

## **'Part OPS'**

### **Or The Implementing rules for EC Regulation 216/2008 (common rules in the field of civil aviation)**

#### **Introduction**

On 08 April 2012 EU OPs will be replaced with various 'parts' of EC Regulation 216/2008.

These cover:

Authority Requirements	(Part AR)
Organisation Requirements	(Part OR)
Air Operations Requirements	(Part AOR)
Personnel Requirements	(Part FCL)
Third Country Requirements	(Part TCO)

Further 'parts' will be drafted and published in due course covering, for instance, ATC and aerodromes.

For Commercial Air Transport there will be no transition period. All European Community states AOC holders will be expected to be compliant with the 'parts' on 8 April 2012.

For this to be feasible, EASA will publish the 'parts' as soon as possible. However, this is unlikely to be before mid summer 2011, and some of the Implementing Rules (IR) will require a lot of work to ensure compliance.

The rulemaking process is now well over a year behind schedule, but the 8 April 2012 has been set in concrete by the European Parliament.

The fundamental law (the basic regulation) is EC Reg 216/2008. This empowers EASA to regulate all civil aviation activities throughout the European Community. The rules will also apply to Switzerland, Norway and Iceland (they have agreed to be compliant - and have been actively involved in the drafting of the rules).

The basic regulation consists of 70 'articles' and 5 annexes (similar to the Chicago Convention).

The first part of translating the 'articles' of EC Reg 216/2008 into rules is the 'cover regulations'. There are currently 5 cover regulations (more will be drafted soon), each of which contains articles establishing the method for specification of the IR, and any material which is of such a basic nature and general in nature, so as to be applicable to all

the IR contained in the specific 'part'. For instance, definitions are contained in the cover regulation.

Under the basic regulation, the role of the NAA (in the UK the CAA) will be dramatically changed however, it will still be the link between the operator and the legislator. As in all the other European Community states, the UK government has ceded suzerainty to the EC for civil aviation. Simply, an AOC holder will be audited for compliance by the CAA, the CAA will be audited by EASA and EASA will be audited by ..... no one! EASA is completely autonomous. It derives its authority from the European parliament but is not responsible to the body.

Philosophically, EASA has the mandate from the EC to harmonise the rules for aviation in the EC as close as possible to the ICAO standards and recommended practices. Many of the differences between JAR/EU OPS and the 'parts' is due to this.

For comparison, the basic regulation and the cover regulation is the Air Navigation Order of Europe, and the 'parts' are the articles and schedules of the ANO.

### **Authority Requirements (Part AR)**

This part sets out the IR for the administration of a 'competent authority.' This includes EASA and all the national civil aviation authorities. It can also be easily applied to Eurocontrol (and will be, as Eurocontrol will be the agency of EASA that administers the European airspace and the ATC procedures).

Effectively, Part AR covers all the rules by which any AOC holder will be regulated specifically in the realms of oversight, certification and enforcement. It also covers ramp inspections.

Whilst Part AR is not directly applicable to an AOC holder, it contains lots of information (and rules) that direct effect the conduct of civil aviation operations.

Specifically it contains the IR:

AR.GEN	(general requirements: admin, oversight, ramp inspections etc...);
AR.OPS	(Specific rules for the certification of commercial air operations);
AR.FCL	(Specific requirements relating to Flight Crew Licensing);
AR.CC	(Specific requirements relating to Cabin Crew)
AR.ATO	(Specific requirements relating to approved training organisations)
AR.AeMC	(Specific requirements relating to Aero-medical centres)
AR.MED	(Specific requirements relating to Aero-medical certification)

The IR are referenced by paragraph number similar to the way JAR-OPS was numbered. For instance, the paragraph containing the IR for means of compliance is at AR.GEN.120. The numbers increase initially by increments of 5 to allow for future additions.

The IR for Part AR are now in final draft.

## Organisation Requirements (Part OR)

Probably the most important 'part', the part concerns organisations and personnel involved in civil aviation.

It must be appreciated that 'civil aviation' is just that. It covers gliding, ballooning, recreational flying as well as commercial aviation. To this end, many of the IR in this part are general in nature, covering:

OR.GEN	(General requirements)
OR.OPS	(Air Operations)
OR.ATO	(Approved training organisations)
OR.AeMC	(Aero-medical Centres)

OR.GEN is in two sections of which the second section covers the specific requirements for the management system to be employed by an organisation. EASA uses the term 'organisation' to refer generally to any organisation that requires approval. You will find little or no mention of 'an AOC holder'.

