austro CONTROL	Airworthiness Notice No. 71A
Department **AOT**	**Exception rule according to** **article 6 (3) of Regulation (EU) No 965/2012**

Content

1 Purpose

Pursuant to Article 6 (3) of Regulation (EU) No 965/2012, as amended, certain flights are exempt from the application of this Regulation and must be operated in accordance with the requirements in the national legislation of the Member State.

This Airworthiness Notice (AN) regulates the operational requirements for flights those are exempted from Regulation (EU) No 965/2012 pursuant to Art. 6 (3) which are related to the introduction or modification of aircraft types conducted by design or production organisations within the scope of their privileges, as well as flights carrying no passengers or cargo where the aircraft is ferried for refurbishment, repair, inspections, delivery, export or similar purposes, provided that the aircraft is not listed on an air operator certificate or on a declaration in accordance with Regulation (EU) No 965/2012.

2 Scope

This AN applies to all complex motor-powered aircraft (according to the definition of Regulation (EC) No 216/2008, Art. 3, lit. j) which are registered in Austria and covered by the exception rule according to article 6 (3) of Regulation (EU) No 965/2012).

3 Validity Date

Airworthiness Notice 71A replaces AN 71. It will apply from the day after its publication on the website of Austro Control GmbH (ACG) until revocation.

4 Description / Legal Basis

4.1 Form „Flight Declaration"

The form "Flight Declaration", according to Annex 1, has to be duly completed and signed by the Pilot in Command (PIC). The Flight Declaration has to be forwarded to one of the ACG contact details mentioned on the form before commencement of the flight. Regarding the date of the flight, the indication of a reasonable timeframe (max. 7 days) for the transfer is sufficient. The provisions related to the airworthiness certification (in particular with regard to the Permit to Fly according to Annex I Section P of Regulation (EU) No 748/2012 as amended or the Certificate of Airworthiness) remain unaffected by this regulation.

4.2 Operations Manual

The operator is obligated to prepare an adequate Operations Manual analogous to the specifications of Regulation (EU) No 965/2012. Pursuant to Regulation (EU) No 965/2012, AMC1 ORO.MLR.100 (f) the type-specific part of the Operations Manual may be covered by the appropriate parts (SOPs, checklists) of the Aircraft Flight Manual (AFM) or an equivalent documentation of operational requirements.

4.3 Database for Performance-based Navigation

If a database for performance-based navigation has expired, the requirements analogous to Regulation (EU) No 965/2012 (AMC2 NCC.GEN.106 (d) (1) to (4)) have to be complied with.

4.4 Specific Approvals

Flights, requiring pilots or aircraft to fulfil special requirements, e.g. Reduced Vertical Separation Minimum (RVSM) or North Atlantic High Level Airspace (NAT HLA), may only be carried out if, following an informal application, and the presentation and subsequent acceptance of a corresponding manual within the meaning of Regulation (EU) No 965/2012 (SPA.RVSM.105.RVSM or SPA.MNPS.105), Austro Control GmbH has issued a corresponding special approval prior to the flight. The application shall be forwarded to transition@austrocontrol.at.

4.5 Minimum Equipment

The requirements of Regulation (EU) No 965/2012, Annex VI (Part-NCC) apply mutatis mutandis. Instead of a Minimum Equipment List (MEL), a Master Minimum Equipment List (MMEL) of the manufacturer can be used. The implementation of the operational procedures required therein has to be described.

5 Annexes and Inserts

Annex 1:   FO_LFA_OPS_051   Flight Declaration