

Vol. 147, No. 49 — December 7, 2013

Regulations Amending the Canadian Aviation Regulations (Parts I, II, IV, VI and VII — Private Operators)
Statutory authority

Aeronautics Act

Sponsoring department

Department of Transport

REGULATORY IMPACT ANALYSIS STATEMENT (This statement is not part of the Regulations.)

Background

Many business corporations operate their own aircraft for the transportation of their employees. Unlike commercial operators, business aviation operators do not charge passengers for transportation or provide services to the general public.

Canada has had specific regulations regarding the certification of business aviation since 1983.

In 2005, following extensive consultation with the aviation industry, Transport Canada amended Subpart 604, Private Operator Passenger Transportation, of the Canadian Aviation Regulations (CARs) to enable the Canadian Business Aviation Association (CBAA) to issue private operator certificates to private operators of business aircraft and to monitor their operations.

In September 2009, the Transportation Safety Board of Canada (TSB) released an aviation investigation report on the November 2007 Fox Harbour landing accident where an aircraft operated in accordance with the requirements of a Private Operator Certificate (POC) issued by the CBAA landed short of the runway.

In December 2009, following the release of the TSB report on the Fox Harbour accident, the Minister decided that the certification and oversight of private operators were core responsibilities of Transport Canada that should not be held by the private sector and announced that Transport Canada would take back certification and oversight activities from the CBAA on April 1, 2011.

On April 1, 2011, Transport Canada resumed the certification function of private operators through the means of interim orders and issued a Temporary Private Operator Certificate (TPOC) to all holders of a POC.

In May 2012, Transport Canada convened a focus group with industry stakeholders to review suggestions made by the CBAA and provide input on the extent of regulation required for the business aviation sector.

Comment [KP1]: COPA attempted to participate or at least provide our suggestions for revision but we were refused and told that the only time we would be able to provide comment was during the Gazette I phase. Furthermore, the focus group was heavily laden with Transport Canada participants and to my knowledge only CBAA was permitted to attend. Had the suggestions made by CBAA been released to others, like COPA, we would certainly have provided input long before the amendments were drafted and released to Gazette I.

Following this consultation, Transport Canada proposed to replace current certification requirements with a registration-based approach for private operators.

Issue

Following the release of the TSB report on the Fox Harbour accident, in September 2009, the Minister decided that the certification and oversight of private operators were core responsibilities of Transport Canada and should not be held by the private sector.

Objectives

These proposed amendments would provide a regulatory framework that supports the registration and oversight of private operators by Transport Canada, while decreasing the administrative burden associated with starting operations for future applicants.

Description

These proposed amendments would assign to Transport Canada full responsibility for registering private operators and assessing continued compliance with operational requirements (e.g. flight operations, personnel requirements and training programs, emergency equipment and cabin safety, maintenance, safety management systems).

These proposed amendments would update technical requirements to reflect new technologies, simplify the language of some provisions to simplify content, and expand some requirements to clarify intent.

Current private operators would receive a registration document to replace the TPOC issued under an interim order and would only have to contact Transport Canada to correct or upgrade the information in the registration document. Thereafter, Transport Canada would only issue a new registration document when advised of changes or upgrades to the operations that affect the information in the document.

Applicants, who now have to submit specific documents for review (e.g. operations manuals) and pass a pre-certification audit prior to receiving a certification document and starting operations, would only have to provide tombstone information to receive a registration document. Applicants would not need to undergo a pre-certification audit prior to receiving a registration document.

Operators would be subject to recurring monitoring activities based on risk indicators. These activities would include program validation inspections, process inspections and assessments.

Private operators requiring a special authorization (e.g. taking off and completing an approach when weather conditions are not within certain parameters, flights under instrument flight rules [IFR] when an alternate aerodrome has not been designated, instrument approaches conducted according to the Restricted Canada Air Pilot publication) would have to submit appropriate sections of their operations manual prior to receiving the authorization, as is currently required for the approval of OPS Specs (OPS Specs, or operations specifications, described criteria that had to be observed in order to use specific equipment or in order to operate in certain airspace);

Comment [KP2]: The applicability (CAR 604.02) and prohibition (CAR 604.03) provisions are very difficult to understand. On the one hand, 604.02 (c) says that all turbine pressurized aeroplanes are captured but 604.03(c) speaks to a subset that must register. This leaves one wondering about the remaining aircraft in 604.02(c). This regulation is not worded in such a way that a reasonable person can understand. Suggestions are made for better wording within the draft below. If Transport Canada will not change the wording, it is imperative that guidance material such as an Advisory Circular be available coincident with the enactment of the regulation. Otherwise, if an operator is found to be in violation and claims that he/she did not understand the regulation, COPA (if we are asked for assistance) will provide the operator with this submission for their defence effort.

OPS Specs would now be referred to as “special authorizations” to reflect terminology used by the International Civil Aviation Organization [ICAO]).

These proposed amendments would allow a private operator to manage the operations of another private operator or a commercial operator by means of a management agreement. Currently, private operators desiring to enter into a management agreement must do so via exemption.

These proposed amendments would include requirements regarding

- Registration;
- Flight operations (introducing additional authorizations — i.e. Required Navigation Performance [RNP] 4 and 10, which are types of performance-based navigation that allow aircraft to fly on a specific path between two 3D points in airspace; introducing the requirement that low visibility take-off be done with two crew members where currently only one crew member is required; and simplifying language in OPS Specs [the language used to describe requirements and applicable criteria would be expanded or eliminated, as required, to clarify intent]);
- Personnel requirements and training programs (training criteria would be expanded to clarify requirements);
- Emergency equipment;
- Maintenance;
- Cabin safety (flight attendant training requirements would be expanded to detail items to be covered in training, the safety features card would be expanded to provide a more thorough explanation than what is currently required, safety briefing requirements would be expanded to detail elements to be provided to the passengers, the ratio of flight attendants to passengers would be increased from 1 in 50 to 1 in 40, training received from another company would be transferable to simplify the qualification process for individual crew members who work for multiple employers); and
- Safety management systems (SMS) [criteria would be expanded to clarify requirements].

Consultation

No formal consultation had occurred prior to the Minister deciding to take back the certification and oversight of private operators.

Transport Canada had many informal exchanges with the CBAA following the Minister’s decision to take back the certification of private operators.

In May 2012, Transport Canada convened a focus group composed of industry and government representatives to review the CBAA’s suggestions and provide input on the extent of regulations required to regulate the business aviation sector.

The focus group proposed that

- private operators not be required to be issued an operator certificate by Transport Canada;
- all operators demonstrate compliance with an accepted aviation industry standard (e.g. International Standard for Business Aircraft Operations [IS-BAO]);

Comment [KP3]: A major change from the original and interim regulations is that previously any private owner could participate in the program, whereas under this draft those operators who do not fit into one of the 604.02 categories have no way to conduct one of the special operations where authorization is required, and there appears to be no exemption mechanism being contemplated. If Transport Canada does not intend to permit exemptions or have some other mechanism for safely conducting certain operations, then the draft regulation is limiting compared with previous versions, which will have negative economic and/or safety implications.

Comment [KP4]: It appears that Transport Canada decided not to consult, except to a very limited extent with CBAA. COPA could not find any reference, in the government’s directive to repatriate the POC program, to a requirement to circumvent the CARAC consultation process. The Gazette process is totally inadequate for such a complicated issue.

Comment [KP5]: COPA understands that the focus group consisted of a few from CBAA plus many from Transport Canada. This resulted in many issues not being considered as is pointed out within the draft regulations below.

- Transport Canada establish a tiered regulatory approach whereby operations of differing complexity be subjected to differing levels of regulatory requirements;
- Transport Canada develop a mechanism to issue special authorizations (e.g. taking off and completing an approach when weather conditions are not within certain parameters, flights under instrument flight rules [IFR] when an alternate aerodrome has not been designated, instrument approaches conducted according to the Restricted Canada Air Pilot publication) without first requiring the applicant to hold an operator certificate; and
- the regulatory regime match as closely as possible Annex 6, Part II, to the Convention on International Civil Aviation.

Following internal discussions with regional and headquarters inspectors on how to implement the policy elements proposed by the focus group, Transport Canada proposed to move from a certification-based approach to a registration system, which would eliminate the requirement to comply with an aviation industry standard (e.g. IS-BAO).

Transport Canada did not believe that a tiered approach would achieve the safety level it deemed acceptable and proposed instead that, regardless of size and complexity of operation, private operators comply with all appropriate subpart 604 requirements.

Transport Canada proposed to replace the requirement to be certified prior to being issued a special authorization with the requirement to be the holder of a registration document, which is possible through a simpler and faster process.

“One-for-One” Rule

The “One-for-One” Rule would not apply to these proposed amendments.

There would not be an additional burden on operators already holding a TPOC issued under an interim order as Transport Canada would replace the TPOC with a registration document.

Small business lens

The small business lens would not apply to these proposed amendments.

Rationale

These proposed amendments would meet the ICAO standards and would reduce regulatory differences with other states, which do not require the certification of private operators.

Prior to the making of interim orders, the CARs required POC applicants to become members of the CBAA (membership fees were based on fleet composition) and undergo a successful pre-certification audit performed by a freelance CBAA-accredited auditor (audit fee was \$1,700 in 2010, per audit). Initial and recurring annual certification dues were based on fleet composition. Holders of a POC had to undergo recurring safety audits every one to three years, the frequency of which was based on the holder’s specific risk profile.

These proposed amendments would simplify the acquisition of a document permitting operations. Holders of a registration document would have to undergo recurring monitoring activities every one to seven years, based on the holder’s specific risk profile (risk profile would be affected by items such as changes in key personnel, aircraft types or special authorizations, or

Comment [KP6]: As will be explained within the draft regulation below, this position, combined with the applicability and prohibition wording developed by Transport Canada, will effectively bar certain aircraft from Canada, such as amateur-built aircraft like the BD5J and recently introduced Sub-Sonex turbojet powered aircraft <http://www.sonexaircraft.com/subsonex/index.html>, and effectively prohibit some private pilots from conducting certain operations, like RVSM, when in fact it would improve safety if they could do so. The onerous, one-size-fits-all approach that Transport Canada proposes will result in these owners/operators deciding not to register because complying with all provisions just to conduct one operation occasionally, would neither be practical nor make sense.

Comment [KP7]: COPA strongly disagrees. Capturing turbine powered aircraft is in excess of ICAO requirements. In addition, use of certified passenger seats as a discriminator is arbitrary and creates competitive issues.

by safety events such as runway incursions, near misses, etc., identified in the Civil Aviation Daily Occurrence Report Summary [CADORS]).

The registration of a private operator and the recurring monitoring activities would not create a fee, resulting in savings for current and future private operators.

Implementation, enforcement and service standards

These proposed amendments would be enforced through the suspension or cancellation of a Canadian aviation document, through the assessment of monetary penalties under section 7.7 of the Aeronautics Act or through judicial action introduced by way of summary conviction as per section 7.3 of the Aeronautics Act.

Private operators would have to comply with these proposed amendments on the date the amendments are registered. An exemption from specific sections of these proposed amendments (e.g. passenger safety features card, training programs, SMS) would give current operators 24 months to amend their operations to reflect the proposed changes.

Contact

Chief

Regulatory Affairs, AARBH

Safety and Security

Transport Canada

Place de Ville, Tower C

Ottawa, Ontario

K1A 0N5

Telephone: 613-993-7284 begin_of_the_skype_highlighting 613-993-7284 FREE

end_of_the_skype_highlighting or 1-800-305-2059 begin_of_the_skype_highlighting 1-800-305-2059 FREE end_of_the_skype_highlighting

Fax: 613-990-1198

Web site: www.tc.gc.ca

PROPOSED REGULATORY TEXT

Notice is given that the Governor in Council, pursuant to section 4.9 (see footnote a), paragraphs 5(a) (see footnote b) and 6.71(3)(a) (see footnote c), section 6.8 (see footnote d) and subsection 7.6(1) (see footnote e) of the Aeronautics Act (see footnote f), proposes to make the annexed Regulations Amending the Canadian Aviation Regulations (Parts I, II, IV, VI and VII — Private Operators).

Interested persons may make representations to the Minister of Transport concerning the proposed regulations within 30 days after the date of publication of this notice. All such representations must be in writing and cite the Canada Gazette, Part I, and the date of publication of this notice, and be sent to the Chief, Regulatory Affairs, Civil Aviation, Safety and Security Group, Department of Transport, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario K1A 0N5 (tel.: 613-993-7284 begin_of_the_skype_highlighting 613-993-7284 FREE end_of_the_skype_highlighting or 1-800-305-2059 begin_of_the_skype_highlighting 1-800-

Comment [KP8]: COPA strongly disagrees with the use of CADORS as a determinant for monitoring. CADORS are used in part by Nav Canada to protect themselves from violations for not informing Transport Canada and they tend to over-report to protect themselves. Also, CADORS is a snapshot in time and provides relatively little information, which can be misleading. Consequently, some operators may appear to be questionable when in fact they are being reported for other than purely safety reasons.

Comment [KP9]: COPA was informed by Jean Soucy on 20 December that the comment period has been extended to 20 January.

305-2059 FREE end_of_the_skype_highlighting; fax: 613-990-1198; website:
<http://www.tc.gc.ca>).

Ottawa, November 28, 2013

JURICA ČAPKUN
Assistant Clerk of the Privy Council

REGULATIONS AMENDING THE CANADIAN AVIATION REGULATIONS
(PARTS I, II, IV, VI AND VII — PRIVATE OPERATORS)
AMENDMENTS

1. (1) The definition “private operator certificate” in subsection 101.01(1) of the Canadian Aviation Regulations (see footnote 1) is repealed.

(2) The definitions “Canada Air Pilot”, “decision height”, “instrument approach procedure”, “minimum descent altitude” and “private operator” in subsection 101.01(1) of the Regulations are replaced by the following:

“Canada Air Pilot” means an aeronautical information publication published by NAV CANADA that contains information on instrument procedures; (Canada Air Pilot)

“decision height” means the height specified in the Canada Air Pilot or the Restricted Canada Air Pilot at which a missed approach procedure is to be initiated during a precision approach if the required visual reference necessary to continue the approach to land has not been established; (hauteur de décision)

“instrument approach procedure” means, in respect of an aircraft on an instrument approach to a runway or aerodrome, a procedure for an instrument approach determined by the pilot-in-command of the aircraft on the basis of the information specified in the Canada Air Pilot for an instrument approach to that runway or aerodrome or, if no such information is specified in the Canada Air Pilot, the information specified in the Restricted Canada Air Pilot for an aircraft operated under Subpart 6 of Part I V, Subpart 4 of Part VI, or Part VII; (procédure d’approche aux instruments)

“minimum descent altitude” means the altitude ASL, specified in the Canada Air Pilot or the Restricted Canada Air Pilot for a non-precision approach, below which descent is not to be made until the required visual reference necessary to continue the approach to land has been established; (altitude minimale de descente)

“private operator” means the holder of a private operator registration document; (exploitant privé)

(3) Subsection 101.01(1) of the Regulations is amended by adding the following in alphabetical order:

“alert height” means the height above a runway, based on the flight characteristics of an aircraft and its fail-operational automatic landing system, above which a CAT III precision approach is to be discontinued and a missed approach procedure initiated in the event of a failure of the ground equipment or one of the redundant parts of the aircraft automatic landing system; (hauteur d’alerte)

“co-authority dispatch” means the shared responsibility of the pilot-in-command and the flight dispatcher for all decisions respecting the operational flight plan prior to its acceptance by the pilot-in-command, and for the flight watch; (régulation des vols en coresponsabilité)

“flight following” means the monitoring of a flight’s progress, the provision of any operational information that might be requested by the pilot-in-command, and the notification of the flight training unit and search and rescue authorities if the flight is overdue or missing; (suivi de vol)

“flight relief facility — bunk” means a bunk that meets the requirements of Aerospace Recommended Practice ARP4101/3, Crew Rest Facilities, published by the Society of Automotive Engineers (SAE), and is configured in accordance with the requirements of section 3.2.9 of Aerospace Recommended Practice ARP4101, Flight Deck Layout and Facilities, published by the SAE; (poste de repos — couchette)

“flight relief facility — seat” means a fully reclining seat that is separated and screened off from the passengers and flight deck, that is equipped with a call device, a restraint system designed to restrain a sleeping person and portable oxygen equipment, and that is not subject to distraction from noise generated in the cabin; (poste de repos — siège)

“flight simulation training device” means an apparatus, including synthetic flight training equipment, that replicates or emulates an aircraft or aircraft component for the purpose of training and testing; (dispositif de formation simulant le vol)

“flight watch” means maintaining current information on the progress of a flight and monitoring all factors and conditions that might affect the flight; (surveillance de vol)

“instrument time” means

- (a) instrument ground time,
- (b) actual instrument flight time, or
- (c) simulated instrument flight time; (temps aux instruments)

“pilot self-dispatch” means the responsibility of the pilot-in-command for all decisions respecting the operational flight plan and for the flight watch; (régulation du vol par le pilote)

“private operator registration document” means a document issued under subsection 604.04(2); (document d’enregistrement d’exploitant privé)

“Restricted Canada Air Pilot” means an aeronautical information publication published by NAV CANADA that contains information on restricted instrument procedures; (Canada Air Pilot restreint)

2. Subpart 4 of Part VI of Schedule II to Subpart 3 of Part I of the Regulations is replaced by the following:

This table presents the amendments to Subpart 4 of Part VI of Schedule II to Subpart 3 of Part I of the Regulations Column I
Column II

Designated Provision
Maximum Amount of Penalty (\$)

Individual
Corporation

SUBPART 4 — PRIVATE OPERATORS

Section 604.03
5,000
25,000

Section 604.06
1,000
5,000

Section 604.07
1,000
5,000

Subsection 604.08(1)
3,000
15,000

Subsection 604.09(1)
1,000
5,000

Subsection 604.25(1)
3,000
15,000

Subsection 604.25(4)
1,000
5,000

Subsection 604.26(1)
1,000

5,000

Subsection 604.26(2)

1,000

5,000

Section 604.27

1,000

5,000

Section 604.28

3,000

15,000

Subsection 604.36(1)

1,000

5,000

Subsection 604.36(2)

1,000

5,000

Subsection 604.38(1)

1,000

5,000

Subsection 604.38(2)

1,000

5,000

Subsection 604.38(3)

1,000

5,000

Section 604.47

3,000

15,000

Section 604.50

3,000

15,000

Section 604.51

3,000

15,000

Section 604.52

3,000

15,000

Section 604.53

3,000

15,000

Section 604.54

3,000

15,000

Subsection 604.55(1)

3,000

15,000

Subsection 604.55(2)

3,000

15,000

Subsection 604.55(4)

3,000

15,000

Section 604.56

3,000

15,000

Section 604.57

3,000

15,000

Section 604.58

3,000

15,000

Section 604.59

3,000

15,000

Section 604.60

3,000

15,000

Subsection 604.74(2)

3,000

15,000

Subsection 604.81(1)

1,000

5,000

Subsection 604.82(1)

