issue a restricted C of A when satisfied that the aircraft conforms to the Agency's approved design (21A.184 (a)(2)(ii)). See also 21B.325
080	21A.185	According to this paragraph the issuance of each permit to fly by the competent Authority of a Member State is on condition that the Agency evaluates the aircraft and the associated restrictions, and if necessary it may impose to the applicant appropriate inspections or tests. The Council Regulation 1592/2002 does not require any determination to the Agency for the issuance of a permit to fly, except for monitoring the application of rules and its implementing rules (see articles 15 and 16 of Council Regulation). In addition there are practical reasons that make the paragraph 21A.185 not realistic for its implementation. In fact the issuance of a permit to fly under the actual 21A.185 could be affected by unjustified delay because of a " double check ", by the national competent Authority and by the Agency (e.g. a permit to fly for a ferry flight). Finally this paragraph introduces uncertainity on the responsibilities carried out by the Agency versus the National Authority, related to State of Registry competency. It is proposed that the issuance of a permit to fly is made by the national competent Authority without preventive check of each permit by the Agency. The Agency however will issue criteria and guidance for the uniform behavior of the national	Deferred. Requires Agency procedures. In the mean time, permits to fly will be handled by the National Authorities until March 2007.

		Authorities and monitor their implemen-tation.	
103	21A.185	It has turned out that, after the certification flight tests have come to a certain stage but still during the certification process of sailplanes, a phase of comprehensive field experience is essential to collect necessary information about the sailplanes behavior in normal service, and if necessary to do a design review (handling, performance, comfort, etc.) to improve the sailplane before final certification is achieved. To collect this experience it is necessary to get a limited number of permits to fly for a new developed sailplane type. This means that aircraft from the pre-serial production are usually delivered to the first customers before final certification is achieved and consequently still with a permit to fly. These permits shall in general be valid within the whole territory of the EASA member states. Therefore it is important to the SMEs that the administrative way between the Agency and the competent authority of the applicants state are precisely described in order to prevent a delay of days or even weeks. After a SME' has invested into the development of a new product (expensive production moulds etc., manpower) it is vital to get the assistance from the Agency to avoid that the production is delayed (after showing compliance with the appropriate CS-requirements and special conditions). Any delay of a longer period or the very restricted issue of permits to fly may be lead to the insolvency of the SME. An **AMC to 21A185** should be introduced to clarify the interaction of the Agency, the competent authority and the applicant. If the administrative work is too expensive or takes too much time, less products like sailplanes and powered sailplanes (together with engines and propellers for powered sailplanes)	Deferred. In the meantime, permits to fly will be handled by the National Authorities until March 2007.

		will by developed, leaving a remarkable market segment to micro-lights and micro-light sailplanes. The accident records show a higher rate of technical failure compared to sailplanes and powered sailplanes. With this the EASA regulations would unintentionally support the development of more micro-lights and micro-light sailplanes.	
161	21A.185	"…***after the Agency has found that the aircraft and appropriate associated restrictions compensating for departure from the essential requirements permit the aircraft to perform safely a basic flight***." The Agency must provide itself with internal rules aimed at facilitating this process. An AMC on this sentence could be helpfull. Reason(s) for proposed text/comment *Impracticable:* The Agency should relay on national autorities for the issuance of flight permits in order not to be inundated by the number of approval. For information DGAC France issues several dozen flight permits a week.	Deferred. In the meantime, permits to fly will be handled by the National Authorities until March 2007. Agency procedures are required.
167	21A.185	In this paragraph, the finding that "*the aircraft and appropriate associated restrictions compensating for departure from the essential requirements permit the aircraft to perform safely a basis flight*" is to be made by the Agency and not the Member State. While this is reasonable because the Agency is responsible for issuance of the type certificate, the Agency must be prepared to support this activity on a 24- hours-a-day/ 7 -days-a-week basis. If permits to fly can not be issued on a 24/7 basis, this will be a significant burden on the EU airlines. If the 24/7 operation cannot be supported by the Agency, then they should delegate the task to a qualified entity. If the task is delegated to the National Authorities, then it must be assured that they have enough knowledge of the type design to make a	Deferred. In the meantime, permits to fly will be handled by the National Authorities until March 2007. Agency procedures are required.

		justified decision on a request for a permit to fly. These issues should be resolved by appropriate changes to Part 21.	
029	21A.185	The division of competencies and tasks between the Agency and the authority of the Member State of Registry for issuing a permit to fly could lead to difficulties for making decisions in an efficient manner. In addition the exact procedure between the two entities seems to be unclear. Will the Agency release a decision that can be brought to the board of appeal?	Any decision of the Agency that has external effect under Article 35 of the Basic Regulation is subject to appeal.
133	21A.185	Issue of Permits to fly It is not clear what is intended by "a basic flight". It would be better to delete "basic" – the "appropriate associated restrictions" adequately limit the operation.	Deferred. Plain language taken straight from the Basic Regulation, Article 5(3)(e). This matter requires further guidance from the Agency.
146	21A.185	A privilege / delegation to a POA holder should be introduced to issue “flight permits” for specified test / acceptance flights within the scope of its approval. Reason(s) for proposed text/comment Simplification and harmonisation within Europe.	Deferred. This will be covered under Article 5, but is a new concept which will require further discussion once the Agency is fully operational.
120	21A.185	COMMENT: It has turned out that, after the certification flight tests have come to a certain stage but still during the certification process of sailplanes or powered sailplanes, a phase of comprehensive field experience is very helpful to collect necessary information about the sailplanes or powered sailplanes behavior in normal service, and if necessary to do a design review (handling, performance, comfort, etc.) to improve the sailplane or powered sailplane before final certification is achieved. To collect this experience it is necessary to get a limited number of permits to fly for a new developed sailplane or powered sailplane type. This means that aircraft from the pre-serial	Deferred. In the meantime, permits to fly will be handled by the National Authorities until March 2007.

		production are usually delivered to the first customers before final certification is achieved and consequently still with a permit to fly. These permits shall in general be valid within the whole territory of the EASA member states. It is important to the SMEs that the administrative way between the Agency and the competent authority of the applicants state are precisely described in order to prevent a delay of days or even weeks. After a SME has invested into the development of a new product (expensive production moulds etc., manpower) it is vital to get the assistance from the Agency to avoid that the production is delayed (after showing compliance with the appropriate CS-requirements and special conditions). Any delay of a longer period or the very restricted issue of permits to fly may be lead to the insolvency of the SME. An AMC to 21A185 should be introduced to clarify the interaction of the Agency, the competent authority and the applicant. If the administrative work is too expensive or takes too much time, less products like sailplanes and powered sailplanes (together with engines and propellers for powered sailplanes) will by developed, leaving a remarkable market segment to micro-lights and micro-light sailplanes. The accident records show a higher rate of technical failure compared to sailplanes and powered sailplanes. With this the EASA regulations would unintentionally support the development of more micro-lights and micro-light sailplanes.	
083	Subpart I	Since the EASA type certificate includes compliance with the applicable noise requirements, the FAA believes that a separate noise certificate is redundant and can be combined with the type certificate.	Disagreed. Basic Regulation, Article 15(1)(h) does not specify noise certificates, it refers to the issue of appropriate environmental certificates. Where the Agency uses national aviation authorities for such

		If the European Community are going to issue noise certificates these should come from the Agency. Subpart I is drafted giving the authority to the national authorities to issue noise certificates. This is contrary to Regulation (EC) 1592/2002, Article 15, paragraph 1(h) which clearly gives the authority to the Agency. In addition, for the purpose of operation to and from Community airports by aircraft from States that do not issue noise certificates, the appropriate legislative and/or regulatory material should establish the acceptability of other documents attesting noise certification, that meet the requirements of ICAO Annex 16 Chapter 1, (e.g., the Airplane Flight Manual).	purposes then in accordance with Article 16 thereof, the Agency is required to ensure standardisation of those processes.
172	Subpart I	Noise Certificates; Should Be Relocated Noise certificates are integral to the type-certification of a product and the requirements should be stated within those requirements and not be an individual certificate to be carried on each aircraft which may then contain unique country requirements. Recommendation: Noise requirements should be uniform and be included within the type certificate and not be a separate certificate.	Disagreed. Article 15(1)(h) of the Basic Regulation does not specify noise certificates, it refers to the issue of appropriate environmental certificates. Where the Agency uses national aviation authorities for such purposes then in accordance with Article 16 of the Basic Regulation, the Agency is required to ensure standardiisation of those processes.
167	Subpart I	***Noise Certificates; Subpart I Should Be Relocated*** Noise certificates are integral to the type-certification of a product and the requirements should be stated within those requirements and not be an individual certificate to be carried on each aircraft which may then contain unique country requirements. Recommendation: Noise requirements should be uniform and	Disagreed. Article 15(1)(h) of the Basic Regulation does not specify noise certificates, it refers to the issue of appropriate environmental certificates. Where the Agency uses national aviation authorities for such purposes then in accordance with Article 16 of the Basic Regulation, the Agency is required to ensure standardiisation of those processes.

		be included within the type certificate and not be a separate certificate.	
146	Subpart I	SUBPART I : Noise Certificates […] does not see the need for a separate noise certificate for individual aircraft. EASA establishment should be taken as an opportunity to streamline and avoid unecessary paperwork and bureaucracy, in line with objectives set out in EASA Regulation. The essential aspect is to keep simple and flexible processes which can be adapted, as necessary, to possible future evolution of ICAO requirements and concepts in terms of environmental requirements. […] considers that the necessity of a separate noise certificate should be reconsidered in the light of above mentioned objectives. Reason(s) for proposed text/comment 1)EASA Regulation 1592/2002 does not request issuance of noise certificates : Paragraph 15.1.h of Regulation 1592/2002 does not refer to any kind of individual certificate since Article 15 deals with the functions that EASA will have to carry out “on behalf of ….when related to design approval”. Design approval is not related to an actual individual product. Furthermore, this would not make sense, given the splitting of tasks between EASA and NAAs for airworthiness certification. Environmental certificates mentioned in Article 15.1.h are therefore necessarily related to the design and accordingly are not individual aircraft certificates. Furthermore, it must be noted that the basic Article 6 on environmental protection makes no reference to any obligation to issue neither “type” nor “individual” environment certificates.	Disagreed. Article 15(1)(h) of the Basic Regulation does not specify noise certificates, it refers to the issue of appropriate environmental certificates. Where the Agency uses national aviation authorities for such purposes then in accordance with Article 16 of the Basic Regulation, the Agency is required to ensure standardiisation of those processes.

		Such decision is left (Article 6.3) to be decided at the level of the “rules for implementation”. Article 15.1.h refers only to “appropriate certificate” and therefore only means that if the “rules for implementation” call for an “environmental TC”, such certificate will have to be issued by EASA (and, if not, that environmental aspects could be covered by the same certificate as airworthiness ones, or that both types certificates could be combined into a single certificate). Therefore, Regulation 1592/2002 is formulated so as to avoid prejudging any decision on these matters, and opportunity of EASA establishment should be taken in order to adopt, as far as possible, the most practical, straightforward, and less bureaucratic procedures. 2) Environmental aspects (including noise) are covered by conformity to type design : Issuance of type certificate covers both airworthiness and environmental aspects. Conformity of individual aircraft to approved type design may be covered by issuance of a single certificate covering both aspects. The individual C of A could be clearly identified as covering approval of both Airworthiness and Environmental aspects. 3) Necessity to keep simple procedures and flexibility to be able to adapt to possible future evolution of ICAO requirements and concepts in terms of environmental requirements. 4) Introduction of individual Noise Certificate is likely to introduce unecessary administrative burden (including in terms of link between EASA and National Authorities). New context of EASA establishment allows to avoid this situation and should be taken as an opportunity to do so. See also comments on : > Type certificate data sheet	

		> Type certification basis	
161	21A.204	The relationship between TC, noise certificate and applicable noise requirements is not clear. If information has to be included in the flight manual, it should be required at the TC level, not at the individual certificate level. If it is clear that conformity with the type design permits the issue of the C of A, it is not clear whether it also permits the issue of an individual noise certificate or if some additional check has to be made. This is quite confusing for Member States who will be responsible for issuance. Reason(s) for proposed text/comment *Implementation problem*	Noted. The TC records the noise certification basis for the aircraft. The TCDS for noise documents the noise levels approved against this noise certification basis. The noise certificate is issued if the NA is satisfied the individual aircraft conforms to the approved type. The noise levels to be entered on the certificate are taken directly from the TCDS for noise. The requirement for requiring noise information in the flight manual stems from Chapter 1 of the current amendment of ICAO Annex 16, Volume I. EASA Form 45 specifies a format for an EASA noise certificate that is consistent with a draft ICAO/CAEP noise certificate currently under consideration by ICAO/CAEP. Associated with this certificate is a recommendation to remove the obligation to publish the noise levels in the AFM.
146	21A.204(b)	PROPOSED TEXT/COMMENT (b) … (1) … (i) … - issued under 21A.163(b), or - issued under 21A.130, - or, for an … (ii) The noise information determined in accordance with the applicable noise requirements. This information shall be included in the flight manual, when a flight manual is required by the applicable airworthiness code for the particular aircraft. (2) with regard to used aircraft: (i) The noise information determined in accordance with the	Noted. 1. 21A.204 will not be changed as 21A.130(d) requested the Competent Authority validates the form when it finds after inspection that it is safe for operation. However, noted that 21A.174(b)(2)(i) is incorrect and will be amended in line with 21A.204. The word “validated” in 21A.130(d) will be amended to “shall validate”. 2. Carried.

		applicable noise requirements. This information shall be included in the flight manual, when a flight manual is required by the applicable airworthiness code for the particular aircraft, and Reason(s) for proposed text/comment * Section 21A.130(d) of Subpart F states that the statement of conformity is validated by the Competent Authority. The text of 21A.204(b)(1)(i) can be simplified. * Editorial. Replace "must" by "shall".	
161	21A.207	Propose to delete paragraph Paragraph 21A.207 is inconsistent with paragraph 21A.95. Therefore it should be deleted. Reason(s) for proposed text/comment *Not applicable* - Changes are dealt with through Subpart D or Subpart E procedures, should they be airworthiness changes or environmental changes. - According to paragraph 21A95 (Minor changes), 21A.95 (Major changes TC holder) and 21A.114 (STC) state changes have to be approved **by the Agency** (or by an organisation entitled to do so by the Agency). - We don't see how a Noise Certificate could be "amended or modified by the **competent authority of the Member State of Registry**".	Disagreed. Changes to the TC have to approved by the Agency. Conformity with the TC design is a pre-requisite for the issue of a noise certificate by the competent authority of the Member State. The Agency may therefore require that noise certificates issued according to the pre-approved TC be amended or modified. Since it is the competent authority of the Member State that issues the noise certificate it is reasonable that such amendments or modifications that may be required shall also be made only by the competent authority of the Member State.
146	21A.209	PROPOSED TEXT/COMMENT (a) and it remains on the same register, the noise certificate shall be transferred together with the aircraft. (b) and it moves to the register of another Member State, the noise certificate shall be issued upon presentation of the former noise certificate.	Carried. In addition the two occurrences of the word "and" are considered potentially contentious and are changed to "if".

		Reason(s) for proposed text/comment Editorial. Replace "must" by "shall".	
146	21A.211(a)(2)	Text referring to Subpart M to be provided.	Noted. Reference to the maintenance Regulation (Part M) will be added in due time.
133	21A.211 (and 21A.181(1))	"(1) in service continuing airworthiness being managed;" to what objective? It is proposed: "…being managed so as to ensure that the aircraft continues to meet the applicable airworthiness standards;"	Carried.
161	21A.211	"(a) A noise certificate shall be issued for an unlimited duration. It shall remain valid subject to: (1) compliance with the applicable continuing airworthiness requirements; and (3) the aircraft remaining on the same register; and (5) the certificate not being surrendered, suspended, expired or revoked." Reason(s) for proposed text/comment See comment to 21A.181	Noted. Revised text now reads as follows : "… subject to: (1) compliance with the applicable continuing airworthiness requirements; and (2) the aircraft remaining on the same register; and (3) the type-certificate or restricted type certificate under which it is issued not being previously invalidated under 21A. 51; (4) The certificate not being surrendered or revoked under 21B.430. (b) Upon surrender or revocation, the certificate shall be returned to the competent authority of the Member State of registry.
099	21A.211	As it is not desirable to leave invalid noise certificates with the former holder CAA-NL suggests a new subparagraph (b) to be introduced stating the following: **"(b) Upon suspension or revocation the applicable noise certificate shall be surrendered to the competent authority."**	Noted. Text now reads as follows: "(b) Upon surrender or revocation, the certificate shall be returned to the competent authority of the Member State of registry".

029	21A.209(b) -	the paragraph should be amended as follows: "... the noise certificate must be issued upon presentation of the former noise certificate, provided that the latter shows that the aircraft satisfies the Member State's noise requirements for that aircraft type."	Disagreed. 21A.209 only intended to cover transfer between Member States. Introduced for steady state condition where EU requirements (ICAO Annex 16) will apply (see 21A.18).
083	Subpart J	The FAA is concerned with DOA's making environmental findings. The FAA has not to date accepted statements of compliance to noise and emissions requirements by our bilateral partners. We have only allowed the witnessing of tests. FAA does not delegate compliance findings for noise and emissions requirements of 14 CFR Parts 34 and 36 to individuals or organisations. EASA acceptance of compliance solely based upon an applicant's declaration of compliance would not satisfy FAA requirements. FAA will still have to have in place under the bi-lateral a means of ensuring FAA involvement in environmental approvals by DOAs.	Deferred. This is a bilateral issue between the Commission and FAA.
146	Subpart J	Section A / Subpart J Proposal is to keep the existing JAR-21 Subpart JB in the IR21 Reason(s) for proposed text/comment First of all, the understanding of the aeronautical community, for the implementation of the existing JAR regulation into the European Community regulation, was that no fundamental technical or procedural content should be changed, in agreement with the article 10 of the "IR21 Explanatory Memorandum" which recommend to follow JAR21 as much as possible and to minimise undue burden on industry and authorities. If the need of such change should be raised by EC, this should be handled through the appropriate regulation revision process, with exposition of the rational for such suppression, with interested parties consultations and the 3 month time period review. In this case, 2 pages of JAR-21 and 14 articles have been	Deferred. JAR-21 Subpart JB concept of design organisation approval for parts and appliances has not been retained for Part 21, because it is not immediately related to design approval certificates and therefore it has been considered outside of the scope of the Basic Regulation, Article 5(2)(d). Full response is provided in the final Opinion submitted to the Commission.

		suppressed without any official explanation for interested parties (see § 2.2.5 of the Attachment 1 of the "IR21 Explanatory Memorandum", showing declaration or statement, without any rationale or explanation. In a time of "world globalisation business" most of the new or future aeronautical products (aircraft and engine) are handled through consortiums, having partners coming from various EU Member States and none EU Member States, with the same or equivalent involvement or responsibility. Those consortium's partners are main designers/manufacturers companies, each of them involved in different consortium with different companies. DOA under subpart JB for parts and applications allows main designers/manufacturers companies to define recognised design organisation. They are relying on their own DOA JB agreement to provide part or modules for various product's TC holders with the necessary "airworthiness" level, and without the necessity to modify their own design organisation and procedures to fulfil the need of the various consortium holding a DOA JA. Suppression of the DOA under subpart JB has a significant impact on the industrial organisation, with the associated cost: - DOA JA holder will have to strengthen it's own design organisation to support the none recognised / approved design organisation of partners. Currently, the DOA JA holder can rely on approved organisations under DOA JB for the partners of consortium or major sub-contractors. It allows the DOA JA holder to avoid the creation of strong design structure, provided that the independent monitoring function is in force over the consortium. - Former DOA JB holder will not have anymore approved organisation, capable to fit in any DOA JA holder organisation. It will lead them to define specific design organisation for each consortium according to the various DOA JA holder	

		requirements, not necessarily compatible, which may affect the industrial effectiveness and quality level. Finally, from Authority standpoint, instruction and surveillance of DOA JA relying on DOA JB organisations should be easier than none harmonised organisations between partners, associated with increased cost in time and resources.	
099	Subpart J	Subpart J uses the term "design organisation" and "organisation" mixed throughout the paragraphs. As subpart J is specifically written for design organisations, it seems logical to standardise on this wording. CAA-NL request to replace the word "organisation" with "design organisation" throughout Subpart J.	Noted. Subparts J and G have now been further harmonized in this respect.
168	Subpart J	[…] has reviewed IR 21 in the light of smooth transition from JAR 21 to IR 21 under EASA oversight. Special attention and dedicated focus has been given to the fact that German aerospace industry, to a larger extent than industry in other JAA countries, has built up partnership and TC-holder / supplier relations, which find their regulatory basis in JAR21, Subpart JB. It is […] expectation that IR21 should not prevent us from continuing in doing what has shown to be of interest for contracting as well as for contracted parties, while ensuring safe and airworthy deliveries of so-called parts and appliances. **IR21 Subpart J:** In the current draft, the IR21.A233 "Eligibility" is restrictive in saying: The Agency will only accept an application for a Design Organisation Approval under this Subpart J: (a) in accordance with IR 21A.14 (TC), 21A.112B (STC), 21A.432B (major repair design) or 21A.602B (APU ETSO); or (b) for approval of minor changes or minor repair design, when requested for the purpose of obtaining privileges.	Deferred. JAR-21 Subpart JB concept of design organisation approval for parts and appliances has not been retained for Part 21, because it is not immediately related to design approval certificates and therefore it has been considered outside of the scope of the Basic Regulation, Article 5(2)(d). Full response is provided in the final Opinion submitted to the Commission.

		In terms of product development processes the wording of subparagraph (a) literally restricts DOA eligibility to applicants dealing with TC, STC and APU developments as long as the related "product" is not certified. In contrast to this, subparagraph (b) opens the eligibility for DOA application to the full community of aviation industry involved in minor changes and / or repairs of such products. […] sees a significant discontinuity in this approach, which on one hand discourages organisations qualified under the JB concept from continuing on a proven path to assist holders of TC, STC, Major Repair Approval or ETSO approval in showing compliance with applicable requirements and on the other hand paves the way for another category of aviation industry to be eligible for a DOA under IR 21 terms. How to cope with the issues of Instructions for Continued Airworthiness resulting from this widened scope of eligibility is not clear for us. The concept of DOA under the JB concept has proven to contribute to aviation safety in industry relationships through industrial relationships among partners qualified against defined and comparable standards. This is of special importance in times when industry focuses more and more on core competences and relies on qualified support from contracted companies, which then complement the full set of competence required for the development of the respective product. On top of that, we feel that the currently proposed rule may cause a marketing disadvantage for the companies working under JAA respectively EASA rules compared to those companies of other countries. […] propose to amend IR21.A233 in a way which includes organisations assisting applicants for or holders of TC, STC,	

		Major Repair approval or ETSO approval to be eligible for DOA under the IR21 concept. This would also be in line with EC Regulation article 5.2.d, listing parts and appliances among the capabilities, which should be demonstrated by organisations responsible for design and manufacture. The proposal is to amend IR21A.233 by a new chapter (c) in line with the former JAR21.B232 through JAR21.B245 regulations.	
165	Subpart J	Subpart JB has been deleted. There was a wide debate in JAA regarding the introduction of this Subpart, whose outcome was the agreement to have it in JAR-21. The process of drafting Part 21by an Experts Group has not provided the opportunity to have the same wide discussion process. The deletion is contrary to the principle of adhering to existing JAR-21.The Subpart JB has been and can be an useful tool not only for industry but also for the authorities. Furthermore it is stated that some current holders of a JB approval will not be eligible for a new J approval, therefore they could claim that existing rights are not respected. It is suggested that Subpart JB is retained until a proper public debate, free of time pressures, can be held on the convenience of keeping this Subpart.	Deferred. JAR-21 Subpart JB concept of design organisation approval for parts and appliances has not been retained for Part 21, because it is not immediately related to design approval certificates and therefore it has been considered outside of the scope of the Basic Regulation, Article 5(2)(d). Full response is provided in the final Opinion submitted to the Commission.
075(a)	Subpart J	IR 21 subpart J does not fulfill “Regulation (EC) no. 1592/2002 of the European Parliament and the Council of 15.July 2002”. i.e. Chapter II, article 5, §2 (d). This paragraph requires an approval of design organisations without limitation to applicants of TC, STC, Major repair design or APU ETSO.	Deferred. It is submitted that Article 5(2)(d) is met by complying with the requirements of Article 5(4)(f). Part 21 Subparts B, D, E, J, M and O relate, including 21A.602B(b)(2).
075(a)	Subpart J	Resulting from the above the general deletion of the concept of JAA JB design organisations is not supported. During the recent years this concept proved to provide significant benefit for authorities and industry. The once approved capability to adequately support the TC holder of a	Deferred. JAR-21 Subpart JB concept of design organisation approval for parts and appliances has not been retained for Part 21, because it is not immediately related to design approval certificates and therefore it has been considered outside of the

		product is producing a higher level of awareness for airworthiness and safety matters within the sub- contractors which have a major share in the development of a product. This concept did propagate the JAR21 objectives into subcontractor organisations to the benefit of the safety of the product. It provides defined and comparable objectives with respect to Design Assurance requirements. The currently proposed IR 21 Subpart J does not support the possibility of applying for a DOA for these organisations. The growing number of international co-operations, however, is increasing the need for a DOA concept which covers the contribution of the major shareholders of the co-operation to the final product. […] as an established design responsible, risk-sharing partner of OEMs and of international engine co-operations has developed its design and engineering contribution to their partners to an extent that extensive support of the respective TC holder in demonstrating compliance of the product with the appropriate airworthiness requirements becomes imperative. The JAR21 JB concept provided a suitable means to accumulate the design responsibility and expertise under the umbrella of a managing design organisation ensuring the airworthiness and safety of the product. The current para 21A.233 does not take account of the requirements of such co-operations. Therefore it is proposed to amend IR21.A233 in a way which includes organisations, designing parts and appliances, for the purpose of supporting a TC holder/applicant in demonstrating compliance of the product with the appropriate airworthiness requirements, to be eligible for DOA under the IR21 concept. This would also be in line with the EC regulation 1592/2002.	scope of the Basic Regulation, Article 5(2)(d). Full response is provided in the final Opinion submitted to the Commission.
007	Subpart J	In the new IR-21 (draft, now in worldwide comments), Subparts	Deferred.

