

International Civil Aviation Organisation (ICAO)

History: The Beginning

Aviation pioneer Wilbur explains his aircraft to the King of Spain

Already, in the early years of aviation (before World War I) people with foresight had realized that the advent of the airplane added a new dimension to transport which could no longer be contained within strictly national confines. It was for this reason that, on the invitation of France, the first important conference on an international air law code was convened in Paris in 1910. This conference was attended by 18 European States and a number of basic principles governing aviation were laid down.

Needless to say that the technical developments in aviation arising out of World War I created a completely new situation at the end of the hostilities, especially with regard to the safe and rapid transport of goods and persons over prolonged distances. However, the war had also shown the ugly potential of aviation and it had therefore become much more evident that this new, and now greatly advanced means of transport required international attention.

General Information



Aviation fair - Paris 1909

For obvious reasons, the treatment of aviation matters was a subject at the Paris Peace Conference of 1919 and it was therefore entrusted to a special Aeronautical Commission, which had its origin in the Inter-Allied Aviation Committee created in 1917. At the same time, civil air transport enterprises were created in many European States and in North America, some of which were already engaged in international operations (Paris-London, Paris-Brussels). Also in 1919, two British airmen, Alcock and Brown, made the first West-East crossing of the North Atlantic from Newfoundland to Ireland and the "R-34", a British dirigible made a round trip flight from Scotland to New York and back.

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It was events like these which incited a number of young aviators to propose that the international collaboration in aviation matters which had been born out of military necessity during and immediately after World War I should not end with the end of hostilities but should now be turned to peaceful ends, i.e. the development of post-war civil aviation because they believed that aviation had to be international or not at all. This proposal was formally taken up by France and submitted to the other principal Allied powers who received it favorably. This action then resulted in the drawing up of the International Air Convention, which was signed by 26 of the 32 Allied and Associated powers represented at the Paris Peace Conference and was ultimately ratified by 38 States. This Convention consisted of 43 articles that dealt with all technical, operational and organizational aspects of civil aviation and also foresaw the creation of an International Commission for Air Navigation (ICAN) to monitor developments in civil aviation and to propose measures to States to keep abreast of developments. It should be noted that this Convention took over all the principles that had already been formulated by the Conference that had been held in 1910 in Paris.



Louis Bleriot's cross-Channel flight of 1909 was the first international flight by a heavier-than-air machine. A year later the first international air navigation conference was convened in Paris

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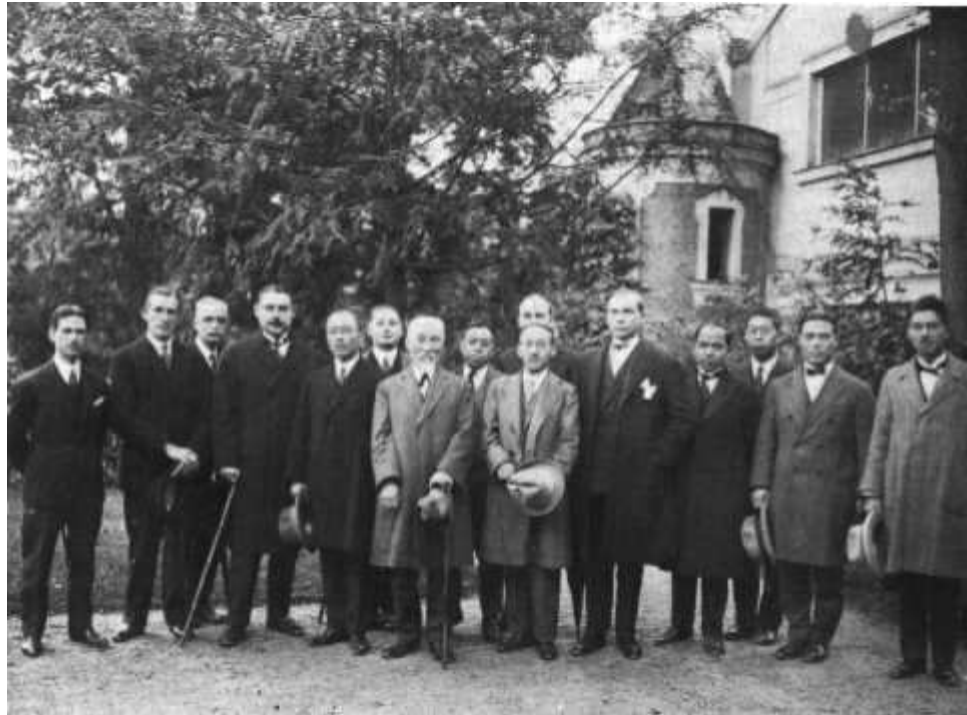
Air freight in 1921

To assist the Commission, it was agreed to establish a small permanent Secretariat under the direction of a General Secretary. In December 1922 this Secretariat assumed its duties with Mr. Albert Roper from France as General Secretary and it was located in Paris, where it remained throughout its existence. In fact, it should be noted that Mr. Roper also became the first Secretary General of ICAO and the European Office of ICAO in Paris, on its foundation, took over the offices of the ICAN Secretariat and remained there for its first 19 years until August 1965 (60 bis avenue d'Iéna). This seems to demonstrate certain continuity, at least as far as organizational measures in international civil aviation are concerned.

Between Wars

The years between the two World Wars were marked by a continuous growth of civil aviation in both the technical and the commercial fields, even though flying was not yet opened to the masses but remained a rather exclusive means of personal transport. In fact, it was around 1930 when, after an ICAN Meeting, three prominent General Directors of Civil Aviation, met at the Paris Gare du Nord, and that the famous phrase was coined: "The layman flies, the expert takes the train", a phrase which perfectly reflected the uncertainties which surrounded flying at that time, especially during the bad weather periods in Europe. However, the search for higher speed, greater reliability and the covering of greater distances continued throughout this period in all industrialized States and each step forward in these fields brought the great potential inherent to air transport closer to reality.

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Visit by CINA to Japan - Sometime around 1930

It is needless to say that the aviation made during World War II not only resulted in horror and human tragedies but that its utilization also significantly advanced the technical and operational possibilities of air transport in a world which had finally found peace again. In fact, for the first time large numbers of people and goods had been transported over long distances and ground facilities had been developed to permit this in an orderly and expeditious manner. It was for this reason that, in 1943, the US initiated studies of post-war civil aviation problems which, once more, confirmed the belief that they either were to be tackled on an international scale or it would not be possible to use it as one of the principal elements in the economic development of the world and the first available means to start "healing the wounds of war" as President Roosevelt put it.

International Civil Aviation Organisation (ICAO)

ICAO Headquarter

999 University Street Montréal, Quebec

Canada H3C 5H7

Tel: +1 (514) 954-8219 Fax: +1 (514) 954-6077 E-mail: icaoheadq@icao.int Web site: www.icao.int



The International Civil Aviation Organization (ICAO), a specialized agency of the United Nations, was created with the signing in Chicago, on 7 December 1944, of the Convention on International Civil Aviation. ICAO is the permanent body charged with the administration of the principles laid out in the Convention.

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The Chicago Convention

The Second World War was a powerful catalyst for the technical development of the aeroplane. At that time, a vast network of passenger and freight carriage was set up, but in order for air transport to support and benefit a world at peace, there were many obstacles, both political and technical, to overcome. In the early days of 1944, the Government of the United States conducted exploratory discussions with other allied nations to develop an effective strategy. On the basis of these talks, 52 States met in Chicago in November 1944.

For five weeks, the delegates considered the myriad issues of international civil aviation. The outcome was the Convention on International Civil Aviation, also referred to as the Chicago Convention.

At the Chicago talks, it was agreed that the Convention would only come into force thirty days after its ratification by a 26th State. In the interim, a provisional ICAO (PICAO) was formed and given advisory powers, with instructions to lay the foundation for an international organization devoted to the needs of civil aviation. The Chicago Convention entered in force on 4 April 1947.

