

NPA 21-21 – DOA Privileges

Comment/Response Document

1 General

By letter 07/03-3-2 99-L357 dated 15 December 1999, the NPA 21-21 has been circulated for comments to the Joint Steering Assembly and NPA Scheme subscribers. Comments have been received from 23 commentors from Industry and Authorities : AECMA, BDLI, P. Kluth (RAP), B. Schmaljohann (RAP), SBAC, Slingsby Aviation LTS, CAA Malta, CAA Hungary, CAA Denmark, British Airways Engineering, LFV Sweden, CAA UK, Transport Canada, DGAC France, ENAC Italy, MTU Maintenance GmbH, LBA Germany, Lufthansa Technik, Dassault Aviation, Austro-Control, Dornier, Agusta, Turbomeca.

The proposed NPA 21-21 was generally supported, and all comments received are quoted and answered below.

2 General comments

(13 comments)

AECMA (Mr. Jean-Pierre Fournier)

AECMA pressed JAAs to use NPA instead of TGMs. As NPA 21-21 is intended to supersede TGMs, JAAs' initiative is very welcomed.

AECMA concurs with the intents of NPA 21-21, as explained in the introductory note.

BDLI (JAR-21 Working Group of)

General support to the NPA 21-21, especially for the idea to have one single paragraph for summarizing the DOA privileges.

P. Kluth (RAP)

I support modifications contained in NPA 21-21 in their totality.

My only comment is about the Explanatory Note para 2.2: I am one of those who don't see the new wording of JAR 21.A263(b) as a delegation of power or whatsoever. Currently, without DOA, the applicant for a change already classifies it into "major" or "minor" per JAR 21.91, and the Authority accepts or refuses the proposed classification.

The difference when the applicant is a DOA holder, is that the Authority has only possibility to contest the classification (and the substantiation) of the change "a posteriori" through the DOA surveillance audits. But in both cases, the Authority keeps full control of the process.

B. Schmaljohann (RAP)

With regards to the discussions within the Regulation Advisory Panel we feel induced to the following comments:

1. JAR-21 has undergone the complete rulemaking process within JAA, is accepted by all member-countries and came into force by national law in several member countries. Due to this fact, we are surprised that one member country that did not object during the rulemaking process raises concerns against JAR 21.A263(b)(1) and (b)(2).

2. This is the more questionable as the further going NPA 21-8 concerning the privileges of obtaining approval of major repairs did not cause any objection from the same country. As a consequence NPA 21-8 had to be withdrawn, if the JAA considers the wording of JAR 21.A263(b)(1) and (2) as not acceptable.

3. In Germany some JAA approved design organisations already got the privileges according to JAR 21.A263(b)(1) and (2). Legal complications could be foreseen if the "minor modifications" privileges would be withdrawn.

SBAC (NSG Wright)

Explanatory Notes Para 2.2.

*The privilege of the DOA “to approve” minor changes **must** allow such modifications to be declared as a change approved under the Authority, even though this has been delegated through the DOA approval process. Anything less will not be effective when dealing with validations by Authorities outside the JAA.*

***Reason:** Specific request within the NPA.*

Slingsby Aviation LTS

Agree/Accept.

Department of Civil Aviation, Malta (M. J. Watson):

Agree/Accept.

Hungarian Civil Aviation Administration (F. Monus):

Agree.

CAA Denmark

Referring to your letter of 15 December 1999 on the above-mentioned subject, we are pleased to inform you that we support the NPA proposal as the whole idea of approving DOA is that the approval of minor changes lies with DOA.

Minor changes are all changes, which have no implication on the airworthiness.

British Airways Engineering

Please find attached comments on the above mentioned NPA. I agree with the changes described therein.

May I also draw your attention to the comments made as requested in item 3 of the comment form. They are made with reference to item 2.2. “Approval” of minor changes :

***‘Approval’ of Minor Changes.** Ref JAR 21.95(b) minor changes may be approved, through the use of procedures that have been agreed by the Authority. This implies that the NAA has satisfied itself that the DOA company meets the requirements necessary to ‘approve’ minor changes. The NAA will have exercised its powers in granting the DOA and the privileges that go with it.*

The DOA company ‘design group’ will be working to NAA approved procedures, the compliance with which will be independently monitored by the Design Assurance System. (JAR 21.A239).

