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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	28 May 2025
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	C(2025) 3287 final
Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 28.5.2025 amending Regulation (EU) No 748/2012 as regards updating the references to the environmental protection requirements and correcting that Regulation

Delegations will find attached document C(2025) 3287 final.

Encl.: C(2025) 3287 final



EUROPEAN
COMMISSION

Brussels, 28.5.2025
C(2025) 3287 final

COMMISSION DELEGATED REGULATION (EU) .../...

of 28.5.2025

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

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

On 20 March 2023, at the fifth meeting of its 228th Session, the ICAO Council adopted Amendments 14, 11 and 2 to respectively Volume I ‘Aircraft Noise’, Volume II ‘Aircraft Engine Emissions’, and Volume III ‘Aeroplane CO2 Emissions’ of Annex 16 to the Chicago Convention. These amendments are based on the recommendations agreed at the 12th formal meeting of the ICAO Committee on Aviation Environmental Protection (CAEP/12) and are the outcome of the work conducted during the 3 years preceding the meeting in accordance with the CAEP/12 Work Programme. These amendments became applicable on 1 January 2024.

In accordance with Article 19(3) of Regulation (EU) 2018/1139¹, the Commission is empowered to adopt delegated acts to amend the references to the provisions of Chicago Convention referred to in the first subparagraph of Article 9(2) of that Regulation, in order to update them in light of subsequent amendments to those provisions which enter into force after 4 July 2018 and which become applicable in all Member States, in so far as such adaptations do not broaden the scope of that Regulation. The Commission has amended those references by means of Delegated Regulation 2025/870 of 28 February 2025.

The specific objective of this Delegated Regulation is to contribute to a high, uniform level of environmental protection by transposing the applicable environmental protection requirements in Regulation (EU) No 748/2012² consistently with Regulation (EU) 2018/1139.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The draft delegated act is based on EASA Opinion No 02/2024 whose contents had been publicly consulted through Notice of Proposed Amendment (NPA) 2023-09 ‘Implementation of the latest CAEP amendments to ICAO Annex 16 Volumes I, II and III’ (RMT.0514) published by EASA on 15 November 2023. 21 comments were received from interested parties, including industry and national aviation authorities. EASA has addressed and responded to the comments received on the NPA in Comment-Response Document (CRD) 2023-09.

In accordance with Article 128(4) of Regulation (EU) 2018/1139, before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

The Member States were formally consulted and gave their positive opinion during the Commission Expert Group on Aviation Safety, which took place on 16 October 2024.

¹ 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 ([OJ L 212, 22.8.2018](#))

² 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](#)).

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The Commission is empowered to adopt delegated acts, in accordance with Article 128 of Regulation (EU) 2018/1139, laying down detailed rules with regard to the conditions for issuing type certificates and changes thereto by the Agency, as provided for in Article 19(1)(d) of Regulation (EU) 2018/1139.

COMMISSION DELEGATED REGULATION (EU) .../...

of 28.5.2025

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

(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⁽³⁾, and in particular Article 19(1) and (3) thereof,

Whereas:

- (1) On 28 February 2025 the Commission adopted Delegated Regulation (EU) 2025/870⁴ updating the references made in Article 9 Regulation (EU) 2018/1139 to the environmental protection requirements in Annex 16 to the Convention on International Civil Aviation, signed in Chicago on 7 December 1944 ('Chicago Convention'). Aircraft, other than unmanned aircraft, and their engines, propellers, parts and non-installed equipment are to comply with those environmental protection requirements.
- (2) Existing environmental protection provisions in Commission Regulation (EU) No 748/2012⁽⁵⁾ should be updated for consistent implementation of the applicable environmental protection requirements.
- (3) Regulation (EU) No 748/2012 should therefore be amended accordingly.
- (4) Commission Delegated Regulation (EU) 2022/1358 ⁽⁶⁾ inadvertently omitted the title of Annex Ib to Regulation (EU) No 748/2012. Therefore, the title of Annex Ib should be inserted.

³ OJ L 212, 22.8.2018, p. 1, [ELI: http://data.europa.eu/eli/reg/2018/1139/oj](http://data.europa.eu/eli/reg/2018/1139/oj).

⁴ Commission Delegated Regulation (EU) 2025/870 of 28 February 2025 amending Regulation (EU) 2018/1139 of the European Parliament and of the Council, as regards the references to the provisions of the Chicago Convention ([OJ L, 2025/870, 5.5.2025](http://data.europa.eu/eli/reg/2025/870/oj))

⁵ Commission Regulation (EU) No 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental certification or declaration of compliance of aircraft and related products, parts and appliances, as well as for the capability requirements of design and production organisations (OJ L 224, 21.8.2012, p. 1, ELI: <http://data.europa.eu/eli/reg/2012/748/oj>).

