



Brussels, **XXX**
[...] (2020) **XXX** draft

Annex IIa to EASA Opinion No 04/2020

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

of **XXX**

**amending Commission Regulation (EU) No 748/2012 as regards the establishment of
safety management systems for competent authorities**

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amending Commission Regulation (EU) No 748/2012 as regards the establishment of safety management systems for competent authorities

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 62(14) and (15) thereof,

Whereas:

- (1) Commission Regulation (EU) No 748/2012 ⁽²⁾ lays down the requirements for the design and production of civil aircraft, as well as engines, propellers and parts to be installed therein.
- (2) In accordance with Annex 19 ‘Safety Management’ to the Chicago Convention and Annex II ‘Essential requirements for airworthiness’ to Regulation (EU) 2018/1139, the European Union Member States and the European Union Aviation Safety Agency should require approved organisations that design and produce civil aircraft, as well as engines, propellers and parts to be installed therein, to establish and implement a safety management system appropriate to the type of activity undertaken by the organisations and to their size, to manage safety risks and aim for the continuous improvement of that system.
- (3) The requirements for competent authorities should be amended in order to also require them to establish and implement an authority management system.
- (4) A sufficient transition period should be provided for production organisations to ensure their compliance with the new rules and procedures introduced by this Regulation.
- (5) The measures provided for in this Regulation are based on Opinion No 04/2020 ⁽³⁾, issued by the European Union Aviation Safety Agency in accordance with Article 76(1) of Regulation (EU) 2018/1139.
- (6) Commission Regulation (EU) No 748/2012 should therefore be amended,

⁽¹⁾ OJ L 212, 22.08.2018, 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⁾ <https://www.easa.europa.eu/document-library/opinions>

HAS ADOPTED THIS REGULATION:

Article 1

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

(1) in Article 9, the following paragraphs 5 and 6 are added:

- ‘5. By way of derogation from points 21.B.225(d)(1) and (d)(2) of Annex I (Part 21), a production organisation that holds a production organisation approval (POA) certificate may correct any findings of non-compliance related to points 21.A.134A and 21.A.139(c) until [*OP please insert date: 2 years after the applicability date*]. If after [*OP please insert date: 2 years after the applicability date*] the organisation has not closed these findings, the competent authority shall revoke, limit or suspend in whole or in part the approval certificate.
6. By way of derogation from points 21.B.125(d)(1) and (d)(2) of Annex I (Part 21), an organisation that produces products, parts or appliances without a production organisation approval certificate and that holds a letter of agreement, may correct any findings of non-compliance related to point 21.A.124A until [*OP please insert date: 2 years after the applicability date*]. If after [*OP please insert date: 2 years after the applicability date*] the organisation has not closed these findings, the competent authority shall revoke, limit or suspend in whole or in part the letter of agreement.’

Article 2

Annex I (Part 21) to Commission Regulation (EU) No 748/2012 is amended in accordance with Annex I to this Regulation.

Article 3

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 [*OP please insert date: 1 year after the date of entry into force*].

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

Done at Brussels,

For the Commission
The President
Ursula VON DER LEYEN