Հավելված

ՀՀ կառավարությանն առընթեր

քաղաքացիական ավիացիայի

գլխավոր վարչության պետի

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**ARM - AIR OPS**

**/ ARM - AIR OPERATIONS /**

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**FOREWORD**

1 The General Department of Civil Aviation at the Government of Republic of Armenia ( GDCA of RA ), known in these regulations as the “ Authority ” has

implemented ARMENIAN – AIR OPERATION’S ( ARM - AIR OPS ) based on the European Aviation Safety Agency *( EASA )* Regulation, with a view to harmonizing legislation and to regulate all Air Transport operations of aircrafts.

2 ICAO Annex **6** has been selected to provide the basic structure of ARM–AIR OPS and for Air Operator, NCC, NCO Certification and Private Operator Authorization, but with additional sub-division where considered appropriate. The content of Annex **6**  has been used and added to, where acceptable.

3 The Authority has adopted associated compliance or interpretative material wherever possible and, unless specifically stated otherwise, clarification will be based on this material or other EASA documentation.

4 Future development of the requirements of ARM – AIR OPS will be in accordance with Notice of Proposed Amendment *( NPA )* procedures , if the GDCA of RA thinks an NPA is required. These procedures allow for the amendment of ARM – AIR OPS to be harmonized with amendments to EASA and ICAO Annexes in a timely manner. Typographical errors or minor changes that do not affect the industry will be published and introduced without NPA *( Notice of Proposed Amendment ).*

5 Amendments / Revision history table is included to every Normal or Temporary Revision, so that the changes can be easily tracked.

6 This regulations are presented in Times Roman font with letter size of ***12,*** and the recent changes to the new text will be marked by ***Bold Italics*** .

7 This First issue is dated ***10 November 2014*** edition. All pages of this edition of ARM – AIR OPS will be effective from ***16 December 2014***.

All pages are current as in LEP *( List of Effective Page ),* the blank pages are marked with *Intentionally Left Blank* as it is controlled by LEP.

8. Conformity with the Guidance Material is mandatory unless other means of compliance meet the equivalent level of safety, acceptable to the Authority.

*( Purpose of change to ARM - OPS* ***1*** *issued by GDCA of RA at March 2013 by new ARM – AIR OPS Regulation’s is continue to harmonizing legislation and to regulate Commercial Air Transport, Non - Commercial Air Transport and Private Operations of Aircrafts according to current operations and market requirements ).*

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**REGULATIONS**

**COMMISSION REGULATION ( EU ) No 379 / 2014 of 7 April 2014**

**amending Commission Regulation ( EU ) No 965 / 2012 laying down technical requirements and administrative procedures related to Air Operations pursuant to Regulation ( EC ) No 216 / 2008 of the European Parliament and of the Council**

*THE EUROPEAN COMMISSION,*

Having regard to the Treaty on the Functioning of the European Union, having regard to CR - EC *( Commission Regulation ( EC )* *)* No 216 / 2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91 / 670 / EEC, CR - EC No 1592 / 2002 and Directive 2004 / 36 / EC thereof, and in particular Article 8 ( 5 ),

Whereas :

*(* ***1*** *)* Operators and personnel involved in the operation of certain aircraft have to comply with the relevant essential requirements set out in Annex **IV** to CR - EC No 216 / 2008 ;

*(* ***2*** *)* In accordance with CR - EC No 216 / 2008 the Commission should adopt the necessary implementing rules for establishing the conditions for the safe operation of aircraft. Those rules should primarily take into account the complexity of aircraft, organizations and aircraft operations, as well as the risks associated with the different types of operations ;

*(* ***3*** *)* CR - EU ) No 965 / 2012 establishes implementing rules for Commercial Air Transport Operations with aeroplanes and helicopters. Rules for Commercial Air Transport Operations with balloons and sailplanes should also be provided in order to comply with the basic principles and applicability of CR - EC No 216 / 2008. In addition, the specificities of certain commercial operations with aeroplanes and helicopters, starting and ending at the same aerodrome or operating site, need to be appropriately addressed according to their scale and scope and the risk involved ;

