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**Annex to EASA Opinion No 08/2024**

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

**of **XXX****

**amending Regulation (EU) No 1321/2014 and Regulation (EU) No 748/2012 as regards the airworthiness review process, the import of aircraft and occurrence reporting**

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

of **XXX**

**amending Regulation (EU) No 1321/2014 and Regulation (EU) No 748/2012 as regards the airworthiness review process, the import of aircraft and occurrence reporting**

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 an 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 <sup>(1)</sup>, and in particular Article 17(1), Article 62(14), and Article 72(5) thereof,

Whereas:

- (1) Commission Regulation (EU) No 1321/2014 <sup>(2)</sup> lays down the requirements for the continuing airworthiness of aircraft, including the requirements for the issuance of the airworthiness review certificate.
- (2) Commission Regulation (EU) No 748/2012 <sup>(3)</sup> lays down the requirements for the initial airworthiness of aircraft, including the requirements for the issuance of the certificate of airworthiness and restricted certificate of airworthiness.
- (3) The complexity of these implementing rules should be reduced to align with the risks associated with different categories of aircraft, types of operations and the history of aircraft. Simplifying and harmonising the rules across various Annexes is necessary to make the requirements clearer and to avoid misinterpretations.
- (4) In accordance with Annex I (Part-M) and Annex Vb (Part-ML) to Regulation (EU) No 1321/2014, an aircraft shall periodically undergo an airworthiness review to ensure the validity of the airworthiness certificate. The satisfactory completion of an airworthiness review by a person or organisation results in an airworthiness review certificate (ARC) or a recommendation for the issuance of an ARC, as applicable. In the case that a recommendation is issued, it needs to be sent to the national competent authority which, after a satisfactory assessment, issues the ARC.
- (5) The need for a recommendation should be limited to cases where the involvement of the national competent authorities is necessary to guarantee the expected safety level. In

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<sup>1</sup> [OJ L 212, 22.8.2018, p. 1](http://data.europa.eu/eli/reg/2018/1139/oj), ELI: <http://data.europa.eu/eli/reg/2018/1139/oj>.

<sup>2</sup> 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](http://data.europa.eu/eli/reg/2014/1321/oj), ELI: <http://data.europa.eu/eli/reg/2014/1321/oj>).

<sup>3</sup> 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](http://data.europa.eu/eli/reg/2012/748/oj), ELI: <http://data.europa.eu/eli/reg/2012/748/oj>).

order to enhance the efficiency of the airworthiness review, it is necessary to introduce changes to the requirements on the airworthiness review set out in Annex I (Part-M), Annex Vb (Part-ML), Annex Vc (Part-CAMO) and Annex Dd (Part-CAO) to Regulation (EU) No 1321/2014.

- (6) It is necessary to enhance the alignment between the requirements regarding the issuance of the airworthiness certificate and the ARC set out by Regulation (EU) No 1321/2014 and Regulation (EU) No 748/2012, particularly for aircraft transferred between Member States or imported into the Union.
- (7) It is necessary to enhance the free movement of aircraft within the Union. In particular, this includes facilitating the issuance process of airworthiness certificates when aircraft are transferred between Member States and allowing applicants to request an airworthiness certificate from the national competent authority of the Member State where they wish to register the aircraft.
- (8) It is necessary to foster the exchange of information between national competent authorities whenever a significant non-compliance is detected, which lowers safety or seriously endangers flight safety. This is particularly important when the competent authority of the state of registry is different from the competent authority of the organisation responsible for the continuing airworthiness of the aircraft or the competent authority of the organisation that issued the ARC.
- (9) The requirements for issuing certificates of airworthiness and restricted certificates of airworthiness should be amended to broaden their scope to include aircraft previously excluded from Regulation (EU) 2018/1139. This includes, for example, aircraft used for activities or services defined in Article 2(3)(a) of the Regulation (EU) 2018/1139, such as police operations, search and rescue and firefighting.
- (10) An alternative solution is necessary for cases where the statement reflecting the airworthiness status of an aircraft is unavailable and cannot be obtained. This statement is required when applying for a certificate of airworthiness or a restricted certificate of airworthiness for an aircraft imported from a third country. A temporary alternative has been granted in accordance with Annex VI to Commission Decision 2014/69/EU <sup>(4)</sup>, until an amendment to Regulation (EU) No 748/2012 to resolve this issue, is adopted and becomes applicable.
- (11) Regulation (EU) No 376/2014 <sup>(5)</sup> of the European Parliament and of the Council of 3 April 2014 lays down specific obligations for the organisations and individuals regarding the reporting, analysis and follow-up of occurrences in civil aviation. These obligations exist in parallel with the reporting requirements established under Regulation (EU) No 1321/2014. To ensure compliance and uniform implementation, the occurrence-reporting systems of the organisations and individuals subject to Regulation (EU) No 1321/2014 should be aligned with the principles of Regulation

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<sup>4</sup> 2014/69/EU: Commission Decision of 6 February 2014 authorising Sweden and the United Kingdom to derogate from certain common aviation safety rules pursuant to Article 14(6) of Regulation (EC) No 216/2008 of the European Parliament and of the Council (notified under document C(2014) 559) (OJ L 39, 8.2.2014, p. 60) ([http://data.europa.eu/eli/dec/2014/69\(1\)/oj](http://data.europa.eu/eli/dec/2014/69(1)/oj)).

<sup>5</sup> Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3 April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation, amending Regulation (EU) No 996/2010 of the European Parliament and of the Council and repealing Directive 2003/42/EC of the European Parliament and of the Council and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007 (OJ L 122, 24.4.2014, p. 18) (<http://data.europa.eu/eli/reg/2014/376/oj>).

(EU) No 376/2014 on the reporting, analysis and follow-up of occurrences in civil aviation.

- (12) The measures provided for in this Regulation are in accordance with Opinion No 08/2024, issued by the European Union Aviation Safety Agency in accordance with Article 76(1) of Regulation (EU) 2018/1139.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the 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) in Article 3(3), point (c) is replaced by the following:
  - ‘(c) an airworthiness review has been performed in accordance with point M.A.903 of Annex I (Part-M) and a new airworthiness review certificate has been issued in accordance with point M.A.901 or M.B.901 of Annex I (Part-M), as applicable.’;
- (2) in point (2a) in Article 8, the last bullet is replaced by the following:
  - ‘— The provisions of Annex I, point M.B.901(b) shall apply to ELA1 aircraft not used by licence air carriers in accordance with Regulation (EC) No 1008/2008, or by operators requested by a Member State to hold a certificate for commercial operations, or by commercial ATOs.’;
- (3) Annex I (Part-M), Annex Vb (Part-ML), Annex Vc (Part-CAMO) and Annex Vd (Part-CAO) to Regulation (EU) No 1321/2014 and Annex I (Part 21) and Annex Ib (Part 21 Light) to Regulation (EU) No 748/2012 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*.

It shall apply from [6 months 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*  
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