European Union Aviation Safety Agency

FAQ n.20186

FAQs:

Airspace Usage requirement (ACAS II v7.1), Airspace Usage requirements, Regulations

Question:

Is it possible to be exempt from the requirement to be equipped with collision avoidance logic version 7.1 (ACAS II V7.1) for a limited period of time, for only one flight, for the execution of a ferry flight per maintenance purposes, for the execution of a non-commercial air transport flight (i.e. general aviation flight) or for a State flight? And what if I have technical difficulties to upgrade my aircraft before 01/12/2015?

Answer:

Compliance with Commission Regulation (EU) No 1332/2011 is required by 01 December 2015 and no general exemptions provisions were included in the regulation that would permit continued operations or for the execution of a single flight, for whatever reason. Furthermore, the regulation does not distinguish the nature of the flight, therefore all flight with aircraft above 5700 kg or authorise to carry more than 19 passengers are within the scope of the regulation.

However, if operation within European Airspace with a non-compliant aircraft after the 01/12/2015 is necessary and an upgrade to ACAS II version 7.1 has been planned, it may be possible, based on Article 71 of the Basic Regulation for an exemption to be issued for a limited duration of time. Dependent upon the aircraft registration and the authority responsible for its operations will dictate from whom the exemption has to be requested.

- If the aircraft is registered in an EU member state or is registered in a third country and an EU member state is responsible for the operations, an Article 71 exemption from the national aviation authority responsible for the operation should be requested.
- If the aircraft is not on a European register or a non EU state is responsible the operational approval, exemptions need to be requested from each European State in whose airspace the aircraft is intended to be operated.

In both cases no Permit to Fly is necessary. Finally, operators should be aware that the likelihood of receiving such an exemption from each and every member state is very limited. However, in accordance with Article 3(2) of the regulation, states shall ensure that operation of state aircraft comply with the objective of regulation, therefore states may introduce specific measures to meet these objectives.

Last updated:

10/05/2019

Link:

https://www.easa.europa.eu/en/faq/20186