

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 III

### SUBSTANTIVE REQUIREMENTS

#### SECTION I

#### *Airworthiness and environmental protection*

##### *Article 9*

#### **Essential requirements**

1 Aircraft referred to in points (a) and (b) of Article 2(1), other than unmanned aircraft, and their engines, propellers, parts and non-installed equipment shall comply with the essential requirements for airworthiness set out in Annex II to this Regulation.

2 As regards noise and emissions, those aircraft and their engines, propellers, parts and non-installed equipment shall comply with the environmental protection requirements contained in Amendment 12 of Volume I, in Amendment 9 of Volume II, and in the initial issue of Volume III, all as applicable on 1 January 2018, of Annex 16 to the Chicago Convention.

The essential requirements for environmental compatibility set out in Annex III to this Regulation shall apply to products, parts and non-installed equipment to the extent that the provisions of the Chicago Convention referred to in the first subparagraph of this paragraph do not contain environmental protection requirements.

Organisations involved in the design, production and maintenance of products referred to in points (a) and (b) of Article 2(1) shall comply with point 8 of Annex III to this Regulation.

##### *Article 10*

#### **Compliance**

1 As regards aircraft referred to in point (a) of Article 2(1), other than unmanned aircraft, and their engines, propellers and parts, compliance with Article 9 shall be ensured in accordance with Articles 11 and 12 and Article 15(1).

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*Status: Point in time view as at 04/07/2018.*

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

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2 As regards aircraft referred to in point (b)(i) of Article 2(1), other than unmanned aircraft, and their engines, propellers, parts and non-installed equipment, compliance with Article 9 shall be ensured in accordance with Articles 11 to 16.

### *Article 11*

#### **Design of products**

The design of a product shall be subject to certification and shall be issued with a type certificate. Changes to that design shall also be subject to certification and shall result in the issuance of a certificate of changes, including of supplemental type certificates. Repair designs shall be subject to certification and shall be issued with an approval.

An approval shall be issued in respect of the operational suitability data associated with a type design. That approval shall be included in the type certificate or the restricted type certificate referred to in point (b) of Article 18(1), as applicable.

That type certificate, that certificate of changes, that approval of repair designs and that approval of the operational suitability data shall be issued upon application when the applicant has demonstrated that the design of the product complies with the certification basis established in accordance with the delegated acts referred to in point (b)(i) and (ii) of Article 19(1), as applicable, and that the design of the product has no feature or characteristic making it environmentally incompatible or unsafe for operation.

That type certificate, that certificate of changes, that approval of repair design and that approval of the operational suitability data may also be issued without such application, by an organisation approved in accordance with Article 15 which has been granted the privilege to issue those certificates or approvals in accordance with the delegated act referred to in point (k) of Article 19(1), when that organisation has determined that the design of the product complies with the conditions established in the third subparagraph of this paragraph.

No separate type certificate shall be required for the design of engines and propellers that have been certified as part of the design of an aircraft in accordance with this Article.

### *Article 12*

#### **Design of parts**

Unless otherwise established by delegated acts referred to in Article 19, the design of parts shall be subject to certification and shall be issued with a certificate.

That certificate shall be issued upon application, when the applicant has demonstrated that the design of the part complies with the certification basis established in accordance with the delegated acts referred to in point (b)(iii) of Article 19(1).

That certificate may also be issued without such application, by an organisation approved in accordance with Article 15 which has been granted a privilege to issue those certificates in accordance with the delegated act referred to in point (k) of Article 19(1), when that organisation has determined that the design of the part complies with the certification basis established in accordance with the delegated acts referred to in point (b)(iii) of Article 19(1).

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No separate certificate shall be required for the design of parts that have been certified as part of the design of a product in accordance with Article 11.

### *Article 13*

#### **Design of non-installed equipment**

Where the delegated acts referred to in Article 19 so provide, the design of non-installed equipment shall be subject to certification and shall be issued with a certificate.

That certificate shall be issued upon application, when the applicant has demonstrated that the design of non-installed equipment complies with the certification basis established in accordance with the delegated acts referred to in point (b)(iii) of Article 19(1).

That certificate may also be issued without such application, by an organisation approved in accordance with Article 15 which has been granted a privilege to issue those certificates in accordance with the delegated act referred to in point (k) of Article 19(1), when that organisation has determined that the design of the non-installed equipment complies with the certification basis established in accordance with the delegated acts referred to in point (b)(iii) of Article 19(1).

### *Article 14*

#### **Individual aircraft**

1 Individual aircraft shall be subject to certification and shall be issued with a certificate of airworthiness and, where the delegated acts referred to Article 19 so provide, a noise certificate.

Those certificates shall be issued upon application, when the applicant has demonstrated that the aircraft is in conformity with the design certified in accordance with Article 11, and that the aircraft is in condition for safe and environmentally compatible operation.

2 The certificates referred to in paragraph 1 of this Article shall remain valid as long as the aircraft and its engines, propellers, parts and non-installed equipment are maintained in accordance with the implementing acts related to continuing airworthiness referred to in Article 17 and are in condition for safe and environmentally compatible operation.

### *Article 15*

#### **Organisations**

1 Unless otherwise established by the delegated acts referred to in Article 19, organisations responsible for the design and production of products, parts and non-installed equipment shall be subject to certification and shall be issued with an approval. That approval shall be issued upon application, when the applicant has demonstrated that it complies with the rules established by the delegated acts referred to in Article 19 for ensuring compliance with the essential requirements referred to in Article 9. That approval shall specify the privileges granted to the organisation and the scope of the approval.

2 An approval shall also be required in respect of:

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- a organisations responsible for the maintenance and continuing airworthiness management of products, parts and non-installed equipment, and
- b organisations involved in the training of the personnel responsible for the release of a product, a part or non-installed equipment after maintenance.

However, the first subparagraph shall not apply to situations in which, as a result of the adoption of the implementing acts referred to in point (b) of Article 17(1), taking into account the objectives and principles set out in Articles 1 and 4, and in particular the nature and risk of the activity concerned, such approvals are not required.

The approvals referred to in this paragraph shall be issued upon application, when the applicant has demonstrated that it complies with the implementing acts referred to in Article 17 adopted to ensure compliance with the essential requirements referred to in Article 9.

3 The approvals referred to in paragraph 2 of this Article shall specify the privileges granted to the organisation. Those approvals may be amended to add or remove privileges, in accordance with the implementing acts referred to in point (b) of Article 17(1).

4 The approvals referred to in paragraph 2 of this Article may be limited, suspended or revoked when the holder no longer complies with the rules and procedures for issuing and maintaining such approval, in accordance with the implementing acts referred to in point (b) of Article 17(1).

5 When as a result of the adoption of the implementing acts referred to in point (b) of Article 17(1), taking into account the objectives and principles set out in Articles 1 and 4, and in particular the nature and risk of the activity concerned, an approval referred to in paragraph 2 of this Article is not required, implementing acts referred to in Article 17 may still require the organisation concerned to declare its capability, and the availability to it of the means, to discharge its responsibilities associated with the activities that it performs in compliance with those implementing acts.

## *Article 16*

### **Personnel**

1 Personnel responsible for the release of a product, a part or non-installed equipment after maintenance shall be required to hold a licence, except for situations in which, as a result of the adoption of implementing acts referred to in point (d) of Article 17(1), taking into account the objectives and principles set out in Articles 1 and 4, and in particular the nature and risk of the activity concerned, such licences are not required.

That licence shall be issued upon application, when the applicant has demonstrated that he or she complies with the implementing acts referred to in Article 17 adopted to ensure compliance with the essential requirements referred to in Article 9.

2 The licence referred to in paragraph 1 of this Article shall specify the privileges granted to the personnel. The licence may be amended to add or remove privileges, in accordance with the implementing acts referred to in point (d) of Article 17(1).

3 The licence referred to in paragraph 1 of this Article may be limited, suspended or revoked when the holder no longer complies with the rules and procedures for issuing and maintaining such licence, in accordance with the implementing acts referred to in point (d) of Article 17(1).

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## Article 17

### Implementing acts as regards airworthiness

1 In order to ensure the uniform implementation of and compliance with the essential requirements referred to in Article 9, for the aircraft referred to in points (a) and (b) of Article 2(1), other than unmanned aircraft, and their engines, propellers, parts and non-installed equipment, the Commission shall, on the basis of the principles set out in Article 4 and with a view to achieving the objectives set out in Article 1, adopt implementing acts laying down detailed provisions concerning:

- a the rules and procedures for maintaining the certificates referred to in Article 14 and in point (a) of the first subparagraph of Article 18(2);
- b the rules and procedures for issuing, maintaining, amending, limiting, suspending or revoking the approvals referred to in Article 15(2) and for the situations in which such approvals are not to be required;
- c the rules and procedures for declarations referred to in Article 15(5), and for the situations in which such declarations are to be required;
- d the rules and procedures for issuing, maintaining, amending, limiting, suspending or revoking the licences referred to in Article 16, and for the situations in which such licences are not to be required;
- e the privileges and responsibilities of the holders of the approvals and licences issued pursuant to Articles 15(2) and 16, and of the organisations making declarations in accordance with Article 15(5);
- f the rules and procedures for the maintenance of products, parts and non-installed equipment;
- g the rules and procedures for the continuing airworthiness management of aircraft;
- h additional airworthiness requirements for products, parts and non-installed equipment, the design of which has already been certified, needed to support continuing airworthiness and safety improvements.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 127(3).

