

On the basis of the Article 8(2), Article 21(2), Article 31(5), Article 32(8), Article 38(2), Article 39(7), Article 40(3), Article 43(5) and (6), Article 44(3) and Article 77(6) of the Aviation Act (Official Gazette of the Republic of Slovenia, No 81/10 – official consolidated text, 46/16, 47/19 and 18/23 – ZDU-1O) the Minister of Infrastructure issues the following

R U L E S

amending the Rules on ultralight aircraft

Article 1

In the Rules on ultralight aircraft (Official Gazette of the Republic of Slovenia, No 49/16, 52/16, 32/18, 10/19 and 75/19), a new paragraph 3 is added in Article 1 after the paragraph 2, which reads:

'(3) These Rules are issued taking into account the information procedure in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (codification) (OJ L 241, 17. 9. 2015, p. 1).'

Article 2

In Article 3, a new paragraph 4 is added after the paragraph 3, which reads:

'(4) A device weighing up to 120 kg is a device whose basic mass of the empty device does not exceed 120 kg. The basic mass of the empty device is considered to be the device with all the components that were installed in the device by the producer or the manufacturer at the time of manufacture or installed later with technical modifications to the device, with all the liquids necessary for the operation of the device, as well as any optional equipment specified at the time of device manufacture or later with technical modifications to the device. Optional device equipment is equipment intended to be installed in the device before flight for a specific purpose of flight (mission). The basic mass of the empty device does not include people on board, fuel, cargo in the luggage compartment, built-in rescue parachute up to a maximum weight of 15 kg, pilot's equipment, for example portable electronic devices and any other portable accessories (hereinafter: device weighing up to 120 kg).'

Article 3

In Article 5, the paragraph 1 is amended to read as follows:

'(1) The device may be used for personal use, training of device pilots, aerial work and introductory flights, with the exception of amateur-built devices and devices weighing up to 120 kg, which may only be used for own use.'

Article 4

In Article 5(a), Article 5(b), Article 8, Article 9(2), Article 37, Article 42 and Article 48, the words 'flying a device' are replaced by words 'flying with the device'.

Article 5

In Article 7, new paragraphs 3 and 4 are added after the paragraph 2, which read:

'(3) The pilot of the device shall only start the flight if the device contains:

(a) a sufficient amount of fuel or energy and oil for flight at a safe flight altitude, taking into account meteorological conditions, any element affecting the performance of the device, any delays expected during the flight and any emergency that can reasonably be expected to affect the flight; and

(b) full reserve of fuel or energy for:

- the flight to the aerodrome or take-off point of the intended landing and then for at least another 30 minutes of flying at a safe cruising altitude,
- flying around the school circuit in constant visibility of the aerodrome or take-off point for at least another 10 minutes of flight time.

(4) The pilot of the device regularly checks the planned reserves of fuel or energy and whether the amount of usable fuel or energy remaining on the flight is not less than the amount of fuel or energy required to continue the flight to a weather-acceptable aerodrome or take-off point or area of operation.’

The previous paragraphs 3, 4, 5 and 6 become paragraphs 5, 6, 7 and 8.

Article 6

In Article 14, a new paragraph 3 is added after the paragraph 2, which reads:

‘(3) The provisions of this Article shall not apply to devices weighing up to 120 kg.’

Article 7

In Article 15, after the paragraph 5, new paragraphs 6, 7, 8, 9 and 10 are added, which read:

‘(6) The device type certificate contains at least the following information: name and number of the device type certificate, company name or name and surname and address of the holder of the device type certificate, type, model, variety, category and purpose of use of the aircraft, list of technical data of the device type certificate, competent issuing authority, signature of an official, seal or stamp of the Agency, validity, date of initial issue and date of issue.

(7) Upon receipt of a request for a change to a device type certificate, the Agency shall verify the conformity of the certificate with the applicable requirements before issuing the change. When the competent authority is satisfied that the applicable requirements have been met, it shall issues a change to the device type certificate.

(8) In the event of a change of the holder of the device type certificate, the Agency shall transfer the device type certificate to the new holder upon submission of proof of transfer of ownership of the device type certificate and documentation referred to in paragraph 5 of this Article.

(9) For devices weighing up to 120 kg, a device type certificate is not required. Before delivery to the customer, the producer or the manufacturer at the conformity assessment organisation accredited in accordance with Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13. 8. 2008, p. 30), last amended by Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25. 6. 2019, p. 1), verifies whether the device type complies with the applicable national technical requirements (certification specifications) regarding airworthiness and noise.

