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Certification Director

Cologne, 28 October 2024

Wesley L. Mooty  
Executive Director (Acting)  
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U.S. Department of Transportation  
Federal Aviation Administration  
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Washington, DC 20591  
United States of America

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**Subject:** Low-risk Part 23-27 Aircraft  
**Attachment:** Annex – Simplified Validation Process for CS/Part 23/27 Low risk products and CS/Part 23/27 Non-Significant Major Changes

Dear Mr Mooty,

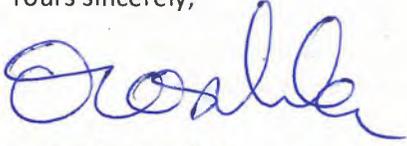
As a result of recent discussions between the relevant management and technical experts of our respective aircraft certification organizations, the EASA and FAA mutually agree to take additional steps to strengthen our focus on innovative and higher-risk projects by relying more extensively on the Certifying Authority's process for lower-risk projects and to limit the level of involvement by the Validating Authority on such projects.

Both the EASA and FAA recognize each other as competent and mature authorities, whose relationship is governed by the US/EU Bilateral Aviation Safety Agreement (BASA) and implemented by the EASA/FAA Technical Implementation Procedures (TIP). Since TIP revision 6 entered into force in 2017, both the EASA and FAA recognize some approvals without technical validation (Acceptance or Basic classification). With limited resources, both Authorities are engaged in numerous projects which are critical in terms of safety and ensuring the future of aviation. To address these shared challenges, we agree to implement a mutual process for low-risk CS/Part 23/27 projects which is defined by the attached Annex.

The EASA and FAA acknowledge that this mutually agreed process is an intermediate step towards achieving further reduction and duplication of effort for CS/Part 23/27 projects. The procedure for low-risk projects as defined in the Annex of this document will be implemented as of the date of this letter's signature. An amendment or revision to the TIP will formally institutionalize this process and address the noise and emission aspects to alleviate this review.

The EASA looks forward to coordinating with FAA to implement this process for low-risk projects. Please feel free to contact me or EASA point of contact for CS/Part 23 Mr Jannes Neumann ([jannes.neumann@easa.europa.eu](mailto:jannes.neumann@easa.europa.eu)) or EASA point of contact for CS/Part 27 Mr Juri Pauletti ([juri.pauletti@easa.europa.eu](mailto:juri.pauletti@easa.europa.eu)).

Yours sincerely,



Rachel DAESCHLER

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## **Annex – Simplified Validation Process for CS/Part 23/27 Low-Risk Products and CS/Part 23/27 Non-Significant Major Changes**

### **Background:**

The FAA and EASA recognize each other as competent and mature authorities. We have a relationship driven by the US/EU Bilateral Aviation Safety Agreement (BASA) implemented by the EASA/FAA TIP. The authorities already mutually recognize some approvals without technical validation (acceptance or Basic classification) since TIP revision 6 is in force. Additionally, we each have limited resources engaged in a large number of projects which are critical in terms of safety and critical to ensure the future of aviation is meeting society objectives.

Based on the elements above, as Validating Authorities (VA), the FAA and EASA agree to focus on innovative and higher-risk projects, to rely extensively on the Certifying Authority (CA) process on lower-risk projects, and to limit validation efforts on such projects.

### **Definition of Low-Risk products**

The following products are considered “low-risk” and are in the scope of the mutual agreement between FAA and EASA:

- Conventional architecture Sailplanes and Powered Sailplanes - CS 22/FAA Special Class that do not require additional criteria beyond CS-22.
- Conventional architecture Normal, Utility and Aerobatic - CS/Part 23 Level 1, and Level 2 with separate type certificated engine and propeller, excluding aircraft with a maximum operating altitude exceeding 25,000 ft or MMO greater than 0.6 Mach/250 kts.
- Conventional architecture Normal, Utility and Aerobatic - CS/Part 23 Level 1 low-speed airplanes that have engine and/or propeller approved as part of the airplane allowed by FAA 23.2400(b), excluding aircraft above 1200kg.
- Conventional architecture Small Rotorcraft - CS/Part 27 Class I and Class II, with single main rotor and single anti-torque system.
- Conventional architecture Gas Balloon, Hot Air Balloon, Tethered Gas Balloon CS/Part 31/GB/HB/TGB below 15,000 m<sup>3</sup>

