

## Part-NCC/NCO

### Are there differences between the European Air Ops rules for NCC and ICAO SARPs?

#### Answer

There are some differences between European Air Ops rules for NCC and ICAO Annex 6 SARPs. However, none of these differences would result in a lower safety level than intended by ICAO.

The following list describes differences generated by Regulation (EC) 216/2008 and Regulation (EU) No 965/2012 on air operations.

Differences generated by Reg. (EC) 216/2008:

- Aircraft category (difference in drawing the line between complex and non-complex aircraft): some aircraft are considered complex in the European rules, while at ICAO level, they are considered non-complex; European rules exceed ICAO standards.
- Oversight: European rules assign oversight responsibilities to the State of the Operator and not to the State of Registry; European rules achieve the safety target with an alternative method.
- Declaration: the operator requirement to declare itself to the competent authority supports authorities to discharge their responsibilities; European rules exceed ICAO standards.

Differences generated by Reg. (EU) No 965/2012 on air operations:

- List of specific approvals: European rules exceed ICAO standards; ICAO may require this list by November 2018.

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20/05/2019

#### Link:

<https://www.easa.europa.eu/mt/faq/20077>

### Do NCC operators with non-EU registered aircraft need to maintain two different Operations Manuals?

#### Answer

The European provisions for the structure of the Operations Manual are specified in AMC2 ORO.MLR.100. The structure is very flexible and – where needed – could be amended through [an alternative means of compliance](#).

It is strongly advised that the operator work with a single Operations Manual, which should address the specified minimum items of the State of the Operator and the State of Registry.

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<https://www.easa.europa.eu/mt/faq/20076>

**My operations manual (OM) uses a template provided by a recognised industry standard. Is this sufficient for me to be compliant with the rules?**

**Answer**

An OM template helps an operator to organise its procedures and information that the personnel need in order to accomplish their safety tasks. However, the operator has to make sure that its OM reflects the specificity of its operation – be it commercial or non-commercial. At the same time, the manual should cover the areas described in Subpart ORO.MLR.

In parallel with that, the operator has to ensure also that the operation itself – not just the manual – is compliant with the applicable rules. The requirements related to the operations manual are only a part of the applicable rules.

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<https://www.easa.europa.eu/mt/faq/44669>

**What is the intent of the declaration?**

**Answer**

The intent of the declaration is to:

- a. have the operator acknowledge its responsibilities under the applicable safety regulations and that it holds all necessary approvals;
- b. inform the competent authority of the existence of an NCC or an SPO operator; and
- c. enable the competent authority to fulfil its oversight responsibilities in accordance with

ARO.GEN.300 and 305.

When the NCC operation is managed by a third party on behalf of the owner, that party may be the operator in the sense of Article 3(13) of the Basic Regulation (EU) 2018/1139, and therefore has to declare its capability and means to discharge the responsibilities associated with the operation of the aircraft to the competent authority.

In such a case, it should also be assessed whether the third party operator undertakes a commercial operation in the sense of Article 2(1)(d) of Regulation (EU) No 965/2012.

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<https://www.easa.europa.eu/mt/faq/20078>

## **How can an NCC operator establish if its organisation is complex or non-complex?**

### **Answer**

[AMC1 ORO.GEN.200\(b\) 'Management system. Size, nature and complexity of the activity'](#) provides criteria to determine if an operator belongs to the group of complex organisations or the one of non-complex organisations. These criteria are based on the assessment of the size, nature and complexity of the operator's activity.

The idea behind this AMC is to provide some basic criteria for an organisation (an operator) to establish which AMCs on management system they should follow — the more 'comprehensive' ones for complex organisations, or those including some specific 'alleviations' for the non-complex ones.

It is important to note that the assessment of organisational complexity is not only a function of size, but it also needs to consider the specific activities, the operating environment, the scope, the variety of different aircraft types operated, the contracted activities, etc. Therefore, the AMC includes some specific risk criteria.

The fact that this AMC is included in Part-ORO indicates that it is the operator's responsibility to determine the right 'layout' of their management system. The competent authority will need to validate this determination during the oversight activities, and it may challenge the operator on the option retained (complex or non-complex).

At the same time, AMC1 ORO.GEN.200(b) does not include any overly detailed complexity

criteria. This is because it is impossible to address all cases and, more importantly, it is not the intent that the AMC be used as a substitute for the operator's own risk assessment.

