



**Brunei Department of Civil Aviation**

**Brunei Darussalam**

[www.dca.gov.bn](http://www.dca.gov.bn)

## **Brunei Aviation Requirements**

### **Part Air Operations Cover Requirement**

## Table of Contents

Table of Contents	2
Control of this Document	3
Introduction	6
Article 1 Subject matter and scope .....	6
Article 2 Definitions .....	6
Article 3 Oversight capabilities .....	7
Article 4 Ramp inspections .....	8
Article 5 Air operations .....	8
Article 6 Derogations .....	9
Article 7 Air operator certificates .....	9
Article 8 Flight time limitations .....	9
Article 9 Minimum equipment lists .....	10
Article 9a Flight and cabin crew training .....	10
Article 9aa - Flight crew requirements for maintenance check flights .....	10
Article 9b – Review .....	10
Article 10 Entry Into Force .....	10
Essential Requirements for Air Operations	11
1. General .....	11
2. Flight preparation .....	11
3. Flight operations .....	12
4. Aircraft performance and operating limitations .....	12
5. Instruments, data and equipment .....	12
6. Continuing airworthiness .....	13
7. Crew members .....	13
8. Additional requirements for operation for commercial purposes and operation of complex motor-powered aircraft .....	14

## Control of this Document

### DC.1 Introduction

DC.1.1 Pursuant to Civil Aviation Order 2006 and the Civil Aviation Regulations 2006 and their subsequent amendments, the following requirements are hereby established for compliance by all persons concerned, the Director of Civil Aviation is empowered to adopt and amend Brunei Aviation Requirements. In accordance herewith, the following requirement is hereby established for compliance by all persons concerned. This requirement shall be known as Part Air Operations Cover Requirement and any reference to this title shall mean referring to the requirements to be met for civil aviation in Brunei Darussalam.

### DC.2 Authority for this Requirements

DC.2.1 This Part Air Operations Cover Requirement is issued on the authority of the Director of Civil Aviation.

### DC.3 Applicability

DC.3.1 This Part Air Operations Cover Requirement is applicable to the aviation industry of Brunei Darussalam.

### DC.4 Scope

DC.4.1 BAR 6 Air Operations contains the personnel licensing requirements of Brunei Darussalam, and shows compliance with ICAO Annex 6. The requirements in BAR 6 are separated into the following parts with cross references between parts where applicable.

- **Part Air Operations Cover Requirement**
- Part ARO Authority Requirements for Air Operations
- Part ORO Organisational Requirements for Air Operations
- Part DEF Definitions
- Part CAT Commercial Air Transport
- Part SPA Specific Approvals
- Part SPO Special Operations
- Part NCC Non Commercial with Complex Motor-Powered Aircraft

### DC.5 Definitions

DC.5.1 Terms not defined shall have the meaning given to them in the relevant legal instruments or international legal instruments in which they appear, especially as they appear in the Convention and its Annexes.

**Amendment**

Amendment Number	Date of Issue	Remarks
V01	1 <sup>st</sup> February 2017	Initial Issue
V05	1 <sup>st</sup> December 2019	First Amendment. Version renumbered to version 05 to make consistent with the whole of BAR 6
V06	1 <sup>st</sup> December 2022	Second Amendment

## Part Air Operations Cover Requirement

## Introduction

Brunei Aviation Requirements (BARs) of 01 February 2019 laying down technical requirements and administrative procedures related to civil aviation air operations pursuant to Civil Aviation Order 2006 of Brunei Darussalam.

Having regard to Civil Aviation Order 2006 of Brunei Darussalam on common rules in the field of civil aviation, whereas:

- (1) Operators and personnel involved in the operation of certain aircraft have to comply with the relevant essential requirements set out in this Requirement.
- (2) This Requirement requires, in addition to the oversight of certificates that have been issued, conduct investigations, including ramp inspections, and to take any measure, including the grounding of aircraft, to prevent the continuation of an infringement.
- (3) In accordance with this Requirement Brunei DCA would adopt the necessary requirements for establishing the conditions for the safe operation of aircraft.
- (4) In order to ensure a smooth transition and a high level of civil aviation safety in Brunei Darussalam, implementing measures would reflect the state of the art, including best practices, and scientific and technical progress in the field of air operations. Accordingly, technical requirements and administrative procedures agreed under the auspices of the International Civil Aviation Organisation (hereinafter 'ICAO') and the European Joint Aviation Authorities until 30 June 2009, as well as existing legislation pertaining to a specific national environment, would be considered.
- (5) It is necessary to provide sufficient time for the aeronautical industry and Brunei DCA to adapt to the new regulatory framework and to recognise under certain conditions the validity of certificates issued before this Requirement applies.

### HAS ADOPTED THIS REQUIREMENT:

#### Article 1 Subject matter and scope

---

- (1) This Requirement lays down detailed rules for air operations with aeroplanes and helicopters, including ramp inspections of aircraft of operators under the safety oversight of another State when landed at aerodromes located in Brunei Darussalam.
- (2) This Requirement also lays down detailed rules on the conditions for issuing, maintaining, amending, limiting, suspending or revoking the certificates of operators of aircraft engaged in air operations, the privileges and responsibilities of the holders of certificates as well as conditions under which operations shall be prohibited, limited or subject to certain conditions in the interest of safety.
- (3) This Requirement also lays down detailed rules on the conditions and procedures for the declaration by operators engaged in commercial specialised operations of aeroplanes and helicopters or in non-commercial operation of complex motor-powered aircraft, including non-commercial specialised operations of complex motor-powered aircraft, of their capability and the availability of the means to discharge the responsibilities associated with the operation of aircraft, and for the oversight of such operators.
- (4) This Requirement also lays down detailed rules on the conditions under which certain high risk commercial specialised operations shall be subject to authorisation in the interest of safety, and on the conditions for issuing, maintaining, amending, limiting, suspending or revoking the authorisations.
- (5) This Requirement shall not apply to air operations with tethered balloons and airships as well as tethered balloon flights and within the scope of products, parts, appliances, personnel and organisations while carrying out military, customs, police, search and rescue, firefighting, coastguard or similar activities or services.

#### Article 2 Definitions

---

For the purposes of this Requirement:

- (1) 'aeroplane' means an engine-driven fixed-wing aircraft heavier than air that is supported in flight by the dynamic reaction of the air against its wings;
  - (1a) 'helicopter' means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axes;
  - (1b) 'balloon' means a manned lighter-than-air aircraft which is not power-driven and sustains flight through the use of either a lighter-than-air gas or an airborne heater, including gas balloons, hot-air balloons, mixed balloons and, although power-driven, hot-air airships;
  - (1c) 'sailplane' means a heavier-than-air aircraft that is supported in flight by the dynamic reaction of the air against its fixed lifting surfaces, the free flight of which does not depend on an engine;
-

- (1d) 'commercial operation' means any operation of an aircraft, in return for remuneration or other valuable consideration, which is available for the public or, when not made available to the public, which is performed under a contract between an operator and a customer, where the latter has no control over the operator;
- (1e) 'tethered gas balloon' means a gas balloon with a tether system that continuously anchors the balloon to a fixed point during operation;
- (2) 'performance class B aeroplanes' means aeroplanes powered by propeller engines with a maximum operational passenger seating configuration of nine or less and a maximum take-off mass of 5 700 kg or less;
- (3) 'public interest site (PIS)' means a site used exclusively for operations in the public interest;
- (4) 'operation in performance class 1' means an operation that, in the event of failure of the critical engine, the helicopter is able to land within the rejected take-off distance available or safely continue the flight to an appropriate landing area, depending on when the failure occurs;
- (5) 'performance-based navigation (PBN)' means area navigation based on performance requirements for aircraft operating along an ATS route, on an instrument approach procedure or in a designated airspace;
- (6) 'air taxi operation' means, for the purpose of flight time and duty time limitations, a non-scheduled on demand commercial air transport operation with an aeroplane with a maximum operational passenger seating configuration ('MOPSC') of 19 or less;
- (7) 'specialised operation' means any operation, other than commercial air transport operation, where the aircraft is used for specialised activities such as agriculture, construction, photography, surveying, observation and patrol, aerial advertisement, maintenance check flights
- (8) 'high risk commercial specialised operation' means any commercial specialised aircraft operation 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, as determined by the Brunei DCA where the operation is conducted, any commercial specialised aircraft operation that, 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;
- (9) 'introductory flight' means any operation against remuneration or other valuable consideration consisting of an air tour of short duration for the purpose of attracting new trainees or new members, performed either by a training organisation or by an organisation created with the aim of promoting aerial sport or leisure aviation;
- (10) 'competition flight' means any flying activity where the aircraft is used in air races or contests, as well as where the aircraft is used to practice for air races or contests and to fly to and from racing or contest events;
- (11) 'flying display' means any flying activity deliberately performed for the purpose of providing an exhibition or entertainment at an advertised event open to the public, including where the aircraft is used to practice for a flying display and to fly to and from the advertised event.

