

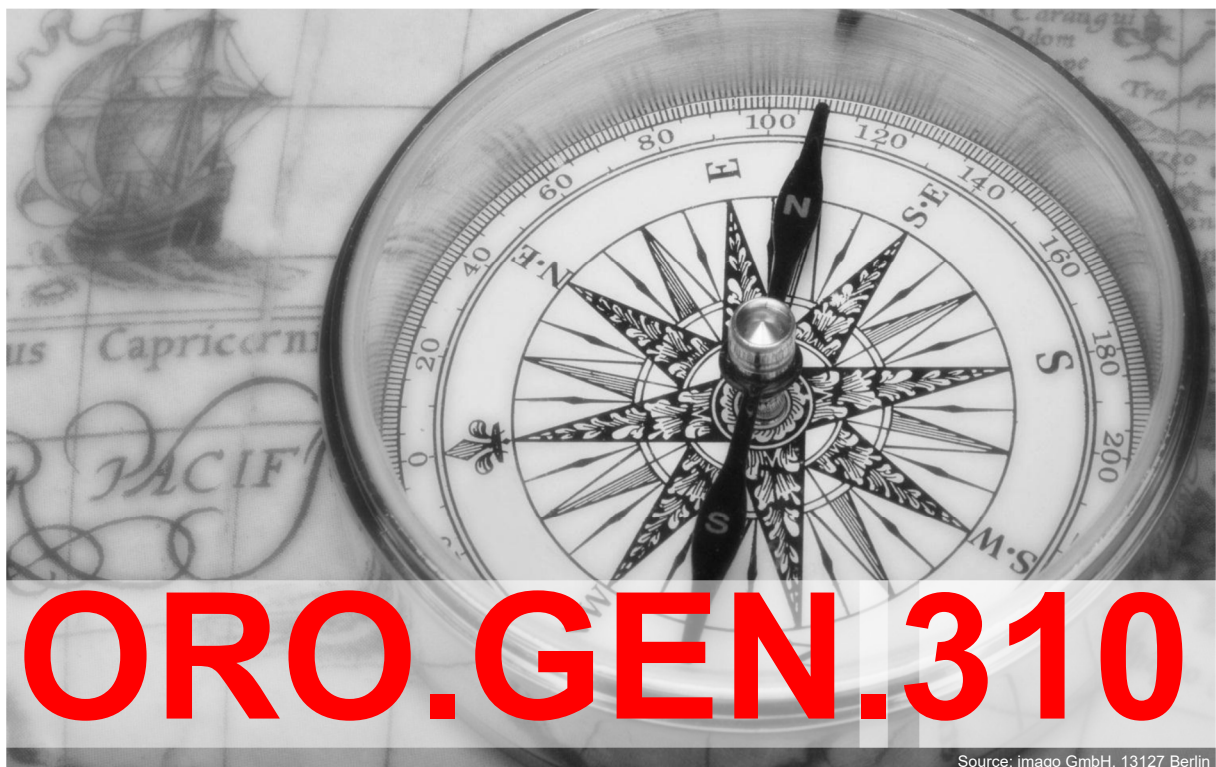


FOCA GM/INFO

Guidance Material / Information

ORO.GEN.310 “Mixed Operations”

Use of aircraft listed on an AOC for NCC-, NCO- or SPO operations



Source: imago GmbH, 13127 Berlin

Scope	Guidance for AOC holders to use the AOC registered aircraft for other than CAT operations by themselves or another operator (approval point)
Applies to	AOC holders, NCC-, NCO- and SPO operators, including Training Organisations
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List of Abbreviations

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The following abbreviations are within this GM/INFO:

Abbreviation	Definition	Abbreviation	Definition
A/C	Aircraft		
AOC	Air Operator Certificate		
CAMO	Continuing Airworthiness Management Organisation		
CAT	Commercial Air Transport		
CMPA	Complex Motor-Powered Aircraft		
DG	Dangerous Goods		
EASA	European Aviation Safety Agency		
FOCA	Federal Office of Civil Aviation		
GM/INFO	Guidance Material / Information		
MCF	Maintenance Check Flight		
MEL	Minimum Equipment List		
NCC	Non-Commercial operations with Complex motor-powered aircraft		
NCO	Non-Commercial operations with Other-than complex motor-powered aircraft		
OM	Operations Manual		
otCMPA	Other-than Complex Motor-Powered Aircraft		
SPA	Specific Approval (dangerous goods etc)		
SPO	Specialised Operations		

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0 Introduction

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All Guidance Material/Information (GM/INFO) are intended to assist the organisation/operator in administrative matters. The administrative requirements and processes will facilitate liaising with the Federal Office of Civil Aviation (FOCA). It is to be considered a tool for the organisation/operator in order to ease processes of obtaining required and defined approvals and authorisations issued by the FOCA. Using the GM/INFO will be conducive to establishing compliance with FOCA requirements and will lead through the respective certification or variation process in regard to administrative tasks.