		JA and JB are replaced by a single Subpart J which considers Design Organisation Approvals only in relation to activities performed by TC holders, changes, repairs, etc., that is, activities associated to a privilege. In general, most of current JB approvals will disappear if they are not associated to a privilege. From my point of view, no clear arguments are presented to delete the current JAR 21 Subpart JB. During the last 8 years, this system has shown its utility to improve the confidence of the Authorities in the industry. In the aeronautical scenary (in special in the design and development of new aeroengines) a lot of projects are carried out by consortiums, sharing the design responsibility among various partner companies (usually, each partner company designs specific modules of the engine and it is completely responsible of them, throughout the whole life of these products). Although the full design authority holds in the TC holder, if the TC holder (DOA JA) is a consortium and the partner companies have their own DOA JB approval, the system audit and the confidence in the Design Assurance System will be easier. In addition to that, a company forming part of various consortiums will be investigated once, instead to repeat the investigation every time it is part of a new consortium. It is therefore proposed to retain the DOA JB approval within the new IR-21.	JAR-21 Subpart JB concept of design organisation approval for parts and appliances has not been retained for Part 21, because it is not immediately related to design approval certificates and therefore it has been considered outside of the scope of the Basic Regulation, Article 5(2)(d). Full response is provided in the final Opinion submitted to the Commission.
042	Subpart J	In the IR 21 there is only Subpart J; Subpart JB is deleted. Deletion of subpart JB is not possible. Reason: To ensure the quality and safety of the design of aircraft equipment the suppliers who design and manufacture this equipment could be approved according to the current subpart JB.	Deferred. JAR-21 Subpart JB concept of design organisation approval for parts and appliances has not been retained for Part 21, because it is not immediately related to design approval certificates and therefore it has been considered outside of the scope of the Basic Regulation, Article 5(2)(d).

			Full response is provided in the final Opinion submitted to the Commission.
043	Subpart J	Subpart J General : since JAR 21 Subpart JB does not exist any more, what exactly are the organisation approval options now for vendors that design and supply parts to TC/STC holders?	No option outside the eligibility specified in 21A.233
050	Subpart J	We are unpleasantly surprised noticing that there is no equivalent for JAR 21 Subpart JB in the Draft IR21. It is hard to see how this will improve design assurance issues in the supply chain, especially with many customers. As designers of aircraft parts for many TC-holders the independent surveillance of the DOA by the Aviation Authority is highly appreciated and contributes to continued improvement of our Design Assurance System. Having a Design Organisation that is approved by the Authority is also of value in relation to our US customers. Court actions concerning acquired rights cannot be excluded. Further we agree with the comments made by [representative body] (AG/ld/25096). We are confident that EASA is aiming at improvement of design assurance not deterioration.	Deferred. JAR-21 Subpart JB concept of design organisation approval for parts and appliances has not been retained for Part 21, because it is not immediately related to design approval certificates and therefore it has been considered outside of the scope of the Basic Regulation, Article 5(2)(d). Full response is provided in the final Opinion submitted to the Commission.
099	Subpart J	21A.245(a) and 21A.251 detail the environmental protection into noise, fuel venting and exhaust emissions. To be consistent throughout Subpart J, the wording "**environmental protection**" should be used in line with the basic requirement 21A.239(a)(1). CAA-NL request to consistently use the wording "environmental protection" throughout Subpart J.	Deferred.
068	21A.233	**21A.233 Eligibility**	Deferred.

		Any organisation **shall** be eligible ~~as an applicant~~ under this Subpart: (a) *as an applicant*, in accordance with 21A.14, 21A.112B, 21A.432B or 21A.602B; or (b) *as an applicant* for approval of minor changes or minor repair design, when requested for the purpose of obtaining privileges under 21A.263 *(c) for the purpose of assisting another design organisation.* *(…)* […] would very much regret the disappearance of the official recognition of design organisations having the demonstrated the capabilities according to JAR-21 Subpart JB. The JB concept has proven to contribute to safety in aviation because offering DOA eligibility for appliance designers particularly, and for any Design Organisation assisting TC holders more generally, can only enhance the safety of the designs. This is of special importance in times when industry focuses more an more on core competencies and relies on qualified support from contracted companies, which then complement the full set of competence required for the development of the respective product. This would also be in line with EC Regulation article 5.2.d, listing parts and appliances among the capabilities, which should be demonstrated by organisations responsible for design and manufacture. […] propose to amend IR21.A233 in a way which includes organisations assisting applicants for or holders of TC, STC, Major Repair approval or ETSO approval to be eligible for DOA under the IR21 concept.	JAR-21 Subpart JB concept of design organisation approval for parts and appliances has not been retained for Part 21, because it is not immediately related to design approval certificates and therefore it has been considered outside of the scope of the Basic Regulation, Article 5(2)(d). Full response is provided in the final Opinion submitted to the Commission.
146	21A.233 (Should read	21A.233 Eligibility	Deferred. JAR-21 Subpart JB concept of design organisation approval for parts and appliances has not been

	Subpart J, and include comments on 21A.233, .239, 243 and 251))	Any organisation shall be eligible as an applicant under this Subpart: (a) as an applicant, in accordance with 21A.14, 21A.112B, 21A.432B or 21A.602B; or (b) as an applicant for approval of minor changes or minor repair design, when requested for the purpose of obtaining privileges under 21A.263 (c) for the purpose of assisting another design organisation. (…) Reason(s) for proposed text/comment […] learned that several currently JB approved Design Organisations regret the disappearance of this official recognition of their capability. They predict that they will be submitted to more potentially inhomogeneous requirements, monitoring and auditing from the TC holders, and will loose "one element of assurance" which their customers appreciate, and which required considerable effort and cost to achieve. […] has found nothing in the Basic Regulation Article 5(d) that leads necessarily to this disappearance. Though the TC holder has the responsibility of the product definition, it is normally not under his competence to cover detailed appliance design. It is up to an appliance designer organisation to cover this detailed design, then test the appliance to show that the TC holder specifications are met. The TC holder has to show that, once installed in the product, the appliance performs its intended functions under foreseeable operating and environmental conditions and in liaison with other appliances and systems. Offering DOA eligibility for appliance designers particularly, and for any Design Organisation assisting TC holders more generally, can only enhance the safety of the designs.	retained for Part 21, because it is not immediately related to design approval certificates and therefore it has been considered outside of the scope of the Basic Regulation, Article 5(2)(d). Full response is provided in the final Opinion submitted to the Commission.

		As all DOAs will now be managed by a single Agency, the Authority is now better placed to ensure that the procedures applied by various Design Organisations working together for the same product are consistent altogether. It should thus be possible to apply privileges, particularly the "issuance of information and instruction with an approval statement" one, at the most suitable level. Having more approval statements within information and instructions, following procedures agreed with the Agency and consistent with the DOA of the TC holders, will allow to improve the formal design/maintenance links, which are considered currently as "not yet sufficiently mature". This assessment about these links was one of the output from the JAA/FAA/Transport Canada effort related to the improvement of the Common Release Certificate guidance material, see TGM/POA/11 from the JAA. Note : this proposed change in Part 21 Subpart J is associated with a separate, but consistent, proposal of improvement to the explanatory memorandum.	
147	21A.233	To add a new paragraph "c) : for approval of technical data (such as CMM for parts and appliances) when requested for the purpose of obtaining privileges under 21A.263(c)(3)" **Reason(s) for proposed text/~~comment~~** To allow equipment, parts and appliances manufacturers who perform design activities to obtain a Part 21 Subpart J approval in order to be able to : – issue approved data such as Component Maintenance Manuals, – obtain a recognition of their design activities.	Deferred. Addition of new privileges and the issue Part 21 Subpart G approval to parts and appliances designers need further consideration. See also full response on Subpart JB issue in the final Opinion submitted to the Commission.
095	21A.283	21A.283 Eligibility	Deferred.

	(Should read 21A.233)	to be added: (c) for the purpose of assisting another design organisation (according to (a) and / or (b)) by design of parts and appliances. **Reason(s) for proposed text/comment** Design organisations up to now qualified under the JAR 21 JB concept would loose the capability to continue offering approved assistance to other design organisations. This proposed capability of approved assistance by design of parts and appliances in accordance with JAA/FAA requirements has been widely used by JAR 21 JA design organisations. The concept of DOA under JAR21 JB has proven to contribute to aviation safety in industry relationships through industrial relationships among partners qualified against defined and comparable standards. This is of special importance in times when industry focuses more and more on core competencies and relies on qualified support from contracted companies, which then complement the full set of competence required for the development of the respective product. Due to nowadays complexity of systems, a delegation of competence and responsibility is necessary. Successful co-operation has been established during the last years, that would be impaired by the current draft of IR21. With respect to our company, ESW has followed recommendations of several European Aircraft manufactures (see attachments) to obtain JAR 21-JB approval. Installation of the required prerequisites has been done with considerable effort, having in mind amortisation by the expected extended workload and sales volume. This would be cut after very successful introduction. The situation will be similar for other JB-companies. Therefore the above mentioned addition is necessary to prevent negative consequences to both – the economic situation of the JB-companies and the successful co-operation of them and the JA-organisations.	JAR-21 Subpart JB concept of design organisation approval for parts and appliances has not been retained for Part 21, because it is not immediately related to design approval certificates and therefore it has been considered outside of the scope of the Basic Regulation, Article 5(2)(d). Full response is provided in the final Opinion submitted to the Commission.

063	21A.283 (Should read 21A.233)	Eligibility to be added: (c) for the purpose of assisting another design organisation (according to (a) and / or (b)) by design of parts and appliances. **Reason(s) for proposed text/comment** Design organisations up to now qualified under the JAR 21 JB concept would loose the capability to continue offering approved assistance to other design organisations. This proposed capability of approved assistance by design of parts and appliances in accordance with JAA/FAA requirements has been widely used by JAR 21 JA design organisations. The concept of DOA under JAR21 JB has proven to contribute to aviation safety in industry relationships through industrial relationships among partners qualified against defined and comparable standards. This is of special importance in times when industry focuses more and more on core competencies and relies on qualified support from contracted companies, which then complement the full set of competence required for the development of the respective product. Due to nowadays complexity of systems, a delegation of competence and responsibility is necessary. Successful co-operation has been established during the last years, that would be impaired by the current draft of IR21. With respect to our company, ESW has followed recommendations of several European Aircraft manufactures (see attachments) to obtain JAR 21-JB approval. Installation of the required prerequisites has been done with considerable effort, having in mind amortisation by the expected extended workload and sales volume. This would be cut after very	Deferred. JAR-21 Subpart JB concept of design organisation approval for parts and appliances has not been retained for Part 21, because it is not immediately related to design approval certificates and therefore it has been considered outside of the scope of the Basic Regulation, Article 5(2)(d). Full response is provided in the final Opinion submitted to the Commission.

		successful introduction. The situation will be similar for other JB-companies. Therefore the above mentioned addition is necessary to prevent negative consequences to both – the economic situation of the JB-companies and the successful co-operation of them and the JA-organisations.	
167	21A.233	This is a critical requirement. We request that an affirmative statement be added that design organisation approval can be granted to organisations in non-member states. We also believe that there would be some benefit in having separate DOA authorization for maintenance and new product certification. Further, we support the acceptability of a DER approved data for bilateral purposes and believe that this should be addressed.	Noted. Basic Regulation allows issue of DOA to non-member States organisations. Part 21 provides a single approach to approve a design organisation(DOA) with the possibility to have their scope tailored to the activities (e.g. limited design capability for maintenance organisation). Finally, Art. 3(2) provides a means to accept foreign system as equivalent.
172	21A.233	This is a critical requirement. We request that an affirmative statement be added that design organisation approval can be granted to organisations in non-member states. We also believe that there would be some benefit in having separate DOA authorization for maintenance and new product certification. Further, we support the acceptability of a DER approved data for bilateral purposes and believe that this should be addressed.	Noted. Basic Regulation allows issue of DOA to non-member States organisations. Part 21 provides a single approach to approve a design organisation(DOA) with the possibility to have their scope tailored to the activities (e.g., limited design capability for maintenance organisation). Finally, Art. 3(2) provides a means to accept foreign system as equivalent
099	21A.239(b) (Should be 21A.239(a)(3))	CAA-NL suggests to explicitly include a timeframe of two years in witch all relevant aspects of the approved organisation are to be monitored, this to avoid discussions on frequencies and intensity of the monitoring system.	Deferred.

091	21A.243 (a), (c) & 21A.265 (a)	Change “handbook” to “exposition” for alignment with other subpart of Part 21.	Deferred.
095	21A.243; 21A.265	Change “handbook” to “exposition” for harmonisation of wording with subpart G	Deferred.
146	21A.243(b)	PROPOSED TEXT/COMMENT (b) Where any parts or appliances or any changes to the products are designed by partner organisations or subcontractors, the handbook shall include a statement of how the design organisation is able to give, for all parts and appliances, the assurance of compliance required by 21A.239(b), and shall contain, directly or by cross-reference, descriptions and information on the design activities and organisation of those partners or subcontracts, as necessary to establish this statement. Reason(s) for proposed text/comment Editorial. Replace "must" by "shall".	Carried.
099	21A.251	This paragraph limits the inclusion of a list of products in the terms of approval to Type Certification or ETSO authorisation, while current organisation approvals (JAR21 and national regulations) for changes also limit the terms of approval to a list of products for STC’s. This is caused by the fact that many of these design organisations concentrate on one specific product or one product manufacturer and have no knowledge/ experience for similar products or other manufacturers. CAA-NL request to adjust 21.A251 to expand the inclusion of list of products in the Terms of Approval for STC’s.	Disagreed. Experience on JAR 21 DOA for STC holders has shown that a list of product is not appropriate.
099	Findings General 21A.125B/C	In comparing texts, we have noted that the current draft Parts contain very different wording on findings and their consequences in the context of organisation approvals, even	Deferred. May be subject to further refinement. However, there is sufficient difference between Section A

	, 21B.143/145, 21A.158/159, 21A.258/259, 21B.225/245	though the guiding principles are very much the same. We would regret such a lack of legal clarity, especially where it would take a relatively small effort to come up with some standardised wording, without really touching upon the substance. As a consequence CAA-NL has put forward a proposal to harmonise the wording of the comparable paragraphs in the various subparts, in order to make perfectly clear that there is no divergence within the EASA system as regards the principles that apply to findings and approvals. For Harmonized proposal sea attached document.	and Section B findings paragraphs (and between individual Subparts) to warrant separate entries
146	21A.257(a)	PROPOSED TEXT/COMMENT (a) The design organisation shall make arrangements that allow the Agency to make any investigations, including investigations of partners and subcontractors, necessary to determine compliance and continued compliance with the applicable requirements of this Subpart J. Reason(s) for proposed text/comment Editorial. It is not necessary to precise that this part is J.	Carried in the final draft opinion submitted to the Commission.
146	21A.257(b)	It is proposed to delete the entire subparagraph (b) Reason(s) for proposed text/comment This comment is related to and should be treated in relation with the comments on 21A.33 and 21A.263, as they all relate to verification activities performed by the Agency in the frame of Technical Certification. The requirement to allow the Agency to make any inspection and any flight and ground test, is already in Subpart B. The inspections under subpart J should be related to the Agency 'quality assurance assessment' of the design assurance	Disagreed. Subpart B is not referring to Subpart J because alternative procedures can be used in some instances. Privileges are contained in Subpart J itself and cannot be repeated in Subpart B. Anyway, under Subpart J, the Agency retains the right to make inspections or tests (see 21A.257(b)). Revised text of 21A.257(b) now reads as follows: "… (b) The applicant shall allow the

		system, as it is in 21A257(a) and not to technical certification activities.	Agency to review any report and make any inspection and perform or witness any flight and ground test necessary to…" This is now more consistent with new 21A.33(d).
068	21A.258	It is acknowledged that Article (5) paragraph 4.f) of the Basic Regulation identifies that "the Commission shall adopt, (…) the rules for the implementation of this Article, specifying in particular: (…) conditions to issue, maintain, amend, <u>suspend or revoke</u> organisation approvals required (…)". Nevertheless : - the Core Groups had to prepare the draft rules based on already agreed JAA regulatory material, this prerequisite also has been adressed to justify the very short comment period ending July 18,2003. - JAR 21 amendment 5 does not contain anything similar to the "Findings" paragraph - no official JAA document with this subject has been reviewed during a formal comment period - no previously issued JAA NPA has dealt with the subject 'findings' as adressed in the new §21A.258. - no DOA related TGM has been published to somehow formally gain experience with such findings. Therefore, it is judged that this paragraph is neither mature, nor substantiated enough, to be included within issue 1 of Part 21 Subpart J. Within the little time available between publication in the draft rule and the comment date, the […] identifies that its contents, notably the immediate suspension of the design organisation approval in case of level one finding : 21A.258(b)(1), is a considerable threat. In case of a level 1 finding the operation of the approved organisation would come to an immediate stop,	Noted. Experience of findings is based upon JIPs which have been in use in connection with JARs for a considerable period. However JIPs have in general only been visible to NAA. It is unlikely that an organisation will receive a full removal of privileges as it is possible to suspend only part of the approval.

		because compensating measures would not be available. […] sees a significant disparity between this 'findings' paragraph and §21A.3 where ways are opened to manage situations where protective or corrective measures can be agreed upon before a approval might be revoked. Therefore, the […] recommends that paragraph 21A.258 is not introduced in issue 1 of Part 21.	
029	21A.258	The "Findings" classification and actions are new to the (JAA) DOA system. (2)(ii) suspension should not automatically result if the 2(i) schedule is not achieved. Negotiation of a resolution should be applied first. [Otherwise the item probably should have been a Class 1 finding...]	Disagreed. There is no automatic suspension envisaged in this paragraph.
177	21A.258, (21.158, 21.125B)	It is proposed that each of these paragraphs is deleted. Reasons: 1) These paragraphs were not part of JAR-21 and have not been adequately discussed with interested parties. 2) the definition of a Level One finding is sufficiently confusing that in the future, individual safety concerns could be interpreted as reasons for a Level One finding. The imposition of a requirement for corrective action within 21 days would have serious implications for Eurpean industry. It would also be wholly inconsistent with the procedures previously adopted within JAR-39 which are incorporated by reference to IR 21A.3. 3) The approach taken in IR 21 is inconsistent with that taken in IR-145 and IR-M.	Disagreed. 1. Findings were previously within the JIPs. However, no visibility was provided to the applicant/holder of potential consequences of findings. This is corrected in Part 21 by its inclusion within Section A. 2. The concept of findings was previously contained in JIPs with which naas had to comply and may not have been directly visible to industry but nevertheless was applied. It is not agreed that there are unjustified inconsistencies between 21A.3 or 3B and other associated Subparts in Part 21. It is agreed however, that subsequent refinement of this process may recommended within the continuing rulemaking activities. 3. May be subject to further refinement. However, there is sufficient difference between IR-21 and IR-145 / IR-M findings paragraphs to warrant separate entries
133	21A.258	There are inconsistencies in Part 21A Subparts F, G & J with	Carried.

	(and 21A.125B(b)(1)and 21A.158)	regard to actions resulting from Level One findings when compared to the information published in Part.21B. This particular paragraph falls short in not allowing the competent authority to prevent further production until it is satisfied the level one finding has immediately been addressed. It should further indicate that the POA should consider the production items that have been previously released The manner in which this paragraph is written would allow the POA to continue on for 21 days with a serious non-compliance before suspension. In comparison, the Level 1,2 & 3 findings in the design Part 21A.258 these appear to be more effective including a corrective action plan	The relevant paragraphs have been harmonized as far as possible and now lead to harmonized consequences of Level One findings. However differences will remain as result of the fact that there are different competent authorities for the different approvals.
146	21A.258 (and 21A.158 and 21A.125B)	PROPOSED TEXT/COMMENT None at this stage of Part 21 issue 1 setting up. It is acknowledged that Article (5) paragraph 4.f) of the Basic Regulation identifies that “the Commission shall adopt, (…) the rules for the implementation of this Article, specifying in particular: (…) conditions to issue, maintain, amend, suspend or revoke organisation approvals required (…)”. Nevertheless : - JAR 21 amendment 5 does not include any equivalent “Findings” paragraph, in any of the three affected Subparts - neither could one be found in any JAA official document having had the opportunity to be formally commented upon by the interested parties : it was not in any previously issued JAA NPA	Disagreed. The concept of findings was previously contained in JIPs with which NAAs had to comply and may not have been directly visible to industry but nevertheless was applied. It is agreed however, that subsequent refinement of this process may recommended within the continuing rulemaking activities.