(10) The national type approval certificate for a device weighing up to 120 kg, issued by a member state of the European Union or a state party to the Agreement on the European

Economic Area, is directly valid and replaces the conformity check of the device at the conformity assessment organisation referred to in the preceding paragraph.’

Article 8

In Article 16, after the words of the Article, which is designated as the paragraph 1, a new paragraph 2 is added, which reads as follows:

‘(2) The provisions of the preceding paragraph shall not apply to devices weighing up to 120 kg.’

Article 9

In Article 17, a new paragraph 7 is added after paragraph 6 which reads:

‘(7) The provisions of this article shall not apply to devices weighing up to 120 kg, for which the adequacy of the flight and maintenance manual is confirmed as part of the verification of whether the type of device complies with the applicable airworthiness requirements, as defined in the Article 15(9) of these Rules.’

Article 10

In Article 18(a), paragraph 14 is amended to read as follows:

‘(14) Regardless of the paragraph 2 and the first indent of the paragraph 3 of this Article, the maintenance of the device used for training, aerial work and conducting introductory flights may only be performed by a person referred to in the second, third, fourth or fifth indents of paragraph 3 of this Article.’

A new paragraph 15 is added after the paragraph 14, which reads:

‘(15) The provisions of the paragraphs 8, 11, 12, 13 and 14 of this Article shall not apply to devices weighing up to 120 kg.’

Article 11

In Article 19, a new paragraph 5 is added after paragraph 4 which reads:

‘(5) The provisions of this Article shall not apply to devices weighing up to 120 kg.’

Article 12

In Article 20, a new paragraph 4 is added after the paragraph 3, which reads:

‘(4) The provisions of this Article shall not apply to devices weighing up to 120 kg.’

Article 13

In Article 21, a new paragraph 4 is added after the paragraph 3, which reads:

‘(4) The provisions of this Article shall not apply to devices weighing up to 120 kg, for which the producer or manufacturer is required to issue a declaration of safety for use, which the manufacturer submits on the basis of the obtained declaration of conformity referred to in Article 15(9) of these Rules. For devices weighing up to 120 kg, for which a national device type approval certificate has been issued by a member state of the European Union or a state party to the Agreement on the European Economic Area, or if it is an amateur-made device, the provisions of the paragraph 1 and paragraph 3 of this Article shall apply.’

Article 14

In Article 23(2), in the fourth indent, the word ‘and’ is deleted. A new indent is added after the fourth indent, which reads:

'the manufacturer's certificate on the suitability of the device or a document equivalent to the certificate referred to in Article 21(2) of these Rules, and'.

The paragraph 4 is amended to read as follows:

(4) If the technical requirements (certification specifications) have not yet been determined in the Republic of Slovenia for the manufacture of the device or the equipment of the device for which the applicant requests entry in the register of devices, the applicant shall also attach the technical requirements (certification specifications) for the manufacture of the device to the application for the entry of the device in the register of devices and the list of equipment of the device.

The paragraph 5 is amended to read as follows:

'(5) An attestation for a type of device or another appropriate document for a specific type of device issued by another country or an authorized body of this country shall be recognized on the basis of the appropriate technical documentation (certification specifications) and a report on air tests, if the device meets at least the requirements of Slovenian regulations or the requirements of foreign regulations equivalent to Slovenian regulations. The application for the entry of the device in the register of devices shall be accompanied by proof of compliance with the equivalent requirements of another foreign country, which, based on a comparison of individual items of technical requirements (certification specifications) in a form determined by the Agency, has been confirmed by an aviation expert appointed in accordance with regulations governing the construction of experimental aircraft. It is not necessary to carry out a comparison if the Agency already has one.

A new paragraph 8 is added after the paragraph 7, which reads:

'(8) Except for the first indent of the paragraph 2 of this Article, the provisions of this Article shall not apply to devices weighing up to 120 kg.'

