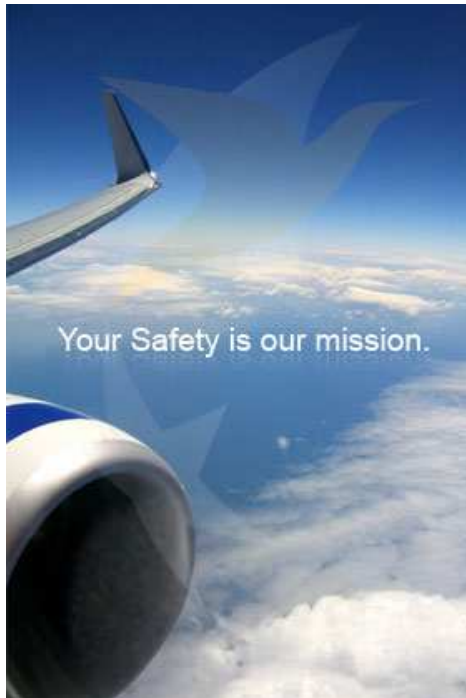




Part 2: Alignment of Regulation (EC) No 2042/2003 with Regulation (EC) No 216/2008

1 October 2010, Köln



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- ✈ **Acronyms and abbreviations**
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 - **Concept of CMPA**
 - **Commercial operations**



Current context

- ✈ **Regulation (EC) No 216/2008 (“the Basic Regulation”), common rules in the field of aviation and establishing a European Aviation Safety Agency.**
- ✈ **Regulation (EC) 1008/2008, common rules for the operation of air services.**
- ✈ **NPA 2008-22 proposed “Implementing rules for Authority and Organisation Requirements” (CRD oct 2010)**
- ✈ **NPA 2009-02 proposed “Implementing Rules for Air Operations of Community Operators” (CRD nov/dec 2010)**



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Acronyms and abbreviations

- ✈ **ATO:** Approved flight Training Organisation
- ✈ **AOC:** Air Operator Certificate
- ✈ **BR:** Regulation (EC) No 216/2008
- ✈ **CAT:** Commercial Air Transport
- ✈ **CAME:** Continuing Airworthiness Management Exposition
- ✈ **CAMO:** Continuing Airworthiness Management Organisation pursuant to Part-M subpart-G
- ✈ **CMPA:** Complex Motor-Powered Aircraft
- ✈ **IAW:** In Accordance With



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Task background

WHY IS “ALIGNMENT” NEEDED?

Article 8 of the BR requires aircraft referred to in **article 4(1)(b) and (c)** to comply with essential requirements of **Annex IV**.

We need to look in the BR

- **Article 4(1)(b) and (c); and,**
- **Annex IV**



Task background

Article 4(1)(b) of BR refers to:

Aircraft, including any installed product, part and appliance, which **are registered in a Member State**, unless their regulatory safety oversight has been delegated to a third country and they are not used by a Community operator.



Task background

Article 4(1)(c) of the BR refers to:

Aircraft, including any installed product, part and appliance, which are registered in a third country and:

- used by an operator for which any Member State ensures oversight of operations or,
- used into, within or out of the Community by an operator established or residing in the Community



Task background

Annex IV of the BR contains essential requirements for air operations; specifically requirements affecting **continuing airworthiness** are found in:

✈ **Section 6: Continuing Airworthiness**

✈ **Section 8.g: Additional requirements for operation for commercial purposes and operation of CMPA**



Task background

Annex IV of the BR section 6 establishes **essential continuing airworthiness** requirements for aircraft in relation to:

- **operation of aircraft;**
- **pre-flight inspection;**
- **maintenance programme;**
- **preservation of records;**
- **release to service; and,**
- **modifications and repairs.**



Task background

Annex IV of the BR section 8.g establishes additional requirements for:

- operation for commercial purposes; and,
- operation of CMPA

in relation to the need of an **organisation responsible for the continuing airworthiness management and maintenance**, which:

- should meet the requirements of Annex I section 3.a; and,
- have an organisation manual.



Task background

Annex I of the BR section 3.a establishes the conditions to be met for the **issue of an approval to an organisation**. The organisation must:

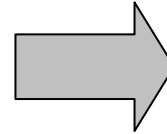
- have all the **means** necessary for the scope of work;
- implement and maintain a **management system**;
- establish **arrangements** with other relevant organisations; if necessary, and
- establish an **occurrence reporting** and/or handling system.



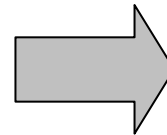
Task background

APPLICABLE REQUIREMENTS

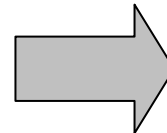
Continuing airworthiness requirements applicable to **all aircraft**



Additional requirements applicable to **CMPA** and **commercial operations**



Requirements applicable to continuing airworthiness and maintenance **organisations**



BASIC REGULATION

**Annex IV
section 6**

**Annex IV
section 8.g**

**Annex I
section 3.a**



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NPA 2010-010 proposal

**Amendments to
PART-M to
ensure article
4(1)(b) aircraft
comply with
Annex IV section
6 and section 8.g**

**New PART-T
establishing the
requirements for
article 4(1)(c)
aircraft to
comply with
Annex IV section
6 and section 8.g**



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Amendments to Part-M

✈ Amended Part-M will affect:

Aircraft, including any installed product, part and appliance, which **are registered in a Member State**, unless their regulatory safety oversight has been delegated to a third country and they are not used by a Community operator.



Amendments to Part-M

✈ Part-M **already contains** provisions to ensure compliance with the requirements of **Annex IV of BR section 6.**

✈ Part-M **needs to be amended** to incorporate the concepts of:

- **CMPA; and,**
- **commercial operations**

to ensure **4(1)(b)** aircraft comply with **additional requirements** of Annex IV of BR section 8.g.



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Amendments to Part-M: CONCEPT OF CMPA

Currently:

- ✈ Part-M refers to “**large aircraft**”, which is defined in Regulation (EC) No 2042/2003 article 2(g) as:

an aircraft, classified as an aeroplane with a maximum take-off mass of more than 5700 kg, or a multi-engined helicopter.



Amendments to Part-M: CONCEPT OF CMPA

Currently:

- ✈ Continuing airworthiness of **large aircraft** shall be managed by a **CAMO**. (*M.A.201 (f)*)
- ✈ Maintenance of **large aircraft** shall be performed by a **Part-145** approved organisation. (*M.A.201 (g)*)



Amendments to Part-M: CONCEPT OF CMPA

Article 3(j) of the BR defines **CMPA** as:

(i) an aeroplane:

- ✈ with a maximum certificated take-off mass exceeding 5 700 kg, or
- ✈ certificated for a max. passenger seating configuration of more than 19, or
- ✈ certificated for operation with a minimum crew of at least two pilots, or
- ✈ equipped with (a) turbojet engine(s) or more than 1 turboprop engine,

or



Amendments to Part-M: CONCEPT OF CMPA

(ii) a helicopter certificated:

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

(iii) a tilt rotor aircraft.



Amendments to Part-M: CONCEPT OF CMPA

➔ NPA 2010-10 proposes replacing “**large aircraft**” by “**CMPA**” in Part-M, this results in:

- Continuing airworthiness of **CMPA** shall be managed by a **CAMO**.
- Maintenance of **CMPA** shall be performed by a **Part-145** organisation.



Amendments to Part-M: CONCEPT OF CMPA

IMPACTS OF THIS PROPOSAL:

- ✈ Those **CMPA which currently do not fall into the category of “large aircraft”** will be required to contract a CAMO and a Part-145 for those types of operations where it is not already required.
- ✈ Conversely, **multi-engined helicopters with MTOM <3175 kg, which are currently considered “large aircraft”**, will not be considered as CMPA. No obligation to contract neither a CAMO nor a Part-145 unless the type of operation requires it.



Amendments to Part-M: CONCEPT OF CMPA

Two examples:

✈ Eclipse EA500:

- MTOW: 2722 kg (< 5700 Kg) → OTHER THAN LARGE AIRCRAFT
- Engines : 2 PWC PW610 → CMPA

✈ Eurocopter EC135

- Engines: 2 PW 206 B → LARGE AIRCRAFT
 - MTOW: 2835 kg (<3175)
 - Max passenger: 6
 - Minimun Flight crew: 1
- } OTHER THAN CMPA



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Amendments to Part-M: COMERCIAL OPERATIONS

What are we going to talk about?