*(* ***4*** *)* CR - EU No  800 / 2013 amends CR - EU No 965 / 2012 to include rules for non- commercial operations according to the complexity of aircraft. It is also necessary to amend CR - EU No 965 / 2012 in order to reflect the current state of the art and to ensure proportionate measures for certain strictly defined activities with other - than - complex aircraft and the organizations involved ;

*(* ***5*** *)* Rules for specialized operations with aeroplanes, helicopters balloons and sailplanes should also be included taking into account the particular aspects of such operations and the risk involved. For reasons of proportionality it would not be appropriate to subject all commercial operators to certification, in particular commercial specialized operators. Although of commercial nature, these operators would be subject to a declaration of capability instead

of a certificate. Nevertheless, conditions for certain high risk commercial specialized operations, which endanger third parties on the ground, should be specified in the interest of safety and therefore those operations should be submitted to authorization ;

*(* ***6*** *)* CR - EU No 965 / 2012 should therefore be amended accordingly ;

*(* ***7*** *)* In order to ensure a smooth transition and a high level of civil aviation safety in the Union, the implementing measures should reflect the state of the art, including best practices, and scientific and technical progress in the field of air operations. Accordingly, technical requirements and administrative procedures agreed under the auspices of the International Civil Aviation Organization and the European Joint Aviation Authorities until 30 June 2009, as well as existing legislation pertaining to a specific national environment, should be considered ;

*HAS ADOPTED THIS REGULATION :*

***Article 1* Subject Matter and Scope**

***1***. This Regulation lays down detailed rules for Air Operations with aeroplanes, helicopters, balloons and sailplanes, including ramp inspections of aircraft of operators under the safety oversight of another State when landed at aerodromes located in the territory subject to the provisions of the Treaty ;

***2.*** This Regulation also lays down detailed rules on the conditions for issuing, maintaining, amending, limiting, suspending or revoking the certificates of operators of aircraft referred to in Article 4 ( 1 ) ( b ) and ( c ) of CR - EC No 216 / 2008 engaged in Commercial Air Transport Operation, the privileges and responsibilities of the holders of certificates as well as conditions under which operations shall be prohibited, limited or subject to certain conditions

in the interest of safety ;

***3.*** This Regulation also lays down detailed rules on the conditions and procedures for the declaration by, and for the oversight of, operators engaged in commercial specialized operations and non - commercial operation of complex motor - powered aircraft, including non -commercial specialized operations of complex motor - powered aircraft ;

***4.*** This Regulation also lays down detailed rules on the conditions under which certain high risk commercial specialized operations shall be subject to authorization in the interest of safety, and on the conditions for issuing, maintaining, amending, limiting, suspending or revoking the authorizations ;

***5.*** This Regulation shall not apply to Air Operations within the scope of Article 1 ( 2 ) ( a ) of CR - EC No 216/2008 ;

***6.*** This Regulation shall not apply to Air Operations with tethered balloons and airships as well as tethered balloon flights ;

***Article 2* Definitions**

For the purposes of this Regulation :

( 1 ) “ Commercial Air Transport “ ( CAT ) Operation *means* an aircraft operation to transport passengers, cargo or mail for remuneration or other valuable consideration ;

( 2 ) “ Performance Class **B**  Aeroplanes “ *means* aeroplanes powered by propeller engines with a maximum operational passenger seating configuration of ***9*** *( nine )* *or less* and a maximum Take - off mass of ***5 700*** *kg or less* ;

( 3 ) “ Public Interest Site ( PIS ) “ *means*  a site used exclusively for operations in the public interest ;

( 4 ) “ Operation in Performance Class **1** ” *means* an operation that, in the event of failure of the critical engine, the helicopter is able to land within the rejected take-off distance available or safely continue the flight to an appropriate landing area, depending on when the failure occurs ;

( 5 ) “ Performance - Based Navigation *( PBN )* “ *means*  area navigation based on performance requirements for aircraft operating along an ATS route, on an instrument approach procedure or in a designated airspace.

( 6 ) “ Aeroplane “ *means*  an engine - driven fixed - wing aircraft heavier than air that is

supported in flight by the dynamic reaction of the air against its wings ;

( 7 ) “ Specialized Operation *” means* any operation other than commercial air transport where the aircraft is used for specialized activities such as agriculture, construction, photography, surveying, observation and patrol, aerial advertisement ;

( 8 ) “ High Risk Commercial Specialized Operation ” *means*  any commercial specialized aircraft operation carried out over an area where the safety of third parties on the ground is likely to be endangered in the event of an emergency, or, as determined by the Competent Authority of the place where the operation is conducted, any commercial specialized aircraft operation that, due to its specific nature and the local environment in which it is conducted, poses a high risk, in particular to third parties on the ground ;

( 9 ) “ Introductory Flight ” *means* any flight against remuneration or other valuable consideration consisting of an air tour of short duration, offered by an approved training organization or an organization created with the aim of promoting aerial sport or leisure aviation, for the purpose of attracting new trainees or new members ;

( 10 ) “ Competition Flight ” *means* any flying activity where the aircraft is used in air races or contests, as well as where the aircraft is used to practice for air races or contests and to fly to and from racing or contest events ;

( 11 ) “ Flying Display ” *means*  any flying activity deliberately performed for the purpose of providing an exhibition or entertainment at an advertised event open to the public, including where the aircraft is used to practice for a flying display and to fly to and from the advertised event.

Additional definitions are laid down in Annex **I**  for the purposes of Annexes II to V.

***Article 3***  **Oversight Capabilities**

***1.*** Member States shall designate one or more entities as the Competent Authority within that Member State with the necessary powers and allocated responsibilities for the certification and oversight of persons and organizations subject to CR - EC No 216 / 2008 and its implementing rules ;

***2.*** If a Member State designates more than one entity as competent authority :

*(* ***a*** *)* the areas of competence of each competent authority shall be clearly defined in terms of responsibilities and geographic limitation ; *and*

*(* ***b*** *)* coordination shall be established between those entities to ensure effective oversight of all organizations and persons subject to CR - EC No 216 / 2008 and its implementing rules, within their respective remits ;

***3.*** Member States shall ensure that the competent authority(ies) has(ve) the necessary capability to ensure the oversight of all persons and organizations covered by their oversight programme, including sufficient resources to fulfil the requirements of this Regulation ;

***4.*** Member States shall ensure that Competent Authority personnel do not perform oversight activities when there is evidence that this could result directly or indirectly in a conflict of interest, in particular when relating to family or financial interest ;

***5.*** Personnel authorized by the Competent Authority to carry out certification and / or oversight tasks shall be empowered to perform at least the following tasks :

*( a )* examine the records, data, procedures and any other material relevant to the execution of the certification and / or oversight task ;

*( b )* take copies of or extracts from such records, data, procedures and other material ;

*( c )* ask for an oral explanation on site ;

*( d )* enter relevant premises, operating sites or means of transport ;

*( e )* perform audits, investigations, assessments, inspections, including ramp inspections and unannounced inspections ;

*( f )*  take or initiate enforcement measures as appropriate.

***6.*** The tasks under paragraph 5 shall be carried out in compliance with the legal provisions of the relevant Member State.

