This version is out of date

Version: 05 Oct 2012

Commission Regulation (EU) No 965/2012

of 5 October 2012

laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council

Introductory Text

Article 1	Subject matter and scope
Article 2	Definitions
Article 3	Oversight capabilities
Article 4	Ramp inspections
Article 5	Air operations
Article 6	Derogations
Article 7	Air operator certificates
Article 8	Flight time limitations
Article 9	Minimum equipment lists
Article 9a	Flight and cabin crew training
Article 9aa	Flight crew requirements for maintenance check flights
Article 9b	Review
Article 10	Entry into force

ANNEX I - Definitions for terms used in Annexes II to VIII

ANNEX II - AUTHORITY REQUIREMENTS FOR AIR OPERATIONS [PART-ARO]

ANNEX III - ORGANISATION REQUIREMENTS FOR AIR OPERATIONS [PART-ORO]

ANNEX IV - COMMERCIAL AIR TRANSPORT OPERATIONS [PART-CAT]

ANNEX V - SPECIFIC APPROVALS [PART-SPA]

ANNEX VI - NON-COMMERCIAL AIR OPERATIONS WITH COMPLEX MOTOR-POWERED AIRCRAFT [PART-NCC]

ANNEX VII - NON-COMMERCIAL AIR OPERATIONS WITH OTHER-THAN COMPLEX MOTOR-POWERED AIRCRAFT [PART-NCO]

ANNEX VIII - SPECIALISED OPERATIONS [PART-SPO]

Commission Regulation (EU) No 965/2012

of 5 October 2012

laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC, and in particular Articles 8(5) and 10(5) thereof,

Whereas:

(1) Operators and personnel involved in the operation of certain aircraft have to comply with the relevant essential requirements set out in Annex IV to Regulation (EC) No 216/2008.

(2) Regulation (EC) No 216/2008 requires that Member States, in addition to their oversight of certificates that they have issued, conduct investigations, including ramp inspections, and shall take any measure, including the grounding of aircraft, to prevent the continuation of an infringement.

(3) In accordance with Regulation (EC) No 216/2008 the Commission should adopt the necessary implementing rules for establishing the conditions for the safe operation of aircraft.

(4) In order to ensure a smooth transition and a high level of civil aviation safety in the European Union, implementing measures should reflect the state of the art, including best practices, and scientific and technical progress in the field of air operations. Accordingly, technical requirements and administrative procedures agreed under the auspices of the International Civil Aviation Organisation (hereinafter 'ICAO') and the European Joint Aviation Authorities until 30 June 2009, as well as existing legislation pertaining to a specific national environment, should be considered.

(5) It is necessary to provide sufficient time for the aeronautical industry and Member State administrations to adapt to the new regulatory framework and to recognise under certain conditions the validity of certificates issued before this Regulation applies.

(6) As this Regulation constitutes an implementing measure referred to in Articles 8(5) and 10(5) of Regulation (EC) No 216/2008, Annex III to Council Regulation (EEC) No 3922/91 and Directive 2004/36/EC of the European Parliament and of the Council shall be considered repealed in accordance with Article 69(3) and 69(5) of Regulation (EC) No 216/2008. However, Annex III should remain in place temporarily until the transitional periods foreseen in this Regulation have expired and for those areas for which no implementing measures have yet been adopted. Similarly, Directive 2004/36/EC should remain applicable temporarily until the transitional periods foreseen in this Regulation have expired.

(7) The European Aviation Safety Agency prepared draft implementing rules and submitted them as an opinion to the Commission in accordance with Article 19(1) of Regulation (EC) No 216/2008.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 65 of Regulation (EC) No 216/2008,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1. This Regulation lays down detailed rules for air operations with aeroplanes and helicopters, including ramp inspections of aircraft of operators under the safety oversight of another State when landed at aerodromes located in the territory subject to the provisions of the Treaties.

2. This Regulation also lays down detailed rules on the conditions for issuing, maintaining, amending, limiting, suspending or revoking the certificates of operators of aircraft referred to in points (b)(i) and (ii) of Article 2(1) of Regulation (EU) 2018/1139, except for balloons and sailplanes, engaged in commercial air transport operation, the privileges and responsibilities of the holders of certificates as well as conditions under which operations shall be prohibited, limited or subject to certain conditions in the interest of safety;

3. This Regulation also lays down detailed rules on the conditions and procedures for the declaration by operators engaged in commercial specialised operations of aeroplanes and helicopters or in non-commercial operation of complex motor-powered aircraft, including non-commercial specialised operations of complex motor-powered aircraft, of their capability and the availability of the means to discharge the responsibilities associated with the operation of aircraft, and for the oversight of such operators.

4. This Regulation also lays down detailed rules on the conditions under which certain high risk commercial specialised operations shall be subject to authorisation in the interest of safety, and on the conditions for issuing, maintaining, amending, limiting, suspending or revoking the authorisations.

5. This Regulation shall not apply to air operations within the scope of Article 1(2)(a) of Regulation (EC) No 216/2008.

6. This Regulation shall not apply to air operations with airships.

7. This Regulation shall not apply to air operations with balloons and sailplanes. However, in respect of such air operations with balloons, other than tethered gas balloons, and sailplanes, the requirements in respect of oversight of Article 3 shall apply.

Article 2

Definitions

For the purposes of this Regulation:

(1) ‘ aeroplane ’ means an engine-driven fixed-wing aircraft heavier than air that is supported in flight by the dynamic reaction of the air against its wings;

(1a) ‘ helicopter ’ means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axes;

(1b) ‘ balloon ’ means a manned lighter-than-air aircraft which is not power-driven and sustains flight through the use of either a lighter-than-air gas or an airborne heater, including gas balloons, hot-air balloons, mixed balloons and, although power-driven, hot-air airships;

(1c) ‘ sailplane ’ means a heavier-than-air aircraft that is supported in flight by the dynamic reaction of the air against its fixed lifting surfaces, the free flight of which does not depend on an engine;

(1d) ‘ commercial operation ’ means any operation of an aircraft, in return for remuneration or other valuable consideration, which is available for the public or, when not made available to the public, which is performed under a contract between an operator and a customer, where the latter has no control over the operator;

(1e) ‘ tethered gas balloon ’ means a gas balloon with a tether system that continuously anchors the balloon to a fixed point during operation;

(2) ‘performance class B aeroplanes’ means aeroplanes powered by propeller engines with a maximum operational passenger seating configuration of nine or less and a maximum take-off mass of 5 700 kg or less;

(3) ‘public interest site (PIS)’ means a site used exclusively for operations in the public interest;

(4) ‘operation in performance class 1’ means an operation that, in the event of failure of the critical engine, the helicopter is able to land within the rejected take-off distance available or safely continue the flight to an appropriate landing area, depending on when the failure occurs;

(5) ‘performance-based navigation (PBN)’ means area navigation based on performance requirements for aircraft operating along an ATS route, on an instrument approach procedure or in a designated airspace;

(6) ‘ air taxi operation ’ means, for the purpose of flight time and duty time limitations, a non-scheduled on demand commercial air transport operation with an aeroplane with a maximum operational passenger seating configuration (‘ MOPSC ’) of 19 or less;

(7) ‘ specialised operation ’ means any operation, other than commercial air transport operation, where the aircraft is used for specialised activities such as agriculture, construction, photography, surveying, observation and patrol, aerial advertisement, maintenance check flights;

(8) ‘ high risk commercial specialised operation ’ means any commercial specialised aircraft operation carried out over an area where the safety of third parties on the ground is likely to be endangered in the event of an emergency, or, as determined by the competent authority of the place where the operation is conducted, any commercial specialised aircraft operation that, due to its specific nature and the local environment in which it is conducted, poses a high risk, in particular to third parties on the ground;

(9) ‘introductory flight ’ means any operation against remuneration or other valuable consideration consisting of an air tour of short duration for the purpose of attracting new trainees or new members, performed either by a training organisation referred to in Article 10a of Commission Regulation (EU) No 1178/2011 (1) or by an organisation created with the aim of promoting aerial sport or leisure aviation;

(10) ‘ competition flight ’ means any flying activity where the aircraft is used in air races or contests, as well as where the aircraft is used to practice for air races or contests and to fly to and from racing or contest events;

(11) ‘ flying display ’ means any flying activity deliberately performed for the purpose of providing an exhibition or entertainment at an advertised event open to the public, including where the aircraft is used to practice for a flying display and to fly to and from the advertised event.

Additional definitions are laid down in Annex I for the purposes of Annexes II to VIII.

Article 3

Oversight capabilities

1. Member States shall designate one or more entities as the competent authority within that Member State with the necessary powers and allocated responsibilities for the certification and oversight of persons and organisations subject to Regulation (EC) No 216/2008 and its implementing rules.

The administration and management systems of the competent authorities of the Member States and of the Agency shall comply with the requirements specified in Annex II.

2.If a Member State designates more than one entity as competent authority:

(a) the areas of competence of each competent authority shall be clearly defined in terms of responsibilities and geographic limitation; and

(b) coordination shall be established between those entities to ensure effective oversight of all organisations and persons subject to Regulation (EC) No 216/2008 and its implementing rules within their respective remits.

3. Member States shall ensure that the competent authority(ies) has(ve) the necessary capability to ensure the oversight of all persons and organisations covered by their oversight programme, including sufficient resources to fulfil the requirements of this Regulation.

4. Member States shall ensure that competent authority personnel do not perform oversight activities when there is evidence that this could result directly or indirectly in a conflict of interest, in particular when relating to family or financial interest.

5. Personnel authorised by the competent authority to carry out certification and/or oversight tasks shall be empowered to perform at least the following tasks:

(a) examine the records, data, procedures and any other material relevant to the execution of the certification and/or oversight task;

(b) take copies of or extracts from such records, data, procedures and other material;

(c) ask for an oral explanation on site;

(d) enter relevant premises, operating sites or means of transport;

(e) perform audits, investigations, assessments, inspections, including ramp inspections and unannounced inspections;

(f) take or initiate enforcement measures as appropriate.

6. The tasks under paragraph 5 shall be carried out in compliance with the legal provisions of the relevant Member State.

Article 4

Ramp inspections

Ramp inspections of aircraft of operators under the safety oversight of another Member State or of a third country shall be carried out in accordance with Subpart RAMP of Annex II.

Article 5

Air operations

1. Operators shall only operate an aeroplane or a helicopter for the purpose of commercial air transport (hereinafter ‘ CAT ’) operations as specified in Annexes III and IV.

1a. Operators engaged in CAT operations starting and ending at the same aerodrome/operating site with Performance class B aeroplanes or non-complex helicopters shall comply with the relevant provisions of Annexes III and IV.

CAT Operators shall comply with the relevant provisions of Annex V when operating:

(a) aeroplanes and helicopters used for:

(i) operations using performance-based navigation (PBN);

(ii) operations in accordance with minimum navigation performance specifications (MNPS);

(iii) operations in airspace with reduced vertical separation minima (RVSM);

(iv) low visibility operations (LVO);

(b) aeroplanes and helicopters used for the transport of dangerous goods (DG);

(c) two-engined aeroplanes used for extended range operations (ETOPS) in commercial air transport;

(d) helicopters used for commercial air transport operations with the aid of night vision imaging systems (NVIS);

(e) helicopters used for commercial air transport hoist operations (HHO); and

(f) helicopters used for commercial air transport emergency medical service operations (HEMS); and

(g) helicopters used for offshore operations (HOFO).

3. Operators of complex motor-powered aeroplanes and helicopters involved in non-commercial operations shall declare their capability and means to discharge their responsibilities associated with the operation of aircraft and operate the aircraft in accordance with the provisions specified in Annex III and Annex VI. Such operators when engaged in non-commercial specialised operations shall operate the aircraft in accordance with the provisions specified in Annex III and VIII instead.

4. Operators of other-than-complex motor-powered aeroplanes and helicopters involved in non-commercial operations, including non-commercial specialised operations, shall operate the aircraft in accordance with the provisions set out in Annex VII.

5. Training organisations referred to in Article 10a of Regulation (EU) No 1178/2011 and having their principal place of business in a Member State shall, when conducting flight training into, within or out of the Union, operate:

(a) complex motor-powered aeroplanes and helicopters in accordance with the provisions specified in Annex VI;

(b) other aeroplanes and helicopters in accordance with the provisions specified in Annex VII.

6. Operators shall only operate an aeroplane or a helicopter for the purpose of commercial specialised operations in accordance with the requirements in Annexes III and VIII.

7. Flights taking place immediately before, during or immediately after specialised operations and directly connected to those operations shall be operated in accordance with paragraphs 3, 4 and 6, as applicable. Except for crew members, persons other than those indispensable to the mission shall not be carried on board.

Article 6

Derogations

1.. . . . . .

2. By way of derogation from Article 5(1), aircraft referred to in Article 4(5) of Regulation (EC) No 216/2008 shall, in the case of aeroplanes, be operated under the conditions set out in Commission Decision C(2009) 7633 of 14 October 2009 when used in CAT operations. Any change to the operation that affects the conditions set out in that Decision shall be notified to the Commission and the European Aviation Safety Agency (hereinafter ‘ the Agency ’) before the change is implemented.

A Member State, other than an addressee of Decision C(2009)7633, which intends to use the derogation provided for in that Decision shall notify its intention to the Commission and the Agency before the derogation is implemented. The Commission and the Agency shall assess to what extent the change or the intended use deviates from the conditions of Decision C(2009)7633 or impacts on the initial safety assessment performed in the context of that Decision. If the assessment shows that the change or the intended use does not correspond to the initial safety assessment done for Decision C(2009)7633, the Member State concerned shall submit a new derogation request in accordance with Article 14(6) of Regulation (EC) No 216/2008.

