

FLYING IN THE EU:



UPDATE
2017

OPS IS IN THE AIR

One single set of rules governing GA operations throughout Europe

On 25 August 2016, European rules for non-commercial air operations with aeroplanes and helicopters came into effect in all 32 EASA States (28 EU Member States plus Iceland, Lichtenstein, Norway and Switzerland) via Regulation (EU) No 965/2012.

The new rules are proportionate and distinguish between operations with complex and non-complex aircraft:

- For the operation of non-complex aircraft (aeroplanes and helicopters), the least stringent basic safety rules apply (Part-NCO¹, Part-SPA, as appropriate).
- For the operation of complex aircraft (aeroplanes and helicopters), more advanced safety rules apply (Part-NCC², partly Part-ORO³ and Part-SPA⁴, as appropriate). The rules take into account that complex aircraft may carry a larger number of persons on board and are capable of significantly higher performances.

When establishing whether an aircraft is complex, the following considerations apply:

a) Aeroplanes:

- with a maximum certificated take-off mass exceeding 5 700 kg, or
- certificated for a maximum passenger seating configuration of more than nineteen, or
- certificated for operation with a minimum crew of at least two pilots, or
- equipped with (a) turbojet engine(s) or more than one turboprop engine.

b) Helicopters:

- with a maximum certificated take-off mass exceeding 3 175 kg, or
- certificated for a maximum passenger seating configuration of more than nine, or
- certificated for operation with a minimum crew of at least two pilots.

Although light twin turboprop aeroplanes would qualify as complex aircraft under the definition in the EASA Basic Regulation, a derogation was agreed at EU level to allow non-commercial operations of twin turboprop aeroplanes (with a MCTOM of 5 700 kg or less), to be conducted under the least stringent Part-NCO rules instead of Part-NCC rules. As a result, operators of these types of aircraft will not have to comply with Part-ORO (Organisation Requirements) of the Air Operations rules.

1 NCO stands for non-commercial operations with other-than-complex aircraft
2 NCC stands for non-commercial operations with complex motor-powered aircraft
3 Part-ORO: Organisation Requirements for Air Operations
4 Part-SPA: Specific Approvals (e.g. LVO, RVSM, Dangerous Goods, HHO, etc.)

What does the implementation of Part-NCO mean to you?

- Harmonised rules for all non-commercial operations with non-complex aircraft, applicable across 32 countries, simplifying cross-border operations.
- Light and proportionate rules, based on the existing good practices in many European States, focusing on good airmanship.
- No additional requirements can be added, at national level, on top of the European rules.
- The same rules apply to you whether you fly an aircraft registered in an EASA State or in a non-EASA State (e.g. USA), if you reside in an EASA State.
- All minimum required equipment is specified in Part-NCO. In addition, airspace requirements for radio and navigation equipment may apply, which are laid down in Part-SERA. Existing national requirements will no longer apply.
- Proportionality of the rules is ensured by a number of specific alleviations (see pages 4 and 5).



What do you need to know about cost-shared flights?

Sharing your costs, on a non-commercial basis, between friends and acquaintances was an established practice which made it easier to enjoy flying. The Air Operations rules continue to allow the sharing of direct costs for flights with non-complex aircraft.

Cost-shared flights are covered by a derogation⁵ contained in the Air OPS Regulation. This derogation ensures that the less stringent Part-NCO rules can apply to flights by private individuals with passengers on board under the condition that the direct costs of the flight are shared by all occupants of the aircraft, pilot included. In addition, the number of persons on board of a cost-shared flight is limited to maximum six occupants (pilot included). There is no element of profit.

As explained above, Part-NCO of the Air OPS Regulation applies in the Member States as of 25 August 2016.

It is important to note that Part-NCO offers a lower level of protection compared to that for commercial air transport and, therefore, it is important that the non-commercial and cost-sharing nature of these flights is clearly specified to the passengers.

A number of European web-based cost-sharing platforms are making use of internet technology to promote cost-shared flights to a wider audience. In order to address any safety concerns linked to cost-shared flights, EASA set up a group of experts from national authorities, general aviation stakeholders and web-based platforms. The group explored the idea of working together with web-based platforms to disseminate important safety information to GA pilots and their passengers. To improve GA safety, EASA proposes that this tripartite dialogue between EASA, national authorities and the GA community will lead to a Charter of best practices, to be signed by all platforms.

