



## SIDE MEETING 2

# Level of Involvement Implementation

Damian Kocjancic, Senior DOA Team Leader

Marie Bourgueil, DOA Team Leader

**PART 21 WORKSHOP**

**November 26<sup>th</sup> 2024**

**Your safety is our mission.**

An Agency of the European Union 

# Level of Involvement - Objectives

- A risk-based approach to the Agency's compliance verification in Part 21
  - to focus resources on certification aspects that pose higher risks
- To initiate the implementation of ICAO Annex 19 - SMS
- Objective criteria and transparent processes to ensure
  - increased efficiency
  - controlled processes
  - equal treatment of applicants



# Level of Involvement - Objectives

- A risk-based approach to the Agency's compliance verification in Part 21
  - **to focus resources on certification aspects that pose higher risks**
- A reduction of EASA involvement might be a result of this risk based approach but it is not its intent.



# LOI Determination

- Applicants **proposal** and justification per CDI for
  - Novelty
  - Complexity
  - Criticality
  - Panel-specific design organisation performance
  - Risk Class
  - EASA retained compliance data and compliance activities
- If EASA do not agree with the proposal
  - EASA to **determine**, record and notify the changed values from EASA perspective

# LOI Determination

→ There are only 2 steps:

→ Proposal by the Applicant

→ helping means to identify higher risk areas

→ Determination by EASA

→ The EASA involvement is an EASA decision

→ The applicant has no possibility to appeal the Agency's LOI determination

# Level of Involvement – overview of rules

Application for	Applicant's Δ duties		Agency's Δ duties	
a new TC/RTC	Risk assessment per (meaningful grouping of) compliance demonstration activities and data and LOI proposal	21.A.15(b)(5)(6)	Establish and notify the LOI	21.B.100(a) and (c)
a major change		21.A.93 (b)(3)(ii)(iii)		
a major repair		21.A.432C(b)(6)(7)		
an STC		21.A.113(b)(i)		
an APU ETSO		21.A.604(a), 21.A.15		
a minor change/repair	./.			21.B.100 (b) and (c)
others ETSOs				

# Feedback in 2022

- EASA member states applicant's survey result
  - 42% are not satisfied with the implementation of the LOI requirements
    - Difficulty in getting feedback and performance ratings from experts
    - Lack of clear guidelines for experts on what feedback and ratings are required.
    - Lack of consistency in the application of the LOI process by EASA personnel, and the lack of clear guidelines for EASA staff on how to implement the LOI process.
    - The LOI process adding complexity and bureaucracy to the certification process, and not providing clear benefits.

# LOI Training

Additional LOI Training provided to all PCMs and Experts  
in September 2023

# LOI Related Clarifications

## 21.A.9 Access and investigation (previously 21.A.257)

→ Any natural or legal person that holds or has applied for a type-certificate, restricted type-certificate, supplemental type-certificate, ETSO authorisation, design change or repair approval, certificate of airworthiness, noise certificate, permit to fly, design organisation approval, production organisation approval certificate or letter of agreement under this Regulation, shall:

(a) grant the competent authority **access to any facility, product, part and appliance, document, record, data, process, procedure or to any other material in order to review any report, make any inspection, or perform or witness any flight and ground test, as necessary, in order to verify the initial and continued compliance of the organisation with the applicable requirements of Regulation (EU) 2018/1139 and its delegated and implementing acts;**

(b) make arrangements to ensure the competent authority has access, as provided for in point (a), also in respect of the natural or legal person's partners, suppliers and subcontractors.

# LOI Related Clarifications

21.A.9 Access and investigation (previously 21.A.257)

- The approved design organization is responsible of the compliance demonstration and compliance verification regardless of the EASA involvement
- EASA involvement is an oversight function applied for higher risk areas
- Data provided to EASA for information: no expected feedback
- Data retained by EASA: EASA to provide feedback

# LOI Related Clarifications

- The acceptance of the proposed certification programme includes all required content items as per Part 21. This includes the EASA involvement; there are no dedicated EASA acceptances for all content items.

# LOI Related Clarifications

- Statement that “*most CDIs would be considered as «complex» and «critical», especially for projects that are not simple major changes*” is in contradiction with EASA experience
- CDIs are often grouped in a way that the majority is not-critical
- For major changes, the complexity of the change should be taken into account, rather than the complexity of the original system.
- Complexity
  - requirements of a subjective nature, i.e. they require a qualitative assessment, and do not have an explicit description of the means of compliance with that requirement
  - the means of compliance are not a common and accepted practice; this is typically the case where the requirement uses terms such as ‘subjective’, ‘qualitative’, ‘assessment’ or ‘suitable’/‘unsuitable’
  - test for which extensive interpretation of the results may be anticipated;
  - analysis that is sensitive to assumptions and could potentially result in a small margin of safety.

# Benefits of LOI Process

- Assessed and determined EASA involvement at the beginning of the project ensures
  - early awareness and technical familiarization,
  - early clarification and acceptance of the applicable certification basis and its means and methods of compliance
  - predictability of the certification process
  - avoidance of late “surprises”, i.e. late
    - identification of witnessing
    - additional certification requirements
    - different interpretation how to demonstrate compliance



**Thank you for your participation and attention.**

[easa.europa.eu/connect](https://easa.europa.eu/connect)



**Your safety is our mission.**

An Agency of the European Union 