

Issued: 26 August 2014

Changes to EASA 'Grandfathered' Equipment, Parts and Appliances: Revised Regulatory Status

This Information Notice contains information that is for guidance and/or awareness.

Recipients are asked to ensure that this Information Notice is copied to all members of their staff who may have an interest in the information (including any 'in-house' or contracted maintenance organisations and relevant outside contractors).

Applicability:	
Aerodromes:	Not primarily affected
Air Traffic:	Not primarily affected
Airspace:	Not primarily affected
Airworthiness:	All EASA Part-21 and Part-M Approved Organisations
Flight Operations:	Not primarily affected
Licensed/Unlicensed Personnel:	Not primarily affected

1 Introduction

- 1.1 This Information Notice withdraws the 'Grandfather provisions' for design changes to European Aviation Safety Agency (EASA) Equipment, Parts and Appliances as advised by the CAA in its letter of 27 June 2005 as a result of changes in the regulatory basis for approval of organisations and equipment, parts and appliances – specifically the signing of the Bilateral Agreements between the European Union (EU) and the United States (US).

2 Scope

- 2.1 In 2005, the CAA wrote to industry to clarify the status of equipment approvals granted in accordance with British Civil Airworthiness Requirements (BCAR) Chapters A4-8 and A4-10 before 28 September 2003 and, in particular, to advise how these approvals are to be maintained with respect to introducing minor changes (including production deviations), continued airworthiness and design links with production after the majority of BCAR design organisation approvals were cancelled on 28 September 2005.
- 2.2 The EC Regulations applicable at the time, 1702/2003, entitled all equipment previously granted an accessory approval under BCAR to be 'Grandfathered' in accordance with the parts and appliances approvals procedures of Part-21 Subpart O. The impact of this was that both equipment approvals and the supporting design procedures were given equal status to European Technical Standard Order (ETSO) approvals granted after 28 September 2003. In other words, EASA were content for UK equipment design organisations to continue to undertake minor changes as if they were ETSO holders. Minor changes on grandfathered

equipment originally designed by CAA approved Original Equipment Manufacturers (OEMs) could be handled in a similar manner to Alternate Procedures.

2.3 Ten years on, most of the industry procedures and personnel under which these changes were controlled have changed. More importantly, recent transfers of oversight for repair activity between the Federal Aviation Administration (FAA) and CAA following the US/EU bilateral and transition of the UK oversight for Federal Aviation Regulations (FAR) 145 have raised questions on how amendments to production and repair data since 2005 have been approved in terms which are acceptable under that bilateral, which only recognises changes approved under the EU Regulations and not by any other arrangement. In cases where it cannot be seen that such changes have been cleared by the Type Certificate (TC) Holder (or by an EASA Design Organisation Approval (DOA) or the Agency itself), then the changes are considered as unapproved and work has had to stop until the changes are approved. The FAA does not consider such design changes since 2005 as being covered under the bilateral: to be covered, they must be EASA approved, either directly or via a DOA Holder.

2.4 It is now therefore necessary for all design changes to be approved by EASA in accordance with the current Part-21 approval processes. This can be achieved by various means, including:

- the TC Holder using the parts in their product;
- direct application to EASA for a minor change;
- approval of the change via another DOA; or
- the organisation obtaining a Part-21 DOA themselves.

2.5 It should be noted that not all changes are affected; those that are limited to notes, drawings, vendor conditions and names are not considered as design changes. For example, design changes are typically those which result in changes to:

- Part Numbers;
- dimensions, tolerances or concessions;
- special processes and sequences; or
- material and chemical substitutions.

3 Further Information

3.1 It is important to remember that this Information Notice only applies to **changes** to design data. Where the design data is unchanged and the parts/appliance approval was granted by a member state and valid on 28 September 2003, Article 6 of Commission Regulation (EU) No. 748/2012 provides for the continued validity of that certification and then the data may continue to be used for manufacture under Part-21 Subpart G, as under Article 6 the design data is considered as having been issued in accordance with the EU Regulations.

4 Queries

4.1 Any queries or requests for further guidance as a result of this communication should be addressed to the Manager, Aircraft Certification Section, mike.gadd@caa.co.uk, or to the EASA DOA/POA Manager, mark.barker@caa.co.uk, as appropriate.

5 Cancellation

5.1 As this Information Notice re-establishes compliance with the extant EU regulations it will remain in force until further notice.