


OPERATIONS ADVISORY NOTICE (OAN)		 Transport Malta Civil Aviation Directorate Flight Operations Inspectorate Transport Malta Centre Triq Pantar Lija LJA 2021 Malta
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Subject: USE OF AIRCRAFT LISTED ON AN AOC FOR NON-COMMERCIAL OPERATIONS.		

1.0 INTRODUCTION

This OAN provides information in relation to ORO.GEN.310 which permits aircraft listed on an operator's AOC to remain on the AOC subject to and if it is operated:

- (1) by the AOC holder itself, for specialised operations in accordance with Annex VIII (Part-SPO); or
- (2) by other operators, for non-commercial operations with motor-powered aircraft or for specialised operations performed in accordance with Annex VI (Part-NCC), Annex VII (Part-NCO) or Annex VIII (Part-SPO); provided that the aircraft is used for a continuous period not exceeding 30 days.

In this regard, TM-CAD is publishing an application form (CAD Form 382) which needs to be completed and submitted to the authority within 30 days of the proposed operation.

2.0 REQUIREMENTS FOR AOC HOLDERS WHOSE AIRCRAFT ARE USED FOR NON-COMMERCIAL OPERATIONS CONDUCTED BY OTHER OPERATORS WITH MOTOR-POWERED AIRCRAFT.

- A. Where an AOC holder provides aircraft to another operator for non commercial operations or specialised operations, a procedure must be established in order to:
 - (1) Identify which operator is responsible for the operational control of each flight and to describe how the operational control is transferred between the AOC holder and the operator; and
 - (2) Describes the handover procedure of the aircraft upon its return to the AOC holder.

This same procedure shall be included in section 8.7 of the operations manual or in a contract between the AOC holder and the operator using the aircraft. The AOC holder is required to provide a template of such contract. The requirements of ORO.GEN.220 for the record-keeping of the mentioned contracts apply.

- B. The operator must ensure that this procedure must be communicated to all relevant personnel.
- C. Operators must submit this procedure to TM CAD for prior approval in accordance with their documented procedure for changes requiring approval and in accordance with **OAN 06A/16**.
- D. The continuing airworthiness of the aircraft used shall be managed by the organisation responsible for the continuing airworthiness of the aircraft included in the AOC, in accordance with Regulation (EU) No 1321/2014. A written contract must be established between the CAMO or Combined Airworthiness Organisation (**CAO**) of the AOC holder and the other operator.
- E. Ensure that its hazard identification, risk assessment and mitigation measures address all the operations conducted with those aircraft.

3.0 REQUIREMENTS FOR THE OPERATORS USING AIRCRAFT LISTED ON AN AOC WHICH IS NOT THEIR OWN.

For operations under Annex VI (Part-NCC) and Annex VIII (Part-SPO), the operator using the aircraft in non-commercial operations or specialised must ensure that:

- (a) That every flight conducted under its operational control is recorded in the aircraft technical log system;
- (b) That no changes to the aircraft systems or configuration are made;
- (c) That any defect or technical malfunction occurring while the aircraft is under its operational control is reported to the continuing airworthiness organisation who manages the aircraft for the AOC holder; and
- (d) That the AOC holder receives a copy of any occurrence report related to the flights performed with the aircraft, completed in accordance with Regulation (EU) No 376/2014 and Commission Implementing Regulation (EU) 2015/10181.

The operator utilising an aircraft listed on an AOC not being its own shall document in its operations manual, the following:

- (a) A description of the way in which the shifting of operational control is communicated, including how, when and to whom the information is communicated;
- (b) A description of the specific responsibilities resulting from having the operational control of the flight performed with the aircraft listed on the AOC;

- (c) A description of the means to ensure that the relevant personnel are instructed to:
- (1) Contact the organisation responsible for the management of continuing airworthiness of the aircraft of the AOC holder (CAMO or CAO) for any defect or technical malfunction which occurs before or during the operation.
- The information about any defect or malfunction should be transmitted to the CAMO or CAO of the AOC holder before the aircraft is used for the next flight. The same information should be confirmed by the entries in the aircraft technical log system; and*
- (2) report any occurrence in accordance with the applicable rules and the internal procedures; and
- (d) A customised list of occurrences, as developed by the AOC holder, which the other operator should use when informing the AOC holder of any safety-relevant issue or event that occurred while the aircraft was under its operational control.

4.0 USE OF AIRCRAFT LISTED ON AN AOC FOR NON-COMMERCIAL OPERATIONS AND SPECIALISED OPERATIONS

An AOC holder may perform operations in accordance with Part-NCC or Part-NCO for which they have already been granted a specific approval, then they need not reapply for a specific approval.

When the operator performs operations in accordance with Part-SPO, as a declared operator, then:

- (a) The SPA applicable to its SPO activities for the same aircraft is already granted within its AOC. In this case, the operator does not need to apply for them again; or
- (b) The SPA applicable to its SPO activities for the same aircraft are partially different from the SPA already granted within its AOC. In this case, the specific approval will cover all the different aspects involved in SPO operation or training of relevant personnel; or

The SPA is not granted within its AOC. In this case, the operator applies for the relevant SPA to its competent authority, in accordance with Part-SPA. This means that all the elements required for a SPA will be provided to the competent authority: evidence of the relevant airworthiness approval, specific equipment approval, operational procedures, and training programme specific for each of the SPA applied for.