

Leaflet 1-15 Issue of an EASA Permit to Fly to Aircraft Temporarily Unable to Hold a Certificate of Airworthiness or Restricted Certificate of Airworthiness

1 Introduction

1.1 This Leaflet has been issued to advise owners/operators of aircraft, appropriately approved Continuing Airworthiness Management Organisations (CAMOs), design, maintenance and production organisations and licensed aircraft maintenance engineers of the rules and the associated processes for application, approval and issue of EASA Permits to Fly.

2 Applicability

2.1 This Leaflet is applicable only to UK registered aircraft which are required to hold a Certificate of Airworthiness or Restricted Certificate of Airworthiness issued by the UK CAA under European Commission Regulation (EC) No. 1702/2003 (EASA aircraft), but are temporarily unable to maintain the validity of the certificate.

This Leaflet is **not** applicable to aircraft engaged in military, police, customs or similar services, aircraft classified as being within the criteria of Annex II to European Commission Regulation (EC) No. 216/2008, or aircraft that are eligible only for a UK National Permit to Fly.

NOTE: Part 21 Subpart P allows for EASA Permits to Fly to be issued for certain purposes by organisations holding appropriate privileges under Part 21 Subparts G and J. EASA Permits to Fly issued by such Organisations falls outside the scope of this Leaflet.

3 Circumstances under which an EASA Permit to Fly may be Required

3.1 Commission Regulation (EC) No. 1702/2003 (as amended by Regulation (EC) 375/2007, and (EC) 1194/2009 Part 21, Subpart P) allows for the issue of an EASA Permit to Fly to an EASA aircraft for particular purposes. These purposes include allowing an aircraft to fly when:

- the Certificate of Airworthiness is temporarily invalid, for example, as the result of damage; or
- test flying is required to support approval of the design of the aircraft or a modification/repair to an aircraft; or
- the aircraft cannot or has not yet been shown to comply with the requirements for a Certificate of Airworthiness, but is capable of performing safe flight under specified conditions.

The above list is not exhaustive. A full list of the purposes for which an EASA Permit to Fly may be issued is given in the amendment to Part 21 outlined in Commission Regulation (EC) 1194/2009 (Part 21) Subpart P, in paragraph 21A.701.

4 How to determine whether or not a temporary Permit to Fly is required

The flowchart at Figure 1 will assist the determination of whether or not a Permit to Fly is required for your aircraft.

