

ANNEX IV

COMMERCIAL AIR TRANSPORT OPERATIONS

[PART-CAT]

SUBPART A

GENERAL REQUIREMENTS

CAT.GEN.100 Competent authority

The competent authority shall be the authority designated by the Member State in which the operator has its principal place of business.

SECTION 1

*Motor-powered aircraft***CAT.GEN.MPA.100 Crew responsibilities**

(a) The crew member shall be responsible for the proper execution of his/her duties that are:

- (1) related to the safety of the aircraft and its occupants; and
- (2) specified in the instructions and procedures in the operations manual.

(b) The crew member shall:

(1) report to the commander any fault, failure, malfunction or defect which the crew member believes may affect the airworthiness or safe operation of the aircraft including emergency systems, if not already reported by another crew member;

(2) report to the commander any incident that endangered, or could have endangered, the safety of the operation, if not already reported by another crew member;

(3) comply with the relevant requirements of the operator's occurrence reporting schemes;

(4) comply with all flight and duty time limitations (FTL) and rest requirements applicable to their activities;

(5) when undertaking duties for more than one operator:

(i) maintain his/her individual records regarding flight and duty times and rest periods as referred to in applicable FTL requirements; and

(ii) provide each operator with the data needed to schedule activities in accordance with the applicable FTL requirements.

(c) The crew member shall not perform duties on an aircraft:

(1) when under the influence of psychoactive substances or alcohol or when unfit due to injury, fatigue, medication, sickness or other similar causes;

(2) until a reasonable time period has elapsed after deep water diving or following blood donation;

(3) if applicable medical requirements are not fulfilled;

(4) if he/she is in any doubt of being able to accomplish his/her assigned duties; or

(5) if he/she knows or suspects that he/she is suffering from fatigue as referred to in 7.f of Annex IV to Regulation (EC) No 216/2008 or feels otherwise unfit, to the extent that the flight may be endangered.

CAT.GEN.MPA.105 Responsibilities of the commander

(a) The commander, in addition to complying with CAT.GEN.MPA.100, shall:

- (1) be responsible for the safety of all crew members, passengers and cargo on board, as soon as the commander arrives on board the aircraft, until the commander leaves the aircraft at the end of the flight;
- (2) be responsible for the operation and safety of the aircraft:
 - (i) for aeroplanes, from the moment the aeroplane is first ready to move for the purpose of taxiing prior to take-off, until the moment it finally comes to rest at the end of the flight and the engine(s) used as primary propulsion unit(s) is(are) shut down;
 - (ii) for helicopters, when the rotors are turning;
- (3) have authority to give all commands and take any appropriate actions for the purpose of securing the safety of the aircraft and of persons and/or property carried therein in accordance with 7.c of Annex IV to Regulation (EC) No 216/2008;
- (4) have authority to disembark any person, or any part of the cargo, that may represent a potential hazard to the safety of the aircraft or its occupants;
- (5) not allow a person to be carried in the aircraft who appears to be under the influence of alcohol or drugs to the extent that the safety of the aircraft or its occupants is likely to be endangered;
- (6) have the right to refuse transportation of inadmissible passengers, deportees or persons in custody if their carriage increases the risk to the safety of the aircraft or its occupants;
- (7) ensure that all passengers are briefed on the location of emergency exits and the location and use of relevant safety and emergency equipment;
- (8) ensure that all operational procedures and checklists are complied with in accordance with the operations manual;
- (9) not permit any crew member to perform any activity during critical phases of flight, except duties required for the safe operation of the aircraft;
- (10) ensure that flight recorders:
 - (i) are not disabled or switched off during flight; and
 - (ii) in the event of an accident or an incident that is subject to mandatory reporting:
 - (A) are not intentionally erased;
 - (B) are deactivated immediately after the flight is completed; and
 - (C) are reactivated only with the agreement of the investigating authority;
- (11) decide on acceptance of the aircraft with unserviceabilities in accordance with the configuration deviation list (CDL) or the minimum equipment list (MEL);
- (12) ensure that the pre-flight inspection has been carried out in accordance with the requirements of Annex I (Part-M) to Regulation (EC) No 2042/2003;
- (13) be satisfied that relevant emergency equipment remains easily accessible for immediate use.

(b) The commander, or the pilot to whom conduct of the flight has been delegated, shall, in an emergency situation that requires immediate decision and action, take any action he/she considers necessary under the circumstances in accordance with 7.d of Annex IV to Regulation (EC) No 216/2008. In such cases he/she may deviate from rules, operational procedures and methods in the interest of safety.

(c) Whenever an aircraft in flight has manoeuvred in response to an airborne collision avoidance system (ACAS) resolution advisory (RA), the commander shall submit an ACAS report to the competent authority.

(d) Bird hazards and strikes:

(1) Whenever a potential bird hazard is observed, the commander shall inform the air traffic service (ATS) unit as soon as flight crew workload allows.

(2) Whenever an aircraft for which the commander is responsible suffers a bird strike that results in significant damage to the aircraft or the loss or malfunction of any essential service, the commander shall submit a written bird strike report after landing to the competent authority.

CAT.GEN.MPA.110 Authority of the commander

The operator shall take all reasonable measures to ensure that all persons carried in the aircraft obey all lawful commands given by the commander for the purpose of securing the safety of the aircraft and of persons or property carried therein.

CAT.GEN.MPA.115 Personnel or crew members other than cabin crew in the passenger compartment

The operator shall ensure that personnel or crew members, other than operating cabin crew members, carrying out their duties in the passenger compartment of an aircraft:

(a) are not confused by the passengers with operating cabin crew members;

(b) do not occupy required cabin crew assigned stations;

(c) do not impede operating cabin crew members in their duties.

CAT.GEN.MPA.120 Common language

The operator shall ensure that all crew members can communicate with each other in a common language.

CAT.GEN.MPA.125 Taxiing of aeroplanes

The operator shall ensure that an aeroplane is only taxied on the movement area of an aerodrome if the person at the controls:

(a) is an appropriately qualified pilot; or

(b) has been designated by the operator and:

(1) is trained to taxi the aircraft;

(2) is trained to use the radio telephone;

(3) has received instruction in respect of aerodrome layout, routes, signs, marking, lights, air traffic control (ATC) signals and instructions, phraseology and procedures;

(4) is able to conform to the operational standards required for safe aeroplane movement at the aerodrome.

CAT.GEN.MPA.130 Rotor engagement — helicopters

A helicopter rotor shall only be turned under power for the purpose of flight with a qualified pilot at the controls.

CAT.GEN.MPA.135 Admission to the flight crew compartment

(a) The operator shall ensure that no person, other than a flight crew member assigned to a flight, is admitted to, or carried in, the flight crew compartment unless that person is:

(1) an operating crew member;

(2) a representative of the competent or inspecting authority, if required to be there for the performance of his/her official duties; or

(3) permitted by and carried in accordance with instructions contained in the operations manual.

(b) The commander shall ensure that:

- (1) admission to the flight crew compartment does not cause distraction or interference with the operation of the flight; and
- (2) all persons carried in the flight crew compartment are made familiar with the relevant safety procedures.

(c) The commander shall make the final decision regarding the admission to the flight crew compartment.

CAT.GEN.MPA.140 Portable electronic devices

The operator shall not permit any person to use a portable electronic device (PED) on board an aircraft that could adversely affect the performance of the aircraft's systems and equipment, and shall take all reasonable measures to prevent such use.

CAT.GEN.MPA.145 Information on emergency and survival equipment carried

The operator shall at all times have available for immediate communication to rescue coordination centres (RCCs) lists containing information on the emergency and survival equipment carried on board any of their aircraft.

CAT.GEN.MPA.150 Ditching — aeroplanes

The operator shall only operate an aeroplane with a passenger seating configuration of more than 30 on overwater flights at a distance from land suitable for making an emergency landing, greater than 120 minutes at cruising speed, or 400 NM, whichever is less, if the aeroplane complies with the ditching provisions prescribed in the applicable airworthiness code.

CAT.GEN.MPA.155 Carriage of weapons of war and munitions of war

- (a) The operator shall only transport weapons of war or munitions of war by air if an approval to do so has been granted by all States whose airspace is intended to be used for the flight.
- (b) Where an approval has been granted, the operator shall ensure that weapons of war and munitions of war are:
 - (1) stowed in the aircraft in a place that is inaccessible to passengers during flight; and
 - (2) in the case of firearms, unloaded.
- (c) The operator shall ensure that, before a flight begins, the commander is notified of the details and location on board the aircraft of any weapons of war and munitions of war intended to be carried.

CAT.GEN.MPA.160 Carriage of sporting weapons and ammunition

- (a) The operator shall take all reasonable measures to ensure that any sporting weapons intended to be carried by air are reported to the operator.
- (b) The operator accepting the carriage of sporting weapons shall ensure that they are:
 - (1) stowed in the aircraft in a place that is inaccessible to passengers during flight; and
 - (2) in the case of firearms or other weapons that can contain ammunition, unloaded.
- (c) Ammunition for sporting weapons may be carried in passengers' checked baggage, subject to certain limitations, in accordance with the technical instructions.

CAT.GEN.MPA.161 Carriage of sporting weapons and ammunition — alleviations

Notwithstanding CAT.GEN.MPA.160(b), for helicopters with a maximum certified take-off mass (MCTOM) of 3 175 kg or less operated by day and over routes navigated by reference to visual landmarks, a sporting weapon may be carried in a place that is accessible during flight, provided that the operator has established appropriate procedures and it is impracticable to stow it in an inaccessible stowage during flight.

CAT.GEN.MPA.165 Method of carriage of persons

The operator shall take all measures to ensure that no person is in any part of an aircraft in flight that is not designed for the accommodation of persons unless temporary access has been granted by the commander:

- (a) for the purpose of taking action necessary for the safety of the aircraft or of any person, animal or goods therein; or
- (b) to a part of the aircraft in which cargo or supplies are carried, being a part that is designed to enable a person to have access thereto while the aircraft is in flight.

CAT.GEN.MPA.170 Alcohol and drugs

The operator shall take all reasonable measures to ensure that no person enters or is in an aircraft when under the influence of alcohol or drugs to the extent that the safety of the aircraft or its occupants is likely to be endangered.

CAT.GEN.MPA.175 Endangering safety

The operator shall take all reasonable measures to ensure that no person recklessly or negligently acts or omits to act so as to:

- (a) endanger an aircraft or person therein; or
- (b) cause or permit an aircraft to endanger any person or property.

CAT.GEN.MPA.180 Documents, manuals and information to be carried

(a) The following documents, manuals and information shall be carried on each flight, as originals or copies unless otherwise specified:

- (1) the aircraft flight manual (AFM), or equivalent document(s);
- (2) the original certificate of registration;
- (3) the original certificate of airworthiness (CofA);
- (4) the noise certificate, including an English translation, where one has been provided by the authority responsible for issuing the noise certificate;
- (5) a certified true copy of the air operator certificate (AOC);
- (6) the operations specifications relevant to the aircraft type, issued with the AOC;
- (7) the original aircraft radio licence, if applicable;
- (8) the third party liability insurance certificate(s);
- (9) the journey log, or equivalent, for the aircraft;
- (10) the aircraft technical log, in accordance with Annex I (Part-M) to Regulation (EC) No 2042/2003;
- (11) details of the filed ATS flight plan, if applicable;
- (12) current and suitable aeronautical charts for the route of the proposed flight and all routes along which it is reasonable to expect that the flight may be diverted;
- (13) procedures and visual signals information for use by intercepting and intercepted aircraft;
- (14) information concerning search and rescue services for the area of the intended flight, which shall be easily accessible in the flight crew compartment;
- (15) the current parts of the operations manual that are relevant to the duties of the crew members, which shall be easily accessible to the crew members;

- (16) the MEL;
- (17) appropriate notices to airmen (NOTAMs) and aeronautical information service (AIS) briefing documentation;
- (18) appropriate meteorological information;
- (19) cargo and/or passenger manifests, if applicable;
- (20) mass and balance documentation;
- (21) the operational flight plan, if applicable;
- (22) notification of special categories of passenger (SCPs) and special loads, if applicable; and
- (23) any other documentation that may be pertinent to the flight or is required by the States concerned with the flight.

(b) Notwithstanding (a), for operations under visual flight rules (VFR) by day with other-than-complex motor-powered aircraft taking off and landing at the same aerodrome or operating site within 24 hours, or remaining within a local area specified in the operations manual, the following documents and information may be retained at the aerodrome or operating site instead:

- (1) noise certificate;
- (2) aircraft radio licence;
- (3) journey log, or equivalent;
- (4) aircraft technical log;
- (5) NOTAMs and AIS briefing documentation;
- (6) meteorological information;
- (7) notification of SCPs and special loads, if applicable; and
- (8) mass and balance documentation.

(c) Notwithstanding (a), in case of loss or theft of documents specified in (a)(2) to (a)(8), the operation may continue until the flight reaches its destination or a place where replacement documents can be provided.

CAT.GEN.MPA.185 Information to be retained on the ground

(a) The operator shall ensure that at least for the duration of each flight or series of flights:

- (1) information relevant to the flight and appropriate for the type of operation is preserved on the ground;
- (2) the information is retained until it has been duplicated at the place at which it will be stored; or, if this is impracticable
- (3) the same information is carried in a fireproof container in the aircraft.

(b) The information referred to in (a) includes:

- (1) a copy of the operational flight plan, where appropriate;
- (2) copies of the relevant part(s) of the aircraft technical log;
- (3) route-specific NOTAM documentation if specifically edited by the operator;
- (4) mass and balance documentation if required; and
- (5) special loads notification.

CAT.GEN.MPA.190 Provision of documentation and records

The commander shall, within a reasonable time of being requested to do so by a person authorised by an authority, provide to that person the documentation required to be carried on board.

CAT.GEN.MPA.195 Preservation, production and use of flight recorder recordings

- (a) Following an accident or an incident that is subject to mandatory reporting, the operator of an aircraft shall preserve the original recorded data for a period of 60 days unless otherwise directed by the investigating authority.
- (b) The operator shall conduct operational checks and evaluations of flight data recorder (FDR) recordings, cockpit voice recorder (CVR) recordings and data link recordings to ensure the continued serviceability of the recorders.
- (c) The operator shall save the recordings for the period of operating time of the FDR as required by CAT.IDE.A.190 or CAT.IDE.H.190, except that, for the purpose of testing and maintaining the FDR, up to one hour of the oldest recorded material at the time of testing may be erased.
- (d) The operator shall keep and maintain up-to-date documentation that presents the necessary information to convert FDR raw data into parameters expressed in engineering units.
- (e) The operator shall make available any flight recorder recording that has been preserved, if so determined by the competent authority.
- (f) Without prejudice to Regulation (EU) No 996/2010 of the European Parliament and of the Council (¹):
 - (1) CVR recordings shall only be used for purposes other than for the investigation of an accident or an incident subject to mandatory reporting, if all crew members and maintenance personnel concerned consent.
 - (2) FDR recordings or data link recordings shall only be used for purposes other than for the investigation of an accident or an incident which is subject to mandatory reporting, if such records are:
 - (i) used by the operator for airworthiness or maintenance purposes only; or
 - (ii) de-identified; or
 - (iii) disclosed under secure procedures.

CAT.GEN.MPA.200 Transport of dangerous goods

- (a) Unless otherwise permitted by this Annex, the transport of dangerous goods by air shall be conducted in accordance with Annex 18 to the Chicago Convention as last amended and amplified by the 'Technical instructions for the safe transport of dangerous goods by air' (ICAO Doc 9284-AN/905), including its supplements and any other addenda or corrigenda.
- (b) Dangerous goods shall only be transported by an operator approved in accordance with Annex V (Part-SPA), Subpart G, except when:
 - (1) they are not subject to the technical instructions in accordance with Part 1 of those instructions; or
 - (2) they are carried by passengers or crew members, or are in baggage, in accordance with Part 8 of the technical instructions.
- (c) An operator shall establish procedures to ensure that all reasonable measures are taken to prevent dangerous goods from being carried on board inadvertently.
- (d) The operator shall provide personnel with the necessary information enabling them to carry out their responsibilities, as required by the technical instructions.
- (e) The operator shall, in accordance with the technical instructions, report without delay to the competent authority and the appropriate authority of the State of occurrence in the event of:
 - (1) any dangerous goods accidents or incidents;

(¹) OJ L 295, 12.11.2010, p. 35.

- (2) the discovery of undeclared or misdeclared dangerous goods in cargo or mail; or
- (3) the finding of dangerous goods carried by passengers or crew members, or in their baggage, when not in accordance with Part 8 of the technical instructions.
- (f) The operator shall ensure that passengers are provided with information about dangerous goods in accordance with the technical instructions.
- (g) The operator shall ensure that notices giving information about the transport of dangerous goods are provided at acceptance points for cargo as required by the technical instructions.

SUBPART B

OPERATING PROCEDURES

SECTION 1

Motor-powered aircraft

CAT.OP.MPA.100 Use of air traffic services

- (a) The operator shall ensure that:
 - (1) air traffic services (ATS) appropriate to the airspace and the applicable rules of the air are used for all flights whenever available;
 - (2) in-flight operational instructions involving a change to the ATS flight plan, when practicable, are coordinated with the appropriate ATS unit before transmission to an aircraft.
- (b) Notwithstanding (a), the use of ATS is not required unless mandated by air space requirements for:
 - (1) operations under VFR by day of other-than-complex motor-powered aeroplanes;
 - (2) helicopters with an MCTOM of 3 175 kg or less operated by day and over routes navigated by reference to visual landmarks; or
 - (3) local helicopter operations,

provided that search and rescue service arrangements can be maintained.

CAT.OP.MPA.105 Use of aerodromes and operating sites

- (a) The operator shall only use aerodromes and operating sites that are adequate for the type(s) of aircraft and operation(s) concerned.
- (b) The use of operating sites shall only apply to:
 - (1) other-than-complex motor-powered aeroplanes; and
 - (2) helicopters.

CAT.OP.MPA.106 Use of isolated aerodromes — aeroplanes

- (a) Using an isolated aerodrome as destination aerodrome with aeroplanes requires the prior approval by the competent authority.
- (b) An isolated aerodrome is one for which the alternate and final fuel reserve required to the nearest adequate destination alternate aerodrome is more than:
 - (1) for aeroplanes with reciprocating engines, fuel to fly for 45 minutes plus 15 % of the flying time planned to be spent at cruising level or two hours, whichever is less; or
 - (2) for aeroplanes with turbine engines, fuel to fly for two hours at normal cruise consumption above the destination aerodrome, including final reserve fuel.