

Issued: 29 May 2014

## **Cost-Sharing, Sailplane Towing, Parachute Dropping, Flying Competitions and Introductory Flights by Private Pilots**

This Information Notice contains information that is for guidance and/or awareness.

Recipients are asked to ensure that this Information Notice is copied to all members of their staff who may have an interest in the information (including any 'in-house' or contracted maintenance organisations and relevant outside contractors).

<b>Applicability:</b>	
<b>Aerodromes:</b>	Not primarily affected
<b>Air Traffic:</b>	Not primarily affected
<b>Airspace:</b>	Not primarily affected
<b>Airworthiness:</b>	Not primarily affected
<b>Flight Operations:</b>	All AOC Holders and General Aviation Pilots
<b>Licensed/Unlicensed Personnel:</b>	All ATO and Registered Facilities, and All Pilots

### **1 Introduction**

- 1.1 Amendments to Regulation (EU) No. 965/2012 (Air Operations) and Regulation (EU) No. 1178/2011 (Aircrew) introduce provisions which permit certain flights that would otherwise have to comply with the rules for commercial operations to be carried out by pilots holding non-commercial licences in accordance with the operating rules for private flights. The flights that may be operated under these provisions are set out in Article 6(4a) of Commission Regulation (EU) No. 965/2012 as amended by Commission Regulation (EU) No. 379/2014.
- 1.2 The amendment to the Aircrew Regulation that contains these provisions is already in force; thus holders of European Aviation Safety Agency (EASA) Private Pilot Licence (PPL) and Light Aircraft Pilot Licence (LAPL) licences are already permitted to undertake such flights. The associated provisions in the Air Operations Regulation will become effective coincident with the entry in to force of Part-CAT (Commercial Air Transport), Part-SPO (Specialised Operations) and Part-NCO (Non-Commercial Operations).
- 1.3 In line with its commitments to light touch and proportionate regulation as set out in **CAP 1123** the CAA has agreed, following consultation with General Aviation (GA) Community stakeholders, to bring those elements of the European Regulation that are advantageous to the GA Community into force as soon as possible and make them applicable to UK national pilot licences and nationally-regulated aircraft. This will enable a consistent approach for EASA and nationally regulated "Annex II" aircraft, and between the holders of EASA Part-FCL and UK national pilot licences.

- 1.4 The national arrangements being introduced by the CAA will be reviewed and revised by the CAA as necessary as the transition to European Regulations for Operations, Licensing and the Rules of the Air progresses. The coming into force of further provisions of European legislation in the future may necessitate the amendment of the terms of UK exemptions and the rules that apply to the activities set out in this Information Notice.

## 2 Scope

- 2.1 The scope of the provisions for these flights in the European Regulations and the scope of the equivalent exemptions now being applied to the UK Air Navigation Order(ANO) is limited to 'other-than-complex motor-powered aircraft' (as defined in **Regulation (EC) No. 216/2008**) being operated on one of the types of flight set out below:
- cost-sharing by private persons;
  - introductory flights, sailplane towing, parachute dropping and aerobatic flights; and
  - competition flights and flying displays.

## 3 Cost-Sharing by Private Persons

- 3.1 The maximum number of private persons who must share the direct costs (and only the direct costs) of the flight is increased from four to six (including the pilot), and the requirement for those costs to be shared equally and for the flight not to be published or advertised is removed.

- 3.2 The Guidance Material GM2 Article 6.4a(a);(b) of the Operations Regulation states that:

*'Direct cost' means the cost directly incurred in relation to a flight, e.g. fuel, airfield charges, rental fee for an aircraft. There is no element of profit.*

- 3.3 It should be noted that the sharing of annual costs is not permitted under this arrangement. The Guidance Material GM3 Article 6.4a(a);(b) of the Operations Regulation states that:

*'Annual cost' means the cost of keeping, maintaining and operating the aircraft over a period of one calendar year. There is no element of profit.*

