EASA Comment Response Tool

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Title	Update of the rules on air operations (Air OPS Regulation — all Annexes & related AMC/GM) — sub-NPA (A) 'Draft Implementing Rule'
NPA Number	NPA 2015-18 (A)

UK CAA (European.Affairs@caa.co.uk) has placed **22** unique comments on this NPA:

Cmt#	Segment description	Page	Comment	Attachments
103	2. Explanatory Note — 2.3. Summary of the Regulatory Impact Assessment (RIA)	5 - 12	**Page No:** 6 **Paragraph No:** 3 and 4, in response to SRs GERF-2006-009 and UNKG-2005-148 **Comment:** The UK CAA believes the solution proposed by the Agency does not entirely resolve the concerns of the safety recommendations and the problem requires a more fundamental approach. The scope of the Basic Regulation should be expanded to cover operational standards, licensing and training requirements for de-icing and anti-icing services and service providers. If EASA wishes to promote the use of industry standards (rather than rulemaking) as a way forward, it still needs to be empowered to do so. **Justification:** The issues surrounding de-icing and anti-icing services are numerous, complex and long standing. Pooled audits will only address the economic part of the problem through greater efficiency, reduced complexity and reduced overhead for both service providers and aircraft operators. However, pooled audits can best address the safety elements of the problem if also supported by an adequate regulatory framework. Either rulemaking, or use of industry standards, should be used to establish that: a) Auditors should be qualified in accordance with a single standard. *b)* Audits should be conducted against a single industry-wide accepted standard.	
104	2. Explanatory Note — 2.3. Summary of the Regulatory Impact Assessment (RIA)	5 - 12	**Page No:** 7 **Paragraph No:** Second to last: “the Agency does not consider it is necessary to develop further AMC/GM on pilot incapacitation…” **Comment:** The UK CAA believes that the justification provided for this decision is not relevant for the issue highlighted by the safety recommendation SR SWED-2011-013. **Justification:** The concern highlighted in SWED-2011-013 is about proper decision-making and management of crew incapacitation after the flight and before further flights. The AMC/GM cited by the agency is only relevant for in-flight management of crew incapacitation	
107	2. Explanatory Note — 2.4. Open questions to stakeholders — Open question No 1	12	***Open question No 1 on the order of the OPERATIONS MANUAL (OM) contained in AMC3 ORO.MLR.100*** The Agency would like to ask stakeholders whether operators should be able to freely choose the order of items appearing in the OM as of level N-1. The advantage of this option would be more freedom for operators to adapt the OM to their operations. The disadvantage	

			might be that the OMs from different operators will be more difficult to compare with each other, making it harder for inspecting staff to assess OMs from different operators. **This assumption is correct and the UK CAA believes that NAA oversight would be more challenging on initial manual production. Subsequent to initial manual production the operator's amendments process to indicate any changes incorporated (and rationale for those changes) would not be so dependent on the manual following a standard format.** Another possibility could be to change AMC3 MLR 100 from an AMC to GM, which would give the operator complete freedom to include the items into the OM as from level N-1, but which might make it more difficult for authorities to compare OMs from several operators. **This assumption is correct and the oversight would be more challenging on initial manual production.**	
108	2. Explanatory Note — 2.4. Open questions to stakeholders — Open question No 2	12 - 13	***Open question No 2 on the option of one ACCOUNTABLE MANAGER for several AOC holders*** The Agency would like to ask stakeholders under what conditions such a scenario with one AM responsible for several AOC holders in different Member States would be possible. Should the respective AOC holders under the responsibility of a single Accountable Manager operate towards the same Standard Operating Procedures (SOPs), or should they work towards a single set of a common safety risk assessment, a common management system? The UK CAA believes **the SOPs would need to be aligned if the crew were to operate across the organisation for a multiple of AOC's. This would not be necessary if there were to be no cross operations.** How could the IRs, AMCs and GM ensure that the AM has financial control over all AOC holders? **The UK CAA believes AMC's and GM should indicate the terms of reference for the AM and must/should include the financial control requirements. These TOR's should be carried across each AOC. The Inspector for each CA must be comfortable with the outcome of any discussions regarding finance.** Should there be also the possibility to assign a single compliance monitoring manager (CMM)? **The UK CAA believes the CMS must be of suitable size depending on the size and scope of the operation, so there should be no reason why there couldn't be a single CMM. The CMM or deputy must be accessible to the NAA and must have access to the AM.** Several options are feasible and the Agency is interested in feedback from stakeholders on this open question.	
109	2. Explanatory Note — 2.4. Open questions to stakeholders — Open question No 3	13	***Open question No 3 on the extension of the oversight cycle and the option of new AMC or GM to specify what is an effective continuous reporting system from the AOC holder to the authority, in order to extend the oversight cycle from 36 to 48 months as per ARO.GEN.305(c).*** The Agency has received questions on what can be understood to be an effective continuous reporting system to the competent authority on the safety performance and regulatory compliance of the organisation. The Agency agrees that there is a gap in AMC to ARO.GEN.305(c), which means that authorities have no guidance to assess what is an effective continuous reporting system. This leads to different standards in the EU, whereby each authority has to define its own system to assess if the oversight cycle can be extended from 36 to 48 months. The Agency would like to receive feedback from stakeholders on what constitutes an 'effective continuous reporting system' subject to which the oversight cycle can be extended. **The**	

