

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,

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 Basic Regulation"), and in particular Articles 5 and 6 thereof,

Having regard to 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 organisations²,

Whereas:

- (1) Article 5(2) of Commission Regulation (EC) No 1702/2003 establishes that by way of derogation from 21.A.159 of Part 21, Member States may issue approvals of a limited duration until 28 September 2005.
- (2) Article 5(5) of the said Regulation specifies that the Agency shall make, in due time, an evaluation of the implication of the provisions of this Regulation on the duration of the validity of approvals in view of producing an opinion to the Commission including possible amendments to it.
- (3) Member States have expressed their concerns regarding the differences between their national legislation and the system of approvals of unlimited duration established by Commission Regulation (EC) No 1702/2003. These differences should be addressed.

¹ OJ L 240, 7.9.2002, p. 1.

² OJ L 243, 28.9.2003, p. 6.

- (4) The deadline specified in Article 5(2) of the said Regulation is to be accomplished. A new deadline should be established so that Member States can adapt their national legislation.
- (5) The Agency has undertaken the evaluation of the implications of the provisions of Commission Regulation (EC) No 1702/2003 as mandated by its Article 5(5), there is no reason to keep paragraph 5 and therefore it should be repealed.
- (6) 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 the Basic Regulation.
- (7) 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 the Basic Regulation.
- (8) The Commission Regulation (EC) No 1702/2003 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Article 5 to Commission Regulation (EC) No 1702/2003 is hereby amended as follows:

(a) Paragraph 2 is replaced by the following:

“2. By way of derogation from 21A.159 of Part 21, Member States may issue approvals of a limited duration until 28 September 2007.”

(b) Paragraph 5 is repealed.

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*

³ Opinion 5/2005

⁴ [to be issued]