

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Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (Text with EEA relevance) (repealed)

CHAPTER II

SUBSTANTIVE REQUIREMENTS

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

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.

[^{F1}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

Status: Point in time view as at 14/12/2009. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 216/2008 of the European Parliament and of the Council (repealed), Article 4. (See end of Document for details)

permit the exemption in question. In such a case, the Member State concerned shall revoke the exemption.

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)⁽¹⁾ 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.

Textual Amendments

- F1** Inserted by [Regulation \(EC\) No 1108/2009 of the European Parliament and of the Council of 21 October 2009 amending Regulation \(EC\) No 216/2008 in the field of aerodromes, air traffic management and air navigation services and repealing Directive 2006/23/EC \(Text with EEA relevance\)](#).

Status: Point in time view as at 14/12/2009. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 216/2008 of the European Parliament and of the Council (repealed), Article 4. (See end of Document for details)

(1) [^{F1}OJ L 96, 31.3.2004, p. 20.]

Textual Amendments

- F1** Inserted by Regulation (EC) No 1108/2009 of the European Parliament and of the Council of 21 October 2009 amending Regulation (EC) No 216/2008 in the field of aerodromes, air traffic management and air navigation services and repealing Directive 2006/23/EC (Text with EEA relevance).

Status:

Point in time view as at 14/12/2009. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Regulation (EC) No 216/2008 of the European Parliament and of the Council (repealed), Article 4.