			UK CAA agrees that an 'effective continuous reporting system' needs to be defined. The Operator needs to provide the CA with the metrics associated with the hazards and risks identified. Subsequent to identification the risks must be adequately managed with acceptable changes or mitigation. This should be a continuous process and reports developed and communicated at least quarterly. Supporting evidence should be available upon request by the CA.	
110	2. Explanatory Note — 2.4. Open questions to stakeholders — Open question No 4	13 - 14	***Open question No 4 on cooperative oversight*** The Agency has received questions on cooperative oversight. The term 'cooperative oversight' refers to the obligations established by the Basic Regulation (Art. 10), ARO.GEN.200(c), as well as ARO.GEN.300 (d) and (e) that MS shall cooperate and include in their oversight scope those activities performed in their territory by entities established or residing in another MS, on the basis of safety priorities and past oversight activities. Questions received indicate that more guidance is necessary to assist MS to better work together and to share information. The following are examples of cooperative oversight: — Sharing of safety data and safety information between MS, e.g. data on Safety Assessment of Community Aircraft (SACA), findings, safety studies and reviews, occurrences data, Air Traffic Control (ATC) data, information on findings and inspections or audits. — Occasional spot checks by the CA of a MS of an operator's remote bases, that are located in the territory of the MS, but where the CA is not the certifying authority. **The UK CAA believes there would need to be clear definition on what 'occasional' means as over-exuberant CA's may over regulate foreign Operators.** — Joint audits shared between the CAs as a result of joint oversight programmes, which are currently not foreseen in Part-ARO. **The UK CAA believes there would need to be clear action and follow up lines for any findings made. Finding closure from a foreign CA would need to be closed by that CA and not become the responsibility of the CA in the territory of the MS.** — Oversight agreements in accordance with ARO.GEN.300(d) or (e). The Agency would like to receive feedback from stakeholders on the following: — Is there a need for additional guidance on how cooperative oversight can be put in place? **The UK CAA agrees - Yes – see comments above** — What are the barriers to cooperative oversight and what has to be in place so that cooperative oversight is beneficial to the CAs involved? **The UK CAA believes there would need to be a clear definition on what 'occasional' means as over-exuberant CA's may over regulate foreign Operators.** — How to ensure there are no gaps and no overlaps in operator oversight? **The UK CAA suggests that gaps are more of an issue, but that overlaps would not be a problem** — Should the Agency publish guidance on cooperative oversight templates for memoranda of cooperation between MS, etc.? **The UK CAA believes clear guidance or specific checklists should be produced to ensure standardisation and suggests it may be wise to encourage CAs from differing MS to work collaboratively** The Agency conducted a focused consultation with MS during the third quarter of 2015 on a draft Working Paper on cooperative oversight. In addition, currently, the Agency is facilitating a trial project between NAAs on cooperative oversight and it is expected	

