

European Aviation Safety Agency

Comment Response Document (CRD)

AMC and GM to Part 21

22 October 2003, final

Foreword to the Comment Response document (CRD)

To give a rapid overview of the CRD, the following keywords were used in responding to comments:

- “Carried”: The proposed amendment is wholly transferred to the revised text.
- “Noted”: The comment is acknowledged and where needed the text has been improved.
- “Deferred”: The comment requires further assessment by the Agency under its future rulemaking programme.
- “Disagreed”: The comment is not shared by the Agency.

CRD - GM to Part 21

GM 21A.3

Paragraph: (a)

CommentNr. / Commentator 16 / LUFTFARTSVERKET, Sweden

Comment

The GM seems to contain a definition. Definitions constitute requirements and should be found in the requirements part of EASA implementing rules.

Response

Noted.

This is guidance material providing an illustration of the meaning of a requirement.

The word "collect" in the GM text is changed into "collection" to be consistent with the requirement text.

GM 21A.3B

Paragraph: (d)(4)

CommentNr. / Commentator 14 / CAA UK

Comment

The advisory material of GM 21A.3B(d)(4) gives guidance on determining the compliance time for Airworthiness Directives. It quotes exactly a CAA Advisory Leaflet that was issued in the late 1970's. The advisory leaflet has been withdrawn by CAA and is considered to be out of date. However, it is believed that the same data was used in the preparation of JAR-39, from which GM 21A.3B(d)(4) has been derived.

The guidance material uses a mean catastrophic accident rate for large transport aircraft of one in 10⁷ flight hours for determining the compliance time for an AD. This was approximately the catastrophic accident rate at the time the CAA information leaflet was published. The catastrophic accident rate in the JAA states for large public transport aircraft is now approximately one order better.

The guidance material also details a similar approach for hazardous failure conditions. It states that since JAR 25-1309 uses 10⁻⁹ per flight for catastrophic failure modes and 10⁻⁷ per flight for hazardous failure modes, the same approach can be used for calculating Airworthiness Directive compliance times for hazardous failure modes. Accordingly, charts are presented which use two orders difference for the upper and lower boundaries (figure 5) and the calculation of compliance time. The above approach results in very long compliance times for hazardous failure modes, which, in the past have not been acceptable.

The above also implies that there is always a relationship of 100 between hazardous and catastrophic failure modes, which is not correct. For instance, engine disc failure is deemed to be hazardous in JAR-E and JAR 25 and depending on circumstances, will result in a catastrophic event. JAR 25 –AMJ 20-128A uses 1 in 10 for multiple fragments and 1 in 10 for a 1/3 fragment of a disc.

It should be noted that the original CAA Advisory material made no such distinction between hazardous and catastrophic. The same numerical assessment criteria were used for both hazardous and catastrophic failure modes

Accordingly, it is recommended that the Guidance Material be revised to address all categories of aircraft and it is further recommended that more generic material be written to reflect current industry practice and capability with respect to risk analysis.

Response

Deferred.

The Agency will carry out the necessary review in due time.

CommentNr. / Commentator 16 / LUFTFARTSVERKET, Sweden

Comment

In the first paragraph of para 1 STATUS, the words "not ... to be regarded as binding in specific cases, but" should be deleted, since GM forms part of non-mandatory material.

Response

Carried.

Sentence reworded accordingly.

GM 21A.14

Paragraph: (b)

CommentNr. / Commentator 6 / Rolls-Royce Deutschland Ltd & co KG

Comment

The reference to 21A.14(b) should be reduced to '21A.14' (without b) only, as used in AMC 21A.14(b).

Response

Carried.

Paragraph:

CommentNr. / Commentator 9 / FAA

Comment

GM 21A.91 Appendix A provides examples of major changes in type design. This appendix identifies "A change that introduces an increase in noise or emissions" as an example of a major change. The Federal Aviation Administration (FAA) Office of Environment and Energy comments submitted in response to the Certification IR consultation stated that draft Annex Part 21 conflicts with how acoustical, fuel venting 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.

In our Certification IR consultation comments, we proposed that the existing reference to noise, fuel venting, and exhaust emissions in section 21A.91 be removed. We also proposed that after the sentence in 21A.91, "...all other changes are "major changes," the following be added: 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, we proposed that the acoustical change exceptions in Federal Aviation Administration 14 CFR Part 21.93 (b) should also be included Annex Part 21 Subpart D.

This comment to the AMC/GM is submitted to identify the need for appropriate changes to the AMC/GM should the FAA Office of Environment and Energy's proposed changes to Annex Part 21 be adopted.

Response

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 approved by ICAO.

CommentNr. / Commentator 1019 / Rolls Royce

Comment

B1. To delete the current AMC 21A.91 and replace it by the following:

AMC 21A.91
Classification of changes to a type design
see IR 21A.91

1.PURPOSE OF CLASSIFICATION

Classification of changes to a type design into SUBSTANTIAL, SIGNIFICANT, MAJOR or MINOR is to determine the approval route to be followed either in IR-21 Subpart B (for substantial changes) or IR-21 Subpart D, namely IR21A.95 or IR21A.97, or alternatively whether application and approval has to be made in accordance with IR-21 Subpart E.

2.INTRODUCTION

2.1 IR 21A.91 proposes criteria for the classification of changes. This AMC is intended to provide guidance on the criteria specified in IR 21A.91. It provides complementary guidelines to assess a design change in order to fulfil the requirements of IR 21A.91, and also to IR 21A.117 – Changes to that part of a Product covered by a Supplemental Type Certificate

Note: For classification of Repairs see AMC21A.435

2.2 For ETSO Authorisation, IR 21A.611 gives specific additional requirements for design changes to ETSO articles. For APU, this AMC should be used.

3ASSESSMENT OF A DESIGN CHANGE FOR CLASSIFICATION

3.1 Changes to the Type Design

IR 21A.31 defines what constitutes the Type Design. Alteration to any of the data included within the scope of IR 21A.31 is considered a change to the Type Design.

3.2 Classification Process (see diagram "Classification Process" contained in Appendix A to AMC 21A.91)

IR 21A.91 requires all changes to be classified as substantial, significant, major or minor, using the criteria of IR 21A.91 and the complementary guidance of § 3.3.

On some occasions, the classification process is initiated at a time when some data necessary to make a classification decision are not yet available. Therefore, the applicant should wait for availability of data before making a decision.

Wherever there is doubt as to the classification of a change, the Agency should be consulted for clarification. In case of substantial and significant changes, the classification is performed by the Agency directly.

When the strict application of the § 3.3 criteria results in another classification than that desired by the applicant, the applicant may request re-classification, if justified, and Agency could take the responsibility in re-classifying the change. A simple design change planned to be mandated by an Airworthiness Directive, and therefore classified major, may be re-classified minor due to the involvement of the Agency in the continued airworthiness process.

Paragraph:

Reasons for a classification decision should be recorded.

3.3 Complementary criteria for classification of changes.

3.3.1 A change to the Type Design is judged to have an "appreciable affect on other characteristics affecting the airworthiness of the product" and therefore should be classified major, in particular but not only, when one or more of the following criteria is met. These criteria are an explanation of those noted in IR 21A.91.

- (i) Where the change requires an adjustment of the certification basis (such as special condition, equivalent safety finding, elect to comply, exemption, later requirements).
- (ii) Where the applicant proposes a new interpretation of the requirements used for the Type Certification basis, that has not been published as AMC material or otherwise agreed with the Authorities
- (iii) Where the demonstration of compliance uses methods that have not been previously accepted as appropriate for the nature of the change to the Product or for similar changes to other Products designed by the applicant.
- (iv) Where the extent of new substantiation data necessary to comply with the applicable airworthiness requirements and the degree to which the original substantiation data has to be re-assessed and re-evaluated is considerable.
- (v) Where the change alters the Airworthiness Limitations or the Operating Limitations.
- (vi) Where the change is made mandatory by an Airworthiness Directive or the change is the terminating action of an Airworthiness Directive (ref. IR 21A.3(d) and see note).
- (vii) Where the change introduces or affects functions where the failure effect is classified catastrophic or hazardous.

Note: The design change previously classified minor and approved prior to the AD issuance decision needs no re-classification. However, the Agency retains the right to review the change and re-classify/re-approve if found necessary.

3.3.2 A change to the Type Design is judged to be significant and therefore necessitating the creation of a new variant in particular but not only when one or more of the following criteria is met:

- (i) Where the changed product is intended for use in a different application. This encompasses the installation of Engines to other airframes and the use of aircraft for other types of operation than originally planned.
- (ii) Where the operational characteristics of the product are affected by the change in such a way that the operator needs to handle the changed product in a different manner than the unchanged product.
- (iv) Where the operational characteristics of the product are affected by the change in such a way that the operator needs to be aware that the changed product may react in a different manner to a given situation.
- (iv) Where the airworthiness or operating limitations are affected by the change in such a way that it becomes necessary for the operator to differentiate between the changed and the unchanged product.
- (v) Where the interchangeability of the changed product with the baseline standard is no longer maintained, especially where the change cannot be retrofitted to existing products.
- (vi) Where the basic configuration of the product is changed. This encompasses for example changes to the arrangement of the wings and/or empennage or to the installation of engines on an aircraft, changes to the basic working principle of an engine, such as the adaptation of a turbojet/turbofan engine to a turbopropeller application or the change from a hydromechanical to an electronic control system.

