Commission Implementing Regulation (EU) 2020/270 of 25 February 2020 amending Regulation (EU) No 1321/2014 as regards transitional measures for organisations involved in the continuing airworthiness for general aviation and continuing airworthiness management and correcting that Regulation (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2020/270

of 25 February 2020

amending Regulation (EU) No 1321/2014 as regards transitional measures for organisations involved in the continuing airworthiness for general aviation and continuing airworthiness management and correcting that Regulation

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91[(1)], and in particular Article 17(1) and Article 62(14) and (15) thereof,

Whereas:

(1) Commission Implementing Regulation (EU) 2019/1383[(2)] has introduced more flexible requirements for maintenance of light aircraft established by Commission Regulation (EU) No 1321/2014[(3)]. It has also added safety risk management measures for organisations that manage the continuing airworthiness of aircraft operated by holders of an air operator certificate.

(2) In order to move toward full compliance with the new rules and procedures it introduced, Implementing Regulation (EU) 2019/1383 provided for transitional measures for organisations involved in the continuing airworthiness of aircraft and components. In order to clarify the oversight requirements of those organisations, the transitional measures should be amended.

(3) Some missing or wrong references between Annexes to Implementing Regulation (EU) 2019/1383 should also be corrected.

(4) As the intention of the Commission is not to extend further the transition period, application date of this amendment should be aligned with the one laid down in Implementing Regulation (EU) 2019/1383.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 127(1) of Regulation (EU) 2018/1139,

HAS ADOPTED THIS REGULATION:

Article 1

Article 4 of Regulation (EU) No 1321/2014 is replaced by the following:

Article 4

Approvals for organisations involved in the continuing airworthiness [of aircraft]

1 Organisations involved in the continuing airworthiness of aircraft and components for installation thereon, including maintenance, shall be approved, upon their request, by the competent authority in accordance with the requirements of Annex II (Part-145), Annex Vc (Part-CAMO) or Annex Vd (Part-CAO), as applicable to the respective organisations.

2 By way of derogation from paragraph 1, until 24 September 2020 organisations may, upon their request, be issued approvals by the competent authority in accordance with Subpart F and Subpart G of Annex I (Part-M). All approvals issued in accordance with Subpart F and Subpart G of Annex I (Part-M) shall be valid until 24 September 2021.

3 Maintenance organisation approval certificates issued or recognised by a Member State in accordance with the certification specification JAR-145 referred to in Annex II to Council Regulation (EEC) No 3922/91[(4)] and valid before 29 November 2003 shall be deemed to have been issued in accordance with the requirements of Annex II (Part-145) to this Regulation.

4 Organisations that hold a valid organisation approval certificate issued in accordance with Subpart F or Subpart G of Annex I (Part-M) or with Annex II (Part-145) shall, upon their request, be issued by the competent authority a Form 3-CAO as set out in Appendix I to Annex Vd (Part-CAO) and thereafter be overseen by the competent authority in accordance with Annex Vd (Part-CAO).

The privileges of such an organisation under the approval issued in accordance with Annex Vd (Part-CAO) shall be the same as privileges under the approval issued in accordance with Subpart F or Subpart G of Annex I (Part-M) or with Annex II (Part-145). However, those privileges shall not exceed the privileges of an organisation referred to in Section A of Annex Vd (Part-CAO).

By way of derogation from point CAO.B.060 of Annex Vd (Part-CAO), until 24 September 2021, the organisation may correct any findings of non-compliance related to requirements introduced by Annex Vd (Part-CAO) which are not included in Subpart F or Subpart G of Annex I (Part-M) or in Annex II (Part-145).

If after 24 September 2021 the organisation has not closed these findings,, the approval certificate shall be revoked, limited or suspended in whole or in part.

5 Organisations that hold a valid continuing airworthiness management organisation approval certificate issued in accordance with Subpart G of Annex I (Part-M) shall, upon their request, be issued by the competent authority an EASA Form 14 approval certificate in accordance with Annex Vc (Part-CAMO) and thereafter be overseen by the competent authority in accordance with Annex Vc (Part-CAMO).

By way of derogation from point CAMO.B.350 of Annex Vc (Part-CAMO), until 24 September 2021, the organisation may correct any findings of non-compliance related to requirements introduced by Annex Vc (Part-CAMO) and not included in Subpart G of Annex I (Part-M).