The 96 articles of the Chicago Convention establish the privileges and restrictions of all Contracting States and provide for the adoption of International Standards and Recommended Practices (SARPs) regulating international air transport. The Convention accepts the principle that every State has complete and exclusive sovereignty over the airspace above its territory and provides that no scheduled international air service may operate over or into the territory of a Contracting State without its previous consent. The aims and objectives of ICAO, as contained in Article 44 of the Chicago Convention, are to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport so as to:

- insure the safe and orderly growth of international civil aviation throughout the world;*
- encourage the arts of aircraft design and operation for peaceful purposes;*
- encourage the development of airways, airports and air navigation facilities for international civil aviation;*
- meet the needs of the peoples of the world for safe, regular, efficient and economical air transport;*
- prevent economic waste caused by unreasonable competition;*
- insure that the rights of Contracting States are fully respected and that every Contracting State has a fair*
- opportunity to operate international airlines;*
- avoid discrimination between Contracting States;*
- promote safety of flight in international air navigation;*
- promote generally the development of all aspects of international civil aeronautics.*

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The Organization

ICAO has a sovereign body, the Assembly, and a governing body, the Council. The Assembly meets at least once every three years and is convened by the Council. Each Contracting State is entitled to one vote, and decisions of the Assembly are taken by a majority of the votes cast except when otherwise provided for in the Convention. At these sessions, the complete work of the Organization in the technical, economic, legal and technical cooperation fields is reviewed in detail, and guidance is given to the other bodies of ICAO for their future work.

The Council is a permanent body responsible to the Assembly and is composed of representatives from 36 Contracting States elected by the Assembly for a three-year term. In the election, adequate representation is given to States of chief importance in air transport, States not otherwise included which make the largest contribution to the provision of facilities for civil air navigation and States not otherwise included whose designation will ensure that all the major geographic areas of the world are represented on the Council.

The Council and its subsidiary bodies set the continuing direction of the work of the Organization. One of the major duties of the Council is to adopt International Standards and Recommended Practices and to incorporate these as Annexes to the Convention on International Civil Aviation. The Council may act as an arbiter between Contracting States on matters concerning aviation and implementation of the Convention; it may investigate any situation which presents avoidable obstacles to the development of international air navigation; and, in general, it may take whatever steps are necessary to maintain the safety and regularity of operation of international air transport.

A Standard is any specification whose uniform application is recognized as necessary for the safety or regularity of international air navigation and to which Contracting States will conform in accordance with the Convention. A Recommended Practice is any specification whose uniform application is recognized as desirable for the safety, regularity or efficiency of international air navigation. ICAO Standards and Recommended Practices are detailed in the 18 Annexes to the Chicago Convention that cover all aspects of international civil aviation.

Although the Council is responsible for the adoption of SARPs and the approval of Procedures for Air Navigation Services (PANS), the principal body concerned with their development is the ICAO Air Navigation Commission. The Commission is composed of fifteen persons qualified and experienced in the science and practice of aeronautics. Its members are nominated by Contracting States and are appointed by the Council. They act in their personal expert capacity and not as representatives of their nominators. The Commission is assisted by small groups of experts nominated by Contracting States and international organizations and approved by the Commission.

General Information

Annexes to the Convention

- *Annex 1 — Personnel Licensing*
- *Annex 2 — Rules of the Air*
- *Annex 3 — Meteorological Service for International Air Navigation*
- *Annex 4 — Aeronautical Charts*
- *Annex 5 — Units of Measurement to be Used in Air and Ground Operations*
- *Annex 6 — Operation of Aircraft*
- *Annex 7 — Aircraft Nationality and Registration Marks*
- *Annex 8 — Airworthiness of Aircraft*
- *Annex 9 — Facilitation*
- *Annex 10 — Aeronautical Telecommunications*
- *Annex 11 — Air Traffic Services*
- *Annex 12 — Search and Rescue*
- *Annex 13 — Aircraft Accident and Incident Investigation*
- *Annex 14 — Aerodromes*
- *Annex 15 — Aeronautical Information Services*
- *Annex 16 — Environmental Protection*
- *Annex 17 — Security — Safeguarding International Civil Aviation Against Acts of Unlawful Interference*
- *Annex 18 — The Safe Transport of Dangerous Goods by Air*

General Information

International Air Transport Association (IATA)

<i>Formation:</i>	<i>April 1945, Havana, Cuba</i>
<i>Headquarters:</i>	<i>Montreal, Canada</i>
<i>Membership:</i>	<i>225 airlines</i>
<i>Key people:</i>	<i>Giovanni Bisignani, Director General and CEO</i>
<i>Website:</i>	<i>www.iata.org</i>

The International Air Transport Association (IATA) is an international industry trade group of airlines headquartered in Montreal, Quebec, Canada, where the International Civil Aviation Organization is also headquartered. IATA's mission is to represent, lead, and serve the airline industry. IATA represents some 230 airlines comprising 93% of scheduled international air traffic. The Director General and Chief Executive Officer is Giovanni Bisignani. Currently, IATA is present in over 150 countries covered through 101 offices around the globe.

IATA was formed in April 1945, in Havana, Cuba. It is the successor to the International Air Traffic Association, founded in The Hague in 1919, the year of the world's first international scheduled services. At its founding, IATA had 57 members from 31 nations, mostly in Europe and North America. Today it has about 230 members from more than 140 nations in every part of the world.

IATA's stated mission is to represent, lead and serve the airline industry. All the Airline rules and regulations are defined by IATA. The main aim of IATA is to provide safe and secure transportation to its passengers.

IATA has responded to the demise of the IATA fares by introducing a new fareclass - Flexfares. However, these new fares are not replacement of the earlier full IATA fare, and a number of airlines (including Lufthansa [3]) are not participating in this.

IATA assigns 3-letter IATA Airport Codes and 2-letter IATA airline designators, which are commonly used worldwide. ICAO also assigns airport and airline codes. For Rail&Fly systems, IATA also assigns IATA train station codes. For delay codes, IATA assigns IATA Delay Codes.

IATA is pivotal in the worldwide accreditation of travel agents with exception of the U.S., where this is done by the Airlines Reporting Corporation. Permission to sell airline tickets from the participating carriers is achieved through national member organisations. Over 80% of airlines' sales come from IATA accredited agents.

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IATA administrates worldwide the Billing and Settlement Plan (BSP) and Cargo Accounts Settlement Systems (CASS) that serve as a facilitator of the sales, reporting and remittance of accredited travel and cargo agencies. Both settlement programmes are ruled by standards and resolutions.

IATA regulates the shipping of dangerous goods and publishes the IATA Dangerous Goods Regulations manual, a globally accepted field source reference for airlines' shipping of hazardous materials.

IATA coordinates the Scheduling process which govern the allocation and exchange of slots at congested airports worldwide, applying fair, transparent and non-discriminatory principles. In consultation with the airline and airport coordinator communities, IATA manages and publishes the industry standards in the Worldwide Scheduling Guidelines (WSG) intended to provide guidance on managing the allocation of slots at airports.

IATA maintains the Timatic database containing cross border passenger documentation requirements. It is used by airlines to determine whether a passenger can be carried, as well as by airlines and travel agents to provide this information to travellers at the time of booking.

IATA publishes standards for use in the airline industry. The Bar Coded Boarding Pass (BCBP) standard defines the 2-Dimensional (2D) bar code printed on paper boarding passes or sent to mobiles phones for electronic boarding passes.

IATA publishes the IATA Rates of Exchange (IROE) four times per year, used with the Neutral Unit of Construction (NUC) fare currency-neutral construction system that superseded the older Fare Construction Unit (FCU) system in 1989.

In 2004, IATA launched Simplifying the Business - a set of five initiatives which it says will save the industry US\$6.5 billion every year. These projects are BCBP, IATA e-freight, CUSS (common use self-service), Baggage Improvement Programme (BIP) and the Fast Travel Programme.

