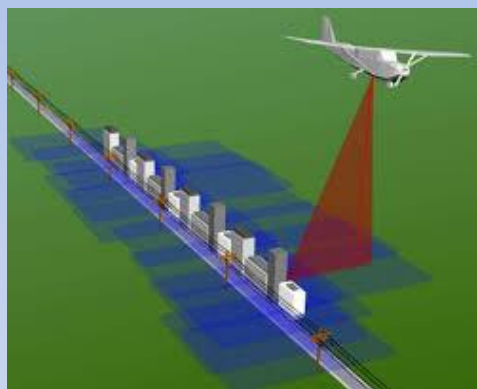




Usługi lotnicze w świetle przepisów UE

Co, kiedy i jak się zmieni?



Andrzej Styk, LOL-2

Warszawa, 2 grudnia 2013



Sprawy organizacyjne

Czas trwania spotkania: 10:00 – 14:00

Forma: prezentacja i dyskusja

Pytania: na bieżąco, proszę pojedynczo 😊

Telefony komórkowe: proszę wyciszyć



Wprowadzenie

1. Przepisy operacyjne dotyczące AWC:
 - a. Obecnie obowiązujące
 - b. Zmieniane – terminy, wyłączenia
2. Projekt zmian – Part ORO i Part SPO vs aktualna PL-6 – istotne zmiany
3. Możliwe rozwiązania - dyskusja
4. Projekt „nowej” PL-6 - założenie
5. Wnioski końcowe wynikające z dyskusji
6. Sprawy bieżące

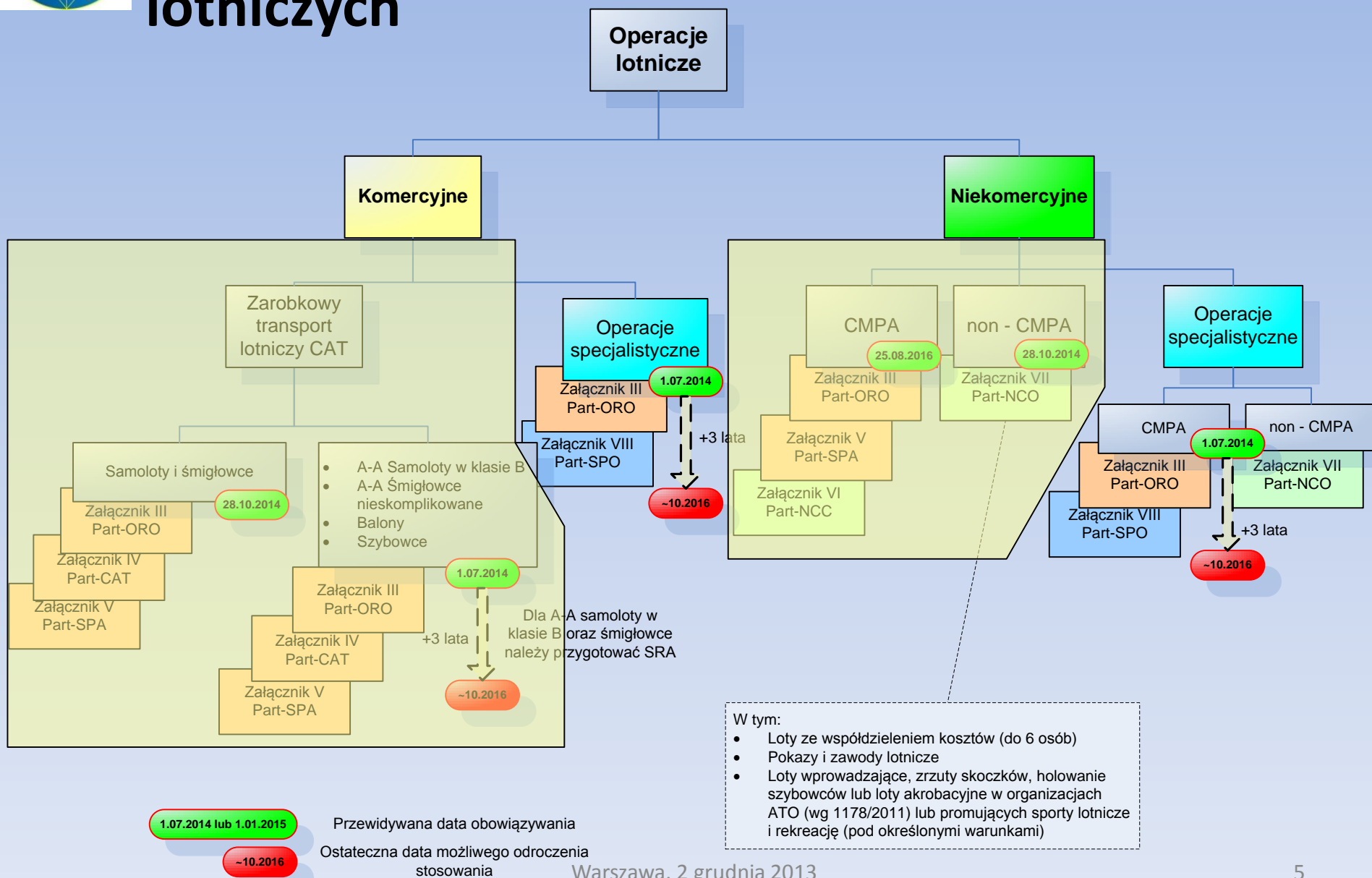


Obecne przepisy dotyczące AWC

1. Ustawa Prawo Lotnicze art. 160 ust. 3 pkt 1
lit. b – uzyskanie certyfikatu na świadczenie usług lotniczych
2. Rozporządzenie o certyfikacji – określenie procesu certyfikacji
3. PL-6 – szczegółowe zasady dotyczące bezpieczeństwa eksploatacji statków powietrznych lotnictwa ogólnego i usługowego oraz obowiązków ich użytkowników
4. Rozporządzenie Ministra Transportu, Budownictwa i Gospodarki Morskiej w z dnia 26 marca 2013 r. w sprawie wyłączenia zastosowania niektórych przepisów ustawy – Prawo lotnicze do niektórych rodzajów statków powietrznych oraz określenia warunków i wymagań dotyczących używania tych statków – możliwość świadczenia usług lotniczych na ultralekkich statkach powietrznych



System prawny EU w zakresie operacji lotniczych





Zmiany w przepisach dotyczących AWC - wyłączenia

**ROZPORZĄDZENIE PARLAMENTU EUROPEJSKIEGO I RADY (WE) nr 216/2008
[...] w sprawie wspólnych zasad w zakresie lotnictwa cywilnego [...]**

Art. 4 Podstawowe zasady i stosowalność

1. Statki powietrzne – włącznie ze wszystkimi zainstalowanymi na nich wyrobami, częściami i akcesoriami – które są:

- a)**; lub
 - b)** zarejestrowane w państwie członkowskim, chyba że odpowiedzialność za nadzór nad spełnianiem przez nie wymagań wynikających z przepisów bezpieczeństwa została przeniesiona na państwo trzecie i że statki te nie są użytkowane przez użytkownika wspólnotowego; lub
 - c)** zarejestrowane w państwie trzecim i użytkowane przez użytkownika, nad którego działalnością nadzór sprawuje państwo członkowskie, lub użytkowane w celu przylotu na terytorium Wspólnoty, wykonania lotu na jej terytorium oraz odlotu z niego przez użytkownika mającego siedzibę lub zamieszkałego na terytorium Wspólnoty; lub
 - d)** zarejestrowane w państwie trzecim lub zarejestrowane w państwie członkowskim, które odpowiedzialność za nadzór nad spełnianiem wymagań wynikających z przepisów bezpieczeństwa przeniosło na państwo trzecie i użytkowane w celu przylotu na terytorium Wspólnoty, wykonania lotu na jej terytorium oraz odlotu z niego przez użytkownika z państwa trzeciego;
- spełniają wymagania wynikające z przepisów niniejszego rozporządzenia.**



Zmiany w przepisach dotyczących AWC – wyłączenia – 216/2008

Artykuł 4.

