

**Partial Regulatory Impact Assessment (RIA) of
proposals for regulatory oversight of corporate aviation (CA) operations by
aircraft registered in the UK Overseas Territories**

Comment Log

Summary

- Some clarification of terms is required;
- ASSI will await the ICAO State Letter to assess ICAO's proposals for CA and their timescales;
- The ASSI proposal is reasonable and practical.

ASSI Actions

ASSI will await the ICAO State Letter which is expected summer 2006. It is expected that the ICAO proposals will not be greatly different from those proposed in this RIA. It is ASSI policy to comply with ICAO SARPs as far as reasonable practicable so the proposals for Overseas Territories Aviation Requirements will be amended in the light of the ICAO State Letter so that they are 'in step' with ICAO whilst awaiting the SARPs.

Comments were received from:

British Business & General Aviation Association (BBGA)

CAA Directorate of Airspace Policy

Cranfield University

International Business Aviation Council (IBAC)

PART 145 / Bermuda Approved Quality Manager and JAR-OPS Continuing Airworthiness Manager

Partial Regulatory Impact Assessment (RIA) Of Proposals For Regulatory Oversight Of Corporate Aviation

Comments Log

Name	No	General, Editorial Substantive	Part/ Section Paragraph Sub-Para	Comment	Rationale	Response	Action
Cranfield University	1	G		<p>I agree that Option 3 is the most appropriate, and consider that all four of the points listed in Section 3 are necessary for an Operator to be approved:</p> <ul style="list-style-type: none"> - Safety Management System (SMS) appropriate to the size of operation; - Operations Manual; - Individual approvals of specific items such as a Flight Time Limitations scheme; - Approval of a category of operations dependent upon complexity/size of aircraft. 		<p>Agreement noted. All 4 points are necessary for an Operator to be approved.</p>	None required
ditto	2	S	Section 5(b)	The term "Non-commercial" should be defined.	EASA define the term "Commercial" as "a remunerated aeronautical activity covered by a contract between and operator and a customer, where the customer is not, directly or indirectly, an owner of the aircraft used for	A clarification of commercial air transport, aerial work and other operations will be included.	Terms to be clarified/ defined

					the purpose of this contract and the operator is not, directly or indirectly, and employee of the customer”		
ditto	3	G	Section 5(b),(1) and (2)	<p>Why are Business Aviation (Owner Operated) turbine aeroplanes (turbo-prop) and helicopters not included?</p> <p>These are flown by pilots who also have other jobs within a company, so I would consider that they need the same rules as Corporate operations.</p>		<p>It was our original intention to exclude the business aviation owner-operators of small aircraft but where ‘the line’ was to be drawn was the subject of lengthy discussion. The result was that we wished to exclude aircraft of 5,700 Kgs or less, but include VLJs, on the grounds that this is the area of the true private pilot. If the 5,700 Kgs weight limit or engine type were changed, a much larger group of operators/types would be subject to the proposed requirements and this may have become burdensome on both industry and the regulators. This also is in line with EASA/EC thinking (although not yet finalised).</p>	None required

British Business & General Aviation Association (BBGA) & International Business Aviation Council	4	G		<p>Subsequent to the publication of the above PRIA, the ICAO Director General Civil Aviation Conference held in march 2006 agreed that Annex 6 Part II, the SARP applicable to international General Aviation, should be amended. The Air Navigation Commission has undertaken to develop an amendment on a priority basis and it is expected that this amendment may be circulated for state comment later this year.</p> <p>It is anticipated that Annex 6 Part II will require large and/or turbo jet aircraft to have a Safety Management System and an Operations Manual. This will provide the States an oversight capability, proportional to the risks of such an operation, without requiring a certification or approval system.</p> <p>It is further anticipated that the amendment will recognise the use of industry codes of practice by States in their regulatory process.</p> <p>Therefore whilst we recognise the positive contribution made by the ASSI sponsored Cranfield Study and the PRIA,</p>		Accepted	We are aware of work being undertaken by ICAO and when the State Letter is received (Summer 06?) we will feed this information in to our proposals.
--	---	---	--	--	--	----------	---