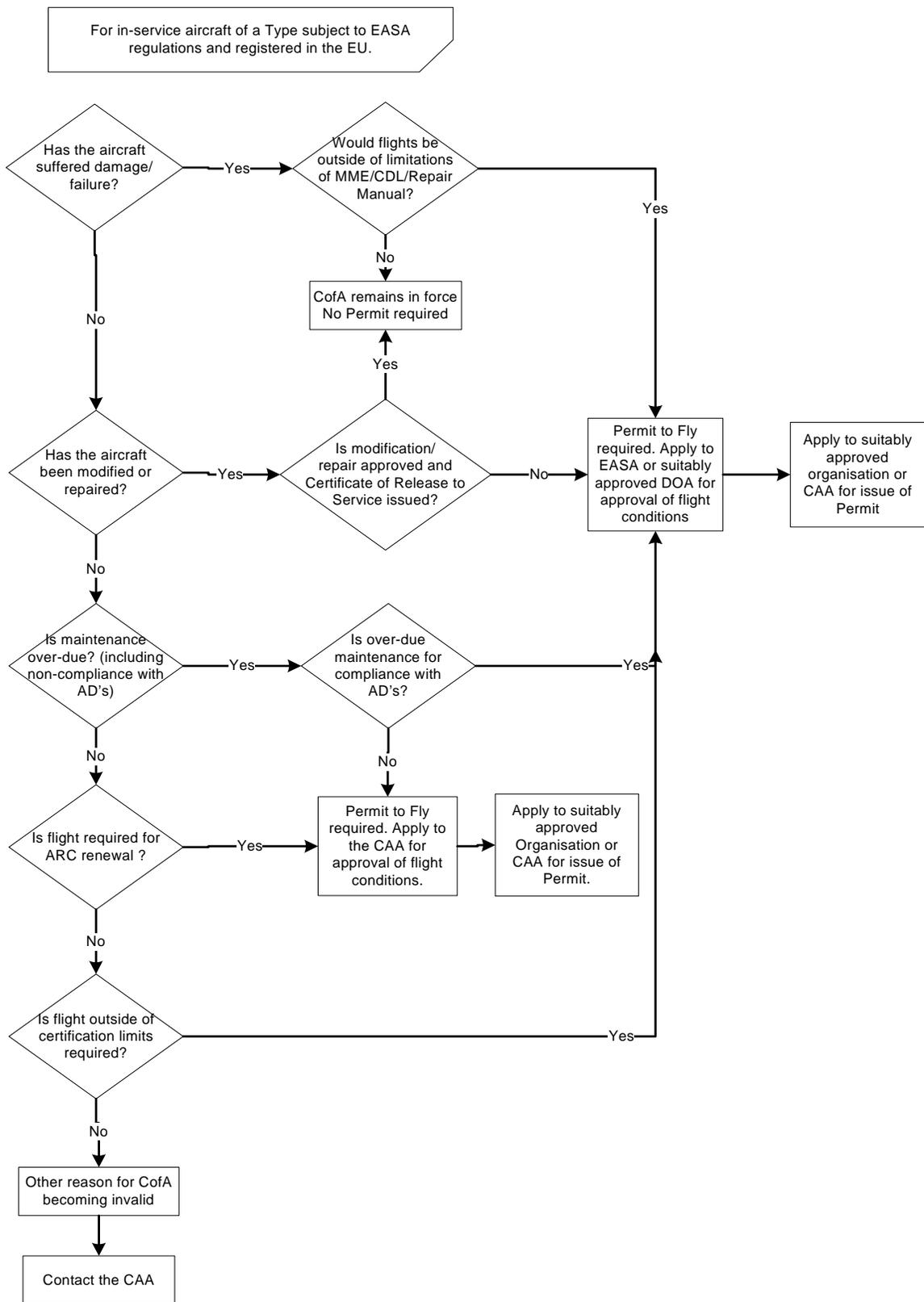


Figure 1 How to determine whether or not a Permit to Fly is required for your aircraft.

Process for the Issue of an EASA Permit to Fly

5.1 There are two separate elements that lead to the issue of an EASA Permit to Fly:

- the approval of the Flight Conditions; and
- the formal issue of the EASA Permit to Fly.

5.2 The Approval of Flight Conditions

5.2.1 Where the circumstances of the flight and the necessary Flight Conditions are related to the safety of design, the Flight Conditions for an EASA Permit to Fly outlining the basis upon which the flight can be conducted can only be approved directly by EASA, or by an organisation holding an EASA Part 21 Subpart J Design Organisation Approval (DOA) with a specific privilege to approve Flight Conditions.

- Note:
- i) Application to EASA is made on an EASA Form 37, which may be downloaded from the EASA website. This form includes an appendix (Form 18b) where the Flight Conditions that will be finally approved by EASA are defined.
 - ii) An application is not required to EASA if the approval of Flight Conditions is to be carried out by an organisation holding a DOA with the relevant privileges.

Once the Flight Conditions have been approved by EASA or a suitably approved design organisation, application may be made to an appropriately approved Continuing Airworthiness Management Organisation (CAMO) or to the CAA, as appropriate, for the issue of the Permit to Fly. The application must include the document approving the Flight Conditions.

5.2.2 In cases where the configuration of the aircraft and circumstances of the flight are **not** related to the safety of design, the CAA may approve the Flight Conditions. The EASA Permit to Fly may be issued by either the CAA, or an appropriately approved CAMO.

Examples of where the non-compliance with the regulations is not related to the design of the aircraft are:

- Positioning flight for maintenance purposes with an invalid Certificate of Airworthiness or when a maintenance check is overdue.

NOTE: This does not include flights where there is a non-compliance with an Airworthiness Directive as this would, in most cases, be considered as a design related issue.

- Flight to a place of storage or to a place where maintenance/painting is to be carried out.
- Flights necessary for the issue or re-validation of a Certificate of Airworthiness or ARC where the type design is approved.
- Delivery or export of a new aircraft where the design is approved.

This is not an exhaustive list but covers the majority of circumstances where the CAA can approve the Flight Conditions associated with the issue of an EASA Permit to Fly.

6 Application to the CAA for the issue of an EASA Permit to Fly

- 6.1 An application for the issue of an EASA Permit to Fly by the CAA must be made to Applications and Approvals by submitting a completed EASA Form 21 (UK) [see Appendix 1 to this Leaflet] together with the relevant fee (see paragraph 10.3 of this Leaflet).
- 6.2 Where the Flight Conditions are related to the safety of an aircraft's design, a Form 18b (approved by EASA) or a Form 18a or equivalent (approved by a DOA holder) **must** be submitted with the application. The CAA will accept an application with the Flight Conditions not yet approved, but will be unable to issue an EASA Permit to Fly until a copy of the approved Flight Conditions has been provided.
- 6.3 Where the circumstances of the proposed flight are **not** related to the safety of an aircraft's design, the CAA may approve the Flight Conditions prior to issuing a Permit to Fly. The applicant must specify and justify the proposed non-design related Flight Conditions and provide any supporting data the CAA may require; including the definition of the configuration(s) of the aircraft, any Flight Manual references where applicable, and justification that the intended flight can be carried out safely.
- 6.4 The CAA shall issue an EASA Permit to Fly when in receipt of a valid application, when the approved Flight Conditions have been supplied, and when satisfied that the aircraft conforms to the standard specified in the approved Flight Conditions before the flight(s) take place. The EASA Permit to Fly will specify or reference the Flight Conditions as approved by EASA, the DOA, or the CAA as applicable.
- 6.5 The CAA reserves the right to carry out a survey of the aircraft and/or associated records, and/or to require or perform a test flight to verify the conformity of the aircraft.

