European Union Aviation Safety Agency

FAQ n.20073

FAQs:

Part-NCC/NCO, Air Operations, Regulations

Question:

Which is the competent authority responsible for the oversight of the NCC operations in Europe?

Answer:

NCC.GEN.100 specifies the following: “The competent authority shall be the authority designated by the Member State in which the operator has its principal place of business or is residing”.

This means that the State of the Operator (SoO) designates the competent authority for NCC operators. Here are some examples:

1. For a European NCC operator with aircraft registered in a Member State, the Competent Authority is designated by the State of the Operator.
2. For a European NCC operator with third-country registered aircraft, the Competent Authority is designated by the State of the Operator. These operators may also have to comply with rules of the third-country State of Registry (SoR) if this State has not delegated its responsibilities to the European State of the Operator.
3. For a third-country NCC operator having its principal place of business in a third country and performing operations with aircraft registered in a Member State, the Competent Authority is designated by the State of the Operator (the third country SoO). However, these operators may also have to comply with rules of the EU Member State (State of Registry) related to the aircraft if the State of Registry has not delegated its responsibilities to the State of the Operator.

For cases under (2) and (3), the State of Registry and the State of the Operator need to coordinate their safety and security oversight actions in accordance with ICAO SARPs (3.4.2.1.2 of ICAO Annex 6 Part II).

To avoid interferences with the responsibility of a third-country State of Registry for specific approvals, Part-SPA SPA.GEN.100 specifies that the European competent authority shall not issue operational approvals when they are required by Annex 6 and issued by the third-country State of Registry.

EASA has published a draft Guidance Material (GM) related to this topic, in order to make it easier for declared operators (NCC and SPO) to determine which their competent authority is. The GM can be found in the draft AMC&GM related to Opinion 04/2017, published for information 'draft GM proposed to Annex I Definitions'.

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Link:

https://www.easa.europa.eu/en/faq/20073