4. Ustęp 1 nie ma zastosowania do statków powietrznych, o których mowa w załączniku II.

ZAŁĄCZNIK II

Statki powietrzne, o których mowa w art. 4 ust. 4

Artykuł 4 ust. 1, 2 i 3 nie mają zastosowania do statków powietrznych objętych **co najmniej jedną spośród kategorii** określonych poniżej:

a) historyczne statki powietrzne spełniające poniższe kryteria:

(i) nieskomplikowane statki powietrzne, których

- pierwotny projekt został stworzony przed dniem 1 stycznia 1955 r., oraz
- produkcja została zakończona przed dniem 1 stycznia 1975 r.;

lub

(ii) statki powietrzne o niewątpliwym znaczeniu historycznym, związane z:

- udziałem w ważnym wydarzeniu historycznym, lub
- istotnym krokiem w rozwoju lotnictwa, lub
- istotną rolą, jaką odgrywały w siłach zbrojnych państwa członkowskiego;



Zmiany w przepisach dotyczących AWC - wyłączenia

**ROZPORZĄDZENIE PARLAMENTU EUROPEJSKIEGO I RADY (WE) nr 216/2008
[...] w sprawie wspólnych zasad w zakresie lotnictwa cywilnego [...]**

ZAŁĄCZNIK II

Statki powietrzne, o których mowa w art. 4 ust. 4





Zmiany w przepisach dotyczących AWC - wyłączenia

**ROZPORZĄDZENIE PARLAMENTU EUROPEJSKIEGO I RADY (WE) nr 216/2008
[...] w sprawie wspólnych zasad w zakresie lotnictwa cywilnego [...]**

Artykuł 8. Operacje lotnicze

1. [...].
2. Użytkownicy prowadzący działalność zarobkową wykazują swoją zdolność i środki umożliwiające wywiązywanie się z obowiązków związanych z ich przywilejami, chyba że przepisy wykonawcze stanowią inaczej. Tę zdolność oraz środki uznaje się przez wydanie certyfikatu. Przywileje przyznane użytkownikowi oraz zakres jego działalności określa się w certyfikacie.

Załącznik IV do rozporządzenia 216/2008

Zasadnicze wymagania dotyczące operacji lotniczych, o których mowa w art. 8



Prezentacja w części dotyczącej:
Part ORO i Part SPO

jest oparta o informacje z lipca 2013 r.

Komisja Europejska opublikowała **projekty** ww. załączników do

Rozporządzenia Komisji (UE) nr 965/2012
z dnia 5 października 2012 r.

*ustanawiającego wymagania techniczne i procedury administracyjne odnoszące się do
operacji lotniczych zgodnie z rozporządzeniem Parlamentu Europejskiego i Rady (WE)
nr 216/2008*



Celem prezentacji jest:

zapoznanie środowiska lotniczego ze zmianami, jakie zachodzą w prawodawstwie UE i Polski w odniesieniu do usług lotniczych.

Nie jest naszym celem:

omawianie propozycji przepisów punkt po punkcie.

Podkreślimy tylko istotne (nowe lub znacząco przeredagowane) regulacje.





Użyte w prezentacji przepisy są
w j. angielskim

Po wejściu w życie przepisów będą
one przetłumaczone na j. polski i taka
wersja będzie obowiązująca na terenie
naszego kraju

AMC i GM będą opublikowane
w j. angielskim –tłumaczenie na
j. polski będzie zlecone po publikacji





Nowe przepisy nie wprowadzają rewolucyjnych zmian. Kierują się one raczej w stronę usystematyzowania zasad wykonywania lotów w całej Europie, zarówno w działalności komercyjnej jak i niekomercyjnej.

Pomimo nowego brzmienia (czasami) przepisów, są one w większości znane i praktycznie realizowane w Państwa działalności.





Part SPO i Part ORO

Implementing Rules (przepisy) wynikające z art. 8 i załącznika IV do rozporządzenia 216/2008

**Rozporządzenie Komisji (UE) nr XXX z dnia dd/mm/yyy
Zmieniające rozporządzenie (UE) nr 965/2012 [...]**

Załącznik VIII – *Part SPO*

Data publikacji: ??/??/2014 → *1 kwartał 2014*

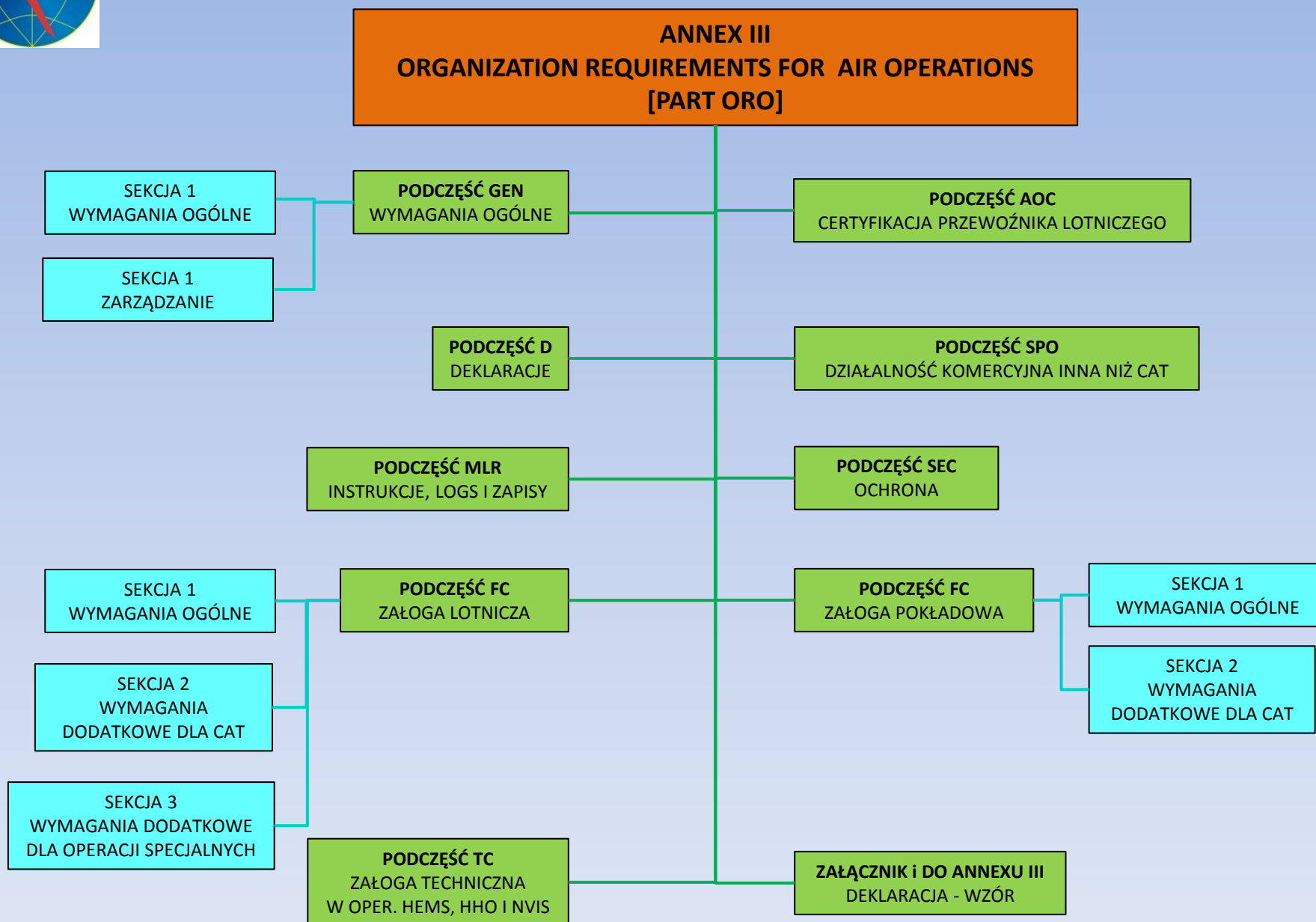
Data wejścia w życie: ???