7 EASA Permits to Fly Issued by a CAMO

7.1 Applicability

A CAMO which is approved to issue an airworthiness review certificate for the particular aircraft type, may issue a Permit to Fly when it is additionally approved in accordance with the provisions of Part M, M.A.711(c) subject to the following:

- For aircraft used in commercial air transport, and aircraft above 2730 kg MTOM, except balloons, the permit to fly can only be issued when the aircraft is in a controlled environment and the Permit is issued by the CAMO managing the aircraft

- For aircraft not involved in commercial air transport of 2730 kg MTOM and below, and balloons, any appropriately approved CAMO may issue a Permit to Fly
- For aircraft used in commercial air transport, and aircraft above 2730 kg MTOM, that are not in a controlled environment, a CAMO cannot issue a Permit to Fly. Therefore application must still be made to the CAA.

7.2 Making an application

- 7.2.1 An application to a CAMO for the issue of an EASA Permit to Fly must be made in a form and manner established by the CAMO.
- 7.2.2 An application must include approved flight conditions, either; a Form 18b (approved by EASA or by the CAA) or a Form 18a or equivalent (issued by a suitability approved DOA holder) **must** be provided with the application. The CAMO will be unable to issue an EASA Permit to Fly until a copy of the approved Flight Conditions has been provided.
- 7.2.3 Where the CAMO is acting on behalf of, or under contract to, the owner/operator, they may apply for the approval of flight conditions.
- 7.2.4 The CAMO may only issue an EASA Permit to Fly when:
- it is eligible to issue the Permit to Fly, and;
 - it is satisfied that the Flight Conditions have been established and approved, and;
 - it has verified that the aircraft conforms with any specified Flight Conditions, and;
 - it has confirmed that any required maintenance defined in the Flight Conditions has been carried out.

8 Compliance with the Conditions of an EASA Permit to Fly

- 8.1 Before the Permit to Fly can be issued, the issuing organisation (CAMO or the CAA) must ensure that it has been verified that the approved flight conditions have been complied with; Where this includes the accomplishment of any maintenance task, or physical verification of conformity with any flight condition a Certificate of Release to Service (CRS) shall be issued.
- 8.1 Prior to a flight being made with an EASA Permit to Fly in force, a CRS shall have been issued in accordance with Regulation (EC) 2042/2003 Annex 1 (Part M), M.A.801 or Regulation (EC) 1702/2003 Annex (Part 21), 21A.163. The CRS must contain details confirming that the aircraft is configured in accordance with any relevant conditions specified on the Permit to Fly and is in a condition for safe operation.

9 Validity of an EASA Permit to Fly

An EASA Permit to Fly is valid in the United Kingdom subject to the aircraft remaining in compliance with the approved Flight Conditions and the applicable

rules of the air. An EASA Permit to Fly is valid in all EU Member States, but may be subject to additional National airspace use access and use restrictions. It is the responsibility of the aircraft operator to ensure any applicable National regulations are complied with. The validity of an EASA Permit to Fly outside of the EU is subject to the National regulations of the State(s) in which the flight is to take place. Applicants should consult with the relevant National Aviation Authorities in case of doubt.

10 Urgent Operational Need

- 10.1 There may be design related cases **where an application has been made to EASA** for the approval of Flight Conditions, but the need to move an aircraft is urgent for operational reasons (primarily damaged aircraft recovery for repair) and where EASA is unable to provide a response within appropriate timeframes. In such cases where it is accepted that there is an urgent operational need and evidence has been provided that EASA is not able to support the required timescales, the CAA may consider temporarily exempting the organisation issuing the Permit to Fly from the requirement for the Flight Conditions to be approved. The CAA must be satisfied with the safety of the proposed flight and will carry out essentially the same investigation as EASA. If the CAA is satisfied that the proposed Flight Conditions are appropriate and that the flight can be made safely, an exemption may be granted and a Permit to Fly issued. The CAA will require the same substantiating data and proposed Flight Conditions that were submitted to EASA to be provided, before considering an exemption request.

NOTE: Under these circumstances, it is normally expected that Flight Conditions and substantiating data will originate from the Type Certificate Holder.

- 10.2 The applicant will be required to pay any additional direct CAA costs incurred in respect of the technical investigation carried out leading to the issue of an exemption and, where appropriate, the issue of an EASA Permit to Fly.

11 References

- 11.1 Ongoing developments in this area will be notified through the Permits to Fly pages of the CAA website at the following address: www.caa.co.uk/EASAPermits.
- 11.2 The text of the regulations referenced in this Leaflet can be obtained from the EASA website at the following address: www.easa.europa.eu.
- 11.3 The fees for these activities are defined in the CAA published scheme of charges (Official Record Series 5 No. 240), which may be found on the CAA website at the following address: www.caa.co.uk/ORS5No240.