

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 VI

FINAL PROVISIONS

Article 127

Committee procedure

- 1 The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
- 2 Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.
- 3 Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
- 4 Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 4 thereof, shall apply.

Article 128

Exercise of the delegation

- 1 The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
- 2 The power to adopt delegated acts referred to in Articles 19, 28, 32, 39, 47, 54, 58, 61, 62(13), 68(3), 84(4), 105 and 106 shall be conferred on the Commission for a period of 5 years from 11 September 2018. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
- 3 The delegation of power referred to in Articles 19, 28, 32, 39, 47, 54, 58, 61, 62(13), 68(3), 84(4), 105 and 106 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4 Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5 As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6 A delegated act referred to in Articles 19, 28, 32, 39, 47, 54, 58, 61, 62(13), 68(3), 84(4), 105 and 106 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 129

Participation of European third countries

The Agency shall be open to the participation of European third countries which are contracting parties to the Chicago Convention and which have entered into international agreements with the Union pursuant to which they adopted and apply Union law in the fields covered by this Regulation.

Those international agreements may include provisions specifying, in particular, the nature and extent of the participation by the European third country concerned in the work of the Agency, including provisions on financial contributions and staff. The Agency may, in accordance with Article 90(2), establish working arrangements with the competent authority of the European third country concerned in order to give effect to those provisions.

Article 130

Headquarters Agreement and operating conditions

1 The necessary arrangements concerning the accommodation to be provided for the Agency in the host Member State and the facilities to be made available by that Member State together with the specific rules applicable in the host Member State to the Executive Director, members of the Management Board, Agency staff and members of their families shall be laid down in a Headquarters Agreement between the Agency and Member State where the seat is located.

2 The Agency's host Member State shall provide the necessary conditions to ensure the smooth functioning of the Agency, including multilingual, adequate schooling and appropriate transport connections.

Article 131

Penalties

Member States shall lay down the rules on penalties applicable to infringement of this Regulation and of the delegated and implementing acts adopted on the basis thereof and

shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

Article 132

Processing of personal data

1 With regard to the processing of personal data within the framework of this Regulation, Member States shall carry out their tasks under this Regulation in accordance with the national laws, regulations or administrative provisions in accordance with Regulation (EU) 2016/679.

2 With regard to the processing of personal data within the framework of this Regulation, the Commission and the Agency shall carry out their tasks under this Regulation in accordance with Regulation (EC) No 45/2001.

Article 133

Amendment to Regulation (EC) No 2111/2005

In Article 15 of Regulation (EC) No 2111/2005, paragraphs 1 to 3 are replaced by the following:

1. The Commission shall be assisted by a committee ('EU Air Safety Committee'). That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2 Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

3 Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply..

Article 134

Amendments to Regulation (EC) No 1008/2008

Regulation (EC) No 1008/2008 is amended as follows:

(1) in Article 4, point (b) is replaced by the following:

(b) it holds a valid AOC issued in accordance with Regulation (EU) 2018/1139 of the European Parliament and of the Council⁽¹⁾ either by a national authority of a Member State, by several national authorities of Member States acting jointly in accordance with Article 62(5) of that Regulation or by the European Union Aviation Safety Agency.;

(2) Article 6 is replaced by the following:

Article 6

Air operator certificate

1 The granting and validity of an operating licence shall be dependent on the possession of a valid AOC specifying the activities covered by that operating licence.

2 Any modification to the AOC of a Community air carrier shall be reflected, where appropriate, in its operating licence.

The authority competent for the AOC shall inform the competent licensing authority as soon as possible of any relevant proposed changes to the AOC.

3 The authority competent for the AOC and the competent licensing authority shall agree measures to proactively exchange information relevant for the assessment and retention of the AOC and operating licence.

That exchange may include, without being limited to, information relating to the financial, ownership or organisational arrangements of the Community air carrier which may affect the safety or solvency of its operations or which may assist the authority competent for the AOC in performing its oversight activities related to safety. Where information is provided in confidence, measures shall be put in place to ensure that the information is appropriately protected.