**ADDITIONAL DEFINITIONS ARE LAID DOWN IN PART DEF**

**Article 3 Oversight capabilities**

---

- (1) For the purpose of this Requirement, the competent authority in Brunei Darussalam is the Brunei DCA, with the necessary powers and allocated responsibilities for the certification and oversight of persons and organisations subject to these Requirements.
- (2) Brunei DCA would ensure that it has the necessary capability for the oversight of all persons and organisations covered by the oversight programme, including sufficient resources to fulfil the requirements.
- (3) Brunei DCA would ensure that personnel do not perform oversight activities when there is evidence that this could result directly or indirectly in a conflict of interest, in particular when relating to family or financial interest.
- (4) Personnel authorised by Brunei DCA to carry out certification and/or oversight tasks are empowered to perform at least the following tasks:
  - (a) examine the records, data, procedures and any other material relevant to the execution of the certification and/or oversight task;
  - (b) take copies of or extracts from such records, data, procedures and other material;
  - (c) ask for an oral explanation on site;
  - (d) enter relevant premises, operating sites or means of transport;

- (e) perform audits, investigations, assessments, inspections, including ramp inspections and unannounced inspections;
  - (f) take or initiate enforcement measures as appropriate.
- (5) The tasks under paragraph (4) shall be carried out in compliance with the legal provisions.

#### **Article 4 Ramp inspections**

---

- (1) Ramp inspections of aircraft of operators under the safety oversight of Brunei DCA or of a third country would be carried out in accordance with Subpart RAMP of Part ARO.
- (2) Brunei DCA shall ensure that alcohol testing of flight crew and cabin crew members is carried out with regard to operators under their own oversight or of a third country. Such testing shall be performed by ramp inspectors within the framework of the ramp inspection programme of Subpart RAMP
- (3) By way of derogation from paragraph 2, the Brunei DCA may ensure alcohol testing of flight crew and cabin crew members to be carried out by other authorised officials and outside the framework of the ramp inspection programme of Subpart RAMP,, provided that such alcohol testing meets the same objectives and adheres to the same principles as tests carried out under the framework of Subpart RAMP. Results of such alcohol tests shall be included in the centralised database in accordance with point (b) of ARO.RAMP.145.
- (4) The Brunei DCA may carry out additional testing for psychoactive substances other than alcohol.

#### **Article 5 Air operations**

---

- (1) Operators shall only operate an aeroplane or a helicopter for the purpose of commercial air transport (hereinafter "CAT") operations as specified in Part ORO and Part CAT.
- (1a) Operators engaged in CAT operations starting and ending at the same aerodrome/operating site with Performance class B aeroplanes or non-complex helicopters shall comply with the relevant provisions of in Part ORO and Part CAT.
- (2) Operators shall comply with the relevant provisions of Part SPA when operating:
  - (a) aeroplanes and helicopters used for:
    - (i) operations using performance-based navigation (PBN);
    - (ii) operations in accordance with minimum navigation performance specifications (MNPS);
    - (iii) operations in airspace with reduced vertical separation minima (RVSM);
    - (iv) low-visibility operations (LVOs) or operations with operational credits;
  - (b) aeroplanes, helicopters, balloons and sailplanes used for the transport of dangerous goods (DG);
  - (c) two-engined aeroplanes used for extended range operations (ETOPS) in commercial air transport;
  - (d) helicopters used for commercial air transport operations with the aid of night vision imaging systems (NVIS);
  - (e) helicopters used for commercial air transport hoist operations (HHO); and
  - (f) helicopters used for commercial air transport emergency medical service operations (HEMS).
  - (g) helicopters used for offshore operations (HOFO).
- (3) Operators of complex motor-powered aeroplanes and helicopters involved in non-commercial operations shall declare their capability and means to discharge their responsibilities associated with the operation of aircraft and operate the aircraft in accordance with the provisions specified in Part ORO and Part NCC. Such operators when engaged in non-commercial specialised operations shall operate the aircraft in accordance with the provisions specified in Part ORO and Part SPO instead.
- (4) Operators of other-than-complex motor-powered aeroplanes, and helicopters, as well as balloons and sailplanes, involved in non-commercial operations, including non-commercial specialised operations, shall operate the aircraft in accordance with the provisions specified in Part NCO.
- (5) Training organisations when conducting flight training shall operate:
  - (a) complex motor-powered aeroplanes and helicopters in accordance with the provisions specified in Part NCC;
  - (b) other aeroplanes and helicopters in accordance with the provisions specified in Part NCO.
- (6) Operators shall only operate an aeroplane or a helicopter for the purpose of commercial specialised operations in accordance with the requirements specified in Part ORO and Part SPO.



