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Price: EUR 22

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC, EURATOM) No 1700/2003**of 22 September 2003****amending Regulation (EEC, Euratom) No 354/83 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 203 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

(1) Article 255 of the Treaty establishing the European Community gives any citizen of the Union and any natural or legal person residing or having its registered office in a Member State a right of access to European Parliament, Council and Commission documents.

(2) The general principles and the limits governing the public's right of access to documents of the European Parliament, the Council and the Commission were laid down in Regulation (EC) No 1049/2001 of the European Parliament and of the Council ⁽¹⁾.

(3) The exceptions to public right of access provided for in Regulation (EC) No 1049/2001 are applicable for a maximum period of 30 years, irrespective of the place where the documents are stored. The exceptions relating to protection of privacy or commercial interests and the specific provisions on sensitive documents may, however, apply beyond that period if necessary.

(4) Council Regulation (EEC, Euratom) No 354/83 ⁽²⁾ provides that the public will not be given access to certain categories of documents 30 years after the documents were created. Pursuant to Article 18(2) of Regula-

tion (EC) No 1049/2001, it is necessary to bring these exceptions into line with the exceptions to right of access provided for in that Regulation.

(5) For the purposes of Regulation (EEC, Euratom) No 354/83, the European Economic and Social Committee, the Committee of the Regions and similar agencies and bodies set up by the Community legislature should henceforth be treated in the same way as the institutions referred to in Article 7(1) of the Treaty establishing the European Community.

(6) Regulation (EEC, Euratom) No 354/83 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC, Euratom) No 354/83 is hereby amended as follows:

1. Article 1(1), (2) and (3) shall be replaced by the following:

'Article 1

1. This Regulation seeks to ensure that documents of historical or administrative value are preserved and made available to the public wherever possible.

To that end, each institution of the European Community and of the European Atomic Energy Community, as well as the European Economic and Social Committee, the Committee of Regions, agencies and similar bodies set up by the legislator (hereinafter referred to as the institutions) shall establish its historical archives and open them to the public on the terms provided for by this Regulation after the expiry of a period of 30 years starting from the date of the creation of the document.

⁽¹⁾ OJ L 145, 31.5.2001, p. 43.

⁽²⁾ OJ L 43, 15.2.1983, p. 1.

2. For the purposes of this Regulation:

(a) "archives of the institutions of the European Communities", means all those documents of whatever type and in whatever medium which have originated in or been received by one of the institutions or by their representatives or servants in the performance of their duties, which relate to the activities of the European Community and/or the European Atomic Energy Community (hereinafter referred to as the European Communities);

(b) "historical archives of the institutions of the European Communities", consist of that part of the archives of the institutions of the European Communities which has been selected, on the terms laid down in Article 7, for permanent preservation.

3. All documents available to the public before expiry of the period provided for in paragraph 1 shall remain available without restriction.;

2. Article 2 shall be replaced by the following:

'Article 2

1. In the case of documents covered by the exception relating to privacy and the integrity of the individual, as defined in Article 4(1)(b) of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (*) and that relating to the commercial interests of a natural or legal person, including intellectual property, as defined in the first indent of Article 4(2) of Regulation No 1049/2001, the exceptions may continue to apply to all or part of a document after the 30-year period if the relevant conditions for their application are satisfied.

2. Documents covered by the exception relating to privacy and the integrity of the individual, as defined in Article 4(1)(b) of Regulation (EC) No 1049/2001, including files of staff of the European Communities, may be disclosed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (**), and in particular Articles 4 and 5 thereof.

3. Before deciding to make available to the public documents which, if disclosed, could undermine the commercial interests of a natural or legal person, including intellectual property, as defined in the first indent of Article 4(2) of Regulation (EC) No 1049/2001, the institution shall inform the person concerned, in accordance with the rules to be defined by each institution, of its intention to make the documents in question accessible to the public. The documents shall not be released if, taking account of the observa-

tions of the person concerned, the institution considers that their disclosure would undermine such commercial interests, unless there is an overriding public interest in disclosure.

4. Sensitive documents within the meaning of Article 9 of Regulation (EC) No 1049/2001 shall be accessible within the limits laid down in that Article.

(*) OJ L 145, 31.5.2001, p. 43.

(**) OJ L 8, 12.1.2002, p. 1.;

3. Article 3 shall be replaced by the following:

'Article 3

The public shall not have access to documents that have been classified in accordance with Article 10 of Council Regulation No 3 of 31 July 1958 implementing Article 24 of the Treaty establishing the European Atomic Energy Community (*), and have not been declassified.

(*) OJ No 17, 6.10.1958, p. 406/58.;

4. Article 4 shall be deleted;

5. Article 5 shall be replaced by the following:

'Article 5

For the sake of compliance with the 30-year rule provided for in Article 1(1), each institution shall in good time, and not later than the 25th year following the date of the creation of a document, examine all documents classified in accordance with the rules of the institution concerned in order to decide whether or not to declassify them. Documents not declassified at the first such examination shall be re-examined periodically and at least every five years.;

6. Article 6 shall be replaced by the following:

'Article 6

Where, after the expiry of the 30-year period provided for in Article 1(1), a Member State intends to release to the public documents originating from the institutions and covered by Article 2 or Article 3, it shall consult the institution concerned in order to take a decision that does not jeopardise the attainment of the objectives of this Regulation.;

7. Article 7 shall be replaced by the following:

'Article 7

Each institution shall transfer to its historical archives all documents contained in their current archives no later than 15 years after their date of creation. According to the criteria laid down by each institution pursuant to Article 9, there shall be an initial sorting process with the purpose of separating documents that are to be preserved from those that have no administrative or historical value.;

8. Article 9 shall be replaced by the following:

'Article 9

1. Each institution may adopt internal rules for the application of this Regulation. Wherever possible, the institutions shall make their archives available to the public by electronic means. They shall also conserve documents which are available in forms meeting special needs (Braille, large text or recordings).

2. Each institution shall publish information annually on its historical archiving activities.';

Article 2

This Regulation shall enter into force on the 20th day following that of 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, 22 September 2003.

For the Council

The President

F. FRATTINI

*ANNEX***COUNCIL STATEMENT**

The Council recalls that this Regulation does not affect the deposit contract between the European Communities and the European University Institute of 17 December 1984.

**COMMISSION REGULATION (EC) No 1701/2003
of 24 September 2003**

**adapting Article 6 of Regulation (EC) No 1592/2002 of the European Parliament and of the Council
on common rules in the field of civil aviation and establishing a European Aviation Safety Agency**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency ⁽¹⁾, and in particular Article 6(2) thereof,

Whereas:

- (1) Article 6(1) of Regulation (EC) No 1592/2002 requires products, parts and appliances to comply with the environmental protection requirements of Annex 16 to the Convention on International Civil Aviation (hereinafter Chicago Convention) as issued in November 1999, except for its Appendices.
- (2) The Chicago Convention and its annexes have been amended since the adoption of Regulation (EC) No 1592/2002 requiring adaptation of Article 6(1) thereof in accordance with the procedure laid down in Article 54(3) of the same Regulation.

- (3) The measures provided for in the present Regulation are in accordance with the opinion of the European Aviation Safety Agency Committee established by Article 54 of Regulation (EC) No 1592/2002,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 6 of Regulation (EC) No 1592/2002, the first paragraph is replaced by the following:

‘1. Products, parts and appliances shall comply with the environmental protection requirements contained in Annex 16 to the Chicago Convention as issued in March 2002 for Volume I and November 1999 for Volume II, except for the Appendices to Annex 16.’

Article 2

This Regulation shall enter into force on 28 September 2003.

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

Done at Brussels, 24 September 2003.

For the Commission
Loyola DE PALACIO
Vice-President

⁽¹⁾ OJ L 240, 7.9.2002, p. 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**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency ⁽¹⁾ (hereinafter referred to as 'the basic Regulation'), as adapted by Regulation (EC) No 1701/2003 ⁽²⁾, and in particular Articles 5 and 6 thereof,

Whereas:

- (1) The basic Regulation 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.
- (2) Existing aviation requirements in the field of airworthiness as listed in Annex II to Council Regulation (EEC) No 3922/91 ⁽³⁾, as last amended by Commission Regulation (EC) No 2871/2000 ⁽⁴⁾, will be repealed as from 28 September 2003.
- (3) It is necessary to adopt common technical requirements and administrative procedures to ensure the airworthiness and environmental compatibility of aeronautical products, parts and appliances, subject to the basic Regulation; 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 privileges; the Commis-

sion is required to adopt measures to specify conditions to issue, maintain, amend, suspend or revoke certificates attesting such compliance.

- (5) In adopting 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) For this purpose, it is necessary to permit a smooth transition to the new regulatory framework of the Agency ensuring that a high and uniform level of civil aviation safety in the Community is maintained; it is necessary to provide sufficient time for the aeronautical industry and Member State administrations to adapt to this new framework and to recognise the continuing validity of certificates issued before the entry into force of this Regulation, in accordance with Article 57 of the basic Regulation.
- (8) The measures provided by this Regulation are based on the opinion issued by the Agency ⁽⁵⁾ in accordance with Articles 12(2)(b) and 14(1) of the basic Regulation.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the European Aviation Safety Agency Committee established by Article 54(3) of the basic Regulation,

⁽¹⁾ OJ L 240, 7.9.2002, p. 1.

⁽²⁾ See page 5 of this Official Journal.

⁽³⁾ OJ L 373, 31.12.1991, p. 4.

⁽⁴⁾ OJ L 333, 29.12.2000, p. 47.

⁽⁵⁾ 1.9.2003.

HAS ADOPTED THIS REGULATION:

Article 1

Scope and definitions

1. This Regulation lays down, in accordance with Article 5(4) and 6(3) of the basic Regulation, 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 annexed to this Regulation.
- (d) 'Part M' means the applicable continuing airworthiness requirements adopted in pursuance to the basic Regulation.

Article 2

Products, parts and appliances certification

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

2. By way of derogation from paragraph 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 Part 21.

3. With regard to a product that has a type-certificate issued before 28 September 2003 by a Member State, the following provisions shall apply:

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

(i) its type-certification basis is:

- 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 is:
 - a Member State, unless the Agency determines, taking into account, in particular, airworthiness codes used and service experience, that such type-certification basis does not provide for a level of safety equivalent to that required by the basic Regulation and this Regulation; or
 - a State with which a Member State has concluded a bilateral airworthiness agreement or similar arrangement under which such products have been certificated on the basis of that State of design airworthiness codes, unless the Agency determines that such airworthiness codes 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 the basic Regulation and this Regulation;
 - The Agency shall make a first evaluation of the implication of these two above provisions in view of producing an opinion to the Commission including possible amendments to the present Regulation.

(ii) the environmental protection requirements are those laid down in Annex 16 to the Chicago Convention, as applicable to the product;

(iii) the applicable airworthiness directives are those of the State of design.

(b) The design of an individual aircraft, which is on the register of a Member State before 28 September 2003, shall be deemed to have been approved in accordance with this Regulation when:

(i) its basic type design is part of a type-certificate referred to in paragraph (a);

(ii) all changes to this basic type design, which are not under the responsibility of the type-certificate holder, have been approved; and

(iii) the airworthiness directives issued or adopted by the Member State of registry before 28 September 2003 are complied with, including any variations to the airworthiness directives of the State of design agreed by the Member State of registry.

- (c) The Agency shall determine the type-certificate of the products not meeting paragraph (a) before 28 March 2007.
- (d) The Agency shall determine the type-certificate data sheet for noise for all products covered by paragraph (a) before 28 March 2007. Until such determination, Member States may continue to issue noise certificates in accordance with applicable national regulations.
4. With regard to products for which a type-certification process is proceeding through the JAA or a Member State on 28 September 2003:
- (a) if a product is under certification by several Member States, the most advanced project shall be used as the reference;
- (b) 21A.15(a), (b) and (c) of Part 21 shall not apply;
- (c) by way of derogation from 21A.17(a) of Part 21, the type-certification basis shall be that established by the JAA or, where applicable, the Member State at the date of application for the approval;
- (d) compliance findings made under JAA or Member State procedures shall be deemed to have been made by the Agency for the purpose of complying with 21A.20(a) and (b) of Part 21;
5. With regard to products that have a national type-certificate, or equivalent, and for which the approval process of a change carried out by a Member State is not finalised at the time when the type-certificate is determined in accordance with this Regulation:
- (a) if an approval process is being carried out by several Member States, the most advanced project shall be used as the reference;
- (b) 21A.93 of Part 21 shall not apply;
- (c) the applicable type-certification basis shall be that established by the JAA or, where applicable, the Member State at the date of application for the approval of change;
- (d) compliance findings made under JAA or Member State procedures shall be deemed to have been made by the Agency for the purpose of complying with 21A.103(a)(2) and (b) of Part 21.
6. With regard to supplemental type-certificates for which a certification process is being carried out by a Member State on 28 September 2003 under applicable JAA supplemental type-certificate procedures; and with regard to major changes to products, proposed by persons other than the type-certificate holder of the product, for which a certification process is being carried out by a Member State on 28 September 2003 under applicable national procedures:
- (a) if a certification process is being carried out by several Member States, the most advanced project shall be used as the reference;
- (b) 21A.113 (a) and (b) of Part 21 shall not apply;
- (c) the applicable certification basis shall be that established by the JAA or, where applicable, the Member State at the date of application for the supplemental type-certificate or the major change approval;
- (d) the compliance findings made under JAA or Member State procedures shall be deemed to have been made by the Agency for the purpose of complying with 21A.115(a) of Part 21.
7. With regard to products that have a national type-certificate, or equivalent, and for which the approval process of a major repair design carried out by a Member State is not finalised at the time when the type-certificate is determined in accordance with this Regulation, compliance findings made under JAA or Member State procedures shall be deemed to have been made by the Agency for the purpose of complying with 21A.433(a) of Part 21.
8. With regard to parts and appliances for which an approval or authorisation process is being carried out by a Member State on 28 September 2003:
- (a) if an authorisation process is being carried out by several Member States, the most advanced project shall be used as the reference;
- (b) 21A.603 of Part 21 shall not apply;
- (c) the applicable data requirements under 21A.605 of Part 21 shall be those established by the relevant Member State, at the date of application for the approval or authorisation;
- (d) compliance findings made by the relevant Member State shall be deemed to have been made by the Agency for the purpose of complying with 21A.606(b) of Part 21.
9. A certificate of airworthiness issued by a Member State attesting conformity with a type-certificate determined in accordance with paragraph 3 shall be deemed to comply with this Regulation.
10. Pending Agency determination under point (c) of paragraph 3, aircraft types which are permitted to fly by a Member State before 28 September 2003 and which cannot be issued a type-certificate in accordance with paragraph 3 shall remain under the responsibility of the Member State of registry under applicable national regulations.
11. Until 28 March 2007, Member States shall make the findings that the aircraft and appropriate associated restrictions compensating for departure from the essential requirements permit the aircraft to perform safely a basic flight. In such case, permits to fly shall contain a limitation for use in the airspace of the Member State whose competent authority is issuing the permit. Flights outside of this airspace shall entail validation of the permit by the competent authorities of the States concerned.
- Until 28 March 2007, an aircraft which was permitted by a Member State to fly before 28 September 2003 without an airworthiness certificate may remain under the responsibility of the Member State under applicable national regulations. Such aircraft shall fly only within the airspace of the relevant Member State. Flights outside of this airspace shall require the permission of the competent authority of the State concerned.

12. Where reference is made in Part 21 to apply and/or to comply with the provisions of Part M and Part M is not in force, the relevant national rules shall apply instead.

13. Approvals of parts and appliances issued by a Member State and valid on 28 September 2003 shall be deemed to have been issued in accordance with this Regulation.

14. With regard to supplemental type-certificates issued by a Member State under JAA procedures or applicable national procedures and with regard to changes to products proposed by persons other than the type-certificate holder of the product, approved by a Member State under applicable national procedures, where the supplemental type-certificate, or change, is valid on 28 September 2003, the supplemental type-certificate, or change, shall be deemed to have been issued under this Regulation.

Article 3

Design organisations

1. An organisation responsible for the design of products, parts and appliances or for changes or repairs thereto shall demonstrate its capability in accordance with Part 21.

2. By way of derogation from paragraph 1, an organisation whose principal place of business is in a non-member State may demonstrate its capability by holding a certificate issued by that State for the product, part and appliance for which it applies, provided:

- (a) that State is the State of design; and
- (b) the Agency has determined that the system of that State includes the same independent level of checking of compliance as provided by this Regulation, either through an equivalent system of approvals of organisations or through direct involvement of the competent authority of that State.

3. Design organisation approvals issued or recognised by a Member State in accordance with the JAA requirements and procedures and valid before 28 September 2003 shall be deemed to comply with this Regulation. In such case, the period for closure of level two findings, referred to in Subpart J of Part 21, shall not exceed one year when those findings are associated with differences with previous applicable JAR.

4. A type-certificate holder who does not hold on 28 September 2003 an appropriate design organisation approval issued under applicable JAA procedures shall demonstrate its capability under the conditions laid down in 21A.14 of Part 21 before 28 September 2005.

5. An organisation, being the applicant for a supplemental type-certificate, a major repair design approval or an Auxiliary Power Unit design approval which does not hold on 28

September 2003 an appropriate design organisation approval issued by a Member State under applicable JAA procedures shall demonstrate its capability before 28 September 2005 in accordance with Part 21, 21A.112, 21A.432B, or in the case of an Auxiliary Power Unit, 21A.602B.

6. With regard to organisations for which a design organisation approval is proceeding through a Member State on 28 September 2003 under applicable JAA procedures:

- 1. 21A.234 of Part 21 shall not apply;
- 2. compliance findings made under JAA procedures shall be deemed to have been made by the Agency for the purpose of complying with 21A.245 of Part 21.

Article 4

Production organisations

1. An organisation responsible for the manufacture of products, parts and appliances shall demonstrate its capability in accordance with the provisions of Part 21.

2. By way of derogation from paragraph 1, a manufacturer whose principal place of business is in a non-member State may demonstrate its capability by holding a certificate issued by that State for the product, part and appliance for which it applies, provided:

- (a) that State is the State of manufacture; and
- (b) the Agency has determined that the system of that State includes the same independent level of checking of compliance as provided by this Regulation, either through an equivalent system of approvals of organisations or through direct involvement of the competent authority of that State.

3. Production organisation approvals issued or recognised by a Member State in accordance with the JAA requirements and procedures and valid before 28 September 2003 shall be deemed to comply with this Regulation. In such case, the period for closure of level two findings, referred to in Subpart G of Part 21, shall not exceed one year when those findings are associated with differences with previous applicable JAR.

4. An organisation shall demonstrate its capability under this Regulation before 28 September 2005.

5. Until an organisation has demonstrated its capability under Subparts F and G of Part 21, statements of conformity and authorised release certificates issued by that organisation under applicable national regulations shall be deemed to have been issued under this Regulation.

6. With regard to organisations for which a production organisation approval is proceeding through a Member State on 28 September 2003 under applicable JAA procedures:

- (a) 21A.134 of Part 21 shall not apply;
- (b) compliance findings made under JAA procedures shall be deemed to have been made by the Agency for the purpose of complying with 21A.145 of Part 21.

Article 5

Entry into force

1. This Regulation shall enter into force on 28 September 2003, except for 21A.804(a)(3) of Part 21 which shall enter into force on 28 March 2004 and Subparts H of Part 21 which shall enter into force on 28 September 2004.

2. By way of derogation from 21A.159 of Part 21, Member States may issue approvals of a limited duration until 28 September 2005.

3. By way of derogation from 21A.181 of Part 21, Member States may issue certificates of a limited duration until 28 September 2008.

4. When a Member State makes use of the provisions of paragraphs 2 or 3 it shall notify the Commission and the Agency.

5. The Agency shall make, in due time, an evaluation of the implication of the provisions of this Regulation on the duration of the validity of approvals in view of producing an opinion to the Commission including possible amendments to it.

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

Done at Brussels, 24 September 2003.

For the Commission

Loyola DE PALACIO

Vice-President

ANNEX

PART 21

Certification of aircraft and related products, parts and appliances, and of design and production organisations

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21.1 General

For the purpose of this Part, 'Competent Authority' shall be:

- (a) for organisations having their principal place of business in a Member State, the authority designated by that Member State; or the Agency if so requested by that Member State; or
- (b) for organisations having their principal place of business in a non-member State, the Agency.

SECTION A

REQUIREMENTS FOR APPLICANTS AND ACQUIRED RIGHTS AND OBLIGATIONS

SUBPART A — GENERAL PROVISIONS

21A.1 Scope

This Section establishes general provisions governing the rights and obligations of the applicant for, and holder of, any certificate issued or to be issued in accordance with this Section.

21A.2 Undertaking by another person than the applicant for, or holder of, a certificate

The actions and obligations required to be undertaken by the holder of, or applicant for, a certificate for a product, part or appliance under this Section may be undertaken on its behalf by any other natural or legal person, provided the holder of, or applicant for, that certificate can show that it has made an agreement with the other person such as to ensure that the holder's obligations are and will be properly discharged.

21A.3 Failures, malfunctions and defects

- (a) System for Collection, Investigation and Analysis of Data. The holder of a type-certificate, restricted type-certificate, supplemental type-certificate, European Technical Standard Order (ETSO) authorisation, major repair design approval or any other relevant approval deemed to have been issued under this Regulation shall have a system for collecting, investigating and analysing reports of and information related to failures, malfunctions, defects or other occurrences which cause or might cause adverse effects on the continuing airworthiness of the product, part or appliance covered by the type-certificate, restricted type-certificate, supplemental type-certificate, ETSO authorisation, major repair design approval or any other relevant approval deemed to have been issued under this Regulation. Information about this system shall be made available to all known operators of the product, part or appliance and, on request, to any person authorised under other associated implementing Regulations.
- (b) Reporting to the Agency.
 - 1. The holder of a type-certificate, restricted type-certificate, supplemental type-certificate, ETSO authorisation, major repair design approval or any other relevant approval deemed to have been issued under this Regulation shall report to the Agency any failure, malfunction, defect or other occurrence of which it is aware related to a product, part, or appliance covered by the type-certificate, restricted type-certificate, supplemental type-certificate, ETSO authorisation, major repair design approval or any other relevant approval deemed to have been issued under this Regulation, and which has resulted in or may result in an unsafe condition.
 - 2. These reports shall be made in a form and manner established by the Agency, as soon as practicable and in any case dispatched not later than 72 hours after the identification of the possible unsafe condition, unless exceptional circumstances prevent this.
- (c) Investigation of Reported Occurrences.
 - 1. When an occurrence reported under paragraph (b), or under 21A.129(f)(2) or 21A.165(f)(2) results from a deficiency in the design, or a manufacturing deficiency, the holder of the type-certificate, restricted type-certificate, supplemental type-certificate, major repair design approval, ETSO authorisation, or any other relevant approval deemed to have been issued under this Regulation, or the manufacturer as appropriate, shall investigate the reason for the deficiency and report to the Agency the results of its investigation and any action it is taking or proposes to take to correct that deficiency.
 - 2. If the Agency finds that an action is required to correct the deficiency, the holder of the type-certificate, restricted type-certificate, supplemental type-certificate, major repair design approval, ETSO authorisation, or any other relevant approval deemed to have been issued under this Regulation, or the manufacturer as appropriate, shall submit the relevant data to the Agency.

21A.3B Airworthiness directives

- (a) An airworthiness directive means a document issued or adopted by the Agency which mandates actions to be performed on an aircraft to restore an acceptable level of safety, when evidence shows that the safety level of this aircraft may otherwise be compromised.
- (b) The Agency shall issue an airworthiness directive when:
 - 1. an unsafe condition has been determined by the Agency to exist in an aircraft, as a result of a deficiency in the aircraft, or an engine, propeller, part or appliance installed on this aircraft; and
 - 2. that condition is likely to exist or develop in other aircraft.
- (c) When an airworthiness directive has to be issued by the agency to correct the unsafe condition referred to in paragraph (b), or to require the performance of an inspection, the holder of the type-certificate, restricted type-certificate, supplemental type-certificate, major repair design approval, ETSO authorisation or any other relevant approval deemed to have been issued under this Regulation, shall:
 - 1. Propose the appropriate corrective action or required inspections, or both, and submit details of these proposals to the Agency for approval.
 - 2. Following the approval by the Agency of the proposals referred to under subparagraph (1), make available to all known operators or owners of the product, part or appliance and, on request, to any person required to comply with the airworthiness directive, appropriate descriptive data and accomplishment instructions.
- (d) An airworthiness directive shall contain at least the following information:
 - 1. An identification of the unsafe condition;
 - 2. An identification of the affected aircraft;
 - 3. The action(s) required;
 - 4. The compliance time for the required action(s);
 - 5. The date of entry into force.