Whilst the DOA company will use its privileges to ‘approve’ minor changes this will be done with the support of the NAA in so far as the NAA will inspect/investigate the DOA company at regular intervals in accordance with JAR 21.A257. If the NAA is not satisfied with the way in which the DOA company is exercising its approval it can within its power suspend/revoke the company’s approval. (JAR 21.A259).

I see this is a privilege extended to a company that has demonstrated it has the knowledge and expertise to follow and independently monitor compliance, with approved procedures. Not a delegation of NAA Authority.

LFV

We agree with the proposed NPA in general. We believe that is necessary to give DOA-holders the freedom to approve minor changes to Type Designs in accordance with the terms of the DOA and with the procedures agreed with the Authority. However, as the final responsibility to approve a Type Design and to issue a Type Certificate rests with the national Authority, we would like to submit a specific comment concerning JAR 21.A263(b) that will clarify this responsibility.[see below, under JAR 21.A263(b)]

CAA UK

The DOASCC should review the application of the affected requirements after one year to check for consistency in implementation.

Regarding paragraph 2.5 of the explanatory note, any proposal regarding MMEL privileges, must be checked and confirmed with NPA MMEL/MEL-1. (Also relevant to 6.3 of the explanatory note).

Transport Canada (Mr. M. Khouzam)

The subject NPA also cited differences of interpretation among JAA members on the legality and nature of privileges being proposed, and solicited comments from other national authorities on the nature of their delegation system. Under Canadian law, the Aeronautics Act is the highest legal instrument for all matters respecting aeronautics in Canada. This Act specifies the responsibilities, powers, duties, and functions of Canada's Minister of Transport. The Act also specifies that the powers, duties, and functions conferred to the Minister under the Act may be delegated to persons in fulfilling the Ministerial responsibilities, making that provision the legal basis for the Canadian delegation system. Therefore, the conduct of delegated persons or organizations in Canada is always on behalf of the Minister of Transport. Note, however, that the responsibilities under the Act always remain with the Minister – it cannot be delegated. We hope this information on our delegation system will be useful in your discussion.

Answer:

Comments noted.

3 JAR 21.91

(1 comment)

DGAC France

DGAC proposes to change the last sentence of this paragraph to read :

“All changes (major or minor) must be approved either by the Authority or by the appropriately approved design organisation in accordance with JAR 21.95 or 21.97 as appropriate, and must be adequately identified.”

Reason(s) for proposed text / comment :

The problem of delegation of government authority to private organisations has to be treated at the appropriate level. France legislation offers this possibility (i.e. GSAC) under additional general conditions that have also to be met. However, it is possible to consider release of minor modifications without authority approval (in the meaning of JAR 1). The proposed text aims at clarifying this concept.

Answer:

The modification proposed in JAR 21.95 (see **ENAC** comment and answer, below in 2.3) is addressing DGAC France concern.

4 JAR 21.95

(1 comment)

ENAC

Modify JAR 21.95 as follows:

Minor changes in a Type Design may be classified and approved either

a) ~~directly~~ by the Authority; or

b) ~~indirectly~~ by an appropriate approved organisation, through the use of modification procedures that have been agreed with the Authority.

Reasons: *The wording of paragraph 21.A263(b)(2) of NPA 21-21 needs that paragraph 21.95 (Minor Changes) is reworded as already NPA does for paragraph 21.103(b). In fact, to avoid misunderstanding that could create “directly” and “indirectly” terminology it is suggested the proposed text.*

Answer:

DOASCC agreed with the proposal. JAR 21.95 has been modified accordingly.

5 JAR 21.101(a)(2)
(1 comment)

MTU Maintenance GmbH

Modify JAR 21.101(a)(2) as follows:

*(2) The applicable requirements in effect on the date of the application, plus any other amendments the Authority **or approved design organization (JAR 21.95(b) refers)** finds to be directly related.*

***Reason:** This change will support the proposed amendment to JAR 21.103(b) and 'round off' the three JARs referenced in the change.*

The JAR 21.95(b) design organization must have procedures approved by the NAA which support this.

Answer:

Not agreed. For minor changes the approved design organisation has not to modify the certification basis of the product. If other requirements must be added, the change will be classified as major.

6 JAR 21.103(b)
(1 comment)

LBA

Agree.

The approval of minor changes is considered as a delegation of tasks and responsibilities. It is possible for the Authority to grant such delegation as

- by definition of minor changes in 21.91 they do not have a significant effect on the airworthiness of the product,*
- the task and responsibility is delegated to an organisation with quality management system,*
- the procedures of delegation allow the involvement of the Authority in specific cases or for sample check.*

Under these conditions the DOA Holder may act in the very limited area on behalf of the Authority. Legal problems are not foreseen.