- (7) Flights taking place immediately before, during or immediately after specialised operations and directly connected to those operations shall be operated in accordance with paragraphs 3, 4 and 6, as applicable. Except for crew members, persons other than those indispensable to the mission shall not be carried on board..

#### **Article 6 Derogations**

---

- (1) Brunei DCA may require a specific approval and additional requirements regarding operational procedures, equipment, crew qualification and training for CAT helicopter offshore operations.
- (2) By way of derogation from Article 5 of this requirement concerning the permit to fly, the following flights shall continue to be operated under the requirements specified in the national law of Brunei Darussalam in which the operator has its principal place of business, or, where the operator has no principal place of business, the place where the operator is established or resides:
- (a) flights related to the introduction or modification of aeroplane or helicopter types conducted by design or production organisations within the scope of their privileges;
  - (b) flights carrying no passengers or cargo, where the aeroplane or helicopter is ferried for refurbishment, repair, inspections, delivery, export or similar purposes, provided that the aircraft is not listed on an air operator certificate or on a declaration.
- (3) By way of derogation from paragraph (e)(1) and (f), the following operations with other -than-complex motor-powered aircraft may be conducted in accordance with Part NCO:
- (i) cost-shared flights by private individuals, on the condition that the direct cost is shared by all the occupants of the aircraft, pilot included and the number of persons sharing the direct costs is limited to six;
  - (ii) competition flights or flying displays, on the condition that the remuneration or any valuable consideration given for such flights is limited to recovery of direct costs and a proportionate contribution to annual costs, as well as prizes of no more than a value specified by the Brunei DCA;
  - (iii) introductory flights, parachute dropping, sailplane towing or aerobatic flights performed either by a training organisation, or by an organisation created with the aim of promoting aerial sport or leisure aviation, on the condition that the aircraft is operated by the organisation on the basis of ownership or dry lease, that the flight does not generate profits distributed outside of the organisation, and that whenever non-members of the organisation are involved, such flights represent only a marginal activity of the organisation.
- (4) Existing helicopter operations to/from a public interest site (PIS) may be conducted in derogation to CAT.POL.H.225 of Subpart CAT whenever the size of the PIS, the obstacle environment or the helicopter does not permit compliance with the requirements for operation in performance class 1. Such operations shall be conducted under conditions determined by the Brunei DCA.
- (5) By way of derogation from the first sentence of Article 5(3), operators of complex motor-powered aeroplanes with a maximum certificated take-off mass (MCTOM) at or below 5 700 kg, equipped with turboprop engines, involved in non-commercial operations, shall operate those aircraft only in accordance with Subpart NCO.
- (6) By way of derogation from Article 5(5)(a), training organisations shall, when conducting flight training on complex motor-powered aeroplanes with a maximum certificated take-off mass (MCTOM) at or below 5 700 kg, equipped with turboprop engines, operate those aircraft in accordance with Subpart NCO.

#### **Article 7 Air operator certificates**

---

- (1) Air operator certificates (AOCs) issued to CAT operators of aeroplanes before this Requirement shall be deemed to have been issued in accordance with this Requirement.
- However, no later than 31 January 2019:
- (a) operators shall adapt their management system, training programmes, procedures and manuals to be compliant with Part ORO, Part CAT and SPA, as relevant;
  - (b) the AOC would be replaced by certificates issued in accordance with Part ARO.

#### **Article 8 Flight time limitations**

---

- (1) CAT operations shall be subject to the requirements of Subpart FTL of Part ORO.
- (2) By way of derogation from paragraph 1, air taxi, emergency medical service and single pilot CAT operations by aeroplanes shall be subject to the relevant requirements
- (3) By way of derogation from paragraph 1, CAT operations with helicopters and CAT operations with sailplanes shall comply with the requirements specified in UK CAA CAP371.

