

**Draft ANNEX III to draft COMMISSION IMPLEMENTING REGULATION (EU) .../...
amending Regulation (EU) No 965/2012, Regulation (EU) No 1178/2011, Implementing
Regulation (EU) No 923/2012 and Implementing Regulation (EU) 2017/373 as regards the
establishment of requirements for the operation of manned aircraft with a vertical take-off and
landing capability**

ANNEX III

Annex III (Part-ORO) to Regulation (EU) No 965/2012 is amended as follows:

- (1) Point ORO.GEN.005 is replaced by the following:

‘ORO.GEN.005 Scope

This Annex establishes the requirements to be met by an air operator that conducts:

- (a) commercial air transport (CAT) operations;
 - (b) commercial specialised operations;
 - (c) non-commercial operations with complex motor-powered aircraft;
 - (d) non-commercial specialised operations with complex motor-powered aircraft;
 - (e) innovative air mobility (IAM) operations.’;
- (2) in point ORO.GEN.140, point (b) is replaced by the following:
- ‘(b) Access to the aircraft referred to in point (a) shall:
- (i) for CAT operations with aeroplanes and helicopters, include the possibility to enter and remain in the aircraft during flight operations unless otherwise decided by the commander for the flight crew compartment in accordance with point CAT.GEN.MPA.135 in the interest of safety;
 - (ii) for IAM operations, include the possibility to enter and remain in the aircraft during flight operations unless otherwise decided by the pilot-in-command in accordance with point IAM.GEN.MVCA.135 in the interest of safety.’;
- (3) point ORO.GEN.310 is replaced by the following:
- ‘ORO.GEN.310 Use of aeroplanes or helicopters listed on an AOC for non-commercial operations and specialised operations**
- (a) An aeroplane or a helicopter listed on an operator’s AOC may remain on the AOC if it is operated in any of the following situations:
 - (1) by the AOC holder itself, for specialised operations in accordance with Annex VIII (Part-SPO);
 - (2) by other operators, for non-commercial operations with motor-powered aircraft or for specialised operations conducted in accordance with Annex VI (Part-NCC), Annex VII (Part-NCO) or Annex VIII (Part-SPO), provided that the aircraft is used for a continuous period not exceeding 30 days.

- (b) When an aeroplane or a helicopter is used in accordance with point (a)(2), the AOC holder that provides the aeroplane or helicopter and the operator that uses the aeroplane or helicopter shall establish a procedure:
- (1) clearly identifying which operator is responsible for the operational control of each flight, and to describe how the operational control is transferred between them;
 - (2) describing the handover procedure of the aeroplane or helicopter upon its return to the AOC holder.

That procedure shall be included in the operations manual of each operator or in a contract concluded between the AOC holder and the operator that uses the aeroplane or the helicopter in accordance with point (a)(2). The AOC holder shall establish a template for such a contract. Point ORO.GEN.220 shall apply to those contracts.

The AOC holder and the operator that uses the aeroplane or the helicopter in accordance with point (a)(2) shall ensure that the procedure is communicated to the relevant personnel.

- (c) The AOC holder shall submit to the competent authority the procedure referred to in point (b) for prior approval. The AOC holder shall agree with the competent authority on the means and on the frequency of providing it with information about transfers of operational control in accordance with point ORO.GEN.130(c).
- (d) The continuing airworthiness of the aeroplane or the helicopter used in accordance with point (a) shall be managed by the organisation responsible for the continuing airworthiness of the aeroplane or helicopter included in the AOC, in accordance with Regulation (EU) No 1321/2014.
- (e) The AOC holder that provides the aeroplane or the helicopter in accordance with point (a) shall:
- (1) indicate in its operations manual the registration marks of the aeroplane or helicopter provided, and the type of operations conducted with that aeroplane or helicopter;
 - (2) remain informed at all times and keep record of each operator that holds the operational control of the aeroplane or helicopter at any given moment until the aeroplane or helicopter is returned to the AOC holder;
 - (3) ensure that the hazard identification, risk assessment and mitigation measures it has put in place address all the operations conducted with that aeroplane or helicopter.
- (f) For operations conducted under Annex VI (Part-NCC) and Annex VIII (Part-SPO), the operator that uses the aeroplane or the helicopter in accordance with point (a) shall ensure all the following:
- (1) that every flight conducted under its operational control is recorded in the aeroplane's or helicopter's technical log system;
 - (2) that no changes are made to the aeroplane's or helicopter's systems or its configuration;
 - (3) that any defect or technical malfunction occurring while the aeroplane or helicopter is under its operational control is reported to the organisation referred to in point (d);

