

Guidance for EASA Permit to Fly Procedures

Reference Documents (EC) No 216/2008, (EC) No 748/2012, (EC) No 1321/2014, as amended

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

By derogation of the rules for the issuance of Certificate of Airworthiness as per (EC) 1592 article 5 (3) (a), (EC) 1702/03 Annex (Part 21) Subpart P allows the issuance of a Permit to Fly (PtF) when a Certificate of Airworthiness is temporarily invalid, provided that the flight conditions are approved and the subject Aircraft is capable of performing a safe flight.

Reference to above from 28th March 2007, the flight conditions related to the safety of design must be approved by EASA, while those non-related to safety of design may be approved by National Authority.

Continuous Airworthiness Management Exposition (CAME)

PART-4B PERMIT TO FLY PROCEDURES

4B.1 Conformity with approved flight conditions

This procedure should indicate how conformity with approved flight conditions is established, documented and attested by an authorised person.

The permit to fly can only be issued when approval of the flight conditions as set out in 21A.710 has been obtained and, as applicable, when any maintenance action defined in the approved flight conditions has been carried out and certified for the aircraft under consideration. A Permit to Fly may only be issued when it has been established that the aircraft conforms with the approved flight condition and is in a condition for safe operation.

Where the CAMO is acting on behalf of the owner/operator and applies to CAA, EASA or an approved design organisation, as applicable for the approval of flight conditions, the CAMO should establish procedures for determining the flight conditions that should be submitted for approval.

When approval of the flight conditions is related to the safety of the design, the flight conditions shall be approved by: the CA; or an appropriately approved design organisation, under the privilege of point 21.A.263(c)(6).

1. The approval of flight conditions is related to the safety of the design, when:

- the aircraft does not conform to an approved design; or
- an Airworthiness Limitation, a Certification Maintenance Requirement or an Airworthiness Directive has not been complied with; or
- the intended flight(s) are outside the approved envelope;
- the permit to fly is issued for the purpose of 21.A.701(a)(15).

Where the proposed flight conditions are not related to the safety of design, the application for approval can be sent to CA, along with the completed application form. The CAMO should add any additional flight conditions that are considered necessary for the safe operation of the aircraft to the application.

When approval of the flight conditions is not related to the safety of the design, the flight conditions shall be approved by the competent authority, or the appropriately approved CAMO that will also issue the permit to fly.

2 The approval of flight conditions is not related to the safety of the design are:

- production flight testing for the purpose of conformity establishment;
- delivery / export flight of a new aircraft the design of which is approved;
- demonstrating continuing conformity with the standard previously accepted by the CAA for the aircraft or type of aircraft to qualify or re-qualify for a (restricted) certificate of airworthiness.

The CAMO should establish procedures by which it can ensure and demonstrate that any maintenance required has been completed prior to the issue of the Permit to Fly.

4B.2 Issue of the permit to fly under the CAMO privilege

The procedure should describe the process to prepare the Form 20b (See Appendix IV to Part 21) and how compliance with 21A.711(d) and (e) is established before signature of the permit to fly. It should also describe how the organisation ensures compliance with 21A.711(g) for the revocation of the permit to fly.

The procedure should describe how to complete the Form 20b, including how the CAMO records and identifies the permits that it issues.

Before the Permit can be issued the CAMO must verify the following: an application has been made, the flight conditions are approved, that the aircraft conforms with the approved flight conditions and that any required maintenance has been completed and certified (as per 4B.1 above).

Details of the method by which the Permit to Fly is delivered/transmitted to the aircraft location should be included. Should it become evident that the approved flight conditions have not been complied with, the CAMO who issued the Permit, shall revoke it immediately and inform CAA (21A.711(g)).

4B.3 Permit to fly authorised signatories

The person(s) authorised to sign the permit to fly under the privilege of M.A.711(c) should be identified by name, signature and scope of authority in the procedure. Only those individuals who are current Airworthiness Review Staff can be authorised as a Permit to Fly signatory.

This paragraph, or reference to the relevant section in the CAME, should establish the working procedures for the assessment of the staff who will be completing and issuing Permits to Fly – ref M.A.707. The assessment should address training requirements. A description shall be given regarding the issuance of authorisations for the staff and reference as to how records are kept and maintained.

4B.4 Interface with the local authority for the flight

The procedure must include provisions describing the communication with the local authority for compliance with the local requirements which are outside the scope of the conditions of 21A.708(b) (see 21A.711(d)).

