

**COMMISSION IMPLEMENTING REGULATION (EU) 2022/1253****of 19 July 2022****correcting Regulation (EU) No 748/2012 as regards derogations from certain requirements introduced by Delegated Regulation (EU) 2022/201**

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 <sup>(1)</sup>, and in particular Article 62(14) thereof,

Whereas:

- (1) Commission Regulation (EU) No 748/2012 <sup>(2)</sup> lays down common technical requirements for the design and production of civil aircraft, as well as engines, propellers and parts to be installed therein.
- (2) In accordance with point 3.1(b) of Annex II to Regulation (EU) 2018/1139, approved design and production organisations are to implement and maintain a management system to ensure compliance with the essential requirements set out in that Annex, manage safety risks and aim for the continuous improvement of that system.
- (3) Pursuant to Annex 19 to the Convention on International Civil Aviation, signed in Chicago on 7 December 1944 ('the Chicago Convention'), competent authorities are to require approved design and production organisations to implement a safety management system.
- (4) Commission Delegated Regulation (EU) 2022/201 <sup>(3)</sup> introduced a management system for all approved design and production organisations falling within the scope of Annex I to Regulation (EU) No 748/2012 in order to comply with the International Civil Aviation Organisation ('ICAO') International Standards and Recommended Practices established in Annex 19 to the Chicago Convention.
- (5) Commission Implementing Regulation (EU) 2022/203 <sup>(4)</sup> introduced a management system and occurrence-reporting systems to be established by competent authorities.
- (6) Delegated Regulation (EU) 2022/201 and Implementing Regulation (EU) 2022/203 amended, respectively, Article 8 and Article 9 of Regulation (EU) No 748/2012. The amendments provided for transitional periods until 7 March 2025 for design organisations and production organisations to correct any finding of non-compliance related to the requirements that were introduced by Delegated Regulation (EU) 2022/201 in Annex I to Regulation (EU) No 748/2012.
- (7) The adopted text amending Article 9 of Regulation (EU) No 748/2012, wrongly referred to Implementing Regulation (EU) 2022/203, instead of referring to Delegated Regulation (EU) 2022/201.

<sup>(1)</sup> OJ L 212, 22.8.2018, p. 1.

<sup>(2)</sup> 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 (OJ L 224, 21.8.2012, p. 1).

<sup>(3)</sup> Commission Delegated Regulation (EU) 2022/201 of 10 December 2021 amending Regulation (EU) No 748/2012 as regards management systems and occurrence-reporting systems to be established by design and production organisations, as well as procedures applied by the Agency, and correcting that Regulation (OJ L 33, 15.2.2022, p. 7).

<sup>(4)</sup> Commission Implementing Regulation (EU) 2022/203 of 14 February 2022 amending Regulation (EU) No 748/2012 as regards management systems and occurrence-reporting systems to be established by competent authorities, and correcting Regulation (EU) No 748/2012 as regards the issuance of airworthiness review certificates (OJ L 33, 15.2.2022, p. 46).

- (8) In addition, the text amending Article 9 of Regulation (EU) No 748/2012 did not take into account the fact that only a limited set of the requirements introduced with Delegated Regulation (EU) 2022/201, mainly the requirements on reporting and record keeping, are applicable to organisations that produce products, parts or appliances without an approval certificate holding a letter of agreement (LoA) and that that LoA is valid only for a limited period. The transitional period until 7 March 2025 to correct findings of non-compliance related to the requirements that were introduced by Delegated Regulation (EU) 2022/201 is therefore not relevant for those organisations. Thus, in order to ensure consistency with the applicability date of Delegated Regulation (EU) 2022/201, organisations for which the LoA is issued on or before 7 March 2023, should not be required to comply with the requirements introduced by Delegated Regulation (EU) 2022/201.
- (9) Regulation (EU) No 748/2012 should therefore be corrected accordingly.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the committee established in accordance with Article 127(1) of Regulation (EU) 2018/1139,

HAS ADOPTED THIS REGULATION:

#### Article 1

In Article 9 of Regulation (EU) No 748/2012, paragraphs 5 and 6 are replaced by the following:

‘5. By way of derogation from points 21.B.225(d)(1) and (2) of Annex I (Part 21), a production organisation that holds a valid approval certificate issued in accordance with Annex I (Part 21) may correct, until 7 March 2025, any findings of non-compliance related to the Annex I requirements introduced by Commission Delegated Regulation (EU) 2022/201 (\*).

Where after 7 March 2025 the organisation has not closed those findings, the approval certificate shall be revoked, limited or suspended in whole or in part.

6. By way of derogation from point 21.A.125C(a)(1) of Annex I (Part 21), an organisation that produces products, parts or appliances without an approval certificate and that holds a valid letter of agreement issued on or before 7 March 2023 in accordance with Annex I (Part 21) shall not be required to comply with the relevant Annex I requirements introduced by Delegated Regulation (EU) 2022/201.

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(\*) Commission Delegated Regulation (EU) 2022/201 of 10 December 2021 amending Regulation (EU) No 748/2012 as regards management systems and occurrence-reporting systems to be established by design and production organisations, as well as procedures applied by the Agency, and correcting that Regulation (OJ L 33, 15.2.2022, p. 7).’.

#### 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 7 March 2023.

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

Done at Brussels, 19 July 2022.

For the Commission  
The President  
Ursula VON DER LEYEN