

European Aviation Safety Agency

DECISION No 2007/06/R

OF THE EXECUTIVE DIRECTOR OF THE EUROPEAN AVIATION SAFETY AGENCY

of 4 April 2007

amending Decision No 2003/1/RM of 17 October 2003 on acceptable means of compliance and guidance material for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations (“AMC and GM to Part 21”)

THE EXECUTIVE DIRECTOR OF THE EUROPEAN AVIATION SAFETY AGENCY,

Having regard to Regulation (EC) No 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency¹ (hereinafter referred to as the Basic Regulation), and in particular Articles 13 and 14 thereof.

Having regard to the Commission Regulation (EC) No 1702/2003 of 24 September 2003 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations².

Whereas:

- (1) Basic Regulation in article 5 paragraph 3(a) provides for the issuance of a permit to fly by derogation of the rules for issuance of certificates of airworthiness. The permit to fly is generally issued when a certificate of airworthiness is temporarily invalid (e.g. as the result of a damage) or when a certificate of airworthiness cannot be issued (e.g. when the aircraft does not comply with the essential requirements for airworthiness or when compliance has not yet been shown), but the aircraft is nevertheless capable of performing a safe flight. During the drafting of Commission Regulation (EC) No 1702/2003 it was recognised that common requirements were necessary to address the issuance of permit to fly. However due to a lack of time no detailed and comprehensive set of requirements and Acceptable Means of Compliance (AMC) and Guidance Material (GM) was developed. Therefore a transition period until 28 March 2007 was established during which the National Aviation Authorities (NAAs) are still responsible for all aspects related to permit to fly, giving the Agency time to prepare an opinion for amending Regulation 1702/2003. Many

¹ OJ L 240, 7.9.2002, p. 1. Regulation as last amended by Regulation (EC) No 334/2007 (OJ L 88, 29.3.2007, p. 39).

² OJ L 243, 27.9.2003, p. 6. Regulation as last amended by Regulation (EC) No 375/2007 (OJ L 94, 4.4.2007, p. 3).

comments on the draft Part 21A.185 ("Issue of Permits to Fly") that were made during the consultation on the initial issue of Commission Regulation (EC) No 1702/2003 were deferred and were intended to be addressed in this rulemaking activity. Commission Regulation (EC) No 375/2007 amending Commission Regulation (EC) 1702/2003 has been adopted by the Commission and addresses all these issues³.

- (2) It is necessary to support the above amendment to Commission Regulation (EC) 1702/2003 by amended and new AMCs and GM. The Decision No 2003/1/RM of 17 October 2003 on acceptable means of compliance and guidance material for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations ("AMC and GM to Part 21") shall therefore be amended.
- (3) The Agency, pursuant to Articles 13 and 14 of the Basic Regulation, shall issue certification specifications, including airworthiness codes and acceptable means of compliance, as well as any guidance material for the application of the Basic Regulation and its implementing rules.
- (4) The Agency, pursuant to Article 43 of the Basic Regulation and Articles 5(3) and 6 of the rulemaking procedure⁴, has widely consulted interested parties⁵ on the matters which are the subject of this Decision and has provided thereafter a written response to the comments received⁶.

HAS DECIDED:

Article 1

Decision No 2003/1/RM is hereby amended as follows.

The text of the amendment is arranged to show deleted text, new text or new paragraphs as shown below:

~~Text to be deleted is shown with a line through it.~~

New text to be inserted is highlighted with grey shading.

.... Indicates that remaining text is unchanged in front of or following the reflected amendment.

³ OJ L 94, 4.4.2007, p. 3

⁴ Decision of the Management Board concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications and guidance material ("rulemaking procedure"), EASA MB/7/03, 27.6.2003.

⁵ See: NPA No 09-2006 (<http://www.easa.europa.eu/doc/Rulemaking/NPA/NPA-09-2006.pdf>)

⁶ See: CRD No 09-2006 ([http://www.easa.europa.eu/doc/Rulemaking/CRD-09-2006 \(for publication\).pdf](http://www.easa.europa.eu/doc/Rulemaking/CRD-09-2006 (for publication).pdf))

1. AMC 21A.145(d)(1) paragraph 8 is amended as follows:

.....

AMC 21A.145(d)(1)

Approval Requirements – Certifying staff

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8 For release of products, parts or appliances, the responsibilities to issue statements of conformity/release certificates (EASA Form 1) or permit to fly including approval of flight conditions are allocated to the certifying staff identified in 21A.145 (d)(2).

.....

2. GM 21A.151 is amended as follows:

GM 21A.151

Terms of approval – Scope and categories

Terms of approval document(s) will be issued by the Competent Authority under 21A.135 to identify the scope of work, the products, and/or categories for which the holder is entitled to exercise the privileges defined in 21A.163.

The codes shown against each scope of work item are intended for use by the Competent Authority for purposes such as managing, administering and filing details of approvals. It may also assist in the production and publication of a list of approval holders.

The scope of work, the Products, Parts, or Appliances for which the POA holder is entitled to exercise the privileges defined in 21A.163 will be described by the Competent Authority as follows:

For Products:

- 1 General area, similar to the titles of the corresponding certification codes.
- 2 Type of Product, in accordance with the type-certificate.

For Parts and Appliances:

- 1 General area, showing the expertise, e.g., mechanical, metallic structure.
- 2 Generic type, e.g., wing, landing gear, tyres.