To samo rozporządzenie zmieni zapisy dotyczące Part ORO, rozszerzając jego stosowanie na operacje komercyjne, inne niż zarobkowy przewóz (CAT)

Data obowiązywania w Polsce: *do dyskusji możliwość zastosowania opt-out nawet do 3 lat*

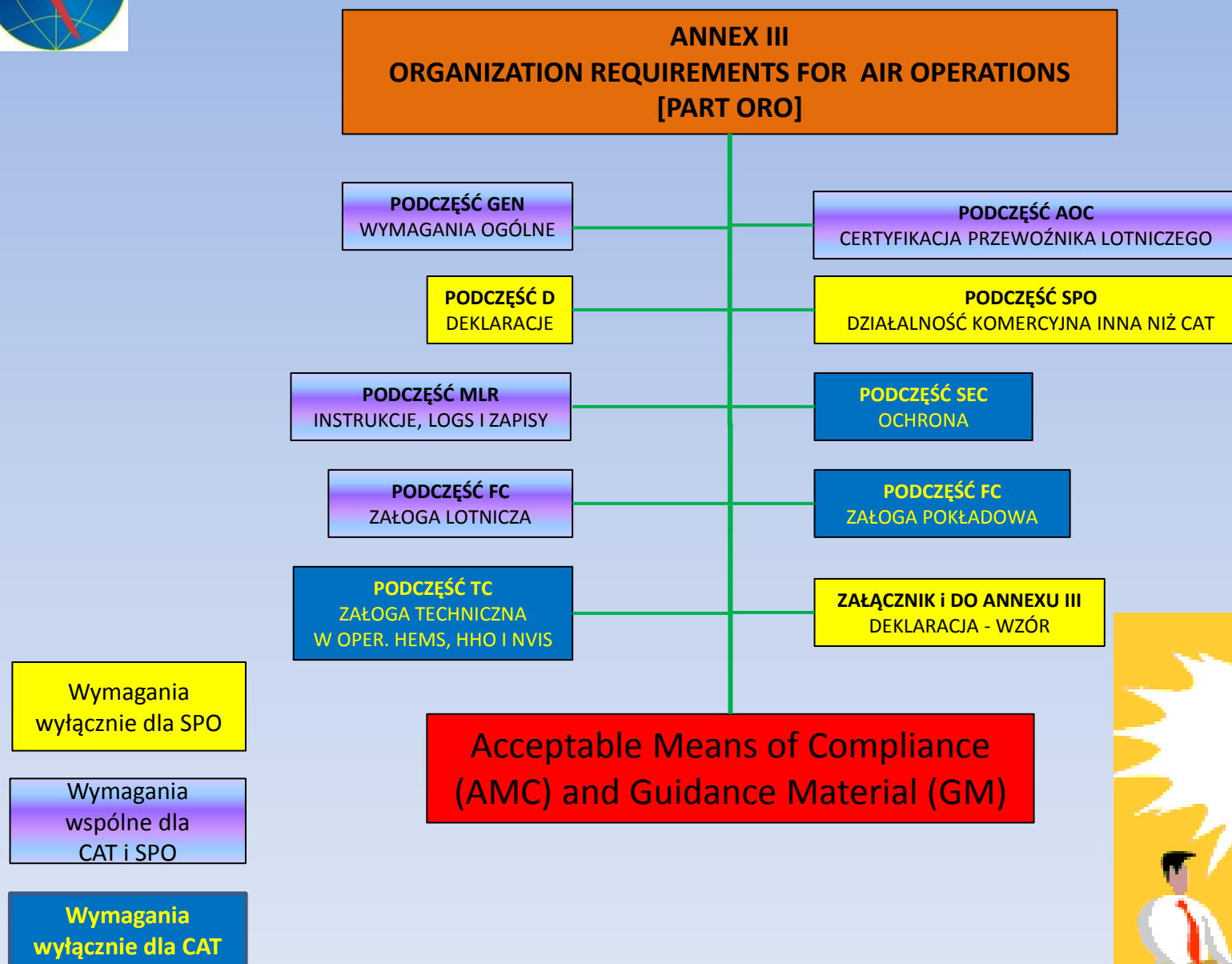


Part ORO – struktura dokumentu





Part ORO – struktura dokumentu





Part ORO

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).

(c) An operator required to declare its activity shall notify to the competent authority the list of alternative means of compliance it uses to establish compliance with Regulation (EC) No 216/2008 and its Implementing Rules.

(d) When an operator subject to a SPO authorisation wishes to use alternative means of compliance, it shall comply with (b) whenever such alternative means of compliance affects the standard operating procedures that are part of the authorisation and with (c) for the declared part of its organisation and operation.



Part ORO vs PL-6

ORO.GEN.005 Scope

This Annex establishes requirements to be followed by an air operator conducting:

- (a) commercial air transport operations (CAT);
- (b) commercial operations other than CAT;
- (c) non-commercial operations with complex motor-powered aircraft;
- (d) non-commercial specialised operations with complex motor-powered aircraft.



Part ORO vs PL-6

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 air operator certificate (AOC) or specialised operation authorisation (SPO authorisation) or declaration
- (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, SPO authorisation or declaration.

AMC1 ORO.GEN.110(c) Operator responsibilities

OPERATIONAL CONTROL

The organisation and methods established to exercise operational control should be included in the operations manual and should cover at least a description of responsibilities concerning the initiation, continuation and termination or diversion of each flight.



Part ORO vs PL-6

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, SPO authorisation or declaration, 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.



Part ORO vs PL-6

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).



Part ORO vs PL-6

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.



Part ORO vs PL-6

ORO.GEN.205 Contracted activities

(a) 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 or the SPO authorisation holder contracts any part of its activity to an organisation that is not itself certified or authorised 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.



Part ORO vs PL-6

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.



Part ORO vs PL-6

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.



Part ORO vs PL-6

ORO.AOC.135 Personnel requirements cont.

(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.



Part ORO vs PL-6

ORO.AOC.140 Facility requirements

Except for operations with ELA 2 aeroplanes or ELA 2 helicopters taking off and landing at the same aerodrome or operating site, under VFR by day, and for operations with sailplanes and balloons, the operator shall, in accordance with ORO.GEN.215:

- (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.



Part ORO vs PL-6

ORO.DEC.100 Declaration

The non-commercial operator of a complex motor-powered aircraft, the non-commercial specialised operator of a complex motor-powered aircraft or the commercial specialised operator shall:

- (a)** provide the competent authority with all relevant information prior to commencing operations, using the form contained in Appendix I to this Annex;
- (b)** notify to the competent authority a list of the alternative means of compliance used;
- (c)** maintain compliance with the applicable requirements and with the information given in the declaration;
- (d)** notify the competent authority without delay of any changes to its declaration or the means of compliance it uses through submission of an amended declaration using the form contained in Appendix I to this Annex; and
- (e)** notify the competent authority when it ceases operation.