Answer:

Comment noted.

7 JAR 21.A263(a)
(2 comments)

LBA

Agree.

MTU Maintenance GmbH

Agree.

8 JAR 21.A263 (b)
(3 comments)

LBA

Agree.

MTU Maintenance GmbH

Agree.

LFV

The holder of a Design Organisational Approval may, within his Terms of Approval:

1) Classify changes to Type Design as “major” or “minor” under a procedure agreed with the Authority. (See ACJ 21.A263(b)(1).)

2) Approve minor changes to Type Design under procedures agreed with the Authority and described in the Terms of Approval. (See ACJ 21.A263(b)(2).)

(i) The changes shall be notified to the Authority within a predetermined period.

(ii) After notification, the Authority will affirm the changes to Type Design within a predetermined period. If the Authority does not approve the changes, it may notify the Design Organisation within this period, and take further appropriate actions. If the Authority refrains from affirming or disapproving the changes within the predetermined period, agreement to the changes may be assumed.

(iii) The Authority may at a later stage, on its own initiative or at the request of the holder of the Type Certificate, review or reconsider the decision to approve minor changes to the Type Design made by the Design Organisation.

[(3), (4) and (5) are not affected by this proposal]

Reasons: We agree with the proposed NPA in general. We believe that is necessary to give DOA-holders the freedom to approve minor changes to Type Designs in accordance with the terms of the DOA and with the procedures agreed with the Authority. However, as the final responsibility to approve the Type Design and to issue a Type Certificate rests with the National Authority, we could like to submit a specific comment concerning JAR 21.A263(b) that will clarify this responsibility.

Answer:

Proposal is not reflecting current implementation of minor change approval privilege in JA DOA.

9 JAR 21.A263(b)(2)

(2 comments)

Lufthansa Technik

Accept.

Comment: The DOASCC position is supported. While we cannot comment on legal issues in certain states, the use of the term “approve” is certainly clarifying and is consistent with the existing FAA privileges for DAS and DER’s.

Answer:

Comment noted.

CAA UK

Specific comment has been requested on the proposal to change the privilege in JAR 21.A263(b)(2) from “Obtain approval of minor design changes...” to “Approve minor changes...”.

The change from “Obtain...” to “Approve...” in 21.A263(b)(2) is linked to “indirect” through 21.95(b) for minor changes. It will still be the Authority’s approval, given indirectly i.e. on their behalf, by the organisation.

Answer:

Following RAP debate, it was agreed to simply list who can approve a minor change without mentioning directly or indirectly.

10 JAR 21.A263(b)(3)

(2 comments)

AECMA

AECMA proposes to reword it as follows:

“issue information or instructions containing the following statement under procedures agreed with the Authority: “~~The technical content of this document is approved under the authority of (NAA), DOAnr (NAA) JA.(xyz).~~”

Reason: *This simplification is consistent with the intent expressed in the explanatory note, and would allow to avoid the question of what the technical content of an information or an instruction means. Related ACJ could then be simplified.*

Answer:

Not agreed. The privilege is related to the approval of design data and accomplishment instructions. The text of the statement should reflect it (see also explanations in ACJ 21.A263(b)(3)).

DGAC France

We suggest to write [(b)(3)] in the following wording :

“(3) Issue information or instructions with a statement meaning that the technical content of the document is approved under DOA authorisation nr.[NAA].JA[xyz]. (See ACJ 21.A263(b)(3))”

Reason(s) for proposed text / comment :

Direct quotation of a English text should be avoided in the regulations. As this text will be translated in the different languages of the EU, this would force the manufacturer to put it in the local different languages.

Moreover, the word “authority” & in this context is not well understood : authority on what or whom ? In the French legal context, the DOA does not carry any privilege of the Authority (does not replace it). The DOA is simply authorised to issue information or changes without any previous review by the Authority.

Answer:

Comment noted, but introduction of the statement in the rule has been debated and agreed by the Regulatory Advisory Panel during preparation of the NPA. Translation problem can be solved in different ways by the NAA, as necessary. The text of the NPA has not been modified.

11 JAR 21.A263(b)(4)

(4 comments)

CAA UK

The changes identified to JAR 21.A263(b)(4) are in line with an agreement CAA have been using with Boeing and FAA for a number of years now. The ACJ material provides for a similar level of definition as to what is a Minor change, hence CAA believe it to be acceptable in principle.

