

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Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (Text with EEA relevance) (repealed)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 9*

**Aircraft used by a third-country operator into, within or out of the Community**

1 Aircraft referred to in Article 4(1)(d), as well as their crew and their operations, shall comply with applicable ICAO Standards. To the extent that there are no such standards, these aircraft and their operations shall comply with the requirements laid down in Annexes I, III and IV, provided these requirements are not in conflict with the rights of third countries under international conventions.

2 Operators engaged in commercial operations using aircraft referred to in paragraph 1 shall demonstrate their capability and means of complying with the requirements specified in paragraph 1.

The requirement referred to in the first subparagraph may be satisfied by acceptance of certificates issued by or on behalf of a third country.

The capabilities and means referred to in the first subparagraph shall be recognised through the issuance of an authorisation. The privileges granted to the operator and the scope of the operations shall be specified in that authorisation.

3 Operators engaged in non-commercial operations of complex motor-powered aircraft using aircraft referred to in paragraph 1 may be required to declare their capability and means of discharging the responsibilities associated with the operation of that aircraft.

4 The measures designed to amend non-essential elements of this Article, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 65(4). Those measures shall specify in particular:

- a how aircraft referred to in Article 4(1)(d), or crew, which do not hold a standard ICAO certificate of airworthiness or licence, may be authorised to operate into, within or out of the Community;
- b conditions to operate an aircraft in compliance with the provisions of paragraph 1;
- c conditions for issuing, maintaining, amending, limiting, suspending or revoking the operator's authorisation referred to in paragraph 2, taking into account the certificates issued by the state of registry or the state of the operator, without prejudice to Regulation (EC) No 2111/2005 and its implementing rules;
- d privileges and responsibilities of the holders of authorisations;
- e conditions and procedures for the declaration by, and for the oversight of, operators referred to in paragraph 3;

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*Status: Point in time view as at 20/02/2008. 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 9. (See end of Document for details)*

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f conditions under which operations shall be prohibited, limited or subject to certain conditions in the interest of safety in accordance with Article 22(1).

5 When adopting the measures referred to in paragraph 4, the Commission shall take specific care that:

- a use is made, as appropriate, of ICAO recommended practices and guidance documents;
- b no requirement exceeds what is required from aircraft referred to in Article 4(1)(b), and from the operators of such aircraft;
- c use is made, where appropriate, of measures issued in accordance with Articles 5(5) and 8(5);
- d the process by which authorisations are obtained is simple, proportionate, cost-effective and efficient in all cases, allowing for requirements and compliance demonstrations proportionate to the complexity of operations and the risk involved. The process shall in particular take account of:
  - (i) results of the ICAO Universal Safety Oversight Audit Programme;
  - (ii) information from ramp inspections and the Safety Assessment of Foreign Aircraft Programme records; and
  - (iii) other recognised information on safety aspects with regard to the operator concerned.

**Status:**

Point in time view as at 20/02/2008. 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 9.