

EASA - Regulation 1702/2003

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“ 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, aircrafts, 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. They shall also be exempted from the provisions of Subpart P of Part 21 except when aircrafts identification marks are prescribed by a Member State.
- 3.** Where reference is made in the Annex (Part 21) to apply and/or to comply with the provisions of Annex I (Part M) to Commission Regulation (EC) No 2042/2003 and a Member State has elected, pursuant to Article 7(3)(a) and (b) of that Regulation, not to apply that Part until 28 September 2008, the relevant national rules shall apply instead until that date.

Article 2a

Continued validity of type-certificates and related certificates of airworthiness

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

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

(i) its type-certification basis was:

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

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

— a Member State, unless the Agency determines, taking into account, in particular, 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 had 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 Regulation (EC) No 1592/2002 and this Regulation.

The Agency shall make a first evaluation of the implication of the provisions of the second indent in view of producing an opinion to the Commission including possible amendments to this Regulation;

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

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

(b) The design of an individual aircrafts, which was 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 was part of a type-certificate referred to in point (a);

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

(iii) the airworthiness directives issued or adopted by the Member State of registry before 28 September 2003 were 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 the requirements of point (a) before 28 March 2007.

(d) The Agency shall determine the type-certificate data sheet for noise for all products covered by point (a) before 28 March 2007. Until such determination, Member States may continue to issue noise certificates in accordance with applicable national regulations.

2. With regard to products for which a type-certification process was proceeding through the JAA or a Member State on 28 September 2003, the following shall apply:

(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.

3. With regard to products that have a national typecertificate, or equivalent, and for which the approval process of a change carried out by a Member State was not finalised at the time when the type-certificate had to be in accordance with this Regulation, the following shall apply:

(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.

4. With regard to products that had a national type-certificate, or equivalent, and for which the approval process of a major repair design carried out by a Member State was not finalised at the time when the type-certificate had to be 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.

5. A certificate of airworthiness issued by a Member State attesting conformity with a type-certificate determined in accordance with paragraph 1 shall be deemed to comply with this Regulation.

Article 2b

Continued validity of supplemental type-certificates

1. 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, which were approved by a Member State under applicable national procedures, if the supplemental type certificate, or change, was valid on 28 September 2003, the supplemental type-certificate, or change shall be deemed to have been issued under this Regulation.

2. With regard to supplemental type-certificates for which a certification process was 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 was being carried out by a Member State on 28 September 2003 under applicable national procedures, the following shall apply:

(a) if a certification process was 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.

Article 2c

Continued operation of certain aircrafts registered by Member States

1. With regard to an aircrafts that cannot be deemed to have a type-certificate issued in accordance with Article 2a (1)(a) of this Regulation, that has been issued a certificate of airworthiness by a Member State before Regulation (EC) No 1702/2003 became applicable in that Member State (1), was on its register on that date, and was still on the register of a Member State on 28 March 2007, the combination of the following shall be deemed to constitute the applicable specific airworthiness specifications issued in accordance with this Regulation:

(a) the type-certificate data sheet and type-certificate data sheet for noise, or equivalent documents, of the State of design, provided that the State of design has concluded the appropriate working arrangement in accordance with Article 18 of Regulation (EC) No 1592/2002 with the Agency covering the continued airworthiness of the design of such an aircrafts;

(b) the environmental protection requirements laid down in Annex 16 to the Chicago Convention, as applicable to that aircrafts; and

(c) the mandatory continuing airworthiness information of the State of design.

2. The specific airworthiness specifications shall allow the continuation of the type of operations that the aircrafts concerned was entitled to perform on 28 March 2007 and shall be valid until 28 March 2008, unless these specifications are replaced before that date by a design and environmental approval issued by the Agency in accordance with this Regulation. Restricted certificates of airworthiness for the aircrafts concerned shall be issued by Member States pursuant to Part 21 Subpart H when conformity with these specifications is attested.

3. The Commission may extend the period of validity referred to in paragraph 2 by a maximum of 18 months for aircrafts of a certain type, provided that a certification process of that type of aircrafts has been undertaken by the Agency before 28 March 2008 and that the Agency determines that such process can be concluded within the additional period of validity. In such case the Agency will notify its determination to the Commission.

Article 2d

Continued validity of parts and appliances certificates

1. 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.

2. With regard to parts and appliances for which an approval or authorisation process was being carried out by a Member State on 28 September 2003, the following shall apply:

(a) if an authorisation process was 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.

Article 2e

Permit to fly

The conditions determined before 28 March 2007 by the Member States for permits to fly or other airworthiness certificate issued for aircrafts which did not hold a certificate of airworthiness or restricted certificate of airworthiness issued under this Regulation, are deemed to be determined in accordance with this Regulation, unless the Agency determines before 28 March 2008 that such conditions do not provide for a level of safety equivalent to that required by Regulation (EC) No 1592/2002 or this Regulation. The permit to fly or other airworthiness certificate issued by Member States before 28 March 2007 for aircrafts which did not hold a certificate of airworthiness or restricted certificate of airworthiness issued under this Regulation, are deemed to be a permit to fly issued in accordance with this Regulation until 28 March 2008. “

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

Done at Brussels, 30 March 2007.

For the Commission

Jacques BARROT, Vice-President