

## ANNEX IV

## Essential requirements for air operations referred to in Article 8

8. Additional requirements for operation for commercial purposes and operation of complex motor-powered aircraft
  - 8.a. The operation for commercial purposes and the operation of complex motor-powered aircraft must not be undertaken unless the following conditions are met:
    - 8.a.1. the operator must have directly or indirectly through contracts the means necessary for the scale and scope of the operations. These means comprise but are not limited to the following: aircraft, facilities, management structure, personnel, equipment, documentation of tasks, responsibilities and procedures, access to relevant data and record keeping;
    - 8.a.2. the operator must use only suitably qualified and trained personnel and implement and maintain training and checking programmes for the crew members and other relevant personnel;
    - 8.a.3. the operator must establish a MEL or equivalent document, taking account of the following:
      - (i) the document must provide for the operation of the aircraft, under specified conditions, with particular instruments, items of equipment or functions inoperative at the commencement of the flight;
      - (ii) the document must be prepared for each individual aircraft, taking account of the operator's relevant operational and maintenance conditions; and
      - (iii) the MEL must be based on the Master Minimum Equipment List (MMEL), if available, and must not be less restrictive than the MMEL;
    - 8.a.4. the operator must implement and maintain a management system to ensure compliance with these essential requirements for operations and aim for continuous improvement of this system; and
    - 8.a.5. the operator must establish and maintain an accident prevention and safety programme, including an occurrence reporting programme, which must be used by the management system in order to contribute to the aim of continuous improvement of the safety of operations.
  - 8.b. The operation for commercial purposes and the operation of complex motor-powered aircraft must only be undertaken in accordance with an operator's operations manual. Such manual must contain all necessary instructions, information and procedures for all aircraft operated and for operations personnel to perform their duties. Limitations applicable to flight time, flight duty periods and rest periods for crew members must be specified. The operations manual and its revisions must be compliant with the approved flight manual and be amended as necessary.
  - 8.c. The operator must establish procedures, as appropriate, so as to minimise the consequences to safe flight operations of disruptive passenger behaviour.
  - 8.d. The operator must develop and maintain security programmes adapted to the aircraft and the type of operation including particularly:
    - (i) security of the flight crew compartment;

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*Status: Point in time view as at 20/02/2008.*

**Changes to legislation:** *There are currently no known outstanding effects for the Regulation (EC) No 216/2008 of the European Parliament and of the Council (repealed), Division 8.. (See end of Document for details)*

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- (ii) aircraft search procedure checklist;
- (iii) training programmes;
- (iv) protection of electronic and computer systems to prevent intentional system interference and corruption; and
- (v) reporting acts of unlawful interference.

When security measures may adversely affect the safety of operations, the risks must be assessed and appropriate procedures developed to mitigate safety risks, this may necessitate the use of specialist equipment.

- 8.e. The operator must designate one pilot amongst the flight crew as the pilot in command.
- 8.f. The prevention of fatigue must be managed through a rostering system. For a flight, or series of flights, such a rostering system needs to address flight time, flight-duty periods, duty and adapted rest periods. Limitations established within the rostering system must take into account all relevant factors contributing to fatigue such as, in particular, number of sectors flown, time-zone crossing, sleep deprivation, disruption of circadian cycles, night hours, positioning, cumulative duty time for given periods of time, sharing of allocated tasks between crew members, and also the provision of augmented crews.
- 8.g. The tasks specified in point 6.a and those described in points 6.d and 6.e must be controlled by an organisation responsible for the continuing airworthiness management that must meet, in addition to those requirements of Annex I point 3.a, the following conditions:
  - (i) the organisation must be qualified for the maintenance of products, parts and appliances under its responsibility or have established a contract with such a qualified organisation for these products, parts and appliances; and
  - (ii) the organisation must establish an organisation manual providing, for use and guidance of personnel concerned, a description of all continuing airworthiness procedures of the organisation including when applicable a description of administrative arrangements between the organisation and the approved maintenance organisation.

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