- (4) that the AOC holder receives a copy of any occurrence report related to the flights conducted with the aeroplane or helicopter, completed in accordance with Regulation (EU) No 376/2014 and Implementing Regulation (EU) 2015/1018 ⁽¹⁾.’;

- (4) point ORO.AOC.100 is replaced by the following:

‘ORO.AOC.100 Application for an air operator certificate (AOC)

- (a) Without prejudice to Regulation (EC) No 1008/2008 of the European Parliament and of the Council ⁽²⁾, prior to commencing CAT operations with aeroplanes or helicopters or IAM operations, the operator shall apply for and obtain an AOC issued by the competent authority.
- (b) The operator shall provide the following information to the competent authority:
- (1) the official name and business name, address and mailing address of the applicant;
 - (2) a description of the proposed operation, including the type(s) and number of aircraft to be operated;
 - (3) a description of the management system, including organisational structure;
 - (4) the name of the accountable manager;
 - (5) the names of the nominated persons as required under point ORO.AOC.135(a), together with their qualifications and experience;
 - (6) a copy of the operations manual as required under point ORO.MLR.100;
 - (7) a statement that all the documentation submitted to the competent authority has been verified by the applicant and found to comply with the applicable requirements.
- (c) Applicants shall demonstrate to the competent authority that:
- (1) for CAT operations with aeroplanes and helicopters, they comply with the essential requirements of Annex V to Regulation (EU) 2018/1139, this Annex (Part-ORO), Annex IV (Part-CAT) and Annex V (Part-SPA) to this Regulation, and Annex I (Part-26) to Regulation (EU) 2015/640 ⁽³⁾;
 - (1a) for IAM operations, they comply with the essential requirements of Annex V to Regulation (EU) 2018/1139, this Annex III (Part-ORO), Annex V (Part-SPA) and Annex IX (Part-IAM) to this Regulation, and with Annex I (Part-26) to Regulation (EU) 2015/640;

⁽¹⁾ Commission Implementing Regulation (EU) 2015/1018 of 29 June 2015 laying down a list classifying occurrences in civil aviation to be mandatorily reported according to Regulation (EU) No 376/2014 of the European Parliament and of the Council (OJ L 163, 30.6.2015, p. 1).

⁽²⁾ Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (Recast) (OJ L 293, 31.10.2008, p. 3).

⁽³⁾ Commission Regulation (EU) 2015/640 of 23 April 2015 on additional airworthiness specifications for a given type of operations and amending Regulation (EU) No 965/2012 (OJ L 106, 24.4.2015, p. 18).

- (2) all aircraft operated have been issued with a certificate of airworthiness (CofA) in accordance with Regulation (EU) No 748/2012 or are dry-leased in accordance with point ORO.AOC.110(d); and
 - (3) their organisation and management is suitable and properly matched to the scale and scope of the intended operation.’;
- (5) point ORO.AOC.125 is replaced by the following:
‘ORO.AOC.125 Non-commercial operations of an AOC holder with aeroplanes or helicopters listed on its AOC
 - (a) The AOC holder may conduct non-commercial operations in accordance with Annex VI (Part-NCC) or Annex VII (Part-NCO) with aeroplanes or helicopters listed in the operations specifications of its AOC or in its operations manual, provided that the AOC holder describes such operations in detail in the operations manual, including the following:
 - (1) an identification of the applicable requirements;
 - (2) a description of any differences between the operating procedures used when conducting CAT operations and non-commercial operations;
 - (3) means of ensuring that all personnel involved in the operations are fully familiar with the associated procedures.
 - (b) An AOC holder shall comply with:
 - (1) Annex VIII (Part-SPO) when conducting maintenance check flights with complex motor-powered aircraft;
 - (2) Annex VII (Part-NCO) when conducting maintenance check flights with other than complex motor-powered aircraft.
 - (c) An AOC holder that conducts operations referred to in points (a) and (b) shall not be required to submit a declaration in accordance with this Annex.
 - (d) The AOC holder shall specify the type of flight, as listed in its operations manual, in the flight-related documents (operational flight plan, load sheet and other relevant documents).’;
- (6) the following point ORO.AOC.126 is inserted:
‘ORO.AOC.126 Non-commercial operations of an AOC holder with VCA listed on its AOC
 - (a) An AOC holder shall conduct non-commercial operations with VCA listed in the operations specifications of its AOC in accordance with Annex IX (Part-IAM).
 - (b) An AOC holder shall comply with Annex IX (Part-IAM) when conducting training flights, maintenance check flights, demonstration flights and ferry flights with VCA listed in the operations specifications of its AOC, and shall include in its operations manual:
 - (1) a description of any differences between the operating procedures for such flights;
 - (2) means of ensuring that all personnel involved in such flights are fully familiar with the associated procedures.’;

