



Brussels, **XXX**
[...](2024) **XXX** draft

ANNEX TO EASA OPINION 02/2024

COMMISSION DELEGATED REGULATION (EU) .../...

of **XXX**

**amending Commission Regulation (EU) No 748/2012 as regards updating the references
to the environmental protection requirements and correcting that Regulation**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

On 20 March 2023, at the fifth meeting of its 228th Session, the ICAO Council adopted Amendments 14, 11 and 2 to respectively Volume I ‘Aircraft Noise’, Volume II ‘Aircraft Engine Emissions’, and Volume III ‘Aeroplane CO₂ Emissions’ of Annex 16 to the Chicago Convention. These amendments are based on the recommendations agreed at the 12th formal meeting of the ICAO Committee on Aviation Environmental Protection (CAEP/12) and are the outcome of the work conducted during the 3 years preceding the meeting in accordance with the CAEP/12 Work Programme. These amendments became applicable on 1 January 2024.

In accordance with Article 19(3) of Regulation (EU) 2018/1139, the Commission is empowered to adopt delegated acts to amend the references to the provisions of Chicago Convention referred to in the first subparagraph of Article 9(2) of that Regulation, in order to update them in light of subsequent amendments to those provisions which enter into force after 4 July 2018 and which become applicable in all Member States, in so far as such adaptations do not broaden the scope of that Regulation. The Commission has amended those references by means of **Delegated Regulation [...] of [...]**.

The specific objective of this proposal is to contribute to a high, uniform level of environmental protection by transposing the applicable environmental protection requirements in Regulation (EU) No 748/2012 consistently with Regulation (EU) 2018/1139.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The draft delegated act is based on EASA Opinion No 02/2024 whose contents had been publicly consulted through Notice of Proposed Amendment (NPA) 2023-09 ‘Implementation of the latest CAEP amendments to ICAO Annex 16 Volumes I, II and III’ (RMT.0514) published by EASA on 15 November 2023. 21 comments were received from interested parties, including industry and national aviation authorities. EASA has addressed and responded to the comments received on the NPA in Comment-Response Document (CRD) 2023-09.

In accordance with Article 128(4) of Regulation (EU) 2018/1139, before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The Commission is empowered to adopt delegated acts, in accordance with Article 128 of Regulation (EU) 2018/1139, laying down detailed rules with regard to the conditions for issuing type certificates and changes thereto by the Agency, as provided for in Article 19(1)(d) of Regulation (EU) 2018/1139.

COMMISSION DELEGATED REGULATION (EU) .../...

of **XXX**

amending Commission Regulation (EU) No 748/2012 as regards updating the references to the environmental protection requirements and correcting that Regulation

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 ⁽¹⁾, and in particular Article 19(1) and (3) thereof,

Whereas:

- (1) On [REDACTED] the Commission adopted Delegated Regulation [REDACTED] updating the references to the provisions of the Chicago Convention, which contain the environmental protection requirements.
- (2) Aircraft, other than unmanned aircraft and their engines, propellers, parts and non-installed equipment should comply with those environmental protection requirements as of 1 January 2024.
- (3) The environmental protection provisions resulting from previous ICAO Annex 16 transpositions in Commission Regulation (EU) No 748/2012 ⁽²⁾ should be updated for consistent implementation of the applicable environmental protection requirements.
- (4) Regulation (EU) No 748/2012 should therefore be amended accordingly.
- (5) Commission Delegated Regulation (EU) 2022/1358 ⁽³⁾ inadvertently omitted the title of Annex Ib to Regulation (EU) No 748/2012. Therefore, the title of Annex Ib should be inserted.
- (6) Delegated Regulations (EU) 2022/1358, (EU) 2023/1028 ⁽⁴⁾ and (EU) 2024/1108 ⁽⁵⁾ successively amended Article 9 of Regulation (EU) No 748/2012 and inadvertently