3a Where it is likely that enforcement action will be necessary, the authority competent for the AOC and the competent licensing authority shall consult each other as soon as possible prior to taking such action, and work together in seeking to resolve the issues before action is taken. Where action is taken, the authority competent for the AOC and the competent licensing authority shall notify each other as soon as possible that action has been taken.;

(3) in Article 12, paragraph 1 is replaced by the following:

1. Aircraft used by a Community air carrier shall be registered, at the option of the Member State whose competent authority issues the operating licence, either in its own national register or in the national register of another Member State. However, when used under a dry lease or a wet lease agreement in accordance with Article 13, such aircraft may be registered in the national register either of any Member State or of a third country..

Article 135

Amendments to Regulation (EU) No 996/2010

Article 5 of Regulation (EU) No 996/2010 is replaced by the following:

Article 5

Obligation to investigate

1 Every accident or serious incident involving aircraft to which Regulation (EU) 2018/1139 of the European Parliament and of the Council⁽²⁾ applies shall be the subject of a safety investigation in the Member State in which the accident or serious incident occurred.

2 Where an aircraft to which Regulation (EU) 2018/1139 applies and which is registered in a Member State is involved in an accident or a serious incident the location of which cannot be definitely established as being in the territory of any State, a safety investigation shall be conducted by the safety investigation authority of the Member State of registration.

3 The extent of safety investigations referred to in paragraphs 1, 2 and 4 and the procedure to be followed in conducting such safety investigations shall be determined by the

safety investigation authority, taking into account the consequences of the accident or serious incident and the lessons it expects to draw from such investigations for the improvement of aviation safety.

4 Safety investigation authorities may decide to investigate incidents other than those referred to in paragraphs 1 and 2, as well as accidents or serious incidents to other types of aircraft, in accordance with the national legislation of the Member States, when they expect to draw safety lessons from them.

5 By way of derogation from paragraphs 1 and 2 of this Article, the responsible safety investigation authority may decide, taking into account the expected lessons to be drawn for the improvement of aviation safety, not to initiate a safety investigation when an accident or serious incident concerns an unmanned aircraft for which a certificate or declaration is not required pursuant to Article 56(1) and (5) of Regulation (EU) 2018/1139, or concerns a manned aircraft with a maximum take-off mass less than or equal to 2 250 kg, and where no person has been fatally or seriously injured.

6 Safety investigations referred to in paragraphs 1, 2 and 4 shall in no case be concerned with apportioning blame or liability. They shall be independent of, separate from and without prejudice to any judicial or administrative proceedings to apportion blame or liability..

Article 136

Amendments to Regulation (EU) No 376/2014

In Article 3 of Regulation (EU) No 376/2014, paragraph 2 is replaced by the following:

2. This Regulation applies to occurrences and other safety-related information involving civil aircraft to which Regulation (EU) 2018/1139 of the European Parliament and of the Council⁽³⁾ applies.

However, this Regulation shall not apply to occurrences and other safety-related information involving unmanned aircraft for which a certificate or declaration is not required pursuant to Article 56(1) and (5) of Regulation (EU) 2018/1139, unless the occurrence or other safety-related information involving such unmanned aircraft resulted in a fatal or serious injury to a person or it involved aircraft other than unmanned aircraft.

Member States may decide to apply this Regulation also to occurrences and other safety-related information involving the aircraft to which Regulation (EU) 2018/1139 does not apply..

Article 137

Amendments to Directive 2014/30/EU

In Article 2(2) of Directive 2014/30/EU, point (b) is replaced by the following:

- (b) The following aviation equipment, where that equipment falls within the scope of Regulation (EU) 2018/1139 of the European Parliament and of the Council⁽⁴⁾ and is intended exclusively for airborne use:
 - (i) aircraft, other than unmanned aircraft, as well as associated engines, propellers, parts and non-installed equipment;
 - (ii) unmanned aircraft, as well as associated engines, propellers, parts and non-installed equipment, the design of which is certified in accordance with Article 56(1) of that

Regulation which are intended to operate only on frequencies allocated by the Radio Regulations of the International Telecommunications Union for protected aeronautical use..

Article 138

Amendments to Directive 2014/53/EU

In Annex I to Directive 2014/53/EU, point 3 is replaced by the following:

3. The following aviation equipment, where that equipment falls within the scope of Regulation (EU) 2018/1139 of the European Parliament and of the Council⁽⁶⁾ and is intended exclusively for airborne use:
 - (a) aircraft, other than unmanned aircraft, as well as associated engines, propellers, parts and non-installed equipment;
 - (b) unmanned aircraft, as well as associated engines, propellers, parts and non-installed equipment, the design of which is certified in accordance with Article 56(1) of that Regulation and which are intended to operate only on frequencies allocated by the Radio Regulations of the International Telecommunications Union for protected aeronautical use..

