



EASA New Regulation on Air Operations

Dated :

05/01/2012

Version :

Version 2

Written by :

Antoine BLIN & Arnaud SCHAEFFER
Consultants

Approved by :

Jean-Pierre BATIGNE
Technical Director

Table of Contents

1	ORGANISATION OF THE NEW EASA REGULATIONS	4
1.1	TOTAL SYSTEM APPROACH	4
1.2	REGULATION STRUCTURE	5
2	THE AIR OPERATION REGULATION	9
2.1	DEFINITION	9
2.2	ENTRY INTO FORCE OF THE AIR OPERATIONS REGULATION	10
2.3	THE AIR OPERATIONS REGULATION STRUCTURE	12
2.4	ANNEXE II - PART ARO	13
2.5	ANNEXE III - PART ORO	14
2.6	ANNEXE IV - PART CAT	16
2.7	ANNEXE V - PART SPA	18

Glossary

ADR	Aerodromes
AMC	Acceptable Means of Compliance
ANS	Air Navigation Service Provider
AOC	Air Operator Certificate
AR	Authority Requirement
ATCO	Licensing and medical certification of air traffic controllers
ATFM	Air Traffic Flow Management
ATM	Air Traffic Management
AUR	Common airspace usage requirements and operating procedures
CAT	Commercial Air Transport
CC	Cabin Crew
CMPA	Complex Motor-Powered Aircraft
COM	Commercial other than CAT
CRD	Comment Response Document
FC	Flight Crew
GEN	General
GM	Guidance Material
HoT	Hold-Over Time
IR	Implementing Rule
MED	Medical
MPSC	Maximum Passenger Seating Configuration
MS	Member States
NCC	Non-commercial with CMPA
N-CMPA	Non-Complex Motor-Powered Aircraft
NCO	Non commercial other than CMPA
OPS	Operations
OR	Organisation Requirement
OSD	Operational Suitability Data
SERA	Standardised European Rules of the Air
SPA	Specific Approvals (ETOPS, PBN etc...)
SPO	Specialised Operations (aerial work)
TCO	Third Country Operators

1 ORGANISATION OF THE NEW EASA REGULATIONS

1.1 TOTAL SYSTEM APPROACH

The “**Total System Approach**” is based on the fact that the aviation system components are part of a single network.

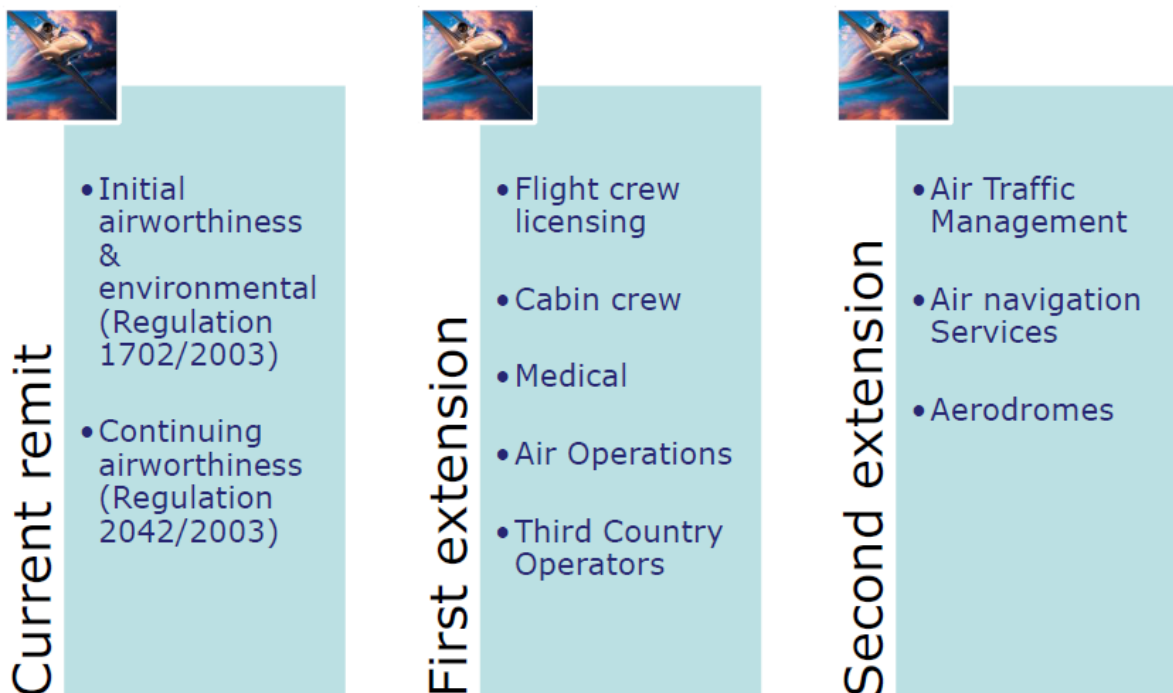
The “**Total System Approach**” eliminates the risk of safety gaps or overlaps, and seeks to avoid conflicting requirements and confused responsibilities. Regulations are interpreted and applied in a standardised manner and best practices are provided.

Based on this concept, it was decided in April 2008 to extend EASA’s scope of competence in order to include the so called “new remits” for the following fields of activities:

- Air Operation & Flight Crew Licensing (FCL) (so called first extension);
- Air Traffic Management (ATM) / Air Navigation Services (ANS) & Aerodromes (so called second extension).

