

Based on Article 16, paragraph (3), Article 86, paragraph (1), Article 87, paragraph (5), Article 96, Article 97, paragraph (2), Article 194, paragraph (2), Article 199, paragraph (5), Article 239, Article 249, paragraph (1) and Article 265 of the Air Transport Law ("Official Gazette of RS", No 73/10, 57/11, 93/12, 45/15, 66/15 - other law, 83/18 and 9/20),

Director of the Civil Aviation Directorate of the Republic of Serbia hereby adopts

REGULATION

amending Regulation on the conditions for performing air operations

Article 1

In Regulation on the conditions for performing air operations ("Official Gazette of RS", No 9/18, 56/18 and 12/19), in Article 1, paragraph (3) words: "helicopters, balloons and sailplanes" shall be replaced by the following words: "helicopters and sailplanes".

Article 2

In Article 2, paragraph (1) shall be amended, worded as follows:

"Terms used in this Regulation shall have the following meanings:

(1) *Agency* means European Union Aviation Safety Agency (EASA);

(2) *ECAA Agreement* means Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo (pursuant to UN Security Council Resolution 1244 of 10 June 1999) on the establishment of a European Common Aviation Area;

(3) *configuration deviation list* means a list established by the organization responsible for the type design with the approval of the State of Design which identifies any parts of an aircraft type which may be missing at the commencement of a flight, and which contains, where necessary, any information on associated operating limitations and performance correction;

(4) *competent authority* means the Civil Aviation Directorate of the Republic of Serbia (hereinafter: the Directorate);

(5) *Decision C (2009) 7633* means the Commission Decision C (2009) 7633 of 14 October 2009 authorising Austria, the United Kingdom and Malta to issue Air Operator's Certificates by way of derogation from Council Regulation (EEC) No 3922/1991 on the harmonization of technical requirements and administrative procedures in the field of civil aviation;

(6) *Directive 2003/42/EC* means Directive 2003/42/EC of the European Parliament and of the Council of 13 June 2003 on occurrence reporting in civil aviation repealed by Regulation (EU) No 376/2014 of the European Parliament and of the Council of 4 April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation, which has been applied in the Republic of Serbia by Regulation on occurrence reporting in civil aviation ("Official Gazette of RS", 142/20). Reference to provisions of Directive 2003/42/EC, in Addendum 1 to this Regulation, shall be deemed reference to provisions of the abovementioned Regulation;

(7) *Regulation No 216/2008* means 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, Regulation (EC) No 1592/2002 and Directive 2004/36/EC. This Regulation has been applied in the Republic of Serbia by Regulation on common rules in the field of civil aviation and the competences of the European Aviation Safety Agency ("Official Gazette of RS", No 23/12 and 104/17);

(8) *Regulation No 1321/2007* means Commission Regulation (EC) No 1321/2007 of 12 November 2007 laying down implementing rules for the integration into a central repository of information on civil aviation occurrences exchanged in accordance with Directive 2003/42/EC of the European Parliament and of the Council. This Regulation has been repealed by Regulation (EU) No 376/2014 of the European Parliament and of the Council of 4 April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation, which has been applied in the Republic of Serbia by Regulation on occurrence reporting in civil aviation ("Official Gazette of RS", 142/20). Reference to provisions of Regulation 1321/2007, in Addendum 1 to this Regulation, shall be deemed reference to provisions of the abovementioned Regulation;

(9) *Regulation No 1330/2007* means Commission Regulation (EC) No 1330/2007 of 24 September 2007 laying down implementing rules for the dissemination to interested parties of information on civil aviation occurrence referred to in Article 7(2) of Directive 2003/42/EC of the European Parliament and of the Council. This Regulation is repealed by Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3 April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation, which has been applied in the Republic of Serbia by Regulation on occurrence reporting in civil aviation ("Official Gazette of RS", 142/20). Reference to provisions of Regulation 1330/2007, in Addendum 1 to this Regulation, shall be deemed reference to provisions of the abovementioned Regulation;

(10) *Regulation (EU) No 1321/2014* means Commission Regulation (EU) No 1321/2014 of 26 November 2014 on the continuing airworthiness of aircraft and aeronautical products, parts, appliances, and on the approval of organisations and personnel involved in these tasks. This Regulation has been applied in the Republic of Serbia by Regulation on ensuring the continuing airworthiness of aircraft and other aeronautical products, parts, appliances, and on the approval of maintenance organisations and personnel involved in these tasks ("Official Gazette of RS", No 5/19 and 59/19);

(11) *Commission Regulation (EU) No 1178/2011* means Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures as regards civil aircraft crew members pursuant to Regulation of the European Parliament and of the Council (EC) No 216/2008. This Regulation has been applied in the Republic of Serbia by Regulation on licences, training organisations and medical fitness of flight crew ("Official Gazette of RS", No 60/19);

(12) *Regulation No 2111/2005* means Regulation No 2111/2005 of the European Parliament and of the Council (EC) of 14 December 2005 on the establishment the Community list referring to air-carriers subject to operating ban within the Community, and on informing air transport passengers of the identity of the operating air-carrier, and repealing Article 9 of Directive 2004/36/EC. This Regulation has been applied in the Republic of Serbia by Regulation on third country air carriers subject to an operating ban or operational restrictions ("Official Gazette of RS", No 1/20);