4B.5 Permit to fly records, responsibilities, retention and access

This paragraph should describe how records are kept, the periods of record keeping, location where the records are being stored, access to the records and responsibilities.

The method for providing a copy of any Permit issued by the CAMO to CAA within 3 days of its date of issue shall also be specified in this section of the CAME

Flight conditions approval and consequently a Permit to Fly may be issued by:

(i) Agency:

Agency approves the flight conditions in cases related to the safety of the design, defined as follows:

1. The Aircraft does not conform to an approved design or
2. The Airworthiness Limitations, a Certification Maintenance requirement or an AD has not been complied with, or
3. The intended flight(s) are outside the approved envelope.

(ii) CA:

The Agency is not involved when the Approval of flight conditions is not related to the safety of the design, where the Competent Authority of the M.S. or Registry, or of the M.S. prescribing the identification marks approves the flight conditions and issues the Permit to Fly. Examples of such conditions are:

1. Production flight testing for the purpose of conformity establishment.
2. Delivery/export flight of a new A/C the design of which is approved.

3. Demonstrating continuing conformity with the standard previously accepted by the Agency for the A/C or type of A/C to qualify or re-qualify for a (restricted) certificate of Airworthiness.

(iii) DOA/POA:

In accordance with new regulations appropriately approved Organizations (DOA/POA) may approve the Flight Conditions and issue a Permit to Fly under certain conditions, related to their privileges as been approved by Agency and/or National Authority, and in the specific form as defined and created by EASA.

It is confirmed that the rules related to permit to fly (ptf) do not apply to aircraft registered outside the member states and for the aircraft excluded by the annex ii of the basic regulation 216/2008 or by its article 1.2.

Scope (21A.701) The cases for which a PtF can be issued are the following:

Permits to fly shall be issued to aircraft that do not meet, or have not been shown to meet, Applicable airworthiness requirements but are capable of safe flight under defined conditions and for the following purposes:

Development;

Showing compliance with regulations or certification specifications;

Design organizations or production organizations crew training;

Production flight testing of new production aircraft;

Flying aircraft under production between production facilities;

Flying the aircraft for customer acceptance;

Delivering or exporting the new aircraft provided that design is approved (Issued by CA);

Delivering or exporting a used aircraft (Issued by CA);

Flying the aircraft for Authority acceptance (Issued by CA);

Market survey, including customer's crew training;

Exhibition and air show;

Flying the aircraft to a location where maintenance or airworthiness review are to be performed, or to a place of storage (Issued by CA);

Flying an aircraft at a weight in excess of its maximum certificated take off weight for flight beyond the normal range over water, or over land areas where adequate landing facilities or appropriate fuel is not available;

Record breaking, air racing or similar competition;

Flying aircraft meeting the applicable airworthiness requirements before conformity to the environmental requirements has been found;

For non-commercial flying activity on individual non-complex aircraft or types for which a certificate of airworthiness or restricted certificate of airworthiness is not appropriate.

Flights necessary for the issue or re-validation of a Certificate of Airworthiness of an already approved design (Issued by CA).

Eligibility (21A.703) - Any natural or legal person shall be eligible as an applicant for a permit to fly except for a permit to fly requested for the purpose of 21A.701(a)(15), where the applicant shall be the Owner.

Application for Permit to Fly (21A.707)

a) An application for a permit to Fly shall be made to the CA using the EASA Form 21

when approval of flight conditions is not related to safety of design.

b) Application for a Permit to Fly shall be made by:

The owner and/or Operator's nominated post holder for Continuing Airworthiness Management Organization.

c) Application for Permit to Fly due to aircraft defect(s) or damage(s) during operation shall be made by the owner and/or operator's nominated post holder for Continuing Airworthiness Management.

NOTE: In this case all parts of the form must be completed.

d) Each application for a permit to fly shall include:

The purpose(s) of the flight(s) in accordance with "B" above.

The description of the aircraft configuration.

The ways in which the aircraft does not comply with the appropriate airworthiness requirements.

When available, the conditions under which the flight is requested, as defined in item "E".

e) When approval of the flight conditions is related to the safety of the design the application shall be made to Agency in a form and manner established by the Agency.

Establishment of Flight Conditions (21A.708)

The Applicant shall establish and document as appropriate:

The configuration (s) for which the permit to fly is requested

Any conditions or restrictions necessary for safe operation of the aircraft, including:

The conditions or restrictions put on itineraries or airspace, or both required for the flight.

The conditions and restrictions put on the flight crew and its qualification, to fly the aircraft.

The restrictions regarding carriage of persons other than cockpit crew.