SCOPE OF WORK	PRODUCTS/CATEGORIES
A1 Large Aeroplanes	State types
A2 Small Aeroplanes	"
A3 Large Helicopters	"
A4 Small Helicopters	"
A5 Gyroplanes	"
A6 Sailplanes	"
A7 Motor Gliders	"
A8 Manned Balloons	"
A9 Airships	"
A10 Microlight Aircraft	"
A11 Very Light Aeroplanes	"
A12 Other	"

B1	Turbine Engines	"
B2	Piston Engines	"
B3	APU's	"
B4	Propellers	"
C1	Appliances:	State appliance generic types (e.g., Tyres, Altimeter, etc.) Examples include: Avionic, Com/Nav/Pulse Computer System, Aircraft/Engine/Avionic Instruments, Mechanical/Electrical/Gyroscopic/Electronic Mechanical/Hydraulic/Pneumatic
C2	Parts:	State part generic types (e.g., Wing, Landing Gear, etc.) Examples include: Structural, Metallic/non-metallic Mechanical/Hydraulic/Pneumatic Electrical Electronic
C3	Materials	
D1	Maintenance	State aircraft types
D2	Issue of permit to fly	State aircraft types

3. Insert the following new AMCs and GM:

AMC 21A.163(e)

Procedure for the issue of a permit to fly including approval of the flight conditions

1 INTENT

This acceptable means of compliance provides means to develop a procedure for the issue of a permit to fly including approval of the flight conditions.

Each POA applicant or holder must develop its own internal procedure following this AMC, in order to obtain the privilege of 21A.163(e) to issue permits to fly for an aircraft under procedures agreed with its competent authority for production, when the production organisation itself is controlling under its POA the configuration of the aircraft and is attesting conformity with the design conditions approved for the flight.

2 PROCEDURE FOR THE ISSUE OF A PERMIT TO FLY

2.1 Content

The procedure must address the following points:

- as relevant, in accordance with 21A.710(b), the approval of flight conditions;
- conformity with approved conditions;
- issue of the permit to fly under the POA privilege;

- authorised signatories;
- interface with the local authority for the flight.

2.2 Approval of the flight conditions (when relevant)

The procedure must include the process to establish and justify the flight conditions, in accordance with 21A.708 and how compliance with 21A.710(c) is established, and include the EASA Form 18B as defined in AMC 21A.709(b) for the approval under the POA privilege.

2.3 Conformity with approved conditions

The procedure must indicate how conformity with approved conditions is made, documented and attested by an authorised person.

2.4 Issue of the permit to fly under the POA privilege

The procedure must describe the process to prepare the EASA Form 20b and how compliance with 21A.711(c) and (d) is established before signature of the permit to fly.

2.5 Authorised signatories

The person(s) authorised to sign the permit to fly under the privilege of 21A.163(e) must be identified (name, signature and scope of authority) in the procedure, or in an appropriate document linked to the Production Organisation Exposition.

2.6 Interface with the local authority for the flight

The procedure must include provisions describing the communication with the local authority for compliance with the local requirements which are outside the scope of the conditions of 21A.708(b) (see 21A.711(d)).

AMC 21A.263(b)(1)

Compliance documents with conditions related to engine or propeller without a type-certificate or with unapproved changes and fitted on aircraft for which a permit to fly is requested

The establishment of flight conditions may include conditions related to engines/propellers without a type-certificate or with unapproved changes and fitted on the aircraft for which a permit to fly is requested. These conditions (i.e. installation, operating, maintenance conditions or limitations) are defined by the organisation responsible for the design of the engine/propeller and provided to the organisation responsible for the design of the aircraft.

When the organisation responsible for the design of the engine/propeller has a DOA, the establishment and substantiation of these conditions must be done under the relevant DOA procedures. For that purpose, the associated documentation must be processed like any other compliance document. It must be provided to the organisation responsible for the design of the aircraft that will use it for the establishment of the aircraft flight conditions.

AMC 21A.263(c)(6)

Procedure for the approval of the conditions for issue of a permit to fly

1 INTENT

This AMC provides means to develop a procedure to determine that an aircraft can fly, under the appropriate restrictions compensating for non compliance with the certification specifications applicable to the aircraft category.

Each DOA applicant or holder must develop its own internal procedure following this AMC, in order to obtain the privilege to make this determination and approve associated conditions without Agency involvement, under 21A.263(c)(6). When the privilege does not apply, the DOA holder will prepare all necessary data required for the determination in accordance with the same procedure required for the privilege, and will apply for Agency approval.

2 PROCEDURE FOR THE APPROVAL OF THE CONDITIONS FOR ISSUE OF A PERMIT TO FLY

2.1 Content

The procedure must address the following points:

- decision to use the privilege;
- management of the aircraft configuration;
- determination of the conditions that must be complied with to perform safely a flight;
- documentation of flight conditions substantiations;
- approval under the DOA privilege, when applicable;
- authorised signatories.

2.2 Decision to use the privilege of 21A.263(c)(6)

The procedure must include a decision to determine:

- flights for which the privilege of 21A.263(c)(6) will be exercised; and
- flights for which the approval of flight conditions by the Agency will be required according to the criteria of 21A.263(c)(6).

2.3 Management of the aircraft configuration

The procedure must indicate:

- how the aircraft, for which an application for permit to fly is made, is identified;
- how changes to the aircraft will be managed.

2.4 Determination of the conditions that must be complied with to perform safely a flight

The procedure must describe the process used by the DOA holder to justify that an aircraft can perform the intended flight(s) safely. This process should include:

- identification of deviations from applicable certification specifications or non compliance with Part 21 conditions for the issue of a certificate of airworthiness;
- analysis, calculations, tests or other means used to determine under which conditions or restrictions the aircraft can perform safely a flight;
- the establishment of specific maintenance instructions and conditions to perform these instructions;

- independent technical verification of the analysis, calculations, tests or other means used to determine under which conditions or restrictions the aircraft can perform the intended flight(s) safely;
- statement by the office of airworthiness (or equivalent), that the determination has been made in accordance with the procedure and that the aircraft has no features and characteristics making it unsafe for the intended operation under the identified conditions and restrictions;
- approval by an authorised signatory.

