

## ANNEX III

## ORGANISATION REQUIREMENTS FOR AIR OPERATIONS

## [PART-ORO]

**ORO.GEN.005 Scope**

This Annex establishes requirements to be followed by an air operator conducting commercial air transport operations.

## SUBPART GEN

## GENERAL REQUIREMENTS

## SECTION I

*General***ORO.GEN.105 Competent authority**

For the purpose of this Annex, the competent authority exercising oversight over operators subject to a certification obligation shall be for operators having their principal place of business in a Member State, the authority designated by that Member State.

**ORO.GEN.110 Operator responsibilities**

- (a) The operator is responsible for the operation of the aircraft in accordance with Annex IV to Regulation (EC) No 216/2008, the relevant requirements of this Annex and its certificate.
- (b) Every flight shall be conducted in accordance with the provisions of the operations manual.
- (c) The operator shall establish and maintain a system for exercising operational control over any flight operated under the terms of its certificate.
- (d) The operator shall ensure that its aircraft are equipped and its crews are qualified as required for the area and type of operation.
- (e) The operator shall ensure that all personnel assigned to, or directly involved in, ground and flight operations are properly instructed, have demonstrated their abilities in their particular duties and are aware of their responsibilities and the relationship of such duties to the operation as a whole.
- (f) The operator shall establish procedures and instructions for the safe operation of each aircraft type, containing ground staff and crew member duties and responsibilities for all types of operation on the ground and in flight. These procedures shall not require crew members to perform any activities during critical phases of flight other than those required for the safe operation of the aircraft.
- (g) The operator shall ensure that all personnel are made aware that they shall comply with the laws, regulations and procedures of those States in which operations are conducted and that are pertinent to the performance of their duties.
- (h) The operator shall establish a checklist system for each aircraft type to be used by crew members in all phases of flight under normal, abnormal and emergency conditions to ensure that the operating procedures in the operations manual are followed. The design and utilisation of checklists shall observe human factors principles and take into account the latest relevant documentation from the aircraft manufacturer.
- (i) The operator shall specify flight planning procedures to provide for the safe conduct of the flight based on considerations of aircraft performance, other operating limitations and relevant expected conditions on the route to be followed and at the aerodromes or operating sites concerned. These procedures shall be included in the operations manual.
- (j) The operator shall establish and maintain dangerous goods training programmes for personnel as required by the technical instructions which shall be subject to review and approval by the competent authority. Training programmes shall be commensurate with the responsibilities of personnel.

**ORO.GEN.115 Application for an operator certificate**

- (a) The application for an operator certificate or an amendment to an existing certificate shall be made in a form and manner established by the competent authority, taking into account the applicable requirements of Regulation (EC) No 216/2008 and its Implementing Rules.

(b) Applicants for an initial certificate shall provide the competent authority with documentation demonstrating how they will comply with the requirements established in Regulation (EC) No 216/2008 and its Implementing Rules. Such documentation shall include a procedure describing how changes not requiring prior approval will be managed and notified to the competent authority.

#### **ORO.GEN.120 Means of compliance**

(a) Alternative means of compliance to those adopted by the Agency may be used by an operator to establish compliance with Regulation (EC) No 216/2008 and its Implementing Rules.

(b) When an operator subject to certification wishes to use an alternative means of compliance to the acceptable means of compliance (AMC) adopted by the Agency to establish compliance with Regulation (EC) No 216/2008 and its Implementing Rules, it shall, prior to implementing it, provide the competent authority with a full description of the alternative means of compliance. The description shall include any revisions to manuals or procedures that may be relevant, as well as an assessment demonstrating that the Implementing Rules are met.

The operator may implement these alternative means of compliance subject to prior approval by the competent authority and upon receipt of the notification as prescribed in ARO.GEN.120(d).

#### **ORO.GEN.125 Terms of approval and privileges of an operator**

A certified operator shall comply with the scope and privileges defined in the operations specifications attached to the operator's certificate.

#### **ORO.GEN.130 Changes**

(a) Any change affecting:

(1) the scope of the certificate or the operations specifications of an operator; or

(2) any of the elements of the operator's management system as required in ORO.GEN.200(a)(1) and (a)(2),

shall require prior approval by the competent authority.

(b) For any changes requiring prior approval in accordance with Regulation (EC) No 216/2008 and its Implementing Rules, the operator shall apply for and obtain an approval issued by the competent authority. The application shall be submitted before any such change takes place, in order to enable the competent authority to determine continued compliance with Regulation (EC) No 216/2008 and its Implementing Rules and to amend, if necessary, the operator certificate and related terms of approval attached to it.

The operator shall provide the competent authority with any relevant documentation.

The change shall only be implemented upon receipt of formal approval by the competent authority in accordance with ARO.GEN.330.

The operator shall operate under the conditions prescribed by the competent authority during such changes, as applicable.

(c) All changes not requiring prior approval shall be managed and notified to the competent authority as defined in the procedure approved by the competent authority in accordance with ARO.GEN.310(c).

#### **ORO.GEN.135 Continued validity**

(a) The operator's certificate shall remain valid subject to:

(1) the operator remaining in compliance with the relevant requirements of Regulation (EC) No 216/2008 and its Implementing Rules, taking into account the provisions related to the handling of findings as specified under ORO.GEN.150;

(2) the competent authority being granted access to the operator as defined in ORO.GEN.140 to determine continued compliance with the relevant requirements of Regulation (EC) No 216/2008 and its Implementing Rules; and

(3) the certificate not being surrendered or revoked.

(b) Upon revocation or surrender the certificate shall be returned to the competent authority without delay.

#### **ORO.GEN.140 Access**

(a) For the purpose of determining compliance with the relevant requirements of Regulation (EC) No 216/2008 and its Implementing Rules, the operator shall grant access at any time to any facility, aircraft, document, records, data, procedures or any other material relevant to its activity subject to certification, whether it is contracted or not, to any person authorised by one of the following authorities:

- (1) the competent authority defined in ORO.GEN.105;
- (2) the authority acting under the provisions of ARO.GEN.300(d), ARO.GEN.300(e) or ARO.RAMP.

(b) Access to the aircraft mentioned under (a) shall include the possibility to enter and remain in the aircraft during flight operations unless otherwise decided by the commander for the flight crew compartment in accordance with CAT.GEN.MPA.135 in the interest of safety.

#### **ORO.GEN.150 Findings**

After receipt of notification of findings, the operator shall:

- (a) identify the root cause of the non-compliance;
- (b) define a corrective action plan; and
- (c) demonstrate corrective action implementation to the satisfaction of the competent authority within a period agreed with that authority as defined in ARO.GEN.350(d).

#### **ORO.GEN.155 Immediate reaction to a safety problem**

The operator shall implement:

- (a) any safety measures mandated by the competent authority in accordance with ARO.GEN.135(c); and
- (b) any relevant mandatory safety information issued by the Agency, including airworthiness directives.

#### **ORO.GEN.160 Occurrence reporting**

(a) The operator shall report to the competent authority, and to any other organisation required by the State of the operator to be informed, any accident, serious incident and occurrence as defined in Regulation (EU) No 996/2010 of the European Parliament and of the Council <sup>(1)</sup> and Directive 2003/42/EC.

(b) Without prejudice to point (a) the operator shall report to the competent authority and to the organisation responsible for the design of the aircraft any incident, malfunction, technical defect, exceeding of technical limitations, occurrence that would highlight inaccurate, incomplete or ambiguous information contained in data established in accordance with Commission Regulation (EC) No 1702/2003 <sup>(2)</sup> or other irregular circumstance that has or may have endangered the safe operation of the aircraft and that has not resulted in an accident or serious incident.

(c) Without prejudice to Regulation (EU) No 996/2010, Directive 2003/42/EC, Commission Regulation (EC) No 1321/2007 <sup>(3)</sup> and Commission Regulation (EC) No 1330/2007 <sup>(4)</sup>, the reports referred in paragraphs (a) and (b) shall be made in a form and manner established by the competent authority and contain all pertinent information about the condition known to the operator.

(d) Reports shall be made as soon as practicable, but in any case within 72 hours of the operator identifying the condition to which the report relates, unless exceptional circumstances prevent this.

<sup>(1)</sup> OJ L 295, 12.11.2010, p. 35.

<sup>(2)</sup> OJ L 243, 27.9.2003, p. 6.

<sup>(3)</sup> OJ L 294, 13.11.2007, p. 3.

<sup>(4)</sup> OJ L 295, 14.11.2007, p. 7.

(e) Where relevant, the operator shall produce a follow-up report to provide details of actions it intends to take to prevent similar occurrences in the future, as soon as these actions have been identified. This report shall be produced in a form and manner established by the competent authority.