2 When adopting those implementing acts, the Commission shall ensure compliance with the essential requirements referred to in Article 9 and take due account of the international standards and recommended practices, in particular those set out in Annexes 1, 6 and 8 to the Chicago Convention.

## Article 18

### Derogations

- 1 By way of derogation from Articles 9 to 13, as appropriate:
  - a the compliance with the applicable essential requirements referred to in Article 9 of the design of products, of parts and of non-installed equipment may be assessed without the issuance of a certificate, where the delegated acts referred to in point (d) (i) of Article 19(1) so provide. In that case, the delegated acts referred to in point (j) of Article 19(1) are to define the conditions and procedures for such assessment. The delegated acts referred to in point (d)(i) of Article 19(1) might provide that the organisation responsible for the design and production of those products, parts and

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- non-installed equipment is to be allowed to declare the compliance of their design with those essential requirements and with the detailed specifications established in accordance with the delegated acts referred to in point (i) of Article 19(1) adopted to ensure compliance of those designs with those essential requirements;
- b when the design of an aircraft does not comply with the essential requirements referred to in Article 9, a restricted type certificate may be issued. In that case, that certificate shall be issued upon application, when the applicant has demonstrated that the design of the aircraft complies with the certification basis established in accordance with the delegated acts referred to in point (b)(i) and (ii) of Article 19(1) and that the design of the aircraft is adequate, as regards airworthiness and environmental compatibility, in light of the intended use of the aircraft.
- 2 By way of derogation from Articles 9, 10 and 14, as appropriate:
- a in accordance with the delegated acts referred to in Article 19, a restricted certificate of airworthiness or a restricted noise certificate shall be issued for aircraft the design of which has either been subject to a declaration in accordance with point (a) of paragraph 1 or for which a restricted type certificate has been issued in accordance with point (b) of paragraph 1. In that case, those certificates shall be issued upon application, when the applicant has demonstrated that the aircraft conforms to that design and that the aircraft is in condition for safe and environmentally compatible operation;
  - b in accordance with the delegated acts referred to Article 19, a permit to fly may be issued to allow the operation of an aircraft which does not have a valid certificate of airworthiness or valid restricted certificate of airworthiness. In that case, such a permit to fly shall be issued, upon application, when the applicant has demonstrated that the aircraft is capable of safely performing a basic flight.

The permit to fly may also be issued without such applications, by an organisation approved in accordance with Article 15 which has been granted a privilege to issue those permits to fly in accordance with the delegated acts referred to in point (k) of Article 19(1) or the implementing act referred to in point (e) of Article 17(1), provided that that organisation has determined that the aircraft is capable of performing safely a basic flight.

The permit to fly shall be subject to appropriate limitations, provided for in the delegated acts referred to in point (f) of Article 19(1), and in particular to limitations to protect the safety of third parties.

### *Article 19*

#### **Delegated powers**

- 1 For the aircraft referred to in points (a) and (b) of Article 2(1), other than unmanned aircraft, and their engines, propellers, parts and non-installed equipment, the Commission is empowered to adopt delegated acts in accordance with Article 128, laying down detailed rules with regard to:
- a detailed environmental protection requirements for products, parts and non-installed equipment, in situations referred to in the second subparagraph of Article 9(2);
  - b the conditions for establishing and notifying to an applicant by the Agency in accordance with Article 77:
    - (i) the type-certification basis applicable to a product for the purposes of the type-certification referred to in Article 11 and point (b) of Article 18(1);

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- (ii) the certification basis applicable to a product for the purposes of the approval of operational suitability data referred to in Article 11 including:
  - the minimum syllabus of maintenance certifying staff type rating training;
  - the minimum syllabus of pilot type rating and the reference data for the objective qualification of associated simulators;
  - the master minimum equipment list, as appropriate;
  - aircraft type data relevant to cabin crew;
  - additional specifications to ensure compliance with Section III;
- (iii) the certification basis applicable to a part or non-installed equipment, including safety-related equipment and instruments referred to in Article 30(7), for the purposes of the certification referred to in Articles 12 and 13;
- c the specific conditions for compliance of aircraft referred to in point (b)(ii) of Article 2(1) with the essential requirements referred to in Article 9;
- d the conditions for issuing, maintaining, amending, limiting, suspending or revoking the certificates referred to in Articles 11, 12, 13 and point (b) of Article 18(1), including:
  - (i) the conditions for situations in which, with a view to achieving the objectives set out in Article 1 and while taking account of the nature and risk of the particular activity concerned, such certificates are to be required or are not to be required, or declarations are to be permitted, as applicable;
  - (ii) the conditions concerning the duration of those certificates and concerning the renewal of those certificates where their duration is limited;
- e the conditions for the issuing, amending, limiting, suspending or revoking of the certificates of airworthiness and noise certificates referred to in Article 14(1), as well as restricted certificates of airworthiness and restricted noise certificates referred to in point (a) of the first subparagraph of Article 18(2);
- f the conditions for the issuing, maintaining, amending, limiting, suspending, revoking and use of the permits to fly referred to in point (b) of the first subparagraph of Article 18(2);
- g the conditions for issuing, maintaining, amending, limiting, suspending or revoking the approvals referred to in Article 15(1), and for the situations in which, with a view to achieving the objectives set out in Article 1 and while taking account of the nature and risk of the particular activity concerned, such approvals are to be required or are not to be required or declarations are to be permitted, as applicable;
- h the privileges and responsibilities of the holders of the certificates issued pursuant to Articles 11, 12, 13, Articles 14(1), 15(1), point (b) of Article 18(1) and Article 18(2) and of the organisations that made declarations in accordance with point (a) of Article 18(1) and point (g) of this paragraph;
- i the conditions for establishing the detailed specifications applicable to the design of products, design of parts and design of non-installed equipment which are subject to a declaration in accordance with point (a) of Article 18(1);
- j the conditions and procedures to assess, in accordance with point (a) of Article 18(1), the airworthiness and environmental compatibility of the design of products, the design of parts, and the design of non-installed equipment without the need to issue a certificate, including the conditions and limitations for operations;
- k the conditions for organisations that have been issued with an approval in accordance with Article 15(1) to be granted the privilege to issue the certificates referred to in Articles 11, 12, 13 and point (b) of the first subparagraph of Article 18(2).

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2 As regards the airworthiness and environmental compatibility of aircraft referred to in points (a) and (b) of Article 2(1), other than unmanned aircraft, and their engines, propellers, parts and non-installed equipment, the Commission is empowered to adopt delegated acts, in accordance with Article 128, to amend Annexes II and III, where necessary for reasons of technical, operational or scientific developments or evidence in the field of airworthiness or environmental compatibility, in order and to the extent required to achieve the objectives set out in Article 1.

3 As regards the environmental compatibility of aircraft referred to in points (a) and (b) of Article 2(1), other than unmanned aircraft, and their engines, propellers, parts and non-installed equipment, the Commission is empowered to adopt delegated acts in accordance with Article 128, to amend the references to the provisions of the Chicago Convention referred to in the first subparagraph of Article 9(2), 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 this Regulation.

## SECTION II

### Aircrew

#### Article 20

#### **Essential requirements**

Pilots and cabin crew involved in the operation of aircraft referred to in point (b) of Article 2(1), other than unmanned aircraft, as well as flight simulation training devices, persons and organisations involved in the training, testing, checking or medical assessment of those pilots and cabin crew, shall comply with the essential requirements set out in Annex IV.

#### Article 21

#### **Pilots**

1 Pilots shall be required to hold a pilot licence and a pilot medical certificate appropriate to the operation to be performed, except for situations in which, as a result of the adoption of implementing acts referred to in point (c)(i) of Article 23(1), taking into account the objectives and principles set out in Articles 1 and 4, and in particular the nature and risk of the activity concerned, such licences or medical certificates are not required.

2 The pilot licence referred to in paragraph 1 of this Article shall be issued upon application, when the applicant has demonstrated that he or she complies with the implementing acts referred to in Article 23 adopted to ensure compliance with the essential requirements referred to in Article 20.

3 The pilot medical certificate referred to in paragraph 1 of this Article shall be issued upon application, when the applicant has demonstrated that he or she complies with the implementing acts referred to in Article 23 adopted to ensure compliance with the essential requirements referred to in Article 20.

4 The pilot licence and the pilot medical certificate referred to in paragraph 1 of this Article shall specify the privileges granted to the pilot.