3,000

15,000

Subsection 604.82(2)

1,000

5,000

Subsection 604.82(3)

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Subsection 604.82(4)

1,000

5,000

Subsection 604.83(1)

3,000

15,000

Subsection 604.83(2)

3,000

15,000

Subsection 604.85(1)

1,000

5,000

Subsection 604.85(4)

1,000

5,000

Subsection 604.85(7)

1,000

5,000

Subsection 604.86(1)

1,000

5,000

Subsection 604.86(2)

1,000

5,000

Subsection 604.98(1)

3,000

15,000

Subsection 604.99(1)

3,000

15,000

Subsection 604.99(2)

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15,000

Subsection 604.99(3)

3,000

15,000

Section 604.104

3,000

15,000

Section 604.105

3,000

15,000

Subsection 604.106(1)

3,000

15,000

Subsection 604.106(3)

1,000

5,000

Subsection 604.106(4)

1,000

5,000

Subsection 604.106(5)

1,000

5,000

Subsection 604.116(1)

1,000

5,000

Subsection 604.116(2)

3,000

15,000

Subsection 604.117(1)

1,000

5,000

Subsection 604.117(2)

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5,000

Subsection 604.118(1)

3,000

15,000

Section 604.119

3,000

15,000

Section 604.127

3,000

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Subsection 604.128(1)

3,000

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Subsection 604.128(2)

3,000

15,000

Subsection 604.128(3)

1,000

5,000

Section 604.129

5,000

25,000

Section 604.130

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15,000

Section 604.131

5,000

25,000

Subsection 604.132(1)

3,000

15,000

Subsection 604.132(2)

1,000

5,000

Subsection 604.141(1)

5,000

25,000

Subsection 604.141(2)

3,000

15,000

Subsection 604.142(1)

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Subsection 604.142(2)

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15,000

Subsection 604.143(1)

5,000

25,000

Subsection 604.143(2)

1,000

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Subsection 604.144(1)

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Subsection 604.144(2)

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Section 604.145

5,000

25,000

Subsection 604.146(1)

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5,000

Subsection 604.146(2)

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5,000

Section 604.147

1,000

5,000

Section 604.149

1,000

5,000

Subsection 604.150(1)

1,000

5,000

Subsection 604.150(2)

1,000

5,000

Subsection 604.150(3)

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5,000

Subsection 604.150(4)

1,000

5,000

Subsection 604.166(1)

3,000

15,000

Subsection 604.166(2)

3,000

15,000

Section 604.167

5,000

25,000

Section 604.168

1,000

5,000

Section 604.174

3,000

15,000

Subsection 604.197(1)

5,000

25,000

Subsection 604.197(2)

1,000

5,000

Subsection 604.198(1)

3,000

15,000

Subsection 604.198(2)

1,000

5,000

Section 604.202

5,000

25,000

Subsection 604.204(1)

3,000

15,000

Subsection 604.204(2)

3,000

15,000

Section 604.205

3,000

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Subsection 604.206(5)

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15,000

Subsection 604.207(5)

3,000

15,000

Section 604.208

3,000

15,000

3. (1) The portion of section 103.12 of the Regulations before paragraph (a) is replaced by the following:

103.12 For the purposes of paragraphs 6.71(1)(c) and 7.1(1)(c) of the Act, “principal” means

(2) Subparagraph 103.12(a)(ii) of the English version of the Regulations is replaced by the following:

(ii) any person who exercises control over the air operator as an owner, and

(3) Subparagraph 103.12(b)(i) of the Regulations is replaced by the following:

(i) any person who is employed or contracted by the private operator on a full- or part-time basis as the operations manager, maintenance manager or chief pilot, or any person who occupies an equivalent position, and

4. Section 107.01 of the Regulations is amended by adding the following after subsection (2):

(3) This Subpart, except sections 107.02 and 107.03, and the requirements set out in Subpart 4 of Part VI in respect of the safety management system apply to the holder of a private operator registration document.

5. Section 107.02 of the Regulations is replaced by the following:

107.02 The applicant for, or the holder of, a certificate referred to in subsections 107.01(1) or (2) shall establish and maintain a safety management system.

6. Section 107.04 of the Regulations is replaced by the following:

107.04 A safety management system shall be adapted to the size, nature and complexity of the operations, activities, hazards and risks associated with the operations of the holder of a document referred to in section 107.01.

7. The definitions “Canadian air operator” and “operator certificate” in section 203.01 of the Regulations are replaced by the following:

“Canadian air operator” includes the holder of a flight training unit operator certificate and the holder of a private operator registration document; (exploitant aérien canadien)

“operator certificate” includes an air operator certificate, a flight training unit operator certificate and a private operator registration document. (certificat d’exploitation)

8. The definitions “flight following”, “flight watch”, “instrument time” and “pilot’s self-dispatch” in subsection 400.01(1) of the Regulations are repealed.

9. The portion of paragraph 401.05(3)(d) of the Regulations before subparagraph (ii) is replaced by the following:

(d) successfully completed, for an aircraft, a competency check or pilot proficiency check for which the validity period has not expired and that included the instrument procedures portion of (i) the Flight Test Guide — Competency Check (Private Operators), published by the Minister, in respect of aircraft operated under Subpart 4 of Part VI, and

10. Paragraph 406.03(2)(a) of the Regulations is replaced by the following:

(a) the person holds a private operator registration document or an air operator certificate, the aircraft used for training — in the case of the holder of an air operator certificate — is specified in the air operator certificate, and the training is other than toward obtaining a pilot permit — recreational, a private pilot licence, a commercial pilot licence or a flight instructor rating; or

11. Subparagraph 406.71(2)(e)(iv) of the Regulations is replaced by the following:

(iv) a competency check in accordance with Part VI or a pilot proficiency check in accordance with Part VII, as applicable.

12. Section 602.09 of the Regulations is replaced by the following:

602.09 No person operating an aircraft shall permit the fuelling of the aircraft while an engine used for the propulsion of the aircraft is running and passengers are on board the aircraft or are embarking or disembarking, unless subsection 604.84(1), 704.33(4) or 705.40(3), as applicable, is complied with.

13. Subparagraph 602.11(5)(c)(ii) of the Regulations is replaced by the following:

(ii) has successfully completed training relating to ground and airborne icing operations under Subpart 4 or relating to aircraft surface contamination under Part VII.

14. Subparagraph 602.115(c)(i) of the Regulations is replaced by the following:

(i) during the day, flight visibility is not less than two miles, except if otherwise authorized in an air operator certificate,

15. Section 602.122 of the Regulations is replaced by the following:

602.122 Except as otherwise authorized by the Minister in an air operator certificate or in a special authorization issued under subsection 604.05(2), no pilot-in-command shall operate an aircraft in IFR flight unless the IFR flight plan or IFR flight itinerary that has been filed for the flight under section 602.73 includes an alternate aerodrome having a landing area suitable for use by that aircraft.

16. Paragraph 602.126(1)(b) of the Regulations is replaced by the following:

Comment [KP10]: This prohibits anyone from conducting no alternate IFR flight unless they are a 604 registrant, comply with all provisions of 604 and have a special authorization. For those operators who wish only to conduct this one operation and not comply with the rest of the 604 provisions, and unless there is another way to do so, such as via an exemption, some aircraft will be significantly restricted in where they can go, especially with the relatively scattered system of airports in Canada and Nav Canada’s intent to reduce its system of navigation aids. Furthermore, 604.02 prohibits aeroplanes that are neither large, turbojet nor turbine pressurized from participating in the program and consequently being eligible for special authorizations. Owners will choose less appropriate aircraft in order to avoid having to register and consequently there will be safety and economic implications.

(b) a special authorization issued under subsection 604.05(2); or
17. Subsection 602.128(1) of the Regulations is replaced by the following:

602.128 (1) No pilot-in-command of an IFR aircraft shall conduct an instrument approach procedure except in accordance with the minima specified in the Canada Air Pilot or the Restricted Canada Air Pilot.

18. Subpart 4 of Part VI of the Regulations is replaced by the following:

SUBPART 4 — PRIVATE OPERATORS

Division I — General Provisions

Interpretation

604.01 (1) The following definitions apply in this Subpart.

“main base” means a location where a private operator has personnel, aircraft and facilities for its operations and that is established as the principal place of business of the private operator. (base principale)

“PBN Manual” means ICAO Document 9613, entitled Performance-based Navigation (PBN) Manual. (manuel PBN)

“special authorization” means an authorization issued by the Minister under subsection 604.05(2) that permits the carrying out of an activity referred to in Division IV or an activity in respect of which the Minister has established requirements under subsection 604.74(1). (autorisation spéciale)

“sub-base” means a location where a private operator has personnel and aircraft and from which operational control is exercised in accordance with the private operator’s operational control system. (base secondaire)

(2) For the purpose of interpreting a document incorporated by reference into this Subpart, unless the context requires otherwise,

- (a) “should” and “must” shall be read as “shall”;
- (b) “operator” and “aircraft operator” shall be read as “private operator”; and
- (c) “authority”, “competent aviation authority” and “operating authority” shall be read as “Minister”.

Application

604.02 This Subpart applies to the following Canadian aircraft:

- (a) large aeroplanes;
- (b) turbo-jet-powered aeroplanes; and
- (c) turbine-powered pressurized aeroplanes.

Prohibition

Comment [KP11]: A private pilot owner of an aircraft, flying for personal transportation and pleasure, with no “business” associated with his/her operations, such as the owner of an amateur-built turbojet aeroplane, will not have a “place of business”. Changing 604.03 to exclude non-certified aircraft would solve this issue.

Comment [KP12]: Unlike the previous versions, this is limiting. There may be aircraft and/or operations where it would be advantageous and enhance safety if the owners participated in the registration program. For example, some piston powered pressurized aircraft owners may wish to voluntarily participate.

Comment [KP13]: 604.02 and 604.03 are confusing. On the one hand, all turbine pressurized aeroplanes are captured but on the other hand only those certified for more than six passenger seats are captured. Transport Canada’s Arlo Speer explained that this format was chosen during legal vetted and that even some inspectors had difficulty understanding what the chosen wording meant. COPA has been advocating for many years for plain language regulations, referred to as “Plane Language Regulations”. This wording is anything but plain language.

604.03 (1) Subject to subsection (2), no person shall operate any of the following certified Canadian aircraft for the purpose of transporting passengers or goods unless the person is the holder of a private operator registration document:

(a) a large aeroplane;

(b) a turbo-jet-powered aeroplane; or

(2) Subsection (1) does not apply to the operation of an aircraft referred to in paragraphs (1)(a) to (c) by

(a) an air operator who operates the aircraft in accordance with the requirements of Part VII; or

(b) a person who operates the aircraft under a flight permit issued under section 507.04.

Issuance of a Private Operator Registration Document

604.04 (1) The applicant for a private operator registration document shall submit to the Minister an application containing the following information:

(a) the applicant's legal name and, if any, trade name;

(b) the applicant's contact information;

(c) the names of the operations manager, chief pilot and maintenance manager;

(d) a description of the proposed area of operation, using the chart depicted in the Index to Application of Supplementary Procedures in ICAO Document 7030, entitled Regional Supplementary Procedures;

(e) the location of the applicant's main base and, if any, sub-bases; and

(f) for each aircraft that will be operated, the aircraft type, the nationality mark and the registration mark.

(2) The Minister shall, on receipt of the application referred to in subsection (1), issue a private operator registration document to the applicant if the applicant is the registered owner of all the aircraft that will be operated under this Subpart or is permitted to use those aircraft under section 203.03.

Issuance of Special Authorization

604.05 (1) A private operator who wishes to operate an aircraft under a special authorization shall submit to the Minister an application that

a) identifies the activity referred to in Division IV that the applicant wishes to carry out; and

b) includes a copy of the part of the private operator's operations manual that sets out the processes, practices and procedures relating to the special authorization requested.

(2) The Minister shall, on receipt of the application referred to in subsection (1), issue a special authorization to the applicant if the applicant

(a) holds a private operator registration document;

(b) is able to meet the requirements of Division IV relating to the special authorization requested; and

(c) has an operations manual that sets out the processes, practices and procedures that are necessary to meet the requirements of Division IV relating to the special authorization requested.

Notice to the Minister

Comment [KP14]: Inserting "certified" would alleviate the issues raised by comment KP16 concerning amateur-built aircraft.

Comment [KP15]: It follows from this wording, then, that anyone who operates one of these aircraft without transporting passengers or goods does not have to register. If this was not Transport Canada's intention, this caveat should not have been included.

Comment [KP16]: This captures amateur-built aircraft such as BD5J and Sub-Sonex <http://www.sonexaircraft.com/research/subsonex.html>. It is unreasonable and probably impossible for amateur-built aircraft owners to comply with any or all of 604. Effectively, Transport Canada will be barring these aircraft from Canada and there has not been any justification presented for this.

Comment [KP17]: As currently drafted, the regulation captures single aircraft, single owner situations such as is the case with a private pilot who owns one of the affected aircraft and flies it only for his/her personal transportation and recreation. The names of all of these people would be the same. Would this be acceptable for registration? If not, a significant safety issue would be introduced. People will make their choice of aircraft in order to either avoid the hassle of this program or because they would not qualify because they do not have lots of people involved in their small personal flying operation.

Comment [KP18]: This is a limiting statement. In order for anyone to conduct a special operation, such as RVSM, no alternate IFR or low visibility operations, they must be registered. If they cannot be registered, such as would be the case for a piston powered pressurized aircraft, there is no apparent way to conduct these operations. Therefore, unless Transport Canada is prepared to grant exemptions or have some other mechanism available, this regulation will effectively prohibit certain aircraft from conducting certain operations in Canada when being permitted to do so would in fact enhance safety.

604.06 A private operator shall notify the Minister if a change is made to the information contained in an application submitted under subsection 604.04(1) within ten days after the day on which the change is made.

Amendment of Private Operator's Operations Manual

604.07 A private operator who has been issued a special authorization, and who amends the part of the private operator's operations manual that sets out the processes, practices and procedures relating to the special authorization, shall submit to the Minister a copy of that part of the operations manual within ten days after the day on which the amendment is made.

Duties of a Private Operator

604.08 (1) A private operator shall

- (a) ensure that no person is appointed operations manager or chief pilot or continues to serve as operations manager or chief pilot if, at the time of the person's appointment or during the person's tenure, the person has a record of conviction for
 - (i) an offence under section 7.3 of the Act, or
 - (ii) two or more offences under these Regulations that did not arise from a single incident;
 - (b) ensure that no person is appointed maintenance manager or continues to serve as maintenance manager if, at the time of the person's appointment or during the person's tenure, the person has a record of conviction for an offence under section 7.3 of the Act;
 - (c) ensure that the operations manager performs the duties set out in section 604.204;
 - (d) perform the duties set out in section 604.208; and
 - (e) provide the operations manager and the maintenance manager with the financial and human resources necessary to ensure that the private operator meets the requirements of these Regulations.
- (2) If the private operator holds an approved maintenance organization (AMO) certificate, the maintenance manager referred to in paragraph (1)(b) shall be the person responsible for maintenance appointed under paragraph 573.03(1)(a).

Accountability

604.09 (1) No operations manager, no chief pilot and no maintenance manager shall assign to another person a management function for which he or she is responsible and accountable unless the private operator's operations manual

- (a) identifies the functions that may be assigned;
 - (b) identifies either by name or by position the persons to whom those functions may be assigned; and
 - (c) describes the scope of the assignment.
- (2) The responsibility and accountability of an operations manager, a chief pilot and a maintenance manager are not affected by the assignment of a management function to another person under subsection (1).

[604.10 to 604.24 reserved]

Division II — Flight Operations

Comment [KP19]: For a truly private owner, non-corporate operator, such as a private pilot owning one aircraft, this provision could be used to disqualify an individual from registration. The persons referred to in this section would all be the same person and Transport Canada's insistence that one person cannot hold all of these positions will be grounds for essentially prohibiting an owner from stepping up into a better, safer aircraft.

Operational Control System

604.25 (1) A private operator shall have an operational control system that is adapted to the complexity of the private operator's operations and to the private operator's area of operation, and that meets the requirements of subsections (2) and (3).

(2) The operational control system shall include procedures for ensuring that

- (a) all the operational requirements specified in this Subpart are met;
 - (b) each aircraft is operated within the weight and balance limits specified in the aircraft flight manual;
 - (c) the names of the persons on board an aircraft are recorded by the private operator before each flight; and
 - (d) search and rescue authorities are notified in a timely manner if a flight is overdue or missing.
- (3) The operational control system shall include

- (a) pilot self-dispatch procedures that set out the following elements:
 - (i) flight planning requirements,
 - (ii) the timing within which a flight crew member must inform the private operator of an aircraft's departure and arrival, and
 - (iii) a method of confirming that an aircraft has arrived safely at an unattended aerodrome during a VFR flight or that an IFR flight plan has been cancelled prior to landing; or
- (b) co-authority dispatch procedures that set out the following elements:
 - (i) flight planning requirements,
 - (ii) flight following requirements,
 - (iii) flight watch requirements,
 - (iv) a method of confirming that an aircraft has arrived safely at an unattended aerodrome during a VFR flight or that an IFR flight plan has been cancelled prior to landing,
 - (v) the method by which the operational flight plan is approved and recorded by the pilot-in-command and the flight dispatcher,
 - (vi) if operational flight plans are prepared and accepted for a series of flights, the method by which any changes to those plans are approved and recorded by the pilot-in-command and the flight dispatcher,
 - (vii) if flight planning and flight watch are two separate functions, the method of switching from one to the other, and
 - (viii) a means to ensure that, at each location where a flight originates, the pilot-in-command will
 - (A) receive meteorological information related to the flight,
 - (B) receive a copy of the operational flight plan, and
 - (C) can contact the responsible flight dispatcher prior to take-off.
- (4) Documentation related to the operational control of a flight shall be retained by the private operator for at least 180 days after the day on which the flight is completed.

Designation of Pilot-in-command and Second-in-command

604.26 (1) A private operator shall designate, for each flight, a pilot-in-command or, if the crew includes two or more flight crew members, a pilot-in-command and a second-in-command.

Comment [KP20]: Several of these provisions are unachievable or impractical for smaller operators and certain aircraft. For example, the owner of an amateur-built turbojet conducting a local pleasure flight in his aircraft will not have an operational flight plan.

(2) The private operator shall record the name of the pilot-in-command and, if applicable, second-in-command designated for each flight under subsection (1) and shall retain the record for at least 180 days after the day on which the flight is completed.

Flight Dispatchers and Flight Followers

604.27 A flight dispatcher and a flight follower shall, in respect of a flight conducted by a private operator,

- (a) perform flight following and flight watch;
- (b) provide any operational information requested by a flight crew member; and
- (c) notify search and rescue authorities in a timely manner if a flight is overdue or missing.

Instrument Approaches — Landing

604.28 No person shall, in an aircraft operated by a private operator, conduct a landing following an instrument approach unless, immediately before landing, the pilot-in-command ascertains, by means of radiocommunication or visual inspection,

- (a) the condition of the runway or surface of intended landing; and
- (b) the wind direction and speed.

