

Summary: Intervention & Options

Department /Agency: Civil Aviation Authority Safety Regulation Group	Title: Impact Assessment of the Amendment of the Air Navigation Order (ANO) 2005 and the Air Navigation (Dangerous Goods) Regulations (AN(DG)Rs) 2002	
Stage: Implementation	Version: 1	Date: 5 June 2008
Related Publications: Civil Aviation Publication 393 - Air Navigation: The Order and the Regulations		

Available to view or download at:

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What is the problem under consideration? Why is government intervention necessary?

Regulation (EEC) No. 3922/91 Annex III (EU-OPS) provides harmonisation of technical requirements and administrative procedures in the field of civil aviation, and is designed to enhance aviation safety and promote a level playing field in commercial air transportation within the European Union. The risks of not making these changes to the ANO to reflect EU-OPS are that the United Kingdom will be in breach of its international obligations to align its legislation with superseding European legislation, the law will be unclear inasmuch as UK domestic legislation purports to apply requirements which are no longer enforceable and perhaps more significantly purports to exclude aircraft from requirements where the exclusion is no longer applicable.

What are the policy objectives and the intended effects?

The EU-OPS requirements will apply to all EU operators of aeroplanes flying for the purpose of commercial air transportation. The EU-OPS requirements will supersede the ANO and AN(DG)Rs in these relevant areas and the objective is to reflect these changes so far as necessary in the ANO and AN(DG)Rs. It is proposed to amend both the ANO and the AN(DG)Rs to define public transport as excluding commercial air transportation and to define commercial air transportation as flights which must be conducted under an EU OPS Air Operator's Certificate (AOC).

What policy options have been considered? Please justify any preferred option.

Three Options were considered. The CAA's preferred option is Option 2.

Option 1. No Intervention. This was considered unacceptable. As a matter of law, the EU requirements will have effect.

Option 2. This option amended the ANO to define public transport as excluding commercial air transportation.

Option 3. This option amended the ANO to include commercial air transportation in the definition of public transport.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?

As the proposal is cost-neutral no formal review date will be set. However, in the event of unforeseen impacts becoming apparent, this will be reconsidered.

Ministerial Sign-off For final proposal/implementation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options

Signed by the responsible Minister:

.....Date:

Summary: Analysis & Evidence

Policy Option: 2

Description: Amended ANO to define public transport as excluding commercial air transportation.

COSTS	ANNUAL COSTS		Description and scale of key monetised costs by 'main affected groups' There maybe a cost associated with amending the operator's operating and training manuals but this should be a minimal. See paragraph 6.3.1 in the Evidence Base.
	One-off (Transition)	Yrs	
	£ Nil		
	Average Annual Cost (excluding one-off)		
	£ Nil	Total Cost (PV)	£ Nil
Other key non-monetised costs by 'main affected groups' N/A			

BENEFITS	ANNUAL BENEFITS		Description and scale of key monetised benefits by 'main affected groups' There are no monetary benefits from this amendment.
	One-off	Yrs	
	£ Nil		
	Average Annual Benefit (excluding one-off)		
	£ Nil	Total Benefit (PV)	£ Nil
Other key non-monetised benefits by 'main affected groups' Nil			

Key Assumptions/Sensitivities/Risks

This option will secure compliance by the United Kingdom with its Community obligations with the minimum changes to current safety legislation. It also ensures that there will be no gaps in safety legislation for those aircraft outside of EC Regulation No. 216/2008.

Price Base Year 0	Time Period Years 0	Net Benefit Range (NPV) £ N/A	NET BENEFIT (NPV Best estimate) £ N/A	
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What is the geographic coverage of the policy/option?		UK		
On what date will the policy be implemented?		16 July 2008		
Which organisation(s) will enforce the policy?		CAA		
What is the total annual cost of enforcement for these organisations?		£ N/A		
Does enforcement comply with Hampton principles?		Yes		
Will implementation go beyond minimum EU requirements?		No		
What is the value of the proposed offsetting measure per year?		£ Nil		
What is the value of changes in greenhouse gas emissions?		£ Nil		
Will the proposal have a significant impact on competition?		No		
Annual cost (£-£) per organisation (excluding one-off)	Micro Nil	Small Nil	Medium Nil	Large Nil
Are any of these organisations exempt?	No	No	N/A	N/A

Impact on Admin Burdens Baseline (2005 Prices) (Increase - Decrease)
 Increase of £ Minimal Decrease of £ Nil **Net Impact** £ Minimal

Key: Annual costs and benefits: Constant Prices (Net) Present Value

Evidence Base (for summary sheets)

IMPACT ASSESSMENT FOR THE AMENDMENT OF THE AIR NAVIGATION ORDER 2005 AND THE AIR NAVIGATION (DANGEROUS GOODS) REGULATIONS 2002 TO REFLECT THE COMING INTO FORCE OF PROVISIONS OF THE EUROPEAN COUNCIL REGULATION (EEC) NO. 3922/91 ANNEX III (EU-OPS)

1 Title of Proposal

- 1.1 Amendment to the Air Navigation Order 2005 (ANO) and the Air Navigation (Dangerous Goods) Regulations 2002 (AN(DG)Rs) to reflect the coming into force of provisions of the European Council Regulation (EEC) No. 3922/91 Annex III (EU-OPS).

2 Purpose and Intended Effect

2.1 Objective

- 2.1.1 The EU-OPS requirements will apply to all EU operators of aeroplanes flying for the purpose of commercial air transportation. The EU-OPS requirements will supersede the ANO and AN(DG)Rs in these relevant areas and the objective is to reflect these changes so far as necessary in the ANO and AN(DG)Rs.

2.2 Background

- 2.2.1 The Council of Ministers adopted by qualified majority a Regulation ((EC) No. 1899/2006) amending Regulation (EEC) No. 3922/91 Annex III (EU-OPS) on the harmonisation of technical requirements and administrative procedures in the field of civil aviation, approving all of the amendments passed by the European Parliament at second reading under co-decision procedure. The Regulation aims in particular to enhance aviation safety and promote a level playing field in commercial air transportation within the European Union. The Regulation transposes the non-binding Joint Aviation Requirements (JAR-OPS) established by the Joint Aviation Authorities at non-binding inter-authority level into a binding Community legislative act.
- 2.2.2 The adoption of Regulation (EEC) No. 3922/91 Annex III (EU-OPS), as amended, into European Law will affect the large majority of UK AOC holders which operate aeroplanes. At present, these operators satisfy the CAA as to their competence, as required by Article 6 of the ANO, by demonstrating compliance with JAR-OPS rules. With the adoption of EU-OPS, most of these operators will be required by EU Legislation to comply with EU-OPS.
- 2.2.3 In addition, at present most of these operators are exempt from a number of the AN(DG)Rs, by demonstrating compliance with JAR-OPS rules, particularly Subpart R. With the adoption of EU-OPS, most of these operators will be required by EU Legislation to comply with these requirements.

2.3 Commercial Air Transportation and Public Transport

- 2.3.1 Not all UK AOC holders operating aeroplanes will be required to comply with EU-OPS. EU-OPS applies to commercial air transportation operations. Article 6 of the ANO requires an AOC to be held for public transport operations. The meaning of public transport as defined in the ANO is wider than the meaning of commercial air transportation as used in EU-OPS. In addition, EU-OPS does not apply to state aircraft operations such as police operations. UK AOC holders who conduct certain types of operation which are public transport but not commercial air transportation will therefore not be subject to EU-OPS but will continue to require an AOC issued under Article 6 of the ANO. Operations which are likely to fall outside the scope of EU-OPS include the following:
- Helicopter operations, to which JAR-OPS 3 and/or the ANO continue to apply;
 - Aeroplanes when used by military, customs and police services;

- c) Parachute-dropping and fire-fighting flights, and associated positioning and return flights in which the persons carried are those who would normally be carried on parachute dropping or fire-fighting flights; and
- d) Flights immediately before, during, or immediately after an aerial work activity provided these flights are connected with that aerial work activity and in which, excluding crew members, no more than six persons indispensable to the aerial work activity are carried.

2.3.2 Regarding dangerous goods regulations, UK AOC holders who conduct certain types of operation which are public transport but not commercial air transportation will not be subject to EU-OPS but will continue to be subject to the AN(DG)Rs. The same will be so for parties other than operators who have responsibilities in respect of dangerous goods, e.g. shippers, freight agents, passengers.

2.3.3 At present, the ANO contains definitions of public transport, aerial work and private flights. In essence, a flight is public transport if valuable consideration is given or promised for the carriage of passengers or cargo on that flight. This definition is capable of embracing a wide variety of circumstances going beyond normal commercial passenger carrying operations. It is for that reason that a number of exceptions have been developed where flights which might otherwise be caught by the public transport requirements (charity flights, cost sharing flights etc.) are deemed to be private.

2.3.4 European requirements use the term 'commercial air transportation'. This term is used but not defined in EU-OPS. However, EEC Regulation No. 2407/92 introduced the requirement for a European operating licence (based on financial and ownership criteria, not safety). This requirement applies to Community carriers who "carry by air passengers, mail and/or cargo for remuneration and/or hire". This is taken to be what is meant by commercial air transportation for the purposes of EU-OPS. The term is considered to apply to what might be thought of as "proper" commercial passenger and cargo flights. It is not considered to extend to such things as charity flights and cost sharing which do, however, come within the wider definition of public transport in the ANO.

2.3.5 Everything which is commercial air transportation is therefore also in ANO terms public transport. However, public transport also embraces other types of operation which fall outside the narrower scope of commercial air transportation.