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The pilot licence and pilot medical certificate may be amended to add or remove privileges, in accordance with the implementing acts referred to in point (c) of Article 23(1).

5 The pilot licence or the pilot medical certificate referred to in paragraph 1 of this Article may be limited, suspended or revoked when the holder no longer complies with the rules and procedures for issuing and maintaining a licence or a medical certificate in accordance with the implementing acts referred to in point (c) of Article 23(1).

6 Training and experience on aircraft not subject to this Regulation may be recognised for the purpose of obtaining the pilot licence referred to in paragraph 1 of this Article, in accordance with the implementing acts referred to in point (c)(iv) of Article 23(1).

## *Article 22*

### **Cabin crew**

1 Cabin crew involved in commercial air transport operations shall be required to hold an attestation.

2 Taking into account the objectives and principles set out in Articles 1 and 4, and in particular the nature and risk of the activity concerned, cabin crew involved in operations other than commercial air transport may also be required to hold an attestation, in accordance with the implementing acts referred to in point (a) of Article 23(2).

3 The attestations referred to in paragraphs 1 and 2 of this Article shall be issued upon application, when the applicant has demonstrated that he or she complies with the implementing acts referred to in Article 23 adopted to ensure compliance with the essential requirements referred to in Article 20.

4 The attestations referred to in paragraphs 1 and 2 of this Article shall specify the privileges granted to the cabin crew. The attestations may be amended to add or remove privileges, in accordance with the implementing acts referred to in point (a) of Article 23(2).

5 The attestations referred to in paragraphs 1 and 2 of this Article may be limited, suspended or revoked when the holder no longer complies with the rules and procedures for issuing or maintaining such attestation, in accordance with the implementing acts referred to in point (a) of Article 23(2).

6 Before exercising their privileges, and at regular intervals thereafter, cabin crew shall be subject to a medical fitness assessment to ensure compliance with the essential requirements referred to in Article 20 on medical fitness, in accordance with the implementing acts referred to in point (b) of Article 23(2).

## *Article 23*

### **Implementing acts as regards pilots and cabin crew**

1 In order to ensure the uniform implementation of, and compliance with, the essential requirements referred to in Article 20 in respect of pilots who are involved in the operation of aircraft referred to in point (b) of Article 2(1), other than unmanned aircraft, the Commission shall, on the basis of the principles set out in Article 4 and with a view to achieving the objectives set out in Article 1, adopt implementing acts laying down detailed provisions concerning:

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- a the different categories of pilot licences and pilot medical certificates referred to in Article 21, as well as the different ratings for such pilot licences adequate for the different types of activities performed;
- b the privileges and responsibilities of the holders of pilot licences, ratings and pilot medical certificates;
- c the rules and procedures for issuing, maintaining, amending, limiting, suspending or revoking pilot licences, ratings and pilot medical certificates, including:
  - (i) the rules and procedures for situations in which such licences, ratings and medical certificates are not to be required;
  - (ii) the rules and procedures for the conversion of national pilot licences and national pilot medical certificates into the pilot licences and pilot medical certificates referred to in Article 21(1);
  - (iii) the rules and procedures for the conversion of national flight engineer licences into the pilot licences referred to in Article 21(1);
  - (iv) the rules and procedures for the recognition of training and experience on aircraft not subject to this Regulation for the purposes of obtaining pilot licences referred to in Article 21(1).

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 127(3).

When adopting those implementing acts, the Commission shall ensure compliance with the essential requirements referred to in Article 20 of this Regulation and shall take due account of the international standards and recommended practices, in particular those set out in Annex 1 to the Chicago Convention.

Those implementing acts shall include, where appropriate, provisions for the issuance of all types of pilot licenses and ratings required under Annex 1 to the Chicago Convention. Those implementing acts may also include provisions for the issuance of other types of pilot licences and ratings.

2 In order to ensure the uniform implementation of, and compliance with, the essential requirements referred to in Article 20 in respect of cabin crew who are involved in the operation of aircraft referred to in point (b) of Article 2(1), other than unmanned aircraft, the Commission shall, on the basis of the principles set out in Article 4 and with a view to achieving the objectives set out in Article 1, adopt implementing acts laying down detailed provisions concerning:

- a the rules and procedures for issuing, maintaining, amending, limiting, suspending or revoking cabin crew attestations and for the situations in which such attestations are to be required for cabin crew involved in operations other than commercial air transport;
- b the rules and procedures for the medical fitness assessment of cabin crew referred to in Article 22;
- c the privileges and responsibilities of the holders of cabin crew attestations referred to in Article 22.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 127(3).

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*Status: Point in time view as at 04/07/2018.*

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## Article 24

### **Training organisations and aero-medical centres**

- 1 An approval shall be required in respect of aero-medical centres.
- 2 An approval shall be required in respect of pilot training organisations and cabin crew training organisations, except for situations in which, as a result of the adoption of implementing acts referred to in point (a) of Article 27(1), taking into account the objectives and principles set out in Articles 1 and 4, and in particular the nature and risk of the activity concerned, such approvals are not required.
- 3 The approvals referred to in paragraphs 1 and 2 of this Article shall be issued upon application, when the applicant has demonstrated that it complies with the implementing acts referred to in Article 27 adopted to ensure compliance with the essential requirements referred to in Article 20.
- 4 The approvals referred to in paragraphs 1 and 2 of this Article shall specify the privileges granted to the organisation. Those approvals may be amended to add or remove privileges, in accordance with the implementing acts referred to in point (a) of Article 27(1).
- 5 The approvals referred to in paragraphs 1 and 2 of this Article may be limited, suspended or revoked when the holder no longer complies with the rules and procedures for issuing and maintaining such approval, in accordance with the implementing acts referred to in point (a) of Article 27(1).
- 6 When as a result of the adoption of the implementing acts referred to in point (a) of Article 27(1), taking into account the objectives and principles set out in Articles 1 and 4, and in particular the nature and risk of the activity concerned, an approval referred to in paragraph 2 of this Article is not required in respect of a pilot training organisation or a cabin crew training organisation, implementing acts referred to in point (b) of Article 27(1) may still require the organisation concerned to declare its capability, and the availability to it of the means, to discharge its responsibilities associated with the activities that it performs in compliance with those implementing acts.

## Article 25

### **Flight simulation training devices**

- 1 A certificate shall be required in respect of each flight simulation training device used for the training of pilots, except for situations in which, as a result of the adoption of implementing acts referred to in point (a) of Article 27(1), taking into account the objectives and principles set out in Articles 1 and 4, and in particular the nature and risk of the activity concerned, such certificates are not required.
- 2 The certificate referred to in paragraph 1 of this Article shall be issued upon application, when the applicant has demonstrated that the applicant and the device comply with the implementing acts referred to in Article 27 adopted to ensure compliance with the essential requirements referred to in Article 20.
- 3 The certificate referred to in paragraph 1 of this Article shall specify the functionalities of the device. The certificate may be amended to reflect changes to those functionalities, in accordance with the implementing acts referred to in point (a) of Article 27(1).

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*Status: Point in time view as at 04/07/2018.*

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4 The certificate referred to in paragraph 1 of this Article may be limited, suspended or revoked when the holder or the device no longer complies with the rules and procedures for issuing and maintaining such certificate, in accordance with the implementing acts referred to in point (a) of Article 27(1).

5 Where the implementing acts referred to in Article 27 so provide, the organisation responsible for the operation of the flight simulation training device shall be required to declare the compliance of the device with the essential requirements referred in Article 20 and with the detailed specifications established in accordance with the implementing acts referred to in point (b) of Article 27(1).

### *Article 26*

#### **Instructors and examiners**

1 Persons responsible for providing flight training, flight simulation training, or for assessing pilots' skills, as well as aero-medical examiners, shall be required to hold a certificate, except for situations in which, as a result of the adoption of implementing acts referred to in point (a) of Article 27(1), taking into account the objectives and principles set out in Articles 1 and 4, and in particular the nature and risk of the activity concerned, such certificates are not required.

2 Taking into account the objectives and principles set out in Articles 1 and 4, and in particular the nature and risk of the activity concerned, persons responsible for providing cabin crew training or for assessing cabin crew skills may be required to hold a certificate, in accordance with the implementing acts referred to in point (a) of Article 27(1).

3 The certificates referred to in paragraphs 1 and 2 of this Article shall be issued upon application, when the applicant has demonstrated that he or she complies with the implementing acts referred to in Article 27 adopted to ensure compliance with the essential requirements referred to in Article 20.

4 The certificates referred to in paragraphs 1 and 2 of this Article shall specify the privileges granted.

Those certificates may be amended to add or remove privileges, in accordance with the implementing acts referred to in point (a) of Article 27(1).

5 The certificates referred to in paragraphs 1 and 2 of this Article may be limited, suspended or revoked when the holder no longer complies with the rules and procedures for issuing and maintaining such certificates, in accordance with the implementing acts referred to in point (a) of Article 27(1).