(13) *Commission Regulation (EU) No 748/2012* means Commission Regulation (EU) No 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for

the certification of design and production organisations. This Regulation has been applied in the Republic of Serbia through Regulation on the certification of aircraft and other aviation products, parts and appliances and licensing of manufacturing and design organizations (“Official Gazette of RS”, No 5/18 and 1/19);

(14) *Regulation (EU) No 996/2010* means Regulation No 996/2010 of the European Parliament and of the Council (EU) of 20 October 2010 on the investigation and prevention of accidents and incidents in civil aviation. This Regulation has been applied in the Republic of Serbia through Law on accident investigation for aviation, railways and waterborne transport (“Official Gazette of RS”, No 66/15 and 83/18);

(15) *Regulation (EC) No 1107/2006* means Regulation 1107/2006 of the European Parliament and of the Council (EC) of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air. This Regulation has been applied in the Republic of Serbia through Law on Obligations and the Basics of Property Relations in Air Transport (“Official Gazette of RS”, No 87/11 and 66/15).”.

Article 3

In Article 3(2) full stop at the end of point (10) shall be replaced by semi colon and points (11) and (12) shall be added, worded as follows:

“(11) Commission Regulation (EU) No 2018/394 of 13 March 2018 amending Regulation (EU) No 965/2012 as regards the deletion of air operations requirements for balloons;

(12) Commission Regulation (EU) No 2018/1042 of 23 July 2018 amending Regulation (EU) No 965/2012, as regards technical requirements and administrative procedures related to introducing support programmes, psychological assessment of flight crew, as well as systematic and random testing of psychoactive substances to ensure medical fitness of flight and cabin crew members, and as regards equipping newly manufactured turbine-powered aeroplanes with a maximum certified take-off mass of 5 700 kg or less and approved to carry six to nine passengers with a terrain awareness warning system.”.

In paragraph (3) point (2), words: “European Aviation Safety Agency (EASA)” shall be replaced by: “EASA”.

Article 4

In Article 7, a new paragraph (1) shall be added, worded as follows:

“Provisions of ARO.RAMP.106 of Annex II of Commission Regulation (EU) No 965/2012 shall be applied from 1 January 2022.”.

Paragraphs (1), (2) and (3) shall become paragraphs (2), (3) and (4).

Article 5

In Addendum 1 (Commission Regulation (EU) No 965/2012 of 5 October 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 pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council), Article 1 shall be amended worded as follows:

“Article 1 Subject matter and scope

1. This Regulation lays down detailed rules for air operations with aeroplanes, helicopters 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 Treaties.

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 points (b) and (c) of Article 4(1) of Regulation (EC) No 216/2008, except for balloons, 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 operators engaged in commercial specialised operations of aeroplanes, helicopters and sailplanes or in non-commercial operation of complex motor-powered aircraft, including non-commercial specialised operations of complex motor-powered aircraft, of their capability and the availability of the means to discharge the responsibilities associated with the operation of aircraft, and for the oversight of such operators.

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

5. This Regulation shall not apply to air operations within the scope of Article 1(2)(a) of Regulation (EC) No 216/2008.

6. This Regulation shall not apply to air operations with airships.

7. This Regulation shall not apply to air operations with balloons. However, in respect of such air operations with balloons, other than tethered gas balloons, the requirements in respect of oversight of Article 3 shall apply.”.

Article 6

In Addendum 1, Article 2 after point (1) point (1a) and point (1b), shall be added, worded as follows:

“(1a) “balloon” means a manned lighter-than-air aircraft which is not power driven and sustains flight through the use of either a lighter-than-air gas or an airborne heater, including gas balloons, hot-air balloons, mixed balloons, mixed balloons and, although power driven, hot-air airships;

(1b) “tethered gas balloon” means a gas balloon with a tether system that continuously anchors the balloon to a fixed point during operation;”.

Article 7

In Addendum 1, Article 3 paragraph (3) after subparagraph (1), subparagraph (2) shall be added, worded as follows:

“The administration and management systems of the competent authorities of the Member States and of the Agency shall comply with the requirements specified in Annex II.”.

Article 8

In Addendum 1, paragraph 4 shall be amended, worded as follows:

“Article 4

Ramp inspections

1. 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.

2. Member States shall ensure that alcohol testing of flight crew and cabin crew members is carried out with regard to operators under their own oversight as well as with regard to operators under the oversight of another Member State or of a third country. Such testing shall be performed by ramp inspectors within the framework of the ramp inspection programme of Subpart RAMP of Annex II.

3. By way of derogation from paragraph 2, Member States may ensure alcohol testing of flight crew and cabin crew members to be carried out by another authorised officials and outside the framework of the ramp inspection programme of Subpart RAMP of Annex II, provided that such alcohol testing meets the same objectives and adheres to the same principles as tests carried out under the framework of Subpart RAMP of Annex II. Results of such alcohol tests shall be included in the centralized database in accordance with point (b) of ARO.RAMP.145.

