Commission Regulation (EU) 2015/1536 of 16 September 2015 amending Regulation (EU) No 1321/2014 as regards alignment of rules for continuing airworthiness with Regulation (EC) No 216/2008, critical maintenance tasks and aircraft continuing airworthiness monitoring (Text with EEA relevance)

COMMISSION REGULATION (EU) 2015/1536

of 16 September 2015

amending Regulation (EU) No 1321/2014 as regards alignment of rules for continuing airworthiness with Regulation (EC) No 216/2008, critical maintenance tasks and aircraft continuing airworthiness monitoring

(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 8(5) thereof,

Whereas:

(1) Commission Regulation (EU) No 1321/2014[(2)] establishes detailed rules on the continuing airworthiness of aircraft and aeronautical products, parts and appliances.

(2) Annex IV to Regulation (EC) No 216/2008 establishes continuing airworthiness requirements for the operation of aircraft, including requirements for organisations managing the continuing airworthiness of complex motor-powered aircraft and aircraft operated for commercial purposes. Regulation (EU) No 1321/2014 should be updated to ensure that those requirements are implemented.

(3) It is necessary to establish the conditions under which air carriers licenced in accordance with Regulation (EC) No 1008/2008 of the European Parliament and of the Council[(3)] may operate aircraft registered in a third country, in order to ensure that the relevant essential requirements set out in Annex IV to Regulation (EC) No 216/2008 are complied with.

(4) It is necessary to ensure uniform application of the requirements of the aircraft continuing airworthiness monitoring programme within the Union. To that end, the provisions contained in Annex I to Regulation (EU) No 1321/2014 concerning the implementation by the competent authorities of an aircraft continuing airworthiness monitoring programme should be amended.

(5) It is necessary to mitigate the risks associated to the performance of maintenance and in particular to ensure that the necessary measures are taken by the persons and organisations concerned to detect errors made during the performance of

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maintenance that may affect flight safety. Therefore, the requirements for performance of maintenance set out in Annex I and Annex II to Regulation (EU) No 1321/2014 should be amended.

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

(7) It is necessary to provide sufficient time for the aeronautical industry and Member States' administrations to adapt to the amended regulatory framework. A differed application date should therefore be provided for this Regulation as a whole.

(8) The measures provided for in this Regulation are in accordance with the opinion of the European Aviation Safety Agency submitted pursuant to Article 19(1) of Regulation (EC) No 216/2008.

(9) 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) Article 1 is replaced by the following:

Article 1

Subject-matter and scope

This Regulation establishes common technical requirements and administrative procedures to ensure:

(a) the continuing airworthiness of aircraft, including any component for installation thereto, which are:

(i) registered in a Member State, unless their regulatory safety oversight has been delegated to a third country and they are not used by an EU operator; or

(ii) registered in a third country and used by an EU operator, where their regulatory safety oversight has been delegated to a Member State;

(b) compliance with the essential requirements set out in Regulation (EC) No 216/2008 for continuing airworthiness of aircraft registered in a third country and components for installation thereon for which their regulatory safety oversight has not been delegated to a Member State that are dry leased-in by a licence air carrier in accordance with Regulation (EC) No 1008/2008 of the European Parliament and the Council[(4)]..

(2) Article 2 is amended as follows:

(a) Point (g) is replaced by the following:

(g) "commercial air transport (CAT) operation" means an aircraft operation to transport passengers, cargo or mail for remuneration or other valuable consideration;

(b) The following points are added:

(n) "critical maintenance task" means a maintenance task that involves the assembly or any disturbance of a system or any part on an aircraft, engine or propeller that, if an error occurred during its performance, could directly endanger the flight safety;

(o) "commercial specialised operations" means those operations subject to the requirements of Part-ORO, Subpart-SPO set out in Annex III to Commission Regulation (EU) No 965/2012[(5)];

(p) "limited operations" means the operations of other-than-complex motor-powered aircraft for:

(i) cost-shared flights by private individuals, on the condition that the direct cost is shared by all the occupants of the aircraft, pilot included and the number of persons sharing the direct costs is limited to six;

(ii) competition flights or flying displays, on the condition that the remuneration or any valuable consideration given for such flights is limited to recovery of direct costs and a proportionate contribution to annual costs, as well as prizes of no more than a value specified by the competent authority;