### *Article 27*

#### **Implementing acts as regards training, testing, checking and medical assessment**

1 In order to ensure the uniform application of and compliance with the essential requirements referred to in Article 20, for flight simulation training devices, and for persons and organisations involved in the training, testing, checking or medical assessment of pilots and cabin crew, the Commission shall, on the basis of the principles set out in Article 4 and with a view to achieving the objectives set out in Article 1, adopt implementing acts laying down detailed provisions concerning:

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- a the rules and procedures for issuing, maintaining, amending, limiting, suspending or revoking approvals and certificates referred to in Articles 24, 25, 26, and for the situations in which such approvals and certificates are or are not to be required;
- b the rules and procedures for the declarations by pilot training organisations, and cabin crew training organisations referred to in Article 24(6) and by operators of flight simulation training devices referred to in Article 25(5), and for the situations in which such declarations are to be required;
- c the privileges and responsibilities of the holders of approvals and certificates referred to in Articles 24, 25 and 26, and of the organisations making declarations in accordance with Articles 24(6) and 25(5).

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 127(3).

2 When adopting those implementing acts, the Commission shall ensure compliance with the essential requirements referred to in Article 20 and shall take due account of the international standards and recommended practices, in particular those set out in Annexes 1 and 6 to the Chicago Convention.

#### *Article 28*

### **Delegated powers**

1 As regards pilots and cabin crew involved in the operation of aircraft referred to in point (b) of Article 2(1), other than unmanned aircraft, as well as flight simulation training devices, persons and organisations involved in the training, testing, checking or medical assessment of those pilots and cabin crew, the Commission is empowered to adopt delegated acts, in accordance with Article 128, to amend Annex IV, where necessary for reasons of technical, operational or scientific developments or safety evidence related to aircrew, in order and to the extent required to achieve the objectives set out in Article 1.

2 The rules referred to in paragraph 1 shall include, where appropriate, provisions for the issuance of all types of pilot licences and ratings required under the Chicago Convention. Those rules may also include provisions for the issuance of other types of licences and ratings.

#### *SECTION III*

### *Air operations*

#### *Article 29*

### **Essential requirements**

The operation of aircraft referred to in point (b) of Article 2(1), other than unmanned aircraft, shall comply with the essential requirements set out in Annex V and, if applicable, Annexes VII and VIII.

*Status: Point in time view as at 04/07/2018.*

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

## Article 30

### Aircraft operators

1 In order to ensure compliance with the essential requirements referred to in Article 29, and taking into account the objectives and principles set out in Articles 1 and 4, and in particular the nature and risk of the activity concerned, aircraft operators established, residing or with a principal place of business in the territory to which the Treaties apply may be required, in accordance with the implementing acts referred to in points (b) and (c) of the first subparagraph of Article 31(1), to:

- a declare their capability, and the availability to them of the means, to discharge the responsibilities associated with the operation of aircraft in compliance with those implementing acts; or
- b hold a certificate.

2 The certificate referred to in paragraph 1 of this Article shall be issued upon application, when the applicant has demonstrated that it complies with the implementing acts referred to in Article 31 adopted to ensure compliance with the essential requirements referred to in Article 29.

3 The certificate referred to in paragraph 1 of this Article shall specify the privileges granted to the aircraft operator. The certificate may be amended to add or remove privileges, in accordance with the implementing acts referred to in point (b) of the first subparagraph of Article 31(1).

4 The certificate referred to in paragraph 1 of this Article may be limited, suspended or revoked, when the holder no longer complies with the rules and procedures for issuing and maintaining such certificate, in accordance with the implementing acts referred to in point (b) of the first subparagraph of Article 31(1).

5 Taking into account the objectives and principles set out in Articles 1 and 4, and in particular the nature and risk of the activity concerned, the aircraft operators referred to in paragraph 1 of this Article may be required, in accordance with the implementing acts referred to in Article 31, to:

- a meet specific requirements, when entering into code sharing agreements or lease agreements;
- b meet specific requirements when operating an aircraft which is registered in a third country;
- c establish a Minimum Equipment List (MEL) or equivalent document providing for the operation of the aircraft, under specified conditions, with particular instruments, items of equipment or functions inoperative at the commencement of the flight.

6 Member States shall ensure that the operation of aircraft into, within, or out of the territory to which the Treaties apply by an aircraft operator established, residing or with a principal place of business outside that territory but for which Member States carry out the functions and duties of the state of operator under the Chicago Convention, as well as the personnel and organisations involved in those operations, meet a level of safety which is equivalent to that established by this Regulation.

7 Where the implementing acts referred to in point (g) of the first subparagraph of Article 31(1) so provide, aircraft shall be equipped with the necessary safety-related equipment and

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instruments, certified where required in accordance with the delegated act referred to in point (b)(iii) of Article 19(1), including some or all of the following:

- a flight recorders;
- b means to track the position of the aircraft;
- c means to recover flight recorder data in a timely manner in case of aircraft in distress by relying on real-time electronic communication or other appropriate technical solutions.

### *Article 31*

#### **Implementing acts as regards air operations**

1 In order to ensure the uniform implementation of and compliance with the essential requirements referred to in Article 29, for the operation of aircraft referred to in point (b) of Article 2(1), other than unmanned aircraft, the Commission shall, on the basis of the principles set out in Article 4 and with a view to achieving the objectives set out in Article 1, adopt implementing acts laying down detailed provisions concerning:

- a the specific rules and procedures for the operation of aircraft in compliance with the essential requirements referred to in Article 29;
- b the rules and procedures for issuing, maintaining, amending, limiting, suspending or revoking the certificates referred to in point (b) of Article 30(1), and for the situations in which such certificates are to be required;
- c the rules and procedures for the declaration by aircraft operators referred to in point (a) of Article 30(1), and for the situations in which such declarations are to be required;
- d the privileges and responsibilities of the holders of the certificates referred to in point (b) of Article 30(1) and of the aircraft operators making declarations referred to in point (a) of Article 30(1);
- e the additional requirements necessary to ensure compliance with the essential requirements referred to in Article 29 applicable to aircraft operators established, residing or with a principal place of business in the territory to which the Treaties apply when those operators enter into code sharing agreements or lease agreements or when they operate an aircraft which is registered in a third country;
- f the rules and procedures for the aircraft operators referred to in Article 30(1) regarding the establishment of a MEL or an equivalent document, and for the situations in which it is required;
- g the rules and procedures in accordance with which an aircraft is to be equipped with the necessary safety-related equipment and instruments, including the flight recorders and/or means referred to in Article 30(7), and the rules and procedures for the preservation, protection, use and, where applicable, secure transmission of the data concerned.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 127(3).

2 When adopting those implementing acts, the Commission shall ensure compliance with the essential requirements referred to in Article 29 of this Regulation and shall take due account of the international standards and recommended practices, in particular those set out in Annex 6 to the Chicago Convention.

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

## Article 32

### Delegated powers

1 For the operation of aircraft referred to in point (b) of Article 2(1), other than unmanned aircraft, the Commission is empowered to adopt delegated acts, in accordance with Article 128, laying down detailed rules with regard to:

- a the conditions to be met by the operators referred to in Article 30(1) and their aircrew members with regard to flight and duty time limitations, as well as rest requirements for aircrew members;
- b the conditions and procedures necessary to ensure compliance with the essential requirements referred to in Article 29 regarding the approval by national competent authorities of individual flight time specification schemes and the issuance of Agency opinions on those schemes in accordance with Article 76(7).

2 As regards the operation of aircraft referred to in point (b) of Article 2(1), other than unmanned aircraft the Commission is empowered to adopt delegated acts, in accordance with Article 128, to amend Annex V and, if applicable, Annexes VII and VIII, where necessary for reasons of technical, operational or scientific developments or safety evidence related to air operations, in order and to the extent required to achieve the objectives set out in Article 1.

## SECTION IV

### Aerodromes

## Article 33

### Essential requirements

Aerodromes, safety-related aerodrome equipment, the operation of aerodromes and the provision of groundhandling services and AMS at aerodromes referred to in point (e) of Article 2(1) shall comply with the essential requirements set out in Annex VII and, if applicable, Annex VIII.

## Article 34

### Aerodrome certification

1 A certificate shall be required in respect of aerodromes. That certificate shall cover the aerodrome and its safety-related equipment, unless that safety-related equipment is covered by a declaration or certificate referred to in points (a) and (b) respectively of Article 35(1).

2 The certificate referred to in paragraph 1 of this Article shall be issued upon application, when the applicant has demonstrated that the aerodrome:

- a complies with the implementing acts referred to in Article 36 and with the aerodrome certification basis set out in paragraph 5 of this Article; and
- b has no feature or characteristic making it unsafe for operation.



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3 The certificate referred to in paragraph 1 of this Article may be amended to include changes to the aerodrome or its safety-related equipment, in accordance with the implementing acts referred to in point (c) of Article 36(1).

