

# New Basic Regulation (EU) 2018/1139

## EASA takes on new responsibilities

This new mandate consolidates EASA's scope to cover the full spectrum of the aviation landscape and with the possibility for EASA and European Member States to work closer together in a flexible way.

Bjørn Erling Hanssen  
Flyteknisk inspektør  
[beh@caa.no](mailto:beh@caa.no)

## Basic Regulation (EU) 2018/1139

The regulation enlarges the Agency's role in areas such as in environmental protection, research and development, or international cooperation. The new mandate also gives EASA a coordinating role in cybersecurity in aviation.

Patrick Ky, EASA Executive Director said:

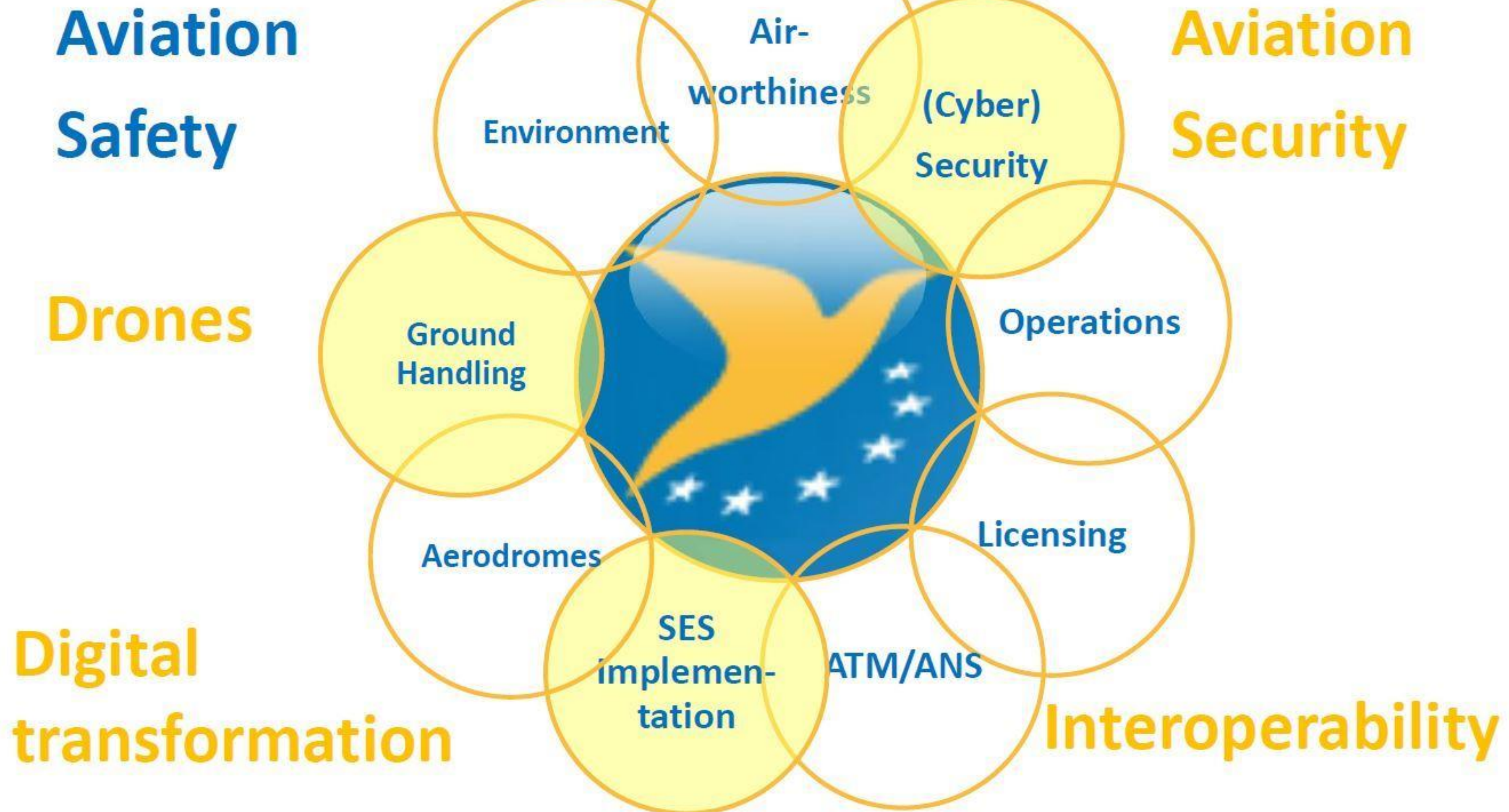
**“In a sector facing unprecedented technological transformation, it was important to provide EASA with the proper tools and legal foundation to support the development of the aviation industry in particular in domains like drones and digitalization.”**