These new remits will become applicable, in principle once the related Implementing Rules have entered into force:

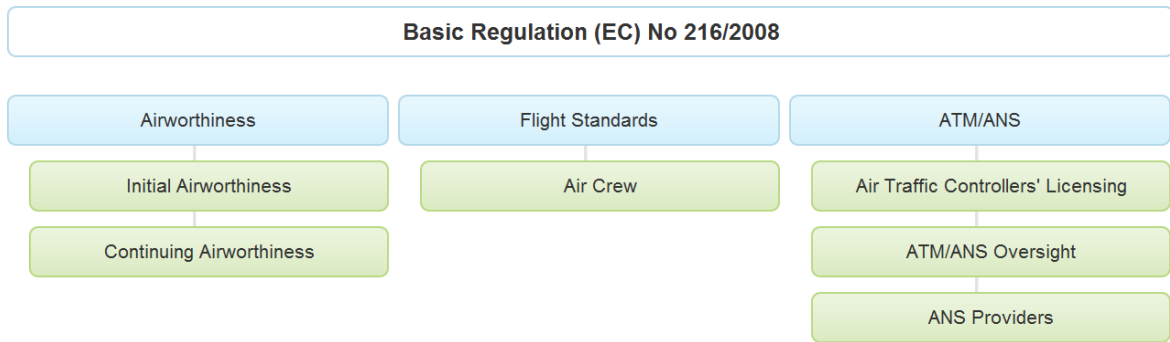
- April 2012 for the first extension;
- Second half of 2011 for the second extension (except aerodrome to be published in between June and December 2013).