4 The certificate referred to in paragraph 1 of this Article may be limited, suspended or revoked when the aerodrome or its safety-related equipment no longer complies with the rules and procedures for issuing and maintaining such certificate, in accordance with the implementing acts referred to in point (c) of Article 36(1).

5 The certification basis for an aerodrome shall consist of the following:

- a the applicable certification specifications related to the type of aerodromes;
- b those provisions of the applicable certification specifications for which an equivalent level of safety has been accepted;
- c the special detailed technical specifications necessary when the design features of a particular aerodrome or the experience in operation render any of the certification specifications referred to in point (a) of this paragraph inadequate or inappropriate to ensure conformity with the essential requirements referred to in Article 33.

#### *Article 35*

### **Safety related aerodrome equipment**

1 Taking into account the objectives and principles set out in Articles 1 and 4, and in particular the nature and risk of the activity concerned, the implementing acts referred to in Article 36 may require organisations involved in the design, production and maintenance of safety related aerodrome equipment used or intended for use at aerodromes subject to this Regulation to:

- a declare that such equipment complies with the detailed specifications established in accordance with implementing acts referred to in Article 36; or
- b hold a certificate in respect of that safety-related aerodrome equipment.

2 The certificate referred to in point (b) of paragraph 1 of this Article shall be issued upon application, when the applicant has demonstrated that the equipment complies with the detailed specifications established in accordance with implementing acts referred to in Article 36 adopted to ensure compliance with the essential requirements referred to in Article 33.

3 The certificate referred to in point (b) of paragraph 1 of this Article shall specify the functionalities of the equipment. That certificate may be amended to reflect the changes to those functionalities, in accordance with the implementing acts referred to in point (d) of Article 36(1).

4 The certificate referred to in point (b) of paragraph 1 of this Article may be limited, suspended or revoked, when the equipment no longer complies with the rules and procedures for issuing and maintaining such certificate, in accordance with the implementing acts referred to in point (d) of Article 36(1).

#### *Article 36*

### **Implementing acts as regards aerodromes and safety-related aerodrome equipment**

1 In order to ensure the uniform implementation of and compliance with the essential requirements referred to in Article 33, for aerodromes and safety-related aerodrome equipment, the Commission shall, on the basis of the principles set out in Article 4 and with a view to

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

achieving the objectives set out in Article 1, adopt implementing acts laying down detailed provisions concerning:

- a the rules and procedures for establishing and notifying to an applicant, on the basis of Article 34(5), the certification basis applicable to an aerodrome for the purposes of certification in accordance with Article 34(1);
- b the rules and procedures for establishing and notifying to an applicant the detailed specifications applicable to safety-related aerodrome equipment for the purposes of certification in accordance with Article 35(1);
- c the rules and procedures for issuing, maintaining, amending, limiting, suspending or revoking the aerodrome certificates referred to in Article 34, including operating limitations related to the specific design of the aerodrome;
- d the rules and procedures for issuing, maintaining, amending, limiting, suspending or revoking the certificates for safety-related aerodrome equipment referred to in Article 35(1), and for the situations in which such certificates are to be required;
- e the rules and procedures for establishing the detailed specifications applicable to safety-related aerodrome equipment which is subject to a declaration in accordance with Article 35(1);
- f the rules and procedures for the declaration, in accordance with Article 35(1), in respect of safety-related aerodrome equipment, and for the situations in which such declarations are to be required;
- g the privileges and responsibilities of the holders of the certificates referred to in Articles 34 and 35(1), and of the organisations making declarations in accordance with Article 35(1);
- h the rules and procedures for the acceptance and the conversion of national aerodrome certificates issued on the basis of national law into the aerodromes certificates referred to in Article 34 of this Regulation, including measures which are already authorised by the Member State concerned on the basis of notified differences to Annex 14 to the Chicago Convention.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 127(3).

2 When adopting those implementing acts, the Commission shall ensure compliance with the essential requirements referred to in Article 33 of this Regulation and shall take due account of the international standards and recommended practices, in particular those set out in Annex 14 to the Chicago Convention.

### *Article 37*

## **Organisations**

1 Organisations responsible for the operation of aerodromes shall be subject to certification and shall be issued with a certificate. That certificate shall be issued upon application, when the applicant has demonstrated that it complies with the delegated acts referred to in Article 39 adopted to ensure compliance with the essential requirements referred to in Article 33.

The certificate shall specify the privileges granted to the certified organisation and the scope of the certificate.

2 Organisations responsible for the provision of groundhandling services and AMS at aerodromes subject to this Regulation shall declare their capability, and the availability to

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them of the means, to discharge the responsibilities associated with the services provided in compliance with the essential requirements referred to in Article 33.

### *Article 38*

#### **Protection of aerodrome surroundings**

1 Member States shall take the necessary measures to ensure that aerodromes located in their territory are safeguarded against activities and developments in their surroundings which may cause unacceptable risks to aircraft using the aerodrome.

2 The organisations referred to in Article 37(1) shall monitor activities and developments which may cause unacceptable safety risks to aviation in the surroundings of the aerodrome for the operation of which they are responsible. They shall take the necessary measures to mitigate those risks in as far as this lies within their control and, where that is not the case, bring those risks to the attention of the competent authorities of the Member State where the aerodrome is located.

3 In order to ensure the uniform application of this Article, the Commission shall, on the basis of the principles set out in Article 4 and with a view to achieving the objectives set out in Article 1, adopt implementing acts laying down detailed provisions. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 127(3).

### *Article 39*

#### **Delegated powers**

1 For the operation of aerodromes and the provision of groundhandling services and AMS at aerodromes, the Commission is empowered to adopt delegated acts in accordance with Article 128 laying down detailed rules with regard to:

- a the specific conditions for the operation of aerodromes in compliance with the essential requirements referred to in Article 33;
- b the conditions for issuing, maintaining, amending, limiting, suspending or revoking the certificates referred to in Article 37(1);
- c the privileges and responsibilities of the holders of the certificates referred to in Article 37(1);
- d the conditions and procedures for the declaration by organisations providing groundhandling services and by organisations providing AMS in accordance with Article 37(2), including recognition, without further verification, by the operators, of those declarations;
- e the privileges and responsibilities of the organisations providing groundhandling services and by organisations providing AMS which have made declarations in accordance with Article 37(2).

2 As regards aerodromes, safety-related aerodrome equipment, the operation of aerodromes, and groundhandling services and AMS the Commission is empowered to adopt delegated acts, in accordance with Article 128, to amend Annex VII and, if applicable, Annex VIII, where necessary for reasons of technical, operational or scientific developments or safety evidence related to the aerodromes, in order and to the extent required to achieve the objectives set out in Article 1.

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## SECTION V

### ATM/ANS

#### Article 40

#### **Essential requirements**

1 The provision of ATM/ANS referred to in point (g) of Article 2(1) shall comply with the essential requirements set out in Annex VIII and, if applicable, Annex VII.

2 Aircraft operating in the Single European Sky airspace, except those engaged in activities referred to in point (a) of Article 2(3), shall comply with the essential requirements set out in point 1 of Annex VIII.

#### Article 41

#### **ATM/ANS providers**

1 Providers of ATM/ANS shall be required to hold a certificate.

2 The certificate referred to in paragraph 1 of this Article shall be issued upon application, when the applicant has demonstrated that it complies with the implementing acts referred to in Article 43 adopted to ensure compliance with the essential requirements referred to in Article 40.

3 The certificate referred to in paragraph 1 of this Article shall specify the privileges granted. That certificate may be amended to add or remove privileges, in accordance with the implementing acts referred to in point (b) of the first subparagraph of Article 43(1).

4 The certificate referred to in paragraph 1 of this Article may be limited, suspended or revoked when the holder no longer complies with the rules and procedures for issuing and maintaining such certificate, in accordance with the implementing acts referred to in point (b) of the first subparagraph of Article 43(1).

5 By way of derogation from paragraph 1 of this Article, in accordance with the implementing acts referred to in Article 43, Member States may decide that providers of flight information services are to be allowed to declare their capability, and the availability to them of the means, to discharge the responsibilities associated with the services provided in compliance with the essential requirements referred to in Article 40. In that case, the Member State concerned shall inform the Commission, the Agency and the other Member States of its decision.

6 By way of derogation from paragraph 1, Member States may grant exemptions to providers of ATM/ANS from the requirement to hold a certificate, where all of the following conditions have been met:

- a the provider has its principal place of business located outside the territories for which Member States are responsible under the Chicago Convention;
- b the provision of ATM/ANS by that provider concerns air traffic of small volume in a limited part of the airspace for which the Member State granting the exemption is responsible and where that part of the airspace borders with an airspace under the responsibility of a third country;

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- c requiring the provider to demonstrate compliance with the rules referred to in paragraph 1 would involve a disproportionate effort from that provider in light of the nature and risk of the particular activity that it carries out within that airspace;
- d the Member State concerned has set rules and procedures applicable to the provision of ATM/ANS by the provider which ensure, in accordance with international standards and recommended practices and taking account of the specific circumstances of the case in question, an acceptable level of safety and compliance with the essential requirements referred to in Article 40, and has established appropriate and effective means and arrangements for oversight and enforcement to ensure compliance with those rules and procedures;
- e the scope of the exemption is clearly defined and the exemption remains limited to what is strictly necessary; where its duration exceeds five years, the exemption is subject to regular review at suitable intervals; and the exemption is applied in a non-discriminatory manner.