The main 'alleviations' for a non-complex operator are the following:

- The operator may use simple procedures and tools for its safety risk management process (e.g. checklists), and safety performance monitoring and measurement (no need to perform extensive safety studies, surveys, etc.).
- The accountable manager or a person with an operational role in the organisation may fulfil the role of safety manager.
- The organisation does not need to have a safety review board.
- The accountable manager may also be the compliance-monitoring manager if he or she has demonstrated to have the required competence and that the independence of the internal audits is maintained.
- Simple checklists may be used to document compliance monitoring audits and inspections.

Before the operator decides which AMCs to follow, it should demonstrate proper understanding of the risks entailed by its activities. Upon initial implementation of the EASA management system framework, the organisation will normally start describing and analysing its activity and processes, to determine not only how best to implement the management system framework, but also where to focus the risk management efforts. Not investing in this step will lead to inefficient/costly management system implementation and require subsequent rework.

Such system description and related analysis will be an effective means for identifying hazards proactively. It will also create a baseline for the management of changes and will allow identifying safety performance requirements for safety relevant processes, as well as related performance indicators and controls in order to manage the defined performance goals.

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#### **Link:**

<https://www.easa.europa.eu/mt/faq/20080>

## **Is the European State of the Operator principle for NCC operations in contradiction to the Chicago Convention?**

### **Answer**

The standards and recommended practices (SARPs) of ICAO Annex 6, Part II are based on the State of Registry (SoR) principle.

The European rules for NCC operations are based on the State of the Operator (SoO) principle.

This does not constitute a contradiction to the Chicago Convention but rather establishes a complementary safety instrument, particularly when a European operator uses third-country registered aircraft.

The SoR is responsible for the oversight of the aircraft in its registry. The EU SoO is responsible for the oversight of operators having their principal place of business in an EU Member State. Although the EU SoO is the competent authority for the operators having their principal place of business in an EU Member State, the EU SoO and the foreign SoR should cooperate in order to ensure proper oversight of these operators, in compliance with the ICAO requirements.

When the SoR and the SoO are both EU Member States, they oversee the aircraft, as well as the organisations and personnel involved in their operation in a complementary manner and according to the same rules. The European regulatory framework permits both the SoR and the SoO to duly exercise their respective oversight responsibilities and to take the appropriate enforcement actions. Oversight and enforcement are therefore ensured at all times, irrespective of the EU Member State in which the aircraft is registered or where the operations take place. It is at all times legally clear which EU Member State is responsible for each aspect of the safety oversight of any aircraft registered in an EU Member State and operated by an operator having its principal place of business in an EU Member State acting as SoO.

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<https://www.easa.europa.eu/mt/faq/20072>

**Is a CAMO required for a European NCC operator using a third-country registered aircraft?**

**Answer**

European Implementing rules for continuing airworthiness (EU) 2014/1321 do not apply to **European NCC operators for third-country registered aircraft** unless the regulatory oversight has been delegated to an EU Member State.

In particular, tasks related to the continuing airworthiness management do not need to be implemented by a CAMO in the sense of Regulation (EU) No 1321/2014. However, the essential requirements established in Annex V of Regulation (EU) 2018/1139 (the “Basic Regulation”) must be complied with. For airworthiness, the elements required in Annex V point 6 must be ensured by an organisation as required in point 8.8.

In short, European NCC operators of third-country registered aircraft need to ensure that an organisation is managing the continuing airworthiness of their aircraft and that this organisation is able to demonstrate that the aircraft comply with the continuing airworthiness requirements contained in Annex V of Regulation (EU) 2018/1139 (the "Basic Regulation"). This organisation does not need to be a CAMO; it can be the operator itself or any other organisation or natural person under the responsibility of the operator.

Please also see [FAQ 47404](#).

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**Link:**

<https://www.easa.europa.eu/mt/faq/20074>

**Why are non-commercial operations treated in two Parts, i.e. Part NCC (non-commercial with complex motor-powered aircraft and a Part NCO (non-commercial with other-than-complex motor-powered-aircraft)?**

**Answer**

The rules concerning non-commercial operations are developed separately for complex motor-powered aircraft (MPA) and other-than-complex MPA because it does not make sense to have the same requirements apply to operations with an Airbus 320 for example and a Cessna 172. This way, the principle of proportionality of rules is preserved.

