



Brussels, **XXX**
[...](2013) **XXX** draft

ANNEX TO EASA OPINION 06/2013

COMMISSION REGULATION (EU) No .../..

of **XXX**

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

[...]

COMMISSION REGULATION (EU) No .../..

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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

[...]

THE EUROPEAN COMMISSION,

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 and in particular Article 5(5) thereof,

Having regard to Commission Regulation (EC) 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 tasks².

Whereas:

- (1) Regulation (EC) No 216/2008 aims at establishing and maintaining a high uniform level of civil aviation safety in Europe. This Regulation provides for the means of achieving that objective in the field of civil aviation safety.
- (2) Regulation (EC) No 2042/2003 establishes the implementing rules on the continuing airworthiness of aircraft and aeronautical products, parts and appliances and on the approval of organisations and personnel involved in these tasks.
- (3) It is necessary to mitigate the risks associated to the performance of maintenance and in particular to ensure that the necessary measures are taken by persons and organisations to detect errors made during performance of maintenance which may affect the flight safety.
- (4) Regulation (EC) No 2042/2003 should therefore be amended accordingly.
- (5) It is necessary to provide sufficient time for the aeronautical industry and Member States' administrations to adapt to the new regulatory framework.
- (6) The European Aviation Safety Agency (hereinafter referred to as 'the Agency') prepared draft implementing rules and submitted them as an opinion to the European Commission in accordance with Article 19(1) of Regulation (EC) No 216/2008.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 65 of the Regulation (EC) No 216/2008.

¹ OJ 79, 19.3.2008, p.1.

² OJ L 315, 28.11.2003

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Commission Regulation (EC) No 2042/2003 is amended as follows:

Within the scope of this Regulation, the following definitions shall apply:

(...)

(n) ‘critical maintenance task’ means a maintenance task that involves the assembly or any disturbance of a system or any part on an aircraft, engine or propeller that, if an error occurred during its performance, could directly endanger the flight safety.

Article 2

The Annex I (Part-M) and Annex II (Part-145) are amended in accordance with the Annex to this Regulation.

Article 3

This Regulation shall enter into force on the following that of its publication in the Official Journal of the European Union.

It shall apply from [1 year after its 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

[...]

[Choose between the two options, depending on the person who signs.]

On behalf of the President

[...]

ANNEX

Annex I (Part-M) to Regulation (EC) No 2042/2003 is amended as follows:

1. Point M.A.402 is replaced by the following:
M.A.402 Performance of maintenance
Except for maintenance performed by a maintenance organisation approved in accordance with Annex II (Part-145), any person or organisation performing maintenance shall:
 - (a) be qualified for the tasks performed, as required by this part;
 - (b) ensure that the area in which maintenance is carried out is well organised and clean in respect of dirt and contamination;
 - (c) use the methods, techniques, standards and instructions specified in the M.A.401 maintenance data;
 - (d) use the tools, equipment and material specified in the M.A.401 maintenance data. If necessary, tools and equipment shall be controlled and calibrated to an officially recognised standard;
 - (e) ensure that maintenance is performed within any environmental limitations specified in the M.A.401 maintenance data;
 - (f) ensure that proper facilities are used in case of inclement weather or lengthy maintenance;
 - (g) ensure that an independent inspection is performed after any critical maintenance task; and
 - (h) carry out a general verification after completion of maintenance to ensure the aircraft or component is clear of all tools, equipment and any extraneous parts or material, and that all access panels removed have been refitted.
2. Point M.A.606 (g) is replaced by the following:
(g) The maintenance organisation shall have sufficient certifying staff to issue M.A.612 and M.A.613 certificates of release to service for aircraft and components. They shall comply with the requirements of Article 5 of regulation (EC) 2042/2003.
3. Paragraph (b) point 1 of Appendix VIII: Limited Pilot-Owner Maintenance is replaced by the following:
 1. is a critical maintenance task;

Annex II (Part-145) to Regulation (EC) No 2042/2003 is amended as follows:

4. A new point is added to the table of contents as follows:
145.A.48 Performance of maintenance
5. Point 145.A.30 (i) is replaced by the following:
(i) Component certifying staff shall comply with the provisions of Article 5(6) of this Regulation 2042/2003.

6. A new point 145.A.48 is added as follows:

145.A.48 Performance of maintenance

The organisation shall establish procedures to ensure that:

- (a) after completion of maintenance a general verification is carried out to ensure that the aircraft or component is clear of all tools, equipment and any extraneous parts or material, and that all access panels removed have been refitted;
- (b) an error capturing method is implemented after the performance of any critical maintenance task;
- (c) the risk of multiple errors during maintenance and the risk of errors being repeated in identical maintenance tasks are minimised; and,
- (d) damage is assessed and modifications and repairs are carried out using data specified in point M.A.304.

7. Point 145.A.65 (b) is replaced by the following:

- b) The organisation shall establish procedures agreed by the competent authority taking into account human factors and human performance to ensure good maintenance practices and compliance with the applicable requirements established in 145.A.25 to 145.A.95. The procedures under this paragraph shall:
 - 1. ensure that a clear work order or contract has been agreed between the organisation and the organisation requesting maintenance to clearly establish the maintenance to be carried out so that aircraft and components may be released to service in accordance with 145.A.50; and,
 - 2. cover all aspects of carrying out maintenance , including the provision and control of specialised services and lay down the standards to which the organisation intends to work.