

## NPA 21-20

### Addition to NPA 21-5; JAR-21 Catching-Up of Existing Products

#### Comment/Response Document

##### Comments

###### CAA Denmark

1. Agrees

###### RLD Netherlands

2. No comments

###### CAA Hungary

3. Agrees

###### Brittannia Airways

4. General comment: If ANDR's are to be included in Joint Certification Procedures, we believe there is a need for explanatory / guidance material  
Reason: If interpretation of the requirement is left to the individual Aviation Authorities this may lead to unfair competition.  
*Response: The ANDR's are already in existence in the country concerned, and are already applied. They will only be applied in that country and are not part of joint procedures. There is no need for joint guidance or explanations.*

###### Austro Control

5. Accepts

###### Boeing Commercial Airplane Group

6. No comments

###### JAR-21 WG

7. In the proposed NPA 21-20, 'additional national design requirements - ANDR's' are mentioned and additionally named 'national variants'. This is not the case in NPA 21-5, where no 'national variants' appear, and we fear that this inconsistency may create confusion with respect to the status of 'basically caught-up products NPA 21-5' and jointly certificated and caught-up products NPA 21-20' where there should not be any difference in essence.  
*Response: There is a significant difference between the caught-up products according NPA 21-5, and the jointly certificated products as listed in NPA 21-20, in that the type certification bases for the former are jointly agreed without any national variants, but the TC bases for the latter are agreed with some national variants.  
As JAA Data Sheets exist for the products, reference to them has been preferred to the original reference to A&G M. JAA Data Sheet contain in full or by cross-reference, the information necessary to determine the applicable requirements for each product.*

###### AECMA / Airbus Industrie

8. While the JAA were able to agree on a common certification basis, without additional national design requirements (ANDR's), for aircraft that had been previously certificated under national

procedures (NPA 21-5), it is surprising that products certificated under joint procedures may still be subject to ANDR's.

If some ANDR's are technically justified, they should be adopted by all JAA members, and the joint certification basis should be amended accordingly. If they are not justified, they should be deleted. Each case should be reviewed by the Catch-Up Task Force, or by another ad hoc body.

Additional national design requirements are obstacles to the European Union's fundamental principles of free movement of goods, persons and services, fair competition, and mutual recognition of products.

*Response: See also response to comment No. 7. The ultimate responsibility for issuing a Type Certificate is not with the JAA, but with the national authorities. After the certification/validation process, all JAA NAA are requested to issue TC's (or equivalent) according with JAA Data Sheet. If a NAA decides not to accept the JAA proposed TC basis then under the JAA system they have the possibility to add ANDR's. The JAA Data Sheet contain the adequate reference to identify the ANDR as they were established during the certification/validation process.*

## CAA-UK

9. The decision as to whether engines of caught-up aircraft are considered as caught-up with the aircraft type or caught-up in their own right is not clear from the explanatory note. The note (\*\*) on page three of the proposal is also confusing in this respect.

It is the CAA's understanding that engines are only caught-up with the aircraft type.

*Response: At the adoption of the NPA 21-5 the JAAC agreed that the engines and propellers of the caught up aircraft have to be considered as caught up in their own right. The same approach was initially chosen for NPA 21-20 but the CC reconsidered this initial position due to the fact that most of the engines of jointly type certificated aircraft have also been subject to joint type certification process. Their inclusion in the NPA 21-20 will interfere with the process of catching-up other products and create a non-equal approach. The CC decided to include in NPA 21-20 only airplanes and leave to a next NPA other jointly type certificated/validated products as well as engines and propellers installed in jointly type certificated products but not subject to joint type certification/validation due to the absence of a JAA procedure at that time. The list circulated by NPA 21-20 remains unchanged.*

10. As a matter of principle, proposals should be complete when presented as an NPA. This is partly to ensure that there are no editorial errors included in the NPA which can change the intent of the text.

*Response: Agreed. However in this case it was intended to have the result of this NPA ready at the same time as the result of NPA 21-5, to allow publication of all elements of Catch-Up at the same time. The essential elements of the proposal were available, so it was expected that the absence of some details would not hinder a thorough consultation.*

11. List 3. UK & French National Variants

The UK and French additional requirement on "direct view" and "max. No of pax." are applicable only to the new generation Boeing 737. The aircraft type under the heading "Project" should therefore read "**Boeing 737NG**".

*Response: Agreed in principle. See 7 and 12.*

12. The use of the term "additional national design requirements" and the ANDR acronym are felt to be incorrect in this context and could lead to confusion. ANDR's are national requirements of a generic nature and are largely published in the JAA Administration and Guidance Material (Section 3 Part 4). National variants result from the application of the JAA Type Certification Basis plus ANDRs to a specific project. The reference in NPA 21-20 has now been changed to JAA Data Sheet. This allows for the identification of the appropriate differences.

*Response: Agreed.*

13. It is also recommended that the sub-heading "ANDR" be replaced by "Subject"

*Response: Agreed in principle. See 7 and 12.*

14. The use of a CRI reference is not felt to be appropriate in this document as CRIs are not normally available in the public domain. It is therefore recommended that all reference to CRIs should be deleted. Replace CRI A-2.3 alongside Dornier 328 with "Longitudinal Directional and Lateral Trim"

*Response: Agreed in principle. See 7 and 12.*