In 2003, the IATA Safety Operational Audit (IOSA) was launched with the aim to serve as a standard and worldwide recognized certification of airlines' operational management. The IOSA certification has now become a mandatory requisite for all IATA member airlines.

European Civil Aviation Conference (ECAC)



- *Founded in 1995*
- *EU Countries are Members*
- *Objectives:*
 - *support the continued development of the European air transport system,*
 - *harmonize civil aviation policies and practices*
 - *organize symposia and seminars*

General Information

Joint Aviation Authorities (JAA)

The Joint Aviation Authorities, or JAA, was an associated body of the European Civil Aviation Conference (ECAC) representing the civil aviation regulatory authorities of a number of European States who had agreed to co-operate in developing and implementing common safety regulatory standards and procedures.

The JAA Membership was based on signing the "JAA Arrangements" of Cyprus originally in 1990

The JAA started as the Joint Airworthiness Authorities in 1970. Originally, its objectives were to produce common certification codes for large aeroplanes and for engines in order to meet the needs of European industry and international consortia (e.g., Airbus). After 1987 its work was extended to operations, maintenance, licensing and certification/design standards for all classes of aircraft.

The adoption of the Regulation (EC) No 1592/2002 by the European Parliament and the Council of the European Union (EU) and the subsequent establishment of the EASA created a Europe wide regulatory authority which has absorb all the functions of the JAA (in the EASA Members states). Among the functions which have already been transferred is safety and environmental type-certification of aircraft, engines and parts and approval.

The offices of JAA are since 2007 located in the premises of European Aviation Safety Agency (EASA) in Cologne, Germany. The JAA existed and functioned now with two offices – the Liaison Office and the Training Office

The Liaison Office "JAA LO" liaised between EASA and the Civil Aviation Authorities of the non EASA JAA Member States.

The Training Office "JAA TO" provides relevant training to aviation community.

JAA Member States:

Albania, Austria, Armenia*, Azerbaijan*, Belgium, Bulgaria, Bosnia & Herzegovina, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, The Former Yugoslav Rep. of Macedonia, Germany, Greece, Georgia*, Hungary, Iceland, Ireland, Italy, Latvia, Lichtenstein, Lithuania, Luxemburg, Malta, Moldavia, Monaco, Montenegro*, Norway, Poland, Portugal, Romania, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, The Netherlands, Turkey, Ukraine*, United Kingdom*

** Candidate Members*

General Information

European Aviation Safety Agency (EASA)

Headquarter

Postal Address: Postfach 10 12 53, 50452 Cologne, Germany

Visiting Address: Ottoplatz 1, 50679 Cologne, Germany

Tel.: +49 (0) 221 8999 0000

Fax.: +49 (0) 221 8999 0999



EASA Members

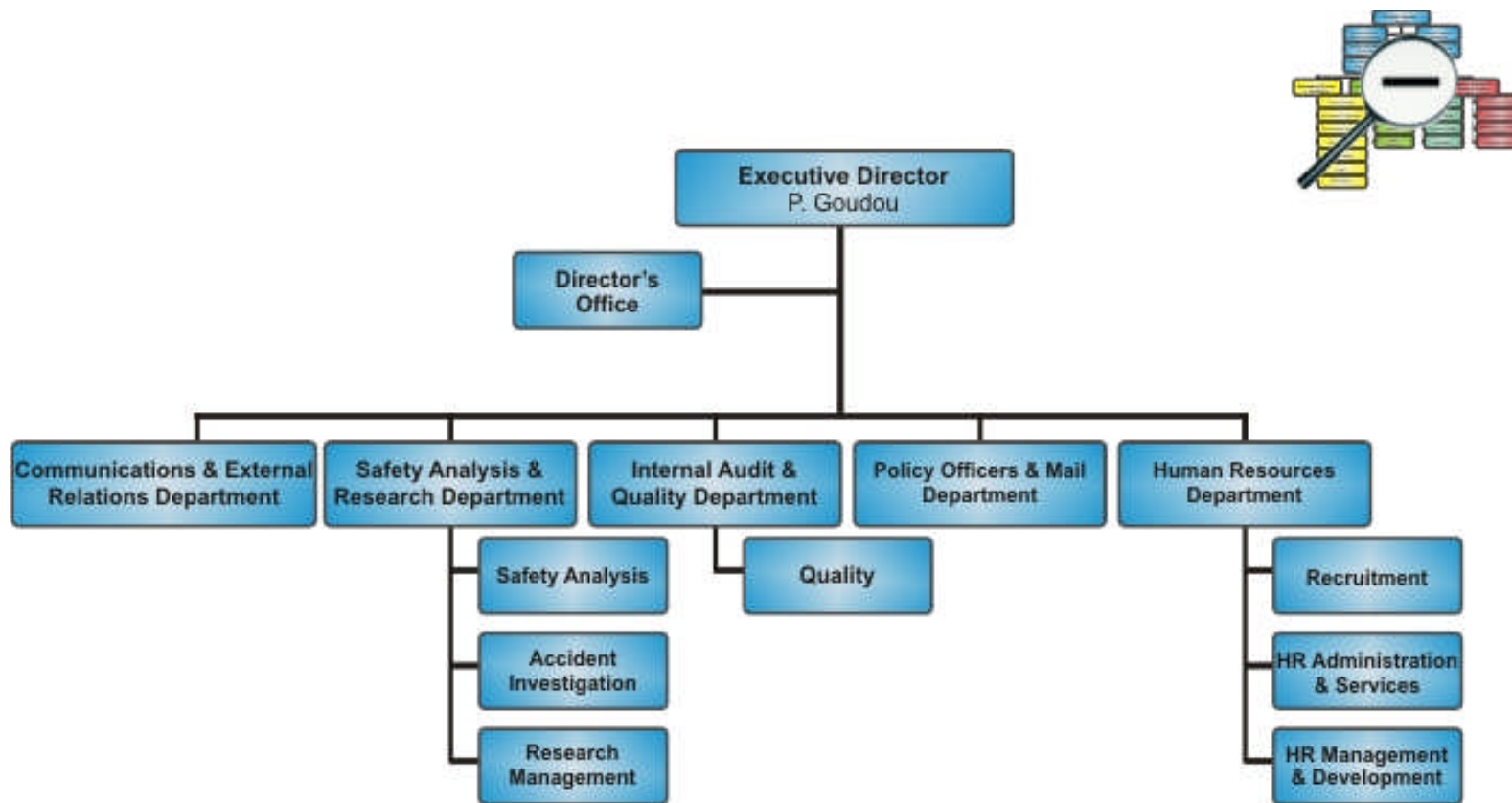


Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lichtenstein, Lithuania, Luxemburg, Malta, Norway, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, The Netherlands, United Kingdom