Part ORO vs PL-6

ORO.SPO.100 Common requirements for commercial specialised operators

(a) A commercial specialised operator shall in addition to ORO.DEC.100 also comply with ORO.AOC.135, ORO.AOC.140 and ORO.AOC.150.

(b) Aircraft shall have a certificate of airworthiness (CofA) in accordance with Regulation (EU) No 748/2012 or shall be leased-in in accordance with (c).

(c) If leasing-in a third country operator or aircraft, a commercial specialised operator shall obtain prior approval of the competent authority and comply with the following conditions:

Wet lease-in of an aircraft of a third country operator:

(1) The safety standards of a 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.

(2) The aircraft of a third country operator has a standard CofA issued in accordance with ICAO Annex 8.

(3) The duration of the wet lease-in does not exceed seven months in any 12 consecutive month period

Dry lease-in of an aircraft registered in a third country:

(4) An operational need has been identified that cannot be satisfied through leasing an aircraft registered in the EU.

(5) The duration of the dry lease-in does not exceed seven months in any 12 consecutive month period.

(6) Compliance with the applicable requirements of Regulation (EC) No 2042/2003 is ensured; and

(7) The aircraft is equipped in accordance with Annex VIII [Part SPO].



Part ORO vs PL-6

ORO.SPO.110 Authorisation of high risk commercial specialised operations

(a) A commercial specialised operator shall apply for and obtain an authorisation issued by the competent authority prior to commencing a high risk commercial specialised operation:

- (1)** that is carried out over an area where the safety of third parties on the ground is likely to be endangered in the event of an emergency, or
- (2)** that, as determined by the competent authority of the place where the operation is conducted, due to its specific nature and the local environment in which it is conducted, poses a high risk, in particular to third parties on the ground.

(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 management system, including organisational structure;
- (3)** a description of the proposed operation, including the type(s), and number of aircraft to be operated;
- (4)** the risk assessment documentation and related standard operating procedures, required by SPO.OP.230;
- (5)** a statement that all the documentation sent to the competent authority has been verified by the operator and found in compliance with the applicable requirements.

(c) The application for an authorisation or its amendment 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.



Part ORO vs PL-6

ORO.SPO.115 Changes

- (a)** Any change affecting the scope of the authorisation or the authorised operations shall require prior approval of the competent authority. Any change not covered by the initial risk assessment, shall require the submission of an amended risk assessment and SOP to the competent authority.
- (b)** The application for approval of a change 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 authorisation. The operator shall provide the competent authority with any relevant documentation.
- (c)** The change shall only be implemented upon receipt of formal approval by the competent authority in accordance with ARO.OPS.150.
- (d)** The operator shall operate under the conditions prescribed by the competent authority during such changes, as applicable.



Part ORO vs PL-6

ORO.SPO.120 Continued validity

- (a)** An operator holding a specialised operation authorisation shall comply with the scope and privileges defined in the authorisation.
- (b)** The operator's authorisation 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 authorisation not being surrendered or revoked.
- (b)** Upon revocation or surrender the authorisation shall be returned to the competent authority without delay.



Part ORO vs PL-6

ORO.FC – wymagania dotyczące załóg latających

Section 3 — Additional requirements for commercial specialised operations

ORO.FC.330 Recurrent training and checking — operator proficiency check

- (a)** Each flight crew member shall complete operator proficiency checks to demonstrate his/her competence in carrying out normal, abnormal and emergency procedures, covering the relevant aspects associated with the specialised tasks described in the operations manual.
- (b)** Appropriate consideration shall be given when operations are undertaken under IFR or at night.
- (c)** The validity period of the operator proficiency check shall be 12 calendar months. The validity period shall be counted from the end of the month when the check was taken. When the operator proficiency check is undertaken within the last three months of the validity period, the new validity period shall be counted from the original expiry date.



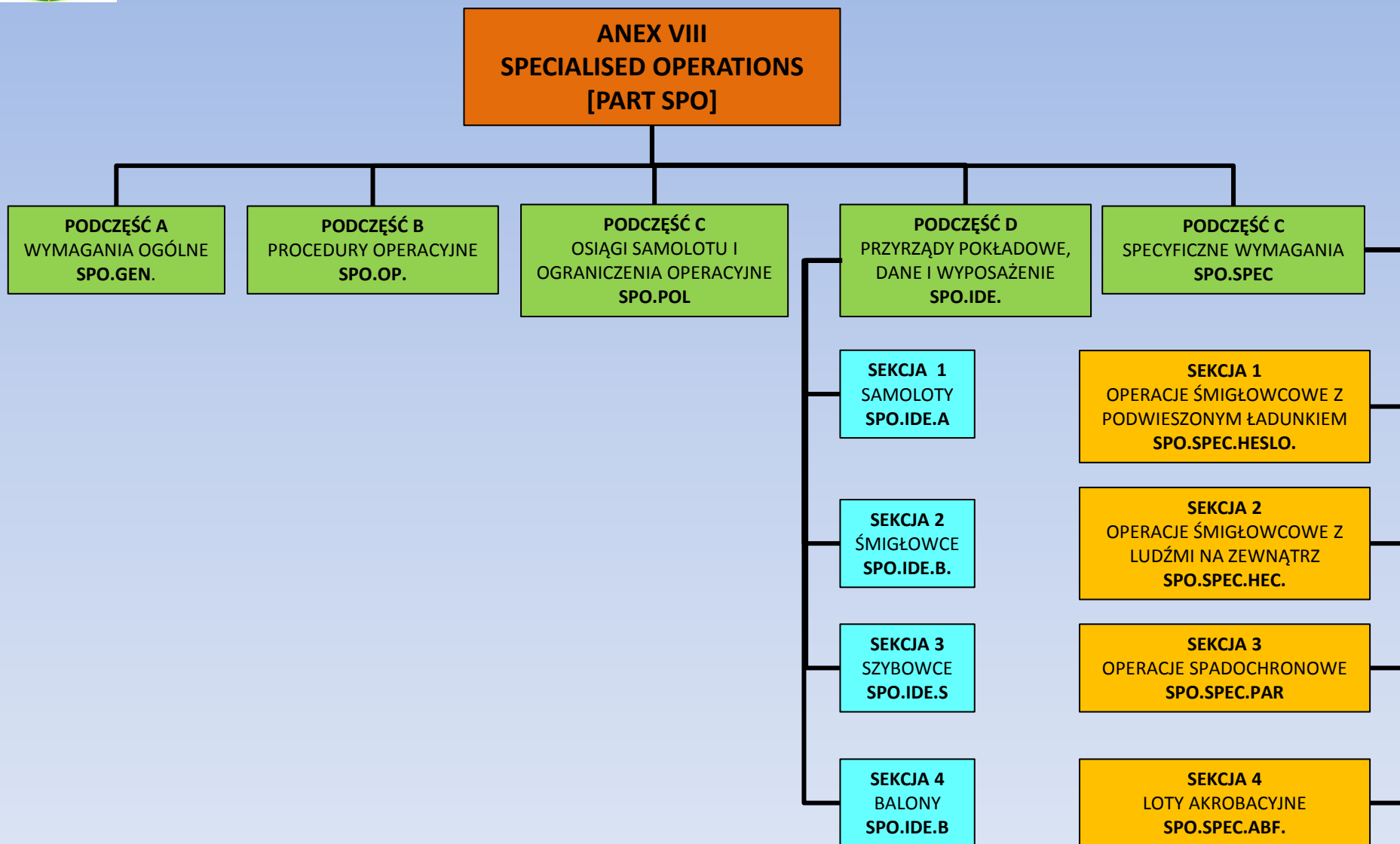
To jest koniec części prezentacji dotyczącej wymagań dla organizacji.