[604.29 to 604.35 reserved]

Division III — Flight Operations — Documents

Checklist

604.36 (1) A private operator shall provide every crew member with the checklist referred to in paragraph 602.60(1)(a) or with the part of the checklist that is necessary for the performance of the crew member's duties.

(2) Every crew member shall follow, in the performance of his or her duties, the checklist or part of the checklist referred to in subsection (1).

Aircraft Operating Manual

604.37 (1) A private operator may establish an aircraft operating manual for the operation of its aircraft.

(2) An aircraft operating manual shall

- (a) contain aircraft operating procedures that are consistent with those contained in the aircraft flight manual;
- (b) contain, if the aircraft flight manual is not carried on board the aircraft, the aircraft performance data and limitations specified in that manual, and clearly identify them as aircraft flight manual requirements;
- (c) contain the private operator's standard operating procedures, if any; and
- (d) identify the aircraft to which it relates.

Operational Flight Data Sheet

604.38 (1) No person shall conduct a take-off in an aircraft operated by a private operator unless an operational flight data sheet has been prepared and contains the following information:

- (a) the date of the flight;
 - (b) the aircraft's nationality mark and registration mark;
 - (c) the name of the pilot-in-command;
 - (d) the departure aerodrome;
 - (e) the destination aerodrome;
 - (f) the alternate aerodrome, if any;
 - (g) the estimated flight time;
 - (h) the fuel endurance;
 - (i) the weight of the fuel on board the aircraft;
 - (j) the zero fuel weight of the aircraft;
 - (k) the take-off weight and centre of gravity of the aircraft;
 - (l) the number of persons on board the aircraft;
 - (m) the proposed time of departure; and
 - (n) the estimated time of arrival.
- (2) The pilot-in-command of an aircraft referred to in subsection (1) shall, on the completion of each flight, record on the operational flight data sheet the flight time, time of departure, time of arrival and aerodrome of arrival.
- (3) The private operator shall retain a copy of the operational flight data sheet for at least 180 days after the day on which the flight is completed.

[604.39 to 604.45 reserved]

Division IV — Flight Operations — Special Authorizations
 Minimum Performance Capability of Long-range Navigation Systems

604.46 (1) For the purposes of this Division, a long-range navigation system shall have the following performance capability:

- (a) the standard deviation of the lateral track deviations is less than 6.3 nautical miles;
- (b) the proportion of the total flight time that is spent by the aircraft at a distance of 30 or more nautical miles from the cleared track is less than 5.3×10^{-4} ; and
- (c) the proportion of the total flight time that is spent by the aircraft at a distance of 50 to 70 nautical miles from the cleared track is less than 1.3×10^{-4} .

(2) For the purposes of this Division, a global navigation satellite system (GNSS) receiver is considered to be a long-range navigation system if it is installed in accordance with the requirements of Advisory Circular 20-138B, entitled Airworthiness Approval of Positioning and Navigation Systems, dated September 27, 2010 and published by the Federal Aviation Administration of the United States, as amended from time to time.

General Prohibition — Special Authorizations

604.47 No person shall carry out any activity referred to in this Division or in respect of which the Minister has established requirements under subsection 604.74(1) unless that person is a private operator.

No Alternate Aerodrome — IFR Flight

Comment [KP21]: This, combined with the limiting provisions of 604.02, bars certain aircraft and operators, such as a piston powered pressurized aircraft or turboprop unpressurized aircraft from conducting any of these operations. Unless Transport Canada is prepared to grant exemptions, this section and/or 604.02 should be amended.

Comment [KP22]: Since Canada has relatively few airports and a National Airports Policy that does not protect the system of smaller airports as well as Nav Canada being in the process of removing many navigation aids, this provision limits the choice of aircraft for some operators who cannot or do not wish to comply with 604. Feedback that COPA has received from effected owners indicates that they would not upgrade to a more suitable aircraft and arguably safer aircraft if they have to comply with all of 604 just to qualify and then apply for this special operation.

604.48 (1) For the purposes of section 602.122, a pilot-in-command may conduct an IFR flight in an aircraft operated by a private operator when an alternate aerodrome has not been designated in the IFR flight plan or in the IFR flight itinerary if

- (a) the private operator is authorized to do so under a special authorization;
 - (b) the estimated flight time is not more than six hours and the departure aerodrome is located in North America, Bermuda or the Caribbean islands;
 - (c) the forecast or reported weather at the destination aerodrome, from one hour before until one hour after the estimated time of arrival, does not include
 - (i) conditions, including fog or precipitation, that restrict flight visibility to less than three miles,
 - (ii) a thunderstorm,
 - (iii) a ceiling of less than 1,000 feet above the FAF altitude and a ground visibility of less than three miles,
 - (iv) a ceiling of less than 1,500 feet above the minimum descent altitude and a ground visibility of less than six miles, or
 - (v) freezing rain, freezing drizzle or sleet;
 - (d) in the case of an aeroplane, the destination aerodrome
 - (i) has at least two runways that are
 - (A) operational,
 - (B) separate and not reciprocal directions of the same runway, and
 - (C) suitable for the aeroplane on the basis of the aircraft operating procedures, the aircraft performance data and limitations specified in the aircraft flight manual, and the factors that affect the performance of the aeroplane, such as atmospheric and surface conditions, and
 - (ii) is equipped with an emergency electrical power supply to operate the equipment and facilities that are essential for a safe landing of the aeroplane in the event of a failure of the main electrical power supply; and
 - (e) every flight crew member has received training, for which the validity period has not expired, in the conduct of an IFR flight when an alternate aerodrome has not been designated in the IFR flight plan or in the IFR flight itinerary.
- (2) If the requirements of paragraphs (1)(a) to (e) are met, and regardless of the departure aerodrome, the pilot-in-command of an aircraft that is operated by a private operator, and that is on a flight to a destination aerodrome in Canada, may file a new IFR flight plan or a new IFR flight itinerary that does not include an alternate aerodrome when the aircraft is within six hours' flight time of the destination aerodrome.

Take-off Minima

604.49 For the purposes of paragraph 602.126(1)(b),

- (a) a pilot-in-command may conduct a take-off in an aircraft operated by a private operator when the reported RVR is at least 1,200 feet or the reported ground visibility is at least one quarter of a statute mile if
 - (i) the private operator is authorized to do so under a special authorization,
 - (ii) the aircraft is operated by at least two flight crew members,
 - (iii) the flight plan filed for the flight specifies a take-off alternate aerodrome that

Comment [KP23]: An appropriately equipped Twin Otter flown by an appropriately trained crew is arguably a much safer aircraft, given its relatively low speed and good climb capability, for conducting low visibility operations and yet, without an exemption provision or some other mechanism, they will be barred from conducting such operations simply because the aircraft does not fit the limiting provisions of 604.02

- (A) in the case of a twin-engined aeroplane, is within the distance that can be flown in 60 minutes at normal cruising speed, or
- (B) in the case of an aeroplane with three or more engines, is within the distance that can be flown in 120 minutes at normal cruising speed,
- (iv) every flight crew member has received the following training for which the validity period has not expired:
 - (A) take-off alternate aerodrome requirements,
 - (B) pilot-in-command experience requirements,
 - (C) pilot-in-command responsibility for visibility and obstacle clearance requirements, and
 - (D) minimum aircraft and runway equipment requirements,
 - (v) the pilot-in-command
 - (A) identifies any obstructions that may be in the take-off path,
 - (B) determines — using the aircraft performance data and limitations specified in the aircraft flight manual — that the aircraft is, with the critical engine inoperative, able to
 - (I) safely clear those obstructions, and
 - (II) maintain at least the minimum enroute altitude to the take-off alternate aerodrome, and
 - (C) verifies that the RVR is at least 1,200 feet or the ground visibility is at least one quarter of a statute mile,
 - (vi) the runway is equipped with high-intensity runway lights, or runway centre line lights, that are serviceable and functioning and that are visible to the pilot throughout the take-off run, or with runway centre line markings that are visible to the pilot throughout the take-off run,
 - (vii) the pilot-in-command and second-in-command attitude indicators provide a clear depiction of total aircraft attitude that includes the incorporation of pitch attitude index lines in appropriate increments up to 15° above and 15° below the reference line,
 - (viii) failure warning systems to immediately detect failures and malfunctions in attitude indicators, directional gyros and horizontal situation indicators are operative, and
 - (ix) every flight crew member has demonstrated to the private operator the ability to operate the aircraft in accordance with this paragraph; and
 - (b) a pilot-in-command may conduct a take-off in an aircraft operated by a private operator when the reported RVR is at least 600 feet if
 - (i) the private operator is authorized to do so under a special authorization,
 - (ii) the aircraft is operated by at least two flight crew members,
 - (iii) the flight plan filed for the flight specifies a take-off alternate aerodrome that is within the distance that can be flown in 120 minutes at the one-engine inoperative cruise speed,
 - (iv) every flight crew member has received the following training for which the validity period has not expired:
 - (A) ground training in
 - (I) take-off alternate aerodrome requirements,
 - (II) pilot-in-command experience requirements,
 - (III) pilot-in-command responsibility for visibility and obstacle clearance requirements, and
 - (IV) minimum aircraft and runway equipment requirements, and
 - (B) level C or D flight simulator training that includes
 - (I) one completed take-off at an RVR of 600 feet, and
 - (II) one rejected take-off, at an RVR of 600 feet, that includes an engine failure,
 - (v) the pilot-in-command
 - (A) identifies any obstructions that may be in the take-off path,

- (B) determines — using the aircraft performance data and limitations specified in the aircraft flight manual — that the aircraft is, with the critical engine inoperative, able to
 - (I) safely clear those obstructions, and
 - (II) maintain at least the minimum enroute altitude to the take-off alternate aerodrome, and
- (C) verifies that the RVR is at least 600 feet,
 - (vi) the runway is equipped
 - (A) with high-intensity runway lights, and runway centre line lights, that are serviceable and functioning and that are visible to the pilot throughout the take-off run, and with runway centre line markings that are visible to the pilot throughout the take-off run, and
 - (B) with two RVR sensors that each show an RVR of at least 600 feet, one sensor being situated at the approach end of the runway and the other at
 - (I) the mid-point of the runway, or
 - (II) the departure end of the runway, if the runway is equipped with three RVR sensors and the sensor situated at the mid-point is not serviceable,
 - (vii) the pilot-in-command and second-in-command attitude indicators provide a clear depiction of total aircraft attitude that includes the incorporation of pitch attitude index lines in appropriate increments up to 15° above and 15° below the reference line,
 - (viii) failure warning systems to immediately detect failures and malfunctions in attitude indicators, directional gyros and horizontal situation indicators are operative, and
 - (ix) every flight crew member has demonstrated to the private operator the ability to operate the aircraft in accordance with this paragraph.

Instrument Procedures — GNSS

604.50 No person shall conduct an instrument procedure using a GNSS receiver in an aircraft operated by a private operator unless

- (a) the private operator is authorized to do so under a special authorization;
- (b) every flight crew member has received the following training for which the validity period has not expired:
 - (i) ground training in
 - (A) the GNSS and its theory of operation,
 - (B) the operation of the model of GNSS receiver that will be used, and
 - (C) the actions to be taken in response to GNSS receiver warnings and messages, and
 - (ii) in-flight training
 - (A) in the operation of the model of GNSS receiver that will be used,
 - (B) in the actions to be taken in response to GNSS receiver warnings and messages,
 - (C) in the use of the GNSS receiver for instrument procedures and other associated duties for each crew position that the flight crew member will occupy,
 - (D) provided
 - (I) on board an aircraft, or
 - (II) using a Level C or D flight simulator equipped with the same model of GNSS receiver as is installed in the private operator's aircraft or with a model with a user interface comparable to the user interface of that GNSS receiver, and
 - (E) provided by a pilot who has received training on the same model of GNSS receiver as is installed in the private operator's aircraft or on a model with a user interface comparable to the user interface of that GNSS receiver;

Comment [KP24]: Some owners are confused about whether or not they are permitted to conduct GNSS operations if they are not registered. This confusion is as a result of the way that 604.02 and 604.03 are worded. 604.02 says that all turbine pressurized aeroplanes are captured by 604 and since 604.50 and other provisions can only be conducted by a private operator, it follows logically that if you are not required to comply with 604 and choose not to register then you cannot conduct GNSS operations. COPA certainly hopes that an owner of a privately registered turbine powered pressurized aeroplane that is certified for six or fewer passenger seats is free to conduct all IFR operations as other privately registered aircraft are permitted to but the draft regulation is poorly worded and therefore confusing.

(c) every flight crew member has demonstrated to the private operator the ability to conduct an instrument approach using a GNSS receiver in accordance with this section;

(d) the coverage area of the GNSS receiver database is compatible with the area of operation in which the aircraft will be operated;

(e) the private operator has established procedures to ensure that

(i) the GNSS receiver database is updated so that it remains current,

(ii) flight crew members who identify GNSS receiver database errors communicate those errors to the private operator, and

(iii) the GNSS receiver database errors identified are communicated to the private operator's other personnel and to the GNSS receiver database provider;

(f) if the aircraft is designed to be operated by one flight crew member, the GNSS course deviation and distance displays are located at the pilot station normally occupied by the pilot-in-command and within the primary field of vision of the flight crew member who occupies the pilot station;

(g) if the aircraft is designed to be operated by two flight crew members, the GNSS course deviation and distance displays are located at each pilot station and within the primary field of vision of the flight crew member who occupies the pilot station;

(h) if the aircraft is designed to be operated by one flight crew member, but can be operated by two flight crew members,

(i) the control display unit that is linked to the GNSS receiver is centrally located in relation to the two pilot stations and provides navigation information that is visible to the pilot not flying, or

(ii) the GNSS course deviation and distance displays are located at each pilot station and within the primary field of vision of the flight crew members who occupy those pilot stations; and

(i) the private operator has established GNSS approach procedures in order to prevent confusion between GNSS distance information and distance measuring equipment (DME) information.

Precision Approaches — CAT II and CAT III

604.51 No person shall conduct a CAT II or a CAT III precision approach in an aircraft operated by a private operator unless

(a) the private operator is authorized to do so under a special authorization;

(b) the requirements of section 602.128 are met;

(c) every flight crew member has received, in respect of CAT II and CAT III precision approaches, ground training for which the validity period has not expired that includes the following elements:

(i) the characteristics, capabilities and limitations of the instrument landing system (ILS), including how its performance is affected by interference from other airborne or taxiing aircraft and from ground vehicles,

(ii) the characteristics of the visual aids and the limitations on their use in reduced visibility at the various glide path angles and cockpit cut-off angles, and the height at which visual cues are expected to appear in actual operating conditions,

(iii) the operation, capabilities and limitations of the airborne systems,

(iv) the procedures and techniques for an approach, a missed approach and a rejected landing, and a description of the factors affecting height loss during a missed approach in normal and abnormal aircraft configurations,

(v) the use and limitations of RVR, including the applicability of RVR readings from different positions along the runway,

- (vi) obstacle limitation surfaces, obstacle-free zones, missed approach design criteria, obstacle clearance for a CAT II or CAT III precision approach, and obstacle clearance for a go-around and a rejected landing,
- (vii) the effects of turbulence, precipitation and low level windshear,
- (viii) the procedures and techniques for making the transition from instrument flight to visual flight in low RVR conditions, including the geometry of eye, wheel and antenna positions in relation to ILS reference datum height,
- (ix) the actions to be taken if the required visual reference becomes inadequate when the aircraft is below the decision height, and the technique to be used for making the transition from visual flight to instrument flight if a go-around is necessary,
- (x) the actions to be taken in the event of a failure of the approach and landing equipment above and below the decision height or alert height,
- (xi) the recognition of a failure of the ground equipment, and the actions to be taken in the event of such a failure,
- (xii) the factors to be taken into account in the determination of the decision height or alert height,
- (xiii) the effect of aircraft malfunctions, including engine failure, on auto-throttle and auto-pilot performance,
- (xiv) the procedures to be followed and the precautions to be taken while taxiing in reduced visibility, and
- (xv) the standard operating procedures to be followed by crew members in normal, abnormal and emergency conditions;
- (d) every flight crew member has received, in respect of CAT II and CAT III precision approaches, training on a synthetic flight training device that includes the following elements:
 - (i) two approaches, at least one of which is in an engine-out configuration if the aircraft is certified under Part V to perform in that configuration,
 - (ii) a missed approach from the lowest minima specified in the special authorization, or a rejected landing, as applicable,
 - (iii) an automatic landing or a manual landing from one of the approaches, as applicable, at the maximum crosswind authorized for the aircraft, and
 - (iv) for CAT III approaches based on the use of a fail-passive rollout control system, a manual rollout using visual references or a combination of visual and instrument references;
- (e) every flight crew member has received, in respect of CAT II and CAT III precision approaches, training on a synthetic flight training device for which the validity period has not expired that includes the following elements:
 - (i) one precision approach resulting in a landing, and
 - (ii) a missed approach from the lowest minima specified in the special authorization, or a rejected landing, as applicable; and
- (f) every flight crew member has demonstrated to the private operator the ability to operate the aircraft in accordance with this section.

Instrument Procedures — Restricted Canada Air Pilot

604.52 No person shall, in an aircraft operated by a private operator, conduct an instrument procedure that is specified in the Restricted Canada Air Pilot for an aerodrome unless

- (a) the private operator is authorized to do so under a special authorization;

- (b) the person conducts the procedure in accordance with the requirements set out in the Restricted Canada Air Pilot in respect of the procedure; and
- (c) every flight crew member has received the training necessary to mitigate the risks or hazards associated with that procedure with respect to the safety of the aircraft, persons or property, and the validity period for that training has not expired.

CMNPS and RNP Requirements

604.53 No person shall file a flight plan indicating that an aircraft operated by a private operator can be operated in accordance with Canadian minimum navigation performance specifications (CMNPS) or required navigation performance capability (RNP) unless

- (a) the private operator is authorized under a special authorization to operate the aircraft in accordance with CMNPS or RNP;
- (b) every flight crew member has received CMNPS or RNP training, for which the validity period has not expired, in
 - (i) normal operating procedures, including long-range navigation system pre-flight data entry and periodic cross-checking of the system position display against the aircraft position,
 - (ii) the method of monitoring and cross-checking the long-range navigation system that is coupled to the auto-pilot,
 - (iii) the actions to be taken in the event of a discrepancy among long-range navigation systems, and the method of determining which is the most accurate or reliable system,
 - (iv) contingency procedures,
 - (v) the actions to be taken in the event of a failure of one or more long-range navigation systems,
 - (vi) the procedure for manually updating long-range navigation systems,
 - (vii) airborne emergency procedures, including realignment, if applicable,
 - (viii) the procedure for regaining track after a deliberate or accidental deviation from the cleared track, and
 - (ix) RNAV systems; and
- (c) the aircraft is equipped with at least two independent long-range navigation systems or is operated as follows:
 - (i) in the case of an aircraft equipped only with the radio navigation equipment referred to in paragraph 605.18(j), the aircraft is operated only on high level airways, and
 - (ii) in the case of an aircraft equipped with at least two independent navigation systems, one of which is a long-range navigation system, the aircraft is operated only in RNP airspace
 - (A) on high level fixed RNAV routes,
 - (B) on direct routes that begin and end within the reception range of ground-based navigation aids, or
 - (C) on high level airways.