				<p>we urge ASSI not to take further action until the completion of the amendment of Annex 6 Part II. These together will provide a sound basis for further regulatory amendment.</p>			
--	--	--	--	--	--	--	--

PART 145 / Bermuda Approved Quality Manager and JAR-OPS Continuing Airworthiness Manager	5	G		Some aspects of the new rules are good...		Noted	
ditto	6	G		...but there is no input for the small people and whole thing is designed for airlines and this is what operators just don't need this.		Disagree. Comments are requested widely and all consultative material is available on the web. We are particularly keen to receive comments from smaller operators/businesses. Any OTAR resulting from this RIA will be subject to consultation. Preferred Option (3) in RIA proposes requirements which will be designed to suit CA and which will be scaled to the size of the organisation.	None required
ditto	7	G		Many private aircraft that I know of currently only employ a few staff and they are normally ops and pilots.	They just don't have the structure or resources available to perform the regulation that is attached to an AOC/ European registered aircraft.	Agree. Level of regulation proposed will be scaled to the size of the organisation and will be designed to suit CA.	None required
ditto	8	G		...more ramp checks are needed on the corporate aircraft by inspectors that		Level of oversight and number of ramp checks carried out will be	None required

				know what they are doing.		determined by each individual OTAA. However, more ramp checks means a higher cost of regulation for operators.	
ditto	9	G		We are looking at introducing more regulation...		This is interpreted as, "We (in the OTs) are looking at introducing more regulation ...". Disagree. We are seeking your comments on the level and mode of regulation.	None required
ditto	10	G		...and in Canada the private Corporate operators are now self regulating now and have been for several years,	An example of this is McCain Frozen foods, Their staff are all trained by the Manufacturer or companies like Flight safety or Simuflite they operate two aircraft flying within Canada mainly but also fly in the States and Europe.	In Canada, wherever the staff are trained they have to meet the standards set by Transport Canada. The industry, through the Canadian Business Aviation, enforces the Transport Canada regulations. Transport Canada continues to regulate the pilots directly. Regulation by Canadian Business Aviation is likely to be no less costly than direct regulation by Transport Canada.	None required
ditto	11	G		VLJ's should be treated as a separate issue as they will not be corporate or business aircraft. They are single owner/pilot play things and to me a single pilot aircraft is an unsafe aircraft.		It is our intention that all turbojet aircraft of any weight will be regulated in the same way as CA. Therefore VLJs will fall into this category.	None required
ditto	12	G		I cannot see any problems with the way a Bermudan aircraft is operated. The aircraft are inspected every		Noted. Understand that you consider annual CofA inspections of all CA aircraft to be acceptable level of	This will be considered as part of regulatory

				year for their certificate of airworthiness and this is not just a paperwork exercise the aircraft is inspected to ACAM standards and if its not good it will not be issued with a C of A, Even the CAA don't audit an aircraft every year.		regulatory oversight.	regime to be developed
--	--	--	--	---	--	-----------------------	------------------------

CAA Directorate of Airspace Policy	13	G		Agree completely with the recommendation to adopt Option 3.		Noted	None required
ditto	14	G		I strongly agree with the option to regulate more closely all Corporate Aviation operations.		Noted	None required
ditto	15	G		With regard to Airspace, we have a particular concern about the emergence of Very Light Jets (VLJ) and the fact that they fall outside of the category where carriage of ACAS is compulsory. Combined with the absence of Flight Time Limitations (FTL) schemes, we see this as a considerable risk in our ever more congested and complex airspace.		Noted	Carriage of ACAS is under consideration for CA. We believe carriage of ACAS is likely to become more of an airspace than a certification issue. Implementation of an FTL scheme is also under consideration.