European Union Aviation Safety Agency

Flight conditions & Permit to Fly

There are several specific purposes defined for a permit to fly (reference 21.A.701). Can I, as a DOA holder, have the privilege to issue a permit to fly for any of these purposes?

Answer

It is not possible for a DOA holder to have the privilege to issue a permit to fly (PtF) for the purpose listed under 21.A.701(a)15; for all other purposes it is possible.

To receive the privilege to issue a PtF, your DOA has to apply for it using the form FO.DOA.00082 (Application for Significant Changes to Design Organisation Approval). Also you have to issue procedures which describe how the flight conditions are defined and approved under your design organisation. The procedures shall ensure that necessary inspections, tests and analysis are performed before the flight conditions are approved. For more detailed information contact your DOATL.

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Link:
https://www.easa.europa.eu/en/faq/20122

Can you please clarify the differences between Forms 18A, 18B, 20A and 20B?

Answer

EASA Form 18a (*form to be created by the design organisation, see AMC 21.A.263(c)(6)*): This Form shall be used by the design organisation only when procedures have been developed by the DO to support the privilege of 21A.263(c)(6) and within the related scope.

EASA Form 18b *(included in form FO.CERT.00037)*: This Form shall be used by Non DOA, or by design organisations not holding the privilege.21.A.263(c)(6).

EASA Form 20a *(form provided by respective NAA)*: This PtF Form shall be used by the design organisation when the DO does not hold privilege 21.A.263(c)(7). The Form 20a will be then

submitted to the NAA of the country of registration of the A/C who will issue then the PtF.

EASA Form 20b *(form to be created by the DO, see Part 21 - Appendix IV)*. This PtF Form shall be used by the design organisation when the DO holds the privilege 21.A.263(c)(7). In this case a copy of this PtF shall be submitted to the competent NAA at earliest opportunity but not later than 3 days after issuance of the PtF.

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Can I, as a DOA holder, use my privilege to approve a permit to fly for an aircraft registered in a different country? Even when that country is not a member of the EU?

Answer

A DOA holder can issue a Permit to Fly for an aircraft registered in any EASA Member State but not for aircraft registered in other countries.

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Are the European operational rules applicable to an aircraft flying under a permit to fly?

Answer

European operational rules in general also apply to aircraft flying under a permit to fly but they do not apply to flights related to the introduction or modification of aircraft types conducted by design organisations (Comm. Reg. (EU) No 965/2012, Article 6(3)).

Generally, flights related to the introduction or modification of aircraft types conducted by design organisations are performed under a Permit to Fly issued for the following purposes:

- Development (21.A.701(a)1)
- Showing compliance with regulations or certification specifications (21.A.701(a)2)
- Design organisations or production organisations crew training (21.A.701(a)3)

- Market survey, incl. customer's crew training (21.A.701(a)9)
- Exhibition and air show (21.A.701(a)10)
- Flying aircraft meeting the applicable airworthiness requirements before conformity to the environmental requirements has been found (21.A.701(a)14)

Also some flights performed under a Permit to Fly issued for the purpose of 21.A.701(a)11 (Flying the aircraft to a location where maintenance or airworthiness review are to be performed, or to a place of storage) could fulfil the description of Article 6(3) of 965/2012, but this must be validated on a case-by-case basis.

Such flights shall be operated considering national rules, regardless of whether they are conducted by Design Organisations, a sub-contracted organisation or an individual.

In case the operational rules are not self-evident, the flight conditions should explicitly identify the applicable OPS rules and conditions.

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Can I, as a DOA holder, approve flight conditions and issue permits to fly for ferry flights?

Answer

Yes, as long as you have the privilege to approve flight conditions and issue permits to fly in the terms of approval of your DOA, and you comply with the conditions and limitations that are mentioned there. In all cases the privilege to approve flight conditions by a DOA holder is limited to cases where the approval is related to the safety of the design. And the DOA Holder can only obtain the privilege to issue a permit to fly for in-service aircraft when it has demonstrated that it is able to control the configuration of the aircraft.

It is important to take into account that the mentioned privileges are always related to the technical scope of the DOA. For example, a DOA which has those privileges in the terms of approval may issue a permit to fly to perform a ferry flight with an aircraft which has an expired and not still implemented airworthiness directive. Nevertheless, in order to do that the DOA should have the proper design capability, as reflected in the terms of approval, to evaluate the design aspects that are related to the impacted airworthiness directive and to be able to substantiate that the aircraft is capable of safe flight. For example, DOAs not having the avionics technical field in the terms of approval cannot approve a permit to fly to perform a ferry flight when the overdue airworthiness directive is related to avionics, even having the privileges

to approve flight conditions and issue permits to fly.

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For production flight tests for aircraft containing unapproved design elements, can approval of the Flight Conditions be performed solely under the TC Holder’s DOA?

Answer

Newly-produced aircraft are usually initially flown under a Permit to Fly (PTF) to perform production flight tests, enable the transfer of the aircraft to a completion centre and to eventually deliver the aircraft to the customer. If such aircraft fully conform to an already approved design, 21.A.710(b) indicates that approval of the Flight Conditions (FCs) associated to the PTF is not related to the safety of the design.

However, the configuration of newly-produced aircraft required to be flown often includes concessions or changes to type design yet to be approved. 21.A.710(a) indicates that the approval of FCs associated in this context is related to the safety of the design and that such an approval then needs to be made either by the Agency or by an appropriately approved design organisation.

TC holders usually hold both a DOA and a POA with respective FC and PTF privileges. For newly-produced aircraft with unapproved concessions or design changes, it is clarified that it is NOT necessary that two separate kinds of approvals of FCs are required to be issued by the TC holder, i.e. approval of the FCs for the aspects not related to the safety of design under their POA and approval of the FCs for the aspects related to the safety of design under their DOA. It is acceptable and sufficient that approval of FCs for such flights is performed solely under the DOA.

The approval of FCs related to the safety of design for newly-produced aircraft can also potentially be more efficient by the TC holder defining and approving an "envelope" of FCs under the DOA, including flight purposes related to the safety of design and not related to the safety of design, to cover the set of flights required to be performed by the design organisation and the production organisation, respectively. These FCs could remain valid provided that in between each flight the only changes relevant to the aircraft configuration is the approval status of the design (i.e. proceeding from unapproved to ultimately fully approved). However, if there

are changes to the physical configuration of the aircraft during the testing, limitations or conditions may change and the FCs would need to be reassessed and possibly reissued to reflect the incorporated changes to the configuration.

When the design of the aircraft is already fully approved before the first flight, the FCs need to be approved under the POA or by the Competent Authority. Within companies holding both the DOA and POA, the same staff could be nominated to approve the FC under either DOA or POA privileges as applicable.

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