If after 24 September 2021 the organisation has not closed these findings, the approval certificate shall be revoked, limited or suspended in whole or in part.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/270. (See end of Document for details)*

6 Certificates and aircraft maintenance programme approvals issued pursuant to Regulation (EU) No 1321/2014 as applicable before 24 March 2020 shall be deemed to have been issued in accordance with this Regulation..

Article 2

Annexes I, II, III, IV, Va, Vb, Vc and Vd to Regulation (EU) No 1321/2014 are corrected in accordance with the Annex to this Regulation.

Article 3

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 24 March 2020.

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

Done at Brussels, 25 February 2020.

For the Commission

The President

Ursula VON DER LEYEN

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/270. (See end of Document for details)*

ANNEX

Annexes I, II, III, IV, Va, Vb, Vc and Vd to Regulation (EU) No 1321/2014 are corrected as follows:

(1) Annex I is corrected as follows:

(a) Point M.1 is corrected as follows:

(i) Point 3(ii)(b) is replaced by the following:

(b) the authority responsible for the oversight of the organisation managing the continuing airworthiness of the aircraft or with which the owner has concluded a limited contract in accordance with point (i)(3) of point M.A.201.;

(ii) point 4 is added:

4. for the oversight of a continuing airworthiness management organisation as specified in Section A, Subpart G of this Annex (Part-M):

(i) the authority designated by the Member State where that organisation's principle place of business is located if the approval is not included in an air operator's certificate;

(ii) the authority designated by the Member State of the operator if the approval is included in an air operator's certificate;

(iii) the Agency if the organisation is located in a third country.;

(b) point M.A.201 is corrected as follows:

(i) points (e), (f), (g), (h) and (i) are replaced by the following:

(e) In the case of aircraft used by air carriers licensed in accordance with Regulation (EC) No 1008/2008[(5)] the operator shall be responsible for the continuing airworthiness of the aircraft it operates and shall:

(1) ensure that no flight takes place unless the conditions set out in point (a) are met;

(2) take the necessary steps to ensure its approval as a continuing airworthiness management organisation ("CAMO") pursuant to Annex Vc (Part-CAMO) or Subpart G of this Annex (Part-M), as part of air operator certificate for the aircraft it operates;

(3) take the necessary steps to ensure its approval in accordance with Annex II (Part-145) or conclude a written contract in accordance with point CAMO.A.315(c) of Annex Vc

(Part-CAMO) or point M.A.708(c) of this Annex (Part-M) with an organisation which has been approved in accordance with Annex II (Part-145).

(f) For complex motor-powered aircraft used for commercial specialised operations, for CAT operations other than those performed by air carriers licensed in accordance with Regulation (EC) No 1008/2008 or by commercial Approved Training Organisations ("ATO") and Declared Training Organisations ("DTO") referred to in Article 10a of Regulation (EU) No 1178/2011[6], the operator shall ensure that:

(1) no flight takes place unless the conditions set out in point (a) are met;

(2) the tasks associated with continuing airworthiness are performed by a CAMO approved in accordance with Annex Vc (Part-CAMO) or Subpart G of this Annex (Part-M); when the operator is not a CAMO approved in accordance with Annex Vc (Part-CAMO) or Subpart G of this Annex (Part-M), it shall conclude a written contract as regards the performance of those tasks in accordance with Appendix I to this Annex with an organisation approved in accordance with Annex Vc (Part-CAMO) or Subpart G of this Annex (Part-M);

(3) the CAMO referred to in point (2) is approved in accordance with Annex II (Part-145) as an organisation to qualify for the issue of an approval for the maintenance of aircraft and of components for installation thereon, or that CAMO has concluded a written contract in accordance with point CAMO.A.315(c) of Annex Vc (Part-CAMO) or point M.A.708(c) of this Annex (Part-M) with organisations approved in accordance with Annex II (Part-145).

(g) For complex motor-powered aircraft not included in points (e) and (f), the owner shall ensure that:

(1) no flight takes place unless the conditions set out in point (a) are met;

(2) the tasks associated with continuing airworthiness are performed by a CAMO approved in accordance with Annex Vc (Part-CAMO) or Subpart G of this Annex (Part-M); when the owner is not a CAMO approved in accordance with Annex Vc (Part-CAMO) or Subpart G of this Annex (Part-M), it shall