2.5 Documentation of flight conditions substantiations

1. The analysis, calculations, tests, or other means used to determine under which conditions or restrictions the aircraft can perform safely a flight, must be compiled in compliance documents. These documents must be signed by the author and by the person performing the independent technical verification.
2. Each compliance document must have a number and issue date. The various issues of a document must be controlled.
3. The data submitted and approved by the type-certificate holder can be used as substantiations. In that case, the independent technical verification referred to in 2.4 is not required.

2.6 Approval under the DOA privilege

2.6.1 Initial approval

The procedure must include the following EASA Form 18A to support the approval under the DOA privilege:

FLIGHT CONDITIONS FOR A PERMIT TO FLY – APPROVAL FORM	
1. Applicant approval nr. <i>[Name and organisation approval number of organisation providing the flight conditions and associated substantiations]</i>	2. Approval form nr. Issue: <i>[number and issue, for traceability purpose]</i>
3. Aircraft manufacturer/type	4. Serial number(s)
5. Aircraft configuration The above aircraft for which a permit to fly is requested is defined in <i>[add reference to the document(s) identifying the detailed configuration of the aircraft]</i> <i>[For change(s) affecting the initial approval form: description of change(s). This form must be re-issued]</i>	
6. Substantiations <i>[References to the document(s) justifying that the aircraft (as described in 5.) can perform the intended flight(s) safely under the defined conditions or restrictions.]</i> <i>[For change(s) affecting the initial approval form: reference(s) to additional substantiation(s). This form must be re-issued]</i>	
7. Conditions/Restrictions The above aircraft must be used with the following conditions or restrictions: <i>[Details of these conditions/restrictions, or reference to relevant document, including specific maintenance instructions and conditions to perform these instructions]</i>	
8. Statement The determination of the flight conditions has been made in accordance with the relevant DOA procedure agreed by the Agency. The aircraft has no features and characteristics making it unsafe for the intended operation under the identified conditions and restrictions. <i>[strikethrough what is not applicable]</i> 9a. Approved under the authority of DOA EASA.21J.xyz <i>[when privilege of 21A.263(c)(6) applies]</i> 9b. Submitted under the authority of DOA EASA.21J. xyz <i>[when privilege of 21A.263(c)(6) does not apply]</i>	
10. Date of issue	11. Name and signature <i>[Authorised signatory]</i>
12. EASA approval and date <i>[when privilege of 21A.263(c)(6) does not apply]</i>	

EASA Form 18A

When the privilege of 21A.263(c)(6) is not applicable, the signed form should be presented by the office of airworthiness (or equivalent) to the Agency.

2.6.2 Approval of changes

Except for changes that do not affect the conditions approved for the issue of the permit to fly, the procedure must specify how changes will be approved by the DOA Holder. The form of paragraph 2.6.1 must be updated.

2.7 Authorised signatories

The person(s) authorised to sign the approval form must be identified (name, signature and scope of authority) in the procedure, or in an appropriate document linked to the DOA handbook.

AMC 21A.263(c)(7)

Procedure for the issue of a permit to fly

1 INTENT

This acceptable means of compliance provides means to develop a procedure for the issue of a permit to fly.

Each DOA applicant or holder must develop its own internal procedure following this AMC, in order to obtain the privilege of 21A.263(c)(7) to issue permits to fly for aircraft it has designed or modified, when the design organisation itself is controlling under its DOA the configuration of the aircraft and is attesting conformity with the design conditions approved for the flight.

2 PROCEDURE FOR THE ISSUE OF A PERMIT TO FLY

2.1 Content

The procedure must address the following points:

- conformity with approved conditions;
- issue of the permit to fly under the DOA privilege;
- authorised signatories;
- interface with the local authority for the flight.

2.2 Conformity with approved conditions

The procedure must indicate how conformity with approved conditions is made, documented and attested by an authorised person.

2.3 Issue of the permit to fly under the DOA privilege

The procedure must describe the process to prepare the EASA Form 20b and how compliance with 21A.711(b) and (d) is established before signature of the permit to fly.

2.4 Authorised signatories

The person(s) authorised to sign the permit to fly under the privilege of 21A.263(c)(7) must be identified (name, signature and scope of authority) in the procedure, or in an appropriate document linked to the DOA handbook.

