

CIVIL AVIATION DIRECTORATE

Airworthiness Inspectorate

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Transport Malta

Information and Advisory Notice No. 05

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Part-21 Permit to Fly

This notice is being issued to guide the aircraft operators and owners of Maltese registered aircraft on the application for a Permit to Fly for aircraft covered by (EC) No 216/2008. This notice is also based on information currently available on the EASA website.

Legislation

Commission Regulation ([EU No 748/2012](#)) entered into force on 3rd August 2012. This regulation contains the replacement of Subpart P – Permit to Fly in Part-21. Permits to Fly shall be issued in accordance with this Subpart.

Commission Regulation (EC) No 127/2010 entered into force on 25th February 2010 and amended ([EC No 2042/2003](#)). The Annex to this amending regulation contains amendment to Annex I Part-M. to include new CAMO privileges to issue Permits to Fly.

Aircraft affected

Aircraft excluded by the Annex II of the [Basic Regulation \(EC\) No 216/2008](#), or by its Article 1.2 (products engaged in military, customs, police or similar services) are not affected. All other EASA aircraft to which Regulation 216/2008 applies are affected.

Scope

A Permit to Fly is generally issued when a certificate of airworthiness is temporarily invalid, for example as the result of damage, or when a certificate of airworthiness cannot be issued for instance when the aircraft does not comply with the essential requirements for airworthiness or when compliance with those requirements has not yet been shown, but the aircraft is nevertheless capable of performing a safe flight, as outlined in Part 21.A.701(a).

An EASA Permit to Fly shall be issued where it can be shown that the aircraft is capable of safe flight under defined conditions and for specific purposes as outlined in Part 21 Subpart P.

Note: Flight checks required by the manufacturers maintenance data following normal maintenance actions in compliance with the continuing airworthiness requirements referred to in 21.A.181(a)1 do not require an EASA Permit to Fly.

Operational Requirements

An EASA Permit to Fly issued under EU regulations is valid in all EU member states, however national operational requirements remain applicable. Any person conducting a flight in an aircraft operating on a Permit to Fly must ensure that they comply with any operational requirements applicable to such aircraft for the airspace they are using (if any).

Cases where EASA or appropriately approved DOA is involved:

1. the aircraft does not conform to an approved design; or
2. an Airworthiness Limitation, a Certification Maintenance Requirement or an Airworthiness Directive has not been complied with; or
3. the intended flight(s) are outside the approved envelope.

Cases where EASA is not involved:

1. production flight testing for the purpose of conformity establishment;
2. delivery/export flight of a new aircraft the design of which is approved;
3. demonstrating continuing conformity with the standard previously accepted by the Agency for the aircraft or type of aircraft to qualify or re-qualify for a (restricted -) certificate of airworthiness (e.g. for performance of test flights associated with implementation on individual aircraft of approved changes to the type design).

In such cases, when the approval of the flight conditions is not related to the safety of the design, the flight conditions shall be approved in accordance with 21.A.710 (b).

Procedure for application

Aircraft owners or operators may apply for an Part-21 Permit to Fly using the EASA Form 21. This can be downloaded from the Transport Malta website <http://www.transport.gov.mt> or requested from the Airworthiness Inspectorate. All parts of the form must be completed. The application may be submitted by the owner or operator representative/postholder. Applications from CAMO's Aircraft Maintenance Organisations and Design Organisations on behalf of the owner or operator are also accepted.

It should be noted that the more common Permit to Fly applications (eg ferry flights for maintenance work, flight test as part of compliance demonstration etc) do affect safety of design and must be approved by EASA, or an appropriately approved DOA.

The applicant must establish that the purpose of the flight(s) meets Part 21.A.701 criteria and then determine if the associated flight conditions are related to the safety of the design. If there is any doubt in any particular case whether or not the flight conditions are related to safety of design, the applicant should consult with EASA and/or TM-CAD before making the application.

Approval of Flight Conditions

In the case where EASA, DOA or appropriately approved CAMO is involved the EASA Form 21 shall be accompanied by a EASA Form 18b with approved flight conditions.

NOTE

In the event that the EASA approval of the flight conditions is required the applicant must apply to EASA using EASA Form 37 and EASA Form 18b. Full details of the application procedure may be found on: http://www.easa.eu.int/home/c_permittofly.html.

Form 37 includes EASA Form 18b as an annex.

The approved flight conditions is evidenced by a signed and stamped Form 18 by EASA.

