

## **CAA EU-OPS SYMPOSIUM - 13 December 2007**

### **Is there going to be a compliance document produced?**

There will be a standard application form for operators and incorporated in that will be a reproduction of the differences document being produced by the CAA Flight Operations division. The differences document highlights those items in EU-OPS which are different or additional to JAR-OPS 1 (amendment 13). The operator will need to certify that their Operations Manual (OM) has been checked, and that all relevant differences have been considered and suitable guidance incorporated; and that the Notice of Proposed Amendment includes all changes required to secure compliance with EU-OPS, and that all references to alleviations that will not be available under EU-OPS have been removed.

### **Is it definite that compliance with amendment 12 and the 10 NPAs will be sufficient? There was some doubt in the past as to whether all these NPAs would actually go into EU-OPS.**

Yes, it will only be the 10 NPAs identified in the presentation which will form part of EU-OPS. All other JAA work in progress has now been passed to EASA to form part of its future rule-making plan.

### **What is the difference between the definition of public transport and commercial air transport?**

The UK legal term 'Public Transport' is broader in its scope than the European equivalent of 'Commercial Air Transport'. All Commercial Air Transport is also Public Transport, but the converse is not true. Whilst the vast majority of operations which are currently defined as Public Transport will also be Commercial Air Transport under future European Regulation, there will be those which will not. This means that whilst most aeroplane operations currently defined as Public Transport will have to comply with EU-OPS, those being operated for military, customs and police will not.

### **Are we going to have to go through the same process and associated costs when transferring to the EASA Implementing Rules (IRs)?**

This is a two-stage process. The EASA operational IRs are in an early draft stage and are based on JAR-OPS. Therefore, it is hoped that that there will be no major differences but there will be some moving around of text. EASA will put forward its proposals for the IRs and these will be offered for comment, using the Agency's normal consultation procedures. When we see the proposal, we will need to consider whether it is user-friendly and will permit a smooth transition in that the intent and meaning is the same. Industry will be able to comment on the draft IRs. We advise you to make your views known and, if any transitional burdens are foreseen, to make the Commission aware of such concerns. It is our experience that opinions of stakeholders are well received and you can influence the outcome.

**Can you elaborate on the application form and the differences document?**

The differences have been identified, line-by-line, and detail anything an operator needs to do differently or additionally beyond JAR-OPS 1 (amendment 13). The CAA cannot provide answers but operators can go through the list and identify areas they need to address. Any areas of concern should be fed back to the Authority. As mentioned earlier, if operators currently comply with JAR-OPS up to amendment 13, the differences and additions will mainly be those contained in the seven additional NPAs which go beyond JAR-OPS 1. Some new paragraphs may have been added so there may be minor renumbering. The application form will require a statement to say that you have addressed all differences that apply to your OM, and that it has been checked for compliance with EU-OPS.

**As a new AOC applicant, can we progress this toward EU-OPS, rather than JAR-OPS? We hope to achieve our AOC in April or May.**

Yes, we need to have the process in place to allow this but you will need to complete a JAR-OPS compliance statement first.

**We are transferring to an EASA C of A but this is not likely to be achieved until September 2008. Therefore we may have an old type C of A from July until September.**

Unforeseen or short-term circumstances may allow the use of an exemption in accordance with Article 8(2) of the EU-OPS Regulation. Application should be made through the respective Flight Operations Inspector (FOI). This would then be passed to the relevant department for consideration.

**Bearing in mind the short time scale, will FOIs focus on changes required for the transition during annual audits of operators to confirm we are progressing in the right direction? If any findings are made, could they be made publicly available so all can benefit?**

Audits are conducted against current requirements of JAR-OPS 1 (amendment 13) and there will be no change to that. With regard to findings, if we find an issue which is of concern to several operators, we would make that information available to all.

**Bearing in mind the short time scale, what information/training is being given to FOIs to ensure a consistent approach?**

We continue to ensure that FOIs are kept up to date with developments and have recently sent out an internal communication to advise them of transition preparation prior to application process. More specific instructions will be available early in the New Year and we will do our utmost to keep all informed of the relevant information for the way forward.

**It is common knowledge that FOIs have a high workload – will the Authority provide sufficient resources for this transition?**

There will no increase in the number of FOIs but we will be putting extra administrative resources towards this. Industry can assist by putting forward their submissions as early as possible.

**What will happen to Section 2 material – will it stay the same or be published as a CAP?**

It will remain in JAR-OPS 1 until integrated into the future EASA Implementing Rules. The exception would be the seven outstanding NPAs which do not form part of JAR-OPS 1 amendment 13. For them, the Section 2 material is not in JAR-OPS. If this matter is not addressed by the JAA Liaison Office in Cologne, the CAA will have to publish a national version of Section 2 material in the New Year at the same time as the 'final draft' of the new EU-OPS Regulation becomes available.

**What happens to Section 2 material after July 2008 and how can we reference this?**

JAR-OPS 1 will still be in existence because JAA States number about 40 but the Community only numbers 27. The Section 2 material remains a means of compliance, guidance and advice. It will not be updated so current AMC/IEM/ACJ material will remain the best source to use when demonstrating compliance with EU-OPS.

**Do we need to comply with JAR-OPS until July if we have had our manuals agreed in advance?**

No, once agreed, we will establish a legal mechanism to enable you to operate with your new EU-OPS manuals ahead of 16 July.

**Will the Authority want to see all of the OM suite or just those parts affected by changes such as OM Part A?**

The CAA will only require to see the proposed changes that are required for EU-OPS using the usual NPA process.

**Due to the expected short lifespan of EU-OPS, would it be considered appropriate to use a frontispiece in the OM to state that all references to JAR-OPS should be accepted as EU-OPS, rather than change the entire OM?**

There could be some difficulties in that not all references exactly follow those in JAR-OPS. This question should be addressed through the respective Flight Operations Inspector (FOI).

**Will the current 30-day turnround time for Operations Manual changes still apply?**

The CAA will make our best endeavours to maintain this and hope to achieve this in 90% of cases.

**Will there be a cut-off date advised for submitting EU-OPS compliance statements or, in the interim, can you provide a indication of what it may be?**

A cut-off date will be included in a Flight Operations Division Communication (FODCOM) which will be published in the New Year, but we cannot be specific at the moment as we are trying to identify resource requirements. We will ensure this is advised at the earliest opportunity.

**Will approved aircraft MMEL supplements still be available?**

Operators should write to their assigned FOI and we will look at this in more detail.

**Will the MEL approval issue be addressed under the EU-OPS approval certificate?**

We are planning to inform those Member States who appear to be unaware of our methods of approving MELs. We suggest operators keep a copy of the approval document on board each aeroplane in anticipation of SAFA inspections. Whilst this should be sufficient for pilots to deal with SAFA inspectors, DfT will advise other relevant NAAs if there are persistent problems.

**Will the new AOC refer to tails or types?**

It will refer to types.

**When carrying out sub-charters, we ask for a faxed copy of their AOC. If they fax a non-EASA AOC, can you confirm that they will not be compliant and will be operating illegally?**

If you believe that another European operator is not meeting EU-OPS after 16 July 2008, the UK Department of Transport should be advised to enable them to take further action as appropriate.

**Does the requirement include a need for an EU-style noise certificate to be carried?**

EU-OPS 1.125 requires the original or a copy of the noise certificate to be carried. It does not specify that it should be an EU-style noise certificate.

### **Will cabin crew have to carry their attestations when operating?**

No they will not. Nor is there any requirement for them to be produced on a SAFA checks. The attestation is a document that states they have completed initial safety training on a particular date. The CAA will provide guidance for the basic content but the style and format is the responsibility of the operator. If the cabin crew member moves to another operator, it remains the responsibility of the new operator to ensure that the cabin crew member is trained in accordance with their requirements and is competent. The attestation document was a compromise which kept EU-OPS on track by partially meeting the wishes of those who would like to see a licensing system for cabin crew.

### **What level of work is involved for NPA-OPS 41 – AWOPS?**

The amendment brought about by NPA-OPS 41 allows two separate methods for AWOPS. Operators will be able to opt to retain their current procedures or use those associated with a Continuous Descent Final Approach (CDFA). There are some advantages to using the latter, and for those who do not use the continuous descent final approach technique there will be minima penalties. Operators are advised to read the new Subpart E and decide how to proceed. It should be noted that the work associated with this change would have been required regardless of EU-OPS as it would otherwise have appeared in JAR-OPS 1.

### **Can we move between two options after transition?**

Yes, operators do not need to immediately comply with the CDFA option in NPA-OPS 41. This can be done later.

### **DME failure – we need to use both options depending on whether the DME is serviceable or not**

You must choose and stay with one AWOPS option, they cannot be mixed. NPA-OPS 41 makes the position clear.

