



Brussels, **XXX**
[...] (2016) **XXX** draft

ANNEX to EASA Opinion No 06/2016

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

of **XXX**

amending Commission Regulation (EU) No 1321/2014 as regards safety management systems in continuing airworthiness management and alleviations for general aviation aircraft

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amending Commission Regulation (EU) No 1321/2014 as regards safety management systems in continuing airworthiness management and alleviations for general aviation aircraft

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(5) thereof,

Whereas:

- (1) Commission Regulation (EU) No 1321/2014 ⁽²⁾ establishes the implementing rules on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks.
- (2) It is necessary to review the continuing airworthiness management organisation requirements for the introduction of safety management systems for those organisations managing aircraft used by licensed air carriers and complex motor-powered aircraft, in particular for those organisations approved as part of an air operator certificate (AOC).
- (3) It is necessary to review the technical requirements of Annex I (Part-M), Annex II (Part-145) and Annex Va (Part-T) to Commission Regulation (EU) No 1321/2014, as well as of Annex I (Part-21) to Commission Regulation (EU) No 748/2012 to reflect the changes proposed with Opinion No 05/2016, which aim to reduce the complexity of implementing rules in order to adapt them with regard to the risks associated with the different categories of aircraft and types of operation and, in particular, to the lower risks associated with general aviation aircraft.
- (4) Commission Regulation (EU) No 1321/2014 should, therefore, be amended accordingly.
- (5) The measures provided for in this Regulation are in accordance with Opinion No 06/2016 of the European Aviation Safety Agency submitted to the European Commission pursuant to Article 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,

⁽¹⁾ OJ L 79, 13.3.2008, p. 1.

⁽²⁾ Commission Regulation (EU) No 1321/2014 of 26 November 2014 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks (OJ L 362, 17.12.2014, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

Commission Regulation (EU) No 1321/2014 is amended as follows:

- (1) The following new definitions are inserted in Article 2, and existing definitions are renumbered accordingly:
 - (a) “Acceptable means of compliance (AMC)” are non-binding standards adopted by the Agency to illustrate the means to establish compliance with Regulation (EC) No 216/2008 and its implementing rules;
 - (b) “Alternative means of compliance” are those that propose an alternative to an existing AMC or those that propose new means to establish compliance with Regulation (EC) No 216/2008 and its implementing rules for which no associated AMC have been adopted by the Agency;’
- (2) A new paragraph 6 is inserted in Article 3 as follows:

‘Article 3

Continuing airworthiness requirements

6. ‘Any reference to complex motor-powered aircraft made in this Regulation excludes aeroplanes with a maximum certificated take-off mass at or below 5 700 kg which are equipped with multiple turboprop engines. These aircraft shall be subject to the requirements of this Regulation applicable to other-than-complex motor-powered aircraft.’
- (3) A new Article 7a is inserted after Article 7 as follows:

‘Article 7a

Oversight capabilities

1. Member States shall designate one or more entities as the competent authority within that Member State with the necessary powers and allocated responsibilities for the certification and oversight of persons and organisations subject to this Regulation.
2. If a Member State designates more than one entity as competent authority:
 - (a) the areas of competence of each competent authority shall be clearly defined in terms of responsibilities and geographic limitation; and
 - (b) coordination shall be established between those entities to ensure effective oversight of all organisations and persons subject to this Regulation within their respective remits.
3. Member States shall ensure that the competent authority(ies) has (have) the necessary capability to ensure the oversight of all persons and organisations covered by their oversight programme, including sufficient resources to fulfil the requirements of this Regulation.
4. Member States shall ensure that competent authority personnel do not perform oversight activities when there is evidence that this could result directly or

indirectly in a conflict of interest, in particular when relating to family or financial interest.

5. Personnel authorised by the competent authority to carry out certification and/or oversight tasks shall be empowered to perform, at least, the following tasks:
 - (a) examine the records, data, procedures, and any other material relevant to the execution of the certification and/or oversight task;
 - (b) take copies of, or extracts from, such records, data, procedures, and other material;
 - (c) ask for an oral explanation on-site;
 - (d) enter relevant premises, operating sites, or means of transport;
 - (e) perform audits, investigations, assessments, inspections, including unannounced inspections; and
 - (f) take or initiate enforcement measures as appropriate.
 6. The tasks under paragraph 5 shall be carried out in compliance with the legal provisions of the relevant Member State.’
- (4) The text of Annex I to this Regulation includes the proposed changes to Annex I (Part-M) to Commission Regulation (EU) No 1321/2014.
 - (5) The text of Annex II to this Regulation includes the proposed changes to Annex II (Part-145) to Commission Regulation (EU) No 1321/2014.
 - (6) The text of Annex III to this Regulation includes the proposed changes to Annex Va (Part-T) to Commission Regulation (EU) No 1321/2014.
 - (7) The text of Annex IV to this Regulation is inserted as new Annex Vc (Part-CAMO) to Commission Regulation (EU) No 1321/2014.
 - (8) The text of Annex V to this Regulation includes the proposed changes to Annex I (Part-21) to Commission Regulation (EU) No 748/2012.

Article 2

This Regulation shall enter into force on the twentieth 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
The President
[...]