- (4) Non-commercial operations, including non-commercial specialised operations, with complex motor-powered aeroplanes and helicopters, as well as commercial specialised operations with aeroplanes, helicopters and sailplanes shall comply as regards flight time limitations, with the requirements specified in Brunei Darussalam in which the operator has its principal place of business, or, where the operator has no principal place of business, the place where the operator is established or resides.

#### **Article 9 Minimum equipment lists**

---

Minimum equipment lists (MEL) approved before this Requirement applies by the State of Operator or Registry, as applicable, are deemed to be approved in accordance with this Requirement and may continue to be used by the operator.

After this Requirement applies, any change of the MEL shall be carried out in compliance with ORO.MLR.105 of Part ORO.

#### **Article 9a Flight and cabin crew training**

---

Operators shall ensure that flight crew and cabin crew members who are already in operation and have completed training in accordance with Subparts FC and CC of Part ORO which did not include the mandatory elements established in the relevant operational suitability data, undertake training covering those mandatory elements not later than 31 January 2019 or two years after the approval of the operational suitability data, whichever is the latest.

#### **Article 9aa - Flight crew requirements for maintenance check flights**

---

A pilot having acted, before 1 December 2019, as a pilot-in-command on a maintenance check flight that in accordance with the definition in point SPO.SPEC.MCF.100 in Part SPO is categorised as a Level A maintenance check flight, shall be given credit for the purpose of complying with point SPO.SPEC.MCF.115(a)(1) of that Subpart. In that case, the operator shall ensure that the pilot-in-command receives a briefing on any differences identified between the operating practices established before 1 December 2019 and the obligations provided in Section 5 of Subpart E of Part SPO to this requirement including those derived from the related procedures established by the operator.

#### **Article 9b – Review**

---

- (1) The Brunei DCA shall conduct a continuous review of the effectiveness of the provisions concerning flight and duty time limitations and rest requirements contained in Subpart ARO and Subpart ORO.

That review shall involve scientific expertise and shall be based on operational data gathered, with the assistance of Member States, on a long-term basis after the date of application of this Regulation.

The review shall assess the impact of at least the following on the alertness of aircrew:

- (a) duties of more than 13 hours at the most favourable times of the day;
  - (b) duties of more than 10 hours at less favourable times of the day;
  - (c) duties of more than 11 hours for crew members in an unknown state of acclimatisation;
  - (d) duties including a high level of sectors (more than 6);
  - (e) on-call duties such as standby or reserve followed by flight duties; and
  - (f) disruptive schedules.
- (2) The Brunei DCA shall conduct a continuous review of the effectiveness of the provisions concerning support programmes, the psychological assessment of flight crew and the systematic and random testing of psychoactive substances to ensure the medical fitness of flight crew and cabin crew members set out in Part ARO and CAT. No later than 14 August 2023, the Brunei DCA shall produce a first report on the results of this review.

That review shall involve relevant expertise and shall be based on data gathered, on a long-term basis.

#### **Article 10 Entry Into Force**

---

- (1) Brunei DCA, in exercise of the powers conferred on it under Civil Aviation Regulations 2006 has adopted this Requirement.
- (2) This Requirement shall be cited as BAR 6 - Air Operations and shall come into force on 01 February 2019.

This Requirement shall be binding in its entirety and directly applicable in Brunei Darussalam.