3.3.3 A change to the Type Design is judged to be substantial and therefore necessitating the creation of a new type when the changed product differs from the baseline type design to such an extent that a complete re-evaluation becomes necessary, i.e. there are virtually no features of the product that are unaffected by the change.

For an understanding of how to apply the above criteria it is useful to take note of the examples given in Appendix A to AMC 21A.91.

Appendix A to AMC 21A.91 Examples of Major Changes per discipline

The examples should be developed out of the current AMC 21A.91 in combination with GM 21A.101. Doing that requires work beyond the scope of this comment.

Classification Process
(EASA: diagram provided)

Response

Deferred.

The proposed text would need an associated review of the Part 21 rule which will have to be reviewed by the Agency. The current draft GM 21A.91 is derived from an established NPA.

CommentNr. / Commentator **1043 / KLM, Netherlands**

Comment

2.1 (I) :A product is considered airworthy if it complies with all the applicable airworthiness requirements.....

Comment: the FAA website has a more fitting definition for "airworthy": "A product is considered airworthy when it conforms to type design AND is in a condition for safe operation". We should strive for Harmonisation in this respect.

GM 21A.91 , chap 3, par 3.3 (vi) :

A change made mandatory by an AD is major. We do not agree. Propose to only retain following text: " Where the change is the terminating action of an AD ".

Paragraph:

GM 21A.91 , Appendix A: 3, Flight : add the word adversely before the word affect in "...affect the handling qualities...".

GM 21A.91 , Appendix A, 6 Engines (ii), (iii) : in both cases add "adversely ". So : changes that adversely affect

GM 21A.91 , Appendix A, 9 Powerplant (i) : add "adversely ". So : changes which adversely affect

Response

2.1 (i): Carried.

Is consistent with Part 21 and other AMC/GM

GM 21A.91 , chap 3, par 3.3 (vi): Disagreed.

This should be read in conjunction with Note 1 to this GM paragraph 3.3.

Any action required by an AD has by definition an "appreciable effect on airworthiness", including mandatory changes. Such a change is therefore always a major change.

GM 21A.91 , Appendix A: 3: Carried.

GM 21A.91 , Appendix A, 6 Engines (ii), (iii): Disagreed.

Any change affecting the relevant parts is to be classified major.

GM 21A.91 , Appendix A, 9 Powerplant (i): Disagreed.

The term "adversely" is not appropriate in relation to an effect on an interface.

Paragraph: 2.1 (I)

CommentNr. / Commentator 13 / KLM

Comment

A product is considered airworthy if it complies with all the applicable airworthiness requirements.....Comment: the FAA website has a more fitting definition for "airworthy": "A product is considered airworthy when it conforms to type design AND is in a condition for safe operation". We should strive for Harmonisation in this respect.

Response

Carried.

Is consistent with Part 21 and other AMC/GM.

Paragraph: 3.3

CommentNr. / Commentator 10 / FAA

Comment

The language "appreciable affect on other characteristics affecting airworthiness of the product" is in 21A.91 to allow the Agency to exercise the necessary judgment on when the major change procedures need to be followed. A change to the type design is judged to have an "appreciable affect on other characteristics affecting the airworthiness of the product" and therefore should be classified major, in particular but not only, when one or more of the following conditions are met:

This interpretation of 21A.91 relative to "appreciable effect on other characteristics affecting the airworthiness of the product" is narrower than how the FAA interprets this rule language.

Response

Noted.

The final interpretation is made for individual cases by the Agency.

Paragraph: Appendix A

CommentNr. / Commentator 18 / Rolls-Royce plc

Comment

Section 6 states:

'(vi) that adversely affect.....or require reinvestigation against the type certification basis.'

As all changes require reinvestigation against the type certification basis, it is proposed that the phrase 'or require reinvestigation against the type certification basis.' is deleted.

Response

Disagreed.

Not all changes will require reinvestigation.

The final interpretation is made for individual cases by the Agency.

Paragraph: Appendix A - 2(i)**CommentNr. / Commentator** 1 / Vesa Paukkeri, FinnairComment

What is sufficient change to require a re-assessment of emergency evacuation capability? If the original maximum evacuation capacity for a type certificated aircraft is not exceeded and no any emergency exit is changed or blocked, is a change to the pitch between seat rows still considered as major. If the change to the pitch between seat rows is major in any case, then the text is ok, but there will be some problems among operators.

Response

Noted.

The GM provides examples of items to be considered in the area of cabin safety, which may lead to the conclusion that a change is to be classified as major. There will always remain some uncertainty which will need engineering judgement, both on the side of the applicant as with the Agency.

Paragraph: Appendix A, 3**CommentNr. / Commentator** 13 / KLMComment

Flight : add the word adversely before the word affect in "...affect the handling qualities...".

Response

Carried.

Paragraph: Appendix A, 6**CommentNr. / Commentator** 13 / KLMComment

Engines (ii), (iii) : in both cases add "adversely ". So : changes that adversely affect

Response

Disagreed.

Any change affecting the relevant parts is to be classified major.

Paragraph: Appendix A, 9**CommentNr. / Commentator** 13 / KLMComment

Powerplant (i) : add "adversely ". So : changes which adversely affect

Response

Disagreed.

The term "adversely" is not appropriate in relation to an effect on an interface.

Paragraph: chap 3, par 3.3 (vi)**CommentNr. / Commentator** 13 / KLMComment

A change made mandatory by an AD is major. We do not agree. Propose to only retain following text: " Where the change is the terminating action of an AD ".

Response

Disagreed.

This should be read in conjunction with Note 1 to this GM paragraph 3.3.

Any action required by an AD has by definition an "appreciable effect on airworthiness", including mandatory changes. Such a change is therefore always a major change.

Paragraph:**CommentNr. / Commentator** 1019 / Rolls RoyceComment

To modify GM 21A.93(b) as follows:

GM 21A.93(b)

Significant and Major Changes: Application

See IR 21A.93(b)

Identification of re-investigations necessary to show compliance does not mean the showing of compliance itself, but the list of affected type design requirement paragraphs for which a new demonstration is necessary, together with the means (calculation, test or analysis) by which it is proposed to show compliance.

Response

Disagreed.

"Major changes" include "significant changes", see GM 21A.101 paragraph 2.a.

Paragraph:**CommentNr. / Commentator** 1019 / Rolls RoyceComment

To delete the current GM 21A.101, use that part of its contents which is relevant to the modified AMC 21A.91 as a source to populate the Examples for that AMC and to transform the remainder of the GM to be consistent with the modified IR 21A.101 as per Proposal A5.

Reason(s) for proposed text/comment

At the moment, there is a fundamental inconsistency in Subpart D because IR21A.91 is supposed to cover "Classification of changes in type design". However, IR21A.101, called "Designation of applicable certification specifications..." does in fact contain another classification of change, namely into significant / not significant. This is an inconsistency inside this subpart. Furthermore, Subpart B in IR21A.19 covers "Changes requiring a new type certificate" and thus strictly speaking has an overlap with Subpart D, which, although supposed to address "Changes to type certificates" does not mention substantial changes.

It appears appropriate in Subpart B to single out the substantial change as per paragraph IR21A.19 (Changes requiring a new type certificate) and separate it from IR21A.17 and IR21A.18 (Designation of applicable...), because a change requiring a new type certificate (Substantial change) is not really a change at all - the process to be followed is the the same regardless of whether there is a "parent product" or one starts with a clean sheet of paper.

Thus, a substantial change resides in a grey area - it is called a change, but is treated as a new product - which therefore is covered in Subpart B rather than D. Substantial changes are therefore essentially outside the considerations of Subpart D. Nevertheless, the classification of a change as being substantial should be part of the evaluation and classification process under IR21A.91.

Unlike in Subpart B, where the designation of applicable requirements applies in the same way to all affected products, there is a problem in the current Subpart D due to mixing "classification" and "designation of applicable requirements" as is being done by the current text. The aim of the proposal is to clearly separate the two processes:

- first, classification of the change, which encompasses the determination of the further approval route i.e. as per Subpart B for substantial changes and Subpart D for significant, major and minor changes.
- then, afterwards, designation of requirements either as per IR 21A.17 and IR 21A.18 for substantial changes or as per IR 21A.101 for significant, major and minor changes.

To achieve the desired clarity, IR 21.3 should contain additional definitions for Type, Variant, Modification, Change to type design (Substantial, Significant, Major, Minor).

In this context, it appears reasonable for IR 21 to formally recognize "variants", often also called "models" or "mark numbers" of a product. Usage of variants is general working practice, and as they are handled in a different way than modifications (meaning minor and major changes), they should be identified separately. Allocating the "significant" level of change to variants and giving them a specific approval route meets the original intent of CPR, which appears to have been hindered up to now by the lack of provision in IR-21 to formally distinguish between "major modifications" and "product level changes", i.e. variants.

The current guidance material of AMC 21A.91 and GM 21A.101 should be transformed into new text to accommodate the rule change. A proposal for an updated flowchart for AMC 21A.91, depicting the clarified process, is included

Response

Deferred.

The proposed text would need an associated review of the Part 21 rule which will have to be reviewed by the Agency. The current draft GM 21A.101 is derived from existing agreed and fully harmonised ACJ material.

Paragraph: Appendix 2**CommentNr. / Commentator** 17 / AECMAComment

Page 81, paragraph b under Step 2 should stop after the words "by the Agency". The following sentence "Step 3: Review the Consequences of the Hazard(s)" introduces a new paragraph.

