



FOCA GM/INFO

Guidance Material / Information

Declaration and List of Specific Approvals for EASA Part-NCC and Part-SPO Operators



DEC & LSA

Scope	Declaration and list of Specific Approvals for NCC and SPO operators
Applies to	NCC-operators, SPO-operators
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Purpose	Guidance / Information

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13.11.2018	1	3	<ul style="list-style-type: none"> Update for removing EASA FORM 140 due to misunderstandings in the declaration process for SPAs Minor editorial adjustments
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List of Abbreviations

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The following abbreviations are within this GM/INFO:

Abbreviation	Definition	Abbreviation	Definition
AMC	Acceptable Means of Compliance	MMEL	Master Minimum Equipment List
ARO	Authority Requirements for Air Operations	MNPS	Minimum Navigational Performance Specification
CS	Certification Specification	MSN	Manufacturer's Serial Number
DEC	Declaration	MTOM	Maximum Take-Off Mass
EASA	European Aviation Safety Agency	NCO	Non-Commercial other than complex aircraft Operations
EC	European Commission	NCC	Non-Commercial Complex aircraft Operations
EU	European Union	ORO	Organisation Requirements for Air Operations
FOCA	Federal Office of Civil Aviation	PBN	Performance-Based Navigation
GEN	General	RVSM	Reduced Vertical Separation Minima
GM/INFO	Guidance Material / Information	SPA	Specific Approval
LSA	List of Specific Approval (EASA Form 140)	SPO	Specialised Operations
MEL	Minimum Equipment List		
MLR	Manual, Log, Revision		

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0 Introduction

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All Guidance Material/Information (GM/INFO) is intended to assist the operator in the necessary administrative steps and will facilitate liaising with the inspector in charge at the Federal Office of Civil Aviation (FOCA). It is to be considered a tool for the operator which shall ease the process of obtaining the required declaration confirmation.

Using the GM/INFO will be conducive to establishing compliance with EASA requirements and will lead through the respective administrative processes.

0.1 Legal References

Ch. 0.1 ISS 1 / REV 2 / 06.03.2017

Commission Regulation (EU) No 965/2012:

- Part-ORO where applicable
- Part-NCC
- Part-SPO
- Part-SPA where applicable

0.2 Purpose of this GM/INFO

Ch. 0.2 ISS 1 / REV 3 / 13.11.2018

The purpose of this specific GM/INFO is to provide instructions on the use of the NCC and SPO declaration form for NCC and SPO operators. The link to the usable declaration form is found in chapter 1.5 in this GM/INFO.

Further information on Part-NCC and Part-SPO may be found in guidance material provided by FOCA or EASA.

0.3 Scope

Ch. 0.3 ISS 1 / REV 4 / 14.03.2023

- Operators doing non-commercial operations with complex motor-powered aircraft (NCC) declaring in Switzerland

Note: The European Commission and the EASA Committee have agreed a derogation (Regulation (EU) 965/2012 – Cover Regulation – Article 6 paragraph 8 to allow non-commercial operations of twin turboprop aeroplanes, with a MTOM of 5 700 kg and below, to be operated under Part-NCO (Non-Commercial Operations) rules instead of Part-NCC. Such operators are therefore not affected by this GM/INFO, i.e. are not requested to declare their operation.

- Operators doing specialised operations (SPO) declaring in Switzerland

0.4 Terms and Conditions

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When used throughout the GM/INFO the following terms shall have the meaning as defined below:

Term	Meaning	Reference
<i>shall, must, will</i>	These terms express an obligation, a positive command.	EC English Style Guide: Ch. 7.19
<i>may</i>	This term expresses a positive permission.	EC English Style Guide: Ch. 7.21
<i>shall not, will not</i>	These terms express an obligation, a negative command.	EC English Style Guide: Ch. 7.20
<i>may not, must not</i>	These terms express a prohibition.	EC English Style Guide: Ch. 7.20
<i>need not</i>	This term expresses a negative permission.	EC English Style Guide: Ch. 7.22
<i>should</i>	This term expresses an obligation when an acceptable means of compliance should be applied .	EASA Acceptable Means of Compliance publications FOCA policies and requirements
<i>could</i>	This term expresses a possibility.	http://oxforddictionaries.com/definition/english/could
<i>ideally</i>	This term expresses a best possible means of compliance and/or best experienced industry practice.	FOCA recommendation

Note: To highlight information or an editorial note a specific note box is used.

