

Dérogation aux règles de mise en œuvre du règlement (CE) N°216/2008

Exploitant concerné	Tout exploitant CAT ou SPO commercial ou ATO commercial
Référence de la dérogation	DSAC/D14.4/01
Date de la dérogation	18/05/2018
Type de dérogation	Dérogation prise en application du paragraphe 4 de l'article 14 du règlement (CE) N°216/2008
Paragraphe réglementaire objet de la dérogation	Annexe II du règlement (UE) N°965/2012, ARO.OPS.110(d)(2) .
Aéronefs concernés	Tout aéronef inscrit en liste de flotte d'un exploitant CAT
Dispositions dérogatoires	Un aéronef inclus en liste de flotte d'un exploitant titulaire d'un CTA peut être utilisé par un autre exploitant pour des opérations commerciales autres que du transport public, sans que cet aéronef ne soit retiré de la liste de flotte.
Durée de validité	La présente dérogation est accordée jusqu'au 01/05/2020 .
Conditions techniques particulières associées	Les conditions techniques particulières résultent des points ORO.GEN.310, NCC.GEN.101 et NCO.GEN.104 de l'opinion 04/2017 "Update of the rules on air operations": <i>Use of aircraft included in an AOC for "other-than-CAT" operations:</i> (a) The aircraft included in an AOC may be used on a short-term basis by the same AOC holder or by other operators, for operations other-than-CAT, performed in accordance with Part-NCC, Part-NCO or Part-SPO. (b) The AOC holder providing the aircraft and any other operator using the aircraft in accordance with point (a) shall have a procedure: (1) to clearly identify which operator is responsible for the operational control of each flight and to describe how the operational control is transferred between them; and (2) to describe how the handover of the aircraft is formalised upon its return to the AOC holder. This procedure shall be included in the operations manual of each operator or in a contract between the AOC holder and the other operator using the aircraft for other-than-CAT operations. The reference of the contract shall be mentioned in the AOC holder's operations manual. The AOC holder and the other operators shall ensure that this procedure is communicated to the relevant personnel. (c) The AOC holder shall submit this procedure to the competent authority for prior approval in accordance with point (b) of ORO.GEN.130. The AOC holder shall agree with the competent authority on the means to inform them about each transfer of operational control. (d) The continuing airworthiness of the aircraft used under the terms set in this rule shall be managed by the continuing airworthiness management organisation (CAMO) of the AOC holder in accordance with M.A.201 of Annex I (Part-M) to Regulation (EU) No 1321/2014.

	(e) The AOC holder providing the aircraft shall: (1) indicate in its operations manual the registration marks of the aircraft which are used under the terms of point (a) and the type of operations conducted with those aircraft; (2) remain informed at all times and keep record of each operator that holds the operational control of the aircraft at any given moment until the aircraft is returned to the AOC holder; (3) ensure that its hazard identification, risk assessment and mitigation measures address the other-than-CAT operations conducted by the AOC holder itself or by the other operators. (f) For operations performed in accordance with Part-NCC, Part NCO or Part-SPO, the operator using the aircraft under the terms of point (a) shall ensure that: (1) every flight conducted under its operational control is recorded in the aircraft technical log system; (2) no changes to the aircraft systems or configuration shall be made; (3) any defect or technical malfunction occurring while the aircraft is under its operational control is reported to the CAMO of the AOC holder; and (4) the AOC holder receives a copy of any occurrence report related to the flights performed with the aircraft, completed in accordance with Regulation (EU) 376/2014 and Commission Implementing Regulation (EU) 2015/1018.
Conditions administratives associées	Conformément aux dispositions du paragraphe 4 de l'article 14 du règlement (CE) N°216/2008, la présente dérogation est notifiée à l'AESA, à la Commission européenne et aux autres États membres dans la mesure où elle est accordée pour une période d'une durée supérieure à deux mois. Conformément aux dispositions du paragraphe 5 de l'article 14 du règlement (CE) N°216/2008, la présente dérogation sera retirée si la Commission européenne le décide.

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