Commission Implementing Regulation (EU) 2019/1383 of 8 July 2019 amending and correcting Regulation (EU) No 1321/2014 as regards safety management systems in continuing airworthiness management organisations and alleviations for general aviation aircraft concerning maintenance and continuing airworthiness management (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1383

of 8 July 2019

amending and correcting Regulation (EU) No 1321/2014 as regards safety management systems in continuing airworthiness management organisations and alleviations for general aviation aircraft concerning maintenance and continuing airworthiness management

(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 17(1) and Article 62(14) and (15) thereof,

Whereas:

(1) Commission Regulation (EU) No 1321/2014[(2)] contains rules related to maintenance and continuing airworthiness management of certain aircraft. In the interest of proportionality, it is necessary to adapt those rules by introducing simplified requirements corresponding to the lower risks associated with light aircraft in general aviation, which is not listed in the air operator certificate of an air carrier licensed in accordance with Regulation (EC) No 1008/2008 of the European Parliament and of the Council[(3)]. To that end, a new set of requirements ensuring the airworthiness of such aircraft should be introduced. Those requirements should be less stringent than the current requirements in aircraft maintenance programmes, airworthiness reviews and deferment of defects. When such maintenance requirements would be applicable to other than complex motor-powered aircraft, the owner of such aircraft should not be prevented to contract maintenance tasks to maintenance organisation approved under Annex II (Part-145) to Regulation (EU) No 1321/2014.

(2) A new set of rules allowing for more flexibility as regards the definition and the execution of the aircraft maintenance programme should be introduced for aircraft other than complex motor-powered aircraft and not listed in the air operator certificate

of an air carrier licensed in accordance with Regulation (EC) No 1008/2008. As a consequence, a new organisation approval with less stringent requirements and combined privileges for maintenance, continuing airworthiness management and for airworthiness reviews and permits to fly should be introduced.

(3) Pursuant to Commission Regulation (EU) No 965/2012[4], holders of an air operator certificate ('AOC') are currently required to have a management system in place, including safety risk management of their activities. One of such activities is the continuing airworthiness management of their aircraft fleet, which is carried out by their own continuing airworthiness management organisation ('CAMO'), approved in accordance with Subpart G of Annex I to Regulation (EU) No 1321/2014. However, Subpart G of Annex I does not currently contain any requirements for safety risk management within the CAMO. Therefore, a management system of CAMOs, including safety risk management for organisations that manage the continuing airworthiness of aircraft used by AOC holders, should be introduced. That management system should apply to all CAMOs that manage the continuing airworthiness.

(4) Sufficient transition period should be provided for organisations involved in the continuing airworthiness of aircraft and components to ensure compliance with new rules and procedures introduced by this Regulation.

(5) In order to ensure proportionate rules for aircraft other than complex motor-powered aircraft and not listed in the air operator certificate of an air carrier licensed in accordance with Regulation (EC) No 1008/2008, safety management principles should not apply to combined airworthiness organisations.

(6) In addition, it is also appropriate to align the requirements for the competent authorities with the developments of safety management concepts by the International Civil Aviation Organisation, in particular as regards the introduction of the authority management system, as well as the implementation of the state safety programme and ensuring coordination between authorities.

(7) A wrong airworthiness assessment of the aircraft due to incomplete continuing airworthiness records can pose a risk to flight safety. Therefore, the existing rules related to continuing airworthiness records should be amended.

(8) Some editorial errors leading to interpretation difficulties of certain provisions in Annex III to Regulation (EU) No 1321/2014 should be corrected.

(9) Regulation (EU) No 1321/2014 should therefore be amended.

(10) The measures provided for in this Regulation are based on Opinions No 05/2016[5], No 06/2016[6] and No 13/2016[7] issued by the Agency in accordance with Article 76(1) of Regulation (EU) 2018/1139 of the European Parliament and of the Council[8].

(11) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 127(3) of Regulation (EU) 2018/1139,

HAS ADOPTED THIS REGULATION:

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/1383. (See end of Document for details)*

[XI Article 1

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

(1) Article 3 is replaced by the following:

Article 3

Continuing airworthiness requirements

1 The continuing airworthiness of aircraft referred to in point (a) of Article 1 and components for installation thereon shall be ensured in accordance with the requirements of Annex I (Part-M), except for aircraft listed in the first subparagraph of paragraph 2 to which the requirements of Annex Vb (Part-ML) shall apply.

2 The requirements of Annex Vb (Part-ML) shall apply to the following other than complex motor-powered aircraft:

a aeroplanes of 2 730 kg maximum take-off mass or less;

b rotorcraft of 1 200 kg maximum take-off mass or less, certified for a maximum of up to 4 occupants;

c other ELA2 aircraft.

Where aircraft referred to points (a), (b) and (c) of the first subparagraph is listed in the air operator certificate of an air carrier licensed in accordance with Regulation (EC) No 1008/2008, the requirements of Annex I (Part-M) shall apply.

3 In order to be listed in the air operator certificate of an air carrier licensed in accordance with Regulation (EC) No 1008/2008, aircraft referred to in points (a), (b) and (c) of the first subparagraph of paragraph 2 shall comply with all of the following requirements:

a its aircraft maintenance programme has been approved by the competent authority in accordance with point M.A.302 of Annex I (Part-M);

b due maintenance required by the maintenance programme referred to in point (a) has been performed and certified in accordance with point 145.A.48 and 145.A.50 of Annex II (Part-145);

c an airworthiness review has been performed and a new airworthiness review certificate has been issued in accordance with point M.A.901 of Annex I (Part-M).

