European Union Aviation Safety Agency

FAQ n.19127

FAQs:

Air Operations - General, Air Operations, Regulations

Question:

Which operational requirements (EU/EASA Parts) apply to flight activities carried out by an aircraft designer or aircraft manufacturer?

Answer:

Reference: Regulation (EU) No 965/2012 on Air Operations

At the present stage no EU operational requirements exist for flights related to design and production activities ("manufacturer flights"). Instead these flights are regulated under national law. This is laid down in Paragraph 3 of Article 6 of Regulation (EU) No 965/2012 as follows:

"By way of derogation from Article 5 of this Regulation and without prejudice to point (b) of Article 18(2) of Regulation (EU) 2018/1139 and to Subpart P of Annex I to Commission Regulation (EU) No 748/2012 concerning the permit to fly, the following flights shall continue to be operated under the requirements specified in the national law of the Member State in which the operator has its principal place of business, or, where the operator has no principal place of business, the place where the operator is established or resides:

(a) flights related to the introduction or modification of aeroplane or helicopter types conducted by design or production organisations within the scope of their privileges; (…)"

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Link:

https://www.easa.europa.eu/en/faq/19127