Then, under "Step 3: Review the Consequences of the Hazard(s)", paragraph b was removed. Actually the EASA rulemaking system will be based on NPAs with explanatory notes, regulatory impact assessments and comment/response documents, similar to the JAA rulemaking system. So paragraph b, as it was in ACJ 21.101, can and should be maintained in GM 21A.101:

b.The explanatory note and comment/response document to the NPA may provide useful information regarding the consequences of the hazard the requirement is intended to address.

Response

Carried

Carried.

References to the NPA and its explanatory note and comment/response document are also reinstated elsewhere in this GM 21A.101.

Paragraph: Appendix 3**CommentNr. / Commentator** 17 / AECMAComment

Editorial: page 89, paragraph f should be followed by paragraph g instead of e.

Response

Carried.

Paragraph: Figure 3**CommentNr. / Commentator** 10 / FAAComment

Place a "No" in each of the boxes.

The last three examples have not answers listed to the questions. All of the questions should be answered "No". This change will harmonized the text with the FAA Advisory Circular.

Response

Carried.

Paragraph: Figures 1, 2, and 3**CommentNr. / Commentator** 10 / FAAComment

In the table the questions should say "N/A" for "Not Applicable". The criteria for determining a substantial change are based on whether there is a substantially complete investigation of compliance with the applicable requirements. It is not based on the three criteria listed. This will harmonize the text with the FAA Advisory Circular.

Response

Noted.

Neither of the terms "N/A" nor "Not Applicable" are used in GM 21A.101.

Paragraph: paragraph 4.g.**CommentNr. / Commentator** 10 / FAAComment

Significant change: a product level change to the type-certificate is significant to the extent that it changes one or more of the following: general configuration; principles of construction; or the assumptions used for the certification criteria, but not to the extent to be considered a substantial change. The significance of the change must be considered in the context of all previous relevant design changes and all related revisions to the applicable certification specifications. Not all changes or product level changes are significant.

Significant change: a product level change to the type-certificate to the extent that it changes one or more of the following: general configuration; principles of construction; or the assumptions used for the certification criteria, but not to the extent to be considered a substantial change. Not all product level changes are significant.

This will harmonize the text with the FAA Advisory Circular text.

Response

Deferred.

The text as proposed by the comment provider is not part of the original harmonised text and will need further review by the Agency.

Paragraph:**CommentNr. / Commentator** 5 / BMV, AustriaComment

CS 23,25,27,29: Change the text for Engine model change to :

"Engine model change if thrust rating or limitations are changed, or if control system is changed from a mechanical system to a FADEC"

An engine model change could be based on simple commercial reasons without being a technical challenge. Only if the above mentioned conditions are met, we recommend to classify as group 1 change. This should be consistent through all CS.

Response

Deferred.

Consistency of terminology for the items related to changes in powerplant needs to be reviewed by the Agency before introducing the text as proposed by the comment provider.

Paragraph: (d)

CommentNr. / Commentator 5 / BMV, Austria

Comment

CS-23: Stretcher installation change from Group 1 to Group 2

At the same time, a Change of seat configuration is classified as Group 2 change, which could include more complex investigations or changes to structural members. This is not required if the stretcher is installed at the existing seat tracks, which could be a very simple change.

Response

Carried.

Paragraph: (b)(1)(i)

CommentNr. / Commentator 10 / FAA

Comment

The 3 bullet points in paragraph 2 are subjective in nature and may be applied differently by National Authorities. Establish more definitive criteria as to the applicability of Subpart F to manufacturers.

Response

Deferred.

Text derives from ACJ 21.121(b)(1) as introduced by JAR 21 Amnd. 5.

Experience with the application of Subpart F may provide better criteria.

Moreover, standardisation activities are intended to reduce the differences in implementation.

Paragraph: (b)(1)(ii)

CommentNr. / Commentator 10 / FAA

Comment

Second paragraph, last sentence, states that no long-term production will be permitted. But, no timeframes are established to define "limited period" for Subpart F production.

Insert text which states maximum timeframe for Subpart F production.

Response

Disagreed.

Text derives from adopted NPA material.

Paragraph: (c)

CommentNr. / Commentator 5 / BMV, Austria

Comment

Change reference to GM No. 1 to 21A125(b)

To clarify the reference AMC.

Response

Carried.

Paragraph: (b) 11

CommentNr. / Commentator 5 / BMV, Austria

Comment

Change reference to GM No. 2 to 21A125(b)

Reference GM 21A.125A.125(a) does not exist. To clarify the reference AMC.

Response

Carried

Paragraph:**CommentNr. / Commentator** 10 / FAAComment

The first paragraph of this GM indicates that producing on a long-term basis under Subpart F is possible. This conflicts with GM 21A.124(b)(1)(ii), second paragraph, which states that long-term production under Subpart F will not be permitted.

Clarification must be provided for the words "long-term basis," and whether or not production under Subpart F on this basis will be permitted. A maximum timeframe for Subpart F production should be determined and provided in the GM.

Response

Disagreed.

Text derives from ACJ 21.126.

There is no conflict since the first sentence refers the 21A.124(b)(1)(i), where it is determined that a POA under Subpart G is inappropriate. The time limit is needed in the case of 21A.124(b)(1)(ii) where the Subpart F is used pending the issuance of a Subpart G POA.

Paragraph: (b)**CommentNr. / Commentator** 11 / LBAComment

GM 21A.126(b)(6)

Production Inspection System – Recording and archiving system

Harmonize the term "record keeping" with the wording in GM 21A.165(d) in Subpart G.

Response

Disagreed.

21A.165(d) refers to the establishment of an archiving system, whereas 21A126(b)(6) is limited to record retention.

Paragraph: (b)(6)**CommentNr. / Commentator** 10 / FAAComment

Paragraph 2.7 (b) should have examples of what type of continuing airworthiness data should be kept throughout the operational life of the product.

Suggest adding examples to define what is meant by "Data considered essential for continuing airworthiness."

Response

Deferred.

Text derives from mature NPA material.

If a need is identified, examples may be added after sufficient experience is gained with the implementation of Subpart F.

Paragraph: (a)(3)**CommentNr. / Commentator** 16 / LUFTFARTSVERKET, SwedenComment

The GM seems to contain requirements.

Delete the paragraph and insert the requirements in Part 21 or change the wording to clarify the non-mandatory status of the GM.

Furthermore, all AMC or GM paragraph numbers should have the same structure. At present, there are different structures for AMC and GM paragraphs, for example AMC No. 1 to 21A.122 and AMC 21A.3B(b).

Response

Disagreed.

Refer to the explanatory note where the use of the words "must" and "should" in AMC and GM is explained.

Deferred.

Editorial review may be done after the Agency has determined its drafting convention, including format and layout and headings.

Paragraph: (b)(4)**CommentNr. / Commentator** 16 / LUFTFARTSVERKET, SwedenComment

The GM seems to contain a requirement in its first paragraph.

Delete the paragraph and insert the requirements in Part 21 or change the wording to clarify the non-mandatory status of the GM.

Response

Deferred.

Refer to the explanatory note where the use of the words "must" and "should" in AMC and GM is explained. The Agency needs to establish its own "drafting convention".

Paragraph: (b)(6) §2 item 2.7a**CommentNr. / Commentator** 5 / **BMV, Austria**Comment

Change "two" years to "three" years

This data should be available at least for the maximal inspection interval for the airworthiness review required according IR part M

Response

Carried.

Change equally applicable to GM 21A165(d)&(h).

Paragraph: (b)**CommentNr. / Commentator** 7 / **DGAC France**Comment

1-There are two GM no. 1 to 21 A.130(b) : one page 109, one page 113. There should be no. 1 and no. 2 (editorial comment),

2-on page 112, block 21 of EASA form 52 should state N/A for production under subpart F (editorial comment),

3-on page 115 and 116 (description of block 9 in EASA form one for subpart F), the version of the TGM 11 POA incorporated is not the final one (Cf. attachment to JAA letter 04/00/27/07/03-L100) :

-last sentence in a : in case of articles to be installed in a ETSO article, state either "JTSO article N/A" or the ETSO article part number.

-middle of page 116, last sentence in the paragraph starting with : "Where a part is identified" : when a manufacturer under 21 subpart F releases such a standard part with an EASA form one...

The changes made in the final version of the TGM reflect comments from the industry and the will of the authorities to limit the use of EASA form ones to standard parts which are explicitly included in the design of an aircraft.

A similar comment is made on GM 21 A.163 (c).

Response

1. Noted.

This remark is not valid since there is an AMC No. 1 to 21A.130(b) and a GM No. 1 to 21A.130(b). However for consistency both should be AMC. As a consequence GM No. 1 to 21A.130(b) is renamed AMC No. 2 to 21A.130(b).

2. Noted.

Form 52 is moved to Part 21 and is applicable to both Subpart F and G. As a consequence preprinting of "N/A" is no longer appropriate. Anyhow "N/A" is already included in the instruction for filling Block 21 and is used consistently in these AMC/GM in line with Part 21.

3. Deferred.

The latest version of TGM 11 POA was too late to be incorporated in Part 21 and its AMC/GM. Now that the instructions for filling Form One are moved to Part 21 they cannot be changed at this stage of the rulemaking process, but need to be carried forward for subsequent Agency review.

CommentNr. / Commentator 10 / **FAA**Comment

In Paragraph 1, Purpose and Scope, it states that the EASA Form One is prepared and signed by the manufacturer and then validated by the Competent Authority. It also states that EASA Form One, under Subpart F, may only be issued by the Competent Authority. How does a person know if an EASA Form One has been validated and issued by the Competent Authority in these instances? Does the Competent Authority also sign the Form One??

Clarification on how to recognize a Competent Authority-validated EASA Form One under Subpart F is needed in this GM. There appears to be no reference to this process in this paragraph or in the Section B requirements either.

Response

Disagreed.

Following the last instruction under Block 13 it is clear that the Authority will sign in Block 15 based on the statement of the manufacturer in Block 13.

CommentNr. / Commentator 10 / **FAA**Comment

In paragraph 3, Block 8, it states "preference should be given to use of the IPC number designator." The part number in Block 8 should always be the part number as referenced in the type design. The IPC number designator and part number identified in the type design data should always be the same.

Delete the second sentence in the instructions for Block 8.

Response

Disagreed.

Text derives from well established NPA, which is consistent in the use of Block 8 with existing ACJ 21.163(b).

CommentNr. / Commentator 10 / **FAA**Comment

In paragraph 3, Block 4, reference is made to the "manufacturer, who is responsible for making the final determination of conformity or airworthiness." Under Subpart F, the Competent Authority is responsible to make that finding, not the manufacturer.

Reword the sentence as follows : "... the manufacturer, who is responsible to ensure that the final conformity or

Paragraph: (b)

airworthiness of the product, part, or appliance has been validated by the Competent Authority.”

Response

Deferred.

The text derives from a well established NPA.

Future improvements to the text may be considered by the Agency when more experience is gained with the implementation of Subpart F.

CommentNr. / Commentator 10 / FAA**Comment**

In paragraph 3, Block 13, fourth bullet under examples of conditions: If the EASA Form One is issued under a regulation other than Part 21, it seems highly unlikely that the manufacturer will be referencing this document for guidance.

Delete this statement and ensure that it is incorporated in all applicable National Authority guidance materials.

Response

Noted.

The text is deleted from this GM (which is now AMC).

In relation to EASA Part 21, national guidance material should not exist.

CommentNr. / Commentator 11 / LBA**Comment**

GM No.1 to 21A.130(b)

Statement of Conformity for Products (other than complete aircraft), parts, appliances and material – The Authorised Release Certificate (EASA Form One)

If it is intended to cover material by Subpart F, the headline of GM No. 1 to 21A.130(b) should mention it.

(See also comment on AMC 21A.130(a))

Response

Carried.

CommentNr. / Commentator 11 / LBA**Comment**

Delete Block 9 (Eligibility) in EASA Form One

Justification

The installer / the user of a released part still remains responsible for the eligibility and he has to check the eligibility before installation or use of the part. The current system of entries in Block 9 generates no added value, but it might confuse the installer / user due to incomplete information.

Response

Disagreed.

The text derives from a well established NPA, which is consistent with ACJ No. 1. to 21.163(b).

CommentNr. / Commentator 11 / LBA**Comment**

1 PURPOSE AND SCOPE

Under Part 21 Subpart F, the primary purpose of the certificate is to release products (other than complete aircraft) , parts ,appliances

Justification

The Form One is not used for complete aircrafts.

Response

Carried.

Paragraph: (a)**CommentNr. / Commentator 11 / LBA****Comment**

In relation to “Material” see ACJ 21.133(a) of JAR-21 Amendment 5

Material not mentioned in the rule part itself.

LBA does not see any need for the approval of manufacturers for material. The POA holder should still control the material suppliers and be responsible for their quality.

Although we are not able to calculate the additional workload for the approval of manufacturers for material, due to our limited resources, we might not be able to support this idea.

Response

Noted.

Part 21.A133 does not exclude eligibility for material manufacturers.

The basis for the approval of manufacturers for material has been derived from the Essential Requirements of the Basic Regulation. It is realised that the word "material" has been omitted from 21A.130 and 21A.163(c). This needs to be addressed in a future revision of Part 21 Section A.

Paragraph: (b)(1)

CommentNr. / Commentator 10 / FAA

Comment

Note: this comment is related to GM 21A.139(b)(1) and not GM 1 to 21A.139: Paragraph 2, bullet 2, permits the control of work occasionally performed outside of the POA facility. If the product, part, or appliance has been released from the POA for export to another country outside of the EU (for example the U.S.), this type of work should not be permitted because it now falls under the regulatory authority of that other country. However, this does not preclude the use of technical specialists of the POA by the importing country's receiving organization.

Add the following to the end of the sentence in the second bullet: "... except for products, parts, and appliances that have been exported to other countries."

Response

Disagreed
This practice is carried over from JAR-21. We see no need to limit it.

CommentNr. / Commentator 11 / LBA

Comment

Comment related to GM 21A.139(b)(1):
3. In all cases, the Competent Authority will still need to be satisfied that compliance with Part 21 Subpart G is established.

Editorial Change :
This sentence does not belong to the listing of requirements under item 2. of the above mentioned GM. This sentence should therefore be a separate (3.) item.

Response

Carried.
In addition the text from ACJ 21.139(b)(1) 3. is introduced which will make it consistent with amendment 5.

Paragraph: (a)

CommentNr. / Commentator 10 / FAA

Comment

The second paragraph states that calibration controls which affect "critical" dimensions must be traceable to national or international standards. Calibration control should not be limited to only critical dimensions and values but should include all dimensional characteristics and values needing measurement under the type design.
Delete the word "critical" in the sentence and replace it with "type design."

Response

Disagreed.
The overall paragraph covers the intent of the comment. It was considered necessary to place additional emphasis on the tighter control where critical dimensions are concerned.

CommentNr. / Commentator 18 / Rolls-Royce plc

Comment

Paragraph five of GM 21A.145(a) states:
'When required, a specific qualification standard has to be implemented for example NDT, welding, etc'
It is proposed that the text 'when requiredwelding etc' is deleted.
As a basic principle, if there are additional 'requirements', then these should be referred to in the text of the rule, not the advisory material.
It is also unclear which organisation would be responsible for defining additional requirements, on what basis this decision should be based, and how such additional requirements should be identified when considering the application for a POA. It appears that this text will allow a local competent authority (or another body) to impose additional requirements without any restraint, and without reference to a common European standard, which appears to contradict the principle of European harmonisation.

Response

Noted.
The sentence is included in the previous paragraph and now reads as follows:
"An evaluation of the competence of the personnel is performed as part of the quality system. This should include, when appropriate, verification that specific qualification standards have been implemented, for example NDT, welding, etc."

GM 21A.145**Paragraph: (d)(1)****CommentNr. / Commentator** 10 / FAAComment

In this GM on approving certifying staff, it does not mention whether a person nominated by the POA holder needs to await concurrence/approval by the Competent Authority to commence work.

This guidance material should clearly state that a person nominated by the POA holder needs to await concurrence/approval by the Competent Authority before commencing work as part of the certifying staff.

Response

Note: this comment is related to AMC 21A.145(d)(1)

Disagreed.

The nomination of certifying staff is part of the initial investigation or continued surveillance of the organisation as required by the rule, and is carried over from JAR-21.

GM 21A.147**Paragraph: (a)****CommentNr. / Commentator** 11 / LBAComment

1. Changes to be approved by the Competent Authority include:

- Significant changes to production capacity or methods.
- Changes in the organisation structure especially those parts of the organisation in charge of quality.
- A change of the accountable manager or of any other person nominated under 21A.145 (c)(2).
- Changes in the production or quality systems that may have an important impact on the conformity/airworthiness of each product, part or appliance.
- Changes in the placement or control of significant sub-contracted work or supplied parts.

2. To ensure that changes do not result in non-compliance with Part 21 Section A Subpart G it is in the interest of both the Competent Authority and the approval holder to establish a relationship and exchange information that will permit the necessary evaluation work to be conducted before the implementation of a change. This relationship should also permit agreement on the need for variation of the terms of approval (ref 21A.143(a)(9)).

3. Where a change of name or ownership results in the issue of a new approval the investigation will normally take account of the Competent Authority's knowledge and information from the preceding approval.

4. Changes of location are addressed in 21A.148 and changes of ownership in 21A.149, change of scope of approval in 21A.153.

Editorial Change :

The wording of the last 3 sentences does not fit to the wording under 1. and should be printed as separate paragraphs.

Response

Carried.

GM 21A.159**Paragraph: GM No. 1 to 21A.159(a)(3)****CommentNr. / Commentator** 16 / LUFTFARTSVERKET, SwedenComment

Note: comment related to GM No. 1 to 21A.159(a)(3) and not GM 21A.159:

The GM refers to a requirement which does not exist, i.e. there is no (a)(3) in 21A.159. The paragraph needs to be redrafted.

Response

Noted.

The comment was valid but the error is corrected by a change in the rule.

Paragraph: (c)

CommentNr. / Commentator	7 / DGAC France
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Comment

On page 144 (description of block 9), the version of the TGM11 POA incorporated is not the final one (Cf. attachment to JAA letter 04/00/27/07/03-L100) :

-last sentence in a : in case of articles to be installed in a ETSO article, state either "JTSO article N/A" or the ETSO article part number.

-last paragraph of page 144, last sentence : "Where a part is identified" : when a manufacturer releases such a standard part with an EASA form one...

The changes made in the final version of the TGM reflect comments from the industry and the will of the authorities to limit the use of EASA form ones to standard parts which are explicitly included in the design of an aircraft.

A similar comment is made on GM no. 1 to 21 A.130 (b).

Response

Deferred.

The latest version of TGM 11 POA was too late to be incorporated in Part 21 and its AMC/GM. Now that the instructions for filling Form One are moved to Part 21 they cannot be changed at this stage of the rulemaking process, but need to be carried forward for subsequent Agency review.

