

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 (Text with EEA relevance)

CHAPTER I

PRINCIPLES

Article 4

Principles for measures under this Regulation

1 When taking measures under this Regulation [^{F1}the Secretary of State and the CAA] shall:

- a reflect the state of the art and best practices in the field of aviation, and take into account worldwide aviation experience and scientific and technical progress in the respective fields;
- b build on the best available evidence and analysis;
- c allow for immediate reaction to established causes of accidents, serious incidents and intentional security breaches;
- d take into account interdependencies between the different domains of aviation safety, and between aviation safety, cyber security and other technical domains of aviation regulation;
- e lay down, where possible, requirements and procedures in a manner which is performance-based and focuses on objectives to be achieved, while allowing different means of achieving compliance with those performance-based objectives;

^{F2}f

- g take non-binding measures, including safety promotion actions, where possible;
- h take into account the international rights and obligations in the field of civil aviation of the [^{F3}United Kingdom], including those under the Chicago Convention.

2 The measures taken under this Regulation shall correspond and be proportionate to the nature and risk of each particular activity to which they relate. In preparing and enacting such measures, [^{F4}the Secretary of State and the CAA] shall take into account, as appropriate for the activity concerned:

- a whether persons other than flight crew are carried on board, and in particular whether the operation is open to members of the public;
- b to what extent third parties or property on the ground could be endangered by the activity;
- c the complexity, performance and operational characteristics of the aircraft involved;
- d the purpose of the flight, the type of aircraft and type of airspace used;

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2018/1139 of the European Parliament and of the Council, Article 4. (See end of Document for details)

- e the type, scale, and complexity of the operation or activity, including, where relevant, the size and type of the traffic handled by the responsible organisation or person;
- f the extent to which the persons affected by the risks involved in the operation are able to assess and exercise control over those risks;
- g the results of past certification and oversight activities.

Textual Amendments

- F1** Words in Art. 4(1) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **86(2)(a)** (with Sch. 3) (as amended by [S.I. 2019/1098](#), regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Art. 4(1)(f) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **86(2)(b)** (with Sch. 3) (as amended by [S.I. 2019/1098](#), regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 4(1)(h) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **86(2)(c)** (with Sch. 3) (as amended by [S.I. 2019/1098](#), regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Art. 4(2) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **86(3)** (with Sch. 3) (as amended by [S.I. 2019/1098](#), regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

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