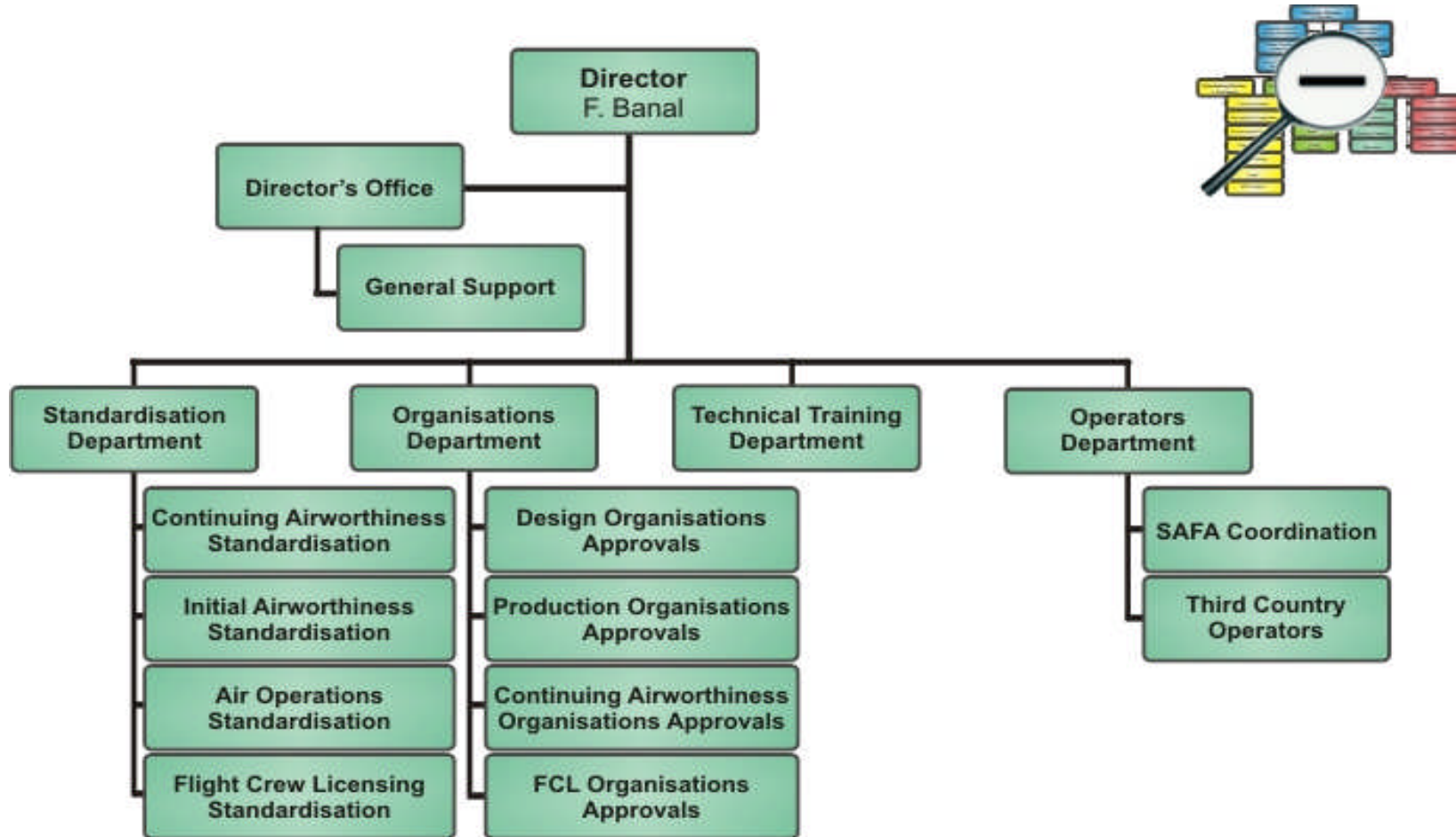
Key points

- *Legal basis is the Regulation (EC) No. 1592/2002 (“Basic Regulation”) repealed by Regulation (EC) No. 216/2008 and amended with Commission Regulation (EC) No. 690/2009 and Regulation (EC) No. 1108/2009*
- *EASA has a legal personality (Reg. No. 216/2008)*
- *Members are members of the European Community and additional Countries (see EASA web page)*
- *Responsibilities and Task’s are defined in Chapter III of Reg. No. 216/2008*
- *EASA was established for the implementation of the basic Regulation and it implementing rules*
- *The Regulations does not apply for products, organisation and personnel engaged in military, customs, police and similar services*
- *Aircrafts which are defined by definitions of Annex II are not covered by the Regulations*
- *EASA is controlled by a Management Board which assisted by a Advisory Board of interested Parties (ABIP)*
- *EASA is supported by an Advisory Group of National Authorities (AGNA) in the field of Rulemaking*

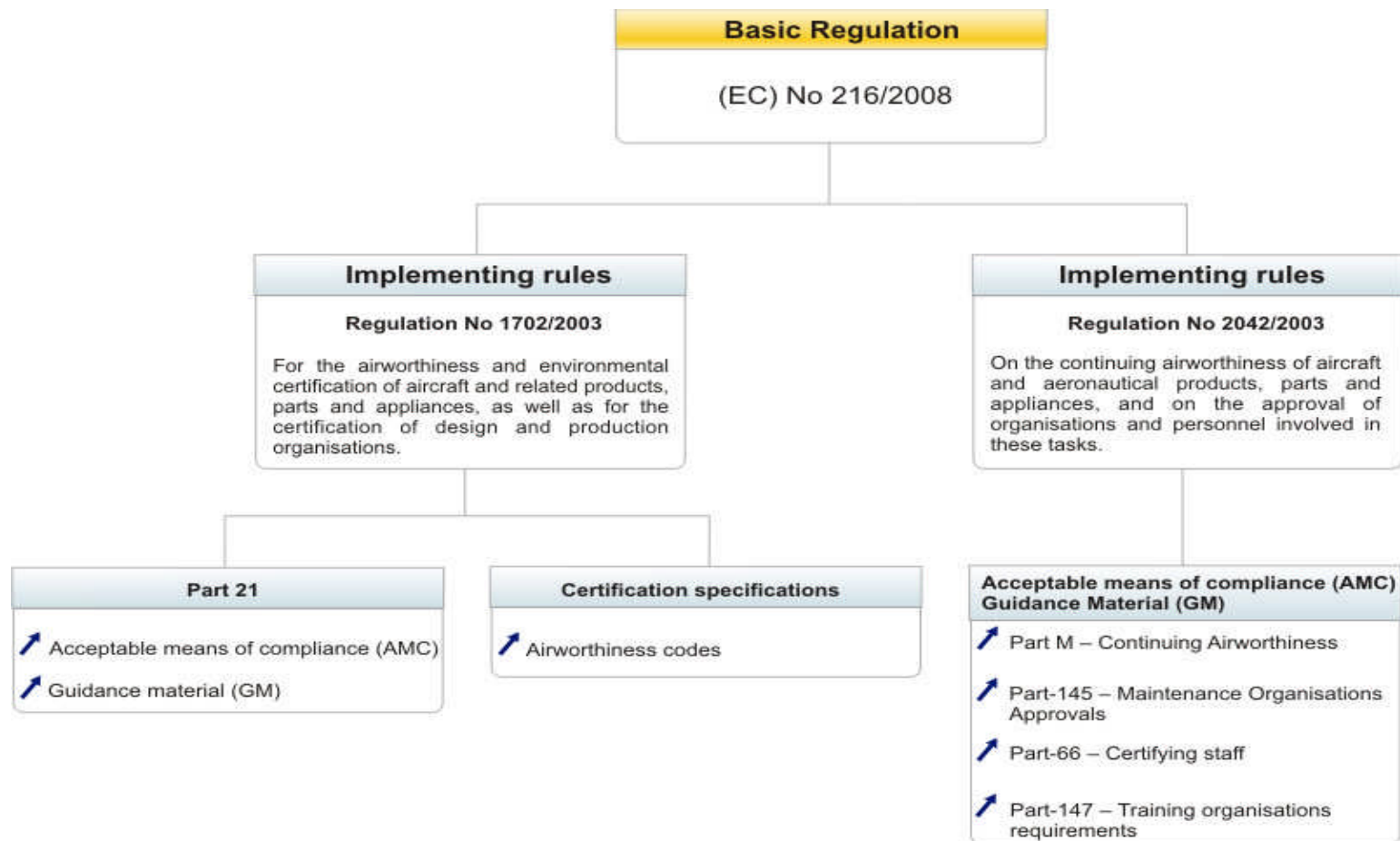
Organisation Structure



Approvals and Standardisation Directorate



Regulation structure



Basic Regulation

REGULATION (EC) No 216/2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC

Amended by:

- *Commission Regulation (EC) No 690/2009 of 30 July 2009 published in the official Journal 31.07.2009*
- *Regulation (EC) No 1108/2009 of the European Parliament and of the Council of 21 October 2009 published in the official Journal 24.11.2009*

Selected Articles and selected Information therein on the next pages

(The selected information are related to the subjects of the workshop and have only information character)

Article 1 **Scope**

1. *This Regulation shall apply to:*

a) the design, production, maintenance and operation of aeronautical products, parts and appliances, as well as personnel and organisations involved in the design, production and maintenance of such products, parts and appliances;

b) personnel and organisations involved in the operation of aircraft;

(c)...;

(d)...;

(e)...;

(f)....