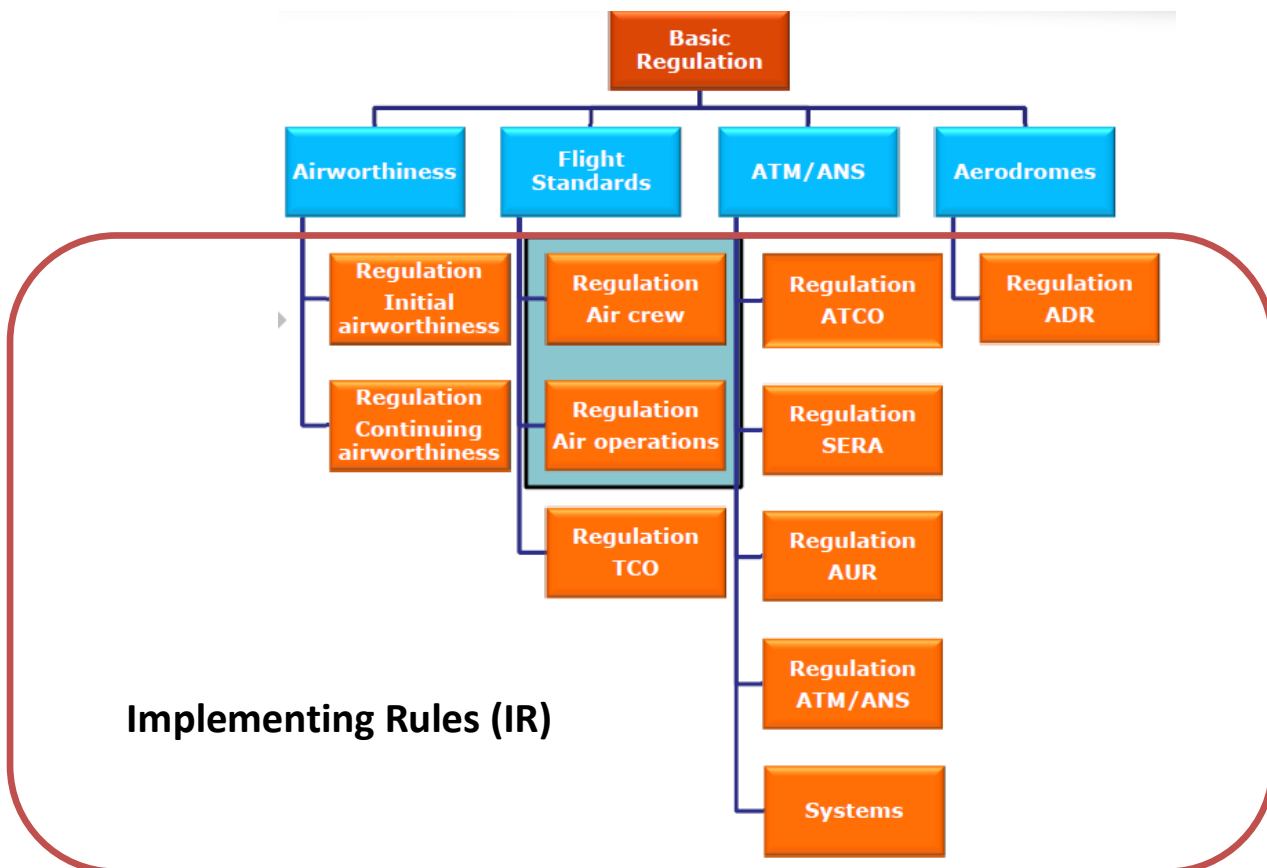
1.2 REGULATION STRUCTURE

The Big Picture

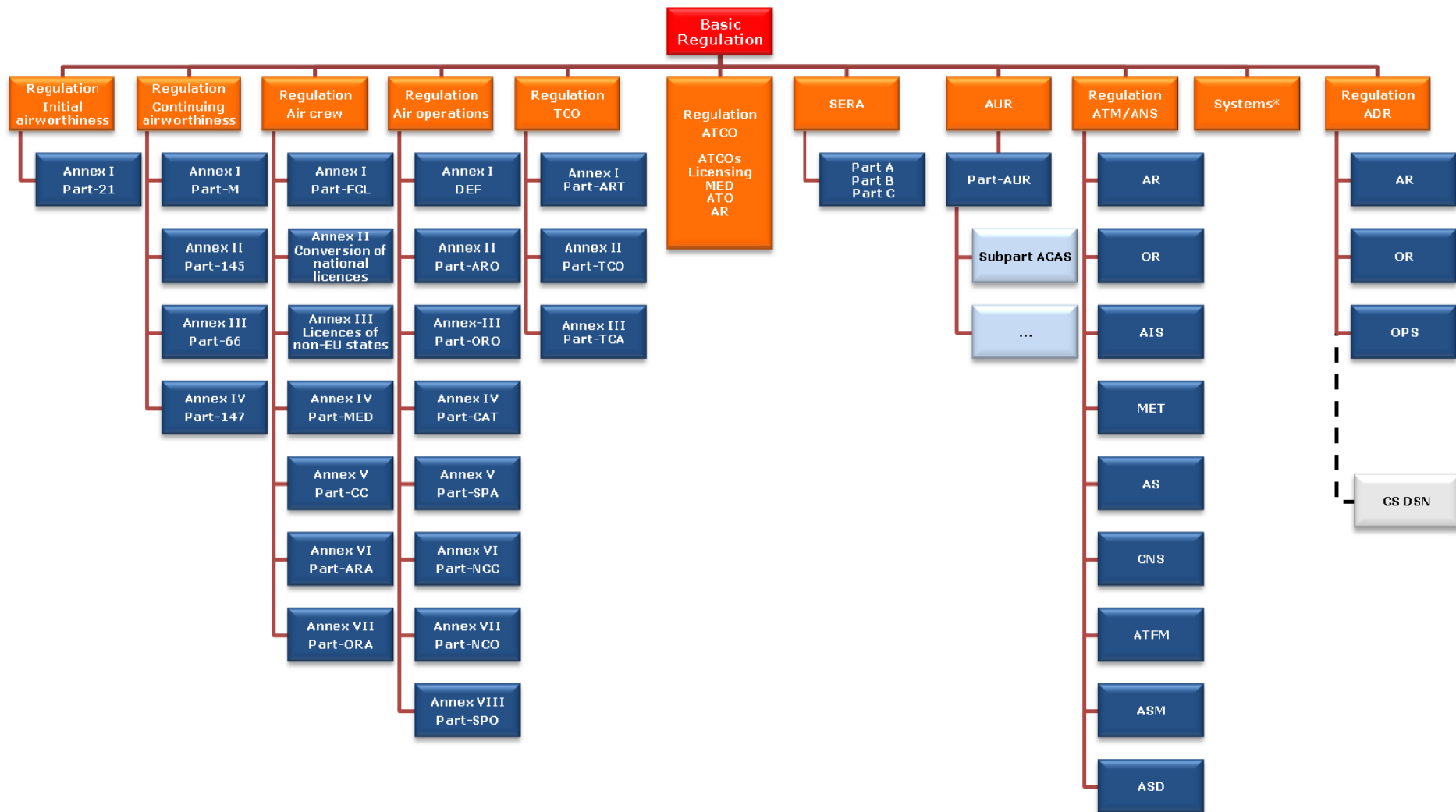
The current regulation structure (date of January 5, 2012) is the following:



When all regulations are implemented, the global EASA regulatory system will be as follow:



The different implementing rules of this regulation structure will be composed of annexes, as depicted by the following graph:



The following table summarizes the date of publications of the future implementing rules:

Implementing Rule		Publication status
Airworthiness		
Initial Airworthiness	Initial publication : EC No 1702/2003, 24 September 2003 Last amendment : EC No 1194/2009, 30 November 2009	
Continuing Airworthiness	Initial publication : EC No 2042/2003, 20 November 2003 Last amendment : EC No 1149/2011, 21 October 2011	
Flight Standard		
Air Crew	Initial publication : EU No 1178/2011, 3 November 2011	
Air Operations	Initial publication : apply as from 8 April 2012, expected to be published before Opinion : Opinion 04/2011 of 01 June 2011	
TCO	Initial publication : expected 8 April 2012 (but only the NPA has been published, therefore some delay can be forecasted) NPA : NPA 2011/05, 01 April 2011	
ATM/ANS		
ATCOs Licensing	Initial publication : EC No 805/2011, 10 August 2011	
ATM/ANS Oversight	Initial publication : EU No 1034/2011, 17 October 2011	
ANS Providers	Initial publication : EU No 1035/2011, 17 October 2011	
AUR	Initial publication : expected to be published before the end of 2012 Opinion : Opinion 05/2010, 18 October 2010	
SERA	Initial publication : expected to be published before the end of 2012 (SERA Part B) Opinion : Opinion 05/2011, 11 November 2011 (SERA Part B)	
Systems	To be defined	
Aerodromes		
ADR	Initial publication : expected end of 2013	

Once the new regulation is published, EASA will amend the implementing rules 1702/2003 and 2042/2003 to reorganize them and align them with the new regulation structure. This will ensure consistency between the implementing rules toward the total system approach. According to the EASA Rulemaking programme, this alignment should be effective by the end of Q2, 2012.