2.5 Interface with the local authority for the flight

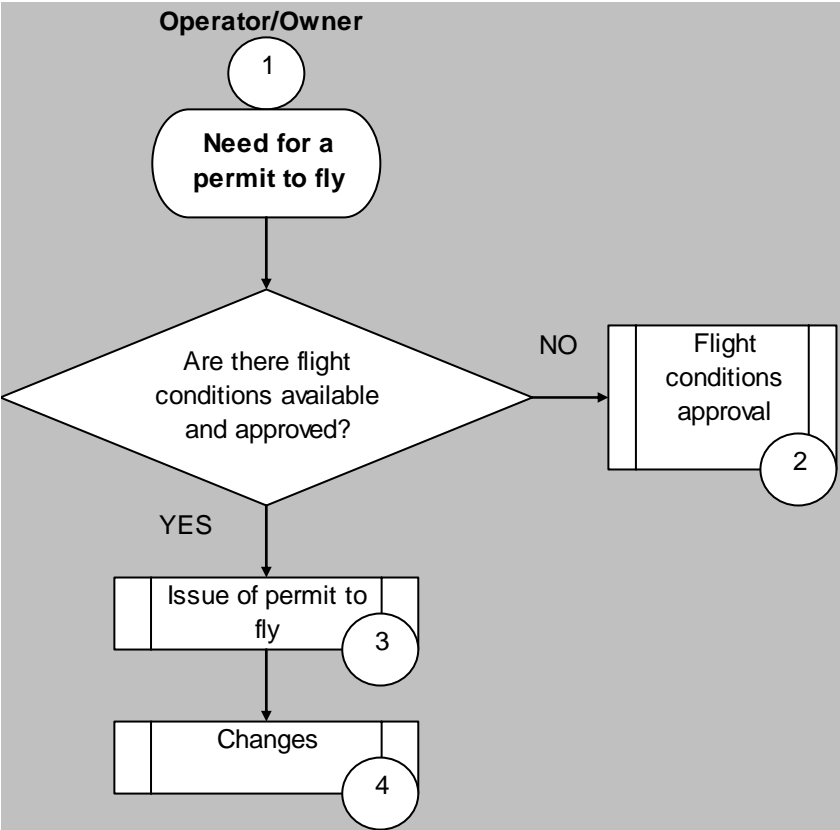
The procedure must include provisions describing the communication with the local authority for compliance with the local requirements which are outside the scope of the conditions of 21A.708(b) (see 21A.711(d)).

GM to Subpart P

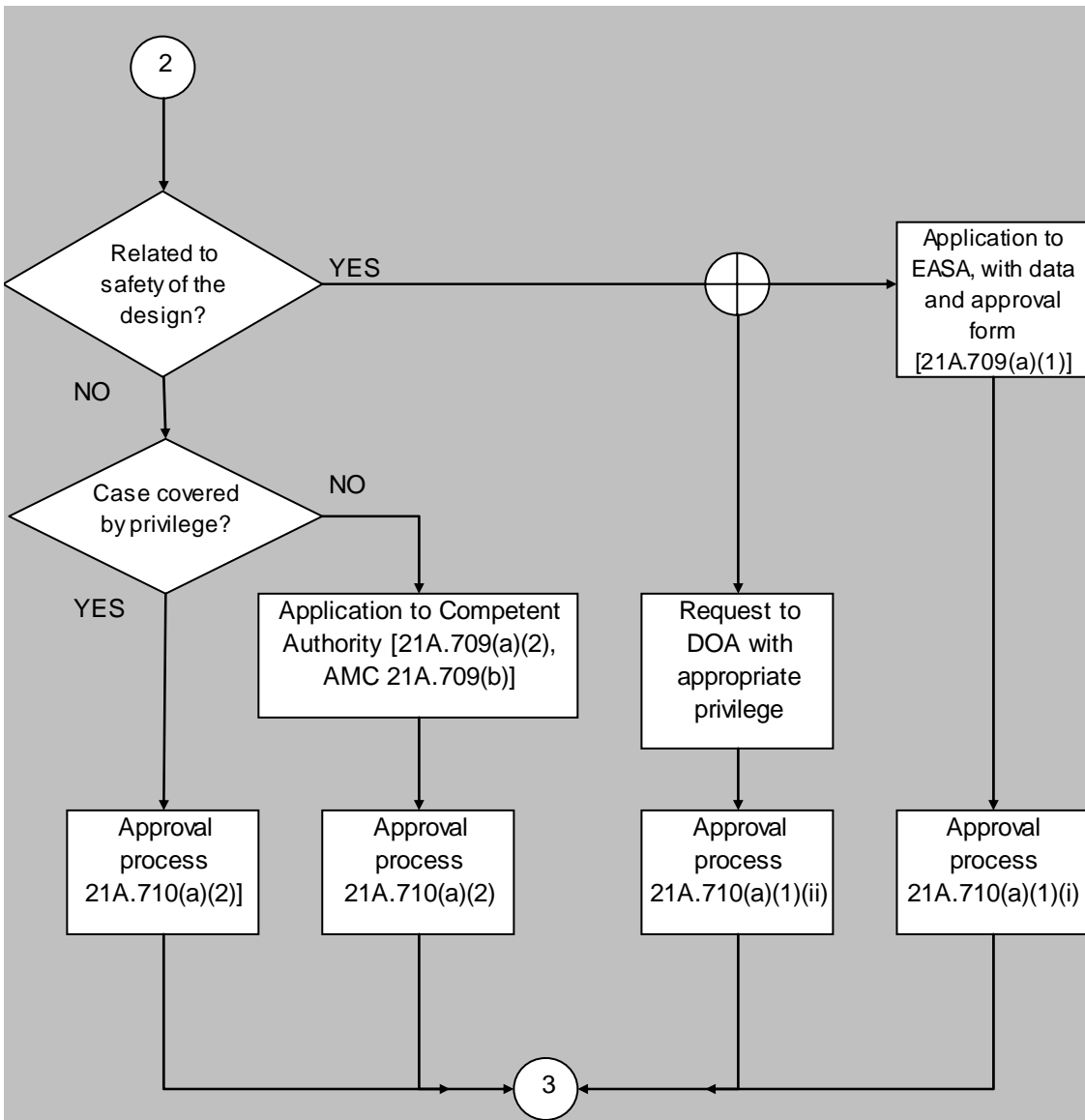
The process allowing a flight under a permit to fly can be described as follows:

- 1. Flow-chart 1: overview
- 2. Flow-chart 2: approval of flight conditions
- 3. Flow-chart 3: issue of permit to fly
- 4. Flow-chart 4: changes after first issue of permit to fly

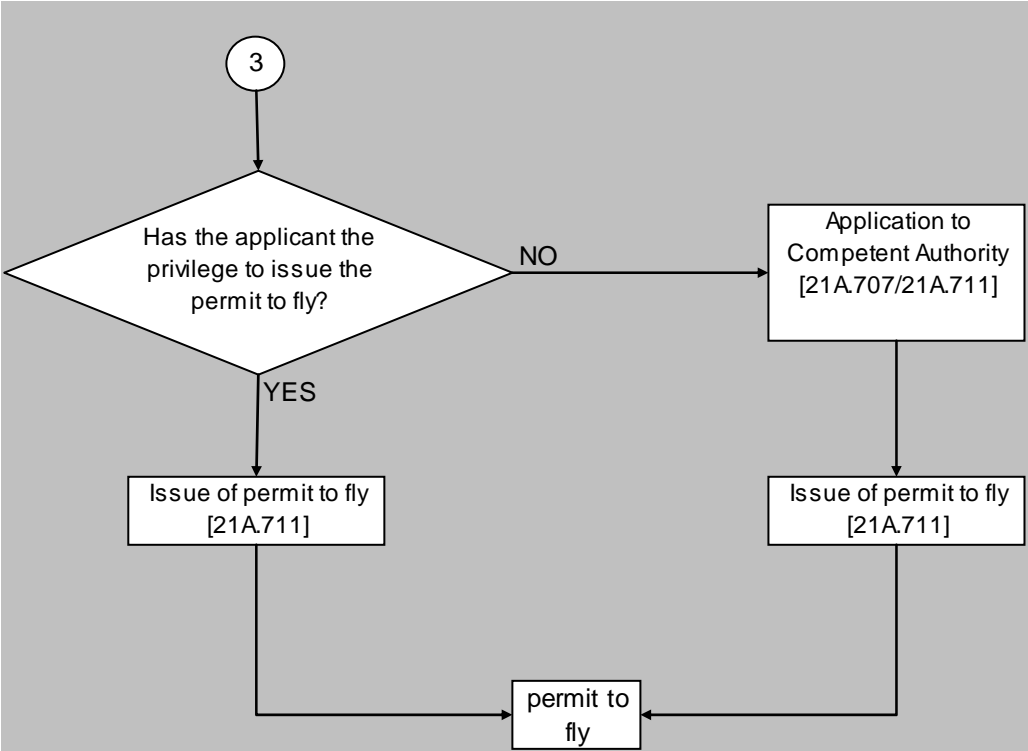
Flow-chart 1: overview



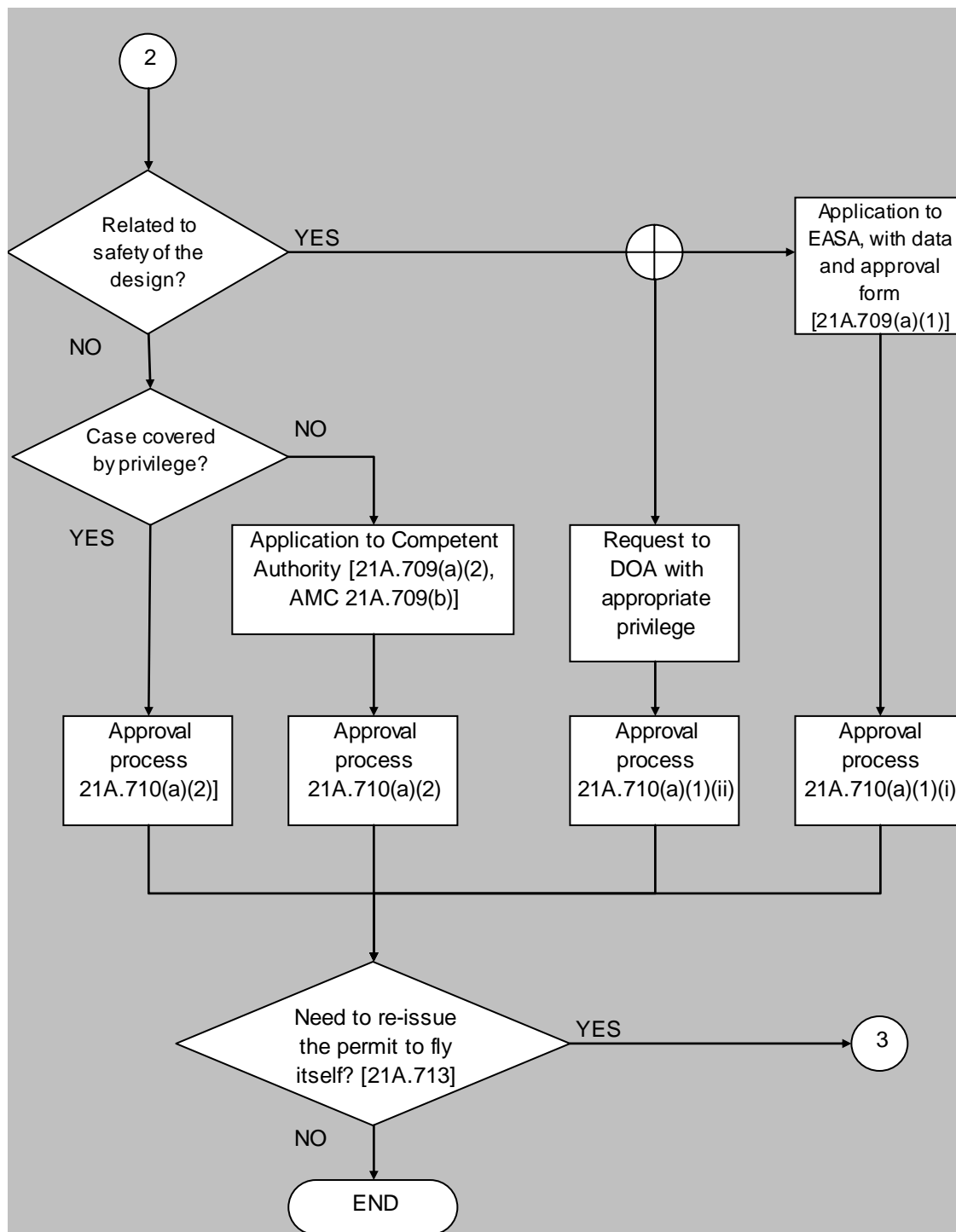
Flow-chart 2: approval of flight conditions