## SECTION 2

### ***Management***

#### **ORO.GEN.200 Management system**

(a) The operator shall establish, implement and maintain a management system that includes:

- (1) clearly defined lines of responsibility and accountability throughout the operator, including a direct safety accountability of the accountable manager;
- (2) a description of the overall philosophies and principles of the operator with regard to safety, referred to as the safety policy;
- (3) the identification of aviation safety hazards entailed by the activities of the operator, their evaluation and the management of associated risks, including taking actions to mitigate the risk and verify their effectiveness;
- (4) maintaining personnel trained and competent to perform their tasks;
- (5) documentation of all management system key processes, including a process for making personnel aware of their responsibilities and the procedure for amending this documentation;
- (6) a function to monitor compliance of the operator with the relevant requirements. Compliance monitoring shall include a feedback system of findings to the accountable manager to ensure effective implementation of corrective actions as necessary; and
- (7) any additional requirements that are prescribed in the relevant Subparts of this Annex or other applicable Annexes.

(b) The management system shall correspond to the size of the operator and the nature and complexity of its activities, taking into account the hazards and associated risks inherent in these activities.

#### **ORO.GEN.205 Contracted activities**

(a) Contracted activities include all activities within the operator's scope of approval that are performed by another organisation either itself certified to carry out such activity or if not certified, working under the operator's approval. The operator shall ensure that when contracting or purchasing any part of its activity, the contracted or purchased service or product conforms to the applicable requirements.

(b) When the certified operator contracts any part of its activity to an organisation that is not itself certified in accordance with this Part to carry out such activity, the contracted organisation shall work under the approval of the operator. The contracting organisation shall ensure that the competent authority is given access to the contracted organisation, to determine continued compliance with the applicable requirements.

#### **ORO.GEN.210 Personnel requirements**

(a) The operator shall appoint an accountable manager, who has the authority for ensuring that all activities can be financed and carried out in accordance with the applicable requirements. The accountable manager shall be responsible for establishing and maintaining an effective management system.

(b) A person or group of persons shall be nominated by the operator, with the responsibility of ensuring that the operator remains in compliance with the applicable requirements. Such person(s) shall be ultimately responsible to the accountable manager.

(c) The operator shall have sufficient qualified personnel for the planned tasks and activities to be performed in accordance with the applicable requirements.

(d) The operator shall maintain appropriate experience, qualification and training records to show compliance with point (c).

(e) The operator shall ensure that all personnel are aware of the rules and procedures relevant to the exercise of their duties.

**ORO.GEN.215 Facility requirements**

The operator shall have facilities allowing the performance and management of all planned tasks and activities in accordance with the applicable requirements.

**ORO.GEN.220 Record-keeping**

- (a) The operator shall establish a system of record-keeping that allows adequate storage and reliable traceability of all activities developed, covering in particular all the elements indicated in ORO.GEN.200.
- (b) The format of the records shall be specified in the operator's procedures.
- (c) Records shall be stored in a manner that ensures protection from damage, alteration and theft.

## SUBPART AOC

**AIR OPERATOR CERTIFICATION****ORO.AOC.100 Application for an air operator certificate**

- (a) Without prejudice to Regulation (EC) No 1008/2008 of the European Parliament and the Council (¹), prior to commencing commercial air operations, the operator shall apply for and obtain an air operator certificate (AOC) issued by the competent authority.
- (b) The operator shall provide the following information to the competent authority:
  - (1) the official name and business name, address, and mailing address of the applicant;
  - (2) a description of the proposed operation, including the type(s), and number of aircraft to be operated;
  - (3) a description of the management system, including organisational structure;
  - (4) the name of the accountable manager;
  - (5) the names of the nominated persons required by ORO.AOC.135(a) together with their qualifications and experience; and
  - (6) a copy of the operations manual required by ORO.MLR.100.
  - (7) a statement that all the documentation sent to the competent authority have been verified by the applicant and found in compliance with the applicable requirements.
- (c) Applicants shall demonstrate to the competent authority that:
  - (1) they comply with all the applicable requirements of Annex IV to Regulation (EC) No 216/2008, this Annex and Annex IV (Part-CAT) and Annex V (Part-SPA) to this Regulation, as applicable;
  - (2) all aircraft operated have a certificate of airworthiness (CofA) in accordance with Regulation (EC) No 1702/2003; and
  - (3) its organisation and management are suitable and properly matched to the scale and scope of the operation.

**ORO.AOC.105 Operations specifications and privileges of an AOC holder**

The privileges of the operator, including those granted in accordance with Annex V (Part-SPA), shall be specified in the operations specifications of the certificate.

**ORO.AOC.110 Leasing agreement***Any lease-in*

- (a) 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.

(¹) OJ L 293, 31.10.2008, p. 3.

(b) The operator certified in accordance with this Part shall only wet lease-in aircraft from an operator that is not subject to an operating ban pursuant to Regulation (EC) No 2111/2005.

*Wet lease-in*

(c) The applicant for the approval of the wet lease-in of an aircraft of a third country operator shall demonstrate to the competent authority that:

- (1) the third country operator holds a valid AOC issued in accordance with ICAO Annex 6;
- (2) the safety standards of the third country operator with regard to continuing airworthiness and air operations are equivalent to the applicable requirements established by Regulation (EC) No 2042/2003 and this Regulation; and
- (3) the aircraft has a standard CofA issued in accordance with ICAO Annex 8.

*Dry lease-in*

(d) An applicant for the approval of the dry lease-in of an aircraft registered in a third country shall demonstrate to the competent authority that:

- (1) an operational need has been identified that cannot be satisfied through leasing an aircraft registered in the EU;
- (2) the duration of the dry lease-in does not exceed seven months in any 12 consecutive month period; and
- (3) compliance with the applicable requirements of Regulation (EC) No 2042/2003 is ensured.

*Dry lease-out*

(e) The operator certified in accordance with this Part intending to dry lease-out one of its aircraft shall apply for prior approval by the competent authority. The application shall be accompanied by copies of the intended lease agreement or description of the lease provisions, except financial arrangements, and all other relevant documentation.

*Wet lease-out*

(f) Prior to the wet lease-out of an aircraft, the operator certified in accordance with this Part shall notify the competent authority.

**ORO.AOC.115 Code-share agreements**

(a) Without prejudice to applicable EU safety requirements for third country operators and aircraft, an operator certified in accordance with this Part shall enter into a code-share agreement with a third country operator only after:

- (1) having verified that the third country operator complies with the applicable ICAO standards; and
- (2) having provided the competent authority with documented information enabling such authority to comply with ARO.OPS.105.

(b) When implementing the code-share agreement the operator shall monitor and regularly assess the ongoing compliance of the third country operator with the applicable ICAO standards.

(c) The operator certified in accordance with this Part shall not sell and issue tickets for a flight operated by a third country operator when the third country operator is subject to an operating ban pursuant to Regulation (EC) No 2111/2005 or is failing to maintain compliance with the applicable ICAO standards.

**ORO.AOC.120 Approvals to provide cabin crew training and to issue cabin crew attestations**

(a) When intending to provide the training course required in Annex V (Part-CC) to Regulation (EU) No 290/2012, the operator shall apply for and obtain an approval issued by the competent authority. For this purpose, the applicant shall demonstrate compliance with the requirements for the conduct and content of training course established in CC.TRA.215 and CC.TRA.220 of that Annex and shall provide the competent authority with:

- (1) the date of intended commencement of activity;
- (2) the personal details and qualifications of the instructors as relevant to the training elements to be covered;
- (3) the name(s) and address(es) of the training site(s) at which the training is to be conducted;

(4) a description of the facilities, training methods, manuals and representative devices to be used; and

(5) the syllabi and associated programmes for the training course.

(b) If a Member State decides, in accordance with ARA.CC.200 of Annex VI (Part-ARA) to Regulation (EU) No 290/2012, that operators may be approved to issue cabin crew attestations, the applicant shall, in addition to (a):

(1) demonstrate to the competent authority that:

(i) the organisation has the capability and accountability to perform this task;

(ii) the personnel conducting examinations are appropriately qualified and free from conflict of interest; and

(2) provide the procedures and the specified conditions for:

(i) conducting the examination required by CC.TRA.220;

(ii) issuing cabin crew attestations; and

(iii) supplying the competent authority with all relevant information and documentation related to the attestations it will issue and their holders, for the purpose of record-keeping, oversight and enforcement actions by that authority.

(c) The approvals referred to in (a) and (b) shall be specified in the operations specifications.

**ORO.AOC.125 Non-commercial operations of aircraft listed in the operations specifications by the holder of an AOC**

The holder of an AOC may conduct non-commercial operations with an aircraft otherwise used for commercial air transport operations that is listed in the operations specifications of its AOC, provided that the operator:

(a) describes such operations in detail in the operations manual, including:

(1) identification of the applicable requirements;

(2) a clear identification of any differences between operating procedures used when conducting commercial and non-commercial operations;

(3) a means of ensuring that all personnel involved in the operation are fully familiar with the associated procedures;

(b) submits the identified differences between the operating procedures referred to in (a)(2) to the competent authority for prior approval.

**ORO.AOC.130 Flight data monitoring — aeroplanes**

(a) The operator shall establish and maintain a flight data monitoring system, which shall be integrated in its management system, for aeroplanes with a maximum certificated take-off mass of more than 27 000 kg.