2. *This Regulation shall not apply to:*

(a) products, parts, appliances, personnel and organisations referred to in paragraph 1(a) and (b) while carrying out military, customs, police, search and rescue, firefighting, coastguard or similar activities or services. The Member States shall undertake to ensure that such activities or services have due regard as far as practicable to the objectives of this Regulation;

(b)...;

(c)....

3.

Article 2 Objectives

1. *The principal objective of this Regulation is to establish and maintain a high uniform level of civil aviation safety in Europe.*
2. *Additional objectives are, in the fields covered by this Regulation, as follows:*
 - a. *to ensure a high uniform level of environmental protection;*
 - b. *to facilitate the free movement of goods, persons and services;*
 - c. *to promote cost-efficiency in the regulatory and certification processes and to avoid duplication at national and European level;*
 - d. *to assist Member States in fulfilling their obligations under the Chicago Convention, by providing a basis for a common interpretation and uniform implementation of its provisions, and by ensuring that its provisions are duly taken into account in this Regulation and in the rules drawn up for its implementation;*
 - e. *to promote Community views regarding civil aviation safety standards and rules throughout the world by establishing appropriate cooperation with third countries and international organisations;*
 - f. *to provide a level playing field for all actors in the internal aviation market.*

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3. *The means of achieving the objectives set out in paragraphs 1 and 2 shall be:*
 - a. *the preparation, adoption and uniform application of all necessary acts;*
 - b. *the recognition, without additional requirements, of certificates, licences, approvals or other documents granted to products, personnel and organisations in accordance with this Regulation and its implementing rules;*
 - c. *the establishment of an independent European Aviation Safety Agency (hereinafter referred to as the Agency);*
 - d. *the uniform implementation of all necessary acts by the national aviation authorities and the Agency within their respective areas of responsibility.*

Article 3 **Definitions**

For the purposes of this Regulation:

(a) 'continuing oversight' shall mean the tasks to be conducted to verify that the conditions under which a certificate has been granted continue to be fulfilled at any time during its period of validity, as well as the taking of any safeguard measure;

(b) 'Chicago Convention' shall mean the Convention on International Civil Aviation and its Annexes, signed in Chicago on 7 December 1944;

(c) 'product' shall mean an aircraft, engine or propeller;

(d) 'parts and appliances' shall mean any instrument, equipment, mechanism, part, apparatus, appurtenance, software or accessory, including communications equipment, that is used or intended to be used in operating or controlling an aircraft in flight; it shall include parts of an airframe, engine or propeller, or equipment used to manoeuvre the aircraft from the ground;

(da) 'ATM/ANS constituents' shall mean any constituent as defined in Article 2(19) of Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation) (10);

(e) 'certification' shall mean any form of recognition that a product, part or appliance, organisation or person complies with the applicable requirements including the provisions of this Regulation and its implementing rules, as well as the issuance of the relevant certificate attesting such compliance;

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(f) 'qualified entity' shall mean a body which may be allocated a specific certification task by, and under the control and the responsibility of, the Agency or a national aviation authority;

(g) 'certificate' shall mean any approval, licence or other document issued as the result of certification;

(h) 'operator' shall mean any legal or natural person, operating or proposing to operate one or more aircraft or one or more aerodromes;

(i) 'commercial operation' shall mean any operation of an aircraft, in return for remuneration or other valuable consideration, which is available to the public or, when not made available to the public, which is performed under a contract between an operator and a customer, where the latter has no control over the operator;

(j) 'complex motor-powered aircraft' shall mean:

(i) an aeroplane:

- with a maximum certificated take-off mass exceeding 5 700 kg, or*
- certificated for a maximum passenger seating configuration of more than nineteen, or*
- certificated for operation with a minimum crew of at least two pilots, or*
- equipped with (a) turbojet engine(s) or more than one turboprop engine, or*

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(ii) a helicopter certificated:

- for a maximum take-off mass exceeding 3 175 kg, or*
- for a maximum passenger seating configuration of more than nine, or*
- for operation with a minimum crew of at least two pilots, or*

(iii) a tilt rotor aircraft;

(k) 'flight simulation training device' shall mean any type of device in which flight conditions are simulated on the ground; they include flight simulators, flight training devices, flight and navigation procedures trainers and basic instrument training devices;

(l) 'rating' shall mean a statement entered on a licence, setting forth privileges, special conditions or limitations pertaining thereto;

(m) 'aerodrome' shall mean a defined area (including any buildings, installations and equipment) on land or water or on a fixed, fixed offshore or floating structure intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;

(n) 'aerodrome equipment' shall mean any equipment, apparatus, appurtenance, software or accessory, that is used or intended to be used to contribute to the operation of aircraft at an aerodrome;

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(o) 'apron' shall mean a defined area intended to accommodate aircraft for purposes of loading or unloading passengers, mail or cargo, fuelling, parking or maintenance;

(p) 'apron management service' shall mean a service provided to manage the activities and the movement of aircraft and vehicles on an apron;

(q) 'ATM/ANS' shall mean the air traffic management functions as defined in Article 2(10) of Regulation (EC) No 549/2004, air navigation services defined in Article 2(4) of that Regulation, and services consisting in the origination and processing of data and formatting and delivering data to general air traffic for the purpose of safety-critical air navigation;

(r) 'ATM/ANS system' shall mean any combination of safety-related equipment and systems as defined in Article 2(39) of Regulation (EC) No 549/2004;

(s) 'flight information service' shall mean a service provided for the purpose of giving advice and information useful for the safe and efficient conduct of flights.

Article 4 *Basic principles and applicability*

1. Aircraft, including any installed product, part and appliance, which are:

(a) designed or manufactured by an organisation for which the Agency or a Member State ensures safety oversight; or

(b) registered in a Member State, unless their regulatory safety oversight has been delegated to a third country and they are not used by a Community operator; or

(c) registered in a third country and used by an operator for which any Member State ensures oversight of operations or used into, within or out of the Community by an operator established or residing in the Community; or

(d) registered in a third country, or registered in a Member State which has delegated their regulatory safety oversight to a third country, and used by a third-country operator into, within or out of the Community

1. shall comply with this Regulation.

2. Personnel involved in the operations of aircraft referred to in paragraph 1(b), (c) or (d) shall comply with this Regulation.

3. Operations of aircraft referred to in paragraph 1(b), (c) or (d) shall comply with this Regulation.

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3a. Aerodromes, including equipment, located in the territory subject to the provisions of the Treaty, open to public use and which serve commercial air transport and where operations using instrument approach or departure procedures are provided, and:

(a) have a paved runway of 800 metres or above; or

(b) exclusively serve helicopters;

shall comply with this Regulation. Personnel and organisations involved in the operation of these aerodromes shall comply with this Regulation.

3b. By way of derogation from paragraph 3a, Member States may decide to exempt from the provisions of this Regulation an aerodrome which:

— handles no more than 10 000 passengers per year, and

— handles no more than 850 movements related to cargo operations per year.

If such exemption by a Member State does not comply with the general safety objectives of this Regulation or any other rule of Community law, the Commission shall take a decision in accordance with the safeguard procedure referred to in Article 65(7) not to permit the exemption in question. In such a case, the Member State concerned shall revoke the exemption.

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3c. ATM/ANS provided in the airspace of the territory to which the Treaty applies, as well as in any other airspace where Member States apply Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the single European sky (the airspace Regulation) (11) in accordance with Article 1(3) of that Regulation, shall comply with this Regulation. Systems and constituents, personnel and organisations involved in the provision of these ATM/ANS shall comply with this Regulation.