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14/02/2014

**Link:**

<https://www.easa.europa.eu/mt/faq/19176>

**Which requirements does an ATO need to follow? Is Part ORO applicable?**

**Answer**

An ATO is required to comply with Part ORA of Regulation (EU) No 1178/2011 and either Part-NCC or Part-NCO of Regulation (EU) No 965/2012, depending on the aircraft being operated. Part-ORO is not applicable to ATOs.

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**Link:**

<https://www.easa.europa.eu/mt/faq/19178>

**What is the meaning of the term NCC?****Answer**

NCC stands for non-commercial operations with complex motor-powered aircraft. The term 'complex motor-powered aircraft' is defined in the Article 2(1)(d) of Regulation (EU) No 965/2012 on air operations (previously in Reg. ([EC](#)) No 216/2008).

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<https://www.easa.europa.eu/mt/faq/20069>

**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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20/05/2019

**Link:**

<https://www.easa.europa.eu/mt/faq/20073>

## **Which Annexes of Regulation (EU) No 965/2012 are applicable to NCC operations?**

### **Answer**

The following Annexes contain applicable rules for NCC operations:

- Annex I – Definitions
- Annex II – Part-ARO
- Annex III – Part-ORO
- Annex V – Part-SPA
- Annex VI – Part-NCC.

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**Link:**

<https://www.easa.europa.eu/mt/faq/20070>

## **May a European NCC or NCO operator use third-country registered aircraft?**

### **Answer**



Yes, this is permitted.

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<https://www.easa.europa.eu/mt/faq/20071>

## **Which pilot licence is required for flying a third-country registered aircraft in the EU?**

**Answer**

European pilots or pilots flying for a European operator will have to hold a European licence irrespective of whether the aircraft is EU registered or registered in a third country.

It should be noted that European NCC pilots are entitled to fly with foreign licences in non-commercial operations until 8 April 2016.

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**Link:**

<https://www.easa.europa.eu/mt/faq/20075>

## **Why do European rules require a list of specific approvals?**

**Answer**

Appendix V of the Authority Requirements ([Part-ARO](#)) contains a list of specific approvals for non-commercial operations and specialised operations. This list replicates in a proportionate manner the OpSpecs template for CAT operations.

The reasons for this list are to standardise the documentation of specific approvals for non-commercial operators and to support ramp inspectors in their oversight activities.

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<https://www.easa.europa.eu/mt/faq/20079>

## **Do the European rules recognise if an operator conforms to European**

## industry standards?

### Answer

The European rule recognises the compliance with European industry standards.

The declaration form specified in the Organisation Requirements (Part-ORO, Appendix 1) requires operators to declare if they conform to an industry standard. Any compliance with a recognised European industry standard should be taken into account by the competent authority when planning and implementing their risk-based oversight activities. The competent authority may adapt its oversight programme, in order to avoid duplication of specific audit items.

This is further described in AMC1 ARO.GEN.305(b);(d);(d1) 'Oversight programme' and AMC1 ARO.GEN.305(b);(c);(d);(d1) 'Oversight programme'.

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### Link:

<https://www.easa.europa.eu/mt/faq/20081>

## How should I start building my SMS if I have a very small organisation (up to 2-3 persons) and I operate a complex aeroplane or helicopter?

### Answer

A good starting point would be to describe your regular operation, the daily business. The description of your operation will give direction to your organisation's effective SMS and will become its foundation.

This description should simply be a checklist containing the day-to-day activities, as it provides the understanding necessary to identify and manage the risks associated with the operation.

The analysis of your daily operation should consider the following aspects (this list is not exhaustive):

- What is the frequency of your flights?
- What aircraft type(s) do you have in your fleet?
- What are your departure & destination points?
- What is specific to the aerodromes you use?
- Which are the routes on which you fly – more or less the same routes or very different routes?

- Do you carry passengers?
- What type of operation do you perform on those routes? Be as specific as you can.
- Do you have a system that helps you prepare your flight?
- How do you plan and calculate the necessary fuel supply?
- Do you have any specific approvals (e.g., LVO, PBN, etc.)?
- Are your pilots' training and qualifications compliant with the requirements? How about the other employees involved in operation?
- Are the operational procedures and any flight documents current and available to all the personnel involved in operation?
- How do you ensure that the necessary information is communicated to the right persons involved in operation?
- How do you ensure aircraft maintenance?
- What do you do if any of the elements above changes for one reason or another? Are you prepared to cope with that change and minimise its effects in your daily operation? How do you deal with such changes?
- Make sure you include the aspect of disruptive changes in your analysis.
- Have you set up the minimum levels of acceptance to which every key operational activity (e.g. scheduling, planning, flight execution, fuel consumption, training, aircraft maintenance) can go? In other words, have you set up your performance expectations?

