Commission Regulation (EU) 2018/1142 of 14 August 2018 amending Regulation (EU) No 1321/2014 as regards the introduction of certain categories of aircraft maintenance licences, the modification of the acceptance procedure of components from external suppliers and the modification of the maintenance training organisations' privileges (Text with EEA relevance)

COMMISSION REGULATION (EU) 2018/1142

of 14 August 2018

amending Regulation (EU) No 1321/2014 as regards the introduction of certain categories of aircraft maintenance licences, the modification of the acceptance procedure of components from external suppliers and the modification of the maintenance training organisations' privileges

(Text with EEA relevance)

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[(1)], and in particular Articles 5(5) and 6(3) thereof,

Whereas:

(1) Commission Regulation (EU) No 1321/2014[(2)] 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.

(2) In order to ensure a high uniform level of aviation safety, there is a need for a system, established at Union level, for the licencing of certifying staff involved in the maintenance of ELA1 aeroplanes and for aircraft other than aeroplanes and helicopters. That system should be simple and proportionate. Therefore, necessary measures should now be taken in order to set up such a system.

(3) The existing requirements related to a licence for certifying staff involved in the maintenance of avionics and electrical systems of aircraft other than those in the group of complex aircraft are not proportionate to the lower complexity of those aircraft, in particular because a significant amount of basic knowledge requirements are only relevant in relation to complex aircraft. A new licence for such staff should there be introduced. The requirements for that new licence should ensure that the level of safety is not reduced compared to the one achieved with the existing licence. The introduction of that new licence should reduce potential safety risks which could occur as a consequence of insufficient adequately qualified and licensed staff being available for the maintenance tasks concerned.

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) 2018/1142. (See end of Document for details)*

(4) During performance of maintenance, it is common that persons or organisations use components, parts or material provided by third parties. It is necessary to mitigate the risks associated to the acceptance of such components, parts or material and, in particular, to ensure that the persons and organisations concerned take the necessary measures to ensure proper acceptance, classification and segregation thereof.

(5) A significant number of fraud cases, showing a deliberate violation of the examination standards set in accordance with Regulation (EU) No 1321/2014, have been reported to the European Aviation Safety Agency ('Agency'). Those cases related to basic knowledge examinations performed by approved maintenance training organisations for students who did not attend the basic training course. This situation has led to important safety concerns, in particular in light of the risk of licence holders releasing to service aircraft after maintenance without having the basic knowledge required. Measures should now be taken to address those safety concerns.

(6) Pursuant to Regulation (EU) No 1321/2014, operators of complex motor-powered aircraft, in commercial or non-commercial operations, are to ensure that the tasks associated with continuing airworthiness are performed by an approved continuing airworthiness management organisation and that the maintenance of the aircraft and components for installation thereon is performed by an approved maintenance organisation. However, in certain cases, such as in the non-commercial operation of lighter twin-turboprop aeroplanes, the compliance effort that is required from such operators is disproportionate to the benefits that implementing those requirements bring to the safety of their operations. The requirements applicable in those cases should therefore be adapted. Considering those disproportionate compliance efforts, the time needed to adapt those requirements and that not applying them in those cases until they have been adapted is not assessed to pose any significant risks to aviation safety, those requirements should cease to apply for the time being and apply only from an appropriate later date.

(7) Detailed rules regarding the use of Appendix VI of Annex III to Regulation (EU) No 1321/2014 were deleted by mistake when Regulation (EU) No 1321/2014 was amended by Regulation (EU) 2015/1536[(3)]. That mistake should be corrected.

(8) Certain editorial errors leading to implementation difficulties have been identified in Annex Va to Regulation (EU) No 1321/2014. Those errors should be corrected.

(9) It is necessary to provide sufficient time to all parties concerned to adapt to the amended regulatory framework created as a consequence of the measures laid down in this Regulation. Those measures should therefore become applicable six months after the date of its entry into force. However, given their purpose and the absence of a need for any significant efforts to adapt by the parties concerned, certain measures should apply without delay. Certain other measures require more adaptation efforts and should therefore apply from an appropriate later date, however, because they entail the transition from regulation primarily under national law to the amended regulatory framework under Union law laid down in this Regulation.

