European Union Aviation Safety Agency

FAQ n.70133

FAQs:

Basic Regulation, Regulations

Question:

What does the EASA Basic Regulation apply to? How many extensions of the scope have there been?

Answer:

The initial EASA Basic Regulation - Regulation (EC) No 1592/2002 of 15 July 2002 – included airworthiness and environmental protection of products, parts and appliances in the scope of European Union competence. It made the Agency responsible for the airworthiness and environmental certification of all aeronautical products, parts, and appliances designed, manufactured, maintained or used by persons under the regulatory oversight of EU Member States. Furthermore, the Agency was put in charge of the oversight of EU organisations involved in the design of aeronautical products, parts and appliances as well as of non-EU organisations involved in the manufacture or maintenance of such products. In these domains the Agency took over the certification tasks that were under the responsibility of Member States.

Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 extended the scope of Union competence to air operations, flight crew licenses and aircraft used by third country operators into, within or out of the Community. It also gave the Agency additional operational responsibilities. In the field of flight crew licensing, the Agency was made responsible for the approval and oversight of pilot training organisations and aero-medical centers located outside the territory of the Community; the certification of flight simulation training devices used by the training organisations it certifies, or located outside the territory of the Community, or located in the Community territory, if the member State concerned so requests. In the field of operations, the Agency was given the power to determine corrective actions and disseminate information to react without undue delay to a problem affecting the safety of air operations. Regarding third country operators, the Agency is competent for the authorisation and oversight of commercial operators; for the oversight of non-commercial operators, when they need to declare their activities; and for the authorisation of third country aircraft when they or their crews do not comply with ICAO Standards.

The scope of EU law and the Agency' responsibilities were further extended by Regulation

(EC) No 1108/2009 of the European Parliament and of the Council of 21 October 2009. The provisions of the Regulation are the basis for precise, uniform and binding rules for aerodrome operations and operators, air traffic management and air navigation service provision. With the extension to ATM/ANS, the Agency was empowered to take the necessary measures related to certification and oversight of Pan-European and third country ATM/ANS organisations, as well as for the air traffic controllers' training organisations located outside the territory of the Community.

The entry into force of Regulation (EU) 2018/1139 of the European Parliament and of the Council on 11 of September 2018 consolidated the scope of European Union competence to cover the full spectrum of the aviation landscape and reinforce the European aviation system as a whole.

The Basic Regulation now applies to all unmanned aircraft irrespective of their operating mass. The only exception are certain small tethered aircraft in Annex I of the Basic Regulation which will remain under national competence.

The Basic Regulation was also extended to ground handling services.

The Basic Regulation also explicitly includes the design of airspace structures – which is not considered as a service but a specific Member State function.

The Basic Regulation continues not to apply to aircraft while carrying out military, customs, police, search and rescue, firefighting, border control, coastguard or similar activities or services, nor to several aircraft mentioned in Annex I to the Basic Regulation.

However, a novelty of the new Basic Regulation is the introduction of the possibility for chnages in scope due to the operation of several opt-in and opt-out possibilities.

Last updated:

23/01/2019

Link:

https://www.easa.europa.eu/en/faq/70133