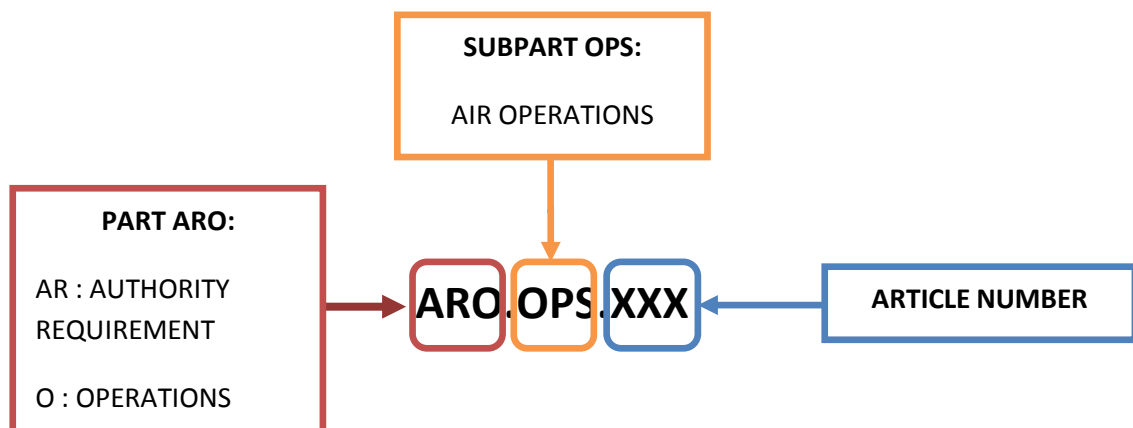
AMC and GM will be published by EASA after the publications of the relevant Implementing Rules. For instance, according to EASA rulemaking programme, AMC and GM for Part-CAT, SPA, NCC, NCO, SPO, ARO, and ORO should be published during Q2, 2013.

Regulation Numbering

In the future, EASA foresees to develop each new regulation following the same structure:

- Each regulation can have annexes so-called “PARTS”;
- Each regulation will contain a minimum of three PARTS:
 - “**PART AUTHORITY**” (AR) related to the oversight function of the Member States and competent authorities in the subject covered by the regulation;
 - “**PART ORGANISATION**” (OR) applicable to the management system of approved and declared organisations;
 - “**TECHNICAL PARTS**”
- Each part is divided into SUBPARTS. The first SUBPART of a specific PART is usually **SUBPART GEN** that details general requirements.
- A SUBPART is then divided into different SECTIONS.
- SECTIONS are made of different CHAPTERS.

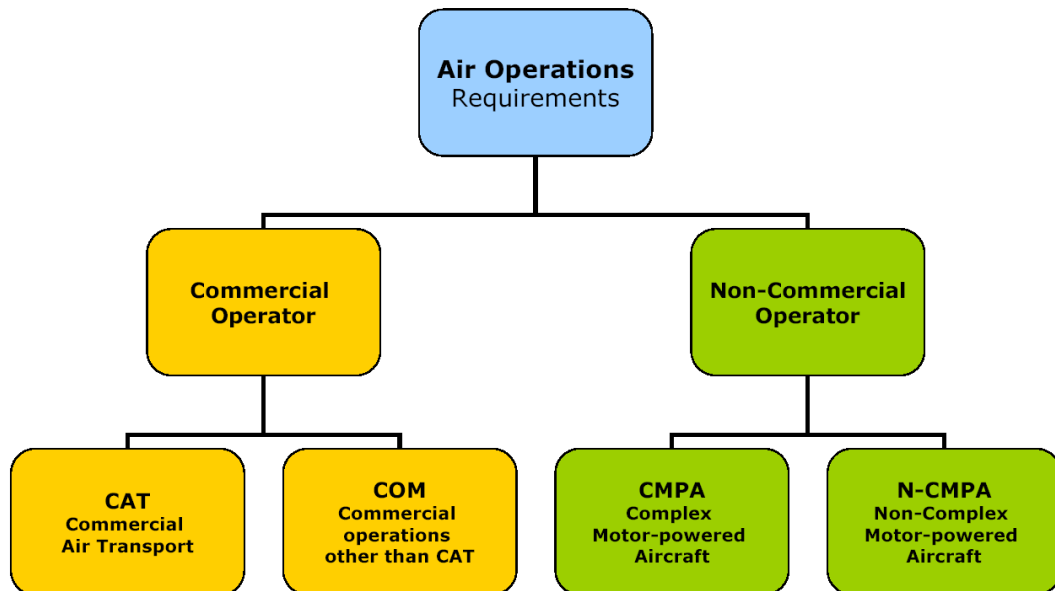
For example, looking for the requirement to be followed by a CAA in order to certify an operator:



2 THE AIR OPERATION REGULATION

2.1 DEFINITION

All the new Air Operations Regulation structure is based on following classification and definitions:



Where :

“Commercial Operation” means 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;

“Commercial Air Transport” means the transport of passengers, cargo or mail for remuneration or hire.

“Complex-Motor-Powered Aircraft” means:

- (i) An aeroplane
 - With a maximum certificated take-off mass exceeding 5,700kg 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,
- (ii) A helicopter
 - Certificated with a maximum certificated take-off mass exceeding 3,175kg or;
 - For a maximum passenger seating configuration of more than nine or
 - Certificated for operation with a minimum crew of at least 2 pilots; or
- (iii) a tilt rotor aircraft;

2.2 ENTRY INTO FORCE OF THE AIR OPERATIONS REGULATION

The Air Operations Regulation defines the general applicability of the Parts it covers and proposes grandfathering and transition measures in the form of opt-outs

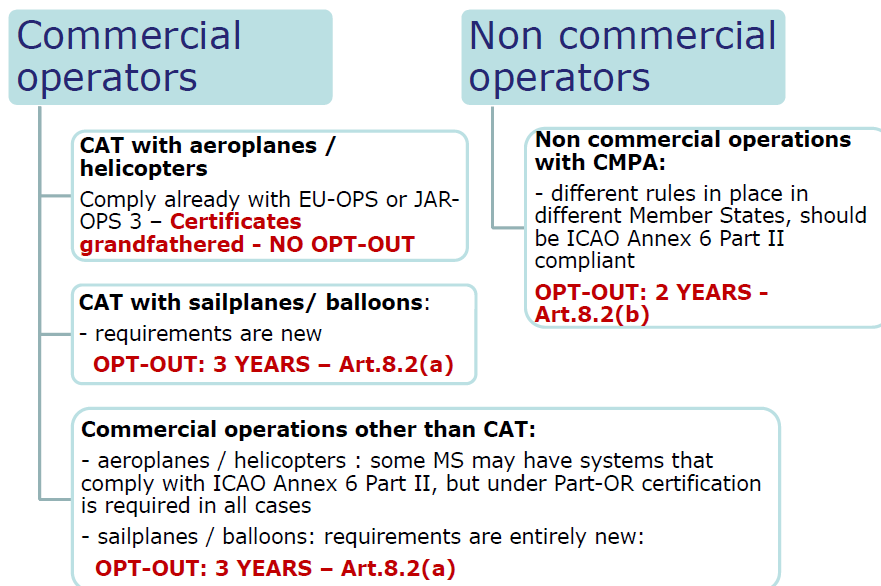
The Air Operations regulation will start to become effective on **8th April 2012**. At that time it will become immediately effective for Operators, both Commercial and Private operators of CMPA. It will also apply to Flight Training Organisations who offer pilot training and to Non-Commercial Operators.