21A.4 Coordination between design and production

Each holder of a type-certificate, restricted type-certificate, supplemental type-certificate, ETSO authorisation, approval of a change to type design or approval of a repair design, shall collaborate with the production organisation as necessary to ensure:

- (a) The satisfactory coordination of design and production required by 21A.122 or 21A.133 or 21A.165(c)(2) as appropriate, and
- (b) The proper support of the continued airworthiness of the product, part or appliance.

SUBPART B — TYPE-CERTIFICATES AND RESTRICTED TYPE-CERTIFICATES**21A.11 Scope**

This Subpart establishes the procedure for issuing type-certificates for products and restricted type-certificates for aircraft, and establishes the rights and obligations of the applicants for, and holders of, those certificates.

21A.13 Eligibility

Any natural or legal person that has demonstrated, or is in the process of demonstrating, its capability in accordance with 21A.14 shall be eligible as an applicant for a type-certificate or a restricted type-certificate under the conditions laid down in this Subpart.

21A.14 Demonstration of capability

- (a) Any organisation applying for a type-certificate or restricted type-certificate shall demonstrate its capability by holding a design organisation approval, issued by the Agency in accordance with Subpart J.

- (b) By way of derogation from paragraph (a), as an alternative procedure to demonstrate its capability, an applicant may seek Agency agreement for the use of procedures setting out the specific design practices, resources and sequence of activities necessary to comply with this Part, when the product is one of the following:
1. a very light aeroplane or rotorcraft, a sailplane or a powered sailplane, a balloon, a hot air airship; or
 2. a small aeroplane meeting all of the following elements:
 - (i) Single piston engine, naturally aspirated, of not more than 250 hp Maximum Take-Off Power (MTOP);
 - (ii) Conventional configuration;
 - (iii) Conventional material and structure;
 - (iv) Flights under VFR, outside icing conditions;
 - (v) Maximum 4 seats including the pilot and maximum take off mass limited to 3000 lb. (1361 kg);
 - (vi) Unpressurised cabin;
 - (vii) Non-power assisted controls;
 - (viii) Basic aerobatic flights limited to +6/-3g; or
 3. a piston engine; or
 4. an engine or a propeller type-certificated under the applicable airworthiness code for powered sailplanes; or
 5. a fixed or variable pitch propeller.

21A.15 Application

- (a) An application for a type-certificate or restricted type-certificate shall be made in a form and manner established by the Agency.
- (b) An application for an aircraft type-certificate or restricted type-certificate shall be accompanied by a three-view drawing of that aircraft and preliminary basic data, including the proposed operating characteristics and limitations.
- (c) An application for an engine or propeller type-certificate shall be accompanied by a general arrangement drawing, a description of the design features, the operating characteristics, and the proposed operating limitations, of the engine, or propeller.

21A.16A Airworthiness codes

The Agency shall issue in accordance with Article 14 of the basic Regulation airworthiness codes as standard means to show compliance of products, parts and appliances with the essential requirements of Annex I to the basic Regulation. Such codes shall be sufficiently detailed and specific to indicate to applicants the conditions under which certificates will be issued.

21A.16B Special conditions

- (a) The Agency shall prescribe special detailed technical specifications, named special conditions, for a product, if the related airworthiness code does not contain adequate or appropriate safety standards for the product, because:
 1. The product has novel or unusual design features relative to the design practices on which the applicable airworthiness code is based; or
 2. The intended use of the product is unconventional; or
 3. Experience from other similar products in service or products having similar design features, has shown that unsafe conditions may develop.
- (b) The special conditions contain such safety standards as the Agency finds necessary to establish a level of safety equivalent to that established in the applicable airworthiness code.

21A.17 Type-certification basis

- (a) The type-certification basis to be notified for the issuance of a type-certificate or a restricted type-certificate shall consist of:
1. The applicable airworthiness code established by the Agency that is effective on the date of application for that certificate unless:
 - (i) Otherwise specified by the Agency; or
 - (ii) Compliance with later effective amendments is elected by the applicant or required under paragraphs (c) and (d).
 2. Any special condition prescribed in accordance with 21A.16B(a).
- (b) An application for type-certification of large aeroplanes and large rotorcraft shall be effective for five years and an application for any other type-certificate shall be effective for three years, unless an applicant shows at the time of application that its product requires a longer period of time for design, development, and testing, and the Agency approves a longer period.
- (c) In the case where a type-certificate has not been issued, or it is clear that a type-certificate will not be issued, within the time limit established under paragraph (b); the applicant may:
1. File a new application for a type-certificate and comply with all the provisions of paragraph (a) applicable to an original application; or
 2. File for an extension of the original application and comply with the applicable airworthiness codes that were effective on a date, to be selected by the applicant, not earlier than the date which precedes the date of issue of the type-certificate by the time limit established under paragraph (b) for the original application.
- (d) If an applicant elects to comply with an amendment to the airworthiness codes that is effective after the filing of the application for a type-certificate, the applicant shall also comply with any other amendment that the Agency finds is directly related.

21A.18 Designation of applicable environmental protection requirements and certification specifications

- (a) The applicable noise requirements for the issue of a type-certificate for an aircraft are prescribed according to the provisions of Chapter 1 of Annex 16, Volume I, Part II to the Chicago Convention and:
1. for subsonic jet aeroplanes, in Volume I, Part II, Chapters 2, 3 and 4, as applicable;
 2. for propeller-driven aeroplanes, in Volume I, Part II, Chapters 3, 4, 5, 6 and 10, as applicable;
 3. for helicopters, in Volume I, Part II, Chapters 8 and 11, as applicable; and
 4. for supersonic aeroplanes, in Volume I, Part II, Chapter 12, as applicable.
- (b) The applicable emission requirements for the issue of a type-certificate for an aircraft and engine are prescribed in Annex 16 to the Chicago Convention:
1. for prevention of intentional fuel venting, in Volume II, Part II, Chapter 2;
 2. for emissions of turbo-jet and turbofan engines intended for propulsion only at subsonic speeds, in Volume II, Part III, Chapter 2; and
 3. for emissions of turbo-jet and turbofan engines intended for propulsion only at supersonic speeds, in Volume II, Part III, Chapter 3.
- (c) The Agency shall issue, in accordance with Article 14 of the basic Regulation, certification specifications providing for acceptable means to demonstrate compliance with the noise and the emission requirements laid down in paragraphs (a) and (b) respectively.

21A.19 Changes requiring a new type-certificate

Any natural or legal person proposing to change a product shall apply for a new type-certificate if the Agency finds that the change in design, power, thrust, or mass is so extensive that a substantially complete investigation of compliance with the applicable type-certification basis is required.

21A.20 Compliance with the type-certification basis and environmental protection requirements

- (a) The applicant for a type-certificate or a restricted type-certificate shall show compliance with the applicable type-certification basis and environmental protection requirements and shall provide to the Agency the means by which such compliance has been shown.
- (b) The applicant shall declare that it has shown compliance with all applicable type-certification basis and environmental protection requirements.
- (c) Where the applicant holds an appropriate design organisation approval, the declaration of paragraph (b) shall be made according to the provisions of Subpart J.

21A.21 Issue of a type-certificate

The applicant shall be entitled to have a product type-certificate issued by the Agency after:

- (a) demonstrating its capability in accordance with 21A.14;
- (b) submitting the declaration referred to in 21A.20(b); and
- (c) it is shown that:
 - 1. The product to be certificated meets the applicable type-certification basis and environmental protection requirements designated in accordance with 21A.17 and 21A.18;
 - 2. Any airworthiness provisions not complied with are compensated for by factors that provide an equivalent level of safety;
 - 3. No feature or characteristic makes it unsafe for the uses for which certification is requested; and
 - 4. The type-certificate applicant has expressly stated that it is prepared to comply with 21A.44.
- (d) In the case of an aircraft type-certificate, the engine or propeller, or both, if installed in the aircraft, have a type-certificate issued or determined in accordance with this Regulation.

21A.23 Issue of a restricted type-certificate

- (a) For an aircraft that does not meet the provisions of 21A.21(c), the applicant shall be entitled to have a restricted type-certificate issued by the Agency after:
 - 1. complying with the appropriate type-certification basis established by the Agency ensuring adequate safety with regard to the intended use of the aircraft, and with the applicable environmental protection requirements;
 - 2. expressly stating that it is prepared to comply with 21A.44.
- (b) The engine or propeller installed in the aircraft, or both, shall:
 - 1. have a type-certificate issued or determined in accordance with this Regulation; or
 - 2. have been shown to be in compliance with the certification specifications necessary to ensure safe flight of the aircraft.

21A.31 Type design

- (a) The type design shall consist of:
 - 1. The drawings and specifications, and a listing of those drawings and specifications, necessary to define the configuration and the design features of the product shown to comply with the applicable type-certification basis and environmental protection requirements;
 - 2. Information on materials and processes and on methods of manufacture and assembly of the product necessary to ensure the conformity of the product;
 - 3. An approved airworthiness limitations section of the instructions for continued airworthiness as defined by the applicable airworthiness code; and
 - 4. Any other data necessary to allow by comparison, the determination of the airworthiness, the characteristics of noise, fuel venting, and exhaust emissions (where applicable) of later products of the same type.
- (b) Each type design shall be adequately identified.

21A.33 Investigation and tests

- (a) The applicant shall perform all inspections and tests necessary to show compliance with the applicable type-certification basis and environmental protection requirements.
- (b) Before each test required by paragraph (a) is undertaken, the applicant shall have determined:
 - 1. For the test specimen:
 - (i) That materials and processes adequately conform to the specifications for the proposed type design;
 - (ii) That parts of the products adequately conform to the drawings in the proposed type design;
 - (iii) That the manufacturing processes, construction and assembly adequately conform to those specified in the proposed type design; and
 - 2. That the test equipment and all measuring equipment used for tests are adequate for the test and are appropriately calibrated.
- (c) The applicant shall allow the Agency to make any inspection necessary to check compliance with paragraph (b).
- (d) The applicant shall allow the Agency to review any report and make any inspection and to perform or witness any flight and ground test necessary to check the validity of the declaration of compliance submitted by the applicant under 21A.20(b) and to determine that no feature or characteristic makes the product unsafe for the uses for which certification is requested.
- (e) For tests performed or witnessed by the Agency under paragraph (d):
 - 1. The applicant shall submit to the Agency a statement of compliance with paragraph (b); and
 - 2. No change relating to the test that would affect the statement of compliance may be made to a product, part or appliance between the time compliance with paragraph (b) is shown and the time it is presented to the Agency for test.

21A.35 Flight Tests

- (a) Flight testing for the purpose of obtaining a type-certificate shall be conducted in accordance with conditions for such flight testing specified by the Agency.
- (b) The applicant shall make all flight tests that the Agency finds necessary:
 - 1. To determine compliance with the applicable type-certification basis and environmental protection requirements, and
 - 2. For aircraft to be certificated under this Section, except sailplanes and powered sailplanes and except aeroplanes of 2 722 kg or less Maximum Take-Off Mass (MTOM), to determine whether there is reasonable assurance that the aircraft, its parts and appliances are reliable and function properly.
- (c) (Reserved)
- (d) (Reserved)
- (e) (Reserved)
- (f) The flight tests prescribed in subparagraph (b)(2) shall include:
 - 1. For aircraft incorporating turbine engines of a type not previously used in a type-certificated aircraft, at least 300 hours of operation with a full complement of engines that conform to a type-certificate; and
 - 2. For all other aircraft, at least 150 hours of operation.

21A.41 Type-certificate

The type-certificate and restricted type-certificate are both considered to include the type design, the operating limitations, the type-certificate data sheet for airworthiness and emissions, the applicable type-certification basis and environmental protection requirements with which the Agency records compliance, and any other conditions or limitations prescribed for the product in the applicable certification specifications and environmental protection requirements. The aircraft type-certificate and restricted type-certificate, in addition, both include the type-certificate data sheet for noise. The engine type-certificate data sheet includes the record of emission compliance.

21A.44 Obligations of the holder

Each holder of a type-certificate or restricted type-certificate shall:

- (a) undertake the obligations laid down in 21A.3, 21A.3B, 21A.4, 21A.55, 21A.57 and 21A.61; and, for this purpose, shall continue to meet the qualification requirements for eligibility under 21A.14; and
- (b) specify the marking in accordance with Subpart Q.

21A.47 Transferability

Transfer of a type-certificate or restricted type-certificate may only be made to a natural or legal person that is able to undertake the obligations under 21A.44, and, for this purpose, has demonstrated its ability to qualify under the criteria of 21A.14.

21A.51 Duration and continued validity

- (a) A type-certificate and restricted type-certificate shall be issued for an unlimited duration. They shall remain valid subject to:
 - 1. The holder remaining in compliance with this Part; and
 - 2. The certificate not being surrendered or revoked under the applicable administrative procedures established by the Agency.
- (b) Upon surrender or revocation, the type-certificate and restricted type-certificate shall be returned to the Agency.

21A.55 Record keeping

All relevant design information, drawings and test reports, including inspection records for the product tested, shall be held by the type-certificate or restricted type-certificate holder at the disposal of the Agency and shall be retained in order to provide the information necessary to ensure the continued airworthiness and compliance with applicable environmental protection requirements of the product.

21A.57 Manuals

The holder of a type-certificate or restricted type-certificate shall produce, maintain and update master copies of all manuals required by the applicable type-certification basis and environmental protection requirements for the product, and provide copies, on request, to the Agency.

21A.61 Instructions for continued airworthiness

- (a) The holder of the type-certificate or restricted type-certificate shall furnish at least one set of complete instructions for continued airworthiness, comprising descriptive data and accomplishment instructions prepared in accordance with the applicable type-certification basis, to each known owner of one or more aircraft, engine or propeller upon its delivery or upon issue of the first certificate of airworthiness for the affected aircraft, whichever occurs later and thereafter make those instructions available on request to any other person required to comply with any of the terms of those instructions. The availability of some manual or portion of the instructions for continued airworthiness, dealing with overhaul or other forms of heavy maintenance, may be delayed until after the product has entered into service, but shall be available before any of the products reaches the relevant age or flight-hours/cycles.
- (b) In addition, changes to the instructions for continued airworthiness shall be made available to all known operators of the product and shall be made available on request to any person required to comply with any of those instructions. A programme showing how changes to the instructions for continued airworthiness are distributed shall be submitted to the Agency.

(SUBPART C — NOT APPLICABLE)

SUBPART D — CHANGES TO TYPE-CERTIFICATES AND RESTRICTED TYPE-CERTIFICATES

21A.90 Scope

This Subpart establishes the procedure for the approval of changes to type designs and type-certificates, and establishes the rights and obligations of the applicants for, and holders of, those approvals. In this Subpart, references to type-certificates include type-certificate and restricted type-certificate.

21A.91 Classification of changes in type design

Changes in type design are classified as minor and major. A 'minor change' is one that has no appreciable effect on the mass, balance, structural strength, reliability, operational characteristics, noise, fuel venting, exhaust emission, or other characteristics affecting the airworthiness of the product. Without prejudice to 21A.19, all other changes are 'major changes' under this Subpart. Major and minor changes shall be approved in accordance with 21A.95 or 21A.97 as appropriate, and shall be adequately identified.

21A.92 Eligibility

- (a) Only the type-certificate holder may apply for approval of a major change to a type design under this Subpart; all other applicants for a major change to a type design shall apply under Subpart E.
- (b) Any natural or legal person may apply for approval of a minor change to a type design under this Subpart.

21A.93 Application

An application for approval of a change to a type design shall be made in a form and manner established by the Agency and shall include:

- (a) A description of the change identifying
 1. All parts of the type design and the approved manuals affected by the change; and
 2. The certification specifications and environmental protection requirements with which the change has been designed to comply in accordance with 21A.101.
- (b) Identification of any re-investigations necessary to show compliance of the changed product with the applicable certification specifications and environmental protection requirements.

21A.95 Minor changes

Minor changes in a type design shall be classified and approved either:

- (a) By the Agency; or
- (b) By an appropriately approved design organisation under a procedure agreed with the Agency.

21A.97 Major changes

- (a) An applicant for approval of a major change shall:
 1. Submit to the Agency substantiating data together with any necessary descriptive data for inclusion in the type design;
 2. Show that the changed product complies with applicable certification specifications and environmental protection requirements, as specified in 21A.101;
 3. Declare that it has shown compliance with the applicable type-certification basis and environmental protection requirements and shall provide to the Agency the basis on which such a declaration is made; and
 4. Where the applicant holds an appropriate design organisation approval, make the declaration of subparagraph (a)(3) according to the provisions of Subpart J;
 5. Comply with 21A.33 and, where applicable, 21A.35.
- (b) Approval of a major change in a type design is limited to that or those specific configuration(s) in the type design upon which the change is made.

21A.101 Designation of applicable certification specifications and environmental protection requirements

- (a) An applicant for a change to a type-certificate shall demonstrate that the changed product complies with the airworthiness code that is applicable to the changed product and that is in effect at the date of the application for the change, and with the applicable environmental protection requirements laid down in 21A.18.
- (b) By derogation from paragraph (a), an applicant may show that the changed product complies with an earlier amendment of the airworthiness code defined in paragraph (a), and of any other certification specification the Agency finds is directly related. However, the earlier amended airworthiness code may not precede the corresponding airworthiness code incorporated by reference in the type-certificate. The applicant may show compliance with an earlier amendment of an airworthiness code for any of the following:
1. A change that the Agency finds not to be significant. In determining whether a specific change is significant, the Agency considers the change in context with all previous relevant design changes and all related revisions to the applicable certification specifications incorporated in the type-certificate for the product. Changes that meet one of the following criteria are automatically considered significant:
 - (i) The general configuration or the principles of construction are not retained.
 - (ii) The assumptions used for certification of the product to be changed do not remain valid.
 2. Each area, system, part or appliance that the Agency finds is not affected by the change.
 3. Each area, system, part or appliance that is affected by the change, for which the Agency finds that compliance with an airworthiness code described in paragraph (a) would not contribute materially to the level of safety of the changed product or would be impractical.
- (c) An applicant for a change to an aircraft (other than a rotorcraft) of 2 722 kg (6 000 lbs.) or less maximum weight or to a non-turbine rotorcraft of 1 361 kg (3 000 lbs.) or less maximum weight may show that the changed product complies with the type-certification basis incorporated by reference in the type-certificate. However, if the Agency finds that the change is significant in an area, the Agency may designate compliance with an amendment to the type-certification basis incorporated by reference in the type-certificate, in effect at the date of the application, and any certification specification that the Agency finds is directly related, unless the Agency also finds that compliance with that amendment or certification specification would not contribute materially to the level of safety of the changed product or would be impractical.
- (d) If the Agency finds that the airworthiness code in effect at the date of the application for the change does not provide adequate standards with respect to the proposed change, the applicant shall also comply with any special conditions, and amendments to those special conditions, prescribed under the provisions of 21A.16B, to provide a level of safety equivalent to that established in the airworthiness code in effect at the date of the application for the change.
- (e) An application for a change to a type-certificate for large aeroplanes and large rotorcraft is effective for five years, and an application for a change to any other type-certificate is effective for three years. In a case where the change has not been approved, or it is clear that it will not be approved under the time limit established under this subparagraph, the applicant may:
1. File a new application for a change to the type-certificate and comply with all the provisions of paragraph (a) applicable to an original application for a change; or
 2. File for an extension of the original application and comply with the provisions of paragraph (a) for an effective date of application, to be selected by the applicant, not earlier than the date which precedes the date of approval of the change by the time period established under this subparagraph for the original application for the change.

21A.103 Issue of approval

- (a) The applicant shall be entitled to have a major change to a type design approved by the Agency after:
1. submitting the declaration referred to in 21A.97(a)(3); and
 2. It is shown that:
 - (i) The changed product meets the applicable certification specifications and environmental protection requirements, as specified in 21A.101;
 - (ii) Any airworthiness provisions not complied with are compensated for by factors that provide an equivalent level of safety; and
 - (iii) No feature or characteristic makes the product unsafe for the uses for which certification is requested.

- (b) A minor change to a type design shall only be approved in accordance with 21A.95 if it is shown that the changed product meets the applicable certification specifications, as specified in 21A.101.

21A.105 Record keeping

For each change, all relevant design information, drawings and test reports, including inspection records for the changed product tested, shall be held by the applicant at the disposal of the Agency and shall be retained in order to provide the information necessary to ensure the continued airworthiness and compliance with applicable environmental protection requirements of the changed product.

21A.107 Instructions for continued airworthiness

- (a) The holder of a minor change approval to type design shall furnish at least one set of the associated variations, if any, to the instructions for continued airworthiness of the product on which the minor change is to be installed, prepared in accordance with the applicable type-certification basis, to each known owner of one or more aircraft, engine, or propeller incorporating the minor change, upon its delivery, or upon issuance of the first certificate of airworthiness for the affected aircraft, whichever occurs later, and thereafter make those variations in instructions available, on request, to any other person required to comply with any of the terms of those instructions.
- (b) In addition, changes to those variations of the instructions for continued airworthiness shall be made available to all known operators of a product incorporating the minor change and shall be made available, on request, to any person required to comply with any of those instructions.

21A.109 Obligations and EPA marking

The holder of a minor change approval to type design shall:

- (a) undertake the obligations laid down in 21A.4, 21A.105 and 21A.107; and
- (b) specify the marking, including EPA (hereinafter 'European Part Approval') letters, in accordance with 21A.804(a).

SUBPART E — SUPPLEMENTAL TYPE-CERTIFICATES

21A.111 Scope

This Subpart establishes the procedure for the approval of major changes to the type design under supplemental type-certificate procedures, and establishes the rights and obligations of the applicants for, and holders of, those certificates.

21A.112 Eligibility

Any natural or legal person ('organisation') that has demonstrated, or is in the process of demonstrating, its capability under 21A.112B shall be eligible as an applicant for a supplemental type-certificate under the conditions laid down in this Subpart.

21A.112B Demonstration of capability

- (a) Any organisation applying for a supplemental type-certificate shall demonstrate its capability by holding a design organisation approval, issued by the Agency in accordance with Subpart J.
- (b) By way of derogation from paragraph (a), as an alternative procedure to demonstrate its capability, an applicant may seek Agency agreement for the use of procedures setting out the specific design practices, resources and sequence of activities necessary to comply with this Subpart.

21A.113 Application for a supplemental type-certificate

- (a) An application for a supplemental type-certificate shall be made in a form and manner established by the Agency.
- (b) An application for a supplemental type-certificate shall include the descriptions and identification required by 21A.93. In addition, such an application shall include a justification that the information on which those identifications are based is adequate either from the applicant's own resources, or through an arrangement with the type-certificate holder.

21A.114 Showing of compliance

Any applicant for a supplemental type-certificate shall comply with 21A.97.

21A.115 Issue of a supplemental type-certificate

The applicant shall be entitled to have a supplemental type-certificate issued by the Agency after:

- (a) complying with 21A.103(a);
- (b) demonstrating its capability in accordance with 21A.112B;
- (c) where, under 21A.113(b), the applicant has entered into an arrangement with the type-certificate holder,
 - 1. The type-certificate holder has advised that it has no technical objection to the information submitted under 21A.93; and
 - 2. The type-certificate holder has agreed to collaborate with the supplemental type-certificate holder to ensure discharge of all obligations for continued airworthiness of the changed product through compliance with 21A.44 and 21A.118A.