CommentNr. / Commentator	1147 / AECMA
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Comment

Block 13

The case of Re-certification of new items from conformity purpose to airworthiness purpose...

To modify the proposed sentence

.THIS DOCUMENT ONLY CERTIFIES THE APPROVAL OF THE DESIGN DATA TO WHICH THIS ITEM (THESE ITEMS) WERE MANUFACTURED. BUT DO NOT COVER THE CONFORMITY / CONDITION HAS BEEN DECLARED BY AFTER RELEASE OF THE INITIAL EASA FORM ONE REF

provide a positive wording of the statement.

Response

Disagreed.

Harmonised statement carried over from JAR-21.

CommentNr. / Commentator	1147 / AECMA
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Comment

PROPOSED TEXT/COMMENT

Relating to the EASA Form One :

Block 15 second sentence :

"Use of a stamp instead of a signature is not permitted, but the authorised person may add in block 17 a stamp impression to his or her signature to aid recognition".

Reason(s) for proposed text/comment

To improve consistency between Part 21 and Part 145 for all the companies working on both activities.

For Part 145 the "personal authorisation reference" (equivalent to the stamp) is required in block 22 (name).

Response

Disagreed.

Harmonised statement within the authorised release certificate itself, carried over from JAR-21.

Paragraph: (c)

CommentNr. / Commentator	10 / FAA
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Comment

In paragraph 3, Block 13, fourth bullet under examples of conditions: If the EASA Form One is issued under a regulation other than Part 21, it seems highly unlikely that the manufacturer will be referencing this document for guidance.

Delete this statement and ensure that it is incorporated in all applicable National Authority guidance materials.

Response

Deferred.

The comment is partly agreed, but now that the instructions for filling Form One are moved to Part 21 they cannot be changed at this stage of the rulemaking process, but need to be carried forward for subsequent Agency review.

In relation to EASA Part 21, national guidance material should not exist.

Paragraph: (c), paragraph 3, block 12**CommentNr. / Commentator** 17 / AECMAComment

Page 145:

TABLE OF STANDARD WORDS FOR NEW ITEMS

consistency with terminology defined in paragraph 1 page 142, and with GM No. 1 to 21A.130(b) (see page 116)

Response

Deferred.

The comment is agreed, but now that the instructions for filling Form One are moved to Part 21 they cannot be changed at this stage of the rulemaking process, but need to be carried forward for subsequent Agency review.

Paragraph: (d)**CommentNr. / Commentator** 5 / BMV, AustriaComment

Change "JAR-OPS" to "IS Maintenance Annex part M "

Maintenance is regulated in part M.

Response

Noted.

"JAR-OPS" replaced by "the applicable operational rules"

CommentNr. / Commentator 10 / FAAComment

In the fourth paragraph, it indicates that an EASA Form 53 may be used by a production organisation, in lieu of an aircraft logbook entry. But there are no requirements that the Form stay with the aircraft upon delivery.

This GM should require that any EASA Form 53 remain with the aircraft upon delivery if it is used in lieu of an entry in an aircraft logbook.

Response

Carried.

The fourth paragraph is extended as follows:

"... should use EASA Form 53, which should subsequently become part of the aircraft maintenance records."

CommentNr. / Commentator 17 / AECMAComment

First subparagraph: replace "JAR-OPS requires" by "the rules for the continued airworthiness require".

In the future, JAR-OPS will be replaced by an EASA rule. Our proposed wording covers both the present and future situations.

Response

Noted.

"JAR-OPS" replaced by "the applicable operational rules"

To be consistent with the other material associated with privileges of the approved organisation this GM is renamed AMC.

Paragraph: (c)**CommentNr. / Commentator** 10 / FAAComment

Paragraph No. 7 refers to "missing items." This term needs further explanation.

Define the term "missing items," and clarify whether such items are part of the type design configuration and must be found before a Statement of Conformity is submitted to the Competent Authority.

Response

Noted.

Text is consistent with ACJ No 3 to 21.165(c).

These are items that should have been installed in accordance with the approved design data, but which are not for this particular aircraft, and which do not affect airworthiness.

CommentNr. / Commentator 10 / FAAComment

Paragraph No. 16 contains an example reference to FAA AC21-2. EASA should formulate its own document on importing requirements of other countries and should not reference the FAA's AC since EASA export requirements may be entirely different.

Remove the incorrect reference to FAA AC21-2, and develop an independent EASA document.

Response

Noted.

Part 21 does not address export of products and parts and appliances. Therefore this provision is removed from the GM/AMC material. International relations and third country approvals in general are governed by Article 9 and 18 of the basic Regulation.

Paragraph: (c)**CommentNr. / Commentator** 10 / FAAComment

Paragraph No. 3 references "significant components." This term is not defined in this or other guidance material. Define "significant components" in this GM.

Response

Deferred

"Significant components" definitely includes all products (21A.801) and also critical parts (21A.805). The Agency will consider providing a better description of this term.
The current text is consistent ACJ No 3 to 21.165(c).

CommentNr. / Commentator 10 / FAAComment

Paragraph No. 2.a refers to the need to identify products, parts, and appliances that "are not new." Is it permissible to install used products (e.g., those that have undergone a maintenance activity such as overhaul, rebuilding, or scheduled routine maintenance and subsequently returned to service), parts or appliances into new production items? Please clarify EASA's position on the permissibility of incorporating into the design and installing used products, parts, and appliances in new production items.

Response

Noted.

This is consistent with ACJ no 3 to 165(c).

The answer is: Yes, it is allowed, when the parts are identified in the information provided together with the Statement of Conformity.

CommentNr. / Commentator 10 / FAAComment

Paragraph No. 9 uses the acronym MRB, which may either be Materials Review Board or Maintenance Review Board. Spell out Maintenance Review Board in this instance.

Response

Carried.

CommentNr. / Commentator 11 / LBAComment

22List of all applicable mandatory Service Bulletins and airworthiness directives that have been implemented.

Justification:

The Term "mandatory Service Bulletins" is misleading, because there is no legal requirement for the implementation of Service bulletins. All implemented SBs should be listed.

Note : Similar material for Subpart F is handled as AMC No 3. 21.A129(c) while it is handled as GM for Subpart G.

Response

Carried.

"mandatory" deleted.

Paragraph: (d) and (h)**CommentNr. / Commentator** 10 / FAAComment

The fifth paragraph, seventh bullet, subparagraph b, should have examples of what type of continuing airworthiness data should be kept throughout the operational life of the product.

Suggest adding examples to define what is meant by "Data considered essential for continuing airworthiness."

Response

Deferred.

Text derives from JAR-21.

If a need is identified, examples may be added.

Paragraph: (a)**CommentNr. / Commentator** 6 / *Rolls-Royce Deutschland Ltd & Co KG*Comment

- 1.) 'CERTIFICATION SPECIFICATIONS AND ENVIRONMENTAL PROTECTION REQUIREMENTS' should replace the box 'AIRWORTHINESS REQUIREMENTS' in Figure 1.
- 2.) General Comment: The expression 'design organisation' (ref. 3.1.2, et al.) should be used with capital letters similar to other fixed terms.
- 3.) Chapter 3.1.5: The list of Certification Specifications should be deleted as it depends on the product which specification is relevant (e.g. Engine vs. Aircraft). This list is not used in JAR 21!

Response

1. Carried.
2. Disagreed. See general formatting policy in Part 21.
3. Disagreed. The list has been added following NPA 21-33, for the sake of clarity. Text contains the word "or" , to indicate that the CS relevant for the scope of the DOA holder only applies.

Paragraph: (a)(2)**CommentNr. / Commentator** 16 / *LUFTFARTSVERKET, Sweden*Comment

Paragraph 2 of the GM seems to contain definitions. Definitions constitute requirements and should be found in the requirements part of EASA implementing rules. Furthermore, all AMC or GM paragraph numbers should have the same structure. At present, there are different structures for AMC and GM paragraphs, for example AMC No. 1 to 21A.122 and AMC 21A.3B(b).

Response

Noted.
Text contains clarification on the meaning of some terms or expressions used in the GM. It is important to keep them for proper understanding of the GM.

Paragraph: (a), 3.1.3 (b)**CommentNr. / Commentator** 17 / *AECMA*Comment

b. Approval of the technical content (completeness, technical accuracy ...), including any subsequent revisions, of the manuals approved by the Agency (Aircraft Flight Manual, the Airworthiness Limitations section of the Instructions for Continued Airworthiness and the Certification Maintenance Documents, where applicable) and of the parts of manuals for which it may be applied, where applicable, for an approval (e.g. the MMEL, the Weight and Balance Manual, the Configuration Deviation List, the ETOPS CMP Document, ...).

It is acknowledged that, for some of these manuals, the compliance verification may acceptably be considered achieved through an agreed integrated process involving the authority, such as, but not limited to, the MRB process for the MRB Document, the JOEB process for the MMEL, etc ...

The NPA proposal replaces "manuals required by the JARs" by a list which is different in extent (MMEL is not required by any regulation), and also ignores several manuals currently approved, thus seemingly degrading the status of the manuals not cited. The alternative proposal has the purpose to provide the same level of compliance verification status to all manuals (or parts of manuals) required to be approved or for which an approval is applied.

Beside, it is paramount that integrated processes, involving the Authority as a proactive member and a directly involved compliance verifier, are acknowledged as perfectly acceptable to support the compliance verification function, as history has proved it has been true so far.

