Commission Delegated Regulation (EU) 2020/570 of 28 January 2020 amending and correcting Regulation (EU) No 748/2012 as regards the alignment of rules for continuing airworthiness of aircraft and aeronautical products, parts and appliances with Regulation (EU) No 1321/2014 (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) 2020/570

of 28 January 2020

amending and correcting Regulation (EU) No 748/2012 as regards the alignment of rules for continuing airworthiness of aircraft and aeronautical products, parts and appliances with Regulation (EU) No 1321/2014

(Text with EEA relevance)

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 a 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[(1)], and in particular Article 19(1) thereof,

Whereas:

(1) Commission Regulation (EU) No 1321/2014[(2)] has been amended[(3)] to establish more flexible requirements for the maintenance of light aircraft and to add safety risk management for organisations that manage the continuing airworthiness of aircraft operated by holders of an air operator certificate. As a consequence of that amendment the measures to be taken to ensure the continuing airworthiness of an aircraft, which were previously laid down in Annex I (Part-M) of Regulation (EU) No 1321/2014, are now laid down in Annex I (Part-M), Annex Vb (Part-ML), Annex Vc (Part-CAMO) and Annex Vd (Part-CAO) of that Regulation, in accordance to the type of aircraft and operation thereof.

(2) Since the provisions relating to certificates of airworthiness, repair design approvals and permits to fly, laid down in Annex I (Part 21) to Commission Regulation (EU) No 748/2012[(4)], only refer to Annex I (Part-M) to Regulation (EU) No 1321/2014, that Annex I (Part-21) to Commission Regulation (EU) No 748/2012 should be amended to adapt its provisions to the new structure of the Annexes to Regulation (EU) No 1321/2014.

(3) Point (b) of point 21.A.604 of Annex I to Regulation (EU) No 748/2012 may be understood that for the approval of design changes to Auxiliary Power Unit for applicants who do not hold a European Technical Standard Order Authorisation, as

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2020/570. (See end of Document for details)*

regards changes classified as minor, Subpart E of Annex I to Regulation (EU) No 748/2012 should be applied instead of Subpart D of Annex I to that Regulation. Therefore, Regulation (EU) No 748/2012 should be corrected to clarify that in those cases Subpart D of Annex I to that Regulation applies.

(4) The requirements related to the production cut-off standard for aeroplane CO_2 emissions in point 21.A.165 of Subpart G of Annex I to Regulation (EU) No 748/2012 are not clearly stated and aligned with the same requirements in Subpart F of Annex I to that Regulation. Regulation (EU) No 748/2012 should therefore be corrected.

(5) The provision in letter (c) of point 21.A.93 of Annex I to Regulation (EU) No 748/2012 refers to 'type-certificates or restricted type-certificates', whereas it should refer to 'changes to type-certificates or restricted type-certificates'. Regulation (EU) No 748/2012 should therefore be corrected.

(6) The measures provided for in this Regulation are in accordance with Opinions 05/2016[(5)] and 06/2016[(6)] of the European Union Aviation Safety Agency submitted pursuant to Article 76(1) of Regulation (EU) 2018/1139,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 748/2012 is amended and corrected as follows:

(1) in Article 1(2), point (d) is deleted;

(2) Annex I is amended in accordance with the Annex 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 24 March 2020.

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

Done at Brussels, 28 January 2020.

For the Commission

The President

Ursula VON DER LEYEN

***Changes to legislation:** There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2020/570. (See end of Document for details)*

ANNEX

Annex I (Part 21) to Regulation (EU) No 748/2012 is amended as follows:

(1) in the table of contents the reference to Appendix II is replaced by the following:

Appendix II – EASA Form 15a and 15c – Airworthiness Review Certificate;

(2) in point 21.A.93, point (2) of point (c) is replaced by the following:

2. apply for an extension of the time period provided for in the first sentence of point (c) for the original application and propose a new date for the issuance of the approval. In that case, the applicant shall comply with the type-certification basis, operational suitability data certification basis and environmental protection requirements, as established by the Agency in accordance with point 21.A.101 and notified in accordance with point 21.B.105, for a date to be selected by the applicant. However, that date shall not precede the new date proposed by the applicant for the issuance of the approval by more than five years for an application for a change to type-certificate or restricted type-certificate for a large aeroplane or a large rotorcraft, and by more than three years for an application for any other change to type-certificate or restricted type certificate.;

(3) in point 21.A.165, point (3) of point (c) is replaced by the following:

3. Additionally, in the case of environmental requirements determine that:

(i) the completed engine is in compliance with the applicable engine exhaust emissions requirements on the date of manufacture of the engine: and

(ii) the completed aeroplane is in compliance with the applicable CO_2 emissions requirements on the date its first certificate of airworthiness is issued.;

(4) in point 21.A.174, point (3) of point (b) is replaced by the following:

3. with regard to used aircraft originating from:

(i) a Member State, an airworthiness review certificate issued in accordance with Annex I (Part-M) or Annex Vb (Part-ML) to Commission Regulation (EU) No 1321/2014[(7)];

(ii) a third country:

— a statement by the competent authority of the State where the aircraft is, or was, registered, reflecting the airworthiness status of the aircraft on its register at the time of transfer,

— a weight and balance report with a loading schedule,

— the flight manual when such a manual is required by the airworthiness code for the aircraft,

— historical records to establish the production, modification and maintenance standard of the aircraft, including all limitations associated with a restricted certificate of airworthiness issued in accordance with point 21.B.327,

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— a recommendation for the issuance of a certificate of airworthiness or restricted certificate of airworthiness and for an airworthiness review certificate pursuant to an airworthiness review in accordance with Annex I (Part-M) or Annex Vb (Part-ML) to Regulation (EU) No 1321/2014.;;

(5) in point 21.A.179, point (i) of point (a)(2) is replaced by the following:

(i) upon presentation of the former certificate of airworthiness and of a valid airworthiness review certificate issued in accordance with Annex I (Part-M) or Annex Vb (Part-ML) of Regulation (EU) No 1321/2014;;

(6) in point 21.A.441, point (a) is replaced by the following:

(a) the embodiment of a repair shall be made in accordance with Annex I (Part-M), Annex II (Part-145), Annex Vb (Part-ML) or Annex Vd (Part-CAO) of Regulation (EU) No 1321/2014, or by a production organisation approved in accordance with Subpart G of this Annex, in accordance with the privilege provided for in point 21.A.163(d);;

(7) in point 21.A.604, point (b) is replaced by the following:

(b) by way of derogation from point 21.A.611, the requirements of Subpart D shall apply to the approval of design changes by the APU ETSO authorisation holder and design changes from other applicants classified as a minor change, and the requirements of Subpart E shall apply to the approval of design changes by other applicants classified as a major change. Where the requirements of Subpart E apply, a separate ETSO authorisation shall be issued instead of a supplemental type certificate; and;

(8) in point 21.A.711, point (d) is replaced by the following:

(d) An approved organisation may issue a permit to fly (EASA Form 20b, see Appendix IV) under the privilege granted in accordance with point CAMO.A.125 of Annex Vc (Part-CAMO) of Regulation (EU) No 1321/2014 or point CAO.A.095 of Annex Vd (Part-CAO) of Regulation (EU) No 1321/2014, when the flight conditions referred to in point 21.A.708 of this Annex have been approved in accordance with point 21.A.710 of this Annex;;

(9) in point 21.B.325, point (c) is replaced by the following:

(c) for a new aircraft or used aircraft originating from a non-member State, in addition to the appropriate airworthiness certificate referred to in point (a) or (b), the competent authority of the Member State of registry shall issue an initial airworthiness review certificate (EASA Form 15a or 15c, see Appendix II).;

(10) in point 21.B.326, point (iii) of point (b)(1) is replaced by the following:

(iii) the aircraft has been inspected in accordance with the provisions of Annex I (Part-M) or Annex Vb (Part-ML) of Regulation (EU) No 1321/2014, as appropriate.;

(11) in point 21.B.327, point (C) of point (a)(2)(i) is replaced by the following: