



**NOTICE OF PROPOSED AMENDMENT (NPA) No 200X-XX**

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

**amending Decision No 2003/7/RM of the Executive Director  
of the European Aviation Safety Agency of 24 October 2003  
on Certification Specifications for Propellers (CS-P)**

**and**

**DRAFT OPINION OF THE EUROPEAN AVIATION SAFETY AGENCY**

**for a Commission Regulation amending Commission Regulation (EC) No  
2042/2003 on the continuing airworthiness of aircraft and aeronautical  
products, parts and appliances, and on the approval of organisations and  
personnel involved in these tasks**

**Title**

**GENERAL**

*This template can be used for NPA on CS, AMC or Implementing Rules.*

*Body text in NPA is in Verdana 10pts.*

*The text in the 'Explanatory Note' can be used as a standard text with the exception of the **yellow** highlighted parts.*

*Remarks for the use of this template are presented in Italic print; all other texts are presented as an example.*

## TABLE OF CONTENTS

<b>A.</b>	<b>EXPLANATORY NOTE</b> .....	<b>3</b>
	I. GENERAL .....	3
	II. CONSULTATION .....	3
	III. COMMENT RESPONSE DOCUMENT .....	4
	IV. CONTENT OF THE DRAFT OPINION/DECISION .....	4
	V. REGULATORY IMPACT ASSESSMENT .....	5
<b>B.</b>	<b>DRAFT OPINION(S) AND/OR DECISION(S)</b> .....	<b>6</b>
	I DRAFT OPINION PART-21 .....	6
	II DRAFT DECISION CS-P .....	7
<b>C.</b>	<b>APPENDICES</b> .....	<b>10</b>
	I ORIGINAL JAA NPA JUSTIFICATION .....	10
	II ORIGINAL JAA NPA COMMENT RESPONSE DOCUMENTS .....	10

*Draft Opinion(s) and/or Decision(s) are presented in a standard order, first Opinion(s) followed by Decision(s).*

*Opinion(s), Decision(s) and documents are separated in Parts I, II, etc.*

*The table of contents is created automatically from paragraph styles Heading 1, Heading 2 and if necessary Heading 3, please use these predefined styles in headings. To update the table of contents, right-click and select 'Update Field'.*

## A. Explanatory Note

### I. General

1. The purpose of this Notice of Proposed Amendment (NPA) is to envisage amending Decision 2003/19/RM of the Executive Director of 28 November 2003<sup>1</sup> [to develop AMC/GM material to paragraphs .... of Commission <Regulation (EC) No 2042/2003<sup>2</sup>><Regulation (EC) No 1702/2003> [<Part-M>, <Part-66>, <Part-145>, <Part-147><Part-21>]to ....]. The scope of this rulemaking activity is outlined in Terms of Reference (ToR) <Fill in the appropriate ToR> and is described in more detail below.
2. The European Aviation Safety Agency (hereinafter referred to as 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 Regulation<sup>3</sup> which are adopted as 'Opinions' (Article 19(1)). It also adopts 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 follow 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'<sup>4</sup>.
4. This rulemaking activity is included in the Agency's Rulemaking Programme for 201X. It implements the rulemaking task <P.001 Major Revision to CS-P>.
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.
6. The proposed rule has taken into account the development of European Union and International law (ICAO), and the harmonisation with the rules of other authorities of the European Union main partners as set out in the objectives of article 2 of the Basic Regulation. The proposed rule; <Please choose option a, b or c below>
  - a. takes into account developments of relevant European Union law;
  - b. is more stringent/equivalent/ or less stringent than the ICAO Standards and Recommended Practices;
  - c. is harmonised or deviates on the following points from the rules of FAA and TCCA.

### II. Consultation

7. To achieve optimal consultation, the Agency is publishing the draft decision of the Executive Director on its internet site. Comments should be provided within 3 months/6

<sup>1</sup> Decision No 2003/19/RM of the Executive Director of the Agency of 28.11.2003 on acceptable means of compliance and guidance material to Commission Regulation (EC) No 2042/2003 of 20 November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks. Decision as last amended by Decision 2007/018/R of the Executive Director of the Agency of 18 December 2007.

<sup>2</sup> OJ L 315, 28.11.2003, p. 1. Regulation as last amended by Commission Regulation (EC) No 376/2007 (OJ L 94, 4.4.2007, p. 18). <<to be changed with latest amending regulation>>

<sup>3</sup> 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). Regulation as last amended by Regulation 1108/2009 of the European Parliament and of the Council of 21 October 2009 (OJ L 309, 24.11.2009, p. 51).

