Proposal for a

COMMISSION REGULATION (EC) No .../...

of [...]

amending 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 organisations

(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[1] ("the Basic Regulation"), and in particular Article 5(5) thereof,

Having regard to 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 organisations[2],

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;

(2) Paragraph 21A.163(c) (Annex, section A) of Commission Regulation (EC) No 1702/2003 gives the privilege to production organisation approval holders to issue Authorised Release Certificates (EASA Form 1) for parts and appliances;

(2) Paragraph 21A.130 (Annex, section A) of Commission Regulation (EC) No 1702/2003 requires the raising of a statement of conformity (EASA Form 1) to be validated by the Competent Authority for parts and appliances manufactured under Subpart F of the Annex to that Regulation;

(3) Paragraphs M.A.615 (Annex I, section A) and 145.A.75 (Annex II, section A) of Commission Regulation (EC) No 2042/2003 give the privilege to approved maintenance organisations to issue Authorised Release Certificates (EASA Form1) for the release of parts and appliances after maintenance;

(4) The European Aviation Safety Agency (the Agency) has found it necessary to propose amendments to Appendix I – EASA Form 1 Authorised Release Certificate of Commission Regulation (EC) No 1702/2003, in order to improve the understanding of

[1] OJ L 79, 19.03.2008, p.1

[2] OJ L 243, 27.9.2003, p.6. Regulation as last amended by Regulation (EC) No 287/2008 (OJ L 87, 29.03.2008, p. 3)

the data to be entered on the EASA Form 1 as well as to enhance global acceptance of the EASA Form 1;

(4) The Commission has agreed that the amendments proposed by the Agency will improve the system established under Regulation (EC) No 1702/2003;

(5) The measures provided for in this Regulation are based on the opinion issued by the Agency[3] in accordance with Articles 17(2)(b) and 19(1) of Regulation (EC) No 216/2008;

(6) The measures provided for in this Regulation are in accordance with the opinion[4] of the European Aviation Safety Agency Committee established by Article 65(3) of Regulation (EC) No 216/2008;

(7) Commission Regulation (EC) No 1702/2003 should therefore be amended accordingly;

HAS ADOPTED THIS REGULATION:

Article 1

Appendix I (EASA Form 1 Authorised Release Certificate) of the Annex (Part-21) to Commission Regulation (EC) 1702/2003 is replaced by the following revised Appendix I.

[3] Opinion 06/2008
[4] (To be issued)

1. Approving Competent Authority / Country	2. **AUTHORISED RELEASE CERTIFICATE** EASA FORM 1	3. Form Tracking Number
4. Organisation Name and Address:		5. Work Order/Contract/Invoice

6. Item	7. Description	8. Part No.	9. Qty.	10. Serial No.	11. Status/Work

12. Remarks

13a. Certifies that the items identified above were manufactured in conformity to: approved design data and are in a condition for safe operation non-approved design data specified in block 12		14a. Part-145.A.50 Release to Service Other regulation specified in block 12 Certifies that unless otherwise specified in block 12, the work identified in block 11 and described in block 12, was accomplished in accordance with Part-145 and in respect to that work the items are considered ready for release to service.	
13b. Authorised Signature	13c. Approval/ Authorisation Number	14b. Authorised Signature	14c. Certificate/Approval Ref. No.
13d. Name	13e. Date (dd mmm yyyy)	14d. Name	14e. Date (dd mmm yyyy)

USER/INSTALLER RESPONSIBILITIES

This certificate does not automatically constitute authority to install the item(s).
Where the user/installer performs work in accordance with regulations of an airworthiness authority different than the airworthiness authority specified in block 1, it is essential that the user/installer ensures that his/her airworthiness authority accepts items from the airworthiness authority specified in block 1.

Statements in blocks 13a and 14a do not constitute installation certification. In all cases aircraft maintenance records must contain an installation certification issued in accordance with the national regulations by the user/installer before the aircraft may be flown.

[EASA Form 1-Issue 2]

AUTHORISED RELEASE CERTIFICATE – EASA FORM 1

These instructions relate only to the use of the EASA Form 1 for production purposes. Attention is drawn to Appendix I to Part-145 and Appendix II to Part-M which cover the use of the EASA Form 1 for maintenance purposes.

1. PURPOSE AND USE

A primary purpose of the Certificate is to declare the airworthiness of new aviation products, parts and appliances (hereafter referred to as 'item(s)').

Correlation must be established between the Certificate and the item(s). The originator must retain a Certificate in a form that allows verification of the original data.

The Certificate is acceptable to many airworthiness authorities, but may be dependent on bilateral agreements and/or the policy of the airworthiness authority. The 'approved design data' mentioned in this Certificate then means approved by the airworthiness authority of the importing country.

The Certificate is not a delivery or shipping note.

