

EXPLANATORY NOTE¹

I. General

Background

1. On 27 September 2002, Regulation (EC) No 1592/2002 of 15 July 2002 ("Basic Regulation") entered into force.² In addition the Commission has adopted the necessary rules for the implementation of the Basic Regulation for the certification and the continuing airworthiness of products, parts and appliances.³

2. As a body of the European Community, the Agency exercises powers for the implementation of the Basic Regulation. The Agency shall, where appropriate, issue certification specifications (CS), including airworthiness codes and acceptable means of compliance (AMC), as well as guidance material (GM) for the application of the Basic Regulation and its implementing rules.

Agency measures

3. To facilitate the necessary regulatory uniformity, CS are used to demonstrate compliance with the Basic Regulation and its implementing rules.

These include, in particular:

- airworthiness codes, which are standard technical interpretations of the airworthiness essential requirements contained in Annex I to the Basic Regulation; and
- acceptable means of compliance, which are non-exclusive means of demonstrating compliance with airworthiness codes or implementing rules.

4. AMC have thus roughly the same meaning as under the JAA system. They illustrate a means, but not the only means, by which a specification contained in an airworthiness code or a requirement of an implementing rule can be met. Satisfactory demonstration of compliance using a published AMC shall provide for presumption of compliance with the related specification or requirement. They are a way to facilitate certification tasks for the applicant and the competent authority.

5. GM is issued by the Agency to assist in the understanding of the Basic Regulation, its implementing rules and CS.

¹ For information purposes only.

² Regulation (EC) No 1592/2002 of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, OJ L240/1 of 7 September 2002;

³ Commission Regulation (EC) No 1702/2003 of 24 September 2003 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations, OJ L 243, 27.09.2003, p. 6; and Commission Regulation (EC) No xxx/2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks (awaiting publication). These Regulations include Part 21 and the Parts M, 145, 147, 66 respectively.

Consultation on draft proposal

6. The AMC and GM to Part 21 have been subject to consultation⁴ in accordance with Article 43 of the Basic Regulation and Article 15 of the rulemaking process established by the Agency's Management Board.⁵

7. The Agency has addressed and responded to the comments received. The responses are contained in a "Comment Response Document" (CRD), which is available on the Agency's web-site.

Use of "must" and "should"

8. The difference between AMC and GM is currently reflected through the use of the terms "must" and "should" respectively. This is explained by the need to distinguish within the same document between acceptable means of compliance to the requirements of Part 21 and purely interpretative provisions, and to do away with inconsistencies of usage under the JAA system. It is also felt important for the Agency to control better the processes leading to certification.

9. This matter remains, however, subject to further Agency review. With regard to the format and lay-out, the Agency intends to develop its own "drafting convention" on the structure and format of its own measures in order to improve their quality.

Publication

10. The full text of the acceptable means of compliance and guidance material to Part 21 are for the time being only available in PDF format at "www.easa.eu.int". For more information, please contact the Agency at the following address:

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Rue de Geneve 12
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II. AMC and GM to Part 21

Content and structure

11. The content of the AMC and GM to Part 21 is based on the body of existing JAA material, including known Notices of Proposed Amendments and Temporary Guidance Material. The text has been adapted and further reviewed in the light of the final content of Part 21. These adaptations were kept to a minimum to ensure maximum continuity and provide for a seamless transition from an industry point of view. That also aimed at facilitating a timely consultation and adoption of the necessary measures.

12. Since these AMC and GM are inextricably bound up with Part 21, they follow the sequential order of Part 21. To provide unity of interpretation with Part 21 and

⁴ Consultation paper no. 4/2003-07-03 of 18 July 2003, available at www.easa.eu.int.

⁵ Decision concerning the Rulemaking procedure, adopted by the Management Board on 17 June 2003.

facilitate information comparison, no separate “Chapter” or “Book” for AMC and GM has been devised. Also the AMC and GM to the “EASA Forms” are not grouped as an Appendix but are to be found within the appropriate subparts of Sections A and B, relating to the use of the particular form.

13. Section A has for basis Section 2 of JAR 21. Section B has for basis the associated Joint Implementation Procedures used as a part of the JAA standardisation process. It should be noted that Section B relates only to those activities where either the Agency or the competent authority of a Member State can be involved and not those where only the Agency can be involved.

14. Certification specifications providing for acceptable means to demonstrate compliance with the noise and the emission requirements of 21A.18 of Part 21 are issued as CS-34 and CS-36.

EASA, 17 October 2003.