21A.116 Transferability

A supplemental type-certificate shall only be transferred to a natural or legal person that is able to undertake the obligations of 21A.118A and for this purpose has demonstrated its ability to qualify under the criteria of 21A.112B.

21A.117 Changes to that part of a product covered by a supplemental type-certificate

- (a) Minor changes to that part of a product covered by a supplemental type-certificate shall be classified and approved in accordance with Subpart D.
- (b) Each major change to that part of a product covered by a supplemental type-certificate shall be approved as a separate supplemental type-certificate in accordance with this Subpart.
- (c) By way of derogation from paragraph (b), a major change to that part of a product covered by a supplemental type-certificate submitted by the supplemental type-certificate holder itself may be approved as a change to the existing supplemental type-certificate.

21A.118A Obligations and EPA marking

Each holder of a supplemental type-certificate shall:

- (a) undertake the obligations:
 - 1. Laid down in 21A.3, 21A.3B, 21A.4, 21A.105, 21A.119 and 21A.120;
 - 2. Implicit in the collaboration with the type-certificate holder under 21A.115(c)(2);

and for this purpose continue to meet the criteria of 21A.112B

- (b) specify the marking, including EPA letters, in accordance with 21A.804(a).

21A.118B Duration and continued validity

- (a) A supplemental type-certificate shall be issued for an unlimited duration. It shall remain valid subject to:
 - 1. The holder remaining in compliance with this Part; and
 - 2. the certificate not being surrendered or revoked under the applicable administrative procedures established by the Agency.
- (b) Upon surrender or revocation, the supplemental type-certificate shall be returned to the Agency.

21A.119 Manuals

The holder of a supplemental type-certificate shall produce, maintain, and update master copies of variations in the manuals required by the applicable type-certification basis and environmental protection requirements for the product, necessary to cover the changes introduced under the supplemental type-certificate, and furnish copies of these manuals to the Agency on request.

21A.120 Instructions for continued airworthiness

- (a) The holder of the supplemental type-certificate for an aircraft, engine, or propeller, shall furnish at least one set of the associated variations to the instructions for continued airworthiness, prepared in accordance with the applicable type-certification basis, to each known owner of one or more aircraft, engine, or propeller incorporating the features of the supplemental type-certificate, upon its delivery, or upon issuance of the first certificate of airworthiness for the affected aircraft, whichever occurs later, and thereafter make those variations in instructions available, on request, to any other person required to comply with any of the terms of those instructions. Availability of some manual or portion of the variations to the instructions for continued airworthiness, dealing with overhaul or other forms of heavy maintenance, may be delayed until after the product has entered into service, but shall be available before any of the products reaches the relevant age or flight-hours/cycles.
- (b) In addition, changes to those variations of the instructions for continued airworthiness shall be made available to all known operators of a product incorporating the supplemental type-certificate and shall be made available, on request, to any person required to comply with any of those instructions. A programme showing how changes to the variations to the instructions for continued airworthiness are distributed shall be submitted to the Agency.

SUBPART F — PRODUCTION WITHOUT PRODUCTION ORGANISATION APPROVAL**21A.121 Scope**

- (a) This Subpart establishes the procedure for demonstrating the conformity with the applicable design data of a product, part and appliance that is intended to be manufactured without a production organisation approval under Subpart G.
- (b) This Subpart establishes the rules governing the obligations of the manufacturer of a product, part, or appliance being manufactured under this Subpart.

21A.122 Eligibility

Any natural or legal person may apply to show conformity of individual products, parts or appliances under this Subpart, if;

- (a) it holds or has applied for an approval covering the design of that product, part or appliance, or
- (b) it has ensured satisfactory coordination between production and design, through an appropriate arrangement with the applicant for, or holder of, an approval of such a design.

21A.124 Application

- (a) Each application for an agreement to the showing of conformity of individual products, parts and appliances under this Subpart shall be made in a form and manner established by the Competent Authority.
- (b) Such application shall contain:
 - 1. evidence which demonstrate, where applicable, that:
 - (i) the issuance of a production organisation approval under Subpart G would be inappropriate; or
 - (ii) the certification or approval of a product, part or appliance under this Subpart is needed pending the issuance of a production organisation approval under Subpart G.
 - 2. An outline of the information required by 21A.125(b).

21A.125 Issue of a letter of agreement

The applicant shall be entitled to have a letter of agreement issued by the Competent Authority agreeing to the showing of conformity of individual products, parts and appliances under this Subpart, after:

- (a) having established a production inspection system that ensures that each product, part or appliance conforms to the applicable design data and is in condition for safe operation.
- (b) providing a manual that contains:
 - 1. a description of the production inspection system required under paragraph (a),
 - 2. a description of the means for making the determinations of the production inspection system,
 - 3. a description of the tests of 21A.127 and 21A.128, and the names of persons authorised for the purpose of 21A.130(a).
- (c) demonstrating that it is able to provide assistance in accordance with 21A.3 and 21A.129(d).

21A.125B Findings

- (a) When objective evidence is found showing non-compliance of the holder of a letter of agreement with the applicable requirements of this Part, the finding shall be classified as follows:
 - 1. A level one finding is any non-compliance with this Part which could lead to uncontrolled non-compliances with applicable design data and which could affect the safety of the aircraft.
 - 2. A level two finding is any non-compliance with this Part which is not classified as level one.
- (b) A level three finding is any item where it has been identified, by objective evidence, to contain potential problems that could lead to a non-compliance under paragraph (a).
- (c) After receipt of notification of findings according to 21B.143:
 - 1. In case of a level one finding, the holder of the letter of agreement shall demonstrate corrective action to the satisfaction of the Competent Authority within a period of no more than 21 working days after written confirmation of the finding;
 - 2. In case of level two findings, the corrective action period granted by the Competent Authority shall be appropriate to the nature of the finding but in any case initially shall not be more than six months. In certain circumstances and subject to the nature of the finding the Competent Authority may extend the six month period subject to a satisfactory corrective action plan agreed by the Competent Authority.
 - 3. A level three finding shall not require immediate action by the holder of the letter of agreement.
- (d) In case of level one or level two findings, the letter of agreement may be subject to a partial or full limitation, suspension and revocation under 21B.145. The holder of the letter of agreement shall provide confirmation of receipt of the notice of limitation, suspension or revocation of the letter of agreement in a timely manner.

21A.125C Duration and continued validity

- (a) The letter of agreement shall be issued for a limited duration not exceeding one year. It shall remain valid unless:
 - 1. The holder of the letter of agreement fails to demonstrate compliance with the applicable requirements of this Subpart; or
 - 2. There is evidence that the manufacturer cannot maintain satisfactory control of the manufacture of products, parts, or appliances under the agreement; or
 - 3. The manufacturer no longer meets the requirements of 21A.122; or
 - 4. The letter of agreement has been surrendered, revoked under 21B.145, or has expired.
- (b) Upon surrender, revocation or expiry, the letter of agreement shall be returned to the Competent Authority.

21A.126 Production inspection system

- (a) The production inspection system required under 21A.125 shall provide a means for determining that:
 - 1. Incoming materials, and bought or subcontracted parts, used in the finished product are as specified in the applicable design data.
 - 2. Incoming materials, and bought or subcontracted parts, are properly identified.
 - 3. Processes, manufacturing techniques and methods of assembly affecting the quality and safety of the finished product are accomplished in accordance with specifications accepted by the Competent Authority.
 - 4. Design changes, including material substitutions, have been approved under Subpart D or E and controlled before being incorporated in the finished product.
- (b) The production inspection system required by 21A.125(a), shall also be such as to ensure that:
 - 1. Parts in process are inspected for conformity with the applicable design data at points in production where accurate determinations can be made.
 - 2. Materials subject to damage and deterioration are suitably stored and adequately protected.
 - 3. Current design drawings are readily available to manufacturing and inspection personnel, and used when necessary.

4. Rejected materials and parts are segregated and identified in a manner that precludes installation in the finished product.
5. Materials and parts that are withheld because of departures from design data or specifications, and that are to be considered for installation in the finished product, are subjected to an approved engineering and manufacturing review procedure. Those materials and parts determined by this procedure to be serviceable shall be properly identified and reinspected if rework or repair is necessary. Materials and parts rejected by this procedure shall be marked and disposed of to ensure that they are not incorporated in the final product.
6. Records produced under the production inspection system are maintained, identified with the completed product or part where practicable, and retained by the manufacturer in order to provide the information necessary to ensure the continued airworthiness of the product.

21A.127 Tests: aircraft

- (a) Each manufacturer of an aircraft manufactured under this Subpart shall establish an approved production ground and flight test procedure and check-off forms, and in accordance with those forms, test each aircraft produced, as a means of establishing relevant aspects of compliance with 21A.125(a).
- (b) Each production test procedure shall include at least the following:
 1. A check on handling qualities;
 2. A check on flight performance (using normal aircraft instrumentation);
 3. A check on the proper functioning of all aircraft equipment and systems;
 4. A determination that all instruments are properly marked, and that all placards and required flight manuals are installed after flight test;
 5. A check of the operational characteristics of the aircraft on the ground;
 6. A check on any other items peculiar to the aircraft being tested.

21A.128 Tests: engines and propellers

Each manufacturer of engines, or propellers manufactured under this Subpart shall subject each engine, or variable pitch propeller, to an acceptable functional test as specified in the type-certificate holder's documentation, to determine if it operates properly throughout the range of operation for which it is type-certificated, as a means of establishing relevant aspects of compliance with 21A.125(a).

21A.129 Obligations of the manufacturer

Each manufacturer of a product, part or appliance being manufactured under this Subpart shall:

- (a) Make each product, part or appliance available for inspection by the Competent Authority.
- (b) Maintain at the place of manufacture the technical data and drawings necessary to determine whether the product conforms to the applicable design data.
- (c) Maintain the production inspection system that ensures that each product conforms to the applicable design data and is in condition for safe operation.
- (d) Provide assistance to the holder of the type-certificate, restricted type-certificate or design approval in dealing with any continuing airworthiness actions that are related to the products, parts or appliances that have been produced.
- (e) Establish and maintain an internal occurrence reporting system in the interest of safety, to enable the collection and assessment of occurrence reports in order to identify adverse trends or to address deficiencies, and to extract reportable occurrences. This system shall include evaluation of relevant information relating to occurrences and the promulgation of related information.
- (f)
 1. Report to the holder of the type-certificate, restricted type-certificate or design approval, all cases where products, parts or appliances have been released by the manufacturer and subsequently identified to have deviations from the applicable design data, and investigate with the holder of the type-certificate, restricted type-certificate or design approval to identify those deviations which could lead to an unsafe condition.
 2. Report to the Agency and the competent authority of the Member State the deviations which could lead to an unsafe condition identified according to subparagraph (1). Such reports shall be made in a form and manner established by the Agency under 21A.3(b)(2) or accepted by the competent authority of the Member State.

3. Where the manufacturer acts as supplier to another production organisation, report also to that other organisation all cases where it has released products, parts or appliances to that organisation and subsequently identified them to have possible deviations from the applicable design data.

21A.130 Statement of conformity

- (a) Each manufacturer of a product, part or appliance manufactured under this Subpart shall raise a Statement of Conformity, an EASA Form 52, for complete aircraft, or EASA Form 1, for other products, parts or appliances (see Appendix). This statement shall be signed by an authorised person who holds a responsible position in the manufacturing organisation.
- (b) A statement of conformity shall include:
 1. For each product, part or appliance a statement that the product, part or appliance conforms to the approved design data and is in condition for safe operation;
 2. For each aircraft, a statement that the aircraft has been ground and flight checked in accordance with 21A.127(a); and
 3. For each engine, or variable pitch propeller, a statement that the engine or propeller has been subjected by the manufacturer to a final functional test, in accordance with 21A.128, and additionally in case of engines, a determination according to data provided by the engine type-certificate holder that each completed engine is in compliance with the applicable emissions requirements current at the date of manufacture of the engine.
- (c) Each manufacturer of such a product, part or appliance shall:
 1. Upon the initial transfer by it of the ownership of such a product, part or appliance; or
 2. Upon application for the original issue of an aircraft certificate of airworthiness; or
 3. Upon application for the original issue of an airworthiness release document for an engine, a propeller, a part or appliance,

present a current statement of conformity, for validation by the Competent Authority.

- (d) The Competent Authority shall validate by counter-signature the Statement of Conformity if it finds after inspection that the product, part or appliance conforms to the applicable design data and is in condition for safe operation.

SUBPART G — PRODUCTION ORGANISATION APPROVAL

21A.131 Scope

This Subpart establishes:

- (a) The procedure for the issuance of a production organisation approval for a production organisation showing conformity of products, parts and appliances with the applicable design data.
- (b) The rules governing the rights and obligations of the applicant for, and holders of, such approvals.

21A.133 Eligibility

Any natural or legal person ('organisation') shall be eligible as an applicant for an approval under this Subpart. The applicant shall:

- (a) justify that, for a defined scope of work, an approval under this Subpart is appropriate for the purpose of showing conformity with a specific design; and
- (b) hold or have applied for an approval of that specific design; or
- (c) have ensured, through an appropriate arrangement with the applicant for, or holder of, an approval of that specific design, satisfactory coordination between production and design.

21A.134 Application

Each application for a production organisation approval shall be made to the Competent Authority in a form and manner established by that authority, and shall include an outline of the information required by 21A.143 and the terms of approval requested to be issued under 21A.151.

21A.135 Issue of production organisation approval

An organisation shall be entitled to have a production organisation approval issued by the Competent Authority when it has demonstrated compliance with the applicable requirements under this Subpart.

21A.139 Quality System

- (a) The production organisation shall demonstrate that it has established and is able to maintain a quality system. The quality system shall be documented. This quality system shall be such as to enable the organisation to ensure that each product, part or appliance produced by the organisation or by its partners, or supplied from or subcontracted to outside parties, conforms to the applicable design data and is in condition for safe operation, and thus exercise the privileges set forth in 21A.163.
- (b) The quality system shall contain:
1. As applicable within the scope of approval, control procedures for:
 - (i) Document issue, approval, or change.
 - (ii) Vendor and subcontractor assessment audit and control.
 - (iii) Verification that incoming products, parts, materials, and equipment, including items supplied new or used by buyers of products, are as specified in the applicable design data.
 - (iv) Identification and traceability.
 - (v) Manufacturing processes.
 - (vi) Inspection and testing, including production flight tests.
 - (vii) Calibration of tools, jigs, and test equipment.
 - (viii) Non conforming item control.
 - (ix) Airworthiness coordination with the applicant for, or holder of, the design approval.
 - (x) Records completion and retention.
 - (xi) Personnel competence and qualification.
 - (xii) Issue of airworthiness release documents.
 - (xiii) Handling, storage and packing.
 - (xiv) Internal quality audits and resulting corrective actions.
 - (xv) Work within the terms of approval performed at any location other than the approved facilities.
 - (xvi) Work carried out after completion of production but prior to delivery, to maintain the aircraft in a condition for safe operation.

The control procedures need to include specific provisions for any critical parts.

2. An independent quality assurance function to monitor compliance with, and adequacy of, the documented procedures of the quality system. This monitoring shall include a feedback system to the person or group of persons referred to in 21A.145(c)(2) and ultimately to the manager referred to in 21A.145 (c)(1) to ensure, as necessary, corrective action.

21A.143 Exposition

- (a) The organisation shall submit to the Competent Authority a production organisation exposition providing the following information:
1. A statement signed by the accountable manager confirming that the production organisation exposition and any associated manuals which define the approved organisation's compliance with this Subpart will be complied with at all times.
 2. The title(s) and names of managers accepted by the Competent Authority in accordance with 21A.145(c)(2).
 3. The duties and responsibilities of the manager(s) as required by 21A.145(c)(2) including matters on which they may deal directly with the Competent Authority on behalf of the organisation.
 4. An organisational chart showing associated chains of responsibility of the managers as required by 21A.145(c)(1) and (2).
 5. A list of certifying staff as referred to in 21A.145(d).
 6. A general description of man-power resources.
 7. A general description of the facilities located at each address specified in the production organisation's certificate of approval.
 8. A general description of the production organisation's scope of work relevant to the terms of approval.
 9. The procedure for the notification of organisational changes to the Competent Authority.
 10. The amendment procedure for the production organisation exposition.
 11. A description of the quality system and the procedures as required by 21A.139(b)(1).
 12. A list of those outside parties referred to in 21A.139(a).

- (b) The production organisation exposition shall be amended as necessary to remain an up-to-date description of the organisation, and copies of any amendments shall be supplied to the Competent Authority.

21A.145 Approval requirements

The production organisation shall demonstrate, on the basis of the information submitted in accordance with 21A.143 that:

- (a) with regard to general approval requirements, facilities, working conditions, equipment and tools, processes and associated materials, number and competence of staff, and general organisation are adequate to discharge obligations under 21A.165.
- (b) with regard to all necessary airworthiness, noise, fuel venting and exhaust emissions data:
1. The production organisation is in receipt of such data from the Agency, and from the holder of, or applicant for, the type-certificate, restricted type-certificate or design approval, to determine conformity with the applicable design data.
 2. The production organisation has established a procedure to ensure that airworthiness, noise, fuel venting and exhaust emissions data are correctly incorporated in its production data.
 3. Such data are kept up to date and made available to all personnel who need access to such data to perform their duties.
- (c) with regard to management and staff:
1. A manager has been nominated by the production organisation, and is accountable to the Competent Authority. His or her responsibility within the organisation shall consist of ensuring that all production is performed to the required standards and that the production organisation is continuously in compliance with the data and procedures identified in the exposition referred to in 21A.143.
 2. A person or group of persons have been nominated by the production organisation to ensure that the organisation is in compliance with the requirements of this Part, and are identified, together with the extent of their authority. Such person(s) shall act under the direct authority of the accountable manager referred to in subparagraph (1). The persons nominated shall be able to show the appropriate knowledge, background and experience to discharge their responsibilities.
 3. Staff at all levels have been given appropriate authority to be able to discharge their allocated responsibilities and that there is full and effective coordination within the production organisation in respect of airworthiness, noise, fuel venting and exhaust emission data matters.
- (d) with regard to certifying staff, authorised by the production organisation to sign the documents issued under 21A.163 under the scope or terms of approval:
1. The knowledge, background (including other functions in the organisation), and experience of the certifying staff are appropriate to discharge their allocated responsibilities.
 2. The production organisation maintains a record of all certifying staff which shall include details of the scope of their authorisation.
 3. Certifying staff are provided with evidence of the scope of their authorisation.

21A.147 Changes to the approved production organisation

- (a) After the issue of a production organisation approval, each change to the approved production organisation that is significant to the showing of conformity or to the airworthiness and characteristics of noise, fuel venting and exhaust emissions of the product, part or appliance, particularly changes to the quality system, shall be approved by the Competent Authority. An application for approval shall be submitted in writing to the Competent Authority and the organisation shall demonstrate to the Competent Authority before implementation of the change, that it will continue to comply with this Subpart.
- (b) The Competent Authority shall establish the conditions under which a production organisation approved under this Subpart may operate during such changes unless the Competent Authority determines that the approval should be suspended.

21A.148 Changes of location

A change of the location of the manufacturing facilities of the approved production organisation shall be deemed of significance and therefore shall comply with 21A.147.

21A.149 Transferability

Except as a result of a change in ownership, which is deemed significant for the purposes of 21A.147, a production organisation approval is not transferable.

21A.151 Terms of approval

The terms of approval shall identify the scope of work, the products or the categories of parts and appliances, or both, for which the holder is entitled to exercise the privileges under 21A.163.

Those terms shall be issued as part of a production organisation approval.

21A.153 Changes to the terms of approval

Each change to the terms of approval shall be approved by the Competent Authority. An application for a change to the terms of approval shall be made in a form and manner established by the Competent Authority. The applicant shall comply with the applicable requirements of this Subpart.

21A.157 Investigations

A production organisation shall make arrangements that allow the Competent Authority to make any investigations, including investigations of partners and subcontractors, necessary to determine compliance and continued compliance with the applicable requirements of this Subpart.

21A.158 Findings

- (a) When objective evidence is found showing non compliance of the holder of a production organisation approval with the applicable requirements of this Part, the finding shall be classified as follows:
 - 1. A level one finding is any non-compliance with this Part which could lead to uncontrolled non-compliances with applicable design data and which could affect the safety of the aircraft.
 - 2. A level two finding is any non-compliance with this Part which is not classified as level one.
- (b) A level three finding is any item where it has been identified, by objective evidence, to contain potential problems that could lead to a non-compliance under paragraph (a).
- (c) After receipt of notification of findings according to 21B.225,
 - 1. In case of a level one finding, the holder of the production organisation approval shall demonstrate corrective action to the satisfaction of the Competent Authority within a period of no more than 21 working days after written confirmation of the finding,
 - 2. In case of level two findings, the corrective action period granted by the Competent Authority shall be appropriate to the nature of the finding but in any case initially shall not be more than six months. In certain circumstances and subject to the nature of the finding the Competent Authority may extend the six month period subject to a satisfactory corrective action plan agreed by the Competent Authority.
 - 3. A level three finding shall not require immediate action by the holder of the production organisation approval.
- (d) In case of level one or level two findings, the production organisation approval may be subject to a partial or full limitation, suspension or revocation under 21B.245. The holder of the production organisation approval shall provide confirmation of receipt of the notice of limitation, suspension or revocation of the production organisation approval in a timely manner.

21A.159 Duration and continued validity

- (a) A production organisation approval shall be issued for an unlimited duration. It shall remain valid unless:
 - 1. The production organisation fails to demonstrate compliance with the applicable requirements of this Subpart; or
 - 2. The Competent Authority is prevented by the holder or any of its partners or subcontractors to perform the investigations in accordance with 21A.157; or
 - 3. There is evidence that the production organisation cannot maintain satisfactory control of the manufacture of products, parts or appliances under the approval; or
 - 4. The production organisation no longer meets the requirements of 21A.133; or
 - 5. the certificate has been surrendered or revoked under 21B.245.
- (b) Upon surrender or revocation, the certificate shall be returned to the Competent Authority.

21A.163 Privileges

Pursuant to the terms of approval issued under 21A.135, the holder of a production organisation approval may:

- (a) Perform production activities under this Part.
- (b) In the case of complete aircraft and upon presentation of a Statement of Conformity (EASA Form 52) under 21A.174, obtain an aircraft certificate of airworthiness and a noise certificate without further showing.
- (c) In the case of other products, parts or appliances issue authorised release certificates (EASA Form 1) under 21A.307 without further showing.
- (d) Maintain a new aircraft that it has produced and issue a certificate of release to service (EASA Form 53) in respect of that maintenance.

21A.165 Obligations of the holder

The holder of a production organisation approval shall:

- (a) Ensure that the production organisation exposition furnished in accordance with 21A.143 and the documents to which it refers, are used as basic working documents within the organisation.
- (b) Maintain the production organisation in conformity with the data and procedures approved for the production organisation approval.
- (c)
 - 1. Determine that each completed aircraft conforms to the type design and is in condition for safe operation prior to submitting Statements of Conformity to the Competent Authority, or
 - 2. Determine that other products, parts or appliances are complete and conform to the approved design data and are in condition for safe operation before issuing EASA Form 1 to certify airworthiness, and additionally in case of engines, determine according to data provided by the engine type-certificate holder that each completed engine is in compliance with the applicable emissions requirements as defined in 21A.18(b), current at the date of manufacture of the engine, to certify emissions compliance, or
 - 3. Determine that other products, parts or appliances conform to the applicable data before issuing EASA Form 1 as a conformity certificate;
- (d) Record all details of work carried out.
- (e) Establish and maintain an internal occurrence reporting system in the interest of safety, to enable the collection and assessment of occurrence reports in order to identify adverse trends or to address deficiencies, and to extract reportable occurrences. This system shall include evaluation of relevant information relating to occurrences and the promulgation of related information.
- (f)
 - 1. Report to the holder of the type-certificate or design approval, all cases where products, parts or appliances have been released by the production organisation and subsequently identified to have possible deviations from the applicable design data, and investigate with the holder of the type-certificate or design approval in order to identify those deviations which could lead to an unsafe condition.
 - 2. Report to the Agency and the competent authority of the Member State the deviations which could lead to an unsafe condition identified according to subparagraph (1). Such reports shall be made in a form and manner established by the Agency under 21A.3(b)(2) or accepted by the competent authority of the Member State.
 - 3. Where the holder of the production organisation approval is acting as a supplier to another production organisation, report also to that other organisation all cases where it has released products, parts or appliances to that organisation and subsequently identified them to have possible deviations from the applicable design data.
- (g) Provide assistance to the holder of the type-certificate or design approval in dealing with any continuing airworthiness actions that are related to the products parts or appliances that have been produced.
- (h) Establish an archiving system incorporating requirements imposed on its partners, suppliers and subcontractors, ensuring conservation of the data used to justify conformity of the products, parts or appliances. Such data shall be held at the disposal of the Competent Authority and be retained in order to provide the information necessary to ensure the continuing airworthiness of the products, parts or appliances.
- (i) Where, under its terms of approval, the holder issues a certificate of release to service, determine that each completed aircraft has been subjected to necessary maintenance and is in condition for safe operation, prior to issuing the certificate.