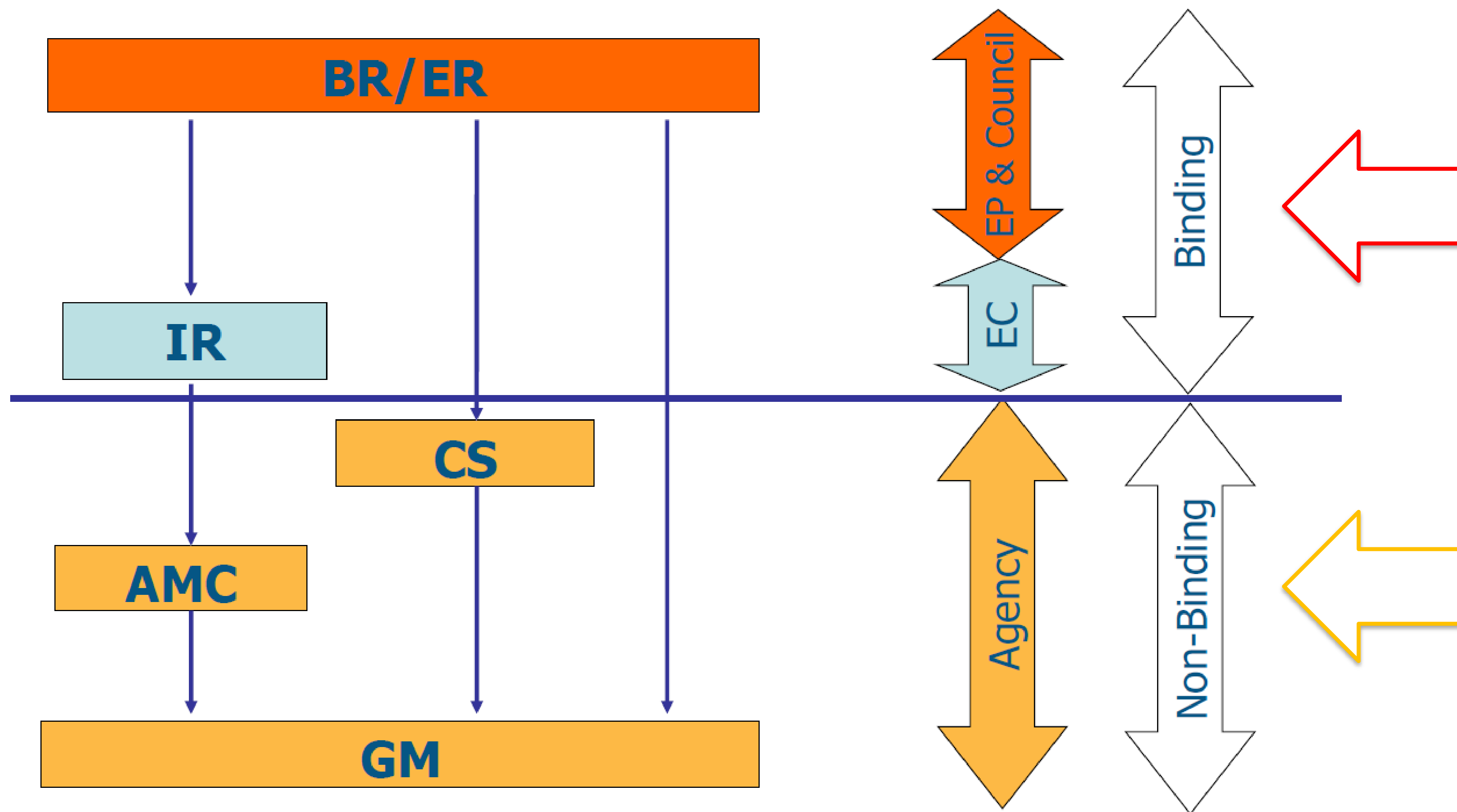
# EASA Basic Regulation (BR)