Article 139

Repeal

- 1 Regulation (EC) No 216/2008 is repealed with effect from 11 September 2018.
- 2 Regulation (EC) No 552/2004 is repealed with effect from 11 September 2018. However, Articles 4, 5, 6, 6a and 7 of that Regulation and Annexes III and IV thereto shall continue to apply until the date of application of the delegated acts referred to in Article 47 of this Regulation and insofar as those acts cover the subject matter of the relevant provisions of Regulation (EC) No 552/2004, and in any case not later than 12 September 2023.
- 3 Regulation (EEC) No 3922/91 is repealed from the date of application of the detailed rules adopted pursuant to point (a) of Article 32(1) on flight and duty time limitations and rest requirements with regard to air taxi, emergency medical service and single pilot commercial air transport operations by aeroplanes.
- 4 References to the repealed Regulations referred to in paragraphs 1, 2 and 3 shall be construed as references to this Regulation and, where appropriate, read in accordance with the correlation table in Annex X.

Article 140

Transitional provisions

- 1 The certificates and specific airworthiness specifications issued or recognised and the declarations made or recognised in accordance with Regulation (EC) No 216/2008 and its implementing rules shall continue to be valid and shall be deemed to have been issued, made and recognised pursuant to the corresponding provisions of this Regulation, including for the purposes of applying Article 67.

2 Not later than 12 September 2023 the implementing rules adopted on the basis of Regulations (EC) No 216/2008 and (EC) No 552/2004 shall be adapted to this Regulation. Until adaptation, any references in those implementing rules to:

- a ‘commercial operation’ shall be understood as a reference to point (i) of Article 3 of Regulation (EC) No 216/2008;
- b ‘complex motor-powered aircraft’ shall be understood as a reference to point (j) of Article 3 of Regulation (EC) No 216/2008;
- c ‘appliances’ shall be understood as a reference to point (29) of Article 3 of this Regulation;
- d ‘leisure pilot licence’ shall be understood as a reference to the licence referred to in Article 7(7) of Regulation (EC) No 216/2008.

3 The Agency shall issue, at the latest two years after 11 September 2018, in accordance with Article 76(1) and 76(3) of this Regulation, opinions concerning proposals for amendments to Commission Regulations (EU) No 748/2012⁽⁶⁾, (EU) No 1321/2014⁽⁷⁾, (EU) No 1178/2011⁽⁸⁾, and (EU) No 965/2012⁽⁹⁾ and the applicable certification specification in order to adapt them, as regards aircraft intended primarily for sports and recreational use, to this Regulation.

4 By 12 September 2021 the Agency may issue guidance material for voluntary use by Member States to support the development of proportionate national rules concerning the design, production, maintenance and operation of aircraft listed in Annex I.

5 By way of derogation from Articles 55 and 56, the relevant provisions of Regulation (EC) No 216/2008 shall continue to apply until the delegated acts referred to in Article 58 and the implementing acts referred to in Article 57 of this Regulation enter into force.

6 Member States shall terminate or adjust existing bilateral agreements that they concluded with third countries for the fields covered by this Regulation as soon as possible following the entry into force of this Regulation and in any event before 12 September 2021.

Article 141

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

- (1) 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 ([OJ L 212, 22.8.2018, p. 1](#)).²;
- (2) 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 ([OJ L 212, 22.8.2018, p. 1](#)).²;
- (3) 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 ([OJ L 212, 22.8.2018, p. 1](#)).²;
- (4) 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 ([OJ L 212, 22.8.2018, p. 1](#)).²;
- (5) 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 ([OJ L 212, 22.8.2018, p. 1](#)).²;
- (6) Commission Regulation (EU) No 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations ([OJ L 224, 21.8.2012, p. 1](#)).
- (7) Commission Regulation (EU) No 1321/2014 of 26 November 2014 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks ([OJ L 362, 17.12.2014, p. 1](#)).
- (8) Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council ([OJ L 311, 25.11.2011, p. 1](#)).
- (9) Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council ([OJ L 296, 25.10.2012, p. 1](#)).