



REGULATION

**NAVIGATION OF AIRCRAFT WHOSE AIRWORTHINESS CERTIFICATE IS
NOT COMPLYING WITH ICAO STANDARD
(*COURTESY ENGLISH TRANSLATION*)**

Edition n° 4 dated 27.02.2020



Regolamento

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Art. 1

Introduction and Purpose

1. The International rules concerning the airworthiness of the aircraft are established in Annex 8 to the ICAO Chicago Convention. They require aircraft to be granted with a valid certificate of airworthiness and that it is in accordance with the standard model given in the same Annex.
2. Italian Code of Navigation (CdN) Article 763 states, "*the aircraft that undertakes the navigation must be in an airworthy status, properly equipped and suitable for its intended use*". CdN Article 764 states, "*the suitability of the aircraft to the aerial navigation is attested by the certificate of airworthiness. The certificate of airworthiness enables the aircraft to navigation*".
3. From the above rules results the need to regulate the navigation of aircraft when the certificate of airworthiness is not compliant with ICAO standard.

Art. 2

Applicability

1. This Regulation applies to aircraft registered in a foreign country that do not meet whole or in part the airworthiness standard of ICAO Annex 8 and therefore granted with a certificate of airworthiness not conforming to the Annex 8.
2. All the aircraft referred to in paragraph 1 above are not allowed to fly unless they satisfy the conditions listed in the following articles.
3. All the aircraft referred to in paragraph 1 above holding a permit to fly EASA Form 20 issued in accordance with the Regulation EU 2018/1139 are allowed to fly without any further obligations related to the airworthiness.

Art. 3

Homebuilt and historical aircraft registered in ECAC member states

1. In implementing the ECAC recommendation INT.S / 11-1 dated June 1980, all home built aircraft falling in the provision of EU Regulation 2018/1139 Annex I 1(c) registered in an ECAC Member State are allowed to fly over and land in the Italian territory without prior authorization of ENAC and without additional restrictions other than those stated in the Certificate of Airworthiness or equivalent documentation issued by the Authority of the State of registry or by an “ad hoc” delegated organization provided that, in addition to those listed in Annex 1 of the present regulation, the following conditions are complied with:
 - a) the maximum duration of operations in the Italian territory is limited to 28 continuous days counted from the date of entry into the Italian air space;
 - b) commercial operations are not allowed;
 - c) without ENAC authorization, non commercial specialized operations are not allowed.

2. In implementing the ECAC recommendation ECAC/35-1 dated 18 May 2016, all historical aircraft falling in the provision of EU Regulation 2018/1139 Annex I (a)(i) registered in an ECAC Member State are allowed to fly over and land in the Italian territory without prior authorization of ENAC and without additional restrictions other than those stated in the Certificate of Airworthiness or equivalent documentation issued by the Authority of the State of registry or by an “ad hoc” delegated organisation provided that, in addition to those listed in Annex 1 of the present regulation, the following conditions are complied with:
 - a) being, originally, factory-manufactured;
 - b) holding, previously, an ICAO Annex 8 compliant Certificate of Airworthiness;
 - c) having a maximum take-off weight less than 5670 kg;
 - d) unless exemptions expressly issued by ENAC, the maximum duration of operations in the Italian territory is limited to 28 continuous days counted from the date of entry into the Italian air space;
 - e) Any specialized non-commercial operation must be authorized by ENAC.

Art. 4*Aircraft registered in EASA member states*

1. All aircraft, referred to in 1st paragraph of article 2 registered in EASA member states in accordance with the provisions of the E.U. Regulation 2018/1139 Annex I comma 1 from

(a) to (d), except as provided in Article 3, are allowed to fly over and land in the Italian territory without the prior ENAC authorization provided that, in addition to those listed in Annex 1 of the present regulation, the following conditions are complied with:

- a) unless exemptions expressly issued by ENAC, the maximum duration of operations in the Italian territory is limited to 28 continuous days counted from the date of entry into the Italian air space.

