

European Union Aviation Safety Agency

**Guidance Material to
Article 3 of
Commission Implementing Regulation
(EU) 2018/1976**

Issue 1¹

28 January 2019

¹ For the date of entry into force of this issue, refer to Article 3 of this Decision.

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GUIDANCE MATERIAL (GM) TO ARTICLE 3 OF COMMISSION IMPLEMENTING REGULATION (EU) 2018/1976²

GM1 to Article 3(2)(a);(b) Air operations

DIRECT COSTS

'Direct costs' refer to the costs directly incurred in relation to a flight, for example, fuel or other energy costs of the powered sailplane and the retrieve vehicle directly incurred in relation to a flight, take-off and landing fees, and rental fee for a sailplane. Direct costs do not include profit or salary of the pilot.

GM2 to Article 3(2)(a);(b) Air operations

ANNUAL COSTS

'Annual costs' refer to the costs of the sailplane over a period of 1 calendar year, excluding any profit or salary of the pilot.

GM1 to Article 3(2)(c) Air operations

ORGANISATION CREATED FOR THE PURPOSES OF PROMOTING AERIAL SPORT OR LEISURE AVIATION

An 'organisation created for the purposes of promoting aerial sport or leisure aviation' refers to any non-profit organisation established under applicable national law for the sole purpose of gathering persons sharing the same interest in general aviation to fly for pleasure or to conduct parachute jumping. Usual practice is that such organisation has sailplanes available.

GM2 to Article 3(2)(c) Air operations

MARGINAL ACTIVITY

The term 'marginal activity' is understood to represent a very minor part of the overall activity of an organisation, mainly for the purpose of promoting itself or attracting new students or members. An organisation intending to offer such flights as regular business activity is not considered to meet the condition of marginal activity. Also, flights organised with the sole intent to generate income for the organisation are not considered to be a marginal activity.

² Commission Implementing Regulation (EU) 2018/1976 of 14 December 2018 laying down detailed rules for the operation of sailplanes pursuant to Regulation (EU) 2018/1139 of the European Parliament and of the Council (OJ L 326, 20.12.2018, p. 64).