			that results from this trial project should already be available when the Comment-Response Document (CRD), associated with this NPA, is published.	
111	2. Explanatory Note — 2.4. Open questions to stakeholders — Open question No 5	14	***Open question No 5 on ORO.GEN.200 Management System*** The Agency has received many questions from organisations, who hold several approvals (AOC, Part-M, Part-145, ATO, etc.), on how to develop an integrated management system. Stakeholders also commented that the current Management System requirements differ from each other in the different Regulations covering the different domains (Air OPS vs Air CREW vs Maintenance, etc.). The Agency would like to know if there is a need to provide further guidance on how to achieve an integrated management system. **Whilst an integrated management system would be beneficial the UK CAA suggests that the oversight of this system would need to include each discipline. The multi disciplinary group would ensure nuances pertinent to each area are appropriately dealt with.** The Agency has also received questions from CAs on how to oversee organisations with several approvals. Therefore, the Agency would like to receive feedback on the possible need to produce guidance for CAs on how to effectively oversee organisations with several approvals having implemented an integrated management system. **The UK CAA suggests a clear definition on who is expected to conduct the oversight would need to be established. This clarification would need to define hazards and risks including the measures provided to ensure the oversight Inspector is suitably qualified.**	
112	2. Explanatory Note — 2.4. Open questions to stakeholders — Open question No 6	14	***Open question No 6 on ORO.GEN.200 Management System*** The Agency has been asked to assess the need for qualification requirements for safety managers. Today, the NAA cannot challenge a nomination of a safety manager (SM), e.g. if the CA considers the nominated person's qualification to be unsuitable for the position. The Agency is asking stakeholders to provide feedback on whether the Air OPS rules should be amended to allow authorities to refuse the nomination of a safety manager on justified grounds, e.g. lack of aviation experience, etc**. The UK CAA is in agreement, however there would need to be clear argument as to what the specific requirements are and suggests ICAO 9859 terms should be used. The role of the safety manager should be escalated to become a nominated person within the AOC, so that it becomes subject to the same level of scrutiny and approval as the current nominated persons. The Agency should publish guidance material to support CAs in the assessment of competence of safety managers (similar to GM2 ORO.AOC.135(a)), but the final decision to accept a safety manager should be based on a subjective assessment of various factors (not just qualifications), tailored to each particular situation. Sole reliance on prescriptive qualification requirements can be detrimental in some cases because qualifications are often not enough to ensure competence as competence can be achieved without formal qualifications. The current quality of the available safety management training is very variable and the level of competence required should depend also on the complexity of the operation. In summary, CAs should be able to challenge the nomination of a Safety Manager based on competency rather than qualification requirements.** **The UK CAA has published CAP 795 SMS Guidance to Organisations which has the following information:**	

			"The safety manager should possess: **a) Broad operational knowledge and experience in the functions of the organisation and the supporting systems;** **b) Analytical and problem solving skills;** **c) Effective oral and written communication skills;** **d) An understanding of human and organisational factors;** **e) Detailed knowledge of safety management principles and practices."**	
113	2. Explanatory Note — 2.4. Open questions to stakeholders — Open question No 7	14	***Open question No 7 on ORO.GEN.200 Management System*** Sub-NPA (B) proposes a new GM1 ORO.GEN.200(a)(3) Management system to provide extensive guidance on setting-up effective safety risk management. Stakeholders are invited to comment not only on the content of the proposed GM, but also whether they consider that such GM should be part of the regulatory material. Another option (instead of proposing GM) would be to promote this material via the ESSI. **The UK CAA recommends that the Agency should consider the possibility of referencing external publications instead of providing guidance in the proposed format. Existing material such as the ARMS methodology (developed and applied by industry practitioners) could be used.** **Also, the proposed GM is about Safety Risk Assessment rather than Safety Risk Management (which is a much wider topic).**	
114	3.1. Draft Regulation (Draft EASA Opinion) — 3.1. Annex I (Definitions)	21 - 32	**Page No:** 31 **Paragraph No:** (5) - 107 **Comment:** The UK CAA believes the proposed definition of Rules of the Air, and the introductory paragraph, do not seem to align with Article 1 of Commission Implementing Regulation (EU) No. 932/2012 and the Applicability detailed in SERA.2001(b). Here the applicability of the Regulation is shown to apply to MS registered aircraft wherever they may be operating 'in the world' as long as it does not conflict with local rules. This principle has been established, certainly in the UK, for a very long time. The definition itself is rather vague and it would be better to just refer to SERA perhaps as suggested in the following. **Justification:** Correcting applicability and signposting to appropriate regulation which has its own explanation. **Proposed Text:** "107. 'Rules of the air' means, ~~for the EU territory~~ ***those rules established in Commission Implementing Regulation (EU) No. 932/2012 (the Standardised European Rules of the Air (SERA))***. ~~which are a common set of rules of the air and operational provisions regarding services and procedures in air navigation, based upon ICAO Standards and recommended practices and applicable to the airspace users and aircraft engaged in general air traffic in the European Union. Outside the EU territory, 'rules of the air' means those provisions adopted by the state of the airspace"~~	
115	3.1. Draft Regulation (Draft EASA Opinion) — 3.1.2. Annex II (Part-ARO) — ARO.GEN.350	37 - 38	**Page No:** 38 **Paragraph No:** (9) - ARO.GEN.305 (g) **Comment:** This change introduces a new paragraph which duplicates text at sub-paragraph (c). The UK CAA recommends	

	Findings and corrective actions — organisations		that the suitability of both entries be reviewed to reduce duplication. **Justification:** Clarification and deletion of duplication.	
116	3.1. Draft Regulation (Draft EASA Opinion) — 3.1.2. Annex II (Part-ARO) — ARO.GEN.350 Findings and corrective actions — organisations	37 - 38	**Page No:** 38 **Paragraph No:** (9) - ARO.GEN.305 (h) **Comment:** The UK CAA suggests that the language of this new paragraph is awkward and the intent may not be obvious. It is recommended that the text be reviewed and amended so that it is clear to whom the 'recommendation report' is to be issued to and what 'approval' is being mentioned. The UK CAA is unable to offer a proposal without the knowledge of the intent. Additionally, such a report should be considered by a CA at any time and not just at the completion of an oversight planning cycle (this could be 48 months). **Justification:** Clarification and demonstration of intent.	
117	3.1. Draft Regulation (Draft EASA Opinion) — 3.1.2. Annex II (Part-ARO) — ARO.OPS.110 Lease agreements	40 - 41	**Page No:** 40 **Paragraph No:** (d)(2)(i) **Comment:** If this is written as a letter rather than an electronic communication, does the date start from the date of the letter or the date that it is received by the organisation? **Justification:** If the communication is sent electronically the date is the same, if however, it is sent via the postal system there could be several days between creation and receipt. **Proposed Text:** "It shall commence *from the date of the letter* communicating details of the finding to the organisation requesting corrective action to address the non-compliance identified."	
118	3.1. Draft Regulation (Draft EASA Opinion) — 3.1.2. Annex II (Part-ARO) — ARO.RAMP.105 Prioritisation criteria	41 - 42	**Page No:** 41 **Paragraph No:** (13) - ARO.OPS.110(a)(3) **with regard to Dry Leasing-out** **Comment:** This paragraph proposes to limit the ARO.OPS.110(a)(3) requirement for dry lease-out approvals to *"… agreements of an aircraft with a third country operator"*, thereby removing the prior lease approval requirement when dry leasing-out to a Community operator. The UK CAA believes that prior lease approval for dry leasing-out to a Community operator should still be required, particularly when crossing national boundaries (including within the Community) as the lease arrangements need to be accepted by the State of Registry and State of Operator before agreeing the regulatory safety oversight responsibilities between the two States. **Justification:** Article 13(2) of Commission Regulation (EC) No 1008/2008 requires a Community air carrier to obtain prior approval for *"A dry lease agreement to which the Community air carrier is a party…"* There has been a recent proposal to amend some of the requirements in Article 13, but the requirement for prior approval for dry leasing (in and out) is still required in it. **Proposed Text:** ARO.OPS.110(a)(3) should remain as the current text – "ORO.AOC.110 (e), for dry lease-out of an aircraft to any ~~third-country~~ operator;…"	

119	3.1. Draft Regulation (Draft EASA Opinion) — 3.1.3. Annex III (Part-ORO) — ORO.GEN.205 Contracted activities	50	**Page No:** 50 **Paragraph No:** (19) - ORO.GEN.110 (k) **Comment:** The UK CAA agrees it is proportionate that training programmes for operators of complex motor-powered-aircraft used in non-commercial operations should not need to be approved. However, this is not in compliance with Part 1; Chapter 4.1.2 of the ICAO Technical Instructions for the Safe Transport of Dangerous Goods By Air, which requires the dangerous goods training programmes of all operators to be approved by the State of the Operator. **Justification:** The UK CAA believes that Part 1;4.1.2 of the Technical Instructions was not written with non-commercial complex motor powered aircraft in mind and it is likely that if a change to that requirement was proposed to ICAO, the Dangerous Goods Panel would agree to exclude some types of operations from the requirement for approval of their training programmes. However, as yet, no such proposal has been made, so any amendment to the Technical Instructions would not be introduced until 2019 at the earliest. In the interim, EASA-OPS and States would not be in compliance with the Technical Instructions. **Proposed Text:** No text is proposed, since the principle is considered appropriate. However, EASA or a Member State should seek to amend Part 1;4.1.2 of the ICAO Technical Instructions.	
127	3.1. Draft Regulation (Draft EASA Opinion) — 3.1.3. Annex III (Part-ORO) — ORO.GEN.205 Contracted activities	50	**Page No:** 50 **Paragraph No:** (l) **Comment:** While (k) exempts operators of complex motor-powered aircraft used in non-commercial operations from “approved training” for dangerous goods if they are not transporting them, (l) doesn’t appear to offer the same exemption. It reads as though the operators listed in (l) must have approved DG training or briefing and that it applies to ALL sailplane and balloon operators but only to commercial VFR flights. The UK CAA seeks clarification of whether flights operated in accordance with Part-NCO, Part-SPO are deemed to be commercial for the purposes of this provision. **Justification:** Onerous on small GA operators, sailplanes and balloons. **Proposed Text:** “Notwithstanding (j), the following operators, operating on a commercial flight, shall ensure that the flight crew has received appropriate dangerous goods training or a briefing, to enable them to recognise undeclared dangerous goods brought on board by passengers or as cargo. This training/briefing shall not be required to be approved.”	
121	3.1. Draft Regulation (Draft EASA Opinion) — 3.1.3. Annex III (Part-ORO) — ORO.AOC.130 Flight data monitoring —	52	**Page No:** 52 **Paragraph No:** (21) - ORO.AOC.110(a) **with regard to Wet Leasing-in from a Community operator** **Comment:** This paragraph proposes to limit the requirement for lease-in approvals to *“… lease agreements concerning aircraft registered in a third country”*, thereby removing the prior lease	

	aeroplanes		approval requirement for wet leasing-in from a Community operator. Prior lease approval for wet leasing-in from a Community operator should still be required, particularly as wet leasing is a contract activity (ORO.GEN.205). The UK CAA believes to ensure that safety risks are managed properly, driving the use of SMS, backed by use of a formal approval from the competent authority, will allow an element of regulatory control; a lever to ensure the right behaviours. **Justification:** Lease approval for wet leasing-in from a Community operator is still required under ARO.OPS.110(a)(4) - please see NPA 2015-18A, Page 41. Therefore, removing the prior approval requirement in ORO.AOC.110(a) will directly conflict with the ARO.OPS.110(a)(4) requirement in EU Reg 965/2012. In addition, standardisation within Europe is still evolving, so until there is a level playing field, wet lease-in approval should still be required to ensure that safety risks are managed properly. ICAO Doc 8335 (Manual of Procedures for Operations Inspection, Certification and Continued Surveillance), Part V, Chapter 3, Paragraph 3.1 and 3.2 highlights the complexities of wet leasing and areas that States should consider before such arrangements can commence. The main issues being:**–** Paragraph 3.1.2 states: *"… The actual lease arrangement and other relevant information need to be examined by the respective authorities responsible for monitoring the operation of the wet leased aircraft"*. Paragraph 3.1.3 continues by stating: that where the Lessor and Lessee are in different States, the responsible authority or authorities need to resolve questions before operations involving use of the wet leased aircraft can be commenced. Paragraph 3.3.2 which refers to short-term wet leases states: *"Authorities should establish procedures for operators to provide lists of approved lessors and lessees or charters. For operators in one State, potential lessors may be from another State and appropriate arrangements should be made between States which may be concerned"*. Paragraph 3.3.3 says *"States should seek details of the lease arrangement and the Lessors from their operators… and appropriate arrangements could be put in place to enable approval for an actual short-term wet lease or charter to be given quickly".* **Proposed Text:** Recommend retaining the current (active) wording, as follows: *Any Lease-in* "Without prejudice to Regulation (EC) No 1008/2008, any lease agreement concerning aircraft used by an operator certified in accordance with this Part shall be subject to prior approval by the competent authority".	
122	3.1. Draft Regulation (Draft EASA Opinion) — 3.1.3. Annex III (Part-ORO) — ORO.AOC.135 Personnel	52	**Page No:** 52 **Paragraph No:** (21) - ORO.AOC.110(d) Leasing agreements **with regard to Dry Leasing-in of a Community registered aircraft** **Comment:** This paragraph proposes to limit the requirement for lease-in approvals to *"… lease agreements concerning aircraft*	

	requirements		*registered in a third country"*, thereby removing the prior lease approval requirement for dry leasing-in of a Community registered aircraft. The UK CAA believes prior lease approval for dry leasing-in a Community registered aircraft should be required, particularly when crossing national boundaries (including within the Community) as the lease arrangements need to be accepted by the State of Registry and State of Operator before agreeing the regulatory safety oversight responsibilities between the two States. **Justification:** Article 13(2) of EC Regulation 1008/2008 requires a Community air carrier to obtain prior approval for *"A dry lease agreement to which the Community air carrier is a party…"* There has been a recent proposal to amend some of the requirements in Article 13 leasing, but the requirement for prior approval for dry leasing (in and out) is still required. In addition, ARO.OPS.110(a)(4) still requires prior approval from the competent authority before dry leasing-in an aircraft registered in the EU. Therefore, the UK CAA believes removing the prior approval requirement for dry leasing-in from the Community in ORO.AOC.110(a) will directly conflict with the approval requirements in Article 13(2) of EC Reg 1008/2008 and ARO.OPS.110(a)(4) of EU Reg 965/2012. **Proposed Text:** Recommend retaining the current (active) wording as follows: *Any Lease-in* "Without prejudice to Regulation (EC) No 1008/2008, any lease agreement concerning aircraft used by an operator certified in accordance with this Part shall be subject to prior approval by the competent authority".	
123	3.1. Draft Regulation (Draft EASA Opinion) — 3.1.3. Annex III (Part-ORO) — ORO.AOC.135 Personnel requirements	52	**Page No:** 52 **Paragraph No:** (21) - ORO.AOC.110(f) **with regard to Dry Leasing-out** **Comment:** The paragraph should not be limited to dry leasing-out to a third country operator only. Please see the UK CAA's comment under ARO.OPS.110(a)(3) **with regard to Dry Leasing-out,** above. **Justification:** Article 13(2) of Commission Regulation (EC) No 1008/2008 requires a Community air carrier to obtain prior approval for *"A dry lease agreement to which the Community air carrier is a party…"* There has been a recent proposal to amend some of the requirements in Article 13, but the requirement for prior approval for dry leasing (in and out) is still required in it. **Proposed Text:** Recommend retaining the previous (and currently active) wording of ORO.AOC.110(e), as follows: *"The operator certified in accordance with this Part intending to dry lease-out one of its aircraft ~~to a third-country operator~~ shall apply for prior approval by the competent authority".*	
124	3.1. Draft Regulation (Draft EASA Opinion) — 3.1.3. Annex III (Part-ORO) — ORO.AOC.135 Personnel requirements	52	**Page No:** 52 **Paragraph No:** (21) - ORO.AOC.110(g) **on Notification of lease agreements not requiring prior approval.** **Comment:** Dry leasing-in and out within the Community and wet leasing-in from a Community operator should still require prior approval from the competent authority, so the UK does not agree with notification requirement only. Please see comments on	

			ARO.OPS.110 and ORO.AOC.110 above. **Justification:** See above **Proposed Text:** See above	
125	3.1. Draft Regulation (Draft EASA Opinion) — 3.1.5. Annex V (Part-SPA) — SPA.NVIS.110 Equipment requirements for NVIS operations	77	**Page No:** 77 **Paragraph No:** (47) - SPA.DG.110 (e) **Comment:** The amendment to this paragraph introduces terms (flight operations officer/ flight dispatcher) that are not used elsewhere in Part-Ops and the UK CAA suggests these might benefit from being defined in Annex 1 using the following ICAO Annex 6 definition as a basis. **Justification:** Clarification and definition. **Proposed Text:** ***'Flight operations officer/flight dispatcher'*** A person designated by the operator to engage in the control and supervision of flight operations, whether licensed or not, suitably qualified *in accordance with Annex 1*, who supports, briefs and/or assists the pilot-in-command in the safe conduct of the flight."	
126	3.1. Draft Regulation (Draft EASA Opinion) — 3.1.8. Annex VIII (Part-SPO) — SPO.IDE.H.105 Minimum equipment for flight	83 - 84	**Page No:** 84 **Paragraph No:** (59) - SPO.IDE.A.130 **Comment:** The UK CAA believes the amendment to remove MOPSC and replace with 'maximum certified seating configuration' diverges from the same requirement in Part-NCC and could be discriminatory towards the SPO operator. Such an operator will have a Operations Manual, as required by Part-ORO, and can determine the operating passenger seating configuration. The change should not be made and no justification has been provided for it. **Justification:** Alignment and proportionality.	