AZƏRBAYCAN RESPUBLİKASININ
RƏQƏMSAL İNKİŞAF VƏ NƏQLİYYAT NAZİRLİYİ
DÖVLƏT MÜLKİ AVİASİYA AGENTLİYİ

ƏMR

№ 04

Bakı şəhəri "27" fevral 2023-cü il

"Azerbaijan Aviation Rules - Balloons" adlı sənədin 1-ci nəşrinin qüvvəyə minməsi barədə

Aerostatların uçuşlarının və müvafiq personalın lisenziyalaşdırılması sahəsində hüquqi tənzimlənməsi boşluqların aradan qaldırılması məqsədilə "Azerbaijan Aviation Rules - Balloons" ("Azərbaycan Aviasiya Qaydaları - Aerostatlar") adlı sənədin 1-ci nəşri işlənib hazırlanmışdır.

Sözügedən sənədin tətbiqini təmin etmək məqsədilə Azərbaycan Respublikası Prezidentinin 2018-ci il 22 may tarixli 90 nömrəli Fərmanı ilə təsdiq edilmiş "Azərbaycan Respublikasının Rəqəmsal İnkişaf və Nəqliyyat Nazirliyi yanında Dövlət Mülki Aviasiya Agentliyi haqqında Əsasnamə"nin 5.6.6-cı yarımbəndini rəhbər tutaraq,

əmr edirəm:

1. "Azerbaijan Aviation Rules - Balloons" sənədinin 1-ci nəşri 2023-cü ilin 1 mart tarixindən qüvvəyə minsin.
2. Sözügedən sənədin müvafiq tələblərinin şamil edildiyi aidiyyəti mülki aviasiya subyektləri bu tələblərin 2023-cü ilin 1 mart tarixindən tam tətbiqini təmin etsinlər.
3. Sənədin Dövlət Mülki Aviasiya Agentliyinin (DMAA) və onun tabeliyində "Mülki Aviasiyada Uçuşların Təhlükəsizliyi üzrə Dövlət Müfəttişliyi"nin aidiyyəti mütəxəssisləri tərəfindən öyrənilməsi və icrası təşkil edilsin.
4. Sənəd DMAA-nın rəsmi internet saytında yerləşdirilsin.
5. Əmr bütün şəxsi heyətə çatdırılsın.
6. Əmrin icrasına nəzarət direktorun müavini Hacıağa Hacıyevə həvalə edilsin.

Direktor **Arif Məmmədov**

APPROVED
by SCAA Director Order
№ 04 dd. 27 February 2023

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State Civil Aviation Agency of the Republic of Azerbaijan

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0.3 DISTRIBUTION AND CONTROL

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0.4 RECORDS OF AMENDMENTS AND REVISIONS

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Edition: - *Release of a document having incorporated all previous revisions until the current version. New edition of a document will not show revised text in blue color. Current edition of a document shown on each page in footer.*

Revision: *- A change made to a part of document, where it is reflected with blue text or accompanied with a vertical line on right side of a document. Basic information on revisions (number and date) given in the List of effective Pages and indicated in header of affected page and in context itself.*

CHAPTER 1 – AIR OPERATIONS AND LICENSING

COVER REGULATION

ARTICLE 1 – SUBJECT MATTER AND SCOPE

Subject matter and scope

1. This Regulation lays down detailed rules for air operations with balloons as well as for issuing and maintaining pilot licences and associated ratings, privileges and certificates for balloons.

