

Information note to competent authorities for, and owners/operators of, aircraft designed in the former soviet system, which were eligible to the provisions of Article 2c of 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 organisation, as amended by Commission Regulation (EC) No 375/2007 of 30 March 2007

1. The European Parliament and Council Regulation (EC) No 1592/2002¹ requires all aircraft registered in Member States to be issued an airworthiness certificate or permit to fly in accordance with Commission Regulation (EC) No 1702/2003² of 24 September 2003. However, as it was foreseeable that the issuing of such certificates would be a time consuming exercise, its Article 56 paragraph 2 provided for the possibility to postpone by a maximum of 42 months the moment when such requirement would apply.
2. The provisions of that article were implemented by Commission Regulation (EC) No 1702/2003, which exempts certain aircraft from this obligation, but required the European Aviation Safety Agency (hereinafter the Agency) to determine before 28 March 2007 the approved design necessary to issue the airworthiness certificates or permits to fly of such aircraft.
3. As that determination could not be done by the Agency within the prescribed time period for many aeronautical products because it had not received the necessary applications by their designers, the Commission decided to amend the above mentioned Regulation 1702/2003 to provide for a temporary relief allowing some of these aircraft to be issued a restricted certificate or airworthiness on the basis of specific airworthiness specifications determined by a new article 2c, which entered into force on 30 March 2007.
4. To mitigate the risks associated to the limited technical knowledge that the Agency had of the design of the affected products and create an incentive for designers to assist the Agency in determining the necessary approved design to fully integrate their aircraft in the Community system, that article limited the period of validity of the specific airworthiness specifications to 12 months, i.e. 28 March 2008.

¹ 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 (OJ L 240, 7.9.2002, p.1). Regulation as last amended by Regulation (EC) No 334/2007 (OJ L 88, 29.3.2007, p. 39).

² 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 organizations (OJ L 243, 27.9.2003, p.6). Regulation as last amended by Regulation (EC) No 375/2007 (OJ L 94, 4.4.2007, p. 3).

5. Recognising nevertheless the time needed to conduct the certification or validation of the affected products the new article foresees the possibility to extend that validity period by a maximum of 18 months provided a certification process has been undertaken before 28 March 2008 and can be concluded during the additional 18 months period, i.e. before 28 September 2009. The article empowers the Commission to decide whether the extension should be granted or not, based on the Agency's determination that the above conditions are met for a specific aircraft type.
6. The period of validity of the specific airworthiness specifications determined by Article 2c is now reaching its end and only few aircraft will benefit from the possibility offered by that article to extend it. The Agency has indeed received since 30 March 2007 applications from their designers for only the Antonov aeroplane type 26 and some of the Kamov helicopter type 32. These applications have been accepted by the Agency and the related fees paid by the applicants. In both cases, the Agency has made arrangements with the competent authorities of the State of design:
 - the Inter-States Aviation Committee of the CIS and the Ukrainian State Aviation Authority for the An-26, and
 - the Inter-States Aviation Committee of the CIS for the Ka-32 to support compliance demonstration.
7. As the related certification processes are progressing satisfactorily, the Agency has issued on 15/02/2008 and notified to the Commission, in accordance with Article 2c of Commission Regulation (EC) N°1702/2003, as amended, Decision2008/001/R determining that the certification processes of the Antonov aeroplane of the 26 type and the Kamov helicopters of the 32A11BC and 32A12 types can be concluded before the end of September 2009, so that the validity period of the related specific airworthiness specifications can be extended by 18 months, i.e. to 28 September 2009. If the Commission decides to follow the Agency's recommendation, this would allow 27 An-26 and 7 Ka-32 aircraft to continue their operations.
8. Unfortunately the above possibility cannot be used for any of the other concerned aircraft since the designers of such aircraft have not until now applied to EASA for their design approval. As a consequence these aircraft are likely to be grounded on 28 March 2008 unless urgent measures are taken by their owners/operators to obtain the necessary design approvals in accordance with Commission Regulation 1702/2003, in particular its annex Part 21.
9. According to the Agency's knowledge, the concerned aircraft are the following:
 - large aeroplanes involved in commercial air transport:
 - . An-24, An 72 and An 74
 - . Tu-154
 - . Yak-40
 - general aviation aeroplanes:
 - . An-28
 - . Su-26M, Su-26M2, Su-29, Su- 31and Su- 31M
 - . Yak-54, Yak-55, Yak-55M and Yak-18T
 - . Interavia Servis SA 62TA, SA 70TA, SA 80TA and SA 82TA
 - large helicopters:
 - . Ka-26, Ka-32AO, Ka-32C and Ka-32T
10. The Agency considers that the best option to allow the continued operation of these aircraft would be that owners/operators apply to obtain a design approval in the form of a

specific airworthiness specification in accordance with 21A.184. Although the Agency cannot commit at this stage that such a design approval process will be successful, in particular for aircraft that are not supported by their state of design authorities, it will do its best to progress that option, which is the only one that could allow commercial operation.

11. However attention of owners and operators is drawn to the fact that such an option could only provide for the issuing of a restricted certificate of airworthiness and that commercial use of aircraft holding such certificates would require an exemption from the provision of Regulation (EEC) 3922/91³ of 16 December 1991, as amended by Regulation (EC) 1899/2006⁴ of 12 December 2006 (the so called EU-OPS) when it enters into force on 16 July 2008. Such an exemption should be filed in accordance with the provisions of Article 8 of that Regulation.
12. An alternative would be to apply for flight conditions in accordance with the provisions of Sub-Part P of Part 21. Such an option would allow the issuing of permits to fly and provide for the continued operation of some aircraft provided it can be demonstrated that the above option is not workable in their case.

³ Council Regulation (EEC) No 3922/91 on the harmonization of technical requirements and administrative procedures in the field of civil aviation (OJ L 373, 31.12.1991, p.4). Regulation as last amended by Commission Regulation (EC) No 8/2008 of 11 December 2007 (OJ L 10, 12.1.2008, p. 1.)

⁴ Regulation (EC) No 1899/2006 of the European Parliament and of the Council of 12 December 2006 amending Council Regulation (EEC) No 3922/91 on the harmonization of technical requirements and administrative procedures in the field of civil aviation.