



Brussels, **XXX**
[...] (2015) **XXX** draft

ANNEX I TO EASA OPINION No 01/2016

COMMISSION REGULATION (EU) No .../..

of **XXX**

**laying down technical requirements and administrative procedures related to balloons
pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the
Council**

COMMISSION REGULATION (EU) No .../..

of **XXX**

laying down technical requirements and administrative procedures related to balloons pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC ⁽¹⁾, and in particular Article 7(6) and 8(5) thereof,

Whereas:

- (1) Operators and personnel involved in the operation of balloons shall comply with the relevant essential requirements set out in Annex IV to Regulation (EC) No 216/2008.
- (2) In accordance with Regulation (EC) No 216/2008, the Commission shall adopt the necessary implementing rules for establishing the conditions for the safe operation of balloons.
- (3) In order to ensure a high and uniform level of civil aviation safety in the European Union, implementing measures shall reflect the state of the art including best practices and scientific and technical progress in the field of air operations.
- (4) Except for authority requirements, the existing technical requirements and administrative procedures for air operations with balloons of Commission Regulation (EU) No 965/2012 ⁽²⁾ are deleted and replaced by the requirements of this Regulation.
- (5) The measures provided for in this Regulation are based on the opinion ⁽³⁾ issued by the European Aviation Safety Agency in accordance with Article 17(2)(b) and 19(1) of Regulation (EC) No 216/2008.
- (6) One major goal of the European Aviation Safety Agency's General Aviation Road Map is to establish simpler and proportionate rules for General Aviation, whilst ensuring appropriate requirements for the protection of commercial passengers. With its opinion, the Agency provided a proposal to achieve this goal for air operations with balloons.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 65 of Regulation (EC) No 216/2008,

⁽¹⁾ OJ L 79, 13.3.2008, p. 1.

⁽²⁾ Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1).

⁽³⁾ Opinion No 01/2016 of the European Aviation Safety Agency of 6 January 2016 for a Commission Regulation on the revision of the European operational rules for balloons.

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1. This Regulation lays down detailed rules for air operations with balloons.
2. In conjunction with Annex II (Part-ARO) to Regulation (EU) No 965/2012 ⁽⁴⁾, this Regulation also lays down detailed rules on the conditions and procedures for the declaration by, and for the oversight of, operators engaged in commercial operations with balloons.
3. This Regulation shall not apply to air operations with tethered gas balloons.

Article 2

Definitions

For the purpose of this Regulation:

- (1) ‘commercial passenger ballooning (CPB)’ means the carriage of passengers on balloon sightseeing or experience flight for remuneration or other valuable consideration;
- (2) ‘competition flight’ means any flying activity where the balloon is used in air races or contests, to practise for air races or contests and, if applicable, to fly to and from racing or contest events;
- (3) ‘flying display’ means any flying activity deliberately performed for the purpose of providing an exhibition or entertainment at an advertised event open to the public, including where the balloon is used to practise for a flying display and, if applicable, to fly to and from the advertised event;
- (4) ‘introductory flight’ means any flight against remuneration or other valuable consideration consisting of an air tour of short duration, offered by an approved training organisation or an organisation created with the aim of promoting aerial sport or leisure aviation, for the purpose of attracting new trainees or new members;
- (5) ‘specialised operation’ means any operation where the balloon is used for specialised activities such as parachute operations, flying displays and competition flights.

Additional definitions are laid down in Annex I.

Article 3

Air operations

1. Operators of balloons involved in non-commercial operations, including non-commercial specialised operations, shall operate the balloons in accordance with the provisions specified in Subpart BAS (basic operational requirements) of Annex II.
2. Operators of balloons involved in commercial passenger ballooning (hereinafter referred to as ‘CPB’) and in commercial specialised operations shall operate the balloons in accordance with the provisions specified in Subpart BAS and Subpart ADD (additional requirements for commercial operations) of Annex II.

⁽⁴⁾ Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1).

3. Training organisations having their principal place of business in a Member State and approved in accordance with Regulation (EU) No 1178/2011 ⁽⁵⁾, when conducting flight training into, within or out of the Union shall operate the balloons in accordance with the provisions specified in Subpart BAS of Annex II.

Article 4
Derogations

1. By way of derogation from Article 3(1), flights related to the introduction or modification of balloon types conducted by design or production organisations within the scope of their privileges shall continue to be operated under the conditions set out in the Member States' national law.
2. By way of derogation from Article 3(2), the following operations with balloons may be conducted in accordance with Subpart BAS of Annex II:
 - (a) cost-shared operations by private individuals, on the condition that:
 - (i) direct costs and a proportionate contribution to annual costs are equally shared by all the occupants of the balloon, pilot included; and
 - (ii) the number of persons sharing the costs is limited to four;
 - (b) competition flights or flying displays, on the condition that the remuneration or any valuable consideration given for such flights is limited to:
 - (i) recovery of direct costs and a proportionate contribution to annual costs; and
 - (ii) prizes not exceeding the value specified by the competent authority;
 - (c) introductory flights with four persons or less and parachute dropping performed by:
 - (i) a training organisation having its principal place of business in a Member State and approved in accordance with Regulation (EU) No 1178/2011; or
 - (ii) an organisation created with the aim of promoting aerial sport or leisure aviation;on the condition that:
 - (i) the balloon is operated by the organisation on the basis of ownership or dry lease;
 - (ii) the flight does not generate profits distributed outside of the organisation; and
 - (iii) such flights represent only a marginal activity of the organisation.

Article 5
Flight time limitations

Operations with balloons shall continue to be conducted in accordance with the applicable national flight time limitation legislation until the related implementing rules are adopted and apply.

⁽⁵⁾ Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L, 25.11.2011, p. 1).

Article 6
Entry into force

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply from [...].

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission

The President

[...]