

Applicability of Non Commercial Air Operations with Complex Motor-Powered Aircraft (Part-NCC)

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| <p>1. When does Part-NCC become applicable?</p> | <p>25 August 2016</p> |
| <p>2. What is the definition of an 'Operator'</p> | <p>'Operator' shall mean any legal or natural person, operating or proposing to operate one or more aircraft (or one or more aerodromes).</p> <p>(EC 216/2008 (Basic Regulation) Article 3)</p> |
| <p>3. What is the definition of 'principle place of business' as described in NCC.GEN.100?</p> | <p>'.....the head office or registered office of the organisation within which the principle financial functions and operational control of the activities are exercised.'</p> <p>(EASA OPS Annex I) (and see GM1 ORO.GEN.105)</p> |
| <p>4. What is the definition of 'operational control'?</p> | <p>'...the responsibility for the initiation, continuation, termination or diversion of a flight in the interests of safety.'</p> <p>(EASA OPS Annex I)</p> |
| <p>5. Does Part-NCC apply to non-Member State registered aircraft based in Ireland (e.g. aircraft registered in the Isle of Man, USA, Bermuda, Cayman etc.)?</p> | <p>Yes, if the operator is established or residing in any Member State and the aircraft is operated into, within or out of the Community, PART-NCC shall apply.</p> <p>(EC 216/2008 (Basic Regulation) Article 4(c))</p> |
| <p>6. Who is required to submit a 'Declaration'</p> | <p>The operator of a complex motor-powered aircraft engaged in non-commercial operations.</p> |
| <p>7. Who is the Declaration sent to?</p> | <p>The declaration shall be submitted to the 'Competent Authority' of the EASA State in which the operator is established or residing (principle place of business), in Ireland the Declaration should be sent to the IAA on form FOD.F.345a DECLARATION FORM</p> |

8. Is a Declaration required for each individual aircraft?	A declaration must be made which covers each applicable aircraft, including the Type of aircraft, registration and main base.
9. Do Operations Manuals have to be submitted as part of Declaration process?	No. Although operators must have written an Operations Manual (OM) in accordance with ORO.MLR.100 and AMC2 ORO.MLR.100, the manual does not need to be submitted to the IAA during the Declaration process. However, the IAA will audit operators against the requirements within a period of 12 months from the date of Declaration. Some Specific Approvals (Part-SPA) may however require the applicable parts of the OM to be submitted in advance of Declaration.
10. When will be the earliest date that a Declaration can be made to the IAA?	Note: Where an operator wishes to use an MEL, it shall be approved by the IAA, prior to commencement of the declared operation. The Declaration Form is available on the IAA website for immediate use.
11. Will an operator be granted a certificate (or similar) on completion of the Declaration process?	No, although an individual acknowledgment will be sent on receipt of the application.
12. Following the submission of a Declaration, what oversight of a NCC Operator will be given by the IAA?	The IAA will establish and maintain an oversight programme covering NCC activities as part of the Authority Requirements which apply to the IAA. Details of the requirements can be found in Part-ARO.GEN.305.
13. Will the oversight programme conducted by the IAA include foreign registered aircraft of operators based inside the Ireland ?	Yes. If the declaration was made to the IAA (irrespective of the state of registry of the aircraft), the IAA will include those aircraft as part of its oversight programme.
14. What would be the frequency of activities as part of the oversight programme?	'The oversight programme should be developed on a yearly basis. All operators should be considered for inclusion to the programme not
15. Does a Part-NCC operator need to report occurrences to the IAA?	Yes (ORO.GEN.160 in accordance with Regulation (EU) 376/2014 – Reporting of Occurrences)
16. Does a Part-NCC operator require a 'Management System'?	Yes (ORO.GEN.200)
17. Will the IAA advise Part-NCC operators as to the content of the Management System?	No. It is the responsibility of the operator to include a description of the Management System as part of the Operations Manual and to acknowledge this as part of the declaration process.

18. If the IAA does not give any additional guidance as to what is reasonable in determining a Management System, is the operator permitted to determine a level of proportionality?

The size and scope of the Management System should firstly be determined by the existing legislation (plus associated AMCs/GM). Within those parameters, the Accountable Manager will need to establish and maintain an effective management system.

19. What specific personnel need to be utilised as part of a Management System?

1) Accountable Manager. The operator shall appoint an accountable manager, who has the authority for ensuring that all activities can be financed and carried out in accordance with the applicable requirements. The accountable manager shall be responsible for establishing and maintaining an effective management system.

(ORO.GEN.210(a))

2). Safety Manager – a person who acts as a focal point and is responsible for the development, administration and maintenance of an effective safety management system. (AMC1 ORO.GEN.200(a)(1))

3). Compliance Monitoring Manager – a person who is responsible for ensuring that the compliance monitoring programme is properly implemented, maintained and continually reviewed and improved.

(AMC 1 ORO.GEN.200(a)(6))

20. What other personnel or functions are required for Part–NCC operations?

Continued Airworthiness. The owner is responsible for the continuing airworthiness of an aircraft and shall ensure that no flight takes place unless:

1. the aircraft is maintained in an airworthy condition, and;
- 2.any operational and emergency equipment fitted is correctly installed and serviceable or clearly identified as unserviceable, and;
3. the airworthiness certificate remains valid, and;
4. the maintenance of the aircraft is performed in accordance with the approved maintenance programme as specified in point M.A.302.

(CR (EU) No 1321/2014 – Annex 1 - Part-M)

21. For very small operators or 'owner/pilots' how will they comply with the requirement to have an Accountable Manager, Safety Manager and Compliance Monitoring Manager?

An Accountable Manager will always have to be nominated irrespective of the size/scope of the operator.

The Accountable Manager may also perform the role of Safety Manager for a non-complex operator

(AMC1 ORO.GEN.200(a)(1)(2)(3)(5))

The Accountable Manager may also perform the role of the Compliance Monitoring Manager for a non-complex operator, subject to demonstrating appropriate competence. However the independence of the compliance monitoring function should be established by ensuring the audits and inspections are carried out by personnel not responsible for the function, procedure or

products being audited.

(AMC1 ORO.GEN.200(a)(6)

22. What is the definition of a non-complex operator?

EASA defines a complex operator as follows:

(a) An operator should be considered as complex when it has a workforce of more than 20 full time equivalents (FTEs) involved in the activity subject to Regulation (EC) No 216/20085 and its Implementing Rules.

(b) Operators with up to 20 FTEs involved in the activity subject to Regulation (EC) No 216/20086 and its Implementing Rules may also be considered complex based on an assessment of the following factors:

(1) in terms of complexity, the extent and scope of contracted activities subject to the approval;

(2) in terms of risk criteria, whether any of the following are present:

(i) operations requiring the following specific approvals: performance-based navigation (PBN), low visibility operation (LVO), extended range operations with two-engined aeroplanes (ETOPS), helicopter hoist operation (HHO), helicopter emergency medical service (HEMS), night vision imaging system (NVIS) and dangerous goods (DG);

(ii) commercial specialised operations requiring an authorisation;

(iii) different types of aircraft used;

(iv) the environment (offshore, mountainous area, etc.).

If the above is not applicable, then an operator is deemed to be non-complex.

(AMC1 ORO.GEN.200(b))

23. Does an NCC operator need to comply with Part-SPA?

Only if one of the following Specific Approvals are required:

1).Performance-based Navigation (PBN), except for operations in RNAV5, B-RNAV airspace.

2).Operations in Minimum Navigation Performance Specification Airspace (MNPS)

3). Operations in Airspace with Reduced Vertical Separation Minima (RVSM)

4). Low Visibility Operations (LVO)

5). Carriage of Dangerous Goods

24. What ramp checks will be undertaken of aircraft operated under Part-NCC?

Ramp checks will form part of the oversight programme of individual States, as deemed appropriate.

25. If ramp findings are raised on aircraft operated under Part-NCC, where will the finding be sent?

Category 2 and 3 findings will be sent to the operator and to the Competent Authority of the State of Operator/State of Registry.

26. How will EASA ensure that individual States apply the rules proportionally and consistently?

EASA conducts standardisation audits on all Member States.