Comment Response Document (CRD)
to Notice of Proposed Amendment (NPA) 2007-03

for amending the Executive Director Decision No. 2003/01/RM of 17 October 2003 on acceptable means of compliance and guidance material 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 ("AMC and GM to Part 21")

Resolving ambiguity between AMC/GM and Part-21 in respect of eligibility for Subpart F and G for manufacturers of raw material

Explanatory Note

I. General

1. The purpose of the Notice of Proposed Amendment (NPA) 2007-03, dated 19 March 2007 was to propose an amendment to Decision No 2003/01/RM of the Executive Director of the Agency of 17 October 2003 on Acceptable Means of Compliance and Guidance Material 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 ("AMC and GM to Part 21")[1].

II. Consultation

2. The draft Executive Director Decision amending Decision No 2003/01/RM was published on the web site (http://www.easa.europa.eu) on 23 March 2007.

   By the closing date of 20 June 2007, the European Aviation Safety Agency ("the Agency") had received 5 comments from 4 National Aviation Authorities, professional organisations and private companies.

III. Publication of the CRD

3. All comments received have been acknowledged and incorporated into this Comment Response Document (CRD) with the responses of the Agency.

4. In responding to comments, a standard terminology has been applied to attest the Agency's acceptance of the comment. This terminology is as follows:

   - **Accepted** – The comment is agreed by the Agency and any proposed amendment is wholly transferred to the revised text.
   - **Partially Accepted** – Either the comment is only agreed in part by the Agency, or the comment is agreed by the Agency but any proposed amendment is partially transferred to the revised text.
   - **Noted** – The comment is acknowledged by the Agency but no change to the existing text is considered necessary.
   - **Not Accepted** - The comment or proposed amendment is not shared by the Agency

   The resulting text highlights the changes as compared to the current rule.

5. The Agency's Decision will be issued at least two months after the publication of this CRD to allow for any possible reactions of stakeholders regarding possible misunderstandings of the comments received and answers provided.

6. Such reactions should be received by the Agency not later than 5 November 2007 and should be submitted using the Comment-Response Tool at http://hub.easa.europa.eu/crt.

[1] Decision as last amended by Decision 2007/008/R of the Executive Director of the European Aviation Safety Agency of 2 April 2007.

IV. CRD table of comments, responses and resulting text

(General Comments)	p. -

comment	*1* comment by: *UK CAA* The lack of approval of raw material manufacturers may put an increased oversight burden on small POA's, who may not have the material specialists, e.g. Metallurgists and similarly increase the burden on Part 145 organisations dealing with raw materials.
response	*Not accepted* The ambiguity between Part-21 and AMC/GM, which is removed by this NPA does not increase the oversight burden for production or maintenance organisations that are already responsible for controlling the quality of incoming materials. Safety reviews have not shown a need to approve material manufacturers. There are well established industry standards for most materials and production or maintenance organisations using those materials seem to be capable of checking conformity relying on industry quality control. Finally, there is no legal basis for EASA to regulate material manufacturers.

comment	*3* comment by: *FAA* The FAA has reviewed the subject NPA and has no comments.
response	*Noted*

comment	*4* comment by: *SAMA Swiss Aircraft Maintenance Association* SAMA supports the initiative to adapt the relevant AMCs to the basic rule. The responsibility to assure a specified quality of (raw) materials used shall clearly remain with the organisation specifying and using that material.
response	*Noted*

B. Draft Decision - I Draft Decision to AMC and GM to Part 21 - Section A / Subpart F p. 6

comment

5 comment by: *DGAC France*

GM No. 1 to 21A.121

Applicability - Individual product, part or appliance

In this context, "demonstrating the conformity with the applicable design data of a product, part and appliance" means that conformity with the applicable design data has to be established and shown for each and every product, part or~~,~~ appliance~~, or material produced~~.

GM 21A.129(a)

Availability for inspection by the Competent Authority

Each product, part~~, appliance~~ or~~ material~~ appliance should be made available for inspection at any time at the request of the Competent Authority.

AMC No. 2 to 21A.130(b)

Statement of Conformity for Products (other than complete aircraft), parts, ~~and~~ appliances ~~and materials~~ - The Authorised Release Certificate (EASA Form 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 (hereafter referred to as 'item(s)') ~~and/or material~~ as identified in Blocks 7 through 11 as applicable after manufacture, or to release maintenance work carried out on items under the approval of the Competent Authority.

Justification:

Delete the word "material" also in the other instances used in 21 Subpart F.

response

Accepted

GM No. 1 to 21A.121 and GM 21A.129(a) are both not consistent with the scope of Subpart F of Part-21, and will be changed in accordance with the comment provided.

AMC No. 2 to 21A.130(b).
The comment made to this AMC is accepted. The text will be changed accordingly. Please note however that AMC No. 2 to 21A.130(b) is also envisaged to be changed as a result of task MDM.007 that addresses the Form 1.

comment

6 comment by: *DGAC France*

GM No. 2 to 21A.139(b)(2)

Quality System – Adequacy of procedures and monitoring function

Adequacy of procedures means that the quality system, through the use of the procedures as set forth, is capable of meeting the conformity objectives identified in 21A.139(a).

The quality assurance function to ensure the above should perform planned continuing and systematic evaluations or audits of factors that affect the conformity (and, where required, safe operation) of the products, parts, appliances and/or materials to the applicable design. This evaluation should include all elements of the quality system in order to show compliance with Part 21 Subpart G.

Justification:
Delete the word "material" also in the other instances used in 21 Subpart G.

response

Accepted

The word "materials" in this GM is in the context of items that are produced in accordance with the applicable design. It is therefore correct that this needs to be removed.
Quality control of raw materials used is however within the scope of the quality system as specified in 21A.139(b)(ii) and (iii), and as such covered in this GM as one of the "factors that affect the conformity".

resulting text

GM No.1 to 21A.121
Applicability - Individual product, part or appliance

In this context, "demonstrating the conformity with the applicable design data of a product, part and appliance" means that conformity with the applicable design data has to be established and shown for each and every product, part or~~,~~ appliance~~, or material produced~~.

GM 21A.129(a) Availability for inspection by the Competent Authority

Each product, ~~part, appliance or material~~ part or appliance should be made available for inspection at any time at the request of the Competent Authority.

GM No. 2 to 21A.139(b)(2)
Quality System – Adequacy of procedures and monitoring function

Adequacy of procedures means that the quality system, through the use of the procedures as set forth, is capable of meeting the conformity objectives identified in 21A.139(a).

The quality assurance function to ensure the above should perform planned continuing and systematic evaluations or audits of factors that affect the conformity (and, where required, safe operation) of the products, parts~~,~~ or appliances ~~and/or materials~~ to the applicable design. This evaluation should include all elements of the quality system in order to show compliance with Part-21 Subpart G.