3. By way of derogation from Article 5 of this Regulation and without prejudice to point (b) of Article 18(2) of Regulation (EU) 2018/1139 and to Subpart P of Annex I to Commission Regulation (EU) No 748/2012 (2) concerning the permit to fly, the following flights shall continue to be operated under the requirements specified in the national law of the Member State in which the operator has its principal place of business, or, where the operator has no principal place of business, the place where the operator is established or resides:

(a) flights related to the introduction or modification of aeroplane or helicopter types conducted by design or production organisations within the scope of their privileges;

(b) flights carrying no passengers or cargo, where the aeroplane or helicopter is ferried for refurbishment, repair, inspections, delivery, export or similar purposes, provided that the aircraft is not listed on an air operator certificate or on a declaration.

4. Notwithstanding Article 5, Member States may, until 30 June 2018 , continue to require a specific approval and additional requirements regarding operational procedures, equipment, crew qualification and training for CAT helicopter offshore operations in accordance with their national law. Member States shall notify the Commission and the Agency of the additional requirements being applied to such specific approvals. Those requirements shall not be less restrictive than those of Annexes III and IV.

4a. By way of derogation from Article 5(1) and (6), the following operations with other-than-complex motor-powered aeroplanes and helicopters may be conducted in accordance with Annex VII:

(a) cost-shared flights by private individuals, on the condition that the direct cost is shared by all the occupants of the aircraft, pilot included and the number of persons sharing the direct costs is limited to six;

(b) competition flights or flying displays, on the condition that the remuneration or any valuable consideration given for such flights is limited to recovery of direct costs and a proportionate contribution to annual costs, as well as prizes of no more than a value specified by the competent authority;

(c) introductory flights, parachute dropping, sailplane towing or aerobatic flights performed either by a training organisation having its principal place of business in a Member State and referred to in Article 10a of Regulation (EU) No 1178/2011, or by an organisation created with the aim of promoting aerial sport or leisure aviation, on the condition that the aircraft is operated by the organisation on the basis of ownership or dry lease, that the flight does not generate profits distributed outside of the organisation, and that whenever non-members of the organisation are involved, such flights represent only a marginal activity of the organisation.

5. Until 2 September 2017 , exemptions granted before 22 March 2017 in accordance with Article 8(2) of Regulation (EEC) No 3922/91, as provided for in Article 6(5) of Regulation (EU) No 965/2012 as applicable before 22 March 2017 , shall be considered to constitute approvals referred to in point (a) of CAT.POL.A.300 of Annex IV (Part-CAT). After 2 September 2017 , those exemptions shall no longer be valid for the operation of single-engined aeroplanes.

If any change to the operation of those aeroplanes that affects the conditions set out in those exemptions is envisaged between 22 March 2017 and 2 September 2017 , that envisaged change shall be notified to the Commission and the Agency before it is implemented. The Commission and the Agency shall assess the envisaged change in accordance with Article 14(5) of Regulation (EC) No 216/2008.

6. Existing helicopter operations to/from a public interest site (PIS) may be conducted in derogation to CAT.POL.H.225 of Annex IV whenever the size of the PIS, the obstacle environment or the helicopter does not permit compliance with the requirements for operation in performance class 1. Such operations shall be conducted under conditions determined by Member States. Member States shall notify the Commission and

the Agency of the conditions being applied.

7. . . . . .

8. By way of derogation from the first sentence of Article 5(3), operators of complex motor-powered aeroplanes with a maximum certificated take-off mass (MCTOM) at or below 5 700 kg, equipped with turboprop engines, involved in non-commercial operations, shall operate those aircraft only in accordance with Annex VII.

9. By way of derogation from Article 5(5)(a), training organisations shall, when conducting flight training on complex motor-powered aeroplanes with a maximum certificated take-off mass (MCTOM) at or below 5 700 kg, equipped with turboprop engines, operate those aircraft in accordance with Annex VII.

Article 7

Air operator certificates

1. Air operator certificates (AOCs) issued by a Member State to CAT operators of aeroplanes before this Regulation applies in accordance with Regulation (EEC) No 3922/91 shall be deemed to have been issued in accordance with this Regulation.

However, no later than 28 October 2014:

(a) operators shall adapt their management system, training programmes, procedures and manuals to be compliant with Annexes III, IV and V, as relevant;

(b) the AOC shall be replaced by certificates issued in accordance with Annex II to this Regulation.

2. AOCs issued by a Member State to CAT operators of helicopters before this Regulation applies shall be converted into AOCs compliant with this Regulation in accordance with a conversion report established by the Member State that issued the AOC, in consultation with the Agency.

The conversion report shall describe:

(a) the national requirements on the basis of which the AOCs were issued;

(b) the scope of privileges that were given to the operators;

(c) the differences between the national requirements on the basis of which the AOCs were issued and the requirements of Annexes III, IV and V, together with an indication of how and when the operators will be required to ensure full compliance with those Annexes.

The conversion report shall include copies of all documents necessary to demonstrate the elements set out in points (a) to (c), including copies of the relevant national requirements and procedures.

Article 8

Flight time limitations

1. CAT operations shall be subject to the requirements of Subpart FTL of Annex III.

2. By way of derogation from paragraph 1, air taxi, emergency medical service and single pilot CAT operations by aeroplanes shall be subject to the requirements specified in the national law referred to in Article 8(4) of Regulation (EEC) No 3922/91 and in Subpart Q of Annex III to that Regulation.

3. By way of derogation from paragraph 1, CAT operations with helicopters and CAT operations with sailplanes shall comply with the requirements specified in the national law of the Member State in which the operator has its principal place of business.

4. Non-commercial operations, including non-commercial specialised operations, with complex motor-powered aeroplanes and helicopters, as well as commercial specialised operations with aeroplanes, helicopters and sailplanes shall comply as regards flight time limitations, with the requirements specified in the national law of the Member State in which the operator has its principal place of business, or, where the operator has no principal place of business, the place where the operator is established or resides.

Article 9

Minimum equipment lists

Minimum equipment lists (‘ MEL ’) approved by the State of Operator or Registry before the application of this Regulation, are deemed to be approved in accordance with this Regulation and may continue to be used by the operator.

After the entry into force of this Regulation any change to the MEL referred to in the first subparagraph for which a Master Minimum Equipment List (‘MMEL’) is established as part of the operational suitability data in accordance with Commission Regulation (EU) No 748/2012 (3) shall be made in compliance with point ORO.MLR.105 of Section 2 of Annex III to this Regulation at the earliest opportunity and not later than 18 December 2017 or two years after the operational suitability data was approved, whichever is the latest.

Any change to an MEL referred to in the first subparagraph, for which an MMEL has not been established as part of the operational suitability data, shall continue to be made in accordance with the MMEL accepted by the State of Operator or Registry as applicable.

Article 9a

Flight and cabin crew training

Operators shall ensure that flight crew and cabin crew members who are already in operation and have completed training in accordance with Subparts FC and CC of Annex III which did not include the mandatory elements established in the relevant operational suitability data, undertake training covering those mandatory elements not later than 18 December 2017 or two years after the approval of the operational suitability data, whichever is the latest.

Article 9aa

Flight crew requirements for maintenance check flights

A pilot having acted, before 25 September 2019 , as a pilot-in-command on a maintenance check flight that in accordance with the definition in point SPO.SPEC.MCF.100 in Annex VIII is categorised as a Level A maintenance check flight, shall be given credit for the purpose of complying with point SPO.SPEC.MCF.115(a)(1) of that Annex. In that case, the operator shall ensure that the pilot-in-command receives a briefing on any differences identified between the operating practices established before 25

September 2019 and the obligations provided in Section 5 of Subpart E of Annex VIII to this Regulation including those derived from the related procedures established by the operator.

Article 9b

Review

1. The Agency shall conduct a continuous review of the effectiveness of the provisions concerning flight and duty time limitations and rest requirements contained in Annexes II and III. No later than 18 February 2019 the Agency shall produce a first report on the results of this review.

That review shall involve scientific expertise and shall be based on operational data gathered, with the assistance of Member States, on a long-term basis after the date of application of this Regulation.

The review shall assess the impact of at least the following on the alertness of aircrew:

(a) duties of more than 13 hours at the most favourable times of the day;

(b) duties of more than 10 hours at less favourable times of the day;

(c) duties of more than 11 hours for crew members in an unknown state of acclimatisation;

(d) duties including a high level of sectors (more than 6);

(e) on-call duties such as standby or reserve followed by flight duties; and

(f) disruptive schedules.

2. The Agency shall conduct a continuous review of the effectiveness of the provisions concerning support programmes, the psychological assessment of flight crew and the systematic and random testing of psychoactive substances to ensure the medical fitness of flight crew and cabin crew members set out in Annexes II and IV. No later than 14 August 2022 , the Agency shall produce a first report on the results of this review.

That review shall involve relevant expertise and shall be based on data gathered, with the assistance of Member States and the Agency, on a long-term basis.

Article 10

Entry into force

1. This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union* .

It shall apply from 28 October 2012 .

2.. . . . . .

3.. . . . . .

4.. . . . . .

5.. . . . . .

6.. . . . . .

ANNEX I

Definitions for terms used in Annexes II to VIII

For the purpose of this Regulation, the following definitions shall apply:

(1) ‘accelerate-stop distance available (ASDA)’ means the length of the take-off run available plus the length of stopway, if such stopway is declared available by the State of the aerodrome and is capable of bearing the mass of the aeroplane under the prevailing operating conditions;

(2) ‘acceptable means of compliance (AMC)’ means non-binding standards adopted by the Agency to illustrate means to establish compliance with Regulation (EC) No 216/2008 and its Implementing Rules;

(3) ‘acceptance checklist’ means a document used to assist in carrying out a check on the external appearance of packages of dangerous goods and their associated documents to determine that all appropriate requirements have been met with;

(4) ‘adequate aerodrome’ means an aerodrome on which the aircraft can be operated, taking account of the applicable performance requirements and runway characteristics;

(5)

For the purpose of passenger classification:

(a) ‘adult’ means a person of an age of 12 years and above;

(b) ‘child/children’ means persons who are of an age of two years and above but who are less than 12 years of age;

(c) ‘infant’ means a person under the age of two years;

(6) . . . . .

(7) ‘aided night vision imaging system (NVIS) flight’ means, in the case of NVIS operations, that portion of a visual flight rules (VFR) flight performed at night when a crew member is using night vision goggles (NVG);

(8)

‘aircraft’ means a machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface;

(8a) ‘ aircraft tracking ’ means a ground based process that maintains and updates, at standardised intervals, a record of the four dimensional position of individual aircraft in flight;

(8b) ‘ aircraft tracking system ’ means a system that relies on aircraft tracking in order to identify abnormal flight behaviour and provide alert;

(9) ‘alternative means of compliance’ means those means that propose an alternative to an existing acceptable means of compliance or those that propose new means to establish compliance with Regulation (EC) No 216/2008 and its Implementing Rules for which no associated AMC have been adopted by the Agency;

(10) ‘anti-icing’, in the case of ground procedures, means a procedure that provides protection against the formation of frost or ice and accumulation of snow on treated surfaces of the aircraft for a limited period of time (hold-over time);

(11) ‘ approach procedure with vertical guidance (APV) operation ’ means an instrument approach which utilises lateral and vertical guidance, but does not meet the requirements established for precision approach and landing operations, with a decision height (DH) not lower than 250 ft and a runway visual range (RVR) of not less than 600 m;

(12) ‘cabin crew member’ means an appropriately qualified crew member, other than a flight crew or technical crew member, who is assigned by an operator to perform duties related to the safety of passengers and flight during operations;

(13) ‘category I (CAT I) approach operation’ means a precision instrument approach and landing using an instrument landing system (ILS), microwave landing system (MLS), GLS (ground-based augmented global navigation satellite system (GNSS/GBAS) landing system), precision approach radar (PAR) or GNSS using a satellite-based augmentation system (SBAS) with a decision height (DH) not lower than 200 ft and with a runway visual range (RVR) not less than 550 m for aeroplanes and 500 m for helicopters;

(14) ‘category II (CAT II) operation’ means a precision instrument approach and landing operation using ILS or MLS with:

(a) DH below 200 ft but not lower than 100 ft; and

(b) RVR of not less than 300 m;

(15) ‘category IIIA (CAT IIIA) operation’ means a precision instrument approach and landing operation using ILS or MLS with:

(a) DH lower than 100 ft; and

(b) RVR not less than 200 m;

(16) ‘category IIIB (CAT IIIB) operation’ means a precision instrument approach and landing operation using ILS or MLS with:

(a) DH lower than 100 ft, or no DH; and

(b) RVR lower than 200 m but not less than 75 m;

(17) ‘ category A with respect to helicopters ’ means a multi-engined helicopter designed with engine and system isolation features specified in the applicable certification specification and capable of operations using take-off and landing data scheduled under a critical engine failure concept that assures adequate designated surface area and adequate performance capability for continued safe flight or safe rejected take-off in the event of engine failure;

(18) ‘category B with respect to helicopters’ means a single-engined or multi-engined helicopter that does not meet category A standards. Category B helicopters have no guaranteed capability to continue safe flight in the event of an engine failure, and unscheduled landing is assumed;

(19) ‘certification specifications’ (CS) means technical standards adopted by the Agency indicating means to show compliance with Regulation (EC) No 216/2008 and its Implementing Rules and which can be used by an organisation for the purpose of certification;

(20) ‘circling’ means the visual phase of an instrument approach to bring an aircraft into position for landing on a runway/FATO that is not suitably located for a straight-in approach;

(21) ‘clearway’ means a defined rectangular area on the ground or water under the control of the appropriate authority, selected or prepared as a suitable area over which an aeroplane may make a portion of its initial climb to a specified height;