Flight conditions can also be approved by an appropriately approved DOA.

In case where EASA or DOA or appropriately approved CAMO is not involved when approval of the flight conditions is not related to the safety of design, the flight conditions have to be approved by TM CAD.

The Airworthiness Inspectorate will either approve the flight conditions or else will issue or add flight conditions based upon Part-21.A.708, 21.A.710(c) and National Regulations.

The flight conditions approved for the particular case include definition of the applicable maintenance and configuration provisions of the aircraft issued with a Permit to Fly. These applicable continuing airworthiness provision have to be ensured.

Issue of Permit to Fly

The TM CAD shall issue a Permit to Fly on EASA Form 20a when it is satisfied that the conditions and procedures are met or are in place.

The DOA or appropriately approved CAMO (in accordance with Part-21.A.711(d) and Part-21.A.711(c) and approved CAME procedures when the flight conditions referred to in Part- 21.A.708 have been approved in accordance with Part-21.A.710) may also issue the Permit to Fly on EASA Form 20b.

For permits issued by appropriately approved CAMO or DOA, a copy of the Permit to Fly and associated flight conditions shall be submitted to TM-CAD at the earliest opportunity but not later than 3 days.

Upon evidence that any of the conditions specified in Part-21.A.723(a) are not met for a permit to fly that an organisation has issued, that organisation shall immediately revoke that permit to fly and inform without delay the competent authority.

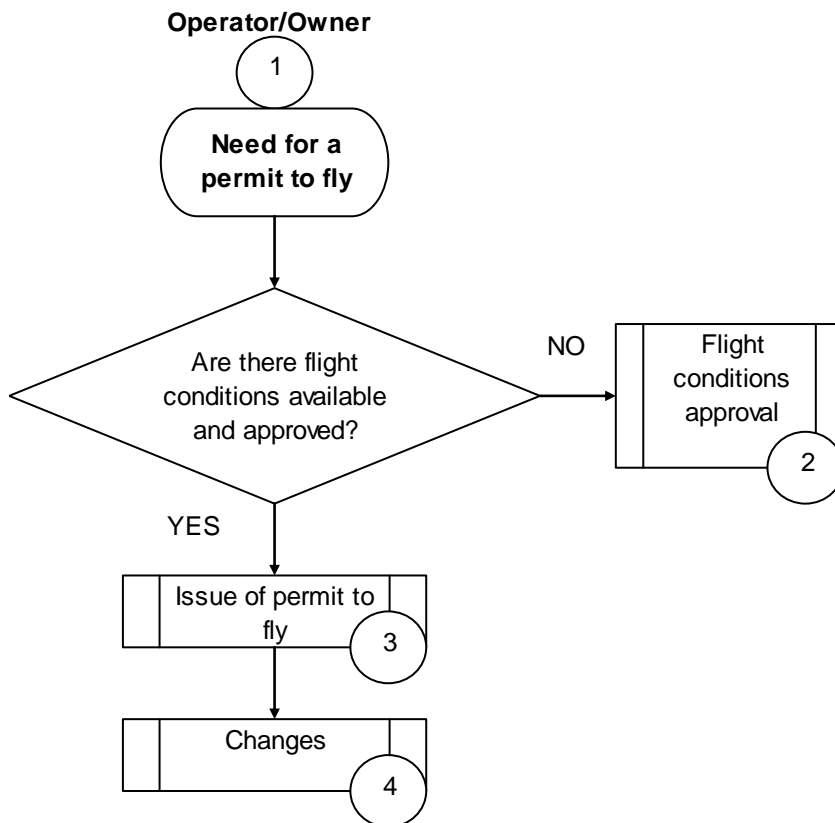
TM-CAD may specify additional requirements in issuing Permits, where considered necessary.

The permit may contain other conditions and limitations under which the flight(s) may be made.