4. Member States may carry out additional testing for psychoactive substances other than alcohol. In that case, the Member State shall notify the European Aviation Safety Agency (“the Agency”) and the Commission.”.

Article 9

In Addendum 1, Article 5 shall be amended, worded as follows:

“Article 5

Air operations

1. Operators shall only operate an aeroplane or a helicopter for the purpose of commercial air transport (hereinafter “CAT”) operations as specified in Annexes III and IV.

1a. 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. 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);

(f) helicopters used for commercial air transport emergency medical service operations (HEMS); and

(g) helicopters used for offshore operations (HOFO).

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 specialised 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 involved in non-commercial operations, including non-commercial specialised operations, shall operate the aircraft in accordance with the provisions set out in Annex VII.

5. Training organisations referred to in Article 10a of Regulation (EU) No 1178/2011 and having their principal place of business in a Member State shall, when conducting flight training into, within or out of the Union, operate:

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

(b) other aeroplanes and helicopters in accordance with the provisions specified in Annex VII.

6. Operators shall only operate an aeroplane or a helicopter for the purpose of commercial specialised operations in accordance with the requirements in Annexes III and VIII.

7. Flights taking place immediately before, during or immediately after specialised operations and directly connected to those operations shall be operated in accordance with paragraphs 3, 4 and 6, as applicable. Except for crew members, persons other than those indispensable to the mission shall not be carried on board.”.

Article 10

In Addendum 1, Article 6, paragraph (3) shall be amended, worded as follows:

“3. By way of derogation from Article 5 of this Regulation, and without prejudice to point (a) of Article 5(4) of Regulation (EC) No 216/2008 and to Subpart P of Annex I to Commission Regulation (EU) No 748/2012 concerning the permit to fly, the following flights shall continue to be operated under the requirements specified in the national law of the Member State in which the operator has its principal place of business, or, where the operator has no principal place of business, the place where the operator is established or resides.

(a) flights related to the introduction or modification of aeroplane or helicopter types conducted by design or production organisations within the scope of their privileges;

(b) flights carrying no passengers or cargo, where the aeroplane or helicopter is ferried for refurbishment, repair, inspections, delivery, export or similar purposes.”.

Article 11

In Addendum 1, Article 8 shall be amended, worded as follows:

“Article 8

Flight time limitations

1. CAT operations shall be subject to the requirements of Subpart FTL of Annex III.

2. By way of derogation from paragraph 1, air taxi, emergency medical service and single pilot CAT operations by aeroplanes shall be subject to the requirements specified in the

national law referred to in Article 8(4) of Regulation (EEC) No 3922/91 and in Subpart Q of Annex III to that Regulation.

3. By way of derogation from paragraph 1, CAT operations with helicopters and CAT operations with sailplanes shall comply with the requirements specified in the national law of the Member State in which the operator has its principle place of business.

4. Non-commercial operations, including non-commercial specialised operations, with complex motor-powered aeroplanes and helicopters, as well as commercial specialised operations with aeroplanes, helicopters and sailplanes shall comply as regards flight time limitations, with the requirements specified in the national law of the Member State in which the operator has its principal place of business, or, where the operator has no principal place of business, the place where the operator is established or resides.”.

Article 12

In Addendum 1, article 9b shall be amended, worded as follows:

“Article 9b

Review

The Agency shall conduct a continuous review of the effectiveness of the provisions concerning flight and duty time limitations and rest requirements contained in Annexes II and III. No later than 18 February 2019 the Agency shall produce a first report on the results of this review.

That review shall involve scientific expertise and shall be based on operational data gathered, with the assistance of Member States, on a long-term basis after the date of application of this Regulation.

The review shall assess the impact of at least the following on the alertness of aircrew:

- (a) duties of more than 13 hours at the most favourable times of the day;
- (b) duties of more than 10 hours at less favourable times of the day;
- (c) duties of more than 11 hours for crew members in an unknown state of acclimatization;
- (d) duties including a high level of sectors (more than 6);
- (e) on-call duties such as standby or reserve followed by flight duties; and
- (f) disruptive schedules.

2. The Agency shall conduct a continuous review of the effectiveness of the provisions concerning support programmes, the psychological assessment of flight crew and the systematic random testing of psychoactive substances to ensure the medical fitness of flight crew and cabin crew members set out in Annexes II and IV. No later than 14 August 2022, the Agency shall produce a first report on the results of this review.

That review shall involve relevant expertise and shall be based on data gathered, with the assistance of Member States and the Agency, on a long-term basis.”.

Article 13

In Addendum 1, Article 10 paragraph (2) and paragraph (3) shall be amended, worded as follows:

“2. Annexes II and VII shall apply to non-commercial operations with balloons and sailplanes from 25 August 2013, except for Member States that have decided not to apply all or part of them in accordance with the provisions in force at the time of that decision and to the extent they have decided to do so. Those Member States shall apply Annexes II and VII from

8 April 2018 to non-commercial operations with balloons and from 8 April 2019 to non-commercial operations with sailplanes or from the dates indicates in their decision, as the case may be.

3. Annexes II, III, VII and VIII shall apply to specialised operations with balloons and sailplanes from 1 July 2014. However, Member States that have decided in accordance with Union law before 8 April 2019 that some or all of those requirements do not apply to such operations in their territory, shall make those decisions publicly available. If any such decision is still in force by 8 April 2020, it shall cease to apply from that date.”.

