European Aviation Safety Agency

Terms of Reference

for rulemaking task RMT.0134 (27&29.029)

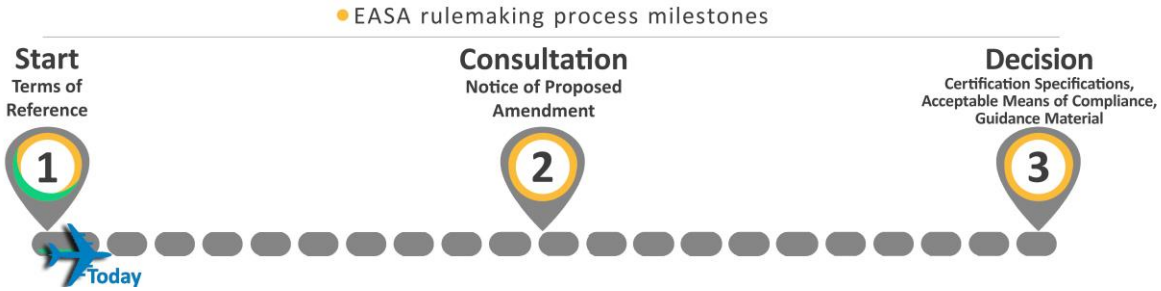
Regular update of rotorcraft AMC

ISSUE 2

Issue/rationale

The EASA rotorcraft certification specifications (CS-VLR, CS-27 and CS-29) are unique in the EASA regulatory framework in which the acceptable means of compliance (AMC) contained in Book 2 of the certification specifications (CS-VLR, CS-27 and CS-29) directly refer to the respective FAA Advisory Circulars (ACs). The FAA regularly reviews and updates the advisory circular (AC) material to maintain their relevance and improve the certification process. There is a need for EASA to keep abreast of these changes in order to ensure that they can be accepted as AMC in Book 2 of the CSs.

Action area:	Regular Updates		
Affected rules:	CS-VLR, CS-27 and CS-29		
Affected stakeholders:	Manufacturers		
Driver:	Efficiency/Proportionality	**Rulemaking group:**	No
Impact assessment:	None	**Rulemaking Procedure:**	Standard



20.10.2010 (ToR Issue 1) **11.9.2017 (ToR Issue 2)**	**2017/Q3**	**2017/Q4**

1. Why we need to change the rules — issue/rationale

There is a need to maintain and update the AMC to the certification specifications for rotorcraft on a regular basis to ensure that they reflect the latest technological developments and accepted certification practices. This ensures that the AMC remains relevant for the certification of modern rotorcraft.

The EASA rotorcraft certification specifications (CS-VLR, CS-27 and CS-29) are unique in the EASA regulatory framework in which the AMC contained in Book 2 of the CSs directly refer to the respective FAA Advisory Circulars (ACs). FAA AC 27-1B has been adopted by EASA as Book 2 to CS-VLR and CS-27, and AC 29-2C has been adopted as Book 2 to CS-29.

The FAA regularly reviews and updates the AC material to maintain their relevance and improve the certification process. The direct reference to the FAA ACs has the advantage of providing a degree of harmonisation with the FAA, which considerably benefits the rotorcraft community. There have been a number of recent updates to the FAA ACs which need to be considered by EASA in order to maintain this alignment. It is important that prior to formally adopting any changes to the FAA ACs into the EASA certifications specifications any potential effects of the changes are assessed and, where necessary, specific AMC is developed by EASA.

For future FAA AC amendments there are also considerable benefits to be gained from having EASAs views (together with those of European stakeholders) being taken into account during the development of the FAA ACs. EASA aspires to maximise its involvement in the development or updating of the FAA ACs by working collaboratively with the FAA and other certification authorities.

Where the agreement to the same text for an AMC between certification authorities is not practical due to either significant technical differences or different operational regulations, the objective would be to minimise and clearly describe any differences in Book 2 (AMC) of the relevant CS.

It should be noted that there are no:

— safety recommendations pertinent to the scope of this RMT;
— exemptions pertinent to the scope of this RMT;
— relevant AMC considerations;
— direct references to ICAO Standards and Recommended Practices; and
— references to EU regulatory material relevant to this RMT.

