



TERMS OF REFERENCE

Task Nr: MDM.047
Issue: 1
Date: 17 June 2010
Regulatory reference: Regulation (EC) No 216/2008¹
Regulation (EC) No 1008/2008²
Regulation (EC) No 2042/2003³
ICAO Annex 6 Amendment 33-B
Reference documents: N/A

1. Subject:

Alignment of Regulation No (EC) 2042/2003 with Regulation (EC) No 216/2008 and with ICAO Annex 6 requirement for human factor principles to be observed in the design and application of the aircraft maintenance programme

2. Problem/Statement of issue and justification; reason for regulatory evolution (regulatory tasks):

The adoption of regulation (EC) 216/2008 (the "Basic Regulation") has originated the need to review regulation (EC) 2042/2003 in order to ensure consistency, taking also into account the new Implementing Rules that are currently being drafted for Air Operations⁴.

Furthermore, ICAO Annex 6 requirement for human factors principles to be observed in the design and application of the aircraft maintenance programme should be addressed in regulation (EC) 2042/2003.

¹ 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. (OJ L 79, 19.03.2008, p. 1). Regulation as last amended by Regulation 1108/2009 of the European Parliament and of the Council of 21 October 2009 (OJ L 309, 24.11.2009, p. 51).

² Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (recast) (OJ L 293, 31.10.2008, p. 3).

³ Commission Regulation (EC) 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 (OJ L 315, 28.11.2003, p. 1). Regulation as last amended by Commission Regulation (EC) No 217/2010 of 5 February 2010 (OJ L 40, 13.02.2010, p. 4).

⁴ NPA 2008-22 "Authority Requirements and Organisations Requirements" and NPA 2009-02 "Implementing Rules for Air Operations of Community Operators", http://www.easa.europa.eu/ws_prod/r/r_archives.php.

3. Objective:

Amendment of Regulation (EC) 2042/2003 in order to align it with:

- the Basic Regulation regarding the following aspects:
 - The definition of “complex motor-powered aircraft”.
 - The definition of “commercial operations”. In particular, specific requirements may be introduced for commercial air transport and other commercial operations.
 - The scope of applicability, as defined in Article 4.1, in particular to aircraft:
 - registered in a Member State, unless their regulatory safety oversight has been delegated to a third country and they are not used by a Community operator;
 - registered in a third country and used by an operator for which any Member State ensures oversight of operations or used into, within or out of the Community by an operator established or residing in the Community; and,
 - registered in a third country, or registered in a Member State which has delegated their regulatory safety oversight to a third country, and used by a third-country operator.
 - The applicable essential requirements for continuing airworthiness contained in Annex I and Annex IV.
- ICAO Annex 6 requirement for human factor principles to be observed in the design and application of the aircraft maintenance programme.

4. Specific tasks and interface issues (Deliverables):

Coordination with the Flight Standards Department (Rulemaking)

5. Working Methods (in addition to the applicable Agency procedures):

Agency

6. Time scale, milestones:

Start: 2010/Q2

NPA: 2010/Q3

CRD: 2011/Q1

Opinion: 2011/Q2