		- it was neither in any POA nor DOA related TGM, through which experience could have formally be gained - it is explained nowhere within the detailed explanatory memorandum. Therefore, it is judged that these paragraphs are not mature, nor substantiated enough, to be included right away within issue 1 of Part 21. Within the little time available between its discovery in the project and the comment date, the AECMA established that its contents, notably the immediate suspension of the design organisation approval in case of level one finding : 21A.258(b)(1), is a considerable change. It would effectively, would the case happen, immediately halt the industrial production, with no mechanism formally identified to allow discussions to take place between the holder of the approval and the Agency before the suspension occurs. These discussions, though it is acknowledged that they should be rapid, in order not to let stay a situation where safety of aircraft could be compromised, are felt necessary to ensure : - that the supposed failing holder understands what the finding is, and can confirm that the finding represents a true situation, not an erroneous assessment - that, when the finding is confirmed, the holder can identify and mandate emergency corrective actions, to the satisfaction of the Agency, before industrial output had to be suspended as a likely consequence of the suspension of the design organisation approval. Such a process where the holder and the Agency would actively work together to find a suitable agreement would be consistent with paragraph 21A.3 way of managing situations	

		where the level of safety of the product may be found to be temporarily compromised. As currently written, it is judged that 21.A258 cannot be accepted, as it can be interpreted that it introduces requirements that are more severe than these from JAR 39, or JAR 21.A3. This in turn would introduce unequal treatment between European holders of certificates or approvals, and their competitors abroad. Therefore, the AECMA recommends that paragraphs 21A.125B (Subpart F), 21A.158 (Subpart G) and 21A.258 be not a part of issue 1 of Part 21. It is suggested instead to launch regulatory work through the applicable procedure of the Agency, such as the best procedures could be identified, discussed, assessed, justified and eventually entered into Part 21. Note 1 : this proposed change in Part 21 paragraphs is associated with a separate, but consistent, proposal of improvement to the "(EC) No …/.. 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" : Article 3, paragraph 3, and Article 4, paragraph 3. Note 2 : would the text eventually stay, we believe it would be clearer delete the word "the" into (a)(1) of each paragraph, such as to read "… could affect the safety of aircraft" instead of "… could affect the safety of the aircraft", as more than one aircraft, e.g. a fleet of aircraft from a given Type, may be affected.	
113	21A.258	Article 3, paragraph 3 The length of the period for closure of level two findings, referred to in Subpart J of the Annex, stated in the Draft Commission Regulation on Certification, is in contradiction with	Noted. A change in the draft Regulation is proposed to differentiate usual level two findings from findings related to differences with previous JAR

		21A.258. This discrepancy should be eliminated.	requirements. Please consult the CRD to the draft Regulation.
147	21A.258, (and 21.158, 21.125B)	It is proposed that each of these paragraphs is deleted. Reasons: 1) These paragraphs were not part of JAR-21 and have not been adequately discussed with interested parties. 2) the definition of a Level One finding is sufficiently confusing that in the future, individual safety concerns could be interpreted as reasons for a Level One finding. The imposition of a requirement for corrective action within 21 days would have serious implications for Eurpean industry. It would also be wholly inconsistent with the procedures previously adopted within JAR-39 which are incorporated by reference to IR 21A.3. 3) The approach taken in IR 21 is inconsistent with that taken in IR-145 and IR-M	Disagreed. The concept of findings was previously contained in JIPs with which naas had to comply and may not have been directly visible to industry but nevertheless was applied. It is agreed however, that subsequent refinement of this process may recommended within the continuing rulemaking activities.
167	21A.258(a)(1)	Similar to the comment to 21A.3(b)(1) concerning the term “unsafe”, there is no definition and therefore no objective standard as to what constitutes “safety of the aircraft”. Safety requirements/criteria must be defined.	Noted.
099	21A.258(a)(3)	This paragraph is not identifying a non compliance with the requirements of subpart J. The text in 21.A258(a)(3) refers to a “potential problem that could lead to a non compliance”, and 21.A258(b)(3) does not result in any immediate action or consequence. Therefore, inclusion of this type of finding as a requirement seems not justifiable. CAA-NL uses the terminology observation instead of level 3 and the related issue is treated as a recommended action. CAA-NL request to remove 21A.258(a)(3) and 21A.258(b)(3) and if felt necessary include this issue in guidance material.	Deferred.

167	21A.258(b)(1)	This section should be permissive rather than mandatory. The Agency should be allowed discretion to make a determination whether an immediate suspension is actually required. To immediately suspend DOA approval may prevent critical support from being rendered to the fleet, particularly where that DOA is the only DOA for a particular product. Therefore, in line 2 replace "~~shall~~" with "<u>may</u> at its sole discretion".	Noted. Experience of findings is based upon JIPs which have been in use in connection with JARs for a considerable period. However JIPs have in general only been visible to NAA. It is unlikely that an organisation will receive a full removal of privileges as it is possible to suspend only part of the approval.
161	21A.259	I - Amend 21A259 as follows: "A design organisation approval shall remain valid until it is surrendered, superseded, revoked, suspended or expired. " II – Transfer in section B the provisions for the suspension, limitation, revocation… of a DOA Reason(s) for proposed text/comment <u>*I - Impracticable*</u> - According to the proposed text, if the internal audit system of the organisation finds any non compliance with the regulation the complete approval becomes invalid. What's more if it happens that the non compliance existed 10 days before the audit, it would mean that retroactively the approval was invalid since 10 days ! In addition it is clear that the DOA has to comply with the regulation each time the regulation says "shall" - Paragraph (2) and (3) are more appropriate as conditions to suspend the approval. - Although we can understand the rationale to have unlimited approvals, it has to be recognised that today oversight of approved organisations is partly based on renewal. It should be acknowledged that it is often easier to put pressure on an organisation at the time of renewal rather than suspending an unlimited approval. In addition, it is not rare, when an organisation is raising concern to give a very limited approval and thus have a reinforced surveillance. Switching to unlimited approvals would thus necessitate a major change in	Disagreed. The contents are in essence similar to that previously identified within JIPs for POA. There is no indication that retrospective action should or can be taken, other than by normal continued airworthiness means. Article 5(4)(e) of the Basic Regulation requires that the specifics/detail of such items be provided and therefore Part 21 is in accord with that Article.

		the enforcement system which does not seem absolutely necessary at this stage. *II - Impracticable* - In the absence of adequate provisions, the Agency will have no means to suspend an approval	
099	21A.259	As it is not desirable to leave invalid DOA's with the former holder CAA-NL suggests a new subparagraph (b) to be introduced stating the following: **"(b) Upon suspension or revocation the applicable DOA shall be surrendered to the agency."**	Noted. Text no wreads as follows: "… (4) The certificate has been surrendered or revoked under the applicable administrative procedures established by the Agency. (b) Upon surrender or revocation, the certificate shall be returned to the Agency. An "approval" being a "certificate" under the Basic Regulation.
146	21A.263	21A.263 Privileges (a) (unchanged) (b) Compliance demonstration activities, performed by the organisation for the purpose of: (1) Obtaining a type-certificate or approval of a major change to a type design;.... shall be accepted by the Agency without further verification, with the exception of those that relate to novelties, new requirements or interpretations, and new demonstration methods. (c) (unchanged)	Deferred. The current text may need further refinement taking into consideration comments received on 21A.263(b)) and further work should be considered by the Agency.

		Reason(s) for proposed text/comment This comment is related to and should be treated in relation with the comments on 21A.33 and 21A.257(b), as they all relate to verification activities performed by the Agency in the frame of Technical Certification. There are two proposed changes in this paragraph: 1. Compliance demonstration activities The text should not refer only to documentation, but in general to compliance demonstration activities. These activities could be producing documents, but also other activities, like ground testing, flight testing, simulation, inspection, etc. This is described in the Joint Certification and Validation Procedures from the JAA and it is expected that the Agency will adopt similar implementation procedures. It reflects the current way of working. 2 The wording 'shall' and 'may' It is acknowledged that the word 'may' in JAR 21.A263(a) was changed because of legal reasons into the word 'shall'. […] is pleased with this new wording, especially as the word 'may' was excessively open to inhomogeneous interpretation and the involvement in the compliance demonstration process of the AA's could arbitrarily range from full delegation up to checking every document in detail, leading to unequal treatment of applicants. The […] thus prefers the use of "shall" which is much more prescriptive. However, in line with the agreements on the latest Certification Projects there could be an involvement from the Agency in certain area's that relate to novelties, new requirements or interpretations, and new demonstration methods. It is therefore proposed to have these criteria clearly defined in the rule.	

		[…] believes that this is something which does not seem to be adequately covered by the "subject to 21A.257(b)" clause, because the Agency assessment under this requirement is related to process/design assurance issues, rather then certification issues. (If this would not be the case, then the new wording of 21A.263 is in contradiction with 21A.257(b).) In short: the […] suggests to delete the reference to 21.A257(b) and to precise in 21.A263 the criteria for which the Agency will be involved. The way in which the Agency and the applicant will come to detailed agreements on this, should be further provided in guidance material. Currently two conditions are necessary for this privilege to apply in a manner which can be satisfactory to the applicant, the Authority and the validating Authorities : - first, that a compliance plan is set and agreed - second, that the Agency will identify, based on the criteria in the rule, for which documents they actually want to verify the compliance. This will need to be done up front and not like described under 21A.257(b) at the end, where compliance statements will be checked	
014	21A.263	IR 21A.263 (6) Approve the design of major repairs to products ~~for which he holds the Type Certificate or the Supplemental Type Certificate~~, under procedures agreed with the Agency. 21A.263 (5) to approve the design of major repairs to products ~~for which he holds the type-certificate or the supplemental type-certificate.~~ Lufthansa Technik would like to be able to approve major repairs even if he does not hold the TC for that product if he is able to do the repair development with its own resources.	Disagreed. Subject was debated during NPA 21-8.
161	21A.263	"(a) The holder of a design organisation approval shall be	Noted.

		entitled to (1) perform design activities under this Part and within its scope of approval. (2) submit compliance documents for the purpose of: (i) Obtaining a type-certificate or approval of a major change to a type design; or (ii) Obtaining a supplemental type-certificate; (iii) Obtaining a ETSO authorisation . (3) within its terms of approval and under the relevant procedures of the design assurance system: (i) classify changes to type design and repairs as "major" or "minor". (ii) approve minor changes to type design and minor repairs. (iii) issue information or instructions containing the following statement: "The technical content of this document is approved under the authority of DOA nr. [EASA]. J. [xyz]." (iv) approve documentary changes to the aircraft flight manual, and issue such changes containing the following statement : "Revision nr. xx to AFM ref. yyy, is approved under the authority of DOA nr.[EASA].J.[xyz]." (v) approve the design of major repairs to products for which he holds the type-certificate or the supplemental type-certificate. " Reason(s) for proposed text/comment *Editorial*: There is no reason to make a reference for ETSO when there is none for TC and STC. In addition, this would preclude the issue of a DOA to parts and appliances other than APU, when an ETSO design organisation may wish to get a DOA. *Impracticable:* Compliance documents submitted by a DOA are never systematically accepted by the authority. The DOA is only a mean to ensure that only properly established compliance documents are submitted to the authority. The authority knowing that an appropriate work has been done before submitting the documents can then concentrate on the most	Text has now been revised along the lines of the proposal.

		important ones and accept the others without verification. The real privilege of the DOA is to submit compliance documents.	
167	21A.263	This paragraph defines the privileges of the DOA holder. It states that, for applications for type certificate (TC), supplemental TC, and European Technical Standard Order (ETSO), the compliance documents "shall" be accepted by the agency without further verification. This implies that for TC applications, none of the documents will be checked by agency specialists [unless under paragraph 21A.257(b), but that is only for general investigations, not specifically related to a TC application]. This is a serious change compared to JAR 21. It is strongly suggested that the word "may" should replace the word "shall" in this paragraph to make it consistent with what is in the current JAR 21.	Noted. In order that 21A.263 can be seen to contain privileges, no major change to this paragraph is proposed. However in order to provide authority access, it is proposed to amend 21A.257(b) to read "…allow the Agency to review any report and make any inspection…"
172	21A.263	This paragraph defines the privileges of the DOA holder. It states that, for applications for type certificate (TC), supplemental TC, and European Technical Standard Order (ETSO), the compliance documents "shall" be accepted by the agency without further verification. This implies that for TC applications, none of the documents will be checked by agency specialists [unless under paragraph 21A.257(b), but that is only for general investigations, not specifically related to a TC application]. This is a serious change compared to JAR 21. It is strongly suggested that the word "may" should replace the word "shall" in this paragraph to make it consistent with what is in the current JAR 21.	Noted. In order that 21A.263 can be seen to contain privileges, no major change to this paragraph is proposed. However in order to provide authority access, it is proposed to amend 21A.257(b) to read "…allow the Agency to review any report and make any inspections…"
120	21A.263	Proposal: Change / amend AMC to 21A.14 (b) with the following meaning: "For previously (before 28.09.03) certified national design organisation for simple design products according to JAR 21.13(b), that are now to be certified under IR21A.14(b) for sailplanes and powered sailplanes acc. to IR21A.14(b)(1), the	Deferred. This is a comment on AMC to 21A.14(b). Both consultation processes will be dealt with separately for efficiency reasons.

		following applies: EASA will as far as possible and cost-neutral take over the procedures and privileges set forth under the national certification and defined by the design organisation handbook belonging to the applicant for alternative procedures acc. to IR21A.14(b)." <u>Justification:</u> It is not adequate and there is also no technically or organisationally substantiated reason to limit or withdraw the currently existing self-responsibility and privileges of these kinds of design organisations. For many decades they have proven their capability to develop safe products and to provide continuous airworthiness. On the other hand any unnecessary complication in certification procedures will quickly contribute to their commercial collapse. The extent of their privileges may be defined by the competent authority and may depend on the a) size, b) the organisational level and c) the experience (no. of A/C, TCs, years in business, etc.) of the specific company as well as d) the quality of the co-operation between the competent authority and the design organisation. It is very important that the introduction of the EASA will be as cost-neutral as possible for our companies. Not a long time ago many companies have been forced to re-certify their design and production organisation acc. to the JAR-standard. Due to the general economical situation there are currently no reserves that can cover additional expenses that may be involved in the transition to the new EASA-standard. If this will result in a significant internal workload (salaries) and/or additional certification fees for DOA/POA or product certification there is a high probability that some of our companies will not survive it. Just one example: Some years ago […] had up to one hundred changes in type design a year, most of them minor	

		changes. I can't imagine that EASA is capable and willing to handle this, at least not on a cost-neutral base. We urgently need privileges to decide between minor and major changes, to conduct minor changes, deviations, repairs, etc. on a self-responsible base. I also think that, considering design and use of our products, this is an adequate demand from our side. We are developing sports aircraft for competition and recreational use but not airliners for commercial transportation of passengers. Additional background information see our comments to IR21A.14(b).	
103	21A.263	Proposal: Change / amend AMC to 21A.14 (b) with the following meaning: "For previously (before 28.09.03) certified national design organisation for simple design products according to JAR 21.13(b), that are now to be certified under IR21A.14(b) for sailplanes and powered sailplanes acc. to IR21A.14(b)(1), the following applies: EASA will as far as possible and cost-neutral take over the procedures and privileges set forth under the national certification and defined by the design organisation handbook belonging to the applicant for alternative procedures acc. to IR21A.14(b). Justification: It is not adequate and there is also no technically or organisationally substantiated reason to limit or withdraw the currently existing self-responsibility and privileges of these kinds of design organisations. For many decades they have proven their capability to develop safe products and to provide continuous airworthiness. On the other hand any unnecessary complication in certification procedures will quickly contribute to their commercial collapse.	Deferred. This is a comment on AMC to 21A.14(b). Both consultation processes will be dealt with separately for efficiency reasons.

		The extent of their privileges may be defined by the competent authority and may depend on the a) size, b) the organisational level and c) the experience (no. of A/C, TCs, years in business, etc.) of the specific company as well as d) the quality of the co-operation between the competent authority and the design organisation. It is very important that the introduction of the EASA will be as cost-neutral as possible for our companies. Not a long time ago many companies have been forced to re-certify their design and production organisation acc. to the JAR-standard. Due to the general economical situation there are currently no reserves that can cover additional expenses that may be involved in the transition to the new EASA-standard. If this will result in a significant internal workload (salaries) and/or additional certification fees for DOA/POA or product certification there is a high probability that some of our companies will not survive it. Just one example: Some years ago DG Flugzeugbau had up to one hundred changes in type design of the DG-800B a year, most of them minor changes. I can't imagine that EASA is capable and willing to handle this, at least not on a cost-neutral base. We urgently need privileges to decide between minor and major changes, to conduct minor changes, deviations, repairs, etc. on a self-responsible base. I also think that, considering design and use of our products, this is an adequate demand from our side. We are developing sports aircraft for competition and recreational use but not airliners for commercial transportation of passengers. Additional background information see our comments to IR21A.14(b).	
146	21A.263(b) and (c)	PROPOSED TEXT/COMMENT shall be accepted by the Agency without further verification.	Noted. However, since the applicant for, or holder of, a certificate may be either a natural or legal person

		(c) The holder of a design organisation approval shall be entitled, within his or her terms of approval and under the relevant procedures of the design assurance system: … (5) to approve the design of major repairs to products for which he or she holds the type-certificate or the supplemental type-certificate. Reason(s) for proposed text/comment Editorial.	the terms “its” and “it” are deemed more appropriate.
029	21A.263(b)	"shall be accepted by the Agency" should be replaced by "<u>may</u> be accepted by the Agency".	Noted. In order that 21A.263 can be seen to contain privileges, no major change to this paragraph is proposed. However in order to provide authority access, it is proposed to amend 21A.257(b) to read “…allow the Agency to <u>review any report and</u> make any inspections…”
133	21A.263(b)	21A.263(b) States that compliance documents Shall be accepted by the Agency without further verification; JAR21.A263 provides the option for the Authority to review these documents where necessary. It is proposed that the text be amended (to reflect current JAR 21 text) to allow the Agency to reserve its right to review and reject documents.	Noted. In order that 21A.263 can be seen to contain privileges, no major change to this paragraph is proposed. However in order to provide authority access, it is proposed to amend 21A.257(b) to read: “…allow the Agency to <u>review any report and</u> make any inspections…”
175	21A.263(b)	The text of 21A.263(b) is inconsistent with JAR 21.A263. The hanging line at the end of the paragraph “shall be accepted” implies that the Agency has no purview to review data from a DOA. This is unacceptable. Revise wording of “shall be accepted” to “may be accepted.”	Noted. In order that 21A.263 can be seen to contain privileges, no major change to this paragraph is proposed. However in order to provide authority access, it is proposed to amend 21A.257(b) to read:

		Or if this wording only applies to ETSOs, fix the formatting of (b)(3). ETSO is the only situation where acceptance without further verification may be acceptable as in JAR 21A.263	"…allow the Agency to review any report and make any inspections…"
165	21A.263(b)	"…may be accepted by the Agency without further verification". The proposed "shall be accepted by the Agency" is an important departure from existing regulations that affects the ability of the Agency to verify that compliance with the airworthiness codes has been actually shown, and, as such, can have an important negative effect on safety.	Noted. In order that 21A.263 can be seen to contain privileges, no major change to this paragraph is proposed. However in order to provide authority access, it is proposed to amend 21A.257(b) to read "…allow the Agency to review any report and make any inspections…" [L] inconsistent with previous carried text change for 21A.257(b).
099	21A.263(b)(4)	CAA-NL suggests to add a reverence for the repair design approval, e.g. **"Obtaining a major repair design approval under 21A.432B(a)."** to correct this omission.	Noted. Proposed change to 21A.263(b): "…obtaining: … (4) a major repair design approval."
133	21A263(c)(4)	Insert 'or Supplement' after 'Revision' in line 3. Justification: Reflects the fact that the change to an AFM may be a supplement not just a revision.	Deferred. To be further assessed by the Agency in due time.
167	21A.263 (c)(5)	As written, this section only allows a DOA to approve major repairs for products for which it holds the type-certificate or the supplemental type-certificate. We believe that a DOA should be able to approve repairs for products on which the DOA does not hold a TC or STC. Therefore add at to the end of the last sentence "or product for which the DOA had demonstrated its competency to the Agency."	Disagreed. The privilege to approve the design major repair is currently limited to TC or STC holder as appropriate. Other DOAs can design major repairs but must have the design approved by the Agency. Further extension of this privilege will need additional debate.
054	21A.265 (d)	Change existing wording of 21A.265 (d) as follows: 21A.265 (d): „Except for minor changes or *minor* repairs approved under the privileges of 21A.263....." To avoid misunderstanding that all repairs (minor and major)	Disagreed. The cross reference to 21A.263 allows the discrimination between cases where data have to be submitted and others.

		are being addressed by the requirement.	
165	21A.303	An (undesirable) side effect of having deleted Subpart P is that, according to 21A.303, for parts susceptible of being installed in different aircraft types / models, the showing of compliance should be repeated under Subpart D (or E) for each type / model in which they are to be installed.	Noted. No action. It is recognized that the showing of compliance must be done for each type/model in which parts will be installed. This is also the case with JAR 21 Subpart P.
146	21A.303(c)	The term "officially recognized Standards" is not clear. Recognized by the industry, by the Agency, by a Competent Authority as defined in 21.1 … ?	Definition is provided under draft GM Nr 2 to 21A.303(c) (published for consultation).
043	21A.303(c)	21A.303 (c) : "…officially recognised Standards." Can you please define what officially recognized Standards are?	Definition is provided under draft GM Nr 2 to 21A.303(c) (published for consultation).
133	21A.303 and 21A.305	Regulation 1592/2002 allows Parts and Appliances to be issued with "specific certificates", not restricted to ETSO Authorisations. Section 21A.305 allows for Parts and Appliances to be approved against specifications recognised by the Agency as equivalent to an applicable ETSO, but again not restricted to an ETSO. On the other hand, Section 21A.303 specifies that compliance of Parts and Appliances can only be made as part of a type certification procedure or under the ETSO Authorisation procedures. This is clearly inconsistent with Section 21A.305 which allows for approval against "equivalent specifications". To remove this inconsistency it is proposed that 21A.303 is modified to recognised the additional route for approval of Parts and Appliances as follows: 21A.303 Compliance with applicable certification specifications	Deferred. For the time being Part 21 only envisages ETSO Authorisations for the approval ofparts and appliances. This may be expanded later if a specific need is identified. Disagreed. There is no inconsistency between the two paragraphs. Equivalent specifications to an ETSO can be accepted without granting a ETSO authorization using the approval process under 21A.303(a).

		The showing of compliance of parts and appliances to be installed in a type-certificated product shall be made: (a) In conjunction with the type-certification procedures of Subpart B, D or E f or the product in which it is to be installed; or (b) Where applicable, under the ETSO authorisation procedures of Subpart O; or (c) Using procedures and specifications recognised by the Agency as equivalent to the ETSO authorisation procedures of Subpart O, or (d) In the case of standard parts, in accordance with officially recognised Standards.	
161	21A.305	" In all cases where the approval of a part or appliance is explicitly required for installation in an aircraft, the part or appliance shall comply with the applicable ETSO or with the specifications recognised as equivalent by the Agency in the particular case." Reason(s) for proposed text/comment Implementation problem: JAR 21 refers to approval being required by another JAR, which is larger than the TC requirement, this could for example be an operational requirement.	Disagreed. Part 21 is limited to airworthiness. The concern will have to be covered in the future operational implementing rules.
133	21A.305	This section refers to approval of Parts and Appliances "explicitly required by the type-certification basis". This covers a very small number of cases, since most Parts and Appliances are required by the operating rules. In order to ensure that all Parts and Appliances fitted to an aircraft meet the EASA standards it is proposed that the applicability of this section is expanded as follows: **21A.305 Approval of parts and appliances** In all cases where the approval of a part or appliance is explicitly required by the type-certification basis or by the operating rules, the part or appliance shall comply with the applicable ETSO or with the specifications recognised as equivalent by the Agency in the particular case.	Disagreed. Part 21 is limited to airworthiness. The concern will have to be covered in the future operational implementing rules.

147	21A.305	In all cases where the approval of a part or appliance is explicitly required by the ~~type-certification basis~~ ***Agency regulations***, the part or appliance shall comply with the applicable ETSO or with the specifications recognised as equivalent by the Agency in the particular case. **Reason(s) for proposed text/comment** The intent of JAR 21.305, and of FAR 21.305 from which it was derived, was to address the approval of parts and appliances that may be required not only by the type-certification basis, but also by operational regulations. See JAR-OPS 1.630. See also FAR 21.305 ("Whenever a material, part, process or appliance is required to be approved under this chapter…"): the term "this chapter" means chapter 14 of the Code of Federal Regulations, which contains all Federal Aviation Regulations – not only airworthiness codes.	Noted. Text now reads as follows: "~~type-certification basis~~ Community law or Agency measures".
073	21A.307	No part or appliance (except a standard part, and in the case of gliders and balloon equipment including instruments which are not part of the [JAR22 code] specified minimum instruments) shall be eligible for installation in a type-certified product unless it is: (a) accompanied by an authorised release certificate (EASA Form One), certifying airworthiness; and marked in accordance with Part Q. Gliders (particularly) and balloons have instruments and other equipment which are not critical to flight safety, but which are essential for maximising the potential of a flight, such as variometers, GPS, and data loggers. This equipment is not generally subject to certification or release control for installation or maintenance. To impose such controls would have a severe impact on sporting and recreational aviation with absolutely no potential safety gain. It is therefore strongly recommended that the parts and appliances subject to the	Deferred. The comment is understood but the implications have to be further evaluated by the Agency in due time. This case is not necessarily restricted to gliders and ballons.

		proposed controls should be restricted to those in the type certification and designated as the minimum necessary equipment for safe flight. [*These are an Altimeter and Air Speed Indicator*].	
120	21A.307	No part or appliance (except a standard part, and in the case of sailplane and powered sailplane equipment including instruments which are not part of the [JAR22 code] specified minimum instruments) shall be eligible for installation in a type-certified product unless it is: Sailplanes and powered sailplanes have instruments and other equipment which are not critical to flight safety, but which are essential for maximising flight performance and, such as variometers, final glide computers, GPS, and data loggers. This equipment is not generally subject to certification or release control for installation or maintenance. To impose such controls would have a severe impact on sporting and recreational aviation with absolutely no potential safety gain. It is therefore strongly recommended that the parts and appliances subject to the proposed controls should be restricted to those in the type certification and designated as the minimum necessary equipment for safe flight. [*These are an Altimeter, Air Speed Indicator and Compass on powered sailplanes plus the required engine instrumentation*].	Deferred. The comment is understood but the implications have to be further evaluated by the Agency in due time. This case is not necessarily restricted to gliders and ballons.
161	21A.307	Propose to delete paragraph Reason(s) for proposed text/comment - Conditions of eligibility for installation in an aircraft is specified in Part M - Issuance of EASA Form one and marking of parts is already required in 21A.130, 21A.163, 21A.165, and subpart Q.	Disagreed. This subpart deals with parts and appliances and addresses both design and production aspects, including installation of parts and appliances.
095	21. A307(a)	EASA FORM ONE release certificate is not used to certify airworthiness. Certifying airworthiness to be changed in "conformity to approved design data and is in condition for save operation" (ref. EASA Form 1, Block 14)	Deferred. Text coming from JAR 21.

091	21A.307 (a)	Change: "certifying airworthiness" to "certifying conformity to approved design data and condition for safe operation" to align with the text of EASA Form One, Block 14.	Deferred. Text coming from JAR 21
167	21A.307(a)	Add "or equivalent" within the parentheses so it reads: "(EASA Form One or equivalent.)" This is necessary for FAA 8130-3, JAA Form Ones (pre-existing EASA) and TCCA Form24-0078 that are authorized release certificates currently recognized and which must be grandfathered.	Disagreed. The issue of the use of other forms ("equivalent forms") should be handled through bilateral agreements. The grandfathering issue is covered in the draft Regulation, Art. 2(13).
133	21A.307 (b)	Editorial correction. "(b) Marked in accordance with Subpart Q."	Carried.
146	21A.431	PROPOSED TEXT/COMMENT (d) A repair to an ETSO article shall be treated as a change to the ETSO design and shall be approved in accordance with 21A.611. Reason(s) for proposed text/comment Editorial. Replace "must" by "shall".	Carried.
175	21A.431	Since the provisions of Section A of Part 21 are obligatory for an applicant, the word "procedure" may not be the appropriate terminology to indicate that this Subpart is actually a requirement or rule imposed on an applicant. Change the word "procedure" to "applicable requirements" or "rules".	Disagreed. Procedures, including administrative procedures, may contain binding obligations.
161	21A.431(d)	It is proposed to delete (d) of paragraph 21A.431 Reason(s) for proposed text/comment *Impracticable* If not deleted, the provision of (d) would mean that someone who is proceeding with a repair on an ETSO article for which he does not hold the ETSO authorisation would have to obtain a new	Deferred. This is coming from JAR 21.

		ETSO authorisation, according to 21A.611.	
043	21A.431(d)	21A.431 (d) and 21A.611(c) : Apparently a repair design to an ETSO article is not possible for a DOA and a separate ETSO authorization is needed. This is still difficult to grasp. A DOA can perform (minor) repair design on TC and STC products, but not on ETSO articles. We believe a DOA should be able to perform minor repair design on ETSO articles (with proper consent of ETSO holder). For major repair design we agree that a new ETSO authorisation is needed. In this respect , if that was not already clear from the text, we not only talk about (minor) repair design but also about (minor) design changes to ETSO articles. We believe a DOA should be able to also perform such design changes without violating the ETSO authorization.	Deferred. This is coming from JAR 21.
146	21A.432	PROPOSED TEXT/COMMENT (a) Any organisation which has demonstrated, or is in the process of demonstrating, its capability under 21A.432B shall be eligible as an applicant for a major repair design approval under the conditions laid down in this Subpart Reason(s) for proposed text/comment Editorial. Remove the blank between 21A.432 and B.	Carried.
095	21. A432(b)	To be deleted - only the Agency or the approved organisation (subpart J 21. A263) has the privilege to classify a repair as minor or major. Unless having the privilege, no person can classify a repair design as minor, unless he is appropriately approved.	Disagreed. This paragraph indicates that a person may apply for the approval for minor repair design without demonstrating its capability. The minor change classification will be considered as a proposal and will be reviewed by the Agency.
091	21A.432 (b)	Only an organisation approved i. a. w. Part21, subpart J, 21A.263 or the agency itself has the privilege to classify a	Disagreed. This paragraph indicates that a person may apply

		repair design as minor. Unless having this privilege, no person can apply for approval of a "minor" repair design because it has not been classified at that point in time -ref. 21A.435 (b) – and therefore this subparagraph makes no sense.	for the approval for minor repair design without demonstrating its capability. The minor change classification will be considered as a proposal and will be reviewed by the Agency.
172	21A.432(b)	This subsection can be literally read that a DOA is not a requirement for minor repair. This subsection uses the term "applicant" while other sections use the term "organisation". Please clarify the intent.	It is confirmed that for minor repair design approval, there is no requirement for the demonstration of capability (DOA or alternative procedure). Organisation means that the requirements may apply to an applicant or the holder of an approval. The use of the term applicant indicates the requirements to be fulfilled prior to the approval.
172	21A.432 (b)	Please clarify "any person" by adding ", within a member or non-member state," after "any person".	Noted. However already considered as implicit within the statement ("any").
167	21A.432 (b)	Please clarify "any person" by adding ", <u>within a member or non-member state,</u>" after "any person"	Noted. However already considered as implicit within the statement ("any").
167	21.432(b)	This subsection can be literally read that a DOA is not a requirement for minor repair. This subsection uses the term "applicant" while other sections use the term "organisation". Please clarify the intent.	It is confirmed that for minor repair design approval, there is no requirement for the demonstration of capability (DOA or alternative procedure). Organisation means that the requirements may apply to an applicant or the holder of an approval. The use of the term applicant indicates the requirements to be fulfilled prior to the approval.
146	21A.432B(b)	PROPOSED TEXT/COMMENT (b) By way of derogation from paragraph (a), as an alternative procedure to demonstrate his or her capability, … Reason(s) for proposed text/comment Editorial.	Carried.

073	21A.432B(b)	It is envisaged that it will desirable for the appropriate National Governing Bodies (NGBs) to obtain Approval to enable them to design and approve repairs (major and minor) to light aircraft, balloons and gliders. On the basis that it can be recognised that the scope of such approval will be limited to specific areas of expertise (NGBs will usually be the centre of excellence for such knowledge in each country), guidance for the approval of such bodies for limited design Approval under subpart M would be welcome.	Noted. The decision on the use of Qualified Entities and the associated procedures will be determined by the Agency in due time.
147	21A.432B(b)	(b) ***In the case of a repair that is of simple design,*** ~~B~~***b***y way of derogation from paragraph (a), as an alternative procedure to demonstrate its capability, an applicant may seek Agency agreement for the use of procedures setting out the specific design practices, resources and sequence of activities necessary to comply with this Subpart. **Reason(s) for proposed text/comment** The alternative procedure should be acceptable only under "simple design" criteria. See JAR 21.432 and IR 21A.14(b). In addition, guidance material on repairs of simple design should be developed.	Disagreed. Concept of simple design has not been retained in Part 21. Determination to have DOA or not will be determined on a case by case basis.
161	21A.432B (and 21A.14*, 21A.112B, 21A.602B)*	Referenced paragraphs require organisations applying for a TC, STC, major repair design approval or ETSO to demonstrate their capability, either by obtaining a DOA under subpart J or by using procedures, to be agreed by the Agency, setting out the design practices, resources and sequence of activities necessary to comply with the relevant subpart. It is recommended that part 21 formalises this alternative by introducing a design capability certificate to be granted under a separate subpart.	Deferred. Agency procedures required. What is proposed is a new concept that deserves further consideration by the Agency.

		Reason(s) for proposed text/comment *Implementation problem* JAA experience shows the need to standardise the so called "alternative procedures" . It was at some stage proposed to create a new certificate , to formalise the authority agreement on the applicant procedures , under a new JAR 21 subpart JC. This is still considered by DGAC to be the best way to proceed and, indeed , DGAC has created a national certificate named "certificate d'aptitude à la conception" (Design Capability Certificate) which has a limited validity (3 years, as for DOA) , and subject to DGAC surveillance after issuance. Hence it is recommended that part 21 adopt the same concept and introduces a design capability certificate to be granted under a separate subpart.	
099	New 21A.432C	CAA-NL suggests a paragraph to be incorporated dealing with the application in line with paragraph 21A.113 for example.	Disagreed. Subpart M has been extensively debated during NPA 21-8 development.
073	21A.433	There should be scope to allow repairs to comply with standard repair manuals such as FAA AC43.13, provided that the type certificate holder specifies that such standard repair manuals are appropriate. On the basis that it can be recognised that the scope of such approval will be limited to specific areas of expertise (NGBs will usually be the centre of excellence for such knowledge in each country), guidance for the approval of such bodies to enable them to Approve major and minor repairs under subpart M would be welcome. It is considered that the specialist expertise within NGBs should render it possible for them to approve major and minor repairs, working where necessary (or possible) in collaboration the manufacturers, without the requirement to refer to the Agency.	Deferred. Subpart M is addressing the design approval of new repair design. Existing approved data can be used.
167	21A.433(b)	Add to the end of the section: "only in those cases where the	Disagreed.

		certificate holder has voluntarily entered into an arrangement with the applicant, as provided for under 21A.113". The rationale is provided in the comment to 21A.113.	Text is not putting an obligation on the TC holder. It is an obligation on the STC applicant to justify that he or she has the appropriate resources and information.
172	21A.433(b)	Add to the end of the section: "only in those cases where the certificate holder has voluntarily entered into an arrangement with the applicant, as provided for under 21A.113". The rationale is provided in the comment to 21A.113.	Disagreed. Text is not putting an obligation on the TC holder. It is an obligation on the STC applicant to justify that it has the appropriate resources and information.
083	21A.437	When it has been declared and has been shown that the repair design meets the applicable certification specifications and environmental protection requirements of 21A.433(a)(1), it shall be approved: (a) by the Agency, or (b) by an appropriately approved organisation that is also the type-certificate or the supplemental type-certificate holder, under a procedure agreed with the Agency, or (c) for minor repairs only, by an appropriately approved design organisation under a procedure agreed with the Agency. The FAA has not to date accepted statements of compliance to noise and emissions requirements by our bilateral partners. We have only allowed the witnessing of tests. FAA does not delegate compliance findings for noise and emissions requirements of 14 CFR Parts 34 and 36 to individuals or organisations. EASA acceptance of compliance solely based upon an applicant's declaration of compliance would not satisfy FAA requirements. FAA will still have to have in place under the bi-lateral a means of ensuring FAA involvement in environmental approvals by individuals or organisations.	Deferred. This is a bilateral issue between the Commission and FAA.
146	21A.439	PROPOSED TEXT/COMMENT (d) In accordance with production data based upon all the necessary design data as provided by the repair design approval holder.	Noted. The text now reads as follows: "Parts and appliances to be used for the repair shall be manufactured in accordance

		Reason(s) for proposed text/comment Editorial. Introduce a subparagraph (d).	with production data based upon all the necessary design data as provided by the repair design approval holder: (a) Under …"
147	21A.439	Parts and appliances to be used for the repair shall be manufactured: (a) Under Subpart F, or (b) By an organisation appropriately approved in accordance with Subpart G, or (c) By an appropriately approved maintenance organisation, and (d) In accordance with production data based upon all the necessary design data as provided by the repair design approval holder **Reason(s) for proposed text~~/comment:~~** Corrected para heading	Noted. The text now reads as follows: "Parts and appliances to be used for the repair shall be manufactured in accordance with production data based upon all the necessary design data as provided by the repair design approval holder: (a) Under …"
044	21A.439	**Production of Repair Parts** Change to read: "…by an appropriately rated approved maintenance organisation that meets the quality system requirements of Subpart G…" This paragraph should require the same quality system requirements for production of repair parts in a maintenance organisation as in a production organisation.	Disagreed. 21A.439(c) has been introduced to reflect the possibility given to appropriately approved maintenance organisation to produce parts for their own purposes. The scope of production is very limited.
167	21A.439	We believe that this is a critical section that needs more definition, particularly in light of the fact that the FAA is reviewing and proposing a reformulation of its rules on parts created during maintenance. This is a section that should be targeted for harmonisation as repairs and used part sales are international in scope and execution. The use of AMC or guidance material may be the more appropriate format to provide this enhanced definition.	Noted. This paragraph reflects current production practices under Part 21 and Part 145 (maintenance organisations)
175	21A.439	An "appropriately approved maintenance organisation" is	Noted.

		referred to in subparagraph (c), but no reference is given to which Subpart applies for maintenance organisations. For clarity, (a), (b), and (c) should make references to the appropriate Parts. Suggest the following re-write: Parts and appliances to be used for the repair shall be manufactured: (a) Under Subpart F of this Part 21, or (b) By a production organisation appropriately approved in accordance with Subpart G of this Part 21, or (c) By a maintenance organisation appropriately approved in accordance with Subpart F of Part M, and ……..	
172	21A.439	We believe that this is a critical section that needs more definition, particularly in light of the fact that the FAA is reviewing and proposing a reformulation of its rules on parts created during maintenance. This is a section that should be targeted for harmonisation as repairs and used part sales are international in scope and execution. The use of AMC or guidance material may be the more appropriate format to provide this enhanced definition.	Noted. This paragraph reflects current production practices under Part 21 and Part 145 (maintenance organisations)
091	21A.439(a)	An organisation approved i. a. w. subpart F may only certify "conformity to acceptable design data" which does not make these parts eligible for installation to type certified products or components (ref. Part M, Subpart E, Part 145, 145A.42).	Disagreed. Paragraph 21A.439 is only cross-referring to appropriate regulation for production of repair parts. It does not address installation.
167	21A.439(c)	Add "<u>including the use of subcontractors</u>" after "organisation" in the second line. This is to assure that subcontracts can be used, especially for specialty work.	Disagreed. The use of subcontractors is regulated by Part 145 (maintenance organisations) and does not need to be detailed here.
054	21A.441	change 21A.441(b) as follows: "(b) The design organisation holder of the repair design approval shall transmit […]." Justification:	Disagreed. The terms "design organisation" is covering both DOA and non DOA holders

		As the holder of the repair design approval also may demonstrate capability for design under alternative procedures to DOA, nevertheless necessary installation instructions in that case need to be transmitted, 21A.441 (b) requires to be reworded. This would also bring this paragraph into line with 21A.449 wording.	
108	21A.441(a) (and 21.B.20 and 21.B.25)	Parts F/G/H/I should read : ”Subparts F/G/H/I”	Carried.
120	21A.441(b)	Propose different text: "The holder of the repair design approval shall ..." Justification: The DO is not necessarily responsible for that kind of work. The holder of the repair design approval may differ from the holder of the DOA.	Disagreed. The terms “design organisation” is covering both DOA and non DOA holders.
103	21A.441(b)	Propose different text: "The holder of the repair design approval shall ..." Justification: The DO is not necessarily responsible for that kind of work. The holder of the repair design approval may differ from the holder of the DOA.	Disagreed. The terms “design organisation” is covering both DOA and non DOA holders
099	21A.441(b)	CAA-NL suggests to change the wording as follows: “The design organisation shall transmit to the ~~maintenance~~ organisation ….” since para (a) also gives the opportunity for embodiment to Part G organisations.	Carried.
161	21A.445	Make sure that Subpart M contains appropriate provisions to make the link with this paragraph Reason(s) for proposed text/comment It is important that the maintenance organisation or the operator	Noted. Following review of interface with Part M, text has been revised as follows: (a) When a damaged product, part or appliance, is left unrepaired, and is not

		is aware of the fact that the evaluation of an unrepaired damage for its airworthiness consequences shall only be made only by the Agency or an appropriately approved DOA holder	covered by previously approved data, the evaluation ……
167	21A.445(a)	Add "because inspection and/or repair criteria for the damage is not contained in approved or accepted data" after "unrepaired" in the second line and add "prior to return to service for the work performed" after "consequences" in the third line. There was substantial discussion as to the intent of this paragraph and these comments are made in the belief that the intent of this paragraph is to address part serviceability determination where no technical data for such condition is available and a technical judgment is made to continue use of the part in service.	Noted. 1)This is described in draft GM21A.445; 2)The intent of this paragraph is not to describe a sequence of events prior to return to service but rather specify the process to evaluate and accept a damage left unrepaired.
172	21A.445(a)	Add "because inspection and/or repair criteria for the damage is not contained in approved or accepted data" after "unrepaired" in the second line and add "prior to return to service for the work performed" after "consequences" in the third line. There was substantial discussion as to the intent of this paragraph and these comments are made in the belief that the intent of this paragraph is to address part serviceability determination where no technical data for such condition is available and a technical judgment is made to continue use of the part in service.	Noted. 1)This is described in draft GM21A.445; 2)The intent of this paragraph is not to describe a sequence of events prior to return to service but rather specify the process to evaluate and accept a damage left unrepaired.
133	21A.445 (b)	Editorial correction. "certificate holder, this organisation shall justify that…"	Carried. The text now reads as follows: " neither the Agency nor the type-certificate holder or the supplemental type-certificate holder, this organisation shall…"
167	21A.445(b)	Add to the end of the section: "only in those cases where the certificate holder has voluntarily entered into an arrangement with the applicant, as provided for under 21A.113". The rationale is provided in the comment to 21A.113.	Disagreed. Response to 21A.113(b) is the following: "Text is not putting an obligation on the TC holder. It is an obligation on the STC applicant to justify that it has the appropriate resources and information".
172	21A.445(b)	(b) Where the organisation evaluating the damage under	Noted.

		paragraph (a) is neither the Agency, type-certificate holder, supplemental type-certificate holder, or manufacturer, this organisation shall justify that the information on which the evaluation is based is adequate either from its organisation's own resources or through an arrangement with the type-certificate, supplemental type-certificate holder, or manufacturer, as applicable. Reasons for change: (1) First mention of "supplemental type-certificate" does not have the word "holder." (2) Paragraph as written in draft, does not take into account parts and appliances that may have relevant inspection data owned by the part/appliance manufacturer, but not within the purview of certificate holders.	Revised text now reads as follows: (b) Where the organisation evaluating the damage under paragraph (a) is neither the Agency nor type-certificate holder or supplemental type-certificate holder, this organisation shall justify that the information on which the evaluation is based is adequate either from its organisation's own resources or through an arrangement with the type-certificate or supplemental type-certificate holder, or manufacturer, as applicable. A manufacturer cannot have the privilege of approving the unrepaired product without a DOA.
172	21A.445(b)	Add to the end of the section: "only in those cases where the certificate holder has voluntarily entered into an arrangement with the applicant, as provided for under 21A.113". The rationale is provided in the comment to 21A.113.	Disagreed. Text is not putting an obligation on the TC holder. It is an obligation on the STC applicant to justify that he has the appropriate resources and information
038	21A.445(b)	Different text: (b) Where the organisation evaluating the damage under paragraph (a) is neither the Agency, type-certificate holder, supplemental type-certificate holder, or manufacturer, this organisation shall justify that the information on which the evaluation is based is adequate either from its organisation's own resources or through an arrangement with the type-certificate, supplemental type-certificate holder, or manufacturer, as applicable. Reasons for change: (1) First mention of "supplemental type-certificate" does not have the word "holder." (2) Paragraph as written in draft, does not take into account <u>parts and appliances</u> that <u>may</u> have relevant inspection data owned by the part/appliance manufacturer, but not within the purview of certificate holders.	Noted. Revised text now reads as follows: (b) Where the organisation evaluating the damage under paragraph (a) is neither the Agency, type-certificate holder, supplemental type-certificate holder, this organisation shall justify that the information on which the evaluation is based is adequate either from its organisation's own resources or through an arrangement with the type-certificate, supplemental type-certificate holder, or manufacturer, as applicable. A manufacturer cannot have the privilege of approving the unrepaired product without a DOA.

054	21A.447	**Proposal:** add a new Subparagraph § 21A.447 (b) as follows: a) For each repair ….. (1) be held by the repair design approval holder ….. (2) be retained by the repair design approval ….. (b) This documentation shall be kept at least 6 years after the final removal of the article from service. **Justification:** Even if the individual Product has been removed from service, there might be reasons (accident investigation, legal procedures or legal disputes) to need the records defined in the above mentioned §.	Noted. A specific time cannot be established as duration must relate to continued airworthiness considerations, i.e, life of aircraft.
069	21A.447	A period of time should be established how long the relevant design information shall be held. It should be at least 5 years.	Noted. A specific time cannot be established as duration must relate to continued airworthiness considerations i.e life of aircraft.
172	21A.447	There is no duration provided for record retention. We suggest a minimum of 8 years, with consideration of longer periods if appropriate to the product.	Noted. A specific time cannot be established as duration must relate to continued airworthiness considerations, i.e, life of aircraft.
167	21A.447	There is no duration provided for record retention. We suggest a minimum of 8 years, with consideration of longer periods if appropriate to the product.	Noted. A specific time cannot be established as duration must relate to continued airworthiness considerations, i.e, life of aircraft.
073	21A.447 (a) and (b)	"For each repair, all relevant design information, drawings, test reports, instructions and limitations possibly issued in accordance with 21A.443, justification for classification and evidence of design approval, shall: (a) be held by the repair design approval holder or to its order by the repair organisation or individual, at the disposal of the Agency, and be retained by the repair design approval holder or to its order by the repair organisation or individual, in order to provide the information necessary to ensure the	Disagreed. Under Part 21 it is the design approval holder's responsibility to keep record.

		continued airworthiness of the repaired products, parts or appliances." The words "for each repair" implies "for each individual repair" or it could mean "for each repair scheme". If it were the former, it would be an onerous condition as the practice for glider repairs in certain countries is for the repair organisation or individual to hold the information to the order of the national governing body responsible for repair schemes and standards, and / or record the repair by cross reference to a standard repair scheme. Usually a copy of the repair report is incorporated in the aircraft logbook and, in some cases, lodged with the NGB on the aircraft file.	
146	21A.449	PROPOSED TEXT/COMMENT (a) … before the changes to those instructions have been completed… Those instructions shall be made available on request… The availability of some manual or portion of the changes to the instructions for continued airworthiness, dealing with overhaul or other forms of heavy maintenance, may be delayed until after the product has entered into service, but shall be available before any of the products reaches the relevant age or flight-hours. (b) … A programme showing how updates to the changes to the instructions for continued airworthiness are distributed shall be submitted to the Agency. Reason(s) for proposed text/comment Editorial. Replacement of "must" by "shall". Start the word "instructions" by a lowercase. Text made consistent with 21A.120 that has the same intent.	Disagreed. Paragraph referring to the Agency and limited service period will not be changed for safety reasons. It is considered important that regulatory approval be sought. Other changes are carried.
146	21A.449	21A.449(a)	Carried.

