



Safety recommendation no. 563

Date of the publication	22.12.2020
Number of the final report	2370
Safety deficit	<p>The safety investigation has revealed that at the time it was commissioned for use in civil aviation, the aircraft was categorised in accordance with legal requirements which have changed over time. As a result, the type classification was no longer correct at the time of the accident. Based on the original classification of the type, various requirements for approval were declared inapplicable by way of exemption. These decisions were not reviewed even in the case of major legislative amendments.</p>
Safety recommendation	<p>When granting exemptions for annex I aircraft, as specified in European Regulation 2018/1139, the Federal Office of Civil Aviation should take into account the risks specific to their relevant operation and periodically review the exemptions.</p>
Addressees	BAZL Bundesamt für Zivilluftfahrt
Stage of the implementation	<p>Implemented. The FOCA agrees with Safety Recommendation No 563. The exception for the commercial use of the historic aircraft in the standard category was granted within the framework of the commercial certification (operating licence and AOC) of the Ju-Air aircraft under the EU law applicable at the time: the former EASA basic regulation, Regulation (EC) No. 218/2008). Since the entry into force of the new EASA basic regulation (Regulation (EU) 2018/1139 (in force for Switzerland since 1 September 2019), it is no longer possible within the framework of EU regulations to conduct commercial air operations using aircraft that do not have a certificate of airworthiness under European law ('non-EASA aircraft', including historic aircraft). The reason for this is that the new EASA basic regulation no longer recognises the exception contained in Art. 4 para. 5 of the former EASA basic regulation, which allowed commercial air operations with historic aircraft. After the FOCA explained the outlined change in law to Ju-Air and formally announced the cancellation of the remaining Ju 52 from the AOC, Ju-Air returned the AOC. The exceptions mentioned in Safety Recommendation No 563 will no longer be included in the new legislation.</p>
Investigation report concerning the safety recommendation	<p>Final report Schlussbericht Rapport final Rapporto finale</p>