The operating limitations.

The test flight form and programme (IF APPLICABLE).

The specific continuing airworthiness arrangements including maintenance instructions.

The substantiation that the aircraft is capable of safe flight under the conditions and restrictions of paragraph (2) above.

The method used for the control of A/C configuration, in order to remain within the established conditions.

Evaluation Procedure to Issue a Permit to Fly (PtF) (21A.707, 21A.709)

Designated CA Airworthiness inspectors, supported by Flight OPS Inspectors when required may specify additional Inspections and/or tests where considered necessary.

The Inspections and tests, shall include but are not limited to the following:

(i) All applicable AD's must be complied with or otherwise Authority shall be notified.

NOTE: In this case the flight conditions must be approved by "AGENCY".

(ii) Any applicable OPEN Airworthiness item must be notified to Authority.

NOTE: As above.

(iii) Aircraft physical inspection, and system(s) test (if required) must be done.

(iv) Survey of the records may be carried out to verify the maintenance status of the aircraft prior to issue a Permit to Fly.

(v) Determination and applicable analysis of necessary conditions, restrictions and/or deviation from applicable certification specification under which the permit to fly can be performed safely shall be taken into account.

(vi) Evaluation of the documentation received with application as required by regulations

- (vii) Evaluation of the eligibility of the applicant.
- (viii) Evaluation of the eligibility of the application.
- (ix) Applicable insurance Certificate must be valid

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

Approval of Flight Conditions (21A.709/710)

The Approval of the flight conditions in relation to item “A” above shall be approved by the Agency or appropriate approved design Organization as per 21A.263(c)(6) when it is related to the safety of the design.

When the approval of flight conditions is not related to the safety of the design it shall be issued by the CA or the appropriately approved Organization that will also issue the Permit to Fly (PtF).

The application for approval of the flight conditions shall include:

Proposed flight conditions.

Appropriate Documentation supporting these conditions and

A Flight release Certificate” FRC “ shall be issued stated that the Aircraft is capable of safe flight under the conditions and/or restrictions of paragraph E(2) (21A.708) above.

The F.R.C. shall be issued only by on of the following:

- a) By appropriate approved EASA Part 145 organization.
- b) By a holder of a valid and appropriate Authorization issued by an Approved Part 145 or Part 21 Organization.
- c) A person Authorized/approved by CA.

Reference to item (b) above the person(s) which authorized to issue the FRC must be approved by Part 145 Organisation In compliance with related procedures which will be established by Organisation and approved by the Authority

The validity of the FRC shall not exceed 14 days.

If the Airworthiness Condition of the Aircraft is changed during the period of validity the FRC shall be re-issued.

Any maintenance performed on subject Aircraft whilst operating under such PtF will require the issue of a CRS in compliance with (EC) 2042 (Part M, Part 145 or Part 21A.163) or appropriate.

Issue of Permit to Fly (21A.711) - The Competent Authority shall, as applicable, issue or amend a permit to fly (EASA Form 20) without undue delay when it is satisfied that the applicable requirements are met (reference "E", "F") and if they are related to deviations from the Maintenance programme not being part of the Airworthiness Limitations.

The Permit to Fly shall specify the purpose(s) and any condition and/or restrictions approved under 21A.710 item " G "above

NOTE (1): In other cases the conditions shall be approved by the Agency or by a DOA under the privilege granted by the Agency, excluding the cases which can be pre-approved by the Agency, where Competent Authority will be able to issue the PtF without a specific approval of the Flight Conditions by the Agency.

NOTE (2): EASA Forms 20b and 55 shall be used by DOA & POA respectively and must be submitted to CA.

Duration and Continued Validity (21A.723)

A Permit to Fly (EASA Form 20a) issued by CA shall remain valid only for the specific flight and/or serious of trips up to the final destination and may be amended accordingly related to FRC validity.

Changes (21A.713) - Any change related to invalidation of flight conditions or associated substantiation established For the permit to fly shall be approved in accordance with 21A.710 item "G " above.

Revocation of Permit to Fly

- a) Upon evidence that any of the conditions specified above is not met the Competent Authority shall revoke a permit to fly.
- b) Upon issuance of the notice of revocation of a permit to fly the Competent Authority shall state the reasons for the revocation and inform the holder of the permit on its right to appeal.

Records Keeping

All records and approvals related to (PtF) issuance must be kept in a separate folder at the disposal of the Agency and CA in order to ensure the continued Airworthiness of the Aircraft.

A complete set of documentation related to PtF issuance shall be retained by CA.