Grandfathering

Theoretically, “AOCs issued by a Member State to CAT operators of aeroplanes before 8 April 2012 shall be deemed to have been issued in accordance with this Regulation if they were issued following Regulation (EC) No 3922/1991 on the harmonization of technical requirements and administrative procedures in the field of civil aviation”.

At the latest by **8 April 2014**, CAT operators shall have adapted their management system, training programmes, procedures and manuals to be compliant with PART ORO, PART CAT and PART SPA, as relevant.

Opt-Outs

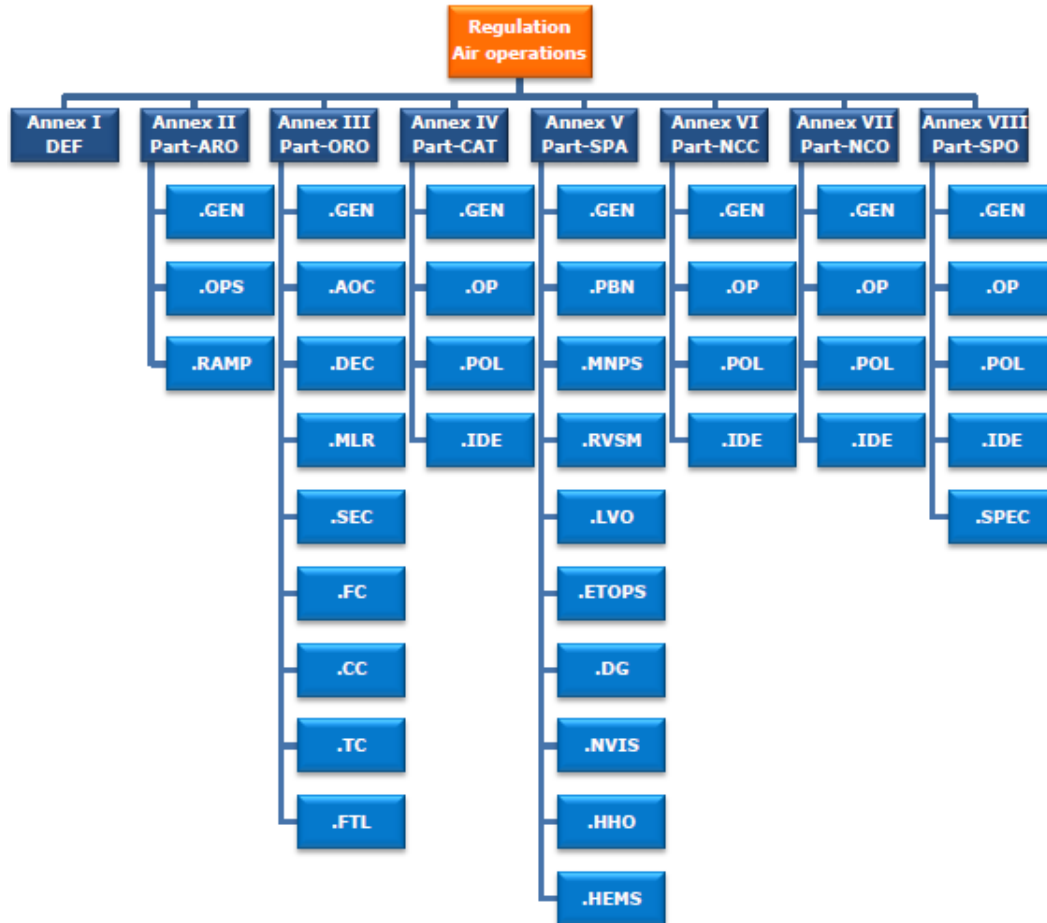


Operation	Part	Aircraft	Opt-out
CAT, except A-A *	PART-ORO	Aeroplanes	n/a
	PART-CAT		
	PART-SPA		
	PART-ORO	Helicopters	2 years
	PART-CAT		
	PART-SPA		
CAT A-A *	PART-ORO	Aeroplanes Helicopters	Not yet applicable; to be delivered later
	PART-CAT		
	PART-SPA	Aeroplanes Helicopters	3 years
CAT Balloons and Sailplanes	PART-ORO	Balloons Sailplanes	Not yet applicable; to be delivered later
	PART-CAT		
	PART-SPA	Balloons Sailplanes	3 years
Specialised operations	PART-ORO*	Aeroplanes Helicopters Balloons Sailplanes	Not yet applicable; to be delivered later
	PART-SPO		
	PART-SPA	Aeroplanes Helicopters Balloons Sailplanes	3 years
Non-commercial operations with CMPA	PART-ORO	Aeroplanes Helicopters	Not yet applicable; to be delivered later
	PART-NCC		
	PART-SPA	Aeroplanes Helicopters	2 years
Non-commercial operations with otCMPA	PART-NCO	Aeroplanes Helicopters Balloons Sailplanes	Not yet applicable; to be delivered later
	PART-SPA	Aeroplanes Helicopters Balloons Sailplanes	2 years