(22)

‘cloud base’ means the height of the base of the lowest observed or forecast cloud element in the vicinity of an aerodrome or operating site or within a specified area of operations, normally measured above aerodrome elevation or, in the case of offshore operations, above mean sea level;

(22a) ‘ cockpit voice recorder (CVR) ’ means a crash-protected flight recorder that uses a combination of microphones and other audio and digital inputs to collect and record the aural environment of the flight crew compartment and communications to, from and between the flight crew members;

(23)
‘code share’ means an arrangement under which an operator places its designator code on a flight operated by another operator, and sells and issues tickets for that flight;

(23a) ‘ competency ’ means a dimension of human performance that is used to reliably predict successful performance on the job and which is manifested and observed through behaviours that mobilise the relevant knowledge, skills and attitudes to carry out activities or tasks under specified conditions;

(23b) ‘ competency-based training ’ means assessment and training programmes that are characterised by a performance orientation, emphasis on standards of performance and their measurement and the development of training to the specified performance standards;

(23c) ‘ competency framework ’ means a complete set of identified competencies that are developed, trained and assessed in the operator’s evidence-based training programme utilising scenarios that are relevant to operations and which is wide enough to prepare the pilot for both foreseen and unforeseen threats and errors;

(24) ‘congested area’ means in relation to a city, town or settlement, any area which is substantially used for residential, commercial or recreational purposes;

(25) ‘ contaminated runway ’ means a runway of which a significant portion of its surface area (whether in isolated areas or not) within the length and width being used is covered by one or more of the substances listed under the runway surface condition descriptors;

(26) ‘contingency fuel’ means the fuel required to compensate for unforeseen factors that could have an influence on the fuel consumption to the destination aerodrome;

(27) ‘continuous descent final approach (CDFA)’ means a technique, consistent with stabilised approach procedures, for flying the final-approach segment of a non-precision instrument approach procedure as a continuous descent, without level-off, from an altitude/height at or above the final approach fix altitude/height to a point approximately 15 m (50 ft) above the landing runway threshold or the point where the flare manoeuvre shall begin for the type of aircraft flown;

(28) ‘converted meteorological visibility (CMV)’ means a value, equivalent to an RVR, which is derived from the reported meteorological visibility;

(29) ‘crew member’ means a person assigned by an operator to perform duties on board an aircraft;

(30) ‘critical phases of flight’ in the case of aeroplanes means the take-off run, the take-off flight path, the final approach, the missed approach, the landing, including the landing roll, and any other phases of flight as determined by the pilot-in-command or commander;

(31) ‘critical phases of flight’ in the case of helicopters means taxiing, hovering, take-off, final approach, missed approach, the landing and any other phases of flight as determined by the pilot-in-command or commander;

(32) . . . . .

(33) ‘dangerous goods (DG)’ means articles or substances which are capable of posing a risk to health, safety, property or the environment and which are shown in the list of dangerous goods in the technical instructions or which are classified according to those instructions;

(34) ‘dangerous goods accident’ means an occurrence associated with and related to the transport of dangerous goods by air which results in fatal or serious injury to a person or major property damage;

(35)

‘dangerous goods incident’ means:

(a) an occurrence other than a dangerous goods accident associated with and related to the transport of dangerous goods by air, not necessarily occurring on board an aircraft, which results in injury to a person, property damage, fire, breakage, spillage, leakage of fluid or radiation or other evidence that the integrity of the packaging has not been maintained;

(b) any occurrence relating to the transport of dangerous goods which seriously jeopardises an aircraft or its occupants;

(36) ‘de-icing’, in the case of ground procedures, means a procedure by which frost, ice, snow or slush is removed from an aircraft in order to provide uncontaminated surfaces;

(37) ‘defined point after take-off (DPATO)’ means the point, within the take-off and initial climb phase, before which the helicopter’s ability to continue the flight safely, with the critical engine inoperative, is not assured and a forced landing may be required;

(38) ‘defined point before landing (DPBL)’ means the point within the approach and landing phase, after which the helicopter’s ability to continue the flight safely, with the critical engine inoperative, is not assured and a forced landing may be required;

(39) ‘distance DR’ means the horizontal distance that the helicopter has travelled from the end of the take-off distance available;

(40) ‘ dry lease agreement ’ means an agreement between undertakings pursuant to which the aircraft is operated under the air operator certificate (AOC) of the lessee or, in the case of commercial operations other than CAT, under the responsibility of the lessee;

(41) ‘dry operating mass’ means the total mass of the aircraft ready for a specific type of operation, excluding usable fuel and traffic load;

(42) ‘ dry runway ’ means a runway whose surface is free of visible moisture and not contaminated within the area intended to be used;

(42a) ‘ EFB application ’ means a software application installed on an EFB host platform that provides one or more specific operational functions which support flight operations;

(42b) ‘ EFB host platform ’ means the hardware equipment in which the computing capabilities and basic software reside, including the operating system and the input/output software;

(42c) ‘ EFB system ’ means the hardware equipment (including any battery, connectivity provisions, input/output components) and software (including databases and the operating system) needed to support the intended EFB application(s);

(42d) ‘ EBT module ’ means a combination of sessions in a qualified flight simulation training device as part of the 3-year period of recurrent assessment and training;

(43) ‘ ELA1 aircraft ’ means the following manned European Light Aircraft:

(a) an aeroplane with a Maximum Take-off Mass (MTOM) of 1 200 kg or less that is not classified as complex motor-powered aircraft;

(b) a sailplane or powered sailplane of 1 200 kg MTOM or less;

(c) a balloon with a maximum design lifting gas or hot air volume of not more than 3 400 m^3 for hot air balloons, 1 050 m^3 for gas balloons, 300 m^3 for tethered gas balloons;

(44)

‘ ELA2 aircraft ’ means the following manned European Light Aircraft:

(a) an aeroplane with a Maximum Take-off Mass (MTOM) of 2 000 kg or less that is not classified as complex motor-powered aircraft;

(b) a sailplane or powered sailplane of 2 000 kg MTOM or less;

(c) a balloon;

(d) a Very Light Rotorcraft with a MTOM not exceeding 600 kg which is of a simple design, designed to carry not more than two occupants, not powered by turbine and/or rocket engines; restricted to VFR day operations;

(44a) ‘ electronic flight bag (EFB) ’ means an electronic information system, comprised of equipment and applications for flight crew, which allows for the storing, updating, displaying and processing of EFB functions to support flight operations or duties;

(45)
‘elevated final approach and take-off area (elevated FATO)’ means a FATO that is at least 3 m above the surrounding surface;

(45a) ‘ emergency exit ’ means an installed exit-type egress point from the aircraft that allows maximum opportunity for cabin and flight crew compartment evacuation within an appropriate time period and includes floor level door, window exit or any other type of exit, for instance hatch in the flight crew compartment and tail cone exit;

(46)
‘en-route alternate (ERA) aerodrome’ means an adequate aerodrome along the route, which may be required at the planning stage;

(47)
‘enhanced vision system (EVS)’ means a system to display electronic real-time images of the external scene achieved through the use of imaging sensors;

(47a) ‘ enrolment ’ means the administrative action carried out by the operator where a pilot participates in the operator’s EBT programme;

(47b) ‘ enrolled pilot ’ means the pilot that participates in the EBT recurrent training programme;

(47c) ‘equivalency of approachesmeans all the approaches that place an additional demand on a proficient crew regardless of whether they are used or not in the EBT modules;

(47d) ‘ equivalency of malfunctions ’ means all the malfunctions that put a significant demand on a proficient crew regardless of whether they are used or not in the EBT modules;

(47e) ‘ evaluation phase ’ means one of the phases of an EBT modulewhich is a line-orientated flight scenario, representative of the operator’s environment during which there are one or more occurrences to evaluate key elements of the defined competency framework;

(47f) ‘ evidence-based training (EBT) ’ means assessment and training based on operational data that is characterised by developing and assessing the overall capability of a pilot across a range of competencies (competency framework) rather than by measuring the performance in individual events or manoeuvres;

(48)
‘final approach and take-off area (FATO)’ means a defined area for helicopter operations, over which the final phase of the approach manoeuvre to hover or land is completed, and from which the take-off manoeuvre is commenced. In the case of helicopters operating in performance class 1, the defined area includes the rejected take-off area available;

(48a) ‘ flight crew member ’ means a licensed crew member charged with duties essential to the operation of an aircraft during a flight duty period;

(49)

‘flight data monitoring (FDM)’ means the proactive and non-punitive use of digital flight data from routine operations to improve aviation safety;

(49a) ‘ flight operations officer ’ or ‘ flight dispatcher ’ means a person designated by the operator to engage in the control and supervision of flight operations, who is suitably qualified, who supports, briefs or assists, or both, the pilot-in-command in the safe conduct of the flight;

(49b) ‘ flight data recorder (FDR) ’ means a crash-protected flight recorder that uses a combination of data sources to collect and record parameters that reflect the state and performance of the aircraft;

(49c) ‘ flight recorder ’ means any type of recorder that is installed on the aircraft for the purpose of facilitating accident or incident safety investigations;

(50)

‘flight simulation training device (FSTD)’ means a training device which is:

(a) in the case of aeroplanes, a full flight simulator (FFS), a flight training device (FTD), a flight and navigation procedures trainer (FNPT), or a basic instrument training device (BITD);

(b) in the case of helicopters, a full flight simulator (FFS), a flight training device (FTD) or a flight and navigation procedures trainer (FNPT);

(51)

‘fuel ERA aerodrome’ means an ERA aerodrome selected for the purpose of reducing contingency fuel;

(52)

‘GBAS landing system (GLS)’ means an approach landing system using ground based augmented global navigation satellite system (GNSS/GBAS) information to provide guidance to the aircraft based on its lateral and vertical GNSS position. It uses geometric altitude reference for its final approach slope;

(53)

‘ground emergency service personnel’ means any ground emergency service personnel (such as policemen, firemen, etc.) involved with helicopter emergency medical services (HEMSs) and whose tasks are to any extent pertinent to helicopter operations;

(54)

‘grounding’ means the formal prohibition of an aircraft to take-off and the taking of such steps as are necessary to detain it;

(55)

‘head-up display (HUD)’ means a display system which presents flight information to the pilot’s forward external field of view and which does not significantly restrict the external view;

(56)

‘head-up guidance landing system (HUDLS)’ means the total airborne system that provides head-up guidance to the pilot during the approach and landing and/or missed approach procedure. It includes all sensors, computers, power supplies, indications and controls;

(57)

. . . . .

(58)

‘helicopter hoist operation (HHO) crew member’ means a technical crew member who performs assigned duties relating to the operation of a hoist;

(59) ‘helideck’ means a FATO located on a floating or fixed offshore structure;

(60) ‘HEMS crew member’ means a technical crew member who is assigned to a HEMS flight for the purpose of attending to any person in need of medical assistance carried in the helicopter and assisting the pilot during the mission;

(61) ‘HEMS flight’ means a flight by a helicopter operating under a HEMS approval, the purpose of which is to facilitate emergency medical assistance, where immediate and rapid transportation is essential, by carrying:

(a) medical personnel;

(b) medical supplies (equipment, blood, organs, drugs); or

(c) ill or injured persons and other persons directly involved;

(62) ‘HEMS operating base’ means an aerodrome at which the HEMS crew members and the HEMS helicopter may be on stand-by for HEMS operations;

(63) ‘HEMS operating site’ means a site selected by the commander during a HEMS flight for helicopter hoist operations, landing and take-off;

(64) ‘HHO flight’ means a flight by a helicopter operating under an HHO approval, the purpose of which is to facilitate the transfer of persons and/or cargo by means of a helicopter hoist;

(65) ‘HHO offshore’ means a flight by a helicopter operating under an HHO approval, the purpose of which is to facilitate the transfer of persons and/or cargo by means of a helicopter hoist from or to a vessel or structure in a sea area or to the sea itself;

(66) ‘HHO passenger’ means a person who is to be transferred by means of a helicopter hoist;

(67) ‘HHO site’ means a specified area at which a helicopter performs a hoist transfer;

(68) ‘hold-over time (HoT)’ means the estimated time the anti-icing fluid will prevent the formation of ice and frost and the accumulation of snow on the protected (treated) surfaces of an aeroplane;

(69) ‘ hostile environment ’ means:

(a) an area in which:

(i) a safe forced landing cannot be accomplished because the surface is inadequate; or

(ii) the helicopter occupants cannot be adequately protected from the elements; or

(iii) search and rescue response/capability are not provided consistent with anticipated exposure; or

(iv) there is an unacceptable risk of endangering persons or property on the ground;

(b) in any case, the following areas:

(i) for overwater operations, the open sea area north of 45 N and south of 45 S, unless any part is designated as non-hostile by the responsible authority of the State in which the operations take place; and

(ii) those parts of a congested area without adequate safe forced landing areas;

(69a) ‘ human–machine interface (HMI) ’ means a component of certain devices that is capable of handling human–machine interactions. The interface consists of hardware and software that allow user inputs to be interpreted and processed by machines or systems that, in turn, provide the required results to the user;

(69b) ‘ in-seat instruction ’ means a technique used in the manoeuvres training phase or the scenario-based training phase, where the instructors can:

(a) provide simple instructions to one pilot; or

(b) perform predetermined exercises acting, in a pilot seat, as pilot flying (PF) or pilot monitoring (PM) for:

(1) the demonstration of techniques; and/or

(2) triggering the other pilot to intervene or interact;

(69c) ‘ instructor concordance ’ means the consistency or stability of scores between different EBT instructorswhich gives a score (or scores) of how much homogeneity, or consensus, there is in the ratings given by instructors (raters);