Where a Member State intends to grant such an exemption, it shall notify the Commission and the Agency of its intention, setting out all relevant information.

After consulting the Agency, the Commission shall adopt implementing acts containing its decision whether the conditions set out in the first subparagraph of this paragraph have been met. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 127(2). Those implementing acts shall be published in the *Official Journal of the European Union* and included by the Agency in the repository referred to in Article 74.

The Member State concerned shall only grant the exemption if the implementing acts referred to in third subparagraph contain a positive decision. It shall withdraw the exemption where it becomes aware, in particular through the regular review referred to in point (e) of the first subparagraph, that the conditions set out in the first subparagraph are no longer fulfilled. It shall inform the Commission and the Agency without delay of the granting of any exemption and, where applicable, the outcome of those reviews and any withdrawals.

#### *Article 42*

### **Organisations involved in the design, production or maintenance of ATM/ANS systems and ATM/ANS constituents**

1 Taking into account the objectives and principles set out in Articles 1 and 4, and in particular the nature and risk of the activity concerned, organisations involved in the design, production or maintenance of ATM/ANS systems and ATM/ANS constituents, may be required, in accordance with the implementing acts referred to in Article 43, to:

- a declare their capability, and the availability to them of the means, to discharge the responsibilities associated with the activities performed in compliance with those implementing acts; or
- b hold a certificate.

2 The certificate referred to in point (b) of paragraph 1 of this Article shall be issued upon application, when the applicant has demonstrated that it complies with the rules established by the implementing acts referred to in Article 43 adopted to ensure compliance with the essential requirements referred to in Article 40.

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3 The certificate referred to in point (b) of paragraph 1 of this Article shall specify the privileges granted. The certificate may be amended to add or remove privileges, in accordance with the implementing acts referred to in point (d) of the first subparagraph of Article 43(1).

4 The certificate referred to in point (b) of paragraph 1 of this Article may be limited, suspended or revoked, when the holder no longer complies with the rules and procedures for issuing and maintaining such certificate, in accordance with the implementing acts referred to in point (d) of the first subparagraph of Article 43(1).

### *Article 43*

#### **Implementing acts as regards ATM/ANS providers and organisations involved in the design, production or maintenance of ATM/ANS systems and ATM/ANS constituents**

1 In order to ensure the uniform implementation of and compliance with the essential requirements referred to in Article 40, for the provision of ATM/ANS referred to in point (g) of Article 2(1), the Commission shall, on the basis of the principles set out in Article 4 and with a view to achieving the objectives set out in Article 1, adopt implementing acts laying down detailed provisions concerning:

- a the specific rules and procedures for the provision of ATM/ANS in compliance with the essential requirements referred to in Article 40, including the establishment and implementation of the contingency plan in accordance with point 5.1(f) of Annex VIII;
- b the rules and procedures for issuing, maintaining, amending, limiting, suspending or revoking the certificates referred to in Article 41(1);
- c the rules and procedures for the declaration by providers of flight information services referred to in Article 41(5), and for the situations in which such declarations are to be permitted;
- d the rules and procedures for issuing, maintaining, amending, limiting, suspending or revoking the certificates referred to in point (b) of Article 42(1), and for the situations in which such certificates are to be required;
- e the rules and procedures for the declaration by organisations referred to in point (a) of Article 42(1), and for the situations in which such declarations are to be required;
- f the privileges and responsibilities of the holders of certificates referred to in Article 41(1) and point (b) of 42(1) and of organisations making declarations in accordance with Article 41(5) and point (a) of Article 42(1).

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 127(3).

2 The rules referred to in paragraph 1 shall take due account of the ATM Master Plan.

3 When adopting those implementing acts, the Commission shall ensure compliance with the essential requirements referred to in Article 40 of this Regulation and shall take due account of the international standards and recommended practices, in particular those set out in Annexes 2 to 4, 10, 11 and 15 to the Chicago Convention.

### *Article 44*

#### **Implementing acts as regards the use of airspace and the design of airspace structures**

1 In order to ensure the uniform implementation of and compliance with the essential requirements referred to in Article 40, for the provision of ATM/ANS referred to in point (g)

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of Article 2(1), as well as for the design of airspace structures, the Commission shall, on the basis of the principles set out in Article 4 and with a view to achieving the objectives set out in Article 1, adopt implementing acts laying down detailed provisions concerning:

- a the operating rules related to the use of airspace, aircraft equipment and ATM/ANS systems and ATM/ANS constituents required for the use of airspace;
- b the rules and procedures for the design of airspace structures in order to ensure compliance with Article 46.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 127(3).

2 The rules referred to in paragraph 1 shall take due account of the ATM Master Plan.

3 When adopting those implementing acts, the Commission shall ensure compliance with the essential requirements referred to in Article 40 of this Regulation and shall take due account of the international standards and recommended practices, in particular those set out in Annexes 2, 3, 10, 11 and 15 to the Chicago Convention.

#### *Article 45*

#### **ATM/ANS systems and ATM/ANS constituents**

1 Where the delegated acts referred to in Article 47 so provide, the providers of ATM/ANS referred to in Article 41 shall be required to declare that the ATM/ANS systems and ATM/ANS constituents which are to be put into operation by those service providers comply with the detailed specifications established in accordance with the delegated acts referred to in Article 47 adopted to ensure compliance with the essential requirements referred to in Article 40.

2 Where the delegated acts referred to in Article 47 so provide, ATM/ANS systems and ATM/ANS constituents shall be subject to certification and shall be issued with a certificate.

That certificate shall be issued upon application, when the applicant has demonstrated that those systems and constituents comply with the detailed specifications established in accordance with the delegated acts referred to in Article 47 adopted to ensure compliance with the essential requirements referred to in Article 40.

By way of derogation from the first subparagraph, where the delegated acts referred to in Article 47 so provide, the organisation involved in the design, production or maintenance of ATM/ANS systems and ATM/ANS constituents shall be permitted to declare that those systems and constituents comply with the detailed specifications established in accordance with the delegated acts referred to in Article 47 adopted to ensure compliance with the essential requirements referred to in Article 40 and that those systems and constituents are suitable for use.

#### *Article 46*

#### **Design of airspace structures**

Member States shall ensure that airspace structures are properly designed, surveyed and validated before they can be deployed and used by aircraft, in accordance with the detailed rules adopted by the Commission pursuant to point (b) of Article 44(1).

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*Status: Point in time view as at 04/07/2018.*

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

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## Article 47

### Delegated powers

1 For the ATM/ANS systems and ATM/ANS constituents the Commission is empowered to adopt delegated acts, in accordance with Article 128, laying down detailed rules with regard to:

- a the conditions for establishing and notifying to an applicant the detailed specifications applicable to ATM/ANS systems and ATM/ANS constituents for the purposes of certification in accordance with Article 45(2);
- b the conditions for issuing, maintaining, amending, limiting, suspending or revoking the certificates referred to in Article 45(2), and for the situations in which, with a view to achieving the objectives set out in Article 1 and while taking account of the nature and risk of the particular activity concerned, such certificates are to be required or declarations are to be permitted, as applicable;
- c the privileges and responsibilities of the holders of certificates referred to in Article 45(2);
- d the privileges and responsibilities of the organisations issuing declarations in accordance with Article 45(1) and (2);
- e the conditions and procedures for the declaration by ATM/ANS providers, in accordance with Article 45(1), and for the situations in which, with a view to achieving the objectives set out in Article 1 and while taking account of the nature and risk of the particular activity concerned such declarations are to be required;
- f the conditions for establishing the detailed specifications applicable to ATM/ANS systems and ATM/ANS constituents which are subject to a declaration in accordance with Article 45(1) and (2).

2 As regards the provision of ATM/ANS, the Commission is empowered to adopt delegated acts, in accordance with Article 128, to amend Annex VIII and, if applicable, Annex VII, where necessary for reasons of technical, operational or scientific developments or safety evidence related to the ATM/ANS, in order and to the extent required to achieve the objectives set out in Article 1.

## SECTION VI

### *Air traffic controllers*

## Article 48

### Essential requirements

Air traffic controllers involved in the provision of ATM/ANS referred to in point (g) of Article 2(1), as well as persons, organisations and synthetic training devices involved in the training, testing, checking or medical assessment of those air traffic controllers, shall comply with the essential requirements set out in Annex VIII.



*Status: Point in time view as at 04/07/2018.*

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

## Article 49

### Air traffic controllers

1 Air traffic controllers shall be required to hold an air traffic controller licence and an air traffic controller medical certificate appropriate for the service to be provided.