In paragraph (5) point (b) shall be amended, worded as follows:

“(b) CAT operations with sailplanes from 1 July 2014. However, Member States that have decided in accordance with Union law before 8 April 2019 that some or all those requirements do not apply to such operations in their territory, shall make those decisions publicly available. If any such decision is still in force by 8 April 2020, it shall cease to apply from that date.”.

Article 14

In Addendum 1, Annex I (Definitions for terms used in Annexes II to VIII) after point (78) point (78a) shall be added, worded as follows:

“misuse of substances” means the use of one or more psychoactive substances by flight crew, cabin crew members and other safety-sensitive personnel in a way that:

(a) constitutes a direct hazard to the user or endangers the lives, health or welfare of others; and/ or

(b) causes or worsens an occupational, social, mental or physical problem or disorder;”.

After point (98) point (98a) shall be added, worded as follows:

“(98a) “psychoactive substances” means alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, with the exception of caffeine and tobacco;”.

After point (105) point (105a) shall be added, worded as follows:

“(105a) “safety-sensitive personnel” means persons who might endanger aviation safety if they perform their duties and functions improperly, including flight crew and cabin crew members, aircraft maintenance personnel and air traffic controllers;”.

Point (120) shall be amended, worded as follows:

“(120) “Traffic load” means the total mass of passengers, baggage, cargo and carry-on specialist equipment and including any ballast;”.

Article 15

In Addendum 1, Annex II (Authority requirements for air operations (Part-ARO)), in Subpart GEN (General requirements), Section III (Oversight, certification and enforcement) point ARO.GEN.345 (Declaration-organisation) paragraph (a) shall be amended, worded as follows:

“(a) Upon receiving a declaration from an organisation carrying out or intending to carry out activities for which a declaration is required, the competent authority shall verify that the

declaration contains all the information required pursuant to point ORO.DEC.100 of Annex III (Part-ORO) to this Regulation, or for balloons operators all the information required pursuant to point BOP.ADD.100 of Annex II (Part-BOP) to Commission Regulation (EU) 2018/395, and shall acknowledge receipt of the declaration to the organisation.”.

In point ARO.GEN.350 (Findings and corrective measures- organisations), in paragraph (b) point (1) shall be amended, worded as follows:

“(1) failure to give the competent authority access to the facilities of the organisation in accordance with point ORO.GEN.140 of Annex III (Part-ORO) to this Regulation, or for balloons operators in accordance with points BOP.ADD.015 and BOP.ADD.035 of Annex II (Part-BOP) to Regulation (EU) 2018/395, during normal operating hours and after two written requests;”.

Article 16

In Addendum 1, Annex II (Authority requirements for air operations (Part-ARO)), Subpart OPS (Air operations), Section I (Certification of commercial air transport operators) the title of point ARO.OPS.110 shall be amended, worded as follows:

“ARO.OPS.110 Lease agreements for aeroplanes and helicopters”.

Article 17

In Addendum 1, Annex II (Authority requirements for air operations (Part-ARO)), Subpart RAMP (Ramp inspections of aircraft of operators under the regulatory oversight of another state), after point ARO.RAMP.105 (Prioritisation criteria) a new point shall be added, worded as follows:

“ARO.RAMP.106 Alcohol testing

- (a) The competent authority shall carry out alcohol testing on flight and cabin crew.
- (b) The Agency shall provide competent authorities with a list of Union and third-country operators for the prioritisation of alcohol testing within the ramp inspection programme in accordance with ARO.RAMP.105 based on a risk assessment performed by the Agency, taking into account the robustness and effectiveness of existing psychoactive testing programmes.
- (c) When selecting operators for alcohol testing of flight and cabin crew, the competent authority shall use the list established in accordance with point (b).
- (d) Whenever data concerning alcohol tests is included in the centralized database in accordance with point (b) of point ARO.RAMP.145, the competent authority shall ensure that such data excludes any personal data of the crew member concerned.
- (e) In case of a reasonable cause or suspicion, alcohol tests may be carried out any time.
- (f) The alcohol testing methodology shall apply recognized quality standards that ensure accurate testing results.
- (g) A flight crew or cabin crew member who refuses to cooperate during tests or who has been identified to be under the influence of alcohol after a positive test shall not be allowed to continue his or her duty.”

Article 18

In Addendum 1, Annex III (Organisation requirements for air operations (Part-ORO)), Subpart GEN (General requirements), Section I (General provisions) point ORO.GEN.110 shall be amended, worded as follows:

“ORO.GEN.110 Operator responsibilities

(a) The operator is responsible for the operation of the aircraft in accordance with Annex IV to Regulation (EC) No 216/2008, as applicable, the relevant requirements of this Annex and its air operator certificate (AOC) or specialised operation authorisation (SPO authorisation) or declaration.

(b) Every flight shall be conducted in accordance with the provisions of the operations manual.

(c) The operator shall establish and maintain a system for exercising operational control over any flight operated under the terms of its certificate, SPO authorisation or declaration.

(d) The operator shall ensure that its aircraft are equipped and its crews are qualified as required for the area and type of operation.