4. Paragraph 1 shall not apply to aircraft referred to in Annex II.

5. Paragraphs 2 and 3 shall not apply to aircraft referred to in Annex II, with the exception of aircraft referred to in points (a)(ii), (d) and (h) thereof when used for commercial air transportation.

6. This Regulation shall not affect the rights of third countries as specified in international conventions, in particular the Chicago Convention.

Article 5 **Airworthiness**

1. Aircraft referred to in Article 4(1)(a), (b) and (c) shall comply with the essential requirements for airworthiness laid down in Annex I.

2. Compliance of aircraft referred to in Article 4(1)(b), and of products, parts and appliances mounted thereon shall be established in accordance with the following:

(a) products shall have a type-certificate. The type-certificate, and certification of changes to that type-certificate, including supplemental type-certificates, shall be issued when the applicant has shown that the product complies with a type-certification basis as specified in Article 20, established to ensure compliance with the essential requirements referred to in paragraph 1, and when it has no feature or characteristic making it unsafe for operation. The type-certificate shall cover the product, including all parts and appliances fitted thereon;

(b) the measures referred to in paragraph 5 may lay down a requirement for certification in respect of parts and appliances. The certificates for parts and appliances shall be issued when the applicant has shown that the parts and appliances comply with the detailed airworthiness specifications established to ensure compliance with the essential requirements referred to in paragraph 1;

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(c) no aircraft shall be operated, unless it has a valid certificate of airworthiness. The certificate shall be issued when the applicant has shown that the aircraft conforms to the type design approved in its type-certificate and that relevant documentation, inspections and tests demonstrate that the aircraft is in condition for safe operation. This certificate of airworthiness shall remain valid as long as it is not suspended, revoked or terminated and as long as the aircraft is maintained in accordance with the essential requirements related to continuing airworthiness set out in point 1.d of Annex I and the measures adopted pursuant to paragraph 5;

(d) organisations responsible for the maintenance of products, parts and appliances shall demonstrate their capability and means to discharge the responsibilities associated with their privileges. Unless otherwise accepted these capabilities and means shall be recognised through the issuance of an organisation approval. The privileges granted to the approved organisation and the scope of the approval shall be specified in the terms of approval;

(e) organisations responsible for the design and manufacture of products, parts and appliances shall demonstrate their capability and means to discharge the responsibilities associated with their privileges. Unless otherwise accepted these capabilities and means shall be recognised through the issuance of an organisation approval. The privileges granted to the approved organisation and the scope of the approval shall be specified in the terms of approval;

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in addition:

(f) personnel responsible for the release of a product, part or appliance after maintenance may be required to hold an appropriate certificate (personnel certificate);

(g) the capability of maintenance training organisations to discharge the responsibilities associated with their privileges in relation to the issuance of the certificates referred to in point (f) may be recognised by the issuance of an approval.

3.

4. ...;

5. The measures designed to amend non-essential elements of this Article, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 65(4). Those measures shall specify in particular:

(a) ...;

(b) ...;

(c) ...;

(d) conditions for issuing and disseminating mandatory information in order to ensure the continuing airworthiness of products;

(e) conditions for issuing, maintaining, amending, suspending or revoking type-certificates, restricted type-certificates, approval of changes to type-certificates, individual certificates of airworthiness, restricted certificates of airworthiness, permits to fly and certificates for products, parts or appliances, including:

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(i) conditions on the duration of these certificates, and conditions to renew certificates when a limited duration is fixed;

(ii) ...;

(iii) ...;

(iv) the minimum syllabus of maintenance certifying staff type rating training to ensure compliance with paragraph (2)(f);

(v) ...;

(vi) ...;

(f) conditions to issue, maintain, amend, suspend or revoke organisation approvals required in accordance with paragraph 2(d), (e) and (g) and conditions under which such approvals need not be requested;

(g) conditions to issue, maintain, amend, suspend or revoke personnel certificates required in accordance with paragraph 2(f);

(h) responsibilities of the holders of certificates;

(i) ...;

(j) ...;

6.

Article 17 ***Establishment and functions of the Agency***

1. *For the purpose of the implementation of this Regulation, a European Aviation Safety Agency shall be established.*
2. *For the purposes of ensuring the proper functioning and development of civil aviation safety, the Agency shall:*
 - (a) undertake any task and formulate opinions on all matters covered by Article 1(1);*
 - (b) assist the Commission by preparing measures to be taken for the implementation of this Regulation. Where these comprise technical rules and in particular rules relating to construction, design and operational aspects, the Commission may not change their content without prior coordination with the Agency. The Agency shall also provide the Commission with the necessary technical, scientific and administrative support to carry out its tasks;*
 - (c) take the necessary measures within the powers conferred on it by this Regulation or other Community legislation;*
 - (d) conduct inspections and investigations as necessary to fulfil its tasks;*
 - (e) in its fields of competence, carry out, on behalf of Member States, functions and tasks ascribed to them by applicable international conventions, in particular the Chicago Convention.*

Article 18 **Agency measures**

The Agency shall, where appropriate:

(a) issue opinions addressed to the Commission;

(b) issue recommendations addressed to the Commission for the application of Article 14;

(c) issue certification specifications and acceptable means of compliance, as well as any guidance material for the application of this Regulation and its implementing rules;

(d) take the appropriate decisions for the application of Articles 20, 21, 22, 22a, 22b, 23, 54 and 55 including the granting of exemptions to holders of certificates it has issued, from the substantive requirements laid down in this Regulation and its implementing rules in the event of unforeseen urgent operational circumstances or operational needs of a limited duration, provided that the level of safety is not affected, that they are granted for a period not exceeding two months, that they are notified to the Commission and that they are not renewed;

(e) issue the reports following standardisation inspections carried out pursuant to Articles 24(1) and 54.

Article 19 ***Opinions, certification specifications and guidance material***

1. *In order to assist the Commission in the preparation of proposals for basic principles, applicability and essential requirements to be presented to the European Parliament and to the Council and the adoption of the implementing rules, the Agency shall prepare drafts thereof. These drafts shall be submitted by the Agency as opinions to the Commission.*

2. *The Agency shall, in accordance with Article 52 and the implementing rules adopted by the Commission, develop:*

(a) certification specifications and acceptable means of compliance; and

(b) guidance material;

2. *to be used in the certification process.*

2. *These documents shall reflect the state of the art and the best practices in the fields concerned and be updated taking into account worldwide aircraft experience in service, and scientific and technical progress.*

Article 20 ***Airworthiness and environmental certification***

1. With regard to the products, parts and appliances referred to in Article 4(1)(a) and (b), the Agency shall, where applicable and as specified in the Chicago Convention or its Annexes, carry out on behalf of Member States the functions and tasks of the state of design, manufacture or registry when related to design approval. To that end, it shall in particular:

(a) for each product for which a type-certificate or a change to a type-certificate is requested, establish and notify the type-certification basis. That certification basis consists of the applicable airworthiness code, the provisions for which an equivalent level of safety has been accepted and the special detailed technical specifications necessary when the design features of a particular product or the experience in operation render any of the airworthiness code provisions inadequate or inappropriate to ensure conformity with essential requirements;

(b) for each product for which a restricted certificate of airworthiness is requested, establish and notify the specific airworthiness specifications;

(c) for each part or appliance for which a certificate is requested, establish and notify the detailed airworthiness specifications;

(d) for each product for which environmental certification is required in accordance with Article 6, establish and notify the appropriate environmental requirements;

(e) conduct, itself or through national aviation authorities or qualified entities, investigations associated with products, parts and appliances certification;

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(f) issue the appropriate type-certificates or associated changes;

(g) issue certificates for parts and appliances;

(h) issue the appropriate environmental certificates;

(i) amend, suspend or revoke the relevant certificate when the conditions according to which it was issued are no longer fulfilled or if the legal or natural person holding the certificate fails to fulfil the obligations imposed on it by this Regulation or its implementing rules;

(j) ensure the continuing airworthiness functions associated with the products, parts and appliances which are under its oversight, including reacting without undue delay to a safety problem and issuing and disseminating the applicable mandatory information;

(k) for aircraft for which a permit to fly is to be issued, establish airworthiness standards and procedures to comply with Article 5(4)(a);

(l) issue permits to fly to aircraft for the purpose of certification under the control of the Agency, in agreement with the Member State in which the aircraft is registered or is to be registered.