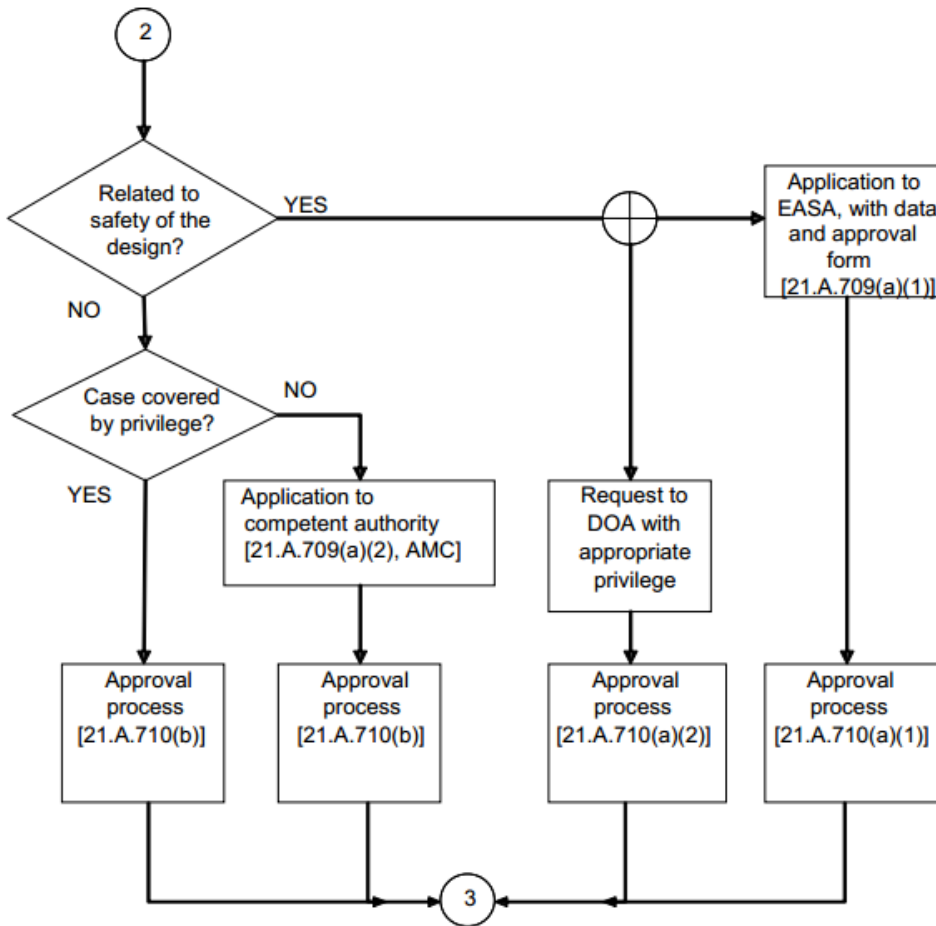
Upon request of TM-CAD and as per Part-21.A.721 the applicant shall provide access to the aircraft concerned.

Application Flow Charts:

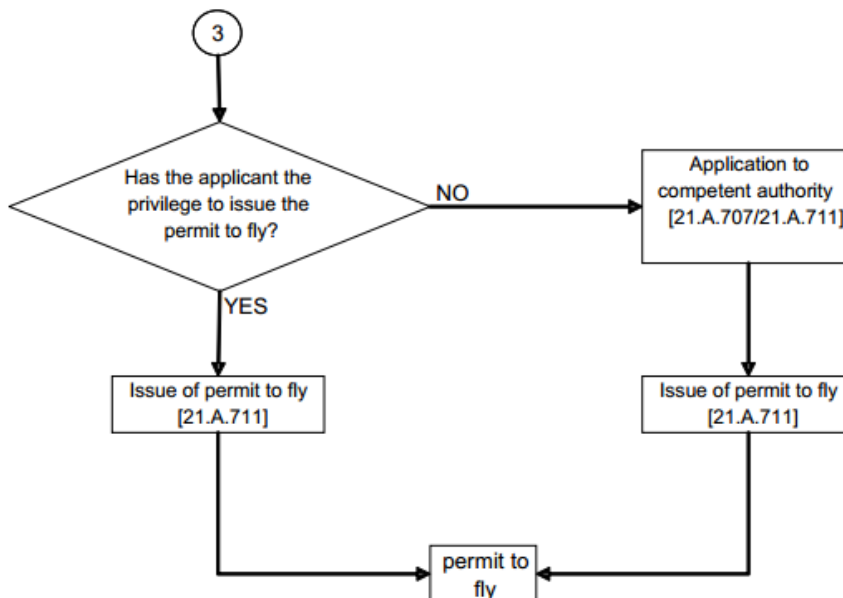
Flow-chart 1: overview



Flow-chart 2: approval of flight conditions



Flow-chart 3: Issue of Permit to fly:



Flow-chart 4: Changes after first issue of permit to fly:

