



NOTICE OF PROPOSED AMENDMENT (NPA) No 2008-XX

DRAFT DECISION OF THE EXECUTIVE DIRECTOR OF THE EUROPEAN AVIATION
SAFETY AGENCY

AMENDING

DECISION NO. 2003/1/RM OF THE EXECUTIVE DIRECTOR OF THE EUROPEAN
AVIATION SAFETY 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")

"Categories Certificate of Airworthiness"
Certificate of Airworthiness categories

Comment [CPR1]: is that
the right terminology?

Comment [PC02]: As an
alternative

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B. DRAFT OPINION AND DECISION 6

I DRAFT DECISION AMC & GM FOR PART-21	ERROR! BOOKMARK NOT DEFINED.
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A. Explanatory Note

I. General

1. The purpose of this Notice of Proposed Amendment (NPA) is to envisage amending Decision 2003/1/RM of the Executive Director of 17 October 2003². It is a follow-up of the 2005 ICAO Audit and aims at closing the finding then made by ICAO about the need to indicate in the certificate of airworthiness the airworthiness code that was used for the approval of the aircraft design.
2. The Agency is directly involved in the rule-shaping process. It assists the Commission in its executive tasks by preparing draft regulations, and amendments thereof, for the implementation of the Basic Regulation³, which are adopted as "Opinions" (Article 19(1)). It also issues Certification Specifications, including Airworthiness Codes and Acceptable Means of Compliance and Guidance Material to be used in the certification process (Article 19(2)).
3. When developing rules, the Agency is bound to following a structured process as required by Article 52(1) of the Basic Regulation. Such process has been adopted by the Agency's Management Board and is referred to as "The Rulemaking Procedure"⁴; it foresees in particular a simplified procedure for the issuing of Guidance Material.
4. The AGNA and SSCC have been informed of the development of this guidance material as the generic task on guidance material envisaged by article 3 programming of the rulemaking procedure has not been implemented in 2008. As the task is actually using the words from a letter sent to Member States in 2004, the task is not complex and does not justify a group. In accordance with the rulemaking procedures (article 4.4) no preliminary Regulatory Impact Assessment and no Terms Of Reference was required. A simple justification explaining the origin of the task and why it complies with the definition of guidance material has been produced in accordance with article 5.4 of the rulemaking procedure.
5. The text of this NPA has been developed by the Agency. It is submitted for consultation of all interested parties in accordance with Article 52 of the Basic Regulation and Articles 5(3) and 6 of the Rulemaking Procedure.

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Comment [CPR3]: I do not understand this sentence..

Comment [CPR4]: Strange justification..

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Comment [CPR5]: do we need to paraphrase the "light procedure"? Isn't it sufficient to just explain why it is applicable?

II. Consultation

² Decision No 2003/1/RM of the Executive Director of the Agency of 17.10.2003 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"), last amended by Decision No 2007/12/R of the Executive Director of the European Aviation Safety Agency of 22.11.2007.

³ 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).

⁴ Management Board decision concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications and guidance material ("Rulemaking Procedure"), EASA MB 08-2007, 13.6.2007

6. To achieve optimal consultation, the Agency is publishing the draft opinion and decision of the Executive Director on its internet site. Comments should be provided within 3 months in accordance with Article 6(4) of the Rulemaking Procedure. Comments on this proposal should be submitted by one of the following methods:

CRT: Send your comments using the Comment-Response Tool (CRT) available at <http://hub.easa.europa.eu/crt/>

E-mail: In case the use of CRT is prevented by technical problems these should be reported to the [CRT webmaster](mailto:CRT_webmaster@easa.europa.eu) and comments sent by email to NPA@easa.europa.eu.

Correspondence: If you do not have access to internet or e-mail you can send your comment by mail to:
Process Support
Rulemaking Directorate
EASA
Postfach 10 12 53
D-50452 Cologne
Germany

Comments should be received by the Agency before **XX Month 2008**. If received after this deadline they might not be taken into account.

