



DEFENCE AVIATION SAFETY AUTHORITY

**COMMENT RESPONSE DOCUMENT TO
NPA 2021/048 – AMENDMENTS TO DASR 21
CERTIFICATION REGULATIONS BASED ON EMAR 21 ED 2.0**

INTRODUCTION

1. **General.** This Comment Response Document (CRD) outlines DASA's agreed regulation position and finalises the public consultation process in respect of Notice of Proposed Amendment (NPA) 2021/048. DASA will consider arguments opposing the views expressed in this CRD only in exceptional circumstances.
2. **Background.** DASA released NPA 2021/048 Amendments to DASR 21 Certification Regulations Based on EMAR 21 Edition 2.0 for regulated community comment on 8 Nov 21. The period for public comment on the proposals contained in this NPA closed on 30 Nov 21.

ANALYSIS OF COMMENTS

General

3. DASA received two responses to NPA 2021/048. Both responses to the NPA stated that the 'The proposal is acceptable', with one response including the caveat 'but would be improved if the following changes were made'.
4. All comments received were assessed by DASA and a formal position was agreed, the proposed improvements are not shared by DASA and no further changes have been made. A summary of the comments raised along with the DASA's responses are included at Annex A.

AUTHORITY

5. The content of this Summary of Responses has been reviewed and is authorised.

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Annex:

- A. NPA 2021/048: Amendments to DASR 21 Certification Regulations Based on EMAR 21 Edition 2.0 – Summary of Responses



NOTICE OF PROPOSED AMENDMENT – NPA 2021/048

SUMMARY OF RESPONSES

LSN	NPA Reference	Originator	Community Feedback, Explanation or Suggested Change ¹	DASA Response
N/A	Full NPA	Airbus AP	The proposal is acceptable without change.	Noted.
1.	21.A.15(e)	FAMSPO	Suggested change: Amend AMC to specifically talk to the Authority's role in re-validating/extending the certification validity period wherever a project can show that it is not reasonably practicable to update.	Not supported: To provide confidence in the safety baseline being utilised for certification, it is appropriate for the Authority to reconsider the original certification basis if a project extends beyond 5 years. DASRs will not outline what DASA's internal considerations for an extension will be, as this will be highly context dependent.
2.	AMC to DASR 21.A.15(b)(1-3)	FAMSPO	Question: GM 21.A.15(b) states that (b)(1-2) should be in a SOIU. Is there anything in this regulation that DASA intends would likely not be in the SOIU?	Clarification: GM 21.A.15(b) states that the requirements of 21.A.15(b)2 and (b)3 will normally be covered by the Statement of Operating Intent and Usage (SOIU). It is not expected that the requirements of 21.A.15(b)1 will be met by the SOIU, this is expected to be addressed through the Certification Programme.
3.	AMC to DASR 21.A.15(b)(5)	FAMSPO	Question: AMC to DASR 21.A.15(b)(5) refers "there may be cases in which the risk assessment may be performed at the level of the compliance demonstration activity", explanation?	Clarification: The risk being discussed in AMC 21.A.15(b)(5) is the risk related to potential unidentified non-compliance with the Type-Certification Basis. This assessment of this risk is used as the basis for determining the required Authority Level of Involvement (LoI) in Compliance Demonstration activities. This AMC does not relate to any elevated level of risk due to known non-compliances with the initial Type Certification Basis (TCB).
4.	AMC to DASR 21.A.15(b)(6)	FAMSPO	Suggested change: Regarding LoI determination, should elements (such as prior certification) and weighting guidance be provided in GM?	Not Supported: Where a project is relying on prior certification, and has sought relief from the need to develop compliance demonstration evidence, the Authority will inherently not have a Level of Involvement in the Compliance Demonstration. LoI decision-making processes vary with applicant, certification project and recognised authority. Therefore codifying these varying elements in GM is not shared by DASA. DASA encourages applicants to engage with DASA certification staff to establish better insight into LoI determinations.

¹ Please note: community feedback, explanation or suggested change has been shortened here for brevity.

LSN	NPA Reference	Originator	Community Feedback, Explanation or Suggested Change ¹	DASA Response
5.	GM1 to 21.A.17A	FAMSPO	Suggested change: The validity period in 21.A.15(e) could discourage a project office from formal application that would trigger the validity period, add GM to state the validity period will not be triggered	Not supported: Refer to DASA response in LSN 1. Further 21.A.17A requires an applicant to use airworthiness requirements that are in effect on the date of application, therefore it is in the applicant's best interest to apply as early as possible to enable work towards a known certification basis.
6.	AMC 21.A.17A(a)	FAMSPO	Suggested change: ADF fleet rely on previously generated evidence and there is a limit to what the ADF can achieve in terms of evidence to support initial aircraft certification. Should there be 'reasonable ability' consideration regarding evidence generated?	Not supported: While it is acknowledged that there may be a limit to what is achievable in terms of additional compliance demonstration evidence, inability to develop evidence in and of itself is not an appropriate reason to lower the safety benchmark for certification. Where there is an acknowledged safety impact from the use of earlier amendments of airworthiness requirements, that risk must be clearly documented and managed.
7.	21.A.21	FAMSPO	Suggested change: This clause should refer to implementing regulations and not basic regulation. How would the regulated community demonstrate compliance against DASR Annex A to BR.20.A by way of ensuring this clause does not apply to a certification project?	Not supported: The regulation is worded to maintain commonality with EMAR. This regulation is intended to be read in conjunction with AMC 21.A.21(a) as it is acknowledged that Defence has not applied a strict policy to the issue of MRTC instead of MTC in the same way as is done under EMAR.
8.	GM 21.A.55	FAMSPO	Suggested change: Clarify 'access' to rather than 'holding' design and certification data. There are scenarios where the Commonwealth would not reasonably be able to hold relevant design and certification data.	Noted: This regulation is unchanged from the current DASRs, and further changes to this regulation are outside the scope of this NPA. This feedback has been noted for further review.
9.	GM 21.A.91 para 3.4.a	FAMSPO	Comment: If this condition is followed verbatim it would see any design change requiring an MCRI would see the design involved become an automatic major. Explanation?	Clarification: This requirement for a change to be classified as major as a result of any adjustment of the type-certification basis (TCB), including any MCRIs is not a new requirement under this NPA. This update provides additional flexibility, in allowing the use of later amendments of airworthiness requirements while maintaining a classification of minor. Additionally, GM 21.A.91 para 3.3 can be utilised to request reclassification IAW DASA Factsheet: Reclassification of Design Changes Requiring Type Certification Basis (TCB) Tailoring.