2.3.6 Against this background, it is necessary to introduce into the ANO references to commercial air transportation because it is to commercial air transportation flights by aeroplanes that EU-OPS will apply.

2.3.7 The proposal therefore is that the ANO will contain four categories of flight:

- a) Public transport – meaning effectively what it means today except that it will exclude commercial air transportation flights.
- b) Commercial air transportation – which will mean flights by aeroplanes required to be conducted under EU-OPS.
- c) Aerial work – meaning any flight for which valuable consideration is given or promised other than public transport or commercial air transportation.
- d) Private – meaning any flight which is neither public transport, commercial air transportation nor aerial work.

2.4 Schedule 14 Penalties

2.4.1 The legal requirements for conducting public transport operations are currently set out in the ANO. A failure to comply with any of those requirements is a criminal offence. The penalty for an offence will depend upon how it is categorised in Article 148 of the Order.

- 2.4.2 The most serious category of offence is punishable by an unlimited fine or imprisonment for five years or both. Offences in this category are listed in Part C of Schedule 14. There is only one offence in this category and that is recklessly or negligently endangering the safety of aircraft.
- 2.4.3 The second most serious category of offence is punishable by an unlimited fine or imprisonment of up to two years or both. Offences coming within this category are listed in Part B of Schedule 14 and include flying without a certificate of airworthiness, flying without an appropriate flight crew licence or flying for public transport without an air operator's certificate.
- 2.4.4 The third most serious category of offence is punishable by a fine of up to £2,500. These offences are listed in Part A of Schedule 14.
- 2.4.5 The least serious category of offence comprises anything which is not specified in Part A, B or C of Schedule 14 (i.e. everything else in the ANO). A breach of any of these requirements is punishable with a maximum fine of £1,000.
- 2.4.6 It is proposed that where an Article in the Order is displaced, so far as commercial air transport aeroplanes are concerned, by a provision in EU-OPS, the penalty for a contravention of that EU-OPS provision should be the same as for a contravention of the Article under the Order. There is no equivalent to endangering so none of the EU-OPS provisions will come within the most serious category of offence. But flying an aeroplane for the purpose of commercial air transport without an EU-OPS AOC would be punishable if tried in the Crown Court with an unlimited fine and/or up to two years' imprisonment.
- 2.4.7 The AN(DG)Rs are the legal requirements for the carriage of dangerous goods in the UK. A breach of the Regulations is punishable by an unlimited fine or imprisonment of up to two years or both.
- 2.4.8 It is proposed that where a Regulation in the AN(DG)Rs is displaced, so far as commercial air transport aeroplanes are concerned, by a provision in EU-OPS, the penalty for a contravention of that EU-OPS provision should be the same as for a contravention of the Regulation in the AN(DG)Rs.

3 Rationale for Government Intervention

- 3.1 The risks of not making these changes to the ANO and AN(DG)Rs are that the United Kingdom will be in breach of its international obligations to align its legislation with superseding European legislation, the law will be unclear inasmuch as UK domestic legislation purports to apply requirements which are no longer enforceable and perhaps more significantly purports to exclude aircraft from requirements where the exclusion is no longer applicable.

4 Consultation

4.1 Within Government

- 4.1.1 The Department for Transport has been consulted on this proposal.

4.2 Public Consultation

- 4.2.1 All interested parties within the aviation industry have been consulted. Additionally, the Letters of Consultation and Regulatory Impact Assessments were made available on the CAA website.

5 Options for Amending the ANO

- 5.1 Three Options were considered.

Option 1. Do nothing. This was considered unacceptable. As a matter of law, the EU requirements will have effect. It would have been confusing, as well as a breach of the United Kingdom's international obligations, to retain in the ANO provisions which purported to apply to aircraft which are now subject to EU regulation.

- Option 2. This option amended the ANO to define public transport as excluding commercial air transportation and to define commercial air transportation as flights which must be conducted under an EU-OPS AOC. This would mean that any provision in the ANO which applies to public transport would not apply to EU-OPS operations. Where currently there is a provision applying to public transport which is required to be applied to EU-OPS operations, it would need to expressly say so. Typically, this would be achieved by saying that the provision applies to flights for the purpose of public transport and commercial air transportation. But there are very few provisions where this would apply.
- Option 3. This option amended the ANO to include commercial air transportation in the definition of public transport. This would have meant that every provision applying to public transport flights would also have applied to EU-OPS operations unless specifically excluded by saying, for example, “this provision applies to flights for the purpose of public transport except such flights which are for the purpose of commercial air transportation” or “this provision shall not apply to an EU-OPS flight or an EU aeroplane”. But almost every provision in the ANO which applies to public transport would not have been applicable to EU-OPS operations. So there would have needed to be a very large number of statements to that effect included in the ANO.

6 Costs and Benefits for Amending the ANO

6.1 Sectors and Groups Affected

- 6.1.1 All operators of aeroplanes holding an AOC and conducting public transport will be affected. The proposed amendments would have no effect on voluntary organisations and charities and would not have any race equality impacts.

6.2 Benefits

- Option 1. There would be no benefit and as stated above this was not an option that can be considered.
- Option 2. This has the immediate advantage of avoiding the need to add excluding provisions in large numbers of Articles. It has the longer-term advantage of differentiating between public transport and commercial air transportation, treating public transport as something different to commercial air transportation. In the medium term, industry will need to be educated that if they see a provision which applies to public transport it means it is not applicable to commercial air transportation. This option will secure compliance by the United Kingdom with its Community obligations with the minimum changes to current safety legislation. It also ensures that there will be no gaps in safety legislation for those aircraft outside of EC Regulation No. 216/2008.
- Option 3. The benefit of this option was that an operator holding an EU-OPS AOC would have had a positive statement that Articles of the ANO do not apply to their operation. As with the second option, industry would have been educated as to which Articles were not applicable to commercial air transportation. However, this option would have required a substantial amendment to the ANO excluding provisions to a large number of Articles and the benefit was suggested to be small.

The CAA's preferred option is Option 2.

6.3 Costs

6.3.1 Compliance Costs

- Option 1. There were no costs associated with this option.
- Option 2. See below.

Option 3. See below.

It is not considered that any significant costs arise as a consequence of the amendments to the ANO which are being proposed.

Significant costs may arise as a consequence of the requirements imposed by EU-OPS. This Impact Assessment (IA) does not attempt to consider those costs. Rather, this IA concerns the changes being made to the ANO which are consequential upon the requirements now coming into force under EU-OPS. Those requirements will come into force whether or not the ANO is amended. The costs arising from EU-OPS are therefore not costs attributable to this proposal to amend the ANO.

6.3.2 Costs for a Typical Business

Operators who are likely to be affected by this proposal were invited to submit comments/estimates to the CAA; none were received.

7 Options for Amending the AN(DG)Rs

7.1 Two Options were considered.

Option 1. Do nothing. This was considered unacceptable. As a matter of law, the EU requirements will have effect. It would have been confusing, as well as a breach of the United Kingdom's international obligations, to retain in the ANO provisions which purported to apply to aircraft which are now subject to EU Regulation.

Option 2. Amend the AN(DG)Rs such that an EU-OPS operator is not subject to those Regulations in respect of responsibilities addressed by EU-OPS.

8 Costs and Benefits for Amending the AN(DG)Rs

8.1 Sectors and Groups Affected

8.1.1 All operators of aeroplanes holding an AOC and conducting commercial air transport will be affected. The proposed amendments would have no effect on voluntary organisations and charities and would not have any race equality impacts.

8.2 Benefits

Option 1. There would be no benefit and as stated above this was not an option that can be considered.

Option 2. This is a very simple but effective solution which will secure compliance by the United Kingdom with its Community obligations with the minimum changes to current safety legislation.

The CAA's preferred option is Option 2.

8.3 Costs

8.3.1 Compliance Costs

Option 1. There were no costs associated with this option.

Option 2. See below.

It is not considered that any significant costs arise as a consequence of the amendments to the AN(DG)Rs which are being proposed. EU-OPS dangerous goods requirements reflect the ICAO Technical Instructions which are currently incorporated in the AN(DG)Rs. Consequently, there will be no additional requirements introduced with the coming into force of EU-OPS.

8.3.2 Costs for a Typical Business

Operators who are likely to be affected by this proposal were invited to submit comments/estimates to the CAA; none were received.

9 Small Firms Impact Test

- 9.1 The proposals will have an impact on any operator of aeroplanes holding an EU-OPS AOC and operating for the purpose of commercial air transportation. However, this will be restricted to the adoption of requirements of the new operating code which differ from JAR-OPS in only minor detail. The CAA did not consider these costs to be significant but welcomed comments on this assumption. No comments on the costs were received

10 Competition Assessment

- 10.1 It is considered that there are not any competition issues.

11 Enforcement, Sanctions and Monitoring

- 11.1 The mechanism for enforcement through the ANO already exists and no additional resources will be required in this regard. The position will be kept under continuing review as part of the ongoing transition process.

12 Implementation and Delivery Plan

- 12.1 The changes to UK legislation implemented by this IA have been anticipated for several years. The draft proposal addresses what UK Industry have been briefed upon over the past two years in various degrees, as details have been released by the European Commission. Therefore, UK industry have been made aware of the implementation date of these proposals (16 July 2008) and the administrative changes that will be required. The CAA is providing guidance material to all affected by these changes and will continue to provide assistance and advice during any transition period.

13 Post-implementation Review

- 13.1 Further European legislation will be introduced in 2009 which will affect all forms of aviation undertaken in the UK and will require further amendment to the ANO and the AN(DG)Rs. The CAA, as part of its continuing oversight of aircraft operations, will assess the effect of this and further amendments on both commercial air transport and public transport. Should amendments be required, the CAA will consult on proposals that would modify or supersede the requirements proposed in this IA.

14 Consultation

- 14.1 In the Letters of Consultation (L of C) of 10 July 2007 (FODCOM 16/2007) and 12 September 2007 (FODCOM 21/2007) the CAA detailed the proposal to amend the ANO and the AN(DG)Rs, respectively, to reflect the coming into force of provisions of EU-OPS. Comments were invited on the proposal.

- 14.2 Comments concerning the L of C (FODCOM 16/2007) were received from two AOC holders and one member of the public.

- a) MyTravel
- b) Directflight
- c) Mr C Rapose

- 14.3 There were two replies to the L of C (FODCOM 21/2007). One was received from an AOC holder, the other from the holder of a Police AOC.

- a) British International
- b) Western Counties Air Operations Unit

14.4 A summary of the comments and replies is given at Annex 1. The CAA is satisfied that the views expressed by interested parties during the consultations have been taken into account.

15 Summary and Recommendation for Amending the ANO

15.1 The CAA believes that Option 2 has the greater advantage by avoiding the need to add excluding provisions in large numbers of Articles. It has the longer-term advantage of differentiating between public transport and commercial air transportation, treating public transport as something different to commercial air transportation. This option will secure compliance by the United Kingdom with its Community obligations with the minimum changes to current safety legislation. It also ensures that there will be no gaps in safety legislation for those aircraft outside of EC Regulation No. 216/2008.

15.2 Option 1 was rejected because, as a matter of law, the EU requirements will have effect, and therefore by not amending legislation it would have been a breach of the UK's international obligations. Although Option 3 offered a positive statement that Articles of the ANO do not apply to operators holding an EU-OPS AOC, this option would have required a substantial amendment to the ANO excluding provisions to a large number of Articles and the benefit was suggested to be small.

15.3 A summary of the Costs and Benefits associated with amending the ANO is tabulated in Annex 2. The proposed amendment to the ANO is detailed in Annexes 3 and 4.

16 Summary and Recommendation for Amending the AN(DG)Rs

16.1 The CAA believes that Option 2 will provide an effective solution requiring the minimum changes to current safety legislation and which will secure compliance by the United Kingdom with its Community obligations.

16.2 Option 1 was rejected because, as a matter of law, the EU requirements will have effect. It would have been confusing, as well as a breach of the United Kingdom's international obligations, to have retained in the ANO provisions which purported to apply to aircraft which are now subject to EU Regulation.

15.3 A summary of the Costs and Benefits associated with amending the AN(DG)Rs is tabulated in Annex 2. The proposed amendment to the AN(DG)Rs is detailed in Annexes 3 and 4.

Specific Impact Tests: Checklist

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	No	No
Small Firms Impact Test	No	No
Legal Aid	No	No
Sustainable Development	No	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	No
Race Equality	No	No
Disability Equality	No	No
Gender Equality	No	No
Human Rights	No	No
Rural Proofing	No	No

Annexes

Annex 1

FODCOM 16/2007

Commentor	Comments	Responses
MyTravel Limited	MyTravel Airways had no objection to the proposal to amend the Air Navigation Order 2005 (ANO).	Noted.
Directflight Limited	Clarification was sought over disapplying Article 42(1)(c) and its effect on Article 126 (1) exemptions with respect to operations into certain aerodromes.	<p>Directflight accurately summarised the situation regarding the forthcoming changes to the ANO being brought about by the introduction of EU-OPS.</p> <p>The CAA intends to disapply Article 42(1)(c) because EU-OPS 1.220 and EU-OPS 1.192 are equivalent requirements. However, Article 126(1) is specific to the UK aerodromes, although it applies to all aircraft flying here. The CAA wishes to continue to apply it to all operators currently conducting public transport, and we can achieve that by applying it to all commercial air transport operations. However, because this is a UK specific requirement, which goes beyond EU-OPS, the CAA will retain its ability to exempt using Article 153.</p>
Mr C Rapose	<p>Include the following text in the beginning of the ANO:</p> <p>“Without prejudice to the generality within an ANO or to any other provision of Council Regulation (EEC) No 2407/92 of 23 July 1992 on the licensing of air carriers and or of Council Regulation (EC) No 1899/2006 (annex III) of 12 December 2006 amending Council Regulation (EEC) No. 3922/91 of 16 December 1991, an ANO may contain provision –“</p> <p>Amend Section 155 of the ANO to include the following:</p> <p>‘Community Air Carrier’ has the meaning as defined in of Council Regulation (EEC) No 2408/92 of 23 July 1992 on access for Community air carriers to intra-Community air routes.</p> <p>‘Operating Licence’ has the meaning as defined in of Council Regulation (EEC) No 2407/92 of 23 July 1992 on</p>	<p>This was outside the scope of the consultation to amend the ANO to reflect the coming into force of Provisions of Regulation (EEC) No. 3922/92 Annex III.</p> <p>The definitions for ‘community air carrier’ and ‘operating licence’ are found in Community Regulations (EEC) Nos 2407/92 and 2408/92 which are Community law and therefore do not require defining in the ANO.</p> <p>‘Operating Licence’ is defined in CAP 393 Section 6 of The Civil Aviation Authority Regulations 1991 in Regulation 3</p>

	<p>the licensing of air carriers.</p> <p>'Air Operator's Certificate' (AOC) is a 'document', a company or individual's business, wishing to manoeuvre an aircraft itself as a Community air carrier, has to have access to possession, prior to offering to arrange flights to carry by air passengers, mail and/or cargo for remuneration and/or hire.</p> <p>i. An AOC certifies that a company or individual's business having access to the possession of the document, prior to the issue of the document complied with the required through process by which, the CAA based on established safety criteria was satisfied that, the company or individual's business is 'competent to secure the safe use of aircraft' to arrange flights to 'carry by air passengers, mail and/or cargo for remuneration and/or hire'.</p> <p>ii. The document above, once granted remains in force and is valid indefinitely, provided no evidence exists that a breach of a safety requirement without reasonable excuse has been committed with a flight arranged under the document.</p>	<p>'Interpretation'. The term is not used in the ANO.</p> <p>This is outside the scope of the consultation to amend the ANO to reflect the coming into force of Provisions of Regulation (EEC) No. 3922/92 Annex III.</p>
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FODCOM 21/2007

Commentor	Comments	Responses
British International	Does the L of C apply to AOC operators of helicopter operators?	The L of C only applies to aeroplane AOC holders.
Western Counties Air Operations Unit	Will the L of C have any effect on the existing dangerous goods exemptions presently given to UK Police Air Support Units?	Holders of PAOCs will continue to be subject to the Air Navigation (Dangerous Goods) Regulations and as such the L of C has no effect on the exemptions.

Summary Costs and Benefits Table for Amending the ANO

Option	Total benefit per annum: economic, environmental, social policy and administrative	Total cost per annum: economic, environmental, social policy and administrative
1	No benefit.	No cost.
2	This has the immediate advantage of avoiding the need to add excluding provisions in large numbers of Articles. It has the longer-term advantage of differentiating between public transport and commercial air transportation, treating public transport as different to commercial air transportation. This option will secure compliance by the United Kingdom with its Community obligations with the minimum changes to current safety legislation. It also ensures that there will be no gaps in safety legislation for those aircraft outside EC Regulation No. 216/2008.	There will be no environmental or social costs. There will be an administrative cost involved in the change from a JAR-OPS AOC to an EU-OPS AOC. This is expected to be small, and during the consultation no estimates of costs involved were offered.
3	The benefit of this option was that an operator holding an EU-OPS AOC would have had a positive statement that Articles of the ANO did not apply to their operation. As with the second option, industry would have been educated as to which Articles were not applicable to commercial air transportation. However, this option would have required a substantial amendment to the ANO excluding provisions to a large number of Articles and the benefit was suggested to be small.	As Option 2 above.

Summary Costs and Benefits Table for Amending the AN(DG)Rs

Option	Total benefit per annum: economic, environmental, social policy and administrative	Total cost per annum: economic, environmental, social policy and administrative
1	No benefit.	No cost.
2	This option provides a very simple but effective solution which will secure compliance by the United Kingdom with its Community obligations with the minimum changes to current safety legislation.	There will be no environmental or social costs. It is not considered that any significant costs arise as a consequence of the amendments to the AN(DG)Rs. EU-OPS dangerous goods requirements reflect the ICAO Technical Instructions which are currently incorporated in the AN(DG)Rs. Consequently, there will be no additional requirements introduced with the coming into force of EU-OPS.

AMENDMENTS TO THE ANO RESULTING FROM THE INTRODUCTION OF EU-OPS

When an Article (or paragraph) is 'disapplied', it means that aircraft operating for the purpose of commercial air transport under an EU-OPS AOC will not be subject to that requirement.

ANO 2005	Changes	Comments and queries
1	No change	
2	No change	
3	No change	The term commercial air transport is added to Article 3(2)(b).
4	No change	The term commercial air transport is added to Article 4(4)(b).
5	No change	
6	No change	Retain as a national AOC for operations which are public transport under the ANO but not commercial air transport by aeroplanes requiring an EU-OPS AOC. As public transport is defined as excluding commercial air transport – no change because an Article 6 AOC will be required for public transport but not commercial air transport.
7	No change	
7A	New article	Including the power to issue an Operational Directive akin to issuing Airworthiness Directives to provide the domestic powers to impose a national operational restriction where considered essential to be notified to the Commission/EASA under Article 8 of EEC No. 3922/91.
8	No change	The term commercial air transport is added to Article 8(2)(a).
9	No change	
10	No change	
11	No change	The term commercial air transport is added to Article 11(2).
12	No change	
13	No change	The term commercial air transport is added to Article 13(2).
14	No change	The term commercial air transport is added to Article 14(1)(b) and Article 14(2).

ANO 2005	Changes	Comments and queries
15	Disapply	Part-M now replaces Article 15 for EU-OPS operators.
16	No change	
17	No change	
18	No change	
19	Disapply	
20	Disapply	
21	Disapply	
22	No change	
23	Disapply (1) and (2) No change (3)	EU-OPS record of weighing under OPS 1.605.
24	No change	
25(1)	No change	
25(2)–(6)	Disapply	
25(7)–(8)	No change	
25(9)	Disapply	Reference to Schedule 7 deleted for all aircraft.
25(10)– (15)	Disapply	
26	No change	The term commercial air transport is included throughout the Article.
27	No change	
28	No change	
29	No change	
30	No change	
31	No change	
32	No change	
33	No change	
34	No change	
35	No change	

ANO 2005	Changes	Comments and queries
36	No change	
37	No change	
38	Disapply	The exemption for flights of less than 60 minutes will be lost.
39	No change	
40	Disapply	Training requirements now part of the operations manual for EU-OPS operators.
41	Disapply	
42	Disapply	
43	Disapply	Concession in Articles 43(3) and 43(9) will be lost. A proposal will be made to the Commission under Article 8 for the equivalent obligation to Article 43(10) to be incorporated in OPS 1.270.
44	Disapply	Subpart F will be directly applicable to EU-OPS aeroplanes. Subpart F refers in the ANO to EU-OPS rather than JAR-OPS even for non-EU-OPS aeroplanes. A proposal will be made to the Commission under Article 8 to permit use of ANGR(s) for EU-OPS operators.
45	No change	
46	No change	The Article is applied to commercial air transport as well as public transport.
47	Disapply	
48	Disapply to Non-UK EU-OPS Operators	
49	No change	The Article excludes commercial air transport as well as public transport.
50	Disapply	
51	No change	
52	New text Disapply	Pre-flight action by commander of aircraft including EU-OPS aeroplanes. Pre-flight action by commander of aircraft other than EU-OPS aeroplanes.
52A	No change	

ANO 2005	Changes	Comments and queries
53	Disapply	
54	Disapply	The specific discretion in Article 54(9) will be lost.
54A	No change	
55	No change	The term commercial air transport is added to this Article.
56	No change	Retain in support of OPS 1.243.
57	No change	Retain in support of OPS 1.241.
58	No change	
59	No change	Retain in support of OPS 1.243.
60	No change	
61	Disapply	
62	Disapply	Note that by disapplying Article 62(2)(b), the requirement for a specimen flight is lost.
62A	No change	
63	No change	
64	No change	
65	No change	
66	No change	
67	No change	
68	No change	
69	Disapply	Paragraph 69(4) deleted – incorporated in Article 69A.
69A	New article	Applied to individuals - see above.
70	No change	
71	No change	Retain in support of OPS 1.075.
72	No change	The term commercial air transport is added to Article 72(1).
72A	No change	Text from Article 72(7) and (8) above.
73	No change	

ANO 2005	Changes	Comments and queries
74	No change	
75(1)	New text	Amended to mirror OPS 1.115 text.
75(2)	Disapply	
76	No change	Retain in support of OPS 1.335.
77	No change	Retain in support of OPS 1.090.
78	No change	Retain in support of OPS 1.120.
79	No change	Retain in support of OPS 1.105.
80	No change	
81	No change	
82(1)(a)	Disapply	
82(1)(b)	No change	
82(1)(c)	No change	
82(1)(d)	No change	
82(2)	Disapply	
82(3)	Disapply	EU-OPS refers to block times whereas the ANO refers to flight times.
82(4)	Disapply	EU-OPS refers to 15 months whereas the ANO refers to 12 months.
82A	New article	Fatigue of crew – EU-OPS operator's responsibilities.
83(1)	Disapply	
83(2)	Disapply	
84(1)	Disapply	
84(2)	No change	The term commercial air transport is added to this Article.
85 (except (3))	Disapply	
85(3)	No change	
86(1)	No change	
86(2)	Disapply	

ANO 2005	Changes	Comments and queries
86(3)	Disapply	
87	Disapply	
88(1)	Disapply	
88(2)	Disapply	
88(3)	No change	
88(4)	No change	
89	No change	
90	No change	Extended to cover EU-OPS.
91	Disapply	
92	No change	
93	No change	
94	No change	Extended to cover EU-OPS.
95	No change	
96	No change	
97	No change	
98	No change	
99	No change	
100	No change	
101	No change	
102	No change	
103	No change	
104	No change	
105	No change	
106	No change	
107	No change	
108	No change	
109	No change	

ANO 2005	Changes	Comments and queries
110	No change	
111	No change	
112	No change	
113	No change	
114	No change	
115	No change	
116	No change	
117	No change	
118	No change	
119	No change	
120	No change	
121	No change	
122	No change	
123	No change	
124	No change	
125	No change	
126	No change	Extended to include commercial air transport flights.
127	No change	Extended to include commercial air transport flights.
128	No change	The term commercial air transport is added to Article 128(3).
129	No change	
130	No change	
131	No change	
132	No change	
133	No change	
134	No change	
135	No change	

ANO 2005	Changes	Comments and queries
136	No change	
137	No change	
138	No change	
139	No change	
140	No change	
141	No change	
142	No change	
143	No change	
144	No change	Extended to include commercial air transport flights.
144A, B and C	No change	
145	No change	
146	No change	
147	No change	Extended to EU-OPS if it contains powers to direct.
148	No change	Extended to include references to EU-OPS. Make requirement to have an Air Operator's Certificate where required by EU-OPS a Part B offence in Schedule 14.
149	No change	
150	No change	
151	No change	Include EU-OPS references.
152	No change	
153	No change	
154	No change	
155	New definitions	
156	No change	
157	Disapply	
158	Disapply	
159	Disapply	

ANO 2005	Changes	Comments and queries
160	Disapply	
161	Disapply	
162	Disapply	
163	Disapply	
164	No change	
165	No change	
166	No change	
167	No change	
168	No change	

ANO 2005 Schedules	Changes	Comments and queries
1	No change	
2	No change	
3	Disapply Part B	Special category aircraft are removed from being used for commercial air transport.
4	Disapply	
5	Disapply	
6	No change	
7	Deleted	The great majority of flights in these areas will be conducted by aeroplanes operated under EU-OPS to which Article 25(9) and Schedule 7 will not apply. Since the general obligation in EU-OPS is sufficient for the vast majority of large passenger carrying aeroplanes, it was inappropriate to retain a more prescriptive requirement for a small number of smaller aircraft.
8	No change	Extended to include commercial air transport.
9	Disapply	
10	Disapply	
11	No change	

ANO 2005 Schedules	Changes	Comments and queries
12	No change	
13	No change	
14	Amended to include EU-OPS offences	Include any specific requirements in EU-OPS which should be subject to Part A or Part B penalties. The requirement for an EU-OPS AOC should be in Part B in the same way as the requirement for an Article 6 AOC.
15	No change	

Other Legislation	Consequential Changes	Comments and queries
CAA Reg 6	Amend	Regulation 6 of the CAA Regulations to apply to EASA Certification.

AMENDMENTS TO THE AN(DG)Rs RESULTING FROM THE INTRODUCTION OF EU-OPS

When an Article (or paragraph) is 'disapplied', it means that aircraft operating for the purpose of commercial air transport under an EU-OPS AOC will not be subject to that requirement.

Air Navigation (Dangerous Goods) Regulations 2002	Comments
1	No change.
2	No change.
3	No change.
4	Regulation 4(1) disapplied.
5	A new Regulation 5(4) introduced which lists those other Regulations which do not apply to an EU-OPS operator.
6	Disapplied.
7	Disapplied.
8	Disapplied.
9	Disapplied.
10	Disapplied.
11	No change.
12	Disapplied.

Air Navigation (Dangerous Goods) Regulations 2002	Comments
13	Regulation 13(2)(a) and (b) and (5) disapplied.
14	Regulation 14(1) and (2) disapplied.
15	Disapplied.
16	No change.
17	A new Regulation 17(1)(e) introduced to specify those documents referred to in EU-OPS which must be produced when requested by an authorised person.
18	No change.
19	Disapplied.
20	No change.
21	No change.

PROPOSED AMENDMENT TO THE ANO AND AN(DG)Rs RESULTING FROM THE ADOPTION OF EU-OPS

DETAILED PROPOSALS FOR AMENDING THE ANO

1 *Amend Article 7 as follows:*

Grant of police air operators' certificates

- (3) ***An aircraft registered in the United Kingdom shall not fly on any flight in the service of a police authority otherwise than under and in accordance with:***
- (a) the terms of a police air operator's certificate granted to the operator of the aircraft;***
 - (b) the terms of a national air operator's certificate granted to the operator of the aircraft; or***
 - (c) the terms of an EU-OPS air operator's certificate granted to the operator.***

2 *Add Article 7A as follows:*

Operational Directives

- (1) ***The CAA may direct by means of an Operational Directive that an operation shall be prohibited, limited or subject to certain conditions, in the interests of safe operations.***
- (2) ***Operational Directives will state:***
- (a) The reason for issue;***
 - (b) Applicability and duration; and***
 - (c) Action required by the operator(s).***

3 *Amend Article 15 as follows:*

Technical Log

- (3) In the case of an aircraft of which the maximum total weight authorised is 2730 kg or less and which is not operated by the holder of a ***national*** air operator's certificate ~~granted by the CAA under article 6(2)~~ a record approved by the CAA (in this article, article 14(5)(c) and in Schedule 6 called "an approved record") may be kept instead of a technical log.

4 *Amend Article 19 as follows:*

Equipment of aircraft

- (2) In the case of any aircraft registered in the United Kingdom ***which is not an EU-OPS aeroplane*** the equipment required to be provided (in addition to any other equipment required by or under this Order) shall:

5 *Amend Article 20 as follows:*

Radio equipment of aircraft

- (2) Without prejudice to paragraph (1), the **any such aircraft which is not an EU-OPS aeroplane** shall be equipped with radio communication and radio navigation equipment in accordance with Schedule 5.

6 Amend Article 21 as follows:

Minimum equipment requirements

(1A) This article applies to any aircraft registered in the United Kingdom which is not an EU-OPS aeroplane.

- (1) The CAA may grant in respect of any aircraft or class of aircraft **to which this article applies** ~~registered in the United Kingdom~~ a permission permitting such aircraft to commence a flight in specified circumstances notwithstanding that any specified item of equipment required by or under this Order to be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use.

- (2) An aircraft ~~registered in the United Kingdom~~ **to which this article applies** shall not commence a flight if any of the equipment required by or under this Order to be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use unless:

7 Amend Article 23 as follows:

Aircraft weight schedule

(1A) This article applies to any flying machine and glider in respect of which a certificate of airworthiness issued or rendered valid under this Order is in force which is not an EU-OPS aeroplane.

- (1) Every **aircraft** ~~flying machine and glider in respect of which a certificate of airworthiness issued or rendered valid under this Order is in force~~ **to which this article applies** shall be weighed, and the position of its centre of gravity determined, at such times and in such manner as the CAA may require or approve in the case of that aircraft.

8 Amend Article 25 as follows:

Carriage of flight ~~Composition of crew of aircraft~~

- (1) An aircraft shall not fly unless it carries a flight crew of the number and description required by the law of the country in which it is registered.

Carriage of flight crew by aircraft registered in the United Kingdom

- (2) An aircraft registered in the United Kingdom **which is not an EU-OPS aeroplane:**

Power to direct operator to carry additional crew

- (15) The CAA may in the interests of safety direct the operator of any aircraft registered in the United Kingdom **other than an EU-OPS operator** that all or any aircraft operated by him when flying in circumstances specified in the direction shall carry, in addition to the crew required to be carried therein by the foregoing provisions of this article, such additional persons as members of the flight crew or the cabin crew as it may specify in the direction.

9 Amend Article 45 as follows:

Public transport - helicopters - operating conditions and performance requirements

- (5) Without prejudice to paragraph (4), a helicopter carrying out Performance Class 3 operations:
- (b) which is equipped with the required apparatus and which is flying under and in accordance with the terms of ~~an~~ **a national** air operator's certificate, ~~granted by the CAA under article 6(2)~~ shall not fly in the specified circumstances on any flight for more than three minutes except with the permission in writing of the CAA;
- (7) Without prejudice to paragraph (4), a helicopter carrying out Performance Class 1 or Performance Class 2 operations:
- (a) which is flying under and in accordance with the terms of ~~an~~ **a national** air operator's certificate, ~~granted by the CAA under article 6(2)~~ shall not fly over water for the purpose of public transport for more than 15 minutes during any flight unless it is equipped with the required apparatus;

10 Amend Article 46 as follows:

Commercial air transport or public transport flights at night or in Instrument Meteorological Conditions by aeroplanes with one power unit which are registered elsewhere than in the United Kingdom

11 Amend Article 49 as follows:

~~Non-public transport aircraft~~ **Aircraft which are neither commercial air transport nor public transport aircraft – aerodrome operating minima**

- (1) This article shall apply to any aircraft which is ~~not~~ **neither a commercial air transport nor** a public transport aircraft.

12 Amend Article 50 as follows:

Pilots to remain at controls

- (1) The commander of a flying machine or glider registered in the United Kingdom **which is not an EU-OPS aeroplane** shall cause one pilot to remain at the controls at all times while it is in flight.
- (4) Each pilot at the controls **of a flying machine or glider registered in the United Kingdom which is not an EU-OPS aeroplane** shall be secured in his seat by either a safety belt with or without one diagonal shoulder strap, or a safety harness except that during take-off and landing a safety harness shall be worn if it is required by article 19 and Schedule 4 to be provided.

13 Amend Article 52 as follows:

Pre-flight action by commander of aircraft other than EU-OPS aeroplanes

The commander of an aircraft **registered in the United Kingdom which is not an EU-OPS aeroplane** shall take all reasonable steps to satisfy himself before the aircraft takes off:

- ~~(g) in the case of a flying machine, that having regard to the performance of the flying machine in the conditions to be expected on the intended flight, and to any obstructions at~~

~~the places of departure and intended destination and on the intended route, it is capable of safely taking off, reaching and maintaining a safe height thereafter and making a safe landing at the place of intended destination;~~

Renumber sub-paragraphs (h) and (i)

14 *Add Article 52(X?) as follows:*

Pre-flight action by commander of aircraft including EU-OPS aeroplanes

The commander of a flying machine or airship registered in the United Kingdom shall take all reasonable steps to satisfy himself before take-off that sufficient fuel, oil and engine coolant (if required) are carried for the intended flight, and that a safe margin has been allowed for contingencies, and, in the case of a flight for the purpose of public transport, that the instructions in the operations manual relating to fuel, oil and engine coolant have been complied with.

15 *Amend Article 53 as follows:*

Passenger briefing by commander

(1) Subject to paragraph (2), the commander of an aircraft registered in the United Kingdom ***which is not an EU-OPS aeroplane*** shall take all reasonable steps to ensure:

16 *Amend Article 69 as follows:*

Carriage of weapons and of munitions of war

(1A) This article shall apply to any aircraft other than an EU-OPS aeroplane.

(1) Subject to paragraph (65) an aircraft to which this article applies shall not carry any munition of war unless:

(3) Subject to paragraph (54), it shall be unlawful for an aircraft ***to which this article applies*** to carry any sporting weapon or munition of war in any compartment or apparatus to which passengers have access.

~~(4) Subject to paragraph (5), it shall be unlawful for a person to carry or have in his possession or take or cause to be taken on board an aircraft, to suspend or cause to be suspended beneath an aircraft or to deliver or cause to be delivered for carriage thereon any sporting weapon or munition of war unless:~~

~~(a) the sporting weapon or munition of war:~~

~~(i) is either part of the baggage of a passenger on the aircraft or consigned as cargo to be carried thereby;~~

~~(ii) is carried in a part of the aircraft, or in any apparatus attached to the aircraft inaccessible to passengers; and~~

~~(iii) in the case of a firearm, is unloaded;~~

~~(b) particulars of the sporting weapon or munition of war have been furnished by that passenger or by the consignor to the operator before the flight commences; and~~

~~(c) without prejudice to paragraph (1) the operator consents to the carriage of such sporting weapon or munition of war by the aircraft.~~

Renumber paragraphs (5), (6) and (7).

17 Add Article 69A as follows:

Prohibition on person possessing or taking on board weapons and munitions of war

- (1) **Subject to paragraphs (2) and (3), it shall be unlawful for a person to carry or have in his possession or take or cause to be taken on board an aircraft, to suspend or cause to be suspended beneath an aircraft or to deliver or cause to be delivered for carriage thereon any sporting weapon or munition of war unless:**
- (a) **the sporting weapon or munition of war:**
 - (i) **is either part of the baggage of a passenger on the aircraft or consigned as cargo to be carried thereby;**
 - (ii) **is carried in a part of the aircraft, or in any apparatus attached to the aircraft inaccessible to passengers; and**
 - (iii) **in the case of a firearm, is unloaded;**
 - (b) **particulars of the sporting weapon or munition of war have been furnished by that passenger or by the consignor to the operator before the flight commences; and**
 - (c) **without prejudice to paragraph (1) the operator consents to the carriage of such sporting weapon or munition of war by the aircraft.**
- (2) **Paragraph (1) shall not apply to or in relation to an aircraft which is flying under and in accordance with the terms of a police air operator's certificate.**
- (3) **Paragraph (1) shall not apply to any sporting weapon or munition of war taken or carried on board an aircraft registered in a country other than the United Kingdom if the sporting weapon or munition of war, as the case may be, may under the law of the country in which the aircraft is registered be lawfully taken or carried on board for the purpose of ensuring the safety of the aircraft or of persons on board.**

18 Amend Article 72 as follows:

Exits – ~~public transport aeroplanes and helicopters~~

- (1) This article shall apply to **all aircraft** ~~every public transport aeroplane or helicopter~~ registered in the United Kingdom.

