

Title	"ELA process"; "Standard Changes and Repairs" and "Certification Specifications for Light Sport Aeroplanes" (CRD 2008-07 Part II)
NPA Number	NPA 2008-07

UK CAA (UK CAA, European.Affairs@caa.co.uk) has placed **12** reactions on this NPA:

NPA Page	Reaction to	Reaction	Attachments
0	(general reactions)	<p>Page 2, Paragraph No: 7</p> <p>Comment: It seems illogical not to cover banner towing – is this because it is an operation normally undertaken commercially?</p> <p>It is agreed that it is inappropriate to include non-Day/VMC flight for what should be a “simple” aircraft but flight in IMC is surely beyond “simple” and is outside the scope of the VLA code.</p> <p>Justification: Clarification.</p>	
0	(general reactions)	<p>Page 2, Paragraph No: Note after Paragraph 7</p> <p>Comment: It is not clear that EASA will retain control over the specific certification standard (i.e. the ASTM Standard).</p> <p>Justification: There would be a loss of Agency control over the certification standards. It is believed that legal constraints would prevent the adoption of a standard not under EASA control.</p>	
3	comment #549 by on segment "A. Explanatory Note - I. General"	<p>Page 81, Paragraph No: UK CAA Comment 549</p> <p>Comment: EASA has not totally answered the original comments. The answer given to the first two questions is that there is no reason to limit operations from the technical point of view but the response to question 3 states “This TC will use a process that is proportionate to the aircraft covered by ELA.”</p> <p>CAA believes that the depth of the technical investigation depends heavily on the intended use of the aircraft. An amateur built one-off aircraft used for non-commercial purposes is not expected to achieve an exhaustive compliance check list against each design requirement of a code. However, even a microlight used for training is required by some NAAs to show fully documented compliance, when considered commercial operation. A surveyor or PCM carrying out the design assessment/approval will not necessarily require a detailed</p>	

		<p>assessment if he/she is assured that the aircraft is not to be used for commercial purposes. This is regulation proportionate to the risk.</p> <p>Justification: Clarification.</p>	
5-6	<p>comment #551 by on segment "A. Explanatory Note - IV. Content of the draft opinion and of the draft decision - Overview of the proposals included in this NPA"</p>	<p>Page 101, Paragraph No: UK CAA Comment 551</p> <p>Comment: The underlying concern behind the comment is that the depth of design investigation (materials sources etc., parts release or provenance), appropriate to an aircraft which may be operated commercially, has to be more rigorous than that which may be allowed more "subjectively" for non-commercial operation. The latter is what CAA believes is being sought for ELA.</p> <p>For clarification of part of the original comment (not understood by EASA), a split fleet is one where aircraft of the same Type Design are certificated to differing standards or processes.</p> <p>Justification: Clarification.</p>	
5-6	<p>comment #555 by on segment "A. Explanatory Note - IV. Content of the draft opinion and of the draft decision - Overview of the proposals included in this NPA"</p>	<p>Page 102-103, Paragraph No: UK CAA Comment 555</p> <p>Comment:</p> <p>EASA's response to comment 1): Merely classifying an aircraft as "simple" does not render it simple enough that any applicant will find it easy to achieve certification. As an example, some may seek to avoid demonstration of acceptable stall handling behaviour by merely demonstrating that the aircraft behaves down to the 35 mph maximum stall speed allowed by the code. There would then be no assurance that stall characteristics are acceptable. Another example would be the publication of unrealistic landing distances. Properly qualified experienced people need to be used to assess designs - it is not enough to rely on the design code. In addition, F2245 is an over simplified code. It is believed, from experience, that EASA has misjudged the time, effort and standardisation issues that will arise from more direct NAA or QE involvement.</p> <p>EASA's response to comment 2): CAA would welcome the proposed simplified AMC; this sort of approach is very helpful to designers who genuinely want to justify their product properly.</p>	