2. Any specialized non-commercial operation must be authorized by ENAC.

Art. 5

Aircraft registered in non EASA member states

1. All aircraft, referred to in 1st paragraph of article 2, except as provided in Article 3, and whose MTOW is less than 5670 kg for airplanes or 3175 kg for helicopters, registered in non EASA member states, following an application forwarded by the interested Operators and a specific authorization issued by ENAC might be allowed to fly over and land in the Italian territory, temporarily, provided that, in addition to those listed in Annex 1 of the present regulation, the following conditions are complied with:

- a) unless exemptions expressly issued by ENAC, the maximum duration of operations in the Italian territory is limited to 28 continuous days counted from the date of entry into the Italian air space.

2. Any specialized and non-commercial operation must be authorized by ENAC.

3. All aircraft referred to in 1st paragraph of the present article, falling in the competence of ENAC, following an application forwarded by the interested Operators might be registered into the Italian National Aeronautical Register and granted with a Permit to Fly issued according to the ENAC applicable regulations. In the latter case, further extensions to the authorization may be required to allow the completion of the technical verifications.

4. All aircraft, referred to in 1st paragraph of article 2 and whose MTOW is greater than or equal to 5670 kg for airplanes or 3175 kg for helicopters, registered in non EASA member states, following an application forwarded by the interested Operators and a

specific authorization issued by ENAC might be, temporarily, allowed to fly over and land in the Italian territory, to carry out ferry flight, delivering of the aircraft to the customer or flying to a location where maintenance can be performed or experimental activity in accordance with the following art. 6, provided that the conditions listed in Annex 1 of the present regulation, are complied with.

The authorization is limited to the period strictly necessary to carry out the intended flight activity.

Art. 6*Aircraft operated in experimental activity of “Research and Development” or “Showing Compliance with the Regulations”*

1. All aircraft, referred to in previous articles, holding an airworthiness certificate or equivalent document issued to carry out experimental activity of “Research and Development” or “Showing Compliance with the Regulations, following an application forwarded by the interested Operators and a specific authorization by ENAC, might be allowed to operate in the national territory provided that conditions listed under Art. 4 or Art. 5, which one is applicable, and any further conditions for the specific kind of operation, established by ENAC are complied with.

Art. 7*Fees and charge*

1. As regard the administrative aspects related to the fulfillment of what contained in this Regulation, the provisions of Article 20 of ENAC Fees and Charge Regulation in force shall apply.

Art. 8*Entry into force and dissemination*

1. This Regulation shall enter into force on the day of its publication on ENAC web site and repealing Edition 3 dated 4 July 2017.
2. The content of this Regulation is made available to the interested parties through the Air Information Circular (AIC).



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3. This is a Courtesy Translation of the Italian regulation made available for the benefit of the foreign users and is published on the ENAC website and in the AIC.

ANNEX 1

LIMITATION AND CONDITIONS APPLICABLE TO AIRCRAFT WHOSE AIRWORTHINESS
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The following Limitations and Conditions apply to all aircraft falling into the applicability of this Regulation:

- a) hold a current airworthiness certificate or equivalent document issued by the State of registry or by an “ad hoc” delegated organisation;
- b) are conducted by pilots holding the appropriate licenses and type rating issued in accordance with the ICAO standards;
- c) have the required equipment installed in order to operate in the aerial space for which the authorization is requested;
- d) manufacture’s maintenance programme is satisfied, except waivers expressly granted by the Authority of the State of registry;
- e) are operated in accordance with the limitations established in the airworthiness documents listed in the relevant airworthiness document;
- f) hold an insurance, in accordance with the applicable regulations, covering persons on board and third parties damages on ground;
- g) comply with the Italian rules of the air and the procedures published in the national aeronautical publication (AIP Italia and Notam);
- h) remunerated flight activity are not allowed;
- i) do not fly over towns or crowded areas;
- j) any passenger is informed that the aircraft is not type certificated in accordance with ICAO Annex 8 standards.



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