Commission Regulation (EU) 2015/1088 of 3 July 2015 amending Regulation (EU) No 1321/2014 as regards alleviations for maintenance procedures for general aviation aircraft

COMMISSION REGULATION (EU) 2015/1088

of 3 July 2015

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

THE EUROPEAN COMMISSION,

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 Article 5(5) thereof,

Whereas:

(1) Commission Regulation (EU) No 1321/2014[(2)] 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 with regard to the risks associated to the different categories of aircraft and types of operation and, in particular, to the lower risks associated to 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 the affected aircraft.

(3) In addition, since some certificates, as laid down in the Appendices to the Annexes to Commission Regulation (EC) No 2042/2003[(3)], refer to that Regulation, which was recast by Regulation (EU) No 1321/2014, it is necessary to update those references.

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

(5) 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.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

(1) In Article 2, the following point (ka) is inserted after point (k):

(ka) "ELA2 aircraft" means the following manned European Light Aircraft:

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) 2015/1088. (See end of Document for details)*

(i) an aeroplane with a Maximum Take-off Mass (MTOM) of 2 000 kg or less that is not classified as complex motor-powered aircraft;

(ii) a sailplane or powered sailplane of 2 000 kg MTOM or less;

(iii) a balloon;

(iv) a hot air ship;

(v) a gas airship complying with all of the following characteristics:
— 3 % maximum static heaviness,
— non-vectored thrust (except reverse thrust),
— conventional and simple design of structure, control system and ballonet system, and
— non-power assisted controls;

(vi) a Very Light Rotorcraft.

(2) In Article 3, the following paragraph 4 is added:

4. Maintenance programmes approved in accordance with the requirements applicable before 27 July 2015 shall be deemed to have been approved in accordance with the requirements set out in this Regulation.

(3) Article 8 is amended as follows:

(a) in paragraph (2)(b), the date of '28 September 2015' is replaced by the date of '28 September 2016';

(b) in paragraph (4), 'Regulation (EC) No 2042/2003' is replaced by 'Regulation (EU) No 1149/2011';

(c) The following paragraph (6) is added:

6. By way of derogation from paragraph 1:
a Competent authorities or, where applicable, organisations may continue to issue certificates, previous issue, as laid down in Appendix III to Annex I (Part-M) or Appendix II and Appendix III to Annex IV (Part-147) to Regulation (EU) No 1321/2014, in force prior to 27 July 2015, until 31 December 2015.
b Certificates issued before 1 January 2016 remain valid until they are changed, suspended or revoked.

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

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

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

Article 2

This Regulation shall enter into force on the twentieth day following 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, 3 July 2015.

For the Commission

The President

Jean-Claude JUNCKER

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) 2015/1088. (See end of Document for details)*

ANNEX I

Annex I (Part- M) to Regulation (EU) No 1321/2014 is amended as follows:

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

(i) point M.A.607 is replaced by the following:

M.A.607 **Certifying staff and airworthiness review staff**

(ii) point M.A. 614 is replaced by the following:

M.A.614 **Maintenance and airworthiness review records**

(2) Point M.A.201 is amended as follows:

(i) in point (a), point 4 is replaced by the following:

4. The maintenance of aircraft is performed in accordance with the maintenance programme as specified in point M.A.302.;

(ii) point (e) is replaced by the following:

(e) In order to satisfy the responsibilities of point (a),

(i) the owner of an aircraft may contract the tasks associated with continuing airworthiness to a continuing airworthiness management organisation approved in accordance with Section A, Subpart G of this Annex (Part M). In this case, the continuing airworthiness management organisation assumes responsibility for the proper accomplishment of these tasks. The contract described in Appendix I shall be used in this case;

(ii) an owner who decides to manage the continuing airworthiness of the aircraft under its own responsibility, without a contract in accordance with Appendix I, may nevertheless make a limited contract for the development of the maintenance programme and processing its approval in accordance with point M.A.302 with:

— a continuing airworthiness management organisation approved in accordance with Section A, Subpart G of this Annex (Part M), or

— in the case of ELA2 aircraft not involved in commercial operations, a Part 145 or M.A. Subpart F maintenance organisation,

In that case, the limited contract transfers the responsibility for the development and, except in the case where a declaration is issued by the owner in accordance with M.A.302(h), processing the approval of the maintenance programme to the contracted organisation.

(3) In point M.A.301, point 3 is replaced by the following:

3. the accomplishment of all maintenance, in accordance with the M.A.302 aircraft maintenance programme;

(4) Point M.A.302 is amended as follows:

(i) in point (c), the first sentence is replaced by the following:

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When the continuing airworthiness of the aircraft is managed by a continuing airworthiness management organisation approved in accordance with Section A, Subpart G of this Annex (Part M) or when there is a limited contract between the owner and this organisation in accordance with point M.A.201(e)(ii), the aircraft maintenance programme and its amendments may be approved through an indirect approval procedure.

(ii) the following points (h) and (i) are added:

(h) In the case of ELA1 aircraft not involved in commercial operations, compliance with points (b), (c), (d), (e), and (g) may be replaced by compliance with all the following conditions:

1. The aircraft maintenance programme shall clearly identify the owner and the specific aircraft to which it refers, including any installed engine and propeller.

2. The aircraft maintenance programme shall either:
   — comply with the "Minimum Inspection Programme", contained in point (i), corresponding to the particular aircraft, or
   — comply with points (d) and (e).

   The maintenance programme shall not be less restrictive than the "Minimum Inspection Programme".

3. The aircraft maintenance programme shall include all the mandatory continuing airworthiness requirements, such as repetitive Airworthiness Directives, the Airworthiness Limitation Section (ALS) of the Instructions for Continued Airworthiness (ICA) or specific maintenance requirements contained in the Type Certificate Data Sheet (TCDS).

   In addition, the aircraft maintenance programme shall identify any additional maintenance tasks to be performed because of the specific aircraft type, aircraft configuration and type and specificity of operation. The following elements shall be taken into consideration as a minimum:
   — Specific installed equipment and modifications of the aircraft.
   — Repairs incorporated in the aircraft.
   — Life Limited components and flight safety critical components.
   — Maintenance recommendations, such as Time Between Overhaul (TBO) intervals, recommended through service bulletins, service letters, and other non-mandatory service information.