***Article 4***  **Ramp Inspections**

Ramp inspections of aircraft of operators under the safety oversight of another Member State or of a third country shall be carried out in accordance with Subpart RAMP of Annex **II.**

***Article 5***  **Air Operations**

***1.*** Operators shall only operate an aircraft for the purpose of Commercial Air Transport ( CAT ) operations as specified in Annexes **III** and **IV** ;

***1 a.*** Operators engaged in CAT operations starting and ending at the same aerodrome / operating site with Performance Class B aeroplanes or non - complex helicopters shall comply with the relevant provisions of Annexes **III**  and **IV** ;

***2.*** CAT operators shall comply with the relevant provisions of Annex **V** when operating :

***a*** *)* aeroplanes and helicopters used for :

( i ) operations using Performance - Based Navigation *( PBN )* ;

( ii ) operations in accordance with Minimum Navigation Performance Specifications

*( MNPS )* ;

( iii ) operations in airspace with Reduced Vertical Separation Minima *( RVSM )* ;

( iv ) Low Visibility Operations *( LVO )* ;

***b )*** aeroplanes and helicopters used for the transport of Dangerous Goods *( DG )* ;

***c )*** two - engined aeroplanes used for Extended Range Operations *( ETOPS )* in Commercial Air Transport ;

***d )*** helicopters used for commercial air transport operations with the aid of Night Vision Imaging Systems *( NVIS )* ;

***e )*** helicopters used for Commercial Air Transport Hoist Operations *( HHO )* ; *and*

***f )*** helicopters used for Commercial Air Transport Emergency Medical Service Operations *( HEMS ).*

***3.*** Operators of complex motor - powered aeroplanes and helicopters involved in non -commercial operations shall declare their capability and means to discharge their responsibilities associated with the operation of aircraft and operate the aircraft in accordance with the provisions specified in Annex III and Annex VI. Such operators when engaged in non - commercial specialized operations shall operate the aircraft in accordance with the

provisions specified in Annex III and VIII instead ;

***4.*** Operators of other - than - complex motor - powered aeroplanes, and helicopters, as well as balloons and sailplanes, involved in non - commercial operations, including non - commercial specialized operations, shall operate the aircraft in accordance with the provisions specified in Annex VII ;

***5.*** Training organizations having their principal place of business in a Member State and approved in accordance with CR - EU No 1178 / 2011 when conducting flight training into, within or out of the Union shall operate :

( a ) complex motor - powered aeroplanes and helicopters in accordance with the provisions specified in Annex VI ;

( b ) other - than - complex motor - powered aeroplanes and helicopters as well as balloons and sailplanes in accordance with the provisions specified in Annex VII ;

***6.*** Operators shall only operate an aircraft for the purpose of commercial specialized operations as specified in Annexes III and VIII ;

***7.*** Flights taking place immediately before, during or immediately after specialized operations and directly connected to those operations shall be operated in accordance with paragraphs 3, 4 and 6, as applicable. Except for parachute operations, no more than six persons indispensable to the mission, excluding crew members, shall be carried on board ;

***Article 6***  **Derogations**

***1.*** By way of derogation from Article 5(1), aircraft referred to in Article 4 of CR - EC No 216 / 2008 shall be operated under the conditions set out in Commission Decision C ( 2009 ) 7633 of 14 October 2009 when used in CAT operations. Any change to the operation that affects the conditions set out in that Decision shall be notified to the Commission and the EASA *( hereinafter “ the Agency “ )* before the change is implemented.

A Member State, other than an addressee of Decision C ( 2009 ) 7633, which intends to use the derogation provided for in that Decision shall notify its intention to the Commission and the Agency before the derogation is implemented. The Commission and the Agency shall assess to what extent the change or the intended use deviates from the

conditions of Decision C ( 2009 ) 7633 or impacts on the initial safety assessment performed in the context of that Decision. If the assessment shows that the change or

the intended use does not correspond to the initial safety assessment done for Decision C ( 2009 ) 7633, the Member State concerned shall submit a new derogation request in accordance with Article 14(6) of CR - EC No 216 / 2008 ;

***2.*** By way of derogation from Article 5(1), flights related to the introduction or modification of aircraft types conducted by design or production organizations within the scope of their privileges shall continue to be operated under the conditions set out in Member States national law.

***3.*** By way of derogation from Article 5 (1), flights related to the introduction or modification of aircraft types conducted by design or production organizations within the scope of their privileges shall continue to be operated under the conditions set out in Member States national law ;

***4.*** Notwithstanding Article 5, Member States may continue to require a specific approval and additional requirements regarding operational procedures, equipment, crew qualification and training for CAT helicopter offshore operations in accordance with their national law. Member States shall notify the Commission and the Agency of the additional requirements being applied to such specific approvals. These requirements shall not be less restrictive than those of Annexes **III**  and **IV** ;

***4 a.*** By way of derogation from Article 5 (1) and (6), the following operations with other -than - complex motor - powered aircraft may be conducted in accordance with Annex VII :

( a ) cost - shared flights by private individuals, on the condition that the direct cost is shared by all the occupants of the aircraft, pilot included and the number of persons sharing the direct costs is limited to six ;

( b ) competition flights or flying displays, on the condition that the remuneration or any valuable consideration given for such flights is limited to recovery of direct costs and a proportionate contribution to annual costs, as well as prizes of no more than a value specified by the Competent A0uthority ;

( c ) introductory flights, parachute dropping, sailplane towing or aerobatic flights performed either by a training organization having its principal place of business in a Member State and approved in accordance with CR - EU No 1178 / 2011, or by an organization created with the aim of promoting aerial sport or leisure aviation, on the condition that the aircraft is operated by the organization on the basis of ownership or dry lease, that the flight does not generate profits distributed outside of the organization, and that whenever non - members of the organization are involved, such flights represent only a marginal activity of the organization ;

***5.*** By way of derogation from CAT. POL. A. 300 ( a ) of Annex **IV**, single - engined aeroplanes, when used in CAT operations, shall be operated at night or in instrument meteorological conditions *( IMC )* under the conditions set out in the existing exemptions granted by Member States in accordance with Article 8 ( 2 ) of Regulation ( EEC ) No  3922 / 91. Any change to the operation of these aeroplanes that affects the conditions set out in those exemptions shall be notified to the Commission and the Agency before the change is implemented. The Commission and the Agency shall assess the proposed change in accordance with Article 14 ( 5 ) of CR - EC No 216 / 2008 ;

***6.*** Existing helicopter operations to / from a Public Interest Site *( PIS )* may be conducted in derogation to CAT. POL. H. 225 of Annex IV whenever the size of the PIS, the obstacle environment or the helicopter does not permit compliance with the requirements for operation in performance class 1. Such operations shall be conducted under conditions determined by Member States. Member States shall notify the Commission and the Agency of the conditions being applied.

***Article 7***  **Air Operator Certificates**

***1.*** Air Operator Certificates *(* ***AOC****’s )* issued by a Member State to CAT operators of aeroplanes before this Regulation applies in accordance with Regulation ( EEC ) No 3922 / 91 shall be deemed to have been issued in accordance with this Regulation.

However, no later than 28 October 2014 :

*(* ***a*** *)* operators shall adapt their management system, training programmes, procedures and manuals to be compliant with Annexes **III,** **IV** and **V**, as relevant ;

*(* ***b*** *)* the AOC shall be replaced by certificates issued in accordance with Annex **II** to this Regulation.

***2.*** AOCs issued by a Member State to CAT operators of helicopters before this Regulation applies shall be converted into AOC’s compliant with this Regulation in accordance with a conversion report established by the Member State that issued the AOC,

in consultation with the Agency.

The conversion report shall describe :

*(* ***a*** *)* the national requirements on the basis of which the AOCs were issued ;

*(* ***b*** *)* the scope of privileges that were given to the operators ;

*(* ***c*** *)* the differences between the national requirements on the basis of which the AOCs were issued and the requirements of Annexes III, IV and V, together with an indication of how and when the operators will be required to ensure full compliance with those Annexes.

The conversion report shall include copies of all documents necessary to demonstrate the elements set out in points *( a )* to *( c ),* including copies of the relevant national requirements and procedures.

