


OPERATIONS ADVISORY NOTICE (OAN)		 Transport Malta Civil Aviation Directorate Flight Operations Inspectorate Transport Malta Centre Triq Pantar Lija LJA 2021 Malta
OAN Number: 02/2016 (Rev 3)	Issue Date: 6th December 2019	
Subject: Part-NCC Explained		

1.0 Introduction

This OAN is intended to assist all operators in the administrative procedures that will facilitate the liaison with the Civil Aviation Directorate. All operators are required to follow the procedure laid out in this OAN to ensure compliance with EASA requirements.

2.0 Scope

Commission Regulation (EU) No. 800/2013 amending Regulation (EU) 965/2012 lays down Implementing Rules for Non-Commercial Air Operations with Complex Motor Powered Aircraft (CMPA) (Part-NCC Annex VI).

This regulation entered into force as from 25th August 2016.

3.0 Applicability

In accordance with Article 3 of the Basic Regulation, the following are considered as CMPA –

An aeroplane:

- with a maximum certificated take-off mass exceeding 5 700 kg, or
- certificated for a maximum passenger seating configuration of more than nineteen, or
- certificated for operation with a minimum crew of at least two pilots, or
- equipped with (a) turbojet engine(s) or more than one turboprop engine, or

A helicopter certificated:

- for a maximum take-off mass exceeding 3 175 kg, or
- for a maximum passenger seating configuration of more than nine, or
- for operation with a minimum crew of at least two pilots, or

A tilt rotor aircraft

Non commercial operations of twin turboprop aeroplanes, with a MTOM of 5700kg and below may be conducted under Part-NCO.

3.1 Competent Authority

In accordance with NCC.GEN.100, the competent authority designated by the Member State in which the operator has its principal place of business, is established or is residing. **GM1 NCC.GEN.100 provides criteria that can be used to determine a person's place of business.**

3.1.1 Managed Operations

When the non-commercial operation of a complex motor-powered aircraft is managed by a third party on behalf of the owner, that party may be the operator in the sense of Article 3(h) of Regulation (EC) No 216/2008, and therefore has to declare its capability and means to discharge the responsibilities associated with the operation of the aircraft to the competent authority.

In such a case, it should also be assessed whether the third party operator undertakes a commercial operation in the sense of Article 3(i) of Regulation (EC) 216/2008.

3.1.2 Affected Operators

The following are operators that shall submit a declaration to TM-CAD;

- a) All operators that operate/manage non-commercial operations with a CMPA registered in an EASA State having the principal place of business or residence in Malta;
- b) All operators that operate/manage non-commercial operations with a CMPA registered in a non-EASA State having the principal place of business or residence in Malta;

3.1.3 Aircraft Registered in Malta

Any parties that register an aircraft in Malta but have their principal place of business or reside out of Malta shall submit their declaration to the appropriate competent authority.

3.2 Declaration

An NCC 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.”

The intent of the declaration is to:

(a) have the operator acknowledge its responsibilities under the applicable safety regulations and that it holds all necessary approvals;

(b) inform the competent authority of the existence of an operator; and

(c) enable the competent authority to fulfil its oversight responsibilities in accordance with Part-ARO requirements especially where liaison with Third Country authorities will be required.

The Declaration form is available on TM website. This should be sent to the Flight Operations Inspectorate on airops.tm@transport.gov.mt.

3.2.1 Applicable Regulations

Operators are to ensure that they comply with the applicable Parts of (EU) 965/2012. Operators shall ensure that compliance with relevant sections of Part-ORO; Part-SPA and Part-NCC are met.

3.3 *Administrative/Oversight Procedures*

The operators shall submit the declaration together with a list of Specific Approvals. Upon receiving the declaration the CAD shall verify the information contained therein. The verification process/detail will depend upon the nature of the information contained in the declaration.

In addition to this the operator shall also complete the Compliance and Statement Checklist.

If the declaration does not contain the required information, or indicates that the information contained therein is not compliant, the CAD may request further information. CAD shall take action in accordance with ARO.GEN.350.

The CAD shall include the operator into its oversight programme within 12 months of receipt of the declaration. The programme will be developed on a yearly basis, however this will at least include one inspection within each 48-month cycle commencing with the date of the first declaration received. The oversight programme will be based on the risk-priorities and risk profiles established by the Inspectorate.

It is mandatory that the inspectorate acknowledges receipt of the declaration within 10 working days.

A copy of the submitted declaration shall be kept on board at all times.

4.0 Operations Manual

The operator shall maintain an Operations Manual. AMC2 ORO.MLR.100 stipulates the contents of the operations manual. The manual will not be approved by CAD.

The minimum equipment list shall be approved by the competent authority.

4.1 *MEL approved by Third Country*

Article 9 of Regulation 965/2012 stipulates that MEL approved by the State of the Operator or Registry before the application of Part-NCC are deemed to be approved in accordance with (EU) 965/2012 may continue to be used by the operator.

Any changes to the MEL shall be handled in accordance to CAD procedures.

5.0 Specific Approvals

For NCC operators who already hold approvals for –

- a) Performance Based Navigation (PBN);
- b) Minimum navigation performance specifications (MNPS) and
- c) Reduced vertical separation minima (RVSM)

That have been issued by a non-EASA member state may continue to use such approvals. Details of these approvals are required to be submitted with the declaration. The CAD will establish criteria to accept specific approvals issued by a third country authority.

5.1 *Instruments, Data & Equipment*

All operators operating an aircraft registered in Malta are required to fill in the respective the Instruments and Data Equipment (NCC.IDE.A/H Compliance Checklist) and forward this the airworthiness inspectorate. This is available on TM website.

6.0 Applicable Fees

An administrative/oversight fee of €500.00 will be charged on an annual basis. When inspectors are required to conduct a function outside Malta a daily fee of €583.00 will be applicable. Any travel/accommodation costs will be at the operator's/owner's account.

7.0 Further information

For further information, all operators'/aircraft owners are invited to contact the Flight Operations Inspectorate on aiops.tm@transport.gov.mt.

PEL Notice No. 51 provides information on Derogation for pilots holding a third country licence and medical certificate operating non-commercial flights.

Further information on Part-NCC may be found on <http://easa.europa.eu/easa-and-you/air-operations/non-commercial-operations-ncc-complex-motor-powered-aircraft>.

Flight Operations Inspectorate