Commission Regulation (EU) No 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations (recast) (Text with EEA relevance)

COMMISSION REGULATION (EU) No 748/2012

of 3 August 2012

laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations

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

Whereas:

(1) Commission Regulation (EC) No 1702/2003 of 24 September 2003 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations[(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 implementing 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 airworthiness and environmental compatibility of aeronautical products, parts and appliances, subject to Regulation (EC) No 216/2008. Such requirements and procedures should specify the conditions to issue, maintain, amend, suspend or revoke the appropriate certificates.

(4) Organisations involved in the design and production of products, parts and appliances should be required to comply with certain technical requirements in order to demonstrate their capability and means to discharge their obligations and associated

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) No 748/2012. 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*

privileges. The Commission is required to lay down measures to specify conditions to issue, maintain, amend, suspend or revoke certificates attesting such compliance.

(5) In laying down measures for the implementation of common essential requirements in the field of airworthiness, the Commission must take care that they reflect the state of the art and the best practices, take into account worldwide aircraft experience and scientific and technical progress and allow for immediate reaction to established causes of accidents and serious incidents.

(6) The need to ensure uniformity in the application of common airworthiness and environmental requirements for aeronautical products, parts and appliances requires that common procedures be followed by the competent authorities of the Member States and, where applicable, the Agency to assess compliance with these requirements. The Agency should develop certification specifications and guidance material to facilitate the necessary regulatory uniformity.

(7) It is necessary to recognise the continuing validity of certificates issued before the entry into force of Regulation (EC) No 1702/2003, in accordance with Article 69 of Regulation (EC) No 216/2008.

(8) In order to maintain a high uniform level of aviation safety in Europe, it is necessary to introduce changes to requirements and procedures for the certification of aircraft and related products, parts and appliances and of design and production organisations, in particular to elaborate the rules related to the demonstration of compliance with the type-certification basis and environmental protection requirements and to introduce the possibility to choose to comply with later standards for changes to type-certificates.

(9) The concept and complexity of auxiliary power units (APU) resembles that of aircraft engines and in some cases APU designs are even derived from engine designs. Changes to provisions for repairs to APU are therefore needed to restore consistency with repairs process to engines.

(10) In order to subject non-complex motor-powered aircraft, recreational aircraft and related products, parts and appliances to measures that are proportionate to their simple design and type of operation, while maintaining a high uniform level of aviation safety in Europe, it is necessary to introduce changes to requirements and procedures for the certification of those aircraft and related products, parts and appliances and of design and production organisations and in particular, for the owners of European Light Aircraft below 2 000 kg (ELA2) or below 1 200 kg (ELA1), to introduce the possibility to accept certain not safety critical parts for installation without an EASA Form 1.

(11) The Agency prepared draft implementing rules and submitted them as opinions No 01/2009 on ‘Possibility to deviate from airworthiness code in case of design changes’, No 02/2009 on ‘Repair and design changes to European Technical Standard Order’, No 01/2010 on ‘SubPart J DOA’ and Opinion No 01/2011 on ‘ELA Process and “standard changes and repairs”’ to the Commission in accordance with Article 19(1) of Regulation (EC) No 216/2008.

***Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EU) No 748/2012. 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*

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

HAS ADOPTED THIS REGULATION:

Article 1

Scope and definitions

1 This Regulation lays down, in accordance with Article 5(5) and Article 6(3) of Regulation (EC) No 216/2008, common technical requirements and administrative procedures for the airworthiness and environmental certification of products, parts and appliances specifying:

a the issue of type-certificates, restricted type-certificates, supplemental type-certificates and changes to those certificates;

b the issue of certificates of airworthiness, restricted certificates of airworthiness, permits to fly and authorised release certificates;

c the issue of repair design approvals;

d the showing of compliance with environmental protection requirements;

e the issue of noise certificates;

f the identification of products, parts and appliances;

g the certification of certain parts and appliances;

h the certification of design and production organisations;

i the issue of airworthiness directives.

