

*Proposal for a*

**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**

**(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 Agency <sup>(1)</sup> (hereinafter referred to as ‘the basic Regulation’), and in particular Articles 5 and 6 thereof,

Having regard to Commission Regulation (EC) No 2042/2003 of 20 November 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 <sup>(2)</sup>,

Whereas :

- (1) It is necessary to support the adoption of new requirements and administrative procedures in Commission Regulation (EC) No 1702/2003 of 24 September 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<sup>(3)</sup>, for the issuance of permits to fly, by making appropriate amendments to Commission Regulation (EC) No 2042/2003.
- (2) The measures provided by this Regulation are based on the opinion issued by the Agency <sup>(4)</sup> in accordance with Articles 12(2)(b) and 14(1) of the basic Regulation.
- (3) The measures provided for in this Regulation are in accordance with the opinion<sup>5</sup> of the European Aviation Safety Agency Committee established by Article 54(3) of the Basic Regulation.

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<sup>1</sup> OJ L 240, 7.9.2002, p.1. Regulation as last amended by Commission Regulation (EC) 1701/2003 of 24 September 2003 (OJ L 243, 27.9.2003, p. 5).

<sup>2</sup> OJ L 315, 28.11.2003, p. 1. Regulation as amended by Commission Regulation (EC) No 707/2006 of 8 May 2006 (OJ L 122, 9.5.2006, p. 17).

<sup>3</sup> OJ L 243, 27.9.2003, p. 6. Regulation as last amended by Commission Regulation (EC) No 706/2006 of 8 May 2006 (OJ L 122, 9.5.2006, p. 16).

<sup>4</sup> Opinion 02-2007

<sup>5</sup> [To be issued.]

- (4) The Commission Regulation (EC) No 2042/2003 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Commission Regulation (EC) 2042/2003 is hereby amended by replacing paragraph 3 of Article 3 by the following:

3. By derogation from paragraph 1, the continuing airworthiness of aircraft holding a permit to fly shall, without prejudice to Community law, be ensured on the basis of the specific continuing airworthiness arrangements as defined in the permit to fly issued in accordance with the Annex to Commission Regulation (EC) No 1702/2003 of 24 September 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 (Part-21).

*Article 2*

Annex I (Part-M) to Commission Regulation (EC) 2042/2003 is hereby amended as follows:

1. The first sentence of subparagraph (a) of paragraph M.A.707 is replaced by the following:

To be approved to carry out airworthiness reviews or to issue permits to fly, an approved continuing airworthiness management organisation shall have appropriate airworthiness review staff to issue M.A. Subpart I airworthiness review certificates or recommendations or to issue a permit to fly in accordance with Part 21A.711(d)

2. Subparagraph (b) of paragraph M.A.711 is replaced by the following:

(b) An approved continuing airworthiness management organisation may additionally be approved to:

1. issue an airworthiness review certificate, or;
2. make a recommendation for the airworthiness review to a Member State of Registry; or
3. issue a permit to fly in accordance with Part 21A.711(d) including approval of the flight conditions in accordance with Part 21A.710(a)(3), under procedures agreed with its competent authority for maintenance, and when the continuing airworthiness management organisation itself is controlling under its approval the configuration of the aircraft and is attesting conformity with the design conditions approved for the flight.

3. Appendix VI, EASA Form 14, is amended by inserting a new column titled “Permit to Fly issuance authorised” in the table on page 1 to the right of the column titled “Airworthiness review authorised”.

*Article 3*

**Entry into force**

This Regulation shall enter into force on 28 March 2007.

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*