III. Comment response document

7. All comments received in time will be responded to, and incorporated, in a comment response document (CRD). The CRD will be available on the Agency's website and in the Comment-Response Tool (CRT). **In accordance with article 8.3 of the rulemaking procedure, the Agency will issue at the same time its final decision.**

IV. Content of the draft opinion/decision

8. The finding AIR 01 of the **2005** Agency's **ICAO** audit, was relative to the lack of indication of the applicable airworthiness code for each aircraft on the EASA Form 25 - Certificate of airworthiness. The same finding is likely to have been made during audits of Member States. **This may be due to the fact that no guidance material has been furnished to explain the purpose of the block called "categories" (Block 4) in the Form 25 mandated by Commission Regulation 1702/2003 and provide clear instructions for its use.**
9. **To compensate for that mishap, the Agency sent a letter to National Authorities on 16 March 2004 to provide, inter alia, for the necessary clarifications⁵; that letter also indicated that the related material would be added to GM 21B.325(a) at a next opportunity. It is proposed then in the present NPA to do so now by amending the said Guidance Material as specified in the attached amending decision.**
10. **The purpose of that act is to provide an explanation of the word "categories". Such an explanation meets the definition of guidance material as specified in the Rulemaking Procedure:**

Guidance material means non-binding material that helps to illustrate the meaning of an implementing rule or a certification specification and which does not provide presumption of compliance when used in the certification process

⁵ **It should be noted that the letter contained other guidance than the categories for certificate of airworthiness but this has been left out of this NPA to avoid confusion.**

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Form 25 contains a block called categories (Block 5). No guidance material has been furnished relative to the purpose of this block.¶

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Deleted: It should be noted that the letter contained other guidance than the categories for certificate of airworthiness but they have been left out of this NPA to avoid confusion.¶
Guidance material is defined as follows in the rulemaking procedure: *non-binding material that helps to illustrate the meaning of an implementing rule or a certification specification and which does not provide presumption of compliance when used in the* ... [1]

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It is therefore legitimate to do so by amending the above mentioned Guidance Material.

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Therefore this present guidance material will be added to the referenced GM

V. Regulatory Impact Assessment:

Not applicable in the case of guidance material.

DRAFT

B. DRAFT OPINION AND DECISION

The text of the amendment is arranged to show deleted text or new text as shown below:

- deleted text is shown with a strike through: ~~deleted~~
- new text is highlighted with grey shading: **new**
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Indicates that remaining text is unchanged in front of or following the reflected amendment.

I Draft decision AMC & GM for Part 21

Add a new paragraph 4 to GM 21B.325(a) to read:

4 categories Certificate of Airworthiness:

Airworthiness Code used for Certification	C of A category (Block 4)
CS-VLA	Very Light Aeroplane
CS-VLR	Very Light Rotorcraft
CS-22	Sailplane or Powered Sailplane-Utility and/or Aerobatic Category
CS-23	Normal, Utility, Aerobatic or Commuter Category Aeroplane
CS-25	Large Aeroplane
CS-27	Small rotorcraft
CS-29	Large rotorcraft
CS-30N	Normal and/or Commuter Category Airship
CS-30T	Transport Airship
CS-31HA	Hot-Air Airship
CS-31HB	Hot Air Balloon
CS-31GB	Free gas Balloon
CS-31TGB	Tethered Gas Balloon

When an aircraft has been certificated in more than one category, all categories should be referenced. For those aircraft certificated in accordance with a national code, which does not reference a category equivalent to those specified in the above table, the Type certificate data Sheet reference determined in accordance with 1702/2003 Article 2(3)(a) should be specified in block 4.

Comment [CPR6]: as there are none, can we do so? Y- This was OPK in 2004 when we still had great ambitions... but what about now?

Comment [PC07R6]: I recommend to keep them as we still intend to issue codes for all of them. It is also good to indicate the available categories for nationally certified balloons/airships.

Comment [CPR8]: This is nikt very clear... can we say a bit more? What about balloons?

Comment [PC09R8]: This is the text of the letter and I never had a question on this.

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It should be noted that the letter contained other guidance than the categories for certificate of airworthiness but they have been left out of this NPA to avoid confusion.

Guidance material is defined as follows in the rulemaking procedure: *non-binding material that helps to illustrate the meaning of an implementing rule or a certification specification and which does not provide presumption of compliance when used in the certification process.*

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This guidance material is not used in the certification process