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2. With regard to organisations, the Agency shall:

(a) conduct, itself or through national aviation authorities or qualified entities, inspections and audits of the organisations it certifies;

(b) issue and renew the certificates of:

(i) design organisations; or

(ii) production organisations located within the territory of the Member States, if requested by the Member State concerned;
or

(iii) production and maintenance organisations located outside the territory of the Member States;

(c) amend, suspend or revoke the relevant organisation certificate when the conditions according to which it was issued are no longer fulfilled, or if the organisation concerned fails to fulfil the obligations imposed on it by this Regulation or its implementing rules.

Article 24 ***Monitoring the application of the rules***

- 1. The Agency shall conduct standardisation inspections in the fields covered by Article 1(1), in order to monitor the application by national competent authorities of this Regulation and of its implementing rules, and shall report to the Commission.*
- 2. The Agency shall conduct investigations of undertakings to monitor the application of this Regulation and its implementing rules.*
- 3. The Agency shall assess the impact of the implementation of this Regulation and its implementing rules, having regard to the objectives set out in Article 2.*
- 4. The Agency shall be consulted on, and issue recommendations to the Commission for, the application of Article 14.*
- 5. The working methods of the Agency for conducting the tasks referred to in paragraphs 1, 3 and 4 shall be subject to requirements to be adopted in accordance with the procedure referred to in Article 65(2), taking into account the principles laid down in Articles 52 and 53.*

Article 27 **International relations**

1. *The Agency shall assist the Community and the Member States in their relations with third countries in accordance with the relevant Community law. It shall, in particular, assist in the harmonising of rules and mutual recognition regarding approvals attesting the satisfactory application of rules.*

2. *The Agency may cooperate with the aeronautical authorities of third countries and the international organisations competent in matters covered by this Regulation in the framework of working arrangements concluded with those bodies, in accordance with the relevant provisions of the Treaty. Such arrangements shall have received the Commission's prior approval.*

3. *The Agency shall assist Member States to respect their international obligations, in particular those under the Chicago Convention.*

ANNEX II ***Aircraft referred to in Article 4(4)***

Article 4(1), (2) and (3) do not apply to aircraft falling in one or more of the categories set out below:

(a) historic aircraft meeting the criteria below:

(i) non-complex aircraft whose:

- initial design was established before 1 January 1955, and*
- production has been stopped before 1 January 1975;*

or

(ii) aircraft having a clear historical relevance, related to:

- a participation in a noteworthy historical event, or*
- a major step in the development of aviation, or*
- a major role played into the armed forces of a Member State;*

(b) aircraft specifically designed or modified for research, experimental or scientific purposes, and likely to be produced in very limited numbers;

(c) aircraft of which at least 51 % is built by an amateur, or a non-profit making association of amateurs, for their own purposes and without any commercial objective;

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(d) aircraft that have been in the service of military forces, unless the aircraft is of a type for which a design standard has been adopted by the Agency;

(e) aeroplanes, helicopters and powered parachutes having no more than two seats, a maximum take-off mass (MTOM), as recorded by the Member States, of no more than:

(i) 300 kg for a land plane/helicopter, single-seater; or

(ii) 450 kg for a land plane/helicopter, two-seater; or

(iii) 330 kg for an amphibian or floatplane/helicopter single-seater; or

(iv) 495 kg for an amphibian or floatplane/helicopter two-seater, provided that, where operating both as a floatplane/helicopter and as a land plane/helicopter, it falls below both MTOM limits, as appropriate;

(v) 472,5 kg for a land plane, two-seater equipped with an airframe mounted total recovery parachute system;

(vi) 315 kg for a land plane single-seater equipped with an airframe mounted total recovery parachute system;

and, for aeroplanes, having the stall speed or the minimum steady flight speed in landing configuration not exceeding 35 knots calibrated air speed (CAS);

(f) single and two-seater gyroplanes with a maximum take off mass not exceeding 560 kg;

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(g) gliders with a maximum empty mass, of no more than 80 kg when single-seater or 100 kg when two-seater, including those which are foot launched;

(h) replicas of aircraft meeting the criteria of (a) or (d) above, for which the structural design is similar to the original aircraft;

(i) unmanned aircraft with an operating mass of no more than 150 kg;

(j) any other aircraft which has a maximum empty mass, including fuel, of no more than 70 kg.

Implementing rule

COMMISSION REGULATION (EC) No 2042/2003 of 20 November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks

Amended by:

- *Commission Regulation (EC) No 707/2006 of 8 May 2006 published in the official Journal 09.05.2006*
- *Commission Regulation (EC) No 376/2007 of 30 March 2007 published in the official Journal 04.04.2007*
- *Commission Regulation (EC) No 1056/2008 of 27 October 2008 published in the official Journal 28.10.2007*
- *Commission Regulation (EC) No 127/2010 of 05. February 2010 published in the official Journal 13.02.2010*
- *Commission Regulation (EC) No 962/2010 of 26. Oktober 2010 published in the official Journal 27.10.2010*

Article 1 **Objective and scope**

1. *This Regulation establishes common technical requirements and administrative procedures for ensuring the continuing airworthiness of aircraft, including any component for installation thereto, which are:*

(a) registered in a Member State; or

(b) registered in a third country and used by an operator for which a Member State ensures oversight of operations.

2. *Paragraph 1 shall not apply to aircraft the regulatory safety oversight of which has been transferred to a third country and which are not used by a Community operator, or to aircraft referred to in Annex II to the basic Regulation.*

3. *The provisions of this Regulation related to commercial air transport are applicable to licensed air carriers as defined by Community law.*

Article 2 **Definitions**

Within the scope of the basic Regulation, the following definitions shall apply:

- (a) aircraft' means any machine that can derive support in the atmosphere from the reactions of the air other than reactions of the air against the earth's surface;*
- (b) certifying staff' means personnel responsible for the release of an aircraft or a component after maintenance;*
- (c) component' means any engine, propeller, part or appliance;*
- (d) continuing airworthiness' means all of the processes ensuring that, at any time in its operating life, the aircraft complies with the airworthiness requirements in force and is in a condition for safe operation;*
- (e) JAA' means 'Joint Aviation Authorities';*
- (f) JAR' means 'Joint Aviation Requirements';*
- (g) large aircraft' means an aircraft, classified as an aeroplane with a maximum take-off mass of more than 5 700 kg, or a multi-engined helicopter;*

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(h) maintenance' means any one or combination of overhaul, repair, inspection, replacement, modification or defect rectification of an aircraft or component, with the exception of pre-flight inspection;

(i) organisation' means a natural person, a legal person or part of a legal person. Such an organisation may be established at more than one location whether or not within the territory of the Member States;

(j) pre-flight inspection' means the inspection carried out before flight to ensure that the aircraft is fit for the intended flight;

(k) ELA1 aircraft' means the following European Light Aircraft:

(i) an aeroplane, sailplane or powered sailplane with a Maximum Take-off Mass (MTOM) less than 1 000 kg that is not classified as complex motor-powered aircraft;

(ii) a balloon with a maximum design lifting gas or hot air volume of not more than 3 400 m³ for hot air balloons, 1 050 m³ for gas balloons, 300 m³ for tethered gas balloons;

(iii) an airship designed for not more than two occupants and a maximum design lifting gas or hot air volume of not more than 2 500 m³ for hot air airships and 1 000 m³ for gas airships;

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(l) LSA aircraft' means a light sport aeroplane which has all of the following characteristics:

(i) a Maximum Take-off Mass (MTOM) of not more than 600 kg;

(ii) a maximum stalling speed in the landing configuration (VS0) of not more than 45 knots Calibrated Airspeed (CAS) at the aircraft's maximum certificated take-off mass and most critical centre of gravity;

(iii) a maximum seating capacity of no more than two persons, including the pilot;

(iv) a single, non-turbine engine fitted with a propeller;

(v) a non-pressurised cabin.

m) "principal place of business" means the head office or the registered office of the undertaking within which the principal financial functions and operational control of the activities referred to in this Regulation are exercised.