Flow-chart 3: issue of permit to fly



Flow-chart 4: changes after first issue of permit to fly



GM 21A.701(a)

Permit to fly when certificate of airworthiness or restricted certificate of airworthiness is not appropriate

A certificate of airworthiness or restricted category certificate of airworthiness may not be appropriate for an individual aircraft or aircraft type when it is not practicable to comply with the normal continued airworthiness requirements and the aircraft is to a design standard that is demonstrated to be capable of safe flight under defined

conditions. Paragraph 21A.701 identifies cases where the issuance of a (Restricted) Certificate of Airworthiness may not be possible or appropriate and this paragraph provides further information and typical examples for clarification where appropriate:

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Note: This list of examples is not exhaustive

(1) Development:

- testing of new aircraft or modifications
- testing of new concepts of airframe, engine propeller and equipment;
- testing of new operating techniques;

(2) Showing compliance with regulations or certification specifications:

- certification flight testing for type certification, supplemental type certificates, changes to type certificates or European Technical Standard Order authorisation;

(3) Design organisations or production organisations crew training:

- Flights for training of crew that will perform design or production flight testing before the design approval and Certificate of Airworthiness (C of A) can be issued.

(4) Production flight testing of new production aircraft:

- For establishing conformity with the approved design, typically this would be the same program for a number of similar aircraft;

(5) Flying aircraft under production between production facilities:

- green aircraft ferry for follow on final production.

(6) Flying the aircraft for customer acceptance:

- Before the aircraft is sold and/or registered.

(7) Delivering or exporting the aircraft:

- Before the aircraft is registered in the State where the C of A will be issued.

(8) Flying the aircraft for Authority acceptance:

- In the case of inspection flight test by the authority before the C of A is issued.

(9) Market survey, including customer's crew training:

- Flights for the purpose of conducting market survey, sales demonstrations and customer crew training with non type certificated aircraft or aircraft for which conformity has not yet been established or for non-registered a/c and before the Certificate of Airworthiness is issued

(10) Exhibition and air show:

- Flying the aircraft to an exhibition or show and participating to the exhibition or show before the design approval is issued or before conformity with the approved design has been shown.

(11) Flying the aircraft to a location where maintenance or airworthiness review are to be performed, or to a place of storage:

- Ferry flights in cases where maintenance is not performed in accordance with approved programmes, where an AD has not been complied with where certain

equipment outside the Minimum Equipment List (MEL) is unserviceable or when the aircraft has sustained damage beyond the applicable limits.

(12) Flying an aircraft at a weight in excess of its maximum certificated takeoff weight for flight beyond the normal range over water, or over land areas where adequate landing facilities or appropriate fuel is not available:

- Oversees ferry flights with additional fuel capacity.

(13) Record breaking, air racing or similar competition:

- Training flight and positioning flight for this purpose are included

(14) Flying aircraft meeting the applicable airworthiness requirements before conformity to the environmental requirements has been found:

- Flying an aircraft which has been shown to comply with all applicable airworthiness requirements but not with environmental requirements.

(15) For non-commercial flying activity on individual non-complex aircraft or types for which a certificate of airworthiness or restricted certificate of airworthiness is not appropriate.

- For aircraft which cannot practically meet all applicable airworthiness requirements, such as certain aircraft without TC-holder ("generically termed orphan aircraft") or aircraft which have been under national systems of Permit to Fly and have not been shown to meet all applicable requirements. The option of a permit to fly for such an aircraft should only be used if a certificate of airworthiness or restricted certificate of airworthiness cannot be issued due to conditions which are outside the direct control of the aircraft owner, such as the absence of properly certified spare parts.

Note: The above listing is of cases when a permit to fly MAY be issued; it does not mean that in the described cases a permit to fly MUST be issued. If other legal means are available to allow the intended flight(s) they can also be used.

GM 21A.701

Scope

An aircraft registered outside the Member States and used for flight testing by an organisation which has its principal place of business in a Member State, remains under the authority of its state of registry. The Agency or an appropriately approved design organisation can provide, on request, technical assistance to the state of registry for the issue of a permit to fly, or equivalent authorisation, under the state of registry applicable regulations.

GM 21A.703

Applicant for a permit to fly

1. The applicant for a permit to fly may be a person other than the registered owner of the aircraft. As the holder of this permit will be responsible for ensuring that all the conditions and limitations associated with the permit to fly are continuously satisfied, the applicant for the permit should be a person or organisation suitable for assuming these responsibilities. In particular, the organisations designing, modifying or maintaining the aircraft should normally be the holder of the associated permits to fly.

2. An appropriately approved design organisation can apply for the approval of the flight conditions when using its privilege in accordance with 21A.263(b)(1).

