

INTELLIGENCE REPORT No. 205

Topics: Preparation of JAR/OPS 2

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Meeting: AWGAS / 5

Date: 8-9-10 March 2000

Place: CAA House London

Summary:

Discussions on working methods and scope of work.

Analysis of drafts subparts for proposed Corporate Aviation operations regulations.

Implication for Business Aviation:

Corporate aviation is private operation, with no specific European or national regulations in any of the JAA Member countries. Temptation to try and make a JAR/OPS 1 derivative is great, specially on the CAA side, and is strongly resisted by the user organizations, who supports to base the work on ICAO Annex 6 Part 2 (dealing with Operation of Aircraft - International General Aviation -Airplanes) and to try and limit mandatory constraints to the minimum.

Action required:

- Present EBAA comments on the CAA draft discussed and modified at the meeting
- Inform IBAC and be informed by them of progress, and possibly first draft, of the proposed ISO-BA voluntary quality system.

Awgass Report to the Ops Committee

The Chairman (Michel Gouet, from French DGAC), and the Secretary (Bob Commander, from British CAA) have presented the AWGAS Activities, JAR OPS 2 First Report to the JAA Operations Committee, dated 20 January 2000.

At the beginning of 1999, the Ops Committee decided to start the work to develop requirements for Aerial Work and General Aviation in JAR OPS 2 (airplanes) and

JAR OPS 4 (helicopters). It was decided, that for the helicopter part, the existing Helicopter Sub-Committee (HSC) should be responsible, whereas for the fixed wing side, a new sub-committee would have to be established.

This sub-committee, the Aerial Work and General Aviation Sub-Committee (AWGAS), first met on 7 July 1999, and on three occasions since then.

The main priority for AWGAS is Corporate Aviation. For Aerial Work, the HSC will be the leader. Close liaison between the two Sub-committees is maintained by the participation of the Chairman and/or the

secretary of each Sub-committee in the meeting of the other Sub-committee; and by exchange of notes and working papers.

A first draft of JAR OPS 2 should be ready by December 2000.

Definitions: some years ago, the Ops Committee adopted definitions of Aerial Work and Business Aviation. These definitions have been discussed once again during AWGAS Meetings, resulting in considering that all corporate flying is private (as opposed to commercial). It is very difficult to differentiate "Corporate Business Aviation" and "Private Business Aviation" as proposed by the Ops Committee. A way out (since the Zurich meeting) is the possible need for discrimination between large and small airplanes. A proposed new definition has been established:

Aerial Work: an aircraft operation in which an aircraft is used for specialized services such as agriculture, construction, photography, surveying, observation and patrol, search and rescue, aerial advertisement, etc.

Corporate Aviation: an aircraft transport operation on behalf of a company, other than commercial air transportation, in connection with the transport of passenger(s) or cargo for a company, or another member of the same group of companies.

Graham Forbes (ECOGAS) sent written comments to AWGAS Secretary, which are supported by EBAA: When reference is made to "Commercial Air Transport", only the ICAO definition should apply. The Business Aviation definitions (see Annex 2) are superfluous) for AWGAS purposes.

Structure- Contents:

Some general proposals have been made concerning the structure and contents of JAR OPS 2. Some AWGAS members have doubts about the feasibility of having a common part for Aerial Work and for Corporate Aviation, bearing in mind the differences between these two types of operations.

ICAO Annex 6 Part II Requirements will be the basis for JAR OPS 2. A comparison between Annex 6, Part I and II has been done: it appears that Part II derived directly from Part I with the deletion of more than 50% of the content. It is suggested that the same policy will be adopted for JAR OPS 2.

It is intended to carry through the subparts already established for JAR OPS 1 and 3 with the same paragraph numbering throughout. The content will be lightened considerably and some paragraphs will be "Intentionally Blank".

To establish JAR OPS 2, the "top down" procedure will be used, starting from JAR OPS 1 and considering what alleviation is necessary (despite users preference for a bottom-up starting from ICAO Annex 6 Part II). Particularly for corporate aviation, it might be easier to produce the regulation as a by-product of JAR OPS 1, the two types of operations being rather similar. However, there may still be a need for discrimination between large and small airplanes. In practice, frequent reference to ICAO Annex 6 Part II has produced some development using the minimum standard set by ICAO.

The aim is to minimize the prescriptive nature of JAR OPS 2 and to put in the Section I (Rules and Appendices) only what is absolutely essential. Codes of Practice (as used in the UK) could satisfy safety requirements; but the question is how such codes would work within European legislation. However, they are rather similar to the current AMC, and, like AMC, they would be open to national interpretation. AWGAS is considering the need for a company Operations Manual to supplement the information already available in Aircraft Flight Manual and Pilot's Operating Handbook.

