



Terms of Reference

for rulemaking task RMT.0727

Alignment of Annex I (Part 21) to Regulation (EU) No 748/2012 with Regulation (EU) 2018/1139 (including simple and proportionate rules for General Aviation)

ISSUE 1

Issue/rationale

Regulation (EU) No 748/2012 and its Annex I (Part 21) implemented the essential requirements established in Regulation (EC) No 216/2008 that pertain to airworthiness and environmental protection. Regulation (EC) No 216/2008 has been repealed and replaced by a new legal act, namely Regulation (EU) 2018/1139.

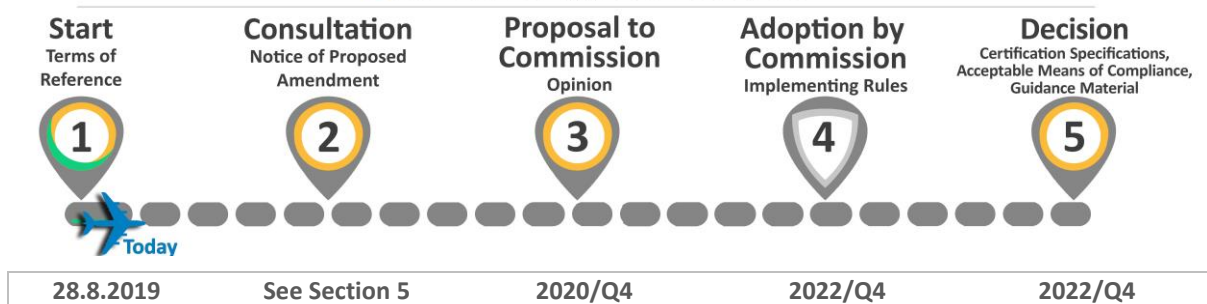
The objective of this rulemaking task (RMT) is to conduct a comprehensive review of Regulation (EU) No 748/2012 and its Annex I (Part 21) with a view to aligning them with Regulation (EU) 2018/1139. This RMT will implement the new airworthiness requirements set forth in Regulation (EU) 2018/1139. This will be achieved by amending the existing requirements in Regulation (EU) No 748/2012 and its Annex I (Part 21), where the essential requirements have changed from Regulation (EC) No 216/2008 to Regulation (EU) 2018/1139.

In particular, this RMT will:

- (a) revisit whether the existing rules correspond to the nature and the risk levels of the activities, and if not and where appropriate, allow the application of a proportionate approach to the approval of airworthiness products, parts and equipment. This aspect will, in particular, take into account the various risk levels that exist in General Aviation (GA) in the initial airworthiness process, and it is intended to reduce the administrative burden and its associated costs, while at the same time support innovation in GA;
- (b) define the scope, conditions and process for the certification of ‘non-installed equipment’ (NIE), while ensuring a proportionate approach to the certification of this type of equipment that takes into consideration the safety risk;
- (c) implement any necessary changes to the environmental certification of aircraft and their engines, propellers, parts and NIE; and
- (d) consider revisiting other conceptual, regulatory or wording changes that stem from Regulation (EU) 2018/1139.

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|-------------------------------|---|------------------------------|----------------------|
| Action area: | General Aviation (GA) | | |
| Affected rules: | Commission Regulation (EU) No 748/2012 and its Annex I (Part 21), and related Acceptable Means of Compliance (AMC) and Guidance Material (GM) | | |
| Affected stakeholders: | Design organisation approval (DOA) holders; production organisation approval (POA) holders; competent authorities (CAs) including EASA | | |
| Driver: | Safety | Rulemaking group: | No |
| Impact assessment: | Light | Rulemaking Procedure: | Accelerated/Standard |

EASA rulemaking process milestones



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

After the repeal of Regulation (EC) No 216/2008¹ and its replacement by Regulation (EU) 2018/1139² ('Basic Regulation'), Regulation (EU) No 748/2012³ and its Annex I (Part 21) are no longer fully aligned with the Basic Regulation.

Various aspects need to be revisited, such as the new concept of 'non-installed equipment' (NIE), environmental certification, the possibility to certify engines and propellers as part of the aircraft type design, the availability of new tools to ensure proportionality, and the deletion of some outdated terms/concepts.

In addition, the current Part 21 rules do not provide sufficient proportionality to the nature and risks associated with certain products and activities, such as aircraft used for sports and recreational purposes and certain NIE. As a consequence, the certification costs and the associated administrative burden are high for the small-aircraft community, who is the least able to bear them. In a similar manner, the administrative overhead and costs to developers and manufacturers of low-risk NIE should be avoided as this may hamper innovation and be a barrier to innovative companies entering the market.

