

Article 3 Air operations

Regulation (EU) 2020/357

1. Operators of balloons shall operate the balloon in accordance with the requirements set out in [Subpart BAS](#) of Annex II.

However, the first subparagraph shall not apply to design or production organisations which are compliant with Articles 8 and 9, respectively, of [Commission Regulation \(EU\) No 748/2012^{1\)}](#) and which operate the balloon, within the scope of their privileges, for the purposes of the introduction or modification of balloon types.

2. Operators of balloons shall engage in commercial operations only after having declared to the competent authority their capacity and means to discharge the responsibilities associated with the operation of the balloon.

The first subparagraph shall not apply to the following operations with balloons:

1. cost-shared operations by four individuals or less, including the pilot, provided that the direct costs of the flight of the balloon and a proportionate part of the annual costs incurred for the storage, insurance and maintenance of the balloon are shared by all those individuals;
2. competition flights or flying displays, provided that the remuneration or any other valuable consideration for such flights is limited to the recovery of the direct costs of the flight of the balloon and a proportionate part of the annual costs incurred for the storage, insurance and maintenance of the balloon and that any prizes gained do not exceed the value specified by the competent authority;
3. introductory flights with four individuals or less, including the pilot, and flights for the purposes of parachute dropping, performed either by a training organisation referred to in Article 10a of Regulation (EU) No [1178/2011](#) that has its principal place of business in a Member State, or by an organisation created for the purposes of promoting aerial sport or leisure aviation, provided that the organisation operates the balloon on the basis of either ownership or a dry lease agreement and provided that the flight does not generate profits distributed outside the organisation and that such flights represent only a marginal activity of the organisation;
4. training flights performed by a training organisation referred to in Article 10a of Regulation (EU) No [1178/2011](#) that has its principal place of business in a Member State.

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

ED Decision 2018/004/R

Direct costs

'Direct cost' means the cost directly incurred in relation to a flight, e.g. fuel costs of the balloon and the retrieve vehicle directly incurred in relation to a flight, take-off and landing fees, and rental fee for a balloon. There is no element of profit or salary for the pilot.

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

ED Decision 2018/004/R

Annual costs

'Annual cost' means the cost of the balloon over a period of one calendar year. There is no element of profit or salary for the pilot.

GM1 Article 3(2)(c) Air operations

ED Decision 2018/004/R

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' means a 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. The organisation should have balloons available.

GM2 Article 3(2)(c) Air operations

ED Decision 2018/004/R

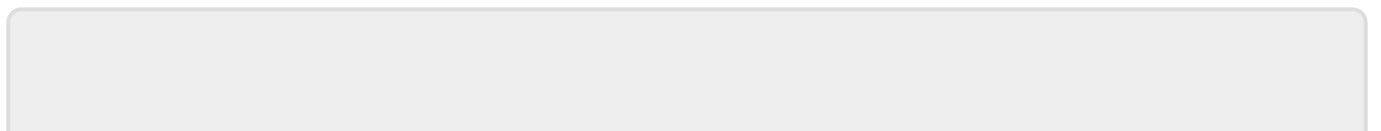
Marginal activity

The term 'marginal activity' should be understood as representing 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 a 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.

→ [Article 3a Pilot licences and medical certification](#)

¹⁾

Commission Regulation (EU) No 748/2012 of 3 August 2012 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 organisations (OJ L 224, 21.8.2012, p. 1).



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