After





## Basic Regulation (EU) 2018/1139 EASA Regulatory framework



# New BR Safeguard and Flexibility provisions update

- **Transition 216/2008 to 2018/1139**
  - Entry into Force
  - Article validity
- **2018/1139 Safeguard and Flexibility provisions, Legal basis**
  - Safeguard provisions: Article 70 (ex-Art14(1))
  - Exemptions: Article 71(1)&71(2) (ex-Art14(4))
  - Proposals: Article 71(3) (not equivalent to ex-Art14(6))
  - FTL: Article 76(7) (ex-Art 22)
- **Implementation**
  - Temporary : Sept 11 to 01 Jan 2019
  - Pre-Repository: as of 01 Jan 2019
  - Repository Article 74



Luftfartstilsynet  
CIVIL AVIATION AUTHORITY - NORWAY

## Transition to NBR (EU and EFTA)

### ➤ Entry into Force:

- EU MSs: 11 September 2018.
- Switzerland: TBC. Maybe summer 2019 or after Feb 2020 pending Joint Committee decision (December of each year).
- Iceland, Liechtenstein, Norway: TBC, second half of 2019.

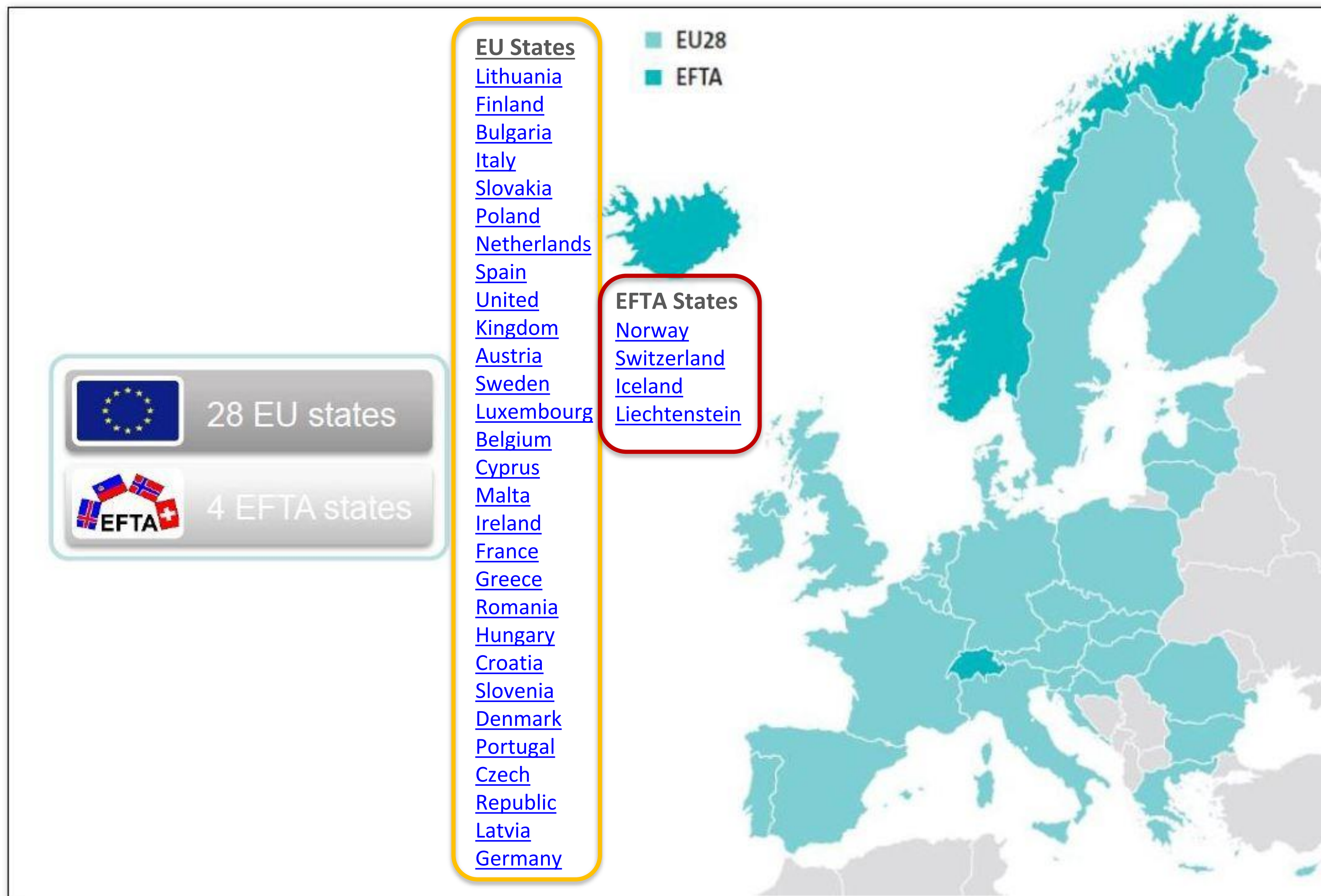
Consequence: two systems to be kept running until full adoption of Regulation (EU) 2018/1139.





