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DELACT 8

COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	28 January 2020
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

No. Cion doc.:	C(2020) 336 final
Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 28.1.2020 amending and correcting Regulation (EU) No 748/2012 as regards the alignment of rules for continuing airworthiness of aircraft and aeronautical products, parts and appliances with Regulation (EU) No 1321/2014

Delegations will find attached document C(2020) 336 final.

Encl.: C(2020) 336 final



Brussels, 28.1.2020
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COMMISSION DELEGATED REGULATION (EU) .../...

of 28.1.2020

amending and correcting Regulation (EU) No 748/2012 as regards the alignment of rules for continuing airworthiness of aircraft and aeronautical products, parts and appliances with Regulation (EU) No 1321/2014

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Commission Implementing Regulation (EU) 2019/1383 amending Commission Regulation (EU) No 1321/2014 has introduced more flexible requirements for maintenance of light aircraft and added safety risk management for organisations that manage the continuing airworthiness of aircraft operated by air carriers licenced in accordance with Regulation (EC) No 1008/2008. One of the consequences of the amendment is that the measures to be taken to ensure the continuing airworthiness of the aircraft, previously laid down in Annex I (Part-M), are now laid down, depending on the type of aircraft and operation, in Annex I (Part-M), Annex Vb (Part-ML), Annex Vc (Part-CAMO) and Annex Vd (Part-CAO) to Regulation (EU) No 1321/2014.

The main objective of this initiative is to align the rules for continuing airworthiness in Regulation (EU) No 748/2012 with the new structure of Regulation (EU) No 1321/2014.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

In accordance with Article 128(4) of Regulation (EU) 2018/1139, before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. The draft of the delegated act was presented at the meeting of the Commission experts group including representatives from the Member States in October 2019.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The Commission is empowered to adopt delegated acts in accordance with Article 128 of Regulation (EU) 2018/1139.

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

of 28.1.2020

amending and correcting Regulation (EU) No 748/2012 as regards the alignment of rules for continuing airworthiness of aircraft and aeronautical products, parts and appliances with Regulation (EU) No 1321/2014

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91¹, and in particular Article 19 (1) thereof,

Whereas:

- (1) Commission Regulation (EU) No 1321/2014² has been amended³ to establish more flexible requirements for the maintenance of light aircraft and to add safety risk management for organisations that manage the continuing airworthiness of aircraft operated by holders of an air operator certificate. As a consequence of that amendment the measures to be taken to ensure the continuing airworthiness of an aircraft, which were previously laid down in Annex I (Part-M) of Regulation (EU) No 1321/2014, are now laid down in Annex I (Part-M), Annex Vb (Part-ML), Annex Vc (Part-CAMO) and Annex Vd (Part-CAO) of that Regulation, in accordance to the type of aircraft and operation thereof.
- (2) Since the provisions relating to certificates of airworthiness, repair design approvals and permits to fly, laid down in Annex I (Part 21) to Commission Regulation (EU)

¹ OJ L 212, 22.8.2018, 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).

³ Commission implementing Regulation (EU) 2019/1383 of 8 July 2019 amending and correcting Regulation (EU) No 1321/2014 as regards safety management systems in continuing airworthiness management organisations and alleviations for general aviation aircraft concerning maintenance and continuing airworthiness management (OJ L 228, 4.9.2019, p. 1)

No 748/2012⁴, only refer to Annex I (Part-M) to Regulation (EU) No 1321/2014, that Annex I (Part-21) to Commission Regulation (EU) No 748/2012 should be amended to adapt its provisions to the new structure of the Annexes to Regulation (EU) No 1321/2014.

- (3) Point (b) of point 21.A.604 of Annex I to Regulation (EU) No 748/2012 may be understood that for the approval of design changes to Auxiliary Power Unit for applicants who do not hold a European Technical Standard Order Authorisation, as regards changes classified as minor, Subpart E of Annex I to Regulation (EU) No 748/2012 should be applied instead of Subpart D of Annex I to that Regulation. Therefore, Regulation (EU) No 748/2012 should be corrected to clarify that in those cases Subpart D of Annex I to that Regulation applies.
- (4) The requirements related to the production cut-off standard for aeroplane CO₂ emissions in point 21.A.165 of Subpart G of Annex I to Regulation (EU) No 748/2012 are not clearly stated and aligned with the same requirements in Subpart F of Annex I to that Regulation. Regulation (EU) No 748/2012 should therefore be corrected.
- (5) The provision in letter (c) of point 21.A.93 of Annex I to Regulation (EU) No 748/2012 refers to ‘type-certificates or restricted type-certificates’, whereas it should refer to ‘changes to type-certificates or restricted type-certificates’. Regulation (EU) No 748/2012 should therefore be corrected.
- (6) The measures provided for in this Regulation are in accordance with Opinions 05/2016⁵ and 06/2016⁶ of the European Union Aviation Safety Agency submitted pursuant to Article 76(1) of Regulation (EU) 2018/1139,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 748/2012 is amended and corrected as follows:

- (1) in Article 1(2), point (d) is deleted;
- (2) Annex I is amended in accordance with the Annex 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*.

⁴ 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 Opinion 05/2016 : Task force for the review of Part-M for General Aviation (PHASE II)

⁶ Opinion 06/2016 : Embodiment of safety management system (SMS) requirements into Commission Regulation (EU) No 1321/2014 - SMS in Part-M

It shall apply from 24 March 2020.

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

Done at Brussels, 28.1.2020

*For the Commission
The President
Ursula von der LEYEN*