Article 15

In Article 24, new paragraphs 8 and 9 are added after the paragraph 7, which read:

'(8) Notwithstanding paragraph 1 and point 5 of paragraph 3 of this Article, for series-produced devices weighing up to 120 kg, which do not include devices for which a member state of the European Union or a state party to the Agreement on the European Economic Area has issued a national device type approval certificate, or for an amateur-made device, the permission to fly the device is issued on the basis of an application by the owner or user, who attaches:

1. a copy of the producer's or manufacturer's declaration of safety for use, which the producer provides on the basis of the obtained declaration of conformity referred to in the Article 15(9) of these Rules, and in the case of a used device, the owner's or user's declaration that the device is flawless;
2. a photo of the device, which is not older than 15 days from the date of the application, from which the affixing of the national affiliation mark and the registration mark must be visible;
3. a copy of the device's flight and maintenance manual issued by the producer or manufacturer;
4. a certificate stating that the noise of the device does not exceed the limits specified in these Rules (not applicable to devices without a motor);
5. a license for the radio station, if it is built into the device.

(9) For devices weighing up to 120 kg, for which a member state of the European Union or a country party to the Agreement on the European Economic Area has issued a national device type approval certificate, or for amateur-made devices, paragraphs 1 to 7 of this Article shall apply.'

Article 16

In Article 25, a new paragraph 6 is added after paragraph 5 which reads:
'(6) The provisions of this Article shall not apply to devices weighing up to 120 kg.'

Article 17

In Article 26, after the words of the Article, which is designated as the paragraph 1, a new paragraph 2 is added, which reads as follows:
'(2) Notwithstanding the provisions of the preceding paragraph, for devices weighing up to 120 kg, the permission to fly the device shall be extended after 24 months based on the application of the owner or user upon submission of their own declaration that the device is flawless, without establishing the device's airworthiness in accordance with the preceding Article.'

Article 18

In Article 27, a new paragraph 7 is added after paragraph 6 which reads:
'(7) The provisions of this Article shall not apply to devices weighing up to 120 kg.'

Article 19

After the Article 28(2) the following new paragraph 3 is added, which reads as follows:
'(3) The provisions of this Article shall not apply to devices weighing up to 120 kg.'

Article 20

In Article 29, a new paragraph 5 is added after paragraph 4 which reads:
'(5) The provisions of this Article shall not apply to devices weighing up to 120 kg.'

Article 21

In Article 30, after the words of the Article, which is designated as the paragraph 1, a new paragraph 2 is added, which reads as follows:
'(2) The provisions of the preceding paragraph shall not apply to devices weighing up to 120 kg.'

Article 22

In Article 32, a new paragraph 3 is added after the paragraph 2, which reads:
'(3) The provisions of the preceding paragraph shall not apply to devices weighing up to 120 kg.'

Article 23

In Article 33, in the paragraph 1, the words 'at least 8 millimetres in size' are deleted.

Article 24

In Article 34(1), point 2, the word 'measurer' is replaced by the word 'measurement device'.

The paragraph 5 is amended to read as follows:
'(5) The device with which training for the pilot of the device is carried out shall also have a rescue system, except for gyroplanes, helicopters and devices weighing up to 120 kg, for which a rescue system is not required.'

Article 25

In Article 38, paragraph 7 is deleted.

Article 26

In Article 39, in paragraphs 2 and 3, the words 'flying a device' is replaced by words 'flying with a device'.

After the paragraph 4, a new paragraph 5 is added, which reads:

'(5) The provisions of this Article shall not apply to devices weighing up to 120 kg.'

Article 27

After Article 39 new Article 39(a) is inserted as follows:

'Article 39(a)

(Declaration for flying with devices weighing up to 120 kg)

(1) The device weighing up to 120 kg, which is a motor aircraft, shall be operated by a person who has or has had:

- a licence issued in accordance with Regulation (EU) 1178/2011 for an aircraft, or a device pilot's license for a motor-powered aircraft, and
- at least 100 hours of solo flight time obtained on the basis of a licence or permission referred to in the preceding indent.

(2) The pilot who intends to operate the device from the preceding paragraph shall, before starting the flight, provide the Agency with a declaration containing the pilot's personal data, information on meeting the conditions from the preceding paragraph, information on medical fitness and on flying at his own risk.

(3) After receiving the declaration from the preceding paragraph, the Agency issues a confirmation of receipt of the declaration within ten working days of receiving the complete declaration. The pilot shall start operating the device weighing up to 120 kg when it receives the confirmation of receipt of the declaration.

(4) The pilot shall hold a declaration for flying with devices weighing up to 120 kg and a confirmation referred to in the preceding paragraph on board the aircraft. The declaration and confirmation shall be valid only for flying in the Republic of Slovenia.

(5) The form and detailed content of the declaration shall be determined by the Agency and published on its website.

