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Draft

COMMISSION REGULATION (EC) No .../..

of [...]

amending Commission Regulation (EC) No 2042/2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency¹ (hereinafter referred to as the Agency), and in particular Articles 5 and 6 thereof,

Having regard to Commission Regulation (EC) No 2042/2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks², and in particular Article 7 thereof,

Whereas:

- (1) The current provisions of the Commission Regulation (EC) No 2042/2003 make it impossible for foreign maintenance organisation to be exempted from the immediate implementation of some requirements of its Annex II (Part-145); this situation could be felt as discriminatory by certain non European Union maintenance organisations.
- (2) It is necessary to give the Agency the power to postpone the entry into force of some provisions of Annex II (Part-145) to Commission Regulation (EC) No 2042/2003.
- (3) The measures provided by this Regulation are based on the Opinion issued by the Agency³ in accordance with Articles 12(2)(b) and 14(1) of Regulation (EC) No 1592/2002.

¹ OJ L 240, 7.9.2002, p. 1.

² OJ L 315, 28.11.2003, p. 1

³ Opinion 2/2004, 1.10.2004.

- (4) The measures provided for in this Regulation are in accordance with the opinion⁴ of the European Aviation Safety Agency Committee established by Article 54(3) of Regulation (EC) No 1592/2002.
- (5) The Commission Regulation (EC) No 2042/2003 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 7 of Commission Regulation (EC) No 2042/2003, the paragraph 6 is replaced by the following:

“6. By way of derogation from paragraph 1 the Agency may elect not to apply:

- (a) the following provisions of Annex II, until 28 September 2006:
- 145.A.30(e) human factors elements,
 - 145.A.30(g) as applicable to large aircraft with a maximum take-off mass of more than 5700 kg,
 - 145.A.30(h)(1) as applicable to aircraft with a maximum take-off mass of more than 5700 kg,
 - 145.A.30(j)(1) Appendix IV,
 - 145.A.30(j)(2) Appendix IV;
- (b) the following provisions of Annex II, until 28 September 2008:
- 145.A.30(g) as applicable to aircraft with a maximum take-off mass of 5700 kg or below,
 - 145.A.30(h)(1) as applicable to aircraft with a maximum take-off mass of 5700 kg or below,
 - 145.A.30(h)(2).”

Article 2

In Article 7 of Commission Regulation (EC) No 2042/2003 the following paragraph shall be added:

“7. When the Agency makes use of the provisions of paragraph 6 it shall notify the Commission.”

⁴ [To be issued].

Article 3

In Article 7 of Commission Regulation (EC) No 2042/2003, the paragraph 6 is renumbered 8

Article 4

This Regulation shall enter into force on the day following that of 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
Member of the Commission