(70)
‘landing decision point (LDP)’ means the point used in determining landing performance from which, an engine failure having been recognised at this point, the landing may be safely continued or a balked landing initiated;

(70a) ‘ landing distance at time of arrival (LDTA) ’ means a landing distance that is achievable in normal operations based on landing performance data and associated procedures determined for the prevailing conditions at the time of landing;

(71)
‘landing distance available (LDA)’ means the length of the runway which is declared available by the State of the aerodrome and suitable for the ground run of an aeroplane landing;

(72)
‘landplane’ means a fixed wing aircraft which is designed for taking off and landing on land and includes amphibians operated as landplanes;

(72a) ‘ line-orientated flight scenario ’ means the assessment and training involving a realistic, ‘ real-time ’ , full mission simulation of scenarios that are representative of line operations;

(73)
‘local helicopter operation’ means a commercial air transport operation of helicopters with a maximum certified take-off mass (MCTOM) over 3 175 kg and a maximum operational passenger seating configuration (MOPSC) of nine or less, by day, over routes navigated by reference to visual landmarks, conducted within a local and defined geographical area specified in the operations manual;

(74)

‘low visibility procedures (LVP)’ means procedures applied at an aerodrome for the purpose of ensuring safe operations during lower than standard category I, other than standard category II, category II and III approaches and low visibility take-offs;

(75)
‘low visibility take-off (LVTO)’ means a take-off with an RVR lower than 400 m but not less than 75 m;

(76)
‘lower than standard category I (LTS CAT I) operation’ means a category I instrument approach and landing operation using category I DH, with an RVR lower than would normally be associated with the applicable DH but not lower than 400 m;

(76a) ‘ maintenance check flight (“ MCF ”) ’ means a flight of an aircraft with an airworthiness certificate or with a permit to fly which is carried out for troubleshooting purposes or to check the functioning of one or more systems, parts or appliances after maintenance, if the functioning of the systems, parts or appliances cannot be established during ground checks and which is carried out in any of the following situations:

(a) as required by the aircraft maintenance manual (‘ AMM ’) or any other maintenance data issued by a design approval holder being responsible for the continuing airworthiness of the aircraft;

(b) after maintenance, as required by the operator or proposed by the organisation responsible for the continuing airworthiness of the aircraft;

(c) as requested by the maintenance organisation for verification of a successful defect rectification;(d) to assist with fault isolation or troubleshooting;

(76b) ‘ manoeuvres training phase ’ means a phase of an EBT module during which, according to aircraft generation, crews have time to practise and improve performance in largely psychomotor skill-based exercises by achieving a prescribed flight path or performing a prescribed event to a prescribed outcome;

(76c) ‘ mixed EBT programme ’ means an operator’s recurrent training and checking programme as per ORO.FC.230, a portion of which is dedicated to the application of EBT but which does not replace proficiency checks as per Appendix 9 to Annex I (Part-FCL) to Regulation (EU) No 1178/2011;

(77)
‘maximum operational passenger seating configuration (MOPSC)’ means the maximum passenger seating capacity of an individual aircraft, excluding crew seats, established for operational purposes and specified in the operations manual. Taking as a baseline the maximum passenger seating configuration established during the certification process conducted for the type certificate (TC), supplemental type certificate (STC) or change to the TC or STC as relevant to the individual aircraft, the MOPSC may establish an equal or lower number of seats, depending on the operational constraints;

(78)
‘medical passenger’ means a medical person carried in a helicopter during a HEMS flight, including but not limited to doctors, nurses and paramedics;

(78a) ‘ minor failure condition ’ means a failure condition that would not significantly reduce aircraft safety, and which involves flight crew actions that are well within their capabilities;

(78b) ‘ misuse of substances ’ means the use of one or more psychoactive substances by flight crew, cabin crew members and other safety-sensitive personnel in a way that:

(a) constitutes a direct hazard to the user or endangers the lives, health or welfare of others; and/or

(b) causes or worsens an occupational, social, mental or physical problem or disorder;

(79)

‘night’ means the period between the end of evening civil twilight and the beginning of morning civil twilight or such other period between sunset and sunrise as may be prescribed by the appropriate authority, as defined by the Member State;

(80)
‘night vision goggles (NVG)’ means a head-mounted, binocular, light intensification appliance that enhances the ability to maintain visual surface references at night;

(81)
‘night vision imaging system (NVIS)’ means the integration of all elements required to successfully and safely use NVGs while operating a helicopter. The system includes as a minimum: NVGs, NVIS lighting, helicopter components, training and continuing airworthiness;

(82)
‘non-hostile environment’ means an environment in which:

(a) a safe forced landing can be accomplished;

(b) the helicopter occupants can be protected from the elements; and

(c) search and rescue response/capability is provided consistent with the anticipated exposure.

In any case, those parts of a congested area with adequate safe forced landing areas shall be considered non-hostile;

(83)
‘non-precision approach (NPA) operation’ means an instrument approach with a minimum descent height (MDH), or DH when flying a CDFA technique, not lower than 250 ft and an RVR/CMV of not less than 750 m for aeroplanes and 600 m for helicopters;

(84)
‘NVIS crew member’ means a technical crew member assigned to an NVIS flight;

(85)
‘NVIS flight’ means a flight under night visual meteorological conditions (VMC) with the flight crew using NVGs in a helicopter operating under an NVIS approval;

(86)
‘ offshore operation ’ means a helicopter operation that has a substantial proportion of any flight conducted over open sea areas to or from an offshore location;

(86a) ‘ offshore location ’ means a facility intended to be used for helicopter operations on a fixed or floating offshore structure or a vessel;

(86b) ‘ open sea area ’ means the area of water to seaward of the coastline;

(87)
‘operating site’ means a site, other than an aerodrome, selected by the operator or pilot-in-command or commander for landing, take-off and/or external load operations;

(88)
‘operation in performance class 1’ means an operation that, in the event of failure of the critical engine, the helicopter is able to land within the rejected take-off distance available or safely continue the flight to an appropriate landing area, depending on when the failure occurs;

(89)

‘operation in performance class 2’ means an operation that, in the event of failure of the critical engine, performance is available to enable the helicopter to safely continue the flight, except when the failure occurs early during the take-off manoeuvre or late in the landing manoeuvre, in which cases a forced landing may be required;

(90) ‘operation in performance class 3’ means an operation that, in the event of an engine failure at any time during the flight, a forced landing may be required in a multi-engined helicopter and will be required in a single-engined helicopter;

(91) ‘operational control’ means the responsibility for the initiation, continuation, termination or diversion of a flight in the interest of safety;

(92) ‘other than standard category II (OTS CAT II) operation’ means a precision instrument approach and landing operation using ILS or MLS where some or all of the elements of the precision approach category II light system are not available, and with:

(a) DH below 200 ft but not lower than 100 ft; and

(b) RVR of not less than 350 m;

(93) ‘performance class A aeroplanes’ means multi-engined aeroplanes powered by turbo-propeller engines with an MOPSC of more than nine or a maximum take-off mass exceeding 5 700 kg, and all multi-engined turbo-jet powered aeroplanes;

(94) ‘performance class B aeroplanes’ means aeroplanes powered by propeller engines with an MOPSC of nine or less and a maximum take-off mass of 5 700 kg or less;

(95) ‘performance class C aeroplanes’ means aeroplanes powered by reciprocating engines with an MOPSC of more than nine or a maximum take-off mass exceeding 5 700 kg;

(95a) ‘ personnel-carrying device system (PCDS) ’ means a system including one or more devices that is either attached to a hoist or cargo hook or mounted to the rotorcraft airframe during human external cargo (HEC) or helicopter hoist operations (HHO). The devices have the structural capability and features needed to transport occupants external to the helicopter e.g. a life safety harness with or without a quick release and strop with a connector ring, a rigid basket or a cage;

(95b) ‘ simple personnel carrying device system (simple “ PCDS ”) ’ means a PCDS that complies with the following conditions:

(a) meets a harmonised standard under Regulation (EU) 2016/425 of the European Parliament and of the Council (1) or Directive 2006/42/EC of the European Parliament and of the Council (2) ;

(b) is designed to restrain no more than a single person (for instance, hoist or cargo hook operator, task specialist or photographer) inside the cabin, or to restrain no more than two persons outside the cabin;

(c) is not a rigid structure such as a cage, a platform or a basket;

(96) ‘pilot-in-command’ means the pilot designated as being in command and charged with the safe conduct of the flight. For the purpose of commercial air transport operations, the ‘pilot-in-command’ shall be termed the ‘commander’;

(96a) ‘ portable EFB ’ means a portable EFB host platform, used on the flight deck, which is not part of the configuration of the certified aircraft;

(96b) ‘ portable electronic device (PED) ’ means any kind of electronic device, typically but not limited to consumer electronics, brought on board the aircraft by crew members, passengers, or as part of the cargo, that is not included in the configuration of the certified aircraft. It includes all equipment that is able to consume electrical energy. The electrical energy can be provided from internal sources such as batteries (chargeable or non-rechargeable) or the devices may also be connected to specific aircraft power sources;

(97)
‘principal place of business’ means the head office or registered office of the organisation within which the principal financial functions and operational control of the activities referred to in this Regulation are exercised;

(98)
‘prioritisation of ramp inspections’ means the dedication of an appropriate portion of the total number of ramp inspections conducted by or on behalf of a competent authority on an annual basis as provided in Part-ARO;

(98a) ‘ proficient ’ means having demonstrated the necessary skills, knowledge and attitudes that are required to perform any defined tasks to the prescribed standard;

(99)
‘public interest site (PIS)’ means a site used exclusively for operations in the public interest;

(100)
‘ramp inspection’ means the inspection of aircraft, of flight and cabin crew qualifications and of flight documentation in order to verify the compliance with the applicable requirements;

(101)
‘rectification interval’ means a limitation on the duration of operations with inoperative equipment;

(102)
‘rejected take-off distance available (RTODAH)’ means the length of the final approach and take-off area declared available and suitable for helicopters operated in performance class 1 to complete a rejected take-off;

(103)
‘rejected take-off distance required (RTODRH)’ means the horizontal distance required from the start of the take-off to the point where the helicopter comes to a full stop following an engine failure and rejection of the take-off at the take-off decision point;

(103a) ‘ required navigation performance (RNP) specification ’ means a navigation specification for PBN operations which includes a requirement for on-board navigation performance monitoring and alerting;

(103b) rules of the air’ means the rules established in Commission Implementing Regulation (EU) No 923/2012 (3) ;

(103c) ‘ runway condition report (RCR) ’ means a comprehensive standardised report relating to the conditions of the runway surface and their effect on the aeroplane landing and take-off performance, described by means of runway conditions code;

(104)
‘runway visual range (RVR)’ means the range over which the pilot of an aircraft on the centre line of a runway can see the runway surface markings or the lights delineating the runway or identifying its centre line;

(105)

‘safe forced landing’ means an unavoidable landing or ditching with a reasonable expectancy of no injuries to persons in the aircraft or on the surface;

(105b) ‘ scenario-based training phase ’ means a phase of an EBT module which focuses on the development of competencies, whilst the pilot is trained to mitigate the most critical risks identified for the aircraft generation. It should include the management of specific operator’s threats and errors in a real-time line-orientated environment;

(106) ‘seaplane’ means a fixed wing aircraft which is designed for taking off and landing on water and includes amphibians operated as seaplanes;

(107) ‘separate runways’ means runways at the same aerodrome that are separate landing surfaces. These runways may overlay or cross in such a way that if one of the runways is blocked, it will not prevent the planned type of operations on the other runway. Each runway shall have a separate approach procedure based on a separate navigation aid;

(107a) ‘ specially prepared winter runway ’ means a runway with a dry frozen surface of compacted snow or ice which has been treated with sand or grit or has been mechanically treated to improve runway friction;

(108) ‘special VFR flight’ means a VFR flight cleared by air traffic control to operate within a control zone in meteorological conditions below VMC;

(109) ‘stabilised approach (SAp)’ means an approach that is flown in a controlled and appropriate manner in terms of configuration, energy and control of the flight path from a pre-determined point or altitude/height down to a point 50 ft above the threshold or the point where the flare manoeuvre is initiated if higher;

(109a) ‘ sterile flight crew compartment ’ means any period of time when the flight crew members are not disturbed or distracted, except for matters critical to the safe operation of the aircraft or the safety of the occupants;

(110) ‘take-off alternate aerodrome’ means an alternate aerodrome at which an aircraft can land should this become necessary shortly after take-off and if it is not possible to use the aerodrome of departure;

(111) ‘take-off decision point (TDP)’ means the point used in determining take-off performance from which, an engine failure having been recognised at this point, either a rejected take-off may be made or a take-off safely continued;

(112) ‘take-off distance available (TODA)’ in the case of aeroplanes means the length of the take-off run available plus the length of the clearway, if provided;

(113) ‘take-off distance available (TODAH)’ in the case of helicopters means the length of the final approach and take-off area plus, if provided, the length of helicopter clearway declared available and suitable for helicopters to complete the take-off;

(114) ‘take-off distance required (TODRH)’ in the case of helicopters means the horizontal distance required from the start of the take-off to the point at which take-off safety speed (V_{TOSS}), a selected height and a positive climb gradient are achieved, following failure of the critical engine being recognised at the TDP, the remaining engines operating within approved operating limits;

(115) ‘take-off flight path’ means the vertical and horizontal path, with the critical engine inoperative, from a specified point in the take-off for aeroplanes to 1 500 ft above the surface and for helicopters to 1 000 ft above the surface;

(116) ‘take-off mass’ means the mass including everything and everyone carried at the commencement of the take-off for helicopters and take-off run for aeroplanes;

(117)