Aircraft are not to be released using the Certificate.

The Certificate does not constitute approval to install the item on a particular aircraft, engine, or propeller but helps the end user determine its airworthiness approval status.

A mixture of production released and maintenance released items is not permitted on the same Certificate.

A mixture of items certified in conformity with 'approved data' and to 'non-approved data' is not permitted on the same Certificate.

2. GENERAL FORMAT

The Certificate must comply with the format attached including block numbers and the location of each block. The size of each block may however be varied to suit the individual application, but not to the extent that would make the Certificate unrecognizable.

The Certificate must be in 'landscape' format but the overall size may be significantly increased or decreased so long as the Certificate remains recognizable and legible. If in doubt consult the Competent Authority.

The User/Installer responsibility statement can be placed on either side of the form.

All printing must be clear and legible to permit easy reading.

The Certificate may either be pre-printed or computer generated but in either case the printing of lines and characters must be clear and legible and in accordance with the defined format.

The Certificate should be in English, and if appropriate, in one or more other languages.

The details to be entered on the Certificate may be either machine/computer printed or hand-written using block letters and must permit easy reading.

Limit the use of abbreviations to a minimum, to aid clarity.

The space remaining on the reverse side of the Certificate may be used by the originator for any additional information but must not include any certification statement. Any use of the reverse side of the Certificate must be referenced in the appropriate block on the front side of the Certificate

3. COPIES

There is no restriction in the number of copies of the Certificate sent to the customer or retained by the originator.

4. ERROR(S) ON A CERTIFICATE

If an end-user finds an error(s) on a Certificate, he must identify it/them in writing to the originator. The originator may issue a new Certificate if they can verify and correct the error(s).

The new Certificate must have a new tracking number, signature and date.

The request for a new Certificate may be honoured without re-verification of the item(s) condition. The new Certificate is not a statement of current condition and should refer to the previous Certificate in block 12 by the following statement; “This Certificate corrects the error(s) in block(s) [enter block(s) corrected] of the Certificate [enter original tracking number] dated [enter original issuance date] and does not cover conformity/condition/release to service”. Both Certificates should be retained according to the retention period associated with the first.

5. COMPLETION OF THE CERTIFICATE BY THE ORIGINATOR

Block 1 Approving Competent Authority / Country

State the name and country of the Competent Authority under whose jurisdiction this Certificate is issued. When the Competent Authority is the Agency, only “*EASA*” must be stated.

Block 2 EASA Form 1 header

“AUTHORISED RELEASE CERTIFICATE”
EASA FORM 1

Block 3 Form Tracking Number

Enter the unique number established by the numbering system/procedure of the organisation identified in block 4; this may include alpha/numeric characters.

Block 4 Organisation Name and Address

Enter the full name and address of the production organisation (refer to EASA Form 55 Sheet A) releasing the item(s) covered by this Certificate. Logos, etc., of the organisation are permitted if they can be contained within the block.

Block 5 Work Order / Contract / Invoice

To facilitate customer traceability of the item(s), enter the work order number, contract number, invoice number, or similar reference number.

Block 6 Item

Enter line item numbers when there is more than one line item. This block permits easy cross-referencing to the Remarks block 12.

Block 7 Description

Enter the name or description of the item. Preference should be given to the term used in the instructions for continued airworthiness or maintenance data (e.g. Illustrated Parts Catalogue, Aircraft Maintenance Manual, Service Bulletin, Component Maintenance manual).

Block 8 Part Number

Enter the part number as it appears on the item or tag/packaging. In case of an engine or propeller the type designation may be used.

Block 9 Quantity

State the quantity of items.

Block 10 Serial Number

If the item is required by regulation to be identified with a serial number, enter it here. Additionally, any other serial number not required by regulation may also be entered. If there is no serial number identified on the item, enter “N/A”.

Block 11 Status / Work

Enter either “PROTOTYPE” or “NEW”.

Enter “PROTOTYPE” for the production of a new item in conformity with non-approved design data.

Enter “NEW” for:

1. The production of a new item in conformity with the approved design data.
2. Re-certification by the organisation identified in block 4 of the previous Certificate after alteration or rectification work on an item, prior to entry into service, (e.g., after incorporation of a design change, correction of a defect, inspection or test, or renewal of shelf life.) Details of the original release and the alteration or rectification work are to be entered in block 12.
3. Re-certification by the Product manufacturer or the organisation identified in block 4 of the previous Certificate of items from “prototype” (conformity only to non-approved data) to “new” (conformity to approved data and in a condition for safe operation), subsequent to approval of the applicable design data, provided that the design data has not changed. The following statement must be entered in block 12:

   RE-CERTIFICATION OF ITEMS FROM “PROTOTYPE” TO “NEW”: THIS DOCUMENT CERTIFIES THE APPROVAL OF THE DESIGN DATA [INSERT TC/STC NUMBER, REVISION LEVEL], DATED [INSERT DATE IF NECESSARY FOR IDENTIFICATION OF REVISION STATUS], TO WHICH THIS ITEM (THESE ITEMS) WAS (WERE) MANUFACTURED.