The last two questions will lead to the second step in building your SMS:

- What could be the main potential risks associated to each of the elements above – what could go wrong with these daily variables?

Identifying the key elements of risk in this day-to-day operation will help you to spot more easily the strengths and weaknesses in your regular business, the errors, as well as the good practices.

The third step is then to choose/apply adequate mitigation measures to reduce the risks inherent to your daily operation:

- Make a list of solutions to reduce each risk to an acceptable level. Consider to use the Risk register checklist proposed in GM3 ORO.GEN.200(a)(3) for your safety risk management/assessment.

A fourth step is to assess whether the mitigation measures that you have prepared are effective and help you to achieve the required level of safety.

- Keep evidence of any occurrence, identify their cause, and see if they are repetitive and if they have anything in common.
- Find ways to prevent them from reoccurring by addressing the “root cause”.
- Check how well your solutions helped in preventing the reoccurrence of that event.

A fifth step ensures that the whole process becomes cyclic, and that you learn from your

previous experience in order to make your operation safer and more efficient.

- Run this check once a year or after an event or change in the aspects mentioned above.

Does this scheme address your needs and help you to have a safe operation?

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**We are an aero-club authorised by Member State X to perform skydiving operations. We operate a non-complex aircraft dry-leased from an operator registered in Member State Y. Our skydivers and the tandem passengers are registered members of the aero-club; there is no profit distributed outside our organisation. Which Parts of Regulation (EU) 965/2012 apply to us? Which is our competent authority?**

**Answer**

As an organisation (aero club) approved under the national legislation of Member State X, the national legislation of State X applies to you, to the skydivers, to the tandem passengers and all other registered members. Reg. (EU) No 1178/2011 on aircrew is not applicable to aero clubs that do not provide training for one of the Part-FCL licences and ratings — LAPL, PPL, CPL or ATPL.

The **operation of the aircraft** must be performed in accordance with Part-NCO of Reg. (EU) No 965/2012 on air operations, as the aircraft you operate is a non-complex aircraft.

The **competent authority** for the oversight of your dry-leased aircraft is the State of registry, that is, the state where your aircraft is registered (see Reg. (EU) No 965/2012, NCO.GEN.100 'Competent authority'). However, the competent authority of Member State Y may delegate its oversight tasks to the competent authority of Member State X.

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<https://www.easa.europa.eu/mt/faq/44671>

**Does an NCO operator established in an EU Member State and operating an**

## aircraft registered in a third country need to comply with the Airworthiness Directives (AD) issued by EASA, in addition to the ADs issued by the State of Registry?

### Answer

**Reg. (EU) No 965/2012 NCO.GEN.145 point (b) states: ‘The operator shall implement [...] (b) any relevant mandatory safety information issued by the Agency, including airworthiness directives.’**

For NCO operations in the EU of a third country-registered aircraft, only the ADs mandated by the State of Registry apply — not the EASA ADs.

The word ‘relevant’ in point (b) of NCO.GEN.145 should be understood as ‘if applicable’ and allows to distinguish the different situation of an aircraft registered in an EASA Member State (ADs issued by EASA are relevant to these aircraft) as opposed to third-country registered aircraft, on which ADs mandated by the third-country State of Registry should be applied (refer to Annex 8 to the Chicago Convention).

It is common that ADs first issued by the State of Design are identically (or very similarly) issued or adopted by all States of Registry concerned. By European law (article 77 of Reg. (EU) 2018/1139, the so-called Basic Regulation (BR)), EASA performs State of Design functions on behalf of the EASA Member States.

*Note 1: In accordance with Article 83-bis of the Chicago Convention, if agreed, the country where an aircraft is registered may transfer the oversight functions (including airworthiness) to the country of the aircraft operator. If, in such case, the operator is established or resides in an EASA Member State, EASA ADs are relevant to this aircraft.*

*Note 2: In accordance with article 77 of the BR, **aircraft registered in an EASA Member State** are required to comply with EASA-issued or adopted ADs. As per [ED Decision No. 2/2003](#), EASA adopts ADs issued by the State of Design unless the Agency decides differently. Read more about ADs applicable to EASA Member State-registered aircraft in the [EASA FAQ page on ADs](#).*

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