‘take-off run available (TORA)’ means the length of runway that is declared available by the State of the aerodrome and suitable for the ground run of an aeroplane taking off;

(117a) ‘ task specialist ’ means a person assigned by the operator or a third party, or acting as an undertaking, who performs tasks on the ground directly associated with a specialised task or performs specialised tasks on board or from the aircraft;

(118) ‘technical crew member’ means a crew member in commercial air transport HEMS, HHO or NVIS operations other than a flight or cabin crew member, assigned by the operator to duties in the aircraft or on the ground for the purpose of assisting the pilot during HEMS, HHO or NVIS operations, which may require the operation of specialised on-board equipment;

(119) ‘technical instructions (TI)’ means the latest effective edition of the ‘Technical instructions for the safe transport of dangerous goods by air’, including the supplement and any addenda, approved and published by the International Civil Aviation Organisation;

(120) ‘ traffic load ’ means the total mass of passengers, baggage, cargo and carry-on specialist equipment and including any ballast;

(120a) ‘ type A EFB application ’ means an EFB application whose malfunction or misuse has no safety effect;

(120b) ‘ type B EFB application ’ means an EFB application:

(a) whose malfunction or misuse is classified as minor failure condition or below; and

(b) which neither replaces nor duplicates any system or functionality required by airworthiness regulations, airspace requirements, or operational rules;

(121) ‘unaided NVIS flight’ means, in the case of NVIS operations, that portion of a VFR flight performed at night when a crew member is not using NVG;

(122) ‘undertaking’ means any natural or legal person, whether profit-making or not, or any official body whether having its own personality or not;

(123) ‘V_1’ means the maximum speed in the take-off at which the pilot must take the first action to stop the aeroplane within the accelerate-stop distance. V_1 also means the minimum speed in the take-off, following a failure of the critical engine at V_{EF}, at which the pilot can continue the take-off and achieve the required height above the take-off surface within the take-off distance;

(124) ‘V_{EF}’ means the speed at which the critical engine is assumed to fail during take-off;

(125) ‘visual approach’ means an approach when either part or all of an instrument approach procedure is not completed and the approach is executed with visual reference to the terrain;

(126) ‘ weather-permissible aerodrome ’ means an adequate aerodrome where, for the anticipated time of use, weather reports, or forecasts, or any combination thereof, indicate that the weather conditions will be at or above the required aerodrome operating minima, and the runway surface condition reports indicate that a safe landing will be possible;

(127) ‘ wet lease agreement ’ means an agreement:

- in the case of CAT operations, between air carriers pursuant to which the aircraft is operated under the AOC of the lessor; or

- in the case of commercial operations other than CAT, between operators pursuant to which the aircraft is operated under the responsibility of the lessor;

(128) ‘ wet runway ’ means a runway whose surface is covered by any visible dampness or water up to and including 3 mm deep within the area intended to be used.

ANNEX II

AUTHORITY REQUIREMENTS FOR AIR OPERATIONS [PART-ARO]

ARO.GEN.005 Scope

This Annex establishes requirements for the administration and management system to be fulfilled by the Agency and Member States for the implementation and enforcement of Regulation (EC) No 216/2008 and its Implementing Rules regarding civil aviation air operations.

SUBPART GEN

GENERAL REQUIREMENTS

SECTION I

General

ARO.GEN.115

Oversight documentation

The competent authority shall provide all legislative acts, standards, rules, technical publications and related documents to relevant personnel in order to allow them to perform their tasks and to discharge their responsibilities.

ARO.GEN.120

Means of compliance

(a) The Agency shall develop acceptable means of compliance (‘ AMC ’) that may be used to establish compliance with Regulation (EU) 2018/1139 and its delegated and implementing acts.

(b) Alternative means of compliance may be used to establish compliance with Regulation (EU) 2018/1139 and its delegated and implementing acts.

(c) The competent authority shall establish a system to consistently evaluate whether the alternative means of compliance used by itself or by organisations and persons under its oversight comply with Regulation (EU) 2018/1139 and its delegated and implementing acts. That system shall include procedures to limit, revoke or amend approved alternative means of compliance, if it has been demonstrated by the competent authority that those alternative means of compliance do not comply with Regulation (EU) 2018/1139 and delegated and implementing acts adopted on its basis.

(d) The competent authority shall evaluate all alternative means of compliance proposed by an organisation in accordance:

(1) with point ORO.GEN.120(b) of Annex III (Part-ORO) to this Regulation;

(2) for balloons with point BOP.ADD.010 of Annex II (Part-BOP) to Commission Regulation (EU) 2018/395.

(3) . . . . .

by analysing the documentation provided and, if considered necessary, conducting an inspection of the organisation.

When the competent authority finds that the alternative means of compliance are in accordance with the Implementing Rules, it shall without undue delay:

(1) notify the applicant that the alternative means of compliance may be implemented and, if applicable, amend the approval, specialised operation authorisation or certificate of the applicant accordingly; and

(2) notify the Agency of their content, including copies of all relevant documentation;(3)inform other Member States about alternative means of compliance that were accepted.

(e)

When the competent authority itself uses alternative means of compliance to achieve compliance with Regulation (EC) No 216/2008 and its Implementing Rules it shall:

(1) make them available to all organisations and persons under its oversight; and

(2) without undue delay notify the Agency.

The competent authority shall provide the Agency with a full description of the alternative means of compliance, including any revisions to procedures that may be relevant, as well as an assessment demonstrating that the Implementing Rules are met.

ARO.GEN.125

Information to the Agency

(a) The competent authority shall without undue delay notify the Agency in case of any significant problems with the implementation of Regulation (EC) No 216/2008 and its Implementing Rules.

(b) The competent authority shall provide the Agency with safety-significant information stemming from the occurrence reports it has received.

ARO.GEN.135

Immediate reaction to a safety problem

(a) Without prejudice to Regulation (EU) No 376/2014 of the European Parliament and of the Council (2) , the competent authority shall implement a system to appropriately collect, analyse and disseminate safety information.

(b) The Agency shall implement a system to appropriately analyse any relevant safety information received and without undue delay provide to Member States and the Commission any information, including recommendations or corrective actions to be taken, necessary for them to react in a timely manner to a safety problem involving products, parts, appliances, persons or organisations subject to Regulation (EC) No 216/2008 and its Implementing Rules.

(c) Upon receiving the information referred to in (a) and (b), the competent authority shall take adequate measures to address the safety problem.

(d) Measures taken under (c) shall immediately be notified to all persons or organisations which need to comply with them under Regulation (EC) No 216/2008 and its Implementing Rules. The competent authority shall also notify those measures to the Agency and, when combined action is required, the other Member States concerned.

SECTION II

Management

ARO.GEN.200

Management system

(a) The competent authority shall establish and maintain a management system, including as a minimum:

(1) documented policies and procedures to describe its organisation, means and methods to achieve compliance with Regulation (EC) No 216/2008 and its Implementing Rules. The procedures shall be kept up to date and serve as the basic working documents within that competent authority for all related tasks;

(2) a sufficient number of personnel to perform its tasks and discharge its responsibilities. Such personnel shall be qualified to perform their allocated tasks and have the necessary knowledge, experience, initial and recurrent training to ensure continuing competence. A system shall be in place to plan the availability of personnel, in order to ensure the proper completion of all tasks;

(3) adequate facilities and office accommodation to perform the allocated tasks;

(4) a function to monitor compliance of the management system with the relevant requirements and adequacy of the procedures including the establishment of an internal audit process and a safety risk management process. Compliance monitoring shall include a feedback system of audit findings to the senior management of the competent authority to ensure implementation of corrective actions as necessary; and

(5) a person or group of persons, ultimately responsible to the senior management of the competent authority for the compliance monitoring function.

(b) The competent authority shall, for each field of activity, including management system, appoint one or more persons with the overall responsibility for the management of the relevant task(s).

(c) The competent authority shall establish procedures for participation in a mutual exchange of all necessary information and assistance with other competent authorities concerned including on all findings raised and follow-up actions taken as a result of oversight of persons and organisations exercising activities in the territory of a Member State, but certified[F4or authorised] by[F5or making declarations to] the competent authority of another Member State or the Agency.

(d) A copy of the procedures related to the management system and their amendments shall be made available to the Agency for the purpose of standardisation.

ARO.GEN.205

Allocation of tasks to qualified entities

(a) Tasks related to the initial certification, specialised operation authorisation or continuing oversight of persons or organisations subject to Regulation (EC) No 216/2008 and its Implementing Rules shall be allocated by Member States only to qualified entities. When allocating tasks, the competent authority shall ensure that it has:

(1) put a system in place to initially and continuously assess that the qualified entity complies with Annex V to Regulation (EC) No 216/2008.

This system and the results of the assessments shall be documented.

(2) established a documented agreement with the qualified entity, approved by both parties at the appropriate management level, which clearly defines:

(i) the tasks to be performed;

(ii) the declarations, reports and records to be provided;

(iii) the technical conditions to be met in performing such tasks;

(iv) the related liability coverage; and

(v) the protection given to information acquired in carrying out such tasks.

(b) The competent authority shall ensure that the internal audit process and safety risk management process required by ARO.GEN.200(a)(4) covers all certification, authorisationor continuing oversight tasks performed on its behalf.

ARO.GEN.210

Changes in the management system

(a) The competent authority shall have a system in place to identify changes that affect its capability to perform its tasks and discharge its responsibilities as defined in Regulation (EC) No 216/2008 and its Implementing Rules. This system shall enable it to take action as appropriate to ensure that its management system remains adequate and effective.

(b) The competent authority shall update its management system to reflect any change to Regulation (EC) No 216/2008 and its Implementing Rules in a timely manner, so as to ensure effective implementation.

(c) The competent authority shall notify the Agency of changes affecting its capability to perform its tasks and discharge its responsibilities as defined in Regulation (EC) No 216/2008 and its Implementing Rules.

ARO.GEN.220

Record-keeping

(a)

The competent authority shall establish a system of record-keeping providing for adequate storage, accessibility and reliable traceability of:

(1) the management system’s documented policies and procedures;

(2) training, qualification and authorisation of its personnel;

(3) the allocation of tasks, covering the elements required by ARO.GEN.205 as well as the details of tasks allocated;

(4) certification processes and continuing oversight of certified organisations;

(4a) the process of authorisation of a high risk commercial specialised operation and continuing oversight of an authorisation holder;

(5) declaration processes and continuing oversight of declared organisations;

(6) details of training courses provided by certified organisations, and if applicable, records relating to FSTDs used for such training;

(7) oversight of persons and organisations exercising activities within the territory of the Member State, but overseen, certified or authorised by the competent authority of another Member State or the Agency, as agreed between these authorities;

(8) oversight of operations of other-than complex motor-powered aircraft by non-commercial operators;

(9) the evaluation and notification to the Agency of alternative means of compliance proposed by organisations subject to certification, or authorisation and the assessment of alternative means of

compliance used by the competent authority itself;

(10) findings, corrective actions and date of action closure;

(11) enforcement measures taken;

(12) safety information and follow-up measures; and

(13) the use of flexibility provisions in accordance with Article 14 of Regulation (EC) No 216/2008.

(b) The competent authority shall maintain a list of all organisation certificates and specialised operations authorisations it issued as well as declarations it received.

(c) All records shall be kept for the minimum period specified in this Regulation. In the absence of such indication, records shall be kept for a minimum period of five years subject to applicable data protection law.

SECTION III

Oversight, certification and enforcement

ARO.GEN.300

Oversight

(a) The competent authority shall verify:

(1) compliance with the requirements applicable to organisations or type of operations prior to the issue of a certificate, approval or authorisation, as applicable;

(2) continued compliance with the applicable requirements of organisations it has certified, specialised operations it has authorised and organisations from which it received a declaration;

(3) continued compliance with the applicable requirements of non-commercial operators of other-than complex motor-powered aircraft; and

(4) implementation of appropriate safety measures mandated by the competent authority as defined in ARO.GEN.135(c) and (d).

(b) This verification shall:

(1) be supported by documentation specifically intended to provide personnel responsible for safety oversight with guidance to perform their functions;

(2) provide the persons and organisations concerned with the results of safety oversight activity;

(3) be based on audits and inspections, including ramp and unannounced inspections; and

(4) provide the competent authority with the evidence needed in case further action is required, including the measures foreseen by ARO.GEN.350 and ARO.GEN.355.

(c) The scope of oversight defined in (a) and (b) shall take into account the results of past oversight activities and the safety priorities.

(d) Without prejudice to the competences of the Member States and to their obligations as set out in ARO.RAMP, the scope of the oversight of activities performed in the territory of a Member State by

persons or organisations established or residing in another Member State shall be determined on the basis of the safety priorities, as well as of past oversight activities.

(e) Where the activity of a person or organisation involves more than one Member State or the Agency, the competent authority responsible for the oversight under (a) may agree to have oversight tasks performed by the competent authority(ies) of the Member State(s) where the activity takes place or by the Agency. Any person or organisation subject to such agreement shall be informed of its existence and of its scope.

(f) The competent authority shall collect and process any information deemed useful for oversight, including for ramp and unannounced inspections.

ARO.GEN.305

Oversight programme

(a) The competent authority shall establish and maintain an oversight programme covering the oversight activities required by ARO.GEN.300 and by ARO.RAMP.

(b)

For organisations certified by the competent authority, the oversight programme shall be developed taking into account the specific nature of the organisation, the complexity of its activities, the results of past certification and/or oversight activities required by ARO.GEN and ARO.RAMP and shall be based on the assessment of associated risks. It shall include within each oversight planning cycle:

(1) audits and inspections, including ramp and unannounced inspections as appropriate; and

(2) meetings convened between the accountable manager and the competent authority to ensure both remain informed of significant issues.

