

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 [<sup>F1</sup>Amendment 13 of Volume I,] in [<sup>F2</sup>Amendment 10 of Volume II,] and [<sup>F3</sup>in Amendment 1 of Volume III] 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.

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#### **Textual Amendments**

- F1** Words in Art. 9(2) substituted (1.7.2022) by [The Aviation Safety \(Amendment\) Regulations 2022 \(S.I. 2022/637\)](#), regs. 1(2), **2(a)**
- F2** Words in Art. 9(2) substituted (1.1.2023) by [The Aviation Safety \(Amendment\) Regulations 2022 \(S.I. 2022/637\)](#), regs. 1(3), **2(b)**
- F3** Words in Art. 9(2) substituted (1.7.2022) by [The Aviation Safety \(Amendment\) Regulations 2022 \(S.I. 2022/637\)](#), regs. 1(2), **2(c)**

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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, SECTION I. (See end of Document for details)

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## 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).

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 [F<sup>4</sup>regulations] 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 [F<sup>5</sup>regulations] 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.

#### Textual Amendments

- F4** Word in Art. 11 substituted (31.12.2020) by *The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/645), regs. 1, **91(a)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Word in Art. 11 substituted (31.12.2020) by *The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/645), regs. 1, **91(b)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

## Article 12

### Design of parts

Unless otherwise established by [<sup>F6</sup>regulations] 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 [<sup>F7</sup>regulations] 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 [<sup>F8</sup>regulations] 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 [<sup>F9</sup>regulations] referred to in point (b)(iii) of Article 19(1).

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.

#### Textual Amendments

- F6** Word in Art. 12 substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **92(a)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Word in Art. 12 substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **92(b)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Word in Art. 12 substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **92(c)(i)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F9** Word in Art. 12 substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **92(c)(ii)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

## Article 13

### Design of non-installed equipment

Where [<sup>F10</sup>regulations] 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 [<sup>F10</sup>regulations] 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 [<sup>F11</sup>regulations] referred to in point (k) of Article 19(1), when that organisation has determined that the design of the non-installed equipment

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complies with the certification basis established in accordance with [F12regulations] referred to in point (b)(iii) of Article 19(1).

#### Textual Amendments

- F10** Word in Art. 13 substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **93(a)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F11** Word in Art. 13 substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **93(b)(i)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F12** Word in Art. 13 substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **93(b)(ii)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

### Article 14

#### Individual aircraft

1 Individual aircraft shall be subject to certification and shall be issued with a certificate of airworthiness and, where [F13regulations] 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 [F14regulations] related to continuing airworthiness referred to in Article 17 and are in condition for safe and environmentally compatible operation.

#### Textual Amendments

- F13** Word in Art. 14(1) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **94(2)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F14** Word in Art. 14(2) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **94(3)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

### Article 15

#### Organisations

1 Unless otherwise established by [F15regulations made under] 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 [F15regulations made under] 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.

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

- 2 An approval shall also be required in respect of:
- 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 [F16 regulations made under] 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 [F17 regulations made under] Article 17 F18 ... 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 [F19 regulations made under] 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 [F20 regulations made under] point (b) of Article 17(1).

5 When as a result of [F21 regulations made under] 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, [F22 regulations made under] 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 [F23 regulations].

#### Textual Amendments

- F15** Words in Art. 15(1) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **95(2)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in Art. 15(2) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **95(3)(a)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in Art. 15(2) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **95(3)(b)(i)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F18** Word in Art. 15(2) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **95(3)(b)(ii)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F19** Words in Art. 15(3) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **95(4)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F20** Words in Art. 15(4) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **95(4)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F21** Words in Art. 15(5) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **95(5)(a)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

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- F22** Words in Art. 15(5) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **95(5)(b)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F23** Word in Art. 15(5) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **95(5)(c)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

## 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 [<sup>F24</sup>regulations made under] 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 [<sup>F25</sup>regulations made under] Article 17 <sup>F26</sup>... 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 [<sup>F27</sup>regulations made under] 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 [<sup>F28</sup>regulations made under] point (d) of Article 17(1).