Luftfartstilsynet  
CIVIL AVIATION AUTHORITY - NORWAY

## Basic Regulation (EU) 2018/1139 EU and EFTA countries







Luftfartstilsynet  
CIVIL AVIATION AUTHORITY - NORWAY

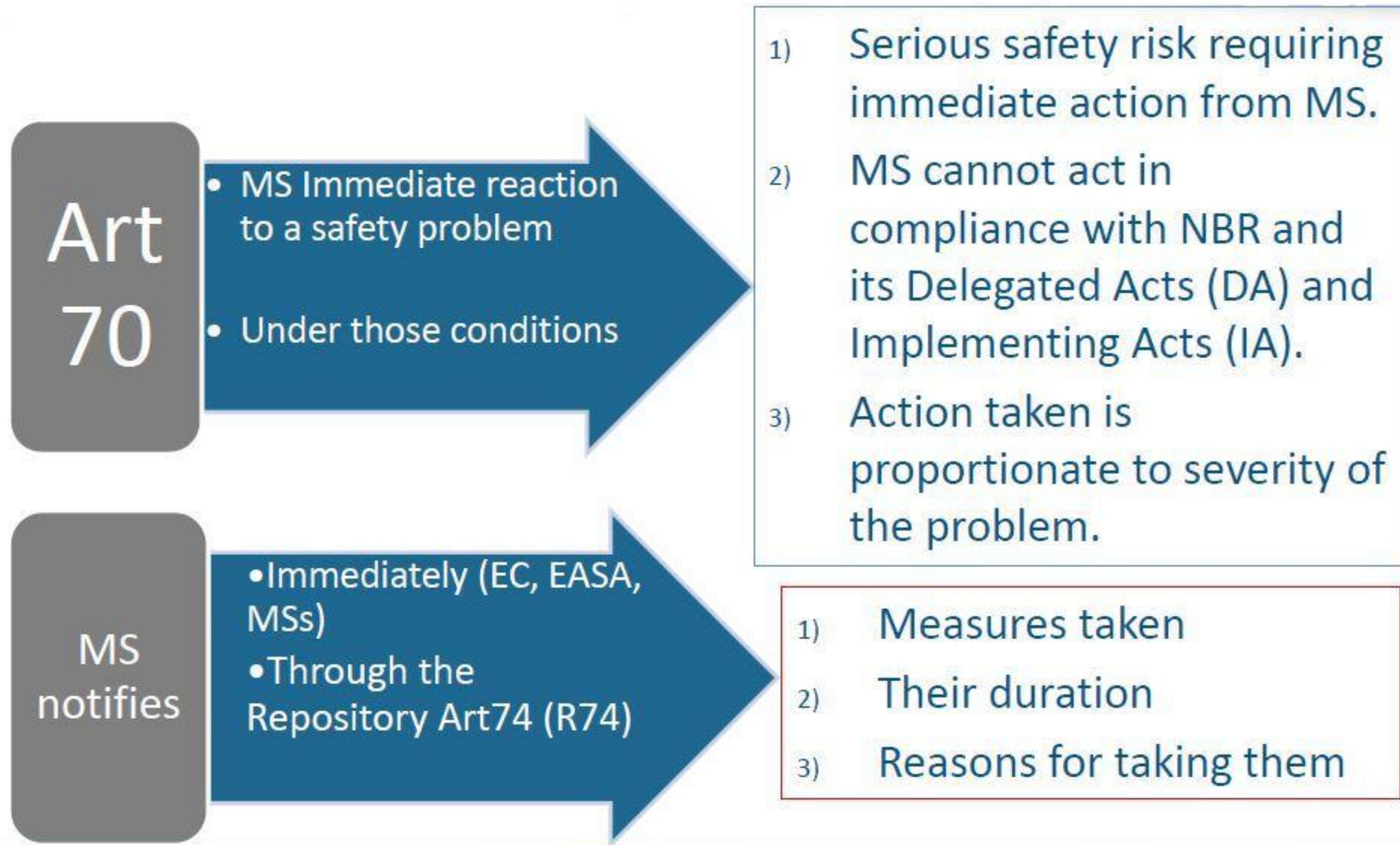
## Transition to NBR (EU):

