

ML.A.403 Aircraft defects

Regulation (EU) 2019/1383

1. Any aircraft defect that seriously endangers the flight safety shall be rectified before further flight.
2. The following persons may decide that a defect does not seriously endanger flight safety, and may defer it accordingly:
 1. the pilot in respect of defects affecting non-required aircraft equipment;
 2. the pilot, when using the minimum equipment list, in respect of defects affecting required aircraft equipment — otherwise, these defects may only be deferred by authorised certifying staff;
 3. the pilot in respect of defects other than those referred to in points (b)(1) and (b)(2) if all the following conditions are met:
 1. the aircraft is operated under Annex VII to Regulation(EU) No 965/2012 (Part-NCO) or, in the case of balloons or sailplanes, not operated under Subpart-ADD of Annex II (Part-BOP) to Regulation (EU) 2018/395 or not following Subpart DEC of Annex II (Part-SAO) to Regulation (EU) 2018/1976;
 2. the pilot defers the defect with the agreement of the aircraft owner or, if applicable, of the contracted CAMO or CAO;
 3. the appropriately qualified certifying staff in respect of other defects than those referred to in points (b)(1) and (b)(2), where the conditions referred to in point 3(i) and (ii) are not met.
4. Any aircraft defect that does not seriously hazard flight safety shall be rectified as soon as practicable from the date on which the defect was first identified and within the limits specified in the maintenance data.
5. Any defect not rectified before flight shall be recorded in the aircraft continuing airworthiness record system referred to in point [ML.A.305](#) and a record shall be available to the pilot.

AMC1 ML.A.403 Aircraft defects

ED Decision 2020/002/R

Aircraft equipment should be declared to be defective if the pilot observed a malfunction during the flight, or if considered as faulty after inspection/test referred to in the maintenance data. This does not prevent the pilot from recording observations and comments on the performance of the aircraft equipment where this is not considered to constitute a defect.

GM1 ML.A.403 Aircraft defects

ED Decision 2020/002/R

If appropriate certifying staff is readily available for consultation, the pilot should consider consultation with them before deferring any defect.

For balloons not operated under Subpart-ADD, sailplanes not operated under Subpart-DEC, or other

aircraft operated under Part-NCO, the pilot may defer required equipment, regardless of whether or not a CAMO or CAO is contracted. However, if doing so, he or she has the obligation to receive the agreement of the owner, or the contracted CAMO or CAO.

The term 'required' refers to equipment that is required by the applicable airworthiness code (certification specification) or required by the relevant regulations for air operations or the applicable rules of the air or as required by air traffic management (e.g. a transponder in certain controlled airspace).

AMC1 ML.A.403(d) Aircraft defects

ED Decision 2020/002/R

All deferred defects should be made known to the pilot/flight crew, whenever possible, prior to their arrival at the aircraft.

Deferred defects should be listed on the current list of deferred maintenance (ML.A.305(d)(6)) and rectified at the next appropriate maintenance event and within the limit specified in the maintenance data. Any deferred defect that is not rectified during the next maintenance event, should be re-entered on the list of deferred maintenance and the original date of the defect should be retained.

→ [ML.A.501](#)

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