

**ANNEX to Commission Delegated Regulation (EU) .../... amending and correcting  
Regulation (EU) No 748/2012 as regards production organisations, operational  
suitability data and other miscellaneous requirements**

*ANNEX*

Annex I (Part 21) to Regulation (EU) No 748/2012 is amended as follows:

- (1) in point 21.A.3A(b), point (3) is replaced by the following:
- ‘3. report to the competent authority responsible in accordance with point 21.1 the deviations that have been identified in accordance with point 21.A.3A(b)2 and which could lead to an unsafe condition;’;
- (2) point 21.A.5 is amended as follows:
- (a) points (d) and (e) are replaced by the following:
    - ‘(d) retain records of the competence and qualifications, referred to in points 21.A.139(c), 21.A.145(c), 21.A.145(d), 21.A.239(c), 21.A.245(a) and 21.A.245(e)(1), of the personnel that are involved in the following functions:
      - 1. design or production;
      - 2. independent monitoring of the compliance of the organisation with the relevant requirements;
      - 3. safety management;’
    - (e) retain records of the authorisation of personnel, when they employ personnel that:
      - 1. exercise the privileges of the approved organisation pursuant to points 21.A.163 or 21.A.263, as appropriate;
      - 2. carry out the independent function to monitor the compliance of the organisation with the relevant requirements pursuant to points 21.A.139(e) or 21.A.239(e), as appropriate;
      - 3. carry out the independent verification function of the demonstration of compliance pursuant to point 21.A.239(d)(2);’;
  - (b) the following point (f) is added:
    - ‘(f) retain records of safety management element key processes referred to in points 21.A.139(c) and 21.A.239(c).’;
- (3) in point 21.A.15, point (d) is replaced by the following:
- ‘(d) (Reserved)’
- (4) in point 21.A.51, point (b) is replaced by the following:
- ‘(b) (Reserved)’;

- (5) in point 21.A.101, points (g) and (h) are replaced by the following:
- ‘(g) (Reserved)’;
  - (h) For large aeroplanes subject to point 26.300 of Annex I to Commission Regulation (EU) 2015/640:
    - 1. the applicant for a major change under this Subpart shall demonstrate compliance with certification specifications that provide at least an equivalent level of safety to that provided by point 26.300 of Annex I to Regulation (EU) 2015/640;
    - 2. the applicant for a supplemental type-certificate under Subpart E or major change to a supplemental type-certificate shall demonstrate compliance with certification specifications that provide at least an equivalent level of safety to that provided by point 26.330 of Annex I to Regulation (EU) 2015/640. If an adequate certification basis is not ensured as per 21.A.101(b), the certification specifications that are equivalent to the provision on the limit of validity in point 26.303 of Annex I to Regulation (EU) 2015/640 shall be considered.’;
- (6) in point 21.A.118B, point (b) is replaced by the following:
- ‘(b) (Reserved)’;
- (7) in point 21.A.125C, point (b) is replaced by the following:
- ‘(b) (Reserved)’;
- (8) point 21.A.143 is amended as follows:
- (a) in point (a), point (11) is replaced by the following:
    - ‘11. a description of the production management system, the policy, processes and procedures as provided for in points 21.A.139(c) and 21.A.139(d);’;
  - (b) point (c) is replaced by the following:
    - ‘(c) The POE shall be amended as necessary so that it remains an up-to-date description of the organisation. Copies of any amendments shall be supplied to the competent authority. Amendments of the POE related to changes as per point 21.A.147 shall be submitted for approval to the competent authority.’;
- (9) point 21.A.159 is amended as follows:
- (a) in point (a), point 4 is replaced by the following:
    - ‘4. the production organisation approval certificate has not been surrendered by the production organisation, superseded, suspended or revoked by the competent authority under point 21.B.65.’;
  - (b) point (b) is replaced by the following:
    - ‘(b) (Reserved)’;
- (10) point 21.A.163 is amended as follows:
- (a) point (b) is replaced by the following:

- ‘(b) in the case of complete type-certified aircraft or UAS, issue a statement of conformity (EASA Form 52) to certify that the aircraft, or the UAS, conforms to the type design and is in condition for safe operation;’
- (b) point (d) is replaced by the following:
- ‘(d) in the case of an aircraft that is subject to a declaration of design compliance under point 21L.A.43 of Annex Ib (Part 21 Light), issue a statement of conformity (EASA Form 52B) to certify that the aircraft conforms to the declared design data and is in condition for safe operation;’;
- (11) point 21.A.165 is amended as follows:
- (a) in point (c), point (1) is replaced by the following:
- ‘1. determine that each completed aircraft conforms to the type design and is in condition for safe operation prior to issuing statements of conformity (EASA Form 52 or Form 52B, depending upon the case); or’;
- (b) points (f) and (g) are replaced by the following:
- ‘(f) where applicable, under the privilege of point 21.A.163(g), determine the conditions under which a permit to fly can be issued;
- (g) where applicable, under the privilege of point 21.A.163(g), establish compliance with points 21.A.711(c) and (e) before issuing an aircraft with a permit to fly;’;
- (12) in point 21.A.174(b)(2), point (i) is replaced by the following:
- ‘(i) any of the following:
- an EASA Form 52 issued for an aircraft manufactured in accordance with Subpart F or Subpart G;
- a statement signed by the exporting authority that the aircraft conforms to a design approved by the Agency, for aircraft manufactured by an organisation referred to in Article 9(2) of this Regulation;’;
- (13) point 21.A.181 is amended as follows:
- (a) in point (a), point (1) is replaced by the following:
- ‘1. the aircraft continues to comply with its approved design and the continuing airworthiness requirements; and’;
- (b) point (b) is replaced by the following:
- ‘(b) Upon surrender or revocation, the certificate shall be returned to the competent authority of the Member State of registry, when so requested by the respective competent authority.’;
- (14) in point 21.A.204(b)(1), point (i) is replaced by the following:
- ‘(i) any of the following :
- an EASA Form 52 issued for an aircraft manufactured in accordance with Subpart F or Subpart G;

- a statement signed by the exporting authority that the aircraft conforms to a design approved by the Agency, for aircraft manufactured by an organisation referred to in Article 9(2) of this Regulation;’;
- (15) in point 21.A.209, point (b) is replaced by the following:
- ‘(b) if the aircraft moves to the register of another Member State, the noise certificate shall be issued upon presentation of the former noise certificate or a copy thereof.’;
- (16) in point 21.A.211, point (b) is replaced by the following:
- ‘(b) Upon surrender or revocation, the certificate shall be returned to the competent authority of the Member State of registry, when so requested by the respective competent authority.’;
- (17) point 21.A.259 is amended as follows:
- (a) in point (a), point (4) is replaced by the following:
    - ‘4. the design organisation approval certificate has not been surrendered by the design organisation, or suspended or revoked by the Agency under point 21.B.65.’;
  - (b) point (b) is replaced by the following:
    - ‘(b) (Reserved)’;
- (18) in point 21.A.265, point (a) is replaced by the following:
- ‘(a) maintain the handbook required under point 21.A.243 in conformity with the design management system;’;
- (19) point 21.A.307 is amended as follows:
- (a) in point (b), the following new point (7) is added after point (6):
    - ‘(7) for sailplanes and powered sailplanes, where it is a non-required instrument or equipment certified under the provision of CS 22.1301(b), if that instrument or equipment, when installed, functioning, functioning improperly or not functioning at all, does not in itself, or by its effect upon the sailplane and its operation, constitute a safety hazard;’
  - (b) in point (b), the former point (7) is replaced by the following:
    - ‘(8) a part or appliance manufactured by a person or organisation referred to in Article 9(2) of this Regulation.’;
  - (c) point (c) is replaced by the following:
    - ‘(c) Parts and appliances listed in points (b)(1) and (b)(3) to (b)(6) are eligible for installation in a type-certified product without being accompanied by an EASA Form 1, provided that the installer holds a document issued by the person or organisation that manufactured the part or appliance, or by the organisation that manufactures the product or the ETSO article where the part belongs, which declares or provides evidence of the conformity of the part or appliance with its design data, and which contains the issuance date.’;
- (20) in point 21.A.619, point (b) is replaced by the following:

- ‘(b) (Reserved)’;
- (21) in point 21.A.711, point (c) is replaced by the following:
- ‘(c) An appropriately approved production organisation may issue a permit to fly (EASA Form 20b, see Appendix IV) under the privilege granted under point 21.A.163(g), when the flight conditions referred to in point 21.A.708 have been approved in accordance with point 21.A.710.’;
- (22) in point 21.A.723, point (c) is replaced by the following:
- ‘(c) Upon surrender or revocation, the permit to fly shall be returned to the competent authority, when so requested by the respective authority.’;
- (23) in point 21.B.82, point (a) is replaced by the following:
- ‘(a) the certification specifications for operational suitability data designated by the Agency out of those applicable to the aircraft at the date of the application unless:
1. the applicant chooses to comply, or in accordance with point 21.A.15(f) is required to comply, with certification specifications which became applicable after the date of the application. If an applicant chooses to comply with a certification specification which became applicable after the date of the application, the Agency shall include in the type-certification basis any other certification specification that is directly related; or
  2. the Agency accepts any alternative to a designated certification specification for operational suitability data that cannot be complied with, for which compensating factors have been found that provide an equivalent level of safety; or
  3. the Agency accepts or prescribes alternative means to demonstrate compliance with the relevant essential requirements of Annexes II, IV and V to Regulation (EU) 2018/1139.
- (24) point 21.B.103 is amended as follows:
- (a) in point (a), point (1) is replaced by the following:
- ‘1. the applicant has complied with point 21.A.21(a);’;
- (b) point (b) is replaced by the following:
- ‘(b) By way of derogation from point (a), at the applicant’s request included in the declaration referred to in point 21.A.20(d), the Agency may issue an aircraft type-certificate or restricted type-certificate before compliance with the operational suitability data certification basis has been demonstrated, provided that the applicant demonstrates such compliance before the date at which that data is to be actually used.’;
- (25) point 21.B.327 is amended as follows:
- (a) in point (b), the introductory sentence is replaced by the following:
- ‘For an aircraft that cannot comply with the essential requirements referred to in Regulation (EU) 2018/1139 and which is not eligible for a restricted type-

certificate, the Agency shall, as necessary to take account of deviations from these essential requirements:’;

(b) point (c) is replaced by the following:

‘(c) Limitations for use will be associated with restricted certificates of airworthiness, including airspace restrictions, as necessary to take account of deviations from essential requirements for airworthiness laid down in Regulation (EU) 2018/1139.’;

(26) in point 21.B.432(b), point (1) is replaced by the following:

‘1. assessments, audits and inspections, including, where appropriate:

(i) management system assessments and process audits;

(ii) product audits of a relevant sample of the design and certification of the products, parts and appliances that are within the scope of work of the organisation;

(iii) sampling of the work performed;

(iv) unannounced inspections;’;

(27) in point 21.B.433, point (d) is amended as follows:

(a) the introductory paragraph is replaced by the following:

‘When a finding is detected during oversight or by any other means, the competent authority shall, without prejudice to any additional action required by Regulation (EU) 2018/1139 and its delegated and implementing acts, communicate the finding in writing to the organisation and request corrective action to address the non-compliance(s) identified. If a level 1 finding directly relates to an aircraft, or to a control and monitoring unit (CMU), the competent authority shall inform the competent authority of the Member State where the aircraft, or the unmanned aircraft (UA) controlled by that CMU, is registered.’;

(b) in point (1), point (ii) is replaced by the following:

‘(ii) assess the corrective action plan and implementation plan proposed by the organisation and, if it concludes that they are sufficient to address the non-compliance(s), accept them;

(c) point (2) is replaced by the following:

‘2. If there are any level 2 findings, the competent authority shall:

(i) grant the organisation a corrective action implementation period that is appropriate to the nature of the finding, and that in any case shall initially not be more than three months. That period shall commence from the date of the written communication of the finding requesting corrective action. During the corrective action implementation period, and subject to the nature of the finding, the competent authority may extend the corrective action implementation period provided that a corrective action plan, or an update thereto, has been agreed with the competent authority;

- (ii) assess the corrective action and the implementation plan proposed by the organisation and, if it concludes that they are sufficient to address the non-compliance(s), accept them;
- (iii) if the organisation fails to submit an acceptable corrective action plan, or fails to perform the corrective action within the time period accepted or extended by the competent authority, raise the finding to level 1 and take action as laid down in point (d)(1).’;

(28) Appendix V is replaced by the following:

*‘Appendix V*

**Restricted Certificate of Airworthiness — EASA Form 24**

Competent authority LOGO

**RESTRICTED CERTIFICATE OF AIRWORTHINESS**

(*)	[Member State of registry] [COMPETENT AUTHORITY OF THE MEMBER STATE]	(*)
1. Nationality and registration marks	2. Manufacturer and manufacturer’s designation of aircraft	3. Aircraft serial number
4. Categories		
5. This Restricted Certificate of Airworthiness is issued pursuant to (**) [the Convention on International Civil Aviation dated 7 December 1944 and] Regulation (EU) 2018/1139 of the European Parliament and of the Council in respect of the above-mentioned aircraft which is considered airworthy when maintained and operated in accordance with the foregoing and the pertinent operating limitations. In addition to above, the following restrictions apply: (*) (**) [The aircraft may be used in international navigation notwithstanding the above-mentioned restrictions.]  Remarks: [for unmanned aircraft, please insert control and monitoring unit model and designation]		
Date of issue:		Signature:
6. This Restricted Certificate of Airworthiness is valid unless revoked by the competent authority of the Member State of registry.  A current Airworthiness Review Certificate shall be attached to this certificate.		
<b>EASA Form 24 — Issue 4</b> (*) For use by the State of registry. (**) Delete as applicable		

**This restricted certificate of airworthiness shall be carried on board during all flights.’;**

(29) Appendix VI is replaced by the following:

*‘Appendix VI*

**Certificate of Airworthiness — EASA Form 25**

Competent authority LOGO

**CERTIFICATE OF AIRWORTHINESS**

(*)	[Member State of registry] [COMPETENT AUTHORITY OF THE MEMBER STATE]	(*)
1. Nationality and registration marks	2. Manufacturer and manufacturer’s designation of aircraft	3. Aircraft serial number
4. Categories		
<p>5. This Certificate of Airworthiness is issued pursuant to the Convention on International Civil Aviation dated 7 December 1944 and Regulation (EU) 2018/1139 of the European Parliament and of the Council in respect of the above-mentioned aircraft which is considered airworthy when maintained and operated in accordance with the foregoing and the pertinent operating limitations.</p> <p>Limitations/Remarks:</p> <p>[for unmanned aircraft, please insert control and monitoring unit model and designation]</p> <p>Date of issue: _____ Signature: _____</p>		
<p>6. This Certificate of Airworthiness is valid unless revoked by the competent authority of the Member State of registry.</p> <p>A current Airworthiness Review Certificate shall be attached to this certificate.</p>		
<p><b><i>EASA Form 25 — Issue 4</i></b></p> <p>(*) For use by the State of registry.</p>		

**This certificate shall be carried on board during all flights.’;**

(30) in Appendix VIII, the **‘Instructions for the use of the aircraft/unmanned aircraft system statement of conformity – EASA Form 52’** are amended as follows:

(a) in point (3.4), Block 4 is replaced by the following:

*‘Block 4*        The full name of the organisation issuing the statement. This block may be pre-printed. Logos, etc., are permitted if the logo can be contained within the block.’;

(b) in point (3.4), Block 15 is replaced by the following:

*‘Block 15*        Indicate the type of airworthiness certificate that may be obtained upon presentation of EASA Form 52.’;

(31) Appendix IX is replaced by the following:

*‘Appendix IX*

**EASA Form 53 - Certificate of Release to Service**

<p>CERTIFICATE OF RELEASE TO SERVICE</p> <p>[APPROVED PRODUCTION ORGANISATION NAME]</p> <p>Production organisation approval reference:</p> <p>Certificate of release to service in accordance with point 21.A.163(f).</p> <p>Aircraft: ..... Type: ..... Constructor No/Registration: .....</p> <p>has been maintained as specified in Work Order: .....</p> <p>Brief description of work performed:</p>     <p>Certifies that the work specified was carried out in accordance with point 21.A.163(f) and in respect of that work the aircraft is considered ready for release to service and therefore is in a condition for safe operation.</p> <p>Certifying staff (name):</p> <p>(signature):</p> <p>Location:</p> <p>Date: _ _ - _ - _ _ _ (day, month, year)</p>
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*EASA Form 53 — Issue 2’;*

(32) Appendix X is amended as follows:

(a) EASA Form 55a is replaced by the following:

[MEMBER STATE](\*)

A Member of the European Union(\*\*)

**PRODUCTION ORGANISATION APPROVAL CERTIFICATE**

Reference: [MEMBER STATE CODE(\*)].21G.XXXX

Pursuant to Regulation (EU) 2018/1139 of the European Parliament and of the Council and to Commission Regulation (EU) No 748/2012, for the time being in force and subject to the conditions specified below, the [COMPETENT AUTHORITY OF THE MEMBER STATE] hereby certifies:

[COMPANY NAME AND ADDRESS]

as a production organisation in compliance with Section A of Annex I (Part 21) to Commission Regulation (EU) No 748/2012, is approved to produce products, parts and appliances, control and monitoring units and control and monitoring unit components listed in the attached approval schedule and issue the related certificates using the above references.

**CONDITIONS:**

1. This approval is limited to what is specified in the enclosed terms of approval.
2. This approval is subject to compliance with the procedures specified in the approved production organisation exposition.
3. This approval is valid for as long as the approved production organisation remains in compliance with Annex I (Part 21) to Commission Regulation (EU) No 748/2012].
4. Subject to compliance with the foregoing conditions, this approval shall remain valid for an unlimited period of time unless it has previously been surrendered, superseded, suspended or revoked.

Date of original issue:

.....

Date of this revision:

.....

Revision No:

.....

Signed:

.....

For the competent authority: [COMPETENT AUTHORITY IDENTIFICATION (\*)]

**EASA Form 55a — Issue 5**

(\*) Or 'EASA', if EASA is the competent authority.

(\*\*) Delete for non-EU Member States or EASA.

(b) EASA Form 55b is replaced by the following:

<p>[MEMBER STATE](*) A Member of the European Union(**)</p>	<p><b>Terms of Approval</b></p>	<p>TA: [MEMBER STATE CODE(*)].21G.XXXX</p>
<p>This document is part of production organisation approval number [MEMBER STATE CODE(*)].21G.XXXX issued to: Company name:</p>		
<p>Section 1. <b>SCOPE OF WORK:</b></p>		
<p>RATING</p>	<p>PRODUCTS/CATEGORIES</p>	
<p></p>	<p></p>	
<p></p>	<p></p>	
<p></p>	<p></p>	
<p>For details and limitations, refer to the Production Organisation Exposition Section xxx.</p>		
<p>Section 2. <b>LOCATIONS:</b></p>		
<p>Section 3. <b>PRIVILEGES:</b></p>		
<p></p>		
<p>The production organisation is entitled to exercise, within its terms of approval and in accordance with the procedures of its Production Organisation Exposition, the privileges laid down in point 21.A.163, subject to the following:</p>		
<p>[keep only applicable text]</p>		
<p>Prior to the approval of the design of the product, EASA Form 1 may be issued only for conformity purposes.</p>		
<p>A statement of conformity may only be issued for an aircraft that has been issued with a (restricted) type-certificate or a registered declaration of design compliance.</p>		
<p>Maintenance may be performed, until compliance with the maintenance regulations is required, in accordance with the Production Organisation Exposition Section xxx.</p>		
<p>Permits to fly may be issued in accordance with the Production Organisation Exposition Section yyy.</p>		
<p>Date of original issue:</p>	<p>Signed:</p>	
<p>Date of this revision:</p>	<p></p>	
<p>Revision No-:</p>	<p>For [COMPETENT AUTHORITY IDENTIFICATION(*)]</p>	

**EASA Form 55b — Issue 5**

(\*) Or 'EASA', if EASA is the competent authority.

(\*\*) Delete for non-EU Member States or EASA.;

(33) Appendix XI is replaced by the following:

*‘Appendix XI*

**EASA Form 65 — Letter of agreement for production without a production organisation approval**

[MEMBER STATE](\*)

A Member of the European Union(\*\*)

**LETTER OF AGREEMENT FOR PRODUCTION WITHOUT PRODUCTION ORGANISATION APPROVAL**

[NAME OF THE APPLICANT]

[TRADE NAME (if different from the name of the applicant)]

[FULL POSTAL ADDRESS OF THE APPLICANT]

Date (day, month, year)

Reference: [MEMBER STATE CODE(\*)].21F.XXXX

Dear Mr/Ms [Name of the Applicant],

Your production inspection system has been evaluated and found to be in compliance with Section A, Subpart A and Subpart F of Annex I (Part 21) to Commission Regulation (EU) No 748/2012.

Therefore, subject to the conditions specified below, we agree that the showing of conformity of the products, parts and appliances, control and monitoring units and control and monitoring unit components mentioned below may be done under Section A, Subpart F of Annex I (Part 21) to Commission Regulation (EU) No 748/2012.

No of Units	P/N	S/N
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AIRCRAFT

PARTS

The following conditions are applicable to this letter of agreement:

- (1) It is valid while [company name] remains in compliance with Section A, Subpart A and Subpart F of Annex I (Part 21) to Commission Regulation (EU) No 748/2012.
- (2) It requires compliance with the procedures specified in [company name] manual ref./issue date.....
- (3) It terminates on .....
- (4) The statement of conformity issued by [company name] under point 21.A.130 of Commission Regulation (EU) No 748/2012 shall be validated by the issuing authority of this letter of agreement in accordance with the procedure..... of the referenced manual.
- (5) [company name] shall immediately notify the issuing authority of this letter of agreement of any changes to the production inspection system that may affect the inspection, conformity or airworthiness of the products, parts and appliances, control and monitoring units and control and monitoring unit components listed in this letter of agreement.

For the competent authority: [COMPETENT AUTHORITY IDENTIFICATION (\*)]

Date and Signature

**EASA Form 65 — Issue 5**

(\*) Or ‘EASA’, if EASA is the competent authority.

(\*\*) Delete for non-EU Member States or EASA.

(34) Appendix XII is amended as follows:

(a) in point (C), point (2) is replaced by the following:

‘2. Scope

If more than one aircraft is involved in a test, each individual aircraft flight shall be assessed under this Appendix to determine whether it is a flight test and when appropriate, its category.

The flights referred to in point (B)(3) are the only flights that fall within the scope of this Appendix.’;

(b) in point (C.3), the introductory sentence is replaced by the following:

‘Flights tests include the following five categories.’;

(c) in point (C.3), point (3.5) is added as follows:

‘3.5. Category Five (5)

Flights performed for the purpose of demonstrating compliance with the operational suitability data certification basis.’;

(d) in point (D), the table is replaced by the following:

Aircraft	Categories of flight tests				
	1	2	3	4	5
CS-23 commuter or aircraft having a design diving speed (Md) above 0.6 or a maximum ceiling above 7 260 m (25 000 ft), CS-25, CS-27, CS-29 or equivalent airworthiness codes	Competence level 1	Competence level 2	Competence level 3	Competence level 4	Competence level 5
Other CS-23 with an MTOM of or above 2 000 kg	Competence level 2	Competence level 2	Competence level 3	Competence level 4	Competence level 5

(e) in point (D.1), point (1.5) is added as follows:

‘1.5 Competence level 5:

1.5.1 The pilot-in-command shall:

(a) hold a flight test rating, or;

(b) have at least 1 000 hours of flight experience as pilot-in-command on aircraft having similar complexity and characteristics, and have appropriate experience and qualifications on the specific aircraft type sufficient to support the flight test to be performed.

1.5.2 Other pilots shall hold a valid licence appropriate to the category of aircraft under test, issued in accordance with Annex I (Part-FCL) to Commission Regulation (EU) No 1178/2011 and hold a commercial pilot licence (CPL) or a multi-crew pilot licence (MPL) as a minimum. In addition, pilots shall have the experience specified in the Certification Specifications for Operational Suitability Data (OSD) Flight Crew Data (CS-FCD) for the flight test to be performed.

1.5.3 Competence and experience for lead flight test engineers is defined in the flight test operations manual.’