(7) in point ORO.MLR.100, point (b) is replaced by the following:

‘(b) The content of the OM shall reflect the requirements set out in this Annex, in Annex IV (Part-CAT), Annex V (Part-SPA), Annex VI (Part-NCC), Annex VIII (Part-SPO) and Annex IX (Part-IAM), as applicable, and shall not contravene the conditions contained in the operations specifications to the air operator certificate (AOC), the SPO authorisation or the declaration and the list of specific approvals, as applicable.’;

(8) point ORO.MLR.101 is replaced by the following:

‘ORO.MLR.101 Operations manual — structure for CAT and IAM operations

Except for operations with single-engined propeller-driven aeroplanes with an MOPSC of 5 or less or single-engined non-complex helicopters with an MOPSC of 5 or less, taking off and landing at the same aerodrome or operating site, under VFR by day, the main structure of the operations manual (OM) shall be as follows:

- (a) Part A: General/Basic, comprising all non-type-related operational policies, instructions and procedures;
- (b) Part B: Aircraft operating matters, comprising all type-related instructions and procedures, taking into account differences between types/classes, variants or individual aircraft used by the operator;
- (c) Part C: CAT operations with aeroplanes and helicopters, comprising route/role/area and aerodrome / operating site instructions and information or, for IAM operations with VCA, comprising route/role/area and vertiport / diversion location / operating site instructions and information;
- (d) Part D: Training, comprising all training instructions for personnel required to ensure safe operations.’;

(9) in point ORO.MLR.115, point (a) is replaced by the following:

‘(a) The following records shall be stored for at least 5 years:

- (1) for CAT and IAM operators, records of the activities referred to in point ORO.GEN.200;
- (2) for declared operators, a copy of the operator’s declaration, details of approvals held and operations manual;
- (3) for SPO authorisation holders, in addition to point (a)(2), records related to the risk assessment conducted in accordance with point SPO.OP.230 and related standard operating procedures.’;

(10) point ORO.FC.005 is replaced by the following:

‘ORO.FC.005 Scope

This Subpart establishes the requirements for flight crew training, experience and qualifications to be met by an air operator, and comprises:

- (a) SECTION 1, specifying common requirements.

- (b) SECTION 2, specifying additional requirements applicable to CAT operations with aeroplanes and helicopters, with the exception of CAT operations with passengers conducted under VFR by day, starting and ending at the same aerodrome or operating site and within a local area specified by the competent authority, with:
 - (1) single-engined propeller-driven aeroplanes that have an MCTOM of 5 700 kg or less and an MOPSC of 5 or less; or
 - (2) other-than-complex motor-powered helicopters, single-engined, with an MOPSC of 5 or less.
 - (c) SECTION 3, specifying additional requirements for commercial specialised operations and for those operations referred to in points (b)(1) and (2).
 - (d) SECTION 4, specifying additional requirements for IAM operations with manned VTOL-capable aircraft (VCA).’;
- (11) point ORO.FC.105 is replaced by the following:
- ‘ORO.FC.105 Designation as pilot-in-command / commander**
- (a) In accordance with point 8.6 of Annex V to Regulation (EU) 2018/1139, one pilot amongst the flight crew, qualified as pilot-in-command in accordance with Annex I (Part-FCL) to Regulation (EU) No 1178/2011, shall be designated by the operator as pilot-in-command or, for CAT operations with aeroplanes and helicopters, as commander.
 - (b) The operator shall only designate a flight crew member to act as pilot-in-command / commander if all the following apply:
 - (1) the flight crew member has the minimum level of experience specified in the operations manual;
 - (2) the flight crew member has adequate knowledge of the route or area to be flown and of the aerodromes, including alternate aerodromes, vertiports, facilities and procedures to be used;
 - (3) for multi-crew operations, the flight crew member has completed an operator’s command course if promoted from co-pilot to pilot-in-command / commander.
 - (c) For both commercial operations with aeroplanes and helicopters and IAM operations, the pilot-in-command / commander or the pilot to whom the conduct of the flight may be delegated shall have received initial familiarisation training in the route or area to be flown and in the aerodromes, vertiports, facilities and procedures to be used, and shall maintain this knowledge as follows:
 - (1) aerodrome or vertiport knowledge shall be maintained by operating at least once at an aerodrome or a vertiport within a 12-calendar-month period;
 - (2) route or area knowledge shall be maintained by operating at least once on a route or an area within a 36-calendar-month period; in addition, refresher training is required regarding route or area knowledge if not operating on a route or an area for 12 months within the 36-calendar-month period.