2. What we want to achieve — objectives

The overall objectives of the EASA system are defined in Article 2 of Regulation (EC) No 216/2008[1]. This RMT will contribute to the achievement of the overall objectives by addressing the issues outlined in Section 1.

The specific objective of this proposal is to improve efficiency between the FAA and EASA by minimising the differences between the EASA CS-VLR, CS-27 and CS-29 AMC and the FAA ACs. This will be achieved by:

[1] 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).

— reducing the gap between the AMC to EASA CS-VLR, CS-27 and CS-29 AMC and the latest version of the published FAA ACs; and
— minimising any future differences by directly participating to the development of new material for inclusion in the FAA ACs.

This task also aims to clearly stipulate what EASA considers to be AMC and amend any AMC that has been found during certification activities to be either incomplete, misleading, outdated or not reflect the latest accepted certification practices. This will have the benefit of providing clarity to industry of what is expected from them during the certification of rotorcraft products.

The task does not cover AMC developed in association with new or revised provisions in Book 1 of the CSs. These will be developed under separate and distinct rulemaking activities. However, once developed, any AC/AMC material may be included in the update to the AMC contained in Book 2 of the CSs or possibly in AC 27-1B and AC 29-2C

3. How we want to achieve it

The objectives in Section 2 will be achieved by the following working methods:

Working method 1: Review of existing differences

— For changes that have already been introduced by the FAA into AC 27-1B and AC 29-2C, a detailed technical review will be conducted to establish if they can be accepted as AMC to CS-VLR, CS-27 and CS-29.

— Where the acceptance of a change to AC 27-1B and AC 29-2C is not possible, then suitable AMC text will be developed for inclusion in Book 2 of CS-VLR, CS-27 and CS-29.

— This activity will be achieved using EASA expert review groups with input from external stakeholders where it is considered to be necessary.

Working method 2: Collaborative development of AC/AMC with the FAA (and other authorities)

— EASA will work in conjunction with the FAA (and other Authorities) to develop and draft and refine material for AC 27-1B and AC 29-2C in order to maximise the level of harmonisation.

— This activity will be achieved using focused collaborative groups of experts from EASA and FAA and other Authorities.

— If necessary, a further review of changes that have already been introduced by the FAA into AC 27-1B and AC 29-2C could be conducted with the aim of working collaboratively to minimise any existing differences for future amendments of AC 27-1B and AC 29-2C.

4. What are the deliverables

The deliverables of this RMT are:

— An NPA that contains the proposed changes to the AMC of CS-VLR, CS-27 and CS-29

— An ED Decision amending CS-VLR, CS-27 and CS-29

Due to the nature of some elements of this task (non-complex, non-controversial, and mature) EASA may elect to use either the direct (Article 16) or accelerated (Article 15) special rulemaking procedure as described in the EASA Rulemaking Procedure[2].

5. Reference documents

5.1. Affected decisions

— Executive Director Decision ED Decision 2003/017/RM of 14 November 2003 amending Certification Specifications and Acceptable Means of Compliance for Very Light Rotorcraft (« CS-VLR »)

— Executive Director Decision 2003/15/RM of 14 November 2003 amending Certification Specifications and Acceptable Means of Compliance for Small Rotorcraft (« CS-27 »)

— Executive Director Decision 2003/16/RM of 14 November 2003 amending Certification Specifications and Acceptable Means of Compliance for Large Rotorcraft (« CS-29 »)

5.2. Reference documents

— FAA Advisory Circular AC 27-1B

— FAA Advisory Circular AC 29-2C

[2] EASA is bound to follow a structured rulemaking process as required by Article 52(1) of Regulation (EC) No 216/2008. Such a process has been adopted by the EASA Management Board (MB) and is referred to as the 'Rulemaking Procedure'. See MB Decision No 18-2015 of 15 December 2015 replacing Decision 01/2012 concerning the procedure to be applied by EASA for the issuing of opinions, certification specifications and guidance material (http://www.easa.europa.eu/the-agency/management-board/decisions/easa-mb-decision-18-2015-rulemaking-procedure).