Article 3 ***Continuing airworthiness requirements***

- 1. The continuing airworthiness of aircraft and components shall be ensured in accordance with the provisions of Annex I.*
- 2. Organisations and personnel involved in the continuing airworthiness of aircraft and components, including maintenance, shall comply with the provisions of Annex I and where appropriate those specified in Articles 4 and 5.*
- 3. By derogation from paragraph 1, the continuing airworthiness of aircraft holding a permit to fly shall be ensured on the basis of the specific continuing airworthiness arrangements as defined in the permit to fly issued in accordance with the Annex (Part 21) to Commission Regulation (EC) No 1702/2003.*
- 4. For aircraft not used in commercial air transport, any airworthiness review certificate or equivalent document issued in accordance with the Member State requirements and valid on 28 September 2008 shall be valid until its expiration date or until 28 September 2009, whichever comes first. After the expiration of its validity, the competent authority may further re-issue or extend one time the airworthiness review certificate or equivalent document for one year, if allowed by the Member State requirements. Upon further expiration, the competent authority may further re-issue or extend one more time the airworthiness review certificate or equivalent document for one year, if allowed by the Member State requirements. No further re-issuance or extension is allowed. If the provisions of this point have been used, when transferring the registration of the aircraft within the EU, a new airworthiness review certificate shall be issued in accordance with M.A.904.*

Article 4 **Maintenance organisation approvals**

1. *Organisations involved in the maintenance of large aircraft or of aircraft used for commercial air transport, and components intended for fitment thereto, shall be approved in accordance with the provisions of Annex II.*
2. *Maintenance approvals issued or recognised by a Member State in accordance with the JAA requirements and procedures and valid before the entry into force of this Regulation shall be deemed to have been issued in accordance with this Regulation. For this purpose, by derogation from the provisions of 145.B.50(2) under Annex II, level 2 findings associated with the differences between JAR 145 and Annex II may be closed within one year. Certificates of release to service and authorised release certificates issued by an organisation approved under JAA requirements during that one-year period shall be deemed to have been issued under this Regulation.*
3. *Personnel qualified to carry out and/or control a continued airworthiness non-destructive test of aircraft structures and/or components, on the basis of any standard recognised by a Member State prior to the entry into force of this Regulation as providing an equivalent level of qualification, may continue to carry out and/or control such tests.*
4. *Certificates of release to service and authorised release certificates issued before the date of entry into force of this Regulation by a maintenance organisation approved under the Member State requirements shall be deemed equivalent to those required under points M.A.801 and M.A.802 of Annex I (Part-M) respectively.*

Article 5 ***Certifying staff***

- 1. Certifying staff shall be qualified in accordance with the provisions of Annex III, except as provided for in points M.A.606(h), M.A.607(b), M.A.801(d) and M.A.803 of Annex I and in point 145.A.30(j) of Annex II (Part 145) and Appendix IV to Annex II (Part 145).*
- 2. Any aircraft maintenance licence and if any, the technical limitations associated with that licence, issued or recognised by a Member State in accordance with the JAA requirements and procedures and valid at the time of entry into force of this Regulation, shall be deemed to have been issued in accordance with this Regulation.*

Article 6 ***Training organisation requirements***

1. *Organisations involved in the training of personnel referred to in Article 5 shall be approved in accordance with Annex IV to be entitled:*

(a) to conduct recognised basic training courses; and/or

(b) to conduct recognised type training courses; and

(c) to conduct examinations; and

(d) to issue training certificates.

2. *Any maintenance training organisation approval issued or recognised by a Member State in accordance with the JAA requirements and procedures and valid at the time of entry into force of this Regulation shall be deemed to have been issued in accordance with this Regulation. For this purpose, by derogation from the provisions of 147.B.130(b) under Annex IV, level 2 findings associated with the differences between JAR 147 and Annex IV may be closed within one year.*

Article 7 **Entry into force**

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

2. *By way of derogation from paragraph 1:*

(a) the provisions of Annex I, except for points M.A.201(h)(2) and M.A.708(c), shall apply from 28 September 2005;

(b) point M.A.201(f) of Annex I shall apply to aircraft not involved in commercial air transport operated by third country carriers as from 28 September 2009.

3. *By way of derogation from paragraph 1 and 2, Member States may elect not to apply:*

(a) the provisions of Annex I to aircraft not involved in commercial air transport, until 28 September 2009;

(b) the provisions of Annex I(l) to aircraft involved in commercial air transport, until 28 September 2008;

(c) the following provisions of Annex II, until 28 September 2006:

— 145.A.30(e), human factors elements,

— 145.A.30(g) as applicable to large aircraft with a maximum take-off mass of more than 5 700 kg,

— 145.A.30(h)(1) as applicable to aircraft with a maximum take-off mass of more than 5 700 kg,

— 145.A.30(j)(1), Appendix IV,

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— 145.A.30(j)(2), Appendix IV;

(d) the following provisions of Annex II, until 28 September 2008:

— 145.A.30(g) as applicable to aircraft with a maximum take-off mass of 5 700 kg or below,

— 145.A.30(h)(1) as applicable to aircraft with a maximum take-off mass of 5 700 kg or below,

— 145.A.30(h)(2);

(e) the provisions of Annex III, as applicable to aircraft with a maximum take-off mass above 5 700 kg until 28 September 2005;

(f) the provisions of Annex III, as applicable to aircraft with a maximum take-off mass of 5 700 kg or below until 28 September 2006;

(g) for aircraft not involved in commercial air transport other than large aircraft, the need to comply with Annex III (Part 66) in the following provisions, until 28 September 2011:

— M.A.606(g) and M.A.801(b)2 of Annex I (Part-M),

— 145.A.30(g) and (h) of Annex II (Part-145).

4. Member States may issue approvals with regard to Annex II and Annex IV of a limited duration until 28 September 2007.

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

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6. The Agency shall make an evaluation of the implication of the provisions of Annex I to this Regulation with a view to submitting an opinion to the Commission, including possible amendments to it, before 28 March 2005.

7. By way of derogation from paragraph 1:

(a) the provisions of point M.A.706(k) of Annex I (Part-M) shall apply as from 28 September 2010;

(b) the provisions of point 7.7 of Appendix I to Annex III (Part-66) shall apply as from 28 September 2010;

(c) maintenance organisations approved in accordance with Section A of subpart F of Annex I (Part-M) or Section A of Annex II (Part-145) may continue to issue Authorised Release Certificates by using the EASA Form 1 original issue, as laid down in Appendix II to the Annex I (Part- M) as well as Appendix I to the Annex II (Part 145), until 28 September 2010;

(d) competent authorities may continue to issue certificates, previous issue, as laid down in Appendices III, V and VI to Annex I (Part-M), Appendix III to Annex II (Part-145), Appendix V to Annex III (Part-66) or Appendix II to Annex IV (Part-147) to Regulation (EC) No 2042/2003 in force prior to the entry into force of this regulation, until 28 September 2010;

(e) certificates issued in accordance with Annex I (Part-M), Annex II (Part-145), Annex III (Part-66) or Annex IV (Part-147) prior to the entry into force of this regulation remain valid until they are changed or revoked.

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