



## **Highlights of the replacement of Regulation 1702/2003 by the new Regulation 748/2012**

Regulation (EC) No 1702/2003 (including the Annex Part-21) and its 7 subsequent amendments is replaced as of 10<sup>th</sup> September 2012 by the recently published Regulation (EU) No 748/2012.

Regulation 748/2012, apart from consolidating 1702/2003 and the already published amendments, also includes changes resulting from 4 Agency Opinions and changes introduced by the Commission.

A summary of the main changes resulting from these 4 opinions and the changes introduced by the Commission is provided below.

### *Transition:*

A transition provision is included in article 11 which automatically construes references to the repealed regulation and its articles to be read as references to the new regulation and its articles. This means that there is no immediate need to update any documents to comply with the rule.

## **Opinions included in (EC) Regulation 748/2012**

### Opinion No 01/2009 on *'Possibility to deviate from airworthiness code in case of design changes'*

This introduces 21.A.101(f): The introduction of an elect to comply possibility for changes to TC and STCs consistent with the elect to comply possibility for new TCs.

### Opinion No 02/2009 on *'Repair and design changes to European Technical Standard Order'*

Various changes in 21.A.263, 431, 433, 437, 445, 451 and 604 are introduced to ensure that design changes and repairs to APUs are treated in the same way as design changes and repairs to products.

### Opinion No 01/2010 on *'SubPart J DOA'*

This introduces a requirement for applicants for TC, changes to TC and STCs to establish a certification programme. It also extends the DOA privileges to include a possibility to approve minor revisions to Aircraft Flight Manuals.

### Opinion No 01/2011 on *'European Light Aircraft (ELA) process' and "standard changes and repairs"*

These changes primarily impact general aviation and address the following issues:

- introduction of definitions of European Light Aircraft ELA1 and ELA2 in the cover regulation;
- introduction into 21.A.14 of a 3<sup>rd</sup> way to demonstrate design capability: by establishing a certification programme only;
- introduction of the concept of standard changes and repairs that do not need EASA or DOA approval in 21.A.90B and 21.A.431B. This concept will only become effective when EASA will have issued dedicated Certification Specifications (CS) including a catalogue of changes and repairs (similar to FAA AC 43-13). The rulemaking to establish this CS is active and an NPA is expected 2<sup>nd</sup> quarter next year.
- introduction of a new category of replacement parts that can be installed in ELA1 and ELA2 aircraft without an EASA Form 1 under the responsibility of the owner (see 21.A.307). The Agency will publish shortly a Certification Memorandum to provide intermediate guidance for the implementation of this new requirement. For the long term AMC and GM will be developed as part of rulemaking task (RMT.0018 and RMT.0571) *"Installation of parts and appliances that are released without an EASA Form 1 or equivalent"* for which the ToR will be published shortly.



## **Changes introduced by the Commission**

### Cover Regulation

- The articles in the cover regulation are renumbered.
- A new article 10 is introduced in the cover regulation regarding the issuance and function of AMCs (consistent with Regulation 2042/2003).

### Annex I – Part-21

- 21A.263(c)(6) is changed to extend the DOA privilege to approve flight conditions for permit to fly to include first flight of new types or modified types.
- Appendix I to Annex I – Part-21: In the instructions for the use of EASA Form 1 the last sentence related to the term “approved design data” is removed in paragraph 1.3.
- the numbering of the Part-21 paragraphs is changed to include a dot between “21” and the section designation “A” or “B”. This change does not require immediate updating of company documents that refer to Part-21 paragraphs, but can be implemented when these documents are revised for other reasons.

A new Annex II is introduced to list the repealed regulations.

A new Annex III is introduced with a table correlating the numbering of the new regulation with that of the repealed regulation.