		".....reaches the relevant age or flight hours/cycles." Reason(s) for proposed text/comment Add the word cycles. Consistency with 21A.61(a) and 21A.120(a).	
167	21A.449	(General comment) We believe that this is a critical point and that operators must have good technical data for their maintenance programs. At the same time, aviation will not be served by having totally redundant technical data; this will cause confusion. Therefore, not all repairs should require ICA be generated; only those that result in configurations are different from the type-certificate holder's manuals/ICA should be published. Also, there is a need to protect the intellectual property rights of and provides some cost recovery to the provider of the instructions for continued airworthiness. 21A.449(a) Add to the beginning of the first line: "Where different from the certificate holder's instructions for continued airworthiness and other provided technical data,"	Disagreed. Change to 21A.449(a) is deemed unnecessary because this addresses only new repair design. Therefore if there is a need for new instructions, they will be by nature different.
167	21A.449	21A.449 Add subsections (c) and (d): (c) The term 'make available' means providing at a fair and reasonable price. Such price may include recurring and non-recurring costs associated with post-certification development, preparation and distribution. (d) Nothing is this section shall be construed as requiring the holder of a repair design approval to make available proprietary information to any other party unless it is deemed essential to continued airworthiness.	Disagreed. This requirement is based closely on the JARs. The safety requirements must remain independent of any commercial interest, however justified. Different instructions for CA requirements stem from Subpart B overall and, as defined in the associated airworthiness codes.
172	21A.449	21A.449(a) "…but this shall be for a limited service period, and in agreement with the Agency. Those changes to the instructions shall be made available on	Disagreed. 21A.449(a) and (b) clearly identifies that the material is to be available to those with a need to have it.

		request to any other person required to comply with any of the terms of those changes to the instructions. The availability…" 21A.449(b) "…these updates shall be furnished to each operator and shall be made available on request to any person required to comply with the terms of those changes to the instructions…" Reason for changes: We feel that there are significant adverse safety ramifications by including under-defined "others" in distributions of repair design data and changes to repair design data. The manufacturers, owners, and operators could lose control of who has the data, the recipient's intentions for use of such data, and the recipient's ability to understand and apply the data. In keeping with the intent of Para. 21A.443 for Limitations data for example, manufacturers generally agree that such limitations and repair data is appropriate for distributions to owners and operators of the parts/appliances. It is in the best interest of safety that manufacturers, owners, and operators of such equipment to have control over which organisations can or should have access to repair data and which organisations are capable and acceptable to perform repairs by using such data.	Revised text now reads as follows: "...any other person required to comply with any of the terms of those changes to the instructions…"
091	21A.449(a)	Delete: "heavy maintenance" because this term is not defined and insert: "extensive maintenance". Instead.	Disagreed. This is a common aeronautical expression in maintenance organisations.
038	21A.449(a)(b)	21A.449(a) "…but this shall be for a limited service period, and in agreement with the Agency. Those changes to the instructions shall be made available on request to any other person required to comply with any of the terms of those changes to the instructions. The availability…" 21A.449(b) "…these updates shall be furnished to each operator and shall be made available on request to any person required to comply with the terms of those changes to the instructions…"	Disagreed. 21A.449(a) and (b) clearly identifies that the material is to be available to those with a need to have it: "..any other person required to comply with any of the terms of those changes to the instructions…."

		Reason for changes: We feel that there are significant adverse safety ramifications by including under-defined "others" in distributions of repair design data and changes to repair design data. The manufacturers, owners, and operators could lose control of who has the data, the recipient's intentions for use of such data, and the recipient's ability to understand and apply the data. In keeping with the intent of Para. 21A.443 for Limitations data for example, manufacturers generally agree that such limitations and repair data is appropriate for distributions to owners and operators of the parts/appliances. It is in the best interest of safety that manufacturers, owners, and operators of such equipment to have control over which organisations can or should have access to repair data and which organisations are capable and acceptable to perform repairs by using such data.	
147	21A.449(a)	Add at the end '…relevant age or flight-hours*/cycles'* **Reason(s) for proposed text/comment** Omission. See 21A.61 and 21A.120	Carried.
43	21A.449(b)	21A.449 (b) "…..A programme showing how…." : We need a bit of explanation to understand what is meant here by a programme.	Deferred.
146	21A.449(b),	21A.61(b), 21A.120(b), 21A.449(b), Delete last sentence. Reason(s) for proposed text/comment Last sentence does not add anything to the requirement which is self explanatory and contained in first sentence. This last sentence is in fact describing a an acceptable means of compliance with the requirement expressed by the first one. It should therefore be positioned within the AMC part , with a description as one of the possible means to comply with 21A.61(b).	Disagreed. Provision related to programme is currently in JAR airworthiness codes. As it was considered as a procedural issue, it was moved to Part 21.

		Same comment for paragraphs 21A.120(b) and 21A.449(b).	
146	21A.451	PROPOSED TEXT/COMMENT (a) Each holder of a major repair design approval shall undertake the obligations: (1) laid down in 21A.3, 21A.3B, 21A.4, 21A.439, 21A.441, 21A.443, 21A.447 and 21A.449; (2) implicit in the collaboration with the type-certificate or the supplemental type-certificate holder under 21A.433. (b) Except for type-certificate holders for which 21A.44 applies, the holder of a minor repair approval shall undertake the obligations laid down in 21A.4. (c) Except for type-certificate holders each holder of a repair design approval shall specify the marking, including EPA letters, in accordance with 21A.804(a). Reason(s) for proposed text/comment * For major repairs, the requirement concerning the marking is not applicable when the applicant is the type-certificate holder. The text of IR-21 can be confusing. * The section introduces different words for addressing similar issues: holder of a major repair approval and approval holder of a minor repair design	Disagreed. Marking is also applicable to TC holder. In that case, EPA marking is not required (see 21A.804(a)) The editorial change is carried. "(a) Each holder of a major repair design approval… (…) Changes to paragraph (b) will appear in the final draft opinion submitted to the Commission as follows: (b) Except… applies, the holder of a minor repair <u>design approval</u> shall …"
161	21A.451	It is proposed to delete 21A451(a)(2) and (b)(2) Reason(s) for proposed text/comment <u>*Impracticable*</u>*:* Specific marking of repairs is not required by JAR 21. Although we understand the intend, we believe that a careful regulatory impact assessment has to be carried out before mandating such a provision.	Noted. EPA marking will only be required after 28 March 2004 (see new Article 5 of draft Regulation). This should allow appropriate adjustments if necessary.

043	21A.451	21A.109 (a) and (b) and 21A.451 (b) : we assume that the approval holder of a minor change to type design in its relation to a Maintenance Organisation i.s.o. a Production Organisation does not have to undertake the obligations laid down in 21A.4 and 21A.804(a). Can you please clarify?	Disagreed. The holder of a minor repair design approval must comply with 21A.451
133	21A.451(1)(ii) (Should read 21A.451(a)(1)(ii))	Collaboration must be with the TC and/or STC holder not just 'or' This may be a repair on a significant STC and could have an impact on the TC's position	Noted. Revised text now reads as follows: "… (ii) implicit in the collaboration with the type-certificate or supplemental type-certificate holder, or both, under 21A.433(b), as appropriate. (2)…"
044	21A.451 (b) (1)	Airworthiness Directives Change to read: "…undertake the obligations laid down in 21A.3, 21A.3B, 21A4, 21A.105, and 21A.107… Reason: This paragraph should require the same obligations for the holder of a repair design, especially if that is the basis for a part approval under the EPA process.	Noted. Occurrence reporting is not required for minor repairs. Revised text no w reads as follows: "(b) … (1) undertake the obligations laid down in 21A.4, 21A.447 and 21A.449; and (2) …"
023	Subpart O/Q for APU	The review by lawyers of the draft CS-E/P/APU has raised an issue in relation to Part 21. These drafts contain the following, which is considered as possible Part 21 material. **CS-APU 50 Identification** **(a) The APU identification must comply with Part 21A.807 (c).** In CS-E, there is the following **CS-E 120 Identification** **(a) The Engine identification must comply with IR 21A.801 (a).**	Carried. In paragraph 21A.44 an obligation for the TC holder to specify the marking in accordance with Subpart Q is added as follows: "Each holder of a type-certificate or restricted type-certificate shall: (a) undertake the obligations laid down in 21A.3, 21A.3B, 21A.4, 21A55, 21A57 and 21A61; and, for this purpose, shall continue to meet the qualification requirements for

		And in CS-P the following **CS-P 20 Propeller Configuration and Identification** **(b) The Propeller identification must comply with IR 21A.801 (b) and IR 21A.805.** The rationale for having these paragraphs in CS is as follows. What is a product (aircraft, engine or propeller)? It is simply the identification plate. If you change all parts over the years, except the identification plate, you still have the same individual product. The identification plate is an integral part of the type design. But subpart Q of Part 21 is not applicable for certification (no cross-reference found in subpart B). Furthermore, subpart Q refers to the producer / manufacturer, not to the designer. Then, because the identification plate is a very important part of the design of the product and because Part 21 is inadequate, there must be a “rule” in CS-E/P/APU referring to sub-part Q, otherwise no one would have the idea of applying this hidden text. It should be noted that Part 21 itself is not part of the certification basis defined in 21A.17 and that 21A.20 or 21A.21 only refer to type-certification basis. In conclusion, nowhere subpart Q is checked during certification. Sub-part Q should be cross referenced in sub-parts related to “certification” (B, D, E, O …). For example in 21A.31 ?	eligibility under 21A.14; and (b) specify the marking in accordance with Subpart Q.
146	21A.601	21A.601(b)(2), 21A.606(b), 21A.609(c) Use the words "technical specifications" instead of various formulations ("airworthiness specifications", "technical conditions", "certification specifications"). Reason(s) for proposed text/comment The wording « certification specifications » is inappropriate for aspects linked to TSO Authorisations as it directly refers to	Noted. “Detailed airworthiness specification” is used to define ETSO authorisations. For internal consistency, 21A.609(c) has now been amended to read airworthiness specifications.

		Airworthiness Codes applicable to products. TSO or ETSO are kind of technical specification to ensure that a part or equipment have adequate performance and characteristics to perform the intended function for installation on an aircraft. In other words, a TSO/ETSO authorisation is no more than a qualification certificate issued by the Authority (this allows in particular to comply with product airworthiness codes of parts 23, 25, 27, 29,…§ 1301 (a) and (b)). The installation of the equipment or part on an aircraft will only be approved through TC or TC change processes by showing compliance with all the relevant applicable certification (airworthiness) requirements. We therefore suggest to avoid confusion and improve homogeneity to use in all cases either « technical specifications » (preferred as the parallel with non TSO equipment qualification based on Manufacturer Technical Specification is more evident) or « technical conditions » .	
161	21A.601(b)(3)	**Propose to delete paragraph** Reason(s) for proposed text/comment *Editorial:* It is not necessary to say that an ETSO part is approved for the purpose of subpart K as 21A.305 specifies that approved means ETSO or equivalent.	Disagreed. 21A.305 refers only to compliance with ETSO where approval is necessary. 21A.601 clarifies that full ETSO authorization is an approval.
146	21A.602B	PROPOSED TEXT/COMMENT Any organisation applying for an ETSO authorisation shall demonstrated its capability as follows: Reason(s) for proposed text/comment Editorial. Remove the final "d" from "demonstrated.	Carried.
146	21A.602B	21A.602B (b)(2) : for all other articles, by holding a design	Deferred.

		organisation approval, issued by the Agency in accordance with subpart J, or by using procedures setting out the specific design practices, resources and sequence of activities necessary to comply with this Part. Reason(s) for proposed text/comment Organisations designing ETSO articles should have the possibility to choose either a DOA or alternative procedures.	Concept to be further explored to identify merits of DOA for equipment design.
161	21A.602B (and 21A.14, 21A.112B, 21A.432B)	Referenced paragraphs require organisations applying for a TC, STC, major repair design approval or ETSO to demonstrate their capability, either by obtaining a DOA under subpart J or by using procedures, to be agreed by the Agency, setting out the design practices, resources and sequence of activities necessary to comply with the relevant subpart. It is recommended that part 21 formalises this alternative by introducing a design capability certificate to be granted under a separate subpart. Reason(s) for proposed text/comment <u>Implementation problem:</u> JAA experience shows the need to standardise the so called “alternative procedures” . It was at some stage proposed to create a new certificate , to formalise the authority agreement on the applicant procedures , under a new JAR 21 subpart JC. This is still considered by DGAC to be the best way to proceed and, indeed , DGAC has created a national certificate named “certificat d’aptitude à la conception” (Design Capability Certificate) which has a limited validity (3 years, as for DOA) , and subject to DGAC surveillance after issuance. Hence it is recommended that part 21 adopt the same concept and introduces a design capability certificate to be granted under a separate subpart.	Deferred. What is proposed is a new concept that deserves further consideration by the Agency.

054	21A.602B (a)	Amend 21A.602B (a) as follows: ... or through compliance with Subpart F procedures for a limited period only; and… Justification: Manufacturing of ETSO articles under Subpart F (without a quality system) can not fulfill the continuing airworthiness responsibilities of the holder of the design approval on the long term.	Disagreed. The limitations for use of Subpart F is included in Subpart F.
099	21A.602B(a)(1)	CAA-NL suggests that a holder of a Subpart F agreement should only be accepted if this subpart F agreement was issued in preparation to a POA under 21A.124(b)(1)(ii)	Disagreed. The limitation for use of Subpart F is included in Subpart F.
161	21A.602B(b)(2)	Amend 21A.602B (b) (2) to add the possibility to hold a DOA under subpart J for other articles than APU : "Any organisation applying for an ETSO authorisation shall demonstrate its capability as follows: (a) for production, by holding a production organisation approval, issued in accordance with Subpart G, or through compliance with Subpart F procedures; and (b) for design: (1) for an Auxiliary Power Unit, by holding a design organisation approval, issued by the Agency in accordance with Subpart J; (2) for all other articles, by holding a design organisation approval, issued by the Agency in accordance with Subpart J or by using procedures setting out the specific design practices, resources and sequence of activities necessary to comply with this Part." Reason(s) for proposed text/comment • *Editorial* • *Implementation problem:* (b)(2): Issuing a DOA under subpart J to ETSO holders other	Deferred. Concept to be further explored by the Agency to identify merits of DOA for equipment design.

		than APU may indeed be beneficial in the case of complex equipment or for numerous applications for similar equipment. It is therefore proposed to leave the possibility of granting a DOA under subpart J for other ETSO than APU.	
146	21A.603(b)	PROPOSED TEXT/COMMENT (b) When a series of minor changes in accordance with 21A.611 is anticipated, the applicant shall set forth in **his or her** application the basic model number of the article and the part number of the components with open brackets after it to denote that suffix change letters or numbers (or combinations of them) will be added from time to time. Reason(s) for proposed text/comment Editorial.	Carried.
054	21A.604, 21A.605(e), 21A.807(c)	An APU is a turbine engine. Some APUs are derived from an engine used for aircraft propulsion and some APUs are larger than many rotorcraft engines. Similarly to engines, they contain high energy rotating parts and they burn fuel : they are potential sources of hazards. Then, technically, an APU is an engine. The usage is not the same: currently they are not designed to produce thrust. The APUs should be under direct EASA's control to be consistent with the engines, especially if an APU is a close derivative of an engine : it would be abnormal to have the engine under direct EASA management and the APU (derived from this engine) managed by a national authority or by a qualified entity. A situation where a small piston engine would be handled by EASA and, for example, an essential (turbine engine) APU, because of ETSO, would be handled by a qualified entity would not be logical. It is noted that the EU/EASA essential requirements for airworthiness define a product as an aircraft, an engine or a	Noted. It is agreed that some further work may be required to clarify the differences between "engine" and "aircraft engine" in relation to the definition of a product. However, at this time it is considered that Part 21 is congruent with the Basic regulation and the APU should remain an appliance and be dealt with in accordance to the promulgated rules.

		propeller and that this cannot be changed. Both NPA 25J-300 (for JAR-25) and NPA 1-11 (for JAR-1) define an APU as follows : "Auxiliary Power Unit" means any engine delivering rotating shaft power, compressed air or both, which is not intended for direct propulsion of an aircraft." An APU is an engine in relation to EU/EASA essential requirements and therefore should be accordingly granted a type certificate under Part 21.	
146	21A.605	The Statement of Compliance, identified in 21A.605, 606, 608 and 611, seems to be a document different from a EASA Form One. * If it is the case, it is necessary to describe the content of this document taking as an example 21A.130. * If it is not the case, replace the occurrence "Statement of Compliance" by the adequate words. Moreover, by analogy with other terms, the words should be used without uppercase.	Disagreed. The Statement of Compliance is defined through 21A.605(a). Carried. Statement of Compliance is now in lowercase ("statement of compliance").
054	21A.605	Add to 21A.605(d) the following: ...or the manual (or a reference to the manual) referred to in 21A.125(b) for the purpose of manufacturing under Subpart F without production organisation approval. Justification: In case the ETSO authorisation will be granted with production under Subpart F the necessary manual needs to be stated.	Carried.
146	21A.606	PROPOSED TEXT/COMMENT	Noted. However, since the applicant for, or holder of, a

		(a) demonstrating its capability in accordance with 21A.602B; and (b) demonstrating that the article complies with the technical conditions of the applicable ETSO, and submitting the corresponding statement of compliance; (c) showing that **he or she** is able to comply with 21A.3 (b) and (c). Reason(s) for proposed text/comment Editorial. Moreover, the word "it" in 21A.606(c) seems to refer to the applicant.	certificate may be either a natural or legal person the term “it” is deemed more appropriate.
146	21A.606	The Statement of Compliance, identified in 21A.605, 606, 608 and 611, seems to be a document different from a EASA Form One. * If it is the case, it is necessary to describe the content of this document taking as an example 21A.130. * If it is not the case, replace the occurrence "Statement of Compliance" by the adequate words. Moreover, by analogy with other terms, the words should be used without uppercase.	Disagreed. The Statement of Compliance is defined through 21A.605(a). Statement of Compliance is now in lowercase (“statement of compliance”) in view of other comments received.
146	21A.606	21A.601(b)(2), 21A.606(b), 21A.609(c) Use the words "technical specifications" instead of various formulations ("airworthiness specifications", "technical conditions", "certification specifications"). Reason(s) for proposed text/comment The wording « certification specifications » is inappropriate for aspects linked to TSO Authorisations as it directly refers to Airworthiness Codes applicable to products. TSO or ETSO are kind of technical specification to ensure that a part or equipment have adequate performance and	Noted. Paragraph 21A.609 has been amended to read “airworthiness specifications” as in 21A.601. The paragraph 21A.606, however, is unchanged as it was felt that the current wording is appropriate.

		characteristics to perform the intended function for installation on an aircraft. In other words, a TSO/ETSO authorisation is no more than a qualification certificate issued by the Authority (this allows in particular to comply with product airworthiness codes of parts 23, 25, 27, 29,…§ 1301 (a) and (b)). The installation of the equipment or part on an aircraft will only be approved through TC or TC change processes by showing compliance with all the relevant applicable certification (airworthiness) requirements. We therefore suggest to avoid confusion and improve homogeneity to use in all cases either « technical specifications » (preferred as the parallel with non TSO equipment qualification based on Manufacturer Technical Specification is more evident) or « technical conditions » .	
161	21A.606(b)	The applicant is required to demonstrate compliance with the applicable ETSO, but nowhere is defined what is the applicable ETSO. Reason(s) for proposed text/comment Implementation problem: ETSO as certification specifications are not requirements. In parallel to what is done for aircraft with JAR 23, 25, 27, 29 etc. and in accordance with article 15.1(c) the applicant should be notified the detailed airworthiness specifications.	Deferred. The current text comes from JAR 21. Comment deserves further consideration by the Agency.
099	21A.606(c)	CAA-NL suggests this paragraph to read “showing that it is able to comply with 21A.**609”**, this is more logical as it is stating al the Obligations of the holder.	Deferred. Requires further consideration by the Agency.
146	21A.608	The Statement of Compliance, identified in 21A.605, 606, 608 and 611, seems to be a document different from a EASA Form One. * If it is the case, it is necessary to describe the content of this document taking as an example 21A.130. * If it is not the case, replace the occurrence "Statement of	Disagreed. The Statement of Compliance is defined through 21A.605(a). Carried. Statement of Compliance is now in lowercase (“statement of compliance”) in view of other comments received.

		Compliance" by the adequate words. Moreover, by analogy with other terms, the words should be used without uppercase.	
146	21A.609	Editorial. End each subparagraph with a dot and remove "and" at the end of 21A.609(e).	Deferred.
146	21A.609	21A.601(b)(2), 21A.606(b), 21A.609(c) Use the words "technical specifications" instead of various formulations ("airworthiness specifications", "technical conditions", "certification specifications"). Reason(s) for proposed text/comment The wording « certification specifications » is inappropriate for aspects linked to TSO Authorisations as it directly refers to Airworthiness Codes applicable to products. TSO or ETSO are kind of technical specification to ensure that a part or equipment have adequate performance and characteristics to perform the intended function for installation on an aircraft. In other words, a TSO/ETSO authorisation is no more than a qualification certificate issued by the Authority (this allows in particular to comply with product airworthiness codes of parts 23, 25, 27, 29,…§ 1301 (a) and (b)). The installation of the equipment or part on an aircraft will only be approved through TC or TC change processes by showing compliance with all the relevant applicable certification (airworthiness) requirements. We therefore suggest to avoid confusion and improve homogeneity to use in all cases either « technical specifications » (preferred as the parallel with non TSO equipment qualification based on Manufacturer Technical Specification is more evident) or « technical conditions » .	Noted. Paragraph 21A.609 now reads “airworthiness specifications” (as in 21A.601(b)(2)). The paragraph of 21A.606, however, is unchanged as it was felt that the current wording is appropriate.
146	21A.609	21A.609	Noted.

		Add a paragraph on obligation to continue to meet criteria for eligibility/capability to be a ETSO holder , i.e. criteria for demonstration of capability under 21A.602B. Reason(s) for proposed text/comment Similar to 21A.44. (See also comment on 21A.44).	New paragraph reads as follows: "(g) Continue to meet the qualification requirements of 21A.602B"
099	21A.609(f)	CAA-NL suggests this paragraph to read "Comply with **21A.3, 21A.3B and 21A.4"**, as ETSO is mentioned in al those paragraphs.	Deferred.
146	21A.611	The Statement of Compliance, identified in 21A.605, 606, 608 and 611, seems to be a document different from a EASA Form One. * If it is the case, it is necessary to describe the content of this document taking as an example 21A.130. * If it is not the case, replace the occurrence "Statement of Compliance" by the adequate words. Moreover, by analogy with other terms, the words should be used without uppercase.	Disagreed. The Statement of Compliance is defined through 21A.605(a). Statement of Compliance is now in lowercase ("statement of compliance").
043	21A.611(c)	21A.431 (d) and 21A.611(c) : Apparently a repair design to an ETSO article is not possible for a DOA and a separate ETSO authorization is needed. This is still difficult to grasp. A DOA can perform (minor) repair design on TC and STC products, but not on ETSO articles. We believe a DOA should be able to perform minor repair design on ETSO articles (with proper consent of ETSO holder). For major repair design we agree that a new ETSO authorisation is needed. In this respect , if that was not already clear from the text, we not only talk about (minor) repair design but also about (minor) design	Deferred. This is coming from JAR 21.

		changes to ETSO articles. We believe a DOA should be able to also perform such design changes without violating the ETSO authorization.	
099	21A.611(c)	This paragraph together with the deletion of JAR 21 subpart P makes it impossible to get an EPA approval for EPA on parts of an ETSO-part, e.g. seat covers. CAA-NL strongly recommends that either via a change in this paragraph or via subpart D this possibility is introduced.	Deferred. Need further consideration by the Agency.
054	21A.613	**Proposal:** add a new sentence as follows: This documentation shall be kept at least 6 years after the final removal of the article from service. **Justification:** Even if the ETSO article had been removed from service, there might be reasons (accident investigation, legal procedures or legal disputes) to need the records defined in the above mentioned §.	Deferred.
146	21A.619	PROPOSED TEXT/COMMENT (a) The conditions required when ETSO authorisation was granted are no longer being observed; or (b) The duties of the holder specified in 21A.609 are no longer being discharged; or (c) The article has proved to give rise to unacceptable hazards in service; or (d) The authorisation has been surrendered. Reason(s) for proposed text/comment The subparagraph of this section is not correctly numbered +	Noted. Revised text now reads as follows: "(a)… (1) The conditions required when ETSO authorisation was granted are no longer being observed; or (2) The obligations of the holder specified in 21A.609 are no longer being discharged; or (3) The article has proved to give rise to unacceptable hazards in service; or (4) The authorisation has been

		minor changes.	surrendered or revoked under the applicable administrative procedures estbalished by the Agency. (b) Upon surrender or revocation, the certificate shall be returned to the Agency. "Authorisation" being understood as a "certificate" under the Basic Regulation.
054	21A.619	ETSO Authorizations cover design aspects as well as production aspects. In case, an ETSO Authorization is going to be surrendered, the holder of the ETSO Authorization is no longer in a position to produce the ETSO article. But it is unclear whether the previously produced articles remain airworthy, as the design responsibility, especially for continued airworthiness could no longer be maintained.	Noted. The ETSO authorization is for the article itself. The associated product installation continued airworthiness activity relates to the type-certificate or supplemental type-certificate holder.
161	21A.619	"An ETSO authorisation shall be issued for an unlimited duration. It shall remain valid unless surrendered, suspended or revoked" Reason(s) for proposed text/comment <u>Implementation problem</u> Current draft part 21 text links the validity of the ETSO authorisation to the holder remaining in compliance with subpart O. An ETSO manufacturer may cease to comply with subpart O: - it may lose its DOA , temporarily or permanently. - it may disappear yet, the ETSO authorisation may still be valid if the manufacturer is still able to assure continued airworthiness responsibilities or if the Agency fulfils the continuing airworthiness function in case the manufacturer has disappeared. In addition, the implication on all parts and equipment installed in case of loss of validity is not well defined.	Deferred. This should be further considered by the Agency in due time.

