Commission Regulation (EU) No 1321/2014 of 26 November 2014 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks (Recast) (Text with EEA relevance)

COMMISSION REGULATION (EU) No 1321/2014

of 26 November 2014

on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks

(Recast)

(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 Article 5(5) and 6(3) thereof,

Whereas:

(1) Commission Regulation (EC) No 2042/2003 of 20 November 2003 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)] has been substantially amended several times[(3)]. Since further amendments are to be made, it should be recast in the interests of clarity.

(2) Regulation (EC) No 216/2008 establishes common essential requirements to provide for a high uniform level of civil aviation safety and environmental protection; it requires the Commission to adopt the necessary implementation rules to ensure their uniform application; it establishes the European Aviation Safety Agency (hereinafter referred to as the 'Agency') to assist the Commission in the development of such implementing rules.

(3) It is necessary to lay down common technical requirements and administrative procedures to ensure the continuing airworthiness of aeronautical products, parts and appliances subject to Regulation (EC) No 216/2008.

(4) Organisations and personnel involved in the maintenance of products, parts and appliances should be required to comply with certain technical requirements in order to demonstrate their capability and means of discharging their obligations and associated privileges; the Commission is required to lay down measures to specify conditions of issuing, maintaining, amending, suspending or revoking certificates attesting such compliance.

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) No 1321/2014. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) The need to ensure uniformity in the application of common technical requirements in the field of continuing airworthiness of aeronautical parts and appliances requires that common procedures be followed by competent authorities to assess compliance with these requirements; the Agency should develop certification specifications to facilitate the necessary regulatory uniformity.

(6) It is necessary to recognise the continuing validity of certificates issued before entry into force of Regulation (EC) No 2042/2003, in accordance with Article 69 of Regulation (EC) No 216/2008.

(7) Article 5 of Regulation (EC) No 216/2008 dealing with airworthiness was extended to include the elements of operational suitability evaluation into the implementing rules for type-certification.

(8) The European Aviation Safety Agency (the 'Agency') found that it was necessary to amend Commission Regulation (EU) No 748/2012[(4)] in order to allow the Agency to approve operational suitability data as part of the type-certification process.

(9) The operational suitability data should include mandatory training elements for type rating training of maintenance certifying staff. Those elements should be the basis for developing type training courses.

(10) The requirements related to the establishment of certifying staff type rating training courses need to be amended to refer to the operational suitability data.

(11) The Agency prepared draft implementing rules on the concept of operational suitability data and submitted them as an opinion[(5)] to the Commission in accordance with Article 19(1) of Regulation (EC) No 216/2008.

(12) The measures provided by this Regulation are in accordance with the Opinion of the European Aviation Safety Agency Committee[(6)] established by Article 65(1) of Regulation (EC) No 216/2008,

HAS ADOPTED THIS REGULATION:

I[F1] 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

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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[7].**]**

Textual Amendments

F1 Substituted by 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).

Article 2

Definitions

Within the scope of Regulation (EC) No 216/2008, the following definitions shall apply:

(a) ‘aircraft’ means any machine that can derive support in the atmosphere from the reactions of the air other than reactions of the air against the earth's surface;

(b) ‘certifying staff’ means personnel responsible for the release of an aircraft or a component after maintenance;

(c) ‘component’ means any engine, propeller, part or appliance;

(d) ‘continuing airworthiness’ means all of the processes ensuring that, at any time in its operating life, the aircraft complies with the airworthiness requirements in force and is in a condition for safe operation;

(e) ‘JAA’ means ‘Joint Aviation Authorities.’;

(f) ‘JAR’ means ‘Joint Aviation Requirements’;

(g) **[**F1‘commercial air transport (CAT) operation’ means an aircraft operation to transport passengers, cargo or mail for remuneration or other valuable consideration;**]**

(h) ‘maintenance’ means any one or combination of the following activities: overhaul, repair, inspection, replacement, modification or defect rectification of an aircraft or component, with the exception of pre-flight inspection;

(i) ‘organisation’ means a natural person, a legal person or part of a legal person. Such an organisation may be established at more than one location whether or not within the territory of the Member States;

(j) ‘pre-flight inspection’ means the inspection carried out before flight to ensure that the aircraft is fit for the intended flight;

(k) ‘ELA1 aircraft’ means the following manned European light aircraft:

(i) an aeroplane with a maximum take-off mass (MTOM) of 1 200 kg or less that is not classified as complex motor-powered aircraft;

(ii) a sailplane or powered sailplane of 1 200 kg MTOM or less;

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(iii) a balloon with a maximum design lifting gas or hot air volume of not more than 3 400 m^3 for hot air balloons, 1 050 m^3 for gas balloons, 300 m^3 for tethered gas balloons;

(iv) an airship designed for not more than four occupants and a maximum design lifting gas or hot air volume of not more than 3 400 m^3 for hot air airships and 1 000 m^3 for gas airships;

(ka) **[**F2‘ELA2 aircraft’ means the following manned European Light Aircraft:

(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;**]**

(l) ‘LSA aircraft’ means a light sport aeroplane which has all of the following characteristics:

(i) a Maximum Take-off Mass (MTOM) of not more than 600 kg;

(ii) a maximum stalling speed in the landing configuration (VS0) of not more than 45 knots Calibrated Airspeed (CAS) at the aircraft's maximum certificated take-off mass and most critical centre of gravity;

(iii) a maximum seating capacity of no more than two persons, including the pilot;

(iv) a single, non-turbine engine fitted with a propeller;

(v) a non-pressurised cabin;

(m) ‘principal place of business’ means the head office or the registered office of the undertaking within which the principal financial functions and operational control of the activities referred to in this Regulation are exercised**[**F1;**]**

(n) **[**F3‘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(8);

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(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[(9)], 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.**]**

Textual Amendments

F1 Substituted by 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).

F2 Inserted by 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.

F3 Inserted by 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).

I[F4]I[X1] 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