



**EASA**  
European Aviation Safety Agency

# OVERVIEW OF SPECIALISED OPERATIONS

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**Your safety is our mission.**

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# a few words about me...



1995 – 2010: various positions in the Bulgarian Civil Aviation Administration

2010 – 2016: worked as SNE for the Commission, DG MOVE, dealing with:

- the establishment of the EU policy concerning Air Operations, Flight crew and Cabin crew licensing and medical certification and Flight Time Limitations including development and implementation of EU rules in those fields
- establishment of the safety aspects of EU policy towards Light and General Aviation
- monitoring of safety standards in a number of third countries in the context of the EU list of banned airlines

1.04. 2016: Air Operations Regulations Officer (SNE) at EASA:

- Individual FTL scheme assessments
- NPA on 'FTL for commercial air taxi'
- Cabin / Passenger Safety Coordination
- EUROMED project
- NPA on UAS
- SPO implementation project



# Agenda

## OVERVIEW OF SPECIALISED OPERATIONS

- Scope and applicability of Regulation (EU) No 965/2012
- Clarification of certain notions and their practical implementation
- The horizontal derogation of Article 6 (4a) and SPO.GEN. 005 (c)
- Declaration
- Definition & classification of HR commercial SPO
- HR commercial SPO Authorisation
- Cross-border HR commercial SPO
- Oversight
- Part-ORO – management system and management personnel for small organisations
- Training requirements for small organisations under ORO.FC
- DG training programme for some SPO operators (ORO. GEN.110 (j) ((k))

## VARIOUS IMPLEMENTATION ISSUES

- Use of 3rd country registered aircraft & leasing
- Use of Annex II a/c in SPO
- Upcoming amendment of HEC/HESLO rules
- Safety risk assessment and subsequent development of SOPs
- NCO SPO doing high risk
- Aircrew aspect
- Maintenance aspect (Part-M)
- Mixed operations (CAT, NCC/NCO and SPO)
- 'The Challenge of Change - an Overview'



# Overview of specialised operations

## SCOPE AND APPLICABILITY



# Scope and Applicability

- **Regulation (EU) No 965/2012** was amended by Regulation (EU) No 379/2014 to include rules on **specialised operations (SPO)**.
- Rules on specialised operations in place since **1 July 2014**, but applicable from **21 April 2017**
- Rules are applicable to **EU operators** who have their **principal place of business** (for companies) or **are residing** (for natural persons) **in a EU MS regardless of the State of Registry of their aircraft**.
- The aircraft used by **commercial SPO operators** must have a **C of A** in accordance with Regulation (EU) No 748/2012, meaning the aircraft must be **registered** in a EU Member State (ORO.SPO.100).
- Alternatively, the aircraft may be under a **wet leasing-in or a dry leasing-in** arrangement. In those cases, the aircraft may remain in a third country register. However, conditions apply!
- For **non-commercial SPO** – there is no requirement to be registered in a EU MS



# Scope and applicability

- ✓ **Commercial SPO** and **non-commercial SPO** with aeroplanes and helicopters - **Part-SPO**.
- ✓ **Non-commercial SPO** with non-complex aeroplanes and helicopters and **some limited\* commercial SPO** with non-complex aeroplanes and helicopters, such as:
  - ✓ competition flights or flying displays, on certain conditions; and
  - ✓ parachute dropping, sailplane towing or aerobatic flights performed either by a ATO (approved under Regulation (EU) No 1178/2011) or by an aero club (established and/or approved under national legislation), are covered by **Part-NCO**. Conditions apply however.

