



Council of the  
European Union

Brussels, 29 July 2016  
(OR. en)

11249/1/16  
REV 1

AVIATION 152

#### COVER NOTE

---

From:	European Commission
date of receipt:	25 July 2016
To:	General Secretariat of the Council

---

No. Cion doc.:	D046141/02
Subject:	COMMISSION DECISION of XXX authorising France to derogate pursuant to Article 14(6) of Regulation (EC) No 216/2008 of the European Parliament and of the Council from certain common aviation safety rules concerning the installation of components

---

Delegations will find attached document D046141/02.

---

Encl.: D046141/02



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

**COMMISSION DECISION**

of **XXX**

**authorising France to derogate pursuant to Article 14(6) of Regulation (EC) No  
216/2008 of the European Parliament and of the Council from certain common aviation  
safety rules concerning the installation of components**

## COMMISSION DECISION

of **XXX**

### **authorising France to derogate pursuant to Article 14(6) of Regulation (EC) No 216/2008 of the European Parliament and of the Council from certain common aviation safety rules concerning the installation of components**

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 Article 14(7) thereof,

Whereas:

- (1) France notified its intention to grant an approval derogating from the common aviation safety rules implementing Regulation (EC) No 216/2008 contained in Commission Regulation (EU) No 1321/2014<sup>2</sup>. The intended derogation, notified by France on 24 July 2015, concerns the point M.A.501 of Annex I (Part-M) to Commission Regulation (EU) No 1321/2014.
- (2) Pursuant to Article 14(7) of Regulation (EC) No 216/2008, the Commission services assessed the need for, and the level of safety emerging from, the proposed derogation based on a recommendation of the European Aviation Safety Agency (hereinafter the Agency).
- (3) The point M.A.501 of Annex I (Part-M) to Commission Regulation (EU) No 1321/2014 requires that no component may be fitted unless it is in a satisfactory condition, has been appropriately released to service on an EASA Form 1 or equivalent and is market in accordance with Annex I (Part-21), Subpart Q, unless otherwise specified in Annex I (Part-21) to Regulation (EU) No 748/2012<sup>3</sup>, Annex II (Part-145) or Subpart F, Section A of Annex I to Regulation (EU) No 1321/2014.
- (4) In its notification France explained that a French owner of an YMF5C aircraft has the intent to buy and get installed an engine on this aircraft, namely the engine P/N (Model) R755B2M, Serial Number 17819.

---

<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).

<sup>3</sup> Commission Regulation (EU) No 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations (OJ L 224, 21.8.2012, p. 1)

- (5) YMF5C aircraft are produced by WACO Classic Aircraft Corporation, an organisation located in the United States, which holds the EASA approved type certificate EASA.IM.A.055. WACO Classic Aircraft Corporation holds FAA production certificate No 328CE approving production of the related type of aircraft. YMF5C aircraft are equipped with engines R755B2M for which AIR REPAIR holds the EASA approved type certificate EASA.E.092. This organisation provides the aircraft manufacturer with its engines for installation. However, since AIR REPAIR does not hold a production approval, it cannot deliver engines with release to service forms to other customers. The information received by the Agency indicates that AIR REPAIR is not interested in obtaining either a production approval or an EASA Part-145 approval.
- (6) DGAC considers that the installation in France of an engine provided by aircraft manufacturer without an EASA Form 1 or equivalent and performed by qualified personnel is equivalent to what is done in the aircraft production line. It also declares that there is no technical difference with the removal/installation of the current installed engine based on the information delivered by the aircraft manufacturer.
- (7) DGAC justifies that an equivalent level of protection to that attained by the application of the implementing rules is achieved by the means of installing an engine without an EASA Form 1 or equivalent based on the declaration of the aircraft manufacturer that that engine is similar to one it would install in its production line. The aircraft manufacturer has confirmed that the aircraft maintenance manual YFMFAMM-1 rev F contains the necessary information for engine removal and installation.
- (8) In addition, the Agency has contacted the FAA to ensure that they don't have an objection to the measures described by France, which do not comply with the US export requirements to the EU as specified in the Bilateral Aviation Safety Agreement. The FAA has agreed with the terms of the exemption.
- (9) Based on the recommendation of the Agency, issued on 24 September 2015, the Commission concluded that the proposed derogation would provide a level of protection equivalent to the one attained by application of the common aviation safety rules, provided certain conditions are met.
- (10) In accordance with Article 14(7) of Regulation (EC) No 216/2008, a decision by the Commission that a Member State may grant a proposed derogation needs to be notified to all Member States, which would also be entitled to apply the measure in question. This Decision should therefore be addressed to all Member States. The description of the derogation, as well as the conditions attached to it, should be such as to enable other Member States to also apply that measure when they are in the same situation, without requiring a further decision by the Commission. Member States should exchange information on the application of the measure where they apply it, in accordance with Article 15(1) of Regulation (EC) No 216/2008, as this application may have effects outside the Member States that grant the derogation.
- (11) The measures provided for in this Decision are in accordance with the opinion of the European Aviation Safety Agency Committee,

HAS ADOPTED THIS DECISION:

*Article 1*

France may grant approvals derogating from the point M.A.501 of Annex I (Part-M) to Commission Regulation (EU) No 1321/2014 to owners of YMF5C aircraft, produced by WACO Classic Aircraft Corporation, who intend to buy and get installed on their aircraft engines R755B2M based on the declaration of the aircraft manufacturer that the engines are similar to the ones that would be installed in its production line, provided that the applicable aircraft maintenance manual contains the necessary information for engine removal and installation.

*Article 2*

All Member States shall be entitled to apply the measure referred to in Article 1. Member States applying this measure shall notify the Commission, the Agency and the national aviation authorities thereof.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels,

*For the Commission*  
*Violeta BULC*  
*Member of the Commission*