COMMISSION DELEGATED REGULATION (EU) 2021/1088

of 7 April 2021

amending Regulation (EU) No 748/2012 as regards updating the references to the environmental protection requirements

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 ([1]), and in particular Article 19(1) and (3) thereof,

Whereas:

(1) On 7 April 2021 the Commission adopted Delegated Regulation 2021/1087 ([2]) updating the references to the provisions of the Chicago Convention, which contain the environmental protection requirements.

(2) Aircraft, other than unmanned aircraft and their engines, propellers, parts and non-installed equipment should comply with those environmental protection requirements as of 1 January 2021.

(3) The references to the environmental protection requirements in Commission Regulation (EU) No 748/2012 ([3]) should be updated.

(4) Regulation (EU) No 748/2012 should therefore be amended accordingly.

(5) The measures provided for in this Regulation are based on Opinion No 03/2020 issued by the European Union Aviation Safety Agency (EASA) in accordance with 76(1) of Regulation (EU) 2018/1139,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 748/2012 is amended as follows:

(1) in Article 9, paragraph 4 is replaced by the following:

'4. By way of derogation from paragraph 1, the production organisation may apply to the competent authority for exemptions from the environmental protection requirements referred to in the first subparagraph of Article 9(2) of Regulation (EU) 2018/1139.';

(2) Annex I is amended as set out in the Annex to this Regulation.

([1]) OJ L 212, 22.8.2018, p. 1.

([2]) Commission Delegated Regulation 2021/1087 of 7 April 2021 amending Regulation (EU) 2018/1139 of the European Parliament and of the Council, as regards updating the references to the provisions of the Chicago Convention (See page 1 of this Official Journal).

([3]) Commission Regulation (EU) No 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations (OJ L 224, 21.8.2012, p. 1).

Article 2

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

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

Done at Brussels, 7 April 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annex I to Regulation (EU) No 748/2012 is amended as follows:

(1) in point 21.A.130(b), point (4) is replaced by the following:

'4. additionally, in the case of environmental protection requirements:

(i) a statement that the completed engine is in compliance with the applicable engine exhaust emissions requirements on the date of manufacture of the engine, and

(ii) a statement that the completed aeroplane is in compliance with the applicable CO_2 emissions requirements on the date its first certificate of airworthiness is issued.';

(2) in point 21.A.145(b), the introductory phrase and point (1) are replaced by the following:

'(b) with regard to all necessary airworthiness and environmental protection data:

1. the production organisation is in receipt of such data from the Agency, and from the holder of, or applicant for, the type-certificate, restricted type-certificate or design approval, including any exemption granted against the environmental protection requirements, to determine conformity with the applicable design data;';

(3) in point 21.A.147, point (a) is replaced by the following:

'(a) After the issue of a production organisation approval, each change to the approved production organisation that is significant to the showing of conformity or to the airworthiness and environmental protection characteristics of the product, part or appliance, particularly changes to the quality system, shall be approved by the competent authority. An application for approval shall be submitted in writing to the competent authority and the organisation shall demonstrate to the competent authority, before implementing the change, that it complies with this Subpart.';

(4) in point 21.A.801, point (a) is replaced by the following:

'(a) The identification of products shall include the following information:

1. the manufacturer's name;

2. the product designation;

3. the manufacturer's serial number;

4. the "EXEMPT" mark in case of an engine, when the competent authority has granted an exemption from the environmental protection requirements;

5. any other information the Agency finds appropriate.';

(5) point 21.B.85 is replaced by the following:

'**21.B.85 Designation of applicable environmental protection requirements for a type-certificate or restricted type-certificate**

(a) The Agency shall designate and notify to the applicant the applicable environmental protection requirements for a type-certificate or restricted type-certificate for an aircraft or for a type certificate for an engine. The designation and notification shall contain:

1. the applicable noise requirements established in:

(i) Annex 16 to the Chicago Convention, Volume I, Part II, Chapter 1 and:

(A) for subsonic jet aeroplanes, in Chapters 2, 3, 4 and 14;

(B) for propeller-driven aeroplanes, in Chapters 3, 4, 5, 6, 10, and 14;

(C) for helicopters, in Chapters 8 and 11;

(D) for supersonic aeroplanes, in Chapter 12; and

(E) for tilt rotors, in Chapter 13.

(ii) Annex 16 to the Chicago Convention, Volume I:

(A) Appendix 1 for aeroplanes for which Chapters 2 and 12 of Annex 16 to the Chicago Convention, Volume I, Part II are applicable;

(B) Appendix 2 for aeroplanes for which Chapters 3, 4, 5, 8, 13 and 14 of Annex 16 to the Chicago Convention, Volume I, Part II are applicable;

(C) Appendix 3 for aeroplanes for which Chapter 6 of Annex 16 to the Chicago Convention, Volume I, Part II is applicable;

(D) Appendix 4 for aeroplanes for which Chapter 11 of Annex 16 to the Chicago Convention, Volume I, Part II is applicable; and

(E) Appendix 6 for aeroplanes for which Chapter 10 of Annex 16 to the Chicago Convention, Volume I, Part II is applicable;

2. the applicable emissions requirements for preventions of intentional fuel venting for aircraft established in Annex 16 to the Chicago Convention, Volume II, Part II, Chapters 1 and 2;

3. the applicable smoke, gaseous and particulate matter engine emissions requirements established in:

(i) Annex 16 to the Chicago Convention, Volume II, Part III, Chapter 1 and:

(A) for smoke and gaseous emissions of turbojet and turbofan engines intended for propulsion only at subsonic speeds, in Chapter 2;

(B) for smoke and gaseous emissions of turbojet and turbofan engines intended for propulsion at supersonic speeds, in Chapter 3; and

(C) for particulate matter emissions of turbojet and turbofan engines intended for propulsion only at subsonic speeds, in Chapter 4;

(ii) Annex 16 to the Chicago Convention, Volume II:

(A) Appendix 1 for the measurement of reference pressure ratio;

(B) Appendix 2 for smoke emissions evaluation;

(C) Appendix 3 for instrumentation and measurement techniques for gaseous emissions;

(D) Appendix 4 for specifications for fuel to be used in aircraft turbine engine emissions testing;

(E) Appendix 5 for instrumentation and measurement techniques for gaseous emissions from afterburning gas turbine engines;

(F) Appendix 6 for compliance procedure for gaseous, smoke and particulate matter emissions; and

(G) Appendix 7 for instrumentation and measurement techniques for non-volatile particulate matter;

4. the applicable aeroplane CO_2 emissions requirements established in:

(i) Annex 16 to the Chicago Convention, Volume III, Part II, Chapter 1, and:

(A) for subsonic jet aeroplanes, in Chapter 2; and

(B) for subsonic propeller-driven aeroplanes, in Chapter 2;.

(ii) Annex 16 to the Chicago Convention, Volume III, Appendices 1 and 2, for aeroplanes for which Chapter 2 of Annex 16 to the Chicago Convention, Volume III, Part II is applicable;

5. for engines, the applicable requirements in Annex 16 to the Chicago Convention, Volume II, Part IV and Appendix 8 concerning non-volatile particulate matter assessment for inventory and modelling purposes.

(b) (reserved).'.