(c)

For organisations certified by the competent authority an oversight planning cycle not exceeding 24 months shall be applied.

The oversight planning cycle may be reduced if there is evidence that the safety performance of the organisation has decreased.

The oversight planning cycle may be extended to a maximum of 36 months if the competent authority has established that, during the previous 24 months:

(1) the organisation has demonstrated an effective identification of aviation safety hazards and management of associated risks;

(2) the organisation has continuously demonstrated under ORO.GEN.130 that it has full control over all changes;

(3) no level 1 findings have been issued; and

(4) all corrective actions have been implemented within the time period accepted or extended by the competent authority as defined in ARO.GEN.350(d)(2).

The oversight planning cycle may be further extended to a maximum of 48 months if, in addition to the above, the organisation has established, and the competent authority has approved, an effective continuous reporting system to the competent authority on the safety performance and regulatory compliance of the organisation itself.

(d)

For organisations declaring their activity to the competent authority, the oversight programme shall be based on the specific nature of the organisation, the complexity of its activities and the data of past oversight activities and the assessment of risks associated with the type of activity carried out. It shall include audits and inspections, including ramp and unannounced inspections, as appropriate.

(d1) For organisations holding a specialised operations authorisation, the oversight programme shall be established in accordance with (d) and shall also take into account the past and current authorisation process and the validity period of the authorisation.

(e) For persons holding a licence, certificate, rating, or attestation issued by the competent authority the oversight programme shall include inspections, including unannounced inspections, as appropriate.

(f) The oversight programme shall include records of the dates when audits, inspections and meetings are due and when such audits, inspections and meetings have been carried out.

ARO.GEN.310

Initial certification procedure — organisations

(a) Upon receiving an application for the initial issue of a certificate for an organisation, the competent authority shall verify the organisation's compliance with the applicable requirements. This verification may take into account the statement referred to in ORO.AOC.100(b).

(b) When satisfied that the organisation is in compliance with the applicable requirements, the competent authority shall issue the certificate(s), as established in Appendices I and II. The certificate(s) shall be issued for an unlimited duration. The privileges and scope of the activities that the organisation is approved to conduct shall be specified in the terms of approval attached to the certificate(s).

(c) To enable an organisation to implement changes without prior competent authority approval in accordance with ORO.GEN.130, the competent authority shall approve the procedure submitted by the organisation defining the scope of such changes and describing how such changes will be managed and notified.

ARO.GEN.330

Changes — organisations

(a)

Upon receiving an application for a change that requires prior approval, the competent authority shall verify the organisation's compliance with the applicable requirements before issuing the approval.

The competent authority shall prescribe the conditions under which the organisation may operate during the change, unless the competent authority determines that the organisation's certificate needs to be suspended.

When satisfied that the organisation is in compliance with the applicable requirements, the competent authority shall approve the change.

(b) Without prejudice to any additional enforcement measures, when the organisation implements changes requiring prior approval without having received competent authority approval as defined in (a), the competent authority shall suspend, limit or revoke the organisation's certificate.

(c)

For changes not requiring prior approval, the competent authority shall assess the information provided in the notification sent by the organisation in accordance with ORO.GEN.130 to verify compliance with the applicable requirements. In case of any non-compliance, the competent authority shall:

(1) notify the organisation about the non-compliance and request further changes;

(2) in case of level 1 or level 2 findings, act in accordance with ARO.GEN.350.

ARO.GEN.345

Declaration — organisations

(a) Upon receiving a declaration from an organisation carrying out or intending to carry out activities for which a declaration is required, the competent authority shall verify that the declaration contains all the information required:

(1) pursuant to ORO.DEC.100 of Annex III (Part-ORO) to this Regulation;

(2) for balloon operators pursuant to BOP.ADD.100 of Annex II (Part-BOP) to Regulation (EU) 2018/395; or

(3) for sailplane operators pursuant to SAO.DEC.100 of Annex II (Part-SAO) to Implementing Regulation (EU) 2018/1976.

After having verified the required information, the competent authority shall acknowledge receipt of the declaration to the organisation.

(b) If the declaration does not contain the required information, or contains information that indicates non-compliance with applicable requirements, the competent authority shall notify the organisation about the non-compliance and request further information. If deemed necessary the competent authority shall carry out an inspection of the organisation. If the non-compliance is confirmed, the competent authority shall take action as defined in ARO.GEN.350.

ARO.GEN.350

Findings and corrective actions — organisations

(a) The competent authority for oversight in accordance with ARO.GEN.300(a) shall have a system to analyse findings for their safety significance.

(b)

A level 1 finding shall be issued by the competent authority when any significant non-compliance is detected with the applicable requirements of Regulation (EC) No 216/2008 and its Implementing Rules, with the organisation’s procedures and manuals or with the terms of an approval, certificate, specialised operation authorisation or with the content of a declaration which lowers safety or seriously hazards flight safety.

The level 1 findings shall include:

(1) failure to give the competent authority access to the facilities of the organisation in accordance with point ORO.GEN.140 of Annex III (Part-ORO) to this Regulation, or for balloons operators in accordance with points BOP.ADD.015 and BOP.ADD.035 of Annex II (Part-BOP) to Regulation (EU) 2018/395, during normal operating hours and after two written requests;

(2) obtaining or maintaining the validity of the organisation certificate or specialised operations authorisation by falsification of submitted documentary evidence;

(3) evidence of malpractice or fraudulent use of the organisation certificate or specialised operations authorisation; and

(4) the lack of an accountable manager.

(c)

A level 2 finding shall be issued by the competent authority when any non-compliance is detected with the applicable requirements of Regulation (EC) No 216/2008 and its Implementing Rules, with the organisation’s procedures and manuals or with the terms of an approval, certificate, specialised

operation authorisation or with the content of a declaration which could lower safety or hazard flight safety.

(d) When a finding is detected during oversight or by any other means, the competent authority shall, without prejudice to any additional action required by Regulation (EC) No 216/2008 and its Implementing Rules, communicate the finding to the organisation in writing and request corrective action to address the non-compliance(s) identified. Where relevant, the competent authority shall inform the State in which the aircraft is registered.

(1) In the case of level 1 findings the competent authority shall take immediate and appropriate action to prohibit or limit activities, and if appropriate, it shall take action to revoke the certificate, specialised operations authorisation or specific approval or to limit or suspend it in whole or in part, depending upon the extent of the level 1 finding, until successful corrective action has been taken by the organisation.

(2) In the case of level 2 findings, the competent authority shall:

(i) grant the organisation a corrective action implementation period appropriate to the nature of the finding that in any case initially shall not be more than three months. At the end of this period, and subject to the nature of the finding, the competent authority may extend the three-month period subject to a satisfactory corrective action plan agreed by the competent authority; and

(ii) assess the corrective action and implementation plan proposed by the organisation and, if the assessment concludes that they are sufficient to address the non-compliance(s), accept these.

(3) Where an organisation fails to submit an acceptable corrective action plan, or to perform the corrective action within the time period accepted or extended by the competent authority, the finding shall be raised to a level 1 finding and action taken as laid down in (d)(1).

(4) The competent authority shall record all findings it has raised or that have been communicated to it in accordance with point (e) and, where applicable, the enforcement measures it has applied, as well as all corrective actions and the date of action closure for findings.

(e) Without prejudice to any additional enforcement measures, when the authority of a Member State acting under the provisions of ARO.GEN.300 (d) identifies any non-compliance with the applicable requirements of Regulation (EC) No 216/2008 and its Implementing Rules by an organisation certified by, or authorised by or declaring its activity to the competent authority of another Member State or the Agency, it shall inform that competent authority and provide an indication of the level of finding.

ARO.GEN.355

Findings and enforcement measures — persons

(a) If, during oversight or by any other means, evidence is found by the competent authority responsible for oversight in accordance with ARO.GEN.300(a) that shows a non-compliance with the applicable requirements by a person holding a licence, certificate, rating or attestation issued in accordance with Regulation (EC) No 216/2008 and its Implementing Rules, the competent authority shall act in accordance with ARA.GEN.355(a) to (d) of Annex VI (Part-ARA) to Commission [F6Regulation (EU) No 1178/2011] (3).

(b) If, during oversight or by any other means, evidence is found showing a non-compliance with the applicable requirements by a person subject to the requirements laid down in Regulation (EC) No 216/2008 and its Implementing Rules and not holding a licence, certificate, rating or attestation issued in accordance with that Regulation and its Implementing Rules, the competent authority that identified the non-compliance shall take any enforcement measures necessary to prevent the continuation of that non-compliance.

ARO.GEN.360

Findings and enforcement measures — all operators

If, during oversight or by any other means, evidence is found showing a non-compliance with the applicable requirements by an operator subject to the requirements laid down in Regulation (EC) No 216/2008 and its Implementing Rules, the competent authority that identified the non-compliance shall take any enforcement measures necessary to prevent the continuation of that non-compliance.

SUBPART OPS

AIR OPERATIONS

SECTION I

Certification of commercial air transport operators

ARO.OPS.100

Issue of the air operator certificate

(a) The competent authority shall issue the air operator certificate (AOC) when satisfied that the operator has demonstrated compliance with the elements required in ORO.AOC.100.

(b) The certificate shall include the associated operations specifications.

(c) The competent authority may determine specific operational limitations. Such limitations shall be documented in the operations specifications.

ARO.OPS.105

Code-share arrangements

In considering the safety of a code-share agreement involving a third-country operator, the competent authority shall:

(1) satisfy itself, following the verification by the operator as set out in ORO.AOC.115, that the third-country operator complies with the applicable ICAO standards;

(2) liaise with the competent authority of the State of the third-country operator as necessary.

ARO.OPS.110

Lease agreements for aeroplanes and helicopters

(a)

The competent authority shall approve a lease agreement when satisfied that the operator certified in accordance with Annex III (Part-ORO) complies with:

(1) ORO.AOC.110(d), for dry leased-in third country aircraft;

(2) ORO.AOC.110(c), for wet lease-in of an aircraft from a third country operator;

(3) ORO.AOC.110(e), for dry lease-out of an aircraft to any operator, except for the cases specified in point ORO.GEN.310 of Annex III;

(4) relevant requirements of continuing airworthiness and air operations, for dry lease-in of an aircraft registered in the EU and wet lease-in of an aircraft from an EU operator.

(b)

The approval of a wet lease-in agreement shall be suspended or revoked whenever:

(1) the AOC of the lessor or lessee is suspended or revoked;

(2) the lessor is subject to an operating ban pursuant to Regulation (EC) No 2111/2005 of the European Parliament and of the Council (4);

(3) the authorisation issued in accordance with Commission Regulation (EU) No 452/2014 (5) has been suspended, revoked or surrendered.

(c) The approval of a dry lease-in agreement shall be suspended or revoked whenever:

(1) the certificate of airworthiness of the aircraft is suspended or revoked;

(2) the aircraft is included in the list of operators subject to operational restrictions or it is registered in a State of which all operators under its oversight are subject to an operating ban pursuant to Regulation (EC) No 2111/2005.

(d) When asked for the prior approval of a dry-lease out agreement in accordance with ORO.AOC.110(e), the competent authority shall ensure:

(1) proper coordination with the competent authority responsible for the continuing oversight of the aircraft, in accordance with Commission Regulation (EU) No 1321/2014 (6) , or for the operation of the aircraft, if it is not the same authority;

(2) that the aircraft is timely removed from the operator's AOC except for the cases specified in point ORO.GEN.310 of Annex III.

(e) When asked for prior approval of a dry lease-in agreement in accordance with point ORO.AOC.110(d), the competent authority shall ensure proper coordination with the State of Registry of the aircraft as necessary to exercise the oversight responsibilities of the aircraft.

SECTION Ia

Authorisation of high risk commercial specialised operations

ARO.OPS.150

Authorisation of high risk commercial specialised operations

(a) Upon receiving an application for the issue of a high risk commercial specialised operations authorisation, the competent authority of the operator shall review the operator’s risk assessment documentation and standard operating procedures (SOP), related to one or more planned operations and developed in accordance with the relevant requirements of Annex VIII (Part-SPO).

(b) When satisfied with the risk assessment and SOP, the competent authority of the operator shall issue the authorisation, as established in Appendix IV. The authorisation may be issued for a limited or for unlimited duration. The conditions under which an operator is authorised to conduct one or more high risk commercial specialised operations shall be specified in the authorisation.

(c) Upon receiving an application for a change to the authorisation, the competent authority of the operator shall comply with (a) and (b). It shall prescribe the conditions under which the operator may operate during the change, unless the competent authority determines that the authorisation needs to be

suspended.

(d) Upon receiving an application for the renewal of the authorisation, the competent authority of the operator shall comply with (a) and (b). It may take into account the past authorisation process and oversight activities.

(e) Without prejudice to any additional enforcement measures, when the operator implements changes without having submitted an amended risk assessment and SOP, the competent authority of the operator shall suspend, limit or revoke the authorisation.

(f) Upon receiving an application for the issue of an authorisation for a cross-border high risk commercial specialised operation, the competent authority of the operator shall review the operator's risk assessment documentation and standard operating procedures (SOP) in coordination with the competent authority of the place where the operation is planned to be conducted. When both authorities are satisfied with the risk assessment and SOP, the competent authority of the operator shall issue the authorisation.

ARO.OPS.155

Lease agreements

(a) The competent authority shall approve a lease agreement involving a third country registered aircraft or a third country operator when the SPO operator has demonstrated compliance with ORO.SPO.100.

(b) The approval of a dry lease-in agreement shall be suspended or revoked whenever the certificate of airworthiness of the aircraft is suspended or revoked.]

SECTION II

Approvals

ARO.OPS.200

Specific approval procedure

(a) Upon receiving an application for the issue of a specific approval or changes thereof, the competent authority shall assess the application in accordance with the relevant requirements of Annex V (Part-SPA) and conduct, where relevant, an appropriate inspection of the operator.