- Transition 216/2008 to 2018/1139
  - Entry into Force
  - Article validity
- **2018/1139 Safeguard and Flexibility provisions, Legal basis**
  - Safeguard provisions: Article 70 (ex-Art14(1))
  - Exemptions: Article 71(1)&71(2) (ex-Art14(4))
  - Proposals: Article 71(3) (not equivalent to ex-Art14(6))
  - FTL: Article 76(7) (ex-Art 22)
- Implementation
  - Temporary : Sept 11 to 01 Jan 2019
  - Pre-Repository: as of 01 Jan 2019
  - Repository Article 74





## Art 70 Safeguard provisions (Ex 14.1)







## Art 71(1)/(2) Flexibility provisions: exemptions (Ex 14.4)

### Art 71(1)(2)

- MS may grant an exemption from Requirements other than NBR' Essential Requirements because of:
- unforeseeable circumstances or urgent operational needs
- Under those conditions

- 1) Cannot be addressed in compliance with requirements
- 2) Safety, environmental protection and compliance with essential requirements are ensured (through mitigation measures if needed)
- 3) MS has mitigated possible created market distortion
- 4) Exemption is limited in scope and duration (strictly necessary) and applied in a non-discriminatory manner).

### MS notifies

- Immediately (EC, EASA, MSs)
- Through the Repository Art74 (R74)

- 1) Exemption granted
- 2) Its duration
- 3) Reasons for granting it
- 4) Mitigation measures applied





Luftfartstilsynet  
CIVIL AVIATION AUTHORITY - NORWAY

# Scope

- Transition 216/2008 to 2018/1139
  - Entry into Force
  - Article validity
- 2018/1139 Safeguard and Flexibility provisions, Legal basis
  - Safeguard provisions: Article 70 (ex\_Art14(1))
  - Exemptions: Article 71(1)&71(2) (ex\_Art14(4))
  - Proposals: Article 71(3) (not equivalent to ex\_Art14(6))
  - FTL: Article 76(7) (ex-Art 22)
- **Implementation**
  - Temporary : Sept 11 to 01 Jan 2019
  - Pre-Repository: as of 01 Jan 2019
  - Repository Article 74



