



Brussels, **XXX**
[...](2013) **XXX** draft

ANNEX to EASA OPINION 02-2013

COMMISSION REGULATION (EU) No .../..

of **XXX**

amending Commission Regulation (EC) No 2042/2003 of 20 November 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

COMMISSION REGULATION (EU) No .../..

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amending Commission Regulation (EC) No 2042/2003 of 20 November 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

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 ⁽¹⁾, and in particular Article 5(2) thereof,

Whereas:

- (1) Regulation (EC) No 216/2008 requires the European Commission to adopt the necessary implementing rules for establishing the conditions for the safe operation of aircraft. Regulation (EC) No 2042/2003 establishes those implementing rules on continuing airworthiness.
- (2) The European Aviation Safety Agency (hereafter the 'Agency') prepared draft implementing rules and submitted them as an opinion to the European Commission in accordance with Article 19(1) of Regulation (EC) No 216/2008.
- (3) 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,
- (4) Regulation (EC) No 2042/2003 should therefore be amended accordingly.
- (5) The measures provided for in this Regulation are based on the Opinion issued by the Agency in accordance with Articles 17(2)(b) and 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 Regulation (EC) No 216/2008.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2042/2003 is amended as follows:

Annex I Part-M Section B M.B.303 'Aircraft continuing airworthiness monitoring' and M.B.304 'Revocation, suspension and limitation' are amended in accordance with the Annex to this document.

⁽¹⁾ OJ L 79, 13.3.2008, p. 1.

Article 2

This Regulation shall enter into force on the 20th 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

ANNEX 1

Annex I (Part-M) to Commission Regulation (EC) No 2042/2003 Section B 'Procedure for Competent Authorities' is amended as follows:

1. In M.B.303 paragraphs (c), (g) and (h) are deleted; as a consequence, paragraphs (d), (e), (f) and (i) are re-identified as (c), (d), (e) and (g) respectively; the text in paragraphs (a) and (b) and in former paragraphs (d), (e) and (i) (now (c) (d) and (g)) is amended as below; and a new paragraph (f) is added, as follows:

M.B.303 Aircraft continuing airworthiness monitoring

- (a) The competent authority shall develop a survey programme on a risk-based approach to monitor the airworthiness status of the fleet of aircraft on its register.
- (b) The survey programme shall include sample product surveys of aircraft and shall cover all aspects of airworthiness key risk elements.
- (c) The product survey shall sample the airworthiness standards achieved, on the basis of the applicable requirements, and identify any findings.
- (d) Any findings identified shall be categorised against the requirements of this Part and confirmed in writing to the person or organisation accountable according to M.A.201. The competent authority shall have a process in place to analyse findings for their safety significance.
- (e) The competent authority shall record all findings and closure actions.
- (f) If during aircraft surveys evidence is found showing non-compliance with this Part or with any other Part, the finding shall be dealt with as prescribed by the relevant Part.
- (g) If so required to ensure appropriate enforcement action, the competent authority shall exchange information on non-compliances identified in accordance with paragraph (f) with other competent authorities.

2. The title of M.B.304 is amended as follows:

M.B.304 Revocation and suspension

3. In the text of M.B.304 paragraph (b) is amended by deleting 'or limit' and by replacing the reference to M.B.303(g) by a reference to M.B.903(1), as follows:

The competent authority shall:

- (a) suspend an airworthiness review certificate on reasonable grounds in the case of potential safety threat, or;
- (b) suspend or revoke an airworthiness review certificate pursuant to M.B.903(1).