⁶ Commission Delegated Regulation (EU) 2022/1358 of 2 June 2022 amending Regulation (EU) No 748/2012 as regards the implementation of more proportionate requirements for aircraft used for sport and recreational aviation (OJ L 205, 5.8.2022, p. 7, [ELI: http://data.europa.eu/eli/reg_del/2022/1358/oj](http://data.europa.eu/eli/reg_del/2022/1358/oj)).

- (5) Commission Delegated Regulations (EU) 2022/1358, (EU) 2023/1028 ⁽⁷⁾ and (EU) 2024/1108 ⁽⁸⁾ successively amended Article 9 of Regulation (EU) No 748/2012 and inadvertently introduced inconsistent references and redundancies. Therefore, Article 9 of Regulation (EU) No 748/2012 should be corrected.
- (6) Some provisions of this Regulation amend and correct provisions of Regulation (EU) No 748/2012 amended by Delegated Regulation (EU) 2024/1108 which become applicable on 1 May 2025. Therefore, this Regulation should become applicable on the same date.
- (7) The measures provided for in this Regulation are based on Opinion No 02/2024 issued by the European Union Aviation Safety Agency in accordance with Article 76(1) of Regulation (EU) 2018/1139,

HAS ADOPTED THIS REGULATION:

Article 1

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

- (1) the title is replaced by the following:
- ‘Commission Regulation (EU) No 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental protection certification or declaration of compliance of aircraft and related products, parts, appliances, control and monitoring units and control and monitoring unit components, as well as for the capability requirements of design and production organisations (recast)’;
- (2) in Article 1(1), the introductory phrase is replaced by the following:
- ‘This Regulation lays down, in accordance with Articles 19, 58 and 62 of Regulation (EU) 2018/1139 of the European Parliament and of the Council*, common technical requirements and administrative procedures for the airworthiness and environmental protection certification or declaration of compliance of products, parts, appliances, control and monitoring units and control and monitoring unit components specifying:
- _____
- * 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 (OJ L 212, 22.8.2018, p. 1, ELI: <http://data.europa.eu/eli/reg/2018/1139/oj>).’;
- (3) Article 9 is amended as follows:

⁷ Commission Delegated Regulation (EU) 2023/1028 of 20 March 2023 amending Regulation (EU) No 748/2012 as regards the definition of complex motor-powered aircraft and correcting that Regulation ([OJ L 139, 26.5.2023, p. 10, ELI: http://data.europa.eu/eli/reg_del/2023/1028/oj](http://data.europa.eu/eli/reg_del/2023/1028/oj)).

⁸ Commission Delegated Regulation (EU) 2024/1108 of 13 March 2024 amending Regulation (EU) No 748/2012 as regards the initial airworthiness of unmanned aircraft systems subject to certification and Delegated Regulation (EU) 2019/945 as regards unmanned aircraft systems and third-country operators of unmanned aircraft systems (OJ L, 2024/1108, 23.5.2024, [ELI: http://data.europa.eu/eli/reg_del/2024/1108/oj](http://data.europa.eu/eli/reg_del/2024/1108/oj)).

- (a) paragraph 1 is replaced by the following:
- ‘1. An organisation responsible for the manufacture of products, parts, appliances, control and monitoring units and control and monitoring unit components shall demonstrate its capability in accordance with Annex I (Part 21). This demonstration of capability shall not be required for the manufacture of parts, appliances or control and monitoring unit components that are eligible, in accordance with Annex I (Part 21), for installation in a type-certified product or a control and monitoring unit, without the need to be accompanied by an authorised release certificate (EASA Form 1).’;
- (b) paragraph 7 is replaced by the following:
- ‘7. By way of derogation from paragraph 1 of this Article, an organisation whose principal place of business is in a Member State and which is responsible for the manufacture of products referred to in Article 2(2) and (3) and their parts may alternatively demonstrate its capability in accordance with Annex Ib (Part 21 Light). This demonstration of capability shall not be required for the manufacture of parts that are eligible, in accordance with Annex Ib (Part 21 Light), for installation in a type-certified product or in an aircraft that has been subject to a declaration of design compliance, without the need to be accompanied by an authorised release certificate (EASA Form 1).’;
- (c) paragraph 8 is deleted;
- (4) Annex I (Part 21) is amended in accordance with Annex I to this Regulation.

Article 2

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

- (1) Annex I (Part 21) is corrected in accordance with Annex II to this Regulation;
- (2) in Annex Ib (Part 21 Light), the following title is inserted before the table of contents:

‘ANNEX Ib

PART 21 Light

Certification and declaration of design compliance of aircraft other than unmanned aircraft intended primarily for sports and recreational aviation and related products and parts, and declaration of design and production capability of organisations’.

Article 3

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

It shall apply from 1 May 2025.

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

Done at Brussels, 28.5.2025

For the Commission
The President
Ursula VON DER LEYEN