GM 21A.705 **Competent Authority**

An aircraft registered in a Member State is under the responsibility of this Member State for continuing airworthiness aspects. Consequently, any permit to fly under Part 21 should be issued by that Member State including cases where the aircraft will fly in another State. The permit to fly contains all the conditions and restrictions to ensure safe flight but other airspace and operational rules remain the competence of the authority of the State where the flight will take place. The applicant should therefore also ensure compliance with the relevant regulations of that State.

GM 21A.707(b) **Application**

EASA Form 21 (see AMC 21B.520(b)) should be obtained from the Competent Authority.

GM 21A.708(b)(6) **Continuing airworthiness**

In most cases a simple reference to existing maintenance requirements will suffice for aircraft that have a temporarily invalid C of A.

For other aircraft it will have to be proposed by the applicant as part of the flight conditions. For approved organisations they can be included in their procedures.

GM No. 1 to 21A.708(c) **Safe flight**

Safe flight normally means continued safe flight and landing but in some limited cases (e.g. higher risk flight testing) it can mean that the aircraft is able to fly in a manner that will primarily ensure the safety of overflown third parties, the flight crew and, if applicable other occupants.

This definition of "safe flight" should not be interpreted as allowing a test pilot, equipped with a parachute and operating over a sparsely populated area, to set out on a test flight in the full knowledge that there is a high probability of losing the aircraft. The applicant should take reasonable care to minimise safety risks and to be satisfied that there is a reasonable probability that the aircraft will carry out the flight without damage or injury to the aircraft and its occupants or to other property or persons whether in the air or on the ground.

GM No. 2 to 21A.708(c) **Substantiations**

The substantiations should include analysis, calculations, tests or other means used to determine under which conditions or restrictions the aircraft can perform safely a flight.

GM No. 3 to 21A.708(c) **Operation of Overweight Aircraft**

This GM provides information and guidance with respect to permit to fly for operating an aircraft in excess of its maximum certificated takeoff weight, for flight beyond the normal range over water, or over land areas where adequate landing facilities or appropriate fuel is not available.

1. GENERAL.

The excess weight that may be authorized for overweight operations should be limited to additional fuel, fuel carrying facilities, and navigational equipment necessary for the flight.

It is recommended that the applicant discuss the proposed flight with the TC holder of the aircraft to determine the availability of technical data on the installation of additional fuel carrying facilities and/or navigational equipment.

2. CRITERIA USED TO DETERMINE THE SAFETY OF ADDITIONAL FACILITIES.

In evaluating the installation of additional facilities, the Agency or the design organisation must find that the changed aircraft is safe for operation. To assist in arriving at such a determination, the following questions are normally considered:

- a. Does the technical data include installation drawings, structural substantiating reports, weight, balance, new centre of gravity limits computations, and aircraft performance limitations in sufficient detail to allow a conformity inspection of the aircraft to be made?
- b. In what ways does the aircraft not comply with the applicable airworthiness requirements?
- c. Are the fuel tanks vented to the outside? Are all areas in which tanks are located ventilated to reduce fire, explosion, and toxicity hazards?
- d. Are the tanks even when empty strong enough to withstand the differential pressure at maximum operating altitude for a pressurized aircraft?
- e. Have means been provided for determining the fuel quantity in each tank prior to flight?
- f. Are shutoff valves, accessible to the pilot, provided for each additional tank to disconnect these tanks from the main fuel system?
- g. Are the additional fuel tank filler connections designed to prevent spillage within the aircraft during servicing?
- h. Is the engine oil supply and cooling adequate for the extended weight and range?

3. LIMITATIONS.

The following types of limitations may be necessary for safe operation of the aircraft:

- a. Revised operational airspeeds for use in the overweight condition.
- b. Increased pilot skill requirements.
- c. A prescribed sequence for using fuel from various tanks as necessary to keep the aircraft within its centre of gravity range.

- d. Notification to the control tower of the overweight takeoff condition to permit use of a runway to minimize flight over congested areas.
- e. Avoidance of severe turbulence. If encountered, the aircraft should be inspected for damage as soon as possible.

EXAMPLE of operating limitations which may be prescribed as part of the permit to fly:

Aircraft type: xxxxxx Model: yyyy

Limitations:

1. Maximum weight must not exceed 8,150 pounds.
2. Maximum quantity of fuel carried in auxiliary tanks must not exceed 106 gallons in fwd tank, 164 gallons in centre tank, and 45 gallons in aft tank.
3. Centre of gravity limits must not exceed (fwd) +116.8 and (aft) +124.6.
4. Aerobatics are prohibited.
5. Use of autopilot while in overweight condition is prohibited.
6. Weather conditions with moderate to severe turbulence should be avoided.
7. When an overweight landing is made or the aircraft has been flown through moderate or severe turbulence while in an overweight condition, the aircraft must be inspected for damage after landing. The inspections performed and the findings must be entered in the aircraft log. The pilot must determine, before the next takeoff, that the aircraft is airworthy.
8. When operated in the overweight condition, the cruising speed (V_c) shall not exceed 185 m.p.h. and the maximum speed (V_{ne}) shall not exceed 205 m.p.h.
9. Operation in the overweight condition must be conducted to avoid areas having heavy air traffic, to avoid cities, towns, villages, and congested areas, or any other areas where such flights might create hazardous exposure to person or property on the ground.

GM 21A.708(d)

Control of aircraft configuration

The applicant should establish a method for the control of any change or repair made to the aircraft, for changes and repairs that do not invalidate the conditions established for the permit to fly.