RNP Requirements — High Level Fixed RNAV Routes

604.54 No person shall file a flight plan indicating that an aircraft operated by a private operator can be operated on a high level fixed RNAV route in accordance with required navigation performance capability (RNP) unless

- (a) the private operator is authorized under a special authorization to operate the aircraft in accordance with RNP;
- (b) every flight crew member has received RNP training, for which the validity period has not expired, in

- (i) normal operating procedures, including navigation system pre-flight data entry and periodic cross-checking of the system position display against the aircraft position,
 - (ii) the method of monitoring and cross-checking the navigation system that is coupled to the auto-pilot,
 - (iii) the actions to be taken in the event of a discrepancy among navigation systems, and the method of determining which is the most accurate or reliable system,
 - (iv) contingency procedures,
 - (v) the actions to be taken in the event of a failure of one or more navigation systems,
 - (vi) the procedure for manually updating navigation systems,
 - (vii) airborne emergency procedures, including realignment, if applicable,
 - (viii) the procedure for regaining track after a deliberate or accidental deviation from the cleared track, and
 - (ix) RNAV systems; and
- (c) the aircraft is equipped with at least two independent navigation systems, one of which is a long-range navigation system.

NAT-MNPS Requirements

604.55 (1) No person shall file a flight plan indicating that an aircraft operated by a private operator can be operated in accordance with North Atlantic minimum navigation performance specifications (NAT-MNPS) unless

- (a) the private operator is authorized under a special authorization to operate the aircraft in accordance with NAT-MNPS;
 - (b) every flight crew member has received NAT-MNPS training, for which the validity period has not expired, in
 - (i) normal operating procedures, including long-range navigation system pre-flight data entry and periodic cross-checking of the system position display against the aircraft position,
 - (ii) the method of monitoring and cross-checking the long-range navigation system that is coupled to the auto-pilot,
 - (iii) the actions to be taken in the event of a discrepancy among long-range navigation systems, and the method of determining which is the most accurate or reliable system,
 - (iv) contingency procedures,
 - (v) the actions to be taken in the event of a failure of one or more long-range navigation systems,
 - (vi) the procedure for manually updating long-range navigation systems,
 - (vii) airborne emergency procedures, including realignment, if applicable,
 - (viii) the procedure for regaining track after a deliberate or accidental deviation from the cleared track, and
 - (ix) RNAV systems; and
 - (c) subject to subsections (2) and (4), the aircraft is equipped with at least two independent long-range navigation systems.
- (2) No person shall operate, in NAT-MNPS airspace, an aircraft operated by a private operator that is equipped with only one long-range navigation system, or that has only one functioning long-range navigation system, except on routes that are specified by the civil aviation authority of a contracting state as routes for aircraft equipped with only one long-range navigation system.
- (3) If the long-range navigation system referred to in subsection (2) is a GNSS receiver, it may be used if

- (a) a Canadian Technical Standard Order (CAN-TSO) design approval has been issued in respect of the GNSS receiver; or
- (b) the GNSS receiver meets the performance requirements of Technical Standard Order TSO-C196a, Airborne Supplemental Navigation Sensors for Global Positioning System Equipment Using Aircraft-Based Augmentation, published by the Federal Aviation Administration of the United States.
- (4) No person shall operate, in NAT-MNPS airspace, an aircraft operated by a private operator that is equipped only with short-range navigation equipment (VOR, DME, ADF), except on routes G3 or G11.

RVSM Requirements

604.56 No person shall file a flight plan indicating that an aircraft operated by a private operator can be operated in accordance with reduced vertical separation minima (RVSM) unless

- (a) the private operator is authorized under a special authorization to operate the aircraft in accordance with RVSM;
- (b) every flight crew member has received RVSM training, for which the validity period has not expired, in
 - (i) the floor, ceiling and horizontal boundaries of RVSM airspace,
 - (ii) rules on the exclusion of non-RVSM-compliant aircraft from the airspace,
 - (iii) the procedures to be followed by flight crew members with respect to
 - (A) pre-flight and in-flight altimeter checks,
 - (B) use of the automatic altitude control system,
 - (C) items on the minimum equipment list,
 - (D) in-flight contingencies,
 - (E) weather deviation procedures,
 - (F) track offset procedures for wake turbulence,
 - (G) inconsequential collision-avoidance systems alerts, and
 - (H) pilot level-off call,
 - (iv) procedures relating to non-RVSM-compliant aircraft required to carry out ferry flights, humanitarian flights or delivery flights, and
 - (v) the use of an Airborne Collision Avoidance System (ACAS) and a Traffic Alert and Collision Avoidance System (TCAS);
- (c) the aircraft meets the following eligibility requirements set out in Advisory Circular 91–85, entitled Authorization of Aircraft and Operators for Flight in Reduced Vertical Separation Minimum Airspace, published by the Federal Aviation Administration of the United States:
 - (i) in respect of aircraft performance, the requirements set out in paragraphs 8c(3), 8c(4), 8c(8), 8d and 10b(5)(d)6, and
 - (ii) in respect of aircraft equipment, the requirements set out in paragraphs 9a to 9d;
- (d) the private operator meets the aircraft continued airworthiness maintenance requirements set out in paragraphs 11d, 11e and 11g of the advisory circular referred to in paragraph (c); and
- (e) the aircraft is equipped with a navigation system that meets the requirements set out in paragraph 1.3.3, subparagraphs 1.3.4a) and b), and paragraph 1.3.5 of NAT Doc 007, entitled Guidance Concerning Air Navigation In and Above the North Atlantic MNPS Airspace, published by ICAO.

RNP 10 Requirements

604.57 No person shall file a flight plan indicating that an aircraft operated by a private operator can be operated in accordance with required navigation performance 10 (RNP 10) requirements unless

- (a) the private operator is authorized under a special authorization to operate the aircraft in accordance with RNP 10 requirements;
- (b) every flight crew member has received RNP 10 training, for which the validity period has not expired, in
 - (i) flight planning requirements,
 - (ii) navigation performance requirements,
 - (iii) enroute procedures, and
 - (iv) contingency procedures;
- (c) the aircraft meets one of the following eligibility requirements:
 - (i) the aircraft flight manual or the pilot operating handbook, or any equivalent document provided by the manufacturer of the avionics equipment or by the aircraft manufacturer, specifies that the aircraft can be operated in accordance with RNP 10 requirements,
 - (ii) the aircraft can be operated in accordance with another navigation standard with performance criteria that are equivalent to RNP 10 requirements, or
 - (iii) the private operator has demonstrated to the Minister, using one of the data collection methods set out in section 1.3.3.1.4.2 of Chapter 1 of Part B of Volume II of the PBN Manual, that the aircraft meets the navigational accuracy requirements for RNP 10;
- (d) the aircraft is equipped with the navigation equipment referred to in sections 1.3.4 and 1.3.6.1 of Chapter 1 of Part B of Volume II of the PBN Manual;
- (e) the equipment referred to in paragraph (d) meets the standards, criteria and performance requirements set out in sections 1.3.4.1, 1.3.4.2, 1.3.6.1 and 1.3.11 of Chapter 1 of Part B of Volume II of the PBN Manual; and
- (f) the private operator applies the processes, practices and procedures relating to the duties and practices set out in sections 1.3.7, 1.3.8 and 1.3.9.2 to 1.3.9.9 of Chapter 1 of Part B of Volume II of the PBN Manual.

RNP 4 Requirements

604.58 No person shall file a flight plan indicating that an aircraft operated by a private operator can be operated in accordance with required navigation performance 4 (RNP 4) requirements unless

- (a) the private operator is authorized under a special authorization to operate the aircraft in accordance with RNP 4 requirements;
- (b) every flight crew member has received the training referred to in paragraph 604.60(b), and the validity period for that training has not expired;
- (c) the aircraft meets one of the following eligibility requirements:
 - (i) the aircraft flight manual or the pilot operating handbook, or any equivalent document provided by the manufacturer of the avionics equipment or by the aircraft manufacturer, specifies that the aircraft can be operated in accordance with RNP 4 requirements,
 - (ii) the aircraft can be operated in accordance with another navigation standard with performance criteria that are equivalent to RNP 4 requirements, or

- (iii) the private operator has demonstrated to the Minister that the aircraft meets the navigational accuracy requirements for RNP 4;
- (d) the aircraft is equipped with the navigation equipment referred to in sections 1.3.3.1 and 1.3.3.2 of Chapter 1 of Part C of Volume II of the PBN Manual;
- (e) the equipment referred to in paragraph (d) meets the standards, criteria and functional requirements set out in sections 1.3.3.4 to 1.3.3.7 of Chapter 1 of Part C of Volume II of the PBN Manual; and
- (f) the private operator applies the processes, practices and procedures relating to the duties and practices set out in sections 1.3.4.2.1 to 1.3.4.4.4 and 1.3.6 of Chapter 1 of Part C of Volume II of the PBN Manual.

RNAV 5 Requirements

604.59 No person shall file a flight plan indicating that an aircraft operated by a private operator can be operated in accordance with area navigation 5 (RNAV 5) requirements unless

- (a) the private operator is authorized under a special authorization to operate the aircraft in accordance with RNAV 5 requirements;
- (b) every flight crew member has received the training referred to in paragraph 604.60(b) and the validity period for that training has not expired;
- (c) the aircraft meets one of the following eligibility requirements:
 - (i) the aircraft flight manual or the pilot operating handbook, or any equivalent document provided by the manufacturer of the avionics equipment or by the aircraft manufacturer, specifies that the aircraft can be operated in accordance with RNAV 5 requirements,
 - (ii) the aircraft can be operated in accordance with another navigation standard with performance criteria that are equivalent to RNAV 5 requirements, or
 - (iii) the private operator has demonstrated to the Minister that the aircraft meets the navigational accuracy requirements for RNAV 5;
- (d) the aircraft is equipped with at least one of the position sensors referred to in section 2.3.3 of Chapter 2 of Part B of Volume II of the PBN Manual;
- (e) the position sensors referred to in paragraph (d) meet the performance requirements, criteria and functional requirements set out in sections 2.3.3.1 to 2.3.3.3 of Chapter 2 of Part B of Volume II of the PBN Manual; and
- (f) the private operator applies the processes, practices and procedures relating to the duties and practices set out in section 2.3.4 of Chapter 2 of Part B of Volume II of the PBN Manual.

RNAV 1 and RNAV 2 Requirements

604.60 No person shall file a flight plan indicating that an aircraft operated by a private operator can be operated in accordance with area navigation 1 (RNAV 1) or area navigation 2 (RNAV 2) requirements unless

- (a) the private operator is authorized under a special authorization to operate the aircraft in accordance with RNAV 1 or RNAV 2 requirements;
- (b) every flight crew member has received RNAV 1 or RNAV 2 training, for which the validity period has not expired, in
 - (i) pre-flight procedures for initialization, loading and verification of the area navigation system,
 - (ii) the normal operation of the area navigation system,
 - (iii) the procedure for manually updating the position of the area navigation system,
 - (iv) the method of monitoring and cross-checking the area navigation system,

- (v) the operation of the area navigation system in a compass unreliability area,
 - (vi) malfunction procedures,
 - (vii) terminal area procedures,
 - (viii) waypoint symbology, plotting procedures and record-keeping duties and practices,
 - (ix) timekeeping procedures,
 - (x) post-flight performance checks,
 - (xi) flight planning,
 - (xii) navigation performance requirements,
 - (xiii) enroute procedures, and
 - (xiv) contingency procedures;
 - (c) the aircraft meets one of the following eligibility requirements:
 - (i) the aircraft can be operated in accordance with precision area navigation (P-RNAV) requirements based on GNSS capability under an authorization issued by the competent authority of a contracting state,
 - (ii) the aircraft can be operated in accordance with area navigation (RNAV) requirements based on DME/DME or DME/DME/IRU capability under an authorization issued by the Federal Aviation Administration of the United States, or
 - (iii) the aircraft flight manual or the pilot operating handbook, or any equivalent document provided by the manufacturer of the avionics equipment or by the aircraft manufacturer, specifies that the aircraft can be operated in accordance with RNAV 1 or RNAV 2 requirements;
 - (d) the aircraft is equipped with at least one of the pieces of equipment referred to in section 3.3.3 of Chapter 3 of Part B of Volume II of the PBN Manual;
 - (e) the equipment referred to in paragraph (d) meets the performance requirements, criteria and functional requirements set out in sections 3.3.3.1 to 3.3.3.2.1.1 and 3.3.3.2.1.3 to 3.3.3.3 of Chapter 3 of Part B of Volume II of the PBN Manual;
 - (f) every flight crew member has demonstrated to the Minister the ability to operate the aircraft in accordance with this section; and
 - (g) the private operator applies the processes, practices and procedures relating to the duties and practices set out in sections 3.3.3.2.1.2, 3.3.4.2 to 3.3.4.6 and 3.3.6 of Chapter 3 of Part B of Volume II of the PBN Manual.
- [604.61 to 604.73 reserved]

Other Activities Approved by the Minister

604.74 (1) The Minister shall establish requirements in respect of an activity that is not set out in sections 604.48 to 604.60 and in respect of which a special authorization may be issued if

- (a) the activity is subject to
 - (i) operational and technical requirements established by ICAO or by the civil aviation authority of a foreign state, or
 - (ii) a submission to the Minister, by a private operator, an air operator or a third party, that establishes operational and technical requirements and risk mitigation measures based on an analysis of aviation-safety-related hazards;
- (b) in the case referred to in subparagraph (a)(i), the operational and technical requirements are necessary for the conduct of flights abroad or in Canada by private operators, and those flights can be conducted in a safe manner; and

(c) in the case referred to in subparagraph (a)(ii), the operational and technical requirements and risk mitigation measures ensure the safety of the flights conducted by private operators and will not have an adverse effect on aviation safety.

(2) If the Minister establishes requirements in respect of an activity referred to in subsection (1), no person shall, in an aircraft operated by a private operator, carry out the activity unless

(a) the private operator is authorized to carry out the activity under a special authorization;

(b) every flight crew member has received, if applicable, the training specified by the Minister under subsection (3) in respect of the activity, and the validity period for that training has not expired; and

(c) every flight crew member has demonstrated to the Minister the ability to carry out the activity in accordance with the operational and technical requirements referred to in subparagraph (1)(a)(i) or (ii), as applicable, and to take the measures that are necessary to manage or mitigate the risks associated with that activity.

(3) The Minister shall specify training in respect of an activity referred to in subsection (1) taking into account

(a) any training that is recommended by the civil aviation authority of a foreign state or by ICAO in respect of the activity;

(b) the risks and hazards associated with the activity with respect to the safety of the aircraft, persons or property; and

(c) the level of safety required by the activity.

[604.75 to 604.80 reserved]

Division V — Flight Operations — Passengers

Flight Attendants

604.81 (1) Subject to subsections (2) and (3), no person shall conduct a take-off in an aircraft that is operated by a private operator and that has more than 12 passengers on board unless the crew includes one flight attendant for each unit of 40 passengers or for each portion of such a unit.

(2) A person may conduct a take-off in an aircraft that is operated by a private operator and that has more than 12 passengers and only one flight attendant on board if

(a) the aircraft is configured for 50 or fewer passenger seats;

(b) the aircraft is a transport category aircraft that has been certified under

(i) part 25, title 14, of the Code of Federal Regulations of the United States, in the version in effect on March 6, 1980 or after that date,

(ii) the European Joint Aviation Requirements — Large Aeroplanes (JAR-25), published by the Joint Aviation Authorities, in the version in effect on November 30, 1981 or after that date,

(iii) the Certification Specifications, Including Airworthiness Code and Acceptable Means of Compliance, for Large Aeroplanes (CS-25), published by the European Aviation Safety Agency, in the version in effect on October 17, 2003 or after that date, or

(iv) Chapter 525 of the Airworthiness Manual, in the version in effect on July 1, 1986 or after that date;

(c) all passengers and crew members can be evacuated from the aircraft to the ground within 90 seconds under simulated emergency conditions, with only one flight attendant on board, using the test criteria and procedures set out in Appendix J of Chapter 525 — Transport Category Aeroplanes of the Airworthiness Manual;

(d) the flight attendant occupies the flight attendant station located near the main exit; and

(e) the public address system and the interphone system that are located at the flight attendant station referred to in paragraph (d) are operative.

(3) A person may conduct a take-off in an aircraft that is operated by a private operator and that has 13 to 19 passengers and no flight attendant on board if

(a) the aircraft is operated by a pilot-in-command and a second-in-command;

(b) the passenger cabin is readily accessible from the flight deck; and

(c) the flight crew members are able to exercise supervision over the passengers during flight by visual and aural means.

Cabin Safety

604.82 (1) No person shall conduct a take-off in an aircraft that is operated by a private operator and that has passengers on board, move the aircraft on the surface or direct that the aircraft be moved unless

(a) safety belts are adjusted and fastened in accordance with paragraph 605.26(1)(a), infants are held in accordance with paragraph 605.26(1)(b), and persons using child restraint systems are secured in accordance with paragraph 605.26(1)(c);

(b) subject to subsection (5), seat backs are secured in the upright position;

(c) chair tables are stowed;

(d) carry-on baggage is stowed; and

(e) no seat located at an emergency exit is occupied by a passenger — including a passenger who has not been informed as to how that exit operates — whose presence in that seat could adversely affect the safety of passengers or crew members during an evacuation.

(2) No person shall conduct a landing in an aircraft operated by a private operator unless

(a) passengers have been directed to

(i) adjust and fasten their safety belts in accordance with paragraph 605.26(1)(a), hold infants in accordance with paragraph 605.26(1)(b), and secure persons using child restraint systems in accordance with paragraph 605.26(1)(c),

(ii) subject to subsection (5), secure their seat backs in the upright position,

(iii) stow their chair tables, and

(iv) stow their carry-on baggage; and

(b) if a seat located at an emergency exit is occupied by a passenger whose presence in that seat could adversely affect the safety of passengers or crew members during an evacuation, the passenger has been directed to move to another seat.

(3) The pilot-in-command of an aircraft operated by a private operator shall, in the event of an emergency and if time and circumstances permit,

(a) direct passengers to

- (i) adjust and fasten their safety belts in accordance with paragraph 605.26(1)(a), hold infants in accordance with paragraph 605.26(1)(b), and secure persons using child restraint systems in accordance with paragraph 605.26(1)(c),
- (ii) subject to subsection (5), secure their seat backs in the upright position,
- (iii) stow their chair tables,
- (iv) stow their carry-on baggage,
- (v) review the safety features card and assume the brace position until the aircraft stops moving, and
- (vi) in the event of an emergency over water, don their life preservers; and
- (b) if a seat located at an emergency exit is occupied by a passenger whose presence in that seat could adversely affect the safety of passengers or crew members during an evacuation, direct the passenger to move to another seat.
- (4) The pilot-in-command of an aircraft operated by a private operator shall, if the “fasten safety belt” sign is turned on during the flight, direct passengers to

- (a) adjust and fasten their safety belts in accordance with paragraph 605.26(1)(a), hold infants in accordance with paragraph 605.26(1)(b), and secure persons using child restraint systems in accordance with paragraph 605.26(1)(c); and
- (b) stow their carry-on baggage.
- (5) The seat of a passenger who is certified by a physician as unable to sit upright may remain in the reclining position during movement on the surface, take-off and landing if

- (a) the passenger is not seated in a location that would restrict the evacuation of the aircraft;
- (b) the passenger is not seated in a row that is next to or immediately in front of an emergency exit; and
- (c) the seat immediately behind the passenger’s seat is vacant.

