

Proposal for a
COMMISSION REGULATION (EC) No ../..
of [...]

amending Commission Regulation (EC) No 2042/2003, on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency¹ (hereinafter referred to as "the Basic Regulation"), and in particular Articles 5 and 6 thereof

Having regard to Commission Regulation (EC) No 2042/2003, on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks,²

Whereas:

- (1) Commission Regulation (EC) No 2042/2003 establishes the principle of a principal place of business with regard to M.1 of Annex I, 145.1 of Annex II and 147.1 of Annex IV
- (2) National authorities as well and industry requested a definition of the concept of principal place of business, so as to avoid misunderstandings that could rise when the authority is not clearly defined
- (3) The measures provided by this Regulation are based on the opinion issued by the Agency³ in accordance with Articles 12(2)(b) and 14(1) of the Basic Regulation.
- (4) The measures provided for in this Regulation are in accordance with the opinion⁴ of the European Aviation Safety Agency Committee established by Article 54(3) of the Basic Regulation.

¹ Regulation (EC) No 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency. (OJ L 240, 7.9.2002, p.1)

² 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 (OJ L 315, 28.11.2003, p. 1). Regulation as amended by Commission Regulation (EC) No 707/2006 of 8 May 2006 (OJ L 122, 9.5.2006, p. 17)

³ Opinion 5/2005 see: http://www.easa.eu.int/home/opinions_en.html

⁴ [to be issued]

(5) The Commission Regulation (EC) No 2042/2003 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Paragraph M.1 of Annex I to Commission Regulation (EC) No 2042/2003 is replaced by the following:

M.1

- (a) For the purpose of this Part, the competent authority shall be:
1. for the oversight of the continuing airworthiness of individual aircraft and the issue of airworthiness review certificates, the authority designated by the Member State of registry.
 2. for the oversight of a maintenance organisation as specified in M.A. Subpart F,
 - (i) the authority designated by the Member State where that organisation's principal place of business is located.
 - (ii) the Agency if the organisation is located in a third country.
 3. for the oversight of a continuing airworthiness management organisation as specified in M.A. Subpart G,
 - (i) the authority designated by the Member State where that organisation's principle place of business is located if the approval is not included in an air operator's certificate.
 - (ii) the authority designated by the Member State of the operator if the approval is included in an air operator's certificate,
 - (iii) the Agency if the organisation is located in a third country.
 4. for the approval of maintenance programmes,
 - (i) the authority designated by the Member State of registry.
 - (ii) in the case of commercial air transport, when the Member State of the operator is different from the State of registry, the authority agreed by the above two States prior to the approval of the maintenance programme
- (b). For the purpose of this Part and regarding organisations included within its Annex I, principal place of business is intended to mean the organisation site from which the majority of the organisation's management personnel specified in M.A.606 and M.A.706 directs, controls or co-ordinates its technical activities, ensuring that the organisation complies with the requirements of Part-M.

Article 2

Paragraph 145.1 of Annex II to Commission Regulation (EC) No 2042/2003 is replaced by the following:

145.1 General

- (a) For the purpose of this Part, the competent authority shall be:
1. for organisations having their principal place of business in a Member State, the authority designated by that Member State, or;

2. for organisations having their principal place of business located in a third country, the Agency.
- (b). For the purpose of this Part and regarding organisations included within its Annex II, principal place of business is intended to mean the organisation site from which the majority of the organisation's management personnel specified in 145.A.30(a)(b) directs, controls or coordinates its technical activities, ensuring that the organisation complies with the requirements of Part-145.

Article 3

Paragraph 147.1 of Annex IV to Commission Regulation (EC) No 2042/2003 is replaced by the following:

147.1

- (a) For the purpose of this Part, the competent authority shall be:
1. for the organisations having their principal place of business located in the territory of a Member State, the authority designated by that Member State;
 2. for the organisations having their principle place of business located in a third country, the Agency.
- (b) For the purpose of this Part and regarding organisations included within its Annex IV, principal place of business is intended to mean the organisation site from which the majority of the organisation's management personnel specified in 147.A.105 directs, controls or coordinates its technical activities, ensuring that the organisation complies with the requirements of Part-147.

Article 4

This Regulation shall enter into force on the 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
Member of the Commission*