

Parliament and Council Regulation

(EC) No 216/2008 repealing (EC) 1592/2002

Entry into force 10.03.2008

Whereas..

- (5) It would not be appropriate to subject all aircraft to common rules ..
simple design or operate mainly at local basis ...
- (7) Aeronautical products, parts ... involved in commercial air transport ...
should be certified
- (10) ... Member states should, without further requirements or
evaluation, accept products, ... organisations or persons
...certified in accordance with this Regulation..

Whereas..

- (11) ... States entitled ... **urgent safety measures** ... **grant exemptions** ..
- (18) ... Community should be given **powers to impose financial penalties**
... imposed by the Commission ...
- (19) ... Court of Justice should be given .. **unlimited jurisdiction in respect
of decisions** (of the Commission)...
- (38) ... Power should be conferred on the Commission to adopt
implementing rules for airworthiness, **flight crew licensing and
associated approvals, air operations**, ...

Art. 2 Objectives

2(f) to provide a level playing field for all actors in the internal aviation market.

Art. 3 Definitions

- (i) ‘commercial operation’ shall mean any operation of an aircraft, in return for remuneration or other valuable consideration, which is available to the public or, when not made available to the public, which is performed under a contract between an operator and a customer, where the latter has no control over the operator;

(j) ‘complex motor-powered aircraft’ shall mean:

(i) an aeroplane:

- with a maximum certificated take-off mass exceeding 5 700 kg, or
- certificated for a maximum passenger seating configuration of more than nineteen, or
- certificated for operation with a minimum crew of at least two pilots, or
- equipped with (a) turbojet engine(s) or more than one turboprop engine, or

(ii) a helicopter certificated:

- for a maximum take-off mass exceeding 3175 kg, or
- for a maximum passenger seating configuration of more than nine, or
- for operation with a minimum crew of at least two pilots, or

(iii) a tilt rotor aircraft;

Art. 5 Airworthiness

5. Procedure to amend non-essential elements: [Commission ...]

- (e)(iv) the minimum syllabus of maintenance certifying staff type rating training to ensure compliance with paragraph ..[maintenance licence]
- (v) the minimum syllabus of pilot type rating and the qualification of associated simulators to ensure compliance .. [pilot's licence]
- (vi) the master minimum equipment list as appropriate and additional airworthiness specifications for a given type of operation to ensure compliance .. [air operations]
- (j) how to show compliance with essential requirements [foreign registered aircraft, but EU oversight or operations]

Art. 7 Pilots (new)

Art. 8 Air operations (new)

Art. 9 Aircraft used by third-country operator (new)

Art. 10 Oversight and enforcement (new)

1. Member States, Commission and Agency shall cooperate to ensure compliance.
2. Member States shall ...conduct investigations, including ramp inspections ...including grounding ...to prevent ...infringement.
3. The Agency shall conduct investigations...

Art. 11 Recognition of certificates

1. Member States shall, without further technical requirements or evaluation, recognise certificates issued in accordance with this Regulation. (not new!)
2. The Commission ..may ..decide whether a certificate issued ..complies... In case of non-compliance ..the Commission shall require ..corrective action. Moreover, provisions of paragraph 1 shall cease from the date of the notification of the Commission's decision...

Art. 13 Qualified entities (new)

When allocating a specific certification task to a qualified entity, the Agency or the national aviation authority concerned shall ensure that such entity comply with the criteria laid down in Annex V.

Art. 16 Protection of the source of information (new)

1. Where the information ...is provided by a natural person on a voluntary basis ...the source of such information shall not be revealed.
2. Member States shall refrain from proceedings in respect of unpremeditated or unintentional infringements ..which come to their attention ...reported pursuant to this Regulation and its implementing rules. This rule shall not apply in cases of gross negligence.