Pytania do tej części?





Part SPO – struktura dokumentu





Part Part SPO vs PL-6

SPO.GEN.005 Scope:

(a) This Annex applies to any commercial air operation other than CAT and any non-commercial specialised operation.

SPO.GEN.100 Competent authority:

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



Part Part SPO vs PL-6

AMC1 SPO.GEN.005 Scope

CRITERIA

The operators should consider the following criteria to determine whether an activity falls within the scope of specialised operations:

- (a)** the aircraft is flown close to the surface to fulfil the mission;
- (b)** abnormal manoeuvres are performed close to the surface;
- (c)** special equipment is necessary to fulfil the mission and which affects the manoeuvrability of the aircraft;
- (d)** substances are released from the aircraft during the flight where these substances are either harmful or affect the manoeuvrability of the aircraft;
- (e)** external loads or goods are lifted or towed; or
- (f)** persons enter or leave the aircraft during flight.



Part Part SPO vs PL-6

GM1 SPO.GEN.005 Scope

LIST OF SPECIALISED OPERATIONS

(a) Specialised operations include the following activities:

- (1) helicopter external loads operations;
- (2) helicopter survey operations;
- (3) human external cargo operations;
- (4) parachute operations and skydiving;
- (5) agricultural flights;
- (6) aerial photography flights;
- (7) glider towing;
- (8) aerial advertising flights;
- (9) calibration flights;
- (10) construction work flights, including stringing power line operations, clearing saw operations;
- (11) oil spill work;

- (12) avalanche mining operations;
- (13) survey operations, including aerial mapping operations, pollution control activity;
- (14) news media flights, television and movie flights;
- (15) special events flights, including such as flying display, competition flights;
- (16) animal herding and rescue flights and veterinary dropping flights;
- (17) maritime funeral operations;
- (18) scientific research flights (other than those under Annex II of Regulation 216/2008); and
- (19) cloud seeding.

(b) For other operations, the operator can apply the criteria specified in **AMC1 SPO.GEN.005** to determine whether an activity falls within the scope of specialised operations.



Part Part SPO vs PL-6

SPO.GEN.101 Means of compliance:

Alternative means of compliance to those adopted by the Agency may be used by an operator to establish compliance with Regulation (EC) No 216/2008¹ and its Implementing Rules.

PL-6 – 2.2 i 2.3 – możliwość zwolnienia od spełniania niektórych wymagań przepisów



Part Part SPO vs PL-6

SPO.GEN.105 Crew responsibilities :

- (a)** The crew member shall be responsible for the proper execution of his/her duties. Crew duties shall be specified in the standard operating procedures (SOP) and, where appropriate, in the operations manual.
- (b)** Except for balloons, during critical phases of flight or whenever deemed necessary by the pilot-in-command in the interest of safety, the crew member shall be restrained at his/her assigned station unless otherwise specified in the SOP.
- (c)** During flight, the flight crew member shall keep his/her safety belt fastened while at his/her station.
- (d)** During flight, at least one qualified flight crew member shall remain at the controls of the aircraft at all times.
- (e)** The crew member shall not undertake duties on an aircraft:
 - (1)** if he/she knows or suspects that he/she is suffering from fatigue as referred to in 7.f. of Annex IV to Regulation (EC) No 216/2008 or feels otherwise unfit to perform his/her duties; or
 - (2)** when under the influence of psychoactive substances or alcohol or for other reasons as referred to in 7.g. of Annex IV to Regulation (EC) No 216/2008.



Part Part SPO vs PL-6

SPO.GEN.105 Crew responsibilities :

(f) The crew member who undertakes duties for more than one operator shall:

(1) maintain his/her individual records regarding flight and duty times and rest periods as referred to in Annex III (Part-ORO), Subpart FTL to Regulation (EU) No 965/2012, if applicable; and

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

(g) The crew member shall report to the pilot-in-command:

(1) any fault, failure, malfunction or defect, which he/she believes may affect the airworthiness or safe operation of the aircraft, including emergency systems; and

(2) any incident that was endangering, or could endanger, the safety of the operation.



Part Part SPO vs PL-6

SPO.GEN.106 Task specialists responsibilities

- (a)** The task specialist shall be responsible for the proper execution of his/her duties. Task specialists' duties shall be specified in the SOP.
- (b)** Except for balloons, during critical phases of flight or whenever deemed necessary by the pilot-in-command in the interest of safety, the task specialist shall be restrained at his/her assigned station unless otherwise specified in the SOP.
- (c)** The task specialist shall ensure that he/she is restrained when carrying out specialized tasks with external doors opened or removed.
- (d)** The task specialist shall report to the pilot-in-command:
 - (1)** any fault, failure, malfunction or defect, which he/she believes may affect the airworthiness or safe operation of the aircraft, including emergency systems; and
 - (2)** any incident that was endangering, or could endanger, the safety of the operation.



Part Part SPO vs PL-6

SPO.GEN.107 Pilot-in-command responsibilities and authority

(a) The pilot-in-command shall be responsible for:

- (1)** the safety of the aircraft and of all crew members, task specialists and cargo on board during aircraft operations;
- (2)** the initiation, continuation, termination or diversion of a flight in the interest of safety;
- (3)** ensuring that all operational procedures and checklists are complied with in accordance with the appropriate manual;



Part Part SPO vs PL-6

SPO.GEN.107 Pilot-in-command responsibilities and authority

(a)

(4) only commencing a flight if he/she is satisfied that all operational limitations referred to in 2.a.3 of Annex IV to Regulation (EC)

No 216/2008 are complied with, as follows:

(i) the aircraft is airworthy;

(ii) the aircraft is duly registered;

(iii) instruments and equipment required for the execution of that flight are installed in the aircraft and are operative, unless operation with inoperative equipment is permitted by the minimum equipment list (MEL) or equivalent document, if applicable, as required in SPO.IDE.A.105, SPO.IDE.H.105, SPO.IDE.S.105 or SPO.IDE.B.105;

(iv) the mass of the aircraft and, except in the case of balloons, the centre of gravity location are such that the flight can be conducted within limits prescribed in the airworthiness documentation;

(v) all equipment and baggage is properly loaded and secured; and

(vi) the aircraft operating limitations as specified in the aircraft flight manual (AFM) will not be exceeded at any time during the flight;



Part Part SPO vs PL-6

SPO.GEN.107 Pilot-in-command responsibilities and authority

(a)

(5) not commencing a flight if he/she, or any other crew member or task specialist is incapacitated from performing duties by any cause such as injury, sickness, fatigue or the effects of any psychoactive substance;

(6) not continuing a flight beyond the nearest weather-permissible aerodrome or operating site when his/her or any other crew member or task specialist's capacity to perform duties is significantly reduced from causes such as fatigue, sickness or lack of oxygen;

(7) deciding on acceptance of the aircraft with unserviceabilities in accordance with the configuration deviation list (CDL) or MEL, if applicable;

(8) recording utilisation data and all known or suspected defects in the aircraft at the termination of the flight, or series of flights, in the aircraft technical log or journey log for the aircraft; and



Part Part SPO vs PL-6

SPO.GEN.107 Pilot-in-command responsibilities and authority

(a)

(9) ensuring that, when installed, flight recorders:

(i) are not disabled or switched off during flight; and

(ii) in the event of an accident or an incident that is subject to mandatory reporting:

(A) are not intentionally erased;

(B) are deactivated immediately after the flight is completed; and

(C) are reactivated only with the agreement of the investigating authority.



Part Part SPO vs PL-6

SPO.GEN.107 Pilot-in-command responsibilities and authority

- (b)** The pilot-in-command shall have the authority to refuse carriage of or disembark any person or cargo that may represent a potential hazard to the safety of the aircraft or its occupants.
- (c)** The pilot-in-command shall, as soon as possible, report to the appropriate air traffic services (ATS) unit any hazardous weather or flight conditions encountered that are likely to affect the safety of other aircraft.
- (d)** Notwithstanding the provision of (a)(6), in a multi-crew operation the pilot-in-command may continue a flight beyond the nearest weather-permissible aerodrome when adequate mitigating procedures are in place.
- (e)** The pilot-in-command shall, in an emergency situation that requires immediate decision and action, take any action he/she considers necessary under the circumstances in accordance with 7.d. of Annex IV to Regulation (EC) No 216/2008. In such cases he/she may deviate from rules, operational procedures and methods in the interest of safety.
- (f)** The pilot-in-command shall submit a report of an act of unlawful interference without delay to the competent authority and shall inform the designated local authority.
- (g)** The pilot-in-command shall notify the nearest appropriate authority by the quickest available means of any accident involving the aircraft that results in serious injury or death of any person or substantial damage to the aircraft or property.



Part Part SPO vs PL-6

SPO.GEN.108 Pilot-in-command responsibilities and authority — balloons

The pilot-in-command of a balloon shall, in addition to SPO.GEN.107:

- (a)** be responsible for the pre-flight briefing of those persons assisting in the inflation and deflation of the envelope;
- (b)** ensure that no person is smoking on board or within the direct vicinity of the balloon; and
- (c)** ensure that persons assisting in the inflation and deflation of the envelope wear appropriate protective clothing.

SPO.GEN.110 Compliance with laws, regulations and procedures

The pilot-in-command, crew members and task specialists shall comply with the laws, regulations and procedures of those States where operations are conducted.



Part Part SPO vs PL-6

SPO.GEN.115 Common language

The operator shall ensure that all crew members and task specialists are able to communicate with each other in a common language.

SPO.GEN.120 Taxiing of aeroplanes

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

- (a) is an appropriately qualified pilot; or
- (b) has been designated by the operator and:
 - (1) is trained to taxi the aeroplane;
 - (2) is trained to use the radio telephone, if radio communications are required;
 - (3) has received instruction in respect of aerodrome layout, routes, signs, marking, lights, air traffic control (ATC) signals and instructions, phraseology and procedures; and
 - (4) is able to conform to the operational standards required for safe aeroplane movement at the aerodrome.



Part Part SPO vs PL-6

SPO.GEN.125 Rotor engagement

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

SPO.GEN.130 Portable electronic devices

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

SPO.GEN.135 Information on emergency and survival equipment carried

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



Part Part SPO vs PL-6

SPO.GEN.140 Documents, manuals and information to be carried

(a) [...]

(5) a copy of the declaration as specified in ORO.DEC.100 and, if applicable, a copy of the authorisation as specified in ORO.SPO.110;

(6) the list of specific approvals, if applicable;

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

(e) The operator shall make available, within a reasonable time of being requested to do so by the competent authority, the documentation required to be carried on board.



Part Part SPO vs PL-6

SPO.GEN.150 Transport of dangerous goods

(a) The transport of dangerous goods by air shall be conducted in accordance with Annex 18 to the Chicago Convention as last amended and amplified by the Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Doc 9284-AN/905), including its attachments, supplements and any other addenda or corrigenda.

(b) Dangerous goods shall only be transported by an operator approved in accordance with Annex V (Part-SPA), subpart G, to Regulation (EC) No 965/2012 except when:

- (1)** they are not subject to the Technical Instructions in accordance with Part 1 of those Instructions;
- (2)** they are carried by task specialists or crew members or are in baggage which has been separated from its owner, in accordance with Part 8 of the Technical Instructions;
- (3)** required on board the aircraft for specialised purposes in accordance with the Technical Instructions;
- (4)** they are used to facilitate flight safety where carriage aboard the aircraft is reasonable to ensure their timely availability for operational purposes, whether or not such articles and substances are required to be carried or intended to be used in connection with a particular flight.



Part Part SPO vs PL-6

SPO.GEN.150 Transport of dangerous goods

- (c)** The operator shall establish procedures to ensure that all reasonable measures are taken to prevent dangerous goods from being carried on board inadvertently.
- (d)** The operator shall provide personnel with the necessary information enabling them to carry out their responsibilities, as required by the Technical Instructions.
- (e)** The operator shall, in accordance with the Technical Instructions, report without delay to the competent authority and the appropriate authority of the State of occurrence in the event of:
 - (1)** any dangerous good accident or incidents;
 - (2)** the finding of dangerous goods carried by task specialists or crew, or in their baggage, when not in accordance with Part 8 of the Technical Instructions.
- (f)** The operator shall ensure that task specialists are provided with information about dangerous goods.
- (g)** The operator shall ensure that notices giving information about the transport of dangerous goods are provided at acceptance points for cargo as required by the Technical Instructions.



Part Part SPO vs PL-6

SPO.GEN.155 Release of dangerous goods

The operator shall not operate an aircraft over congested areas of cities, towns or settlements or over an open-air assembly of persons when releasing dangerous goods.

SPO.GEN.160 Carriage and use of weapons

(a) The operator shall ensure that, when weapons are carried on a flight for the purpose of a specialised task, these are secured when not in use.

(b) The task specialist using the weapon shall take all necessary measures to prevent the aircraft and persons on board or on the ground from being endangered.



Part Part SPO vs PL-6

SPO.OP.110 Aerodrome operating minima — aeroplanes and helicopters

(a) [...]

(2) when undertaking low visibility operations, be approved by the competent authority in accordance with Annex V (Part-SPA), Subpart E to Regulation (EU) No 965/2012.

SPO.OP.111 Aerodrome operating minima — NPA, APV, CAT I operations

SPO.OP.113 Aerodrome operating minima — onshore circling operations with helicopters

The MDH for an onshore circling operation with helicopters shall not be lower than 250 ft and the meteorological visibility not less than 800 m.

SPO.OP.121 Noise abatement procedures — balloons

The pilot-in-command shall make use of operating procedures, where established, to minimise the effect of heating-system noise while ensuring that safety has priority over noise abatement.



Part Part SPO vs PL-6

SPO.OP.130 Fuel and oil supply — aeroplanes

SPO.OP.131 Fuel and oil supply — helicopters

SPO.OP.132 Fuel and ballast supply and planning — balloons

(a) The pilot-in-command shall only commence a flight if the reserve fuel or ballast is sufficient for 30 minutes of flight.

(b) Fuel or ballast supply calculations shall be based upon at least the following operating conditions under which the flight is to be conducted:

- (1)** data provided by the balloon manufacturer;
- (2)** anticipated masses;
- (3)** expected meteorological conditions; and
- (4)** air navigation services provider procedures and restrictions.



Part Part SPO vs PL-6

SPO.OP.135 Safety briefing

(a) The operator shall ensure that, prior to take-off task specialists are given a briefing on:

- (1)** emergency equipment and procedures;
- (2)** operational procedures associated with the specialised task before each flight or series of flights

(b) The briefing referred to in **(a)(2)** may be replaced by an initial and recurrent training programme. In such case the operator shall also define recency requirements.



Part Part SPO vs PL-6

SPO.OP.145 Take-off alternate aerodromes — complex motor-powered aeroplanes

(a) For IFR flights, the pilot-in-command shall specify at least one weather-permissible take-off alternate aerodrome in the flight plan if the weather conditions at the aerodrome of departure are at or below the applicable aerodrome operating minima or it would not be possible to return to the aerodrome of departure for other reasons.

(b) [...]

SPO.OP.150 Destination alternate aerodromes — aeroplanes

SPO.OP.151 Destination alternate aerodromes — helicopters



Part Part SPO vs PL-6

SPO.OP.155 Refuelling with persons embarking, on board or disembarking

(a) The aircraft shall not be refuelled with aviation gasoline (AVGAS) or wide-cut type fuel or a mixture of these types of fuel, when persons are embarking, on board or disembarking.

(b) For all other types of fuel, necessary precautions shall be taken and the aircraft shall be properly manned by qualified personnel ready to initiate and direct an evacuation of the aircraft by the most practical and expeditious means available.



Part Part SPO vs PL-6

SPO.OP.175 Ice and other contaminants — ground procedures

(a) The pilot-in-command shall only commence take-off if the aircraft is clear of any deposit that might adversely affect the performance or controllability of the aircraft, except as permitted in the AFM.

(b) In the case of operations with complex motor-powered aircraft, the operator shall establish procedures to be followed when ground de-icing and anti-icing and related inspections of the aircraft are necessary to allow the safe operation of the aircraft.

SPO.OP.176 Ice and other contaminants — flight procedures

(a) The pilot-in-command shall only commence a flight or intentionally fly into expected or actual icing conditions if the aircraft is certified and equipped to cope with such conditions as referred to in 2.a.5 of Annex IV to Regulation (EC) No 216/2008.

(b) If icing exceeds the intensity of icing for which the aircraft is certified or if an aircraft not certified for flight in known icing conditions encounters icing, the pilot-in-command shall exit the icing conditions without delay, by a change of level and/or route, and if necessary by declaring an emergency to ATC.

(c) In the case of operations with complex motor-powered aircraft, the operator shall establish procedures for flights in expected or actual icing conditions.



Part Part SPO vs PL-6

SPO.OP.181 Take-off conditions — balloons

Before commencing take-off, the pilot-in-command shall be satisfied that, according to the information available, the weather at the operating site or aerodrome will not prevent a safe take-off and departure.

SPO.OP.185 Simulated situations in flight

Unless a task specialist is on-board the aircraft for training, the pilot-in-command shall, when carrying task specialists, not simulate:

- (a)** situations that require the application of abnormal or emergency procedures; or
- (b)** flight in instrument meteorological conditions (IMC).



Part Part SPO vs PL-6

SPO.OP.215 Commencement and continuation of approach — aeroplanes and helicopters

- (a)** The pilot-in-command may commence an instrument approach regardless of the reported runway visual range/visibility (RVR/VIS).
- (b)** If the reported RVR/VIS is less than the applicable minimum, the approach shall not be continued:
 - (1)** below 1 000 ft above the aerodrome; or
 - (2)** into the final approach segment in the case where the decision altitude/height (DA/H) or minimum descent altitude/height (MDA/H) is more than 1 000 ft above the aerodrome,
- (c)** Where the RVR is not available, RVR values may be derived by converting the reported visibility.
- (d)** If, after passing 1 000 ft above the aerodrome, the reported RVR/VIS falls below the applicable minimum, the approach may be continued to DA/H or MDA/H.
- (e)** The approach may be continued below DA/H or MDA/H and the landing may be completed provided that the visual reference adequate for the type of approach operation and for the intended runway is established at the DA/H or MDA/H and is maintained.
- (f)** The touchdown zone RVR shall always be controlling.



Part Part SPO vs PL-6

SPO.POL.110 Mass and balance system — commercial operations with aeroplanes and helicopters and non-commercial operations with complex motor-powered aircraft

SPO.POL.115 Mass and balance data and documentation — commercial operations with aeroplanes and helicopters and non-commercial operations with complex motor-powered aircraft

SPO.POL.116 Mass and balance data and documentation — alleviations



Part Part SPO vs PL-6

SPO.IDE.A.105 Minimum equipment for flight

A flight shall not be commenced when any of the aeroplane's instruments, items of equipment or functions required for the intended flight are inoperative or missing, unless:

- (a)** the aeroplane is operated in accordance with the minimum equipment list (MEL), if established;
- (b)** for complex-motor-powered aeroplanes and for any aeroplane used in commercial operations, the operator is approved by the competent authority to operate the aeroplane within the constraints of the master minimum equipment list (MMEL); or
- (c)** the aeroplane is subject to a permit to fly issued in accordance with the applicable airworthiness requirements.

Ten sam wymóg jest dla śmigłowców

Ogólnie – w wyposażeniu nie ma nowości



Part Part SPO vs PL-6

SPO.IDE.A.126 Additional equipment for single-pilot operation under IFR

Complex motor-powered aeroplanes operated under IFR with a single pilot shall be equipped with an autopilot with at least altitude hold and heading mode.



Part Part SPO vs PL-6

SPO.IDE.A.180 Hand fire extinguishers

(a) Aeroplanes, except touring motor gliders (TMG) and ELA1 aeroplanes, shall be equipped with at least one hand fire extinguisher:

- (1)** in the flight crew compartment; and
- (2)** in each cabin compartment that is separate from the flight crew compartment, except if the compartment is readily accessible to the flight crew.

(b) The type and quantity of extinguishing agent for the required fire extinguishers shall be suitable for the type of fire likely to occur in the compartment where the extinguisher is intended to be used and to minimise the hazard of toxic gas concentration in compartments occupied by persons.



Part Part SPO vs PL-6

SPO.IDE.A.190 Emergency locator transmitter (ELT)

(a) Aeroplanes shall be equipped with:

- (1)** an ELT of any type, when first issued with an individual CofA on or before 1 July 2008;
- (2)** an automatic ELT, when first issued with an individual CofA after 1 July 2008; or
- (3)** a survival ELT (ELT(S)) or a personal locator beacon (PLB), carried by a crew member or a task specialist, when certified for a maximum seating configuration of six or less.

(b) ELTs of any type and PLBs shall be capable of transmitting simultaneously on 121.5 MHz and 406 MHz.



Part Part SPO vs PL-6

SPO.IDE.A.195 Flight over water

Szczegółowe zapisy dotyczące wyposażenia samolotów do lotów nad akwenami wodnymi (nie tylko loty nad „oceanem” Bałtyckim, ale również nad jeziorami mazurskimi)

SPO.IDE.A.200 Survival equipment

(a) Aeroplanes operated over areas in which search and rescue would be especially difficult shall be equipped with:

[...]

Pod rozwagę kwestia lotów nad Bałtykiem w kontekście „trudności” prowadzenia operacji SAR:

- Średnia temperatura **latem** ok. 18-20 stopni przy brzegu
- Czas startu śmigłowca ratunkowego ok. 20 min
- Śmigłowce ratunkowe bazują w Darłowie
- Podczas operacji podnoszenia rozbitka z wody strumień zaśmigłowy powoduje wychłodzenie



Part Part SPO vs PL-6

SPO.IDE.H.195 Flight over water — other-than-complex motor-powered helicopters

SPO.IDE.H.197 Life-jackets — complex motor-powered helicopters

SPO.IDE.H.198 Survival suits — complex motor-powered helicopters

Each person on board shall wear a survival suit when operating:

(a) on a flight over water in support of offshore operations, at a distance from land corresponding to more than 10 minutes flying time at normal cruising speed, where in the case of the critical engine failure, the helicopter is able to sustain level flight and when:

- (1)** the weather report or forecasts available to the pilot-in-command indicate that the sea temperature will be less than plus 10 °C during the flight; or
- (2)** the estimated rescue time exceeds the estimated survival time;



Part Part SPO vs PL-6

Subpart E — Specific requirements

1. Helicopter external sling load operations (HESLO)
2. Human external cargo operations (HEC)
3. Parachute operations (PAR)
4. Aerobatic flights (ABF)



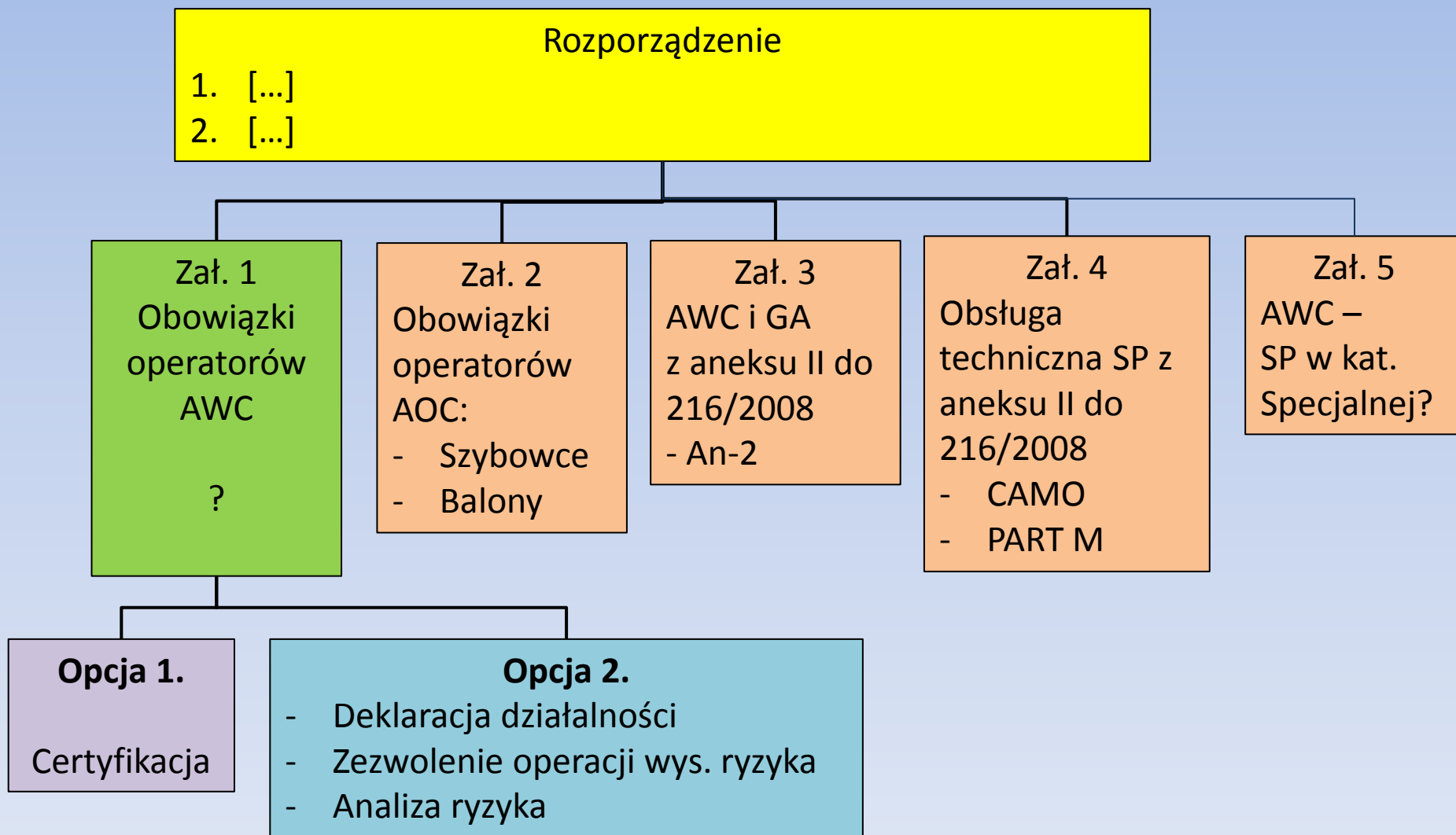
Podsumowanie

Non-commercial SPO		Commercial SPO
Complex a/c	Non-complex a/c	<ol style="list-style-type: none"> 1. Shall be regulated under Part-SPO 2. Shall submit a declaration to their NAA 3. Shall perform a risk assessment of their current or planned operations and shall develop SOPs 4. Shall apply for an authorisation: <ol style="list-style-type: none"> a) when the risk assessment points to a 'high risk' operation, by submitting its risk assessment documentation and SOP to their NAA for verification and acceptance; or b) in any case, when the CA of the place of operation determines that, due to its specific nature and the local environment in which it is conducted, an operation poses a high risk, in particular to third parties on the ground.
<ol style="list-style-type: none"> 1. Shall be regulated under Part-SPO 2. Shall submit a declaration to their NAA 3. Shall develop SOPs (standard operating procedures) 	<ol style="list-style-type: none"> 1. Shall be regulated under Part NCO, as supplemented by a new subpart E (tailored for them) 2. Shall develop checklists instead of SOPs 	<p>Exemption: Cost shared flights, competition flights, flying displays as well as introductory flights, parachute dropping, glider towing, aerobatic flights, if performed within aeroclubs:</p> <ol style="list-style-type: none"> 1. Shall be regulated under Part NCO 2. Shall develop checklists instead of SOPs



Projekt „nowej” PL-6

Rozporządzenie Ministra [...] z dnia dd/mm/yyy zmieniające rozporządzenie [...].
Załącznik nr 1 do rozporządzenia Ministra [...] – PL-6



Planowana data wejścia w życie nowej PL-6

W momencie wejścia w życie
Part-NCO oraz Part-CAT

Październik 2014						
Pon	Wt	Śr	Czw	Pt	So	Nd
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		



Możliwe rozwiązania - dyskusja

Opcja I

Jak najszybsze wprowadzenie Part SPO:

- a. Brak konieczności certyfikowania
- b. AWC w zgodzie z przepisami UE
- c. PL-6 – nowelizacja dla SP z Aneksu II – AWC i GA
- d. Pozostaje CNO

Opcja II

Odwlekanie wdrożenia Part SPO:

- a. Usługi lotnicze podlegają certyfikacji
- b. W dalszym ciągu CNO
- c. Obowiązuje prawo krajowe
- d. PL-6 i tak będzie znowelizowane
- e. Nowelizacja będzie oparta o ORO/SPO



Sprawy bieżące

1. Ubezpieczenia OC
2. Nielegalne wykonywanie AWC lub poza zakresem zatwierdzenia
3. Obniżenie wysokości podczas lotów AGRO
4. Podwykonawstwo (obcych AWC)
5. Wpis w świadectwie rejestracji jako użytkownicy
6. AWC na samolotach w kat. specjalnej/ultralight
7. Pytania z sali



Wnioski

1. Zdanie środowiska lotniczego będzie wzięte pod uwagę
2. Decyzję o sposobie dalszego postępowania w kwestii wdrażania przepisów UE podejmie Prezes Urzędu
3. Znowelizowane przepisy krajowe (nowa PL-6) będą konsultowane ze środowiskiem.