The ICAO requirements however, currently require a flight manual to be approved by a contracting state. In reality, the proposal effectively delegates minor changes to an approved organisation. This ICAO requirement is, therefore, perhaps not fully met, albeit, it could be argued that NAA oversight of the process means it stays within the spirit or intent.

Formal clarification on this point is requested.

Answer:

Proposed privilege is related to the approval of documentary changes linked with already approved data. Therefore, the content is, strictly speaking, already approved by the Authority.

Dassault Aviation

Propose different text : *Issue such changes containing the following statement: “Revision nr.xx to AFM ref. Yyy, is approved under the authority of [NAA], DOA nr [NAA].JA.[xyz]. **“In addition, when statements are shown on each page, simplified statement “[NAA] approved” is authorized.**”*

Reason(s): *In the Dassault AFM, each page presents in its foot a mention of approval as follows: “Revision XX DGAC approved”.*

The space available in the foot of the page does not allow the inscription: "Revision nr.xx to AFM ref. yyy, is approved under the authority of [NAA], DOA nr. [NAA].JA.[xyz]." As proposed by the NPA

Dassault proposes to present this extended statement of approval in the AFM Revision tables or Temporary changes and to keep the "DGAC approved" statement on each revised page.

Answer:

Concern understood. The proposed addition is seen by DOASCC as a practical method to implement the privilege and avoid confusion, but it is not considered as a requirement. Therefore, ACJ 21.A263(b)(4) is modified accordingly (see new text, para. 3.6). Discussing this comment, DOASCC realised that the statement proposed in the rule must reflect that the revision covers only documentary change and the text of the statement proposed in JAR 21.A263(b)(4) has been modified accordingly.

DGAC France

We suggest to write [(b)(4)] in the following wording :

"(4) Approve documentary changes to the Aircraft Flight Manual under a procedure agreed with the Authority, and issue such changes with a statement meaning that revision is approved under DOA authorisation nr.[NAA].JA[xyz]. (See ACJ 21.A263(b)(4))

In this case, the information must be segregated, identified, and clearly distinguished from each unapproved part of the manual."

Reason(s) for proposed text / comment :

Direct quotation of a English text should be avoided in the regulations. As this text will be translated in the different languages of the EU, this would force the manufacturer to put it in the local different languages.

Moreover, the word "authority" & in this context is not well understood : authority on what or whom ? In the French legal context, the DOA does not carry any privilege of the Authority (does not replace it). The DOA is simply authorised to issue information or changes without any previous review by the Authority.

Finally, to clarify the status of parts of the manual approved by the Authority and parts approved by the DOA, we propose to add a sentence extracted from JAR 25.1581.

Answer:

Comment noted, but introduction of the statement in the rule has been debated and agreed by the Regulatory Advisory Panel during preparation of the NPA. Translation problem can be solved in different ways by the NAA, as necessary. The text of the NPA has not been modified.

Proposed addition, extracted from JAR 25.1581, is not agreed. The DOA Holder, as applicable, must comply with JAR 25.1581 for the products covered by the DOA and it is not necessary to repeat the requirement in JAR 21.A263(b)(4). In addition, there are some explanations in ACJ 21.A263(b)(4), paragraph 3.6

SBAC

The requirement states that 'documentary changes' to the AFM, as defined by the associated ACJ, may be approved by the DOA holder. This is similar to the distinction made for Minor and Major changes to the Type Design and the associated privilege of the DOA approving Minor changes. However, for Major changes it is made clear elsewhere (JAR 21.97) that these must be submitted to the Authority for approval. No equivalent clarification is made for AFM changes of "Major" nature.

Reason(s): *Does the requirement require further consideration? This concern could be addressed by adding the following sentence: "All other changes to the AFM must be submitted to the Authority for approval."*

Answer:

Noted. The privilege is proposed only for the limited case of documentary changes, that do not introduce new technical data. For all other changes, the basic requirements of airworthiness codes (JAR-25, JAR-27...) to have AFM approved by the Authority apply.

