

**Draft Annexes to draft Commission Delegated Regulation (EU) .../... amending Regulation (EU) No 748/2012 as regards the airworthiness review process and the import of aircraft**

*ANNEX I*

Annex I (Part 21) to Commission Regulation (EU) No 748/2012 is amended as follows:

- (1) point 21.A.174 is amended as follows:
  - (a) in point (b)(2), points (ii) and (iii) are replaced by the following:
    - ‘(ii) the mass and balance statement corresponding to the aircraft current configuration, as applicable;
    - (iii) the flight manual if required by the applicable type-certification basis.’;
  - (b) in point (b), point 3 is replaced by the following:
    - ‘3. with regard to used aircraft:
      - (i) having an airworthiness certificate issued in accordance with this Annex at the time of the application, a copy of such certificate and one of the following:
        - (A) a valid airworthiness review certificate (ARC) issued in accordance with Annex I (Part-M) or Annex Vb (Part-ML) to Commission Regulation (EU) No 1321/2014, or with Annex I (Part-ML.UAS) to Commission Delegated Regulation (EU) 2024/1107, as applicable;
        - (B) a recommendation for the issuance of an airworthiness review certificate pursuant to an airworthiness review in accordance with Annex I (Part-M) to Regulation (EU) No 1321/2014, in case the conditions established in point M.A.901(b)(1) of Annex I (Part-M) to Regulation (EU) No 1321/2014 are not met;
      - (ii) not having an airworthiness certificate issued in accordance with this Annex at the time of the application:
        - (A) a statement from the appropriate authority that was responsible for the oversight of the aircraft reflecting the airworthiness status of the aircraft at the time that authority ceased its oversight responsibilities;
        - (B) the mass and balance statement corresponding to the aircraft current configuration, as applicable;
        - (C) the flight manual if required by the applicable type-certification basis;
        - (D) historical records necessary to establish the production, configuration and maintenance standard of the aircraft, including all limitations associated with a restricted certificate of airworthiness issued in accordance with point 21.B.327;
        - (E) a recommendation for the issuance of an airworthiness review certificate pursuant to an airworthiness review in accordance with Annex I (Part-M) to Regulation (EU) No 1321/2014 or an airworthiness review certificate in accordance with Annex Vb (Part-ML) to Regulation (EU) No 1321/2014 or with Annex I (Part-ML.UAS) to Delegated Regulation (EU) 2024/1107, unless it is agreed

that the airworthiness review is to be carried out by the competent authority;

- (F) the date on which the first certificate of airworthiness was issued and, if the standards of Volume III of Annex 16 to the Chicago Convention apply, the CO<sub>2</sub> metric value data;
- (G) if the former airworthiness certificate of the aircraft was issued in accordance with this Annex but has been subsequently revoked or surrendered, alternatively to the statement required in point (A), all of the following:
  - (a) a statement containing:
    - (1) the details of the reasons for the revocation or surrender of the airworthiness certificate;
    - (2) the details of how the aircraft has been preserved and maintained since the revocation or surrender of the airworthiness certificate;
    - (3) all other relevant information related to the condition and history of the aircraft;
  - (b) an evaluation programme developed and carried out in accordance with points 21.A.174(d)(3) and 21.A.174(d)(4), unless otherwise agreed by the competent authority of the Member State of registry.’;

(c) the following point (d) is added:

‘(d) By way of derogation from point 21.A.174(b)(3)(ii)(A), in exceptional cases and with prior agreement by the competent authority, an application without a statement reflecting the airworthiness status of the aircraft may be made, provided that:

1. the competent authority of the Member State of registry is satisfied that the airworthiness statement has not been denied by the former aviation authority because of airworthiness concerns, unless those concerns have been addressed and corrected;
2. there is evidence available to the competent authority of the Member State of registry as to the approved design according to which the aircraft was initially built and delivered;
3. an evaluation programme is developed detailing the investigations which are necessary to compensate for the lack of the airworthiness statement referred to in point 21.A.174(b)(3)(ii)(A). The objective of the evaluation programme is to ensure that the aircraft and its records are in a condition that makes the aircraft eligible for the issuance of an airworthiness certificate. This is achieved through comprehensive investigations conducted by an approved organisation or the competent authority. The programme aims to identify any discrepancies or deficiencies which, after the necessary corrective actions, will bring the aircraft into compliance with the applicable airworthiness standards. The evaluation programme is not intended to replace the tasks carried out by the person or organisation responsible for continuing airworthiness or airworthiness review tasks, but rather to complement them.

The programme shall be developed, and the investigations defined in it shall be performed, by:

- (i) an organisation approved in accordance with point CAMO.A.125(g) of Annex Vc (Part-CAMO) or point CAO.A.095(c)(3) of Annex Vd (Part-CAO) to Commission Regulation (EU) No 1321/2014, or in accordance with Annex II (Part-CAO.UAS) to Delegated Regulation (EU) 2024/1107, as applicable, or
- (ii) the competent authority of the Member State of registry, only for aircraft of 2 730 kg MTOM and below and upon the acceptance of that authority.

That evaluation programme shall specify the activities to be performed to identify the status of the aircraft with regard to conformity to the approved type design, existing modifications and repairs and maintenance, and continuing airworthiness status. That evaluation programme, if developed by an organisation as referred to in point (i) above, shall be accepted by the competent authority of the Member State of registry before the evaluation is conducted;

- 4. the investigation activities were conducted in accordance with the evaluation programme, and the results have been summarised in an evaluation report;
- 5. upon request by the competent authority of the Member State of registry, the applicant shall provide access to, and copies of, any information that was used to generate the evaluation programme and evaluation report.’;

- (2) point 21.A.179 is replaced by the following:

‘21.A.179 Transferability

The airworthiness certificate and the airworthiness review certificate shall be transferred together with the aircraft provided that the aircraft remains on the same register.’;

- (3) the list of Appendices (EASA FORMS), Appendix II — EASA Form 15a, 15c and 15d — Airworthiness Review Certificate is replaced by the following:

‘Appendix II — reserved’;

- (4) Appendix II — EASA Form 15a, 15c and 15d — Airworthiness Review Certificate is deleted.