Fuelling with Passengers on Board

604.83 (1) No person operating an aircraft operated by a private operator shall permit the fuelling of the aircraft while passengers are on board or are embarking or disembarking, unless

- (a) in order for persons on board the aircraft to be notified promptly of a situation that could threaten their safety, two-way communication is maintained between the ground personnel supervising the fuelling and a person on board the aircraft who has received training in emergency evacuation procedures for that aircraft type;
- (b) no ground power generator or other electrical ground power supply is being connected to or disconnected from the aircraft;
- (c) no combustion heater installed on the aircraft is being used;
- (d) every combustion heater used in the vicinity of the aircraft has a marking, applied by the manufacturer, indicating that the heater is manufactured to Canadian Standards Association (CSA) or Underwriters Laboratories of Canada (ULC) standards;
- (e) no high-energy-emitting equipment, including high-frequency radios and airborne weather radar, is being operated unless the aircraft flight manual contains procedures for its use during fuelling and those procedures are followed;
- (f) no aircraft battery is being removed or being installed;
- (g) no external battery charger is being operated or is being connected to or disconnected from an aircraft battery;

- (h) no auxiliary power unit having an efflux that discharges into the fuelling safety zone is started after filler caps are removed or fuelling connections are made;
 - (i) no auxiliary power unit that is stopped is restarted until the flow of fuel has ceased, unless the aircraft flight manual establishes procedures for restarting the unit during fuelling and those procedures are followed;
 - (j) no tool that is likely to produce a spark or electric arc is being used;
 - (k) no photographic equipment is being used within the fuelling safety zone;
 - (l) the fuelling is suspended if there is a lightning discharge within eight kilometres of the aerodrome;
 - (m) the fuelling is carried out in accordance with the aircraft manufacturer's instructions;
 - (n) the aircraft emergency lighting system, if any, is armed or on;
 - (o) "no smoking" signs, if any, on board the aircraft are illuminated;
 - (p) no passenger is smoking or otherwise producing a source of ignition;
 - (q) two exits, one of which is the door through which passengers embarked, are free of obstruction and are available for immediate use by passengers and crew members in the event of an evacuation;
 - (r) the escape route from each of the exits referred to in paragraph (q) is free of obstruction and is available for immediate use by passengers and crew members in the event of an evacuation;
 - (s) a person who is authorized by the private operator to suspend fuelling is on board the aircraft and is ready to direct the suspension of fuelling if a requirement of this subsection ceases to be met;
 - (t) a means of evacuation is in place at the door used for the embarkation or disembarkation of passengers, is free of obstruction and is available for immediate use by passengers and crew members;
 - (u) the person on board the aircraft who has received the training referred to in paragraph (a) is ready to initiate and oversee an evacuation and is at or near the door referred to in paragraph (v); and
 - (v) the embarkation door is open, unless
 - (i) a crew member determines that, for climatic reasons, it is desirable to close it,
 - (ii) a crew member is on board the aircraft, and
 - (iii) the door
 - (A) opens inward or can be fully opened to the exterior without the need to reposition the loading stairs or stand,
 - (B) is latched, if that is necessary in order to keep it closed, and
 - (C) is not locked.
- (2) The person who is authorized by the private operator to suspend fuelling shall direct the suspension of fuelling if a requirement of subsection (1) ceases to be met.
- (3) For the purposes of subsection (1), "fuelling safety zone" means an area that extends three metres (10 feet) radially from the filling and venting points on the aircraft and from the fuelling equipment.

Fuelling with Passengers on Board and an Engine Running

604.84 (1) Despite section 602.09, a person operating an aircraft operated by a private operator may permit the fuelling of the aircraft while an engine used for the propulsion of the aircraft is running and passengers are on board or are embarking or disembarking, if

- (a) the requirements set out in subsection 604.83(1) are met;
 - (b) the aircraft flight manual indicates that the engine that is running may be used as an auxiliary power unit; and
 - (c) the engine that is running has a propeller brake and that brake is set.
- (2) The person who is authorized by the private operator to suspend fuelling shall direct the suspension of fuelling if a requirement of subsection (1) ceases to be met.

Briefing of Passengers

604.85 (1) Despite section 602.89, no person shall conduct a take-off in an aircraft operated by a private operator unless passengers are given a safety briefing — orally by a crew member, or by audio or audiovisual means — that contains the following information:

- (a) when and where carry-on baggage is to be stowed;
 - (b) when and how to fasten, adjust and release safety belts and, if any, shoulder harnesses;
 - (c) when seat backs are to be secured in the upright position and chair tables are to be stowed;
 - (d) the location of emergency exits and, in the case of a passenger seated next to such an exit, how that exit operates;
 - (e) the requirement to comply with the instructions given by crew members and with the “fasten safety belt” and “no smoking” signs, and the location of those signs;
 - (f) the location and operation of the passenger oxygen system, if any, including
 - (i) the actions to be performed by a passenger in order to
 - (A) obtain a mask,
 - (B) activate the flow of oxygen, and
 - (C) don and secure the mask, and
 - (ii) the requirement for a passenger to don and secure the passenger’s own mask before assisting another passenger with his or her mask;
 - (g) the use of life preservers, including how to remove them from their packaging, how to don them and when to inflate them;
 - (h) when and where smoking is prohibited;
 - (i) the location of the emergency equipment required under sections 602.62, 602.63, 604.116 and 604.117, and how to access that equipment;
 - (j) the portable electronic devices that may be used, and when they may be used; and
 - (k) the location and purpose of the safety features card.
- (2) Despite subsection (1), a person may conduct a take-off in an aircraft operated by a private operator without a safety briefing being given to the passengers if

- (a) the flight is the second or subsequent flight in a series of flights;
 - (b) no additional passengers have embarked on board the aircraft; and
 - (c) a crew member has verified that
 - (i) carry-on baggage is stowed,
 - (ii) safety belts and, if any, shoulder harnesses are properly adjusted and securely fastened,
 - (iii) seat backs are secured in the upright position, and
 - (iv) chair tables are stowed.
- (3) Despite subsection (1), a person may conduct a take-off in an aircraft operated by a private operator without a safety briefing being given to the passengers if each passenger on board the

aircraft has, within the 12 months preceding the date of the take-off, received the information referred to in subsection (1) and training in the performance of the following actions:

- (a) fastening, adjusting and releasing safety belts and, if any, shoulder harnesses;
 - (b) operating each type of floor-level exit and window emergency exit;
 - (c) identifying the location of the passenger oxygen system, if any, and performing the actions necessary in order to
 - (i) obtain a mask,
 - (ii) activate the flow of oxygen, and
 - (iii) don and secure the mask;
 - (d) identifying the location of life preservers, if any, removing them from their packaging, donning them and inflating them; and
 - (e) identifying the location of the emergency equipment required by sections 602.62, 602.63, 604.116 and 604.117 and accessing that equipment.
- (4) A private operator shall record the name of every passenger who receives the training referred to in subsection (3) and the date on which the training is received. The private operator shall retain the record for two years after the day on which the most recent entry was made.

(5) If the safety briefing referred to in subsection (1) is insufficient for a passenger because of that passenger's physical, sensory or comprehension limitations or because the passenger is responsible for another person on board the aircraft, the passenger shall, subject to subsection (6), be given a safety briefing that consists of

- (a) communication of the elements of the safety briefing referred to in subsection (1) that
 - (i) the passenger is not able to receive either during that briefing or by referring to the safety features card, and
 - (ii) are necessary for the safety of the persons on board the aircraft;
- (b) communication of
 - (i) the most appropriate brace position for the passenger, given the passenger's condition, injury or stature and the orientation and pitch of his or her seat, and
 - (ii) where the passenger's service animal, if any, is to be located;
- (c) in the case of a mobility-impaired passenger who would require assistance in order to move to an exit in the event of an emergency, communication of
 - (i) the most appropriate exit for the passenger,
 - (ii) the assistance that the passenger would require to reach that exit,
 - (iii) the most appropriate means of providing that assistance,
 - (iv) the most appropriate route to that exit, and
 - (v) the most appropriate time to begin to move to that exit;
- (d) in the case of a visually impaired passenger,
 - (i) a tactile familiarization with
 - (A) the equipment that the passenger may be required to use in the event of an emergency, and
 - (B) if requested, the exits, and
 - (ii) communication of
 - (A) where the passenger's cane, if any, is to be stored,
 - (B) the number of rows of seats separating the passenger's seat from the closest exit and from the alternate exit, and

- (C) the features of those exits;
 - (e) in the case of a passenger who is responsible for another person on board the aircraft, communication of
 - (i) if the passenger is responsible for an infant,
 - (A) the requirement to fasten the passenger's safety belt and, if any, the passenger's shoulder harness and not to secure the infant in that safety belt or shoulder harness,
 - (B) how to hold the infant during take-off and landing,
 - (C) how to use the child restraint system, if any,
 - (D) how to place and secure the oxygen mask on the infant's face,
 - (E) the most appropriate brace position for the passenger, and
 - (F) the location of the infant's life preserver, how to remove it from its location and its packaging, how to assist the infant with donning it and when to inflate it, and
 - (ii) if the passenger is responsible for a person, other than an infant,
 - (A) how to assist that person with donning and securing his or her oxygen mask, and
 - (B) how to use that person's personal restraint system, if any, on board the aircraft; and
 - (f) in the case of an unaccompanied minor, communication of the need to pay close attention to the safety briefing.
- (6) A passenger may decline the safety briefing referred to in subsection (5).

(7) No person shall permit passengers to disembark from an aircraft operated by a private operator unless the passengers are given a safety briefing — orally by a crew member, or by audio or audiovisual means — that contains the following information:

- (a) the safest route for passengers to take in order to move away from the aircraft; and
- (b) the hazards, if any, associated with the aircraft, including the location of Pitot tubes, propellers, rotors and engine intakes.

Safety Features Card

604.86 (1) Subject to subsection (2), a private operator shall, before passengers on board an aircraft are given the safety briefing referred to in subsection 604.85(1), provide each passenger at his or her seat with a safety features card that shows the aircraft type and that contains safety information only in respect of the aircraft, including

- (a) in the case of an aircraft configured for 19 or fewer passenger seats,
 - (i) when and how to fasten, adjust and release safety belts and, if any, shoulder harnesses,
 - (ii) the passenger brace position
 - (A) for each type of seat and passenger restraint system, and
 - (B) for a passenger who is holding an infant, and
 - (iii) the location, operation and use of each emergency exit, including whether it is unusable in a ditching because of the aircraft configuration,
 - (iv) the location and operation of the passenger oxygen system, if any, including
 - (A) a description of the masks and their use,
 - (B) the actions to be performed by a passenger in order to
 - (I) obtain a mask,
 - (II) activate the flow of oxygen, and
 - (III) don and secure the mask, and

- (C) the requirement for a passenger to don and secure the passenger's own mask before assisting another passenger with his or her mask,
 - (v) the location of life preservers, how they are to be removed from their packaging, how they are to be donned by adults, by children aged two years or older and by infants, and when they are to be inflated,
 - (vi) when and where smoking is prohibited, and
 - (vii) the location, removal and use of flotation devices and, if any, life rafts; and
 - (b) in the case of an aircraft configured for more than 19 passenger seats,
 - (i) the information set out in subparagraphs (a)(i) to (vii),
 - (ii) when and where carry-on baggage is to be stowed,
 - (iii) the positioning of seats, securing of seat backs in the upright position and stowage of chair tables for take-off and landing,
 - (iv) the passenger brace position
 - (A) for each type of seat and passenger restraint system, and
 - (B) for a passenger who is holding an infant, and
 - (v) the form, function, colour and location of the floor proximity emergency escape path markings, if any,
 - (vi) the safest route for passengers to take in order to move away from the aircraft in the event of an emergency, and
 - (vii) the attitude of the aircraft while floating, as determined by the aircraft manufacturer.
- (2) If a flight attendant is not required on board an aircraft, the safety features card referred to in subsection (1) shall also contain the information on the location of the emergency equipment required under sections 604.116, 604.117 and 604.119 and how to access that equipment.

[604.87 to 604.97 reserved]

Division VI — Flight Time and Flight Duty Time

Flight Time Limits

604.98 (1) No private operator shall assign flight time to a flight crew member, and no flight crew member shall accept such an assignment, if the flight crew member's total flight time in all flights conducted under this Subpart, Part I V or Part VII would, as a result, exceed

- (a) 1,200 hours in a period of 12 consecutive months;
 - (b) 300 hours in a period of 90 consecutive days;
 - (c) 120 hours in a period of 30 consecutive days; or
 - (d) 8 hours in a period of 24 consecutive hours, if the assignment is for a single-pilot IFR flight.
- (2) If a flight crew's flight duty time is extended under section 604.101, each flight crew member accumulates, for the purposes of subsection (1), the total flight time for the flight or the total flight time for the series of flights, as the case may be.

Flight Duty Time Limits and Rest Periods

604.99 (1) Subject to sections 604.100 to 604.102, no private operator shall assign flight duty time to a flight crew member, and no flight crew member shall accept such an assignment, if the flight crew member's flight duty time would, as a result, exceed

- (a) 14 consecutive hours in a period of 24 consecutive hours; or

- (b) 15 consecutive hours in a period of 24 consecutive hours, if
 - (i) the flight crew member's total flight duty time in the previous 30 consecutive days does not exceed 70 hours, or
 - (ii) the rest period before the flight is at least 24 hours.
- (2) A private operator shall ensure that, prior to reporting for flight duty, a flight crew member is provided with the minimum rest period and with any additional rest period required by this Division.

(3) A flight crew member shall use the following periods to be adequately rested prior to reporting for flight duty:

- (a) the minimum rest period provided under subsection (2);
- (b) any additional rest period required by this Division; and
- (c) any period with no assigned duties provided under section 604.104.

Split Flight Duty Time

604.100 Flight duty time may be extended by one-half the length of the rest period, to a maximum of four hours, if

- (a) before a flight crew member reports for the first flight or reports as a flight crew member on standby, as the case may be, the private operator provides the flight crew member with notice of the extension of the flight duty time;
- (b) the private operator provides the flight crew member with a rest period of at least four consecutive hours in suitable accommodation; and
- (c) the flight crew member's next minimum rest period is increased by an amount of time at least equal to the length of the extension of the flight duty time.

Extension of Flight Duty Time

604.101 If a flight crew is augmented by at least one flight crew member, if there is a balanced distribution of flight deck duty time and rest periods among the flight crew members, and if the next minimum rest period is at least equal to the length of the preceding flight duty time, the flight crew's flight duty time may be extended

- (a) to 17 hours with a maximum flight deck duty time of 12 hours, if a flight relief facility — seat is provided; and
- (b) to 20 hours with a maximum flight deck duty time of 14 hours, if a flight relief facility — bunk is provided.

Unforeseen Operational Circumstances

604.102 (1) Flight duty time may be extended by up to three hours if

- (a) the pilot-in-command, after consultation with the other flight crew members, considers it safe to do so;
 - (b) the flight duty time is extended as a result of unforeseen operational circumstances;
 - (c) the next minimum rest period is increased by an amount of time that is at least equal to the length of the extension of the flight duty time; and
 - (d) the pilot-in-command notifies the private operator of the unforeseen operational circumstances and of the length of the extension of the flight duty time.
- (2) The private operator shall retain a copy of the notification for five years.

Delayed Reporting Time

604.103 When a private operator delays a flight crew member's reporting time by more than three hours, the flight crew member's flight duty time is considered to start three hours after the original reporting time if the private operator notifies the flight crew member of the delay

- (a) within 12 hours before the original reporting time; and
- (b) at least one hour before the flight crew member leaves a rest facility.

Time with no Assigned Duties

604.104 No private operator shall assign duties to a flight crew member, and no flight crew member shall accept those duties, unless the private operator provides the flight crew member with one of the following periods with no assigned duties:

- (a) at least 36 consecutive hours in a period of seven consecutive days; or
- (b) at least three consecutive calendar days in a period of 17 consecutive days.

Rest Period — Flight Crew Member Positioning

604.105 If a flight crew member is required by a private operator to travel for the purpose of positioning after the completion of flight duty time, the private operator shall provide the flight crew member with an additional rest period that is at least equal to one half of the time spent for that purpose that is in excess of the flight duty time referred to in paragraphs 604.99(1)(a) and (b).

Controlled Rest on the Flight Deck

604.106 (1) No private operator shall allow a flight crew member to take a controlled rest on the flight deck of an aircraft operated by the private operator unless

- (a) the private operator has a controlled-rest-on-the-flight-deck program that includes the following elements:
 - (i) guidelines on the use of controlled rest, including the factors allowing or preventing its use,
 - (ii) the general principles relating to fatigue and fatigue countermeasures, and
 - (iii) the procedures to be followed by participating crew members before, during and after a controlled rest;
 - (b) every participating crew member has received training relating to the elements of the controlled-rest-on-the-flight-deck program; and
 - (c) the private operator has assigned at least one flight attendant to be on board the aircraft.
- (2) The pilot-in-command of an aircraft operated by a private operator shall determine whether the flight conditions, the duration of the flight and the physiological condition of the crew members allow a controlled rest on the flight deck to be taken by a flight crew member.

(3) The pilot-in-command of an aircraft operated by a private operator shall give participating crew members a briefing that includes the following elements:

- (a) the order in which the periods of controlled rest are to be taken by the flight crew members;
- (b) the planned duration of each period of controlled rest;
- (c) the circumstances under which a resting flight crew member is to be woken;
- (d) the procedures for the transfer of flight controls and duties; and

(e) flight attendant duties in relation to a controlled rest.

(4) The flight crew members on board an aircraft operated by a private operator shall

(a) prior to each controlled rest on the flight deck,

(i) participate in an operational briefing,

(ii) carry out the transfer of duties, and

(iii) inform the flight attendants of the controlled rest; and

(b) remain on the flight deck during the controlled rest.

(5) The flight crew member who supervises a controlled rest on the flight deck of an aircraft operated by a private operator shall, during the controlled rest,

(a) perform the duties of the resting flight crew member;

(b) ensure that the controlled rest is taken only during the cruise portion of the flight and is completed at least 30 minutes before top of descent;

(c) ensure that the period of controlled rest is of no more than 45 minutes in duration;

(d) ensure that the resting flight crew member is awake for at least 15 minutes before the resumption of duties, except in abnormal or emergency conditions; and

(e) after the completion of the controlled rest, give an operational briefing to the flight crew member who has taken the controlled rest.

(6) For the purposes of this section, “participating crew member” means the resting flight crew member, the flight crew member who supervises the controlled rest on the flight deck, and at least one flight attendant.

[604.107 to 604.115 reserved]

Division VII — Emergency Equipment

Survival Equipment

604.116 (1) No person shall operate over land an aircraft operated by a private operator, other than an aircraft referred to in subsection 602.61(2), unless a survival manual is carried on board that contains information about how to survive on the ground and how to use the survival equipment that is carried on board to meet the requirements of subsection 602.61(1).

(2) No person shall operate over water an aircraft operated by a private operator unless a survival kit is carried on board that, in addition to meeting the requirement of paragraph 602.63(6)(c), contains

(a) a radar reflector;

(b) a life raft repair kit;

(c) a bailing bucket and a sponge;

(d) a whistle;

(e) a waterproof flashlight;

(f) a two-day supply of potable water — based on 500 millilitres per person per day and calculated using the overload capacity of the life raft — or a means of desalting or distilling salt water that can provide 500 millilitres of potable water per person per day;

(g) a waterproof survival manual that contains information about how to survive at sea;

(h) a first aid kit that contains antiseptic swabs, burn dressing compresses, bandages and motion sickness pills; and

(i) a pyrotechnic signalling device, or an aviation visual distress signal that has a marking, applied by the manufacturer, indicating that the signal meets the requirements of CAN-TSO-C168, a signalling mirror and a dye marker for visually signalling distress.

First Aid Kits

604.117 (1) Despite paragraph 602.60(1)(h), no person shall conduct a take-off in an aircraft operated by a private operator that is configured as follows unless the corresponding number of first aid kits is carried on board, and each kit contains the supplies and equipment set out in the Aviation Occupational Health and Safety Regulations:

- (a) on board an aircraft configured for 1 to 50 passenger seats, one kit;
 - (b) on board an aircraft configured for 51 to 150 passenger seats, two kits;
 - (c) on board an aircraft configured for 151 to 250 passenger seats, three kits; and
 - (d) on board an aircraft configured for 251 or more passenger seats, four kits.
- (2) No person shall conduct a take-off in an aircraft operated by a private operator unless

- (a) the first aid kits referred to in subsection (1) are distributed throughout the cabin and are readily available to crew members and passengers;
- (b) each first aid kit is clearly identified; and
- (c) if a first aid kit is stowed in a bin or compartment, the bin or compartment is clearly marked as containing a first aid kit.

Protective Breathing Equipment

604.118 (1) No person shall conduct a take-off in a pressurized aeroplane operated by a private operator that has flight attendants on board unless one unit of protective breathing equipment with a 15-minute portable supply of breathing gas at a pressure-altitude of 8,000 feet is available

- (a) at the entry into each Class A, B, E and F cargo compartment accessible to crew members during flight;
 - (b) at the site of each hand-held fire extinguisher that is located in an isolated galley;
 - (c) on the flight deck; and
 - (d) at the site of each hand-held fire extinguisher that is required under section 604.119.
- (2) If the breathing gas in the protective breathing equipment referred to in subsection (1) is oxygen, each unit of that equipment reduces by 15 minutes the crew member oxygen requirements specified in subsection 605.31(2).

Hand-held Fire Extinguishers

604.119 No person shall conduct a take-off in an aircraft operated by a private operator unless

- (a) hand-held fire extinguishers are available as follows:
 - (i) extinguishers are distributed, in every passenger compartment configured as follows, in the numbers indicated:
 - (A) in a passenger compartment configured for fewer than 20 passenger seats, one extinguisher,
 - (B) in a passenger compartment configured for 20 to 60 passenger seats, two extinguishers,
 - (C) in a passenger compartment configured for 61 to 200 passenger seats, three extinguishers,
- and

- (D) in a passenger compartment configured for 201 or more passenger seats, one additional extinguisher for each additional unit of 100 passenger seats,
 - (ii) one extinguisher is located at the entry into each Class E cargo compartment that is accessible to crew members during flight, and
 - (iii) one extinguisher is located in each isolated galley; and
 - (b) if a hand-held fire extinguisher is stowed in a bin or compartment, the bin or compartment is clearly marked as containing a fire extinguisher.
- [604.120 to 604.125 reserved]

Division VIII — Maintenance
Maintenance Manager

604.126 The maintenance manager is responsible and accountable for the maintenance control system.

Maintenance Control System

604.127 A private operator shall have, in respect of its aircraft, a maintenance control system that includes

- (a) procedures to ensure that only parts and materials that meet the requirements of Subpart 71 of Part V are used in the performance of maintenance or elementary work, including
 - (i) the details of part pooling arrangements, if any, that have been entered into by the private operator, and
 - (ii) procedures used for the inspection and storage of incoming parts and materials;
- (b) if the private operator authorizes, for the performance of elementary work, the use of methods, techniques, practices, parts, materials, tools, equipment or test apparatuses referred to in paragraph 571.02(1)(b) or (c), the source of those methods, techniques, practices, parts, materials, tools, equipment or test apparatuses and a general description of the elementary work;
- (c) procedures to ensure that the persons who perform maintenance, elementary work or servicing are authorized to do so under section 604.128;
- (d) procedures to ensure that an aircraft is not returned to service unless it is
 - (i) airworthy, and
 - (ii) equipped, configured and maintained for its intended use;
- (e) a description of the defect reporting and rectification procedures required by section 604.129;
- (f) the aircraft service information review procedures required by section 604.131;
- (g) procedures to ensure that the records referred to in section 604.132 are established and retained in accordance with that section;
- (h) procedures to ensure that the tasks required by a maintenance schedule or by an airworthiness directive are completed within the time limits set out in Subpart 5 of Part VI;
- (i) procedures to ensure that the particulars relating to aircraft empty weight and empty centre of gravity are entered in accordance with the requirements of Item 2 of Schedule I to Subpart 5 of Part VI;
- (j) a general description of the maintenance schedule required under paragraph 605.86(1)(a) and, in the case of a turbine-powered pressurized aeroplane or a large aeroplane, the approval number of the maintenance schedule approved under subsection 605.86(2); and

(k) details of the methods used to record the maintenance, elementary work or servicing performed, and to ensure that any defects are recorded in the technical records that are required to be kept under subsection 605.92(1).

Maintenance, Elementary Work and Servicing

604.128 (1) No private operator shall authorize a person to perform maintenance or elementary work on any of its aircraft unless

(a) the person

(i) has received the training referred to in subsection 604.182(1), and

(ii) in the case of elementary work, has performed that work at least once under the supervision of the holder of an aircraft maintenance engineer (AME) licence or the holder of an approved training organization certificate; or

(b) the person is authorized to do so under a written agreement that

(i) describes the maintenance or elementary work to be performed, including the specific tasks and activities and the conditions under which they are to be performed, and

(ii) provides that the private operator is responsible for ensuring that the maintenance or elementary work is performed.

(2) A private operator shall ensure that each person who performs servicing on any of its aircraft meets the training requirements set out in subsection 604.182(2).

(3) A private operator shall retain a copy of the written agreement referred to in paragraph (1)(b) for two years after the day on which the agreement comes into force.

Defect Reporting and Rectification

604.129 A private operator shall have procedures to ensure that

(a) aircraft defects are recorded in accordance with subsection 605.94(1);

(b) aircraft defects are rectified in accordance with the requirements of Subpart 71 of Part V;

(c) an aircraft defect that occurs three times within 15 flights is identified and is reported as a recurring defect to the flight crew and maintenance personnel in order to avoid the repetition of unsuccessful attempts at rectification;

(d) an aircraft defect, the rectification of which has been deferred, is scheduled for rectification; and

(e) the rectification of a recurring defect takes into account the methodology used in previous attempts at rectification.

Service Difficulty Reporting

604.130 A private operator shall report to the Minister, in accordance with Division IX of Subpart 21 of Part V, any service difficulty related to the aircraft that it operates under this Subpart.

Aircraft Service Information Review

604.131 A private operator shall have procedures to ensure that

(a) it is aware of the aircraft service information that the manufacturer produces in respect of the aeronautical products used by the private operator;

- (b) the aircraft service information is assessed, and the results of the assessment are signed and dated by the maintenance manager and retained for six years; and
- (c) the maintenance schedule or any other procedure is, if necessary, amended in response to the assessment.

Personnel Records

604.132 (1) A private operator shall have for its personnel a record that includes the following information:

- (a) the name of any person authorized under section 571.11 to sign a maintenance release under section 571.10; and
 - (b) the name of any person who has performed elementary work in accordance with subparagraph 604.128(1)(a)(ii).
- (2) The private operator shall retain the record for two years after the day on which it was last updated.

[604.133 to 604.138 reserved]

Division IX — Personnel Requirements

Validity Periods

604.139 (1) Subject to subsections (2) and (3), for the purposes of this Division and Division IV, the validity period of any training — other than the training referred to in section 604.148 — any competency check or any pilot proficiency check expires on

- (a) in the case of training in the performance of the emergency procedures referred to in subsection 604.169(2) and in subparagraphs 604.179(z)(viii) and (ix), and the high altitude indoctrination training referred to in section 604.176, the first day of the thirty-seventh month after the month in which the training was completed;
 - (b) in the case of all other training, the first day of the thirteenth month after the month in which the training was completed; and
 - (c) in the case of a competency check or pilot proficiency check, the first day of the twenty-fifth month after the month in which the competency check or pilot proficiency check was successfully completed.
- (2) If any training, competency check or pilot proficiency check is renewed within the last 90 days of its validity period, its validity period is extended by

- (a) 36 months, in the case of training in the performance of the emergency procedures referred to in subsection 604.169(2) and in subparagraphs 604.179(z)(viii) and (ix), and the high altitude indoctrination training referred to in section 604.176;
 - (b) 12 months, in the case of all other training; and
 - (c) 24 months, in the case of a competency check or pilot proficiency check.
- (3) The Minister shall extend the validity period of any training, competency check or pilot proficiency check for a period of not more than 60 days beginning on the day after the day on which the validity period expires, if

- (a) the application for extension is made during the validity period; and

(b) the applicant demonstrates that there has been no reasonable opportunity to renew the training, competency check or pilot proficiency check within the 90 days before the day on which the training, competency check or pilot proficiency check would otherwise expire.

Equivalencies

604.140 (1) A person who will act as a crew member for a private operator, and who has received crew member training under the ground and flight training program of an air operator or under the training program of another private operator, may use that training to meet an equivalent training requirement set out in this Subpart if

- (a) the training received by the person is in respect of the aircraft type that the person will operate and the private operator's area of operation;
- (b) the validity period, if any, of that training has not expired; and
- (c) the private operator provides the person with training in
 - (i) the processes, practices and procedures set out in the private operator's operations manual, and
 - (ii) the private operator's emergency procedures for the aircraft in respect of which the person will be assigned duties.

(2) A person who will act as a flight crew member for a private operator, and who has successfully completed a pilot proficiency check with an air operator or a competency check with another private operator, meets the requirements of paragraph 604.143(1)(e) if

- (a) the pilot proficiency check or competency check was conducted using an aircraft of the same type that the person will operate;
- (b) the validity period of the pilot proficiency check or competency check has not expired; and
- (c) the private operator provides the person with training in respect of
 - (i) the processes, practices and procedures set out in the private operator's operations manual,
 - (ii) any differences between the equipment that is installed on the aircraft operated by the private operator and the equipment that is installed on the aircraft operated by the air operator or the other private operator, and
 - (iii) any differences between the private operator's operational procedures and those of the air operator or the other private operator.

Operations Manager Qualifications and Responsibilities

604.141 (1) No private operator shall permit a person to act — and no person shall act — as the operations manager unless

- (a) the person
 - (i) holds, or has held, the licence and ratings required by Part I V to act as a pilot-in-command on an aircraft operated by the private operator, or
 - (ii) has acquired at least three years of supervisory experience with a private operator or air operator whose operations and activities are of a size, nature and complexity that correspond to the size, nature and complexity of the operations and activities of the private operator; and
- (b) the person has demonstrated to the private operator knowledge of
 - (i) the content of the private operator's operations manual, and
 - (ii) the provisions of this Subpart and of any other applicable laws, regulations or standards that ensure the safety of the private operator's operations or affect the person's responsibilities.

(2) The operations manager is responsible for the operational control of the private operator's operations and shall

- (a) coordinate the activities that affect operational control, including activities relating to
 - (i) maintenance,
 - (ii) crew members' schedules,
 - (iii) load control, and
 - (iv) aircraft operation schedules;
- (b) implement the private operator's policies and procedures to ensure that the private operator's operations meet the requirements of this Subpart;
- (c) if the operations manager receives aeronautical information that indicates a risk to the safety of a flight, ensure that corrective actions are taken to manage or mitigate the risk;
- (d) ensure the dissemination of aircraft safety information to the private operator's personnel; and
- (e) implement the emergency response procedures referred to in paragraph 604.203(1)(e).

Chief Pilot Qualifications, Training and Responsibilities

604.142 (1) No private operator shall permit a person to act — and no person shall act — as a chief pilot unless

- (a) the person meets the requirements of paragraphs 604.143(1)(a), (b), (d) and (e) for acting as pilot-in-command on an aircraft operated by the private operator; and
 - (b) the person has demonstrated to the private operator knowledge of
 - (i) the content of the private operator's operations manual, and
 - (ii) the provisions of this Subpart and of any other applicable laws, regulations or standards that ensure the safety of the private operator's operations or affect the person's responsibilities.
- (2) The chief pilot is responsible for the flight crew members involved in the private operator's operations and shall

- (a) develop standard operating procedures in respect of aircraft operated by the private operator;
- (b) verify whether the aerodromes and routes for aircraft used by the private operator are suitable for aircraft operated by the private operator;
- (c) ensure that the operational requirements of the aerodromes and routes used by the private operator are met; and
- (d) process any flight crew member reports and take any necessary follow-up action.

Flight Crew Member Qualifications and Training

604.143 (1) No private operator shall permit a person to act — and no person shall act — as a pilot-in-command or second-in-command unless

- (a) the person holds the licence, ratings and medical certificate required by Part I V;
- (b) in the case of a pilot-in-command,
 - (i) the person has received, in respect of the aircraft type that the person will operate, the training set out in subsections 604.169(1) and 604.170(1) and, if applicable, the training set out in subsection 604.169(3) and sections 604.177 and 604.178, or equivalent training that meets the requirements of subsection 604.140(1), as the case may be, and
 - (ii) the validity period of the training has not expired;
- (c) in the case of a second-in-command,

(i) the person has received, in respect of the aircraft type that the person will operate, the training set out in subsections 604.169(1) and 604.170(1) and, if applicable, the training set out in subsection 604.169(3) and section 604.177, or equivalent training that meets the requirements of subsection 604.140(1), as the case may be, and

(ii) the validity period of the training has not expired;

(d) the person has received, in respect of the aircraft type that the person will operate, training in the performance of the emergency procedures referred to in subsection 604.169(2) or equivalent training that meets the requirements of subsection 604.140(1), and the validity period of the training has not expired;

(e) the person has successfully completed, in respect of the aircraft type that the person will operate, a competency check that meets the requirements of this section or a competency check or pilot proficiency check that meets the requirements of subsection 604.140(2), and the validity period of the competency check or pilot proficiency check has not expired; and

(f) if the person is required to operate an aircraft above 13,000 feet ASL, the person has received the training set out in section 604.176 or equivalent training that meets the requirements of subsection 604.140(1).

(2) A person who undergoes a competency check referred to in paragraph (1)(e)

(a) shall have completed, within 30 days before the day on which the competency check is conducted, the training set out in subsection 604.170(1) or equivalent training that meets the requirements of subsection 604.140(1);

(b) shall have been recommended for the competency check by an instructor who provided the person with the training or equivalent training referred to in paragraph (a); and

(c) shall meet the following requirements:

(i) the person holds the licence required by Part I V in respect of the aircraft that will be used for the competency check,

(ii) the person holds a type rating required by Part I V in respect of the aircraft that will be used for the competency check, or meets the knowledge and experience requirements set out in paragraph 421.40(3)(a) of Standard 421 — Flight Crew Permits, Licences and Ratings, and the knowledge requirement was met within 24 months before the day on which the competency check is conducted, and

(iii) the person holds an instrument rating required by Part I V in respect of the aircraft that will be used for the competency check, or meets the knowledge and experience requirements set out in subsection 421.46(2) of Standard 421 — Flight Crew Permits, Licences and Ratings, and the knowledge requirement was met within 24 months before the day on which the competency check is conducted.

(3) The competency check referred to in paragraph (1)(e)

(a) shall be based on the processes, practices and procedures set out in the private operator's operations manual;

(b) shall consist of the exercises set out in chapters 2 or 3, as the case may be, of the standard entitled Flight Test Guide — Competency Check (Private Operators), published by the Minister;

(c) shall assess the exercises referred to in paragraph (b) in accordance with the marking scale set out in section 1.3 of that standard;

(d) shall assess the competency as satisfactory or unsatisfactory in accordance with sections 1.5 and 1.6 of that standard; and

(e) shall be subject to the retest procedures referred to in section 1.7 of that standard.

(4) Subject to subsection (5), the competency check referred to in paragraph (1)(e) shall be conducted by a person who

(a) holds the licence and ratings required by Part I V to act as pilot-in-command of the aircraft used for the competency check;

(b) holds an instrument rating required by Part I V in respect of the aircraft used for the competency check;

(c) meets one of the following requirements:

(i) is a pilot examiner authorized by the Minister to conduct instrument rating flight tests under Part I V,

(ii) is an approved check pilot authorized by the Minister to conduct a pilot proficiency check under Part VII in respect of the aircraft type used for the competency check, or

(iii) holds an authorization issued by the competent authority of a contracting state to conduct flight tests that are equivalent to competency checks, in which case the person shall have demonstrated to the private operator knowledge of the standard referred to in paragraph (3)(b); and

(d) is not the instructor who made the recommendation referred to in paragraph 2(b) in respect of the person undergoing the competency check.

(5) The competency check referred to in paragraph (1)(e) may be conducted by a person who is not referred to in paragraph 4(c) if the person

(a) has been assigned to conduct the competency check by the private operator;

(b) meets the requirements set out in paragraphs (4)(a) and (b);

(c) does not have a record of conviction for

(i) an offence under section 7.3 of the Act, or

(ii) two or more offences under these Regulations not arising from a single occurrence;

(d) is at least 21 years old;

(e) has at least 3,000 hours of flight time in an aircraft of the same category as the aircraft that will be used for the competency check, including

(i) at least 2,000 hours as pilot-in-command,

(ii) at least 500 hours in a multi-engine aircraft, and

(iii) at least 500 hours of instrument time, including at least 100 hours as pilot-in-command; and

(f) has successfully completed, within 24 months before the day on which the person conducts the competency check, training provided by a pilot examiner or by an approved check pilot that includes the following elements:

(i) the responsibilities of a person conducting a competency check,

(ii) evaluation principles,

(iii) the conduct of a competency check,

(iv) the content of the standard referred to in paragraph (3)(b), and

(v) the record-keeping requirements set out in section 604.150.