- The use of the male gender should be understood to include male and female persons.

0.5 Definition Principal Place of Business

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‘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. Further explanation found in GM18 Annex I to Regulation (EU) 2021/2237 amending Regulation (EU) 965/2012

1 Declaration and List of Specific Approvals

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1.1 NCC Operator

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Regulation (EU) No 965/2012 on Air Operations, Annex VI **Part-NCC** (as amended) is applicable to non-commercial operations with complex motor-powered aircraft (aeroplanes and helicopters).

Further details on the target group of this regulation may be found on www.bazl.admin.ch/ncc and in specific FOCA guidance material associated to EASA Air Operations Part-NCC.

Considerations for NCC declaring operators

Before an NCC operator should submit the declaration which includes a list of specific approvals held to the FOCA, he shall first ensure compliance with stated legal requirements.

Following Regulations shall therefore be considered:

Regulation (EU) 965/2012 amended with associated AMCs, CS, GM

- Part-ORO where applicable (FOCA GM/INFO)
- Part-NCC in full
- Part-SPA where applicable

Following type of operators are affected by the above mentioned regulation and must be compliant with EASA Air Operations Part-ORO, Part-NCC and Part-SPA, fully or partially as required. These operators shall submit to FOCA a declaration which includes a list of specific approvals (SPAs) held.

- non-commercial operators of complex motor-powered aircraft registered in an EASA State and having the principal place of business or residence in Switzerland.
- non-commercial operators of complex motor-powered aircraft registered in a non-EASA State but having their principal place of business in Switzerland.
- non-commercial operators of complex motor-powered aircraft registered in Switzerland and having the aircraft based outside the EASA member states.

Note: An EASA State is a state where the Commission Regulations on Air Operations apply.

Following aircraft classes have to be considered complex:

An aeroplane:

- with a maximum certificated take-off mass exceeding 5 700 kg; or,
- certificated for a maximum passenger seating configuration of more than 19; or,
- certificated for operation with a minimum crew of at least two pilots, or
- equipped with (a) turbojet engine(s) or more than one turboprop* engine.

Note: See note in chapter 0.3.

A helicopter certificated:

- for a maximum take-off mass exceeding 3 175 kg; or,
- for a maximum passenger seating configuration of more than 9; or,
- for operation with a minimum crew of at least two pilots.

A tilt rotor aircraft

Note: The European Commission and the EASA Committee have agreed a derogation (Regulation (EU) 965/2012 – Cover Regulation – Article 6 paragraph 8) to allow non-commercial operations of twin turboprop aeroplanes, with a MTOM of 5 700 kg and below, to be operated under Part-NCO (Non-Commercial Operations) rules instead of Part-NCC. Such operators are therefore not affected by this GM/INFO, i.e. are not requested to declare their operation.

1.2 SPO Operator

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Regulation (EU) No 965/2012 on Air Operations, Annex VIII **Part-SPO** as amended is applicable to specialised operations (e.g. aerial work with aeroplanes and helicopters).

Further details on SPO operations are available on www.bazl.admin.ch/spo.

Considerations for specialised operations

Before an SPO operator should submit the declaration which includes a list of specific approvals held to FOCA, he shall first ensure compliance with stated legal requirements.

Following Regulations shall be considered:

Regulation (EU) 965/2012 amended with associated AMCs, CS, GM

- Part-ORO where applicable
- Part-SPO in full
- Part-SPA where applicable

Following operators shall submit to FOCA a declaration which includes a list of specific approvals (SPAs) held (if applicable):

- non-commercial SPO operators using complex motor-powered aircraft registered in an EASA State and having the principal place of business or residence in Switzerland.
- commercial SPO operators using either complex or non-complex motor-powered aircraft

The above applies for aircraft:

- registered in an EASA State and having the principal place of business or residence in Switzerland;
- registered in a non-EASA State but having their principal place of business in Switzerland;
- registered in Switzerland and having the aircraft based outside the EASA member states

Note: An EASA State is a state where the Commission Regulations on Air Operations apply.

