European Union Aviation Safety Agency

FAQ n.19129

FAQs:

Air Operations - General, Air Operations, Regulations

Question:

In the definition of ‘commercial operation’ published in Art. 2 of Regulation (EU) 965/2012 (introduced by the amending Reg. (EU) 2018/1975), what is the meaning of the term “control”?

Answer:

Reference: Reg. (EU) 965/2012, Article 2:

‘“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.’

Pursuant to Article 140(2)(a) of Regulation (EU) 2018/1139 (the New Basic Regulation), ‘commercial operation’ shall still be understood as a reference to point (i) of Article 3 of Regulation (EC) No 216/2008. This is a transitional provision until not later than 12 September 2023, when the implementing rules adopted on the basis of Regulations (EC) No 216/2008 and (EC) No 552/2004 shall be adapted to this Regulation. The same definition of ‘commercial operation’ has already been transposed in Article 2 of Reg. (EU) No 965/2012 on air operations and is applicable as of 9 July 2019.

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Link:

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