12 JAR 21.A265(e)

(4 comments)

AECMA

AECMA proposes to reword it as follows:

“Submit to the Authority information or instructions related to required actions under JAR 21.3(d) to ensure timely compatibility with related Airworthiness Directive ~~prior to distribution.~~”

Reason: *The objective of this somewhat loose “timely” word is to allow the TC/STC Holder to dispatch to the Operators any information or instruction with the time schedule that better fits his liabilities, whatever the duration of the AD process. Words such as that “these information are expected to be subject to an AD” might then be used.*

Answer:

Comment agreed, without adding “timely”. JAR 21.A265(e) has been included to make clear that, when an airworthiness directive refers to information or instructions, it affects the privilege to issue these information or instructions as follows : a check of the content by the Authority is necessary. The Note in ACJ 21.A263(b)(3) has also been modified accordingly.

MTU Maintenance GmbH

Agree.

LBA

Agree.

Dassault Aviation

Propose different text : *(e) Submit to the Authority information or instructions related to required actions under JAR 21.3(d) not previously approved by the Authority to ensure compatibility with related Airworthiness Directives prior to distribution.*

Reason: *Design changes that relate to JAR 21.3(d) are classified “major” and consequently approved by the Authority. There would be no value added by the authority to review information or instructions relative to such design changes.*

So the submission to the Authority should be restricted to the information or instructions that do not correspond to design changes.

Answer:

Not agreed.

See answer to AECMA.

13 ACJ 21.A263(a)

(5 comments)

ACG

*Second bullet, second line add the following after “accepted, without further **Authority** verification, ...”*

Reason: *To add “**Authority**” will clarify that the level of authority involvement is mentioned in the certification work programme. All other compliance documents are accepted by the authority without further authority verification.*

Answer:

Agreed. Text modified accordingly.

ENAC

Modify as follows: A compliance document is the end of a certification process (for TC, STC, changes to TC, etc...), where the showing of compliance is recorded.

The privilege of a Design Organisation may having acceptance of compliance documents by the Authority without further verifications is subjected to satisfactory investigations of the Authority, as 21.A257(b) provides for the DOA. In order to verify the validity of Design Assurance System, as for 21.A239(b), inspections and tests, according to 21.A257(b), may be performed by the Authority at various stages of the certification process, not necessarily when the compliance document is presented.

For each specific certification process the Authority is involved at an early stage, specially through the establishment of the certification programme. Therefore, according to the scheduled level of involvement, the Authority should agree with the DOA Holder documents to be accepted without further verification under the DOA privilege of JAR 21.A263(a).

Reasons: The ACJ proposed with the NPA 21-21 is trying to explain on which basis the privilege of acceptance of compliance documents is granted. The texts seems not clear enough because there is not separation between DOA approval process and certification process (TC, STC,...). When possible, to avoid duplication of work, the activities performed for the certification process may be used for the Design Organisational Approval; nevertheless the two processes are different.

The new text proposed for this ACJ is making more evident the reasons for the privilege.

Answer:

Reasons proposed not agreed. JAR 21.A257(b) specifies that, under a DOA where compliance reports are checked independently in accordance with JAR 21.A239(b), the Authority Type Certification (or STC) Team still has the right to make inspections and tests to check the validity of statements provided by the applicant. In other words, a DOA Holder has not the privilege to perform **alone** the complete certification investigation, without Authority Certification Team intervention. Activities addressed in JAR 21.A257(b) are related to Type Certification, not to DOA investigation. Obviously, there are links between the two and people have to communicate. JAR 21.A257 has two paragraphs : (a) for investigations made on the system (the design organisation), (b) for investigations made on the products, **during** Type, or Supplemental Type, certification.

Dassault Aviation

a) *Change*

A compliance document is the end result of a process, where the showing of compliance is recorded. The Authority is involved in the process itself at an early stage, especially through the establishment of the certification programme and may decide to be involved or not in the showing of compliance, ~~the inspections or tests as per JAR 21.A257(b), may be performed at various stages of the whole process;~~

Therefore, according to the scheduled level of involvement, the Authority should agree with the DOA holder documents to be accepted without further verification under the DOA privilege of JAR 21.A263(a).

b) *Move*

The inspections or tests as per JAR 21.A257 (b) may be performed at various stages of the whole process.

This sentence could be moved to ACJ 21.A257(b).

Reasons:

a) *The objective is to clarify whether or not the showing of compliance can be accepted by the Authority without further verification.*

The privilege of JAR 21.A263 (a) covers the showing of compliance, not only the recording of the showing of compliance. During the certification programme discussions with the Authorities, it may be agreed by the Authority to accept some showings of compliance and associated recording completed by the DOA holder without further verification.

b) *The sentence relative to inspections and tests relates to JAR 21.A257(b) and should be moved to the ACJ of this paragraph.*

Answer:

- a) Not agreed. The privilege is related to acceptance of compliance reports, not to the showing of compliance in general.
- b) Not agreed. The sentence related to JAR 21.A257(b) is providing explanations, needed for a proper understanding of the content of ACJ 21.A263(a).