There is a majority opinion that some form of "registration" should be applied to Aerial Work and Corporate operators, but this must be less constraining than the full AOC required by JAR OPS 1.

Comments:

EBA mentioned IBAC work on "International Standard of Operations for Business Aviation". Successful development by the international business aviation community of its own standards could assist JAA in formulating its own standards. The conceptual proposal is developed by IBAC to establish a distinct ISO styled standard for business aircraft operations, for eventual promotion to ICAO for acceptance as Standards and Recommended Practices (SARPs).

A common international baseline for business aviation operating rules in the form of standards and best practices would avoid a proliferation of local and regional rulemaking that causes an inherent safety problem and places an economic burden on business aviation operators. The draft IS-BAO document and Generic Operations Manual could be useful material to influence the work of AWGAS in the direction preferred by the users. The voluntary and guidelines aspect of this IBAC initiative was stressed by EBA. The AWGAS Committee was very much interested by that IBAC initiative and would welcome to be kept informed of progress and material that could influence their task.

EBA again asked why a safe sector of air transportation (corporate aviation) was prioritized compared to a much more dangerous aerial work sector. The answer was that both are being worked in parallel by two different sub-committee. Mixing a private form of operation with commercial activities (aerial work) in a common regulation seems almost impossible.

But the sub-committee, having been tasked by the Ops Committee, cannot change that issue, which needs to be discussed at Ops Committee level if fundamental changes are required. Same applies for definitions, which in the end will be decided at Ops Committee level, and were no longer re-discussed.

After lengthy discussions, it was decided to try and have the minimal common rules for both sectors (Aerial Work and Corporate Aviation) defined in Section I, and to have more detailed sector-specific rules in separate annexes. The end result might be two separate books with very similar context, but that is not resolved yet.

The French delegation introduced a WP stressing that "having a common rule applicable to both Aerial Work and Corporate Aviation in JAR OPS 2 should not be at this stage the main objective and so should be avoided. Corporate Aviation and Aerial Work are two completely different activities." Annex 6 Part II only deals with Corporate Aviation, no ICAO annex deals with Aerial Work.

AWGAS has been charged to focus first on Corporate Aviation: this priority task has been confirmed during the last Operations Committee. Co-ordination between the Helicopter Sub-Committee and the AWGAS seems particularly difficult. The HSC should continue to work on the Aerial Work activities (more important in number than corporate activities for helicopters) and AWGAS will then adapt the requirements for aircraft.

The Finnish and Swiss position also tend to separate the requirements depending on the nature of the operation. The British CAA presented at the Meeting a draft JAR OPS 2 Commercial Aerial Work and Corporate Aviation (Airplanes) document, inspired by JAR OPS 1, without prior communication to the other participants (and thus no time to study it before) and despite the fact that the drafting work of subparts had been tasked to other parties at the previous meeting, and had been worked out and distributed prior to the meeting.

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By day two, CAA apologized, but succeeded in having its document reviewed

paragraph per paragraph, with many items being deleted or sent to Annexes by the users community.

Further to the lengthy discussions on the proposed draft, Bob Commander (AWGAS Secretary, CAA) will, with the assistance of Bryan Bullivant (AIAC) re-write the additional Sub Part and distribute this later on. Sub-Parts dealing with "Performances" (F, G, H, I, J), Mass & Balance (J), and Maintenance (M) will also be reconsidered and distributed again. In general, all parts will be reduced to "Rule Material" and in the future "Appendix Material" will be added.

The matter of maintenance, in relation to JAR 145, will also be discussed. Mr Ott (LBA Germany) will work on a "General Rule" for "Q"(Flight & Duty Time Limitations and Rests Requirements). Part R (Transport of Dangerous Goods) will be covered by CAA-UK. Part S (Security) will probably be copied from OPS 1 (1.235---). The Authorities wish to establish an Ops Manual. "An Operator shall ensure that the Operations Manual contains all instructions and information necessary for the operations personnel to perform their duties" (proposed in Part P).

What is the opinion of the EBAA Membership on that issue? If there is to be an Ops Manual, then it should follow the structure of JAR OPS 2.

However, we have to send our written comments prior to the next Meeting, but have to wait to receive the new draft version being worked out.

Next meetings

- AWGAS 3/4 May 2000 Bordeaux: Guy Viselé to attend
- Ops Committee 8 May 2000: Heinz Lichius to attend
- AWGAS Edinburg: 5/6 July 2000
- AWGAS place TBD: 14/15 September 2000
- AWGAS New Orleans 8-9 October 2000