

EASA

TERMS OF REFERENCE

TOR Nr: MDM.041
Issue: 1
Date: 25 September 2006
Regulatory reference: Commission regulations 1702/2003 and 2042/2003
Reference documents:

1. Subject:

Continued operation of CIS States of design aircraft registered by Member States.

2. Problem / Statement of issue and justification; reason for regulatory evolution (regulatory tasks):

Regarding aircraft designed in third countries, Commission Regulation 1702/2003 only grandfathers type certificates that have been issued by Member States prior to 28 September 2003 if such certificates were issued on the basis of bilateral agreements stipulating that such certificates had for basis the airworthiness code of the State of design. This was not the case for any of the aircraft designed in the former Soviet countries; as a consequence, only those of these aircraft that had been certified by Member States on the basis of JAA airworthiness codes before 28 September 2003 have been grandfathered; there are very few of them. The regulation required therefore the Agency to investigate the conditions under which such aircraft had been certified by their State of design and to determine before 28 March 2007 an EASA type certificate that would allow inserting them into the EASA continuing airworthiness system.

Unfortunately the catch-up process to determine such an EASA reference type certificate has not progressed as envisaged, mainly because of the costs incurred, the limited commercial perspectives for such aircraft and the significant regulatory differences between the former Soviet airworthiness system and the EASA one. As a consequence, now that the deadline for integration of these aircraft is approaching, very few have a chance to receive an EASA type certificate in due time. As there are 860 of these aircraft currently registered in Member States and an additional 320 are registered in Bulgarian and Romania, the economic impact on their owners and operators would be significant if nothing is done and they would be grounded by lack of compliance with the applicable Community legislation.

During a meeting of the EASA Committee convened especially on 19 July, it has been agreed to examine in more details various options to maintain these aircraft flying while avoiding heavy legislative procedures that would have no chance to be finalised in due time.

The above meeting also identified that those of these aircraft involved in commercial air transport should already comply with the provisions of Commission Regulation 2042/2003 related to aircraft maintenance and that unfortunately the absence of design data had made this practically impossible. As a consequence such aircraft fly illegally. Since it will take a certain time to determine the EASA type certificate of these aircraft and the Commission does not envisage delegating back to Member States the regulation of the continuing airworthiness of these aircraft, it is essential to find alternative means within the limits of the current legislation to ensure their safety.

3. Objective:

Define possible changes to the Basic Regulation and to Commission Regulation 1702/2003 that could be adopted in a short time and allow for the continued operation of CIS States of design aircraft registered by Member States.

4. Specific tasks and interface issues (Deliverables):

The task aims at developing and evaluating various options, such as, but not limited to, grandfathering CIS aircraft currently registered in Member States, transferring such aircraft into annex II of the Basic Regulation, various mixes of these options, ...

When doing so it must be taken into consideration that grandfathering implies that provisions need to be made for the continuing airworthiness of the aircraft within the system established by the Basic Regulation.

It must also be considered that envisaged solutions shall be implemented in a relatively short term to avoid that the end date of the transition period (28 March 2007) leads to their grounding.

5. Working Methods (in addition to the applicable EASA procedures):

Agency

6. Time scale, milestones:

An NPA shall be published by end of October with a reduced consultation period of six weeks. The CRD shall be published beginning of January and the Agency opinion available for debate in the EASA Committee by the end of January.