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AVIATION 18

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To:	General Secretariat of the Council
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Delegations will find attached document D034510/03.

Encl.: D034510/03



Brussels, **XXX**
[...](2015) **XXX** draft

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

of XXX

**amending Regulation (EU) No 1321/2014 as regards alleviations for maintenance
procedures for general aviation aircraft**

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

of **XXX**

amending Regulation (EU) No 1321/2014 as regards alleviations for maintenance procedures for general aviation aircraft

THE EUROPEAN COMMISSION,

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/EC¹, and in particular Article 5(5) thereof,

Whereas:

- (1) Commission Regulation (EU) No 1321/2014² establishes 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) It is necessary to reduce the complexity of those implementing rules in order to adapt them with regard to the risks associated to the different categories of aircraft and types of operation and, in particular, to the lower risks associated to general aviation aircraft, so as to realise alleviations in the maintenance procedures leading to greater flexibility and a reduction of costs for the owners of the affected aircraft.
- (3) In addition, since some certificates, as laid down in the Appendices to the Annexes to Regulation (EC) No 2042/2003, refer to that Regulation, which was recast by Regulation (EU) No 1321/2014, it is necessary to update those references.
- (4) Regulation (EU) No 1321/2014 should therefore be amended accordingly.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the European Aviation Safety Agency submitted pursuant to Article 19(1) of Regulation (EC) No 216/2008.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 65 of the Regulation (EC) No 216/2008.

¹ 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 (OJ L 79, 19.03.2008, p. 1).

² 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)

HAS ADOPTED THIS REGULATION:

Article 1

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

1) In Article 2, the following point (ka) is inserted after point (k):

"(ka) 'ELA2 aircraft' means the following manned European Light Aircraft:

- (i) an aeroplane with a Maximum Take-off Mass (MTOM) of 2 000 kg or less that is not classified as complex motor-powered aircraft;
- (ii) a sailplane or powered sailplane of 2 000 kg MTOM or less;
- (iii) a balloon;
- (iv) a hot air ship;
- (v) a gas airship complying with all of the following characteristics:
 - 3 % maximum static heaviness,
 - non-vector thrust (except reverse thrust),
 - conventional and simple design of structure, control system and ballonet system, and
 - non-power assisted controls;
- (vi) a Very Light Rotorcraft."

2) In Article 3, the following paragraph 4 is added:

"4. Maintenance programmes approved in accordance with the requirements applicable before *[Publication Office to insert date of entry into force of the present amending Regulation.]* shall be deemed to have been approved in accordance with the requirements set out in this Regulation."

3) Article 8 is amended as follows:

- (a) In paragraph (2)(b), the date of '28 September 2015' is replaced by the date of '28 September 2016';
- (b) In paragraph (4), 'Regulation (EC) No 2042/2003' is replaced by 'Regulation (EU) No 1149/2011';
- (c) The following paragraph (6) is added:

"6. By way of derogation from paragraph 1:

- (a) Competent authorities or, where applicable, organisations may continue to issue certificates, previous issue, as laid down in Appendix III to Annex I (Part-M) or Appendix II and Appendix III to Annex IV (Part-

147) to Regulation (EU) No 1321/2014, in force prior to (...) [*The Publication Office will insert the date of the entry into force of this Regulation*], until 31 December 2015.

- (b) Certificates issued before 1 January 2016 remain valid until they are changed, suspended or revoked."

4) Annex I (Part-M) is amended in accordance with Annex I to this Regulation.

5) Annex II (Part-145) is amended in accordance with Annex II to this Regulation.

6) Annex IV (Part-147) is amended in accordance with Annex III to this Regulation.

Article 2

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

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

Done at Brussels,

*For the Commission
The President*