

*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, in particular Article 80(2) thereof,

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<sup>1</sup>, and in particular Article 5(5) 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) Regulation (EC) No 216/2008 is implemented by 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 as well as by 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>;
- (2) Regulation 2042/2003 establishes a system of licensing of certifying staff, which shall be qualified in accordance with the provisions of its Annex III (Part 66);
- (3) Although the issuance of any aircraft maintenance license is based upon basic knowledge and experience requirements, Regulation 2042/2003 does not contain rules determining the required recency of such knowledge and experience;
- (4) The introduction of time limits for demonstrating compliance with knowledge and experience requirements and with aircraft type training/examination, is of safety benefit when establishing the competence of the certifying staff involved in aircraft maintenance;
- (5) It is considered necessary to ensure that the training of the certifying staff involved in the aircraft maintenance is up-to-date;

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<sup>1</sup> OJ L 79, 19.03.2008, p.1

<sup>2</sup> 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)

<sup>3</sup> OJ L 243, 27.9.2003, p. 6. Regulation as last amended by Regulation (EC) No 287/2008 (OJ L 87, 29.3.2008, p. 3).

- (6) Against this background the European Aviation Safety Agency (hereinafter referred to as the 'Agency') has found it necessary to propose amendments to Commission Regulation (EC) No 2042/2003 in order to ensure that personnel involved in aircraft maintenance show proper recency of knowledge and experience before gaining a licence or the endorsement of a type rating on their licence;
- (7) The Commission has agreed that the amendments proposed by the Agency will improve the system established under Regulation (EC) No 2042/2003;
- (8) The Commission Regulation (EC) No 2042/2003 should therefore be amended accordingly;
- (9) The measures provided for in this Regulation are based on the opinion issued by the Agency<sup>4</sup> in accordance with Articles 17(2)(b) and 19(1) of Regulation (EC) No 216/2008;
- (10) 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 65 of Regulation (EC) No 216/2008.

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<sup>4</sup> Opinion 05/2008

<sup>5</sup> (To be issued)

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex III (Part-66) to Regulation (EC) No 2042/2003 is amended as follows:

(1) Point 66.A.10 is replaced by the following:

**66.A.10 Application**

- (a) An application for an aircraft maintenance licence or change to such licence shall be made on EASA Form 19 and in a manner established by the competent authority and submitted thereto. An application for the change to an aircraft maintenance licence shall be made to the competent authority that issued the aircraft maintenance licence.
- (b) Each application shall be supported by documentation to demonstrate compliance with the applicable theoretical knowledge, practical training and experience requirements at the time of application.

(2) Point 66.A.25 is replaced by the following:

**66.A.25 Basic knowledge requirements**

- (a) An applicant for an aircraft maintenance licence or the addition of a category or subcategory to such an aircraft maintenance licence shall demonstrate, by examination, a level of knowledge in the appropriate subject modules in accordance with Appendix I to this Part. These basic knowledge examinations shall:
  - 1. be conducted by a training organisation appropriately approved under Part-147 or by the competent authority, and
  - 2. be passed within the ten years prior to the application, except as provided by paragraph (c).

Basic knowledge examinations that do not meet the criteria listed in paragraph (a)2 shall be assessed for examination credits in accordance with paragraph (b).

- (b) Full or partial credit against the basic knowledge requirements and associated examination shall be given for:
  - 1. any other technical qualification considered by the competent authority to be equivalent to the knowledge standard of this Part, and
  - 2. basic knowledge examinations that do not meet the criteria listed in paragraph (a)2.

The applicant must formally apply to the competent authority for examination credits.

Examination credits will expire ten years after they are granted to the applicant by the competent authority, except as provided by paragraph (c). After expiration, the applicant may apply for new examination credits.

All examination credits shall be granted in accordance with Section B, Subpart E of this Part.

- (c) Basic knowledge examinations and examination credits passed/granted in accordance with Part-66 before **[date] (DATE OF ENTRY INTO FORCE)** may be used for licence application until **[date] (10 YEARS AFTER THE DATE OF ENTRY INTO FORCE)**.

(3) In point 66.A.30, the following paragraphs (f) and (g) are added:

- (f) The required experience shall have been started and completed within the ten years preceding the application for an aircraft maintenance licence or the addition of a category or subcategory to such an aircraft maintenance licence.
- (g) By derogation to paragraph (f), experience gained before **[date] (DATE OF ENTRY INTO FORCE)** may be used for licence application until **[date] (10 YEARS AFTER THE DATE OF ENTRY INTO FORCE)**.

(4) In point 66.A.45, paragraph (d) is replaced by the following:

- (d) Category B1 and B2 approved type training shall include theoretical and practical training and consist of the appropriate course in relation to the 66.A.20(a) privileges. Theoretical and practical training shall comply with Appendix III to this Part and shall have been started and completed within the three years preceding the application for a type rating endorsement.

(5) In point 66.A.45, the following paragraph (i) is added:

- (i) By derogation to paragraph (d), theoretical and practical training completed in accordance with Part-66 before **[date] (DATE OF ENTRY INTO FORCE)** may be used for licence application until **[date] (3 YEARS AFTER THE DATE OF ENTRY INTO FORCE)**.

(6) In point 66.B.20, paragraph (d) is replaced by the following:

- (d) Records referred to in paragraph (b), 6., 7., and 8. shall be kept for an unlimited period.

(7) In point 66.B.20, paragraph (e) is removed.

(8) In point 66.B.200, paragraph (d) is replaced by the following:

- (d) Type training examinations and type examinations must follow the standard specified in Appendix III to this Part.