## 4 Introductory Flights, Sailplane Towing, Parachute Dropping and Aerobatic Flights

- 4.1 The holder of an EASA or UK PPL(A), LAPL(A) or NPPL(A) that is valid for the aeroplane to be used may act as Pilot in Command (PIC) on introductory flights, parachute dropping, sailplane towing or aerobatic flights performed either by a training organisation having its principal place of business in the UK and approved in accordance with Regulation (EU) No. 1178/2011 (i.e. an Approved Training Organisation), or by an organisation created with the aim of promoting aerial sport or leisure aviation, on the condition that:
- the aeroplane is operated by the organisation on the basis of ownership or dry lease;
  - the flight does not generate profits distributed outside of the organisation; and
  - whenever non-members of the organisation are involved, such flights represent only a marginal activity of the organisation.

- 4.2 The Guidance Material GM1 Article 6.4a(c) of the Operations Regulation states that:

*An 'organisation created with the aim of promoting aerial sport or leisure aviation' means a non-profit organisation, established under applicable national law for the sole purpose of gathering persons sharing the same interest in general aviation to fly for pleasure or to conduct parachute jumping. The organisation should have aircraft available.*

- 4.3 Article 2 of Regulation (EU) No. 965/2012, as amended by Regulation (EU) No. 379/2014, states that:

*'Introductory flight' means any flight against remuneration or other valuable consideration consisting of an air tour of short duration, offered by an approved training organisation or an organisation created with the aim of promoting aerial sport or leisure aviation, for the purpose of attracting new trainees or new members.*

- 4.4 GM2 Article 6.4a(c) of the Operations Regulation states that:

*The term 'marginal activity' should be understood as representing a very minor part of the overall activity of an organisation, mainly for the purpose of promoting itself or attracting new students or members. An organisation intending to offer such flights as regular business activity is not considered to meet the condition of marginal activity. Also, flights organised with the sole intent to generate income for the organisation are not considered to be a marginal activity.*

- 4.5 The Guidance Material GM1 ARO.OPS.300 (Introductory flights) of the Operations Regulation states that:

*'For introductory flights carried out in the territory of the Member State, the competent authority may establish additional conditions such as defined area of the operation, time period during which such operations are to be conducted, safety risk assessments to be accomplished, aircraft to be used, specific operating procedures, notification requirements, maximum distance flown, pilot qualification, maximum number of passengers on-board, further restrictions on the maximum take-off mass.'*

- 4.6 The CAA recommends that organisations conducting introductory flights ensure that the guidance is adopted within the organisation's Operations Manual, or equivalent.

**Important Note:** The exemptions issued under the ANO for national licences and Annex II aircraft are not valid outside the airspace of the UK unless validated or otherwise accepted by the relevant authority of the State where the flight is to take place.

## 5 Competition Flights and Flying Displays

- 5.1 These new provisions brought into effect by the Air Operations and Aircrew Regulations include competition flights and flying displays. However, the effect on aircraft flying in the UK is inconsequential because the ANO already deems such flights to be private. As agreed with the stakeholder consultation group the permitted upper limit of any prize(s) awarded will remain as £500.

## 6 References

- 6.1 Consolidated versions of the Air Operations and Aircrew Regulations can be reviewed on the [EASA website](#). At the time of publication the amendments to the Regulations that bring about the changes referred to in this Information Notice are yet to be incorporated in to the consolidated versions. In the meantime the relevant amending regulations can be reviewed separately:

- [Commission Regulation \(EU\) No. 245/2014](#), amending Commission Regulation (EU) No. 1178/2011.
- [Commission Regulation \(EU\) No. 379/2014](#), amending Commission Regulation (EU) No. 965/2012.

6.2 **Acceptable Means of Compliance and Guidance Material** is available on the EASA website:

- **AMC and GM to Regulation (EU) No. 965/2012**
- **AMC and GM to Part-ARO**

## **7 Queries**

7.1 Any queries or requests for further guidance as a result of this communication should be addressed to the **GA@caa.co.uk** e-mail address.

## **8 Cancellation**

8.1 This Information Notice will remain in force until 21 April 2017.