(e) The operator shall ensure that all personnel assigned to, or directly involved in, ground and flight operations are properly instructed, have demonstrated their abilities in their particular duties and are aware of their responsibilities and the relationship of such duties to the operation as a whole.

(f) The operator shall establish procedures and instructions for the safe operation of each aircraft type, containing ground staff and crew member duties and responsibilities, for all types of operation on the ground and in flight. Those procedures and instructions shall not require crew members to perform any activities during critical phases of flight other than those required for the safe operation of the aircraft. Procedures and instructions for a sterile flight crew compartment shall also be included.

(g) The operator shall ensure that all personnel are made aware that they shall comply with the laws, regulations and procedures of those States in which operations are conducted and that are pertinent to the performance of their duties.

(h) The operator shall establish a checklist for each aircraft type to be used by crew members in all phases of flight under normal, abnormal and emergency conditions in order to ensure that the operating procedures in the operations manual are followed. The design and the usage of checklists shall observe human factors principles and take into account the latest relevant documentation from the design approval holder.

(i) The operator shall specify flight planning procedures to provide for the safe conduct of the flight based on considerations of aircraft performance, other operating limitations and relevant expected conditions on the route to be followed and at the aerodromes or operating sites concerned. These procedures shall be included in the operations manual.

(j) The operator shall establish and maintain dangerous goods training programmes for personnel as required by the technical instructions. Such training programmes shall be commensurate with the responsibilities of personnel. Training programmes of operators performing CAT, whether they transport dangerous goods or not, and of operators conducting operations other than CAT referred to in points (b), (c) and (d) of point ORO.GEN.005 that transport dangerous goods shall be subject to review and approval by the competent authority.

(k) Notwithstanding point (j), operators conducting commercial operations with either of the following aircraft shall ensure that the flight crew has received an appropriate dangerous goods training or briefing, to enable them to recognize undeclared dangerous goods brought on board by passengers or as cargo:

(1) sailplanes;

(2) a single-engined propeller-driven aeroplane having an MCTOM of 5 700 kg or less and an MOPSC of 5 or less, operated in a flight taking off and landing at the same aerodrome or operating site, under VFR by day;

(3) an other-than-complex motor-powered helicopter, single-engined, with an MOPSC of 5 or less, operated in a flight taking off and landing at the same aerodrome or operating site, under VFR by day.”.

Article 19

In Addendum 1, Annex III (Organisation requirements for air operations (Part-ORO)), Subpart MLR (Manuals, logs and records), point ORO.MLR.101 (Operations manual-structure for commercial air transport) words: “Except for operations with single engined propeller-driven aeroplanes with a MOPSC of 5 or single engined non-complex helicopters with a MOPSC of 5, taking off and landing at the same aerodrome or operating site, under VFR by day, and for operations with sailplanes and balloons” shall be amended as follows: “Except for operations with single-engined propeller-driven aeroplanes with a MOPSC of 5 or less or with single-engined non-complex helicopters with a MOPSC of 5 or less, taking off and landing at the same aerodrome or operating site, under VFR by day, and for operations with sailplanes”.

Article 20

In Addendum 1, Annex III (Organisation requirements for air operations (Part-ORO)), Subpart FC (Flight crew), point ORO.FC.005 (Scope), point (b) subpoint (1) shall be amended, worded as follows:

“(1) commercial air transport operations of sailplanes; or”.

Article 21

In Addendum 1, Annex III (Organisation requirements for air operations (Part-ORO)), Subpart CC (Cabin crew), Section 1 (Common requirements), point ORO.CC.100 (Number and composition of cabin crew) paragraph (a) shall be amended, worded as follows:

“(a) The number and composition of cabin crew shall be determined in accordance with point 7.a of Annex IV to Regulation (EC) No 216/2008, taking into account operational factors or circumstances of the particular flight to be operated. At least one cabin crew member shall be assigned for the operation of aircraft with an MOPSC of more than 19 when carrying one or more passenger(s).”.

Article 22

In Addendum 1, Annex IV (Commercial air transport (Part-CAT)), Subpart A (General requirements), the title of point CAT.GEN.105 shall be amended, worded as follows:”**CAT.GEN.105 Touring motor gliders and powered sailplanes**”.

Paragraph (d) is deleted.

Article 23

In Addendum 1, Annex IV (Commercial air transport (Part-CAT)), Subpart A (General requirements), Section 1 (Motor-powered aircraft), point CAT.GEN.MPA.100 (Crew responsibilities), paragraph (c) shall be amended, worded as follows:

“(1) when under the influence of psychoactive substances or alcohol or when unfit due to injury, fatigue, medication, sickness or other similar causes;”.

Point CAT.GEN.MPA.170 shall be amended, worded as follows:

“CAT.GEN.MPA.170 Psychoactive substances

(a) The operator shall take all reasonable measures to ensure that no person enters or is in an aircraft when under the influence of psychoactive substances to the extent that the safety of the aircraft or its occupants is likely to be endangered.

(b) The operator shall develop and implement a policy on the prevention and detection of misuse of psychoactive substances by flight and cabin crew members and by other safety-sensitive personnel under its direct control, in order to ensure that the safety of the aircraft or its occupants is not endangered.

