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COMMISSION IMPLEMENTING REGULATION (EU) .../...

of

amending Regulation (EU) No 1321/2014 as regards the establishment of a regulatory framework with continuing airworthiness requirements for non-conventional aircraft

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amending Regulation (EU) No 1321/2014 as regards the establishment of a regulatory framework with continuing airworthiness requirements for non-conventional aircraft

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 17(1) thereof,

Whereas:

- (1) Commission Regulation (EU) No 1321/2014 ⁽²⁾ lays down the requirements for the continuing airworthiness of aircraft, including the qualifications and licences of the personnel responsible for the release to service of products after maintenance.
- (2) It is sometimes explicit to which aircraft category a particular requirement applies, considering often only the following aircraft categories: aeroplane, helicopter or rotorcraft, glider, balloon, and airship.
- (3) There are some non-conventional aircraft, being mostly new industrial developments, the so-called new air mobility aircraft, that do not fit in any of the above-mentioned aircraft categories and therefore are not addressed in the Regulation. This results in legal uncertainty about whether certain elements of the current regulatory framework are applicable to them. In addition, there lacks adequate consideration, for instance, to provide certain alleviation that could apply to them by similarity with aircraft with a comparable safety risk and which are already addressed in the Regulation.
- (4) Similarly, there are regulatory gaps stemming from the fact that the Regulation is sometimes prescriptive on the aircraft power plant, only considering piston and turbine engines as power plants for aeroplanes and helicopters. This is not in line with new industrial developments that consider other power plants, such as electrical engines or hybrid ones.
- (5) Regulation (EU) No 1321/2014 should therefore be amended to address existing regulatory gaps, by proposing requirements that address any current or future aircraft developments and their power plants.

⁽¹⁾ OJ L 212, 22.8.2018, p. 1.

⁽²⁾ Commission Regulation (EU) No 1321/2014 of 26 November 2014 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 362, 17.12.2014, p. 1).

- (6) The amendments are based on Opinion No 04/2024 ⁽³⁾ of the European Union Aviation Safety Agency in accordance with Article 75(2), point (b), and Article 76(1) of Regulation (EU) 2018/1139.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the committee established in accordance with Article 127(1) of Regulation (EU) 2018/1139,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 1321/2014 is amended as follows:

- (1) Article 2 is amended as follows:
- (a) the first sentence is replaced by the following:
‘For the purposes of this Regulation, the following definitions shall apply.’;
- (b) point (u) is replaced by the following:
‘(u) ‘complex motor-powered aircraft’ means:
- (i) an aeroplane:
- with a maximum certified take-off mass exceeding 5 700 kg, or
 - certified for a maximum passenger seating configuration of more than 19, or
 - certified for operation with a minimum crew of at least two pilots, or
 - equipped with (a) turbojet engine(s) or more than one turboprop engine, or
- (ii) a helicopter certified:
- for a maximum take-off mass exceeding 3 175 kg, or
 - for a maximum passenger seating configuration of more than nine, or
 - for operation with a minimum crew of at least two pilots, or
- (iii) a non-conventional aircraft certified:
- for a maximum take-off mass exceeding 5 700 kg, or
 - for a maximum take-off mass exceeding 3 175 kg if it can maintain zero horizontal speed in flight, or
 - for a maximum passenger seating configuration of more than nine.’;

(c) the following points (v), (w), (x) and (y) are added:

‘(v) ‘aeroplane’ means an engine-driven fixed-wing aircraft heavier than air that is supported in flight by the dynamic reaction of the air against its wings;

⁽³⁾ <https://www.easa.europa.eu/document-library/opinions>

- (w) ‘rotorcraft’ means a power-driven, heavier-than-air aircraft that depends principally for its support in flight on the lift generated by up to two rotors;
 - (x) ‘helicopter’ means a type of rotorcraft supported in flight chiefly by the reactions of the air on up to two power-driven rotors on substantially vertical axes;
 - (y) ‘non-conventional aircraft’ means an aircraft other than an aeroplane, helicopter, sailplane, balloon or airship.’;
- (2) in Article 3, paragraphs (2) and (3) are replaced by the following:
- ‘(2) The requirements of Annex Vb (Part-ML) shall apply to the following other than complex motor-powered aircraft:
- (a) aeroplanes of 2 730 kg maximum take-off mass or less;
 - (b) helicopters of 1 200 kg maximum take-off mass or less, certified for a maximum of up to four occupants;`
 - (c) other ELA2 aircraft;
 - (d) non-conventional aircraft with a maximum take-off mass of:
 - (i) 1 200 kg or less if they can maintain zero horizontal speed in flight, or
 - (ii) 2 730 kg or less for other than those in point (i).
- Where an aircraft referred to in points (a), (b), (c) and (d) of the first subparagraph is listed in the air operator certificate of an air carrier licensed in accordance with Regulation (EC) No 1008/2008, the requirements of Annex I (Part-M) shall apply.
- (3) In order to be listed in the air operator certificate of an air carrier licensed in accordance with Regulation (EC) No 1008/2008, an aircraft referred to in points (a), (b), (c) and (d) of the first subparagraph of paragraph 2 shall comply with all of the following requirements:
- (a) its aircraft maintenance programme has been approved by the competent authority in accordance with point M.A.302 of Annex I (Part-M);
 - (b) due maintenance required by the maintenance programme referred to in point (a) has been performed and certified in accordance with point 145.A.48 and 145.A.50 of Annex II (Part-145);
 - (c) an airworthiness review has been performed and a new airworthiness review certificate has been issued in accordance with point M.A.901 of Annex I (Part-M).’;
- (3) the following paragraph (8) is added to Article 5:
- ‘8. By derogation from points 66.A.3(1)(b) and 66.A.45(a), until [3 years after entry into force], an aeroplane with electric power plant and MTOM below 5 700 kg can be endorsed in a licence with subcategory B1.1 or B1.2 when:
- the licence holder has at least 6 months of maintenance experience on aircraft covered by the licence (sub)category within the last 24 months;
 - the aeroplane being endorsed is not the first aeroplane endorsed for the relevant (sub)category; and
 - the licence holder has followed aircraft type training in accordance with Appendix III to Annex III (Part-66) or followed the procedure described in 66.A.45(da)’.

- (4) Annex I (Part-M), Annex II (Part-145), Annex III (Part-66), Annex IV (Part-147), Annex Vb (Part-ML) and Annex Vd (Part-CAO) are amended in accordance with Annexes I to VI 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*.

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

Done at Brussels,

For the Commission

The President

[...]