The IR are mandatory standards or rules. In order to be useable, the rules require statements of means of compliance (just as the AMC, IEM and ACJ in JAR-OPS and the GM in TGL44). However, the AMC in the 'parts' is somewhat different. In AR.GEN.120 you will find the IR covering Means of Compliance. This defines:

Acceptable Means of Compliance (AMC);  
Alternative means of compliance ; and  
Additional means of compliance.

EASA has agreed that the abbreviation 'AMC' will only be used for 'acceptable means of compliance.'

AMC are reference by the paragraph number preceded by 'AMC' and a number i.e.

AMC1- AR.GEN.200

The status of AMC is that of a non-binding standard. This means that other means of compliance may be available. Typically, where this happens the AMC are sequentially numbered i.e.

AMC1- AR.GEN.200  
AMC2- AR.GEN.200 etc...

If however, there is only one AMC, it will be the only standard for ensuring compliance and therefore becomes binding.

There is a very complex process for creating alternative means of compliance (a different AMC for a single IR). At present, a competent authority or an organisation may propose

an alternative means of compliance. However, until the proposal is accepted and becomes law (through a process called 'comitology') the original AMC must be complied with. Also, where there is more than one AMC, each operator has to decide which AMC to use (and declare it). It cannot then use the other AMC without the approval of the competent authority! This is a major difference between JAR-OPS and the 'parts'. Under EU OPS, of course, there were no AMCs, just guidance material in TGL 44.

The parts also contain guidance material and it is just that, information to help compliance and explanation of the IR.

OR.GEN.200 is the specific requirement for the creation of a management system for an organisation. It is very complex with pages and pages of AMC and GM. It requires an AOC holder to establish a documented management system comprising a compliance system, and a safety management system. It creates the requirement for a safety manager and specifies that he/she cannot be the same person as the compliance (quality) manager in a 'complex' organisation.

It is noteworthy that Part OR is 51 pages whereas the AMC and GM is 180 pages!

The IR for Part OR are now in final draft.

### **Air Operations Requirements (Part AOR)**

This is the part that covers the operation of aircraft. In this part reference is made to:

- XXX.A (referring to aeroplanes)
- XXX.H (referring to helicopters)
- XXX.B (referring to balloons)
- XXX.S (referring to sailplanes)

The part is divided into subparts:

- CAT Commercial air transport
- NCO Non commercial operations
- NCC Non commercial operations with complex powered aircraft
- SPO Special operations (aerial work etc...)
- SPA Operations requiring special approval (ETOPS, RVSM etc...)

Apart from SPA, the subparts consist of:

- .GEN General
- .OP Operational Procedures
- .POL Performance and operational limitations
- .IDE Instruments, data and equipment

At this level, the IR are the actual operating rules and much of the content is a direct transcript from JAR-OPS/EU-OPS, but with significant additions.

Some of the subparts are further broken down into sub-subparts i.e.:

CAT.POL consists of IR covering Mass and Balance (.MAB), and also performance and limitation rules for helicopters, balloons and sailplanes. At this level the paragraph numbering becomes quite complex, for instance, the mass and balance loading guidance material for a commercial helicopter is at GM1-CAT.POL.MAB.100.H

It should be noted that most of the IR for Part AOR is still in draft form. The final draft is not expected until the end of November 2010.

### **Part FCL, MED and CC**

Part CC (covering cabin crew) is in final draft. This is perhaps the most 'revolutionary' part of these regulations. It effectively creates a cabin crew licence (called a cabin crew attestation) that is totally transferrable. The smart move is that all the administration including the medical side of things is placed on the operator. Interesting times are ahead!

Both part FCL and Part MED are still in initial draft and will not be finalised until early 2011.

### **Conclusion**

Whilst the new regulations (the 'parts') may well be familiar in subject matter the actual 'nuts and bolts' are at time very different. EASA has tried to incorporate as much of the ICAO SARPS as possible without creating chaos. At the same time, a lot of hard work has gone into bringing new technology into the regulations especially in the technologically complex areas i.e. LVO and PBN (performance based navigation - what we knew as RNP). The opportunity has also been taken to correct some of the anomalies that were always apparent in JAR/EU OPS.

One of the philosophies of the way in which the BR is being applied is that there will be no exemptions from the requirements. Any exemptions presently granted by a NAA will not be carried into 'a Part OR' AOC. This is one area that has to be sorted out now. It will be too late on 8 April 2012.