Note : this comment was already sent to JAA within NPA 21-33 comment phase, in October 2002. No comment/response document was eventually published by the JAA, thus it is judged that the comment needs to be sent to EASA, as there is no evidence that it was properly considered so far.

Response

Noted.
Agreed to delete reference to MMEL, as it is not covered by EASA regulation at this stage.
Proposal related to "parts of manuals" is disagreed. The compliance verification function is only required for manuals that have to be approved by the Agency.

Paragraph: (a), paragraph 3.1.4.h.**CommentNr. / Commentator** 10 / *FAA*Comment

Under the U.S. legal system an interpretation may only be issued by a governmental agency with the regulatory authority to do so. This may cause confusion.

Interpretation of certification specifications and environmental protection requirements and requesting decisions of the Agency in case of doubt.

Response

Noted.
Intent of text is limited to known interpretations by people familiar with the job in the company and within the recognised capability of the approved organisation.

Paragraph: (c)(2)**CommentNr. / Commentator** 17 / AECMAComment

This subparagraph says : In the event that a partner/Sub-contractor holds a design organisation approval (DOA), then in accordance with 21A.239(c), the applicant may take this into account in demonstrating the effectiveness of this integrated system.

Airbus / AECMA issued on 18 July two comments that are related to the transition from the situation where JB DOA approvals exist to the situation defined by the new European Regulations.

One of these comments proposes improvements to 21.A233, 21.A239, 21.A243 and 21.A251 Part 21 Subpart J paragraphs. The other one proposes a change to Part 21 detailed explanatory memorandum, paragraph 2.2.5.

It is noticeable that the proposed GM to 21.A239(c) is perfectly in line with Airbus / AECMA Part 21 proposals. Actually, Part 21 needs to be adapted if it is to reflect this sensible Guidance Material.

If Airbus / AECMA comments about this issue are agreed, it is suggested also that the current JAR 21 section 2 that is related to Subpart JB be revisited by the EASA comment management team. This would allow to identify within what is specific to Subpart JB and can be integrated into Part 21 Subpart J AMC / GM, in a manner fully consistent with final Part 21 requirements.

Response

Deferred.

Text of GM remains applicable when an organisation holding a DOA for its own purpose is also working as subcontractor to another organisation.

For discussion on the absence of a Subpart JB; see Agency Opinion No. 2, 1st September 2003.

Paragraph: (c)**CommentNr. / Commentator** 6 / Rolls-Royce Deutschland Ltd & Co KGComment

Under topic 3 the term 'Competent Authorities' is unclear. Replace by 'Agency' or 'State of Design', whatever is meant.

Response

Carried.

Change text to read "...and the satisfaction of the Agency, the adequacy...".

Paragraph: (d)**CommentNr. / Commentator** 6 / Rolls-Royce Deustchland Ltd & Co KGComment

Within chapter 3.2 at the page break page 167/168: Compared with JAR 21, words like 'The nominated managers should be identified and their credentials furnished to the ...' are missing.

Response

Carried.

Editorial error.

The following text are added, before the word "Agency" of second paragraph of 3.2:

"The nominated managers should be identified and their credentials furnished to the..."

CommentNr. / Commentator 17 / AECMAComment

Editorial: One line is missing on the top of page 168:

The nominated managers should be identified and their credentials furnished to the Agency on EASA Form Four (...)

Response

Carried.

Editorial error.

The following text are added, before the word "Agency" of second paragraph of 3.2:

"The nominated managers should be identified and their credentials furnished to the..."

Paragraph: (d) paragraph 3.2, second subparagraph.**CommentNr. / Commentator** 10 / FAAComment

The nominated managers should be identified and their credentials furnished to the Agency on EASA Form Four....

The first part of this sentence is missing.

Response

Carried.

Editorial error.

The following text are added, before the word "Agency" of second paragraph of 3.2:

"The nominated managers should be identified and their credentials furnished to the..."

Paragraph: Subparagraph 4.2 , Office of Airworthiness**CommentNr. / Commentator** 17 / AECMAComment

GM N° 1 to 21A.245, Subparagraph 4.2, to read :

" 4.2 An Office of Airworthiness has been established and staffed.."

GM N° 1 to 21A.245 Subparagraph 4.2 identifies as an acceptable means of compliance an "Office of Airworthiness, or equivalent function"

This possible "equivalent function" is not defined in the proposed text and AECMA considers it would introduce confusion on the assignment of responsibilities for the discharging of airworthiness related functions.

Furthermore, this concept of "equivalent function" doesn't exist in current ACJ NO 1 to JAR 21.A245 and is therefore a new concept which has been introduced in the draft AMC and GM section of IR Part 21. No justification is provided for the introduction of such new concept, which appears contrary to instructions that draft IRs/AMC/GM must be transposed from already agreed JAA regulatory material, reflecting "current concepts and procedures for aviation safety and environmental protection regulators".

Moreover, this concept of "equivalent function" is not addressed in other paragraphs where AMC or GM should also be provided to address such concept : structure and organisation of tasks (GM No.1 to 21A.239(a) Design Assurance System, Subpara 3.1.1.e "nomination of Office of Airworthiness personnel" and Subpara 3.1.4 , "...tasks of Office of Airworthiness"), data to be presented in the design organization handbook (AMC No.1 to 21A.243(a)), statement of qualification and experience (GM No.1 to 21A.243(d)), change of management staff (GM21A.247 Subpara 2), etc...

AECMA therefore considers that this concept of an "equivalent function" is not defined, not justified, not substantiated, not mature and not properly addressed in the proposed text.

AECMA requests that the possibility of an "equivalent function" be removed from the proposed text of Part 21 AMC and GM and that the current wording of ACJ N° 1 to JAR 21.A245 be retained.

Introduction of such new concept might, if deemed necessary, be addressed later on by EASA through normal rulemaking process.

Response

Disagreed.

"or equivalent" has been introduced to open the door to other name and put the emphasis on the function itself.

Paragraph: (b)**CommentNr. / Commentator** 17 / AECMAComment

DOA privilege related to compliance documents:

Title of the GM to be changed to :

DOA privilege related to compliance documents demonstration activities

Last sentence to be changed to :

Therefore, according to the scheduled level of involvement, that depends upon the exceptions that are related to novelties, new requirements or interpretations, and new demonstration methods, the Agency should agree with the DOA holder documents the demonstration activities to be accepted without further Agency verification under the DOA privilege of 21.A263(b).

Airbus / AECMA issued on 18 July a comment that proposes a change to Part 21 21.A263(b).

The present comment about the GM just reflects the proposed comment to Part 21.

Response

Deferred.

See answer in CRD Part 21, on same issue.

Paragraph: (c)(3)**CommentNr. / Commentator** 17 / AECMAComment

2.SCOPE, to read :

The information or instructions referred to in 21A.263(c)(3) are issued by a DOA holder to make available to the owners or operators of a product with all necessary data to implement a change on the product or a repair, or to inspect it. Some are also issued to provide maintenance organisations and other interested persons with all necessary maintenance data ...

Editorial improvement

Response

Carried.

GM 21A.263**Paragraph: (c)(3)****CommentNr. / Commentator** 6 / *Rolls-Royce Deutschland Ltd & Co KG*Comment

Within chapter 2 there is a new statement: 'Some are also issued to provide maintenance organisations and other interested persons with all necessary maintenance data for the performance of maintenance, including implementation of a change on the product or a repair, or inspection, in accordance with 21A.61 ...'

According to ICAO aircraft continued airworthiness is subject of the 'State of Registry'/'State of Operation', therefore the Design Organisation can not be made responsible with respect to the maintenance data being necessary. Unless specified as 'Airworthiness Limitation', the Design Organisation proposes maintenance data. To avoid confusion, the new statement should be deleted. It was not used in JAR 21.

Response

Disagreed.

Text has been added following NPA 21-33 development, to indicate more clearly what can be "information or instructions" falling under the privilege. The text does not introduce a new obligation on the DOA holder.

GM 1 to 21A.303**Paragraph: (c)****CommentNr. / Commentator** 16 / *LUFTFARTSVERKET, Sweden*Comment

The GM seems to contain a requirement.

Delete the paragraph and insert the requirements in Part 21 or change the wording to clarify the non-mandatory status of the GM.

Response

Noted.

"must" is replaced by "should", to reflect the purely interpretative character of this GM.

GM 2 to 21A.303**Paragraph: (c)****CommentNr. / Commentator** 16 / *LUFTFARTSVERKET, Sweden*Comment

The GM seems to contain a definition.

Definitions constitute requirements and should be found in the requirements part of EASA implementing rules.

Response

Disagreed.

This is purely guidance.

GM 21A.307**Paragraph:****CommentNr. / Commentator** 16 / *LUFTFARTSVERKET, Sweden*Comment

The GM seems to contain a definition.

Definitions constitute requirements and should be found in the requirements part of EASA implementing rules.

Response

Disagreed.

The GM contains guidance only.

Paragraph: (a)**CommentNr. / Commentator** 10 / *FAA*Comment

The title of this GM should make it clear that parts and appliances released for "installation" refers to installation in aircraft already in-service. This paragraph should not cover the release of parts made by a supplier/subcontractor for incorporation into new products at a POA, unless it is a valid release for export or import.

Reword the title of the GM as follows: "Release of Parts and Appliances for Installation in Aircraft In-Service."

Response

Disagreed.

The current text reflects the rule and current practice in Europe.

Paragraph: (a)**CommentNr. / Commentator** 13 / KLMComment

" When these data are explicitly identified as approved, they may be used by operators without further approval to cope with anticipated in-service problems arising from normal usage provided that they are used strictly for the purpose for which they have been developed." We need an explanation here because this GM is in contradiction with ECAR 145A.45.