19 Amend Article 75 as follows:

Drunkenness in aircraft

- (2) **Subject to paragraph (3),** a person shall not, when acting as a member of the crew of any aircraft or being carried in any aircraft for the purpose of so acting, be under the influence of drink or a drug to such an extent as to impair his capacity so to act.
- (3) **This article shall not apply to an EU-OPS aeroplane.**

20 Amend Article 81 as follows:

Application and interpretation of Part 6

- (1) Subject to paragraph (2), articles 82 and 83 shall apply to any aircraft registered in the United Kingdom which is either:
 - (b) operated by **the holder of a national air operator's certificate** ~~an air transport undertaking~~.
- (2) Articles 82 and 83 shall not apply in relation to a flight made only for the purpose of instruction in flying given by or on behalf of a flying club or flying school, or a person who is not ~~an air transport undertaking~~ **the holder of a national air operator's certificate**.
- (3) For the purposes of this Part:
 - (a) "flight time", in relation to any person, means all time spent by that person in:
 - (i) a civil aircraft whether or not registered in the United Kingdom (other than such an aircraft of which the maximum total weight authorised does not exceed 1600 kg and which is not flying for the purpose of **commercial air transport**, public transport or aerial work); or

21 Add Article 82(A) as follows:

Fatigue of crew – EU-OPS operator's responsibilities

The operator of an EU-OPS aircraft shall not cause or permit that aircraft to make a flight unless:

- (a) **the scheme for the regulation of flight times required under EU-OPS has been approved by the CAA; and**
- (b) **he has taken all such steps as are reasonably practicable to ensure that the provisions of the scheme will be complied with in relation to every person flying in that aircraft as a member of its crew.**

22 Amend Article 84 as follows:

Flight times – responsibilities of flight crew

- (2) This article shall not apply to a flight which is:
 - (b) a flight which is ~~not~~ for the purpose of **neither commercial air transport nor public transport** and is not operated by **the holder of a national air operator's certificate** ~~an air transport undertaking~~ where, at the time when the flight begins, the aggregate of all the flight times of the member of the flight crew concerned since he was last medically examined and found fit by a person approved by the CAA for the purpose of article 32(2) does not exceed 25 hours.

23 Amend Article 86 as follows:

Documents to be carried

- (2) Subject to paragraph (3), an aircraft registered in the United Kingdom **which is not an EU-OPS aeroplane** shall, when in flight, carry documents in accordance with Schedule 10.

24 Amend Article 90 as follows:

Power to inspect and copy documents and records

An authorised person shall have the power to inspect and copy any certificate, licence, log book, document or record which he has the power under this Order or any regulations made thereunder **or under EU-OPS** to require to be produced to him.

25 Amend Article 91 as follows:

Preservation of documents, etc.

(1A) This article shall not apply to or in respect of an EU-OPS aeroplane or an EU-OPS operator.

- (1) Subject to paragraphs (2), (3), (4) and (5), a person **to whom this article applies who is** required by this Order to preserve any document or record by reason of his being the operator of an aircraft shall, if he ceases to be the operator of the aircraft, continue to preserve the document or record as if he had not ceased to be the operator, and in the event of his death the duty to preserve the document or record shall fall upon his personal representative.
- (2) If another person **to whom this article applies** becomes the operator of the aircraft, the first-mentioned operator or his personal representative shall deliver to that person upon demand the certificates of maintenance review and release to service, the log books and the weight schedule and any record made by a flight data recorder and preserved in accordance with article 62(2) and (4) which are in force or required to be preserved in respect of that aircraft.
- (3) If an engine or variable pitch propeller is removed from the aircraft and installed in another aircraft operated by another person **to whom this article applies** the first-mentioned operator or his personal representative shall deliver to that person upon demand the log book relating to that engine or propeller.
- (4) If any person in respect of whom a record has been kept by the first-mentioned operator in accordance with article 82(4) becomes a member of the flight crew of a public transport aircraft registered in the United Kingdom and operated by another person **to whom this article applies** the first-mentioned operator or his personal representative shall deliver those records to that other person upon demand.

26 Amend Article 94 as follows:

Offences in relation to documents and records

- (1) A person shall not with intent to deceive:
 - (a) use any certificate, licence, approval, permission, exemption or other document issued or required by or under this Order, ~~or~~ by or under Part 21, 66, 145, 147 or M **or by or under EU-OPS** which has been forged, altered, revoked or suspended, or to which he is not entitled;
 - (b) lend any certificate, licence, approval, permission, exemption or any other document issued or having effect or required by or under this Order, ~~or~~ by or under Part 21, 66, 145, 147 or M **or by or under EU-OPS** to, or allow it to be used by, any other person; or
- (2) A person shall not intentionally damage, alter or render illegible any log book or other record required by or under this Order, ~~or~~ by or under Part 21, 66, 145, 147 or M **or by or**

under EU-OPS to be maintained or any entry made therein, or knowingly make, or procure or assist in the making of, any false entry in or material omission from any such log book or record or destroy any such log book or record during the period for which it is required under this Order to be preserved.

- (5) A person shall not purport to issue any certificate for the purposes of this Order, of any regulations made thereunder, ~~or of Part 21, 66, 145, 147 or M~~ **or of EU-OPS** unless he is authorised to do so under this Order, ~~or Part 21, 66, 145, 147 or M~~ **or under EU-OPS** as the case may be.

27 Amend Article 126 as follows:

Requirement to use a licensed aerodrome ~~Aerodromes — public transport of passengers and instruction in flying~~

- (2) Subject to paragraph (4), paragraph (1) applies to:
- (a) any aeroplane of which the maximum total weight authorised exceeds 2730 kg flying on a flight:
 - (ii) **for the purpose of commercial air transport;**
 - (iii) ~~(ii)~~ for the purpose of instruction in flying given to any person for the purpose of becoming qualified for the grant of a pilot's licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence; or
 - (iv) ~~(iii)~~ for the purpose of carrying out flying tests in respect of the grant of a pilot's licence or the inclusion of an aircraft rating or a night rating in a licence;
 - (b) any aeroplane of which the maximum total weight authorised does not exceed 2730 kg flying on a flight:
 - (i) which is a scheduled journey for the purpose of the public transport of passengers **or which is a scheduled journey for the purpose of commercial air transport;**
 - (ii) for the purpose of the public transport of passengers beginning and ending at the same aerodrome **or for the purpose of commercial air transport beginning and ending at the same aerodrome;**
 - (iv) for the purpose of **commercial air transport or** the public transport of passengers, at night;

28 Amend Article 127 as follows:

Use of Government aerodromes

With the concurrence of the Secretary of State, the CAA may cause to be notified, subject to such conditions as it thinks fit, any Government aerodrome as an aerodrome available for the take-off and landing of aircraft engaged on flights for the purpose of **commercial air transport, the purpose of** the public transport of passengers or for the purpose of instruction in flying or of any classes of such aircraft.

29 Amend Article 128 as follows:

Licensing of aerodromes

- (3) The holder of an aerodrome licence granted under this Order (in this article called “an aerodrome licence holder”) shall:
- (b) in the case of a licence for public use, cause to be notified the times during which the aerodrome will be available for the take-off or landing of aircraft engaged on flights for the purpose of **commercial air transport or** the public transport of passengers or instruction in flying.

30 Amend Article 142 as follows:

Mandatory reporting of occurrences

- (5) Every person listed below shall report to the CAA any event which constitutes an occurrence for the purposes of paragraph (3) and which comes to his attention in the exercise of his functions:
- (b) the operator and the commander of an aircraft operated under ~~an~~ **a national** air operator's certificate **or an EU-OPS air operator's certificate** granted by the CAA;
- (c) a person who carries on the business of manufacturing a turbine-powered **aircraft or a commercial air transport aeroplane or** a public transport aircraft, or any equipment or part thereof, in the United Kingdom;
- (e) a person who carries on the business of maintaining or modifying an aircraft, operated under ~~an~~ **a national** air operator's certificate **or an EU-OPS air operator's certificate** granted by the CAA, and a person who carries on the business of maintaining or modifying any equipment or part of such an aircraft;
- (g) a person who signs an airworthiness review certificate, or a certificate of release to service in respect of an aircraft, operated under ~~an~~ **a national** air operator's certificate **or an EU-OPS air operator's certificate** granted by the CAA, and a person who signs an airworthiness review certificate or a certificate of release to service in respect of any equipment or part of such an aircraft;

31 Amend Article 144 as follows:

Power to prevent aircraft flying

- (1) If it appears to the CAA or an authorised person that any aircraft is intended or likely to be flown:
- (b) **in such circumstances that the requirement to hold an EU-OPS air operator's certificate would be contravened in relation to the flight;**
- ~~(bc)~~ in such circumstances that the flight would be in contravention of any other provision of this Order, of any regulations made thereunder, ~~of~~ of Part 21, 145 or M **or of EU-OPS** and be a cause of danger to any person or property whether or not in the aircraft; or
- ~~(ed)~~ while in a condition unfit for the flight, whether or not the flight would otherwise be in contravention of any provision of this Order, of any regulations made thereunder, ~~of~~ of Part 21, 145 or M **or of EU-OPS;**

32 Amend Article 148 as follows:

Penalties

- (1) If any provision of this Order, or any regulations made thereunder, ~~of~~ Part 21, 145 or M **or of EU-OPS** is contravened in relation to an aircraft, the operator of that aircraft and the commander and, in the case of a contravention of article 138, the charterer of that aircraft, shall (without prejudice to the liability of any other person for that contravention) be deemed for the purposes of the following provisions of this article to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.
- (2) If it is proved that an act or omission of any person which would otherwise have been a contravention by that person of a provision of this Order, or any regulations made thereunder, ~~of~~ Part 21, 66, 145, 147 or M **or of EU-OPS** was due to any cause not avoidable by the exercise of reasonable care by that person the act or omission shall be deemed not to be a contravention by that person of that provision.
- (3) Where a person is charged with contravening a provision of this Order or any regulations made thereunder by reason of his having been a member of the flight crew of an aircraft on a flight for the purpose of **commercial air transport**, public transport or aerial work the flight shall be treated (without prejudice to the liability of any other person under this Order) as not having been for that purpose if he proves that he neither knew nor suspected that the flight was for that purpose.
- (4) If any person contravenes any provision of this Order, or any regulations made thereunder, ~~of~~ Part 21, 66, 145, 147 or M **or of EU-OPS**, not being a provision referred to in paragraph (5), (6) or (7), he shall be guilty of an offence and liable on summary conviction to a fine not exceeding Level 3 on the standard scale.

33 Amend Article 155 as follows:

Interpretation

- (1) In this Order:

'Aerial work aircraft' means an aircraft (other than a public transport aircraft **or a commercial air transport aeroplane**) flying, or intended by the operator to fly, for the purpose of aerial work;

~~'Air transport undertaking' means an undertaking whose business includes the undertaking of flights for the purpose of the public transport of passengers or cargo;~~

'Authorised person' means:

- (c) in article 144(1) and (2) and in any article other than article 144 **and for the purposes of EU-OPS**, any person authorised by the CAA (whether by name or by class or description) either generally or in relation to a particular case or class of cases; **and**

'Commercial air transport aircraft' means an aircraft flying, or intended by the operator of the aircraft to fly, for the purpose of commercial air transport;

'Commercial air transport flight' means a flight which is required to be operated under and in accordance with an EU-OPS air operator's certificate and an aircraft flies for the purpose of commercial air transport if the flight is a commercial air transport flight;

'EU-OPS' means Annex III, so entitled, to Regulation (EEC) No. 3922/91;

'EU-OPS aeroplane' is an aeroplane operated by an EU-OPS operator;

'EU-OPS air operator's certificate' means an air operator's certificate granted under EU-OPS;

'EU-OPS operator' means an operator who is required to operate under and in accordance with an EU-OPS air operator's certificate;

'National air operator's certificate' means an air operator's certificate granted by the CAA under article 6(2);

'Private aircraft' means an aircraft which is neither an aerial work **aircraft**, nor a public transport aircraft **nor a commercial air transport aeroplane**;

'Private flight' means a flight which is neither for the purpose of aerial work, nor public transport **nor commercial air transport**;

- (4) For the purposes of the application of any provision in Part III of this Order, when by virtue of any charter or other agreement for the hire or loan of an aircraft a person other than ~~an air transport undertaking~~ **the holder of a national air operator's certificate, the holder of an EU-OPS air operator's certificate** or an aerial work undertaking has the management of that aircraft for a period not exceeding 14 days, paragraph (3) shall have effect as if that agreement had not been entered into.

34 Amend Article 157 as follows:

Public transport and aerial work – general rules

- (1) Subject to the provisions of this article ~~and articles 158 to 163~~, aerial work means any purpose (other than public transport **or commercial air transport**) for which an aircraft is flown if valuable consideration is given or promised in respect of the flight or the purpose of the flight.
- (3) Subject to the provisions of this article ~~and articles 158 to 163~~, an aircraft in flight shall for the purposes of this Order be deemed to fly for the purposes of public transport **if it is not flying for the purposes of commercial air transport and:**
- (b) if any passengers or cargo are carried gratuitously in the aircraft on that flight by **the holder of a national air operator's certificate or an EU-OPS air operator's certificate** ~~an air transport undertaking~~, not being persons in the employment of the **holder of the air operator's certificate** ~~undertaking~~ (including, in the case of a body corporate, its directors and, in the case of the CAA, the members of the CAA), persons with the authority of the CAA either making any inspection or witnessing any training, practice or test for the purposes of this Order, or cargo intended to be used by any such passengers as aforesaid, or by the undertaking;
or

35 Add paragraph (9) to Article 157 as follows:

- (9) **Nothing in articles 158 to 163 shall apply to a commercial air transport flight.**

36 Amend Part B to Schedule 3 as follows:

Categories of certificate of airworthiness and purposes for which aircraft may fly

Special Category	Any purpose, other than public transport or commercial air transport , specified in the certificate of airworthiness but not
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including the carriage of passengers unless expressly permitted.

37 Amend Schedule 4 as follows:

Aircraft Equipment

1 Every aircraft of a description specified in the first column of the Table in paragraph 5 of this Schedule and which is registered in the United Kingdom **but which is not an EU-OPS aeroplane** shall be provided, when flying in the circumstances specified in the second column of the said Table, with adequate equipment, and for the purpose of this paragraph the expression “adequate equipment” shall mean, subject to paragraph 2, the scales of equipment respectively indicated in the third column of that Table.

5 Table

(1) Gliders	(a)	flying for purposes other than commercial air transport , public transport or aerial work; and when flying by night
	(b)	flying for the purpose of commercial air transport , public transport or aerial work; and
(2) Aeroplanes	(a)	flying for purposes other than commercial air transport or public transport; and

38 Amend Schedule 5 as follows:

Radio communication and radio navigation equipment to be carried in aircraft

1 Subject to paragraph 3, every aircraft **which is not an EU-OPS aeroplane** shall be provided, when flying in the circumstances specified in the first column of the Table in paragraph 2 of this Schedule, with the scales of equipment respectively indicated in the second column of that Table; provided that, if the aircraft is flying in a combination of such circumstances the scales of equipment shall not on that account be required to be duplicated.

3 (2) An aircraft which is not **a commercial air transport aircraft or** a public transport aircraft and which is flying in Class D or Class E airspace shall not be required to be provided with distance measuring equipment in accordance with paragraph (b) of Scale F when flying in the circumstances specified in sub-paragraph (1)(a) of paragraph 2.

39 Amend Schedule 7 as follows:

Schedule 7 is deleted in total.

40 Amend Schedule 8 as follows:

Flight Crew of Aircraft – Licences, Ratings, Qualifications and Maintenance of Licence Privileges

PART A – FLIGHT CREW LICENCES

Section 1 – United Kingdom Licences

Sub-Section 1 AEROPLANE PILOTS

Private Pilot's Licence (Aeroplanes)

- (2) He shall not:
- (a) fly such an aeroplane for the purpose **of commercial air transport**, public transport or aerial work save as hereinafter provided:

Basic Commercial Pilot's Licence (Aeroplanes)

- (3) He shall not:
- (a) fly such an aeroplane on a flight for the purpose of **commercial air transport or public transport** if he has less than 400 hours of flying experience as pilot in command of aeroplanes other than self-launching motor gliders or microlight aeroplanes;
 - (b) fly such an aeroplane on a flight for the purpose of **commercial air transport or public transport** if its maximum total weight authorised exceeds 2300 kg;
 - (d) fly such an aeroplane on a flight for the purpose of **commercial air transport or public transport** except a flight beginning and ending at the same aerodrome and not extending beyond 25 nautical miles from that aerodrome;
 - (e) fly such an aeroplane on a flight for the purpose of **commercial air transport or public transport** after he attains the age of 60 years unless the aeroplane is fitted with dual controls and carries a second pilot who has not attained the age of 60 years and who holds an appropriate licence under this Order entitling him to act as pilot in command or co-pilot of that aeroplane;
- (5) He shall not be entitled to exercise the privileges contained in paragraph (4) other than in an aeroplane which he is entitled to fly as pilot in command on a private flight, an aerial work flight, ~~or~~ a **commercial air transport flight or** a public transport flight under the privileges set out in paragraph (1) or (2) of these privileges.
- (6) Subject to paragraph (7) he shall be entitled to fly as co-pilot of any aeroplane of a type specified in an aircraft rating included in the licence when the aeroplane is engaged on a flight for any purpose whatsoever provided that he shall not be entitled to fly as co-pilot of an aeroplane which is engaged on a flight for the purpose of **commercial air transport or** public transport unless he has more than 400 hours of flying experience as pilot in command of aeroplanes other than self-launching motor gliders and microlight aeroplanes and the aeroplane is certificated for single pilot operation.
- (7) He shall not at any time after he attains the age of 65 years act as pilot in command or co-pilot of any aeroplane on a flight for the purpose of **commercial air transport or** public transport.

Commercial Pilot's Licence (Aeroplanes)

- (3) He shall not:
- (e) unless his licence includes an instrument rating (aeroplane), fly any such aeroplane of which the maximum total weight authorised exceeds 2300 kg on any flight for the purpose of **commercial air transport or** public transport, except a flight beginning and ending at the same aerodrome and not extending beyond 25 nautical miles from that aerodrome;
 - (f) fly such an aeroplane on a flight for the purpose of **commercial air transport or** public transport unless it is certificated for single pilot operation;

- (g) fly such an aeroplane on any flight for the purpose of **commercial air transport or** public transport after he attains the age of 60 years unless the aeroplane is fitted with dual controls and carries a second pilot who has not attained the age of 60 years and who holds an appropriate licence under this Order entitling him to act as pilot in command or co-pilot of that aeroplane;
- (5) He shall not be entitled to exercise privileges contained in paragraph (4) other than in an aeroplane which he is entitled to fly as pilot in command on a private flight, an aerial work flight, ~~or~~ **a commercial air transport flight or** a public transport flight under the privileges set out in paragraph (1) or (2) of these privileges.
- (7) He shall not at any time after he attains the age of 65 years act as pilot in command or co-pilot of any aeroplane on a flight for the purpose of **commercial air transport or** public transport.

