

Applicability: All Aeroplane AOC Holders

1 ADOPTION OF EU-OPS – TRANSITION ARRANGEMENTS

1.1 Background

- 1.1.1 In line with the transition of JAA functions and requirements to EASA, EU-OPS was released in December 2006 under Annex III to Regulation (EC) No. 1899/2006.
- 1.1.2 Annex III (EU-OPS) applies and takes effect from 16th July 2008 in EU States. Although Sub part Q (Flight Time Limitations) has been provided as part of Annex III, the regulation has provided for a 2 year period, ending in January 2009, for EASA to conduct/commission and conclude scientific and medical evaluation in support or amendment of Sub part Q.
- 1.1.3 The text of EU-OPS as published in December 2006, due to take effect from 16 July 2008, is based upon JAR-OPS 1, up to and including amendment 8. However, JAR-OPS 1 has since progressed to amendment 13. The European Commission therefore put in place a process to update EU-OPS during the 18-month implementation period.
- 1.1.4 The final version of the text, reflecting JAR-OPS 1 to Amendment 12 plus ten NPAs, has been agreed by the Air Safety Committee (ASC) of the European Commission, but is awaiting review by the European Parliament under new provisions of the comitology process. Following this, there may also be some delay in the transition towards an EASA Implementing Rule (IR).
- 1.1.5 Unlike JAR-OPS 1, EU-OPS does not contain associated Section 2 material (Acceptable Means of Compliance/Interpretative Explanatory Material). It is envisaged that there will be some delay before EASA fully produces such material in consolidated form. In anticipation of this delay, one of the primary objectives of recent amendments to JAR OPS 1, was to transfer material considered critical from the AMC to Appendices in order that they could be considered for inclusion in the amended EU-OPS text. The Authority will continue to monitor progress in this regard and should the material not be available, operators will be advised to continue to use the Section 2 material contained in JAR-OPS 1, as appropriate. Of the ten NPAs which have been included in the final version of EU-OPS, seven do not appear in JAR-OPS 1.
- 1.1.6 The purpose of this FOD is to inform operators of the changes to the version of the EU-OPS, indicate the Authority's intent to adopt EU-OPS and the associated transitional arrangements

1.2 Adoption and Applicability

1.2.1 EU-OPS applies to aeroplanes being used for commercial air transport.

1.2.2 It does not apply to:

- a) helicopter operations, to which JAR-OPS 3 and/or the ANO continue to apply;
- b) aeroplanes when used in military, customs and police services;
- c) parachute-dropping and fire-fighting flights, and to associated positioning and return flights in which the persons carried are those who would normally be carried on parachute dropping or fire-fighting;
- d) flights immediately before, during, or immediately after an aerial work activity provided these flights are connected with that aerial work activity and in which, excluding crew members, no more than six persons indispensable to the aerial work activity are carried.

1.2.3 By this FOD, the Authority is indicating its plan to adopt by reference, EU-OPS as amended, on **1st January 2009**. This technical standard will be promulgated by a Civil Aviation Directive similar to the one currently in force for JAR OPS 1. The Civil Aviation Directive will be promulgated on or before 1st December 2008 to be effective on 1st January 2009.

1.3 The EU OPS Updated text

1.3.1 The Authority has received an updated version released by the European Commission which contains a small number of changes, most having a minor effect on the existing text. However, in order to ensure operators are aware of the most up-to-date information, it has been decided to make the changes to the existing document available on the Authority's website. Two versions have been included, one containing the text with amended text highlighted and another with the text alone. These documents are available via the FOD page of the Safety Regulation/Legislations and Publication part of the SCAA website.

1.3.2 The following changes have been made to the existing document and are highlighted by marginal lines on the appropriate pages:

- a) OPS 1.192(c)
- b) OPS 1.405(b)
- c) Appendix 1 (New) to OPS 1.430(f)(iii)
- d) Appendix 1 (New) to OPS 1.430(j)(6)
- e) Appendix 1 to OPS 1.440(h)(1) and (2)
- f) Appendix 1 to OPS 1.450(a)(2)(ii)
- g) OPS 1.475(a)
- h) Appendix 1 to OPS 1.605(a)(1)(ii)

2 The Transition Process

2.1 Project Plan

2.1.1 Operators should access the EU-OPS text, review the implications for their operation and initiate a project plan to meet the required timescales. Any extra resources required should be identified and secured.

2.2 Communications

2.2.1 A single point of contact, preferably a project manager, should be identified and notified to the Authority for all EU-OPS transition communications. The Head of Flight Operations (HFO) will coordinate the transition process on behalf of the Authority and shall be the sole point of contact.

2.3 Time Constraints

2.3.1 The aim of this process is for each operator to be issued with an AOC certifying compliance with EU-OPS on or before 1st January 2009. To achieve this, it will be necessary for the industry and regulator to continue to work together with an understanding of each other's constraints. The Authority needs an early and relatively steady flow of submissions to allow processing to be spread over the time available and avoid workload peaks as the deadline approaches. The industry requires sufficient time, assistance and guidance to make submissions that will require minimal subsequent amendment. A balance between these potentially conflicting sets of requirements needs to be struck, and the Authority will endeavour to provide as much advice and assistance as possible to facilitate the process. However, the Authority will be unable to guarantee that submissions received after 1st December 2008 will be processed in time to meet the 1st January 2009 deadline.

2.4 Deliverables: Operators

2.4.1 To meet the new EU-OPS requirements, three primary operator considerations have been identified.

- a) A review and revision of the Operations Manual to bring it in line with JAR OPS 1 Amendment 13 (see FOD 3/2008). The objective of this is to bridge the gap in JAR amendments since CAP 648 was promulgated.
- b) A review and revision of the Operations Manual to bring it in line with the EU-OPS text. Part B of Attachment A and a cross comparison to CAP 648 JAR OPS 1 references should assist operators in identifying the relevant paragraphs that may require revision.
- c) Action to review and modify Flight Time Limitations systems and software to demonstrate compliance to EU-OPS Sub part Q. In order to allow for a transition from CAP 371 to EU-OPS Sub part Q, should the operator foresee any delay in the implementation of the standard, the Authority will consider an extension of the compliance date until 1st March 2009. Following this date, all operators shall comply to Sub part Q. In the transition period from June to 1st December 2008, operators may also review these requirements and comment as necessary. Operators may contact the Authority for an appropriate comment response document template.

2.4.2 Operators should aim to advise the HFO as soon as possible of the target date for submission according to their project plan. This will assist the HFO with planning the processing of the Operator's submissions.

2.4.3 The operator should make a single submission to the HFO at a mutually convenient time, and before 1st December 2008. If it is possible to deliver the submission before the date originally notified, then the HFO should be advised. Operators should not delay submission to meet the original date. Operators should keep the HFO advised of progress on a regular basis, and raise problems, issues or potential delays with the HFO as soon as they become aware of them.

2.4.4 The submission should consist of the following items:

- a) An application for an AOC (see **Attachment A**) in accordance with EU-OPS. The form includes an EU-OPS Compliance Statement, to be signed by the Accountable Manager, certifying that the submission will render the amended Operations Manual compliant with EU-OPS;
- b) A normal company Notice of Proposed Amendment (NPA) to the Operations Manual detailing the amendments made to the existing Operations Manual to comply with EU-OPS; and
- c) All amended Operations Manual text required for EU-OPS compliance. This must be submitted in a single submission as this would significantly decrease the workload on the inspecting staff involved in processing the application during a period of high activity.

2.4.5 It is the operator's responsibility to be satisfied, before making the submission, that it will result in compliance with EU-OPS. The Authority recommends the use of the Operator's Flight Operations Quality Assurance Programme to assist in the process of verification and conformance.

2.5 Deliverables: SCAA

2.5.1 The HFO will coordinate the review of the submission, clarify any issues with the operator, require further amendment as necessary, and, when satisfied, recommend issue AOC certifying conformance to EU-OPS.

2.5.2 The Authority will continue to issue Exemptions against parallel conflicting regulations in force in the current Air Navigation Order (ANO). These will be issued as a General Exemption to the Operator and will not be detailed in the AOC as is currently being practiced.

3. **Queries**

3.1 Any queries as a result of this Flight Operations Directive should be addressed to Head Flight Operations at the following e-mail address: morr@scaa.sc

4. **Cancellation**

Nil

Marlon A. Orr
Head Flight Operations
20th June 2008

Recipients of new FODs are asked to ensure that these are copied to their 'in house' or contracted organisations, to relevant outside contractors, and to all members of their staff who could have an interest in the information or who need to take appropriate action in response to this Flight Operations Directive.
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Seychelles Civil Aviation Authority

**APPLICATION FOR AN EU-OPS AIR OPERATOR'S CERTIFICATE (EU-OPS AOC) BY AN EXISTING AEROPLANE AOC HOLDER:
EU-OPS TRANSITION**

PART A SUBMISSION OF APPLICATION FORM

This Form should be completed and submitted together with your Notice of Proposed Amendment to your Operations Manual to the Head Flight Operations.

The completed application form should reach the CAA no later than 1st July 2008. There is no fee for applications by applicants holding a Seychelles aeroplane AOC on or before 1st August 2008.

A1 DETAILS OF APPLICANT

Name of Legal Entity

Trading Name(s) (if applicable)

AOC Number

A2 APPLICATION

I hereby apply for the variation of Air Operator's Certificate No. to certify compliance with EU-OPS in accordance with Civil Aviation Directive CAD-OPS 6(2) as amended.

Signed:.....

Name:..... (Accountable Manager)

Date:.....

PART B TABLE OF DIFFERENCES

SUBPART A – APPLICABILITY

	OPS No.	Title	Comments
1	1.003	Definitions	New paragraph with definitions of Accepted, Approved, MMEL and MEL.

SUBPART B – GENERAL

	OPS No.	Title	Comments
1	1.005	General	Reference to Air Taxi and Aeroplane Emergency Medical Services has been removed.
2	N/A	Exemptions/Operational Directives	JAR-OPS 1.010 and 1.015 have been deleted.
3	1.040(b)	Crew Members	Paragraph title changed from Additional Crew Members and text added to cover safeguards for crew members, other than cabin crew members.
4	1.085(d)(4)	Crew Responsibilities	Text added to subparagraph "If applicable medical requirements are not fulfilled".
5	1.085(e)	Crew Responsibilities	Subparagraph relating to consumption of alcohol expanded.
6	1.165	Leasing	Reference to "JAA operator" replaced by "Community operator".

SUBPART C – OPERATOR CERTIFICATION AND SUPERVISION

	OPS No.	Title	Comments
1	1.175	General Rules for Air Operator Certification	JAR-OPS 1.175(c)(3) and (d) have been replaced by new (d) regarding aeroplanes registered in different Member States.
2	1.180 (a)(1)	Issue, Variation and Continued Validity of an AOC	The reference to the C of A issued in accordance with ICAO has been replaced by reference to Regulation (EC) 1702/2003.
3	Appendix to 1.175 (h)	Contents and Conditions of the Air Operator Certificate	Addition of reference to cabin crew initial training.

SUBPART D – OPERATIONAL PROCEDURES

	OPS No.	Title	Comments
1	1.192	Terminology	New definitions relating to ETOPS.
2	1.235	Noise Abatement Procedures	Revised text.
3	1.245(b) and (c)	Maximum distance from an adequate aerodrome for two-engined aeroplanes without an ETOPS Approval	Several ETOPS conditions deleted.

4	1.246(b)	Extended range operations with two-engined aeroplanes (ETOPS)	Minor text changes.
5	1.297	Planning Minima for IFR Flights	IFR planning minima paragraph reworded. Significant changes to ETOPS Planning Minima table.
6	1.311	Minimum Number of Cabin Crew Required to be On Board an Aeroplane during Ground Operations with Passengers	New rule defining cabin crew requirements.
7	Appendix 1 to 1.311	As above	New Appendix defining operational procedures for cabin crew requirements.

SUBPART E – ALL WEATHER OPERATIONS

	OPS No.	Title	Comments
1	Subpart E	All Weather Operations	<p>The Subpart has been extensively amended and includes:</p> <ul style="list-style-type: none"> Revised aerodrome operating minima; Clarification of the relationship between Stabilised Approach (SAp) and the Continuous Descent Final Approach (CDFA) technique; <p>Note: an increment to MDA for non-precision approaches is still required.</p> <ul style="list-style-type: none"> Requirements for Category III operations in relation to the many combinations of runways and airframe/equipment; The introduction of HUD, HUDLS (Head-Up Guidance Landing System); and The introduction of EVS (Enhanced Vision System).

SUBPARTS F, G, H and I – PERFORMANCE

	OPS No.	Title	Comments
1	Subparts F, G, H and I	Performance	No Change.

SUBPART J – MASS AND BALANCE

	OPS No.	Title	Comments
1	Subpart J	Mass and Balance	No Change

SUBPART K – INSTRUMENTS AND EQUIPMENT

	OPS No.	Title	Comments
1	1.820	Automatic Emergency Locator Transmitter	JAR-OPS text replaced with ICAO Annex 6 Part 1 requirement.

SUBPART L – COMMUNICATIONS AND NAVIGATION EQUIPMENT

	OPS No.	Title	Comments
1	1.865(c)	Communication and Navigation equipment for operations under IFR, or under VFR over routes not navigated by reference to visual landmarks	A requirement for a single HF radio for aeroplanes on short haul NAT MNPS flights.
2	1.865(g)	As above	New rule requiring ETOPS operations to have suitable communications systems.
3	1.873	Electronic Navigation Data Management	New rule requiring the navigation database supplier to hold a Letter of Acceptance.

SUBPART M – AIRCRAFT MAINTENANCE

	OPS No.	Title	Comments
1	Subpart M	Aircraft Maintenance	No Change.

SUBPART N – FLIGHT CREW

	OPS No.	Title	Comments
1	1.950 (a)(2)(i)	Differences Training and Familiarisation Training	JAR-OPS does not include a variant, only type, for this requirement. EU-OPS permits variant in addition to type.
2	Appendix 1 to OPS 1.965 (b)(1)(i)(A)	Recurrent training and checking - Pilots	The following JAR-OPS text is removed – “to represent that specific aeroplane,”.
3	Appendix 1 to OPS 1.965 (b)(1)(iii)	Recurrent training and checking - Pilots	The following JAR-OPS text “applicable to the revalidation or renewal of the aircraft Type or Class Rating” has been replaced by “governing the issue of flight crew licences”.

SUBPART O – CABIN CREW

	OPS No.	Title	Comments
1	1.995 (b)	Minimum requirements	Addition of medical examination or assessment ‘at regular intervals’. This was always the intent but was not clearly written previously.
2	1.995 (c)	Minimum requirements	Addition of ‘attestation of safety training’ when initial training has been successfully completed.
3	1.1000 (c)	Senior cabin crew members	Inclusion of mandatory minimum course content – previously an IEM.
4	1.1005 (b)	Initial safety training	Addition of requirement for an NAA to ‘approve training organisations’ who wish to train for and provide the attestation of safety training. A FODCOM giving details of the UK attestation arrangements will be published in the near future.
5	1.1025 (a) (b)	Checking	Addition of 1.1020 Refresher training into training that requires checking to be completed.

6	1.1035 (2)	Training records	Addition of requirement for an operator to keep a copy of the attestation of safety training.
7	Appendix 1 to 1.1005 (g)	Initial safety training	Addition of training requirement for awareness of surface contamination and need to inform flight crew.
8	Appendix 1 to 1.1010 (d)	Conversion and Differences training	Addition of further slide descent training to be completed when sill heights differ significantly.
9	Appendix 1 to 1.1015 (b)	Recurrent training	Addition of training requirement for awareness of surface contamination and need to inform flight crew.

SUBPART P – MANUALS, LOGS AND RECORDS

	OPS No.	Title	Comments
1	Appendix 1 to 1.1045 (B) 5.3	Operations Manual Contents	Addition of requirement for ETOPs Performance data.

SUBPART Q – FLIGHT AND DUTY TIME LIMITATIONS AND REST REQUIREMENTS

	OPS No.	Title	Comments
1	Subpart Q	Flight and Duty Time Limitations and Rest Requirements	New Subpart. OPS 1.1130 Nutrition. A requirement for crew meal and drink opportunity.

SUBPART R – TRANSPORT OF DANGEROUS GOODS

	OPS No.	Title	Comments
1	Subpart R	Transport of Dangerous Goods	No Change.

SUBPART S – SECURITY

	OPS No.	Title	Comments
1	Subpart S	Security	No Change.

PART D COMPLIANCE STATEMENT

I,, Accountable Manager of, hereby certify that staff have ensured that the enclosed Notice of Proposed Amendment to the Operations Manual will render the Operations Manual fully compliant with EU-OPS and JAR OPS 1 Amendment 13.

Signed:.....

Name:.....(Accountable Manager)

Date:.....