SUBPART H — AIRWORTHINESS CERTIFICATES

21A.171 Scope

This Subpart establishes the procedure for issuing airworthiness certificates.

21A.172 Eligibility

Any natural or legal person under whose name an aircraft is registered or will be registered in a Member State ('Member State of registry'), or its representative, shall be eligible as an applicant for an airworthiness certificate for that aircraft under this Subpart.

21A.173 Classification

Airworthiness certificates shall be classified as follows:

- (a) Certificates of airworthiness shall be issued to aircraft which conform to a type-certificate that has been issued in accordance with this Part.
- (b) Restricted certificates of airworthiness shall be issued to aircraft:
 - 1. which conform to a restricted type-certificate that has been issued in accordance with this Part; or
 - 2. which have been shown to the Agency to comply with specific certification specifications ensuring adequate safety.
- (c) Permits to fly shall be issued to aircraft that do not meet, or have not been shown to meet, applicable certification specifications but are capable of safe flight under defined conditions.

21A.174 Application

- (a) Pursuant to 21A.172, an application for an airworthiness certificate shall be made in a form and manner established by the competent authority of the Member State of registry.
- (b) Each application for a certificate of airworthiness or restricted certificate of airworthiness shall include:
 - 1. the class of airworthiness certificate applied for;
 - 2. with regard to new aircraft:
 - (i) A statement of conformity:
 - issued under 21A.163(b), or
 - issued under 21A.130 and validated by the Competent Authority,
 - or, for an imported aircraft, a statement signed by the exporting authority that the aircraft conforms to a design approved by the Agency
 - (ii) A weight and balance report with a loading schedule.
 - (iii) The flight manual, when required by the applicable airworthiness code for the particular aircraft.
 - 3. with regard to used aircraft:
 - (i) originating from a Member State, an airworthiness review certificate issued in accordance with Part M.
 - (ii) originating from a non-member State:
 - a statement by the competent authority of the State where the aircraft is, or was, registered, reflecting the airworthiness status of the aircraft on its register at time of transfer.
 - a weight and balance report with a loading schedule.
 - the flight manual when such material is required by the applicable airworthiness code for the particular aircraft.
 - historical records to establish the production, modification, and maintenance standard of the aircraft, including all limitations associated with a restricted certificate of airworthiness under 21A.184(c).
 - a recommendation for the issuance of a certificate of airworthiness or restricted certificate of airworthiness and an airworthiness review certificate following an airworthiness review in accordance with Part M.
- (c) Unless otherwise agreed, the statements referred to in subparagraphs (b)(2)(i) and (b)(3)(ii) shall be issued no more than 60 days before presentation of the aircraft to the competent authority of the Member State of registry.

- (d) Each application for a permit to fly shall include:
1. The purpose of the flight(s);
 2. The itineraries or airspace, or both, used for the flight;
 3. Minimum flight crew and its qualification, required to operate the aircraft;
 4. Restrictions for carriage of persons other than flight crew;
 5. The ways in which the aircraft does not comply with the applicable certification specifications;
 6. Any restriction considered necessary for safe operation of the aircraft;
 7. Any other information considered necessary for the purpose of prescribing operating limitations.

21A.175 Language

The manuals, placards, listings, and instrument markings and other necessary information required by applicable certification specifications shall be presented in one or more of the official language(s) of the European Community acceptable to the competent authority of the Member State of registry.

21A.177 Amendment or modification

An airworthiness certificate may be amended or modified only by the competent authority of the Member State of registry.

21A.179 Transferability and re-issuance within Member States

- (a) Where ownership of an aircraft has changed:
1. if it remains on the same register, the certificate of airworthiness, or the restricted certificate of airworthiness conforming to a restricted type-certificate only, shall be transferred together with the aircraft;
 2. if the aircraft is registered in another Member State, the certificate of airworthiness, or the restricted certificate of airworthiness conforming to a restricted type-certificate only, shall be issued:
 - (i) upon presentation of the former certificate of airworthiness and of a valid airworthiness review certificate issued under Part M, and
 - (ii) when satisfying 21A.175.
- (b) Where ownership of an aircraft has changed, and the aircraft has:
1. a restricted certificate of airworthiness not conforming to a restricted type-certificate, or
 2. a permit to fly,

such airworthiness certificates shall be transferred together with the aircraft provided the aircraft remains on the same register, or issued only with the formal agreement of the competent authority of the Member State of registry to which it is transferred.

21A.180 Inspections

The holder of the airworthiness certificate shall provide access to the aircraft for which that airworthiness certificate has been issued upon request by the competent authority of the Member State of registry.

21A.181 Duration and continued validity

- (a) An airworthiness certificate shall be issued for an unlimited duration. It shall remain valid subject to:
1. compliance with the applicable type-design and continuing airworthiness requirements; and
 2. the aircraft remaining on the same register; and
 3. the type-certificate or restricted type-certificate under which it is issued not being previously invalidated under 21A.51.
 4. the certificate not being surrendered or revoked under 21B.330.
- (b) Upon surrender or revocation, the certificate shall be returned to the competent authority of the Member State of registry.

21A.182 Aircraft identification

Each applicant for an airworthiness certificate under this Subpart shall demonstrate that its aircraft is identified in accordance with Subpart Q.

21A.183 Issue of certificates of airworthiness

The competent authority of the State of registry shall issue a certificate of airworthiness for:

1. new aircraft:
 - (i) Upon presentation of the documentation required by 21A.174(b)(2).
 - (ii) When the aircraft conforms to an approved design and is in condition for safe operation. This may include inspections by the competent authority of the Member State of registry.
2. used aircraft:
 - (i) upon presentation of the documentation required by 21A.174(b)(3) demonstrating that:
 - the aircraft conforms to a type design approved under a type-certificate and any supplemental type-certificate, change or repair approved in accordance with this Part, and to applicable airworthiness directives, and
 - the aircraft has been inspected in accordance with the applicable provisions of Part M; and
 - (ii) when the aircraft conforms to an approved design and is in condition for safe operation. This may include inspections by the competent authority of the Member State of registry.

21A.184 Issue of restricted certificates of airworthiness

- (a) The competent authority of the Member State of registry shall issue a restricted certificate of airworthiness for:
 1. new aircraft, upon presentation of the documentation required by 21A.174(b)(2) demonstrating that the aircraft conforms to a design approved by the Agency under a restricted type-certificate or in accordance with specific certification specifications, and is in condition for safe operation.
 2. used aircraft:
 - (i) upon presentation of the documentation required by 21A.174(b)(3) demonstrating that:
 - the aircraft conforms to a design approved by the Agency under a restricted type-certificate or in accordance with specific certification specifications, and
 - the applicable airworthiness directives have been complied with, and
 - the aircraft has been inspected in accordance with the appropriate provisions of Part M; and
 - (ii) when the competent authority of the Member State of registry is satisfied that the aircraft conforms to the approved design and is in condition for safe operation. This may include inspections by the competent authority of the Member State of registry.
- (b) For an aircraft that cannot comply with the essential requirements referred to in the basic Regulation and which is not eligible for a restricted type-certificate, the Agency shall, as necessary to take account of deviations from these essential requirements:
 1. issue and check compliance with specific certification specifications ensuring adequate safety with regard to the intended use, and
 2. specify limitations for use of this aircraft.
- (c) Limitations for use will be associated with restricted certificates of airworthiness including airspace restrictions as necessary to take account of deviations from essential requirements for airworthiness laid down in the basic Regulation.

21A.185 Issue of permits to fly

The competent authority of the Member State of registry shall issue a permit to fly after the Agency has found that the aircraft and appropriate associated restrictions compensating for departure from the essential requirements permit the aircraft to perform safely a basic flight. For that purpose, the Agency may make or require the applicant to make appropriate inspections or tests necessary to ensure safety.

SUBPART I — NOISE CERTIFICATES

21A.201 Scope

This Subpart establishes the procedure for issuing noise certificates.

21A.203 Eligibility

Any natural or legal person under whose name an aircraft is registered or will be registered in a Member State (Member State of registry), or its representative, shall be eligible as an applicant for a noise certificate for that aircraft under this Subpart.

21A.204 Application

- (a) Pursuant to 21A.203, an application for a noise certificate shall be made in a form and manner established by the competent authority of the Member State of registry.
- (b) Each application shall include:
 - 1. with regard to new aircraft:
 - (i) A statement of conformity:
 - issued under 21A.163(b), or
 - issued under 21A.130 and validated by the Competent Authority
 - or, for an imported aircraft, a statement, signed by the exporting authority that the aircraft conforms to a design approved by the Agency, and
 - (ii) The noise information determined in accordance with the applicable noise requirements. This information shall be included in the flight manual, when a flight manual is required by the applicable airworthiness code for the particular aircraft.
 - 2. with regard to used aircraft:
 - (i) The noise information determined in accordance with the applicable noise requirements. This information shall be included in the flight manual, when a flight manual is required by the applicable airworthiness code for the particular aircraft, and
 - (ii) Historical records to establish the production, modification, and maintenance standard of the aircraft.
- (c) Unless otherwise agreed, the statements referred to in subparagraphs (b)(1) shall be issued no more than 60 days before presentation of the aircraft to the competent authority of the Member State of registry.

21A.205 Issue of noise certificates

The competent authority of the Member State of registry shall issue a noise certificate upon presentation of the documents required by 21A.204(b).

21A.207 Amendment or modification

A noise certificate may be amended or modified only by the competent authority of the Member State of registry.

21A.209 Transferability and re-issuance within Member States

Where ownership of an aircraft has changed:

- (a) if the aircraft remains on the same register, the noise certificate shall be transferred together with the aircraft; or
- (b) if the aircraft moves to the register of another Member State, the noise certificate shall be issued upon presentation of the former noise certificate.

21A.210 Inspections

The holder of the noise certificate shall provide access to the aircraft for which that noise certificate has been issued upon request by the competent authority of the Member State of registry or by the Agency for inspection.

21A.211 Duration and continued validity

- (a) A noise certificate shall be issued for an unlimited duration. It shall remain valid subject to:
1. compliance with the applicable type-design, environmental protection and continuing airworthiness requirements; and
 2. the aircraft remaining on the same register; and
 3. the type-certificate or restricted type-certificate under which it is issued not being previously invalidated under 21A.51.
 4. the certificate not being surrendered or revoked under 21B.430.
- (b) Upon surrender or revocation, the certificate shall be returned to the competent authority of the Member State of registry.

SUBPART J — DESIGN ORGANISATION APPROVAL**21A.231 Scope**

This Subpart establishes the procedure for the approval of design organisations and rules governing the rights and obligations of applicants for, and holders of, such approvals.

21A.233 Eligibility

Any natural or legal person ('organisation') shall be eligible as an applicant for an approval under this Subpart

- (a) in accordance with 21A.14, 21A.112B, 21A.432B or 21A.602B; or
- (b) for approval of minor changes or minor repair design, when requested for the purpose of obtaining privileges under 21A.263.

21A.234 Application

Each application for a design organisation approval shall be made in a form and manner established by the Agency and shall include an outline of the information required by 21A.243, and the terms of approval requested to be issued under 21A.251.

21A.235 Issue of design organisation approval

An organisation shall be entitled to have a design organisation approval issued by the Agency when it has demonstrated compliance with the applicable requirements under this Subpart.

21A.239 Design assurance system

- (a) The design organisation shall demonstrate that it has established and is able to maintain a design assurance system for the control and supervision of the design, and of design changes, of products, parts and appliances covered by the application. This design assurance system shall be such as to enable the organisation:
1. To ensure that the design of the products, parts and appliances or the design change thereof, comply with the applicable type-certification basis and environmental protection requirements; and
 2. To ensure that its responsibilities are properly discharged in accordance with:
 - (i) The appropriate provisions of this Part; and
 - (ii) The terms of approval issued under 21A.251.
 3. To independently monitor the compliance with, and adequacy of, the documented procedures of the system. This monitoring shall include a feed-back system to a person or a group of persons having the responsibility to ensure corrective actions.
- (b) The design assurance system shall include an independent checking function of the showings of compliance on the basis of which the organisation submits compliance statements and associated documentation to the Agency.
- (c) The design organisation shall specify the manner in which the design assurance system accounts for the acceptability of the parts or appliances designed or the tasks performed by partners or subcontractor according to methods which are the subject of written procedures.

21A.243 Data

- (a) The design organisation shall furnish a handbook to the Agency describing, directly or by cross-reference, the organisation, the relevant procedures and the products or changes to products to be designed.
- (b) Where any parts or appliances or any changes to the products are designed by partner organisations or subcontractors, the handbook shall include a statement of how the design organisation is able to give, for all parts and appliances, the assurance of compliance required by 21A.239(b), and shall contain, directly or by cross-reference, descriptions and information on the design activities and organisation of those partners or subcontractors, as necessary to establish this statement.
- (c) The handbook shall be amended as necessary to remain an up-to-date description of the organisation, and copies of amendments shall be supplied to the Agency.
- (d) The design organisation shall furnish a statement of the qualifications and experience of the management staff and other persons responsible for making decisions affecting airworthiness and environmental protection in the organisation.

21A.245 Approval requirements

The design organisation shall demonstrate, on the basis of the information submitted in accordance with 21A.243 that, in addition to complying with 21A.239:

- (a) The staff in all technical departments are of sufficient numbers and experience and have been given appropriate authority to be able to discharge their allocated responsibilities and that these, together with the accommodation, facilities and equipment are adequate to enable the staff to achieve the airworthiness, noise, fuel venting and exhaust emissions objectives for the product.
- (b) There is full and efficient coordination between departments and within departments in respect of airworthiness and environmental protection matters.

21A.247 Changes in design assurance system

After the issue of a design organisation approval, each change to the design assurance system that is significant to the showing of compliance or to the airworthiness and environmental protection of the product, shall be approved by the Agency. An application for approval shall be submitted in writing to the Agency and the design organisation shall demonstrate to the Agency, on the basis of submission of proposed changes to the handbook, and before implementation of the change, that it will continue to comply with this Subpart after implementation.

21A.249 Transferability

Except as a result of a change in ownership, which is deemed significant for the purposes of 21A.247, a design organisation approval is not transferable.

21A.251 Terms of approval

The terms of approval shall identify the types of design work, the categories of products, parts and appliances for which the design organisation holds a design organisation approval, and the functions and duties that the organisation is approved to perform in regard to the airworthiness and characteristics of noise, fuel venting and exhaust emissions of products. For design organisation approval covering type-certification or ETSO authorisation for Auxiliary Power Unit (APU), the terms of approval shall contain in addition the list of products or APU. Those terms shall be issued as part of a design organisation approval.

21A.253 Changes to the terms of approval

Each change to the terms of approval shall be approved by the Agency. An application for a change to the terms of approval shall be made in a form and manner established by the Agency. The design organisation shall comply with the applicable requirements of this Subpart.

21A.257 Investigations

- (a) The design organisation shall make arrangements that allow the Agency to make any investigations, including investigations of partners and subcontractors, necessary to determine compliance and continued compliance with the applicable requirements of this Subpart.
- (b) The design organisation shall allow the Agency to review any report and make any inspection and perform or witness any flight and ground test necessary to check the validity of the compliance statements submitted by the applicant under 21A.239(b).

21A.258 Findings

- (a) When objective evidence is found showing non-compliance of the holder of a design organisation approval with the applicable requirements of this Part, the finding shall be classified as follows:
 - 1. A level one finding is any non-compliance with this Part which could lead to uncontrolled non-compliances with applicable requirements and which could affect the safety of the aircraft.
 - 2. A level two finding is any non-compliance with this Part which is not classified as level one.
- (b) A level three finding is any item where it has been identified, by objective evidence, to contain potential problems that could lead to a non-compliance under paragraph (a).
- (c) After receipt of notification of findings under the applicable administrative procedures established by the Agency,
 - 1. In case of a level one finding, the holder of the design organisation approval shall demonstrate corrective action to the satisfaction of the Agency within a period of no more than 21 working days after written confirmation of the finding;
 - 2. In case of level two findings, the corrective action period granted by the Agency shall be appropriate to the nature of the finding but in any case initially shall not be more than six months. In certain circumstances and subject to the nature of the finding the Agency may extend the six month period subject to a satisfactory corrective action plan agreed by the Agency.
 - 3. A level three finding shall not require immediate action by the holder of the design organisation approval.
- (d) In case of level one or level two findings, the design organisation approval may be subject to a partial or full suspension or revocation under the applicable administrative procedures established by the Agency. The holder of the design organisation approval shall provide confirmation of receipt of the notice of suspension or revocation of the design organisation approval in a timely manner.

21A.259 Duration and continued validity

- (a) A design organisation approval shall be issued for an unlimited duration. It shall remain valid unless:
 - 1. The design organisation fails to demonstrate compliance with the applicable requirements of this Subpart; or
 - 2. The Agency is prevented by the holder or any of its partners or subcontractors to perform the investigations in accordance with 21A.257; or
 - 3. There is evidence that the design assurance system cannot maintain satisfactory control and supervision of the design of products or changes thereof under the approval; or
 - 4. the certificate has been surrendered or revoked under the applicable administrative procedures established by the Agency.
- (b) Upon surrender or revocation, the certificate shall be returned to the Agency.

21A.263 Privileges

- (a) The holder of a design organisation approval shall be entitled to perform design activities under this Part and within its scope of approval.
- (b) Subject to 21A.257(b), compliance documents submitted by the applicant for the purpose of obtaining:
 - 1. a type-certificate or approval of a major change to a type design; or
 - 2. a supplemental type-certificate; or
 - 3. an ETSO authorisation under 21A.602(b)(1);
 - 4. a major repair design approval;

shall be accepted by the Agency without further verification.

- (c) The holder of a design organisation approval shall be entitled, within its terms of approval and under the relevant procedures of the design assurance system:
1. to classify changes to type design and repairs as 'major' or 'minor'.
 2. to approve minor changes to type design and minor repairs.
 3. to issue information or instructions containing the following statement: 'The technical content of this document is approved under the authority of DOA nr. [EASA]. J. [xyz].'
 4. to approve documentary changes to the aircraft flight manual, and issue such changes containing the following statement: 'Revision nr. xx to AFM ref. yyy, is approved under the authority of DOA nr.[EASA].J.[xyz].'
 5. to approve the design of major repairs to products for which it holds the type-certificate or the supplemental type-certificate.

21A.265 Obligations of the holder

The holder of a design organisation approval shall:

- (a) Maintain the handbook in conformity with the design assurance system;
- (b) Ensure that this handbook is used as a basic working document within the organisation;
- (c) Determine that the design of products, or changes or repairs thereof, as applicable, comply with applicable requirements and have no unsafe feature;
- (d) Except for minor changes or repairs approved under the privilege of 21A.263, provide to the Agency statements and associated documentation confirming compliance with paragraph (c);
- (e) Provide to the Agency information or instructions related to required actions under 21A.3B.

SUBPART K — PARTS AND APPLIANCES

21A.301 Scope

This Subpart establishes the procedure relating to the approval of parts and appliances.

21A.303 Compliance with applicable requirements

The showing of compliance of parts and appliances to be installed in a type-certificated product shall be made:

- (a) In conjunction with the type-certification procedures of Subpart B, D or E for the product in which it is to be installed; or
- (b) Where applicable, under the ETSO authorisation procedures of Subpart O; or
- (c) In the case of standard parts, in accordance with officially recognised Standards.

21A.305 Approval of parts and appliances

In all cases where the approval of a part or appliance is explicitly required by Community law or Agency measures, the part or appliance shall comply with the applicable ETSO or with the specifications recognised as equivalent by the Agency in the particular case.

21A.307 Release of parts and appliances for installation

No part or appliance (except a standard part), shall be eligible for installation in a type-certificated product unless it is:

- (a) Accompanied by an authorised release certificate (EASA Form 1), certifying airworthiness; and
- (b) Marked in accordance with Subpart Q.

(SUBPART L — NOT APPLICABLE)

SUBPART M — REPAIRS

21A.431 Scope

- (a) This Subpart establishes the procedure for the approval of repair design, and establishes the rights and obligations of the applicants for, and holders of, those approvals.
- (b) A 'repair' means elimination of damage and/or restoration to an airworthy condition following initial release into service by the manufacturer of any product, part or appliance.
- (c) Elimination of damage by replacement of parts or appliances without the necessity for design activity shall be considered as a maintenance task and shall therefore require no approval under this Part.
- (d) A repair to an ETSO article shall be treated as a change to the ETSO design and shall be processed in accordance with 21A.611.

21A.432 Eligibility

- (a) Any natural or legal person that has demonstrated, or is in the process of demonstrating, its capability under 21A.432 B shall be eligible as an applicant for a major repair design approval under the conditions laid down in this Subpart.
- (b) Any natural or legal person shall be eligible to apply for approval of a minor repair design.

21A.432B Demonstration of capability

- (a) An applicant for a major repair design approval shall demonstrate its capability by holding a design organisation approval, issued by the Agency in accordance with Subpart J.
- (b) By way of derogation from paragraph (a), as an alternative procedure to demonstrate its capability, an applicant may seek Agency agreement for the use of procedures setting out the specific design practices, resources and sequence of activities necessary to comply with this Subpart.

21A.433 Repair design

- (a) The applicant for approval of a repair design shall:
 - 1. Show compliance with the type-certification basis and environmental protection requirements incorporated by reference in the type-certificate or supplemental type-certificate, as applicable, or those in effect on the date of application (for repair design approval), plus any amendments to those certification specifications or special conditions the Agency finds necessary to establish a level of safety equal to that established by the type-certification basis incorporated by reference in the type-certificate or supplemental type-certificate.
 - 2. Submit all necessary substantiation data, when requested by the Agency.
 - 3. Declare compliance with the certification specifications and environmental protection requirements of subparagraph (a)(1).
- (b) Where the applicant is not the type-certificate or supplemental type-certificate holder, as applicable, the applicant may comply with the requirements of paragraph (a) through the use of its own resources or through an arrangement with the type-certificate or supplemental type-certificate holder as applicable.

21A.435 Classification of repairs

- (a) A repair may be 'major' or 'minor'. The classification shall be made in accordance with the criteria of 21A.91 for a change in the type design.
- (b) A repair shall be classified 'major' or 'minor' under paragraph (a) either:
 - 1. By the Agency, or
 - 2. By an appropriately approved design organisation under a procedure agreed with the Agency.

21A.437 Issue of a repair design approval

When it has been declared and has been shown that the repair design meets the applicable certification specifications and environmental protection requirements of 21A.433(a)(1), it shall be approved:

- (a) by the Agency, or
- (b) by an appropriately approved organisation that is also the type-certificate or the supplemental type-certificate holder, under a procedure agreed with the Agency, or
- (c) for minor repairs only, by an appropriately approved design organisation under a procedure agreed with the Agency.

21A.439 Production of repair parts

Parts and appliances to be used for the repair shall be manufactured in accordance with production data based upon all the necessary design data as provided by the repair design approval holder:

- (a) Under Subpart F, or
- (b) By an organisation appropriately approved in accordance with Subpart G, or
- (c) By an appropriately approved maintenance organisation.

21A.441 Repair embodiment

- (a) The embodiment of a repair shall be made by an appropriately approved maintenance organisation, or by a production organisation appropriately approved in accordance with Subpart G, under 21A.163 privilege.
- (b) The design organisation shall transmit to the organisation performing the repair all the necessary installation instructions.

21A.443 Limitations

A repair design may be approved subject to limitations, in which case the repair design approval shall include all necessary instructions and limitations. These instructions and limitations shall be transmitted by the repair design approval holder to the operator in accordance with a procedure agreed with the Agency.

21A.445 Unrepaired damage

- (a) When a damaged product, part or appliance, is left unrepaired, and is not covered by previously approved data, the evaluation of the damage for its airworthiness consequences may only be made;
 - 1. by the Agency, or
 - 2. by an appropriately approved design organisation under a procedure agreed with the Agency.

Any necessary limitations shall be processed in accordance with the procedures of 21A.443.

- (b) Where the organisation evaluating the damage under paragraph (a) is neither the Agency nor the type-certificate or supplemental type-certificate holder, this organisation shall justify that the information on which the evaluation is based is adequate either from its organisation's own resources or through an arrangement with the type-certificate or supplemental type-certificate holder, or manufacturer, as applicable.

21A.447 Record keeping

For each repair, all relevant design information, drawings, test reports, instructions and limitations possibly issued in accordance with 21A.443, justification for classification and evidence of the design approval, shall:

- (a) be held by the repair design approval holder at the disposal of the Agency, and
- (b) be retained by the repair design approval holder in order to provide the information necessary to ensure the continued airworthiness of the repaired products, parts or appliances.

21A.449 Instructions for continued airworthiness

- (a) The holder of the repair design approval shall furnish at least one complete set of those changes to the instructions for continued airworthiness which result from the design of the repair, comprising descriptive data and accomplishment instructions prepared in accordance with the applicable requirements, to each operator of aircraft incorporating the repair. The repaired product, part or appliance may be released into service before the changes to those instructions have been completed, but this shall be for a limited service period, and in agreement with the Agency. Those changes to the instructions shall be made available on request to any other person required to comply with any of the terms of those changes to the instructions. The availability of some manual or portion of the changes to the instructions for continued airworthiness, dealing with overhaul or other forms of heavy maintenance, may be delayed until after the product has entered into service, but shall be available before any of the products reaches the relevant age or flight — hours/cycles.
- (b) If updates to those changes to the instructions for continued airworthiness are issued by the holder of the repair design approval after the repair has been first approved, these updates shall be furnished to each operator and shall be made available on request to any other person required to comply with any of the terms of those changes to the instructions. A programme showing how updates to the changes to the instructions for continued airworthiness are distributed shall be submitted to the Agency.

21A.451 Obligations and EPA marking

- (a) Each holder of a major repair design approval shall:
1. undertake the obligations:
 - (i) laid down in 21A.3, 21A.3B, 21A.4, 21A.439, 21A.441, 21A.443, 21A.447 and 21A.449;
 - (ii) implicit in the collaboration with the type-certificate or supplemental type-certificate holder, or both, under 21A.433 (b), as appropriate.
 2. specify the marking, including EPA ('European Part Approval') letters, in accordance with 21A.804(a).
- (b) Except for type-certificate holders for which 21A.44 applies, the holder of a minor repair design approval shall:
1. undertake the obligations laid down in 21A.4, 21A.447 and 21A.449; and
 2. specify the marking, including EPA letters, in accordance with 21A.804(a).

(SUBPART N — NOT APPLICABLE)

SUBPART O — EUROPEAN TECHNICAL STANDARD ORDER AUTHORISATIONS**21A.601 Scope**

- (a) This Subpart establishes the procedure for issuing European Technical Standard Order authorisations and the rules governing the rights and obligations of applicants for, or holders of, such authorisations.
- (b) For the purpose of this Subpart:
1. 'article' means any part and appliance to be used on civil aircraft.
 2. 'European Technical Standard Order' (referred to in this Part as 'ETSO') is a detailed airworthiness specification issued by the Agency to ensure compliance with the essential requirements of the basic Regulation, and is a minimum performance standard for specified articles.
 3. An article produced under an ETSO authorisation is an approved article for the purpose of Subpart K.

21A.602A Eligibility

Any natural or legal person that produces or is preparing to produce an ETSO article, and that has demonstrated, or is in the process of demonstrating, its capability under 21A.602B shall be eligible as an applicant for an ETSO authorisation.

21A.602B Demonstration of capability

Any applicant for an ETSO authorisation shall demonstrate its capability as follows:

- (a) for production, by holding a production organisation approval, issued in accordance with Subpart G, or through compliance with Subpart F procedures; and
- (b) for design:
 - 1. for an Auxiliary Power Unit, by holding a design organisation approval, issued by the Agency in accordance with Subpart J;
 - 2. for all other articles, by using procedures setting out the specific design practices, resources and sequence of activities necessary to comply with this Part.

21A.603 Application

- (a) An application for an ETSO authorisation shall be made in a form and manner established by the Agency and shall include an outline of the information required by 21A.605.
- (b) When a series of minor changes in accordance with 21A.611 is anticipated, the applicant shall set forth in its application the basic model number of the article and the associated part numbers with open brackets after it to denote that suffix change letters or numbers (or combinations of them) will be added from time to time.

21A.604 ETSO Authorisation for an Auxiliary Power Unit (APU)

With regard to ETSO authorisation for an Auxiliary Power Unit:

- (a) 21A.15, 21A.16B, 21A.17, 21A.20, 21A.21, 21A.31, 21A.33, 21A.44 shall apply by way of derogation from 21A.603, 21A.606(c), 21A.610 and 21A.615, except that an ETSO Authorisation shall be issued in accordance with 21A.606 instead of the type-certificate;
- (b) Subpart D or Subpart E of this Part 21 is applicable for the approval of design changes by way of derogation from 21A.611. When Subpart E is used, a separate ETSO authorisation shall be issued instead of a supplemental type-certificate.

21A.605 Data requirements

The applicant shall submit the following documents, to the Agency:

- (a) A statement of compliance certifying that the applicant has met the requirements of this Subpart.
- (b) A Declaration of Design and Performance (DDP).
- (c) One copy of the technical data required in the applicable ETSO.
- (d) The exposition (or a reference to the exposition) referred to in 21A.143 for the purpose of obtaining an appropriate production organisation approval under Subpart G or the manual (or a reference to the manual) referred to in 21A.125(b) for the purpose of manufacturing under Subpart F without production organisation approval.
- (e) For an APU, the handbook (or a reference to the handbook) referred to in 21A.243 for the purpose of obtaining an appropriate design organisation approval under Subpart J.
- (f) for all other articles, the procedures referred to in 21A.602B(b)(2).

21A.606 Issue of ETSO authorisation

The applicant shall be entitled to have an ETSO authorisation issued by the Agency after:

- (a) demonstrating its capability in accordance with 21A.602B; and
- (b) demonstrating that the article complies with the technical conditions of the applicable ETSO, and submitting the corresponding statement of compliance.
- (c) showing that it is able to comply with 21A.3(b) and (c).

21A.607 ETSO authorisation privileges

The holder of an ETSO authorisation is entitled to produce and to mark the article with the appropriate ETSO marking.

21A.608 Declaration of Design and Performance (DDP)

- (a) The DDP shall contain at least the following information:
1. Information corresponding to 21A.31(a) and (b), identifying the article and its design and testing standard.
 2. The rated performance of the article, where appropriate, either directly or by reference to other supplementary documents.
 3. A statement of compliance certifying that the article has met the appropriate ETSO.
 4. Reference to relevant test reports.
 5. Reference to the appropriate Maintenance, Overhaul and Repair Manuals.
 6. The levels of compliance, where various levels of compliance are allowed by the ETSO.
 7. List of deviations accepted in accordance with 21A.610.
- (b) The DDP shall be endorsed with the date and signature of the holder of the ETSO authorisation, or its authorised representative.

21A.609 Obligations of holders of ETSO authorisations

The holder of an ETSO authorisation under this Subpart shall:

- (a) Manufacture each article in accordance with Subpart G or Subpart F that ensures that each completed article conforms to its design data and is safe for installation;
- (b) Prepare and maintain, for each model of each article for which an ETSO authorisation has been issued, a current file of complete technical data and records in accordance with 21A.613;
- (c) Prepare, maintain and update master copies of all manuals required by the applicable airworthiness specifications for the article;
- (d) Make available to users of the article and to the Agency on request those maintenance, overhaul and repair manuals necessary for the usage and maintenance of the article, and changes to those manuals;
- (e) Mark each article in accordance with 21A.807; and
- (f) Comply with 21A.3(b), (c), 21A.3B and 21A.4.
- (g) Continue to meet the qualification requirements of 21A.602B.

21A.610 Approval for deviation

- (a) Each manufacturer who requests approval to deviate from any performance standard of an ETSO shall demonstrate that the standards from which a deviation is requested are compensated for by factors or design features providing an equivalent level of safety.
- (b) The request for approval to deviate, together with all pertinent data, shall be submitted to the Agency.

21A.611 Design changes

- (a) The holder of the ETSO authorisation may make minor design changes (any change other than a major change) without further authorisation by the Agency. In this case, the changed article keeps the original model number (part number changes or amendments shall be used to identify minor changes) and the holder shall forward to the Agency any revised data that are necessary for compliance with 21A.603(b).
- (b) Any design change by the holder of the ETSO authorisation that is extensive enough to require a substantially complete investigation to determine compliance with an ETSO is a major change. Before making such a change, the holder shall assign a new type or model designation to the article and apply for a new authorisation under 21A.603.
- (c) No design change by any natural or legal person other than the holder of the ETSO authorisation who submitted the statement of compliance for the article is eligible for approval under this Subpart O unless the person seeking the approval applies under 21A.603 for a separate ETSO authorisation.

21A.613 Record keeping

Further to the record keeping requirements appropriate to or associated with the quality system, all relevant design information, drawings and test reports, including inspection records for the article tested, shall be held at the disposal of the Agency and shall be retained in order to provide the information necessary to ensure the continued airworthiness of the article and of the type-certificated product in which it is fitted.

21A.615 Inspection by the Agency

Upon a request of the Agency, each applicant for, or holder of an ETSO authorisation for an article shall allow the Agency to:

- (a) Witness any tests.
- (b) Inspect the technical data files on that article.

21A.619 Duration and continued validity

- (a) An ETSO authorisation shall be issued for an unlimited duration. It shall remain valid unless:
 - 1. The conditions required when ETSO authorisation was granted are no longer being observed; or
 - 2. The obligations of the holder specified in 21A.609 are no longer being discharged; or
 - 3. The article has proved to give rise to unacceptable hazards in service; or
 - 4. the authorisation has been surrendered or revoked under the applicable administrative procedures established by the Agency.
- (b) Upon surrender or revocation, the certificate shall be returned to the Agency.

21A.621 Transferability

Except for a change in ownership of the holder, which shall be regarded as a change of significance, and shall therefore comply with 21A.147 and 21A.247 as applicable, an ETSO authorisation issued under this Part is not transferable.

(SUBPART P — NOT APPLICABLE)

SUBPART Q — IDENTIFICATION OF PRODUCTS, PARTS AND APPLIANCES**21A.801 Identification of products**

- (a) The identification of products shall include the following information:
 - 1. Manufacturer's name.
 - 2. Product designation.
 - 3. Manufacturer's Serial number.
 - 4. Any other information the Agency finds appropriate.
- (b) Any natural or legal person that manufactures an aircraft or engine under Subpart G or Subpart F shall identify that aircraft or engine by means of a fireproof plate that has the information specified in paragraph (a) marked on it by etching, stamping, engraving, or other approved method of fireproof marking. The identification plate shall be secured in such a manner that it is accessible and legible, and will not likely be defaced or removed during normal service, or lost or destroyed in an accident.
- (c) Any natural or legal person that manufactures a propeller, propeller blade, or propeller hub under Subpart G or Subpart F shall identify it by means of a plate, stamping, engraving, etching or other approved method of fireproof identification that is placed on it on a non-critical surface, contains the information specified in paragraph (a), and will not likely be defaced or removed during normal service or lost or destroyed in an accident.
- (d) For manned free balloons, the identification plate prescribed in paragraph (b) shall be secured to the balloon envelope and shall be located, if practicable, where it is legible to the operator when the balloon is inflated. In addition, the basket and any heater assembly shall be permanently and legibly marked with the manufacturer's name, part number, or equivalent, and serial number, or equivalent.

21A.803 Handling of identification data

- (a) No person shall remove, change, or place identification information referred to in 21A.801(a) on any aircraft, engine, propeller, propeller blade, or propeller hub, or in 21A.807(a) on an APU, without the approval of the Agency.
- (b) No person shall remove or install any identification plate referred to in 21A.801, or in 21A.807 for an APU, without the approval of the Agency.
- (c) By way of derogation from paragraphs (a) and (b), any natural or legal person performing maintenance work under the applicable associated implementing rules may, in accordance with methods, techniques and practices established by the Agency:
 - 1. Remove, change, or place the identification information referred to in 21A.801(a) on any aircraft, engine, propeller, propeller blade, or propeller hub, or in 21A.807(a) on an APU; or
 - 2. Remove an identification plate referred to in 21A.801, or 21A.807 for an APU, when necessary during maintenance operations.
- (d) No person shall install an identification plate removed in accordance with subparagraph (c)(2) on any aircraft, engine, propeller, propeller blade, or propeller hub other than the one from which it was removed.

21A.804 Identification of parts and appliances

- (a) Each manufacturer of a part or appliance shall permanently and legibly mark the part or appliance with:
 - 1. a name, trademark, or symbol identifying the manufacturer; and
 - 2. the part number, as defined in the applicable design data; and
 - 3. the letters EPA (European Part Approval) for parts or appliances produced in accordance with approved design data not belonging to the type-certificate holder of the related product, except for ETSO articles.
- (b) By way of derogation from paragraph (a), if the Agency agrees that a part or appliance is too small or that it is otherwise impractical to mark a part or appliance with any of the information required by paragraph (a), the authorised release document accompanying the part or appliance or its container shall include the information that could not be marked on the part.

21A.805 Identification of critical parts

In addition to the requirement of 21A.804, each manufacturer of a part to be fitted on a type-certificated product which has been identified as a critical part shall permanently and legibly mark that part with a part number and a serial number.

21A.807 Identification of ETSO articles

- (a) Each holder of an ETSO authorisation under Subpart O shall permanently and legibly mark each article with the following information:
 - 1. The name and address of the manufacturer;
 - 2. The name, type, part number or model designation of the article;
 - 3. The serial number or the date of manufacture of the article or both; and
 - 4. The applicable ETSO number.
- (b) By way of derogation from paragraph (a), if the Agency agrees that a part is too small or that it is otherwise impractical to mark a part with any of the information required by paragraph (a), the authorised release document accompanying the part or its container shall include the information that could not be marked on the part.
- (c) Each person who manufactures an APU under Subpart G or Subpart F shall identify that APU by means of a fireproof plate that has the information specified in paragraph (a) marked on it by etching, stamping, engraving, or other approved method of fireproof marking. The identification plate shall be secured in such a manner that it is accessible and legible, and will not likely be defaced or removed during normal service, or lost or destroyed in an accident.

SECTION B

PROCEDURES FOR COMPETENT AUTHORITIES

SUBPART A — GENERAL PROVISIONS

21B.5 Scope

- (a) This Section establishes the procedure for the competent authority of the Member State when exercising its tasks and responsibilities concerned with the issuance, maintenance, amendment, suspension and revocation of certificates, approvals and authorisations referred to in this Part.
- (b) The Agency shall develop in accordance with Article 14 of the basic Regulation certification specifications and guidance material to assist Member States in the implementation of this Section.

21B.20 Obligations of the competent authority

Each competent authority of the Member State is responsible for the implementation of Section A, Subparts F, G, H and I only for applicants, or holders, whose principal place of business is in its territory.

21B.25 Requirements for the organisation of the competent authority

(a) General:

The Member State shall designate a competent authority with allocated responsibilities for the implementation of Section A, Subparts F, G, H and I with documented procedures, organisation structure and staff.

(b) Resources:

1. The number of staff shall be sufficient to perform the allocated tasks.
2. The competent authority of the Member State shall appoint a manager, or managers, who are responsible for the execution of the related task(s) within the authority, including the communication with the Agency and the other national authorities as appropriate.

(c) Qualification and training:

All staff shall be appropriately qualified and have sufficient knowledge, experience and training to perform their allocated task.

21B.30 Documented procedures

- (a) The competent authority of the Member State shall establish documented procedures to describe its organisation, means and methods to fulfil the requirements of this Part. The procedures shall be kept up to date and serve as the basic working documents within that authority for all related activities.
- (b) A copy of the procedures and their amendments shall be available to the Agency.

21B.35 Changes in organisation and procedures

- (a) The competent authority of the Member State shall notify any significant change in its organisation and documented procedures to the Agency.
- (b) The competent authority of the Member State shall update its documented procedures relating to any change to regulations in a timely manner to ensure effective implementation.

21B.40 Resolution of disputes

- (a) The competent authority of the Member State shall establish a process for the resolution of disputes within its organisation documented procedures.
- (b) Where a dispute, which cannot be resolved, exists between the competent authorities of the Member States it is the responsibility of the managers as defined in 21B.25(b)(2) to raise the issue with the Agency for mediation.

21B.45 Reporting/coordination

- (a) The competent authority of the Member State shall ensure coordination as applicable with other related certification, investigation, approval or authorisation teams of that authority, other Member States and the Agency to ensure efficient exchange of information relevant for safety of the products, parts and appliances.
- (b) The competent authority of the Member State shall notify any difficulty in the implementation of this Part to the Agency.

21B.55 Record keeping

The competent authority of the Member State shall keep, or maintain access to, the appropriate records related to the certificates, approvals and authorisations it has granted in accordance with the respective national regulations, and for which responsibility is transferred to the Agency, as long as these records have not been transferred to the Agency.

21B.60 Airworthiness directives

When the a competent authority of a Member State receives an airworthiness directive from the competent authority of a non-member State, that airworthiness directive shall be transferred to the Agency for dissemination in accordance with Article 15 of the basic Regulation.

SUBPART B — TYPE-CERTIFICATES AND RESTRICTED TYPE-CERTIFICATES

Administrative procedures established by the Agency shall apply.

(SUBPART C — NOT APPLICABLE)

SUBPART D — CHANGES TO TYPE-CERTIFICATES AND RESTRICTED TYPE-CERTIFICATES

Administrative procedures established by the Agency shall apply.

SUBPART E — SUPPLEMENTAL TYPE-CERTIFICATES

Administrative procedures established by the Agency shall apply.

SUBPART F — PRODUCTION WITHOUT PRODUCTION ORGANISATION APPROVAL**21B.120 Investigation**

- (a) The Competent Authority shall appoint an investigation team for each applicant for, or holder of, a letter of agreement to conduct all relevant tasks related to this letter of agreement, consisting of a team-leader to manage and lead the investigation team and, if required, one or more team members. The team-leader reports to the manager responsible for the activity, as defined in 21B.25 (b)(2).
- (b) The Competent Authority shall perform sufficient investigation activities for an applicant for, or holder of, a letter of agreement to justify recommendations for the issuance, maintenance, amendment, suspension or revocation of the letter of agreement.
- (c) The Competent Authority shall prepare procedures for the investigation of applicants for, or holders of, a letter of agreement as part of the documented procedures covering at least the following elements:
 - 1. evaluation of applications received;
 - 2. determination of investigation team;
 - 3. investigation preparation and planning;
 - 4. evaluation of the documentation (manual, procedures, etc.);
 - 5. auditing and inspection;
 - 6. follow up of corrective actions; and
 - 7. recommendation for issuance, amendment, suspension or revocation of the letter of agreement.

21B.130 Issue of letter of agreement

- (a) When satisfied that the manufacturer is in compliance with the applicable requirements of Section A, Subpart F, the Competent Authority shall issue a letter of agreement to the showing of conformity of individual products, parts or appliances (EASA Form 65, see Appendix) without undue delay.
- (b) The letter of agreement shall contain the scope of the agreement, a termination date and, where applicable, the appropriate limitations relating to the authorisation.
- (c) The duration of the letter of agreement shall not exceed one year.

21B.135 Maintenance of the letter of agreement

The Competent Authority shall maintain the letter of agreement as long as:

- (a) The manufacturer is properly using the EASA Form 52 (see Appendix) as a Statement of Conformity for complete aircraft, and the EASA Form 1 (see Appendix) for products other than complete aircraft, parts and appliances; and
- (b) Inspections performed by the Competent Authority of the Member State before validation of the EASA Form 52 (see Appendix) or the EASA Form 1 (see Appendix), as per 21A.130(c) and did not reveal any findings of non-compliance against the requirements or the procedures as contained in the manual provided by the manufacturer, or against the conformity of the respective products, parts or appliances. These inspections shall check at least that:
 - 1. The agreement covers the product, part or appliance being validated, and remains valid;
 - 2. The manual described in 21A.125(b) and its change status referred in the letter of agreement is used as basic working document by the manufacturer. Otherwise, the inspection shall not continue and therefore the release certificates shall not be validated;
 - 3. Production has been carried out under the conditions prescribed in the letter of agreement and satisfactorily performed;
 - 4. Inspections and tests (including flight tests, if appropriate), as per 21A.130(b)(2) and/or (b)(3), have been carried out under the condition prescribed in the letter of agreement and satisfactorily performed;
 - 5. The inspections by the Competent Authority described or addressed in the letter of agreement have been performed and found acceptable;
 - 6. The statement of conformity complies with 21A.130, and the information provided by it does not prevent its validation; and
- (c) Any termination date for the letter of agreement has not been reached.

21B.140 Amendment of a letter of agreement

- (a) The Competent Authority shall investigate, as appropriate, in accordance with 21B.120 any amendment of the letter of agreement.
- (b) When the Competent Authority is satisfied that the requirements of Section A, Subpart F continue to be complied with it shall amend the letter of agreement accordingly.

21B.143 Notification of findings

- (a) When objective evidence is found by the Competent Authority, showing non compliance of the holder of a letter of agreement with the applicable requirements of this Part, this finding shall be classified in accordance with 21A.125B and:
 - 1. A level one finding shall be notified to the holder of the letter of agreement immediately and shall be confirmed in writing within 3 working days after determination.
 - 2. A level two finding shall be confirmed in writing to the holder of the letter of agreement within 14 working days after determination.
- (b) The Competent Authority shall identify to the holder of the letter of agreement any level three finding, as defined in 21A.125B(b), by appropriate means, at its convenience.

21B.145 Suspension and revocation of a letter of agreement

- (a) In case of level one or level two findings, the Competent Authority shall partly or fully limit, suspend or revoke a letter of agreement as follows:
 - 1. In case of a level one finding the letter of agreement shall be immediately limited or suspended. If the holder of the letter of agreement fails to comply with 21A.125B(c)(1), the letter of agreement shall be revoked.
 - 2. In case of a level two finding, the Competent Authority shall decide on any restriction to the letter of agreement by temporary suspension of the letter of agreement or parts thereof. If the holder of the letter of agreement fails to comply with 21A.125B(c)(2), the letter of agreement shall be revoked.
- (b) The suspension or revocation of the letter of agreement shall be communicated in writing to the holder of the letter of agreement. The Competent Authority shall state the reasons for the limitation, suspension or revocation and inform the holder of the letter of agreement on its right to appeal.
- (c) When a letter of agreement has been suspended it shall only be reinstated after compliance with Section A, Subpart F has been re-established.

21B.150 Record keeping

- (a) The Competent Authority shall establish a system of record keeping that allows adequate traceability of the process to issue, maintain, amend, suspend or revoke each individual letter of agreement.
- (b) The records shall at least contain:
 - 1. the documents provided by the applicant for, or holder of, a letter of agreement,
 - 2. documents established during investigation and inspection, in which the activities and the final results of the elements defined in 21B.120 are stated,
 - 3. the letter of agreement, including changes, and
 - 4. minutes of the meetings with the manufacturer.
- (c) The records shall be archived for a minimum retention period of six years after termination of the letter of agreement.
- (d) The Competent Authority shall also maintain records of all Statements of Conformity (EASA Form 52, see Appendix) and Authorised Release Certificates (EASA Form 1, see Appendix) that it has validated.

SUBPART G — PRODUCTION ORGANISATION APPROVAL**21B.220 Investigation**

- (a) The Competent Authority shall appoint a production organisation approval team for each applicant, or holder of, a production organisation approval to conduct all relevant tasks related to this production organisation approval, consisting of a team leader to manage and lead the approval team and, if required, one or more team members. The team leader reports to the manager responsible for the activity as defined in 21B.25(b)(2).
- (b) The Competent Authority shall perform sufficient investigation activities for an applicant for, or holder of, a production organisation approval to justify recommendations for the issuance, maintenance, amendment, suspension or revocation of the approval.
- (c) The Competent Authority shall prepare procedures for the investigation of a production organisation approval as part of the documented procedures covering at least the following elements:
 - 1. evaluation of applications received;
 - 2. determination of production organisation approval team;
 - 3. investigation preparation and planning;
 - 4. evaluation of the documentation (production organisation exposition, procedures, etc.);
 - 5. auditing;
 - 6. follow up of corrective actions;
 - 7. recommendation for issuance, amendment, suspension or revocation of production organisation approval;
 - 8. continued surveillance.

21B.225 Notification of findings

- (a) When objective evidence is found showing non compliance of the holder of a production organisation approval with the applicable requirements of this Part, this finding shall be classified in accordance with 21A.158(a) and:
 - 1. A level one finding shall be notified to the holder of a production organisation approval immediately and shall be confirmed in writing within 3 working days after determination.
 - 2. A level two finding shall be confirmed in writing to the holder of the production organisation approval within 14 working days after determination.
- (b) The Competent Authority shall identify to the holder of the production organisation approval any level three finding, as defined in 21A.158(b), by appropriate means, at its convenience.

21B.230 Issue of certificate

- (a) When satisfied that the production organisation is in compliance with the applicable requirements of Section A, Subpart G, the Competent Authority shall issue a Production Organisation Approval (EASA Form 55, see Appendix) without undue delay.
- (b) The reference number shall be included on the EASA Form 55 in a manner specified by the Agency.

21B.235 Continued surveillance

- (a) In order to justify the maintenance of the production organisation approval the Competent Authority competent authority shall perform continued surveillance:
 - 1. to verify that the production organisation approval holder's quality system still complies with Section A, Subpart G; and
 - 2. to verify that the organisation of the production organisation approval holder operates in accordance with the production organisation exposition; and
 - 3. to verify the effectiveness of the production organisation exposition procedures; and
 - 4. to monitor by sample the standards of the product, part or appliance.
- (b) Continued surveillance shall be performed in accordance with 21B.220.
- (c) The Competent Authority shall provide through planned continued surveillance that a production organisation approval is completely reviewed for compliance with this Part during a period of 24 months. The continued surveillance may be made up of several investigation activities during this period. The number of audits may vary depending upon the complexity of the organisation, the number of sites and the criticality of the production. As a minimum the holder of a production organisation approval shall be subject to continued surveillance activity by the Competent Authority at least once every year.

21B.240 Amendment of a production organisation approval

- (a) The Competent Authority shall monitor any minor change through the continued surveillance activities.
- (b) The Competent Authority shall investigate as appropriate in accordance with 21B.220 any significant change of a production organisation approval or application by the holder of a production organisation approval for an amendment of the scope and terms of approval.
- (c) When the Competent Authority is satisfied that the requirements of Section A, Subpart G continue to be complied with it shall amend the production organisation approval accordingly.

21B.245 Suspension and revocation of a production organisation approval

- (a) In case of a level one or level two finding, the Competent Authority shall partly or fully limit, suspend or revoke a production organisation approval as follows:
 - 1. In case of a level one finding the production organisation approval shall be immediately limited or suspended. If the holder of the production organisation approval fails to comply with 21A.158(c)(1), the production organisation approval shall be revoked.
 - 2. In case of a level two finding, the Competent Authority shall decide on any restriction to the scope of approval by temporary suspension of the production organisation approval or parts thereof. If the holder of a production organisation approval fails to comply with 21A.158(c)(2), the production organisation approval shall be revoked.

- (b) The limitation, suspension or revocation of the production organisation approval shall be communicated in writing to the holder of the production organisation approval. The Competent Authority shall state the reasons for the suspension or revocation and inform the holder of the production organisation approval on its right to appeal.
- (c) When a production organisation approval has been suspended it shall only be reinstated after compliance with Section A, Subpart G has been re-established.

21B.260 Record keeping

- (a) The Competent Authority shall establish a system of record keeping that allows adequate traceability of the process to issue, maintain, amend, suspend or revoke each individual production organisation approval.
- (b) The records shall at least contain:
 - 1. the documents provided by the applicant for, or holder of, a production organisation approval certificate,
 - 2. documents established during the investigation, in which the activities and the final results of the elements defined in 21B.220 are stated, including findings established in accordance with 21B.225
 - 3. the continued surveillance programme, including records of investigations performed
 - 4. the production organisation approval certificate, including changes
 - 5. minutes of the meetings with the holder of the production organisation approval.
- (c) The records shall be archived for a minimum retention period of six years.

SUBPART H — AIRWORTHINESS CERTIFICATES

21B.320 Investigation

- (a) The competent authority of the Member State of registry shall perform sufficient investigation activities for an applicant for, or holder of, an airworthiness certificate to justify the issuance, maintenance, amendment, suspension or revocation of the certificate or permit.
- (b) The competent authority of the Member State of registry shall prepare evaluation procedures covering at least the following elements:
 - 1. evaluation of eligibility of the applicant;
 - 2. evaluation of the eligibility of the application;
 - 3. classification of airworthiness certificates;
 - 4. evaluation of the documentation received with the application;
 - 5. inspection of aircraft;
 - 6. determination of necessary conditions, restrictions or limitations to the airworthiness certificates.

21B.325 Issue of airworthiness certificates

- (a) The competent authority of the Member State of registry shall, as applicable, issue, or amend a Certificate of Airworthiness (EASA Form 25, see Appendix), Restricted Certificate of Airworthiness (EASA Form 24, see Appendix) or Permit to Fly (EASA Form 20, see Appendix) without undue delay when it is satisfied that the applicable requirements of Section A, Subpart H are met.
- (b) In addition to an airworthiness certificate for a new aircraft or used aircraft originating from a non-member State, the competent authority of the Member State of registry shall issue an initial airworthiness review certificate (EASA Form 15a, see Appendix).

21B.330 Suspension and revocation of airworthiness certificates

- (a) Upon evidence that any of the conditions specified in 21A.181(a) is not met, the competent authority of the Member State of registry shall suspend or revoke an airworthiness certificate.
- (b) Upon issuance of the notice of suspension and revocation of a certificate of airworthiness, restricted certificate of airworthiness or permit to fly the competent authority of the Member State of registry shall state the reasons for the suspension or revocation and inform the holder of the certificate or permit on its right to appeal.

21B.345 Record keeping

- (a) The competent authority of the Member State of registry shall establish a system of record keeping that allows adequate traceability of the process to issue, maintain, amend, suspend or revoke each individual airworthiness certificate.
- (b) The records shall at least contain:
 - 1. the documents provided by the applicant,
 - 2. documents established during the investigation, in which the activities and the final results of the elements defined in 21B.320(b) are stated, and
 - 3. a copy of the certificate or permit, including amendments.
- (c) The records shall be archived for a minimum retention period of six years after leaving that national register.

SUBPART I — NOISE CERTIFICATES**21B.420 Investigation**

- (a) The competent authority of the Member State of registry shall perform sufficient investigation activities for an applicant for, or holder of, a noise certificate to justify the issuance, maintenance, amendment, suspension or revocation of the certificate.
- (b) The competent authority of the Member State of registry shall prepare evaluation procedures as part of the documented procedures covering at least the following elements:
 - 1. evaluation of eligibility;
 - 2. evaluation of the documentation received with the application;
 - 3. inspection of aircraft.

21B.425 Issue of noise certificates

The competent authority of the Member State of registry shall, as applicable, issue, or amend noise certificates (EASA Form 45, see Appendix) without undue delay when it is satisfied that the applicable requirements of Section A, Subpart I are met.

21B.430 Suspension and revocation of a noise certificate

- (a) Upon evidence that some of the conditions specified in 21A.211(a) are not met, the competent authority of the Member State of registry shall suspend or revoke a noise certificate.
- (b) Upon issuance of the notice of suspension and revocation of a noise certificate the competent authority of the Member State of registry shall state the reasons for the suspension and revocation and shall inform the holder of the certificate on its right to appeal.

21B.445 Record keeping

- (a) The competent authority of the Member State of registry shall establish a system of record keeping with minimum retention criteria that allows adequate traceability of the process to issue, maintain, amend, suspend or revoke each individual noise certificate.
- (b) The records shall at least contain:
 - 1. the documents provided by the applicant,
 - 2. documents established during the investigation, in which the activities and the final results of the elements defined in 21B.420(b) are stated,
 - 3. a copy of the certificate including amendments.
- (c) The records shall be archived for a minimum retention period of six years after leaving that national register.

SUBPART J — DESIGN ORGANISATION APPROVAL

Administrative procedures established by the Agency shall apply.

SUBPART K — PARTS AND APPLIANCES

Administrative procedures established by the Agency shall apply.

(SUBPART L — NOT APPLICABLE)

SUBPART M — REPAIRS

Administrative procedures established by the Agency shall apply.

(SUBPART N — NOT APPLICABLE)

SUBPART O — EUROPEAN TECHNICAL STANDARD ORDER AUTHORISATIONS

Administrative procedures established by the Agency shall apply.

(SUBPART P — NOT APPLICABLE)

SUBPART Q — IDENTIFICATION OF PRODUCTS, PARTS AND APPLIANCES

Administrative procedures established by the Agency shall apply.

Appendices

EASA FORMS

When the Forms of this Annex are issued in a language other than English they shall include an English translation.

The EASA ('European Aviation Safety Agency') Forms referred to in the appendices to this Part shall have the following obligatory features. Member States shall ensure that the EASA Forms they issue are recognisable and shall be responsible for having those Forms printed.

Appendix I — EASA Form 1 Authorised release Certificate

Appendix II — EASA Form 15a Airworthiness Review Certificate

Appendix III — EASA Form 20 Permit to Fly

Appendix IV — EASA Form 24 Restricted Certificate of Airworthiness

Appendix V — EASA Form 25 Certificate of Airworthiness

Appendix VI — EASA Form 45 Noise Certificate

Appendix VII — EASA Form 52 Aircraft Statement of Conformity

Appendix VIII — EASA Form 53 Certificate of Release to Service

Appendix IX — EASA Form 55 Production Organisation Approval Certificate

Appendix X — EASA Form 65 Letter of Agreement [Production without POA]

1. Approving Competent Authority/Country		AUTHORISED RELEASE CERTIFICATE EASA FORM 1				3. Form Tracking Number	
4. Approved Organisation Name and Address:		5. Work Order/Contract/Invoice					
6. Item	7. Description	8. Part No	9. Eligibility (*)	10. Quantity	11. Serial/Batch No	12. Status/Work	
13. Remarks Part M Section A Subpart F organisation approval number: AAA RRR XXXX							
14. Certifies that the items identified above were manufactured in conformity to: <input type="checkbox"/> approved design data and are in condition for safe operation <input type="checkbox"/> non-approved design data specified in block 13		19. <input type="checkbox"/> Part-145.A.50 Release to Service <input type="checkbox"/> Other regulation specified in block 13 Certifies that unless otherwise specified in block 13, the work identified in block 12 and described in block 13, was accomplished in accordance with Part-145 and in respect to that work the items are considered ready for release to service.					
15. Authorised Signature	16. Approval/ Authorisation Number		20. Authorised Signature		21. Certificate/Approval Ref. No		
17. Name	18. Date (d/m/y)		22. Name		23. Date (d/m/y)		

AUTHORISED RELEASE CERTIFICATE — EASA FORM 1 (reverse side)

USER/INSTALLER RESPONSIBILITIES

NOTE:

1. It is important to understand that the existence of the document alone does not automatically constitute authority to install the part/component/assembly.
2. Where the user/installer works in accordance with the national regulations of an airworthiness authority different from the airworthiness authority specified in block 1 it is essential that the user/installer ensure that his/her airworthiness authority accepts parts/ components/ assemblies from the airworthiness authority specified in block 1.
3. Statements 14 and 19 do not constitute installation certification. In all cases the aircraft maintenance record shall contain an installation certification issued in accordance with the national regulations by the user/installer before the aircraft may be flown.

AUTHORISED RELEASE CERTIFICATE — EASA FORM 1**COMPLETION INSTRUCTIONS**

These instructions relate only to the use of the EASA Form 1 for manufacturing purposes. Attention is drawn to Appendix I to Part 145 which covers the use of the EASA Form 1 for maintenance purposes.

1. PURPOSE AND SCOPE

Under Part 21 Subpart G, the primary purpose of the certificate is to release products, parts, appliances (hereafter referred to as 'item(s)') and/or materials as identified in Blocks 7 through 11 as applicable after manufacture, or to release maintenance work carried out on items under the approval of the Competent Authority. The Certificate referenced EASA Form 1 is called the Authorised Release Certificate.

The Certificate is to be used for import purposes, as well as for domestic and intra-Community purposes, and serves as an official certificate for the delivery of items from the manufacturer to users. The Certificate is not a delivery or shipping note.

It may only be issued by organisations certificated by the Competent Authority under Part 21 Subpart G, within the scope of such an approval. Aircraft are not to be released using the Certificate.

A mixture of 'New' and 'Used' items is not permitted on the same Certificate.

A mixture of items certified in conformity with 'approved data' and to 'non-approved data' is not permitted on the same Certificate, and consequently only one box in Block 14 can be ticked.

A mixture of parts released under Subparts G and F of Part 21 is not permitted on the same Certificate.

2. GENERAL

The Certificate must comply with the format attached including block numbers and the location of each Block. The size of each Block may however be varied to suit the individual application, but not to the extent that would make the Certificate unrecognisable. The overall size of the Certificate may be significantly increased or decreased so long as the Certificate remains recognisable and legible. If in doubt consult the Competent Authority.

Please note that the User responsibility statements are normally placed on the reverse of this Certificate, but they may be added to the front of the Certificate by reducing the depth of the form.

All printing must be clear and legible to permit easy reading.

The Certificate may either be pre-printed or computer generated but in either case the printing of lines and characters must be clear and legible. Pre-printed wording is permitted in accordance with the attached model but no other certification statements are permitted. English, and where relevant, one or more of the official language(s) of the issuing Member State are acceptable.

The details to be entered on the Certificate may be either machine/computer printed or hand-written using block letters, and must permit easy reading. Abbreviations must be restricted to a minimum.

The space remaining on the reverse side of the Certificate may be used by the originator for any additional information but must not include any certification statement.

The original Certificate must accompany the items and correlation must be established between the Certificate and the item(s). A copy of the Certificate must be retained by the organisation that manufactured the item. Where the Certificate format and the data is entirely computer generated, subject to acceptance by the Competent Authority, it is permissible to retain the Certificate format and data on a secure database.

There is no restriction in the number of copies of the Certificate sent to the customer or retained by the originator.

The Certificate that accompanies the item may be attached to the item by being placed in an envelope for durability.

3. COMPLETION OF THE RELEASE CERTIFICATE BY THE ORIGINATOR

Except as otherwise stated, there must be an entry in all Blocks to make the document a valid certificate.

Block 1 The Member State of the Competent Authority issuing the Approval under which the certificate is issued as referenced in Block 16. When the Competent Authority is the Agency, 'EASA' must be stated. These names may be pre-printed.

Block 2 Pre-printed 'Authorised Release Certificate/EASA Form 1'.

Block 3 A unique number must be pre-printed in this Block for Certificate control and traceability purposes except that in the case of a computer generated document, the unique number need not be pre-printed where the computer is programmed to produce the number.

Block 4 The information in this Block needs to satisfy two objectives:

1. to relate the Certificate to an organisation approval, for the purposes of verifying authenticity and authority of the Certificate;
2. to provide a ready means of rapidly identifying the place of manufacture and release, to facilitate traceability and communication in the event of problems or queries.

Therefore, the name entered in the box is that of the organisation approval holder who is responsible for making the final determination of conformity or airworthiness, and whose Approval Reference Number is quoted in Block 16. The name must be entered in exactly the same form as appears in the Approval Certificate held by the organisation.

The address(es) entered in Block 4 will assist in the identification of the approval holder AND in identifying the place of release.

If the place of manufacture and release is one of the organisation addresses listed on the Approval Certificate, then that is the only address needed in this Block.

If the place of manufacture and release is a location which is NOT listed in the Approval Certificate then two addresses are required. The first address will be the address of the approval holder (as listed in the Approval Certificate) and a second address entered to identify the place of manufacture and release.

This Block may be pre-printed. Logo of the POA holder, etc., is permitted if it can be contained within the Block.

Block 5 The purpose is to reference work order/ contract/invoice or any other internal organisational process such that a fast traceability system can be established. The use of the Block for such traceability is strongly recommended in the absence of item Serial Numbers or batch numbers. When not used, state N/A.

Block 6 The Block is provided for the convenience of the organisation issuing the Certificate to permit easy cross-reference to the 'Remarks' Block 13 by the use line item numbers. Block 6 must be completed where there is more than one line item.

Where a number of items are to be released on the Certificate, it is permissible to use a separate listing cross-referring Certificate and list to each other.

Block 7 The name or description of the item must be given. Preference must be given to use of the Illustrated Parts Catalogue (IPC) designation. The description is to include reference to any applicable ETSO authorisations or EPA marking.

Block 8 State the Part Number. Preference must be given to use of the IPC number designation.

Block 9 Used to indicate the type-approved applications for which the released items are eligible for installation, based on the information provided by the design approval holder by virtue of the arrangement described in 21A.4 and 21A.133(b) and (c). The following entries are permitted:

- (a) At least one specific or series aircraft, propeller, or engine model as identified by the design approval holder. In case of engine or propeller release, state the aircraft approved applications, or, if application is not specific, state 'type-certificated engine/propeller'. In case of ETSO article state either the type-approved applications or 'ETSO article'. In case of items to be installed in an ETSO article, state the ETSO article part number.
- (b) 'None', to be used only when it is known that the items do not yet have a type-approved application, for example: pending type-certificate, for test only, pending approved data. If this category is used, then appropriate explanatory information must be provided in Block 13 and new items may only be released for Conformity purposes.
- (c) 'Various' if known by virtue of the arrangements under 21A.133(b) and (c) to be eligible for installation on multiple type approved products, according to a procedure approved by the Competent Authority in charge of the POA surveillance.

In the case of multiple type-approved application it is acceptable for this Block to contain cross reference to an attached document which lists such applications.

Any information in Block 9 does not constitute authority to fit the item to a particular aircraft, engine or propeller. The User/Installer must confirm via documents such as the Parts Catalogue, Service Bulletins, etc., that the item is eligible for the particular installation.

Any information in Block 9 does not necessarily mean that the product, parts or appliances are only eligible for installation on the listed model(s). Nor does it guarantee that the product, parts or appliances are eligible for installation on all entries in Block 9. Eligibility may be affected by modification or configuration changes.

Where a part is identified by the design holder in accordance with officially recognised Standards, then the part is considered a Standard Part and release with a EASA Form 1 is not necessary. However where a POA holder releases a standard part with a EASA Form 1 then it must be able to demonstrate that it is in control of the manufacture of that part.

Block 10 State the quantity of items being released.

Block 11 State the items Serial Number or Batch Number if applicable. If neither is applicable, state 'N/A'.

Block 12 Enter one or a combination of appropriate standard words from the following table. The table lists, in quotes, the standard words permitted for use when releasing new items prior to entry into service, i.e. the items have not been previously used in operational service. It also details the circumstances and conditions under which they may be used. In all cases the certification rules relating to Block 14 apply, the appropriate box is to be marked, and Block 15 is to be signed.

TABLE OF STANDARD WORDS FOR NEW PARTS

1. 'MANUFACTURED'

- (a) The production of a new item in conformity with the applicable design data, or
- (b) Re-certification by the original manufacturer after rectification work on an item, previously released under paragraph 1(a), which has been found to be unserviceable prior to entry into service, e.g., defective, in need of inspection or test, or shelf life expired. Details of the original release and the rectification work are to be entered in Block 13, or re-certification of new items from conformity purpose to airworthiness purpose at the time of approval of the applicable design data, provided that the items conform to the approved design data. An explanation of the basis of release and details of the original release are to be entered in Block 13.

2. 'INSPECTED'/'TESTED'

The examination of a previously released new item:

- (a) to establish conformity with the applicable design data, or
- (b) in accordance with a customer-specified standard or specification, details of which are to be entered in Block 13, or
- (c) to establish serviceability and condition for safe operation prior to re-release as a spare, where the item has been obtained with an EASA Form 1. An explanation of the basis of release and details of the original release are to be entered in Block 13.

3. 'MODIFIED'

The alteration, by the original manufacturer, of a previously released item prior to entry into service. Details of the alteration and the original release are to be entered in Block 13.

The above statements must be supported by reference to the approved data/ manual/specification. Such information shall be identified in either Block 12 or 13.

Block 13 It is necessary to state any information in this Block, either directly or by reference to supporting documentation, that identifies particular data or limitations relating to the item being released that are necessary for the User/Installer to make the final airworthiness determination of the item. The information must be clear, complete, and provided in a form and manner which is adequate for the purpose of making such a determination.

Each statement must be clearly identified as to which item it relates.

If there is no statement, state 'None'.

Examples of conditions which would necessitate statements in Block 13 are:

- when the certificate is used for conformity purposes the following statement must be entered at the beginning of Block 13:

'ONLY FOR CONFORMITY, NOT ELIGIBLE FOR INSTALLATION ON IN-SERVICE TYPE-CERTIFICATED AIRCRAFT/ENGINE/PROPELLER';

- when the design data is not approved by the Agency, then the competent authority of the third country responsible for the approval of the design data must be identified and the following statement must be entered together with a reference identifying the approval:

'Design data approved by <identify the responsible competent authority of a third country and the approval reference>';

- re-certification of new items from conformity purpose to airworthiness purpose at the time of approval of the applicable design data, provided that the items conform to the approved design data.

Provided that no change in design has occurred during the design data approval process, the manufacturer may state that the design data has been approved and that provided the specific component is still in the condition it was when it was shipped to the user/installer, the component is now eligible to be installed. The manufacturer must make this statement on a second EASA Form 1 where in addition to any other necessary remarks, appropriate explanatory information must be provided. The following wording must be used: 'RE-CERTIFICATION OF NEW PARTS FROM CONFORMITY TO AIRWORTHINESS: THIS DOCUMENT ONLY CERTIFIES THE APPROVAL OF THE DESIGN DATA TO WHICH THIS ITEM (THESE ITEMS) WERE MANUFACTURED, BUT DOES NOT COVER CONFORMITY/CONDITION AFTER RELEASE OF THE INITIAL EASA FORM 1 REF.....'.

EASA Form 1 (both for 'Conformity purposes' and for 'Airworthiness purposes') must be generated by the same organisation, i.e., the original manufacturer or prime manufacturer, whichever raised the original EASA Form 1 for Conformity purposes.

- When the certificate is not issued under Part 21, the following statement must be used:

This certificate has been issued under...[applicable rules other than Part 21]'.

- For complete engines and propellers the applicable type-certificate must be referenced.
- For complete engines and propellers, any additional export statement required by the importing country, as normally defined in the type-certificate data sheet.
- For complete engines, a statement of compliance with the applicable emissions requirements current at the date of manufacture of the engine.
- For ETSO articles, state the applicable ETSO authorisation number.
- Usage restriction for repaired items.
- Modification standard.
- Alternative approved items supplied.
- Concessions applicable.
- Non-compliance with certification specifications.
- Details of repair work carried out or reference to a document where this is stated.
- Compliance with, or non-compliance with airworthiness directives or Service Bulletins.
- Information on life limited items.
- Condition of items or reference to a document detailing this information.
- Manufacturing date or cure date.
- Shelf life data.
- Shortages.
- Time Since New (TSN), Time Since Overhaul (TSO), etc.
- Exceptions to the notified special requirements of the importing country.
- Specially configured to meet the notified special requirements of the importing country.
- Re-certification of previously released 'new' items.

Block 14 This Block may only be used to indicate the status of new items.

The main purpose of the Certificate is to release items for airworthiness purposes, which means conformity with approved design data and in condition for safe operation.

This airworthiness certification is considered by the EU to be valid world-wide unless there are specific notified import conditions.

When using an EASA Form 1 issued for airworthiness purposes to satisfy such notified import conditions, compliance with these import conditions is certified according to bilateral agreement or other working arrangement. As the P/N is stated in Block 8 and compliance with any specific import conditions is entered in Block 13, 'approved' then means approved by the competent authority of the importing country.

The certificate may also be used as a Conformity Certificate when items conform to applicable design data which are not approved for a reason which is stated in Block 13 (e.g., pending type-certificate, for test only, pending approved data).

In this case the following additional statement must be entered at the beginning of Block 13 itself and not in a separate document: 'ONLY FOR CONFORMITY, NOT ELIGIBLE FOR INSTALLATION ON IN-SERVICE TYPE-CERTIFICATED AIRCRAFT/ENGINE/PROPELLER'.

Mixtures of items released for Airworthiness and for Conformity purposes are not permitted in the same certificate. Also refer to the notes for completion of Block 9.

Block 15 The hand-written normal signature of a person who has written authority from an approved production organisation to make Certifications in respect of new items. Use of a stamp instead of a signature is not permitted, but the authorised person may add a stamp impression to his or her signature to aid recognition. Subject to the agreement of the Competent Authority in any particular case, computer-generated signatures are permitted if it can be demonstrated that an equivalent level of control, traceability and accountability exists. (See AMC 21A.163(c) for computer generated signature).

Block 16 State the full authorisation reference given by the Competent Authority to the organisation releasing the new items.

Block 17 The name of the person signing Block 15, printed, typed, or written in a legible form.

Block 18 The date on which Block 15 is signed, in the format day/month/year. The month must be stated in letters (sufficient letters must be used so there can be no ambiguity as to the month intended).

Block 19 Not used and strike out for release of new items.

Block 20 Not used and strike out for release of new items.

Block 21 Not used and strike out for release of new items.

Block 22 Not used and strike out for release of new items.

Block 23 Not used and strike out for release of new items.

MEMBER STATE

a member of the

European Aviation Safety Agency

AIRWORTHINESS REVIEW CERTIFICATE

ARC REFERENCE:

Pursuant to Regulation (EC) No 1592/2002 of the European Parliament and of the Council for the time being in force, the Member State hereby certifies that the following aircraft:

Aircraft manufacturer:

Manufacturer's designation of aircraft:

Aircraft type:

Aircraft registration:

Aircraft serial Number:

is considered to be airworthy at the time of the issue.

Date of issue:

Date of expiry:

Signed:

Authorisation No:

Competent authority LOGO

PERMIT TO FLY

(*)	
Competent authority of a Member State of registry granted by virtue of Regulation (EC) No 1592/2002 hereby permit noted aircraft to fly within the Member State under conditions listed below. This permit is also valid for flight to and within other States provided separate approval is obtained from the competent authorities of such States.	1. Nationality and registration marks
2. Aircraft manufacturer/type	3. Serial number
4. The permit covers	
5. Limitations/Remarks	
6. Place and date of issue	7. Signature of the competent authority representative

EASA Form 20

This permit shall be carried on board during all flights

(*) For use by State of registry.

RESTRICTED CERTIFICATE OF AIRWORTHINESS

(*)	(Member State of registry) (Issuing Authority)	(*)
1. Nationality and registration marks	2. Manufacturer and manufacturer's designation of aircraft	3. Aircraft serial number
4. Categories		
5. This Certificate of Airworthiness is issued pursuant to (**) [the Convention on International Civil Aviation dated 7 December 1944] and Regulation (EC) No 1592/2002, Article 5(3)(b) in respect of the abovementioned aircraft which is considered to be airworthy when maintained and operated in accordance with the foregoing and the pertinent operating limitations. In addition to above the following restrictions apply: (**) [The aircraft may be used in international navigation notwithstanding above restrictions]. Date of issue: Signature: 6. This Certificate of Airworthiness is valid unless revoked by the competent authority of the Member State of registry. A current Airworthiness Review Certificate shall be attached to this Certificate.		

EASA Form 24

This permit shall be carried on board during all flights

(*) For use by State of registry.
(**) Delete as applicable.

EASA LOGO

Competent authority LOGO

CERTIFICATE OF AIRWORTHINESS

(*)	(Member State of registry) (Issuing Authority)	(*)
1. Nationality and registration marks	2. Manufacturer and manufacturer's designation of aircraft	3. Aircraft serial number
4. Categories		
5. This Certificate of Airworthiness is issued pursuant to the Convention on International Civil Aviation dated 7 December 1944 and Regulation (EC) No 1592/2002, Article 5(3)(c) in respect of the abovementioned aircraft which is considered to be airworthy when maintained and operated in accordance with the foregoing and the pertinent operating limitations. Date of issue: _____ Signature: _____ Limitations/Remark: _____		
6. This Certificate of Airworthiness is valid unless revoked by the competent authority of the Member State of registry. A current Airworthiness Review Certificate shall be attached to this Certificate.		

EASA Form 25

This permit shall be carried on board during all flights

(*) For use by State of registry.

For use by State of registry	1. State of registry	2. Document Number:		
NOISE CERTIFICATE				
3. Nationality and registration marks	4. Manufacturer and Manufacturer's Designation of Aircraft		5. Aircraft Serial Number	
6. Engine		7. Propeller (*)		
8. Maximum Take-Off Mass (kg)	9. Maximum Landing Mass (kg) (*)	10. Noise Standard		
11. Additional modifications incorporated for the purpose of compliance with the applicable noise certification standards				
12. Lateral/Full-Power Noise Level (*)	13. Approach Noise Level (*)	14. Flyover Noise Level (*)	15. Overflight Noise Level (*)	16. Take-Off Noise Level (*)
Remarks				
17. This Noise Certificate is issued pursuant to Annex 16, Volume I to the Convention on International Civil Aviation dated Dec. 7, 1944 and Regulation (EC) No 1592/2002, Article 6 in respect of the abovementioned aircraft, which is considered to comply with the foregoing noise standard when maintained and operated in accordance with the relevant requirements and operating limitations.				
18. Date of issue		19. Signature		

EASA Form 45

(*) These boxes may be omitted depending on Chapter of certification.

AIRCRAFT STATEMENT OF CONFORMITY		
1. State of manufacture	2. Competent authority of a Member State of the European Union or EASA	3. Statement Ref. No
4. Organisation		
5. Aircraft Type	6. Type-certificate Refs:	
7. Aircraft Registration Or Mark	8. Manufacturers Identification No	
9. Engine/Propeller Details (*)		
10. Modifications and/or Service Bulletins (*)		
11. Airworthiness Directives		
12. Concessions		
13. Exemptions, Waivers or Derogations (*)		
14. Remarks		
15. Certificate of Airworthiness		
16. Additional Requirements		
17. Statement of Conformity It is hereby certified that this aircraft confirms fully to the type-certificated design and to the items above in boxes 9, 10, 11, 12 and 13. The aircraft is in a condition of safe operation. The aircraft has been satisfactorily tested in flight.		
18. Signed	19. Name	20. Date (d/m/y)
21. Production Organisation Approval Reference		

EASA Form 52

(*) Delete as applicable.

AIRCRAFT STATEMENT OF CONFORMITY — EASA FORM 52**COMPLETION INSTRUCTIONS**

For the purpose of Part 21 Section A Subpart F, Statement of Conformity means the EASA Form 52 for complete aircraft or the EASA Form 1 for other products, parts, appliances and/or materials.

Authorised person means a person identified as signatory in the Manual accepted by the Competent Authority and provided in accordance with 21A.125(b).

Responsible position means a position held by a person with terms of reference which include responsibility for product conformity, and who has sufficient authority to prevent the release of items which do not conform to the applicable design data and/or are not in condition for safe operation.

1. PURPOSE AND SCOPE

Use of the aircraft Statement of Conformity issued by a manufacturer producing under Part 21 Section A Subpart F is described under 21A.130 and the corresponding acceptable means of compliance.

The purpose of the aircraft Statement of Conformity (EASA Form 52) issued under Part 21 Section A Subpart G is to enable the holder of an appropriate production organisation approval to exercise the privilege to obtain an individual aircraft certificate of airworthiness from the competent authority of the Member State of registry.

2. GENERAL

The Statement of Conformity must comply with the format attached including block numbers and the location of each Block. The size of each Block may however be varied to suit the individual application, but not to the extent that would make the Statement of Conformity unrecognisable. If in doubt consult the Competent Authority.

The Statement of Conformity must either be pre-printed or computer generated but in either case the printing of lines and characters must be clear and legible. Pre-printed wording is permitted in accordance with the attached model but no other certification statements are permitted.

Completion may be either machine/computer printed or hand-written using block letters to permit easy reading. English, and where relevant, one or more of the official language(s) of the issuing Member State are acceptable.

A copy of the Statement and all referenced attachments are to be retained by the approved production organisation.

3. COMPLETION OF THE STATEMENT OF CONFORMITY BY THE ORIGINATOR

There should be an entry in all Blocks to make the document a valid statement.

A Statement of Conformity may not be issued to the competent authority of the Member State of registry unless the design of the aircraft and its installed products are approved.

The information required in Blocks 9, 10, 11, 12, 13 and 14 may be by reference to separate identified documents held on file by the production organisation, unless the Competent Authority agrees otherwise.

This Statement of Conformity is not intended to include those items of equipment that may be required to be fitted in order to satisfy applicable operational rules. However, some of these individual items may be included in Block 10 or in the approved type design. Operators are therefore reminded of their responsibility to ensure compliance with the applicable operational rules for their own particular operation.

Block 1 Enter name of the State of manufacture.

Block 2 The Competent Authority under which authority the Statement of Conformity is issued.

Block 3 A unique serial number should be pre-printed in this Block for Statement control and traceability purposes. Except that in the case of a computer generated document the number need not be pre-printed where the computer is programmed to produce and print a unique number.

Block 4 The full name and location address of the organisation issuing the statement. This Block may be pre-printed. Logos etc. are permitted if the logo can be contained within the Block.

Block 5 The aircraft type in full as defined in the type-certificate and its associated data sheet.

Block 6 The type-certificate reference numbers and issue for the subject aircraft.

Block 7 If the aircraft is registered then this mark will be the registration mark. If the aircraft is not registered then this will be such a mark that is accepted by the competent authority of the Member State and, if applicable, by the competent authority of a third country.

- Block 8 The identification number assigned by the manufacturer for control and traceability and product support. This is sometimes referred to as a Manufacturers Serial No or Constructors No.
- Block 9 The engine and propeller type(s) in full as defined in the relevant type-certificate and its associated data sheet. Their manufacturer identification No and associated location should also be shown.
- Block 10 Approved design changes to the Aircraft Definition.
- Block 11 A listing of all applicable airworthiness directives (or equivalent) and a declaration of compliance, together with a description of the method of compliance on the subject individual aircraft including products and installed parts, appliances and equipment. Any future compliance requirement time should be shown.
- Block 12 Approved unintentional deviation to the approved type design sometimes referred to as concessions, divergences, or non-conformances.
- Block 13 Only agreed exemptions, waivers or derogations may be included here.
- Block 14 Remarks. Any statement, information, particular data or limitation which may affect the airworthiness of the aircraft. If there is no such information or data, state: 'NONE'.
- Block 15 Enter 'Certificate of Airworthiness', or 'Restricted Certificate of Airworthiness', or for the Certificate of Airworthiness requested.
- Block 16 Additional requirements such as those notified by an importing country should be noted in this Block.
- Block 17 Validity of the Statement of Conformity is dependent on full completion of all Blocks on the form. A copy of the flight test report together with any recorded defects and rectification details should be kept on file by the POA holder. The report should be signed as satisfactory by the appropriate certifying staff and a flight crew member, e.g., test pilot or flight test engineer. The flight tests performed are those defined under the control of the quality system, as established by 21A.139 in particular 21A.139(b)(1)(vi), to ensure that the aircraft conforms with the applicable design data and is in condition for safe operation.
- The listing of items provided (or made available) to satisfy the safe operation aspects of this statement should be kept on file by the POA holder.
- Block 18 The Statement of Conformity may be signed by the person authorised to do so by the production approval holder in accordance with 21A.145(d). A rubber stamp signature should not be used.
- Block 19 The name of the person signing the certificate should be typed or printed in a legible form.
- Block 20 The date the Statement of Conformity is signed should be given.
- Bloque 21 The Competent Authority approval reference of the POA holder should be quoted.

CERTIFICATE OF RELEASE TO SERVICE

[APPROVED PRODUCTION ORGANISATION NAME]

Production organisation approval Reference:

Certificate of release to service in accordance with 21A.163(d).

Aircraft: Type: Constructor No/Registration:

has been maintained as specified in Work Order:

Brief description of work performed:

Certifies that the work specified was carried out in accordance with 21A.163(d) and in respect to that work the aircraft is considered ready for release to service and therefore is in a condition for safe operation.

Certifying Staff (name):

(signature):

Location:

Date: . . - . . - (day, month, year).

CERTIFICATE OF RELEASE TO SERVICE — EASA FORM 53

COMPLETION INSTRUCTIONS

The Block BRIEF DESCRIPTION OF WORK PERFORMED appearing in EASA FORM 53 should include reference to the approved data used to perform the work.

The Block LOCATION appearing in EASA FORM 53 refers to the location where the maintenance has been performed, not to the location of the facilities of the organisation (if different).

PRODUCTION ORGANISATION APPROVAL CERTIFICATE

Competent authority

Of a Member State of the

EUROPEAN UNION * or EASA

APPROVAL CERTIFICATE

REFERENCE : NAA.G.XXXX

Pursuant to the European Regulations in force and subject to the conditions specified below,
the Competent Authority hereby certifies

Company Name
Address

as a

PRODUCTION ORGANISATION

approved according to Part 21, Section A, Subpart G

CONDITIONS

1. The approval is limited to that specified in the enclosed Terms of Approval; and
2. This approval requires compliance with the procedures specified in the Production Organisation Exposition;
and
3. This approval is valid whilst the approved production organisation remains in compliance with Part 21,
Section A, Subpart G.

Date of original issue:	Date of this issue:	Signed: For the competent authority or EASA

LETTER OF AGREEMENT

**Competent authority of
a Member State of
the European Union or EASA**

[NAME OF THE APPLICANT]
[TRADE NAME (if different)]
[FULL ADDRESS OF THE APPLICANT]

Date (Day, Month, Year)
Reference: [NAA].F.[XXX]

Subject: PRODUCTION WITHOUT POA, LETTER OF AGREEMENT

Dear Sirs,

Your production inspection system has been evaluated and found to be in compliance with Part 21, Section A, Subpart F.

Therefore, subject to the conditions specified below, we agree that showing of conformity of products, parts and appliances mentioned below may be done under Part 21, Section A, Subpart F.

No of Units

P/N

S/N

AIRCRAFT

PARTS

The following conditions are applicable to this agreement:

1. It is valid whilst *[Company Name]* remains in compliance with Part 21, Section A, Subpart F.
2. It requires compliance with the procedures specified in *[Company Name]* Manual Ref./Issue date
3. It terminates on
4. The Statement of Conformity issued by *[Company Name]* under the provisions of 21A.130 shall be validated by the issuing authority of this letter of agreement in accordance with the procedure of the above referenced Manual.
5. *[Company Name]* shall notify the issuing authority of this letter of agreement immediately of any changes to the production inspection system that may affect the inspection, conformity, or airworthiness of the products and parts listed in this letter.

Date and Signature

COMMISSION REGULATION (EC) No 1703/2003
of 26 September 2003
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1947/2002 ⁽²⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 September 2003.

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

Done at Brussels, 26 September 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 299, 1.11.2002, p. 17.

ANNEX

to the Commission Regulation of 26 September 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	114,3
	060	93,1
	064	127,4
	070	75,1
	096	72,9
	999	96,6
0707 00 05	052	101,8
	999	101,8
0709 90 70	052	116,7
	999	116,7
0805 50 10	052	81,8
	388	65,4
	524	58,8
	528	53,7
	800	63,0
	999	64,5
0806 10 10	052	97,5
	064	105,0
	999	101,3
0808 10 20, 0808 10 50, 0808 10 90	388	81,3
	400	68,3
	508	112,5
	512	106,6
	720	71,2
	800	153,9
	804	103,6
	999	99,6
0808 20 50	052	107,6
	064	53,0
	388	72,7
	720	91,0
	999	81,1
0809 30 10, 0809 30 90	052	103,9
	624	141,3
	999	122,6
0809 40 05	052	51,4
	060	54,5
	066	77,8
	624	99,6
	999	70,8

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 1704/2003**of 26 September 2003****fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Commission Regulation (EC) No 1104/2003 ⁽²⁾, and in particular the third subparagraph of Article 13(2) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽³⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽⁴⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid ⁽⁵⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section.
- (2) In order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined.

- (3) The general and implementing rules provided for in Article 13 of Regulation (EEC) No 1766/92 and in Article 13 of Regulation (EC) No 3072/95 on export refunds are applicable *mutatis mutandis* to the abovementioned operations.

- (4) The specific criteria to be used for calculating the export refund on rice are set out in Article 13 of Regulation (EC) No 3072/95.

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 October 2003.

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

Done at Brussels, 26 September 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 158, 27.6.2003, p. 1.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 62, 5.3.2002, p. 27.

⁽⁵⁾ OJ L 288, 25.10.1974, p. 1.

ANNEX

to the Commission Regulation of 26 September 2003 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

(EUR/t)	
Product code	Refund
1001 10 00 9400	0,00
1001 90 99 9000	0,00
1002 00 00 9000	0,00
1003 00 90 9000	0,00
1005 90 00 9000	0,00
1006 30 92 9100	129,00
1006 30 92 9900	129,00
1006 30 94 9100	129,00
1006 30 94 9900	129,00
1006 30 96 9100	129,00
1006 30 96 9900	129,00
1006 30 98 9100	129,00
1006 30 98 9900	129,00
1006 30 65 9900	129,00
1007 00 90 9000	0,00
1101 00 15 9100	0,00
1101 00 15 9130	0,00
1102 10 00 9500	38,25
1102 20 10 9200	47,87
1102 20 10 9400	41,03
1103 11 10 9200	0,00
1103 13 10 9100	61,54
1104 12 90 9100	0,00

NB: The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), amended.

**COMMISSION REGULATION (EC) No 1705/2003
of 26 September 2003**

determining the extent to which applications lodged in September 2003 for import licences for certain egg sector products and poultrymeat pursuant to Regulations (EC) No 1474/95 and (EC) No 1251/96 can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1474/95 ⁽¹⁾ opening and providing for the administration of the tariff quotas in the egg sector and for egg albumin, as last amended by Regulation (EC) No 1043/2001 ⁽²⁾, and in particular Article 5(5) thereof,

Having regard to Commission Regulation (EC) No 1251/96 of 28 June 1996 opening and providing for the administration of tariff quotas in the poultrymeat sector and albumin ⁽³⁾, as last amended by Regulation (EC) No 1043/2001 and in particular Article 5(5) thereof,

Whereas:

The applications for import licences lodged for the fourth quarter of 2003 are, in the case of certain products, for quantities less than or equal to the quantities available and can therefore be met in full, but in the case of other products the said

applications are for quantities greater than the quantities available and must therefore be reduced by a fixed percentage to ensure a fair distribution,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 October to 31 December 2003 submitted pursuant to Regulations (EC) No 1474/95 and (EC) No 1251/96 shall be met as referred to in the Annex to this Regulation.

2. Applications for import licences for the period 1 January to 31 March 2004 may be lodged pursuant to Regulations (EC) No 1474/95 and (EC) No 1251/96 for the total quantity as referred to in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 October 2003.

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

Done at Brussels, 26 September 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 145, 29.6.1995, p. 19.

⁽²⁾ OJ L 145, 31.5.2001, p. 24.

⁽³⁾ OJ L 161, 29.6.1996, p. 136.

ANNEX

Group	Percentage of acceptance of import licences submitted for the period 1 October to 31 December 2003	Total quantity available for the period 1 January to 31 March 2004 (t)
E1	100,00	101 094,50
E2	40,79	1 750,00
E3	100,00	10 092,58
P1	87,57	1 550,00
P2	100,00	2 384,40
P3	2,43	175,00
P4	14,08	250,00

**COMMISSION REGULATION (EC) No 1706/2003
of 26 September 2003**

determining the extent to which applications lodged in September 2003 for import licences for certain poultrymeat products under the regime provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for poultrymeat and certain other agricultural products can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1431/94 of 22 June 1994, laying down detailed rules for the application in the poultrymeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for poultrymeat and certain other agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 1043/2001 ⁽²⁾, and in particular Article 4(4) thereof,

Whereas:

The applications for import licences lodged for the period 1 October to 31 December 2003 are greater than the quantities

available and must therefore be reduced by a fixed percentage to ensure a fair distribution,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for import licences for the period 1 October to 31 December 2003 submitted under Regulation (EC) No 1431/94 shall be met as referred to in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 October 2003.

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

Done at Brussels, 26 September 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 156, 23.6.1994, p. 9.

⁽²⁾ OJ L 145, 31.5.2001, p. 24.

ANNEX

Group No	Percentage of acceptance of import certificates submitted for the period 1 October to 31 December 2003
1	1,51
2	1,51
3	1,53
4	2,07
5	2,35

COMMISSION REGULATION (EC) No 1707/2003**of 26 September 2003****fixing the coefficients applicable to cereals exported in the form of Scotch whisky for the period 2003/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1104/2003 ⁽²⁾,

Having regard to Commission Regulation (EEC) No 2825/93 of 15 October 1993 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards the fixing and granting of adjusted refunds in respect of cereals exported in the form of certain spirit drinks ⁽³⁾, as last amended by Regulation (EC) No 1633/2000 ⁽⁴⁾, and in particular Article 5 thereof,

Whereas:

- (1) Article 4(1) of Regulation (EEC) No 2825/93 provides that the quantities of cereals eligible for the refund are to be the quantities placed under control and distilled, weighted by a coefficient to be fixed annually for each Member State concerned. That coefficient expresses the ratio between the total quantities exported and the total quantities marketed of the spirituous beverage concerned on the basis of the trend noted in those quantities during the number of years corresponding to the average ageing period of the spirituous beverage in question. In view of the information provided by the United Kingdom on the period 1 January to 31 December 2002, the average ageing period in 2002 was seven years for Scotch whisky. The coefficients for the period 1 October 2003 to 30 September 2004 should be fixed.

- (2) Article 10 of Protocol 3 to the Agreement on the European Economic Area ⁽⁵⁾ precludes the grant of refunds in respect of exports to Liechtenstein, Iceland and Norway. Moreover, the Community has concluded with certain third countries agreements abolishing export refunds. According to Article 7(2) of Regulation (EEC) No 2825/93, this should be taken into account in the calculation of the coefficients for the period 2003/2004.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For the period 1 October 2003 to 30 September 2004 the coefficients provided for in Article 4 of Regulation (EEC) No 2825/93 applying to cereals used in the United Kingdom for manufacturing Scotch whisky shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

It shall apply from 1 October 2003.

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

Done at Brussels, 26 September 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 158, 27.6.2003, p. 1.

⁽³⁾ OJ L 258, 16.10.1993, p. 6.

⁽⁴⁾ OJ L 187, 26.7.2000, p. 29.

⁽⁵⁾ OJ L 1, 3.1.1994, p. 1.

ANNEX

COEFFICIENTS APPLICABLE IN THE UNITED KINGDOM

Period of application	Coefficient applicable	
	to barley processed into malt used in the manufacture of malt whisky	to cereals used in the manufacture of grain whisky
1 October 2003 to 30 September 2004	0,514	0,443

COMMISSION REGULATION (EC) No 1708/2003

of 26 September 2003

fixing the coefficients applicable to cereals exported in the form of Irish whiskey for the period 2003/2004

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1104/2003⁽²⁾,

Having regard to Commission Regulation (EEC) No 2825/93 of 15 October 1993 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards the fixing and granting of adjusted refunds in respect of cereals exported in the form of certain spirit drinks⁽³⁾, as last amended by Regulation (EC) No 1633/2000⁽⁴⁾, and in particular Article 5 thereof,

Whereas:

- (1) Article 4(1) of Regulation (EEC) No 2825/93 lays down that the quantities of cereals eligible for the refund shall be the quantities placed under control and distilled, weighted by a coefficient to be fixed annually for each Member State concerned. The coefficient shall express the average ratio between the total quantities exported and the total quantities marketed of the spirit drink concerned, on the basis of the trend noted in those quantities during the number of years corresponding to the average ageing period of the spirit drink in question. On the basis of the information supplied by Ireland on the period from 1 January to 31 December 2002, the average ageing period in 2002 was five years for Irish whiskey. The coefficients for the period from 1 October 2003 to 30 September 2004 should therefore be fixed accordingly.

- (2) Article 10 of Protocol 3 to the Agreement on the European Economic Area⁽⁵⁾ precludes the grant of refunds in respect of exports to Liechtenstein, Iceland and Norway. Moreover, the Community has concluded with certain third countries agreements abolishing export refunds. According to Article 7(2) of Regulation (EEC) No 2825/93, this should be taken into account in the calculation of the coefficients for the period 2003/2004.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For the period from 1 October 2003 to 30 September 2004 the coefficients provided for in Article 4 of Regulation (EEC) No 2825/93 which are applicable to cereals used in Ireland in the production of Irish whiskey shall be as specified in the Annex hereto.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

It shall apply from 1 October 2003.

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

Done at Brussels, 26 September 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 158, 27.6.2003, p. 1.

⁽³⁾ OJ L 258, 16.10.1993, p. 6.

⁽⁴⁾ OJ L 187, 26.7.2000, p. 29.

⁽⁵⁾ OJ L 1, 3.1.1994, p. 1.

ANNEX

COEFFICIENTS APPLICABLE IN IRELAND

Period of application	Coefficient applicable	
	to barley used in the production of Irish whiskey, category B ⁽¹⁾	to cereals used in the production of Irish whiskey, category A
1 October 2003 to 30 September 2004	0,262	0,367

⁽¹⁾ Including barley transformed into malt.

**COMMISSION REGULATION (EC) No 1709/2003
of 26 September 2003
on crop and stock declarations for rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular Article 8(d) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2124/83 ⁽³⁾ on crop and stock declarations for rice is no longer adapted to the classification of types of rice currently in force. In the interests of clarity that Regulation should be repealed and replaced by this Regulation.
- (2) Under the third subparagraph of Article 6(5) of Regulation (EC) No 3072/95 crop and stock declarations are to be made by producers and stock declarations are also to be made by rice mills. Member States are to provide detailed data to the Commission on the basis of these declarations.
- (3) The Commission should be able to use the information provided in these declarations to draw up a picture of available rice stocks at the beginning of each marketing year that will enable it to manage the market more efficiently. The content of these declarations should therefore be made more precise, time limits for notification should be laid down and the forms in which notification is made to the Commission should be specified.
- (4) With a view to modernising management, the information required by the Commission should be sent by electronic mail.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

Each year producers or producer groups shall transmit to the intervention agency of the Member State in which their holding is located or any other body designated by that Member State:

- (a) before 15 October, a declaration of stocks held on 31 August, distinguishing between the types of rice defined in paragraph 2 of Annex A to Regulation (EC) No 3072/95 and specifying for each type the quantity held and the whole-grain yield;

- (b) before 15 November, a crop declaration distinguishing between the types of rice defined in paragraph 2 of Annex A to Regulation (EC) No 3072/95 and specifying for each type the surface area used and the quantity of rice obtained.

Article 2

As regards their processing and import activities, rice mills shall, before 15 October each year, transmit to the intervention agency of the Member State in which they are located or any other body designated by that Member State a declaration of rice stocks held on 31 August, distinguishing between the types of rice defined in paragraph 2 of Annex A to Regulation (EC) No 3072/95, divided into rice produced in the Community and that imported from third countries. The quantities held shall be broken down by stage of milling. For each quantity of rice in husk (paddy rice) or husked rice, the whole-grain yield shall also be indicated.

Article 3

1. Member States shall forward to the Commission:

- (a) before 15 November, the information shown in Annexes I and II resulting from a summary of the data provided in the declarations referred to in Articles 1(a) and 2;
- (b) before 15 December, the information shown in Annex III, resulting from a summary of the data provided in the crop declarations referred to in Article 1(b) and the estimated whole-grain yield forecast for the harvest.

The transmitted data may be amended up to 15 January at the latest.

2. The declarations referred to in paragraph 1 shall be transmitted by electronic mail to the address given in Annexes I, II and III.

Article 4

The Member States shall adopt the provisions required to allow declarations to be lodged and centralised at national level.

They shall take the control measures required to ensure that declarations correspond to reality.

They shall inform the Commission of such provisions and measures.

Article 5

Regulation (EEC) No 2124/83 is hereby repealed.

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 205, 29.7.1983, p. 16.

Article 6

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 September 2003.

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

Done at Brussels, 26 September 2003.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Information referred to in Article 3(1)(a) for the purposes of the summary of declarations by producers or producer groups provided for in Article 1(a) to be sent by Member States to the following e-mail address, in accordance with Article 3(2):

AGRI-C2-RICE-STOCKS@CEC.EU.INT

Declaration of stocks held by producers on 31 August 2...
(give the year, e.g. 2003)

Types of rice	Quantities of rice in husk (paddy rice) (tonnes)	Whole-grain yield of rice in husk (paddy rice) (%)	Quantities of milled rice equivalent (whole grain) (tonnes)
(1)			
Round grain rice			
1006 10 21			
1006 10 92			
Medium grain rice			
1006 10 23			
1006 10 94			
Long grain A rice			
1006 10 25			
1006 10 96			
(2)			
Long grain B rice			
1006 10 27			
1006 10 98			
Total (1) + (2)			

ANNEX II

Information referred to in Article 3(1)(a) for the purposes of the summary of declarations by economic operators provided for in Article 2 to be sent by Member States to the following e-mail address, in accordance with Article 3(2):

AGRI-C2-RICE-STOCKS@CEC.EU.INT

Declaration of stocks held by rice mills on 31 August 2...

(give the year, e.g. 2003)

	Types of rice	Rice in the husk (paddy or rough)			Husked rice			Semi-milled or wholly milled rice		Total quantities in milled rice equivalent (tonnes) =A×B+C×D +E
		CN codes	Quantities (tonnes) A	Whole-grain yield (%) B	CN codes	Quantities (tonnes) C	Whole-grain yield (%) D	CN codes	Quantities (tonnes) E	
(A) Community products	(1) Round grain rice Medium grain rice Long grain A rice	<div> <div>1006 10 21</div> <div>1006 10 23</div> <div>1006 10 25</div> <div>1006 10 92</div> <div>1006 10 94</div> <div>1006 10 96</div> </div>			<div> <div>1006 20 11</div> <div>1006 20 13</div> <div>1006 20 15</div> <div>1006 20 92</div> <div>1006 20 94</div> <div>1006 20 96</div> </div>			<div> <div>1006 30 21</div> <div>1006 30 23</div> <div>1006 30 25</div> <div>1006 30 42</div> <div>1006 30 44</div> <div>1006 30 46</div> <div>1006 30 61</div> <div>1006 30 63</div> <div>1006 30 65</div> <div>1006 30 92</div> <div>1006 30 94</div> <div>1006 30 96</div> </div>		
	(2) Long grain B rice	<div> <div>1006 10 27</div> <div>1006 10 98</div> </div>			<div> <div>1006 20 17</div> <div>1006 20 98</div> </div>			<div> <div>1006 30 27</div> <div>1006 30 48</div> <div>1006 30 67</div> <div>1006 30 98</div> </div>		
	Total (1) + (2)	1006 10			1006 20			1006 30		

(B) Rice imported from third countries	(1) <div>Round grain rice</div> <div>Medium grain rice</div> <div>Long grain A rice</div>	1006 10 21			1006 20 11			1006 30 21		
		1006 10 23			1006 20 13			1006 30 23		
		1006 10 25			1006 20 15			1006 30 25		
		1006 10 92			1006 20 92			1006 30 42		
		1006 10 94			1006 20 94			1006 30 44		
		1006 10 96			1006 20 96			1006 30 44		
								1006 30 61		
								1006 30 63		
								1006 30 65		
								1006 30 92		
			1006 30 94							
			1006 30 96							
	(2) <div>Long grain B rice</div>	1006 10 27			1006 20 17			1006 30 27		
1006 10 98			1006 20 98			1006 30 48				
						1006 30 67				
						1006 30 98				
Total (1) + (2)	1006 10			1006 20			1006 30			
Total (A) + (B)		1006 10			1006 20			1006 30		

ANNEX III

Information referred to in Article 3(1)(b) for the purposes of the summary of declarations by producers or producer groups provided for in Article 1(b) to be sent by Member States to the following e-mail address, in accordance with Article 3(2):

AGRI-C2-RICE-STOCKS@CEC.EU.INT

Crop declaration for the 2 ... / ... marketing year

(give the corresponding marketing year, e.g. 2003/04)

Types of rice	Area (hectares)	Yield of rice in husk (paddy rice) (tonnes/ha)	Quantities of rice in husk (paddy rice) (tonnes)	Whole-grain yield of rice in husk (paddy rice) (%)	Quantities of milled rice equivalent (whole grain) (tonnes)
(1)					
Round grain rice					
1006 10 21					
1006 10 92					
Medium grain rice					
1006 10 23					
1006 10 94					
Long grain A rice					
1006 10 25					
1006 10 96					
(2)					
Long grain B rice					
1006 10 27					
1006 10 98					
Total (1) + (2)					

**COMMISSION REGULATION (EC) No 1710/2003
of 26 September 2003**

**amending Regulation (EC) No 1623/2000 laying down detailed rules for implementing Regulation
(EC) No 1493/1999 on the common organisation of the market in wine with regard to market
mechanisms**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 33 thereof,

Whereas:

- (1) Title III, Chapter II of Commission Regulation (EC) No 1623/2000 ⁽³⁾, as last amended by Regulation (EC) No 1411/2003 ⁽⁴⁾, governs the application of the aid scheme for the distillation of wine to produce potable alcohol.
- (2) That chapter sets, *inter alia*, the period during which distillation is opened and the volume of wine covered by distillation contracts which may be distilled before the final approval date. On the basis of experience acquired during the previous wine year, it has been found necessary to amend the period and the volume of wine.
- (3) The chapter also provides for the setting of a percentage of production with which producers may participate in such distillation. The percentage for the wine year 2003/04 should be set.
- (4) Regulation (EC) No 1623/2000 should be amended accordingly.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION:

Article 1

Article 63a of Regulation (EC) No 1623/2000 is hereby amended as follows:

1. Paragraph 1 is replaced by the following:

'1. The distillation of table wine and wine suitable for yielding table wine referred to in Article 29 of Regulation (EC) No 1493/1999 shall be opened for the period from 1 October to 31 December each wine year.'

2. In paragraph 2, the first subparagraph is replaced by the following:

'The volume of table wine and wine suitable for yielding table wine for which each producer may sign contracts shall be limited to a percentage to be specified of his wine production declared during one of the last three wine years including the production for the current year if already declared. During a given year the producer may not change the production year chosen as the reference for the calculation of that percentage. For the wine year 2003/04 that percentage shall be 25 %.'

3. Paragraph 7 is replaced by the following:

'7. Notwithstanding paragraph 5, the Member States may approve contracts or declarations before 25 January for a quantity not exceeding 40 % of the quantity given in the contracts or declarations.'

Article 2

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 October 2003.

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

Done at Brussels, 26 September 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 179, 14.7.1999, p. 1.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 194, 31.7.2000, p. 45.

⁽⁴⁾ OJ L 201, 8.8.2003, p. 12.

**COMMISSION REGULATION (EC) No 1711/2003
of 26 September 2003**

fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 127th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) The intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽³⁾, as last amended by Regulation (EC) No 635/2000 ⁽⁴⁾, to sell by invitation to tender certain quantities of butter that they hold and to grant aid for cream, butter and concentrated butter. Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further stipulated that the price

or aid may vary according to the intended use of the butter, its fat content and the incorporation procedure, and that a decision may also be taken to make no award in response to the tenders submitted. The amount(s) of the processing securities must be fixed accordingly.

- (2) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices and the maximum aid and processing securities applying for the 127th individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 September 2003.

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

Done at Brussels, 26 September 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 350, 20.12.1997, p. 3.

⁽⁴⁾ OJ L 76, 25.3.2000, p. 9.

ANNEX

to the Commission Regulation of 26 September 2003 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 127th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

Formula			A		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter ≥ 82 %	Unaltered	213	215	—	215
		Concentrated	211	—	—	—
Processing security		Unaltered	126	126	—	126
		Concentrated	126	—	—	—
Maximum aid	Butter ≥ 82 %		85	81	—	81
	Butter < 82 %		83	79	—	—
	Concentrated butter		105	101	105	101
	Cream		—	—	36	34
Processing security	Butter		94	—	—	—
	Concentrated butter		116	—	116	—
	Cream		—	—	40	—

**COMMISSION REGULATION (EC) No 1712/2003
of 26 September 2003**

**fixing the maximum purchasing price for butter for the 80th invitation to tender carried out under
the standing invitation to tender governed by Regulation (EC) No 2771/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) Article 13 of Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽³⁾, as last amended by Regulation (EC) No 359/2003 ⁽⁴⁾, provides that, in the light of the tenders received for each invitation to tender, a maximum buying-in price is to be fixed in relation to the intervention price applicable and that it may also be decided not to proceed with the invitation to tender.

- (2) As a result of the tenders received, the maximum buying-in price should be fixed as set out below.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 80th invitation to tender issued under Regulation (EC) No 2771/1999, for which tenders had to be submitted not later than 23 September 2003, the maximum buying-in price is fixed at 295,38 EUR/100 kg.

Article 2

This Regulation shall enter into force on 27 September 2003.

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

Done at Brussels, 26 September 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 333, 24.12.1999, p. 11.

⁽⁴⁾ OJ L 53, 28.2.2003, p. 17.

**COMMISSION REGULATION (EC) No 1713/2003
of 26 September 2003**

**fixing the maximum aid for concentrated butter for the 299th special invitation to tender opened
under the standing invitation to tender provided for in Regulation (EEC) No 429/90**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Commission Regulation (EEC) No 429/90 of 20 February 1990 on the granting by invitation to tender of an aid for concentrated butter intended for direct consumption in the Community ⁽³⁾, as last amended by Regulation (EC) No 124/1999 ⁽⁴⁾, the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter; Article 6 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 % or a decision is to be taken to make no award; the end-use security must be fixed accordingly.

- (2) In the light of the tenders received, the maximum aid should be fixed at the level specified below and the end-use security determined accordingly.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 299th special invitation to tender under the standing invitation to tender opened by Regulation (EEC) No 429/90, the maximum aid and the amount of the end-use security shall be as follows:

- | | |
|---------------------|-----------------|
| — maximum aid: | EUR 105/100 kg, |
| — end-use security: | EUR 116/100 kg. |

Article 2

This Regulation shall enter into force on 27 September 2003.

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

Done at Brussels, 26 September 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 45, 21.2.1990, p. 8.

⁽⁴⁾ OJ L 16, 21.1.1999, p. 19.

**COMMISSION REGULATION (EC) No 1714/2003
of 26 September 2003**

**amending Regulation (EEC) No 1609/88 as regards the latest date by which butter must have been
taken into storage in order to be sold pursuant to Regulations (EEC) No 3143/85 and (EC) No
2571/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 10,

Whereas:

- (1) Pursuant to Article 1 of Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the grant of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽³⁾, as last amended by Regulation (EC) No 635/2000 ⁽⁴⁾, the butter put up for sale must have been taken into storage before a date to be determined.
- (2) In view of the trends on the butter market and the quantities of stocks available, the date in Article 1 of Commission Regulation (EEC) No 1609/88 ⁽⁵⁾, as last

amended by Regulation (EC) No 1598/2003 ⁽⁶⁾, relating to the butter referred to in Regulation (EC) No 2571/97, should be amended.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 1609/88, the second subparagraph is hereby replaced by the following:

‘The butter referred to in Article 1(1)(a) of Regulation (EC) No 2571/97 must have been taken into storage before 1 January 2002.’

Article 2

This Regulation shall enter into force on the third 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, 26 September 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 350, 20.12.1997, p. 3.

⁽⁴⁾ OJ L 76, 25.3.2000, p. 9.

⁽⁵⁾ OJ L 143, 10.6.1988, p. 23.

⁽⁶⁾ OJ L 229, 13.9.2003, p. 7.

**COMMISSION REGULATION (EC) No 1715/2003
of 26 September 2003**

**fixing the definitive rate of refund and the percentage of system B export licences to be issued in
the fruit and vegetables sector (tomatoes, oranges, table grapes and apples)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, as last amended by Commission Regulation (EC) No 47/2003 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1961/2001 of 8 October 2001 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽³⁾, as amended by Regulation (EC) No 1176/2002 ⁽⁴⁾, and in particular Article 6(7) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1061/2003 ⁽⁵⁾ fixed the indicative quantities for the issue of B system export licences.
- (2) In the light of information now available to the Commission, the indicative quantities have been exceeded in the case of table grapes and apples.

- (3) These overruns are without prejudice to compliance with the limits resulting from the agreements concluded in accordance with Article 300 of the Treaty. The definitive rate of refund for tomatoes, oranges, table grapes and apples covered by licences applied for under system B between 1 July and 16 September 2003 should be fixed at the indicative rate, and the percentage of licences to be issued for the quantities applied for should be laid down,

HAS ADOPTED THIS REGULATION:

Article 1

For applications for B system export licences submitted under Article 1 of Regulation (EC) No 1061/2003 between 1 July 2003 and 16 September 2003, the percentages of licences to be issued and the rates of refund applicable are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 30 September 2003.

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

Done at Brussels, 26 September 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 7, 11.1.2003, p. 64.

⁽³⁾ OJ L 268, 9.10.2001, p. 8.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 69.

⁽⁵⁾ OJ L 154, 21.6.2003, p. 44.

ANNEX

Percentages for the issuing of licences and rates of refund applicable to system B licences applied for between 1 July and 16 September 2003 (tomatoes, oranges, table grapes and apples)

Product	Rate of refund (EUR/t net)	Percentages of licences to be issued for the quantities applied for
Tomatoes	21,0	100 %
Oranges	21,0	100 %
Table grapes	21,0	100 %
Apples	19,0	100 %

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 25 September 2003

derogating from Council Decision 2001/822/EC, as regards the rules of origin for lobsters in pieces from Saint Pierre and Miquelon

(notified under document number C(2003) 3335)

(2003/673/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 2001/822/EC of 27 November 2001 on the association of the overseas countries and territories with the European Community ⁽¹⁾, and in particular Article 37 of Annex III thereto,

Whereas:

- (1) On 19 June 2003, Saint Pierre and Miquelon requested a derogation for five years from the rules of origin set out in Annex III to Decision 2001/822/EC in respect of an annual quantity of 105 tonnes of cooked and frozen lobster tails, legs and claws, exported from Saint Pierre and Miquelon.
- (2) Saint Pierre and Miquelon based its request on the disappearance of its raw material, the originating snow crab, whose population has moved out of its territorial waters. The processing of non-originating live lobsters into cooked and frozen tails, legs and claws will replace the production chain of the snow crab, which the company concerned cannot procure.
- (3) The requested derogation is justified under Annex III to Decision 2001/822/EC and, specifically, under Article 37(1) thereof, in particular as regards the development of an existing industry in Saint Pierre and Miquelon. The derogation is essential for the preservation of the activity of the plant in question, which employs a significant

number of people. Subject to compliance with certain conditions relating to quantities, surveillance and duration, the derogation would not cause serious injury to an established industry of the Community or one or more of the Member States.

- (4) Accordingly, a derogation should be granted in respect of certain quantities of cooked and frozen lobster tails, legs and claws processed in Saint Pierre and Miquelon and imported into the Community.
- (5) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down the provisions for the application of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽²⁾, as last amended by Regulation (EC) No 1335/2003 ⁽³⁾, lays down rules for the management of tariff quotas. Those rules should be applied *mutatis mutandis* to the management of the quantities in respect of which the derogation in question is granted.
- (6) Saint Pierre and Miquelon requested that the derogation apply from 1 September 2003. However, given the date on which Saint Pierre and Miquelon submitted its request and the length of the decision process, the derogation cannot be adopted before 1 September. As a result, it will apply from 1 October 2003.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Customs Code Committee,

⁽¹⁾ OJ L 314, 30.11.2001, p. 1.

⁽²⁾ OJ L 253, 11.10.1993, p. 1.

⁽³⁾ OJ L 187, 26.7.2003, p. 16.

HAS ADOPTED THIS DECISION:

Article 1

By way of derogation from the provisions of Annex III to Decision 2001/822/EC, cooked and frozen lobster tails, legs and claws covered by CN code ex 0306 12 90 which are processed in Saint Pierre and Miquelon are regarded as originating in Saint Pierre and Miquelon where they are obtained from non-originating lobsters, in accordance with the terms of this Decision.

Article 2

The derogation provided for in Article 1 applies to the quantities shown in the Annex which are imported into the Community from Saint Pierre and Miquelon during the period from 1 October 2003 to 30 September 2008.

Article 3

Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93 relating to the management of tariff quotas apply *mutatis mutandis* to the management of the quantities referred to in the Annex.

Article 4

1. The customs authorities of Saint Pierre and Miquelon shall take the necessary steps to carry out quantitative checks on exports of the products referred to in Article 1. To that end, all the certificates they issue pursuant to this Decision shall bear a reference to it.

2. The competent authorities of Saint Pierre and Miquelon shall forward to the Commission every three months a statement of the quantities in respect of which movement certificates EUR 1 have been issued pursuant to this Decision and the serial numbers of those certificates.

Article 5

Box 7 of EUR 1 certificates issued under this Decision shall contain one of the following:

- Excepción — Decisión ...
- Undtagelse — Beslutning ...
- Ausnahme — Entscheidung ...
- Παρέκλιση — Απόφαση ...
- Derogation — Decision ...
- Dérogation — Décision ...
- Deroga — Decisione ...
- Afwijking — Beschikking ...
- Derrogação — Decisão ...
- Poikkeus — päätös ...
- Undantag — beslut ...

Article 6

This Decision shall apply from 1 October 2003 to 30 September 2008.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 25 September 2003.

For the Commission

Frederik BOLKESTEIN

Member of the Commission

ANNEX

Quantities imported from Saint Pierre and Miquelon

(in tonnes)				
Order No	CN code	Description of goods	Period	Quantities
09.1660	ex 0306 12 90	Frozen tails, legs and claws of lobster (<i>Homarus</i> spp.)	1.10.2003 to 30.9.2004	105
			1.10.2004 to 30.9.2005	105
			1.10.2005 to 30.9.2006	105
			1.10.2006 to 30.9.2007	105
			1.10.2007 to 30.9.2008	105

TIMETABLE

1. Recommended date

The proposal should be adopted as soon as possible.

2. Grounds for recommendation

Article 37(8) of Annex III to Council Decision 2001/822/EC lays down that a decision must be taken within 75 working days of receipt of the request for a derogation. Otherwise, the request shall be deemed to have been accepted in full.

The deadline for this decision is **2 October 2003**.