### **If derogations are issued under Article 8, can all operators use them?**

The mechanism which permits derogations from the Regulation (EC) 1899/2006 can be found in Article 8(3) of that Regulation. The process would involve the CAA putting forward a request for derogation to the Commission, which in turn would consider its contents. It would be put to the appropriate Committee, which would include representatives from Member States. If it were considered that the derogation offered an equivalent level of safety to the Regulation, and thereby constituted an alternative means of compliance, it would be agreed and published. It would then be available for use by any Member State. It would not be published prior to Commission agreement.

**If the CAA applies for derogation, when will industry know and will we see other Member States' applications so that we will be aware of what is being applied for?**

Derogations need to meet the criteria of an equivalent level of safety and cannot just be the UK trying to retain old practices. We would expect the Department for Transport (DfT) to apply for derogations on CAA advice. We intend to make an initial application for certain derogations early in the New Year and we expect this to be a three-month process before an answer is received. It is not the intention of the Commission, or the CAA, to ground an operation that has previously been operating safely to an equivalent standard to that achieved by EU-OPS.

Derogations applied for by any Member State will be considered by the Air Safety Committee (comprising Commission and Member State representatives) as they arise. The UK will be given a chance to comment on other States' applications as to whether they meet the required criteria. Once a derogation has been agreed, the Commission must notify formally all Member States.

**Will the CAA be considering exemptions for requirements that are not appropriate – for example the carriage of a fire extinguisher in an aerobatic aircraft?**

Exemptions can only be considered for unforeseen and short-term issues. If an open-ended alleviation from the carriage of a fire extinguisher is required, this would need to be achieved through a derogation on the basis that an equivalent level of safety can be achieved. We cannot apply every current UK exemption and the starting point for EU-OPS should be compliance. Derogations and exemptions would be the exception rather than the rule. You should contact the Authority through your assigned FOI as soon as possible with regard to specific issues.

**Derogations – the only method appears to be via an equivalent safety level but can some be issued because we cannot meet the same level of safety – for example, straps on jump seats?**

It may be that an exemption could be used (rather than a derogation) whilst such a matter is addressed. There is a particular situation involving seat straps where there appears to be no airworthiness solution to an operational requirement. This particular issue must be an EU-wide problem and so all Member States would benefit from an exemption until a solution could be found. We are attempting to seek a view from EASA.

**Do we need to apply for an exemption for a non-EASA (Annex II) aircraft?**

The CAA will need to apply for a derogation from EU-OPS to allow these operations to continue on the basis that the aeroplanes have a National Certificate of Airworthiness, which provides an equivalent level of safety. The Commission will need to address this and this matter has been raised with them both by the UK and by other Member States.

**Will operators be able to use a standard height of 1000 ft as a means of meeting the continuation of approach requirement in OPS 1.405?**

This will be looked upon favourably by the CAA. The operator raising the question should write to the CAA, providing justification and explaining how this would achieve an equivalent level of safety to the Regulation.

**Can operators use EU-OPS Subpart Q for the purposes of flight time limitations?**

The CAA has reviewed our national CAP 371 and taken advice from an advisory group (including industry, unions and medical personnel) covering matters of flight time limitations (FTL). We have compared CAP 371 with Subpart Q. We believe our national rules sit within Subpart Q. Therefore if you meet the flight time limitations in CAP 371 you will also comply with Subpart Q. As all operators have FTL schemes approved under CAP 371 they also meet Subpart Q. We propose to continue to use national provisions when approving FTL schemes rather than Subpart Q.

**Under EU-OPS, can we apply an FTL scheme currently in place with a foreign company based on the fact that it has been approved in another Member State?**

The most difficult areas during the development of EU-OPS have been cabin crew attestation and Subpart Q. Subpart Q will be revised following a scientific research study but at present there have been no applicants for tender to carry out this work. The EU-OPS Regulation provides the basis for States to retain national provisions for FTL provided they remain within the limits set by Subpart Q. Operators may apply for a variation to their current FTL scheme and this would be considered within the provisions of CAP 371.

**Not allowing basic compliance with Subpart Q will give UK operators a commercial disadvantage.**

That is the same position as exists today. We are actively working towards helping EASA to develop a common approach to FTL. It should be noted that this week a House of Lords report stated that research should be conducted into long-term effects of fatigue in flight crew. We wish to reserve our position and other States have reserved their systems on the basis they are at a reasonable level. A contract from EASA for scientific research has not been allocated yet and when this has been carried out, a review will be made. During this period the UK will maintain CAP 371.