

Issued: 13 September 2011

FUTURE OPERATIONS OTHER THAN FOR THE PURPOSE OF COMMERCIAL AIR TRANSPORT

This Information Notice contains information that is for guidance and/or awareness.

Recipients are asked to ensure that this Information Notice is copied to all members of their staff who may have an interest in the information (including any 'in-house' or contracted maintenance organisations and relevant outside contractors).

Applicability:	
Aerodromes:	<i>Not primarily affected</i>
Air Traffic:	<i>Not primarily affected</i>
Airspace:	<i>Not primarily affected</i>
Airworthiness:	<i>Not primarily affected</i>
Flight Operations:	All AOC Holders, General Aviation Pilots and Business Aviation Associations
Licensed/Unlicensed Personnel:	All Pilots

1 Introduction

- 1.1 A series of European Aviation Safety Agency (EASA) implementing rules, applying to most aeroplanes and helicopters registered in a European Union Member State and to most non-European aircraft operating into or within the European Union, will enter into force next year, at the earliest from 8 April 2012. These implementing rules relate to Regulation (EC) No. 216/2008, as amended by Regulation (EC) No. 1108/2009 (often referred to as the EASA Basic Regulation).
- 1.2 The purpose of this Information Notice is to provide an update on the progress of rule development for those operating aircraft other than for the purpose of Commercial Air Transport (CAT).

2 Scope and Progress of Rule Development

- 2.1 The EASA Basic Regulation contains a definition of 'commercial operation' (see the [Appendix](#) to this Notice). In addition, EASA has proposed in a separate Regulation a definition of 'commercial air transport' which covers flights for the purpose of transporting passengers and cargo for payment. There will be some operations which, whilst they are commercial operations, will not be CAT. These are referred to by EASA as Specialised Operations (SPO) and equate to what is currently defined in the Air Navigation Order as aerial work.

- 2.2 EASA has also broken down non-commercial operations into two groups:
- i) those which are non-commercial but using complex motor-powered aircraft (NCC); and
 - ii) those which are non-commercial but using other than complex motor-powered aircraft (NCO).
- 2.3 The implementing rules for CAT operations (Part-CAT) are at an advanced stage of development and are now with the European Commission to bring into law. The implementing rules for Part-SPO, Part-NCC and Part-NCO are still subject to the EASA rulemaking process.
- 2.4 Following the Notice of Proposed Amendment (NPA) consultation process during 2009, which covered all operational matters, EASA concentrated much of its efforts into developing Part-CAT. However, the Agency is now working on rulemaking for other types of operation, including developing the Comment Response Documents (CRDs). The CRDs explain how all the NPA comments were dealt with following the consultations and contain draft implementing rules revised in light of comments received.
- 2.5 The CRDs covering Part-NCO and Part-NCC ([CRD to NPA 2009-02b](#)) were published at the end of August 2011. The expected date for the CRD for Part-SPO is the end of October 2011. Those who made comments during the NPA stage, or who have an interest in the implementing rules, should monitor the EASA website in order to see the next stage of the rulemaking process.

3 Implementation

- 3.1 Although the implementing rules for Air Operations are due to enter into force in April 2012, it is apparent that they will not be completed by that date. Some degree of delay is now inevitable. Even when they are ready, the Cover Regulation for the implementing rules will contain transitional arrangements to allow operators sufficient time to align themselves with the new requirements. It is not possible at this stage to predict exactly when the implementing rules will have force; however, there will be further Information Notices produced by the UK CAA in order to share information as it becomes known.

4 Significant Changes for Operators

- 4.1 All current aerial work operators are likely to be subject to the future Part-SPO. The detailed implementing rules will cover all the same essential requirements as those for CAT but with a lighter, proportionate approach. Such operations will, for the first time, be subject to new elements including an operations manual, a management system, an accident prevention and Flight Safety programme, a Minimum Equipment List (MEL) and a rostering system which addresses flight time and rest periods. Part-SPO operators will need to hold a certificate, issued by the relevant National Aviation Authority (NAA), akin to the current Air Operator's Certificate (AOC). For the UK, the NAA will continue to be the CAA.
- 4.2 Current private operations with complex motor-powered aircraft will be subject to the future Part-NCC. As is the case above, the implementing rules will cover the same essential requirements as are applied to CAT operations. However, instead of requiring a certificate, operators subject to Part-NCC will have to declare their capability and means of discharging the responsibilities associated with the operation of their aircraft. For operators established or residing in the UK, the 'declaration' will have to be made to the CAA, irrespective of where the aircraft is registered.
- 4.3 Current private operations with other than complex motor-powered aircraft will be subject to Part-NCO.

5 Recommendations

- 5.1 It is recommended that all operators and owners/pilots monitor the [EASA website](#) in order to view the CRDs which contain draft versions of the future implementing rules.
- 5.2 It is recommended that those operators and owners/pilots likely to be subject to Part-SPO or Part-NCC register their details now with the CAA so that further information can be shared with them directly as soon as more details are known regarding the effects of the implementing rules. Details can be registered by e-mailing FOP.Admin@caa.co.uk and including the following information:
- Name;
 - E-mail address;
 - Aircraft registration(s);
 - Whether SPO or NCC; and
 - If SPO, types of commercial operation.

6 Queries

- 6.1 Any queries or further guidance required as a result of this Information Notice should be addressed to Head of Flight Operations Strategy at the following e-mail address: FOP.Admin@caa.co.uk.

7 Cancellation

- 7.1 This Information Notice shall remain in force until further notice.

Appendix – EASA Definitions

1) 'Commercial operation' shall mean:

any operation of an aircraft, in return for remuneration or other valuable consideration, which is available to 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.

2) 'Commercial air transport operation' shall mean:

an aircraft operation to transport passengers, cargo or mail for remuneration or other valuable consideration.

3) 'Complex motor-powered aircraft' shall mean:

i) an aeroplane:

- with a maximum certificated take-off mass exceeding 5700 kg; or
- certified for a maximum passenger seating configuration of more than nineteen; or
- certified for operation with a minimum crew of at least two pilots; or
- equipped with (a) turbojet engine(s) or more than one turboprop engine;

or

ii) a helicopter certified:

- for a maximum take-off mass exceeding 3175 kg; or
- for a maximum passenger seating configuration or more than nine; or
- for operation with a minimum crew of at least two pilots;

or

iii) a tilt-rotor aircraft.