MTU Maintenance GmbH

Agree.

LBA

Agree.

14 ACJ 21.A263 (b)(1)

(7 comments)

ACG

Item 2.1.4. Bullet change the text to “justification of the classification”.

Reason: *The changed text should clarify that a justification is required, but may be for a minor change a statement on f.e. the internal application form is sufficient and no other independent documents will be issued.*

That all classifications has to be documented is adequately reflected in item 2.5.

Answer:

Comment agreed. Text has been modified accordingly and also the title of 2.5 (now 2.4 in new text). See also answer to AECMA, below.

AECMA

AECMA proposes to reword paragraph 2.5 as follows:

“All decisions of classification of changes to Type Design as “major” or “minor” should be recorded and, for these which are not straightforward, documented. These records should be easily accessible to the Authority for sample check.”

Reason: *AECMA agrees that all decisions need to be recorded, whatever the format of the record. Nevertheless, only “border cases”, i.e. these for which the “major” or “minor” character is not obvious from the reading of JAR 21.91 and the (yet to come) related ACJ, in conjunction with the reading of the document which will later formalize the approval of the change, need to be justified, and the justification recorded. For many “minor” changes, the change are minor simply because obviously none of the criteria of JAR 21.91 is met, and the record of this would be useless.*

Answer:

Comment agreed. Text has been modified accordingly (2.4 in new text).

LBA

Agree.

MTU Maintenance GmbH

Agree.

SBAC

1. The explanatory note, para. 2.7, discusses equal treatment of all JAR-21 DOA holders. However, it should be recognised that capabilities and areas of expertise will vary from one DOA

holder to another. Therefore, individual DOA procedures developed from the guidelines provided in the ACJ, must be able to reflect the capabilities of the particular DOA.

Reason: To highlight that 'equal treatment' of all DOA holders should not necessarily result in identical procedures. Such procedures should also reflect the scope of approval.

SBAC

2. The order of Section 2.1 would be better if "Supervision of changes to Type Design initiated by subcontractors" were moved to the end. This would also make it consistent with ACJ 21.263(b) (2). (Section 2.1)

Reason(s): Clarification.

Answer:

1. The classification procedure will be assessed by the Authority during the DOA investigation, taking into account the scope of approval. For competence aspects, ACJ material developed for JAR 21.91 in NPA 21-15 will provide further explanations.
2. Comment agreed. Text has been modified accordingly.

AGUSTA

Delete paragraph 2.5 of ACJ 21.A263(b)(1) – Documents to justify the classification.

Reason : The request to document all decisions for classification of minor changes to type design is considered too onerous. If there are approved procedures to classify minor changes we don't think necessary to document all the decision process that leads to the classification.

Answer :

See answer to AECMA comment, above.

15 ACJ 21.A263(b)(2)

(6 comments)

ACG

a)Item 2.1 add the following bullet: "**- configuration control rules**"

b)Item 2.3.1, 2. Bullet item 2: add "**and methods of compliance**"

Reasons

a)This is an important issue and should be addressed in the DOA procedures. (see also TGM 21/1).

b)The documents should also include an information with regard to the applied method of compliance (part of certification work programme).

Answer:

a) Configuration control is already addressed in ACJ 21.A/B243(a), items 4 and 7.

b) Comment agreed. Text has been modified accordingly.

AECMA

AECMA proposes to reword paragraph 2.5 as follows:

"The persons authorized to sign for the approval under the privilege of JAR 21.A263(b)(2) should be identified (name, signature and scope of authority) in appropriate documents that can be linked to the handbook.

Reason: AECMA experience is that maintaining documents containing samples of signature is a nightmare to the managers of these documents, because each reissue needs, either to go and see each signatory to have its signature recollected, (even if the person is not affected by the reissue of the document), either to run photocopies of signatures not affected, than paste and glue, which is not really what is expected to be made with signatures.

In addition, electronic signature is spreading, and collecting the hand written signatures for procedures using electronic signatures has little value...

Answer:

Not agreed. Signature is needed in the absence of electronic signatures. When electronic signatures will be used, it is expected that the associated procedure will fulfill the same goal.

