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Document	Reference		Proposal / comment	Justification
	Page No.	Para No.		
CRD b.2 ***Resulting Text of Annex I - Definitions***	5	'Commercial Air Transport'	The UK welcomes the inclusion of a definition of commercial air transport within Annex I. It is noted that the definition is close to, and in alignment with, the definition contained within ICAO Annex 6. However, we believe there is a need for further consideration as to how the definition of commercial air transport fits within the definition of 'commercial operation' contained within Article 3 of the Basic Regulation	The UK would like a common understanding of how such definitions will apply to aircraft which are owned by a single, or several, passengers who pay a management company to operate the aircraft on their behalf. This would include what is commonly referred to as fractional ownership. It is noted that the definition of commercial air transport does not consider the issue of ownership. To fall under the definition, it is sufficient to establish that passengers are transported for valuable consideration. It therefore seems that unless the owner/passenger has control over the operator (as may be the case within corporate aviation) and is therefore outside the definition of commercial operation, then it will be considered to be commercial air transport. The UK wishes to establish whether this is an intended consequence of the inclusion of commercial air transport within the definitions.

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CRD b.2 ***Resulting Text of Annex I - Definitions***	9	'Maximum passenger seating configuration'	The UK is concerned that the definition of maximum passenger seating configuration contained within Annex I will have unintended consequences within the implementing rules.	Both EU-OPS and JAR-OPS 3 use the term 'maximum approved passenger seating configuration' (MAPSC) to define the parameters of a number of operational limits. This is separate from any limit set as part of the aircraft certification process. The MAPSC allows an operator to fit and use fewer seats than the aircraft is capable of containing. In doing so, they will reduce the aircraft payload, but will fall under different, less onerous rules in certain areas. This is a commercial decision open to the operator. The concept of the MAPSC was understood when developing the rules for EU-OPS and JAR-OPS 3. The term was slightly amended within NPA 2009-02b and became 'maximum passenger seating configuration' (MPSC). However, it remained a limit established for operational purposes and could be lower than the maximum certificated passenger seating configuration of the aircraft. Its applicability within the operational rules did not affect the intent of EU-OPS and JAR-OPS 3. However, the new definition of maximum passenger seating configuration contained in Annex I removes the concept of it being an operational limit and, instead, ties it to the maximum seating capacity established during the aircraft certification process. This will greatly affect operational rules established when the definition had a different meaning. For example, OR.OPS.CC.100 requires cabin crew to be carried on an aircraft with a maximum passenger seating configuration of more than 19. It is currently possible to have an aircraft with a certificated seating capacity of greater than 19, but limited by the operator to just 19 seats, thereby removing the need for cabin crew. This would not be possible under the new definition. Similarly, OR.OPS.FC.200 (c)(1) sets a flight crew limit for turbo-propeller aeroplanes with a maximum passenger seating configuration of more than nine. There are some

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				circumstances where operators currently limit the number of passenger seats to nine or less and thereby only need one pilot. Further, there are a number of examples throughout the Part-CAT Instrument, Data and Equipment (IDE) rules where the requirements are dependent upon the maximum passenger seating configuration and the new definition will have the unintended consequence of altering the requirement. The UK believes the definition should be reviewed by the Agency in light of this.