   The box “approved design data and are in a condition for safe operation” should be marked in block 13a.
4. The examination of a previously released new item prior to entry into service:
   - In accordance with a customer-specified standard or specification, details of which and of the original release are to be entered in block 12.
   - To establish airworthiness. An explanation of the basis of release and details of the original release are to be entered in block 12.

Block 12 Remarks

Describe the work identified in Block 11, either directly or by reference to supporting documentation, necessary for the user or installer to determine the airworthiness of item(s) in relation to the work being certified. If necessary, a separate sheet may be used and referenced from the EASA Form 1. Each statement must clearly identify which item(s) in Block 6 it relates to. If there is no statement, state ‘None’.

Enter the justification for release to non-approved design data in block 12 (e.g., pending type-certificate, for test only, pending approved data).

Examples of conditions which would necessitate statements in block 12 are:

- When the Certificate is used for prototype purposes the following statement must be entered at the beginning of block 12:

  ‘NOT ELIGIBLE FOR INSTALLATION ON IN-SERVICE TYPE-CERTIFICATED AIRCRAFT’.
- Re-certification of items from “prototype” (conformity only to non-approved data) to “new” (conformity to approved data and in a condition for safe operation) once the applicable design data is approved.

  The following statement must be entered in block 12:

  ‘RE-CERTIFICATION OF ITEMS FROM “PROTOTYPE” TO “NEW”:
  THIS DOCUMENT CERTIFIES THE APPROVAL OF THE DESIGN DATA [INSERT TC/STC NUMBER, REVISION LEVEL], DATED [INSERT DATE IF NECESSARY FOR IDENTIFICATION OF REVISION STATUS], TO WHICH THIS ITEM (THESE ITEMS) WAS (WERE) MANUFACTURED.
- When a new Certificate is issued to correct error(s) the following statement must be entered in block 12:
  ‘THIS CERTIFICATE CORRECTS THE ERROR(S) IN BLOCK(S) [ENTER BLOCK(S) CORRECTED] OF THE CERTIFICATE [ENTER ORIGINAL TRACKING NUMBER]

DATED [ENTER ORIGINAL ISSUANCE DATE] AND DOES NOT COVER CONFORMITY/CONDITION/RELEASE TO SERVICE'.

If printing the data from an electronic EASA Form 1 any data not appropriate in other blocks should be entered in this block.

Block 13a

Mark only one of the two boxes.

(1) Mark the "approved design data and are in a condition for safe operation" box if the item(s) were manufactured using approved design data and found to be in a condition for safe operation.

(2) Mark the "non-approved design data specified in block 12" box if the item(s) were manufactured using applicable non-approved design data. Identify the data in block 12 (e.g., pending type-certificate, for test only, pending approved data).

Mixtures of items released against approved and non-approved design data are not permitted on the same Certificate.

Block 13b Authorised Signature

This space shall be completed with the signature of the authorised person. Only persons specifically authorised under the rules and policies of the Competent Authority are permitted to sign this block. To aid recognition, a unique number identifying the authorised person may be added.

Block 13c Approval/Authorisation Number

Enter the approval/authorisation number/reference. This number or reference is issued by the Competent Authority.

Block 13d Name

Enter the name of the person signing block 13b in a legible form.

Block 13e Date

Enter the date on which block 13b is signed, the date must be in the format dd = 2 digit day, mmm = first 3 letters of the month, yyyy = 4 digit year.

Block 14a-14e

General Requirements for blocks 14a-14e:

Not used for production release. Shade, darken, or otherwise mark to preclude inadvertent or unauthorised use.

User/Installer Responsibilities

Place the following statement on the Certificate to notify end users that they are not relieved of their responsibilities concerning installation and use of any item accompanied by the form:

"This Certificate does not automatically constitute authority to install.

Where the user/installer performs work in accordance with regulations of an airworthiness authority different than the airworthiness authority specified in block 1, it is essential that the user/installer ensures that his/her airworthiness authority accepts items from the airworthiness authority specified in block 1.

Statements in blocks 13a and 14a do not constitute installation certification. In all cases aircraft maintenance records must contain an installation certification issued in accordance with the national regulations by the user/installer before the aircraft may be flown."

Article 2
Entry into force

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

(2) By way of derogation from Article 1 of this Regulation, production organisations may continue to issue authorised release certificates or statements of conformity using the EASA Form 1 issue 1, as laid down in Appendix I of the Annex (Part-21) to Commission Regulation (EC) 1702/2003 until dd/mm/yy [one year following entry into force].

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