(\*) Article 6, paragraph 4a; SPO.GEN.005 (c))

Rule applicability	SPO (COM)	SPO (NCC)	SPO (NCO)
Cover Reg.	✓	✓	✓
Definitions	✓	✓	✓
Part-ARO			
Part-ORO	✓	✓	
Part-CAT			
Part-SPA	✓	✓	✓
Part-NCC			
Part-NCO			✓
Part-SPO	✓	✓	



# What does that mean for EU operators?

In the first place, they have to establish for themselves:

- **what type of specialised operation they do;**
- **whether their operations are of commercial nature;**
- **whether the aircraft they operate is complex motor powered aircraft;**
- **whether they benefit from the horizontal derogation of SPO.GEN.005 (c);**
- **whether they have to submit a declaration;**
- **whether they carry out high risk commercial specialised operation and have to apply for an authorisation;**
- **whether they are complex organisations or not**

The above is subject to verification and final determination by the competent authority.



## **CLARIFICATION OF CERTAIN NOTIONS AND THEIR PRACTICAL IMPLEMENTATION**





# 'Specialised Operations' - definition

Specialised Operations ('SPO')- definition (SPO.GEN.005):

- ✦ 'Specialised Operations' means any operation other than commercial air transport (CAT) where the aircraft is used for specialised activities such as but not limited to: agriculture, construction, photography, surveying, observation and patrol, aerial advertisement etc.
- ✦ A non exhaustive list of known specialised operations to date is provided in GM1 SPO.GEN.005
- ✦ Other activities may be classified as SPO based on established criteria - AMC1 SPO.GEN.005
- ✦ (Art. 5(7) Reg. 965/2012): Flights taking place immediately before, during or immediately after specialised operations and directly connected to those operations shall be operated under Part-SPO or Part-NCO (Subpart E), as applicable. Except for crew members, persons other than those indispensable to the mission shall not be carried on board.
  - 'immediately' and 'directly' - without any intervening time or space and also linked to the purpose of the flight;
  - example: a positioning flight from the base to the site where the SPO task/mission will take place and the return flight to the base may be operated as SPO flights (or NCO SPO) on the condition that only **task specialists** are being carried on board and the purpose of those flights is to complete a SPO mission.



# 'Commercial'/'non-commercial'

**Commercial operation** (Definition in Reg. 216/2008): 'commercial operation' shall mean any operation of 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

**CAT operation** (Definition of Reg. 965/2012 same as ICAO): 'commercial air transport (CAT) operation' means an aircraft operation to transport passengers, cargo or mail for remuneration or other valuable consideration

- ⇒ SPO may be performed in return for remuneration or other valuable consideration
- ⇒ SPO may be commercial, but it is not CAT

**Commercial SPO operator:** performs commercial non-transport operations (SPO) that generate income, e.g. a farmer comes with its own aircraft to spray crops to another farmer, against remuneration

**Non-commercial SPO operator:** e.g. a farmer spraying his crops with his plane



# 'Complex'/'other than complex' MPA

## 'Complex motor-powered aircraft' (definition in Regulation No 216/2008):

- ✦ An aeroplane:
  - With a maximum certificated take-off mass exceeding 5 700kg, or
  - Certificated for a maximum passenger seating configuration of more than nineteen, or
  - Certificated for operation with a minimum crew of at least two pilots, or
  - Equipped with (a) turbojet engine(s) or
  - Equipped with more than one turboprop engine.
- ✦ A helicopter certificated:
  - For a maximum take-off mass exceeding 3 175kg, or
  - For a maximum passenger seating configuration of more than nine, or
  - For operation with a minimum crew of at least two pilots.
- ✦ A tilt rotor aircraft

## 'Other than complex' MPA:

- ✦ Not defined explicitly; must be established by opposition to 'complex MPA' i.e. aircraft that meet none of the above criteria is 'other than complex MPA'