Response

Noted.
Text indicates that previously approved data can be used.

CommentNr. / Commentator 1043 / KLM, NetherlandsComment

" When these data are explicitly identified as approved, they may be used by operators without further approval to cope with anticipated in-service problems arising from normal usage provided that they are used strictly for the purpose for which they have been developed." We need an explanation here because this GM is in contradiction with ECAR 145A.45.

Response

Noted.
Text indicates that previously approved data can be used.

Paragraph: (a) Scope (Figures 1&2)**CommentNr. / Commentator** 14 / CAA UKComment

The figures have been altered from those currently in JAR 21. In the column on the far right of the figures, there was a link from the Agency back to the DOA or TC Holder, should the repair be classified as 'not minor' (i.e. major). This is necessary, because the Agency is not a design organisation and should only accept data from capable organisations in accordance with Part 21A.432B (a) or (b).
This link should be restored.

Response

Disagreed.
The explanation for the change between JAR-21 ACJ flow-chart and the GM 21.A431 figures is as follows:
Due to the new approach for demonstration of capability in accordance with Part 21A.432B (a) or (b), it is likely that the Agency will have to treat applications for both major and minor repairs, as some major repairs will be designed and approved under alternative procedures. That is the meaning of the box, under Agency, called " Approval process" (not "Internal NAA approval process" like in JAR-21). This box covers any activity that can happen following application to the Agency, i.e. approval of minor, decision on alternative procedures, approval of major, go to another DOA. When the case is processed through a DOA, the route "Send data to: other DOA" applies.

Paragraph: General Comment**CommentNr. / Commentator** 12 / AEA (Lufthansa)Comment

General Comment:

Para 21A.431 (d) of the EASA Implementing Rules (Draft commission Regulation on Certification and Draft Annex Part 21)

AEA requests clarification on para 21A.431(d) to differentiate between repairs to ETSO articles and repairs to products. AEA proposes the issuance of guidance material, making clear, that the limitation to approve repairs under Subpart O is intended for specific ETSO "article" approvals only, and does not preclude repair development for such equipment and approval under the procedures for repairs to "products".

In the past, all major operators respectively maintenance organisations were doing minor repairs under Subpart D of JAR 21 under the heading of JAR 21.95 "Minor Changes" in accordance with procedures "...that have been agreed with the Authority" (typically those required under Subpart JA, Design organisation approval). These procedures did not preclude repairs to TSO equipment, as it was always understood, that the limitation in JAR 21.611(c) of Subpart O would preclude changes by persons other than the manufacturer under Subpart O, but would still allow approval under Subpart D. This position was at one point in time confirmed by the then acting JAA Certification Director. There was no regulatory contradiction, because prior to JAR 21 Amendment 4, Subpart M, Repairs, treated those like "changes".

With the appearance of JAR 21 Amendment 4, the wording introduced in para 21.431 has led to misinterpretations by some national authorities to the effect, that every and all repairs to TSO equipment were limited to approval under Subpart O only. AEA understands, that such a change in policy was never intended, and therefore requests proper guidance material, to differentiate between repairs to "articles" and repairs to "products"

Response

Noted.

The proposal below is a practical approach to reflect current practice.

Proposed new GM 21A.431(d):

GM 21A.431(d) Repairs to articles

A repair to an article under 21A.611 has to be seen in the context of an ETSO authorisation, i.e. when an article as such is specifically approved under Subpart O, with dedicated rules that give specific rights and obligations to the designer of the article, irrespective of any product type design or change to the type design. For a repair to such an article, irrespective of installation on any aircraft, Subpart O, and 21A.611 in particular, should be followed.

When an airline or a maintenance organisation is designing a new repair (based on data not published in the TC holder or Original Equipment Manufacturer documentation) on an article installed on an aircraft, such a repair can be considered as a repair to the product in which the article is installed, not to the article taken in isolation. Therefore Subpart M can be used for the approval of this repair, that will be identified as "repair to product x affecting article y", but not "repair to article y".

Paragraph: (a)**CommentNr. / Commentator** 13 / KLMComment

chap 3 Examples of major repairs par 3(l) "...a repair that requires a permanent additional inspection to the". This is too restrictive. Also minor repairs can have such a permanent inspection, but that does not make them major!

Response

Noted.

The text derives from JAR-21. The paragraph should be read as a whole to understand all the nuances.

CommentNr. / Commentator 1043 / KLM, NetherlandsComment

chap 3 Examples of major repairs par 3(l) "...a repair that requires a permanent additional inspection to the". This is too restrictive. Also minor repairs can have such a permanent inspection, but that does not make them major!

Response

Noted.

The text derives from JAR-21. The paragraph should be read as a whole to understand all the nuances.

Paragraph:

CommentNr. / Commentator 9 / FAA

Comment

As previously stated in the FAA Office of Environment and Energy comments submitted in response to the Certification IR consultation, 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 organizations. 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.

Response

Deferred.
This is a bilateral issue between the Commission and the FAA.

Paragraph: (a)

CommentNr. / Commentator 10 / FAA

Comment

The fifth bullet point addresses communication and interface with the Agency and the competent authorities of the Member States. It makes no reference to a need for establishing adequate organizational interfaces with the industry and other national authorities outside of EASA.

Add a bullet point that states : ? specific and effective provision is made for the communication and interface as necessary with foreign authorities and representatives from the civil aviation industry.

Response

Disagreed.
The GM is a part of the establishment of processes and procedures to do with the relationship between the Agency and the Member States.

Paragraph:

CommentNr. / Commentator 10 / FAA

Comment

This GM does not address the situation in which a competent authority of the Member State does not "respond in a positive" manner to the Agency's findings and needs for corrective action. What enforcement or follow-up actions will EASA undertake if this situation happens in the standardization process?
Expand the paragraph to cover enforcement actions and implications.

Response

Noted.
On the basis of comments received, paragraph 21B.50 has been deleted from Part 21. Standardisation aspects are addressed in the Basic Regulation.

Paragraph: (c)(3)

CommentNr. / Commentator 11 / LBA

Comment

The liaison with other authorities, described in GM 21B.120(c)(3), should be minimized to avoid additional work for the authorities and delay for the applicant. The process should be based mainly on an information process without an automatic involvement :

- The responsible authority just informs other authorities about surveillance activities in their countries.
- The other authorities have the right to participate in surveillance activities of the responsible authority in their country.
- The responsible authority may ask other authorities for assistance, if they plan to perform surveillance activities in the country of the other authority.

Response

Disagreed.
The text has been carried forward from JAA procedures, JPOAP, chapter 7.2.6.

GM 21B.150**Paragraph: (d)****CommentNr. / Commentator** 11 / LBAComment

GM 21B.150(d)

Archiving system - Traceability of release certificates

The archiving system for those EASA Forms 52 and One that have been validated by the Competent Authority should allow verification of such validation by concerned parties including the recipients of the release certificates.

Harmonise the terms "record keeping" and "archiving system" with GM 21A.165(d) and (h).

Response

Disagreed.

"Record keeping" is retained for consistency with 21B.55.

GM 21B.220**Paragraph: (a)****CommentNr. / Commentator** 11 / LBAComment

1. Type of Team

...

Where the facilities of the applicant are located in more than one Member State, the Competent Authority of the country of manufacture should liaise with the other involved competent authorities. to agree and appoint a POAT leader and members appropriate to the nature and scope of the applicant's organisation.

The approving authority is responsible for the whole approval and surveillance process of the manufacturer, also if the manufacturer has facilities in other member states. Therefore this authority should be the only one, who established the audit team.

The liaison with other authorities should be minimized, based mainly on an information process without automatically involvement, to avoid additional work and delay.

Response

Disagreed.

The text has been carried forward from JAA procedures, JPOAP, chapter 7.2.6.

Paragraph: (c)**CommentNr. / Commentator** 11 / LBAComment

The liaison with other authorities, described in GM No 1 to 21B.220(c), should be minimized to avoid additional work for the authorities and delay for the applicant. The process should be based mainly on an information process without an automatic involvement :

- The responsible authority just informs other authorities about surveillance activities in their countries.
- The other authorities have the right to participate in surveillance activities of the responsible authority in their country.
- The responsible authority may ask other authorities for assistance, if they plan to perform surveillance activities in the country of the other authority.

Response

Disagreed.

The text has been carried forward from JAA procedures, JPOAP, chapter 7.2.6.

GM 4 to 21B.220**Paragraph: (c)****CommentNr. / Commentator** 10 / FAAComment

Paragraph 2, subparagraph 4, and paragraph 2.3, both use the term "major quality problem." This is a subjective term and should be defined to ensure proper notification to the appropriate Competent Authority when warranted.

Define the phrase "major quality problem" in this GM.

Response

Noted.

For consistency purposes, the word "major" is changed to "serious". If a need is further identified, additional material may be considered by the Agency.

GM 21B.235**Paragraph: (b) and (c)****CommentNr. / Commentator** 16 / **LUFTFARTSVERKET, Sweden**Comment

The GM seems to contain a definition. Definitions constitute requirements and should be found in the requirements part of EASA implementing rules.

Response

Disagreed.
This is purely guidance material.

GM 21B.245**Paragraph: para 2, 3, 4 and 5****CommentNr. / Commentator** 16 / **LUFTFARTSVERKET, Sweden**Comment

The indicated paragraphs seem to contain definitions. Definitions constitute requirements and should be found in the requirements part of EASA implementing rules.

Response

Deferred.
Although this is considered as guidance material, its status could be elevated through subsequent review by the Agency.

GM 21B.325**Paragraph: (d)****CommentNr. / Commentator** 14 / **CAA UK**Comment

Article 2.12 of the draft Commission Regulation makes provision for the "relevant national rules" to apply where the provisions of Part M are not in force. Subpart H of Part 21 "Airworthiness Certificates" makes reference to Part M for a C of A recommendation and Airworthiness Review Certificates being required for the issue of an Airworthiness Certificate for used aircraft. 21A.174(b)(3) refers. However there is no reference or dependency to Part M for the issue of an Airworthiness Certificate for a new aircraft. 21A.174(b)(2) refers.

To enable "relevant national rules" to be uniformly applied and provide for a transitional implementation of Part M and the associated Part 21 Airworthiness Certificate for new or used aircraft it is recommended that GM 21B.325(d) is included in the part 21 Rule.

Response

Disagreed.
For a new aircraft, the Airworthiness Review Certificate is raised against the requirements of Part 21 Subpart H and remains valid until its expiry date is reached. At that time, either part M or national rules, in accordance with article 2.12, will apply.
Following further review, a revision has been made to the GM 21B.325 to remove the reference to Part M.

General Comments**Paragraph:****CommentNr. / Commentator** 4 / **EAD Aerospace**Comment

We have no particular comment on the Acceptable Means of Compliance and Guidance Material of PART 21 Consultation document.

Response

Noted.

Paragraph: "Terminology" (page 5 of the drafted material)**CommentNr. / Commentator** 16 / **LUFTFARTSVERKET, Sweden**Comment

The contents of the document "Terminology" should be consistent with the terminology in the EASA regulation. According to this document, Guidance material (GM) "helps to illustrate the meaning of a requirement". However, according to the Explanatory memo paragraph 10, GM "helps to illustrate the meaning of a requirement or, in the case of CS, an AMC". According to the same memo, paragraph 9, GM is "information material issued by the Agency to assist in the understanding of the EASA Regulation, its implementing rules and CS". The terminology should be adjusted accordingly. Furthermore, the document "Terminology" should be removed and inserted in the requirements in the implementing rules (Part 21).

Response

Disagreed.
The Explanatory memoranda are simply providing explanations.
Terminology is proposed purely for information purpose, to facilitate use of the AMC and GM, and is neither AMC nor GM.

Paragraph: *General*

CommentNr. / Commentator 9 / FAA

Comment

For purposes of harmonization, the FAA suggests that "environmental protection" be consistently replaced throughout the Part 21 AMC and GM with "noise, fuel venting and exhaust emissions", as appropriate.

Response

Deferred to such time as Part 21 may be "tidied up".

Paragraph: *General Comment*

CommentNr. / Commentator 16 / LUFTFARTSVERKET, Sweden

Comment

Regulation (EC) No 1592/2002 article 56.2 reads: "During an additional transition period of 42 months from the date referred to in paragraph 1, Member States may continue to issue certificates and approvals by way of derogation from the provisions of Articles 5, 6, 9 and 15 under the conditions specified by the Commission in the implementing rules adopted for their application....."

The time aspect is a general problem that has to be addressed. The time given for consultation have been too short considering that the material is extensive and that acceptable means of compliance (AMC) and guidance material (GM), as well as the proposed implementing rules, need more review before they can be considered ready for adoption.

The entry into force dates in general does not allow neither authorities nor the market enough time to adjust. This can have serious effects on the industry and certain activities may have to shut down. We cannot accept this to happen because enough time is not allowed and this could definitely not have been the purpose.

We therefore recommend that the 42 month transition period is used to give everyone involved reasonable time to adjust and prepare.

Response

Disagreed.

See Agency Opinion No 2, 01/09/2003, for full explanation.

CommentNr. / Commentator 16 / LUFTFARTSVERKET, Sweden

Comment

Documents in general need an editorial review in regard of language and consistency.

For example, all AMC or GM paragraph numbers should have the same structure. At present, there are different structures for AMC and GM paragraphs, for example AMC No. 1 to 21A.122 and AMC 21A.3B(b).

Furthermore, all AMC and GM headings should be the same as those of the requirements that they are referring to. In the drafted material, there are AMCs and GMs with a different heading than the requirement that they refer to.

Response

Noted.

CommentNr. / Commentator 17 / AECMA

Comment

Add an introductory section to Part 21 AMC & Guidance Material containing the following statement "The material contained in this "Acceptable Means of Compliance and Guidance Material" Section is neither mandatory nor regulatory in nature and does not constitute an airworthiness code. It describes acceptable means, but not the only means, for demonstrating compliance with the applicable airworthiness codes. The EASA will consider other methods of demonstrating compliance that an applicant may elect to present. Terms such as "should," "shall," "may," and "must" are used only in the sense of ensuring applicability of this particular method of compliance when the acceptable method of compliance in this document is used. As such, this material does not change, create any additional, authorize changes in, or permit deviations from existing airworthiness codes".

Reason for proposed text : Although some indication is provided in the explanatory memorandum accompanying this consultation, the above mentioned Part 21 AMC & GM section will subsequently be a separate document and the nature of its contents, different from that of the corresponding IR, must be explicit to the reader. It furthermore suggested that the above statement should be placed in front of all AMC & GM sections related to IRs or Airworthiness Codes.

Response

Deferred.

This is a general policy issue that the Agency needs to clarify in respect to all Agency measures.

CommentNr. / Commentator 17 / AECMA

Comment

Comments have been provided by AECMA and other organisations in response to consultation on draft IR 21. These comments have not been repeated on the occasion of this consultation on Part 21 AMC & Guidance Material, although they obviously have a potential impact on the content of AMC & Guidance Material, depending on their possible incorporation into IR 21 text.

It is therefore requested that comments and possible related changes to IR 21 be reviewed concurrently with, and in addition to, comments formulated on this AMC & Guidance Material section.

Response

Noted.

Every effort has been made to perform this task.

CommentNr. / Commentator 17 / AECMA

Comment

Paragraph: General Comment

Use of "should" and "must"

As a general principle, "shall" and "must" are not used in JAA ACJ (acceptable means of compliance and interpretative material). Only "should" is used, since ACJ are not binding rules.

In the proposed guidance material for Part 21, "should" or "must" are alternately used, and there is no clear reason for these different wordings.

As acceptable means of compliance and guidance material are not intended to be binding, we recommend use of the word "should".

Response

Deferred.

Refer to the explanatory note where the use of the words "must" and "should" in AMC and GM is explained. The Agency needs to establish its own "drafting convention".

CommentNr. / Commentator 19 / AIA/GAMA

Comment

The Aerospace Industries Association (AIA) and General Aviation Manufacturers Association (GAMA) noted EASA's Consultation Paper No. 4/2003-07-03 draft proposal for acceptable means of compliance (AMC) and guidance material (GM) related to the implementing rules concerning the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations (Part 21). AIA and GAMA both wish to provide constructive comments to these materials. However, AIA and GAMA continue to be concerned over the continued pace at which the European authorities are trying to finalize certification, maintenance and continuing airworthiness regulations and their associated implementation materials. Given the tremendous volume of materials requested for comment and the extremely short timeframe requested for response, we have not had adequate time to provide for a review and compilation of comments on the Part 21 AMC/GM materials to support an August 20 submission. Instead, we are continuing to work with our members and will submit consolidated comments on these materials, along with comments on other AMC/GM sections requested by EASA, by September 10.

Response

Noted.

Paragraph: Section B – Subpart F

CommentNr. / Commentator 10 / FAA

Comment

It is our understanding that EASA will not be issuing Letters of Agreement under Part 21, Subpart F. Even though EASA will not be issuing Letters of Agreement under Subpart F, will EASA be standardizing the overall process used by all Member States, including the investigation, data review, and issuance of the Letter? This is not clear in the guidance material.

EASA should standardize the Letters of Agreement process (e.g., through an EASA Administrative Procedure) and the guidance material should reflect these requirements.

Response

Disagreed.

The Agency can issue letters of agreement. 21B.130 quotes "Competent Authority", which includes the Agency.

Noted.

Section B requires competent authorities to submit procedures associated with the application of Section B Subparts, which includes Subpart F, for standardisation purpose.

Paragraph: Section B - Subpart G

CommentNr. / Commentator 10 / FAA

Comment

Will EASA be standardizing the overall POA approval process used by all Member States, including the investigation, data review, and issuance of the POA? This is not clear in the guidance material.

EASA should standardize the POA approval process (e.g., through an EASA Administrative Procedure) and the guidance material should reflect these requirements.

Response

Noted.

Section B requires competent authorities to submit procedures associated with the application of Section B Subparts, which includes Subpart G, for standardisation purpose.

Paragraph: Subpart I - Noise Certificates**CommentNr. / Commentator** 9 / FAA**Comment**

As previously stated in the FAA Office of Environment and Energy comments submitted in response to the Certification IR consultation, 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.

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).

Response

Disagreed.

Basic Regulation, Article 15(1)(h) does not specify noise certificates, it refers to the issue of appropriate environmental certificates in the context of type design approval. Where the Agency specifies that NAAs will issue noise certificates then, in accordance with Article 16, the Agency is required to ensure standardisation of this process.

The issue of noise certificates as described in Subparts I is consistent with common European practice and existing (and proposed) amendments of Chapter 1 of Volume I of ICAO Annex 16.

Comment not relevant to competency of EASA.