



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 14.10.2009  
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**COMMISSION DECISION**

**of 14.10.2009**

**authorising the United Kingdom to derogate from Council Regulation (EEC)  
No. 3922/1991 with respect to the use of mass values for Jetstream 41 aircraft**

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**(Only the English text is authentic)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No. 3922/1991 of 16 December 1991 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation<sup>1</sup>, and in particular Article 8(3) thereof,

Whereas:

- (1) By letter of 22 February 2008 the Government of the United Kingdom notified the Commission, under Article 8(3) of Regulation (EEC) No. 3922/1991, of its intention to derogate from the provisions of Annex III, OPS 1.620, of this Regulation, as a level of safety equivalent to that attained by the application of these provisions could be achieved by other means. Upon request by the European Commission, additional information was provided on 21 August 2008.
- (2) For aircraft of 20 seats or more, OPS 1.620(d) foresees standard mass values of 88 kg and 70 kg for male and female passengers, respectively. According to OPS 1.620(c), these standard masses include hand baggage carried in the cabin by the passengers.
- (3) According to OPS 1.620(e), for aircraft of 19 seats or less, where no hand baggage is carried in the cabin or where hand baggage is accounted for separately, 6 kg may be deducted from the applicable standard masses.
- (4) The Jetstream 41 aircraft, serving up to 29 passenger seats, does not have the capability to transport passenger hand baggage in the cabin. Such luggage is transported in a dedicated cargo compartment and is actually weighed for operational weight and balance considerations.
- (5) By derogating from the provisions of OPS 1.620(d), it is envisaged by the United Kingdom to allow the operation of Jetstream 41 aircraft using a deduction of 6 kg as foreseen by OPS 1.620(e) for smaller aircraft. This approach is deemed to respond to the Jetstream 41 specificities and to provide for most adequate weight and balance calculation.

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<sup>1</sup> OJ L 373, 31.12.1991, p. 4.

- (6) Following the notification of the United Kingdom, the Commission services, together with EASA, assessed the derogation request and concluded that the level of safety emerging from the derogation as per this decision was equivalent to the one attained by application of OPS 1.620(d).
- (7) The measures provided for in this Decision are in accordance with the opinion of the Air Safety Committee,

HAS ADOPTED THIS DECISION:

*Article 1*

The United Kingdom may, by derogation from Regulation (EC) No. 3922/1991, OPS 1.620(d), provide that for Jetstream 41 aircraft 6 kg are deducted from the standard mass values as per OPS 1.620(d), provided all hand baggage is carried separately and its actual weight is fully taken into account for determining the actual mass of the load of each flight.

*Article 2*

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 14.10.2009

*For the Commission*  
*Antonio TAJANI*  
*Member of the Commission*