⁽¹⁾ [OJ L 212, 22.8.2018, p. 1.](#)

⁽²⁾ Commission Regulation (EU) No 748/2012 of 3 August 2012 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 ([OJ L 224, 21.8.2012, p. 1.](#))

⁽³⁾ Commission Delegated Regulation (EU) 2022/1358 of 2 June 2022 amending Regulation (EU) No 748/2012 as regards the implementation of more proportionate requirements for aircraft used for sport and recreational aviation ([OJ L 205, 5.8.2022, p. 7.](#))

⁽⁴⁾ Commission Delegated Regulation (EU) 2023/1028 of 20 March 2023 amending Regulation (EU) No 748/2012 as regards the definition of complex motor-powered aircraft and correcting that Regulation ([OJ L 139, 26.5.2023, p. 10.](#))

⁽⁵⁾ Commission Delegated Regulation (EU) 2024/1108 of 13 March 2024 amending Regulation (EU) No 748/2012 as regards the initial airworthiness of unmanned aircraft systems subject to certification and

introduced inconsistent references and redundancies. Therefore, Article 9 should be corrected.

- (7) The measures provided for in this Regulation are based on Opinion No 02/2024 issued by the European Union Aviation Safety Agency (EASA) in accordance with Article 76(1) of Regulation (EU) 2018/1139,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 748/2012 is amended as follows:

- (1) the title is replaced by the following:

‘Commission Regulation (EU) No 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental protection certification or declaration of compliance of aircraft and related products, parts, appliances, control and monitoring units and control and monitoring unit components, as well as for the capability requirements of design and production organisations (recast)’;

- (2) in Article 1, the introductory sentence of paragraph 1 is replaced by the following:

‘1. This Regulation lays down, in accordance with Articles 19, 58 and 62 of Regulation (EU) 2018/1139, common technical requirements and administrative procedures for the airworthiness and environmental protection certification or declaration of compliance of products, parts, appliances, control and monitoring units and control and monitoring unit components specifying:’;

- (3) Article 9 is amended as follows:

- (a) Paragraph 1 is replaced by the following:

‘1. An organisation responsible for the manufacture of products, parts, appliances, control and monitoring units and control and monitoring unit components shall demonstrate its capability in accordance with the provisions of Annex I (Part 21). This demonstration of capability shall not be required if the organisation is involved in the manufacturing of parts, appliances or control and monitoring unit components that are eligible, in accordance with the provisions of Annex I (Part 21), for installation in a type-certified product or a control and monitoring unit, without the need to be accompanied by an authorised release certificate (EASA Form 1).’;

- (b) Paragraphs 7 and 8 are replaced by the following:

‘7. By way of derogation from paragraph 1 of this Article, an organisation whose principal place of business is in a Member State and which is responsible for the manufacture of products referred to in Article 2(2) and Article 2(3) and their parts may alternatively demonstrate its capability in accordance with the provisions of Annex Ib (Part 21 Light). This demonstration of capability shall not be required if the organisation is involved in the manufacture of parts that are eligible, in accordance with the provisions of Annex Ib (Part 21 Light), for installation in a type-certified product or in an aircraft that has been subject

Delegated Regulation (EU) 2019/945 as regards unmanned aircraft systems and third-country operators of unmanned aircraft systems ([OJ L, 2024/1108, 23.5.2024](#)).

to a declaration of design compliance, without the need to be accompanied by an authorised release certificate (EASA Form 1).’;

(4) The title of Annex Ib (Part 21 Light) is inserted before the table of contents as follows:

‘ANNEX Ib

PART 21 Light

Certification and declaration of design compliance of aircraft other than unmanned aircraft intended primarily for sports and recreational aviation and related products and parts, and declaration of design and production capability of organisations’;

(5) Annex I (Part 21) is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from *[as soon as possible but not before the applicability date of Commission Delegated Regulation (EU) 2024/1108]*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission
The President*

*[...]
[Position]*