All other changes should be approved in accordance with 21A.713 and when necessary a new permit to fly should be issued in accordance with 21A.711.

AMC 21A.709(b)

Submission of documentation supporting the establishment of flight conditions

Together with the application, the documentation required by 21A.709(b) must be submitted with the approval form (EASA Form 18B) defined below, completed with all relevant information. If the complete set of data is not available at the time of application, the missing elements can be provided later. In such cases, the approval

form must be provided only when all data are available, to allow the applicant to make the statement required in box 8 of the form.

FLIGHT CONDITIONS FOR A PERMIT TO FLY – APPROVAL FORM	
1. Applicant <i>[Name of organisation providing the flight conditions and associated substantiations]</i>	2. Approval form nr. Issue: <i>[number and issue, for traceability purpose]</i>
3. Aircraft manufacturer/type	4. Serial number(s)
5. Aircraft configuration The above aircraft for which a permit to fly is requested is defined in <i>[add reference to the document(s) identifying the configuration of the aircraft]</i> <i>[For change(s) affecting the initial approval form: description of change(s). This form must be re-issued]</i>	
6. Substantiations <i>[References to the document(s) justifying that the aircraft (as described in 5.) can perform the intended flight(s) safely under the defined conditions or restrictions.]</i> <i>[For change(s) affecting the initial approval form: reference(s) to additional substantiation(s). This form must be re-issued]</i>	
7. Conditions/Restrictions The above aircraft must be used with the following conditions or restrictions: <i>[Details of these conditions/restrictions, or reference to relevant document, including specific maintenance instructions and conditions to perform these instructions]</i>	
8. Statement The flight conditions have been established and justified in accordance with 21A.708. The aircraft has no features and characteristics making it unsafe for the intended operation under the identified conditions and restrictions.	
<i>[when approved under a privilege of an approved organisation]</i> 9. Approved under [ORGANISATION APPROVAL NUMBER]"	
10. Date of issue	11. Name and signature <i>[Authorised signatory]</i>
<i>[when not approved under a privilege of an approved organisation]</i> 12. Approval and date <i>the appropriate approval: EASA, Competent Authority]</i>	

EASA Form 18B

When the flight conditions are approved under a privilege, this form should be used by the approved organisation to document the approval.

GM 21A.710 **Approval of flight conditions**

1. The approval of flight conditions is related to the safety of the design, when:

- a. the aircraft does not conform to an approved design; or
 - b. an Airworthiness Limitation, a Certification Maintenance Requirement or an Airworthiness Directive has not been complied with; or
 - c. the intended flight(s) are outside the approved envelope;
 - d. the permit to fly is issued for the purpose of 21A.701(a)(15).
2. Examples when the approval of flight conditions is not related to the safety of the design are:
- a. production flight testing for the purpose of conformity establishment;
 - b. delivery / export flight of a new aircraft the design of which is approved;
 - c. demonstrating continuing conformity with the standard previously accepted by the Agency for the aircraft or type of aircraft to qualify or re-qualify for a (restricted -) certificate of airworthiness.

GM 21A.711(d)

Additional conditions and restrictions

The conditions and restrictions prescribed by the Competent Authority may include airspace restrictions to make the conditions approved under 21A.710 more concrete, or conditions outside the scope of the ones mentioned in 21A.708(b) such as a radio station license.

GM 21A.713

Changes

Changes to the conditions or associated substantiations that are approved but do not affect the text on the permit to fly do not require issuance of a new permit to fly.

In case a new application is necessary, the substantiation for approval of the flight conditions only needs to address the change.

GM 21A.719

Transfer of a permit to fly

Except for permits to fly issued under 21A.701(a)(15), like aircraft without TC holder, a permit to fly is issued based upon the applicant's declaration of many aspects of the proposed flight or flights, some of which are specific to the applicant. Accordingly, the basis upon which a permit to fly has been issued necessarily is no longer fully in place when the holder of a permit to fly changes, ownership changes, and/or there is a change of register. Such changes necessitate a new application under 21A.707.

AMC 21B.520(b)

Application for a permit to fly

The Competent Authority must receive an application for permit to fly on an EASA Form 21 (see below) completed by the applicant.

Application for Part 21 Permit to Fly	
1. Applicant:	<i>[Name of applicant]</i>
2. Aircraft nationality and identification marks:	
3. Aircraft owner:	
4. Aircraft manufacturer/type	5. Serial number
6. Purpose of flight <i>[Use terminology of 21A.701(a) and add any additional information for accurate description of the purpose, e.g. place, itinerary, duration...]</i> <i>[For an application due to a change of purpose (ref. 21A.713): reference to initial request and description of new purpose]</i>	
7. Expected target date(s) for the flight(s) and duration	
8. Aircraft configuration as relevant for the permit to fly 8.1 The above aircraft for which a permit to fly is requested is defined in <i>[add reference to the document(s) identifying the configuration of the aircraft. Same as required in AMC 21A.263(c)(6) or AMC 21A.709(b) application form, box 5]</i> 8.2 The aircraft is in the following situation related to its maintenance schedule: <i>[Describe status]</i>	
9. Approval of flight conditions <i>[if not available at the time of application, indicate reference of request for approval]</i> <i>[Reference to:</i> 1. EASA approval, if flight conditions are approved by EASA; or 2. DOA approval form (see AMC 21A.263(c)(6)), if approved under DOA privilege; or 3. Competent Authority approval	
10. Date	11. Name and signature <i>[Authorised signatory]</i>

EASA Form 21

Article 2

This Decision shall enter into force on 5 April 2007.

Done in Cologne, 4 April 2007

P. GOUDOU
By delegation C. PROBST