

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personnel involved in these tasks (Text with EEA relevance) (repealed)

*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;
- (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;

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*Status: Point in time view as at 29/10/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 2042/2003 (repealed). (See end of Document for details)*

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- (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<sup>[F1];</sup>
- (k) <sup>[F2]</sup>‘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 m<sup>3</sup> for hot air balloons, 1 050 m<sup>3</sup> for gas balloons, 300 m<sup>3</sup> 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 m<sup>3</sup> for hot air airships and 1 000 m<sup>3</sup> for gas airships;
- (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.]

#### **Textual Amendments**

- F1** Substituted by [Commission Regulation \(EC\) No 1056/2008 of 27 October 2008 amending Regulation \(EC\) No 2042/2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks \(Text with EEA relevance\)](#).
- F2** Inserted by [Commission Regulation \(EC\) No 1056/2008 of 27 October 2008 amending Regulation \(EC\) No 2042/2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks \(Text with EEA relevance\)](#).

### *Article 3*

#### **Continuing airworthiness requirements**

1 The continuing airworthiness of aircraft and components shall be ensured in accordance with the provisions of Annex I.

*Status: Point in time view as at 29/10/2008.*

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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.

[<sup>F33</sup> 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.]

[<sup>F24</sup> 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.]

#### Textual Amendments

- F2** Inserted by [Commission Regulation \(EC\) No 1056/2008 of 27 October 2008 amending Regulation \(EC\) No 2042/2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks \(Text with EEA relevance\)](#).
- F3** Substituted by [Commission Regulation \(EC\) No 376/2007 of 30 March 2007 amending Regulation \(EC\) No 2042/2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks \(Text with EEA relevance\)](#).

### 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.

*Status: Point in time view as at 29/10/2008.*

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[<sup>F24</sup> 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.]

#### Textual Amendments

- F2** Inserted by [Commission Regulation \(EC\) No 1056/2008 of 27 October 2008 amending Regulation \(EC\) No 2042/2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks \(Text with EEA relevance\)](#).

### Article 5

#### Certifying staff

[<sup>F11</sup> 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.

#### Textual Amendments

- F1** Substituted by [Commission Regulation \(EC\) No 1056/2008 of 27 October 2008 amending Regulation \(EC\) No 2042/2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks \(Text with EEA relevance\)](#).

### 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.

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Commission Regulation (EC) No 2042/2003 (repealed). (See end of Document for details)*

## 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*.

[<sup>F12</sup> 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:

[<sup>F1a</sup> the provisions of Annex I to aircraft not involved in commercial air transport, until 28 September 2009;]

b the provisions of Annex I(I) 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,
- 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[<sup>F1</sup>];]

[<sup>F2g</sup> 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 2010:

- 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 [<sup>F4</sup>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.

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.

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- F2** Inserted by Commission Regulation (EC) No 1056/2008 of 27 October 2008 amending Regulation (EC) No 2042/2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks (Text with EEA relevance).
- F4** Substituted by Commission Regulation (EC) No 707/2006 of 8 May 2006 amending Regulation (EC) No 2042/2003 as regards approvals of a limited duration and Annexes I and III (Text with EEA relevance).

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

**Status:**

Point in time view as at 29/10/2008.

**Changes to legislation:**

There are currently no known outstanding effects for the Commission Regulation (EC) No 2042/2003 (repealed).