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

***Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) 2018/1142. (See end of Document for details)*

(11) The measures provided for in this Regulation are in accordance with opinions of the Agency submitted pursuant to Article 19(1) of Regulation (EC) No 216/2008.

(12) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 65 of Regulation (EC) No 216/2008,

HAS ADOPTED THIS REGULATION:

Article 1

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

(1) in Article 5, paragraph 6 is replaced by the following:

6. Until specific requirements for certifying staff for components are added to this Regulation, the requirements laid down in the national laws in force in the relevant Member State shall continue to apply, except for maintenance organisations located outside the Union where the requirements shall be approved by the Agency.;

(2) Article 8 is amended as follows:

(a) in paragraph 2, point (b) is deleted;

(b) paragraph 5 is deleted;

(c) the following paragraph 7 is inserted:

7. By way of derogation from paragraph 1, for aeroplanes of 5 700 kg MTOM and below which are equipped with multiple turboprop engines and which are not involved in commercial operations, points M.A.201(g)(2) and (g)(3) of Annex I (Part-M) shall apply from 1 January 2025.;

(3) Annex I (Part-M) is amended in accordance with Annex I to this Regulation;

(4) Annex II (Part-145) is amended in accordance with Annex II to this Regulation;

(5) Annex III (Part-66) is amended in accordance with Annex III to this Regulation;

(6) Annex IV (Part-147) is amended in accordance with Annex IV to this Regulation;

(7) Annex Va (Part-T) is amended in accordance with Annex V 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 5 March 2019.

However,

(1) Article 1(2)(c), Article 1(7) and point (1) of Annex IV shall apply from 5 September 2018;

(2) for the maintenance of ELA1 aeroplanes not involved in CAT operations and of aircraft other than aeroplanes and helicopters:

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) 2018/1142. (See end of Document for details)*

(a) the requirement for the competent authority to issue aircraft maintenance licences in accordance with Annex III (Part-66), as new or as converted, pursuant to point 66.A.70 of that Annex, shall apply from 1 October 2019;

(b) the requirement for certifying staff to be qualified in accordance with Annex III (Part-66) laid down in points M.A.606(g) and M.A.801(b)(2) of Annex I (Part-M) and in point 145.A.30(g) and (h) of Annex II (Part-145) shall apply from 1 October 2020.

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

Done at Brussels, 14 August 2018.

For the Commission

The President

Jean-Claude JUNCKER

***Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) 2018/1142. (See end of Document for details)*

ANNEX I

Annex I is amended as follows:

(1) the table of contents is amended as follows:

(a) Point M.A.501 is replaced by the following:

M.A.501 **Classification and installation**

(b) Point M.A.504 is replaced by the following

M.A.504 **Segregation of components;**

(2) point M.A.501 is replaced by the following:

M.A.501 **Classification and installation**

(a) All components shall be classified into the following categories:

(1) Components which are in a satisfactory condition, released on an EASA Form 1 or equivalent and marked in accordance with Subpart Q of Annex I (Part 21) to Regulation (EU) No 748/2012, unless otherwise specified in Annex I (Part 21) to Regulation (EU) No 748/2012 or in this Annex (Part-M).

(2) Unserviceable components which shall be maintained in accordance with this Regulation.

(3) Components categorised as unsalvageable because they have reached their certified life limit or contain a non-repairable defect.

(4) Standard parts used on an aircraft, engine, propeller or other aircraft component when specified in the maintenance data and accompanied by evidence of conformity traceable to the applicable standard.

(5) Material both raw and consumable used in the course of maintenance when the organisation is satisfied that the material meets the required specification and has appropriate traceability. All materials must be accompanied by documentation clearly relating to the particular material and containing a conformity to specification statement plus both the manufacturing and supplier source.

(b) Components, standard parts and material shall only be installed on an aircraft or a component when they are in a satisfactory condition, belong to one of the categories listed in point (a) and the applicable maintenance data specifies the particular component, standard part or material.;

(3) in point M.A.502, point (d) is replaced by the following:

(d) By derogation from point (a) and point M.A.801(b)2, certifying staff referred to in point M.A.801(b)2 may perform, in accordance with component maintenance data, the following: