

Business Aviation

Position Paper

Concerning the Development of JAR OPS 2

1.0 Purpose

This paper outlines the consolidated position of representatives of the business aviation community regarding to the development of JAR OPS 2.

2.0 References

1. – AWGAS meeting minutes;
2. - AWGAS and H.S.C. Concept Paper for JAR OPS 2;

and

3. - Draft JAR OPS 2, Amendment 00.5, Sept. 2000.

3.0 Background

The Joint Aviation Authorities (JAA), by decision of the Operations Committee, initiated work on the development of JAR OPS 2 in 1999. A government/industry committee (AWGAS) was established to jointly develop a proposal for consideration by the Operations Committee and subsequently by the JAA Committee.

Following a number of meetings and the preliminary development of a Concept Paper and draft JAR OPS 2, the industry organizations that would be most affected by the new requirements reviewed the progress and developed a consolidated proposal for consideration of the AWGAS Committee. This Paper presents the consolidated position of the associations.

4.0 Consolidated position

The consolidated position of the business aviation industry is developed under a number of specific headings.

4.1 Registration

Business aviation strongly endorses the concept of “Registration” as proposed in Reference B, Section 4.3 (AWGAS and H.S.C. Concept Paper for JAR OPS 2).

4.2 Documents

Business aviation strongly endorses the suggestion in Reference B, Section 4.4, that the requirements documents for Aerial Work and Corporate Aviation be separated into two distinct documents. The Corporate Aviation document could be JAR OPS 5 or, alternatively, the documents could be separated as follows:

JAR OPS 2 - Aerial Work

JAR OPS 2 - Corporate Aviation (herein referred to as JAR OPS 2 –CA)

Separate documents for these very distinct aviation sectors would greatly assist both the industry and the regulator.

It is further recognized that an overlying document needs to be developed for General Aviation as a whole.

4.3 Industry Best Practices

The business aviation community endorses the notion in Reference B, Section 4.5, that industry best practices be applied to the JAR OPS 2 - CA design principles.

4.4 Company Operations Manual

Business aviation supports the proposal in Reference B, Section 4.5, that an Operations Manual be a stipulated requirement of JAR OPS 2 - CA. The community recommends a nomenclature change to "Company Operations Manual" (COM) to make it distinct from the JAR OPS 1 definition.

The distinction with respect to a COM is that it is a company-developed document that describes its management and operational practices; it is not intended to be a document requiring approval by the regulatory authorities.

4.5 Sports and Recreational Flying

Business aviation supports the position stated in Reference B, Section 5.2.1 that sport and recreational flying should not be included in the JAR OPS 2 - CA.

4.6 Applicability

Business aviation advocates setting clear delineators regarding that sector of the community to be governed by the provisions of JAR OPS 2 - CA. Although many options exist for establishing applicability, the simplest means would be through amendment of the definition of Corporate Aviation such that any operation conducted pursuant to the defined sector would be governed by JAR OPS 2 - CA.

4.7 Definition of Corporate Aviation

The business aviation community proposes an amendment to the draft definition of Corporation Aviation as follows:

A multi-engine or turbine powered aircraft transport operation on behalf of a company, other than commercial air transportation, in connection with the transport of passengers or cargo for thata company, or another member of the same group of companies, when flown by a pilot or pilots paid for flying the aircraft.

The underlined part was added to provide for a discriminant. It may be that this will have to be adjusted. For example a weight discriminator such as "transport category aircraft" or performance related discriminator such as "pressurized" could be added to further narrow the applicability.

4.8 Definition of the Business Aviation

The business aviation community proposes that JAR OPS 2 - CA incorporate the definition of business aviation as recognized by the International Business Aviation Council (IBAC).

That sector of aviation which concerns the operation or use of aircraft by companies for the carriage of passengers or goods as an aid to the conduct of their business, flown for purposes generally considered as not for public hire and piloted by individuals having at the minimum a valid commercial pilot license with an instrument rating.

IBAC considers Corporate Aviation as one of three subdivisions of the broader business aviation sector. The other two subdivisions are:

1. Business Aviation – Commercial (JAR OPS 1); and
2. Business Aviation – Owner Operated

4.9 Industry Codes of Practice

The business aviation community strongly encourages the JAA to base the requirements for Corporate Aviation on industry codes of practice acceptable to the Joint Aviation Authorities and relevant National Aviation Authorities (NAA).

This proposal is made in recognition that:

q Corporate aviation operations are private. Passengers are in a position to exert more influence than passengers on a publicly available transport aircraft.

q Private corporations inherently desire a very high standard of safety; hence they have a significant interest in setting the safety bar at a high level.

q Businesses operating corporate aircraft have an inherent need to protect the significant investment carried by the aircraft; hence they have a high level of interest in implementing sound safety management systems.

q The industry historically has an exemplary safety record.

q The industry is, as is aviation as a whole, growing at a very fast pace, with the potential of placing significant pressures on regulatory bodies that could be charged with their oversight..

q New paradigms are needed to provide safety oversight in the rapidly growing aviation sector.

q All industries in the new globalized environment are taking more responsibility for setting global standards in their respective industrial sectors.

q Regulation pursuant to a code of practice presents a tested option for performance-based standards.

q Regulatory authorities will find it difficult to provide safety oversight of a sector of the industry not previously regulated through a dedicated rule, thus supporting the need to find innovative new concepts.

4.10 Acceptance of Industry Codes of Practice

The business aviation community proposes that the industry be held accountable for development of a code of practice. The community recognizes that there may be more than one code acceptable to the authorities. It is proposed that the codes would not be 'approved' by the authorities, but would be reviewed to determine if they were 'acceptable' based on a minimum requirements stipulated in JAR OPS 2 - CA.

4.11 JAR OPS 2 - CA Format

The business aviation community proposes a new approach to JAR OPS 2 - CA be adopted. The document would retain a fundamental structure as per other JAR OPS documents, but would be considerably streamlined in recognition that the industry codes of practice would provide the detailed requirements in a performance-based format.

This appears to be one of the approaches being considered by AWGAS. The business aviation industry is very supportive.

4.12 Minimum Requirements

The business aviation community proposes that the new concept JAR OPS 2 - CA include minimum requirements, including a Company Operations Manual. The sections of the JAR OPS 2 - CA would contain a short statement obliging adherence to the provisions of an industry code of practice acceptable to the authorities.

An example is as follows:

Subpart M – Aeroplane Maintenance

JAR OPS 2 - CA 2.875

An operator must establish maintenance procedures as provided in an industry code of practice acceptable to the JAA and NAA.

4.13 Development of Company Operations Manuals

Company Operations Manuals must clearly describe the process for managing the operations of the flight departments and should be developed by the Company prior to registration with the authority.

The community recognizes the value of a Generic Company Operations Manual to assist operators in the development of their respective COM's.

Although the community does not feel it necessary to stipulate that the COM structural format must parallel the general JAR OPS format, the community will not resist such a decision if considered important to the JAA.

The community agrees to develop a GCOM in accord with the JAR OPS format if considered necessary.

4.14 Amendments to JAR OPS 2 - CA

Attachment A to this Paper summarizes a number of changes that could be made to JAR OPS 2 - CA should AWGAS accept the consolidated business aviation position.

5.0 Conclusion

The business aviation community is encouraged by the reasonable approach being considered by AWGAS in the establishment of requirements for Corporate Aviation.

Given the rapidly changing aviation environment and the common need to seek out new methods of ensuring the public of a safe aviation system, AWGAS is in a position to be innovative and trend-setting. Corporate Aviation has historically demonstrated an exemplary safety record and a community goal of maintaining this very high standard of safety.

The concept being developed by AWGAS of using an industry code of practice as the basis of regulating and rulemaking is advanced, pragmatic and well conceived. The business aviation community is strongly supportive.

Regulatory bodies cannot relinquish accountability to the public for safety oversight of the aviation system. However, regulators must apply principles of risk management in setting priorities. The concepts proposed for JAR OPS 2 - CA recognize this principle by placing more responsibility on the community for

self-monitoring in this low-risk environment, and yet it does not relinquish the State's overall accountability for aviation safety. It is an advanced concept for efficient and effective management of aviation safety.

6.0 Consolidated Position

This Paper has been developed in coordination with the three IBAC Member organizations participating in AWGAS as follows:

BAUA – Represented by Derek Leggett

EBAA – Represented by Guy Visele and Heinz Lichius

NBAA – Represented by Bill Stine