0.1 Terms and Conditions

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The use of the male **gender** should be understood to include male and female persons.

The most frequent **abbreviations** used by the **EASA** are listed here: easa.europa.eu/abbreviations.

When used throughout the GM/INFO the following terms shall have the meaning as defined below:

Term	Meaning	Reference
<i>shall, must, will</i>	These terms express an obligation, a positive command.	EC English Style Guide
<i>may</i>	This term expresses a positive permission.	EC English Style Guide
<i>shall not, will not</i>	These terms express an obligation, a negative command.	EC English Style Guide
<i>may not, must not</i>	These terms express a prohibition.	EC English Style Guide
<i>need not</i>	This term expresses a negative permission.	EC English Style Guide
<i>should</i>	This term expresses an obligation when an acceptable means of compliance should be applied.	EASA Acceptable Means of Compliance publications FOCA policies and requirements
<i>could</i>	This term expresses a possibility.	http://oxforddictionaries.com/definition/english/could
<i>ideally</i>	This term expresses a best possible means of compliance and/or best experienced industry practice.	FOCA recommendation

0.2 Legal References

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Commission Regulation (EU) No 965/2012, as amended by (EU) 2019/1384:

- ORO.GEN.310
- ORO.AOC.125
- NCC.GEN.101
- NCO.GEN.104

0.3 Purpose of this GM/INFO

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By the publication of regulation (EU) 2019/1384 a set of rules has been published, amongst which the implementing rule ORO.GEN.310 is regulating the *use of aircraft listed on an AOC for other operations than CAT, i.e. non-commercial and specialised operations*, namely: NCC, NCO and SPO.

This GM/INFO specifies how the ORO.GEN.310 rules are to be implemented by Operators.

Note: Leasing (CAT – CAT operations) is not addressed herein. If the aircraft is leased, the existing leasing provisions apply and this GM/INFO is not applicable.

0.4 Scope

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Basically there are two cases that are addressed by ORO.GEN.310 (and partially by ORO.AOC.125) for which this GM/INFO serves as a reference:

1. The AOC holder himself does other operations than CAT = *case 1*;
2. The AOC holder rents out his aircraft to another operator/organization for other operations than CAT = *case 2*

Further down you will find the two cases explained.

When the aircraft is rented out to another operator for other than CAT operations the AOC holder is regarded as the «lessor» and the other operator as the «lessee». The AOC holder as the lessor needs prior approval from FOCA for such an action.

Therefore this guidance material addresses AOC holders (as lessors) and NCC-, NCO- and SPO operators (as lessees).

Note: Training organisations (when renting aircraft from an AOC holder) find themselves under NCC- or NCO operator for the purpose of the requirements of ORO.GEN.310.

0.5 Organisation / Operator Responsibilities

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Operators doing other operations than CAT with AOC registered aircraft (renting/borrowing them) have to fulfil the obligations according the requirements AMC1 ORO.GEN.310 (b);(d);(f).

The emphasizes herein however is made on *case 2* where an AOC registered aircraft is rented out to another operator for other than CAT operations as this case requires prior approval for the lessor.

As an integrated part of the formal application for such approval, there is the checklist «*use of AOC aircraft by another operator for non-CAT operations*», which assists in determining compliance with the applicable requirements of ORO.GEN.310(a)(2). The completed checklist has to be sent to FOCA as part of the application package.

1 Case 1: AOC Holder himself does other Operations = ORO.AOC.125 or ORO.GEN.310 (a)(1)

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There is nothing new here, except that the prior approval for non-commercial operations under the AOC has been removed. As long as it is the same operator doing any other operation, the operations control is guaranteed to remain at the same instance. We talk of ORO.AOC.125 or ORO.GEN.310 (a)(1).