(b) The flight data monitoring system shall be non-punitive and contain adequate safeguards to protect the source(s) of the data.

**ORO.AOC.135 Personnel requirements**

(a) In accordance with ORO.GEN.210(b), the operator shall nominate persons responsible for the management and supervision of the following areas:

(1) flight operations;

(2) crew training;

(3) ground operations; and

(4) continuing airworthiness in accordance with Regulation (EC) No 2042/2003.

(b) *Adequacy and competency of personnel*

(1) The operator shall employ sufficient personnel for the planned ground and flight operations.

(2) All personnel assigned to, or directly involved in, ground and flight operations shall:

(i) be properly trained;

(ii) demonstrate their capabilities in the performance of their assigned duties; and

(iii) be aware of their responsibilities and the relationship of their duties to the operation as a whole.

(c) *Supervision of personnel*

(1) The operator shall appoint a sufficient number of personnel supervisors, taking into account the structure of the operator's organisation and the number of personnel employed.

(2) The duties and responsibilities of these supervisors shall be defined, and any other necessary arrangements shall be made to ensure that they can discharge their supervisory responsibilities.

(3) The supervision of crew members and personnel involved in the operation shall be exercised by individuals with adequate experience and the skills to ensure the attainment of the standards specified in the operations manual.

**ORO.AOC.140 Facility requirements**

In accordance with ORO.GEN.215, the operator shall:

(a) make use of appropriate ground handling facilities to ensure the safe handling of its flights;

(b) arrange operational support facilities at the main operating base, appropriate for the area and type of operation; and

(c) ensure that the available working space at each operating base is sufficient for personnel whose actions may affect the safety of flight operations. Consideration shall be given to the needs of ground crew, personnel concerned with operational control, the storage and display of essential records and flight planning by crews.

**ORO.AOC.150 Documentation requirements**

(a) The operator shall make arrangements for the production of manuals and any other documentation required and associated amendments.

(b) The operator shall be capable of distributing operational instructions and other information without delay.

## SUBPART MLR

**MANUALS, LOGS AND RECORDS****ORO.MLR.100 Operations manual — general**

(a) The operator shall establish an operations manual (OM) as specified under 8.b of Annex IV to Regulation (EC) No 216/2008.

(b) The content of the OM shall reflect the requirements set out in this Annex, Annex IV (Part-CAT) and Annex V (Part-SPA), as applicable, and shall not contravene the conditions contained in the operations specifications to the air operator certificate (AOC).

(c) The OM may be issued in separate parts.

(d) All operations personnel shall have easy access to the portions of the OM that are relevant to their duties.

(e) The OM shall be kept up to date. All personnel shall be made aware of the changes that are relevant to their duties.

(f) Each crew member shall be provided with a personal copy of the relevant sections of the OM pertaining to their duties. Each holder of an OM, or appropriate parts of it, shall be responsible for keeping their copy up to date with the amendments or revisions supplied by the operator.

(g) For AOC holders:

- (1) for amendments required to be notified in accordance with ORO.GEN.115(b) and ORO.GEN.130(c), the operator shall supply the competent authority with intended amendments in advance of the effective date; and
- (2) for amendments to procedures associated with prior approval items in accordance with ORO.GEN.130, approval shall be obtained before the amendment becomes effective.

(h) Notwithstanding (g), when immediate amendments or revisions are required in the interest of safety, they may be published and applied immediately, provided that any approval required has been applied for.

- (i) The operator shall incorporate all amendments and revisions required by the competent authority.
- (j) The operator shall ensure that information taken from approved documents, and any amendment thereof, is correctly reflected in the OM. This does not prevent the operator from publishing more conservative data and procedures in the OM.
- (k) The operator shall ensure that all personnel are able to understand the language in which those parts of the OM which pertain to their duties and responsibilities are written. The content of the OM shall be presented in a form that can be used without difficulty and observes human factors principles.

#### **ORO.MLR.101 Operations manual — structure**

The main structure of the OM shall be as follows:

- (a) Part A: General/Basic, comprising all non-type-related operational policies, instructions and procedures;
- (b) Part B: Aircraft operating matters, comprising all type-related instructions and procedures, taking into account differences between types/classes, variants or individual aircraft used by the operator;
- (c) Part C: Commercial air transport operations, comprising route/role/area and aerodrome/operating site instructions and information;
- (d) Part D: Training, comprising all training instructions for personnel required for a safe operation.

#### **ORO.MLR.105 Minimum equipment list**

- (a) A minimum equipment list (MEL) shall be established as specified under 8.a.3 of Annex IV to Regulation (EC) No 216/2008, based on the relevant master minimum equipment list (MMEL) as defined in the data established in accordance with Regulation (EC) No 1702/2003.
- (b) The MEL and any amendment thereto shall be approved by the competent authority.
- (c) The operator shall amend the MEL after any applicable change to the MMEL within the acceptable timescales.
- (d) In addition to the list of items, the MEL shall contain:
  - (1) a preamble, including guidance and definitions for flight crews and maintenance personnel using the MEL;
  - (2) the revision status of the MMEL upon which the MEL is based and the revision status of the MEL;
  - (3) the scope, extent and purpose of the MEL.
- (e) The operator shall:
  - (1) establish rectification intervals for each inoperative instrument, item of equipment or function listed in the MEL. The rectification interval in the MEL shall not be less restrictive than the corresponding rectification interval in the MMEL;
  - (2) establish an effective rectification programme;
  - (3) only operate the aircraft after expiry of the rectification interval specified in the MEL when:
    - (i) the defect has been rectified; or
    - (ii) the rectification interval has been extended in accordance with (f).

(f) Subject to approval of the competent authority, the operator may use a procedure for the one time extension of category B, C and D rectification intervals, provided that:

- (1) the extension of the rectification interval is within the scope of the MMEL for the aircraft type;
- (2) the extension of the rectification interval is, as a maximum, of the same duration as the rectification interval specified in the MEL;
- (3) the rectification interval extension is not used as a normal means of conducting MEL item rectification and is used only when events beyond the control of the operator have precluded rectification;
- (4) a description of specific duties and responsibilities for controlling extensions is established by the operator;
- (5) the competent authority is notified of any extension of the applicable rectification interval; and
- (6) a plan to accomplish the rectification at the earliest opportunity is established.

(g) The operator shall establish the operational and maintenance procedures referenced in the MEL taking into account the operational and maintenance procedures referenced in the MMEL. These procedures shall be part of the operator's manuals or the MEL.

(h) The operator shall amend the operational and maintenance procedures referenced in the MEL after any applicable change to the operational and maintenance procedures referenced in the MMEL.

(i) Unless otherwise specified in the MEL, the operator shall complete:

- (1) the operational procedures referenced in the MEL when planning for and/or operating with the listed item inoperative; and
- (2) the maintenance procedures referenced in the MEL prior to operating with the listed item inoperative.

(j) Subject to a specific case-by-case approval by the competent authority, the operator may operate an aircraft with inoperative instruments, items of equipment or functions outside the constraints of the MEL but within the constraints of the MMEL, provided that:

- (1) the concerned instruments, items of equipment or functions are within the scope of the MMEL as defined in the data established in accordance with Regulation (EC) No 1702/2003;
- (2) the approval is not used as a normal means of conducting operations outside the constraints of the approved MEL and is used only when events beyond the control of the operator have precluded the MEL compliance;
- (3) a description of specific duties and responsibilities for controlling the operation of the aircraft under such approval is established by the operator; and
- (4) a plan to rectify the inoperative instruments, items of equipment or functions or to return operating the aircraft under the MEL constraints at the earliest opportunity is established.

#### **ORO.MLR.110 Journey log**

Particulars of the aircraft, its crew and each journey shall be retained for each flight, or series of flights, in the form of a journey log, or equivalent.

#### **ORO.MLR.115 Record-keeping**

- (a) The records of the activities referred to in ORO.GEN.200 shall be stored for at least five years.
- (b) The following information used for the preparation and execution of a flight, and associated reports, shall be stored for three months:
  - (1) the operational flight plan, if applicable;
  - (2) route-specific notice(s) to airmen (NOTAM) and aeronautical information services (AIS) briefing documentation, if edited by the operator;

- (3) mass and balance documentation;
- (4) notification of special loads, including written information to the commander/pilot-in-command about dangerous goods;
- (5) the journey log, or equivalent; and
- (6) flight report(s) for recording details of any occurrence, or any event that the commander/pilot-in-command deems necessary to report or record;

(c) Personnel records shall be stored for the periods indicated below:

Flight crew licence and cabin crew attestation	As long as the crew member is exercising the privileges of the licence or attestation for the aircraft operator
Crew member training, checking and qualifications	3 years
Records on crew member recent experience	15 months
Crew member route and aerodrome/task and area competence, as appropriate	3 years
Dangerous goods training, as appropriate	3 years
Training/qualification records of other personnel for whom a training programme is required	Last 2 training records

(d) The operator shall:

- (1) maintain records of all training, checking and qualifications of each crew member, as prescribed in Part-ORO; and
- (2) make such records available, on request, to the crew member concerned.

(e) The operator shall preserve the information used for the preparation and execution of a flight and personnel training records, even if the operator ceases to be the operator of that aircraft or the employer of that crew member, provided this is within the timescales prescribed in (c).

(f) If a crew member becomes a crew member for another operator, the operator shall make the crew member's records available to the new operator, provided this is within the timescales prescribed in (c).

#### SUBPART SEC

#### **SECURITY**

##### **ORO.SEC.100.A Flight crew compartment security**

- (a) In an aeroplane which is equipped with a flight crew compartment door, this door shall be capable of being locked, and means shall be provided by which the cabin crew can notify the flight crew in the event of suspicious activity or security breaches in the cabin.
- (b) All passenger-carrying aeroplanes of a maximum certificated take-off mass exceeding 45 500 kg, or with a MOPSC of more than 60 engaged in the commercial transportation of passengers, shall be equipped with an approved flight crew compartment door that is capable of being locked and unlocked from either pilot's station and designed to meet the applicable airworthiness requirements.
- (c) In all aeroplanes which are equipped with a flight crew compartment door in accordance with point (b) above:
  - (1) this door shall be closed prior to engine start for take-off and will be locked when required by security procedures or by the pilot-in-command until engine shut down after landing, except when deemed necessary for authorised persons to access or egress in compliance with national civil aviation security programmes; and
  - (2) means shall be provided for monitoring from either pilot's station the entire door area outside the flight crew compartment to identify persons requesting entry and to detect suspicious behaviour or potential threat.

**ORO.SEC.100.H Flight crew compartment security**

If installed, the flight crew compartment door on a helicopter operated for the purpose of carrying passengers shall be capable of being locked from within the flight crew compartment in order to prevent unauthorised access.

## SUBPART FC

**FLIGHT CREW****ORO.FC.005 Scope**

This Subpart establishes requirements to be met by the operator conducting commercial air transport operations related to flight crew training, experience and qualification.

**ORO.FC.100 Composition of flight crew**

- (a) The composition of the flight crew and the number of flight crew members at designated crew stations shall be not less than the minimum specified in the aircraft flight manual or operating limitations prescribed for the aircraft.
- (b) The flight crew shall include additional flight crew members when required by the type of operation and shall not be reduced below the number specified in the operations manual.
- (c) All flight crew members shall hold a licence and ratings issued or accepted in accordance with Commission Regulation (EU) No 1178/2011<sup>(1)</sup> and appropriate to the duties assigned to them.
- (d) The flight crew member may be relieved in flight of his/her duties at the controls by another suitably qualified flight crew member.
- (e) When engaging the services of flight crew members who are working on a freelance or part-time basis, the operator shall verify that all applicable requirements of this Subpart and the relevant elements of Annex I (Part-FCL) to Regulation (EU) No 1178/2011, including the requirements on recent experience, are complied with, taking into account all services rendered by the flight crew member to other operator(s) to determine in particular:
  - (1) the total number of aircraft types or variants operated; and
  - (2) the applicable flight and duty time limitations and rest requirements.

**ORO.FC.105 Designation as pilot-in-command/commander**

- (a) In accordance with 8.e of Annex IV to Regulation (EC) No 216/2008, one pilot amongst the flight crew, qualified as pilot-in-command in accordance with Annex I (Part-FCL) to Regulation (EU) No 1178/2011, shall be designated by the operator as pilot-in-command/commander.
- (b) The operator shall only designate a flight crew member to act as pilot-in-command/commander if he/she has:
  - (1) the minimum level of experience specified in the operations manual;
  - (2) adequate knowledge of the route or area to be flown and of the aerodromes, including alternate aerodromes, facilities and procedures to be used;
  - (3) in the case of multi-crew operations, completed an operator's command course if upgrading from co-pilot to pilot-in-command/commander.
- (c) The pilot-in-command/commander or the pilot, to whom the conduct of the flight may be delegated, shall have had initial familiarisation training of the route or area to be flown and of the aerodromes, facilities and procedures to be used. This route/area and aerodrome knowledge shall be maintained by operating at least once on the route or area or to the aerodrome within a 12-month period.
- (d) In the case of performance class B aeroplanes involved in commercial air transport operations under VFR by day, (c) shall not apply.

<sup>(1)</sup> OJ L 311, 25.11.2011, p. 1.

**ORO.FC.110 Flight engineer**

When a separate flight engineer station is incorporated in the design of an aeroplane, the flight crew shall include one crew member who is suitably qualified in accordance with applicable national rules.

**ORO.FC.115 Crew resource management (CRM) training**

- (a) Before operating, the flight crew member shall have received CRM training, appropriate to his/her role, as specified in the operations manual.
- (b) Elements of CRM training shall be included in the aircraft type or class training and recurrent training as well as in the command course.

**ORO.FC.120 Operator conversion training**

- (a) In the case of aeroplane or helicopter operations, the flight crew member shall complete the operator conversion training course before commencing unsupervised line flying:
  - (1) when changing to an aircraft for which a new type or class rating is required;
  - (2) when joining an operator.
- (b) The operator conversion training course shall include training on the equipment installed on the aircraft as relevant to flight crew members' roles.

**ORO.FC.125 Differences training and familiarisation training**

- (a) Flight crew members shall complete differences or familiarisation training when required by Annex I (Part-FCL) to Regulation (EU) No 1178/2011 and when changing equipment or procedures requiring additional knowledge on types or variants currently operated.
- (b) The operations manual shall specify when such differences or familiarisation training is required.

**ORO.FC.130 Recurrent training and checking**

- (a) Each flight crew member shall complete annual recurrent flight and ground training relevant to the type or variant of aircraft on which he/she operates, including training on the location and use of all emergency and safety equipment carried.
- (b) Each flight crew member shall be periodically checked to demonstrate competence in carrying out normal, abnormal and emergency procedures.

**ORO.FC.135 Pilot qualification to operate in either pilot's seat**

Flight crew members who may be assigned to operate in either pilot's seat shall complete appropriate training and checking as specified in the operations manual.

**ORO.FC.140 Operation on more than one type or variant**

- (a) Flight crew members operating more than one type or variant of aircraft shall comply with the requirements prescribed in this Subpart for each type or variant, unless credits related to the training, checking, and recent experience requirements are defined in the data established in accordance with Regulation (EC) No 1702/2003 for the relevant types or variants.
- (b) Appropriate procedures and/or operational restrictions shall be specified in the operations manual for any operation on more than one type or variant.

**ORO.FC.145 Provision of training**

- (a) All the training required in this Subpart shall be conducted:
  - (1) in accordance with the training programmes and syllabi established by the operator in the operations manual;
  - (2) by appropriately qualified personnel. In the case of flight and flight simulation training and checking, the personnel providing the training and conducting the checks shall be qualified in accordance with Annex I (Part-FCL) to Regulation (EU) No 1178/2011.

- (b) When establishing the training programmes and syllabi, the operator shall include the mandatory elements for the relevant type as defined in the data established in accordance with Regulation (EC) No 1702/2003.
- (c) Training and checking programmes, including syllabi and use of individual flight simulation training devices (FSTDs), shall be approved by the competent authority.
- (d) The FSTD shall replicate the aircraft used by the operator, as far as practicable. Differences between the FSTD and the aircraft shall be described and addressed through a briefing or training, as appropriate.
- (e) The operator shall establish a system to adequately monitor changes to the FSTD and to ensure that those changes do not affect the adequacy of the training programmes.

#### **ORO.FC.200 Composition of flight crew**

- (a) There shall not be more than one inexperienced flight crew member in any flight crew.
- (b) The commander may delegate the conduct of the flight to another pilot suitably qualified in accordance with Annex I (Part-FCL) to Regulation (EU) No 1178/2011 provided that the requirements of ORO.FC.105(b)(1), (b)(2) and (c) are complied with.
- (c) Specific requirements for aeroplane operations under instrument flight rules (IFR) or at night.
  - (1) The minimum flight crew shall be two pilots for all turbo-propeller aeroplanes with a maximum operational passenger seating configuration (MOPSC) of more than nine and all turbojet aeroplanes.
  - (2) Aeroplanes other than those covered by (c)(1) shall be operated with a minimum crew of two pilots, unless the requirements of ORO.FC.202 are complied with, in which case they may be operated by a single pilot.
- (d) Specific requirements for helicopter operations.
  - (1) For all operations of helicopters with an MOPSC of more than 19 and for operations under IFR of helicopters with an MOPSC of more than 9:
    - (i) the minimum flight crew shall be two pilots; and
    - (ii) the commander shall be the holder of an airline transport pilot licence (helicopter) (ATPL(H)) with an instrument rating issued in accordance with Annex I (Part-FCL) to Regulation (EU) No 1178/2011.
  - (2) Operations not covered by (d)(1) may be operated by a single pilot under IFR or at night provided that the requirements of ORO.FC.202 are complied with.

#### **ORO.FC.A.201 In-flight relief of flight crew members**

- (a) The commander may delegate the conduct of the flight to:
  - (1) another qualified commander; or
  - (2) for operations only above flight level (FL) 200, a pilot who complies with the following minimum qualifications:
    - (i) ATPL;
    - (ii) conversion training and checking, including type rating training, in accordance with ORO.FC.220;
    - (iii) all recurrent training and checking in accordance with ORO.FC.230 and ORO.FC.240;
    - (iv) route/area and aerodrome competence in accordance with ORO.FC.105.
- (b) The co-pilot may be relieved by:
  - (1) another suitably qualified pilot;
  - (2) for operations only above FL 200, a cruise relief co-pilot that complies with the following minimum qualifications:
    - (i) valid commercial pilot licence (CPL) with an instrument rating;

- (ii) conversion training and checking, including type rating training, in accordance with ORO.FC.220 except the requirement for take-off and landing training;
- (iii) recurrent training and checking in accordance with ORO.FC.230 except the requirement for take-off and landing training.

(c) A flight engineer may be relieved in flight by a crew member suitably qualified in accordance with applicable national rules.

#### **ORO.FC.202 Single-pilot operations under IFR or at night**

In order to be able to fly under IFR or at night with a minimum flight crew of one pilot, as foreseen in ORO.FC.200(c)(2) and (d)(2), the following shall be complied with:

- (a) The operator shall include in the operations manual a pilot's conversion and recurrent training programme that includes the additional requirements for a single-pilot operation. The pilot shall have undertaken training on the operator's procedures, in particular regarding:
  - (1) engine management and emergency handling;
  - (2) use of normal, abnormal and emergency checklist;
  - (3) air traffic control (ATC) communication;
  - (4) departure and approach procedures;
  - (5) autopilot management, if applicable;
  - (6) use of simplified in-flight documentation;
  - (7) single-pilot crew resource management.
- (b) The recurrent checks required by ORO.FC.230 shall be performed in the single-pilot role on the relevant type or class of aircraft in an environment representative of the operation.
- (c) For aeroplane operations under IFR the pilot shall have:
  - (1) a minimum of 50 hours flight time under IFR on the relevant type or class of aeroplane, of which 10 hours are as commander; and
  - (2) completed during the preceding 90 days on the relevant type or class of aeroplane:
    - (i) five IFR flights, including three instrument approaches, in a single-pilot role; or
    - (ii) an IFR instrument approach check.
- (d) For aeroplane operations at night the pilot shall have:
  - (1) a minimum of 15 hours flight time at night which may be included in the 50 hours flight time under IFR in (c)(1); and
  - (2) completed during the preceding 90 days on the relevant type or class of aeroplane:
    - (i) three take-offs and landings at night in the single pilot role; or
    - (ii) a night take-off and landing check.
- (e) For helicopter operations under IFR the pilot shall have:
  - (1) 25 hours total IFR flight experience in the relevant operating environment; and
  - (2) 25 hours flight experience as a single pilot on the specific type of helicopter, approved for single-pilot IFR, of which 10 hours may be flown under supervision, including five sectors of IFR line flying under supervision using the single-pilot procedures; and

(3) completed during the preceding 90 days:

- (i) five IFR flights as a single pilot, including three instrument approaches, carried out on a helicopter approved for this purpose; or
- (ii) an IFR instrument approach check as a single pilot on the relevant type of helicopter, flight training device (FTD) or full flight simulator (FFS).

#### **ORO.FC.205 Command course**

(a) For aeroplane and helicopter operations, the command course shall include at least the following elements:

- (1) training in an FSTD, which includes line oriented flight training (LOFT) and/or flight training;
- (2) the operator proficiency check, operating as commander;
- (3) command responsibilities training;
- (4) line training as commander under supervision, for a minimum of:
  - (i) 10 flight sectors, in the case of aeroplanes; and
  - (ii) 10 hours, including at least 10 flight sectors, in the case of helicopters;
- (5) completion of a line check as commander and demonstration of adequate knowledge of the route or area to be flown and of the aerodromes, including alternate aerodromes, facilities and procedures to be used; and
- (6) crew resource management training.

#### **ORO.FC.215 Initial operator's crew resource management (CRM) training**

(a) The flight crew member shall have completed an initial CRM training course before commencing unsupervised line flying.

(b) Initial CRM training shall be conducted by at least one suitably qualified CRM trainer who may be assisted by experts in order to address specific areas.

(c) If the flight crew member has not previously received theoretical training in human factors to the ATPL level, he/she shall complete, before or combined with the initial CRM training, a theoretical course provided by the operator and based on the human performance and limitations syllabus for the ATPL as established in Annex I (Part-FCL) to Regulation (EU) No 1178/2011.

#### **ORO.FC.220 Operator conversion training and checking**

(a) CRM training shall be integrated into the operator conversion training course.

(b) Once an operator conversion course has been commenced, the flight crew member shall not be assigned to flying duties on another type or class of aircraft until the course is completed or terminated. Crew members operating only performance class B aeroplanes may be assigned to flights on other types of performance class B aeroplanes during conversion courses to the extent necessary to maintain the operation.

(c) The amount of training required by the flight crew member for the operator's conversion course shall be determined in accordance with the standards of qualification and experience specified in the operations manual, taking into account his/her previous training and experience.

(d) The flight crew member shall complete:

- (1) the operator proficiency check and the emergency and safety equipment training and checking before commencing line flying under supervision (LIFUS); and
- (2) the line check upon completion of line flying under supervision. For performance class B aeroplanes, LIFUS may be performed on any aeroplane within the applicable class.

(e) In the case of aeroplanes, pilots that have been issued a type rating based on a zero flight-time training (ZFTT) course shall:

- (1) commence line flying under supervision not later than 21 days after the completion of the skill test or after appropriate training provided by the operator. The content of such training shall be described in the operations manual;
- (2) complete six take-offs and landings in a FSTD not later than 21 days after the completion of the skill test under the supervision of a type rating instructor for aeroplanes (TRI(A)) occupying the other pilot seat. The number of take-offs and landings may be reduced when credits are defined in the data established in accordance with Regulation (EC) No 1702/2003. If these take-offs and landings have not been performed within 21 days, the operator shall provide refresher training. The content of such training shall be described in the operations manual;
- (3) conduct the first four take-offs and landings of the LIFUS in the aeroplane under the supervision of a TRI(A) occupying the other pilot seat. The number of take-offs and landings may be reduced when credits are defined in the data established in accordance with Regulation (EC) No 1702/2003.

#### **ORO.FC.230 Recurrent training and checking**

- (a) Each flight crew member shall complete recurrent training and checking relevant to the type or variant of aircraft on which they operate.
- (b) *Operator proficiency check*
  - (1) Each flight crew member shall complete operator proficiency checks as part of the normal crew complement to demonstrate competence in carrying out normal, abnormal and emergency procedures.
  - (2) When the flight crew member will be required to operate under IFR, the operator proficiency check shall be conducted without external visual reference, as appropriate.
  - (3) The validity period of the operator proficiency check shall be six calendar months. For operations under VFR by day of performance class B aeroplanes conducted during seasons not longer than eight consecutive months, one operator proficiency check shall be sufficient. The proficiency check shall be undertaken before commencing commercial air transport operations.
  - (4) The flight crew member involved in operations by day and over routes navigated by reference to visual landmarks with an other-than-complex motor-powered helicopter may complete the operator proficiency check in only one of the relevant types held. The operator proficiency check shall be performed each time on the type least recently used for the proficiency check. The relevant helicopter types that may be grouped for the purpose of the operator proficiency check shall be contained in the operations manual.
  - (5) Notwithstanding ORO.FC.145(a)(2), for operations of other-than-complex motor-powered helicopters by day and over routes navigated by reference to visual landmarks and performance class B aeroplanes, the check may be conducted by a suitably qualified commander nominated by the operator, trained in CRM concepts and the assessment of CRM skills. The operator shall inform the competent authority about the persons nominated.
- (c) *Line check*
  - (1) Each flight crew member shall complete a line check on the aircraft to demonstrate competence in carrying out normal line operations described in the operations manual. The validity period of the line check shall be 12 calendar months.
  - (2) Notwithstanding ORO.FC.145(a)(2), line checks may be conducted by a suitably qualified commander nominated by the operator, trained in CRM concepts and the assessment of CRM skills.
- (d) *Emergency and safety equipment training and checking*

Each flight crew member shall complete training and checking on the location and use of all emergency and safety equipment carried. The validity period of an emergency and safety equipment check shall be 12 calendar months.
- (e) *CRM training*
  - (1) Elements of CRM shall be integrated into all appropriate phases of the recurrent training.
  - (2) Each flight crew member shall undergo specific modular CRM training. All major topics of CRM training shall be covered by distributing modular training sessions as evenly as possible over each three-year period.

- (f) Each flight crew member shall undergo ground training and flight training in an FSTD or an aircraft, or a combination of FSTD and aircraft training, at least every 12 calendar months.
- (g) The validity periods mentioned in (b)(3), (c) and (d) shall be counted from the end of the month when the check was taken.
- (h) When the training or checks required above are undertaken within the last three months of the validity period, the new validity period shall be counted from the original expiry date.

**ORO.FC.235 Pilot qualification to operate in either pilot's seat**

- (a) Commanders whose duties require them to operate in either pilot seat and carry out the duties of a co-pilot, or commanders required to conduct training or checking duties, shall complete additional training and checking as specified in the operations manual. The check may be conducted together with the operator proficiency check prescribed in ORO.FC.230(b).
- (b) The additional training and checking shall include at least the following:
  - (1) an engine failure during take-off;
  - (2) a one-engine-inoperative approach and go-around; and
  - (3) a one-engine-inoperative landing.
- (c) In the case of helicopters, commanders shall also complete their proficiency checks from left- and right-hand seats, on alternate proficiency checks, provided that when the type rating proficiency check is combined with the operator proficiency check the commander completes his/her training or checking from the normally occupied seat.
- (d) When engine-out manoeuvres are carried out in an aircraft, the engine failure shall be simulated.
- (e) When operating in the co-pilot's seat, the checks required by ORO.FC.230 for operating in the commander's seat shall, in addition, be valid and current.
- (f) The pilot relieving the commander shall have demonstrated, concurrent with the operator proficiency checks prescribed in ORO.FC.230(b), practice of drills and procedures that would not, normally, be his/her responsibility. Where the differences between left- and right-hand seats are not significant, practice may be conducted in either seat.
- (g) The pilot other than the commander occupying the commander's seat shall demonstrate practice of drills and procedures, concurrent with the operator proficiency checks prescribed in ORO.FC.230(b), which are the commander's responsibility acting as pilot monitoring. Where the differences between left- and right-hand seats are not significant, practice may be conducted in either seat.

**ORO.FC.240 Operation on more than one type or variant**

- (a) The procedures or operational restrictions for operation on more than one type or variant established in the operations manual and approved by the competent authority shall cover:
  - (1) the flight crew members' minimum experience level;
  - (2) the minimum experience level on one type or variant before beginning training for and operation of another type or variant;
  - (3) the process whereby flight crew qualified on one type or variant will be trained and qualified on another type or variant; and
  - (4) all applicable recent experience requirements for each type or variant.
- (b) When a flight crew member operates both helicopters and aeroplanes, that flight crew member shall be limited to operations on only one type of aeroplane and one type of helicopter.
- (c) Point (a) shall not apply to operations of performance class B aeroplane if they are limited to single-pilot classes of reciprocating engine aeroplanes under VFR by day. Point (b) shall not apply to operations of performance class B aeroplane if they are limited to single-pilot classes of reciprocating engine aeroplanes.

**ORO.FC.A.245 Alternative training and qualification programme**

(a) The aeroplane operator having appropriate experience may substitute one or more of the following training and checking requirements for flight crew by an alternative training and qualification programme (ATQP), approved by the competent authority:

- (1) SPA.LVO.120 on flight crew training and qualifications;
- (2) conversion training and checking;
- (3) differences training and familiarisation training;
- (4) command course;
- (5) recurrent training and checking; and
- (6) operation on more than one type or variant.

(b) The ATQP shall contain training and checking that establishes and maintains at least an equivalent level of proficiency achieved by complying with the provisions of ORO.FC.220 and ORO.FC.230. The level of flight crew training and qualification proficiency shall be demonstrated prior to being granted the ATQP approval by the competent authority.

(c) The operator applying for an ATQP approval shall provide the competent authority with an implementation plan, including a description of the level of flight crew training and qualification proficiency to be achieved.

(d) In addition to the checks required by ORO.FC.230 and FCL.060 of Annex I (Part-FCL) to Regulation (EU) No 1178/2011, each flight crew member shall complete a line oriented evaluation (LOE) conducted in an FSTD. The validity period of an LOE shall be 12 calendar months. The validity period shall be counted from the end of the month when the check was taken. When the LOE is undertaken within the last three months of the validity period, the new validity period shall be counted from the original expiry date.

(e) After two years of operating with an approved ATQP, the operator may, with the approval of the competent authority, extend the validity periods of the checks in ORO.FC.230 as follows:

- (1) Operator proficiency check to 12 calendar months. The validity period shall be counted from the end of the month when the check was taken. When the check is undertaken within the last three months of the validity period, the new validity period shall be counted from the original expiry date.
- (2) Line check to 24 calendar months. The validity period shall be counted from the end of the month when the check was taken. When the check is undertaken within the last six months of the validity period, the new validity period shall be counted from the original expiry date.
- (3) Emergency and safety equipment checking to 24 calendar months. The validity period shall be counted from the end of the month when the check was taken. When the check is undertaken within the last six months of the validity period, the new validity period shall be counted from the original expiry date.

**ORO.FC.A.250 Commanders holding a CPL(A)**

(a) The holder of a CPL(A) (aeroplane) shall only act as commander in commercial air transport on a single-pilot aeroplane if:

- (1) when carrying passengers under VFR outside a radius of 50 NM (90 km) from an aerodrome of departure, he/she has a minimum of 500 hours of flight time on aeroplanes or holds a valid instrument rating; or
- (2) when operating on a multi-engine type under IFR, he/she has a minimum of 700 hours of flight time on aeroplanes, including 400 hours as pilot-in-command. These hours shall include 100 hours under IFR and 40 hours in multi-engine operations. The 400 hours as pilot-in-command may be substituted by hours operating as co-pilot within an established multi-pilot crew system prescribed in the operations manual, on the basis of two hours of flight time as co-pilot for one hour of flight time as pilot-in command.

(b) For operations under VFR by day of performance class B aeroplanes (a)(1) shall not apply.

**ORO.FC.H.250 Commanders holding a CPL(H)**

(a) The holder of a CPL(H) (helicopter) shall only act as commander in commercial air transport on a single-pilot helicopter if:

- (1) when operating under IFR, he/she has a minimum of 700 hours total flight time on helicopters, including 300 hours as pilot-in-command. These hours shall include 100 hours under IFR. The 300 hours as pilot-in-command may be substituted by hours operating as co-pilot within an established multi-pilot crew system prescribed in the operations manual on the basis of two hours of flight time as co-pilot for one hour flight time as pilot-in-command;
- (2) when operating under visual meteorological conditions (VMC) at night, he/she has:
  - (i) a valid instrument rating; or
  - (ii) 300 hours of flight time on helicopters, including 100 hours as pilot-in-command and 10 hours as pilot flying at night.

## SUBPART CC

**CABIN CREW****ORO.CC.005 Scope**

This Subpart establishes the requirements to be met by the operator when operating an aircraft with cabin crew.

## SECTION 1

***General requirements*****ORO.CC.100 Number and composition of cabin crew**

(a) The number and composition of cabin crew shall be determined in accordance with 7.a of Annex IV to Regulation (EC) No 216/2008, taking into account operational factors or circumstances of the particular flight to be operated. At least one cabin crew member shall be assigned for the operation of aircraft with an MOPSC of more than 19 when carrying one or more passenger(s).

(b) For the purpose of complying with (a), the minimum number of cabin crew shall be the greater of the following:

- (1) the number of cabin crew members established during the aircraft certification process in accordance with the applicable certification specifications, for the aircraft cabin configuration used by the operator; or
- (2) if the number under (1) has not been established, the number of cabin crew established during the aircraft certification process for the maximum certified passenger seating configuration reduced by 1 for every whole multiple of 50 passenger seats of the aircraft cabin configuration used by the operator falling below the maximum certified seating capacity; or
- (3) one cabin crew member for every 50, or fraction of 50, passenger seats installed on the same deck of the aircraft to be operated.

(c) For operations where more than one cabin crew member is assigned, the operator shall nominate one cabin crew member to be responsible to the pilot-in-command/commander.

**ORO.CC.110 Conditions for assignment to duties**

(a) Cabin crew members shall only be assigned to duties on an aircraft if they:

- (1) are at least 18 years of age;
- (2) have been assessed, in accordance with the applicable requirements of Annex IV (Part-MED) to Regulation (EU) No 1178/2011, as physically and mentally fit to perform their duties and discharge their responsibilities safely; and
- (3) have successfully completed all applicable training and checking required by this Subpart and are competent to perform the assigned duties in accordance with the procedures specified in the operations manual.

(b) Before assigning to duties cabin crew members who are working on a freelance or part-time basis, the operator shall verify that all applicable requirements of this Subpart are complied with, taking into account all services rendered by the cabin crew member to any other operator(s), to determine in particular:

- (1) the total number of aircraft types and variants operated; and
- (2) the applicable flight and duty time limitations and rest requirements.

(c) Operating cabin crew members, as well as their role with regard to the safety of passengers and flight, shall be clearly identified to the passengers.

#### **ORO.CC.115 Conduct of training courses and associated checking**

- (a) A detailed programme and syllabus shall be established by the operator for each training course in accordance with the applicable requirements of this Subpart, and of Annex V (Part-CC) to Regulation (EU) No 290/2012 where applicable, to cover the duties and responsibilities to be discharged by the cabin crew members.
- (b) Each training course shall include theoretical and practical instruction together with individual or collective practice, as relevant to each training subject, in order that the cabin crew member achieves and maintains the adequate level of proficiency in accordance with this Subpart.
- (c) Each training course shall be:
  - (1) conducted in a structured and realistic manner; and
  - (2) performed by personnel appropriately qualified for the subject to be covered.
- (d) During or following completion of all training required by this Subpart, each cabin crew member shall undergo a check covering all training elements of the relevant training programme, except for crew resource management (CRM) training. Checks shall be performed by personnel appropriately qualified to verify that the cabin crew member has achieved and/or maintains the required level of proficiency.
- (e) CRM training courses and CRM modules where applicable shall be conducted by a cabin crew CRM instructor. When CRM elements are integrated in other training, a cabin crew CRM instructor shall manage the definition and implementation of the syllabus.

#### **ORO.CC.120 Initial training course**

- (a) Each new entrant who does not already hold a valid cabin crew attestation issued in accordance with Annex V (Part-CC) to Regulation (EU) No 290/2012:
  - (1) shall be provided with an initial training course as specified in CC.TRA.220 of that Annex; and
  - (2) shall successfully undergo the associated examination before undertaking other training required by this Subpart.
- (b) Elements of the initial training programme may be combined with the first aircraft type specific training and operator conversion training, provided that the requirements of CC.TRA.220 are met and any such element(s) are recorded as elements of the initial training course in the training records of the cabin crew members concerned.

#### **ORO.CC.125 Aircraft type specific training and operator conversion training**

- (a) Each cabin crew member shall have completed appropriate aircraft type specific training and operator conversion training, as well as the associated checks, before being:
  - (1) first assigned by the operator to operate as a cabin crew member; or
  - (2) assigned by that operator to operate on another aircraft type.
- (b) When establishing the aircraft type specific and the operator conversion training programmes and syllabi, the operator shall include, where available, the mandatory elements for the relevant type as defined in the data established in accordance with Regulation (EC) No 1702/2003.

(c) The aircraft type specific training programme shall:

- (1) involve training and practice on a representative training device or on the actual aircraft; and
- (2) cover at least the following aircraft type specific training elements:
  - (i) aircraft description as relevant to cabin crew duties;
  - (ii) all safety equipment and systems installed relevant to cabin crew duties;
  - (iii) operation and actual opening, by each cabin crew member, of each type or variant of normal and emergency doors and exits in the normal and emergency modes;
  - (iv) demonstration of the operation of the other exits including flight crew compartment windows;
  - (v) fire and smoke protection equipment where installed;
  - (vi) evacuation slide training, where fitted;
  - (vii) operation of the seat, restraint system and oxygen system equipment relevant to pilot incapacitation.

(d) The operator conversion training programme for each aircraft type to be operated shall:

- (1) involve training and practice on a representative training device or on the actual aircraft;
- (2) include training in the operator's standard operating procedures for cabin crew members to be first assigned to duties by the operator;
- (3) cover at least the following operator specific training elements as relevant to the aircraft type to be operated:
  - (i) description of the cabin configuration;
  - (ii) location, removal and use of all portable safety and emergency equipment carried on-board;
  - (iii) all normal and emergency procedures;
  - (iv) passenger handling and crowd control;
  - (v) fire and smoke training including the use of all related fire-fighting and protective equipment representative of that carried on-board;
  - (vi) evacuation procedures;
  - (vii) pilot incapacitation procedures;
  - (viii) applicable security requirements and procedures;
  - (ix) crew resource management.

#### **ORO.CC.130 Differences training**

(a) In addition to the training required in ORO.CC.125, the cabin crew member shall complete appropriate training and checking covering any differences before being assigned on:

- (1) a variant of an aircraft type currently operated; or
- (2) a currently operated aircraft type or variant with different:
  - (i) safety equipment;
  - (ii) safety and emergency equipment location; or
  - (iii) normal and emergency procedures.

(b) The differences training programme shall:

- (1) be determined as necessary on the basis of a comparison with the training programme completed by the cabin crew member, in accordance with ORO.CC.125(c) and (d), for the relevant aircraft type; and
- (2) involve training and practice in a representative training device or the actual aircraft as relevant to the difference training element to be covered.

(c) When establishing a differences training programme and syllabus for a variant of an aircraft type currently operated, the operator shall include, where available, the mandatory elements for the relevant aircraft type and its variants as defined in the data established in accordance with Regulation (EC) No 1702/2003.

#### **ORO.CC.135 Familiarisation**

After completion of aircraft type specific training and operator conversion training on an aircraft type, each cabin crew member shall complete appropriate supervised familiarisation on the type before being assigned to operate as a member of the minimum number of cabin crew required in accordance with ORO.CC.100.

#### **ORO.CC.140 Recurrent training**

- (a) Each cabin crew member shall complete annually recurrent training and checking.
- (b) Recurrent training shall cover the actions assigned to each member of the cabin crew in normal and emergency procedures and drills relevant to each aircraft type and/or variant to be operated.
- (c) Aircraft type specific training elements:
  - (1) Recurrent training shall include annually touch-drills by each cabin crew member for simulating the operation of each type or variant of normal and emergency doors and exits for passenger evacuation.
  - (2) Recurrent training shall also include at intervals not exceeding three years:
    - (i) operation and actual opening by each cabin crew member, in a representative training device or in the actual aircraft, of each type or variant of normal and emergency exits in the normal and emergency modes;
    - (ii) actual operation by each cabin crew member, in a representative training device or in the actual aircraft, of the flight crew compartment security door, in both normal and emergency modes, and of the seat and restraint system, and a practical demonstration of the oxygen system equipment relevant to pilot incapacitation;
    - (iii) demonstration of the operation of all other exits including the flight crew compartment windows; and
    - (iv) demonstration of the use of the life-raft, or slide raft, where fitted.
- (d) Operator specific training elements:
  - (1) Recurrent training shall include annually:
    - (i) by each cabin crew member:
      - (A) location and handling of all safety and emergency equipment installed or carried on board; and
      - (B) the donning of life-jackets, portable oxygen and protective breathing equipment (PBE);
    - (ii) stowage of articles in the passenger compartment;
    - (iii) procedures related to aircraft surface contamination;
    - (iv) emergency procedures;
    - (v) evacuation procedures;
    - (vi) incident and accident review;
    - (vii) crew resource management;

(viii) aero-medical aspects and first aid including related equipment;

(ix) security procedures.

(2) Recurrent training shall also include at intervals not exceeding three years:

(i) use of pyrotechnics (actual or representative devices);

(ii) practical demonstration of the use of flight crew checklists;

(iii) realistic and practical training in the use of all fire-fighting equipment, including protective clothing, representative of that carried in the aircraft;

(iv) by each cabin crew member:

(A) extinguishing a fire characteristic of an aircraft interior fire;

(B) donning and use of PBE in an enclosed simulated smoke-filled environment.

(e) Validity periods:

(1) The annual recurrent training validity period shall be 12 calendar months counted from the end of the month when the check was taken.

(2) If the recurrent training and checking required in (a) are undertaken within the last three calendar months of the validity period, the new validity period shall be counted from the original expiry date.

(3) For the additional triennial training elements specified in (c)(2) and (d)(2), the validity period shall be 36 calendar months counted from the end of the month when the checks were taken.

#### **ORO.CC.145 Refresher training**

(a) When a cabin crew member, during the preceding six months within the validity period of the last relevant recurrent training and checking:

(1) has not performed any flying duties, he/she shall, before being reassigned to such duties, complete refresher training and checking for each aircraft type to be operated; or

(2) has not performed flying duties on one particular aircraft type, he/she shall, before being reassigned to duties, complete on that aircraft type:

(i) refresher training and checking; or

(ii) two familiarisation flights in accordance with ORO.CC.135.

(b) The refresher training programme for each aircraft type shall at least cover:

(1) emergency procedures;

(2) evacuation procedures;

(3) operation and actual opening, by each cabin crew member, of each type or variant of normal and emergency exits and of the flight crew compartment security door in the normal and emergency modes;

(4) demonstration of the operation of all other exits including the flight crew compartment windows;

(5) location and handling of all relevant safety and emergency equipment installed or carried on-board.

(c) The operator may elect to replace refresher training by recurrent training if the reinstatement of the cabin crew member's flying duties commences within the validity period of the last recurrent training and checking. If that validity period has expired, refresher training may only be replaced by aircraft type specific and operator conversion training as specified in ORO.CC.125.

## SECTION 2

***Additional requirements for commercial air transport operations*****ORO.CC.200 Senior cabin crew member**

- (a) When more than one cabin crew member is required, the composition of the cabin crew shall include a senior cabin crew member nominated by the operator.
- (b) The operator shall nominate cabin crew members to the position of senior cabin crew member only if they:
  - (1) have at least one year of experience as operating cabin crew member; and
  - (2) have successfully completed a senior cabin crew training course and the associated check.
- (c) The senior cabin crew training course shall cover all duties and responsibilities of senior cabin crew members and shall include at least the following elements:
  - (1) pre-flight briefing;
  - (2) cooperation with the crew;
  - (3) review of operator requirements and legal requirements;
  - (4) accident and incident reporting;
  - (5) human factors and crew resource management (CRM); and
  - (6) flight and duty time limitations and rest requirements.
- (d) The senior cabin crew member shall be responsible to the commander for the conduct and coordination of normal and emergency procedures specified in the operations manual, including for discontinuing non-safety-related duties for safety or security purposes.
- (e) The operator shall establish procedures to select the most appropriately qualified cabin crew member to act as senior cabin crew member if the nominated senior cabin crew member becomes unable to operate. Changes to these procedures shall be notified to the competent authority.

**ORO.CC.205 Reduction of the number of cabin crew during ground operations and in unforeseen circumstances**

- (a) Whenever any passengers are on board an aircraft, the minimum number of cabin crew required in accordance with ORO.CC.100 shall be present in the passenger compartment.
- (b) Subject to the conditions specified in (c), this number may be reduced:
  - (1) during normal ground operations not involving refuelling/defuelling when the aircraft is at its parking station; or
  - (2) in unforeseen circumstances if the number of passengers carried on the flight is reduced. In this case a report shall be submitted to the competent authority after completion of the flight.
- (c) Conditions:
  - (1) procedures ensuring that an equivalent level of safety is achieved with the reduced number of cabin crew, in particular for evacuation of passengers, are established in the operations manual;
  - (2) the reduced cabin crew includes a senior cabin crew member as specified in ORO.CC. 200;
  - (3) at least one cabin crew member is required for every 50, or fraction of 50, passengers present on the same deck of the aircraft;
  - (4) in the case of normal ground operations with aircraft requiring more than one cabin crew member, the number determined in accordance with (c)(3) shall be increased to include one cabin crew member per pair of floor level emergency exits.

**ORO.CC.210 Additional conditions for assignment to duties**

Cabin crew members shall only be assigned to duties, and operate, on a particular aircraft type or variant if they:

- (a) hold a valid attestation issued in accordance with Annex V (Part-CC) to Regulation (EU) No 290/2012;
- (b) are qualified on the type or variant in accordance with this Subpart;
- (c) comply with the other applicable requirements of this Subpart and Annex IV (Part-CAT);
- (d) wear the operator's cabin crew uniform.

**ORO.CC.215 Training and checking programs and related documentation**

(a) Training and checking programmes including syllabi required by this Subpart shall be approved by the competent authority and specified in the operations manual.

- (b) After a cabin crew member has successfully completed a training course and the associated check, the operator shall:
  - (1) update the cabin crew member's training records in accordance with ORO.MLR.115; and
  - (2) provide him/her with a list showing updated validity periods as relevant to the aircraft type(s) and variant(s) on which the cabin crew member is qualified to operate.

**ORO.CC.250 Operation on more than one aircraft type or variant**

(a) A cabin crew member shall not be assigned to operate on more than three aircraft types, except that, with the approval of the competent authority, the cabin crew member may be assigned to operate on four aircraft types if for at least two of the types:

- (1) safety and emergency equipment and type-specific normal and emergency procedures are similar; and
- (2) non-type-specific normal and emergency procedures are identical.

(b) For the purpose of (a) and for cabin crew training and qualifications, the operator shall determine:

- (1) each aircraft as a type or a variant taking into account, where available, the relevant data established in accordance with Regulation (EC) No 1702/2003 for the relevant aircraft type or variant; and
- (2) variants of an aircraft type to be different types if they are not similar in the following aspects:
  - (i) emergency exit operation;
  - (ii) location and type of portable safety and emergency equipment;
  - (iii) type-specific emergency procedures.

**ORO.CC.255 Single cabin crew member operations**

(a) The operator shall select, recruit, train and check the proficiency of cabin crew members to be assigned to single cabin crew member operations according to criteria appropriate to this type of operation.

(b) Cabin crew members who have no previous operating experience as single cabin crew member shall only be assigned to such type of operation after they have:

- (1) completed training as required in (c) in addition to other applicable training and checking required by this Subpart;
- (2) successfully passed the checks verifying their proficiency in discharging their duties and responsibilities in accordance with the procedures specified in the operations manual; and
- (3) undertaken familiarisation flying of at least 20 hours and 15 sectors on the relevant aircraft type under the supervision of an appropriately experienced cabin crew member.

(c) The following additional training elements shall be covered with particular emphasis to reflect single cabin crew operations:

- (1) responsibility to the commander for the conduct of normal and emergency procedures;
- (2) importance of coordination and communication with the flight crew, in particular when managing unruly or disruptive passengers;
- (3) review of operator requirements and legal requirements;
- (4) documentation;
- (5) accident and incident reporting; and
- (6) flight and duty time limitations and rest requirements.

#### SUBPART TC

#### **TECHNICAL CREW IN HEMS, HHO OR NVIS OPERATIONS**

##### **ORO.TC.100 Scope**

This Subpart establishes the requirements to be met by the operator when operating an aircraft with technical crew members in commercial air transport helicopter emergency medical service (HEMS), night vision imaging system (NVIS) operations or helicopter hoist operations (HHO).

##### **ORO.TC.105 Conditions for assignment to duties**

- (a) Technical crew members in commercial air transport HEMS, HHO or NVIS operations shall only be assigned duties if they:
  - (1) are at least 18 years of age;
  - (2) are physically and mentally fit to safely discharge assigned duties and responsibilities;
  - (3) have completed all applicable training required by this Subpart to perform the assigned duties;
  - (4) have been checked as proficient to perform all assigned duties in accordance with the procedures specified in the operations manual.
- (b) Before assigning to duties technical crew members who are self-employed and/or working on a freelance or part-time basis, the operator shall verify that all applicable requirements of this Subpart are complied with, taking into account all services rendered by the technical crew member to other operator(s) to determine in particular:
  - (1) the total number of aircraft types and variants operated;
  - (2) the applicable flight and duty time limitations and rest requirements.

##### **ORO.TC.110 Training and checking**

- (a) The operator shall establish a training programme in accordance with the applicable requirements of this Subpart to cover the duties and responsibilities to be performed by technical crew members.
- (b) Following the completion of initial, operator conversion, differences and recurrent training, each technical crew member shall undergo a check to demonstrate their proficiency in carrying out normal and emergency procedures.
- (c) Training and checking shall be conducted for each training course by personnel suitably qualified and experienced in the subject to be covered. The operator shall inform the competent authority about the personnel conducting the checks.

##### **ORO.TC.115 Initial training**

Before undertaking the operator conversion training, each technical crew member shall complete initial training, including:

- (a) general theoretical knowledge on aviation and aviation regulations covering all elements relevant to the duties and responsibilities required of technical crew;

- (b) fire and smoke training;
- (c) survival training on ground and in water, appropriate to the type and area of operation;
- (d) aero-medical aspects and first-aid;
- (e) communication and relevant CRM elements of ORO.FC.115 and ORO.FC.215.

#### **ORO.TC.120 Operator conversion training**

Each technical crew member shall complete:

- (a) operator conversion training, including relevant CRM elements,
  - (1) before being first assigned by the operator as a technical crew member; or
  - (2) when changing to a different aircraft type or class, if any of the equipment or procedures mentioned in (b) are different.
- (b) Operator conversion training shall include:
  - (1) the location and use of all safety and survival equipment carried on the aircraft;
  - (2) all normal and emergency procedures;
  - (3) on-board equipment used to carry out duties in the aircraft or on the ground for the purpose of assisting the pilot during HEMS, HHO or NVIS operations.

#### **ORO.TC.125 Differences training**

- (a) Each technical crew member shall complete differences training when changing equipment or procedures on types or variants currently operated.
- (b) The operator shall specify in the operations manual when such differences training is required.

#### **ORO.TC.130 Familiarisation flights**

Following completion of the operator conversion training, each technical crew member shall undertake familiarisation flights prior to operating as a required technical crew member in HEMS, HHO or NVIS operations.

#### **ORO.TC.135 Recurrent training**

- (a) Within every 12-month period, each technical crew member shall undergo recurrent training relevant to the type or class of aircraft and equipment that the technical crew member operates. Elements of CRM shall be integrated into all appropriate phases of the recurrent training.
- (b) Recurrent training shall include theoretical and practical instruction and practice.

#### **ORO.TC.140 Refresher training**

- (a) Each technical crew member who has not undertaken duties in the previous six months shall complete the refresher training specified in the operations manual.
- (b) The technical crew member who has not performed flying duties on one particular aircraft type or class during the preceding six months shall, before being assigned on that type or class, complete either:
  - (1) refresher training on the type or class; or
  - (2) two familiarisation sectors on the aircraft type or class.