# Flexible and performance based system

Risk based elements reinforced

Promoting proportionate, performance based rules

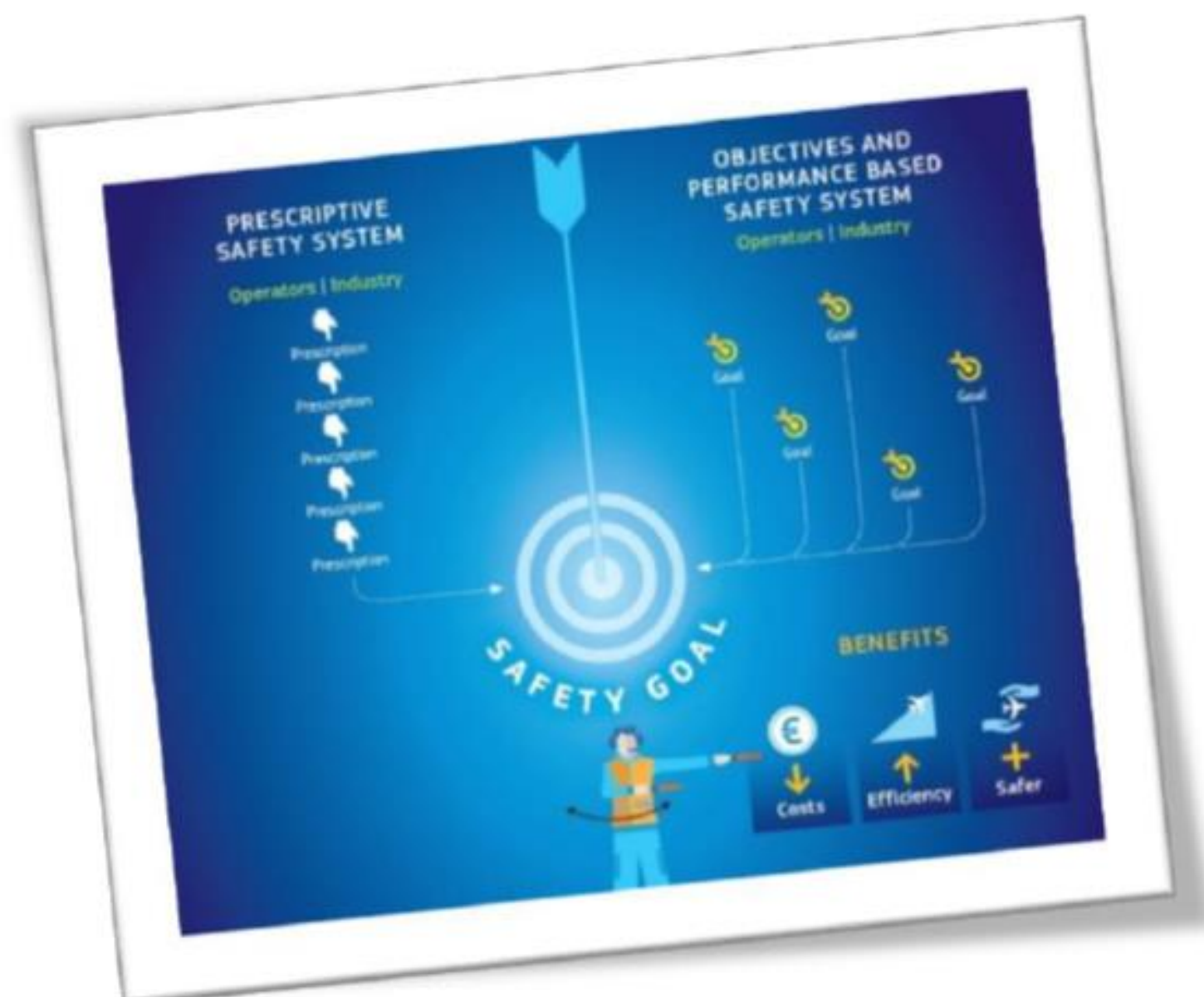
Additional flexibility for regulating GA

Safety plan for Europe and national safety plans

Opt-in for aircraft manufacturers

Opt-in for 'state aircraft'

Opt-out for micro-lights





## Airworthiness (Chapter III, Section I)

- Section I of Chapter III applies to manned aircraft only
- Design of products;
- Design of 'non-installed equipment' and design of parts;
- Organisations;
- Individual aircraft;

## New EASA competences (Article 77)

- Competent authority for:
  - ✓ Certificates and declarations concerning design of non-installed equipment;
  - ✓ Declarations concerning design of parts and products;
  - ✓ Declarations concerning design organisations;
  - ✓ Declarations concerning compliance of organisations located in 3<sup>rd</sup> countries;
- Establishes and makes available detailed specifications for products, parts and non-installed equipment subject to a declaration;
- Can issue ADs motivated by security concerns;



## Essential Requirements (Annex II & III)

- New Essential Requirements on:
  - ✓ cyber-security;
  - ✓ maintenance personnel;
  - ✓ non-installed equipment added;
  
- New Annex III with essential requirements for environmental compatibility of products:
  - ✓ Applicable to the extent that ICAO Annex 16 does not contain environmental requirements;

## Roadmap 2019–2021: Objectives

- To prioritise our activities and ensure an efficient use of our resources
- To have a shared target and **work together** within the Agency and with our stakeholders to reach that target





## Roadmap 2019 –2021: activities



“Opt-ins” and re-allocation  
of responsibilities

Support to MS/implementation



Environment

Building our capacity in security/safety



Recognition of third-country certificates

# Roadmap 2019 –2021: activities



Cybersecurity



Ground handling



Drones  
and  
Urban Air  
Mobility



GA Roadmap II



# Roadmap 2019 –2021: EPAS 2019-2023

The NBR roadmap will  
be reflected in the

EPAS  
Safety Risk  
Management

Strategy

Business planning





## Mer informasjon:

Workshop 6, 29 jan. 1500-1700. Radisson Blu møterom 2  
Ny basisforordning – hva betyr det for norske aktører?

Tak

eten!