2 For the purpose of this Regulation, the following definitions shall apply:

a ‘JAA’ means the ‘Joint Aviation Authorities’;

b ‘JAR’ means ‘Joint Aviation Requirements’;

c ‘Part 21’ means the requirements and procedures for the certification of aircraft and related products, parts and appliances, and of design and production organisations laid down in Annex I to this Regulation;

[[F1]d ‘Part M’ means the applicable continuing airworthiness requirements adopted in pursuance of Regulation (EC) No 216/2008;**]**

e ‘principal place of business’ means the head office or registered office of the undertaking within which the principal financial functions and operational control of the activities referred to in this Regulation are exercised;

f ‘article’ means any part and appliance to be used on civil aircraft;

g ‘ETSO’ means European Technical Standard Order. The European Technical Standard Order is a detailed airworthiness specification issued by the European Aviation Safety Agency (the ‘Agency’) to ensure compliance with the requirements of this Regulation as a minimum performance standard for specified articles;

h ‘EPA’ means European Part Approval. European Part Approval of an article means the article has been produced in accordance with approved design data not belonging to the type-certificate holder of the related product, except for ETSO articles;

i ‘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;

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) No 748/2012. 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*

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

(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 4 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;

j ‘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 airship;

(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,

— Non-power assisted controls;

(vi) a Very Light Rotorcraft**[**[F2]**;]**

[[F3]k ‘Operational Suitability Data (OSD)’ means data, which are part of an aircraft type-certificate, restricted type-certificate or supplemental type-certificate, consisting of all of the following:

(i) the minimum syllabus of pilot type rating training, including determination of type rating;

(ii) the definition of scope of the aircraft validation source data to support the objective qualification of simulators or the provisional data to support their interim qualification;

(iii) the minimum syllabus of maintenance certifying staff type rating training, including determination of type rating;

(iv) determination of type or variant for cabin crew and type specific data for cabin crew;

(v) the master minimum equipment list.**]**

Textual Amendments

F1 Deleted by Commission Delegated Regulation (EU) 2020/570 of 28 January 2020 amending and correcting Regulation (EU) No 748/2012 as regards the alignment of rules for continuing airworthiness of aircraft and aeronautical products, parts and appliances with Regulation (EU) No 1321/2014 (Text with EEA relevance).

***Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EU) No 748/2012. 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*

F2 Substituted by Commission Delegated Regulation (EU) 2019/897 of 12 March 2019 amending Regulation (EU) No 748/2012 as regards the inclusion of risk-based compliance verification in Annex I and the implementation of requirements for environmental protection (Text with EEA relevance).

F3 Inserted by Commission Delegated Regulation (EU) 2019/897 of 12 March 2019 amending Regulation (EU) No 748/2012 as regards the inclusion of risk-based compliance verification in Annex I and the implementation of requirements for environmental protection (Text with EEA relevance).

Article 2

Products, parts and appliances certification

1 Products, parts and appliances shall be issued certificates as specified in Annex I (Part 21).

2 By way of derogation from point 1, aircraft, including any installed product, part and appliance, which are not registered in a Member State shall be exempted from the provisions of Subparts H and I of Annex I (Part 21). They shall also be exempted from the provisions of Subpart P of Annex I (Part 21) except when aircraft identification marks are prescribed by a Member State.

Article 3

Continued validity of type-certificates and related certificates of airworthiness

1 With regard to products which had a type-certificate, or a document allowing the issuing of a certificate of airworthiness, issued before 28 September 2003 by a Member State, the following provisions shall apply:

a the product shall be deemed to have a type-certificate issued in accordance with this Regulation when:

(i) [F4its type-certification basis was:

— the JAA type-certification basis, for products that have been certificated under JAA procedures, as defined in their JAA data sheet, or

— for other products, the type-certification basis as defined in the type-certificate data sheet of the State of design, if that State of design was:

— a Member State, unless the Agency determines, taking into account, in particular, certification specifications used and service experience, that such type-certification basis does not provide for a level of safety equivalent to that required by Regulation (EC) No 216/2008 and this Regulation, or

— a State with which a Member State had concluded a bilateral airworthiness agreement or similar arrangement under which such products have been certificated on the basis of the certification specifications of that State of design, unless the Agency determines that such certification specifications or service experience or the safety system of that State of design do not provide for a level of safety equivalent to that required by Regulation (EC) No 216/2008 and this Regulation.