Instructor Qualifications and Training

604.144 (1) No private operator shall permit a person to act — and no person shall act — as a flight instructor or a flight simulator instructor unless

(a) the person holds, in respect of the aircraft type used for the training, the licence and ratings required by Part I V or, in the case of an instructor licensed by a contracting state, a licence and ratings equivalent to those issued under Part I V;

(b) if the private operator is authorized under a special authorization to operate an aircraft in IFR flight, the person holds a valid instrument rating in respect of the aircraft type used for the training;

(c) the person has received, in respect of the aircraft type used for the training, training that includes the elements set out in subsection 604.170(1), and the validity period of the training has not expired; and

(d) the person has demonstrated to the private operator knowledge of

(i) the content of the private operator's operations manual, and

(ii) the provisions of this Subpart that relate to the training of flight crew members.

(2) No private operator shall permit a person to act — and no person shall act — as a ground instructor unless the person has received, before the day on which the person begins to act as ground instructor, training that includes the following elements:

(a) the teaching and learning processes;

(b) instructional techniques; and

(c) the student-instructor relationship.

Flight Attendant Training

604.145 No private operator shall permit a person to act — and no person shall act — as a flight attendant unless

(a) the person has received the training set out in section 604.179 or equivalent training that meets the requirements of subsection 604.140(1), and the validity period of the training has not expired; and

(b) if the person has no prior flight attendant experience, the person has demonstrated to the private operator knowledge of

(i) the provisions of these Regulations and of standards that affect the responsibilities of a flight attendant,

(ii) aeronautical terminology,

(iii) the physiological effects of flight, and

(iv) the theory of flight.

Flight Dispatcher and Flight Follower Training

604.146 (1) No private operator shall permit a person to act — and no person shall act — as a flight dispatcher unless the person

(a) holds a flight dispatcher certificate; and

(b) has received the training set out in subsection 604.180(1) and the validity period of the training has not expired.

(2) No private operator shall permit a person to act — and no person shall act — as a flight follower unless the person has received the training set out in subsection 604.180(2) and the validity period of the training has not expired.

Ground and Airborne Icing Operations Training

604.147 No private operator shall permit a person to perform — and no person shall perform — duties relating to ground and airborne icing operations unless the person has received the training set out in section 604.181 and the validity period of the training has not expired.

Transportation of Dangerous Goods Training

604.148 No private operator shall permit a person to handle dangerous goods, to offer them for transport within the meaning of section 1.4 of the Transportation of Dangerous Goods Regulations, or to transport them — and no person shall handle such goods, offer them for transport within the meaning of that section, or transport them — unless the person has received the training set out in section 6.2 of those Regulations.

Safety Management System Training

604.149 A private operator shall ensure that the operations manager, the maintenance manager and all other personnel receive the training set out in section 604.183.

Training and Qualifications Records

604.150 (1) A private operator shall have for its personnel a training and qualifications record that includes the following information:

- (a) each person's name;
- (b) the dates on which the person received training and the name of the instructor who provided the training;
- (c) in the case of the operations manager, information on how the operations manager has demonstrated to the private operator knowledge of the elements referred to in paragraph 604.141(1)(b) and the date of that demonstration;
- (d) in the case of the chief pilot, information on how the chief pilot has demonstrated to the private operator knowledge of the elements referred to in paragraph 604.142(1)(b) and the date of that demonstration;
- (e) in the case of a flight instructor, information on how the flight instructor has demonstrated to the private operator knowledge of the elements referred to in paragraph 604.144(1)(d) and the date of that demonstration;
- (f) in the case of a flight crew member,
 - (i) the flight crew member licence number, the category and expiry date of the flight crew member's medical certificate, a list of the flight crew member's ratings and, if applicable, the expiry date of those ratings,
 - (ii) in respect of the training referred to in subsection 604.170(1) and sections 604.177 and 604.178, information indicating whether the training was completed using an aircraft or a flight simulation training device, and
 - (iii) in respect of the competency check referred to in paragraph 604.143(1)(e),
 - (A) the name of the person who conducted the competency check and the date on which it was conducted,
 - (B) the name of the instructor who made the recommendation referred to in paragraph 604.143(2)(b) and the date on which it was made,
 - (C) the date of each attempt by the flight crew member to complete a competency check and the result of each attempt,

(D) information indicating whether the competency check was conducted using an aircraft or a flight simulation training device, and
(E) in the case of a competency check conducted by the person referred to in subparagraph 604.143(4)(c)(iii), information indicating how the person has demonstrated to the private operator knowledge of the standard referred to in that subparagraph and the date of that demonstration,
(iv) in respect of a pilot proficiency check conducted under Part VII, the name of the air operator for which the check was conducted and the date on which the check was conducted, and
(v) the dates on which the flight crew member demonstrated the ability to operate an aircraft in accordance with paragraphs 604.50(c), 604.51(f), 604.60(f) and 604.74(2)(c); and
(g) in the case of an aircraft maintenance engineer (AME), the aircraft maintenance engineer licence number.
(2) A private operator shall have, for each person who receives the training referred to in section 604.148, a record of the training that meets the requirements of section 6.6 of the Transportation of Dangerous Goods Regulations.

(3) If the training referred to in Divisions IV or X includes a written examination, the private operator shall retain a master copy of each examination.

(4) The private operator shall

(a) retain the records referred to in subsections (1) and (2) for two years after the day on which the records were last updated; and
(b) retain the written examination referred to in subsection (3) for two years after the day on which the examination was given.
[604.151 to 604.165 reserved]

Division X — Training Program

Training Program

604.166 (1) Subject to subsection (2), a private operator shall have a training program that covers the subject matter set out in Division IV and in this Division, and the competency check referred to in paragraph 604.143(1)(e), and that takes into account

(a) the aircraft types operated by the private operator; and
(b) the private operator's area of operation.

(2) A private operator who is also an air operator shall have a training program that covers the subject matter set out in this Division and that takes into account

(a) the aircraft types operated by the private operator that are not specified in the air operator certificate; and
(b) the differences, if any, between the areas in which operations are conducted.

Acquiring and Maintaining Competency

604.167 A private operator shall design its training program so that a person who receives training required under this Subpart

(a) will, if the person is receiving the training for the first time, acquire the competency necessary to perform his or her duties; and
(b) will, if the person is receiving subsequent training, maintain the competency referred to in paragraph (a) and acquire any new competency necessary to perform his or her duties.
Training Program Content and Training Facilities
604.168 A private operator shall ensure that any training provided to meet the requirements of this Subpart is

(a) based on the content of the private operator's training program; and
(b) provided in facilities that are equipped with the appropriate furnishings, audiovisual equipment and training aids.

Flight Crew Members — Ground Instruction

604.169 (1) The ground instruction component of the training program for flight crew members shall include the following elements:

(a) the content of the private operator's operations manual;
(b) the aircraft systems operation and limitations specified in the aircraft flight manual and, if the private operator has established an aircraft operating manual and standard operating procedures, those specified in that manual and in those procedures;
(c) the operation of the aircraft equipment;
(d) the differences, if any, between the equipment, operation and layout of aircraft of the same type;
(e) the standard operating procedures, if any were established by the private operator;
(f) the aircraft performance and limitations;
(g) weight and balance control procedures;
(h) aircraft servicing and ground handling;
(i) the location and operation of emergency equipment;
(j) the actions to be taken in the event of aircraft fire on the ground or in the air;
(k) the actions to be taken in the event of a security-related event;
(l) procedures to avoid Controlled Flight into Terrain (CFIT);
(m) if the flight crew members will be assigned to medical evacuation flights (MEDEVAC), emergency procedures specific to medical evacuations, including the evacuation of patients from aircraft; and
(n) the private operator's operational control system.

(2) The ground instruction component of the training program for flight crew members shall include training in the performance of the following emergency procedures:

(a) the use of fire extinguishers;
(b) the operation and use of emergency exits;
(c) passenger preparation for an emergency landing or ditching;
(d) emergency evacuation procedures;
(e) if the flight crew members will be assigned to aircraft equipped with life preservers, the donning and inflation of life preservers;
(f) if the flight crew members will be assigned to aircraft equipped with life rafts, the removal of life rafts from the stowage compartment, and the deployment, inflation and boarding of life rafts;
and

(g) procedures for dealing with pilot incapacitation.

(3) If a private operator operates a turbo-jet-powered aeroplane, the ground instruction component of the training program for flight crew members who will operate that aeroplane shall include the following elements:

(a) the low-energy landing regime for that type of aeroplane;

(b) the performance and handling characteristics of the aeroplane and engine in the low-energy regime; and

(c) balked landing procedures for the aeroplane.

Flight Crew Members — Aircraft Operation Training

604.170 (1) The aircraft operation component of the training program for flight crew members shall include procedures for the normal, abnormal and emergency operation of an aircraft and its systems and components, including the following elements:

(a) aircraft performance during take-off, climb, cruise, holding, descent, landing and diversion;

(b) calculations of the aircraft's take-off and landing distances and speeds, and the aircraft's fuel consumption, weight and centre of gravity;

(c) the flight characteristics of the aircraft, including any abnormal characteristics that are applicable to the aircraft, such as dutch roll, buffet boundary onset and aircraft upset;

(d) the effects of airframe and engine icing and the use of de-icing and anti-icing equipment;

(e) flight planning and instrument flight procedures, including

(i) departure, enroute, holding, arrival and diversion procedures,

(ii) precision, non-precision and missed approaches in minimum visibility conditions, with the flight director in automatic mode and in degraded states of operation, and

(iii) circling approaches, if applicable;

(f) pre-flight checks of the interior and exterior of the aircraft;

(g) the use of aircraft checklists;

(h) aircraft manoeuvres on the ground;

(i) normal, crosswind, noise abatement and maximum performance take-offs and landings;

(j) take-offs and landings on contaminated runways;

(k) rejected take-offs and landings;

(l) steep turns;

(m) approach to a stall and recovery from a stall;

(n) the operation of the Flight Management Computer System (FMCS), Ground Proximity Warning System (GPWS), Terrain Awareness and Warning System (TAWS), Traffic Alert and Collision Avoidance System (TCAS), Airborne Collision Avoidance System (ACAS) and any other specialized equipment installed in the private operator's aircraft;

(o) the execution in VMC of one collision avoidance manoeuvre in response to a GPWS or a TAWS warning, if the aircraft is equipped with a GPWS or a TAWS;

(p) the operation of navigation and communication equipment;

(q) the actions to be taken in the event of hydraulic, electrical and other system failures;

(r) the actions to be taken in the event of loss of pressurization and emergency descent, in the case of a pressurized aeroplane;

(s) the actions to be taken in the event of flight control failures and, in the case of an aircraft with split control capability, briefings on degraded states of operation while in flight and during take-off and landing;

- (t) the actions to be taken in the event of aircraft fire on the ground or in the air;
- (u) the actions to be taken in the event of engine fire and engine failure while in flight;
- (v) the recognition of and recovery from turbulence and windshear during an approach, landing and take-off;
- (w) in the case of a three-engine or four-engine aircraft, take-off, landing and flight with the critical engine inoperative or with two other engines inoperative, including driftdown and engine-inoperative performance capabilities;
- (x) the actions to be taken in the event of an emergency evacuation of passengers and crew;
- (y) the actions to be taken in the event of pilot incapacitation while in flight and during take-off and landing;
- (z) crew resource management; and
- (z.1) if the private operator provides the training using a flight simulator, the performance of one balked landing initiated in the low-energy regime using the same simulator.
- (2) When the training referred to in subsection (1) is provided on board an aircraft in flight, the private operator shall have procedures to ensure that situations are simulated or presented, and actions are simulated or performed, so as to not adversely affect the safety of the aircraft, its occupants or any other person.

Flight Crew Members — Level B, C or D Flight Simulator

604.171 Subject to sections 604.172 to 604.174, a private operator may provide the training referred to in subsection 604.170(1) and sections 604.177 and 604.178 to a flight crew member either on board an aircraft or using a level B, C or D flight simulator. However, if the private operator provides the training using a level B flight simulator, the private operator shall provide training in respect of the following activities on board an aircraft:

- (a) pre-flight checks of the interior and exterior of the aircraft;
- (b) aircraft manoeuvres on the ground;
- (c) normal take-offs and landings;
- (d) crosswind take-offs and landings;
- (e) a visual circuit, if the flight is conducted in VMC;
- (f) approaches and landings with an engine simulated inoperative;
- (g) simulated engine failure procedures during a take-off and a missed approach;
- (h) approaches and landings without electronic glide slope indication;
- (i) a circling approach, if applicable; and
- (j) any other approach for which a level B flight simulator lacks the capability.

Flight Crew Members — Level C or D Flight Simulator

604.172 A private operator may provide the training referred to in subsection 604.170(1) and sections 604.177 and 604.178 to a flight crew member using only a level C or D flight simulator if

- (a) the flight crew member has acquired flight time on an aircraft certificated in the same category, and with engines using the same principle of propulsion, as the aircraft on which the flight crew member is to be trained; and
- (b) the private operator provides to the flight crew member, using the same flight simulator, at least four hours of training in respect of the following activities under variable visual meteorological conditions of dusk and night, or day and night:

- (i) aircraft manoeuvres on the ground,
- (ii) normal take-offs and landings and crosswind take-offs and landings, up to 100% of the crosswind component specified by the aircraft manufacturer,
- (iii) encounters with moderate to severe in-flight icing conditions,
- (iv) simulated line flights that include at least one sector in which the flight crew member acts as pilot flying and at least one sector in which the flight crew member acts as pilot not flying or pilot monitoring,
- (v) visual circuits and landings with variable wind, runway illusion and runway surface conditions,
- (vi) approaches and landings with an engine simulated inoperative,
- (vii) approaches and landings without electronic glide slope indication,
- (viii) approaches and landings with flight control failures and abnormalities, if applicable, and
- (ix) engine failure procedures during a take-off and a missed approach.

Flight Crew Members — Level D Flight Simulator

604.173 A private operator may provide the training referred to in subsection 604.170(1) and sections 604.177 and 604.178 to a flight crew member using only a level D flight simulator if

- (a) the flight crew member has at least 1,000 hours of flight time as a flight crew member;
- (b) the flight crew member holds an individual type rating for an aircraft that requires a minimum flight crew of two pilots; and
- (c) the private operator provides the training referred to in paragraph 604.172(b) to the flight crew member using that simulator.

Flight Crew Members — Turbo-jet-powered Aeroplane or Transport Category Aircraft — Level C or D Flight Simulator

604.174 A private operator who operates a turbo-jet-powered aeroplane or transport category aircraft shall provide the training referred to in subsection 604.170(1) and sections 604.177 and 604.178 to a flight crew member using a level C or D flight simulator if a level C or D flight simulator is used for that aircraft type in Canada, the United States or Mexico.

Flight Crew Members — Compatibility of Flight Simulators

604.175 A flight simulator that differs from the private operator's aircraft with respect to installed equipment, systems, cockpit configuration, engine type or performance may be used for the training referred to in subsection 604.170(1) and sections 604.177 and 604.178 if

- (a) the flight simulator has performance and handling characteristics equivalent to those of the private operator's aircraft; and
- (b) the private operator's training program takes into account the differences between the flight simulator and the aircraft.

Flight Crew Members — High Altitude Indoctrination Training

604.176 The component of the training program for flight crew members who will operate an aircraft above 13,000 feet ASL shall include the following elements:

- (a) physiological phenomena in a low pressure environment, including
 - (i) the effects on respiration,
 - (ii) the symptoms and effects of hypoxia,
 - (iii) the duration of consciousness at various altitudes without supplemental oxygen, and

- (iv) the effects of gas expansion and gas bubble formation; and
- (b) the factors associated with rapid or explosive loss of pressurization, including
 - (i) the most likely causes of the loss of pressurization,
 - (ii) the increased level of noise, the change in cabin temperature and cabin fogging,
 - (iii) the effects on objects located near a point of fuselage failure, and
 - (iv) the actions to be taken by flight crew members immediately after the loss of pressurization and the aircraft attitude likely to result from those actions.

Flight Crew Members — One-engine Inoperative Ferry Flights

604.177 The component of the training program for flight crew members who will operate an aircraft during a one-engine inoperative ferry flight under a flight permit issued under section 507.04 shall include training in the operational procedures and limits specified in the aircraft flight manual.

Flight Crew Members — Upgrade to Pilot-in-Command

604.178 The component of the training program for flight crew members who have served as second-in-command and who are to be upgraded to pilot-in-command shall include the following elements:

- (a) the elements of the training referred to in subsection 604.170(1) that are related to the duties of a pilot-in-command;
- (b) training on the responsibilities of a pilot-in-command in relation to the use and operation of an aircraft;
- (c) in the case of a flight crew member who will conduct an operation under a special authorization, the training required to conduct that operation as pilot-in-command; and
- (d) crew resource management.

Flight Attendants

604.179 The component of the training program for flight attendants shall include the following elements:

- (a) the roles and responsibilities of the private operator and crew members;
- (b) the coordination of crew member duties and crew resource management;
- (c) aircraft communications systems and communication procedures in normal, abnormal and emergency conditions;
- (d) the content of the briefings given to passengers and crew members;
- (e) cabin and passenger safety checks;
- (f) aircraft surface contamination procedures;
- (g) procedures relating to passengers requiring special treatment;
- (h) requirements and procedures relating to seats and restraint systems for passengers and crew members;
- (i) procedures for accepting and stowing carry-on baggage, and any applicable restrictions;
- (j) policies and procedures relating to the use of portable electronic devices;
- (k) procedures for fuelling with passengers on board;
- (l) procedures relating to passenger service when the aircraft is on the ground;
- (m) safety procedures relating to take-offs, landings and aircraft movements on the surface;
- (n) safety procedures relating to the embarkation and disembarkation of passengers and their movement on the apron;

- (o) procedures relating to passenger and crew member safety during periods of in-flight turbulence;
- (p) procedures for entering the flight deck and for serving beverages and meals to flight crew members;
- (q) procedures for dealing with the incapacitation of a crew member;
- (r) the location and operation of, and any safety instructions relating to, the various types of cabin exits and the flight deck escape routes;
- (s) the operation of cabin systems and of safety and emergency equipment by flight attendants in normal and abnormal conditions;
- (t) the actions to be taken with respect to the equipment identified on the minimum equipment list and intended for use by flight attendants;
- (u) the actions to be taken in the event of fumes or smoke in the cabin and to prevent fumes or smoke in the vicinity of the aircraft from entering the cabin;
- (v) fire detection, fire-fighting systems and fire-fighting procedures;
- (w) procedures in the event of loss of cabin pressurization;
- (x) how to identify the need for administering supplemental oxygen, and procedures for administering the oxygen;
- (y) procedures for the evacuation of passengers and crew members; and
- (z) training that includes the performance of the following emergency procedures:
 - (i) the use of the public address and interphone systems,
 - (ii) the briefing of passengers,
 - (iii) the operation and use of the emergency exits on each type of aircraft to which the flight attendant will be assigned,
 - (iv) emergency evacuation procedures,
 - (v) if the flight attendants will be assigned to an aircraft equipped with life preservers, the donning and inflation of life preservers,
 - (vi) if the flight attendants will be assigned to an aircraft equipped with an evacuation slide, the identification of the location of the manual inflation handle and the disconnect handle, and an evacuation using the slide,
 - (vii) if the flight attendants will be assigned to an aircraft equipped with either first aid oxygen equipment or portable oxygen equipment, the operation and use of that equipment,
 - (viii) if the flight attendants will be assigned to an aircraft equipped with life rafts, the removal of life rafts from the stowage compartment and the deployment, inflation and boarding of life rafts, and
 - (ix) fire fighting, including the use of a fire extinguisher on an actual fire.