<sup>4</sup> 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.

weeks <Fill in the response period in accordance with "5. Working methods" in the ToR, if shorter than 3 months, refer to article 6(5) in next sentence > in accordance with Article 6(<4><5>) 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:** Comments can be sent by e-mail only in case the use of CRT is prevented by technical problems. The(se) problem(s) should be reported to the [CRT\\_webmaster](mailto:CRT_webmaster@easa.europa.eu) and comments sent by email to [NPA@easa.europa.eu](mailto:NPA@easa.europa.eu).

**Correspondence:** If you do not have access to the Internet or e-mail, you can send your comments by mail to:  
Process Support  
Rulemaking Directorate  
EASA  
Postfach 10 12 53  
50452 Cologne  
Germany

Comments should be submitted by XX Month 201X. If received after this deadline, they might not be taken into account.

### III. Comment response document

8. 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).

### IV. Content of the draft Opinion/Decision

9. This paragraph must describe the process and reason which have lead to the draft decision. This must include a reference or listing to the affected paragraph. Sub numbering is used to create 'blocks' of changes, based on one reason or reference document. If applicable clearly identify the text that resulted from harmonisation efforts with third countries.

#### The envisaged change to Decision 2003/19/RM / Regulation 2042/2003 is:

10. In Book 2 'SUBPART B-DESIGN AND CONSTRUCTION' completely new AMC texts for AMC P 150, AMC P 160, AMC P 170, AMC P 210, AMC P 220, AMC P 230, AMC P 240 are created in accordance with JAA NPA P-4 and JAA NPA P-6. The acceptable means of compliance and guidance for certification of Propeller Control Systems are based on the same principle as currently applied to Engine Control Systems. (Improvement of certification process)
11. In Book 2 SUBPART...

## V. Regulatory Impact Assessment

*This section is drafted in parallel with the draft Decision or Opinion by the Agency or drafting group.*

*For the content of the RIA use the standard RIA methodology (WI.RPRO.00046-001RIA methodology) and refer also to the Preliminary RIA If available.*

***The content of a full RIA is given below.***

1. Process and consultation
2. Issue analysis and risk assessment
  - 2.1. Issue which the NPA is intended to address and sectors concerned
  - 2.2. What are the risks (probability and severity)?
3. Objectives
4. Options identified
5. Methodology and data requirements (only for full RIA)
6. Analysis of the impacts
  - 6.1. Safety impacts
  - 6.2. Social impacts
  - 6.3. Economic impacts
  - 6.4. Environmental impacts
  - 6.5. Proportionality issues
  - 6.6. Impact on regulatory coordination and harmonisation
7. Conclusion and preferred option

**B. Draft Opinion(s) and/or Decision(s)****Opinions and Decisions**

Opinions have for main addressee the Commission, which is likely to use them to prepare a legislative proposal. This proposal will have the format that is required by the [Joint Practical Guide](http://eur-lex.europa.eu/en/techleg/index.htm)<sup>5</sup> (<http://eur-lex.europa.eu/en/techleg/index.htm>). Under this format only amending text is published. The Agency shall therefore publish its Opinions in the same form.

Every amendment of an act shall be clearly expressed. Amendments shall take the form of a text to be inserted in the act to be amended. Preference shall be given to replacing whole provisions (articles or subdivisions of articles) rather than inserting or deleting individual sentences, phrases or words. An amending act shall not contain autonomous substantive provisions which are not inserted in the act to be amended.

The Decision format differs depending on which rule the Decision is amending.

For further details on opinion and decision formats please refer to the **Rulemaking Style Guide** (see Intranet page: <http://intranet.easa.local/R/PSU/Pages/ImprovedQualityDrafting.aspx>).

*The following generally only applies to Advance-NPAs:*

*If no draft opinion and/or decision is presented, draft options should be given instead keeping in mind the following points*

- *Possible questions should be written at the end of the document to facilitate automatic creation of the CRD*
- *Each option should be presented in a consistent way using the structure throughout the document*
- *Use subtitles to facilitate naming of segments in CRT*

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

1. deleted text is shown with a strike through: ~~deleted~~
2. new text is highlighted with grey shading: **new**
3. ...

indicates that remaining text is unchanged in front of or following the reflected amendment.