1.3 Purpose of the Declaration

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The intent of the declaration is to have the operator acknowledge its responsibilities under the applicable safety regulations for its operations conducted (incl. e.g. EFVS) and that it holds all necessary approvals. The declaration also serves the purpose to inform the competent authority of its existence and to enable the competent authority to fulfil its oversight responsibilities in accordance with the applicable authority requirements (Part-ARO).

Upon receiving a declaration, the FOCA will evaluate completeness and plausibility of the submitted document and send a confirmation letter («letter of acknowledgement») to the declaring NCC or SPO operator. The operator shall carry the FOCA receipt (declaration and letter of acknowledgement) on board in case of ramp checks.

The operator does not have to hand in any manual as no proofreading or content evaluation of the documentation is planned, unless:

- the NCC or SPO operator wishes to implement a new specific approval (SPA) in accordance with EASA Part-SPA. In such a case a standard ICAO 5-phase approval process will be conducted on the requested topic. The operator is advised to contact FOCA well in advance.
- for the NCC or SPO operator no approved Minimum Equipment List (MEL) is available. In such a case the operator shall submit the required documentation including EASA MMEL to the FOCA to obtain the necessary approval for the MEL.

- the SPO operator applies for the issue or change of a high risk commercial specialised operations authorisation.
- Requested by FOCA for the preparation of an audit or inspection.

Together with the declaration, the NCC or SPO operator shall also submit information about specific approvals (SPAs) held. The NCC or SPO operator shall therein provide details on those formerly obtained SPAs together with information on the issuing EASA or non-EASA national aviation authority.

Non-commercial operators (this excludes commercial SPO operators) who have obtained a non-EASA SPA on third country State registered aircraft may expect to continue using such a specific approval. A direct acknowledgment of SPAs is foreseen according to SPA.GEN.100 when issued in accordance with ICAO Annex 6:

- Performance-based navigation (PBN);
- Minimum navigational performance specifications (MNPS) / North atlantic high level airspace (NAT HLA);
- Reduced vertical separation minima (RVSM);
- Low Visibility Operations (LVO).

Within the declaration, the NCC or SPO operator shall notify to the FOCA any alternative means of compliance used (provide a list) with reference to the AMCs they replace (e.g. OM structure based on AMC3 ORO.MLR.100 instead of AMC2 ORO.MLR.100).

If the declaration does not contain the required information, or contains information that indicates a non-compliance with applicable requirements, the FOCA will notify the operator about the non-compliance and request further information. If deemed necessary the FOCA will carry out an inspection of the organisation. If the non-compliance is confirmed, the FOCA will take action as defined in ARO.GEN.350.

The NCC or SPO operator shall notify the competent authority without delay of any changes to its declaration or the means of compliance it uses through submission of an amended declaration using the attached declaration form. The operator shall also notify the FOCA when it ceases or plans to cease operations.

FOCA will maintain list of all organisation declarations it received. EASA has a database for exchange of information on declared organisations.

1.4 List of Specific Approvals

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The list of specific approvals (SPAs) is as the «OPS Specs» for the AOC-holder. It will summarize the obtained specific approvals in accordance with EASA Air Operations Part-SPA or ICAO SARPs when in line with SPA.GEN.100. Based on certificates provided by the issuing EASA member state or third country competent authorities and when in line with ICAO Annex 6 the FOCA will issue the list of specific approvals with reference to the issuing authority. Therefore the declaring operator shall submit all relevant evidence which will support this process.

1.5 Links

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The Declaration form is available on www.bazl.admin.ch/ncc or www.bazl.admin.ch/spo and can also be downloaded directly: [Declaration form \(PDF\)](#)