(b)

When satisfied that the operator has demonstrated compliance with the applicable requirements, the competent authority shall issue or amend the approval. The approval shall be specified in:

(1) the operations specifications, as established in Appendix II, for commercial air transport operations; or

(2) the list of specific approvals, as established in Appendix III, for non-commercial operations and specialised operations.

ARO.OPS.205

Minimum equipment list approval

(a) When receiving an application for initial approval of a minimum equipment list (MEL) or an amendment thereof from an operator, the competent authority shall assess each item affected, to verify compliance with the applicable requirements, before issuing the approval.

(b) The competent authority shall approve the operator's procedure for the extension of the applicable rectification intervals B, C and D, if the conditions specified in ORO.MLR.105(f) are demonstrated by the operator and verified by the competent authority.

(c) The competent authority shall approve, on a case-by-case basis, the operation of an aircraft outside the constraints of the MEL but within the constraints of the master minimum equipment list (MMEL), if the conditions specified in ORO.MLR.105 are demonstrated by the operator and verified by the competent authority.

ARO.OPS.210

Determination of distance or local area

The competent authority may determine a distance or local area for the purpose of operations.

ARO.OPS.215

Approval of helicopter operations over a hostile environment located outside a congested area

(a) The Member State shall designate those areas where helicopter operations may be conducted without an assured safe forced landing capability, as described in CAT.POL.H.420.

(b) Before issuing the approval referred to in CAT.POL.H.420 the competent authority shall have considered the operator's substantiation precluding the use of the appropriate performance criteria.

ARO.OPS.220

Approval of helicopter operations to or from a public interest site

The approval referred to in CAT.POL.H.225 shall include a list of the public interest site(s) specified by the operator to which the approval applies.

ARO.OPS.225

Approval of operations to an isolated aerodrome

The approval referred to in CAT.OP.MPA.106 shall include a list of the aerodromes specified by the operator to which the approval applies.

ARO.OPS.226

Approval and oversight of evidence-based training programmes

(a) Where a competent authority grants an approval for EBT programmes, inspectors must receive qualification and training in EBT principles, application, approval processes and continuing oversight.

(b) The competent authority shall assess and oversee the EBT programme, together with the processes that support the implementation of the EBT programme and its effectiveness.

(c)

Upon receiving an application for the approval of an EBT programme, the competent authority shall:

(1) ensure the resolution of level 1 findings in the areas that will support the application of the EBT programme;

(2) assess the capability of the operator to support the implementation of the EBT programme. The following elements shall be considered as a minimum:

(i) the maturity and capability of the operator's management system in the areas that will support the application of the EBT programme — in particular, flight crew training;

(ii) the operator's EBT programme suitability — the EBT programme shall correspond to the size of the operator, and the nature and complexity of its activities, taking into account the hazards and associated risks inherent in those activities;

(iii) the adequacy of the operator's record-keeping system, in particular with regard to flight crew training, checking and qualifications records in particular ORO.GEN.220 and ORO.MLR.115 points (c) and (d);

(iv) the suitability of the operator's grading system to assess the pilot competencies;

(v) the competence and the experience of the instructors and other personnel involved in the EBT programme in the use of the processes and procedures that support the implementation of the EBT programme; and

(vi) the operator's EBT implementation plan and a safety risk assessment supporting the EBT programme in order to demonstrate how an equivalent level of safety to that of the current training programme can be achieved.

(d) The competent authority shall grant an EBT programme approval when the assessment concludes that the compliance with at least ORO.FC.146, ORO.FC.231, and ORO.FC.232 is ensured.

(e) Without prejudice to ARO.GEN.120 (d) and (e), the competent authority shall notify the Agency when it starts the evaluation of an alternative means of compliance related to EBT.

ARO.OPS.230

Determination of disruptive schedules

For the purpose of flight time limitations, the competent authority shall determine, in accordance with the definitions of ' early type ' and ' late type ' of disruptive schedules in point ORO.FTL.105 of Annex III, which of those two types of disruptive schedules shall apply to all CAT operators under its oversight.

ARO.OPS.235

Approval of individual flight time specification schemes

(a) The competent authority shall approve flight time specification schemes proposed by CAT operators if the operator demonstrates compliance with Regulation (EC) No 216/2008 and Subpart FTL of Annex III to this Regulation.

(b) Whenever a flight time specification scheme proposed by an operator deviates from the applicable certification specifications issued by the Agency, the competent authority shall apply the procedure described in Article 22(2) of Regulation (EC) No 216/2008.

(c) Whenever a flight time specification scheme proposed by an operator derogates from applicable implementing rules, the competent authority shall apply the procedure described in Article 14(6) of Regulation (EC) No 216/2008.

(d) Approved deviations or derogations shall be subject, after being applied, to an assessment to determine whether such deviations or derogations should be confirmed or amended. The competent authority and the Agency shall conduct an independent assessment based on information provided by the operator. The assessment shall be proportionate, transparent and based on scientific principles and knowledge.]

ARO.OPS.240

Specific approval of RNP AR APCH

(a) When compliance with the requirements in SPA.PBN.105 has been demonstrated by the applicant, the competent authority shall grant a generic specific approval or a procedure-specific approval for RNP AR APCH.

(b) In the case of a procedure-specific approval, the competent authority shall:

(1) list the approved instrument approach procedures at specific aerodromes in the PBN approval;

(2) establish coordination with the competent authorities for these aerodromes, if appropriate; and

(3) take into account possible credits stemming from RNP AR APCH specific approvals already issued to the applicant.

SECTION III

Oversight of operations

ARO.OPS.300

Introductory flights

The competent authority may establish additional conditions for introductory flights carried out in accordance with Part-NCO in the territory of the Member State. Such conditions shall ensure safe operations and be proportionate.

SUBPART RAMP

RAMP INSPECTIONS OF AIRCRAFT OF OPERATORS UNDER THE REGULATORY OVERSIGHT OF ANOTHER STATE

ARO.RAMP.005

Scope

This Subpart establishes the requirements to be followed by the competent authority or the Agency when exercising its tasks and responsibilities regarding the performance of ramp inspections of aircraft used by third country operators or used by operators under the regulatory oversight of another Member State when landed at aerodromes located in the territory subject to the provisions of the Treaty.

ARO.RAMP.100

General

(a) Aircraft, as well as their crew, shall be inspected against the applicable requirements.

(b) In addition to conducting ramp inspections included in its oversight programme established in accordance with ARO.GEN.305, the competent authority shall perform a ramp inspection of an aircraft suspected of not being compliant with the applicable requirements.

(c) Within the development of the oversight programme established in accordance with ARO.GEN.305, the competent authority shall establish an annual programme for the conduct of ramp inspections of

aircraft. This programme shall:

(1) be based on a calculation methodology that takes into account historical information on the number and nature of operators and their number of landings at its aerodromes, as well as safety risks; and

(2) enable the competent authority to give priority to the inspections of aircraft on the basis of the list referred to in ARO.RAMP.105(a).

(d) When it so deems necessary, the Agency, in cooperation with the Member States in whose territory the inspection shall take place, shall conduct ramp inspections of aircraft to verify compliance with the applicable requirements for the purpose of:

(1) certification tasks assigned to the Agency by Regulation (EC) No 216/2008;

(2) standardisation inspections of a Member State; or

(3) inspections of an organisation to verify compliance with the applicable requirements in potentially unsafe situations.

ARO.RAMP.105

Prioritisation criteria

(a) The Agency shall provide competent authorities with a list of operators or aircraft identified as presenting a potential risk, for the prioritisation of ramp inspections.

(b) This list shall include:

(1) operators of aircraft identified on the basis of the analysis of available data in accordance with ARO.RAMP.150(b)(4);

(2) operators or aircraft communicated to the Agency by the European Commission and identified on the basis of:

(i) an opinion expressed by the Air Safety Committee (ASC) within the context of the implementation of Regulation (EC) No 2111/2005 that further verification of effective compliance with relevant safety standards through systematic ramp inspections is necessary; or

(ii) information obtained by the European Commission from the Member States pursuant to Article 4(3) of Regulation (EC) No 2111/2005;

(3) aircraft operated into the territory subject to the provisions of the Treaty by operators included in Annex B of the list of operators subject to an operating ban pursuant to Regulation (EC) No 2111/2005;

(4) aircraft operated by operators certified in a State exercising regulatory oversight over operators included in the list referred to in (3);

(5) aircraft used by a third-country operator that operates into, within or out of the territory subject to the provisions of the Treaty for the first time or whose authorisation issued in accordance with Regulation (EU) No 452/2014 is limited or reinstated after suspension or revocation.

(c) The list shall be produced, in accordance with procedures established by the Agency, after every update of the Community list of operators subject to an operating ban pursuant to Regulation (EC) No 2111/2005, and in any case at least once every four months.

ARO.RAMP.110

Collection of information

The competent authority shall collect and process any information deemed useful for conducting ramp inspections.

ARO.RAMP.115

Qualification of ramp inspectors

(a) The competent authority and the Agency shall have qualified inspectors to conduct ramp inspections.

(b)

Ramp inspectors shall:

(1) possess the necessary aeronautical education or practical knowledge relevant to their area(s) of inspection;

(2) have successfully completed:

(i) appropriate specific theoretical and practical training, in one or more of the following areas of inspection:

(A) flight deck;

(B) cabin safety;

(C) aircraft condition;

(D) cargo;

(ii) appropriate on-the-job training delivered by a senior ramp inspector appointed by the competent authority or the Agency;

(3) maintain the validity of their qualification by undergoing recurrent training and by performing a minimum of 12 inspections per calendar year.

(c) The training in (b)(2)(i) shall be delivered by the competent authority or by any training organisation approved in accordance with ARO.RAMP.120(a).

(d) The Agency shall develop and maintain training syllabi and promote the organisation of training courses and workshops for inspectors to improve the understanding and uniform implementation of this Subpart.

(e) The Agency shall facilitate and coordinate an inspector exchange programme aimed at allowing inspectors to obtain practical experience and contributing to the harmonisation of procedures.

ARO.RAMP.120

Approval of training organisations

(a)

The competent authority shall approve a training organisation, having its principal place of business in the territory of the respective Member State, when satisfied that the training organisation:

(1) has nominated a head of training possessing sound managerial capability to ensure that the training provided is in compliance with the applicable requirements;

(2) has available training facilities and instructional equipment suitable for the type of training provided;

(3) provides training in accordance with the syllabi developed by the Agency in accordance with ARO.RAMP.115(d);

(4) uses qualified training instructors.

(b) If so requested by the competent authority, the verification of compliance and continuous compliance with the requirements referred to in (a) shall be performed by the Agency.

(c)

The training organisation shall be approved to provide one or more of the following types of training:

(1) initial theoretical training;

(2) initial practical training;

(3) recurrent training.

ARO.RAMP.125

Conduct of ramp inspections

(a) Ramp inspections shall be performed in a standardised manner.

(b) When performing a ramp inspection, the inspector(s) shall make all possible efforts to avoid an unreasonable delay of the aircraft inspected.

(c) On completion of the ramp inspection, the pilot-in-command or, in his/her absence, another flight crew member or a representative of the operator shall be informed of the ramp inspection's results.

ARO.RAMP.130

Categorisation of findings

For each inspection item, three categories of possible non-compliance with the applicable requirements are defined as findings. Such findings shall be categorised as follows:

(1) a category 3 finding is any detected significant non-compliance with the applicable requirements or the terms of a certificate that has a major influence on safety;

(2) a category 2 finding is any detected non-compliance with the applicable requirements or the terms of a certificate that has a significant influence on safety;

(3) a category 1 finding is any detected non-compliance with the applicable requirements or the terms a certificate that has a minor influence on safety.

ARO.RAMP.135

Follow-up actions on findings

(a)

For a category 2 or 3 finding the competent authority, or where relevant the Agency, shall:

(1) communicate the finding in writing to the operator, including a request for evidence of corrective actions taken; and

(2) inform the competent authority of the State of the operator and, where relevant, the State in which the aircraft is registered and where the licence of the flight crew was issued. Where appropriate, the competent authority or Agency shall request confirmation of their acceptance of the corrective actions taken by the operator in accordance with ARO.GEN.350 or ARO.GEN.355.

(b)

In addition to (a), in the case of a category 3 finding, the competent authority shall take immediate steps by:

(1) imposing a restriction on the aircraft flight operation;

(2) requesting immediate corrective actions;

(3) grounding the aircraft in accordance with ARO.RAMP.140; or

(4) imposing an immediate operating ban in accordance with Article 6 of Regulation (EC) No 2111/2005.

(c) When the Agency has raised a category 3 finding, it shall request the competent authority where the aircraft is landed to take the appropriate measures in accordance with (b).

ARO.RAMP.140

Grounding of aircraft

(a)

In the case of a category 3 finding where it appears that the aircraft is intended or is likely to be flown without completion by the operator or owner of the appropriate corrective action, the competent authority shall:

(1) notify the pilot-in-command/commander or the operator that the aircraft is not permitted to commence the flight until further notice; and

(2) ground that aircraft.

(b) The competent authority of the State where the aircraft is grounded shall immediately inform the competent authority of the State of the operator and of the State in which the aircraft is registered, if relevant, and the Agency in the case of a grounded aircraft used by a third-country operator.

(c) The competent authority shall, in coordination with the State of the operator or the State of Registry, prescribe the necessary conditions under which the aircraft can be allowed to take-off.

