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#### COVER NOTE

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To:	General Secretariat of the Council
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Delegations will find attached document D043954/01.

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Encl.: D043954/01



Brussels, **XXX**  
[...] (2016) **XXX** draft

**COMMISSION REGULATION (EU) .../...**

**of XXX**

**amending Regulation (EU) No 1321/2014 as regards the introduction of certain categories of aircraft maintenance licences, the modification of the acceptance procedure of components from external suppliers and the modification of the maintenance training organisations privileges**

(Text with EEA relevance)

# COMMISSION REGULATION (EU) .../...

of **XXX**

**amending Regulation (EU) No 1321/2014 as regards the introduction of certain categories of aircraft maintenance licences, the modification of the acceptance procedure of components from external suppliers and the modification of the maintenance training organisations privileges**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC<sup>1</sup>, and in particular Articles 5(5) and 6(3) thereof,

Whereas:

- (1) Commission Regulation (EU) No 1321/2014<sup>2</sup> establishes the implementing rules on the continuing airworthiness of aircraft and aeronautical products, parts and appliances and on the approval of organisations and personnel involved in these tasks.
- (2) In accordance with Article 8(5) of Regulation (EU) No 1321/2014, the European Aviation Safety Agency (hereinafter: Agency) submitted, on 22 June 2015, an opinion to the Commission. That opinion includes proposals for a system for the licencing of certifying staff involved in the maintenance of ELA1 aeroplanes and for aircraft other than aeroplanes and helicopters. Considering that there is a need for such a system and that the proposed system is simple and proportionate, the necessary measures should now be taken so as to provide for that system in Union law.
- (3) In line with requests made to this effect by the industry, a new licence for certifying staff involved in the maintenance of avionics and electrical systems of aircraft other than those in the group of complex aircraft should be created, considering that the requirements for the existing licence are not proportionate to the lower complexity of those aircraft. The requirements for this new licence should be such that the level of

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<sup>1</sup> OJ L 79, 19.3.2008, p.1.

<sup>2</sup> Commission Regulation (EU) No 1321/2014 of 26 November 2014 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks (OJ L 362, 17.12.2014, p.1).

safety is not reduced compared to the one achieved with the existing licence. The creation of this new licence is expected to help reduce potential safety risks which could occur as a consequence of insufficient adequately qualified and licenced staff being available for the maintenance tasks concerned.

- (4) During performance of maintenance, it is common that persons or organisations use components, parts or material provided by third parties. It is necessary to mitigate the risks associated to the acceptance of such components, parts or material from third parties and in particular to ensure that the necessary measures are taken by persons and organisations to ensure proper acceptance, classification and segregation of components.
- (5) A significant number of fraud cases, showing a deliberate violation of the examination standards set in accordance with Regulation (EU) No 1321/2014, have been reported to the Agency. Those cases concern basic knowledge examinations performed by approved maintenance training organisations for students who did not attend the basic training course. This situation has led to important safety concerns, in particular in light of the risk of licence holders releasing to service aircraft after maintenance without having the basic knowledge required. Measures should now be taken to address those safety concerns.
- (6) In light of the introduction of the new certifying staff license, it is appropriate to amend the date of application of the rules laid down in Regulation 1321/2014 related to the licensing of the personnel involved in the maintenance of ELA1 aeroplanes. For reasons of consistency, this date of application and the date of application of the rules related to the licensing of the personnel involved in the maintenance of aircraft other than aeroplanes and helicopters should be aligned.
- (7) Pursuant to Commission Regulation (EU) No 1536/2015<sup>3</sup>, operators of complex motor-powered aircraft, in commercial or non-commercial operations, will have to ensure that the tasks associated with continuing airworthiness are performed by an approved continuing airworthiness management organisation and that the maintenance of the aircraft and components for installation thereon is performed by an approved maintenance organisation. However, in certain cases, such as in the non-commercial operation of lighter twin-turboprop aeroplanes, the compliance effort that is required of such operators is disproportionate to the benefits that implementing those requirements bring to the safety of their operations. The requirements applicable in those cases should therefore be adapted.
- (8) Certain editorial errors leading to implementation difficulties have also been identified in Annex Va to Regulation (EU) No 1321/2014. Those errors should be corrected.
- (9) Regulation (EU) No 1321/2014 should therefore be amended accordingly.
- (10) It is necessary to provide sufficient time to all parties concerned to adapt to the amended regulatory framework created as a consequence of the measures laid down in

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<sup>3</sup> Commission Regulation (EU) No 1536/2015 of 16 September 2015 amending Regulation (EU) No 1321/2014 as regards alignment of rules for continuing airworthiness with Regulation (EC) No 216/2008, critical maintenance tasks and aircraft continuing airworthiness monitoring (OJ L 241, 17.9.2015, p.16)

this Regulation. However, for reasons of consistency the date of application of the measures relating to Regulation (EU) No 1536/2015 should be aligned with the date of application of that Regulation, whereas for reasons of safety the measures relating to the reported fraud cases should apply without delay.

- (11) The measures provided for in this Regulation are in accordance with opinions of the Agency submitted pursuant to Article 19(1) of Regulation (EC) No 216/2008.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 65 of Regulation (EC) No 216/2008,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Regulation (EU) No 1321/2014 is amended as follows:

- (1) In Article 3, paragraph 2 is replaced by the following:
  - '2. Organisations and personnel involved in the continuing airworthiness of aircraft, including any component for installation thereto, which are registered in a Member State shall comply with the provisions of Annex I those specified in Articles 4 and 5.'
- (2) In Article 5, paragraph 6 is replaced by the following:
  - '6. Until such time as this Regulation specifies requirements for certifying staff for components, the requirements laid down in the national laws in force in the relevant Member State shall continue to apply, except for maintenance organisations located outside the Union where the requirements shall be approved by the Agency.'
- (3) Article 8 is amended as follows:
  - (a) In paragraph 2, point (b) is deleted.
  - (b) Paragraph 5 is deleted.
  - (c) The following paragraphs 7 and 8 are inserted:
    - '7. By way of derogation from paragraph 1, for the maintenance of ELA1 aeroplanes not involved in CAT operations and of aircraft other than aeroplanes and helicopters:
      - (a) the requirement for the competent authority to issue aircraft maintenance licences in accordance with Annex III (Part-66), as new or as converted, pursuant to point 66.A.70 of that Annex shall apply from 1 October 2018;
      - (ii) the requirement for certifying staff to be qualified in accordance with Annex III (Part-66) laid down in points M.A.606(g) and

M.A.801(b)(2) of Annex I (Part-M) and in point 145.A.30(g) and (h) of Annex II (Part- 145) shall apply from 1 October 2019.

8. By way of derogation from paragraph 1, for aeroplanes of 5 700 kg MTOM and below which are equipped with multiple turboprop engines and which are not involved in commercial operations, points M.A.201(g)(2) and (g)(3) of Annex I (Part-M) shall apply from 1 January 2020.' Annex I (Part-M) is amended in accordance with Annex I to this Regulation.'

- (4) Annex II (Part-145) is amended in accordance with Annex II to this Regulation.
- (5) Annex III (Part-66) is amended in accordance with Annex III to this Regulation.
- (6) Annex IV (Part-147) is amended in accordance with the Annex IV to this Regulation.
- (7) Annex Va (Part-T) is amended in accordance with the Annex V to this Regulation.

#### *Article 2*

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from [*OJ please insert date: six months after date of entry into force*]

However,

- (a) Article 1(3)(b) and Article 1(8) shall apply from 25 August 2016;
- (b) point (1) of Annex IV shall apply from the day this Regulation enters into force.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission*  
*The President*