099	21A.619	As it is not desirable to leave invalid TSOA's with the former holder CAA-NL suggests a new subparagraph (b) be introduced stating the following: **"(b) Upon suspension or revocation the applicable TSOA shall be surrendered to the agency."**	Noted. Revised text now reads as follows: "(a)… (1) The conditions required when ETSO authorisation was granted are no longer being observed; or (2) The obligations of the holder specified in 21A.609 are no longer being discharged; or (3) The article has proved to give rise to unacceptable hazards in service; or (4) The authorisation has been surrendered or revoked under the applicable administrative procedures estbalished by the Agency. (b) Upon surrender or revocation, the certificate shall be returned to the Agency. "Authorisation" being understood as a "certificate" under the Basic Regulation.
024	Subpart Q	In sub-part Q, there is no objective assigned to the marking of parts. The JAR-E sentence ("the constructor shall maintain records related to this marking such that it is possible to establish the relevant manufacturing history of the parts.") provides an objective. Part 21 might benefit from a clarification if this is not yet covered somewhere (in such case a reference might be added to make the link).	Deferred.
024	Subpart Q	The current JAR-E 110 (c) reads as follows: (c) Certain parts (including Critical Parts, see JAR–E 515) as may be required by the Authority shall be marked and the constructor shall maintain records related to this marking such that it is possible to establish the relevant manufacturing history of the parts.	Deferred.

		It is recognised that JAR 21.805 requires marking of critical parts. But this paragraph does not require retention of records. It is recognised that JAR 21.126 (b)(6) and 21.165 (d) and (g) require recording of manufacturing data (*). But it is not obvious to determine if the subject of "records related to … markings" is addressed in JAR-21. It should also be noted that this JAR-E requirement is applicable to all "marked" parts, being critical or not. **Therefore, […] is asking CG3 to clarify the point :** is this JAR-E requirement covered in some manner in IR 21 ? If not, is there an intent to introduce new, equivalent, requirements in IR 21 ? (*) Note that the rationale for keeping records, as exposed in ACJ 21.165 (d)/(g), is not consistent with the objective in the rule itself as exposed in 21.165 (g) : is this inconsistency within JAR-21 ?	
024	Subpart Q	**Subject : Marking of parts** There are 3 issues as follows. 1 - JAR-E 110 (a) and (b) read as follows : (a) The drawings for each Engine component and each item of equipment shall give full particulars of the design and shall indicate the materials used in terms of their specifications. The protective finish and, where applicable, the surface finish, shall be indicated. Any tests necessary to establish the manufacturing quality of components or equipment shall be quoted on the relevant drawings either directly or by reference to other suitable documents. (b) Except where otherwise agreed each part shall be marked so that it can be identified with the drawing to which it was made. The position of the markings shall be indicated on the drawing. They have no equivalent in JAR-21 sub-part Q. 2 - It is also noted that the title of this sub-part Q appears as	Deferred.

		being more general than the actual content of the sub-part : the identification of the parts which are incorporated into the product is not addressed in JAR-21 sub-part Q. May be this should be corrected in IR 21. 3 - JAR-E 110 (c) reads as follows : (c) Certain parts (including Critical Parts, see JAR–E 515) as may be required by the Authority shall be marked and the constructor shall maintain records related to this marking such that it is possible to establish the relevant manufacturing history of the parts. This paragraph addresses the same subject as JAR 21.805, but, contrary to JAR-21, proposes a safety objective on retention of records. ***Questions*** Are these “engine” texts compatible with JAR-21 sub-part Q ? Should some part of these texts to be used for IR 21 ? In particular, it is suggested that 21.805 could be improved using the intent of JAR-E 110 (c). Response. […] has indicated that sub-part Q of IR 21 was being modified. In last known version of the draft IR 21 issue 1, the issues have not been totally clarified. The reference to “relevant manufacturing history” of JAR-E 110 (c) can be considered as being adequately addressed in 21A.126 (b)(6) in sub-part F. But, surprisingly, there is no equivalent requirement in sub-part G. Why is there such a difference in requirements of these two sub-parts? […] is requested to review these issues and provide feed back. Side note : in 21A.804 there is a reference to EPA (European	

		Part Approval). Is this consistent with deletion of sub-part P ?	
024	Subpart Q	In sub-part Q, parts and engines are identified. But the modules, which exist in engines but are neither “parts” nor “engines”, are not identified. This should be corrected. […] The subject of “modules”, which is specific to engines (this includes APUs), is not addressed in IR 21. A module is not an engine, and is not a part. Therefore, there is a gap in IR 21. JAR-APU 50 (c) and JAR-E 120 (c) should be considered for incorporation into sub-part Q of IR 21.	Disagreed. A “module” is considered as a “part” under the Basic Regulation.
172	Subpart Q General	In the draft Subpart Q, there does not appear to be any rocesses/requirements definition for EPA parts/appliances as found in JAR Section 1, Part 21, Subpart P. To ensure correct applicability, development requirements, application requirements, and general understandings, this information should be included in the draft Subpart Q.	Disagreed. Subpart Q only addresses the EPA marking. The processes and requirements for the approval for EPA parts can be found in Subparts D, E, F and G.
167	EPA Marking	***EPA – European Part Approval*** Elimination of Subpart P has the effect of distributing the requirements for EPA throughout the rest of the Part 21 making them difficult to assess as a whole. In particular, the requirements for design of EPA replacement parts are somewhat hidden in the major and minor change section (Subpart D). Further, the design system requirements for EPA are significantly less stringent than those for Type Certificate holders and Supplemental Type Certificate holders. For example, the holder of a minor change to the type design which is the basis for an EPA does not have to comply with obligations laid down in 21A.3 (failures, malfunctions, defects), 21A.3B (airworthiness directives), 21A.4 (coordination between design and production), 21A.49 (required but not defined), and 21A.57 / 21A.119 (manuals). It is also not clear whether the holder of an independently developed major change to the type design requires a Supplemental Type Certificate. If not, the	Disagreed. JAR 21 Subpart P has not been implemented by the JAA for various reasons. See explanation in the draft opinion, attachment 1, paragraph 2.2.9.

		comments on minor changes also apply to major changes. <u>Recommendation:</u> Create a Subpart P that specifies the requirements for EPA	
165	Former Subpart P	Subpart P has been deleted. There was a wide debate in JAA regarding the application of this Subpart. Even if it's application was suspended, an agreement was finally reached with participation of industry (including the operating industry) on how to apply Subpart P. The process of drafting Part 21 by an Experts Group has not provided the opportunity to have the same wide discussion process. Furthermore, the FAA has an equivalent system, where the design requirements are separately spelled out, for the benefit of those not familiar with the complexities of Subpart D, and, regarding production, they are only subject to requirements equivalent to Part 21 Subpart F. So the European industry will be put at a disadvantage if Part 21 is published as proposed and no equivalent requirements are imposed on foreign manufacturers through Bilateral agreements. Finally, transitional measures should be established for approved parts on stock. It is suggested that Subpart P is retained until a proper public debate, free of time pressures, can be held on the convenience of keeping this Subpart.	Disagreed. JAR 21 Subpart P has not been implemented by the JAA for various reasons. See explanation in the draft opinion, attachment 1, paragraph 2.2.9.
044	EPA Marking	[…] thanks the European Aviation Safety Agency (EASA) and the Joint Aviation Authorities (JAA) for the opportunity to review this draft Part 21. One of the new aspects of the draft Part 21 is the introduction of an European Part Approval (EPA) process. […] has serious concerns about the process as currently described, and we are strongly opposed to the implementation of this process without further industry review and comment. […] has expressed its concern on several occasions to the Federal Aviation Administration (FAA) that the current FAA Parts Manufacturer Approval (PMA) regulations	Disagreed. The EPA is only a special marking to differenciate parts produced under the system of TC holder from others. The design approval for these parts has to fully comply with the provisions of Subparts D and E.

		and processes are part-oriented and do not take into account the potential system effects of replacement parts not designed by the Type Certificate (TC) holder. It appears to […] that the proposed EPA process has many of the same attributes. This type of part-oriented process may be adequate for low technology engine parts outside of the flow-path; however, in our view, certification of higher technology engine parts and especially engine critical parts must take into account system effects on the entire engine, including life limits of influenced engine critical parts. Even then, a thorough assessment of system effects often necessitates application of detailed knowledge of design practices, design intents and other factors developed by and proprietary to the TC holder. […] believes that certification of non-TC holder replacement parts is a subject that requires additional study and broad industry involvement. […] is fully committed to supporting aviation safety and reliability. Therefore […] respectfully submits that the subject of EPA should be deleted from the current Part 21 and submitted to an industry group for further evalution. […] would like to participate as an interested participant in such an industry group.	
069	21A.801	d.) For manned ~~free~~ balloons, the identification plate …In addition, the basket and any heater or **load frame** assembly shall be permanently…. Comment: The manned tethered balloons are included if the word “free” is deleted. The supplement `load frame´ includes all kind of load bearing devices which are state of the art in free and tethered gas balloons	Deferred. To be reviewed by the Agency in due time.
054	21A.801	1) In 21A.801(d) delete the third word: "...***free***..." 2) In 21A.801(d) insert after "...basket..." the following words:	Deferred. To be reviewed by the Agency in due time.

		"...***burner frame or load ring,***..." **Justification:** 1) Proper identification should be extended to all manned balloons, not only manned free balloons. 2) Burner frames (hot air balloons) and load rings (gas balloons) are important load carrying parts belonging to the primary structure. As being easily removable on the ground they must be clearly identifiable.	
083	21.801(a)	The FAA requires additional information on an engine data plate (or equivalent fire proof marking), including a statement of compliance or exemption to emissions standards. Similar requirements for ICAO Annex 16 are currently being discussed by CAEP Working Group No. 3. In addition to the requirements of 21.801(a) items (1)-(4) the FAA requires the following: (5) Type certificate number (6) Production certification number (if any), and (7) A designation that indicates compliance status with applicable exhaust emissions requirements on the date of manufacture of the engine. Approved designations are Comply, Exempt, or Non-US. Additional requirements, such as definitions for "date of manufacture," Comply, Exempt, and Non-US are also specified under U.S. regulations found in 14 CFR Part 45.11 and 45.13.	Deferred. The requirements satisfy Community law. Any action in relation to this comment must be under cover of a bilateral agreement or additional requirements.
054	21A.801 (b)	Correction of used terms as follows: "(b) Each person who manufactures an aircraft or engine under Subpart G…" Justification: Replace "aircraft engine" by "engine" to be in line with the rest of Part 21 where only the term engine is used.	Carried.

175	21A.801(b)	This paragraph does not indicate that the identification plate should be either accessible or legible. Suggest this language be added to the last sentence in (b). Change last sentence in (b) to: "The identification plate shall be secured in such a manner that it is accessible and legible, and will not likely be defaced or removed during normal service, or lost or destroyed in an accident."	Carried.
161	21A.801(c)	In paragraph (c) delete reference to propeller hub and blade Reason(s) for proposed text/comment <u>Implementation problem:</u> Propeller blade and propeller hub are not products but parts	Noted. It is recognized that a propeller blade or a propeller hub is not a part but the intent of the paragraph is to ensure that the blade and the hub are marked the same way as a propeller. Paragraph (c) is slightly changed to read as follows: "Any natural or legal person… under Subpart G or Subpart F shall identify it by means of …"
098	21A.801 (d)	Delete "free" in order to include the case of tethered balloons.	Deferred. To be reviewed by the Agency in due time.
139	21A. 801 (d)	The load frame of the burner is a important part of a balloon, too. Argument: The load frame should be definite signed.	Deferred. To be reviewed by the Agency in due time.
122	21A.801 (d)	addition: <u>burner load frame should be marked with a manufacturers part number or equivalent</u>	Deferred. To be reviewed by the Agency in due time.
146	21A.803	21A.803 Handling of identification data ..... (c) By way of derogation from paragraph (a) and (b), persons performing maintenance work under this Part may, in accordance with methods, techniques and practices	Noted. The text now reads as follows: "under the applicable associated implementing rules"

		established by the Agency: .....;;;;;; Reason(s) for proposed text/comment Replace the words "under this Part" by "under the applicable part" in paragraph 21A.803 (c) . Maintenance activities may be conducted under Parts other than Part 21.	instead of “under this Part”.
175	21A.803(c)	May a person perform maintenance work under Part 21, or should this reference be to maintenance work performed under Part M? Suggest the following change if appropriate: “(c) By way of derogation from paragraph (a) and (b), persons performing maintenance work under Part M may, in accordance ……..…..”	Noted. “Under this Part” has now been deleted (for “under the applicable associated implementing rules”).
146	21A.804	PROPOSED TEXT/COMMENT (3) the letters EPA (European Part Approval) for parts or appliances produced in accordance with design data not belonging to the type-certificate holder of the related product, except for ETSO articles, on and after 28 March 2004. Reason(s) for proposed text/comment Editorial. Replace the comma by a dot at the end of paragraph.	Carried.
038	21A.804	In the draft Subpart Q, there does not appear to be any processes/requirements definition for EPA parts/appliances as found in JAR Section 1, Part 21, Subpart P. To ensure correct applicability, development requirements, application requirements, and general understandings, this information should be included in the draft Subpart Q.	Disagreed. Subpart Q only addresses the EPA marking. The processes and requirements for the approval for EPA parts can be found in Subparts D, E, F and G.
161	21A.804 (and Draft	Amend paragraph 21A804 as follows: “a) Each manufacturer of a part or appliance shall permanently	Carried.

	Reg., art 5)	and legibly mark the part or appliance with: (1) a name, trademark, or symbol identifying the manufacturer; and (2) the part number, as defined in the applicable design data; and (3) the letters EPA (European Part Approval) for parts or appliances produced in accordance with design data not belonging to the type-certificate holder of the related product, except for ETSO articles, (b) […]" Move that provision to Article 5 of the draft Certification regulation Reason(s) for proposed text/comment All provisions regarding transition should be in the Certification Regulation	
147	21A.804	This is a new paragraph, and not all elements have been justified. In particular, the requirement under (a)(1) to mark a manufacturer's name or symbol on individual parts or appliances will significantly affect the production of such parts in Europe, as currently this is not common practice for all parts. Additionally, it is unclear from the requirement, when a part is manufactured by one company, released by a second company, and assembled by a third company into a higher level assembly, which of these companies is the 'manufacturer'? It is unclear what safety benefit this requirement brings, and without a definition of 'manufacturer', the rule is unworkable. Paragraph (a) (3) refers to EPA marking, but there is no definition of what an EPA part is, and therefore when such markings are required. It is proposed that (a)(1) and (a)(3) should be deleted.	Deferred. The comment is understood but it must be clarified that all the parts do not need to be marked. Only parts that are defined by part number in the applicable design data must be marked. EPA is defined in (a)(3) as parts or appliances produced in accordance with design data not belonging to type-certificate holder (e.g., STC).
147	21A.804(a)	(a) Each manufacturer of a part or appliance shall permanently and legibly mark the part or appliance with: *(1) (unchanged)* (2) *(unchanged)*	Noted. The addition of the word "approved" is noted as follows:

		(3) the letters EPA (European Part Approval) for parts or appliances produced ***under Subpart F or G*** in accordance with ***approved*** design data not belonging to the type-certificate holder ***nor to any supplemental type-certificate holder*** of the related product, except for ETSO articles, on and after 28 March 2004. **Reason(s) for ~~proposed text/~~comment** 1. It is not very clear whether the Regulator intentionally was meaning that parts that can be traced back to a design covered by a supplemental type-certificate should bear the EPA marking. If this was not the intention, then the proposed wording improves the clarity. 2. Clarification of the conditions under which the parts have to be produced and reminder that their design has to be approved.	"(a)(3) …produced in accordance with approved design data…" The other proposed amendments are not carried: 1) The Commission Regulation Art 4(2) includes derogation mechanisms to Subpart F or G. Therefore, the scope of paragraph (a)(3) should not be limited. 2) EPA marking is meant to differentiate parts produced under the control of the TC holder from all other parts, including STC.
147	21A.804(a)(3)	To remove the § (a)(3) the reference to the EPA **Reason(s) for proposed text/~~comment~~** JAR 21 Subpart P has been deleted (JPA or EPA)	Noted. Text now reads as follows on the basis of other comments received: "(a)(3) …produced in accordance with approved design data…" The other proposed amendments are not carried: 1) Commission Regulation Art 4(2) includes derogation mechanisms to Subpart F or G. Therefore, the scope of paragraph (a)(3) should not be limited. 2) EPA marking is meant to differentiate parts produced under the control of the TC holder from all other parts, including STC.
133	21A.805	There is no definition of "critical parts" in Part 21.	Deferred.

			Point is well identified and has to be further processed by the Agency in due time.
038	21A.805	(1) Existing draft Para. 21A.805 should be deleted unless it is greatly expanded and fully harmonized to precisely define "critical parts." The subject of critical parts is highly controversial and is not currently a subject of agreement within Industry or regulatory agencies. An example of confusion would be even deciding on the possible categories of "critical"…Design critical, Production critical, Installation critical, Certification critical, Functionally critical, and so on. Without a complete and agreed definition(s) this paragraph and its implications could, at worst, be widely abused and, at best, be confusing. (2) If some form of this paragraph remains, it should also include text that allows acceptable marking of parts determined to be too small for conventional marking, similar to paragraph 21A.807(b).	(1) Deferred. (2) Disagreed. 805 is in addition to 804 where the marking of small parts is covered.
167	21A.805	This section requires the identification of "critical parts"; however, there is neither a definition of the term nor a methodology to determine the criteria for criticality. This must be addressed, either here or in guidance material.	Deferred. Point is well identified and has to be further processed.
172	21A.805	(1) Existing draft Para. 21A.805 should be deleted unless it is greatly expanded and fully harmonized to precisely define "critical parts." The subject of critical parts is highly controversial and is not currently a subject of agreement within Industry or regulatory agencies. An example of confusion would be even deciding on the possible categories of "critical"…Design critical, Production critical, Installation critical, Certification critical, Functionally critical, and so on. Without a complete and agreed definition(s) this paragraph and its implications could, at worst, be widely abused and, at best, be confusing. (2) If some form of this paragraph remains, it should also include text that allows acceptable marking of parts determined to be too small for conventional marking, similar to paragraph 21A.807(b).	1) Deferred. 2) Disagreed. 805 is in addition to 804 where the marking of small parts is covered.

161	21A.807	There should be some provision in the AMC material to clarify 21A807(a)(4) – *(Current AMC material as proposed in Consultation Paper no.4/2003-07-03 does not provide with such provision)* Reason(s) for proposed text/comment *Implementation problems:* Paragraph 21A807 reads: "(a) Each holder of an ETSO authorisation under Subpart O shall permanently and legibly mark each article with the following information: […] (4) The applicable ETSO number." It is our understanding that any holder of a JTSO authorisation (thus deemed to hold the equivalent ETSO authorisation) may continue to mark its articles with the JTSO number. In such case we consider that "*The applicable ETSO number*" is the JTSO number. • If our interpretation is incorrect, there is a need for a transition period, at least for the manufacturer to implement the provision on his tools. • If our interpretation is correct, is there a need for a deadline, where all articles have to finally be marked with the real ETSO number.	Noted. Marking with ETSO number will only be required for articles approved under new authorisation issued in accordance with Subpart O. The holder of a JTSO authorisation may continue to mark its article with the JTSO number.
054	21A.807(c)	In para 21A.807(c) manufacturing under subpart F is allowed. This is not acceptable due to the complexity and safety impact of APU operations and due to the missing quality assurance system of such subpart F organisations.	Disagreed. 21A.124 provides the criteria to accept or reject production under Subpart F.
175	21A.807(c)	This paragraph does not indicate that the identification plate should be either accessible or legible. Suggest this language be added to the last sentence in (c). Change last sentence in (c) to:	Carried.

		"The identification plate shall be secured in such a manner that it is accessible and legible, and will not likely be defaced or removed during normal service, or lost or destroyed in an accident."	
108	Former Subpart L	Subpart L was included in the IR-21 core group proposal but deleted from the consultation document with the motivation that no legal basis was found within the basic Regulation. ASA is of the opinion that it should be included. Proposal: Reinstate Subpart L as initially proposed by the core group. Reason (s) for proposed text or comment: Export procedures including the issuance of Export Certificates of Airworthiness are normal practice for most manufacturing states in the world and also applied in case of used aircraft. Legal ground for these are found in most NAA regulations and should also be included in the EU legal framework. In our opinion it would not be sufficient with EASA procedures or guidance. The most practical way is therefore to include this in the Annex. The argument that no legal basis is to be found in the basic Regulation is according to us weak and we believe that Article 2 (d) and "whereas (5)" is sufficient justification where Member states obligations "created" by the Chicago Convention is mentioned albeit the Convention does not mention the Export C of A. The document is certainly created to assist in world-wide transfer of aircraft among the ICAO members. In Article 4(2) of the draft Regulation the acceptance of foreign Export Certificate of Airworthiness is referred to without any direct legal ground in the basic Regulation. If it can work in that direction, why not in the other?	Disagreed. Currently there is no legal basis for including Subpart L in Part 21. The Commission may not be advised to legislate beyond the scope of empowerment. Related actions should be addressed under bilateral agreements.
054	Former Subpart L	The LBA highly recommends to develop regulations for the issuance of Export Certificates of Airworthiness, to be included in part 21, Section A and Section B. Justification:	As stated in the explanatory note there is no legal basis for Subpart L in the Basic Regulation.

		The most important justification for the development of regulations for the issuance of Export Certificates of Airworthiness is stated in the Commission Regulation on certification itself: Introduction it is stated that: "(6) The need to ensure uniformity in the application of common airworthiness and environmental requirements for aeronautical products, parts and appliances calls for a common approach and measures to be followed by the competent authorities of the Member States […]." This is highly supported for Export CoA as it is the important document given to the competent authority of a non-EU country demonstrating the responsibility of the Member State through the application of the basic regulation (Regulation (EC) No 1592/2002) and its implementing rules. The current justification for the omission of a Subpart L for Export Certificates of Airworthiness in part 21 as given in the "Detailed Explanatory Memorandum" to part 21 (paragraph 2.2.6) is not supported. The LBA does not see that Subpart L would fall outside the scope of empowerment granted by the legislator. Indeed, the Export Certificate of Airworthiness needs to be regarded as a conclusion document issued by the competent authority of a Member State (not only to certify airworthiness but also) to demonstrate safety oversight on an aircraft (including installed products, parts and appliances) manufactured or maintained under the responsibility of a Member State as the State of Manufacture or State of Registry. This perspective seems to be shared by the Commission at least for import certificates as for the import into the EU an Export Certificate of Airworthiness or authorised release certificate is required by a third country under certain circumstances (see Commission Regulation Art. 4 para 2).	