Examples – The AOC holder itself does:

- **NCC (CMPA) = ORO.AOC.125** (prior approval not required anymore)
According to ORO.AOC.125 no declaration required. Operations must be described in OM-A, Ch. 8.7
 - These operations include own ATO/DTO activities
- **NCO (otCMPA) = ORO.AOC.125** (prior approval not required anymore)
Operations must be described in OM-A, Ch. 8.7
 - These operations include own ATO/DTO activities
 - These operations include own NCO.SPEC activities
- **SPO = ORO.GEN.310 (a)(1)**
SPO Declaration required (full SPO applicability -> Part-ORO and Part-SPO, i.e. manuals, MEL, nominated persons, etc).
 - Exception is: Maintenance Check Flights 'MCF'. Such operations must be in accordance with SPO.SPEC.MCF, but don't need a SPO declaration for AOC holders as MCFs are considered a non-commercial activity and therefore ORO.AOC.125 applies (however, the NCC operator doing MCF, has to declare SPO!)

Note: For the whole listing under case 1 - The AOC holders SPAs are valid for the other operations – as it is still the same operator/organisation doing those operations

2 Case 2: AOC Holder rents out an A/C to another Operator/Organization (for SPO or NCC/NCO – which include ATO/DTO Activities) = ORO.GEN.310 (a)(2)

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This is about what has been released by the Regulation (EU) 2019/1384 issuing ORO.GEN.310 (a)(2).

These cases imply some thoughts, organisation and workload by both the lessor as well as the lessee and must be prior approved by FOCA for the AOC holder. Details are described in Chapter 2.1 as well as stipulated point by point in the checklist mentioned in Chapter 0.5.

Examples – The AOC holder rents out its AOC registered aircraft for:

- **NCC (CMPA) = ORO.GEN.310 (a)(2)**
NCC Declaration required by the other operator (full NCC applicability -> Part-ORO and Part-NCC, i.e. manuals, MEL, nominated persons, etc). Contract between the two parties required (contents: OPS control, CAMO, reporting, MEL etc). The handover and procedures of such operations are to be described either in a specific contract or in the OMs.
- **NCO (otCMPA) = ORO.GEN.310 (a)(2)**
Contract between the two parties required (contents: OPS control, CAMO, reporting, MEL etc). The handover and procedures of such operations are to be described either in a specific contract or in the OMs.
- **SPO = ORO.GEN.310 (a)(2)**
SPO Declaration required by the other operator (full SPO applicability -> Part-ORO and Part-SPO, i.e. manuals, MEL, nominated persons, etc).

Note: For the whole listing under case 2 - The AOC holders SPAs are not valid for the other operator (lessee), as it is another operator/organisation doing the operations. The lessee shall apply for any specific approval himself.

Note: Operators are advised to involve their insurances into such rent out procedures.

2.1 Overview of Requirements for Case 2, ORO.GEN.310 (a)(2)

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Whenever ORO.GEN.310(a)(2) applies, the following has to be considered and implemented:

- Rental of AOC registered aircraft to another operator/organisation shall not be more than 30 days at a time, otherwise the aircraft will have to be removed from the AOC.
- Operators/organizations shall establish procedures clearly identifying the responsible operations control and its transfer. At any point in time it shall be clear who is in actual control of the aircraft. This shall be described in the operations manuals of each operator or in a contract (the latter makes sense where the lessee is a private person as “NCO operator” who most likely does not have an operations manual) between the two parties, whereas it is the AOC holder’s obligation to establish the template of such a contract.

2.1.1 Responsibilities/Obligations of the AOC Holder (as the Lessor):

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- Needs prior approval from FOCA for such activities;
- Needs to agree upon the means and frequency of notifications to FOCA of the operational changes (when and how is FOCA informed upon aircraft rent outs)

FOCA policy: The AOC holder shall keep records of all such activities and must be capable at any time to provide details to FOCA. The operator may expect that FOCA will inspect those records as part of the standard oversight programme;

- Assures the continuing airworthiness remaining with its CAMO;
- Specifies a list of the aircraft registrations which are subject to such rent outs;

- Has to integrate all external/different operations (NCC/NCO/SPO) conducted with the aircraft in his Safety Management, if not covered already;
- Has to provide the lessee with a customized list of occurrences to be reported (i.e. on top of mandatory reporting items – “wishlist” of the AOC holder).

2.1.2 Responsibilities/Obligations of the Other Operator NCC/O & SPO Operator (as the lessee)

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- Has to handle the aircraft in accordance with the AOC holder's requirements;
- Has to use the techlog of the AOC holder in accordance with AOC holder's procedures;
- Must not do any configuration changes on the aircraft;
- Shall report any defects / malfunctions to the AOC holder's CAMO immediately after the flight;
- Provides the AOC holder with a copy of all occurrences/occurrence reports related to flight with the rented aircraft;
- Has the responsibility to get its own approved MEL (where required);
- Established a own, separate contract with the AOC holder's CAMO, or* incorporates the three specific provisions as of chapter 2.1.3. into a/the contract with the AOC holder.

