

**EUROPEAN UNION THE EUROPEAN  
PARLIAMENT THE COUNCIL Brussels, 15 June  
2018 (OR. en) 2015/0277 (COD) PE-CONS 2/18  
AVIATION 7 RELEX 24 CODEC 25**

Article 2

3. This Regulation shall not apply to:

(d) the design, production, maintenance and operation of aircraft the operation of which involves low risk for aviation safety, as listed in Annex I, and to the personnel and organisations involved therein, unless the aircraft has been issued, or has been deemed to have been issued, with a certificate in accordance with Regulation (EC) No 216/2008.

**ANNEX I**

Aircraft referred to in point (d) of Article 2(3)

1. Categories of manned aircraft to which this Regulation does not apply:

(a) historic aircraft meeting the following criteria:

(i) aircraft whose:

- initial design was established before 1 January 1955, and
- production has been stopped before 1 January 1975;

or

(ii) aircraft having a clear historical relevance, related to:

- a participation in a noteworthy historical event,
- a major step in the development of aviation, or
- a major role played into the armed forces of a Member State;

or

(b) aircraft specifically designed or modified for research, experimental or scientific purposes, and likely to be produced in very limited numbers;

(c) aircraft, including those supplied in kit form, where at least 51 % of the fabrication and assembly tasks are performed by an amateur, or a non-profit making association of amateurs, for their own purposes and without any commercial objective;

(d) aircraft that have been in the service of military forces, unless the aircraft is of a type for which a design standard has been adopted by the Agency;

(e) aeroplanes having measurable stall speed or the minimum steady flight speed in landing configuration not exceeding 35 knots calibrated air speed (CAS), helicopters, powered parachutes, sailplanes and powered sailplanes, having no more than two seats and a maximum take-off mass (MTOM), as recorded by the Member States, of no more than:

	Aeroplane/ Helicopter/ Powered parachute / powered sailplanes	Sailplanes	Amphibian or floatplane/ helicopter	Airframe mounted total recovery parachute
Single-seater	300 kg MTOM	250 kg MTOM	Additional 30 kg MTOM	Additional 15 kg MTOM
Two-seater	450 kg MTOM	400 kg MTOM	Additional 45 kg MTOM	Additional 25 kg MTOM

When an amphibian or a floatplane/helicopter is operating both as a floatplane/helicopter and as a land plane/helicopter, it must fall below the applicable MTOM limit.

(f) single and two-seater gyroplanes with a MTOM not exceeding 600 kg;

(g) replicas of aircraft meeting the criteria of points (a) or (d), for which the structural design is similar to the original aircraft;

(h) balloons and airships having a single or double occupancy and a maximum design volume of, in the case of hot air not more than 1 200 m<sup>3</sup>, and in the case of other lifting gas not more than 400 m<sup>3</sup>;

(i) any other manned aircraft which has a maximum empty mass, including fuel, of no more than 70 kg.

2. Furthermore, this Regulation shall not apply to:

(a) tethered aircraft with no propulsion system, where the maximum length of the tether is 50 m, and where:

(i) the MTOM of the aircraft, including its payload, is less than 25 kg, or

(ii) in the case of a lighter-than-air aircraft, the maximum design volume of the aircraft is less than 40 m<sup>3</sup>;

(b) tethered aircraft with a MTOM of no more than 1 kg.