The Charter will inform passengers and pilots not only on different safety levels of a GA flight as compared to a commercial air transport (CAT) flight, but also includes a safety-relevant tool box with a checklist for pilots on how to deal with passengers prior and during the flight, as well as an online training module on passenger handling. As part of the Charter, web-based platforms commit themselves to share safety-related data with EASA and national authorities.

It is planned that web-based platforms, EASA and national authorities will jointly assess the data gathered and monitor implementation of the Charter on a yearly basis.

5 Article 6.4a (a) of Commission Regulation (EU) No 965/2012

Recently introduced alleviations

The following alleviations apply to GA flights and are included in Part-NCO:

- **Dangerous Goods:** General Aviation flights are permitted to carry reasonable quantities of some articles and substances - otherwise defined as dangerous goods - if carried for operational purposes such as aircraft spare parts, components/substances needed for aircraft repair, oil (for aircraft engine/gearbox), aircraft fuel, de-icing fluid, aircraft battery, and an air starter unit. The responsibility lies with the pilot. Member States will provide information to the GA community on transportation of dangerous goods to ensure proper awareness.
- **Supplemental oxygen:** The need to carry and use supplemental oxygen during a flight is determined by the pilot who should take into account the altitude and the duration of the flight, other relevant operational conditions and the individual conditions of all persons on board. Guidance on how to do this and how to monitor and detect hypoxia symptoms during your flight is attached to the non-commercial rules contained in Part-NCO and in a dedicated leaflet on preventing hypoxia.



Operations with Balloons and Sailplanes

Air operations with balloons and sailplanes, commercial and non-commercial, were initially addressed by the Air OPS Regulation (Regulation (EU) No 965/2012). Affected stakeholders reached out to EASA highlighting the complexity of the regulatory framework. Consequently, EASA took those parts back to the drawing board with the aim of working together with the two communities in order to produce stand-alone regulations for commercial or non-commercial operations of balloons or sailplanes. The draft Regulation on air operations with balloons has been finalised and is currently undergoing the adoption process. The work on the Regulation covering air operations with sailplanes was started in 2016 and EASA plans to publish its Opinion by mid- 2017.



Specialised Operations (SPO)

On 21 April 2017, European rules addressing aerial work or so-called specialised operations with aeroplanes and helicopters will come into effect in all 32 EASA States (28 EU Member States plus Iceland, Lichtenstein Norway and Switzerland).

Specialised operations (SPO) means any operation other than commercial air transport (CAT) where the aircraft is used for specialised activities such as: agriculture, construction, photography, surveying, observation and patrol, aerial advertisement, etc.

This means that all specialised operations are conducted in Europe according to one single set of rules which will enable a level playing field and based on proportionate safety standards.

Part-SPO applies to all commercial specialised air operations with aeroplanes and helicopters with complex and non-complex aircraft. It also applies to non-commercial specialised air operations with complex aeroplanes and complex helicopters.

For most specialised operations there is no need for a prior approval from the competent authority. Instead, the operator only needs to declare its activity to the competent authority in the Member State in which they have their principal place of business. After declaring the activity, the SPO operator can immediately start operation. A prior authorisation from the competent authority is only foreseen for some high-risk commercial specialised operations. Member States will have to provide an information on which specialised operations are considered to be high-risk, thus requiring an authorisation.



Commercial Air Transport (CAT) operations with single-engined turbine (SET) aeroplanes, at night or in instrument meteorological conditions (IMC)

Europe had been reserved regarding these type of operations and previous attempts to permit operation of single engine turbine (SET) aeroplanes at night or in IMC (Instrument meteorological condition) have been unsuccessful. However, last year the Air OPS Regulation was amended to allow CAT operations with single-engined turbine (SET) aeroplanes, at night or in IMC. This regulatory change takes into account improvements in engine reliability.

To cater for the specificities of those operations, additional mitigations have been introduced:

- CAT SET (IMC) operations shall be conducted only if the operator has received a specific approval from the Competent Authority.
- A minimum level of engine reliability and an engine monitoring programme.
- Additional equipment (e.g. special landing lights, weather radar and navigation equipment enabling at least RNP APCH⁶ operations).
- Minimum crew experience and specific training.
- Specific operating procedures requiring the availability of landing sites along the route.

6 RNP APCH stands for Required Navigation Performance Approach

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