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**ANNEX TO EASA OPINION 05/2016**

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

**of **XXX****

**amending Commission Regulation (EU) No 1321/2014 as regards alleviations for  
maintenance procedures for general aviation aircraft**

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**amending Commission Regulation (EU) No 1321/2014 as regards alleviations for maintenance procedures for general aviation aircraft**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

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<sup>(1)</sup>, and in particular Article 5(5) thereof,

Whereas:

- (1) Commission Regulation (EU) No 1321/2014<sup>(2)</sup> establishes 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.
- (2) It is necessary to reduce the complexity of those implementing rules in order to adapt them to the risks associated with the different categories of aircraft and types of operation and, in particular, to the lower risks associated with General Aviation aircraft so as to realise alleviations in the maintenance procedures leading to greater flexibility and a reduction of costs for the owners of affected aircraft and for organisations involved in the continuing airworthiness of such aircraft.
- (3) Regulation (EU) No 1321/2014 should therefore be amended accordingly.
- (4) The measures provided for in this Regulation are based on the Opinion issued by the European Aviation Safety Agency in accordance with Articles 17(2)(b) and 19(1) of Regulation (EC) No 216/2008.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 65(1) of Regulation (EC) No 216/2008.

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EU) No 1321/2014 is amended as follows:

- (1) Article 3 is replaced by the following:

‘Article 3

**Continuing-airworthiness requirements**

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<sup>1</sup> OJ L 79, 13.3.2008, p. 1.

<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).

1. The continuing airworthiness of aircraft referred to in Article 1(a) and components for installation thereon shall be ensured in accordance with the requirements of:
    - (a) Annex Vb (Part-ML) for the following aircraft when they are not listed in the air operator certificate of an air carrier licensed in accordance with Regulation (EC) No 1008/2008 and when they are not classified as complex motor-powered aircraft:
      - (i) aeroplanes of 2 730 kg maximum take-off mass or less;
      - (ii) rotorcraft of 1 200 kg maximum take-off mass or less, certified for a maximum of up to 4 occupants;
      - (iii) other ELA2 aircraft; and
    - (b) Annex I (Part-M) for all other aircraft.
  2. Aircraft complying with Part-ML can be transferred to the Part-M continuing-airworthiness regime after complying with the following requirements:
    - (a) the aircraft maintenance programme is approved by the competent authority in accordance with M.A.302 of Part-M;
    - (b) any due maintenance required by the 2(a) approved maintenance programme is performed; and
    - (c) an airworthiness review is performed, and a new airworthiness review certificate is issued in accordance with M.A.901 of Part-M.
  3. Organisations and personnel involved in the continuing airworthiness of aircraft referred to in Article 1(a) and components for installation thereon, including maintenance, shall comply with the applicable requirements of Annex I (Part-M) and Annex Vb (Part-ML), and where appropriate, with the requirements specified in Articles 4 and 5.
  4. By way of derogation from (1) above, the continuing airworthiness of aircraft referred to in Article 1(a), when holding a permit to fly, shall be ensured on the basis of the specific continuing-airworthiness arrangements as defined in the permit to fly issued in accordance with Annex I (Part-21) to Commission Regulation (EU) No 748/2012<sup>(3)</sup>.
  5. Maintenance programmes complying with the requirements applicable before *(insert date of entry into force of the new Regulation)* shall be deemed to comply with the requirements set out in this Regulation.
  6. The continuing airworthiness of aircraft referred to in Article 1(b) and components for installation thereon shall be ensured in accordance with the requirements of Annex Va (Part-T).’
- (2) Article 4 is replaced by the following:

‘Article 4

#### **Continuing-airworthiness organisation approvals**

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<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)

1. Approvals for organisations involved in the continuing airworthiness of aircraft and components for installation thereon, including maintenance, shall be issued in accordance with the requirements of Annex II (Part-145), Annex Vc (Part-CAMO) or Annex Vd (Part-CAO).
  2. Maintenance approvals issued or recognised by a Member State in accordance with the Joint Aviation Authorities (JAA) requirements and procedures, and valid before the entry into force of Regulation (EC) No 2042/2003<sup>4</sup> shall be deemed to have been issued in accordance with Annex II (Part-145).
  3. Organisations holding an approval issued in accordance with Annex I (Part-M) Subpart F, Annex I (Part-M) Subpart G, or Annex II (Part-145), and valid before *(insert date of entry into force of the new Regulation)*, shall, upon application to the competent authority, be issued a Part-CAO approval with the same privileges already held but not exceeding the privileges applicable to a Part-CAO organisation, and be granted a 2-year period to correct any findings. A Form 3-CAO shall be issued and the detailed scope of work shall be included in the exposition of the Part-CAO organisation.
  4. Annex I (Part-M), Subpart G organisation approvals issued before *(insert date of entry into force of the new Regulation)* shall be deemed to have been issued in accordance with Annex Vc (Part-CAMO), and be granted a 2-year period to correct any findings.
  5. Competent authorities shall not issue Annex I (Part-M), Subpart F organisation approvals after *(insert date 1 year after the date of entry into force of the new Regulation)*.
  6. Existing Annex I (Part-M), Subpart F organisation approvals shall not be valid after *(insert date 2 years after the date of entry into force of the new Regulation)*.
  7. Personnel qualified to carry out and/or control a continued-airworthiness non-destructive test of aircraft structures and/or components, on the basis of any standard recognised by a Member State prior to the entry into force of Regulation (EC) No 2042/2003 as providing an equivalent level of qualification, may continue to carry out and/or control such tests.
  8. Certificates of release to service and authorised release certificates issued before the date of entry into force of Regulation (EC) No 1056/2008 by a maintenance organisation approved under the Member State requirements shall be deemed equivalent to those required under points M.A.801 and M.A.802 of Annex I (Part-M) respectively.
- (3) In Article 5, (1) is replaced by the following:
- ‘1. Certifying staff shall be qualified in accordance with the requirements of Annex III (Part-66), except as provided for in M.A.606(h), M.A.607(b), M.A.801(d) and M.A.803 of Annex I (Part-M), in ML.A.801(c) and ML.A.803 of Annex Vb (Part-ML), in CAO.A.035(h) and CAO.A.040(b) of Annex Vd (Part-CAO) and in 145.A.30(j) of and Appendix IV to Annex II (Part-145).’

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<sup>4</sup> 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)

- (4) The text set out in Annex I to this Regulation is added as Annex Vb (Part-ML) to Regulation (EU) No 1321/2014.
- (5) The text set out in Annex II to this Regulation is added as Annex Vd (Part-CAO) to Regulation (EU) No 1321/2014.

*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*.

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

Done at Brussels,

*For the Commission  
The President*