



ISLE OF MAN AIRCRAFT REGISTRY

St George's Court, Upper Church Street, Douglas,
Isle of Man, IM1 1EX, British Isles
Telephone: +44 (0)1624 682358 Fax: +44 (0)1624 682355
Email: aircraft@gov.im Web: www.aircraft.im



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International Civil Aviation Organisation Annex 6 Part II Section 3 (large and turbojet aeroplanes) – Isle of Man Civil Aviation Legislation Amendment

BACKGROUND

The International Civil Aviation Organisation (ICAO) has made changes to the International Standards and Recommended Practices (SARPs) contained in Annex 6, Part II relating to large and turbojet aeroplanes. Consequently all of the signatory States to the Convention on International Civil Aviation (currently 192) have to amend their legislation. The Air Navigation (Isle of Man) Order 2015 is being amended to incorporate these new requirements and will be published in the form of the Air Navigation (Isle of Man) (Amendment) Order 2016.

The Air Navigation (Isle of Man) (Amendment) Order 2016 is planned to come into force on 1st May 2016. This Industry Notice has been issued to assist our operators with the incorporation of the main changes required by ICAO. The Isle of Man Aircraft Registry (IOMAR) may consider appropriate exemptions to the new legislative requirements to facilitate the transition process. **However, it should be noted that these ICAO changes are also reflected in the forthcoming European Aviation Safety Agency (EASA) Annex VI Non-Commercial Air Operations with Complex Motor Powered Aircraft Regulations (Part-NCC) which, in any case, come into force in August 2016 for our European-based operators (see page 3 for further details).** When published, the Air Navigation (Isle of Man) (Amendment) Order 2016 will be available on the [Legislation](#) page of the IOMAR website.

WHO IS AFFECTED?

The Air Navigation (Isle of Man) (Amendment) Order 2016 will mainly affect operators of large and turbojet aeroplanes with a maximum certified take-off mass exceeding 5,700 kg; one or more turbojet engines; or a seating configuration of more than 9 passenger seats. Operators of other aircraft will still be affected by a small number of the changes to the legislation. Further details will be made available nearer to the publication date.

WHAT ARE THE MAIN CHANGES?

The main changes to the legislation which affect large and turbojet aeroplanes will require a more structured and auditable approach to the operation of these larger, more complex aeroplanes and will include:

1. **Minimum Equipment List.** Many of our operators have already taken the opportunity to have a Minimum Equipment List (MEL) approved by IOMAR and we can confirm that existing approved MELs will automatically qualify as we transition to the new legislation.
2. **Maintenance Control Manual.** The Maintenance Control Manual (MCM) will detail how the operator will manage the day to day continuing airworthiness needs of the aeroplane – this can include delegation of tasks to nominated persons but cannot be a delegation of responsibility. The MCM will need to include the continuing airworthiness management (when does the aeroplane need to go to a facility for maintenance and what is the content of the maintenance package are typical 'needs'). For Isle of Man registered aircraft, the continuing airworthiness is managed by a Nominated Airworthiness Technical Representative (NATR) who must be declared to IOMAR by the aircraft operator as competent to carry out the role.
3. **Company Operations Manual.** The Company Operations Manual (COM) must include: a Fatigue Risk Management Programme (FRMP); and a Safety Management System (SMS) which is appropriate to the size and complexity of the operation.

In addition to a FRMP and a SMS, the COM must also include the minimum requirements which are published in the Air Navigation (Isle of Man) (Amendment) Order 2016. These are reproduced in Appendix A to this document.

Many operators of Isle of Man registered aeroplanes are already using a COM in various guises, including the International Standard for Business Aircraft Operations (IS-BAO) Generic Company Operations Manual (GCOM). Operators who already have a COM in place must ensure that their manual meets the minimum requirements published in Appendix A.

IOMAR will soon publish a COM framework template in a bid to assist our operators in the development of their own manual. The COM template will provide an outline structure of the areas that will need to be included to comply with the required regulations.

The following documents may not be primarily focussed on international general aviation however they may assist with the development of a SMS and FRMP: [ICAO Annex 19 Safety Management](#); [Safety Management Manual \(SMM\)](#) (ICAO Doc 9859); [FRMS Implementation Guide](#) (a Joint ICAO, IATA & IFALPA publication) and [Manual for Regulators](#), (ICAO Doc 9966).

