



Brussels, **XXX**  
[...](2024) **XXX** draft

**ANNEX TO EASA OPINION 08/2024**

**COMMISSION DELEGATED REGULATION (EU) .../...**

**of **XXX****

**amending Commission Regulation (EU) No 748/2012 as regards the airworthiness review process and the import of aircraft**

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE DELEGATED ACT**

Since 28 September 2008, certificates of airworthiness and restricted certificates of airworthiness in the EU have been issued for an unlimited duration. To maintain their validity, aircraft must periodically undergo an airworthiness review (AR), and an airworthiness review certificate (ARC) must be issued, in accordance with Commission Regulation (EU) No 1321/2014. The introduction of the airworthiness review process brought significant changes, including new roles for national competent authorities (NCAs), privileges for continuing management organisations, specific personnel requirements, and detailed processes for issuing ARCs.

As required by Article 85(8) of Regulation (EU) 2018/1139, the Agency has assessed the impact of the airworthiness review process through various activities such as standardisation inspections, evaluation of derogations, stakeholder feedback, and a survey conducted in September 2012.

With respect to the stakeholder feedback, concerns were raised that requirements in Regulation (EU) No 1321/2014 and Regulation (EU) No 748/2012 regarding the issuance of the airworthiness certificate and the ARC were inadequate, unclear or impossible to fulfil in certain situations, particularly when aircraft were imported from a different regulatory system.

This delegated act intends to address these cases by providing clearer requirements in order to ease the implementation of the rule and removing those requirements which, without a safety benefit, created an administrative burden.

### **2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT**

In accordance with Article 128(4) of Regulation (EU) 2018/1139, before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. The subject draft delegated act was presented to the [...] which includes representatives from the Member States, at its meeting on [...]. The subject draft delegated act is based on EASA Opinion No 08/2024 whose contents had been publicly consulted through Notice of Proposed Amendment (NPA) 2015-17 ‘Airworthiness review process’, NPA 2016-08 ‘Import of aircraft from other regulatory system, and Part-21 Subpart H review’, and NPA 2016-19 ‘Alignment of implementing rules and acceptable means of compliance/guidance material with Regulation (EU) No 376/2014 — Occurrence reporting’.

### **3. LEGAL ELEMENTS OF THE DELEGATED ACT**

Article 19(1) of Regulation (EU) 2018/1139 empowers the Commission to adopt delegated acts, in accordance with Article 128 of that Regulation, laying down detailed requirements with regard to the conditions for the issuing, amending, limiting, suspending or revoking of the certificates of airworthiness, as well as restricted certificates of airworthiness.

# COMMISSION DELEGATED REGULATION (EU) .../...

of **XXX**

## **amending Commission Regulation (EU) No 748/2012 as regards the airworthiness review process and the import of aircraft**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 <sup>(1)</sup>, and in particular Article 19(1) and Article 62(13) thereof,

Whereas:

- (1) Commission Regulation (EU) No 1321/2014 <sup>(2)</sup> lays down the requirements for the continuing airworthiness of aircraft, including the requirements for the issuance of the airworthiness review certificate.
- (2) Commission Regulation (EU) No 748/2012 <sup>(3)</sup> lays down the requirements for the initial airworthiness of aircraft, including the requirements for the issuance of the certificate of airworthiness and restricted certificate of airworthiness.
- (3) The complexity of these implementing rules should be reduced to align with the risks associated with different categories of aircraft, types of operations and the history of aircraft. Simplifying and harmonising the rules across various Annexes is necessary to make the requirements clearer and to avoid misinterpretations.
- (4) It is necessary to enhance the alignment between the requirements regarding the issuance of the airworthiness certificate and airworthiness review certificate established by Regulation (EU) No 1321/2014 and Regulation (EU) No 748/2012, particularly for aircraft transferred between Member States or imported into the Union.
- (5) It is necessary to enhance the free movement of aircraft within the Union. In particular, this includes facilitating the issuance process of airworthiness certificates when aircraft are transferred between Member States and allowing applicants to request an

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<sup>1</sup> [OJ L 212, 22.8.2018, p. 1](http://data.europa.eu/eli/reg/2018/1139/oj), ELI: <http://data.europa.eu/eli/reg/2018/1139/oj>.

<sup>2</sup> 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](http://data.europa.eu/eli/reg/2014/1321/oj), ELI: <http://data.europa.eu/eli/reg/2014/1321/oj>).

<sup>3</sup> Commission Regulation (EU) No 748/2012 of 3 August 2012 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 ([OJ L 224, 21.8.2012, p. 1](http://data.europa.eu/eli/reg/2012/748/oj), ELI: <http://data.europa.eu/eli/reg/2012/748/oj>).

airworthiness certificate from the national competent authority of the Member State where they wish to register the aircraft.

- (6) The requirements for issuing certificates of airworthiness and restricted certificates of airworthiness should be amended to broaden their scope to include aircraft previously excluded from the scope of Regulation (EU) 2018/1139. This includes, for example, aircraft used for activities or services defined in Article 2(3)(a) of that Regulation, such as police operations, search and rescue and firefighting.
- (7) An alternative solution is necessary for cases where the statement reflecting the airworthiness status of an aircraft is unavailable and cannot be obtained. This statement is required when applying for a certificate of airworthiness or a restricted certificate of airworthiness for an aircraft imported from a third country. A temporary alternative has been granted in accordance with Annex VI to Commission Decision 2014/69/EU <sup>(4)</sup>, until an amendment to Regulation (EU) No 748/2012 to resolve this issue, is adopted and becomes applicable.
- (8) The measures provided for in this Regulation are in accordance with Opinion No 08/2024, issued by the European Union Aviation Safety Agency in accordance with Article 76(1) of Regulation (EU) 2018/1139.

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I (Part 21) and Annex Ib (Part 21 Light) to Regulation (EU) No 748/2012 are amended in accordance with Annex I and Annex II to this Regulation.

*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*.

It shall apply from [6 months after the date of entry into force].

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission*  
*The President*  
[...]

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<sup>4</sup> 2014/69/EU: Commission Decision of 6 February 2014 authorising Sweden and the United Kingdom to derogate from certain common aviation safety rules pursuant to Article 14(6) of Regulation (EC) No 216/2008 of the European Parliament and of the Council (notified under document C(2014) 559) (OJ L 39, 8.2.2014, p. 60) ([http://data.europa.eu/eli/dec/2014/69\(1\)/oj](http://data.europa.eu/eli/dec/2014/69(1)/oj)).