# 'Task specialist'

- ✦ SPO is not CAT, hence passengers cannot be transported during SPO operations. However, **task specialists** may be carried on board the aircraft
- ✦ **'task specialist'** means 'a person assigned by the operator or a third party, or acting as an undertaking, who performs tasks on the ground directly associated with a specialised task or performs specialised tasks on board or from the aircraft'
- ✦ persons that are carried on a **parachute flight, sensational flight or scientific research flight** are considered to be **task specialists**.
- ✦ the tasks of the task specialist(s) should be **specified in the SOPs** (SPO.GEN.106; AMC2 SPO.OP.230) **for the particular operation**
- ✦ **task specialist responsibilities** include the proper execution of duties in accordance with operating procedures
- ✦ task specialist(s) should receive a **safety instruction before flight** (SPO.OP.135).
- ✦ when a task specialist is not operating in that capacity on a flight then he/she **reverts to being a passenger**



# The derogation - SPO.GEN.005 (c)

'[...] the following operations **with other-than complex motor-powered aircraft** may be conducted in accordance with Annex VII (Part-NCO):

(1) **competition flights or flying displays**, on the condition that the remuneration or any valuable consideration given for such flights is limited to recovery of direct costs and a proportionate contribution to annual costs, as well as prizes of no more than a value specified by the competent authority.

(2) **parachute dropping, sailplane towing or aerobatic flights** performed **either by a training organisation** having its principal place of business in a Member State and approved in accordance with Regulation (EU) No 1178/2011, or **by an organisation created with the aim of promoting aerial sport or leisure aviation**, on the condition that the aircraft is operated by the organisation on the basis of ownership or dry lease, that the flight does not generate profits distributed outside of the organisation, and that whenever non-members of the organisation are involved, such flights represent only a **marginal activity** of the organisation.'



# The derogation - SPO.GEN.005 (c)

- consensus among MS that **activities carried out within flying clubs and accessible to members only should be considered non-commercial**
- the competent authority makes **the final determination** whether an organisation is eligible for the exemption or not
- the organisation must **own or dry lease-in the aircraft** that will be used for the flights
- **the purpose of the exemption** is to allow flights that might otherwise be qualified as commercial (where compliance with Part CAT is required) to be performed in accordance with less demanding rules
- thus, **parachute operations, aerobatic flights, sensational flights, flying displays and competition flights** are subject to Part-NCO, incl. Subpart E
- **Regulation (EU) No 965/2012 does not regulate parachute jumps as such**, but only flights. Jumps are regulated by national law



# 'marginal' activity

- means a **minor, not important and not central part** of the overall activity of an organisation (GM2 Article 6.4a(c)) for example, promoting itself or attracting new students or members
- the term is used in the context of an **ATO** (approved under Regulation (EU) No 1178/2011) or a **flying club**, established under national legislation, as a non-profit organisation, for the sole purpose of gathering persons to fly for pleasure or to conduct parachute jumping or aerobatic flights (GM1 Article 6.4a(c))
- addresses the so called '**open days**' 2-3 times a year, during which flying clubs offer short promotional flights against remuneration to people who are not members, in order to attract them as new members, i.e. the flying club may have paying pax, if it is a marginal activity
- flights offered as **regular business activity** are not marginal activity
- flights organised with the sole intent **to generate income** are not marginal activity
- **the competent authority should publish criteria specifying to which extent it considers an activity marginal and how this is being overseen (AMC1 ARO.OPS.300)**



# Declaration

- **every SPO operator** (commercial and non-commercial), except NCO SPO, submits a declaration
- the competent authority, upon receiving a declaration:
  - **verifies** if the declaration is formally correct (contains the information required)

**Note!** The verification does not imply an inspection. The aim is to check whether what is declared complies with applicable regulations (GM1 ARO.GEN.345)

- **acknowledges** receipt within 10 working days
  - takes into account the information for **oversight**
- if the declaration doesn't contain the required information or indicates non-compliances:
  - the authority **notifies** the operator and **requests** further information
  - the authority may also **inspect** the operator and **takes action**, as necessary
- the authority is required to have **a list of organisations** from which it has received declarations





# Declaration

- have the operator acknowledge its **responsibilities**;
- inform the CA of the **existence** of an operator;
- enable the CA to fulfil its **oversight responsibilities** (GM1 ORO.DEC.100)
- provides the CA with all relevant **information** about the operator **prior to commencing operations**, using the form contained in Appendix I to Part-ORO (ORO.DEC.100)
- an operator may perform both commercial and non-commercial flights with complex aircraft based on one declaration
- operators are not required to submit a declaration before each flight, but must submit a new declaration in the case of changes
- a declaration is not meant to provide information about the nature of a flight at a particular moment
- the ATS flight plan, if applicable, and/or the Journey log contains information on the nature of particular flight

DECLARATION	
in accordance with Commission Regulation (EC) No 965/2012 on Air operations	
<b>Operator</b>	
Name:	
Place in which the operator is established or residing and place from which the operations are directed:	
Name and contact details of the accountable manager:	
<b>Continuing airworthiness management organisation in accordance with Regulation (EC) No 2042/2003</b>	
Name and address of the organisation and approval reference (as per EASA Form 14)	
<b>Aircraft operation</b>	
Starting date of operation/applicability date of the change:	
Type(s) of operation:	
<input type="checkbox"/> Part-NCC: (specify if passenger and/or cargo)	
<input type="checkbox"/> Part-SPO: (specify which type of activity)	
Type(s) of aircraft, registration(s) and main base:	
Details of approvals held (attach list of specific approvals to the declaration, if applicable)	
Details of specialised operations authorisation held (attach authorisations, if applicable)	
List of alternative means of compliance with references to the AMCs they replace (attach to the declaration)	
<b>Statements</b>	
<input type="checkbox"/> The management system documentation including the operations manual reflect the applicable requirements set out in Part-ORO, Part-NCC, Part-SPO and Part-SPA. All flights will be carried out in accordance with the procedures and instructions specified in the operations manual.	
<input type="checkbox"/> All aircraft operated hold a valid certificate of airworthiness and comply with Commission Regulation (EC) No 2042/2003.	
<input type="checkbox"/> All flight crew members and cabin crew members as applicable, are trained in accordance with the applicable requirements.	
<input type="checkbox"/> (If applicable) The operator has implemented and demonstrated conformance to an officially recognised industry standard. Reference of the standard:	
Certification body:	
Date of the last conformance audit:	
<input type="checkbox"/> Any change in the operation that affects the information disclosed in this declaration will be notified to the competent authority.	
<input type="checkbox"/> The operator confirms that the information disclosed in this declaration is correct.	
Date, name and signature of the accountable manager	



# Declaration/Authorisation

## Declaration

1. Declaration – a written statement made by a SPO operator, under his or her sole responsibility and based on his or her self-assessment, specifying that he/she is compliant with the applicable requirements
2. The SPO operator submits a declaration to the competent authority prior to starting a business as SPO operator, not before each flight
3. Declaration form - details concerning the operator, the type of operation and the aircraft used. In addition, it contains a number of compliance statements.
4. As soon as the SPO operator has submitted its declaration, it can start operating.
5. The SPO operator is required to carry the declaration on board the aircraft.
6. The SPO operator must submit a new declaration in case of changes.
7. Declaration - does not constitute an approval, authorisation or so.

## Authorisation

1. Authorisation – a written statement by the competent authority that a SPO operator has been found compliant with the applicable requirements
2. A SPO operator submits an application to his/her CA prior to starting flights that require an authorisation
3. Application -details concerning the operator, its management system, incl. organisational structure, proposed operation, incl. the type and number of aircraft to be operated, risk assessment and related SOPs. In addition, it contains a statement that all the documentation sent to the competent authority has been verified by the operator and found in compliance with the applicable requirements.
4. Only after being authorised a SPO operator can perform the flight(s) it has applied for.
5. The SPO operator is required to carry the authorisation on board the aircraft.
6. The SPO operator must ask for a prior approval in case of changes
7. Authorisation - does constitute an approval attesting compliance with the applicable requirements



## DEFINITION & CLASSIFICATION OF HR COMMERCIAL SPO



# 'High risk' Commercial SPO - background

At the time of adoption of SPO rules:

- ✦ aerial work was not and is still **not harmonised globally under ICAO**;
- ✦ lower level of ambition for **harmonization of SPO within the EU** compared to CAT;
- ✦ in most MS specialised operations were not subject to operator's certification;
- ✦ MS overwhelmingly decided to abolish AOC certification of commercial SPO operators
- ✦ commercial SPO were and are still considered more risky than other SPO operations
- ✦ as SPO operators rarely engage in cross-border operations, only a limited negative impact on free movement within EU, customs relief, tax-free fuel etc. was anticipated
- ✦ MS preferred a risk based approach to account for the specificities of SPO and particular local conditions; therefore, the regulatory effort and oversight varies according to the **risks to third parties, nature of the activity**, etc.
- ✦ MS wished to be able to exert **discretion** in addressing 'high risk' operations rather than having a common EU list of 'high risk' operations



# 'High risk' Commercial SPO - definition

Article 2 (8) Reg. 965/2012: A commercial SPO operation is a 'high risk' operation:

- a. **If it is carried out over an area where the safety of third parties on the ground is likely to be endangered in the event of an emergency, such as:**
  - ❖ operations over congested areas of cities, towns or settlements or over an open-air assembly of persons:
    1. At a height where, in the event of an engine failure, performance is not available to enable the aircraft to safely continue the flight or to perform a safe forced landing, or
    2. below minimum SERA heights (also subject to authority's permission under Part-SERA)
- b. **If, due to its specific nature and the local environment in which it is conducted, it poses a high risk, in particular to third parties on the ground, such as:**
  - ❖ certain complex operations outside congested areas of cities, towns or settlements or over an open-air assembly of persons, that may also generate high risk such as:
    - HEC/HESLO
    - Rain deer herding
    - Sensational flights



# 'High risk' Commercial SPO - classification

- ✦ each MS NAA should establish a **list of 'high risk' SPO-COM** that are subject to an authorisation in their territory in order to:
  - state its policy and objectives
  - streamline the administrative process
  - enable operators to comply with the requirements
  - in the case of cross border operations, inform foreign operators wishing to conduct HR commercial SPO in their territory
- ✦ the list should be published (AMC1 ARO.OPS.150)
- ✦ the list is valid for every EU operator working on a particular MS market
- ✦ the list may be updated, as necessary



## HR COMMERCIAL SPO AUTHORISATION



# High risk' Commercial SPO - Authorisation

## ARO.OPS.150 Authorisation of high risk commercial specialised operations

- **the competent authority of the operator** reviews the operator's risk assessment documentation and standard operating procedures (SOP)
- **the competent authority of the operator** issues the authorisation when satisfied with the risk assessment and SOP
- In the case of a cross-border high risk commercial specialised operation, **the competent authority of the operator** reviews the operator's risk assessment documentation and standard operating procedures (SOP) **in coordination with the competent authority of the place where the operation is planned to be conducted.**
- If both authorities are satisfied with the risk assessment and SOP, the **competent authority of the operator issues the authorisation.**





# 'High risk' Commercial SPO - Authorisation

## The Authorisation:

- ✦ is not intended to add 'red tape'
- ✦ In the case of cross-border SPO, should facilitate commercial SPO operators by providing a 'document' that can be scrutinized for customs, tax-free fueling or other purposes
- ✦ states the type, time and location of an authorised operation
- ✦ may be issued for a limited or an unlimited duration
- ✦ states the conditions under which an operator is authorised to conduct one or more high risk commercial specialised operations

**!** With or without authorisation, an operator is always responsible for identifying the hazards and assessing the risks and taking mitigation measures as regards the place the operation will take place.



# 'High risk' Commercial SPO - Authorisation

## ORO.SPO.110 Authorisation of high risk commercial specialised operations

- a) the authorisation must be issued by the competent authority of the operator **prior** to commencing a high risk commercial specialised operation
- b) the operator shall provide:
  - 1. **a description of the management system**
  - 2. **a description of the proposed operation**
  - 3. **risk assessment documentation and related standard operating procedures**



# Authorisation - ARO.OPS.150



A description of the management system is required to be provided to the authority by ORO.SPO.110 (b). However, ARO.OPS.150 does not base the HR authorisation on the management system, but on the review of the risk assessment and SOPs only . What should we do with that description?

**Under ORO.GEN.200 declared SPO operators need to establish, implement and maintain a management system. The authority verifies compliance with ORO.GEN.200 in accordance with ARO.GEN.305 (d) through audits and inspections on the basis of available data.**

**A declared operator that intends to do HR commercial SPO may have not been audited or inspected yet, if the data available to the CA has not indicated an increase of risks associated with the activity carried out by that operator up to that moment, or some time may have elapsed after the previous audit. This is why, for the purpose of authorisation process under ORO.SPO.110, the CA needs a description of the management system.**

**Also, the description of the management system should provide the CA with information as to whether the operator's safety risk assessment processes is reliable.**





# Overview of specialised operations

## **CROSS-BORDER:**

- **SPO IN GENERAL**
- **SPO THAT NEED AUTHORISATION**



# Cross border SPO

- ▶ Cross border activity can be performed by:
  - **declared SPO** operators (SPO-COM and SPO-NCC) – if authorisation is not required in the place where the activity will take place
  - **authorised SPO** operators (SPO-COM) - if authorisation is required in the place where the activity will take place
  - **non-declared and non-authorised SPO** operators (SPO-NCO) - if within the limits of a non-commercial operation with non-complex aeroplane or helicopter
- ▶ Only cross-border high risk commercial specialised operations are required to meet some additional conditions (ARO.OPS.150 (f))
- ▶ ARO.OPS.150 (f) is designed to assist NAAs and operators in those cases where the lists of HR commercial SPO activities may differ:
  - no dual authorisation process - the operator shall only seek authorisation from its own competent authority
  - safety considerations of the competent authority of the place where the operation will take place shall be taken into account and mitigated appropriately



# Cross border SPO

**State X** issues HR commercial authorisations to operators established or residing in **State X** for:

- ✦ HR commercial SPO in the territory of **State X**, according to a list of HR commercial SPO valid for **State X**;
- ✦ cross-border HR commercial SPO in the territory of **State Y**, according to a list of HR commercial SPO established by **State Y** and valid for State Y;

... and in the case of cross-border:

- ✦ **State X** liaises and coordinates the authorisation with **State Y**, if **State Y** requires such authorisation;
- ✦ if the **State Y** does not require HR commercial authorisation, then any operator from **State X** and **State Y** does not have to be issued an authorisation;
- ✦ whether a specific flight is high risk and what mitigation it requires is decided by the CA of the place where the operation takes place;
- ✦ the operator does not have to meet the list of HR SPO published by its own CA; this avoids conflicts between the list of State X and the list of State Y
- ✦ the operator established in **State X** must check the list of **State Y** and comply with the conditions applicable therein



# Overview of specialised operations

## OVERSIGHT



## ARO.GEN.300 Oversight

- (a) The competent authority verifies
  - (1) compliance with the requirements prior to the issue of authorisation
  - (2) continued compliance with the requirements of specialised operations it has authorised and organisations from whom it received a declaration
  - (3) continued compliance with the requirements of NCO operators, incl. SPO- NCO
- (b) This verification
  - (1) is supported by documentation
  - (2) provide the organisations concerned with the results of safety oversight;
  - (3) is based on **audits and inspections, including ramp and unannounced inspections**; and
- (c) The scope of oversight under (a) and (b) takes into account the results of past oversight and the safety priorities.
- (d) The scope of the **oversight of activities performed in the territory of a MS by persons or organisations established or residing in another MS** shall be determined on the basis of the safety priorities, as well as of past oversight activities.
- (e) Where the activity of a person or organisation involves more than one Member State or the Agency, **the competent authority responsible for the oversight under (a) may agree to have oversight tasks performed by the competent authority(ies) of the Member State(s) where the activity takes place or by the Agency**. Any person or organisation subject to such agreement shall be informed of its existence and of its scope.
- (f) **The competent authority shall collect and process any information deemed useful for oversight, including for ramp and unannounced inspections.**





# Oversight programme

## ARO.GEN.305 Oversight programme

- The CA must establish **an oversight programme**; the oversight programme must cover the oversight activities required by ARO.GEN.300 and by ARO.RAMP.
- For **declared organisations** the oversight programme shall be based on the **specific nature** of the organisation, the **complexity** of its activities and **the data of past oversight** activities and the **assessment of risks** associated with the type of activity carried out. It shall include audits and inspections, including ramp and unannounced inspections, as appropriate.
- For **the holders of an Authorisation for HR commercial SPO**, the oversight programme shall be established in accordance with (d) and **shall also take into account the past and current authorisation process and the validity period of the authorisation**.



# Oversight of SPO organisations



What is required from the competent authority exactly?

What is meant by “...to be inspected/audited” in AMC1 ARO.GEN.305 (d) and AMC1 ARO.GEN.305(d1) ?

The spelling “inspected/audited” leaves the impression that one can choose to either do that or the other. Is it Audits AND Inspections, Audits OR Inspections or ONLY Inspections?

**ARO.GEN.300 deals with oversight in general, while ARO.GEN.305 deals specifically with the oversight programme i.e. the principles on which a CA should plan its oversight activities.**

**Both ARO.GEN.305 (d) and (d1) ask for a risk based and performance based oversight.**

**The expression ‘inspected/audited’ in relation to SPO operators means inspected *and* audited according to the data available to the CA and its planning policy. Every CA is supposed to include in its oversight programme certain number of audits, investigations, assessments, inspections, including ramp inspections and unannounced inspections. The planning is based on CA policy and priorities stemming from assessment of the risks pertaining to specific activities and the past performance of organisations engaged in those activities.**





# Various implementation issues

## LEASING



## Leasing in the context of SPO:

- Two perspectives – operator's (ORO.SPO.100 ) and authority's (ARO.OPS.155 )
- applies to SPO-COM only; SPO-NCC and SPO-NCO are not affected
- prior approval is required for leasing-in of aircraft from a third country
- no approval for leasing-out
- no approval, no conditions apply for leasing between EU operators
- All responsibility lies with the operator who seeks approval to ensure that:



## ORO.SPO.100 (c) Leasing – operator's perspective

- applies to **commercial specialised operators** only
- **prior approval** is required for leasing-in of aircraft from a third country
- conditions for **WET LEASING-IN** an aircraft of a third country operator:
  - ❑ the third country operator meets **equivalent safety standards** in continuing airworthiness and air operations ( equivalency - AMC1 ORO.SPO.100(c)(1))
  - ❑ the aircraft has **a standard C of A** issued in accordance with ICAO Annex 8
  - ❑ the wet lease-in period is less than 7 months in any 12 consecutive months

**NOTE!** in case of short-term wet lease-in, the EU AOC holder may enter into a framework agreement with one or more third country operators (GM1 ORO.SPO.100(c)(1))

- conditions for **DRY LEASING-IN** an aircraft registered in a third country:
  - ❑ if no aircraft registered in the EU is available
  - ❑ the dry lease-in period is less than 7 months in any 12 consecutive months
  - ❑ **full compliance** with Regulation (EU) No 1321/2014 on continuing airworthiness
  - ❑ the aircraft is equipped in accordance with Part SPO



## **ARO.OPS.155 Leasing – competent authority's perspective**

- The competent authority shall approve a lease agreement involving a third country registered aircraft or a third country operator when the SPO operator has demonstrated compliance with ORO.SPO.100.
- The approval of a dry lease-in agreement shall be suspended or revoked whenever the certificate of airworthiness of the aircraft is suspended or revoked.



## **USE OF THIRD COUNTRY REGISTERED AIRCRAFT**

## **USE OF ANNEX II A/C IN SPO**



# Use of third country registered aircraft in SPO

## **ORO.SPO.100: Common requirements for commercial specialised operators**

Aircraft shall have a **C of A** in accordance with Reg. (EU) No 748/2012 or shall be leased-in in accordance with ORO.SPO.100 (c).

**Only operators that conduct SPO-COM activities must operate aircraft registered in a EU MS or, alternatively, leased-in on a temporary basis**

**In SPO-NCC and SPO-NCO operations there is no requirement with regard to the place of registration of aircraft**

**For operations, such as parachute dropping, sailplane towing or aerobatic flights with non-complex aircraft, eligible for the exemption under SPO.GEN.005 (c), there is no requirement with regard to the place of registration of aircraft either.**





# Use of Annex II aircraft

- Article 4 (4) and (5) of Regulation (EC) 216/2008 exempt **Annex II aircraft, their operation and the aircrew involved in that operation** from complying with the Basic Regulation and its Implementing rules.
- Only **historical and military Annex II aircraft or their replicas** may be used for CAT operations, and in such case these aircraft, their operation and aircrew must comply with the BR and the relevant implementing rules. However, it is very difficult for Annex II aircraft to be maintained within the EASA system; therefore **EC derogation decisions** were necessary for that purpose.
- **SPO is not CAT**, and Regulation (EC) 216/2008 says nothing about Annex II aircraft used in SPO-COM operations.

**It is possible to conduct specialised operations, commercial or non-commercial, with Annex II aircraft, if permitted under a Member State's national rules and in accordance with such requirements as established by that Member State concerned. If permitted, any declaration/approval required under national legislation is not subject to recognition across EU.**



# EASA

European Aviation Safety Agency



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# Continuing Airworthiness Management Regulation 1321/2014

AIRCRAFT:	USED BY:	CONTINUING AIRWORTHINESS MANAGEMENT PERFORMED BY:
COMPLEX MPA	M.A.201(e) <ul style="list-style-type: none"> <li>Licenced CAT</li> </ul>	...an approved CAMO.  The operator shall be CAMO approved, as part of its AOC, pursuant to M.A. Subpart G (CAMO); and be approved in accordance with Part-145 or establish a contract with such organisation
	M.A.201(f) <ul style="list-style-type: none"> <li>SPO-COM</li> <li>Non-licenced CAT</li> <li>ATO-COM</li> </ul>	... an approved CAMO.  The operator is either CAMO approved itself, or has contracted a CAMO approved under Part-145
	M.A.201(g) <ul style="list-style-type: none"> <li>SPO-NCC</li> <li>ATO-NCC</li> </ul>	... an approved CAMO.  The operator is either CAMO approved itself, or has contracted a CAMO approved under Part-145
OTHER THAN COMPLEX MPA	M.A.201(h) <ul style="list-style-type: none"> <li>SPO-COM</li> <li>Non-licenced CAT</li> <li>ATO-COM</li> </ul>	... an approved CAMO.  The operator is either CAMO approved itself, or has contracted a CAMO approved under Part-145 or under Part-M, subpart F
	M.A.201(i) <ul style="list-style-type: none"> <li>SPO-NCO</li> <li>ATO-NCO</li> <li>Limited operations (exempted)</li> </ul>	<ul style="list-style-type: none"> <li>an approved contracted CAMO; or</li> <li>owner/operator under its own responsibility</li> </ul>