European Union Aviation Safety Agency

FAQ n.22595

FAQs:

Part-SPO, Air Operations, Regulations

Question:

How to distinguish between a ‘commercial’ SPO operator and a ‘non-commercial’ SPO operator?

Answer:

‘Commercial’ or ’non-commercial’ operation - Reference: Reg. (EU) No 965/2012 on Air Operations: Article 5

A commercial SPO operator is an operator who performs or intends to perform commercial non-transport operation such as specialised operations by receiving remuneration or other valuable consideration against those services.

Sometimes the distinction between ‘commercial’ and ‘non-commercial’ is not easily evident, especially when the remuneration or another way of compensation is not formalised e.g. a farmer comes with its own aircraft to spray crops to another farmer, against some compensation agreed verbally between the parties.

A clear example of non-commercial SPO operator is a farmer spraying his crops with his plane.

Competent authorities responsible for the oversight of SPO operators and operations should assess carefully each individual case to establish if there is a commercial operation, resorting if necessary to information otherwise available to social security or taxation bodies.

Specialised operations (SPO) are not commercial air transport (CAT) operation; hence, passengers cannot be transported during a SPO mission flight. However, task specialists may be carried during such a flight.

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