

Sofema Considerations Related to EASA Part 21 Changes Driven by Based on Commission Implementing Regulation (EU) 2026/100

1. Overview: EASA Part 21 & Part 21 Light Changes

Commission Implementing Regulation (EU) 2026/100 introduces key structural amendments to Annex I (Part 21) and Annex Ib (Part 21 Light) of Regulation (EU) No 748/2012.

The update focuses on reducing administrative bottlenecks, formalizing investigation workflows, and establishing tighter interconnectivity between initial certification and continuing airworthiness.

2. Detailed Pre- vs. Post-Amendment Mapping

Annex I (Part 21) – Standard Aircraft Framework

Point 21.B.320 — Investigation Activities for Airworthiness Certificates

- Pre-Amendment: Authorities conducted broad, general oversight to justify issuing, amending, or revoking certificates without a rigid step-by-step process.
- Post-Amendment: Establishes a strict 7-point structural baseline for authority investigations (waived only for simplified transfers under 21.B.326/327). Authorities must formalize internal check-sheets covering:
 1. Applicant eligibility.
 2. Application conditions.
 3. Classification of airworthiness certificates.
 4. Evaluation of the received documentation package.
 5. Physical inspection of the aircraft.
 6. Determination of operational conditions, restrictions, or limitations.
 7. Formal acceptance of evaluation programs/reports for unique used configurations (per 21.A.174(d)).

Point 21.B.325(c) — Concurrent Issuance of the ARC

- Pre-Amendment: Timelines for initial certificate issuance (Part 21) and continuing airworthiness reviews (Part-M/Part-ML) were loosely integrated, causing disconnected processing.

- Post-Amendment: Forces a tight cross-regulation mandate. When issuing an airworthiness certificate, the registry authority must concurrently issue an Airworthiness Review Certificate (ARC). The legal basis is expanded to include Part-M (M.B.901), Part-ML (ML.B.901), or Part-AR.UAS (AR.UAS.CAW.902).

Point 21.B.326 & 21.B.327 — Used Aircraft Pathways & Restricted Certificates

- Pre-Amendment: Rules for used aircraft grouped diverse categories together, resulting in complex, repetitive validation baselines during intra-EU transfers.
- Post-Amendment: Fully bifurcates used aircraft into two clear regulatory pathways (applicable to both standard and restricted certificates):
 - Pathway 1: Intra-EU Transfers: Streamlined process. If an aircraft holds an active certificate from another Member State, a new one is issued immediately upon presenting a copy of the current certificate and data specified in 21.A.174.
 - Pathway 2: Used Aircraft Without Prior EASA Certificates: (e.g., third-country imports or military/state transitions). Mandates a strict 4-part legal check:
 1. Design conformity to an approved type certificate, STC, change, or repair.
 2. Full compliance with applicable Airworthiness Directives (ADs).
 3. Completion of a satisfactory airworthiness review (Part-M, Part-ML, or Annex I (Part-ML.UAS) to Delegated Regulation (EU) 2024/1107).
 4. Compliance with applicable environmental/emissions requirements on the original date of certificate issue.
 - Authority Discretion Rule (21.B.326(b) / 21.B.327(d)): The authority will only issue certificates once satisfied the aircraft is safe, formalizing their right to mandate physical inspections if required.

Note – CO2 requirements apply strictly to Standard Certificates (21.B.326) and is excluded from Restricted Certificates (21.B.327).

Annex Ib (Part 21 Light) – Light Aircraft Framework

Point 21L.B.161 — Evaluation Program and Risk-Based Physical Inspections

- Pre-Amendment: Oversight rules for the relatively new Part 21L framework lacked granular criteria, often leading to standard or baseline physical inspections.

- Post-Amendment: Implements the same 7-point procedural baseline as Part 21. While investigations are waived for simplified transfers, authorities must now use a risk-based model to decide if a new light aircraft requires a physical inspection. This evaluation depends on four explicit data markers:
 1. Physical inspection results of the "first article" of that product configuration.
 2. Time elapsed since the authority last physically inspected an aircraft from that manufacturer.
 3. Historical oversight results of the production organization or the specific authorized signatory issuing the Statement of Conformity (EASA Form 52B) or Release Certificate (EASA Form 1).
 4. Time elapsed since the manufacturer's last formal oversight audit.

Point 21L.B.162 — Airworthiness Certificate Issuance and Transfers

- Pre-Amendment: Cross-border transfers of used light aircraft lacked an automated acceptance mechanism, forcing national authorities to independently reassess baseline airworthiness.
- Post-Amendment: * Updates points (a)(2)(iii) and (b)(2)(iii) to ensure supporting airworthiness reviews are executed strictly per Part-M or Part-ML.
 - Introduces an ironclad transfer derogation (21L.B.162(c)): Used light aircraft transferred within the EU must be issued a certificate directly once compliance with 21L.A.144(a) and supporting 21L.A.143 documentation is verified.
 - Aligns with standard aircraft rules by mandating the concurrent issuance of an ARC under Part-M or Part-ML alongside the core airworthiness certificate.

3. Summary of Structural Evolution

Regulatory Vector	Pre-Amendment Environment	Post-Amendment Environment (Regulation 2026/100)
Authority Investigation Methods	General oversight without explicitly structured procedural steps.	Mandated 7-step process covering applicant eligibility, documentation logs, and evaluation reports.
Intra-EU Aircraft Transfers	Complex, requiring full-scope reviews by the receiving Member State authority.	Simplified pathway: Mandatory issuance upon presenting a copy of the current certificate and defined documentation.
Initial Certificate ARC Issuance	Independent processing of initial airworthiness vs. airworthiness review status.	Mandatory concurrent issuance of an ARC under Part-M, Part-ML, or Part-AR.UAS at time of certificate issue.
New Light Aircraft (Part 21L) Oversight	Standard or baseline physical inspections.	Risk-based inspection model: Mandatory evaluation based on manufacturer tracking, signature history, and audit cycles.

4. Operational Best Practices

For Competent Authorities (NAAs)

- **Standardize Internal Handbooks:** Formally integrate the 7 core elements required by 21.B.320(b) and 21L.B.161(a) into authority procedures.
- **Build Data-Driven Logs:** Maintain a continuous tracking log of production organization performance, audit timelines, and EASA Form 52B/Form 1 signatories to run the risk-based assessment for Part 21L physical inspections.
- **Enforce Cross-Border Uniformity:** Ensure absolute procedural consistency with other Member States to prevent regulatory "forum shopping" as cross-border issuance pathways open up.

For Operators, CAMOs, CAOs, and Asset Managers

- **Pre-Transfer Documentation Audits:** When preparing an intra-EU transfer, pre-compile clean copies of current airworthiness certificates and exact Part 21/Part 21L documentation to ensure seamless, immediate processing.
- **Early Engagement for Transitions:** For aircraft imported from third countries or transitioning from military/state service, contract an approved organization early to complete the required Part-M/Part-ML airworthiness reviews, preventing compliance gaps between design validation and registry entry.