## Essential Requirements for Air Operations

1. General
    - 1a. A flight must not be performed if the crew members and, as appropriate, all other operations personnel involved in its preparation and execution are not familiar with applicable laws, regulations, requirements and procedures, pertinent to the performance of their duties, prescribed for the areas to be traversed, the aerodromes planned to be used and the air navigation facilities relating thereto.
    - 1.b. A flight must be performed in such a way that the operating procedures specified in the Flight Manual or, where required the Operations Manual, for the preparation and execution of the flight are followed. To facilitate this, a checklist system must be available for use, as applicable, by crew members in all phases of operation of the aircraft under normal, abnormal and emergency conditions and situations. Procedures must be established for any reasonably foreseeable emergency situation.
    - 1.c. Before every flight, the roles and duties of each crew member must be defined. The pilot in command must be responsible for the operation and safety of the aircraft and for the safety of all crew members, passengers and cargo on board.
    - 1.d. Articles or substances, which are capable of posing a significant risk to health, safety, property or the environment, such as dangerous goods, weapons and ammunition, must not be carried on any aircraft, unless specific safety procedures and instructions are applied to mitigate the related risks.
    - 1.e. All necessary data, documents, records and information to record the respect of the conditions specified in point 5.c must be retained for each flight and kept available for a minimum period of time compatible with the type of operation.
  2. Flight preparation
    - 2.a. A flight must not be commenced unless it has been ascertained by every reasonable means available that all the following conditions are complied with:
      - 2.a.1. Adequate facilities directly required for the flight and for the safe operation of the aircraft, including communication facilities and navigation aids, are available for the execution of the flight, taking into account available Aeronautical Information Services documentation.
      - 2.a.2. The crew must be familiar with and passengers informed of the location and use of relevant emergency equipment. Sufficient related information regarding emergency procedures and use of cabin safety equipment must be made available to crew and passengers using specified information.
      - 2.a.3. The pilot in command must be satisfied that:
        - (i) the aircraft is airworthy as specified in point 6;
        - (ii) if required, the aircraft is duly registered and that appropriate certificate with respect thereto are aboard the aircraft;
- instruments and equipment as specified in point 5 required for the execution of that flight are installed in the aircraft and are operative, unless waived by the applicable Minimum Equipment List (MEL) or equivalent document;
- the mass of the aircraft and centre of gravity location are such that the flight can be conducted within limits prescribed in the airworthiness documentation;
- all cabin baggage, hold luggage and cargo is properly loaded and secured; and
- the aircraft operating limitations as specified in point 4 will not be exceeded at any time during the flight.
- 2.a.4. Information regarding meteorological conditions for departure, destination and, where applicable, alternate aerodromes, as well as en-route conditions, must be available to the flight crew. Special attention must be given to potentially hazardous atmospheric conditions.
  - 2.a.5. In case of flight into known or expected icing conditions, the aircraft must be certified, equipped and/or treated to operate safely in such conditions.
  - 2.a.6. For a flight based on visual flight rules, meteorological conditions along the route to be flown must be such as to render compliance with these flight rules possible. For a flight based on instrument flight rules a destination and where applicable alternate aerodrome(s) where the aircraft can land must be selected, taking into account in particular the forecasted meteorological conditions, the availability of air navigation services, the availability of ground facilities and the instrument flight procedures approved by the State in which the destination and/or alternate aerodrome is located.

- 2.a.7. The amount of fuel and oil on board must be sufficient to ensure that the intended flight can be completed safely, taking into account the meteorological conditions, any element affecting the performance of the aircraft and any delays that are expected in flight. In addition, a fuel reserve must be carried to provide for contingencies. Procedures for in-flight fuel management must be established when relevant.
3. Flight operations
- 3.a. With regard to flight operations, all the following conditions must be complied with:
- 3.a.1. where relevant for the type of aircraft, during take-off and landing, and whenever deemed necessary by the pilot-in-command in the interest of safety, each crew member must be seated at their crew station and must use the provided restraint systems, taking into account the type of aircraft;
- 3.a.2. where relevant for the type of aircraft, all flight crew members required to be on flight deck duty must be and remain at their station, with their seatbelts fastened except en-route for physiological or operational needs;
- 3.a.3. where relevant for the type of aircraft and the type of operation, before take-off and landing, during taxiing and whenever deemed necessary in the interest of safety, the pilot-in-command must ensure that each passenger is properly seated and secured;
- 3.a.4. a flight must be performed in such a way that appropriate separation from other aircraft is maintained and that adequate obstacle clearance is ensured, during all phases of the flight. Such separation must at least be those required by the applicable rules of the air;
- 3.a.5. a flight must not be continued unless known conditions continue to be at least equivalent to those in point 2. Furthermore, for a flight based on instrument flight rules, an approach toward an aerodrome must not be continued below certain specified heights or beyond a certain position, if prescribed visibility criteria are not met;
- 3.a.6. in an emergency, the pilot-in-command must ensure that all passengers are instructed in such emergency action as may be appropriate to the circumstances;
- 3.a.7. a pilot-in-command must take all necessary measures so as to minimize the consequences on the flight of disruptive passenger behaviour;
- 3.a.8. an aircraft must not be taxied on the movement area of an aerodrome, or its rotor must not be turned under power, unless the person at the controls is appropriately competent;
- 3.a.9. the applicable in-flight fuel management procedures must be used, when relevant.
4. Aircraft performance and operating limitations
- 4.a. An aircraft must be operated in accordance with its airworthiness documentation and all related operating procedures and limitations as expressed in its approved flight manual or equivalent documentation, as the case may be. The flight manual or equivalent documentation must be available to the crew and kept up to date for each aircraft.
- 4.b. The aircraft must be operated in accordance with the applicable environmental documentation.
- 4.c. A flight must not be commenced or continued unless the aircraft's scheduled performance, considering all factors which significantly affect its performance level, allows all phases of flight to be executed within the applicable distances/areas and obstacle clearances at the planned operating mass. Performance factors which significantly affect take-off, en-route and approach/landing are, particularly:
- (i) operating procedures;
  - (ii) pressure altitude of the aerodrome;
  - (iii) temperature;
  - (iv) wind;
  - (v) size, slope and condition of the take-off/landing area; and
  - (vi) the condition of the airframe, the power plant or the systems, taking into account possible deterioration.
- 4.c.1. Such factors must be taken into account directly as operational parameters or indirectly by means of allowances or margins, which may be provided in the scheduling of performance data, as appropriate to the type of operation.
5. Instruments, data and equipment
- 5.a. An aircraft must be equipped with all navigation, communication and other equipment necessary for the intended flight, taking account of air traffic regulations and rules of the air applicable during any phase of the flight.