- (d) Notwithstanding point (c), for operations conducted under VFR by day with performance class B and C aeroplanes and helicopters, familiarisation training in routes and aerodromes may be replaced by area familiarisation training.’;
- (12) in point ORO.FC.120, point (a) is replaced by the following:
- ‘(a) The flight crew member shall complete the operator conversion training course before commencing unsupervised line flying:
- (1) when changing to an aircraft for which a new type or class rating is required;
 - (2) each time the flight crew member joins an operator.’;

(13) in point ORO.FC.140, point (d) is replaced by the following:

‘(d) For operations with more than one helicopter/VCA type or variant used for conducting sufficiently similar operations, if line checks rotate between types or variants, each line check shall revalidate the line check for the other helicopter/VCA types or variants.’;

(14) in point ORO.FC.145, point (c) is replaced by the following:

‘(c) For both CAT and IAM operations, the training and checking programmes, including the syllabi and means to deliver the programme such as individual flight simulation training devices (FSTDs) and other training solutions, shall be approved by the competent authority.’;

(15) in point ORO.FC.146, point (e) is replaced by the following:

‘(e) Notwithstanding point (b), the aircraft/FSTD training and the operator proficiency check may be conducted by a suitably qualified commander, or pilot-in-command for IAM operations, that holds an FI/TRI/SFI certificate and nominated by the operator for any of the following operations:

 - (1) CAT operations with helicopters that meet the criteria defined in point ORO.FC.005(b)(2);
 - (2) CAT operations with other than complex motor-powered helicopters by day and over routes navigated by reference to visual landmarks;
 - (3) CAT operations with performance class B aeroplanes that do not meet the criteria defined in point ORO.FC.005(b)(1);
 - (4) IAM operations with VCA by day and over routes navigated by reference to visual landmarks.’;

(16) in Subpart FC — Flight Crew, [Section 4] is added as follows:

‘SECTION 4 — Additional requirements for IAM operations with manned VTOL-capable aircraft (VCA)

ORO.FC.400 Flight crew composition

The minimum flight crew composition for IAM operations with manned VTOL-capable aircraft (VCA) shall correspond to that specified in the operations manual, considering the minimum

number specified in the flight manual or in other documents associated with the certificate of airworthiness (CofA) of the particular aircraft.

ORO.FC. 405 Command course

- (a) In multi-crew operations with VCA, the command course shall include at least the following elements:
 - (1) training in an FSTD, which includes line-oriented flight training (LOFT) and/or flight training;
 - (2) the operator proficiency check, operating as pilot-in-command (PIC);
 - (3) command responsibilities training;
 - (4) line training as PIC under supervision, for a minimum of 10 hours, including at least 10 flight sectors;
 - (5) completion of a line check as PIC and demonstration of adequate knowledge of the route or area to be flown and of the aerodromes, including alternate aerodromes, vertiports, facilities and procedures to be used; and
 - (6) crew resource management (CRM) training

ORO.FC.415 Initial operator's crew resource management (CRM) training

- (a) The flight crew member shall complete an initial CRM training course before commencing unsupervised line flying.
- (b) The initial CRM training course shall be conducted by at least one suitably qualified CRM trainer who may be assisted by experts in order to address specific training areas.