		<p>EASA response to comment 8): EASA has noted that "Such meetings <i>may</i> be held with the TC holder <i>if</i> necessary". CAA believes that such meetings will always be necessary to ensure that the continued airworthiness of the product will continue to be maintained to a satisfactory standard.</p> <p>Justification: Clarification.</p>	
7-8	<p>comment #559 by on segment "A. Explanatory Note - IV. Content of the draft opinion and of the draft decision - Further considerations on the European Light Aircraft Process - ELA 2"</p>	<p>Page 119, Paragraph No: UK CAA Comment 559</p> <p>Comment: Although it is agreed that the level of safety for ELA2 type balloons is currently satisfactory, this has been achieved with an existing regime of regulatory oversight that is appropriate to the number of passengers being carried. The proposed changes introduced by NPA 2008 07 ELA 2 would significantly alter the regulatory regime from current practice and is likely to result in a significant change in safety levels for a class of aircraft that can carry 30 passengers plus 1 or 2 crew.</p> <p>Justification: EASA's response to the original comment does not seem to recognise or respond to the significance of this proposed change.</p>	
9	<p>comment #554 by on segment "A. Explanatory Note - IV. Content of the draft opinion and of the draft decision - Further considerations on the European Light Aircraft Process - Design and Production Organisation Approvals"</p>	<p>Page 159, Paragraph No: UK CAA Comment 554</p> <p>Comment: Whilst it is agreed that NPA 2008-07 introduces a different regime for the certification of ELA aircraft, it is not clear how such a system will identify when such aircraft are no longer supported by a TC Holder and become an "ELA Orphan" aircraft.</p> <p>Justification: Clarification.</p>	
9-10	<p>comment #562 by on segment "A. Explanatory Note - IV. Content of the draft opinion and of the draft decision - Further considerations on the European Light Aircraft Process - Limiting the number of parts that need a Form 1"</p>	<p>Page 169, Paragraph No: UK CAA Comment 562</p> <p>Comment: Although reference is made to CRD 2008-07 Part I Paragraphs (b) (7) a number of the points raised in the original comment have not been addressed. These include life limited parts and the commercial use of aircraft that may have parts, including critical parts, produced by an individual or organisation not having a POA.</p> <p>Justification: Clarification.</p>	
13-16	<p>comment #547 by on segment "A. Explanatory Note - V. Regulatory Impact Assessment - 4. Impacts"</p>	<p>Page No 244, Paragraph No: UK CAA Comment 547</p> <p>Comment: Whilst NPA 2008-07 refers to "preservation of the safety level" no quantitative demonstration has been provided to support this statement. The UK CAA's previous comment, supported by the EASA Hawk report, details a safety record that has been achieved to date for the UK but also includes figures for other NAAs. It is not clear how the capability and standardisation of NAAs and QEs will be</p>	

		<p>managed so that the current safety record being enjoyed by individual countries will be preserved.</p> <p>Justification: Clarification.</p>	
13-16	comment #550 by on segment "A. Explanatory Note - V. Regulatory Impact Assessment - 4. Impacts"	<p>Page 247, Paragraph No: UK CAA Comment 550</p> <p>Comment: Whilst the response to comments indicates a revision to the requirements for those parts that do not require a Form 1, it is not clear what the changes are.</p> <p>Justification: Clarification.</p>	
16	comment #563 by on segment "A. Explanatory Note - V. Regulatory Impact Assessment - 5. Summary and Final Assessment"	<p>Page 251, Paragraph No: UK CAA Comment 563</p> <p>Comment: EASA's response does not appear to address the issue of equity and fairness with the existing system of Parts M and 145 approval raised in the comment.</p> <p>Justification: Clarification.</p>	
30	comment #567 by on segment "B. Draft Rules - I. Amendments to Part-21 - Section A - Subpart G - 21A.163 Privileges"	<p>Page 332, Paragraph No: UK CAA Comment 567</p> <p>Comment: EASA's response states that "concept of organisational reviews is not retained" and refers to "CRD Part I paragraph 4". CRD Part 1 (b) 4 states that "... the requirement for a quality system would be replaced by a requirement for organisational reviews...". It is not clear if organisational reviews are to be a substitute for a Quality Assurance system.</p> <p>Justification: Clarification.</p>	