Sub-Section 2 HELICOPTER AND GYROPLANE PILOTS

Private Pilot's Licence (Helicopters)

- (2) He shall not:
 - (a) fly such a helicopter for the purpose of **commercial air transport or** public transport or aerial work other than aerial work which consists of:

Private Pilot's Licence (Gyroplanes)

- (2) He shall not:
 - (a) fly such a gyroplane for the purpose of **commercial air transport or** public transport or aerial work other than aerial work which consists of:

Commercial Pilot's Licence (Helicopters and Gyroplanes)

- (2) He shall not:
 - (b) fly such a helicopter on a flight for the purpose of **commercial air transport or** public transport unless it is certificated for single pilot operation;
 - (c) fly such a helicopter on any flight for the purpose of **commercial air transport or** public transport after he attains the age of 60 years unless the helicopter is fitted with dual controls and carries a second pilot who has not attained the age of 60 years and who holds an appropriate licence under this Order entitling him to act as pilot in command or co-pilot of that helicopter;
 - (g) fly such a gyroplane on a flight for the purpose of **commercial air transport or** public transport unless it is certificated for single pilot operation;
 - (i) fly such a gyroplane on any flight for the purpose of **commercial air transport or** public transport after he attains the age of 60 years unless the gyroplane is fitted with dual controls and carries a second pilot who has not attained the age of 60 years and who holds an appropriate licence under this Order entitling him to act as pilot in command or co-pilot of that gyroplane.
- (5) He shall not at any time after he attains the age of 65 years act as pilot in command or co-pilot of any helicopter or gyroplane on a flight for the purpose of **commercial air transport or** public transport.

Sub-Section 3 BALLOON AND AIRSHIP PILOTS

Private Pilot's Licence (Balloons and Airships)

- (2) He shall not:
- (a) fly such a balloon or airship for the purpose of **commercial air transport**, public transport or aerial work, other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests in either case in a balloon or airship owned, or operated under arrangements entered into, by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members;

Commercial Pilot's Licence (Balloons)

- (3) He shall not act as pilot in command on a flight for the purpose of **commercial air transport or** the public transport of passengers unless he has within the immediately preceding 90 days carried out as pilot in command in a free balloon at least 3 flights each of not less than 5 minutes' duration.

Section 2 – JAR–FCL Licences

Sub-Section 1 AEROPLANE PILOTS

Commercial Pilot Licence (Aeroplane)

- (1) Subject to any conditions specified in respect of the licence, the privileges of the holder of a Commercial Pilot Licence (Aeroplane) are to:
- (b) act as pilot in command or co-pilot of any aeroplane specified in a type or class rating included in Part XII of the licence on a flight other than **a commercial air transport or** a public transport flight;
 - (c) act as pilot in command on a **commercial air transport or** public transport flight of any aeroplane included in Part XII of the licence certificated for single pilot operation; and
 - (d) act as co-pilot on a **commercial air transport or** public transport flight of any aeroplane included in Part XII of the licence.
- (3) The holder shall not:
- (a) fly as pilot in command on a flight for the purpose of **commercial air transport or** public transport unless he complies with the requirements of paragraph 1.960(a)(1) and (2) of Section 1 of JAR-OPS 1;
 - (f) unless his licence includes an instrument rating (aeroplane), fly any such aeroplane of which the maximum total weight authorised exceeds 2300 kg on any flight for the purpose of **commercial air transport or** public transport, except a flight beginning and ending at the same aerodrome and not extending beyond 25 nautical miles from that aerodrome.
- (5) The holder shall not be entitled to exercise privileges contained in paragraph (4) other than in an aeroplane which he is entitled to fly as pilot in command on a private flight, an aerial work flight, ~~or~~ **a commercial air transport flight or** a public transport flight under the privileges set out in paragraph (1) or (2) of these privileges.
- (6) The holder of a licence who has attained the age of 60 years but not attained the age of 65 years shall not act as a pilot of an aeroplane on a **commercial air transport flight or** public transport flight except where the holder is:

- (7) The holder of a licence who has attained the age of 65 years shall not act as a pilot of an aeroplane on a **commercial air transport flight or** public transport flight.

Airline Transport Pilot Licence (Aeroplane)

- (1) Subject to any conditions specified in respect of the licence, the privileges of the holder of an Airline Transport Pilot Licence (Aeroplane) are to:
- (b) act as pilot in command or co-pilot of any aeroplane specified in a type rating included in Part XII of the licence on a **commercial air transport flight or** public transport flight.
- (3) The holder of a licence who has attained the age of 60 years but not attained the age of 65 years shall not act as a pilot of an aeroplane on a **commercial air transport flight or** public transport flight except where the holder is:
- (4) The holder of a licence who has attained the age of 65 years shall not act as a pilot of an aeroplane on a **commercial air transport flight or** public transport flight.

Sub-Section 2 HELICOPTER PILOTS

Commercial Pilot Licence (Helicopter)

- (1) Subject to any conditions specified in respect of the licence, the privileges of the holder of a Commercial Pilot Licence (Helicopter) are to:
- (b) act as pilot in command or co-pilot of any helicopter included in a type rating in Part XII of the licence on a flight other than a **commercial air transport or** public transport flight;
- (c) act as pilot in command on a **commercial air transport or** public transport flight of any helicopter certificated for single-pilot operation included in Part XII of the licence;
- (d) act as co-pilot on a **commercial air transport or** public transport flight in any helicopter included in Part XII of the licence required to be operated with a co-pilot.
- (3) The holder shall not fly as pilot in command on a flight for the purpose of **commercial air transport or** public transport unless he complies with the requirements of paragraph 3.960(a)(2) of Section 1 of JAR-OPS 3 except when flying by day under the provisions for flight with the surface in sight in Rule 29(i)(d) of the Rules of the Air Regulations 1996.
- (5) The holder of a licence who has attained the age of 60 years but not attained the age of 65 years shall not act as a pilot of a helicopter on a **commercial air transport or** public transport flight except where the holder is:
- (6) The holder of a licence who has attained the age of 65 years shall not act as a pilot of a helicopter on a **commercial air transport or** public transport flight.

Airline Transport Pilot Licence (Helicopter)

- (1) Subject to any conditions specified in respect of the licence, the privileges of the holder of an Airline Transport Pilot Licence (Helicopter) are to:
- (b) subject to paragraph (2), act as pilot in command or co-pilot in any helicopter included in a type rating in Part XII of the licence on a **commercial air transport or** public transport flight.

- (2) The holder shall not fly as pilot in command on a flight for the purpose of **commercial air transport or** public transport unless he complies with the requirements of paragraph 3.960(a)(2) of Section 1 of JAR-OPS 3 except when flying by day under the provisions for flight with the surface in sight in Rule 29(i)(d) of the Rules of the Air Regulations 1996.
- (3) The holder of a licence who has attained the age of 60 years but not attained the age of 65 years shall not act as a pilot of a helicopter on a **commercial air transport or** public transport flight except where the holder is:
- (4) The holder of a licence who has attained the age of 65 years shall not act as a pilot of a helicopter on a **commercial air transport or** public transport flight.

Section 3 – National Private Pilot’s Licence (Aeroplanes)

National Private Pilot’s Licence (Aeroplanes)

*Flight for purpose of **commercial air transport, public transport and aerial work***

- (3) He shall not fly any such an aeroplane for the purpose of **commercial air transport, public transport or aerial work** except in the circumstances specified in paragraph (4) or (4A).

PART B – RATINGS AND QUALIFICATIONS

Section 1 – Ratings which may be included in United Kingdom Licences and JAR-FCL Licences but not in National Private Pilot’s Licences (Aeroplanes)

Sub-Section 2 OTHER RATINGS

1

Towing rating (flying machines)

A towing rating (flying machines) entitles the holder of the licence to act as pilot of a flying machine while towing a glider in flight for the purpose of **commercial air transport, public transport or aerial work.**

PART C – MAINTENANCE OF LICENCE PRIVILEGES

Section 1 – Requirement for Certificate of Test or Experience

1 Appropriateness of certificate

- (a) A certificate of test or a certificate of experience required by article 28, 28A, 31(1) or 31A(3) shall not be appropriate to the functions to be performed on a flight unless it is a certificate appropriate to the description of the flight according to the following Table:

C	Commercial Pilot’s Licence (Balloons) Commercial Pilot’s Licence (Gliders) Commercial Pilot’s Licence (Airships)	For commercial air transport or public transport	Certificate of test
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41 Amend Schedule 14 as follows:

PENALTIES

PART A – PROVISIONS REFERRED TO IN ARTICLE 148(5)

Article 49 Aerodrome operating minima – **aircraft which are neither commercial air transport nor public transport aircraft** ~~non-public transport aircraft.~~

PART B – PROVISIONS REFERRED TO IN ARTICLE 148(6)

Article 6 Flight for the purpose of public transport without ~~a~~ **a national** air operator's certificate

PART D – PROVISIONS CONTAINED IN EU-OPS

EU-OPS 1.175(a)	<i>Flight for the purpose of commercial air transport without an EU-OPS air operator's certificate</i>
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DETAILED PROPOSALS FOR AMENDING THE AN(DG)Rs

1 Amend Regulation 5 as follows:

(4) Regulations 4(1), 6, 7, 8, 9, 10, 12, 13(2)(a) and (b) and (5), 14(1) and (2), 15 and 19 shall not apply to an EU-OPS Operator.

2 Amend Regulation 17 as follows:

(1) The operator of an aircraft on which dangerous goods are to be or have been carried and any agent thereof shall, within a reasonable time after being requested to do so by an authorized person, cause to be produced to that person such of the following documents as may have been requested by that person:

(e) the following documents pursuant to EU-OPS 1.1065:

(i) the dangerous goods transport document;

(ii) the dangerous goods acceptance checklist; and

(iii) the notification of special loads including dangerous goods.