

Proposal for a
COMMISSION REGULATION (EC) No .../...
of [...]

amending Commission Regulation (EC) No 1702/2003 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

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, in particular Article 80(2) thereof,

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) In order to improve cost-efficiency in the certification process in Europe, it is necessary to introduce changes to requirements and procedures for the certification of aircraft and related products, parts and appliances and of design and production organisations, in particular to restore consistency in the certification of auxiliary power units and the approval of repairs to those units;
- (2) Commission Regulation (EC) No 1702/2003 of 24 September 2003 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 organisations² should therefore be amended accordingly;
- (3) The measures provided for in this Regulation are based on the opinion issued by the European Aviation Safety Agency³ in accordance with Articles 17(2)(b) and 19(1) of Regulation (EC) No 216/2008;
- (4) The measures provided for in this Regulation are in accordance with the opinion of the European Aviation Safety Agency Committee established by Article 65(4) of Regulation (EC) No 216/2008.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1702/2003 is amended as follows:

1. The Annex (Part-21) is amended in accordance with the Annex to this Regulation.

¹ OJ L 79, 19.03.2008, p.1

² OJ L 243, 27.9.2003, p.6 Regulation as last amended by Regulation (EC) No 1057/2008 (OJ L 283, 28.09.2008, p. 30)

³ Opinion 02/2009 on "Repair and design changes to European Technical Standard Order (ETSO)"

Article 2
Entry into force

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

ANNEX

1. The Annex (Part-21) to Commission Regulation (EC) 1702/2003 is amended as follows:

- (1) In point 21A.263(c), point (5) is replaced by the following:
 5. to approve the design of major repairs to products or Auxiliary Power Units for which it holds the type-certificate or the supplemental type-certificate or ETSO authorisation.
- (2) In point 21A.431, point (d) is replaced by the following:
 - (d) A repair design to an ETSO article other than an Auxiliary Power Unit (APU) shall be treated as a change to the ETSO design and shall be processed in accordance with 21A.611.
- (3) In point 21A.433(a), point (1) is replaced by the following:
 1. Show compliance with the type-certification basis and environmental protection requirements incorporated by reference in the type-certificate, supplemental type-certificate or APU ETSO authorisation, as applicable, or those in effect on the date of application (for repair design approval), plus any amendments to those certification specifications or special conditions the Agency finds necessary to establish a level of safety equal to that established by the type-certification basis incorporated by reference in the type-certificate, supplemental type-certificate or APU ETSO authorisation.
- (4) In point 21A.433, point (b) is replaced by the following:
 - (b) Where the applicant is not the type-certificate, supplemental type-certificate or APU ETSO authorisation holder, as applicable, the applicant may comply with the requirements of paragraph (a) through the use of its own resources or through an arrangement with the type-certificate, supplemental type-certificate and APU ETSO authorisation holder as applicable."
- (5) Point 21A.437 is replaced by the following:

21A.437 Issue of a repair design approval

When it has been declared and has been shown that the repair design meets the applicable certification specifications and environmental protection requirements of 21A.433(a)(1), it shall be approved:

- (a) by the Agency, or
 - (b) by an appropriately approved organisation that is also the type-certificate, supplemental type-certificate or APU ETSO authorisation holder, under a procedure agreed with the Agency, or
 - (c) for minor repairs only, by an appropriately approved design organisation under a procedure agreed with the Agency.
- (6) In point 21A.445, point (b) is replaced by the following:
 - (b) Where the organisation evaluating the damage under paragraph (a) is neither the Agency nor the type-certificate, supplemental type-certificate or APU ETSO authorisation holder, this organisation shall justify that the information on which the evaluation is based is adequate either from its organisation's own resources or through an arrangement with the type-

certificate, supplemental type-certificate or APU ETSO authorisation holder, or manufacturer, as applicable.

- (7) In point 21.451(a), point 1 (ii) is replaced by the following:
- (ii) implicit in the collaboration with the type-certificate, supplemental type-certificate and with the APU ETSO authorisation holder, under 21A.433 (b), as appropriate.
- (8) In point 21A.451, point (b) is replaced by the following:
- (b) Except for type-certificate holders or APU authorisation holders for which 21A.44 applies, the holder of a minor repair design approval shall:
 - 1. undertake the obligations laid down in 21A.4, 21A.447 and 21A.449; and
 - 2. specify the marking, including EPA letters, in accordance with 21A.804(a).
- (9) In point 21A.604, point (b) is replaced by the following:
- (b) Subpart D or Subpart E of this Part 21 is applicable for the approval of design changes by way of derogation from 21A.611. When Subpart E is used, a separate ETSO authorisation shall be issued instead of a supplemental type-certificate.
- (10) In point 21A.604 , point (c) is added as follows:
- (c) Subpart M of this Part 21 is applicable for the approval of repair designs.