(c) Without prejudice to the applicable national legislation on data protection concerning testing of individuals, the operator shall develop and implement an objective, transparent and non-discriminatory procedure for the prevention and detection of cases of misuse of psychoactive substances by its flight and cabin crew and other safety-sensitive personnel.

(d) In case of a confirmed positive test result, the operator shall inform its competent authority and the authority responsible for the personnel concerned, such as a medical assessor of the licensing authority.”.

Point CAT.GEN.MPA.175 shall be amended, worded as follows:

“CAT.GEN.MPA.175 Endangering safety

(a) The operator shall take all reasonable measures to ensure that no person recklessly, intentionally or negligently acts or omits to act so as to:

- (1) endanger an aircraft or person therein; or
- (2) cause or permit an aircraft to endanger any person or property.

(b) The operator shall ensure that flight crew has undergone a psychological assessment before commencing line flying in order to:

- (1) identify psychological attributes and suitability of the flight crew in respect of the work environment; and
- (2) reduce the likelihood of negative interference with the safe operation of the aircraft.

(c) Considering the size, nature and complexity of the activity of an operator, an operator may replace the psychological assessment referred to in point (b) with an internal assessment of the psychological attributes and suitability of flight crew.”.

After point CAT.GEN.MPA.210 (Location of an aircraft in distress- Aeroplanes) a new point CAT.GEN. MPA.215 shall be added, worded as follows:

“CAT.GEN.MPA.215 Support programme

(a) The operator shall enable, facilitate and ensure access to a proactive and non-punitive support programme that will assist and support flight crew in recognising, coping with, and overcoming any problem which might negatively affect their ability to safely exercise the privileges of their licence. Such access shall be made available to all flight crew.

(b) Without prejudice to applicable national legislation on the protection of individuals with regard to the processing of personal data and on the free movement of such data, the protection of the confidentiality of data shall be a precondition for an effective support programme as it encourages the use of such a programme and ensures its integrity.”

Article 24

In Addendum 1, Annex IV (Commercial air operations (Part-CAT)), Subpart A (General requirements), Section 2 (Non motor-powered aircraft), point CAT.GEN.NMPA.100 (Responsibilities of the commander), paragraph (a), point (2) shall be amended, worded as follows:

“(2) be responsible for the operation and safety of the sailplane from the moment the launch procedure is started until the sailplane comes to a rest at the end of the flight;”.

In paragraph (b) point (1) words: “or alcohol” shall be deleted.

Paragraph (d) is deleted.

Point CAT.GEN.NMPA.105 (Additional balloon crew member) shall be deleted.

In point CAT.GEN.NMPA.140 (Documents, manuals and information to be carried), in paragraph (a) point (19) shall be amended, worded as follows:

“(19) mass and balance documentation;”.

Article 25

“CAT.OP.NMPA.105 Noise abatement procedures- balloons and powered sailplanes

The commander shall take into account the effect of aircraft noise while ensuring that safety has priority over noise abatement.”.

Point CAT.OP.NMPA.110 (Fuel or ballast supply and planning- balloons) and CAT.OP.NMPA.135 (Securing of passenger and pilot compartments- balloons) shall be deleted.

In point CAT.OP.NMPA.140 (Smoking on board) words: ”or balloon” shall be deleted.

Point CAT.OP.NMPA.165 (In-flight fuel and ballast management- balloons) and CATOP.NMPA.180 (Operational limitations- hot-air balloons) shall be deleted.

Article 26

In Addendum 1, Annex IV (Commercial air transport (Part-CAT)), Subpart C (Aircraft performance and operating limitations) Section 5 (Balloons) and point CAT.POL.B.100-CAT.POL.B.115 shall be deleted.

Article 27

In Addendum 1, Annex IV (Commercial air transport (Part-CAT)), Subpart D (Instruments, data, equipment), Section 1 (Aeroplanes), point CAT.IDE.A.150 (Terrain awareness warning system (TAWS)) after paragraph (b) paragraph (c) shall be added, worded as follows:

“(c) Turbine-powered aeroplanes for which the individual certificate of airworthiness (CofA) was first issued after 1 January 2019 and having an MCTOM of 5 700 kg or less and

an MOPSC of six to nine shall be equipped with a TAWS that meets the requirements for Class B equipment, as specified in an acceptable standard.”.

Article 28

In Addendum 1, Annex IV (Commercial air transport (Part-CAT)), Subpart D (Instruments, data, equipment), Section 4 (Balloons) and point CAT.IDE.B.100-CAT.IDE.B.160 shall be deleted.

Article 29

In Addendum 1, Annex IV (Non-commercial air operations with complex motor-powered aircraft (Part-NCC), Subpart A (General requirements), point NCC.GEN.105 (Crew responsibilities), paragraph (e) point (2) words: “or alcohol” shall be deleted.

Article 30

In Addendum 1, Annex VI (Non-commercial air operations with other-than complex motor-powered aircraft (Part-NCO)), Subpart A (General requirements), the title of point NCO.GEN.102 (Touring motor gliders, powered sailplanes and mixed balloons) shall be amended, worded as follows: “**NCO.GEN.102 Touring motor gliders and powered sailplanes**”.