***Note:** FOCA provides an alternative solution which allows to incorporate the relevant requirements out of Part-M into the contract between the lessor and lessee -> see chapter 2.1.3.

2.1.3 Alternative solution to a separate contract between the Lessee and the AOC Holder's CAMO

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The following provisions (use link according to the language) must be included in the contract between the lessor and the lessee:

DE

«.... Der Betreiber (Bezeichnung neuer Betreiber – «Mieter») betraut das genehmigte Unternehmen zur Führung der Aufrechterhaltung der Lufttüchtigkeit (Bezeichnung der CAMO des AOC Betreibers) während der gesamten Mietdauer mit der Führung der Aufrechterhaltung der Lufttüchtigkeit sowie der Organisation der Instandhaltung des Luftfahrzeugs gemäss dem genehmigten Instandhaltungsprogramm. Die CAMO hat den Pflichten gemäss Ziff. 5.1 von Appendix I von Part-M der VO (EU) Nr. 1321/2014 nachzukommen.

Der Betreiber (Bezeichnung neuer Betreiber – «Mieter») bescheinigt nach bestem Wissen und Gewissen, dass alle dem Unternehmen zur Führung der Aufrechterhaltung der Lufttüchtigkeit gemachten aktuellen und künftigen Angaben bezüglich der Aufrechterhaltung der Lufttüchtigkeit des Luftfahrzeugs korrekt sind und an dem Luftfahrzeug keine Änderungen ohne die vorherige Zustimmung des Unternehmens zur Führung der Aufrechterhaltung der Lufttüchtigkeit vorgenommen werden.

Der Betreiber (Bezeichnung neuer Betreiber – «Mieter») hat den Pflichten gemäss Ziff. 5.2 von Appendix I von Part-M der VO (EU) Nr. 1321/2014 nachzukommen. Insbesondere muss der Betreiber (Bezeichnung neuer Betreiber) dem Unternehmen zur Führung der Aufrechterhaltung der Lufttüchtigkeit auf der Grundlage des Bordbuchs alle während des Betriebs festgestellten Mängel melden. ...»

FR

«... L'exploitant (désignation du nouvel exploitant – « preneur ») charge l'organisme de gestion du maintien de la navigabilité agréé (désignation du CAMO de l'exploitant AOC) d'assurer pendant toute la durée de la location la gestion du maintien de la navigabilité et l'organisation de l'entretien de l'aéronef conformément au programme d'entretien agréé. Le CAMO est tenu de se conformer aux obligations visées au point 5.1 de l'appendice I de la partie M du règlement (UE) n° 1321/2014.

L'exploitant (désignation du nouvel exploitant – « preneur ») certifie en toute bonne foi que toutes les informations fournies à l'organisme de gestion du maintien de la navigabilité concernant le maintien de la navigabilité de l'aéronef sont et seront exactes et que l'aéronef ne sera pas modifié sans approbation préalable de l'organisme de gestion du maintien de la navigabilité.

L'exploitant (désignation du nouvel exploitant – « preneur ») est tenu de se conformer aux obligations visées au point 5.2 de l'appendice I de la partie M du règlement (UE) n° 1321/2014. En particulier, l'exploitant (désignation du nouvel exploitant) est tenu de signaler à l'organisme de gestion du maintien de la navigabilité sur le carnet de bord tous les défauts détectés au cours des opérations. ...»

IT

«...l'esercente (denominazione nuovo esercente: «locatario») affida all'impresa autorizzata la gestione del mantenimento della navigabilità dell'aeromobile (denominazione della CAMO dell'operatore AOC) per tutta la durata di locazione e l'organizzazione della manutenzione dell'aeromobile secondo il programma di manutenzione approvato. La CAMO deve soddisfare gli obblighi di cui al paragrafo 5.1 dell'appendice I della parte M del regolamento (UE) n. 1321/2014.

L'esercente (denominazione nuovo esercente - «locatario») certifica che, alla luce delle sue conoscenze, tutte le informazioni fornite all'impresa autorizzata per la gestione del mantenimento della navigabilità dell'aeromobile sono e saranno corrette, e che l'aeromobile non subirà modifiche se non previa autorizzazione dell'impresa autorizzata.

L'esercente (denominazione nuovo esercente - «locatario») deve soddisfare gli obblighi di cui al paragrafo 5.2 dell'appendice I della parte M del regolamento (UE) n. 1321/2014. L'esercente (denominazione nuovo esercente) deve in particolare notificare all'impresa autorizzata, mediante iscrizione sul quaderno tecnico di bordo, tutti i difetti riscontrati durante gli interventi...».