Flight Dispatchers and Flight Followers

604.180 (1) The component of the training program for flight dispatchers shall include the following elements:

- (a) the content of the private operator's operations manual;
- (b) the provisions of these Regulations, and of related standards, that affect the responsibilities of a flight dispatcher;
- (c) flight planning and the private operator's standard operating procedures;
- (d) radiocommunication procedures;
- (e) aircraft fuelling procedures;
- (f) aircraft surface contamination procedures;

- (g) the use of minimum equipment lists;
 - (h) meteorological conditions, including windshear and aircraft icing, in the private operator's area of operation;
 - (i) the private operator's navigation and instrument approach procedures;
 - (j) accident and incident reporting;
 - (k) emergency procedures;
 - (l) weight and balance control procedures;
 - (m) pre-flight crew member briefings;
 - (n) the differences between pilot self-dispatch procedures and co-authority dispatch procedures;
 - (o) the provision of meteorological information to the flight crew without analysis or interpretation;
 - (p) foreign regulations, if applicable;
 - (q) aeronautical information publications applicable to the private operator's area of operation;
 - (r) meteorological conditions and their effect on the flight and operation of an aircraft;
 - (s) the interpretation of meteorological information;
 - (t) the performance and limitations of the private operator's aircraft;
 - (u) air traffic control procedures; and
 - (v) flight dispatch procedures.
- (2) The component of the training program for flight followers shall include the elements referred to in paragraphs (1)(a) to (q).

Ground and Airborne Icing Operations

604.181 The component of the training program for flight crew members and ground personnel that relates to ground and airborne icing operations shall include the following elements:

- (a) the responsibilities of the pilot-in-command and other operations personnel in respect of aircraft de-icing and anti-icing procedures;
- (b) the provisions of these Regulations, and of related standards, that relate to ground and airborne icing operations;
- (c) the meteorological conditions that are conducive to ice, frost and snow contamination;
- (d) procedures relating to pre-flight inspections and to the removal of contamination;
- (e) the hazards associated with the contamination of critical surfaces by ice, frost and snow;
- (f) airborne icing recognition; and
- (g) in the case of training provided to flight crew members,
 - (i) the basis of the certification of the aircraft for flight into known icing conditions,
 - (ii) airborne icing definitions and terminology,
 - (iii) the aerodynamic effects of airborne icing,
 - (iv) the weather patterns associated with airborne icing, including both classical and non-classical mechanisms that produce freezing precipitation,
 - (v) flight planning and airborne icing information,
 - (vi) information specific to the private operator's aircraft fleet that relates to the operation of de-icing and anti-icing equipment, and operational procedures relating to that equipment, and
 - (vii) the private operator's directives concerning operations in airborne icing conditions set out in the private operator's operations manual and, if established by the private operator, in the private operator's standard operating procedures.

Maintenance, Elementary Work and Servicing

604.182 (1) The component of the training program for persons who will perform maintenance or elementary work shall include the following elements:

(a) the performance rules set out in section 571.02, the recording requirements set out in section 571.03, and the requirements relating to the record-keeping duties that will be carried out by maintenance personnel under sections 605.92 to 605.94 and 605.96; and

(b) the private operator's maintenance control system.

(2) The component of the training program for persons who perform servicing shall include the procedures that are set out in the aircraft manufacturer's instructions for continued airworthiness and that are applicable to the types of aircraft operated by the private operator.

Safety Management System

604.183 The component of the training program in respect of the private operator's safety management system shall include the following elements:

(a) training in the concepts and principles of safety management systems;

(b) training in the organization and operation of the private operator's safety management system;

(c) competency-based training for persons who have been assigned duties in respect of the safety management system;

(d) appropriate objectives for each person; and

(e) means of measuring the level of competency attained by each person who receives the training.

[604.184 to 604.196 reserved]

Division XI — Operations Manual

General Requirement

604.197 (1) A private operator shall have an operations manual that sets out the processes, practices and procedures applied in the course of its operations. The operations manual shall include a table of contents and shall deal with the following topics:

(a) the duties and responsibilities of all operational and maintenance personnel, and the hierarchy and chain of command within management;

(b) the organization and operation of the safety management system;

(c) personnel training and qualifications;

(d) record keeping;

(e) the organization and operation of the maintenance control system;

(f) procedures for conducting an operation under a special authorization, if applicable;

(g) the organization and operation of the operational control system;

(h) procedures, if any, relating to minimum equipment lists;

(i) the procedures to follow in normal, abnormal and emergency conditions;

(j) the private operator's standard operating procedures, if any;

(k) weather restrictions;

(l) flight time limits and flight duty time limits;

(m) controlled rest on the flight deck;

(n) accident and incident response considerations;

- (o) procedures for dealing with security events;
 - (p) aircraft performance limitations;
 - (q) the use and protection of records, if any, obtained from flight data recorders and cockpit voice recorders; and
 - (r) the handling of dangerous goods.
- (2) The private operator shall ensure that it is possible to verify the currency and validity of each part of its operations manual.

Distribution

604.198 (1) A private operator shall provide a copy of its operations manual and a copy of every amendment to that manual to every member of its personnel who is involved in the private operator's operations.

(2) Every person who has been provided with a copy of an operations manual under subsection (1) shall keep it up to date by inserting in it the amendments provided and shall ensure that the appropriate parts are accessible when the person is performing assigned duties.

(3) Despite subsection (1), instead of providing every crew member with a copy of its operations manual and a copy of every amendment to that manual, a private operator may keep an up-to-date copy of the appropriate parts of that manual in each aircraft that it operates.

[604.199 to 604.201 reserved]

Division XII — Safety Management System

Prohibition

604.202 No private operator shall conduct flight operations unless it has a safety management system that meets the requirements of section 604.203.

Components of the Safety Management System

604.203 (1) Subject to subsection (2), the private operator's safety management system shall include the following components:

- (a) a statement of the overall objectives that are to be achieved by the safety management system;
- (b) a safety management plan that
 - (i) specifies the duties that are assigned to the private operator's personnel in respect of the safety management system,
 - (ii) sets out performance goals for the safety management system and a means of measuring the attainment of those goals,
 - (iii) sets out a policy for the internal reporting of aviation-safety-related hazards, incidents and accidents, including the conditions, if any, under which personnel will be protected from disciplinary action,
 - (iv) describes the relationship between the components of the safety management system, and
 - (v) sets out procedures for involving personnel in the establishment of the safety management system;
- (c) a safety oversight program that includes

- (i) procedures for managing aviation-safety-related incidents, including their investigation and analysis,
- (ii) procedures for identifying and managing aviation-safety-related hazards, including the monitoring and risk profiling of those hazards,
- (iii) a reporting and data collection system for collecting and communicating information relating to aviation-safety-related hazards and incidents that
 - (A) uses a record-keeping system to monitor and analyze aviation safety trends,
 - (B) includes a means of communicating with persons who report issues relating to the safety management system or aviation safety,
 - (C) is capable of generating progress reports for the person responsible for the functional area at intervals that the person determines, and
 - (D) is capable of generating other reports in urgent cases,
- (iv) procedures for investigating and analyzing aviation-safety-related hazards, incidents and accidents that
 - (A) take into account human, environmental and supervisory factors and organizational elements,
 - (B) make it possible to make findings as to root causes and contributing factors, and
 - (C) make it possible to communicate the findings to the operations manager,
- (v) risk management analysis procedures that include
 - (A) an analysis of aviation-safety-related hazards,
 - (B) a risk assessment based on risk criteria, and
 - (C) a risk control strategy,
- (vi) corrective action procedures
 - (A) for determining what corrective actions are necessary, if any, and for carrying out those actions,
 - (B) for keeping a record of any determination made under clause (A) and the reason for that determination, and
 - (C) for monitoring and evaluating, in accordance with the quality assurance program referred to in section 604.206, the effectiveness of any corrective action carried out under clause (A),
- (vii) procedures for disseminating to personnel, with the approval of the private operator, the following aviation-safety-related information:
 - (A) information relating to an incident,
 - (B) information relating to a hazard analysis, and
 - (C) information relating to the results of a review or audit, and
- (viii) procedures for sharing, with any person with whom the private operator exchanges services, any information relating to aviation safety;
- (d) procedures for
 - (i) ensuring that all procedures relating to the safety management system are recorded and disseminated to personnel,
 - (ii) managing and keeping all records and documents resulting from the safety management system,
 - (iii) ensuring that records and reports relating to the safety management system are retained for at least two years, and
 - (iv) reviewing all documents relating to the safety management system and keeping those documents up to date;
- (e) emergency response procedures that

- (i) cover all of the activities carried out by the private operator, and
 - (ii) ensure that the duties relating to those procedures are assigned to the appropriate personnel;
 - (f) the quality assurance program referred to in section 604.206; and
 - (g) the process for conducting a review of the safety management system under section 604.207.
- (2) The safety management system of a private operator who has no employees is not required to include the components referred to in the following provisions:

- (a) subparagraphs (1)(b)(iii) and (v);
- (b) clause (1)(c)(iii)(B);
- (c) subparagraph (1)(c)(vii);
- (d) subparagraph (1)(d)(i); and
- (e) subparagraph (1)(e)(ii).

Duties of Operations Manager

604.204 (1) The operations manager shall

- (a) manage the safety management system;
 - (b) implement the safety management plan referred to in paragraph 604.203(1)(b);
 - (c) implement the safety oversight program referred to in paragraph 604.203(1)(c);
 - (d) implement the procedures referred to in paragraph 604.203(1)(d) in respect of all documents relating to the safety management system;
 - (e) implement the emergency response procedures referred to in paragraph 604.203(1)(e);
 - (f) implement the quality assurance program referred to in section 604.206;
 - (g) ensure that any deficiency identified by the quality assurance program is analyzed to determine its root cause and contributing factors;
 - (h) communicate to the private operator any finding produced by the safety management system in respect of a hazard to aviation safety;
 - (i) share, with any person with whom the private operator exchanges services, any finding produced by the safety management system that is likely to have an adverse effect on aviation safety; and
 - (j) analyze any information relating to aviation safety that is received from any person with whom the private operator exchanges services, and take appropriate action to mitigate any hazard to aviation safety.
- (2) When a finding produced by the safety management system is reported to the operations manager, the operations manager shall

- (a) determine what corrective actions are necessary to address that finding, if any, and carry out those actions;
- (b) keep a record of any determination made under paragraph (a) and the reason for that determination;
- (c) if the operations manager has assigned management functions to another person, communicate any determination made under paragraph (a) to that person; and
- (d) notify the private operator of any deficiency that reduces the effectiveness of all or part of the safety management system, and of the corrective action carried out.

Duties of Personnel

604.205 The personnel of a private operator shall

- (a) report to the operations manager any issue relating to the safety management system, including
 - (i) deficiencies, and
 - (ii) aviation-safety-related hazards, incidents or accidents; and
- (b) share, with any person with whom the private operator exchanges services, any information relating to aviation safety.

Quality Assurance Program

604.206 (1) The quality assurance program shall make provision for sampling the private operator's processes in order to measure

- (a) the private operator's effectiveness in conducting an audit under subsection (2); and
 - (b) the private operator's ability to carry out its activities effectively and safely.
- (2) An audit required by the quality assurance program shall be conducted

- (a) within 12 months after the day on which the private operator registration document was issued;
 - (b) subject to paragraph (c), within 12 months after the day on which the previous audit was completed;
 - (c) within 36 months after the day on which the previous audit was completed, if
 - (i) the private operator submits to the Minister a risk assessment establishing that the private operator is capable of managing the aviation-safety-related risks that may occur during that 36-month period, and
 - (ii) none of the following events have occurred since the day on which the previous audit was completed:
 - (A) a major incident,
 - (B) a major change in the private operator's activities, and
 - (C) a finding resulting from a review of the safety management system and indicating that the quality assurance program is not achieving its objectives;
 - (D) following an accident, or incident, that affects aviation safety; and
 - (E) following the identification, as a result of a review of the safety management system, of a deficiency that reduces the effectiveness of all or part of the safety management system.
- (3) A quality assurance program shall include

- (a) checklists of all of the activities carried out by the private operator;
- (b) procedures for determining what corrective actions are necessary to eliminate the root cause and contributing factors of each finding of non-compliance with these Regulations;
- (c) procedures for monitoring corrective actions to ensure that they are effective;
- (d) a system for recording the following information:
 - (i) the findings resulting from an audit, and any supporting documentation,
 - (ii) an analysis of the root cause and contributing factors of any deficiency identified by the quality assurance program,
 - (iii) any corrective action, and
 - (iv) any follow-up action; and
- (e) procedures for ensuring that each finding resulting from an audit is communicated to the operations manager and to any person who has been assigned management functions respecting the safety management system, and is made available to the private operator.

(4) An audit conducted under paragraph (2)(d) or (e) shall be a complete audit.

(5) No private operator shall assign a duty relating to the quality assurance program to a person who is responsible for carrying out a task or an activity evaluated by that program unless

(a) owing to the size, nature and complexity of the private operator's operations and activities, it is impractical to assign the duty to a person who is not responsible for carrying out the task or activity;

(b) based on a risk analysis, assigning the duty to a person responsible for carrying out the task or activity will not result in an increased risk to aviation safety; and

(c) the operation of the audit system in relation to the quality assurance program will not be compromised.

Review of the Safety Management System

604.207 (1) A periodic review of the safety management system shall measure the effectiveness of the system in the attainment of the performance goals referred to in subparagraph 604.203(1)(b)(ii).

(2) A review of the safety management system shall be conducted

(a) within 12 months after the day on which the private operator registration document was issued;

(b) within 12 months after the day on which the previous review was completed; or

(c) following an accident, or incident, that affects aviation safety.

(3) A review of the safety management system shall include procedures for

(a) identifying any deficiency in the operation of the safety management system;

(b) investigating and analyzing the root cause and contributing factors of any deficiency identified by the review; and

(c) ensuring that corrective actions are effective and are used on an ongoing basis to improve the safety management system.

(4) A review conducted under paragraph (2)(c) shall be a complete review.

(5) No private operator shall assign a duty relating to a review of the safety management system to a person who is responsible for carrying out a task or an activity that is the subject of the review unless

(a) owing to the size, nature and complexity of the private operator's operations and activities, it is impracticable to assign the duty to a person who is not responsible for carrying out the task or activity;

(b) based on a risk analysis, assigning the duty to a person responsible for carrying out the task or activity will not result in an increased risk to aviation safety; and

(c) the integrity of the review of the safety management system will not be compromised.

Duties of Private Operator — Review

604.208 The private operator shall

(a) conduct the review of the safety management system under section 604.207;

- (b) determine what corrective actions are necessary to address any deficiency identified by the review, and carry out those actions;
- (c) keep a record of any determination made under paragraph (b) and the reason for it; and
- (d) if the private operator has assigned management functions to another person, provide that person with a copy of that record.

19. Section 605.04 of the Regulations is replaced by the following:

605.04 (1) No person shall conduct a take-off in an aircraft, for which an aircraft flight manual is required by the applicable standards of airworthiness, unless the aircraft flight manual or, if an aircraft operating manual has been established under section 604.37 or Part VII, the aircraft operating manual is available to the flight crew members at their duty stations.

(2) The aircraft flight manual or, if an aircraft operating manual has been established under section 604.37 or Part VII, those parts of the aircraft flight manual that are incorporated into the aircraft operating manual shall include all the amendments and supplementary material that are applicable to the aircraft type.

20. Paragraph 605.10(1)(c) of the Regulations is replaced by the following:

(c) an air operator certificate, a special authorization issued under subsection 604.05(2), a special flight operations certificate or a flight training unit operating certificate;

21. Subparagraph 605.36(2)(b)(ii) of the Regulations is replaced by the following:

(ii) for the sole purpose of conducting a flight test, a competency check, a pilot proficiency check or flight crew member training, or

22. Schedule I to Subpart 5 of Part VI of the Regulations is amended by replacing the references after the heading "SCHEDULE I" with the following:

(Paragraph 604.127(i), subsection 605.94(1) and Item 3 of Schedule II)

23. Subsection 606.03(1) of the Regulations is replaced by the following:

606.03 (1) No person shall use synthetic flight training equipment to provide training or to conduct a skills assessment required under Part I V, this Part or Part VII unless there is in force in respect of that equipment a flight simulator certificate or flight training device certificate issued under subsection (2) or an equivalent approval or certificate issued under the laws of a foreign state with which Canada has an agreement respecting such equipment.

24. Section 700.02 of the Regulations is amended by adding the following after subsection (4):

(5) Despite subsections (1) and (2), a person who does not hold an air operator certificate may operate an air transport service, or operate an aeroplane or helicopter to conduct aerial work involving the transport of passengers or goods, if

(a) the person holds a private operator registration document;

- (b) the person operates the air transport service or conducts the aerial work under a management agreement with another person who has transferred to that person legal custody and control of the aircraft used to operate the service or to conduct the work;
- (c) the management agreement provides that the air transport service is operated or the aerial work is conducted exclusively in support of the activities of the person who has transferred legal custody and control of the aircraft; and
- (d) no payment is made in relation to the air transport service or the aerial work to a party to the management agreement by or on behalf of a passenger or the owner of a transported good unless the passenger or the owner is the person who has transferred legal custody and control of the aircraft.

TRANSITIONAL PROVISION

25. For greater certainty, a temporary private operator certificate or an operations specification issued by the Minister to a private operator under any of the following interim orders expires on the day on which these Regulations come into force:

- (a) Private Operators Interim Order, made on March 25, 2011;
- (b) Interim Order No. 2 Respecting Private Operators, made on April 8, 2011;
- (c) Interim Order No. 3 Respecting Private Operators, made on April 21, 2011;
- (d) Interim Order No. 4 Respecting Private Operators, made on May 5, 2011;
- (e) Interim Order No. 5 Respecting Private Operators, made on May 19, 2011;
- (f) Interim Order No. 6 Respecting Private Operators, made on June 3, 2011;
- (g) Interim Order No. 7 Respecting Private Operators, made on June 17, 2011;
- (h) Interim Order No. 8 Respecting Private Operators, made on June 30, 2011;
- (i) Interim Order No. 9 Respecting Private Operators, made on July 14, 2011;
- (j) Interim Order No. 10 Respecting Private Operators, made on June 25, 2012; and
- (k) Interim Order No. 11 Respecting Private Operators, made on May 31, 2013.