2 The air traffic controller licence referred to in paragraph 1 of this Article shall be issued upon application, when the applicant for the licence has demonstrated that he or she complies with the implementing acts referred to in Article 50 adopted to ensure compliance with the essential requirements referred to in Article 48.

3 The air traffic controller medical certificate referred to in paragraph 1 of this Article shall be issued upon application, when the air traffic controller has demonstrated that he or she complies with the implementing acts referred to in Article 50 adopted to ensure compliance with the essential requirements referred to in Article 48.

4 The air traffic controller licence and the air traffic controller medical certificate referred to in paragraph 1 of this Article shall specify the privileges granted to the air traffic controller. That air traffic controller licence and air traffic controller medical certificate may be amended to add or remove privileges, in accordance with the implementing acts referred to in point (c) of the first subparagraph of Article 50(1).

5 The air traffic controller licence and the air traffic controller medical certificate referred to in paragraph 1 of this Article may be limited, suspended or revoked when the holder no longer complies with the rules and procedures for issuing and maintaining a licence or a medical certificate, in accordance with the implementing acts referred to in point (c) of the first subparagraph of Article 50(1).

## Article 50

### Implementing acts as regards air traffic controllers

1 In order to ensure the uniform implementation of and compliance with the essential requirements referred to in Article 48, for air traffic controllers, the Commission shall, on the basis of the principles set out in Article 4 and with a view to achieving the objectives set out in Article 1, adopt implementing acts laying down detailed provisions concerning:

- a the different categories, ratings and endorsements for the air traffic controller licences referred to in Article 49;
- b the privileges and responsibilities of the holders of air traffic controller licences, ratings and endorsements for the licences and medical certificates referred to in Article 49;
- c the rules and procedures for issuing, maintaining, amending, limiting, suspending or revoking licences, ratings and endorsements for the air traffic controller licences and medical certificates referred to in Article 49, including the rules and procedures for the conversion of national air traffic controller licences and national medical certificates into the air traffic controller licences and medical certificates referred to in Article 49;
- d the rules and procedures for air traffic controllers in regard to duty time limitations and rest requirements; such rules and procedures are to produce a high level of safety by protecting against the effects of tiredness while, at the same time, allowing for sufficient flexibility in scheduling.

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Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 127(3).

2 When adopting those implementing acts, the Commission shall ensure compliance with the essential requirements referred to in Article 48 of this Regulation and shall take due account of the international standards and recommended practices, in particular those set out in Annex 1 to the Chicago Convention.

#### *Article 51*

##### **Air traffic controller training organisations and aero-medical centres**

1 An approval shall be required in respect of air traffic controller training organisations and aero-medical centres.

2 The approval referred to in paragraph 1 of this Article shall be issued upon application, when the applicant has demonstrated that it complies with the implementing acts referred to in Article 53 adopted to ensure compliance with the essential requirements referred to in Article 48.

3 The approval referred to in paragraph 1 of this Article shall specify the privileges granted to the organisation. The approval may be amended to add or remove privileges, in accordance with the implementing acts referred to in point (a) of the first subparagraph of Article 53(1).

4 The approval referred to in paragraph 1 of this Article may be limited, suspended or revoked when the holder no longer complies with the rules and procedures for issuing and maintaining such approval, in accordance with the implementing acts referred to in point (a) of the first subparagraph of Article 53(1).

#### *Article 52*

##### **Instructors, assessors and aero-medical examiners**

1 Persons responsible for providing practical training, for assessing the practical skills of air traffic controllers, as well as aero-medical examiners, shall be required to hold a certificate.

2 The certificate referred to in paragraph 1 of this Article shall be issued upon application, when the applicant has demonstrated that he or she complies with the implementing acts referred to in Article 53 adopted to ensure compliance with the essential requirements referred to in Article 48.

3 The certificate referred to in paragraph 1 of this Article shall specify the privileges granted. The certificate may be amended to add or remove privileges, in accordance with the implementing acts referred to in point (a) of the first subparagraph of Article 53(1).

4 The certificate referred to in paragraph 1 of this Article may be limited, suspended or revoked when the holder no longer complies with the rules and procedures for issuing and maintaining such certificate, in accordance with the implementing acts referred to in point (a) of the first subparagraph of Article 53(1).

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### *Article 53*

#### **Implementing acts as regards training, testing, checking and medical assessment**

1 In order to ensure the uniform implementation of and compliance with the essential requirements referred to in Article 48, for persons and organisations involved in the training, testing, checking and medical assessment of air traffic controllers, the Commission shall, on the basis of the principles set out in Article 4 and with a view to achieving the objectives set out in Article 1, adopt implementing acts laying down detailed provisions concerning:

- a the rules and procedures for issuing, maintaining, amending, limiting, suspending or revoking the approvals and certificates referred to in Articles 51 and 52;
- b the privileges and responsibilities of the holders of the approvals and certificates referred to in Articles 51 and 52.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 127(3).

2 When adopting those implementing acts, the Commission shall ensure compliance with the essential requirements referred to in Article 48 of this Regulation and shall take due account of the international standards and recommended practices, in particular those set out in Annex 1 to the Chicago Convention.

### *Article 54*

#### **Delegated powers**

As regards air traffic controllers, persons and organisations involved in the training, testing, checking or medical assessment of air traffic controllers, as well as synthetic training devices, the Commission is empowered to adopt delegated acts in accordance with Article 128, to amend Annex VIII, where necessary for reasons of technical, operational or scientific developments or safety evidence related to the training organisations and air traffic controllers, in order and to the extent necessary to achieve the objectives set out in Article 1.

## *SECTION VII*

### ***Unmanned aircraft***

#### *Article 55*

#### **Essential requirements for unmanned aircraft**

The design, production, maintenance and operation of aircraft referred to in point (a) and (b) of Article 2(1), where it concerns unmanned aircraft, and their engines, propellers, parts, non-installed equipment and equipment to control them remotely, as well as the personnel, including remote pilots, and organisations involved in those activities, shall comply with the essential requirements set out in Annex IX, and, where the delegated acts referred to in Article 58 and the implementing acts referred to in Article 57 so provide, with the essential requirements set out in Annexes II, IV and V.

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

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## Article 56

### Compliance of unmanned aircraft

1 Taking into account the objectives and the principles set out in Articles 1 and 4, and in particular the nature and risk of the activity concerned, the operational characteristics of the unmanned aircraft concerned and the characteristics of area of operation, a certificate may be required for the design, production, maintenance and operation of unmanned aircraft and their engines, propellers, parts, non-installed equipment and equipment to control them remotely, as well as for the personnel, including remote pilots, and organisations involved in those activities, in accordance with the delegated acts referred to in Article 58 and the implementing acts referred to in Article 57.

2 The certificate referred to in paragraph 1 of this Article shall be issued upon application, when the applicant has demonstrated that it complies with the delegated acts referred to in Article 58 and the implementing acts referred to in Article 57.

3 The certificate referred to in paragraph 1 of this Article shall specify the safety-related limitations, operating conditions and privileges. The certificate may be amended to add or remove limitations, conditions and privileges, in accordance with the delegated acts referred to in Article 58 and the implementing acts referred to in Article 57.

4 The certificate referred to in paragraph 1 of this Article may be limited, suspended or revoked when the holder no longer complies with the conditions, rules and procedures for issuing or maintaining such certificate, in accordance with the delegated acts referred to in Article 58 and the implementing acts referred to in Article 57.

5 Taking into account the objectives and the principles set out in Articles 1 and 4, and in particular the nature and risk of the activity concerned, the operational characteristics of the unmanned aircraft concerned and the characteristics of area of operation, the delegated acts referred to in Article 58 and the implementing acts referred to in Article 57 may require in respect of the design, production, maintenance and operation of unmanned aircraft and their engines, propellers, parts, non-installed equipment and equipment to control them remotely, as well as of the personnel, including remote pilots, and organisations involved in those activities, a declaration confirming compliance with those delegated and implementing acts.

6 Where the objectives and the principles set out in Articles 1 and 4 can be achieved without the application of Chapters IV and V of this Regulation, the delegated acts referred to in point (c) of Article 58(1) might provide that those Chapters shall apply neither to the essential requirements referred to in Article 55 nor to the corresponding detailed rules established in accordance with Article 58. In such cases, those essential requirements and those detailed rules shall constitute ‘Community harmonisation legislation’ within the meaning of Regulation (EC) No 765/2008 of the European Parliament and of the Council<sup>(1)</sup> and Decision No 768/2008/EC of the European Parliament and of the Council<sup>(2)</sup>.

7 Member States shall ensure that information about registration of unmanned aircraft and of operators of unmanned aircraft that are subject to a registration requirement in accordance with the implementing acts referred to in Article 57 and point 4 of Annex IX is stored in digital, harmonised, interoperable national registration systems. Member States shall be able to access and exchange that information through the repository referred to in Article 74.

