

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, to amend paragraph M.A.302 of Annex I thereof.

(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 Annex I thereof,

Whereas:

- (1) It is necessary to incorporate the results of conclusions of the investigation of past accidents regarding ageing aircraft and fuel tank safety in Annex I to the Commission Regulation (EC) No 2042/2003.
- (2) The current absence of text creates a doubt on the need for operators to take into account new or modified maintenance instructions promulgated by the Type Certificate holder and to carry out regular reviews of the maintenance programme.
- (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 4/2005, 08.03.2005.

- (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

The following points (f) and (g) are added to paragraph M.A.302 of Annex I to Commission Regulation (EC) No 2042/2003:

- “(f) The maintenance programme must be subject to periodic reviews and amended when necessary. The reviews will ensure that the programme continues to be valid in light of operating experience whilst taking into account new and/or modified maintenance instructions promulgated by the Type Certificate holder.
- (g) The maintenance programme must reflect applicable mandatory regulatory requirements addressed in documents issued by the Type Certificate holder to comply with Part 21A.61.”

Article 2

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

⁴ [To be issued].