(9) Point 66.B.405 is replaced by the following:

#### **66.B.405 Examination credit report**

- (a) A comparison shall be made between the modules, sub-modules, subjects and knowledge levels contained in Appendix I to this Part and the syllabus of the technical qualification concerned, relevant to the particular category being sought. This comparison shall contain the justifications for each decision made and shall be documented, dated and recorded.
- (b) The report shall include a statement of compliance against each module and sub-module, substantiated by the comparison document, stating where, in the technical qualification, the equivalent standard can be found. If there is no equivalent standard for the particular module or sub-module, the report shall state such facts and no credit shall be given.
- (c) The competent authority shall check on a regular basis whether the national qualification standard or Part 66 Appendix I have changed and amendments to the

examination credit report are required. Such a comparison shall be documented dated and recorded.

(10) The following point 66.B.410 is added to Section B, Subpart E:

**66.B.410. Examination credit validity**

- (a) The competent authority shall confirm to the applicant in writing any credits granted.
- (b) Examinations credits will expire ten years after they are granted to the applicant, except as provided by 66.A.25(c).
- (c) After expiration of the examination credits per paragraph (b), the applicant may apply for new examination credits. If no changes have occurred to the syllabus of Part-66 Appendix I, the competent authority shall give a new ten year expiry date to these credits without further consideration. If Part-66 Appendix I has changed, the new credits will be amended as appropriate.

(11) In Appendix II "Basic Examination Standard", points 1.11 and 1.12 are replaced by the following:

- 1.11 A failed module may not be retaken for at least 90 days following the date of the failed module examination, except in the case of a Part-147 approved maintenance training organisation which conducts a course of re-training tailored to the failed subjects in the particular module when the failed module may be retaken after 30 days.
- 1.12 The time periods required by 66.A.25 apply to each individual module examination, with the exception of those module examinations which were passed as part of another category licence, where the licence has already been issued.

(12) In Appendix II "Basic Examination Standard", the following point 1.13 is added:

- 1.13 The maximum number of consecutive attempts for each module is three. Further sets of three attempts are allowed with a one year waiting period between sets.  
  
The applicant shall confirm in writing to the organisation appropriately approved under Part-147 or the competent authority to which they apply for an examination, the number and dates of attempts during the last year and the Part-147 organisation or the competent authority where these attempts took place. The organisation appropriately approved under Part-147 or the competent authority is responsible for checking the number of attempts within the applicable timeframes.

(13) In Appendix III "Type training and Examination Standard", point 4 is replaced by the following:

4. Type examination standard

Where type training is not required, the examination must be oral, written or practical assessment based, or a combination thereof.

Oral examination questions must be open.

Written examination questions must be essay type or multiple-choice questions.

Practical assessment must determine a person's competence to perform a task.

Examination subjects must be on a sample of subjects drawn from paragraph 2 type training/examination syllabus, at the indicated level.

The examination must ensure that the following objectives are met:

- (a) Properly discuss with confidence the aircraft and its systems.
- (b) Ensure safe performance of maintenance, inspections and routine work according to the maintenance manual and other relevant instructions and tasks as appropriate for the type of aircraft, for example troubleshooting, repairs, adjustments, replacements, rigging and functional checks such as engine run, etc, if required.
- (c) Correctly use all technical literature and documentation for the aircraft.
- (d) Correctly use specialist/special tooling and test equipment, perform removal and replacement of components and modules unique to type, including any on-wing maintenance activity.

The following conditions apply to the examination:

- (e) The maximum number of consecutive attempts is three. Further sets of three attempts are allowed with a one year waiting period between sets. A waiting period of 30 days is required after the first failed attempt within one set, and a waiting period of 60 days is required after the second failed attempt.

The applicant shall confirm in writing to the organisation appropriately approved under Part-147 or the competent authority to which they apply for an examination, the number and dates of attempts during the last year and the Part-147 organisation or the competent authority where these attempts took place. The organisation appropriately approved under Part-147 or the competent authority is responsible for checking the number of attempts within the applicable timeframes.

- (f) The type examination must be passed and the required practical experience must be completed within the three years preceding the application for the rating endorsement on the aircraft maintenance licence.
- (g) By derogation to paragraph (f), type examination and practical experience passed/completed in accordance with Part-66 before **[date] (DATE OF ENTRY INTO FORCE)** may be used for licence application until **[date] (3 YEARS AFTER THE DATE OF ENTRY INTO FORCE)**.
- (h) Type examination shall be performed with at least one examiner present. The examiner(s) shall not have been involved in the applicant's training.

A written and signed report must be made by the examiner(s) to explain why the candidate has passed or failed.

## *Article 2*

Annex IV (Part-147) to Regulation (EC) No 2042/2003 is amended as follows:

- (14) Point 147.A.125 is replaced by the following:

### **147.A.125 Records**

The organisation shall keep all student training, examination and assessment records for at least ten years following completion of the particular student's course.

- (15) In Appendix III, the last text box of the Certificate of Recognition for basic training course or basic examination is replaced by the following:

SPECIFY BASIC TRAINING COURSE or BASIC EXAMINATION (LISTING IN BOTH CASES EACH INDIVIDUAL MODULE EXAMINATION BY DATE PASSED)

In Appendix III, the last text box of the Certificate of Recognition for the type training course or type examination is replaced by the following:

SPECIFY AIRCRAFT TYPE COURSE (START AND END DATE OF TRAINING PASSED)  
or AIRCRAFT TYPE EXAMINATION (DATE OF EXAMINATION PASSED)

SPECIFY WHETHER TRAINING COVERED PART-147 THEORETICAL ELEMENTS ONLY OR  
THEORETICAL AND PRACTICAL ELEMENTS

*Article 3*

This regulation shall entry 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*