8 This Section shall be without prejudice to the possibility for Member States to lay down national rules to make subject to certain conditions the operations of unmanned aircraft

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for reasons falling outside the scope of this Regulation, including public security or protection of privacy and personal data in accordance with the Union law.

#### *Article 57*

### **Implementing acts as regards unmanned aircraft**

In order to ensure the uniform implementation of and compliance with the essential requirements referred to in Article 55, for the operation of aircraft referred to in points (a) and (b) of Article 2(1), where it concerns unmanned aircraft, as well as for personnel, including remote pilots, and organisations involved in those activities, and on the basis of the principles set out in Article 4 and with a view to achieving the objectives set out in Article 1, the Commission shall, adopt implementing acts laying down detailed provisions concerning:

- (a) the specific rules and procedures for the operation of unmanned aircraft as well as for the personnel, including remote pilots, and organisations involved in those operations;
- (b) the rules and procedures for issuing, maintaining, amending, limiting, suspending, or revoking the certificates, or for making declarations, for the operation of unmanned aircraft as well as for personnel, including remote pilots, and organisations involved in those activities, and for the situations in which such certificates or declarations are to be required; the rules and procedures for issuing those certificates and for making those declarations may be based on, or consist of, the detailed requirements referred to in Sections I, II and III;
- (c) the privileges and responsibilities of the holders of certificates and of natural and legal persons making declarations;
- (d) the rules and procedures for the registration and marking of unmanned aircraft and for the registration of operators of unmanned aircraft, referred to in Section 4 of Annex IX;
- (e) the rules and procedures for establishing digital, interoperable, harmonised, national registration systems referred to in Article 56(7);
- (f) the rules and procedures for the conversion of national certificates into the certificates required under Article 56(1).

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 127(3).

#### *Article 58*

### **Delegated powers**

1 For the design, production and maintenance of aircraft referred to in points (a) and (b) of Article 2(1), where it concerns unmanned aircraft, and their engines, propellers, parts, non-installed equipment and equipment to control the aircraft remotely, as well as for the personnel, including remote pilots, and organisations involved in those activities, the Commission is empowered to adopt delegated acts, in accordance with Article 128, laying down detailed rules with regard to:

- a the specific conditions for the design, production and maintenance of unmanned aircraft and their engines, propellers, parts, non-installed equipment and equipment to control the aircraft remotely, as well as for personnel, including remote pilots,

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and organisations involved in those activities, necessary to ensure compliance with the essential requirements referred to in Article 55 which may include the conditions under which unmanned aircraft are required to be equipped with necessary features and functionalities related, in particular, to maximum operating distance and altitude limitations, position communication, geographical zones entry restriction, collision avoidance, flight stabilisation and automated landing;

- b the conditions and procedures for issuing, maintaining, amending, limiting, suspending, or revoking the certificates, or for making declarations, for the design, production and maintenance of unmanned aircraft, their engines, propellers, parts, non-installed equipment and equipment to control them remotely, as well as for the personnel, including remote pilots, and organisations involved in those activities, referred to in Article 56(1) and (5), and for the situations in which such certificates or declarations are to be required; the conditions and procedures for issuing those certificates and for making those declarations may be based on, or consist of, the detailed requirements referred to in Sections I, II and III;
- c the conditions under which the requirements concerning the design, production and maintenance of unmanned aircraft and their engines, propellers, parts, non-installed equipment and equipment to control them remotely, are not to be subject to Chapters IV and V, for the purpose of Article 56(6);
- d the privileges and responsibilities of the holders of certificates and of natural and legal persons making declarations;
- e the conditions for the conversion of national certificates into the certificates required under Article 56(1).

2 As regards the design, production, maintenance and operation of aircraft referred to in points (a) and (b) of Article 2(1), where it concerns unmanned aircraft, and their engines, propellers, parts, non-installed equipment and equipment to control the aircraft remotely, as well as the personnel, including remote pilots, and organisations involved in those activities, the Commission is empowered to adopt delegated acts, in accordance with Article 128, to amend Annex IX and, if applicable, Annex III, where necessary for reasons of technical, operational or scientific developments or safety evidence related to air operations, in order and to the extent required to achieve the objectives set out in Article 1.

## *SECTION VIII*

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

#### *Article 59*

#### **Applicable rules**

Without prejudice to point 1 of Annex VIII and the rules adopted on the basis of point (a) of Article 44(1), aircraft referred to in point (c) of Article 2(1), as well as their aircrew and their operations, shall comply with the applicable ICAO standards.

To the extent that there are no such standards, those aircraft, their aircrew and their operations shall comply:

- (a) as regard aircraft other than unmanned aircraft, with the essential requirements set out in Annexes II, IV and V;

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- (b) as regards unmanned aircraft, with the essential requirements set out in Annex IX and, where the delegated acts referred to in Article 61 so provide, with the essential requirements set out in Annexes II, IV and V.

However, the second subparagraph shall not apply where those essential requirements are in conflict with the rights of third countries under international conventions.

#### *Article 60*

### **Compliance**

1 The operation of the aircraft referred to in point (c) of Article 2(1) for commercial air transport shall be subject to certification and shall be issued with an authorisation.

That authorisation shall be issued upon application, when the applicant has demonstrated its capability, and the availability to it of the means, to discharge the responsibilities associated with the operation of that aircraft in compliance with the requirements specified in Article 59. The authorisation shall specify the privileges granted to the operator and the scope of the operations.

2 Where the delegated acts referred to in Article 61 so provide, the operation of aircraft referred to in point (c) of Article 2(1) other than for commercial air transport shall be subject to certification and shall be issued with an authorisation.

That authorisation shall be issued upon application, when the applicant has demonstrated its capability, and the availability to it of the means, to discharge the responsibilities associated with the operation of that aircraft in compliance with the requirements specified in Article 59.

The authorisation shall specify the privileges granted to the operator and the scope of the operations.

By way of derogation from the first subparagraph of this paragraph, where the delegated acts referred to in Article 61 so provide, the operators of the aircraft referred to in point (c) of Article 2(1) engaged in operations other than commercial air transport shall be permitted to declare their capability, and the availability to them of the means, to discharge the responsibilities associated with the operation of that aircraft in compliance with the requirements specified in Article 59.

3 Except for the operation of unmanned aircraft, the authorisations and declarations referred to in paragraphs 1 and 2 shall not be required in respect of the operation of aircraft that are only overflying the territory to which the Treaties apply.

#### *Article 61*

### **Delegated powers**

1 For the aircraft referred to in point (c) of Article 2(1), as well as their aircrew and their operations, the Commission is empowered to adopt delegated acts, in accordance with Article 128, laying down detailed rules with regard to:

- a the authorisation of aircraft, in respect of which there is no standard ICAO certificate of airworthiness, or the authorisation of pilots who do not hold a standard ICAO licence, to operate into, within or out of the territory to which the Treaties apply;
- b the specific conditions to operate an aircraft in compliance with Article 59;

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- c alternative conditions for cases where compliance with the standards and requirements referred to in Article 59 is not possible or involves a disproportionate effort from the operator, while ensuring that the objectives of the standards and requirements concerned are met;
  - d the conditions for issuing, maintaining, amending, limiting, suspending or revoking the authorisations referred to in Article 60, and for the situations in which, with a view to achieving the objectives set out in Article 1 and while taking account of the nature and risk of the particular activity concerned, such authorisations are to be required or declarations are to be permitted, as applicable. Those conditions shall take into account the certificates issued by the state of registry, the state of the operator, and, in case of unmanned aircraft, the state where the equipment to control the unmanned aircraft remotely is located, and be without prejudice to Regulation (EC) No 2111/2005 and to the implementing acts adopted on the basis thereof;
  - e the privileges and responsibilities of the holders of the authorisations referred to in Article 60(1) and (2), and, where relevant, aircraft operators that made declarations in accordance with Article 60(2).
- 2 When adopting the rules referred to in paragraph 1, the Commission shall ensure, in particular, that:
- a use is made, as appropriate, of ICAO recommended practices and guidance documents;
  - b no requirement exceeds what is required under this Regulation from aircraft referred to in point (b) (i) of Article 2(1) and from the aircrew and operators of such aircraft;
  - c the process through which the authorisations referred to in Article 60(1) and (2) are obtained is simple, proportionate, effective and cost-efficient and allows for demonstrations of compliance which are proportionate to the complexity of the operation and the risk involved in that operation. The Commission shall in particular ensure that account is taken of:
    - (i) the results of the ICAO Universal Safety Oversight Audit Programme;
    - (ii) information collected under ramp inspection programmes established in accordance with the delegated acts referred to in Article 62(13) and the implementing acts referred to in Article 62(14);
    - (iii) other recognised information on safety aspects with regard to the operator concerned;
    - (iv) certificates issued in accordance with the laws of a third country;
  - d aspects related to ATM/ANS are taken into account.



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- (1) Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 ([OJ L 218, 13.8.2008, p. 30](#)).
- (2) Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC ([OJ L 218, 13.8.2008, p. 82](#)).

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**Changes to legislation:**

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