- 5.b. When relevant, an aircraft must be equipped with all necessary safety, medical, evacuation and survival equipment, taking account of the risks associated to the areas of operation, the routes to be flown, the flight altitude and the duration of the flight.
- 5.c. All data necessary for the execution of the flight by the crew must be updated and available on board the aircraft taking account of applicable air traffic regulations, rules of the air, flight altitudes and areas of operation.
6. Continuing airworthiness
- 6.a. The aircraft must not be operated unless:
- (i) the aircraft is in an airworthy condition;
  - (ii) the operational and emergency equipment necessary for the intended flight is serviceable;
  - (iii) the airworthiness document of the aircraft is valid; and
  - (iv) the maintenance of the aircraft is performed in accordance with its maintenance programme.
- 6.b. Before each flight or consistent series of consecutive flights, the aircraft must be inspected, through a pre-flight check, to determine whether it is fit for the intended flight.
- 6.c. The maintenance programme must contain in particular, maintenance tasks and intervals, especially those that have been specified as mandatory in the instructions for continuing airworthiness.
- 6.d. The aircraft must not be operated unless it is released to service by qualified persons or organisations, after maintenance. The signed release to service must contain in particular, the basic details of the maintenance carried out.
- 6.e. All records demonstrating the airworthiness of the aircraft must be kept until the information contained has been superseded by new information equivalent in scope and detail but not less than 24 months in the case of detailed maintenance records. When the aircraft is leased, all records demonstrating the airworthiness of the aircraft must be kept at least for the length of the lease.
- 6.f. All modifications and repairs must comply with the essential requirements for airworthiness. The substantiating data supporting compliance with the airworthiness requirements must be retained.
7. Crew members
- 7.a. The number and composition of the crew must be determined taking into account:
- (i) the certification limitations of the aircraft, including if applicable, the relevant emergency evacuation demonstration;
  - (ii) the aircraft configuration; and
  - (iii) the type and duration of operations.
- 7.b. Cabin crew members must:
- (i) be trained and checked on a regular basis to attain and maintain an adequate level of competency in order to perform their assigned safety duties; and
  - (ii) be periodically assessed for medical fitness to safely exercise their assigned safety duties. Compliance must be shown by appropriate assessment based on aero-medical best practice.
- 7.c. The pilot-in-command must have the authority to give all commands and take any appropriate actions for the purpose of securing the operation and the safety of the aircraft and of persons and/or property carried therein.
- 7.d. In an emergency situation, which endangers the operation or the safety of the aircraft and/or persons on board, the pilot-in-command must take any action he/she considers necessary in the interest of safety. When such action involves a violation of local regulations or procedures, the pilot-in-command must be responsible for notifying the appropriate local authority without delay.
- 7.e. Emergency abnormal situations must not be simulated when passengers or cargo are being carried.
- 7.f. No crew member must allow their task achievement/decision making to deteriorate to the extent that flight safety is endangered because of the effects of fatigue, taking into account, inter alia, fatigue accumulation, sleep deprivation, number of sectors flown, night duties or time zone changes. Rest periods must provide sufficient time to enable crewmembers to overcome the effects of the previous duties and to be well rested by the start of the following flight duty period.