***Article 8***  **Flight Time Limitations**

1. Flight and Duty Time Limitations shall be subject to the following :

( a ) for CAT aeroplanes, Article 8 ( 4 ) and Subpart Q of Annex **III**  to Regulation ( EEC ) No 3922 / 91 ;

( b ) for helicopter CAT operations, national requirements ;

***2.*** Non - commercial operations with complex motor - powered aeroplanes and helicopters shall continue to be conducted in accordance with applicable national flight time limitation legislation until the related implementing rules are adopted and apply ;

***3.*** CAT operations with helicopters, CAT operations with balloons and CAT operations with sailplanes shall comply with national requirements ;

***4.*** Non - commercial operations, including non - commercial specialized operations, with complex motor - powered aeroplanes and helicopters, as well as commercial specialized operations with aeroplanes, helicopters, balloons and sailplanes shall continue to be conducted in accordance with applicable national flight time limitation legislation until the related implementing rules are adopted and apply.

***Article 9***  **Minimum Equipment Lists**

Minimum Equipment Lists *( MEL)* approved by the State of Operator or Registry before the application of this Regulation, are deemed to be approved in accordance with this Regulation and may continue to be used by the Operator. After the entry into force of this Regulation any change to the MEL referred to in the first Subparagraph for which a Master Minimum

Equipment List ( MMEL ) is established as part of the operational suitability data in accordance with CR - EU No 748 / 2012 shall be made in compliance with point ORO. MLR. 105 of Section **2** of Annex **III**  to this Regulation at the earliest opportunity and not later than 18 December 2017 or two years after the operational suitability data was approved, whichever is the latest.

Any change to an MEL referred to in the first Subparagraph, for which an MMEL has not been established as part of the operational suitability data, shall continue to be made in accordance with the MMEL accepted by the State of Operator or Registry as applicable.

***Article 10***  **Entry into Force**

***1.***  This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 28 October 2012.

***2.***  By way of derogation from the second Subparagraph of paragraph 1, Member States may decide not to apply the provisions of Annexes **I** to **V** until 28 October 2014.

When a Member State makes use of that possibility, it shall notify the Commission and the Agency. This notification shall describe the reasons for such derogation and its duration as well as the programme for implementation containing actions envisaged and related timing. This Regulation shall be binding in its entirety and directly applicable in all Member States.

***3.*** By way of derogation from the second Subparagraph of paragraph 1, Member States may decide not to apply :

( a ) the provisions of Annex II and III to non - commercial operations with complex motor - powered aeroplanes and helicopters until 25 August 2016 ; *and*

( b ) the provisions of Annex II, V, VI and VII to non - commercial operations with aeroplanes, helicopters, sailplanes and balloons until 25 August 2016.

***4.*** By way of derogation from the second subparagraph of paragraph 1, Member States may decide not to apply the provisions of Annexes II, III, VII and VIII to specialized operations until 21 April 2017 ;

***5.*** By way of derogation from the second subparagraph of paragraph 1, Member States may decide not to apply the provisions of Annexes II, III and IV to :

*( a )* CAT operations starting and ending at the same aerodrome / operating site with Performance Class B aeroplanes or non - complex helicopters until 21 April 2017 ;

*( b )* CAT operations with balloons and sailplanes until 21 April 2017.

***6.*** When a Member State makes use of the derogation provided for in paragraph 5 point ( a ), the following rules shall apply :

*( a )* for aeroplanes, Annex III to Regulation ( EEC ) No 3922 / 91 and related national exemptions in accordance with Article 8 ( 2 ) of Regulation ( EEC ) No 3922 / 91 ;

*( b )*  for helicopters, national requirements ;

***7.*** When a Member State makes use of the derogations provided for in paragraphs *3, 4 and* *5,* it shall notify the Commission and the Agency. This notification shall describe the reasons for the derogation and its duration, as well as the programme for implementation containing actions envisaged and related timing.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 7 April 2014. For the Commission

The President

*Jose Manuel BARROSO*

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**G E N E R A L C O N T E N T**

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