(6) Flight hours obtained on devices weighing up to 120 kg shall not be considered as obtaining, extending or renewing licences issued in accordance with Regulation (EU) 1178/2011 or a device pilot's permit.

(7) The pilot of a device weighing up to 120 kg shall keep an aircraft operation log.'

Article 28

In Article 40, the words 'flying a device' is replaced by the words 'flying with a device' in all places.

In paragraph 5, after the words 'Regulation (EU) No 1178/2011' the comma is deleted and the words 'or SFCL.350 of Part SFCL of Annex III to Commission Implementing Regulation (EU) 2018/1976 of 14 December 2018 laying down detailed rules for the operation of sailplanes pursuant to Regulation (EU) 2018/1139 of the European Parliament and of the Council (OJ L 326, 20. 12. 2018, p. 64), last amended by Commission Implementing Regulation (EU) 2020/358 of 4 March 2020 amending Implementing Regulation (EU) 2018/1976 as regards sailplane pilot licences (OJ L 67, 5. 3. 2020, p. 57) (hereinafter: "Regulation (EU) 2018/1976")' are added.

In paragraph 6, the comma is deleted after the words 'Regulation (EU) 1178/2011' and the words 'or Regulation (EU) 2018/1976' are added.

In paragraph 7, after the words 'Regulation (EU) 1178/2011', the comma is deleted and the words 'or Regulation (EU) 2018/1976' are added.

Article 29

Article 41 is amended to read as follows:

'Article 41

(Instructor exam for flying with a device)

(1) Anyone who wants to take the exam to obtain authorization as an instructor for flying with a device for a specific type of device shall submit evidence of meeting the relevant conditions from the preceding Article and a declaration from the instructor for flying with a device that the candidate is qualified for the exam.

(2) The training course consists of theoretical and practical part carried out at a flight training organisation or other registered flight school and is designed to train the candidate to perform the following skills:

1. preparation of resources,
2. creating a favourable environment for learning,
3. presentation of knowledge,
4. management of hazards and errors,
5. time management in achieving training objectives,
6. facilitating learning,
7. evaluating the candidate's performance,
8. monitoring and reviewing the candidate's progress,
9. assessment of training,
10. reporting of results.

(3) The theoretical part of the training shall include:

- 25 hours of teaching and learning, and
- 30 hours of theoretical training in the subjects prescribed for authorisation of the relevant type of device, including progress tests.

(4) The instructor exam for a particular type of device shall be conducted before a committee appointed by the Agency. The exam consists of a theoretical and a practical part in accordance with the training program for a particular type of device, namely:

— the theoretical exam contains a lecture lasting at least 45 minutes on a subject or topic for the relevant type of device, during which the committee checks the theoretical knowledge of the candidate; the committee notifies the candidate in advance about the topic of the lecture,

— the practical part, except for sailplanes, lasts at least 45 minutes of flying with the committee, during which the candidate demonstrates the skills of a flight instructor according to the training program for the type of device.

(5) A person who has reached the age of 18 may take the instructor exam for flying with the device.’.

Article 30

In Article 41(a), the words ‘flying a device’ is replaced by the words ‘flying with a device’ in all places.

In paragraph 1, in point 2, the period is deleted and the words ‘or a refresher seminar for flight instructor certificate holders in accordance with Part FCL of Annex I of Regulation (EU) No 1178/2011 or Part SFCL of Annex III of Regulation (EU) 2018/1976.’ are added.

In paragraph 4, in point 1, the semicolon is deleted and the words ‘or attends a refresher seminar for flight instructor certificate holders in accordance with Part FCL of Annex I of Regulation (EU) No 1178/2011 or Part SFCL of Annex III of Regulation (EU) 2018/1976 and’ are added.

Article 31

In Article 47, the words ‘flying a device’ is replaced by the words ‘flying with a device’ in all places.

In paragraph 3, point 1 is amended to read as follows:

‘1. at least 12 hours of flight time, including 12 take-offs and landings as pilot-in-command or with an instructor or independently under the supervision of an instructor, and’.

Article 32

OJN-04 form is deleted.

TRANSITIONAL AND FINAL PROVISIONS

Article 33 (Transitional provision)

Procedures started before the entry into force of these Rules shall be completed in accordance with the existing regulations.

Article 34 (Final provision)

These Rules shall enter into force on the fifteenth day after their publication in the Official Gazette of the Republic of Slovenia.

No IPP 007-270/2023/xx
Ljubljana, [...] 2024
EVA 2023-2430-0019

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