#### Textual Amendments

- F24** Words in Art. 16(1) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **96(2)(a)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F25** Words in Art. 16(1) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **96(2)(b)(i)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F26** Word in Art. 16(1) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **96(2)(b)(ii)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F27** Words in Art. 16(2) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **96(3)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F28** Words in Art. 16(3) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **96(3)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

## Article 17

### [<sup>F29</sup>Regulations] as regards airworthiness

1 In order to ensure <sup>F30</sup>... 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 [<sup>F31</sup>Secretary of State] 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, [<sup>F32</sup>make regulations] 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.

<sup>F33</sup>  
...

2 [<sup>F34</sup>When making those regulations, the Secretary of State] 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.

#### Textual Amendments

- F29** Word in Art. 17 heading substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **97(2)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F30** Words in Art. 17(1) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **97(3)(a)(i)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F31** Words in Art. 17(1) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **97(3)(a)(ii)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F32** Words in Art. 17(1) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **97(3)(a)(iii)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

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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, SECTION I. (See end of Document for details)

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- F33** Words in Art. 17(1) omitted (31.12.2020) by virtue of *The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/645), regs. 1, **97(3)(b)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F34** Words in Art. 17(2) substituted (31.12.2020) by *The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/645), regs. 1, **97(4)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

## 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 [F35regulations made under] point (d)(i) of Article 19(1) so provide. In that case, [F35regulations made under] point (j) of Article 19(1) are to define the conditions and procedures for such assessment. [F35Regulations made under] point (d)(i) of Article 19(1) might provide that the organisation responsible for the design and production of those products, parts and 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 [F35regulations made under] point (i) of Article 19(1) <sup>F36</sup>... 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 [F37regulations made under] 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 [F38regulations made under] 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 [F39regulations made under] 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 [F40regulations made under] point (k) of Article 19(1) or [F41regulations made under] point (e) of Article 17(1), provided that that organisation has determined that the aircraft is capable of performing safely a basic flight.



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The permit to fly shall be subject to appropriate limitations, provided for in [F42 regulations made under] point (f) of Article 19(1), and in particular to limitations to protect the safety of third parties.

#### Textual Amendments

- F35** Words in Art. 18(1)(a) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **98(2)(a)(i)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F36** Word in Art. 18(1)(a) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **98(2)(a)(ii)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F37** Words in Art. 18(1)(b) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **98(2)(b)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F38** Words in Art. 18(2)(a) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **98(3)(a)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F39** Words in Art. 18(2)(b) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **98(3)(a)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F40** Words in Art. 18(2) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **98(3)(b)(i)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F41** Words in Art. 18(2) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **98(3)(b)(ii)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F42** Words in Art. 18(2) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **98(3)(c)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

### 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, [F43 the Secretary of State may make regulations], 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 [F44 CAA] 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);
  - (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;

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- 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).
- 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, [<sup>F45</sup>Secretary of State may make regulations], to amend Annexes II and III, where necessary for reasons of technical, operational or scientific

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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, [<sup>F46</sup>Secretary of State may make regulations], 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 [<sup>F47</sup>the United Kingdom], in so far as such adaptations do not broaden the scope of this Regulation.

#### Textual Amendments

- F43** Words in Art. 19(1) substituted (31.12.2020) by The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), regs. 1, **99(2)(a)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F44** Word in Art. 19(1)(b) substituted (31.12.2020) by The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), regs. 1, **99(2)(b)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F45** Words in Art. 19(2) substituted (31.12.2020) by The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), regs. 1, **99(3)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F46** Words in Art. 19(3) substituted (31.12.2020) by The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), regs. 1, **99(4)(a)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F47** Words in Art. 19(3) substituted (31.12.2020) by The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), regs. 1, **99(4)(b)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:**

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