Operators must be satisfied that their COM adequately addresses their operations and meets legal/regulatory requirements. IOMAR will not be formally reviewing or approving an operators COM, so do not require a copy to be submitted. IOMAR will continue to be pragmatic and practical in its approach to the above changes and will strive to provide the best possible support, advice and guidance to its clients.

Operators of Isle of Man registered complex motor powered aircraft whose principal place of business is in an EASA member state

The European Union is introducing rules that will affect operators of Isle of Man registered complex motor powered aircraft whose operator has its principal place of business in an EASA member state.

"Air Operations Regulations Annex I (Definitions for terms used in Annexes II-VIII): 'Principal place of business' means the head office or registered office of the organisation within which the principal financial functions and operational control of the activities referred to in this Regulation are exercised."

The areas of EASA Air Ops which will affect operators of complex motor powered aircraft are Annex III (Part-ORO), Annex V (Part-SPA) and Annex VI (Part-NCC). EASA have a dedicated website for the implementation of [Part-NCC](#) and this topic will be the subject of a separate IOMAR Information Notice to be published shortly.

The EASA definition of a complex motor powered aircraft is:

- an aeroplane:
 - with a maximum certificated take-off mass exceeding 5700 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,
 - equipped with more than one turboprop engine and exceeding 5700kg, or
- a helicopter certificated:
 - for a maximum take-off mass exceeding 3175 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.

Affected operators will need to submit a Declaration (of compliance) to the National Aviation Authority (NAA) in which the operator has its principal place of business, not to IOMAR. **For clarification, if for example the operators principal place of business is in the UK, then the Declaration must be made to the UK CAA.** Isle of Man registered aircraft operators who are unsure about whether Part-NCC will be applicable to them, should in the first instance contact the NAA in which they have their principal place of business. The Declaration must be carried on board the aircraft and IOMAR recommends that a copy of the acknowledgement from the NAA is also retained on board.

It is worth noting that compliance with the Air Navigation (Isle of Man) (Amendment) Order 2016 will go some way towards meeting the requirements of these new European Union rules.

It is worth noting that the IS-BAO GCOM is about 75% compliant with the relevant requirements of EASA Air Ops (Part-ORO, Part-SPA and Part-NCC). A gap analysis tool has been produced by IBAC that identifies the areas which operators will need to address if they wish to use the IS-BAO GCOM towards achieving Part-NCC compliance.

* Note: EASA have elected to use nineteen seats as opposed to the ICAO recommendation of 9 seats.

Appendix A - Extract from draft Article 99B, Air Navigation (Isle of Man)
(Amendment) Order 2016

The Operator's Company Operations Manual must include a table of contents and, if the manual has been amended, an amendment control page with a list of effected pages.

In addition the manual must include details of:

- (a) the duties, responsibilities and succession of the management and operating personnel of the operator;
- (b) the aircraft operator's safety management system;
- (c) the aircraft's operational control system;
- (d) details of the aircraft's minimum equipment list procedures;
- (e) the flight preparation procedures in respect of the aircraft, including procedures for briefing passengers;
- (f) how cabin baggage must be stowed and secured when the aircraft is taking-off or landing;
- (g) how operational flight planning in respect of the aircraft must be carried out;
- (h) normal flight operations including fuel procedures and requirements;
- (i) the standard operating procedures in respect of the aircraft together with its performance information as shown in its operating manual;
- (j) any weather limitations in respect of the aircraft, the use of alternate aerodromes and aerodrome operating minima;
- (k) a fatigue risk management programme;
- (l) any noise abatement procedures to be adopted in respect of the aircraft;
- (m) the emergency operations applicable to the aircraft;
- (n) how any accident or other incident in respect of the aircraft is to be dealt with and recorded;
- (o) the qualifications, including proficiency in the use of the English language, and training that each member of the crew of the aircraft must have or must have undertaken;
- (p) the records that must be kept in respect of the aircraft and who must keep them;
- (q) the maintenance control system in respect of the aircraft;
- (r) any applicable security procedures in respect of the aircraft;
- (s) the performance operating limitations of the aircraft;
- (t) if applicable, the use and protection of the flight data recorder records and cockpit voice recorder records of the aircraft;
- (u) how the electronic navigation data management systems of the aircraft are to be used and monitored;
- (v) how dangerous goods on the aircraft are to be handled; and
- (w) the use of the aircraft's head-up displays or enhanced vision systems (enhanced vision system, synthetic vision system or combined vision system).