		Therefore […] supports the implementation of Subpart L for the issuance of Export Certificates of Airworthiness for products, parts and appliances in part 21, Sections A and B on the basis of a draft that had already been presented by the Core Group 3 for legal review.	
161	Former Subpart L	We have noted that Subpart L – Export airworthiness approvals has disappeared.. France will however continue to issue Export airworthiness approval according to national procedures and requirements which are those of existing JAR 21. One must emphasise, however, on the fact that EASA will probably have to develop a procedure, inspired from Subpart L when working on an agreement with foreign countries, such as the US which require such approval for imported products under FAR part 21 § 21.502	As stated in the explanatory note there is no legal basis for Subpart L in the Basic Regulation.
165	Former Subpart L	Subpart L has been omitted. It was dealing with Certificates of Airworthiness for Export, and, as such, it should be considered as covered under Article 5.2.c) of 1592/2002, since aircraft to be exported usually carry some kind of “provisional” or “temporary” registration from the country of manufacture. The fact that they only serve as a basis for the importing State to issue its C of A should be considered as secondary. Furthermore, they are likely to be required under any Bilateral agreement with third countries, so there will be a need to put the relevant requirements somewhere. [T] And, finally, what kind of document will be used to export aircraft to countries with which the EU will not have Bilateral agreements covering airworthiness (the vast majority)?	As stated in the explanatory note there is no legal basis for Subpart L in the Basic Regulation.
172	Former Subpart L	**Import / Export Discrepancies** Part 21 creates a “non-level playing field” regarding imports and exports. The elimination of Subpart L eliminates the issuance of export airworthiness certificates, and may violate the current bilateral airworthiness agreements with the United States. Instead, a manufacturer with production organisation approval can issue authorize release certificates for everything	As stated in the explanatory note there is no legal basis for Subpart L in the Basic Regulation.

		but complete aircraft. A manufacturer without production organisation approval can complete the authorized release certificate for validation by the competent authority. By contrast, the import requirements based on bilateral agreements in Subpart N have been eliminated. Instead, Article 4 of the regulation requires parts/products from a non-Member State country to have a certificate of airworthiness for export or an authorized release certificate issued by the State in which it is located, and only if the State is the State of manufacture and there is a determination by the Agency of equivalency.	
175	Former Subpart L	Even though this Subpart has been deleted from the revised Draft Annex - Part 21, the FAA will still require the issuance of an Export Certificate of Airworthiness and/or an Authorised Release Certificate from the country of manufacture (EU Member State) for any product or part exported to the United States. The export documentation will, at minimum, require the certification that the product or part conforms to its U.S. type design and is in a condition for safe operation. 14 CFR Part 21 contains the FAA's importing requirements. In addition, the bilateral agreements in force between the FAA and individual EU Member States are still valid, and contain all additional FAA importing requirements. It is suggested that Part 21 make some reference to the issuance of export documentation by the Competent Authority when it is required by an importing country.	As stated in the explanatory note there is no legal basis for Subpart L in the Basic Regulation.
167	Former Subpart L	**Import / Export Discrepancies** Part 21 creates a "non-level playing field" regarding imports and exports. The elimination of Subpart L eliminates the issuance of export airworthiness certificates, and may violate the current bilateral airworthiness agreements with the United States. Instead, a manufacturer with production organisation approval can issue authorize release certificates for everything	As stated in the explanatory note there is no legal basis for Subpart L in the Basic Regulation. Moreover, there is no Subpart N in Part 21 as the subject is covered by the Basic Regulation, Articles 9 and 18.

		but complete aircraft. A manufacturer without production organisation approval can complete the authorized release certificate for validation by the competent authority. By contrast, the import requirements based on bilateral agreements in Subpart N have been eliminated. Instead, Article 4 of the regulation requires parts/products from a non-Member State country to have a certificate of airworthiness for export or an authorized release certificate issued by the State in which it is located, and only if the State is the State of manufacture and there is a determination by the Agency of equivalency. Recommendation: Create a Subpart L for export airworthiness approvals and Subpart N to cover bilateral agreements.	
172	Former Subpart N	Bilateral Agreements; Subpart N Is Necessary We strongly believe that Subpart N, which was deleted, is beneficial and will be invaluable to have the necessary requirements located within the document rather than spread through several documents. This will assist in the day-to-day administration of the Part-21 requirements, particularly the approval of reciprocal repair data, rather than having to consult other documents and verify the revision levels of those documents. We recognize that Section 9.1 of the Basic Regulation provides for a specific derogation but a Subpart N would be beneficial to set some standards. Recommendation: Re-establish Subpart N.	There is no Subpart N in Part 21 as the subject is covered by the Basic Regulation, Articles 9 and 18.
167	Former Subpart N	**Bilateral Agreements; Subpart N Is Necessary** We strongly believe that Subpart N, which was deleted, is beneficial and will be invaluable to have the necessary requirements located within the document rather than spread through several documents. This will assist in the day-to-day administration of the Part-21 requirements, particularly the approval of reciprocal repair data, rather than having to consult other documents and verify the revision levels of those	There is no Subpart N in Part 21 as the subject is covered by the Basic Regulation, Articles 9 and 18.

		documents. We recognize that Section 9.1 of the Basic Regulation provides for a specific derogation but a Subpart N would be beneficial to set some standards. <u>Recommendation</u>: Re-establish Subpart N.	
019	AMC 21A.91 GM 21A.93(b) GM 21A.101	[Comments on AMc/GM]	Deferred. Not relevant for this consultation process review. Comment is transferred accordingly.
043	GM 21A.431	[Comment on GM 21A.431]	Deferred. Not relevant for this consultation process review. Comment is transferred accordingly.
043	GM 21A.435	[Comment on GM 21A.435]	Deferred. Not relevant for this consultation process review. Comment is transferred accordingly.
043	GM 21A.91	[Several comments on AMC/GM]	Deferred. Not relevant for this consultation process review. Comment is transferred accordingly.
147	GM 21A.163(c)	N/A	Deferred. Not relevant for this consultation process review. Comment is transferred accordingly.
147	AMC & GM for Part 21 § GM 21A.163(c)	N/A	Deferred. Not relevant for this consultation process review. Comment is transferred accordingly.
Section B			
099	Section B, General	In Section B is the paragraph numbering not harmonised with the numbering in Section A, for example: 21A.**125B** on Findings Subpart F, and 21B.**143** on Findings Subpart F. […] suggests to harmonise this numbering.	Disagreed. No attempt was made to harmonize Section A and B. Only respective Subparts are directly related.
099	Section B	Section B is missing the relevant information for those subjects/subparts where the Agency is the competent	Disagreed. All areas where the Agency has direct

		authority. For reasons of transparency and legal security for the applicant […] strongly requests these Subparts should also be incorporated in this legal framework.	responsibility will be addressed by Agency procedures under 21B.5.
147	21B.5	(c) The competent authorities of the Member States shall assist each other and the Agency in the application of this Part. Comment: There should be a process defined so that this is done so as not to cause delays with applications	Disagreed. All areas where the Agency has direct responsibility will be addressed by Agency procedures under 21B.5. Moreover, Article 11 of the Basic Regulation applies.
161	21B.5	I – Amend paragraph (a) as follows: "(a) This Section establishes the administrative procedures to be followed by the competent authority in charge of the application and the enforcement of section A of this Part." II – Amend paragraph (b) as follows: "(b) The Agency shall develop, in accordance with Article 14 of the Basic Regulation, certification specifications and guidance material to assist Member States in the implementation of this Section. " III – Should there be a definition/recognition of AMC ? IV – Delete paragraph (c) Reason(s) for proposed text/comment *I – Implementation problem:* When issuing the same approvals (POA), the Agency should apply the same requirements. Coherence with section B of maintenance regulation (see M.B101). Amend all section B accordingly (21B.30, etc.). *II – Impracticable:* The Agency must also develop guidance material. The Agency has no regulatory power, the only requirements that applicants and competent authorities shall apply are those contained in the regulation. *III – Implementation problem:* In the maintenance regulation M.B.103 clarifies the status of AMC. *IV – Impracticable:*	Disagreed. With regardt o paragraph (a), only Subpart A of Section B fully relates to administrative procedures. The other Subparts, in addition, cover standardization, inspections, actions for findings, etc. With regard to (b), revised paragraph now introduces guidance material for the sake of completeness. An explanation of the term "AMC" is to be found in the AMC/GM to Part 21 material itself. Carried. Existing paragraph (c) is now deleted. However, the last sentence "Unless otherwise…shall apply" becomes new paragraph (c).

		"Mutual assistance" is a very wide area which might only be regulated at least at the level of regulation 1592. 21B.45 is quite sufficient.	
133	21B.5	Section B paragraphs do not tie up with the references in Part A. This conflicts with the information contained in paragraph 3.1 of the Detailed Explanatory Memorandum.	Disagreed. The information contained in paragraph 3(1) of the Detailed Explanatory Memorandum (attachment 1 to the draft Opinion) refers to Subparts. There is no intention that paragraph 21A.3 shall correspond to paragraph 21B.3.
147	21B.20	Each competent authority of the Member State is responsible for the implementation of Section A, Parts F, G, H and I only for applicants, or holders, who are located or established in its territory. Comment: 'Located' could mean head office only and 'established' the primary base so what is meant here. Also, can responsibilities be delegated to another competent authority if the main competent authority or the applicant so wish.	Noted. Revised text now reads as follows: "who are located or established in its territory" is changed to: "whose principal place of business is in its territory". The concept of "principal place of business" is thoroughly applied by the Community legislator as a legal refinement to the term "location". The European Court of Justice has abundantly adjudicated on its purpose and meaning. Article 15 of the Basic Regulation allows for the Agency or Member State to delegate to another competent authority, but does not permit the applicant to make such a request.
108	21.B.20 (and 21A.441(a) and 21.B.25)	Parts F/G/H/I should read : "Subparts F/G/H/I"	Carried.
054	21B.20 and 21B.25(a)	Amend text as follows: Under Section B, Subpart A, para 21B.20 and 21B.25(a) replace "Parts" by "Subparts".	Carried.
147	21B.25	(a) General: The Member State shall designate a competent authority with	Noted. Each authority will develop its own handbook in

		allocated responsibilities for the implementation of Section A, Parts F, G, H and I, as appropriate, with documented procedures, organisation structure and staff. Comment: Will the documented procedures be in a handbook and will they be the same for all competent authorities.	which each authority will have to comply with this paragraph.
108	21.B.25 (and 21A.441(a) and 21B.20)	Parts F/G/H/I should read : ”Subparts F/G/H/I”	Carried.
133	21B.25 (c)	last line Editorial correction. “…perform <u>their</u> allocated task.”	Carried.
147	21B.30	(a) The competent authority of the Member State shall establish documented procedures to describe its organisation, means and methods to fulfil the requirements of this Part. The procedures shall be kept up to date and serve as the basic working documents within that authority for all related activities. (b) A copy of the procedures and their amendments shall be available to the Agency. Comment: Will the documented procedures be in a handbook and will they be the same for all competent authorities	Noted. Each authority will develop its own handbook in which each authority will have to comply with this paragraph.
175	21B.30(a)	Paragraph (a) does not state a date by which these procedures must be established, so the expectation is that the procedures must be established as of the date Part 21 is effective. We also expect the Commission to enforce Section B of Part 21 as of its effective date.	Noted. Part 21 is due to enter into force on 28 September 2003.
161	21B.30(b)	**Propose to delete paragraph** Reason(s) for proposed text/comment *<u>Editorial</u>:* This is redundant with inspections power of the Agency as mentioned in article 45 of the Basic regulation (all documents are available to the Agency).	Disagreed. Suggested to keep such provision for reasons of clarity.

099	21B.32(?)	[…] suggests a paragraph on Acceptable means of compliance to be incorporated, like Part 66B.87.	Noted. However, this is already covered under 21B.5(b).
147	21B.40	(a) The competent authority of the Member State shall establish a process for the resolution of disputes within its own organisation ~~documented procedures.~~ Comment: Clarifies that this is for disputes within its own organisation (b) Where a dispute, which cannot be resolved, exists between the competent authorities of the Member States it is the responsibility of the managers as defined in 21B.25(b)(2) to raise the issue with the Agency for ~~mediation~~ resolution. Comment: 'Mediation' is usually a drawn-out iterative process so would prefer 'resolution' which means the Agency, having received the facts, have to make a decision for everyones benefit especially the applicant **Reason(s) for proposed text~~/comment:~~** Improved understanding/processes	Disagreed. a) Intent of the rule is to require the Member State to have a procedure for resolution of dispute in its documentation. b) The word "mediation" is appropriate as the Agency can only help the competent authorities to reach an agreement and resolve their dispute. It may not impose a decision for the sake of dispute resolution.
161	21B.40	Propose to delete paragraph Reason(s) for proposed text/comment *Impracticable:* • This paragraph is confusing. It is not clear whether disputes are within the authority or with the applicant • It is outside the scope of this regulation to regulate the settlement of disputes. They are regulated directly either by national regulations or by the basic regulations.	Disagreed. Taken from the JIPs. The rationale is to ensure some uniformity but only when a dispute cannot be resolved.
161	21B.50	Propose to delete paragraph Reason(s) for proposed text/comment	Carried.

		Editorial: • This paragraph is redundant with article 16 of the Basic regulation and does not add any thing to it.	
099	21B.55	[…] suggests this paragraph should refer to Tasks & Functions transferred to the agency, not responsibilities, since these stay formally with the ICOA State of Design, the ICAO State of Manufacturing, or the ICAO State of Registry. (ref article 12.2.(e) EASA regulation)	Noted. See explanatory memorandum on the issue of ICAO State of Design on the consultation process. Revised text is brought into line with Article 15.
108	21B.60 (and 21A.3B)	Rules and procedures should be included in Part 21 to cover the case when a competent authority of a Member State is reacting immediately to a safety problem in accordance with Article 10 of the Basic Regulation. c) The definition of an airworthiness directive in 21A.3B(a) need to be expanded to include also such Member State airworthiness directives. d) 21B.60 or a separate paragraph in Section B should define the procedure for the Member State to issue such airworthiness directives and the subsequent notification to the Agency and other Member States. Reason (s) for proposed text or comment: EASA Regulation Article 5.5(c) instructs the Commission to: "allow for immediate reaction to established causes of accidents and serious incidents" when establishing the implementing rules referred to in paragraph 4 of the same article.	Disagreed. Part 21 as a whole is flexible enough to allow for immediate reaction by Member States under certain limitations, including the rules and procedures of Article 10 of the Basic Regulation.
161	21B.60	Propose to delete paragraph Reason(s) for proposed text/comment *Impracticable:* The Agency being responsible for the continued airworthiness of products must directly subscribe to Airworthiness Directives.	Noted. At outset 21B.60 provides safe means of ensuring receipt of ADs from third countries. Subsequent rulemaking refinement may provide alleviation to this paragraph.

		It should not rely on Member States. In addition this would result in the Agency receiving several copies of the same AD. *Note: Member States should inform ICAO that from 28 September the Agency is their competent authority for type certification.*	The Agency will formally notify to ICAO the fact that it performs certain tasks on behalf of individual Member States. However, the integrity of ICAO as a legally binding text for Member States, is preserved. Under the Basic Regulation, Community law may not be used by a Member State as an excuse for not complying with ICAO obligations. Full response on the issue of "ICAO State of Design" will be provided for in the final Opinion of the Agency submitted to the Commission.
161	21B.120	I – Amend paragraph (a) as follows: "(a) The Competent Authority shall appoint an investigation team for each applicant for, or holder of, a letter of agreement to conduct all relevant tasks related to this letter of agreement, consisting of a team-leader to manage and lead the investigation team and, if required, one or more team members.." II – Paragraphs (b) and (c) should either be deleted or completed Reason(s) for proposed text/comment *I – Implementation problem:* This requirement is not clear does it requires direct reporting, which is not reasonable, or any kind of reporting, which is unnecessary to mention as the manager is the boss. In Member States with a large number of entities, you could have a Safety Oversight Department responsible for all civil aviation safety matters whose chief would be the 21B.25 manager. You could then have an airworthiness bureau responsible for airworthiness matters, a qualified entity to which production surveillance has been delegated, in that entity a technical	Disagreed. This subpart contains key-elements to be followed by the competent authority when applying subpart F. This derives from existing JAA procedures.

		department and an administrative department. In such a system, the team leader could just be a member of the technical department of the qualified entity, and you would not say that he is reporting to the top manager. *II – Editorial:* 21B.125 already requires the letter of agreement to be issued only if satisfied that the requirement is met and 21B.30 requires documented procedures to be established. The requirements in (b) and (c) are too vague and to not add any thing. It is useless to require the authority to "perform sufficient investigation" if this not defined (in addition recommendations are not made by the competent authority, but by the investigation team to the competent authority). It is useless to require procedures for activities such as auditing if there is no requirement to carry out these activities.	
175	21B.130(a)	In subparagraph (a), a reference is made to "this Part." To be consistent with the 21B.140(b) sub-paragraph, the reference should be made to "Section A, Subpart F." Change the words "this Part" to "Section A, Subpart F".	Carried.
161	21B.135	This paragraph should be rephrased to give requirements for continued surveillance of the holders of a letter of agreement (as in 21B.235 for POA). Reason(s) for proposed text/comment *Implementation problem:* • Section B should contain requirements for positive action of the authority such as suspension. As written, the paragraph only give cases when the authority has nothing to do (especially in (c), when the termination date is overdue, the agreement is not anymore valid) !!!	Disagreed. The letter of agreement has a limited duration of maximum one year. 21B.135(b) identifies the need for inspection prior to the countersigning of release documentation involving the Competent Authority.
147	21B.143 (and 21A.125B,	To mention only in one paragraph the definition of the findings (proposal to be added in the Subpart A of the Section A or Section B)	Deferred. A separate entry is required under different subparts and sections. This issue may be further

	21A.158, 21B.225)	**Reason(s) for proposed text/~~comment~~** To avoid redundancies and improve consistency in the document.	dealt with by the Agency in due time.
175	21B.143(a)	In subparagraph (a), a reference is made to "this Part." To be consistent with the 21B.140(b) sub-paragraph, the reference should be made to "Section A, Subpart F." Change the words "this Part" to "Section A, Subpart F".	Disagreed. Compliance with Part 21 as a whole, in this context.
175	21B.143(b)	Paragraph 21B.143(b) states that a level three finding shall not require immediate action by the Competent Authority, but it does not state what action is required by the Authority in the case of a level three finding. This paragraph, or paragraph 21B.145, should also state what action is necessary by the Authority in the case of a level three finding. Add an additional sentence to 21B.143(b), or 21B.145, which explains what action will be taken by a Competent Authority in the case of a level three finding, even if the action is not immediate.	Carried. 21B.145(a)(3) will be added identifying that a level 3 finding requires no action it being related only to observations.
161	21B.145	• Reword paragraph 21B.145 as follows: "The competent authority may suspend, revoke or limit a letter of agreement if: (a) the organisation is not able to ensure compliance with this Subpart; or (b) the organisation does not remain in compliance with the conditions of approval, in particular the provisions included in the production inspection manual; or (c) the organisation has gone beyond its scope of approval." Reason(s) for proposed text/comment • *Impracticable:* It is not appropriate to render a sanction mandatory. The regulation just needs to specify the administrative sanctions which may be taken by the authority and in what circumstances. Besides, the description of the process for suspension or revocation should not be in this regulation as it	Disagreed. This is required by Article 5(4)(e) of the Basic Regulation and is now consistent with Subparts J and G.

		is of Member State competence. • *Implementation problem:* Section B should contain requirements for positive action of the authority such as suspension. As written, the paragraph only give cases when the authority has nothing to do (especially in (c), when the termination date is overdue, the agreement is not anymore valid) !!!	
161	21B.145	General comment: There is no provision for continued surveillance of the holders of a letter of agreement (as in 21B.235 for POA). What is the reason?	Disagreed. Subpart F is not a POA. As the competent authority is more involved in the day-to-day business, there is no need for additional continued surveillance requirements.
054	21B.145 (a)(2)(i)	Insert into 21B.145 (a)(2)(i) the following word: … period shall normally not exceed… Justification: Surveillance practice has shown that a six month period for completion of corrective actions is not always sufficient. Provided that an appropriate corrective action plan is submitted to the competent Authority an exceptional extension of the six month period should be possible.	Disagreed. Any such change would dilute the legal sense of the activity.
161	21B.220	I – Delete last sentence in paragraph (a) II – Paragraphs (b) and (c) should either be deleted or completed Reason(s) for proposed text/comment *I – Implementation problem:* This requirement is not clear does it requires direct reporting, which is not reasonable, or any kind of reporting, which is unnecessary to mention as the manager is the boss. In Member States with a large number of entities, you could have a Safety Oversight Department responsible for all civil aviation	Disagreed. This subpart contains key-elements to be followed by the competent authority when applying subpart G. This derives from existing JAA procedures.

		safety matters whose chief would be the 21B.25 manager. You could then have an airworthiness bureau responsible for airworthiness matters, a qualified entity to which production surveillance has been delegated, in that entity a technical department and an administrative department. In such a system, the team leader could just be a member of the technical department of the qualified entity, and you would not say that he is reporting to the top manager. *II – Editorial:* 21B.230 already requires the POA to be issued only if satisfied that the requirement is met and 21B.30 requires documented procedures to be established. The requirements in (b) and (c) are too vague and to not add anything. It is useless to require the authority to "perform sufficient investigation" if this not defined (in addition recommendations are not made by the competent authority, but by the investigation team to the competent authority). It is useless to require procedures for activities such as auditing if there is no requirement to carry out these activities.	
147	21B.225 (and 21A.125B, 21A.158, 21B.143)	To mention only in one paragraph the definition of the findings (proposal to be added in the Subpart A of the Section A or Section B) **Reason(s) for proposed text/~~comment~~** To avoid redundancies and improve consistency in the document.	Disagreed. Each Subpart contains a provision on findings that have been harmonized as much as possible. They contain small differences consistent with the scope of the Subpart (design or production).
175	21B.225(a)	In subparagraph (a), a reference is made to "this Part." The reference should be made to the Part 21 requirements for the applicant, which is "Section A, Subpart G." Change the words "this Part" to "Section A, Subpart G".	Disagreed. Compliance with Part 21 as a whole, in this context, is correct.
175	21B.225(b)	Paragraph 21B.225(b) states that a level three finding shall not require immediate action by the Competent Authority, but it does not state what action is required by the Authority in the	Noted. 21B.225(b) will be amended identifying that a level 3 finding requires no action it being related only to

		case of a level three finding. This paragraph should also state what action is necessary by the Authority in the case of a level three finding. Add an additional sentence to 21B.225(b) which explains what action will be taken by a Competent Authority in the case of a level three finding, even if the action is not immediate.	observations.
099	Findings - General 21A.125B/C, 21B.143/145, 21A.158/159, 21A.258/259, 21B.225/245	In comparing texts, we have noted that the current draft Parts contain very different wording on findings and their consequences in the context of organisation approvals, even though the guiding principles are very much the same. We would regret such a lack of legal clarity, especially where it would take a relatively small effort to come up with some standardised wording, without really touching upon the substance. As a consequence CAA-NL has put forward a proposal to harmonise the wording of the comparable paragraphs in the various subparts, in order to make perfectly clear that there is no divergence within the EASA system as regards the principles that apply to findings and approvals. For Harmonized proposal see attached document.	Noted. Wording has been standardised to ensure legal certainty.
161	21B.xx, new para.	Add a new paragraph 21B.XX as follows: "**21B.XX Findings** (a) When objective evidence is found showing non compliance of the holder of a letter of agreement, production organisation approval or design organisation approval with the applicable requirements, the finding shall be classified as follows: (1) A level one finding is any non-compliance which (i) For the holder of a letter of agreement, could lead to uncontrolled non-compliances with applicable design data and which could affect the safety of the aircraft; (ii) For the holder of a production organisation approval, could lead to uncontrolled non-compliances with applicable design data and which could affect the safety of the aircraft; (iii) For the holder of a design organisation approval, could lead to uncontrolled non-compliances with applicable requirements	Deferred. May be subject to further refinement. However, there is sufficient difference between Section A and Section B findings paragraphs to warrant separate entries.

		and which could affect the safety of the aircraft (2) A level two finding is any non-compliance which is not classified as level one. (3) A level three finding is any item where it has been identified, by objective evidence, to contain potential problems that could lead to a non-compliance under paragraph (a)(1) or (a)(2). (b) The competent authority shall confirm the findings in writing (1) within 3 working days for a level one finding; (2) within 14 working days for a level two findings. (c) The competent authority shall ensure that the non compliance is corrected by the organisation within a period appropriate to the nature of the findings: (1) In case of a level one finding, corrective action shall be required immediately; (2) In case of a level two finding, the competent authority shall, in co-ordination with the certificate holder, define a period for the completion of corresponding corrective action based on a corrective action plan. This period shall not exceed 6 months after written confirmation of the finding; (d) The competent authority shall consider limitation, suspension or revocation of the approval in case of (1) a level 1 finding, or (2) failure to comply within the time scale granted by the competent authority, or (3) numerous or repetitive level 1or 2 findings." Reason(s) for proposed text/comment *<u>Implementation problem</u>:* • The proposal is a combination of 21A.125B, 21A.158, 21A.258, 21B.143, 21B.225 and partly 21B.145 and 21B.245	

		• There is no need to include requirements on findings in Section A. Findings are made by the authority and the certificate holder perfectly knows that if they are not corrected, the certificate can be limited, suspended or revoked. All this material would be better placed in Section B • This paragraph regroups definition of the findings, requirements for notification, and minimum period for corrective action • It is proposed to regroup material related to limitation, suspension or revocation in paragraph 21B.145 and 245. •	
030	21B.230	The various Implementing Rules or the AMC material refer to the numbering of Organisation Approval Certificates. The CJAA group tasked to develop EASA procedures identified that there is the need for a clear and common numbering system which differentiates between the various Organisation Approvals which are to be issued. This will also be needed to feed the registers of Organisation Approvals to be maintained by EASA. Thus the Agency should define the form and manner for the numbering system in detail. It was identified that a proposal for such a numbering system should be made during the consultation process of the applicable Rules or AMC material. Thus it is proposed to define the system as following : AAAA.RRR.XXXX AAAA = Country designator (EU abbreviation issuing member state, EASA when issued directly by EASA) RRR = Applicable Rule (example: 21G; 145; 147; MG; MF) XXXX = Sequential number (1234, with note that this number may never be used again when is not used anymore due to Organisation Approval cancelled, revoked etc.)	Revised text now reads as follows: (b) “The reference number shall be included on the EASA Form 55 in a manner specified by the Agency.” Deferred. Inconsistencies remain until the time when the Agency defines its own policy on this important matter.
175	21B.230	In subparagraph (a), a reference is made to “this Part.” The reference should be made to the Part 21 requirements for the	Carried.

		applicant, which is “Section A, Subpart G.” Change the words “this Part” to “Section A, Subpart G”.	
030	21B.230/260	By the […] group tasked to develop EASA procedures it was identified that there is the need for EASA to maintain registers of Organisation Approvals which have been issued. In order to feed those registers with the appropriate data there should be the obligation of the Competent Authorities when issuing and maintaining Organisation Approvals to provide the Agency with this data in a form and manner to be defined by the Agency. It was identified that in order to do so this obligation for the Competent Authorities should be added to the Section B of the applicable Rule.	Deferred. Article 44 of the Basic Regulation requires the Agency to establish such procedures.
175	21B.235(c)	In subparagraph (c), a reference is made to “this Part.” The reference should be made to the Part 21 requirements for the applicant, which is “Section A, Subpart G.” Change the words “this Part” to “Section A, Subpart G”.	Disagreed. Compliance with Part 21 as a whole, in this context, is correct.
175	21B.240(b)	This paragraph states that any significant change to the POA shall be investigated by the Competent Authority. Who determines the significance of the change? The POA holder? The Competent Authority? Clarification is needed as to who makes the determination of “significant.” Perhaps all changes should be subject to review by the Competent Authority, with the POA holder having the responsibility to notify the Competent Authority of any changes that the POA holder determines to be significant. Change the wording of the paragraph to read: “(b) The Competent Authority shall investigate as appropriate in accordance with 21B.220 any significant change proposed by the holder of, or applicant for, a production organisation approval for an amendment of the scope and terms of approval.”	Disagreed. The overall paragraph places the onus onto the organisation to notify such events.
113	21B.245	Article 4, paragraph 3	Noted.

		Depending on various interpretations of 21B.245, the length of the period for closure of level two findings stated in the Draft Commission Regulation on Certification and referred to in Subpart G of the Annex could be in contradiction with 21B.245. This discrepancy should be eliminated.	Article 4(3) of the draft Regulation has now been revised in view of other comments received for the sake of clarification.
161	21B.245	• Reword paragraph 21B.145 as follows: "The competent authority may suspend, revoke or limit an approval if: (a) the organisation is not able to ensure compliance with this Subpart; or (b) the organisation does not remain in compliance with the conditions of approval, in particular the provisions included in the production organisation exposition; or (c) the organisation has gone beyond its scope of approval." Reason(s) for proposed text/comment *Impracticable:* It is not appropriate to render a sanction mandatory. The regulation just needs to specify the administrative sanctions which may be taken by the authority and in what circumstances. Besides, the description of the process for suspension or revocation should not be in this regulation as it is of Member State competence.	Disagreed. The principal objective of the Basic Regulation is to achieve a "high uniform level of civil aviation safety in Europe" (Art. 2). This must be done, in part, through the implementation of Article 5(4)(e) of the Basic Regulation and is consistent with Subparts F and J.
054	21B.245 (2)(i)	Insert into 21B.245 (2)(i) the following word: … period shall normally not exceed… Justification: Surveillance practice has shown that a six month period for completion of corrective actions is not always sufficient. Provided that an appropriate corrective action plan is submitted to the competent Authority an exceptional extension of the six	Disagreed. Any such change would dilute the legal sense of the activity.

		month period should be possible.	
147	21B.320	(a) The competent authority of the Member State of Registry shall perform sufficient investigation activities for an applicant for, or holder of, an airworthiness certificate so as to justify the issuance, maintenance, amendment, suspension or revocation of the certificate or permit. (b) The competent authority of the Member State of Registry shall prepare evaluation procedures covering at least the following elements: (1) ~~evaluation of~~ eligibility of the applicant (2) evaluation ~~of the eligibility~~ of the application (3) classification of airworthiness certificates (4) evaluation of the documentation received ~~with the application~~ (5) inspection of aircraft (6) determination of necessary conditions, restrictions or limitations to the airworthiness certificates **Reason(s) for proposed text~~/comment:~~** **Improved processes**	Disagreed. Current text considered to be clear and efficient enough.
146	21B.325	21B.325 Issue of airworthiness certificates ..... (b) In addition to an airworthiness certificate for a new aircraft, an initial airworthiness review certificate (EASA Form 15, see Appendix) shall be issued by the competent authority of the Member State of Registry or by the holder of a production organisation approval under 21A.163. Reason(s) for proposed text/comment The "initial airworthiness review certificate" contains the same statement or information as the conformity statement provided by the manufacturer.. An approved POA organisation should be entitled to issue such	Deferred. The comment is suggesting a new privilege that was not intended (see EASA Form 15a, designed as an authority statement). This is a valid point and will be given further consideration by the Agency.

		document as part of its privileges under paragraph 21A.163 (similar to the possibility for an appropriately approved organisation to renew it subsequently).	
161	21B.325	Amend paragraph 21B.325 as follows: (1) The competent authority of the Member State of Registry shall issue, amend or renew an airworthiness certificate without undue delay when it is satisfied that the applicable requirements of Section A, Subpart H are met. (2) When issuing an airworthiness certificate, the competent authority shall mention whether this certificate is issued in compliance with ICAO Annex 8. (b) The forms to be used when issuing an airworthiness certificate are the following (see Appendix): (1) *Certificate of Airworthiness:* EASA Form 25 (2) *Restricted Certificate of Airworthiness:* (i) in compliance with ICAO Annex 8: EASA Form 24 (ii) not in compliance with ICAO Annex 8: EASA Form 24bis (3) *Permit to Fly:* EASA Form 20 (c) In addition to an airworthiness certificate for a new aircraft, the competent authority of the Member State of Registry shall issue an initial airworthiness review certificate (EASA Form 15, see Appendix)." **Reason(s) for proposed text/comment** *Implementation problem:* There may be two categories of restricted certificates of airworthiness, those which do not comply with ICAO Annex 8 (such as agricultural aircraft) and those which, although they can not be issued a TC, may still comply with Annex 8 and be authorised for international air navigation (Airbus A300-600 ST *Beluga* for example). It is important that the certificate enables to know at first sight if the aircraft may be used for international navigation or not.	Deferred. Proposal is understood and should be considered for future development, but connection in particular between ICAO, Annex 8, and the Basic Regulation, Annex I, needs further review by the Agency. Proposal to add a new paragraph (c) is deferred for further review by the Agency.

		Therefore a specific form is proposed called "Form 24-Special certificate of airworthiness", while current form 24 is renamed "form 24bis" and is only used for restricted certificate of airworthiness not in compliance with ICAO ANNEX 8	
133	21B.325	It is proposed that, to remain consistent with 21A.181, the reference to the renewal of a C of A is deleted.	Noted. Revised text now reads as follows: "(a) The competent authority of the Member State of registry shall, as applicable, issue or amend a Certificate of …"
080	21B.325	To complete the topic of the issuance of the Airworthiness Certificates and to be consistent with Part M Regulation (M.A.904 (b)), the subparagraph (b) should be modified as follows: "(b) In addition to an airworthiness certificate for a new <u>or used aircraft originating from a non member country</u> the competent authority of the Member State of Registry shall issue an initial airworthiness review certificate (EASA Form 15 of the appendix). " <u>*Note*</u>: In addition to above it should be clarified here in Part 21 or in Part M which are the requirements for the issuance of an airworthiness review certificate in the case of *new* aircraft. In fact, because according to Part M para. M.A.902 the airworthiness review certificate is linked in any case to a satisfactory airworthiness review (defined in M.A.710), this could be unappropriate when dealing with new aircraft.	Carried.
054	21B.325 (b)	"(b) In addition to an airworthiness certificate for a new aircraft, the competent authority of the Member State of Registry shall issue an initial airworthiness review certificate (EASA Form 15, see Appendix) based on the EASA Form 52 submitted by the applicant." Justification: It should be clarified that the competent authority issuing a	Disagreed. The clarification is provided in draft GM 21B.325(b) (published for consultation).

		Certificate of Airworthiness for a new aircraft does not have issue an airworthiness review certificate applying part M provisions but that the issuance is a formal act based on the submission by the applicant.	
172	21B.330(a)	This section should be permissive and allow the competent authority from the Member State to make a determination whether an immediate suspension or revocation is required rather than mandatory directive to do so. There may be cases where airworthiness is not at risk. Therefore, in line 4 replace "shall" with "may at its sole discretion".	Disagreed. The principal objective of the Basic Regulation is to achieve a "high uniform level of civil aviation safety in Europe" (Art. 2). This must be done, in part, through the implementation of Article 5(4)(e) of the Basic Regulation.
161	21B.330(a)	"(a) The competent authority may suspend or revoke an airworthiness certificate: (1) upon evidence that some of the conditions specified in paragraph 21A.181(a) are not met, or (2) if experience shows that the operation of the aircraft presents severe risk or danger (2) if the competent authority has not been granted access to the aircraft or its maintenance records to determine continued compliance with Part 21 or applicable continuing airworthiness requirements. Reason(s) for proposed text/comment *Impracticable:* - Sanctions can not be mandatory - Suspension procedures are still the competence of Member States	Disagreed. This is required by Article 5(4)(e) of the Basic Regulation. It is not considered as a sanction and will be subject to standardization process.
167	21B.330(a)	This section should be permissive and allow the competent authority from the Member State to make a determination whether an immediate suspension or revocation is required rather than mandatory directive to do so. There may be cases where airworthiness is not at risk. Therefore, in line 4 replace "~~shall~~" with "may at its sole discretion".	Disagreed. For safety reasons, this action must be mandatory rather than discretionary.

133	21B.330(a)	This should be "Upon evidence that <u>any</u> of the conditions specified…".	Carried.
133	21B.330(b)	Presumably, a suspension may be for a very short period until perhaps a mandated inspection is carried out. Does it really make sense to require the certificate to be surrendered in these circumstances? It would be better if we simply provide that it will be surrendered in the event of revocation but that in the event of suspension the NAA will have power to demand its surrender.	Noted. The provisions of Section A relating to duration and continued validity of the applicable certificates have been revised in view of other comments received. The principles are that the applicable certificates are to be returned to the authority in case of revocation by the authority or surrender by the holder. A suspended certificate remains in principle valid under Part 21.
147	21B.420	(a) The competent authority of the Member State of Registry shall perform sufficient investigation activities for an applicant for, or holder of, a noise certificate to justify the issuance, maintenance, amendment, suspension or revocation of the certificate. (b) The competent authority of the Member State of Registry shall prepare evaluation procedures as part of the documented procedures covering at least the following elements: (1) evaluation of ~~eligibility~~ the application (2) classification of noise certificate (3) evaluation of the documentation received ~~with the application~~ (4) inspection of aircraft. **<u>Reason(s) for proposed text~~/comment:~~</u>** <u>Improved processes</u>	Disagreed. Current text considered to be clear and efficient enough.
099	21B.420(b)(2)	This paragraph talks of classification of noise certificates although Section A defines no classes of noise certificates. Please bring things in line.	Carried. Paragraph on classification of noise certificates is now deleted.

Appendices – EASA Forms			
108	General	The forms published in the appendix generally needs to be reviewed in regard of content and consistency. We also suggest that forms are deleted from the implementing rules and published elsewhere.	Deferred. Forms have been further harmonized but require further Agency work. Disagreed. Mandatory Forms and their completion instructions are retained within the implementing rules for uniformity and standardisation purposes.
098	Appendix	Appendix: The aircraft has been satisfactorily tested in flight.* Comment: The "*" should be added to make the statement deletable in agreement with the agency. Explanation: test flights of large tethered balloon are only possible at the location of operation.	Disagreed. While the comment is understood, it is felt that the proposed form allows enough flexibility to adapt to the situation described.
099	Appendix	[…] suggests EASA Forms 15, 25, 24 and 45 to be harmonised in layout concerning EASA and NAA logo's.	Deferred. The Forms have been further harmonized.
175	Appendix	Most of the EASA forms have a signature block, but no provision for the title of the person signing on behalf of either the manufacturer, the production organisation approval holder, or the Competent Authority. Suggest that the title of the person signing the form be added to the forms	Deferred. The Forms have been further harmonized.
054	Form One	Delete Block 9 (Eligibility) in EASA Form One. Justification: The installer/user of a released part is still responsible for the eligibility and has to check it before installation/use. No added value but the risk of confusion under present completion instructions for block 9.	Deferred. At the time being, Part 21 contains the Form One as agreed in the JAA system and harmonized with FAA and Transport Canada.
054	Form One	It is not clear which country should be stated in block 1 of Form One when EASA has certified a Production Organisation in a	Noted. See draft AMC 21A.163(c) (published for

		third country.	consultation). EASA will be stated.
147	Form One	To remove the block 9 : Eligibility (on the form and in the text) **Reason(s) for proposed text/~~comment~~** This block is not used by the industry.	Deferred. At the time being, Part 21 contains the Form One as agreed in the JAA system and harmonized with FAA and Transport Canada.
086	Form One/ GM 21A.163(c)	It is proposed in paragraph 3 COMPLETION OF THE RELEASE CERTIFICATE BY THE ORIGINATOR. The block 18 should be completed with the date in the format day/month/year indicated as "j/m/y" on EASA Form One. We proposed to indicate on EASA Form One the following format for the date:"jj/mmm/yy" in order to suggest and to be compliant with the second statement of Block 18 that request "*sufficient letters should be used so there can be no ambiguity as to the month intended*".	Noted. The order is "day/month/year". Any subsequent format is to be decided by the person completing the Form as long as it is unambiguous, clear and legible.
119	Form One	Appendix 2 to Part M, Appendix 1 to Part 145, Appendix to Part 21(GM no.1 to 21.A.130(b), GM 21A.163(c)) Instructions for completion of EASA Form One are attached to the Parts M & 145, whilst they are not included in the appendix to Part 21 but the form. Maintenance release and certification of new components should be treated in the same manner. Transfer either GM no 1 to 21A.130(b) and 21A.163(c) material in the appendix to Part 21 or the maintenance Appendices in the relevant AMC&GM material. NOTE: consistency with the mandatory instructions of the other Part 21 forms (eg EASA form 52) should be ensured.	Noted. Completion instructions for EASA Form One (and 52 and 53) are now transferred from AMC/GM material to Part 21. This is consistent with the AMC/GM consultation process (ended on 20 August 2003).
077	Form 15	Although it is a requirement for the Certificate of Airworthiness to be carried in the aircraft at all times, it is not a requirement	This obligation derives from the Chicago Convention, Art. 29.

		for the EASA Form 15 Airworthiness Review Certificate to be carried. If that is case, why is it necessary to carry the EASA Form 25?	
133	Form 15	EASA Form 15 Airworthiness Review Certificate document carries no expiry date unlike the example shown in Appendix 3 of Part M.	Carried.
161	Form 24/24bis	See comments on 21A.41 and 21B.325	New Form 24bis is deferred. See response and proposed changes to 21A.41 and 21B.325.
161	Form 24/24bis	• In the note below the certificate, replace "PERMIT" by "CERTIFICATE" and check other certificate forms Reason(s) for proposed text/comment • Self explanatory • Self explanatory See associated proposed forms	Carried ("certificate"). The proposal to incorporate Form 24bis in Part 21 is not carried (deferred).
133	Form 24	Change "Permit" to "Certificate" immediately below table.	Carried.
077	Form 25 (and Forms 20, 24 and 45)	It is noted that the EASA Form 25 Certificate of Airworthiness is to be carried in the aircraft at all times. Because this document is intended never to expire, is it intended for it to be issued encapsulated in transparent plastic? Such a process would improve the durability of the certificate and render it less liable to tampering. Moreover, it is not made clear if this certificate has to be displayed inside the aircraft in such a way that an authorised employee of the competent authority can view it at any time. Why is it necessary for this form to be carried in the aircraft (see below)? Similarly, why is it also necessary for aircraft to carry the Forms 20, 24 and 45?	Noted. This obligation derives from the Chicago Convention, Art. 29.
133	Form 25	Change "Permit" to "Certificate" immediately below table.	Carried.
104	Form 45	Proposal: I suggest to follow the proposal for the format for a separate	Carried. It is intended that Form 45 shall be consistent with the ICAO/CAEP agreed format.

		noise certificate that is currently practically ready for adoption in ICAO CAEP. The current proposal is added as attachment to this proposal. Justification: The currently proposed From 45 was based on a working draft that was and is not mature, and therefore not at all suitable for formal use by the EASA. The enclosed proposal is in my opinion the best available format at this time for a noise certificate.	
029	Form 45	***Comment on Form 45 (Noise Certificate)*** - Boxes No 6 and 8: Standard International (SI) units should be prescribed for MTOM and MLM [kg]. - There is no practical use for the "Cutback height", Box No 7 should be deleted. - Box No 11: In accordance to Annex 16, Vol. I, Chapter 3 "Lateral Noise Level" should be changed to "Lateral/Full-Power Noise Level". - An additional box for "Take-Off Noise Level" should be added. - An additional box "Remarks" should be added (for administrative information like index or for noise related landing charges information or for local operational restrictions etc.)	Carried. It is intended that Form 45 shall be consistent with the ICAO/CAEP agreed format.
054	Form 45	We suggest the following changes to EASA Form 45: 1. Boxes No 6 and 8: Standard International (SI) units should be prescribed for MTOM and MLM. 2. Box No 7: The box "Cutback height" should be deleted. *) 3. Box No 11: According to Annex 16, Volume I, Chapter 3 "Lateral Noise Level" should be changed to "Lateral/Full-power Noise Level". *) 4. An additional box for "Take-off Noise Level" should be added. *) 5. The corresponding noise limits should be added to the boxes containing the noise levels.	Noted. It is intended that Form 45 shall be consistent with the ICAO/CAEP agreed format. However, decision on Noise limit (point 5) is subject to ICAO/CAEP decision.

		6. Additional box: We suggest to add another box above the present box No. 15 entitled "Remarks". *) These proposals are in conformity with the recommendations of ICAO/CAEP Working Group 1 (Aircraft Noise). **Justification:** 1. In order to avoid any confusion regarding kg and lbs. 2. The noise certificate is mainly used by airport authorities during day-to-day operation. The use for airports having the cutback height on the noise certificate is nil. 3. In order to avoid any confusion regarding the full power measurement point for large propeller-driven aeroplanes. 4. Is needed to be consistent with the definition of the measurement points in ICAO Annex 16, Volume I, Chapters 8 and 10. *) 5. With regard to future implementation of charges this might be an important information for the airport authorities. 6. The additional box "Remarks" gives member states the opportunity to add additional administrative information. E.g. for small propeller-driven aeroplanes, Germany could add the information whether operational restriction on airfields are fulfilled.	
069	Form 52	The aircraft has been satisfactorily tested in flight *****. Comment (069): The " ***** " should be added to make the statement deletable in consensus with the agency. Justification: A huge tethered balloon cannot be tested in flight before it is installed at its place of use. The lift capacity of the balloon of approx. 4 tons needs to be counterbalanced by means of 36 heavy concrete blocks to moor it safely to the ground. The geometry and position of the counterweights can vary at every	Disagreed. While the comment is understood, it is felt that the proposed form allows enough flexibility to adapt the situation described.

		installation. Therefore it is only feasible to perform test flights at the location of use.	
054	Form 52	It is not clear which country should be stated in block 1 of Form 52 when EASA has certified a Production Organisation in a third country.	Noted. See AMC 21A.163(b). EASA will be stated
054	Form 52	The text in block one of EASA Form 52 should read as follows: Approving Competent Authority Justification: Like in block one of EASA Form One the wording in block 1 of Form 52 should also cover EASA.	Deferred. Reads “State of manufacture”. To be reviewed by the Agency in due time.
099	Form 52	[…] suggests for EASA Form 52: A Box 22 could be added as following: 21 Production Organisation Approval Reference: 22 Letter of Agreement Reverence: NAA Validation stamp	Noted.
094	AMC / GM Form 53	EASA Form 53 should have for the purpose of a better identification and follow up, a issue number.	Noted. Form 53 is now transferred in full to Part 21. No issue number is required since a provision on “Date” is already provided for in the Form itself.
146	Form 53 (new)	21A.163 Privileges / Appendix EASA Forms Reference to (new) form EASA Form 53 ‘certificate of release to service’ to be added to 21A.163(d) and included in appendix ‘EASA forms’. Reason(s) for proposed text/comment Standardisation, 21A. 163 (d) mentions a certificate of release to service, but this is not shown in the appendix EASA Forms	Carried. The EASA Form 53 currently in the AMC is transferred to Part 21. This is consistent with the AMC/GM consultation process (ended on 20 August 2003).
161	Form 55	See attachment Reason(s) for proposed text/comment	Deferred. The Regulation number and reference will be

		• See comment to 21A.159 If reference has to be made to Part 21, there should be a clear reference to this regulation	established if and when adopted. The Form should then be revised.
175	Form 55 (and 65)	Both forms have the words "Competent authority of a Member State of the European Union or EASA." To be consistent with the other EASA forms, it appears that the words should read: "Competent authority of a Member State of the European Union," unless the phrase "or EASA" has some special meaning on these two forms only. Change the wording on the forms to read: "Competent authority of a Member State of the European Union."	Carried.
175	Form 65 (and 55)	Both forms have the words "Competent authority of a Member State of the European Union or EASA." To be consistent with the other EASA forms, it appears that the words should read: "Competent authority of a Member State of the European Union," unless the phrase "or EASA" has some special meaning on these two forms only. Change the wording on the forms to read: "Competent authority of a Member State of the European Union."	Carried.