- ✈ Definition of **Commercial Operations**
- ✈ Definition of **Commercial Air Transport**
- ✈ **Current requirements**
- ✈ **Proposed requirements**



Amendments to Part-M: COMERCIAL OPERATIONS

✈ DEFINITION OF COMMERCIAL OPERATIONS

Article 3(i) of BR defines **commercial operation** as

“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”.



Amendments to Part-M: COMERCIAL OPERATIONS

Annex IV of the BR Section 8.g establishes **additional requirements** for operation for **commercial purposes** in relation to the need of an organisation responsible for the continuing airworthiness management and maintenance, which should:

- ✈ meet the requirements of Annex I of BR section 3.a
- ✈ have an organisation manual.



Amendments to Part-M: COMERCIAL OPERATIONS

DEFINITION OF COMMERCIAL AIR TRANSPORT

Currently regulation (EC) 2042/2003:

- ✈ **does not contain a definition of CAT,**
- ✈ however article 1(3) states that the provisions of the Regulation related to **CAT** are applicable to **licensed air carriers** as defined by Community law (Regulation (EC) **No 1008/2008**)



Amendments to Part-M: COMERCIAL OPERATIONS

Regulation (EC) No 1008/2008

- ✈ **Article 3(1):** No **undertaking established in the Community** shall be permitted to carry by air passengers, mail and/or cargo for remuneration and/or hire unless it has been granted the appropriate operating licence.
- ✈ **Article 3(3): (...)** the following categories of air services **shall not be subject** to the requirement to hold a valid operating licence:
 - (a) air services performed by **non-power-driven aircraft** and/or ultralight power-driven aircraft; and,
 - (b) **local flights.**



Amendments to Part-M: COMERCIAL OPERATIONS

This means that transport by air of passengers, mail and/or cargo for remuneration and/or hire

- with **non-power-driven aircraft** and/or ultralight power-driven aircraft, or
- in **local flights, or**
- by an undertaking **not established in the Community**

is **not** subject to the provisions of commercial air transport contained in Regulation (EC) 2042/2003.



Amendments to Part-M: COMERCIAL OPERATIONS

CURRENT REQUIREMENTS:

Currently, M.A.201 (h) requires:

✈ **commercial air transport operators;**

- be **CAMO** approved as part of their **AOC** and,
- be approved in accordance with Part-145 or contract such an organisation.



Amendments to Part-M: COMERCIAL OPERATIONS

CURRENT REQUIREMENTS:

Currently, M.A.201 (i) requires

operators requested by a Member State to hold a **certificate for commercial operations**, other than for commercial air transport;

- be CAMO approved or contract such an organisation and,
- be approved in accordance with M.A. Subpart-F or Part-145 or contract such an organisation.



Amendments to Part-M: COMERCIAL OPERATIONS

- ✈ In the current context, consideration should be given to **NPA 2009-02** on Implementing Rules for Air Operations of Community Operators which **defines commercial air transport (CAT) as an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire.**



Amendments to Part-M: COMERCIAL OPERATIONS

PROPOSED REQUIREMENTS

NPA 2010-10 proposes amending part-M to include:

- the concept of **commercial operations** introduced by the **Basic Regulation**, and
- the definition of **commercial air transport (CAT)** as per **NPA 2009-02**

ensuring that the proposed rules are **proportionate** to the **complexity of the aircraft** involved **provided** compliance with the Basic Regulation is ensured.



Amendments to Part-M: COMERCIAL OPERATIONS

PROPOSED REQUIREMENTS of NPA 2010-10

✈ Operators engaged in **commercial operations**, other than CAT shall:

- be **CAMO** approved or contract such an organisation and,
- be approved iaw **M.A. Subpart-F** or **Part-145** or contract such an organisation

**These include ATO
providing flight training for
commercial purposes**



Amendments to Part-M: COMERCIAL OPERATIONS

PROPOSED REQUIREMENTS of NPA 2010-10

✈ commercial air transport operators;

- be **CAMO approved** as part of their **AOC**; and,
- be approved in accordance with **Part-145** or contract such an organisation.