(d)

If the non-compliance affects the validity of the certificate of airworthiness of the aircraft, the grounding shall only be lifted by the competent authority when the operator shows evidence that:

(1) compliance with the applicable requirements has been re-established;

(2) it has obtained a permit-to-fly in accordance with Regulation (EU) No 748/2012, for aircraft registered in a Member State;

(3) a permit-to-fly or equivalent document of the State of Registry or the State of the operator for aircraft registered in a third country and operated by an EU or a third country operator; and

(4) permission from third countries which will be overflown, if applicable.

ARO.RAMP.145

Reporting

(a) Information collected in accordance with ARO.RAMP.125(a) shall be entered into the centralised database referred to in ARO.RAMP.150(b)(2), within 21 calendar days after the inspection.

(b) The competent authority or the Agency shall enter into the centralised database any information useful for the application of Regulation (EC) No 216/2008 and its Implementing Rules and for the accomplishment by the Agency of the tasks assigned to it by this Annex, including the relevant information referred to in ARO.RAMP.110.

(c) Whenever the information as referred to in ARO.RAMP.110 shows the existence of a potential safety threat, such information shall also be communicated to each competent authority and the Agency without delay.

(d) Whenever information concerning aircraft deficiencies is given by a person to the competent authority, the information referred to in ARO.RAMP.110 and ARO.RAMP.125(a) shall be de-identified regarding the source of such information.

ARO.RAMP.150

Agency coordination tasks

(a)

The Agency shall manage and operate the tools and procedures necessary for the storage and exchange of:

(1) the information referred to in ARO.RAMP.145.

(2) the information provided by third countries or international organisations with whom appropriate agreements have been concluded with the EU, or organisations with whom the Agency has concluded appropriate arrangements in accordance with Article 27(2) of Regulation (EC) No 216/2008.

(b)

This management shall include the following tasks:

(1) store data from the Member States relevant to the safety information on aircraft landing at aerodromes located in the territory subject to the provisions of the Treaty;

(2) develop, maintain and continuously update a centralised database containing all the information referred to in (a)(1) and (2);

(3) provide necessary changes and enhancements to the database application;

(4) analyse the centralised database and other relevant information concerning the safety of aircraft and of air operators and, on that basis:

(i) advise the Commission and the competent authorities on immediate actions or follow-up policy;

(ii) report potential safety problems to the Commission and to the competent authorities;

(iii) propose coordinated actions to the Commission and to the competent authorities, when necessary on safety grounds, and ensure coordination at the technical level of such actions;

(5) liaise with other European institutions and bodies, international organisations and third country competent authorities on information exchange.

ARO.RAMP.155

Annual report

The Agency shall prepare and submit to the Commission an annual report on the ramp inspection system containing at least the following information:

(a) status of the progress of the system;
(b) status of the inspections performed in the year;
(c) analysis of the inspection results with indication of the categories of findings;
(d) actions taken during the year;
(e) proposals for further improving the ramp inspection system; and

(f) annexes containing lists of inspections sorted out by State of operation, aircraft type, operator and ratios per item.

ARO.RAMP.160

Information to the public and protection of information

(a) Member States shall use the information received by them pursuant to ARO.RAMP.105 and ARO.RAMP.145 solely for the purpose of Regulation (EC) No 216/2008 and its implementing rules and shall protect it accordingly.

(b) The Agency shall publish an aggregated information report annually that shall be available to the public containing the analysis of the information received in accordance with ARO.RAMP.145. The report shall be simple and easy to understand, and the source of the information shall be de-identified.

Appendix I

---

[a] Other type of transportation to be specified.

[b] Replaced by the name of the State of the operator.

[c] Replaced by the identification of the issuing competent authority.

[d] For use of the competent authority.

[e] For use of the competent authority.

[f] Approval reference, as issued by the competent authority.

[g] Replaced by the operator's registered name.

[h] Operator's trading name, if different. Insert ‘ Dba ’ (for ‘ Doing business as ’) before the trading name.

[i] The contact details include the telephone and fax numbers, including the country code, and the email address (if available) at which operational management can be contacted without undue delay for issues related to flight operations, airworthiness, flight and cabin crew members' competency, dangerous goods and other matters as appropriate.

[j] Operator's principal place of business address.

[l] Operator's principal place of business telephone and fax details, including the country code. Email to be provided if available.

[k] Insertion of the controlled document, carried on board, in which the contact details are listed, with the appropriate paragraph or page reference. E.g.: ‘ Contact details … are listed in the operations manual, gen/basic, chapter 1, 1.1 ’ ; or ‘ … are listed in the operations specifications, page 1 ’ ; or ‘ … are listed in an attachment to this document ’ .

[m] Operator's registered name.

[n] Issue date of the AOC (dd-mm-yyyy).

[o] Title, name and signature of the competent authority representative. In addition, an official stamp may be applied on the AOC.

AIR OPERATOR CERTIFICATE

(Approval schedule for air transport operators)

Types of operation:

Commercial air transport (CAT)

?Passengers; ?Cargo;

?Other [a] : …

[d]	State of the operator [b]	[e]
	Issuing authority [c]	
AOC # [f] :	Operator name [g] Dba trading name [h] Operator address [j] : Telephone [l] : Fax Email:	Operational points of contact: [i] Contact details, at which operational management can be contacted without undue delay, are listed in … [k] .

This certificate certifies that … [m] is authorised to perform commercial air operations, as defined in the attached operations specifications, in accordance with the operations manual, Annex V to Regulation (EU) 2018/1139 and its delegated and implementing acts.

Date of issue [n] :	Name and Signature [o] : Title:

EASA FORM 138 Issue 2

Appendix II

[a] Telephone and fax contact details of the competent authority, including the country code. Email to be provided if available.

[b] Insertion of associated air operator certificate (AOC) number.

[c] Insertion of the operator's registered name and the operator's trading name, if different. Insert ‘ Dba ’ before the trading name (for ‘ Doing business as ’).

[d] Issue date of the operations specifications (dd-mm-yyyy) and signature of the competent authority representative.

[e] Insertion of ICAO designation of the aircraft make, model and series, or master series, if a series has been designated (e.g. Boeing-737-3K2 or Boeing-777-232).

[f] Either the registration marks are listed in the operations specifications or in the operations manual. In the latter case, the related operations specifications must make a reference to the related page in the operations manual. In case not all specific approvals apply to the aircraft model, the registration marks of the aircraft may be entered in the remark column to the related specific approval.

[g] Other type of transportation to be specified (e.g. emergency medical service).

[h] Listing of geographical areas of authorised operation (by geographical coordinates or specific routes, flight information region, or national or regional boundaries).

[i] Listing of applicable special limitations (e.g. VFR only, Day only, etc.).

[j] List in this column the most permissive criteria for each approval or the approval type (with appropriate criteria).

[l] Insertion of applicable precision approach category: LTS CAT I, CAT II, OTS CAT II, CAT IIIA, CAT IIIB or CAT IIIC. Insertion of minimum runway visual range (RVR) in meters and decision height (DH) in feet. One line is used per listed approach category.

[k] Insertion of approved minimum take-off RVR in metres. One line per approval may be used if different approvals are granted.

[m] The Not Applicable (N/A) box may be checked only if the aircraft maximum ceiling is below FL290.

[n] Extended range operations (ETOPS) currently applies only to two-engined aircraft. Therefore, the not applicable (N/A) box may be checked if the aircraft model has less or more than two engines.

[o] The threshold distance may also be listed (in NM), as well as the engine type.

[p] Performance-based navigation (PBN): one line is used for each complex PBN specific approval (e.g. RNP AR APCH), with appropriate limitations listed in the ‘ Specifications ’ or ‘ Remarks ’ columns, or in both. Procedure-specific approvals of specific RNP AR APCH procedures may be listed in the operations specifications or in the operations manual. In the latter case, the related operations specifications must have a reference to the related page in the operations manual.

[q] Specify if the specific approval is limited to certain runway ends or aerodromes, or both.

[r] Insertion of the particular airframe or engine combination.

[s] Approval to conduct the training course and examination to be completed by applicants for a cabin crew attestation as specified in Annex V (Part-CC) to Regulation (EU) No 1178/2011.

[t] Approval to issue cabin crew attestations as specified in Annex V (Part-CC) to Regulation (EU) No 1178/2011.

[u] Insertion of the list of type B EFB applications together with the reference of the EFB hardware (for portable EFBs). Either this list is contained in the operations specifications or in the operations manual. In the latter case, the related operations specifications must make a reference to the related page in the operations manual.

[v] The name of the person or organisation responsible for ensuring that the continuing airworthiness of the aircraft is maintained and a reference to the regulation that requires the work, i.e. Subpart G of Annex I (Part-M) to Regulation (EU) No 1321/2014.

[w] Other approvals or data may be entered here, using one line (or one multi-line block) per authorisation (e.g. short landing operations, steep approach operations, reduced required landing distance, helicopter operations to or from a public interest site, helicopter operations over a hostile environment located outside a congested area, helicopter operations without a safe forced landing capability, operations with increased bank angles, maximum distance from an adequate aerodrome for two-engined aeroplanes without an ETOPS approval).

EASA FORM 139 Issue 6

OPERATIONS SPECIFICATIONS

(subject to the approved conditions in the operations manual)

Issuing Authority Contact Details

Telephone a : …; Fax …;

Email: …

AOC b :	Operator Name c :	Date d :	Signature:
	Dba Trading Name		

Operations Specifications #:

Aircraft Model e :

Registration Marks f :

Types of operations: Commercial operations

?Passengers	?Cargo	?Others g : …

Area of operation h :

Special Limitations i :

Specific Approvals:	Yes	No	Specification j	Remarks
Dangerous Goods	?	?		
Low Visibility Operations			CAT l …	
Take-off			RVR k : m	
Approach and Landing	?	?	DA/H: ft RVR: m	

RVSM m	?N/A	?	?		
ETOPS n	?N/A	?	?	Maximum Diversion Time o : min.	
Complex navigation specifications for PBN operations p		?	?		q
Minimum navigation performance specification		?	?		
Operations of single-engined turbine aeroplane at night or in IMC (SET-IMC)		?	?	r	
Helicopter operations with the aid of night vision imaging systems		?	?		
Helicopter hoist operations		?			
Helicopter emergency medical service operations		?	?		
Helicopter offshore operations		?	?		
Cabin crew training s		?	?		
Issue of CC attestation t		?	?		
Use of type B EFB applications		?	?	u	
Continuing airworthiness		?	?	v	
Others w					

Appendix III

List of specific approvals

Non-commercial operations

Specialised operations

(subject to the conditions specified in the approval and contained in the operations manual or pilot's operating handbook)

[a] Insertion of name and contact details.
[b] Insertion of the associated number.
[c] Issue date of the specific approvals (dd-mm-yyyy) and signature of the competent authority representative.

[d] Insertion of the Commercial Aviation Safety Team (CAST)/ICAO designation of the aircraft make, model and series, or master series, if a series has been designated (e.g. Boeing-737-3K2 or Boeing-777-232). The CAST/ICAO taxonomy is available at: http://www.intlaviationstandards.org/

The registration marks shall be either listed in the list of specific approvals or in the operations manual. In the latter case the list of specific approvals shall refer to the related page in the operation manual.

[e] Specify the type of operation, e.g., agriculture, construction, photography, surveying, observation and patrol, aerial advertisement, maintenance check flights.

[f] List in this column any approved operations, e.g., dangerous goods, LVO, RVSM, PBN, MNPS, HOFO.

[g] List in this column the most permissive criteria for each approval, e.g. the decision height and RVR minima for CAT II.

Issuing authority [a] :

List of specific approvals # [b] :

Name of operator:

Date [c] :

Signature:

Aircraft model and registration marks [d] :

Types of specialised operation (SPO), if applicable:

? [e] …

Specific approvals [f] :	Specification [g]	Remarks
…		
…		
…		
…		

EASA FORM 140 Issue 2

Appendix IV

[a] Name and contact details of the competent authority

[b] Insertion of associated authorisation number.

[c] Insertion of the operator's registered name and the operator's trading name, if different. Insert ‘ Dba ’ before the trading name (for ‘ Doing business as ’).

[d] Operator's principal place of business address.

[e] Operator's principal place of business telephone and fax details, including the country code. Email to be provided if available.

[f] Insertion of the Commercial Aviation Safety Team (CAST)/ICAO designation of the aircraft make, model and series, or master series, if a series has been designated (e.g. Boeing-737-3K2 or Boeing-777-232). The CAST/ICAO taxonomy is available at: http://www.intlaviationstandards.org. The registration marks shall be either listed in the list of specific approvals or in the operations manual. In the latter case the list of specific approvals shall refer to the related page in the operation manual.

[g] Specify the type of operation, e.g., agriculture, construction, photography, surveying, observation and patrol, aerial advertisement, maintenance check flights.

[h] Listing of geographical area(s) or site(s) of authorised operation (by geographical coordinates or flight information region or national or regional boundaries).

[i] Listing of applicable special limitations (e.g. VFR only, Day only, etc.).

[j] Issue date of the authorisation (dd-mm-yyyy).

[l] Title, name and signature of the competent authority representative. In addition, an official stamp may be applied on the authorisation.

AUTHORISATION OF HIGH RISK COMMERCIAL SPECIALISED OPERATIONS

Issuing authority: a

Authorisation no: b

Operator name: c

Operator address: d

Telephone: e

Fax

Email:

Aircraft model and registration marks: f

Authorised specialised operation: g

Authorised area or site of operation: h

Special limitations: i

This is to confirm that … is authorised to perform high risk commercial specialised operation(s) in accordance with this authorisation, operator's Standard Operating Procedures, Annex V to Regulation (EU) 2018/1139 and its delegated and implementing acts.

Date of issue j :	Name and Signature l : Title:

EASA FORM 151 Issue 2

Appendix V

. . . . . .

Appendix VI

. . . . . .