(iii) introductory flights, parachute dropping, sailplane towing or aerobatic flights performed either by a training organisation having its principal place of business in a Member State and approved in accordance with Commission Regulation (EU) No 1178/2011[(6)], or by an organisation created with the aim of promoting aerial sport or leisure aviation, on the condition that the aircraft is operated by the organisation on the basis of ownership or dry lease, that the flight does not generate profits distributed outside of the organisation, and that whenever non-members of the organisation are involved, such flights represent only a marginal activity of the organisation;

For the purpose of this Regulation, "limited operations" are not considered as CAT operations or commercial specialised operations;

(q) "introductory flight" means "introductory flight" as defined in Article 2(9) of Regulation (EU) No 965/2012;

(r) "competition flight" means "competition flight" as defined in Article 2(10) of Regulation (EU) No 965/2012;

(s) "flying display" means "flying display" as defined in Article 2(11) of Regulation (EU) No 965/2012.

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(3) Article 3 is amended as follows:

(a) Paragraphs 1, 2 and 3 are replaced by the following:

1. The continuing airworthiness of aircraft referred to in Article 1(a) and components for installation thereon shall be ensured in accordance with the provisions of Annex I.

2 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 Annex I and where appropriate the provisions specified in Articles 4 and 5.

3 By way of derogation from paragraph 1, the continuing airworthiness of aircraft referred to in Article 1(a) 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.

(b) The following paragraph 5 is added:

5. The continuing airworthiness of aircraft referred to in Article 1(b) and components for installation thereon shall be ensured in accordance with the provisions of Annex Va.

(4) In Article 4, paragraph 1 is replaced by the following:

1. Maintenance organisation approvals shall be issued in accordance with the provisions of Annex I, Subpart F, or Annex II.

(5) Article 8 is amended as follows:

(a) In paragraph 2, the following point (c) is added:

(c) for aircraft registered in a third country and dry leased-in by air carriers licenced in accordance with Regulation (EC) No 1008/2008, until 25 August 2017, the requirements of Annex Va.

(b) The following paragraph 2a is inserted:

2a. By way of derogation from paragraph 1, the requirements for aircraft used for commercial specialised operations and CAT other than those by air carriers licenced in accordance with Regulation (EC) No 1008/2008, set out in Regulation (EU) No 965/2012, as amended by Regulation (EU) No 379/2014[7], shall apply from 21 April 2017.

Until that time:

— The provisions of Annex I, point M.A.201(f) shall apply to complex motor-powered aircraft used by operators requested by a Member State to hold a certificate for commercial operations other than licence air carriers in accordance with Regulation (EC) No 1008/2008 and to commercial ATOs;

— The provisions of Annex I, point M.A.201(h) shall apply to other than complex motor-powered aircraft, used by operators requested by a Member State to hold a certificate for commercial operations other than licence air carriers in accordance with Regulation (EC) No 1008/2008 and to commercial ATOs;

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— The provisions of Annex I, point M.A.306(a) shall apply to aircraft used by licence air carriers in accordance with Regulation (EC) No 1008/2008 and aircraft used by operators requested by a Member State to hold a certificate for commercial operations;

— The provisions of Annex I, point M.A.801(c) shall apply to ELA1 not used by licence air carriers in accordance with Regulation (EC) No 1008/2008 and not used by commercial ATOs;

— The provisions of Annex I, point M.A.803(b) shall apply to non-complex motor-powered aircraft of 2 730 kg MTOM and below, sailplane, powered sailplane or balloon, not used by licence air carriers in accordance with Regulation (EC) No 1008/2008, or by operators requested by a Member State to hold a certificate for commercial operations, or by commercial ATOs;

— The provisions of Annex I, point M.A.901(g) shall apply to ELA1 aircraft not used by licence air carriers in accordance with Regulation (EC) No 1008/2008, or by operators requested by a Member State to hold a certificate for commercial operations, or by commercial ATOs.

(6) Annex I (Part-M) is amended in accordance with Annex I to this Regulation.

(7) Annex II (Part-145) is amended in accordance with Annex II to this Regulation.

(8) Annex III (Part-66) is amended in accordance with Annex III to this Regulation.

(9) The text set out in Annex IV to this Regulation is inserted as Annex Va (Part-T).

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 25 August 2016.

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

Done at Brussels, 16 September 2015.

For the Commission

The President

Jean-Claude JUNCKER