2. What we want to achieve — objective

The overall objectives of the EASA system are defined in Article 1 of the Basic Regulation. This project will contribute to the achievement of the overall objectives by addressing the issues outlined in Chapter 1.

The specific objective of this RMT is to align Regulation (EU) No 748/2012 and its Annex I (Part 21) with the Basic Regulation. A particular focus will be placed on introducing simplified rules that will enable the application of a proportionate approach for products that are considered to pose less risk when compared with other more complex products. This RMT intends to achieve a reduction in the administrative burden and its associated costs, while at the same time support innovation in the GA sector and in some NIE sectors.

3. How we want to achieve it

This RMT will establish the most appropriate means to implement the new requirements in the Basic Regulation that relate to Part 21 (as well as the associated AMC and GM), including maximising the potential benefits of these changes, such as the introduction of a proportionate regulatory system for GA. This will be achieved by considering:

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, 19.3.2008, p. 1).

² Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1565878512240&uri=CELEX:32018R1139>).

³ Commission Regulation (EU) No 748/2012 of 3 August 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 (OJ L 224, 21.8.2012, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1565878628409&uri=CELEX:32012R0748>).

- (a) the simplification of the requirements and processes that an applicant must follow to achieve type certification for a simple product that poses lower risk within a limited scope;
- (b) the adaption of the requirements and processes in order to provide, for a limited scope, a viable alternative to type certification for simple aircraft that pose lower risks and are only intended to be used for sports and recreational purposes;
- (c) the use to the greatest extent practicable of recognised industry standards as a means to demonstrate compliance with the requirements;
- (d) the possibility for organisations involved in the design and production of simple products to use a declaration to attest their design or production capabilities and compliance with the relevant organisational requirements;
- (e) a change in the involvement and relationship between EASA, the competent authority and organisations involved in the design and production of simple products;
- (f) the need to adapt other related EASA regulations as necessary to ensure consistency and enable the introduction of any concepts that are developed; and
- (g) a comprehensive review of 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 organisations and the related GM and AMC in the light of the changes introduced by the Basic Regulation. These elements include but are not limited to the new concept of NIE, environmental certification, the deletion of outdated terms/concepts (e.g. appliances), and the possibility to include engines and propellers in the aircraft type certificate.

4. What are the deliverables

The deliverables of this RMT are:

- (a) a notice of proposed amendment (NPA) with draft implementing rules, AMC and GM; there will also be focused consultation workshops with stakeholders and discussion of draft proposals, as appropriate;
- (b) an opinion that contains proposed amendments to Regulation (EU) No 748/2012 and its Annex I (Part 21); and
- (c) a decision that contains the associated AMC and GM to the amended Regulation and its Annex I (Part 21).

5. How we consult

As the opinion will address a number of very different subjects, which will affect different stakeholders, EASA will employ various consultation mechanisms before developing the opinion. The consultation mechanisms will correspond to the nature of the respective proposal and the affected stakeholders. EASA will ensure a high level of transparency by continuously informing stakeholders about which consultation mechanism is employed for which parts of the proposal, in order to give all the interested stakeholders the opportunity to comment on the proposals. In particular, the following is planned:



For GA proportionality elements:

Due to the nature of these proposals, EASA will use the ‘accelerated rulemaking procedure’ as described in Article 16 of the EASA Rulemaking Procedure⁴.

EASA will perform focused consultations, which may include:

- (a) technical meetings with the affected stakeholders;
- (b) technical workshops;
- (c) conferences (including teleconferences);
- (d) technical meetings with the advisory bodies (ABs);
- (e) focused consultation on key issues either via surveys or by sharing documents by email with a limited group of stakeholders; and/or
- (f) written consultations with the ABs.

For the other elements:

A public consultation of an NPA is expected to take place in 2019/Q4, in accordance with Article 7 of the Rulemaking Procedure. In addition, depending on the nature and scope of the topics proposed, dedicated workshops with the affected stakeholders may be arranged to discuss the proposed concepts and ideas.

6. Interface issues

n/a

⁴ EASA is bound to follow a structured rulemaking process as required by Article 115(1) of Regulation (EU) 2018/1139. 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>).

7. Reference documents

7.1. Affected regulations

- Commission Regulation (EU) No 748/2012 of 3 August 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 (OJ L 224, 21.8.2012, p. 1)

7.2. Related regulations

- Commission Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1)

7.3. Affected decisions

- Decision N° 2012/020/R of the Executive Director of the Agency of 30th October 2012 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') repealing Decision No 2003/01/RM of the Executive Director of the Agency of 17 October 20035

⁵ <https://www.easa.europa.eu/document-library/agency-decisions/ed-decision-2012020r>