Amendments to Part-M: COMERCIAL OPERATIONS

PROPORTIONATE REQUIREMENTS are proposed for **specific operators and categories of aircraft**, as follows:

→ **ELA1 aircraft**

→ **Local-CAT operator**

→ **Non-Community CAT** operators of EU registered aircraft



Amendments to Part-M: COMERCIAL OPERATIONS

ELA1 aircraft means the following European Light Aircraft:

- (i) an **aeroplane, sailplane or powered sailplane** with a Maximum Take-off Mass (MTOM) less than 1000 kg that is not classified as complex motor-powered aircraft;
- (ii) a **balloon** with a maximum design lifting gas or hot air volume of not more than 3400 m³ for hot-air balloons, 1050 m³ for gas balloons, and 300 m³ for tethered gas balloons;
- (iii) an **airship** designed for not more than two occupants and a maximum design lifting gas or hot-air volume of not more than 2500 m³ for gas airships



Amendments to Part-M: COMERCIAL OPERATIONS

Local-CAT operator is defined as a **CAT operator** which complies with all the following conditions:

- ✈ the operator is approved in accordance with Part-OR Subpart-OPS;
- ✈ the aircraft listed in its **AOC** are aircraft **other than CMPA**; and,
- ✈ the **CAT** activity is **limited to flights departing from and arriving to the same airport or authorised landing point.**



Amendments to Part-M: COMERCIAL OPERATIONS

Local-CAT operator or operators engaged in **CAT with balloons or with ELA 1 aircraft**, the operator shall:

✈ be **CAMO** approved or contract such an organisation; and

✈ be approved in accordance with **M.A. Subpart-F or Part-145** or contract such an organisation



Amendments to Part-M: COMERCIAL OPERATIONS

Non-Community CAT operators of EU registered aircraft, **the operator shall:**

✈ be **CAMO** approved or contract such an organisation; and

✈ be approved in accordance with **Part-145** or contract such an organisation



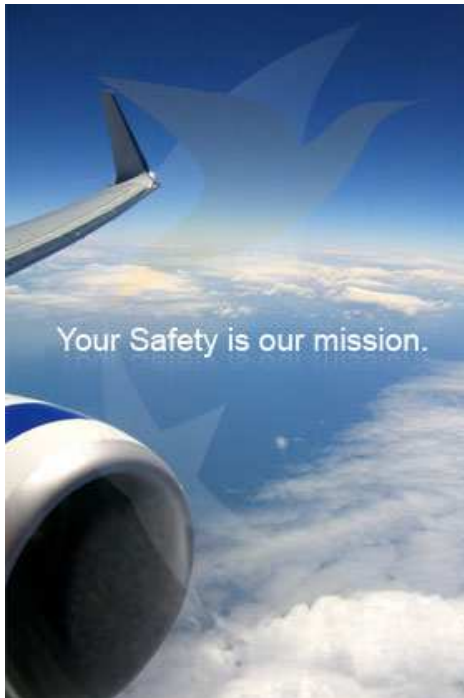
Summary: 4(1) (b) aircraft

COM	CAT	1) Local CAT operators	Operator shall: ○ obtain CAMO approval, or ○ contract a CAMO	Part-M Subpart-F or Part-145
		2) ELA1 and Balloons	Operator shall ○ obtain CAMO approval, or ○ contract a CAMO	Part-M Subpart-F or Part-145
		3) non- Community CAT operators	Operator shall: ○ obtain CAMO approval, or ○ contract a CAMO	Part-145
		4) Other than 1), 2), 3)	Operator shall obtain CAMO approval, CAMO linked to the AOC	Part-145
	COM other than CAT, including COM ATO	CMPA	Operator shall: ○ obtain CAMO approval, or ○ contract a CAMO	Part-145
		Other than CMPA	Operator shall: ○ obtain CAMO approval, or ○ contract a CAMO	Part-M Subpart-F or Part-145



Summary: 4(1) (b) aircraft

NON-COM (including non-COM ATO)	CMPA	Operator shall: o obtain CAMO approval, or o contract a CAMO	Part-145
	Other than CMPA	CAMO is NOT required.	•Independent certifying staff, •pilot owner maintenance, •Part-M Subpart-F, •Part-145



End of Part 2

Let's continue with Part 3