**A-to-A flights : transportation of passengers under visual flight rules (VFR) day, starting and ending at the same aerodrome/operating site and with a maximum duration of 30min, or within a local area specified by the competent authority*

2.3 THE AIR OPERATIONS REGULATION STRUCTURE

Following this structure, the Air Operations Regulation has been organized as follow:



Where

- **ANNEX I – DEFINITIONS** for Annexes II to VIII;
- **ANNEX II – PART-ARO**, Authority requirements for air operations;
- **ANNEX III – PART-ORO**, Organisation requirements for commercial air operators and non-commercial air operators with complex motor-powered aircraft;
- **ANNEX IV - PART-CAT (A,H)**, technical requirements for commercial air transport operations with aeroplanes and helicopters;
- **ANNEX V - PART-SPA**, requirements for operations requiring a specific approval.
- **ANNEX VI - PART-NCC**, technical requirements for non-commercial operations of complex motor-powered aircraft;
- **ANNEX VII - PART-NCO**, technical requirements for non-commercial operations of other-than-complex motor-powered aircraft;
- **ANNEX VIII - PART-SPO**, technical requirements for specific operations, including commercial and non-commercial operations;

2.4 ANNEXE II - PART ARO

Scope

In particular, PART ARO (ARO.GEN.005 Scope) defines common authority requirements applicable to:


- The licensing and oversight of pilots, including medical certification;
- The certification and oversight of approved pilot training organisations;
- The oversight of Flight Simulation Training Device (FSTD) certificate holders;
- The certification and/or oversight of air operations, commercial and non-commercial;
- The issuing of attestations for and oversight of cabin crew;
- The performance of ramp inspections of aircraft at aerodromes located in the territory subject to the provisions of the Treaty.

Structure

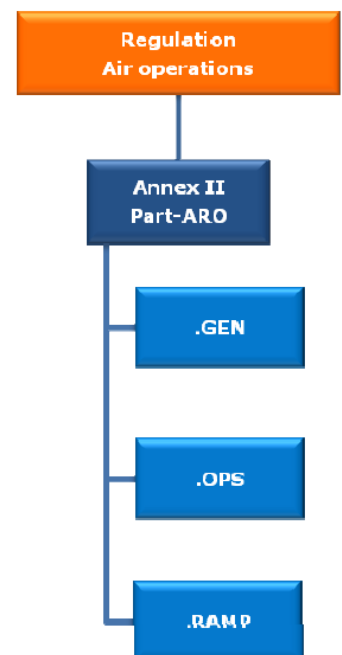
PART ARO is composed of three SUBPARTS:

- **PART ARO SUBPART GEN**, general requirements;
- **PART ARO SUBPART OPS**, specific requirements related to air operations;
- **PART ARO SUBPART RAMP**, requirements for ramp inspections of aircraft of operators under the regulatory oversight of another state.

Regulatory Sources



Regulation (EC) 216/2008
JAA JAR-OPS Joint Implementation Procedures (JIPs)
JAA COra Report
EU-OPS Subpart C Operator Certification and Supervision
ICAO Annex 1 and Annex 6 Doc 8335
Regulations (EC) 1702/2003 & 2042/2003 Sections B, including relevant AMCs and GMs

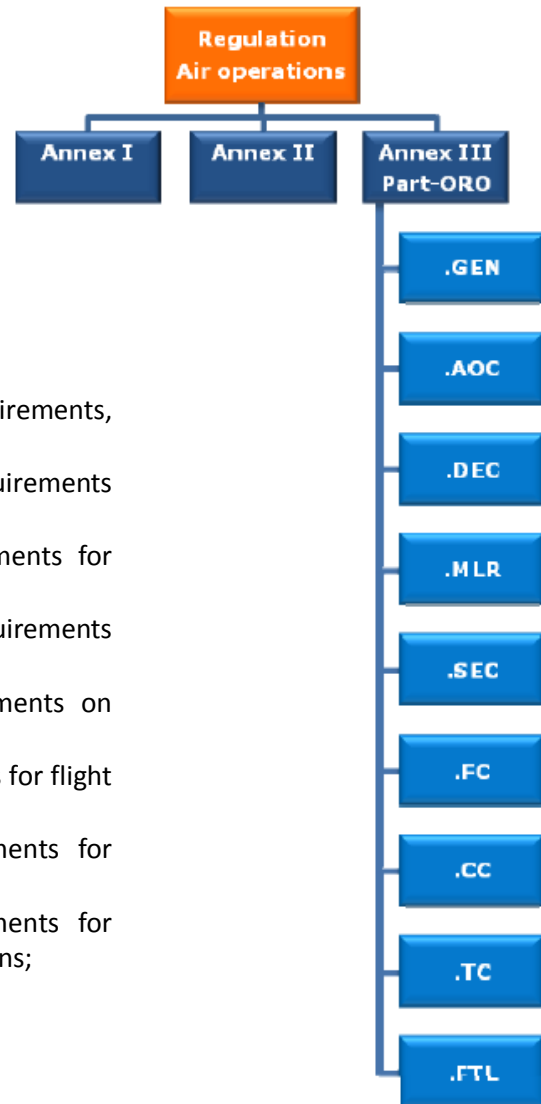


2.5 ANNEXE III - PART ORO

Scope

PART ORO (ORO.GEN.005 Scope) defines common technical requirements for the administration and management systems applicable to:

- Commercial air operators;
- Non-commercial operators of CMPA;
- Pilot training organisations;
- Aero-medical centres;
- FSTD certificate holders;

