

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 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/EC¹ ("the Basic Regulation"), and in particular Articles 5 and 6 thereof,

Having regard 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 organisations²,

Whereas:

- (1) 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 tasks³, in Article 7(6), requires the European Aviation Safety Agency (hereinafter referred to as "the Agency") to make an evaluation of the implication of the provisions of Annex I (Part-M) to this Regulation;
- (2) The Agency has determined, after the appropriate impact assessments, that the provisions of Annex I (Part-M) are too stringent for aircraft not involved in commercial air transport and, in particular, aircraft not classified as "complex motor-powered aircraft";
- (3) The Agency has found necessary to make significant amendments to Commission Regulation (EC) No 2042/2003, and in particular to Annex I (Part-M), in order to adapt it to the complexity of the different categories of aircraft and types of operation;
- (4) The Agency has found necessary to introduce appropriate transitional measures for those provisions that can not be reasonably implemented before the end of the current opt-out period (28 September 2008) established in Commission Regulation (EC) No 2042/2003, Article 7(3)(a), for aircraft not involved in commercial air transport;
- (5) It is necessary to support the adoption of these new requirements and administrative procedures in Commission Regulation (EC) No 2042/2003,

¹ OJ L 79, 19.03.2008, p.1

² OJ L 243, 27.9.2003, p.6. Regulation as last amended by Regulation (EC) No 287/2008 (OJ L 87, 29.03.2008, p. 3)

³ OJ L 315, 28.11.2003, p. 1. Regulation as last amended by Regulation (EC) No 376/2007 (OJ L 94, 4.4.2007, p. 18)

- (6) The measures provided for in this Regulation are based on the opinion issued by the Agency⁴ in accordance with Articles 17(2)(b) and 19(1) of the Basic Regulation;
- (7) The measures provided for in this Regulation are in accordance with the opinion⁵ of the European Aviation Safety Agency Committee established by Article 65(3) of the Basic Regulation;
- (8) The Commission Regulation (EC) No 1702/2003 should therefore be amended accordingly;

HAS ADOPTED THIS REGULATION:

Article 1

The Appendix II (Form 15a) of the Annex (Part-21) to Commission Regulation (EC) 1702/2003 is hereby amended as follows:

- 1) The reference to "Regulation (EC) No 1592/2002" is replaced by "Regulation (EC) No 216/2008".
- 2) The sentence "is considered to be airworthy at the time of the issue" is replaced by "is considered to be airworthy at the time of the review".
- 3) At the end of Form 15a, two blocks for the 1st and 2nd Extensions are added with the following content:

1st Extension: The aircraft has remained in a controlled environment according to M.A.901 for the last year. The aircraft is considered to be airworthy at the time of the issue.

Date of issue: Date of expiry:

Signed: Authorisation No:

Company Name: Approval reference:

2nd Extension: The aircraft has remained in a controlled environment according to M.A.901 for the last year. The aircraft is considered to be airworthy at the time of the issue.

Date of issue: Date of expiry:

Signed: Authorisation No:

Company Name: Approval reference:

Article 2
Entry into force

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

⁴ Opinion 02/2008

⁵ (To be issued)