

Easy Access Rules for Balloons

Chapter 1 — Air operations and Licensing

COVER REGULATION

Regulation (EU) 2018/395

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/EC¹⁾, and in particular Article 8(5) thereof,

Whereas:

1. The Commission is to adopt the necessary implementing rules for establishing the conditions for the safe operation of balloons in accordance with [Regulation \(EC\) No 216/2008](#), where such aircraft meet the conditions specified in points (b) and (c) of Article 4(1) of that Regulation.
2. In light of the specific nature of operations with balloons, there is a need for dedicated operational rules, laid down in a self-standing Regulation. Those rules should be based on the general rules for air operations laid down in [Commission Regulation \(EU\) No 965/2012](#)²⁾, but they should be restructured and simplified, so as to ensure that they are proportionate and founded on a risk-based approach, whilst ensuring that balloon operations are carried out safely.
3. The specific rules for air operations with balloons should not extend, however, to the requirements in respect of oversight of air operations by the competent authorities of the Member States, as those requirements are not specific to any particular air operation activity but apply horizontally in respect of all such activities. As regards oversight, the requirements laid down in Article 3 of [Commission Regulation \(EU\) No 965/2012](#) and Annex II to that Regulation should therefore continue to apply also with respect to air operations with balloons.
4. In the interest of safety and with a view to ensuring compliance with the essential requirements laid down in Annex IV to [Regulation \(EC\) No 216/2008](#), all operators of balloons covered by this Regulation, with the exception of design or production organisations performing certain operations, shall be subject to a set of basic requirements.
5. In order to provide additional protection for balloon passengers, provision should be made for certain additional requirements for operators engaged in commercial operations with balloons which should apply in addition to the basic requirements.
6. Those additional requirements should take account of the less complex nature of commercial operations with balloons as compared to other forms of commercial aviation, be proportionate and founded on a risk-based approach. Therefore, it is appropriate to replace the requirement of a certificate for commercial operations set out in Article 8(2) of [Regulation \(EC\) No 216/2008](#) by a requirement to make a prior declaration to the competent authority and to lay down the detailed rules for making such declarations as well as certain other additional requirements.
7. However, considering the comparatively low level of complexity and in light of a risk-based approach, operators engaged in certain commercial operations with balloons should be exempted from the requirement of certification and from those additional requirements, including the requirement of making a prior declaration. They should instead only be subject to

the basic requirements set out in this Regulation which apply to all air operations with balloons covered by this Regulation.

8. In order to ensure a smooth transition and to avoid as much as possible any disruptions when introducing the new, specific regime for balloon operations laid down in this Regulation, any certificates, authorisations and approvals issued to operators of balloons in accordance with the rules applicable prior to the date of application of this Regulation should continue to be valid and be deemed to constitute a declaration made in accordance with this Regulation for a limited time period. After the expiry of that time period, all operators engaged in commercial operations with balloons should make a declaration in accordance with the provisions of this Regulation.
9. In order to ensure a smooth transition and to give all parties concerned sufficient time to prepare for the application of that new regime, this Regulation should only apply from an appropriate later date.
10. The Agency prepared draft implementing rules and submitted them as an opinion³⁾ to the Commission in accordance with point (b) of Article 17(2) and Article 19(1) of [Regulation \(EC\) No 216/2008](#).
11. 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](#),

HAS ADOPTED THIS REGULATION:

[Article 1 Subject matter and scope](#)

¹⁾

OJ L 79, 19.3.2008, 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.

From:

<https://www.balloonwiki.org/luftrecht/> - **Ballaeron - wo steht das?**

Permanent link:

<https://www.balloonwiki.org/luftrecht/doku.php/en/chapter1/cover-regulation>

Last update: **2023/09/04 11:19**