## ANNEX II

Annex Ib (Part 21 Light) to Commission Regulation (EU) No 748/2012 is amended as follows:

- (1) point 21L.A.143 is amended as follows:
  - (a) in point (c), point 2 is replaced by the following:
    - ‘2. the mass and balance statement corresponding to the aircraft current configuration, as applicable;’;
  - (b) in point (d), point 2 is replaced by the following:
    - ‘2. the mass and balance statement corresponding to the aircraft current configuration, as applicable;’;
  - (c) points (e) and (f) are replaced by the following:
    - ‘(e) For a used aircraft having an airworthiness certificate issued in accordance with this Annex at the time of the application, the applicant shall include in the application, a copy of such certificate and one of the following:
      1. a valid airworthiness review certificate (ARC) issued in accordance with Annex I (Part-M) or Annex Vb (Part-ML) to Commission Regulation (EU) No 1321/2014, as applicable;
      2. a recommendation for the issuance of an airworthiness review certificate pursuant to an airworthiness review in accordance with Annex I (Part-M) to Regulation (EU) No 1321/2014, in case the conditions established in point M.A.901(b)(1) of Annex I (Part-M) to Regulation (EU) No 1321/2014 are not met.
    - (f) For a used aircraft not having an airworthiness certificate issued in accordance with this Annex at the time of the application, the applicant shall include in the application all of the following:
      1. a statement from the appropriate authority that was responsible for the oversight of the aircraft reflecting the airworthiness status of the aircraft at the time that authority ceased its oversight responsibilities;
      2. the historical records necessary to establish the production, configuration and maintenance standard of the aircraft;
      3. the mass and balance statement corresponding to the aircraft current configuration, as applicable;
      4. the flight manual if required by the applicable type-certification basis or by the applicable detailed technical specifications for the declaration of design compliance;
      5. a recommendation for the issuance of an airworthiness review certificate pursuant to an airworthiness review in accordance with Annex I (Part-M) to Regulation (EU) No 1321/2014 or an airworthiness review certificate in accordance with Annex Vb (Part-ML) to Regulation (EU) No 1321/2014, unless it is agreed that the airworthiness review is to be carried out by the competent authority;
      6. if the former airworthiness certificate of the aircraft was issued in accordance with this Annex but has been subsequently revoked or surrendered, alternatively to the statement required in point 1, all of the following:
        - (i) a statement containing:

- (A) the details of the reasons for the revocation or surrender of the airworthiness certificate;
  - (B) the details of how the aircraft has been preserved and maintained since the revocation or surrender of the airworthiness certificate;
  - (C) all other relevant information related to the condition and history of the aircraft;
- (ii) an evaluation programme developed and carried out in accordance with points 21L.A.143(h)(3) and 21L.A.143(h)(4), unless otherwise agreed by the competent authority of the Member State of registry.’;
- (d) the following point (h) is added:

‘(h) By way of derogation from point 21L.A.143(f)(1), in exceptional cases and with prior agreement by the competent authority, an application without a statement reflecting the airworthiness status of the aircraft may be made, provided that:

1. the competent authority of the Member State of registry is satisfied that the airworthiness statement has not been denied by the former aviation authority because of airworthiness concerns, unless those concerns have been addressed and corrected;
2. there is evidence available to the competent authority of the Member State of registry as to the approved design according to which the aircraft was initially built and delivered;
3. an evaluation programme is developed detailing the investigations which are necessary to compensate for the lack of the airworthiness statement referred to in point 21L.A.143(f)(1). The objective of the evaluation programme is to ensure that the aircraft and its records are in a condition that makes the aircraft eligible for the issuance of an airworthiness certificate. This is achieved through comprehensive investigations conducted by an approved organisation or the competent authority. The programme aims to identify any discrepancies or deficiencies which, after the necessary corrective actions, will bring the aircraft into compliance with the applicable airworthiness standards. The evaluation programme is not intended to replace the tasks carried out by the person or organisation responsible for continuing airworthiness or airworthiness review tasks, but rather to complement them.

The programme shall be developed, and the investigations defined in it shall be performed, by:

- (i) an organisation approved in accordance with point CAMO.A.125(g) of Annex Vc (Part-CAMO) or point CAO.A.095(c)(3) of Annex Vd (Part-CAO) to Commission Regulation (EU) No 1321/2014, or
- (ii) the competent authority of the Member State of registry, only for aircraft of 2 730 kg MTOM and below and upon the acceptance of that authority.

That evaluation programme shall specify the activities to be performed to identify the status of the aircraft with regard to conformity to the approved type design, existing modifications and repairs and maintenance, and continuing airworthiness status. That evaluation programme, if developed by an organisation as referred to in point (i) above, shall be accepted by the

competent authority of the Member State of registry before the evaluation is conducted;

4. the investigation activities were conducted in accordance with the evaluation programme, and the results have been summarised in an evaluation report;
5. upon request by the competent authority of the Member State of registry, the applicant shall provide access to, and copies of, any information that was used to generate the evaluation programme and evaluation report.';

(2) point 21L.A.145 is replaced by the following:

'21L.A.145 Transferability

The airworthiness certificate and the airworthiness review certificate shall be transferred together with the aircraft provided that the aircraft remains on the same register.'