4 By way of derogation from paragraph 1 of this Article, the continuing airworthiness of aircraft referred to in point (a) of Article 1, for which a permit to fly has been issued, shall be ensured on the basis of the specific continuing airworthiness arrangements defined in the permit to fly issued in accordance with Annex I (Part-21) to Commission Regulation (EU) No 748/2012[9].

5 Aircraft maintenance programmes for aircraft referred to in point (a) of Article 1 that comply with the requirements specified in point M.A.302 of Annex I (Part-M) applicable before 24 September 2019 shall be deemed to comply with the requirements specified in point M.A.302 of Annex I (Part-M) or point ML.A.302 of Annex Vb (Part-ML), as applicable, in accordance with paragraphs 1 and 2.

6 Operators shall ensure the continuing airworthiness of aircraft referred to in point (b) of Article 1 and components for installation thereon in accordance with the requirements of Annex Va (Part-T).

7 The continuing airworthiness of aeroplanes with a maximum certificated take-off mass at or below 5 700 kg which are equipped with multiple turboprop engines shall be ensured in accordance with the requirements applicable to other than complex motor-powered aircraft as set out in points M.A.201, M.A.301, M.A.302, M.A.601 and M.A.803 of Annex I (Part-M), point 145.A.30 of Annex II (Part-145), points 66.A.5, 66.A.30, 66.A.70, Appendix V and VI of Annex III (Part-66), point CAMO.A.315 of Annex Vc (Part-CAMO), point CAO.A.010 and Appendix I of Annex Vd (Part-CAO) to the extent that they apply to other than complex motor-powered aircraft.;

(2) Article 4 is replaced by the following:

Article 4

Approvals for organisations involved in the continuing airworthiness

1 Organisations involved in the continuing airworthiness of aircraft and components for installation thereon, including maintenance, shall be approved, upon their request, by the competent authority in accordance with the requirements of Annex II (Part-145), Annex Vc (Part-CAMO) or Annex Vd (Part-CAO), as applicable to the respective organisations.

2 By way of derogation from paragraph 1, until 24 September 2020 organisations may, upon their request, be issued approvals by the competent authority in accordance with the requirements of Subpart F and Subpart G of Annex I (Part-M). Those approvals shall be valid until 24 September 2021.

3 Maintenance approvals issued or recognised by a Member State in accordance with the certification specification JAR-145 referred to in Annex II to Council Regulation (EEC) No 3922/91[(10)] and valid before 29 November 2003 shall be deemed to have been issued in accordance with the requirements of Annex II (Part-145) to this Regulation.

4 Organisations that hold a valid approval issued in accordance with Subpart F or Subpart G of Annex I (Part-M) or with Annex II (Part-145) shall, upon their request, be issued by the competent authority a Form 3-CAO as set out in Appendix 1 to Annex Vd (Part-CAO).

The privileges of such an organisation under the approval issued in accordance with Annex Vd (Part-CAO) shall be the same as privileges under the approval issued in accordance with Subpart F or Subpart G of Annex I (Part-M) or with Annex II (Part-145). However, those privileges shall not exceed the privileges of an organisation referred to in Section A of Annex Vd (Part-CAO).

The organisation may correct any findings of non-compliance with Annex Vd (Part-CAO) until 24 September 2021. If after that date the findings are not corrected, the approval shall be revoked.

Until the organisation complies with Annex Vd (Part-CAO) or until 24 September 2021, whichever of the two comes first, it shall be certified and overseen in accordance with Subpart F or Subpart G of Annex I (Part-M) or Annex II (Part-145), as applicable.

5 Valid approvals of continuing airworthiness management organisations issued in accordance with Subpart G of Annex I (Part-M) shall be deemed to have been issued in accordance with Annex Vc (Part-CAMO).

The organisation may correct any findings of non-compliance with Annex Vc (Part-CAMO) until 24 September 2021.

If the organisation corrects the findings by that date, the competent authority shall issue a new Form 14 approval certificate in accordance with Annex Vc (Part-CAMO). If after that date the findings are not corrected, the approval shall be revoked.

Until the organisation complies with Annex Vc (Part-CAMO) or 24 September 2021, whichever of the two comes first, it shall be certified and oversight in accordance with Subpart G of Annex I (Part-M).

6 Certificates of release to service and authorised release certificates issued before 28 October 2008 by a maintenance organisation approved in accordance with the requirements laid down in the national law of the Member State where the organisation is established, to other than complex motor-powered aircraft not involved in commercial air transport, including any component for installation thereto, shall be deemed to have been issued in accordance with points M.A.801, M.A.802 of Annex I (Part-M) and point 145.A.50 of Annex II (Part-145).;

(3) in Article 5, paragraph 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 points M.A.606(h), M.A.607(b), M.A.801(d) and M.A.803 of Annex I (Part-M), in points ML.A.801(c) and ML.A.803 of Annex Vb (Part-ML), in points CAO.A.035(d) and CAO.A.040(b) of Annex Vd (Part-CAO) and in points 145.A.30(j) of and Appendix IV to Annex II (Part-145).;

(4) the following Article 7a is inserted:

Article 7a

Competent authorities

1 Where a Member State designates more than one entity as competent authority with the necessary powers and allocated responsibilities for the certification and oversight of persons and organisations subject to this Regulation, the following requirements shall be complied with:

a the areas of competence of each competent authority shall be clearly defined, in particular in terms of responsibilities and geographic limitations;

b coordination shall be established between those authorities in order to ensure effective certification and oversight of all organisations and persons subject to this Regulation within their respective remits.

2 Member States shall ensure that the personnel of their competent authorities do not perform certification and oversight activities when there are indications that this could result, directly or indirectly, in a conflict of interest, in particular when relating to family or financial interest.

3 Where necessary to carry out certification or oversight tasks under this Regulation, the competent authorities shall be empowered to: