



Terms of Reference

for a rulemaking task

'PART-21 proportionality'

Introduction of proportionality and simplification of airworthiness and environmental certification regulations for small aircraft

RMT.0689 —23.6.2016

Applicability		Process map	
Affected regulations and decisions:	Commission Regulation (EU) No 748/2012	Concept Paper:	Yes
Affected stakeholders:	Designers, manufacturese, pilots; operators; competent authorities	Rulemaking group:	No, only task force
Driver/origin:	Efficiency/proportionality	RIA type:	Light
Reference:	General Aviation Road Map	Technical consultation during NPA drafting:	N/A
		Publication date of the NPA 1:	2016/Q3
		Duration of NPA consultation:	3 months
		Publication date of the NPA 2:	2017/Q2
		Duration of NPA consultation:	3 months
		Review group:	N/A
		Focussed consultation:	Workshop
		Publication date of the Decision (NPA 1):	2017/Q4
		Publication date of the Opinion (NPA-2):	2017/Q4
		Publication date of the Decision (NPA-2):	2018/Q4



1. Issue and reasoning for regulatory change

The major goal of the European Aviation Safety Agency's (hereinafter referred to as 'the Agency') General Aviation (GA) Road Map is to work towards simpler, lighter and better regulations for GA. Therefore a simplified compliance process is requested by stakeholders for this category of aircraft.

The current Part-21 rules are considered not to provide sufficient proportionality to the risks and safety level that is considered acceptable to aircraft in the low end of GA. As a consequence certification costs and administrative burden are high for the small aircraft community that is the least tolerant to this.

The aircraft involved are of simple design and low complexity (lower airworthiness risk) and are used by stakeholders who do not expect the same regulatory protection (acceptable safety level) as for commercial air transportation. In addition, these small aircraft also pose minimum risks to third parties.

2. Objectives

The objective is to provide additional flexibility and simplification in Part-21 certification for GA that is proportionate to risks and meets an acceptable safety level. This task should be regarded as a change to the certification process that is in-line and within the new framework being developed in the proposals¹ to change Regulation (EC) No 216/2008² (hereinafter referred to as 'the Basic Regulation'). This task will also consider using performance based regulations (PBR) principles that are being developed in coordination with the EASA advisory bodies. At the same time improvements to the certification process are also expected from a more pragmatic implementation and guidance. Options to be considered are:

- to simplify and/or support of approval processes;
 - Adaption of AMC/GM specific for simple products and small organisation, e.g. template manual to simplify the organisational approval process.
- to change competent authority involvement and to redistribute responsibilities between competent authorities and stakeholders;
 - Adaption of regulations and processes to extend the privileges for small organisations involved in design, production and maintenance of simple products and combination of organisational approvals.
 - Introduce sharing of tasks with qualified entities to perform oversight of organisations and projects.
 - Use of standards for design, production and maintenance to define the minimum requirements including the verification in the certification, production and maintenance process.
 - Adaption of regulations to implement declarations as envisaged for the revision of the EASA Basic Regulation.
 - Introduction of a light oversight system for the competent authorities with the aim to keep the main responsibility on the airworthiness with the stakeholders.

¹ Proposal for a Regulation of the European Parliament and of the Council of 7 December 2015 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Regulation (EC) No 216/2008 of the European Parliament and of the Council. (COM/2015/0613 final – 2015/0277 (COD)).

² Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC. (OJ L 79, 19.03.2008, p. 1).



- Introduction of multifunctional EASA and/or NAA Staff that is explicitly dedicated to the smaller segment of GA and that is also dealing with operations, licensing and standardisation
- to introduce an airworthiness option for individual simple aircraft on the basis of a permanent permit to fly (PtF).

3. Actions

The scope of the Rulemaking Task (RMT) covers the airworthiness of aircraft considered to pose a lower risk than CAT with a focus on the low end, explicitly light sport aircraft, sailplanes and balloons.