CAA UK

Proposal 7 – New ACJ 21.A263(b)(2). The first sentence of paragraph 2.3.2 is not understood and its meaning needs to be clarified. However, the sentence would make sense if the words ‘and reasons for’ were deleted. Or alternatively the words ‘...and reason for...’ be amended to ‘...and reasons for the change...’. The latter would align with 2.3.1 bullet point 1.

Answer:

Comment agreed. Text will be modified to read: “and reasons for the change”.

LBA

Agree.

MTU Maintenance GmbH

Agree.

SBAC

Propose different text:

2.3.1 For minor changes to the Type Design, the procedure should define a document to formalise the approval under the DOA privilege.

This document should include at least:

- *identification and brief description of the change and reasons for the change.*
- *evidence of the approval under the privilege of JAR 21.A263(b)(2) by an authorised signatory.*
- *date of approval.*

2.3.2. Where additional work to show compliance with applicable airworthiness requirements is necessary, the document should also include:

- *evidence that the applicable requirements have been considered.*
- *reference to compliance documents*
- *effects, if any, on limitations and on the approval documentation.*
- *evidence of the independent checking function of showing compliance.*

Reason(s): Clarification.

Answer:

Comment not agreed. The current text of 2.3.1 and 2.3.2 has been proposed to give flexibility to DOA Holder in management of the lower category of minor changes.

16 ACJ 21.A263(b)(1) and (b)(2)

Transport Canada

The NPA received general acceptance from commenters within our agency, with the exception of the provisions of ACJs 21.A263(b)(1) and (b)(2) where it introduces another classification of minor change as those where additional work is necessary to show compliance with the airworthiness requirements. It is felt that this new classification would only serve to increase confusion, given the current deliberations among regulators and industries on the issue of classifying minor and major changes. It is worth mentioning that NPA 21.-8 (Repairs) seems to indicate that any necessary re-evaluation of the requirements to ensure compliance would be “major”, and NPA 21-15 (Classification of major/minor), while focussed mainly on “major”, offered no discussion on two different “minor” classifications. Our preference is to see just two processes – major or minor. If a change is not really “minor”, then it should be classified as “major” and only do what is necessary in the way of substantiation.

Answer:

It is not a new classification, but a detailed description of two different procedures to manage and control minor changes, taking into account the existence of DOA procedures. It will provide the Authority with a better visibility of the control of those minor changes (variations, amendments) that are traditionally handled under the Company configuration control system without information to the Authority. As this kind of changes qualify for minor changes to Type Design, as defined in JAR 21.31, the DOA must also contain information on their treatment.

17 ACJ 21.A263 (b)(3)
(8 comments)

ACG

Item 4 second bullet add an additional item. “-the classification of the change as minor or major”.

***Reason:** A reference on the Service Bulletin as defined in ATA 100 about the classification of the change as minor or major will specially clarify questions from the foreign operator if a validation of the design change introduced by SB is required.*

Answer:

Comment not agreed. Purpose of paragraph 4 is to provide details on the meaning of the statement. In addition a Service Bulletin is not the tool to inform foreign Authorities about changes classification.

Dassault Aviation

Change to the note at the end of the ACJ:

*Note: Information and instructions related to required actions under JAR 21.3 (d) (Airworthiness Directives) **not previously approved by the Authority** are submitted to the Authority to ensure compatibility with the Airworthiness Directive content before ...*

***Reason:** for consistency with the comment made on Requirement paragraph 21.A265 (e). (Comment sheet 2).*

Answer:

See answer above under 2.11.

Dornier

In Note to ‘4 Statement’ the following wording should be deleted: ‘..., and contain a statement that they are, or will be, subject to an Airworthiness Directive issued by the Authority.’

***Reason:** An Airworthiness Directive is binding only national in the country of issuance i.e. state of design in this case.*

Because industry can not mandate the reaction of Authorities, there might be different decision making at other foreign authorities due to different processes to issue Airworthiness Directives. Thus the wording proposed for deletion could create confusion among aircraft operators.

Answer:

Comment not agreed. Information or instructions, when related to Airworthiness Directives (AD), must indicate the existence of the AD issued by the Authority of the TC/STC Holder.

Lufthansa Technik

***Propose different text :** under para 2, Scope, at the end of the first sentence add: “or in order to prescribe new or revised manufacturing or maintenance processes”*

***Reasons:** While the proposed rule text is all encompassing (information or instructions), the ACJ text under “Scope” is listing only “data to implement a change on the product, or to inspect it”.*

There is an established need to extend the scope to include “processes” (e.g. bonding, setting of inserts, surface treatment, etc.) developed by the DOA, which are mostly independent of a specific change to a product.