Conventional architecture means aircraft that are similar to already FAA and EASA certified and validated products with issued Special Conditions (SC) and mutually accepted methods of compliance (MoC) such as ACs/AMCs, Consensus Standards, Policy Memoranda and Certification Memos. Examples of conventional architecture aircraft are single engine propeller aircraft and single engine helicopter with a unique main rotor and a tail rotor. Typical non-conventional architecture aircraft are (but not limited to) aircraft with electric and or hybrid propulsion system (using batteries and/or hydrogen) and/or using distributed propulsion systems. In case of doubt, the CA will coordinate mutual understanding with the VA.

We mutually recognize that conventional architecture aircraft could introduce certification review items (CRIs)/issue paper (IPs). The Validating Authority will get involved in the specific new SC, equivalent safety findings (ESF)/equivalent level of safety (ELOS) and new MoCs.

## **Agreement**

EASA and the FAA agree to mutually implement the following light validation process for the “Low-Risk” products.

### **Type Certificates and modifications Validation Process for Low-Risk Products**

Application for Validation of low-risk projects should follow the TIP rev.7 process.

The CA is responsible for the Type Certification of products and must ensure that:

1. The product is compliant with the CA Certification Basis and that Means of Compliance are based on accepted standards by the CA (Standards could be CS book 2 MoC or ACs/AMCs or CA accepted standardization body standards such as ASTM or already accepted CRIs/IPs)
2. The product is compliant with the VA certification basis, including published SSD, and accepted Means of Compliance.
3. As an interim step, the Validating Authority will only review the Airplane Flight Manual (AFM)/Rotorcraft Flight Manual (RFM) and instructions for continued airworthiness (ICAs) as well as noise and emissions data (irrespective of CS/Part 23/27 safety emphasis item (SEI) list), and will delegate other compliance findings to the CA. The VA commits to review and provide comments on AFM/RFM, ICA and noise and emissions data within two months after reception of the documents.
4. The VA issues any required Special Conditions and ESF/ELOS/Deviation/Exemptions and agrees to new MoCs (either directly in the project Certification Plan or via dedicated CRI/IP if deemed necessary)
5. The VA sends the CA comments on AFM/RFM, ICA and noise and emissions data when applicable.
6. The CA issues a Statement of Compliance with VA’s Certification Basis (including significant standards differences (SSDs)) and a statement that AFM/RFM, ICA and noise and emissions comments have been addressed and implemented.
7. The VA issue its Type Certificate for the product.

This process should be the same for STC’s, Significant changes and non-significant changes. In case of Significant changes, 21.101 changed product rule (CPR) analysis should be followed and should any reversion to earlier amendment of an affected area be requested, coordination between the CA and VA should take place.

Upon confidence building in AFM/RFM and ICA/Noise and emissions process and content, this agreement should be reviewed to seek complete Basic TC validation without AFM/RFM, ICA, noise and emissions review by the VA. This confidence building process is supported by a parallel process to record remarks/finding of the VA and specific training of staff.

For noise and emissions aspects in particular, a BASA and TIP update would be necessary.