During the analysis and development of this RMT, the following actions will be considered:

1. To review the existing requirements for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisation and related GM and AMC material.
2. To investigate where the rules can be simplified when authority oversight and involvement is proportionately reduced below the current level of 'Part-21'. The Basic Regulation revision proposals should be taken into consideration (e.g. use of certification or declaration) (refer to action 4 & 5 below). The following scope and directions should be taken into account:
 - a. The rules should be reviewed to investigate the possibility to introduce a new holistic, risk based and proportionate approach for General Aviation;
 - b. The rules to be reviewed are the requirements applicable to designers and manufactures (Part-21A) and competent authorities (Part-21B). Those requirements should be reviewed in order to define a more pragmatic approach with regard to the provision of simple light aircraft;
 - c. It is anticipated to create a lighter touch towards small organisation and related oversight;
 - d. To reduce the authority involvement in the design and certification process of simple aircraft; and
 - e. It is considered to further develop the concept of permit to fly for individual recreational aircraft.
3. To develop AMC and GM tailored for small organisations and simple products and develop template manuals for design, production and maintenance organisation.
4. To support other RMT running in parallel with this proportionality RMT on related subjects (e.g. RMT.0018 parts without the EASA Form 1/level of involvement (LOI)) to ensure consistency.
5. To follow-up proposals made for revision of the Basic Regulation and develop amendments of Part-21 within the scope of this rulemaking task.
6. Initiation and follow-up of test cases for simplified certification.

4. Deliverables

The planned deliverables for RMT.0689 are the following:

NPA 1: Pragmatic guidance for certification/approval of GA aircraft/organisations and templates

NPA 2: Part-21 changes to introduce process changes in-line with the revision of the Basic Regulation



Both NPAs resulting in:

- an Opinion containing a proposal to amend the existing requirements of Part-21;
- Decisions containing the associated AMC and GM related to the amended Part-21.

Planning of the deliverables for 'NPA 2' is related to revision of BR.

The NPA drafting process should follow the one applied for NPA 2015-08 'Light Part-M'³, meaning that the requirements should be proportional to the associated risks of the lighter end of the GA community, and as clear and simple as possible in order to facilitate implementation.

5. Profile and contribution to the rulemaking task (task force)

Due to the urgency, the tight time frame and complexity of interfaces with other tasks, RMT.0689 will be treated as an Agency task supported by a task force.

The detailed drafting of the corresponding amendments to the requirements will be performed by the Agency which shall ensure coordination with other RMTs impacting on this work and interface with its other technical disciplines. The Agency will provide updates on the progress of the work to its Advisory Bodies. The Agency will consider the organisation of a public workshop with stakeholders and national aviation authorities in order to consult them on the envisaged amendments.

Although the detailed drafting will be performed by the Agency, final workshops shall be organised by the Agency in order for the task force members to have the opportunity to review the final content of the draft proposed requirements (EASA opinion).

The Agency will pursue work with the support of a task force. The task force will provide:

- recommendations to the Agency on the issues to be addressed and its resolution; and
- recommendations on how to amend the existing requirements as well as on the drafting of the NPA (including the impact assessment), the comment-response document (CRD), the opinion, and the decisions.

The taskforce shall comprise of experienced experts from small companies involved in design and production of very small aircraft and from national aviation authorities with adequate experience in the oversight of small organisations and approval of risk-based operations.

Task force members are invited to liaise within their organisation or authority with regard to the identified issues and the proposed solutions. For specific issues additional experts could be invited for task force meetings, consultations and support or drafting of material.

6. Annex I: Reference documents

6.1. Affected regulations

Commission Regulation (EU) No 748/2012 of 03/08/2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations.

³ <http://www.easa.europa.eu/system/files/dfu/NPA%202015-08.pdf>



6.2. Affected decisions

AMC & GM to Part-21 Issue 2⁴

6.3. Reference documents

— General Aviation Road Map⁵

⁴ <http://easa.europa.eu/document-library/acceptable-means-of-compliance-and-guidance-materials/group/part-21---airworthiness-and-environmental-certification#group-table>

⁵ <http://easa.europa.eu/easa-and-you/general-aviation/general-aviation-road-map>