**I. Draft Opinion **Part-21****

Example:

**21A.165 Obligations of the holder**

<sup>5</sup> Joint Practical Guide of the European Parliament, the Council and the Commission for persons involved in the drafting of legislation within the Community institutions, as drawn up pursuant to the Interinstitutional Agreement of 22 December 1998 on common guidelines for the quality of drafting of Community legislation.

...

(k) Where applicable, under the privilege of 21A.163(e), establish compliance with 21A.711(b) and (d) before issuing a permit to fly (EASA Form 20b, see Appendix) to an aircraft.

### **21A.265 Obligations of the holder**

...

(g) Where applicable, under the privilege of 21A.263(c)(7), establish compliance with 21A.711(b) and (d) before issuing a permit to fly (EASA Form 20b, see Appendix) to an aircraft.

### **21A.701 Scope**

(a) Permits to fly shall be issued in accordance with this Subpart to aircraft that do not meet, or have not been shown to meet, applicable airworthiness requirements but are capable of safe flight under defined conditions and for the following purposes:

....

(b) This Subpart establishes the procedure for issuing permits to fly and approving associated flight conditions, and establishes the rights and obligations of the applicants for, and holders of, those permits and approvals of flight conditions.

## **II Draft Decision CS-P**

Example of the amending Decision:

### **AMC 147.A.110 Records of instructors, examiners and assessors**

1. The following minimum information relevant to the scope of activity should be kept on record in respect of each instructor, knowledge examiner and practical assessor:

- (a) Name
- (b) Date of Birth
- (c) Personnel Number
- (d) Experience
- (e) Qualifications
- (f) Training history (before entry)
- (g) Subsequent Training
- (h) Scope of activity
- (i) Starting date of employment/contract
- (j) If appropriate – ending date of employment/contract.

2. The record may be kept in any format but should be under the control of the organisations quality system.

3. Persons authorised to access the system should be maintained at a minimum to ensure that records cannot be altered in an unauthorised manner or that such confidential records become accessible to unauthorised persons.

4. The competent authority is an authorised person when investigating the records system for initial and continued approval or when the competent authority has cause to doubt the competence of a particular person.

## Book 1

### SUBPART A GENERAL

#### CS-P 40 Instructions for Continued Airworthiness

....

(b) The instructions for continued airworthiness must contain a section titled airworthiness limitations that is segregated and clearly distinguishable from the rest of the document(s). This section must set forth each mandatory replacement time, inspection interval and related procedure required for type certification. For Propeller Critical Parts, this section must also include any mandatory action or limitation for in-service maintenance and repair identified in the Service Management Plan, as required under CS-P 160(c).

....

## Book 1

### SUBPART B - DESIGN AND CONSTRUCTION.

#### CS-P 150 Propeller Safety Analysis.

- (a) (1) An analysis of the Propeller must be carried out to assess the ~~effects~~ likely consequence of each failure condition under stated aircraft operating and environmental conditions. This analysis will consider -
- (2) A summary must be made of those failures which could result in Major Propeller Effects or Hazardous Propeller Effects as defined in CS-P 150 (g), together with an estimate of the probability of occurrence of those effects. Any Propeller Critical Part shall be clearly identified in this summary.

....

replace existing paragraph CS-P 160 Propeller Critical Parts Integrity

#### CS-P 160 Propeller Critical Parts Integrity

The integrity of the Propeller Critical Parts identified under CS-P 150 must be established by:

- (a) An Engineering Plan, the execution of which establishes and maintains that the combinations of loads, material properties, environmental influences and operating conditions, including the effects of parts influencing these parameters, are sufficiently well known or predictable, by validated analysis, test or service experience, to allow Propeller Critical Parts to be withdrawn from service at an approved life limit before Hazardous Propeller Effects can occur. Any approved life limits must be published as required in CS-P 40(b)
- (b) A Manufacturing Plan which identifies the specific manufacturing constraints necessary to consistently produce Propeller Critical Parts with the attributes required by the Engineering Plan.
- (c) A Service Management Plan which defines in-service processes for maintenance and repair of Propeller Critical Parts which will maintain attributes consistent with those required by the Engineering Plan. These processes shall become part of the Instructions for Continued Airworthiness as required by CS-P 40.

DRAFT

## **C. Appendices**

### **I ORIGINAL JAA NPA JUSTIFICATION**

*If applicable insert the original JAA NPA justification.*

### **II ORIGINAL JAA NPA COMMENT RESPONSE DOCUMENTS**

*If applicable insert the original JAA NPA Comment Response Documents.*

*Appendices can be used to add supporting data such as the above reflected history documents or referenced documents.*