- 7.g. A crew member must not perform allocated duties on board an aircraft when under the influence of psychoactive substances or alcohol or when unfit due to injury, fatigue, medication, sickness or other similar causes.
8. Additional requirements for operation for commercial purposes and operation of complex motor-powered aircraft
- 8.a. The operation for commercial purposes and the operation of complex motor-powered aircraft must not be undertaken unless the following conditions are met:
- 8.a.1. the operator must have directly or indirectly through contracts the means necessary for the scale and scope of the operations. These means comprise but are not limited to the following: aircraft, facilities, management structure, personnel, equipment, documentation of tasks, responsibilities and procedures, access to relevant data and recordkeeping;
- 8.a.2. the operator must use only suitably qualified and trained personnel and implement and maintain training and checking programmes for the crewmembers and other relevant personnel;
- 8.a.3. the operator must establish a MEL or equivalent document, taking account of the following:
- (i) the document must provide for the operation of the aircraft, underspecified conditions, with particular instruments, items of equipment or functions inoperative at the commencement of the flight;
- the document must be prepared for each individual aircraft, taking account of the operator's relevant operational and maintenance conditions; and
- the MEL must be based on the Master Minimum Equipment List(MMEL), if available, and must not be less restrictive than the MMEL;
- 8.a.4. the operator must implement and maintain a management system to ensure compliance with these essential requirements for operations and aim for continuous improvement of this system; and
- 8.a.5. the operator must establish and maintain an accident prevention and safety programme, including an occurrence reporting programme, which must be used by the management system in order to contribute to the aim of continuous improvement of the safety of operations.
- 8.b. The operation for commercial purposes and the operation of complex motor-powered aircraft must only be undertaken in accordance with an operator's operations manual. Such manual must contain all necessary instructions, information and procedures for all aircraft operated and for operations personnel to perform their duties. Limitations applicable to flight time, flight duty periods and rest periods for crew members must be specified. The operations manual and its revisions must be compliant with the approved flight manual and be amended as necessary.
- 8.c. The operator must establish procedures, as appropriate, so as to minimise the consequences to safe flight operations of disruptive passenger behaviour.
- 8.d. The operator must develop and maintain security programmes adapted to the aircraft and the type of operation including particularly:
- (i) security of the flight crew compartment;
- (ii) aircraft search procedure checklist;
- (iii) training programmes;
- (iv) protection of electronic and computer systems to prevent intentional system interference and corruption; and
- (v) reporting acts of unlawful interference.
- When security measures may adversely affect the safety of operations, the risks must be assessed and appropriate procedures developed to mitigate safety risks, this may necessitate the use of specialist equipment.
- 8.e. The operator must designate one pilot amongst the flight crew as the pilot-in-command.
- 8.f. The prevention of fatigue must be managed through a rostering system. For a flight, or series of flights, such a rostering system needs to address flight time, flight -duty periods, duty and adapted rest periods. Limitations established within the rostering system must take into account all relevant factors contributing to fatigue such as, in particular, number of sectors flown, time-zone crossing, sleep deprivation, disruption of circadian cycles, night hours, positioning, cumulative duty time for given periods of time, sharing of allocated tasks between crew members, and also the provision of augmented crews.

- 8.g. The tasks specified in point 6.a and those described in points 6.d and 6.e must be controlled by an organisation responsible for the continuing airworthiness management that must meet, in addition to those requirements, the following conditions:
- (i) the organisation must be qualified for the maintenance of products, parts and appliances under its responsibility or have established a contract with such a qualified organisation for these products, parts and appliances; and
  - (ii) the organisation must establish an organisation manual providing, for use and guidance of personnel concerned, a description of all continuing airworthiness procedures of the organisation including when applicable a description of administrative arrangements between the organisation and the approved maintenance organisation.
- 8.h. For each flight of an aeroplane above 15 000 m (49 000 ft), the operator shall maintain records so that the total cosmic radiation dose received by each crew member over a period of 12 consecutive months can be determined.