

Annex I to ED Decision 2019/019/R

'Guidance Material to Regulation (EU) No 965/2012 — Issue 1, Amendment 3'

The Annex to Decision 2014/019/R of 24 April 2014 is hereby amended as follows:

The text of the amendment is arranged to show deleted, new or amended text as shown below:

- deleted text is marked with ~~strike-through~~;
- new or amended text is highlighted in blue;
- an ellipsis '(...)' indicates that the rest of the text is unchanged.

GM1 Article 2(1)(d) Definitions

NON-COMMERCIAL OPERATIONS — EXAMPLES

The following examples of operations are not covered by the definition of commercial operations or by that of specialised operations. They are identified as non-commercial operations. Some of these flights are listed by an AOC holder in its operations manual Part-A, ch. 8.7 as non-commercial operations (as specified in AMC3 ORO.MLR.100) and covered by the provisions of ORO.AOC.125.

Some of these operations are performed on an irregular basis. The operator and its crew members may consider them as non-routine operations, situated outside their operational routine. This constitutes a risk that the operator should include in its risk assessment process.

The operations listed below are performed with aircraft having a certificate of airworthiness or a permit to fly and being already listed on an AOC or on a declaration. They are grouped by the purpose of the flight.

Demonstration flights

(a) A flight performed with the purpose of demonstrating:

- (1) an aircraft's handling, performance and functionalities to buyers or lessees;
- (2) an aircraft's flying characteristics or the operational procedures to the competent authority, for verification of compliance with the operational requirements, as per ARO.GEN.310 (a).

Other terms used: (route) proving flight; operational evaluation flight.

(b) Flight at the end of lease or upon transfer of ownership: a flight performed at the request of the operator to verify compliance of the aircraft with the contractual specifications of the lessee/lessor or buyer.

Other term used: acceptance flight.

- (c) 'Public relations (PR) flight': a flight carrying official or media representatives as non-paying passengers. Sometimes personnel of the operator are included. The PR flight is performed in the interest of the operator's own business.

Testing the results of maintenance work is outside the scope of demonstration flights. Such flights are not expected to execute flight manoeuvres where the aircraft might react with an unexpected behaviour. This is covered by a maintenance check flight (listed below).

Maintenance check flights

- (d) Maintenance check flight (MCF)

The definition of an MCF is provided in Annex I to Regulation (EU) No 965/2012. The provisions on MCF are developed in Annex VII (Part-NCO), Subpart E Section 6 and Annex VIII (Part-SPO), Subpart E Section 5.

Ferry flights – flights changing the location of the aircraft

A ferry flight could be performed for the following purposes:

- (e) The aircraft is moved to and from a maintenance base. The aircraft may be operated under the permit-to-fly conditions.

Examples:

- (1) unpressurised flight,
- (2) gear-down flight,
- (3) flight with one engine inoperative.

- (f) The aircraft is moved from one location to another, e.g. from the manufacturer, refurbishment location, previous owner, lessor/lessee, long-term storage to the operator's base.

Other term used: delivery flight.

- (g) The aircraft and its aircrew are positioned to an aerodrome from which a further commercial air transport (CAT) operation will be performed.

Other term used: positioning flight.

- (h) The aircraft is moved from its current location to a secure location for various reasons (e.g. to remove it from a hazardous area).

Other term used: recovery flight.

Training flights

- (i) A flight for instructional purposes for the operator's own flight crew.

Operator training and checking flight: a flight performed by the operator with the purpose of training, checking and/or familiarising a flight crew member with the operator's procedures linked to the aircraft being operated. A training flight is conducted using the procedures detailed in the operator's documentation.

Line flying under supervision (LIFUS), line checks and similar flights are not included in this category, as they are usually performed during commercial operations (CAT flights).

Other non-commercial flights

(j) 'Corporate flight': a flight conducted for business purposes: the operator may carry its own personnel and/or property in the interest of business.

Other terms used: business flight, private flight.

(k) 'Leisure flight': a flight operated by an operator for personal or recreational purposes, not associated with a business or a profession.

Other term used: private flight.

(l) Managed flight: a flight operated by an operator for the business purposes of the aircraft owner, with no remuneration or other valuable consideration involved.

Charity flights, humanitarian flights

(m) 'Charity flight': a flight performed for the benefit of a registered charity organisation, carrying persons and/or goods. For such a flight, the proceeds of the raffled flight go to the charity. Any additional proceeds are limited to the recovery of direct costs of the flight.

(n) 'Humanitarian flight': a flight with the purpose of carrying relief personnel and/or life-saving supplies (basic necessities) during or after an emergency or a natural disaster, or to evacuate persons from an endangered area.

GM1 Article 3(5)(e) Oversight capabilities

INSPECTIONS BY PERSONNEL AUTHORISED BY THE COMPETENT AUTHORITY

Inspections performed by personnel authorised by the competent authority to perform oversight or certification tasks means announced or unannounced inspections, including in-flight inspections, to oversee any operations in accordance with this Regulation.