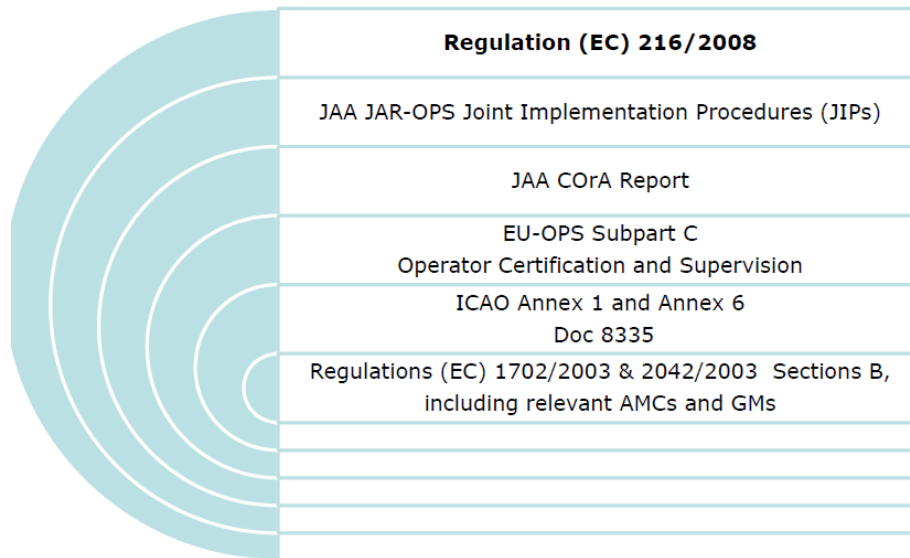


Structure

PART ORO is composed of eight SUBPARTS:

- **PART ORO SUBPART GEN**, general requirements, complemented by:
- **PART ORO SUBPART AOC**, specific requirements related to air operator certification;
- **PART ORO SUBPART DEC**, specific requirements for operators required to declare their activity;
- **PART ORO SUBPART MLR**, specific requirements related to manuals, logs and records;
- **PART ORO SUBPART SEC**, specific requirements on security;
- **PART ORO SUBPART FC**, specific requirements for flight crew;
- **PART ORO SUBPART CC**, specific requirements for cabin crew; and
- **PART ORO SUBPART TC**, specific requirements for technical crew in HEMS, HHO or NVIS operations;

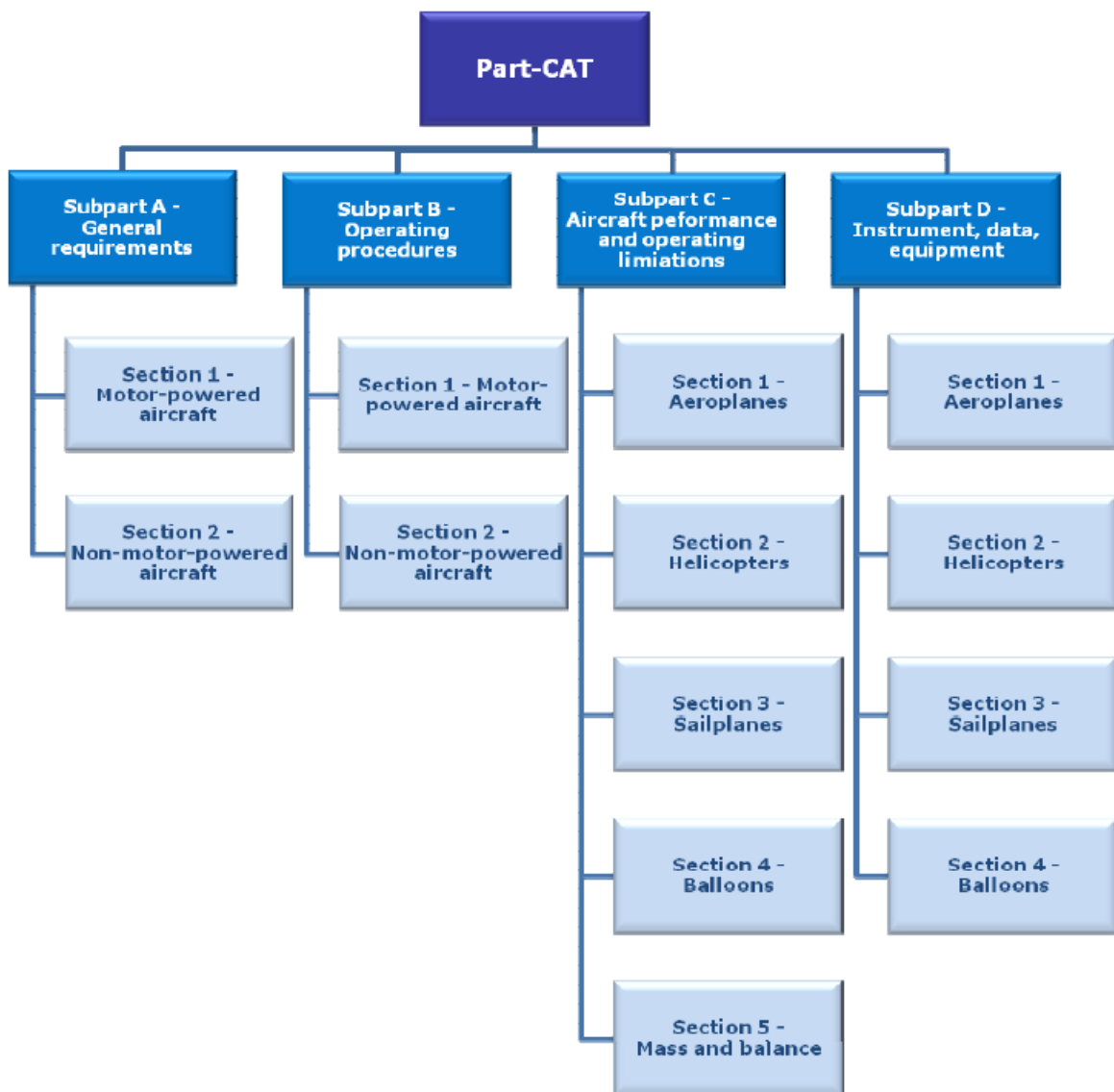
Regulatory Sources



2.6 ANNEXE IV - PART CAT

Scope & Structure

PART CAT contains the technical requirements for commercial air transport operations of aeroplanes, helicopters, sailplanes and balloons. It consists of four SUBPARTS which are further broken down to SECTIONS containing aircraft category specific rules. Some SECTIONS are further broken down into CHAPTERS.