### **Type Certificates and Modifications Validation Process for Other CS/Part 23 and CS/Part 27**

For CS/Part 23 and CS/Part 27 projects not falling in the low-risk criteria, the following process is agreed between EASA and the FAA:

- Type Certificate and Significant Major Changes/STCs should follow the normal Validation Process as per TIP rev. 7 with the establishment of a Work Plan to conduct the technical involvement of the VA. Some exceptions may be mutually agreed between authorities at management level

- Significant Changes that are not introducing novelties or new features/MoC, but which are triggering 21.101 criteria. In that case, EASA and FAA management should discuss upfront the scope of the project and decide on a case-by-case basis if such change could be validated without any or with only reduced VA involvement such as the AFM/RFM, ICA, noise and emissions data being reviewed by the VA.
- For Major Changes/STCs that are Not Significant and which are affecting the CA Certification Basis (issuance of a Special Condition, ESF/ELOS or Exemption/Deviation), the Change should be classified Non-Basic but the VA should limit its involvement on the change of Certification Basis by issuing its Special Condition, ESF/ELOS or Exemption/Deviation based on CA IP/CRI and to the review of the AFM/RFM and ICA. A Workplan should be established.
- For Major Changes/STCs that are Not Significant and which impact a VA SEI, without changing the MoC, the Change should be classified Non-Basic as per the TIP, but the VA should limit its involvement to reviewing the AFM/RFM and ICA as compliance since the MoC have already been addressed during the Validation of the Type Certificate/Significant Change. The forwarding application letter by the CA should confirm the classification and assessment that there is no change in Certification Basis and MoC.

#### **EASA and FAA Policy management on CS/Part 23/27 aircraft**

The FAA and EASA are committed to:

- Reduce SEI lists whenever possible – work in progress
- Move as much of the SEI list as possible to Part 2 for full delegation to CA
- Regularly update the SEI lists to capture the agreement on potential novelties (e.g new MoC) introduced in new projects.
- Regularly review policies and Certification Memorandums (CM)/Certification Position Papers (CPP)
- Regularly coordinate for potential Rulemaking Harmonization
- Share FAA CPPs and EASA Certification Memos

Should acceptance of a standard revision number differ between EASA and the FAA, both Authorities will utilize an expedited process for mutual acceptance on a project-by-project basis or through appropriate public notice.

#### **Next Steps**

We mutually acknowledge that this process is an intermediate step and that after two years of implementation and lessons learned, the AFM/RFM and ICA systematic review by the VA should be alleviated if the concerns identified by the VA have been addressed. In a second step the objective would be to have automatic acceptance of “low-risk” products and no involvement in non-Significant Major Changes of all CS/Part 23 and CS/Part 27. To achieve this goal, a revision of the BASA and TIP would be necessary especially to address noise and emissions aspects and include Basic low-risk aircraft TC Basic or Automatic Validation.

To support such second step, the following plan is established:

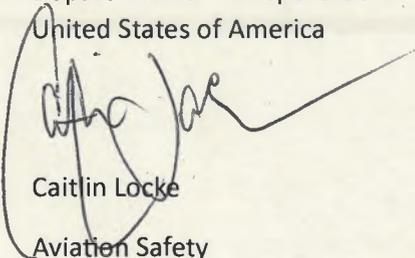
- EASA to systematically train GA and Rotorcraft PCMs to FAA R/AFM and ICA specific requirements.
- EASA and FAA to gather systematic comments to the manuals and develop potentially a common guidance to industry.

- FAA to provide a specific training to EASA staff on these aspects.
- EASA would also in the frame of projects and DOA approval educate EU applicants and make sure each project is reviewed according to FAA ICA and R/AFM expectations
- Yearly workshop to be organized between EASA and FAA to share main lessons/issues

Other than “low-risk” STCs, which are not part of this agreement since the volume on the considered type of products is low, STCs introduce specific challenges. But they could be addressed also in a second step.

In addition, for products falling under MOSAIC/Part 22 and Part 21 Light with a declared process without Type Certificates, EASA and FAA should review a potential transfer mechanism. This will be part of the BASA/TIP update negotiation.

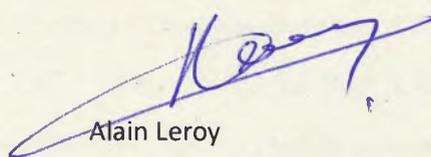
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