Paragraph (d) shall be deleted.

In point NCO.GEN.103 (Introductory flights), in point (a) words: “balloons and” shall be deleted.

In point NCO.GEN.105 (Pilot-in-command responsibilities and authority), paragraph (a), point (4) (iii) and (iv) shall be amended, worded as follows:

“(iii) instruments and equipment required for the execution of that flight are installed in the aircraft and are operative, unless operation with inoperative equipment is permitted by the minimum equipment list (MEL) or equivalent document, if applicable, as provided for in NCO.IDE.A.105, NCO.IDE.H.105, NCO.IDE.S.105;

(iv) the mass of the aircraft and, except in the case of balloons, the centre of gravity location are such that the flight can be conducted within limits prescribed in the airworthiness documentation;”.

In paragraph (f) point (1) shall be amended, worded as follows:

“(1) keep his/her safety belt fastened while at his/her station; and”.

Point NCO.GEN.106 (Pilot-in-command responsibilities and authority - balloons) shall be deleted.

In point NCO.GEN.135 (Documents, manuals and information to be carried), in paragraph (c) words: “balloons or” shall be deleted.

Article 31

In Addendum 1, Annex VII (Non-commercial operations with aircraft other-than complex motor-powered aircraft (Part-NCO)), Subpart B (Operating procedures), point NCO.OP.121 (Noise abatement procedures- balloons) and NCO.OP.127 (Fuel and ballast supply and planning- balloons) shall be deleted.

Point NCO.OP.150 (Carriage of passengers) shall be amended, worded as follows:

“NCO.OP.150 Carriage of passengers

The pilot-in-command shall ensure that, prior to and during taxiing, take-off and landing, and whenever deemed necessary in the interest of safety, each passenger on board occupies a seat or berth and has his/her safety belt or restraint device properly secured.”.

Point NCO.OP.156 (Smoking on board- sailplanes and balloons) shall be amended, worded as follows:

“NCO.OP.156 Smoking on board- sailplanes

No person shall be allowed to smoke on board a sailplane.”

Point NCO.OP.176 (Take-off conditions- balloons) shall be deleted.

Point NCO.OP.185 (In-flight fuel management) shall be amended, worded as follows:

“NCO.OP.185 In-flight fuel management

The pilot-in-command shall check at regular intervals that the amount of usable fuel or, for balloons, ballast remaining in flight is not less than the fuel or ballast required to proceed to a weather-permissible aerodrome or operating site and the planned reserve fuel as required by NCO.OP.125 or NCO.OP.126.”.

Point NCO.OP.215 (Operational limitations - hot-air balloons) shall be deleted.

Article 32

In Addendum 1, Annex VII (Non-commercial air operations with other-than complex motor-powered aircraft (Part-NCO)), Subpart C (Aircraft performance and operating limitations), point NCO.POL.100 (Operating limitations- all aircraft), paragraph (a) shall be amended, worded as follows:

(a) During any phase of operation, the loading, the mass and the centre of gravity (CG) position of the aircraft shall comply with any limitation specified in the AFM, or equivalent document.”.

Point NCO.POL.105 (Weighing) shall be amended, worded as follows:

“NCO.POL.105 Weighing

(a) The operator shall ensure that the mass and the CG of the aircraft have been established by actual weighing prior to the initial entry into service of the aircraft. The accumulated effects of modifications and repairs on the mass and balance shall be accounted for and properly documented. Such information shall be made available to the pilot-in-command. The aircraft shall be reweighed if the effect of modifications on the mass and balance is not accurately known.

(b) The weighing shall be accomplished:

(1) for aeroplanes and helicopters, by the manufacturer of the aircraft or by an approved maintenance organisation; and

(2) for sailplanes, by the manufacturer of the aircraft or in accordance with Annex I to Regulation (EU) No 1321/2014.”.

Article 33

In Addendum 1, Annex VII (Non-commercial air operations with aircraft other-than complex motor-powered aircraft (Part-NCO)), Subpart E (Special requirements), Section 1 (General), points NCO.IDE.B.100 to NCO.IDE.B.150 shall be deleted.

Article 34

In Addendum 1, Annex VII (Non-commercial air operations with aircraft other-than complex motor-powered aircraft (Part-NCO)), Subpart E (Special requirements), Section 1 (General), point NCO.SPEC.115 (Crew responsibilities) paragraph (b) shall be amended, worded as follows:

“(b) During critical phases of the flight or whenever deemed necessary by the pilot-in-command in the interest of safety, the crew member shall be restrained at his/her assigned station, unless otherwise specified in the checklist.”.

In paragraph (e) point (2), words: “or alcohol” shall be deleted.

In point NCO.SPEC.120 (Task specialists responsibilities), paragraph (b) shall be amended, worded as follows:

“(b) During critical phases of the flight or whenever deemed necessary by the pilot-in-command in the interest of safety, the task specialist shall be restrained at his/her assigned station, unless otherwise specified in the checklist.”.

Article 35

In Addendum 1, Annex VIII (Specialised operations (Part-SPO)), Subpart A (General requirements), the title of point SPO.GEN.102 (Touring motor gliders, powered sailplanes and mixed balloons) shall be amended, worded as follows: “**SPO.GEN.102 Touring motor gliders and powered sailplanes**”.

