European Union Aviation Safety Agency

FAQ n.70135

FAQs:

Basic Regulation, Regulations

Question:

What are Opt-ins and Opt-outs?

Answer:

Opt-in and Opt-out are ways to refer to certain provisions in the new Basic Regulation (NBR) that allow for flexibility in its scope. An Opt-in refers to a situation where a product or activity there would normally be excluded becomes subject to the scope of the Regulation; the opposite case is referred to as an opt-out.

The new Basic Regulation provides for 2 Opt-in and 2 Opt-out possibilities.

- Opt-in for state operations/aircraft (article 2(6) NBR).
- This opt-in allows Member States (MS) to decide to apply EASA rules to activities that are normally excluded by article 2(3)(a) NBR – military, customs, police, search and rescue, firefighting, border control, coastguard or similar activities or services.
- Opt-in for Annex II aircraft (article 2(4) NBR).
- This opt-in allows a design organization to choose to have the design, production and maintenance of a new product to be subject to EASA rules, when that product would normally be excluded from the scope of the NBR through article 2(3)(d).
- Opt-out for light aircraft (article 2(8) NBR).
- This opt-out allows MS to decide to exclude certain manned light aircraft from the scope of the EASA system, making them subject to their national rules. The opt-out will not create obligations for other MS.
- Opt-out for ‘small’ aerodromes (article 2(7) NBR).

This opt-out allows MS to decide to exempt the design, maintenance and operations of certain aerodromes from the EASA rules, when that aerodrome handles no more then than 10 000 commercial air transport passengers and 850 cargo operations per year.

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Link:

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