

Issued: 27 July 2016

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 (IN) updates the position previously notified in IN-2014/142 regarding 'grandfather provisions' for design changes to EASA Equipment, Parts and Appliances originally certified prior to 28 September 2003.
- 1.2 Further discussion with EASA and with the FAA has confirmed that grandfathered changes by an Original Equipment Manufacturer (OEM) other than the TC Holder or an EASA DOA may still be acceptable depending on the original means used to certify the parts as defined in this IN.
- 1.3 This Information Notice supersedes IN-2014/142.

2 Scope

- 2.1 Where an organisation has evidence (either via issue of a letter from a competent authority approving the equipment or by issue of a national equipment reference number by a competent authority) that national equipment approval was issued prior to 28 September 2003, then minor changes to such grandfathered equipment may be undertaken by the owner of the design as if the organisation held alternative procedures (AP) to DOA in accordance with Subpart O.

- 2.1.1 A major change to such equipment would require fresh application to EASA for both a new equipment approval to a current ETSO specification and submission of design procedures to EASA under AP to DOA.
- 2.1.2 Organisations holding AP to DOA for current EASA equipment are recommended to use those procedures for any grandfathered equipment in their product range.
- 2.1.3 Organisations that solely manufacture grandfathered equipment that have not subsequently sought EASA equipment approval should ensure that their change control procedures previously established to support the NAA equipment approval process have been suitably amended to reflect the change classification/approval process of Part-21 Subpart O.
- 2.1.4 It has been confirmed by EASA that changes to NAA approved equipment addressed in the above manner are consistent with the principles of Part-21 and are acceptable under the EU/US Bilateral for continued production and release via EASA Form 1.
- 2.2 For equipment that did not hold a standalone NAA equipment approval but was instead approved as part of an initial design or change to design at the aircraft level (known as Component Procedure approval within the UK CAA), then such changes must be approved by the holder of the design approval for the related aircraft change.

Note: This process normally involved the provision of a Declaration of Design and Performance (DDP) by the equipment organisation to their customer. While the DDP may have noted a national reference for the organisation approval held by the company, the authority for the certification of that part onto the aircraft is with the design organisation (normally the TC holder) that actually certificated the installation. While that organisation might have taken credit for the DDP being issued by an organisation holding a national design organisation (in a similar manner to the previous JA/JB relationship under the JARs), the responsibility for the approval of the design lies with the aircraft-level design organisation.

- 2.2.1 It has been confirmed that design changes to such equipment by the original equipment supplier are not acceptable under Part-21 and the Bilateral unless the change has been approved by the aircraft design organisation responsible for the installation or as a separately approved change via another Part-21 DOA.
- 2.2.2 This can present a more complicated approach where the same item of equipment has been fitted to different aircraft types by different customers. In this case, rather than a single change at the equipment level, each organisation with responsibility for the design installation would normally have to separately approve a change proposed by the equipment supplier on the installations for which they have responsibility.
- 2.2.3 Therefore, if an item had been fitted to a B737 under approval held by DOA Organisation "A", when the item is modified the change must be approved by DOA Organisation "A" before it can be fitted to aircraft under the authority of that aircraft-level design change. If the same item is also fitted to A320 aircraft by a design change developed by another Part-21 DOA (Organisation "B"), then Organisation "B" would also have to approve the modified item before installation on the aircraft covered by their aircraft-level design change.
- 2.2.4 As the original installation is an aircraft level-design change and not an equipment approval under either EASA or National Rules, in this case another Part-21 DOA (Organisation "C") could be used to make such a change for which it would then take responsibility.

Note: As the competent authority for Design, it is EASA's decision whether to accept a change that affects equipment installed in multiple aircraft types from a DOA or by a Minor Change approval issued directly by the Agency. Where EASA decides to adopt this route, this

constitutes approved design data which will be accepted by competent authorities as the basis for production to the amended design.

2.3 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.

3.2 With the exception of the 'change to product X to affecting article Y' route in the Guidance Material (GM) to 21.A.611, EASA advised policy is that a Part-21 DOA should not normally be used to make changes to equipment either to current ETSO articles or to grandfathered NAA equipment approvals. This is contrary to the previous advice in CAA Information Notice IN-2014/142 which this IN amends. It is understood that EASA is internally reviewing whether a DOA should be able to make such changes in the future but no proposals have been formally brought forward at this time.

Note: Again, as the competent authority for Design it is EASA's decision whether to allow such changes to be done via a DOA in particular cases or via a Minor Change approval directly via the Agency, and there are several examples where EASA has followed this route as the most practical solution. Whichever method the Agency selects in accordance with its internal decision-making process at the time is to be accepted by NAAs as providing approved design data for production.

4 Queries

4.1 Any queries or requests for further guidance as a result of this communication should be addressed primarily to the EASA DOA/POA co-ordinator, mark.bonnick@caa.co.uk, or alternatively mark.barker@caa.co.uk.

5 Cancellation

5.1 This Information Notice will remain in force until further notice.