

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rules in the field of civil aviation and establishing a European Aviation Safety Agency (Text with EEA relevance) (repealed)

## CHAPTER III

### THE EUROPEAN AVIATION SAFETY AGENCY

#### SECTION I

#### TASKS

##### *Article 12*

#### **Establishment and functions of the Agency**

1 For the purpose of the implementation of this Regulation, a European Aviation Safety Agency, hereinafter referred to as ‘the 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 and 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 13*

#### **Agency measures**

The Agency shall, where appropriate:

- (a) issue opinions addressed to the Commission;
- (b) issue certification specifications, including airworthiness codes and acceptable means of compliance, as well as any guidance material for the application of this Regulation and its implementing rules;
- (c) take the appropriate decisions for the application of Articles 15, 45 and 46.

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#### Article 14

### 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 43 and the implementing rules adopted by the Commission, develop:

- a certification specifications, including airworthiness codes and acceptable means of compliance; and
- b guidance material;

to be used in the certification process.

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

#### Article 15

### Airworthiness and Environmental Certification

1 With regard to products, parts and appliances referred to in Article 4(1), 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, technical inspections associated with products, parts and appliances certification;
- 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

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- the certificate fails to fulfil the obligations imposed on it by this Regulation or by its implementing rules;
- j ensure the continuing airworthiness functions associated with the products, parts and appliances it has certified, including reacting without undue delay to a safety problem and issuing and disseminating the applicable mandatory information.
- 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 by its implementing rules.

#### *Article 16*

### **Monitoring the application of rules**

- 1 The Agency shall conduct standardisation inspections in the fields covered by Article 1(1), in order to monitor the application by national aviation authorities of this Regulation and of its implementing rules, and shall report to the Commission.
- 2 The Agency shall conduct technical investigations to monitor the effectiveness of the application of this Regulation and its implementing rules, having regard to the objectives set out in Article 2.
- 3 The Agency shall be consulted and give its opinion to the Commission on the application of Article 10.
- 4 The working methods of the Agency for conducting the tasks referred to in paragraphs 1, 2 and 3 will be subject to requirements to be adopted in accordance with the procedure referred to in Article 54(2), and taking into account the principles laid down in Articles 43 and 44.

#### *Article 17*

### **Research**

- 1 The Agency may develop and finance research in so far as it strictly relates to the improvement of activities in its field of competence, without prejudice to Community law.
- 2 The Agency shall coordinate its research and development activities with those of the Commission and the Member States so as to ensure that policies and actions are mutually consistent.

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3 The results of research funded by the Agency shall be published, provided it does not classify them as confidential.

### *Article 18*

#### **International relations**

1 The Agency shall assist the Community and its 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.

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

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