ORO.FC.420 Operator conversion training and checking

- (a) CRM training shall be integrated into the operator conversion training course.
- (b) Once an operator conversion training course starts, the flight crew member shall not be assigned to flying duties on another type or class of aircraft until the training course is completed or terminated.
- (c) The amount of training required by the flight crew member for the operator's conversion course shall be determined in accordance with the standards of qualification and experience specified in the operations manual, taking into account the flight crew member's previous training and experience.
- (d) The flight crew member shall complete:
 - (1) the operator proficiency check and the emergency and safety equipment training and checking before commencing line flying under supervision (LIFUS); and
 - (2) the line check upon completion of LIFUS.
- (e) If operational circumstances, such as applying for a new AOC or adding a new aircraft type or class to the fleet, do not allow the operator to comply with the requirements in point (d),

the operator may develop a specific conversion course to be used temporarily for a limited number of flight crew members.

ORO.FC.430 Recurrent training and checking

- (a) Each flight crew member shall complete recurrent training and checking relevant to the VCA type or variant on which they operate, and to associated equipment.
- (b) Operator proficiency check
 - (1) Each flight crew member shall complete operator proficiency checks as part of the normal crew complement to demonstrate their competence in applying normal, abnormal and emergency procedures, covering the relevant aspects associated with the tasks described in the operations manual.
 - (2) Reserved.
 - (3) The validity period of the operator proficiency check shall be 6 calendar months.
- (c) Line check

Each flight crew member shall complete a line check on the VCA. The validity period of the line check shall be 12 calendar months.
- (d) Emergency and safety equipment training and checking

Each flight crew member shall complete recurrent training and checking with regard to the location and use of all emergency and safety equipment carried on board the aircraft. The validity period of an emergency and safety equipment check shall be 12 calendar months.
- (e) CRM training
 - (1) CRM training elements shall be integrated into all appropriate phases of the recurrent training.
 - (2) Each flight crew member shall receive specific modular CRM training. All major topics of the CRM training shall be covered by distributing modular training sessions as evenly as possible over each 3-year period.
- (f) Each flight crew member shall receive ground training and flight training in an FSTD or a VCA, or a combination of FSTD and VCA training, at least every 12 calendar months.

ORO.FC.440 Conducting operations on more than one type or variant

- (a) The procedures or operational restrictions for conducting operations on more than one type or variant established in the operations manual and approved by the competent authority shall cover:
 - (1) the flight crew members' minimum experience required;
 - (2) the minimum experience required for a given type or variant before commencing training in and operation on another type or variant;

- (3) the process whereby flight crew members qualified on one type or variant will be trained in and qualify for another type or variant; and
 - (4) all applicable recent experience requirements for each type or variant.
- (b) Flight crew members should not operate more than three aircraft types or groups of types, including at least one VCA.’;

(17) point ORO.TC.100 is replaced by the following:

‘ORO.TC.100 Scope

This Subpart establishes the requirements to be met by an air operator when operating an aircraft with technical crew members in commercial air transport helicopter emergency medical service (HEMS) operations, emergency medical service operations with VCA (VEMS), night-vision imaging system (NVIS) operations, or helicopter hoist operations (HHO).’;

(18) in point ORO.TC.105, point (a) is replaced by the following:

‘(a) Technical crew members involved in commercial air transport HEMS, VEMS, HHO or NVIS operations shall only be assigned duties provided they:

- (1) are at least 18 years of age;
- (2) are physically and mentally fit to safely discharge their assigned duties and responsibilities;
- (3) have completed all applicable training required by this Subpart to perform their assigned duties;
- (4) have been checked and found to be proficient to perform all their assigned duties in accordance with the procedures specified in the operations manual.’;

(19) in point ORO.TC.110, point (d) is replaced by the following:

‘(d) The checks that follow the operator conversion training and any required familiarisation flights shall take place prior to operating as a required technical crew member in HEMS, VEMS, HHO or NVIS operations.’;

(20) in point ORO.TC.120, point (b) is replaced by the following:

‘(b) The operator conversion training shall include:

- (1) the location and use of all safety and survival equipment carried on board the aircraft;
- (2) all normal and emergency procedures;
- (3) on-board equipment used to perform duties in the aircraft or on the ground for the purpose of assisting the pilot during HEMS, VEMS, HHO or NVIS operations.’;

(21) point ORO.FTL.100 is replaced by the following:

‘ORO.FTL.100 Scope

This Subpart establishes the requirements to be met by an air operator and its flight and cabin crew (aircrew) members with regard to flight and duty time limitations and rest requirements for aircrew assigned to commercial air transport (CAT) operations with aeroplanes.’