Paragraph (d) shall be deleted.

In point SPO.GEN.105 (Crew responsibilities) paragraph (b) shall be amended, worded as follows:

“(b) During critical phases of flight or whenever deemed necessary by the pilot-in-command in the interest of safety, the crew member shall be restrained at his/her assigned station unless otherwise specified in the SOP.”.

In paragraph (e) point (2) words: “or alcohol” shall be deleted.

In point SPO.GEN.106 (Task specialist responsibilities) paragraph (b) shall be amended, worded as follows:

“(b) During critical phases of the flight or whenever deemed necessary by the pilot-in-command in the interest of safety, the task specialist shall be restrained at his/her assigned station, unless otherwise specified in the SOP.”

In point SPO.GEN.107 (Pilot-in-command responsibilities and authority), paragraph (a) (4) (iii) and (iv) shall be amended, worded as follows:

“(iii) instruments and equipment required for the execution of that flight are installed in the aircraft and are operative, unless operation with inoperative equipment is permitted by the minimum equipment list (MEL) or equivalent document, if applicable, as required in points SPO.IDE.A.105, SPO.IDE.H.105 or SPO.IDE.S.105;

(iv) the mass of the aircraft and the centre of gravity location are such that the flight can be conducted within the limits prescribed in the airworthiness documentation;”.

Point SPO.GEN.108 (Pilot-in-command responsibilities and authority- balloons) shall be deleted.

In point SPO.GEN.140 (Documents, manuals and information to be carried), paragraph (c), words: “balloons or” shall be deleted.

Article 36

In Addendum 1, Annex VIII (Specialised operations (Part SPO)), Subpart B (Operating procedures), point SPO.OP.121 (Noise abatement procedures- balloons) and SPO.OP.132 (Fuel and ballast supply and planning- balloons) shall be deleted.

In point SPO.OP.160 (Use of headset), words: “Except for balloons, each” shall be amended by word: “Each”.

Point SPO.OP.181 (Take-off conditions- balloons) and SPO.OP.225 (Operating limitations- hot air balloons) shall be deleted.

Article 37

In Addendum 1, Annex VIII (Specialised operations (Part SPO)), Subpart C (Performance and operating limitations), in point SPO.POL.100 (Operating limitations- all aircraft) paragraph (a) shall be amended, worded as follows:

“(a) During any phase of operation, the loading, the mass and the centre of gravity (CG) position of the aircraft shall comply with any limitation specified in the appropriate manual.”.

Point SPO.POL.105 (Mass and balance) shall be amended, worded as follows:

“SPO.POL.105 Mass and balance

(a) The operator shall ensure that the mass and, except for balloons, the CG of the aircraft have been established by actual weighing prior to initial entry into service. The accumulated effects of modifications and repairs on the mass and balance shall be accounted for and properly documented. Such information shall be made available to the pilot-in-command. The aircraft shall be reweighed if the effect of modifications on the mass and balance is not accurately known.

(b) The weighing shall be accomplished:

(1) for aeroplanes and helicopters, by the manufacturer of the aircraft or by an approved maintenance organization; and

(2) for sailplanes, by the manufacturer of the aircraft or in accordance with Annex I to Regulation (EU) No 1321/2014.”.

Article 38

In Addendum 1, Annex VIII (Specialised operations (Part SPO)), Subpart D (Instruments, data, equipment), Section 1 (Aeroplanes), point SPO.IDE.A.130 (Terrain awareness system (TAWS)) shall be amended, worded as follows:

“SPO.IDE.A.130 Terrain awareness warning system (TAWS)

(a) Turbine-powered aeroplanes with a maximum certified take-off mass (MCTOM) of more than 5 700 kg or an MOPSC of more than nine shall be equipped with a TAWS that meets the requirements for:

(1) class A equipment, as specified in an acceptable standard, in the case of aeroplanes for which the individual certificate of airworthiness (CofA) was first issued after 1 January 2011; or

(2) class B equipment, as specified in an acceptable standard, in the case of aeroplanes for which the individual CofA was first issued on or before 1 January 2011.

(b) When used in commercial operations, turbine-powered aeroplanes for which the individual CofA was first issued after 1 January 2019 and having an MCTOM of 5 700 kg or less and an MOPSC of six to nine shall be equipped with a TAWS that meets the requirements for class B equipment, as specified in an acceptable standard.”.

Article 39

In Addendum 1, Annex VIII (Specialised operations (Part SPO)), Subpart D (Instruments, data, equipment), Section 4 (Balloons) and points SPO.IDE.B.100 to SPO.IDE.B.150 shall be deleted.

Article 40

In Addendum 1, Annex VIII (Specialised operations (Part-SPO)), Subpart E (Specific requirements), Section 3 (Parachute operations (PAR)), point SPO.SPEC.PAR.120 (Flight over water) shall be deleted.

Article 41

This Regulation shall be in force on the eighth day from the date of its publication in the “Official Gazette of the Republic of Serbia”.

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In Belgrade, 25 December 2020

Director
Mirjana Cizmarov