Airlines or their maintenance organisations have a frequent need to either establish new processes or to adapt existing processes to specific needs. We believe that this kind of activities should also be covered by the DOA privileges in analogy to “changes”.

Answer:

Comment noted. The DOASCC will work with Industry to propose a solution addressing fully and clearly this point, that need careful and detailed review, especially on design approval aspects of such activities. The text of the ACJ is not modified in proposed NPA, at this stage.

SBAC

1. Delete the 3rd paragraph of 2.Scope. The content is covered better by the text of 3.Procedure.

Reason(s): *Clarification.*

Answer:

Deletion not agreed, the paragraph provides information.

2. The note specifies the type of statement required in instructions issued by the DOA holder which are associated with Airworthiness directives. This requirement is not specified elsewhere & the note should be moved to the rule, as part of 21.A265(e).

Reason(s): *Advisory material includes regulatory material.*

Answer:

Intent is not to make it a requirement but to reflect current practices. That is why it is mentioned in ACJ material only.

LBA

Agree.

MTU Maintenance GmbH

Agree.

18 ACJ 21.A263(b)(4)
(6 comments)

ACG

Add the following bullet:

a) “-control of AFM changes”

b) “-effectivity of AFM changes”

Reason:

a) A procedure should address the control of AFM changes.

b) The effectivity of the AFM changes should also be verified in the approval process.

Answer:

These two elements are part of basic DOA procedures (see ACJ 21.A243). This ACJ is only addressing the management of documentary changes under the 263(b)(4) privilege.

CAA UK

Proposal 9 – New ACJ 21.A263(b)(4).

A – FOR AFM ISSUED BY THE TYPE CERTIFICATE HOLDER

The list of changes to the flight manual that can be approved under the DOA privilege are clear and understood. However, the last item [changes to existing Appendix Configuration Deviation List (CDL) items] seems much more significant in Airworthiness terms, than any of the other items, which are editorial in nature. The concern is that ‘changes’ could encompass the addition of

brand new items to the CDL, not previously agreed with the Authority. This restriction should be added.

Answer:

Comment agreed. Item related to CDL is cancelled. If editorial changes are made to the CDL this is covered by first bullet of the list.

Dassault Aviation

2 Definition of documentary changes to the AFM

A. For AFM issued by the type certificate holder

- ...
- ...
- *The addition of previously FAA or NAA approved AFM **Temporary changes**, appendices or supplements.*
- ...
- *The addition of aircraft **configuration references (aircraft serial numbers, change number, part and appliance part number)** to an existing AFM where the aircraft configuration, as related to the AFM, is identical to aircraft already in that AFM.*
- ...
- ...
- ***The addition of supplements related to optional aircraft configuration previously NAA approved***

Reasons:

Item 3: To make clear that inclusion of a previously NAA approved temporary change to the AFM is a documentary change.

Item 5: To recognize that the applicability of AFM pages may be given by change reference or equipment item reference.

New Item 8: To make clear that supplements or appendices created by extraction of limitations and procedures from the previously NAA approved AFM are documentary changes. Example: creation of a supplement related to a specific FMS installation already approved and included in the AFM.

Answer:

Item 3: comment agreed. A specific bullet point is added: "Inclusion of a previously NAA approved temporary change to the AFM".

Item 5: not agreed. Change number means new aircraft configuration, therefore it cannot be identical to aircraft already in AFM.

Item 8: not agreed. Addition of supplements is already covered. Creation of a new supplement is not considered as a documentary change.

TURBOMECA

ACJ 21.A263(b)(4) is limited to changes of the AFM. TURBOMECA propose to extend this privilege to Installation and Utilisation Manuals for Engines.

These manuals are submitted to the approval of the Certifying Authority. The Engine TC Holder should be given same delegation to approve documentary changes defined substantially as in para. 2 of the proposed ACJ.

Answer :

JAR-E requirements have been changed for Installation and Utilisation Manuals (ref. Change 10). Therefore it is not exactly the same situation as for AFM. Nevertheless, the comment is acknowledged. The DOASCC has initiated a general review to clarify how manuals, or information in general, should be handled under a DOA. It will be proposed in a new NPA.

LBA

Agree.

MTU Maintenance GmbH

Agree.