Major differences in between PART CAT and EU-OPS / JAR-OPS 3

Unlike PART ARO and PART ORO that are fairly new, EASA did not made major changes to the rule substance of PART CAT, except for varying the level of text between Implementing Rule and AMC material:

- EU-OPS and JAR-OPS 3 rules containing a safety objective have been retained as IR;
- EU-OPS and JAR-OPS 3 rules unambiguously containing a means to comply with a safety objective have been moved to AMC level;
- In many instances, appendices of EU-OPS and JAR-OPS 3 were regarded as a means of compliance and have been transposed as AMC;
- In such cases where it was not possible to make a clear distinction between a safety objective and a means to comply with a safety objective, the rule text has been retained as IR;
- In cases where the need for a more proportionate approach was demonstrated, EASA proposed a rule text with a safety objective and an AMC;
- EU-OPS / JAR-OPS 3 rule text of an explanatory nature has been transposed as GM; notes have either been redrafted into AMC provisions, where treated as footnotes, transposed as GM, or deleted if they did not provide sufficient added value;
- Rules that contained provisions as “acceptable to the authority” have been consistently redrafted through all Subparts as “the operator shall specify in the operations manual ...”. The Agency adopted this approach in order to specify a defined procedure for how such items should be brought to the attention of the competent authority.

Regulatory Sources

Part-CAT	EU-OPS	JAR-OPS3
CAT.GEN.AH	Subpart B (partly)	
CAT.OP.AH	Subpart D Subpart E (partly)	
CAT.POL.A	Subpart F-I	
CAT.POL.H		Subpart F-I
CAT.POL.MAB	Subpart J	
CAT.IDE.A	Subpart K-L	
CAT.IDE.H		Subpart K-L

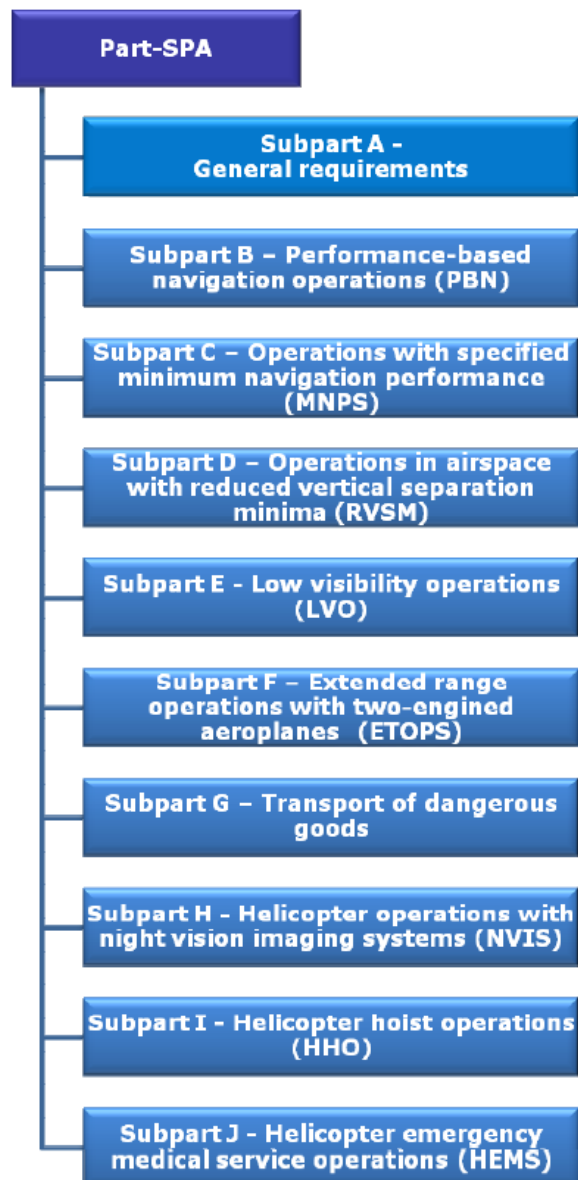
2.7 ANNEXE V - PART SPA

Scope & Structure

PART SPA contains operator requirements for operations requiring specific approvals. PART SPA consists of 10 SUBPARTS:

- The first SUBPART contains general requirements, which are applicable to all nine specific approvals addressed in PART SPA;
- The requirements for the nine specific approvals are each given in a separate SUBPART.

The table below provides an overview of the structure of PART SPA.



PART SPA requirements are applicable to commercial as well as non-commercial operators with the following exceptions:

- SPA.ETOPS only applies to CAT operations of aeroplanes; and
- SPA.NVIS, SPA.HHO and SPA.HERMS only apply to CAT operations of helicopters.

Note: Annex VI – PART NCC (Non-Commercial Operations with Complex Motor-Powered Aircraft) and Annex VII – PART NCO (Non-Commercial Operations with Other-Than-Complex Motor-Powered Aircraft) have been published on the 30th August 2011. The opinion of the European Commission is not yet available.

Last, PART SPO, covering specialised operations [ie : Aerial Work] and commercial air transport operations of sailplanes and balloons will be published soon.