2. This Regulation does not apply to air operations with tethered gas balloons.

ARTICLE 2 – DEFINITIONS

'For the purpose of this Regulation, the following definitions and, unless terms are defined otherwise in this Article, the definitions of Article 2 of AAR-FCL apply:

For the purposes of this Regulation, the following definitions shall apply:

1. ***'balloon'*** means a manned lighter-than-air aircraft which is not power-driven and sustains flight through the use of either a lighter-than-air gas or an airborne heater, including gas balloons, hot-air balloons, mixed balloons and, although power-driven, hot-air airships;
2. ***'gas balloon'*** means a free balloon that derives its lift from a lighter-than-air gas;
3. ***'tethered gas balloon'*** means a gas balloon with a tether system that continuously anchors the balloon to a fixed point during operation;
4. ***'free balloon'*** means a balloon that is not continuously anchored to a fixed point during operation;
5. ***'hot-air balloon'*** means a free balloon that derives its lift from heated air;
6. ***'mixed balloon'*** means a free balloon that derives its lift from a combination of heated air and a lighter-than–air, non-flammable gas;
7. ***'hot-air airship'*** means a power-driven hot-air balloon, whereby the engine does not create any portion of lift;

7a. ***"commercial operation"*** means any operation of a balloon, in return for remuneration or other valuable consideration, which is available for the public or, when not made available to the public, is performed under a contract between an operator and a customer, where the latter has no control over the operator;';

8. ***'competition flight'*** means any air operation with a balloon performed for the purposes of participating in air races or contests, including practising for such an operation and flying to and from air races or contests;
9. ***'flying display'*** means any air operation with a balloon performed for the purposes of providing an exhibition or entertainment at an advertised event open to the public, including practising for such an operation and flying to and from the advertised event;
10. ***"introductory flight"*** means any air operation, against remuneration or other valuable consideration, that consists of an air tour of short duration for the purpose of attracting new trainees or new members, performed either by a training organisation referred to in Article 10a of AAR-FCL or by an organisation established with the aim of promoting aerial sport or leisure aviation;'
11. ***'principal place of business'*** means the head office or registered office of the operator of the balloon within which the principal financial functions and operational control of the activities referred to in this Regulation are exercised;

12. ***"dry lease agreement"*** means an agreement between undertakings pursuant to which the balloon is operated under the responsibility of the lessee;
13. ***"national licence"*** means a pilot licence issued by the Republic of Azerbaijan in accordance with national legislation before the date of application of Annex III (Part-BFCL) to this Regulation or AAR-FCL;
14. ***"Part-BFCL licence"*** means a flight crew licence which complies with the requirements of Annex III (Part- BFCL) to this Regulation;
15. ***"conversion report"*** means a report on the basis of which a licence may be converted into a Part-BFCL licence.

ARTICLE 3 – AIR OPERATIONS

1. Operators of balloons shall operate the balloon in accordance with the requirements set out in Subpart BAS of Annex II.
2. By way of derogation from Article 8(2) of AAR-OPS, the requirement of certification laid down therein shall not apply to operators engaged in commercial operations with balloons.

   Those operators shall only be entitled to engage in such commercial operations after having declared to the competent authority their capacity and means to discharge the responsibilities associated with the operation of the balloon. They shall make that declaration and operate the balloon, in addition to the requirements set out in Subpart BAS, in accordance with the requirements set out in Subpart ADD of Annex II.

   However, the second subparagraph shall not apply to operators engaged in the following operations with balloons:

   a. cost-shared operations by four individuals or less, including the pilot, provided that the direct costs of the flight of the balloon and a proportionate part of the annual costs incurred for the storage, insurance and maintenance of the balloon are shared by all those individuals;
   b. competition flights or flying displays, provided that the remuneration or any other valuable consideration for such flights is limited to the recovery of the direct costs of the flight of the balloon and a proportionate part of the annual costs incurred for the storage, insurance and maintenance of the balloon and that any prizes gained do not exceed the value specified by the competent authority;
   c. introductory flights with four individuals or less, including the pilot, and flights for the purposes of parachute dropping, performed either by a training organisation referred to AAR-ORA that has its principal place of business in a Republic of Azerbaijan, or by an organisation created for the purposes of promoting aerial sport or leisure aviation, provided that the organisation operates the balloon on the basis of either ownership or a dry lease agreement and provided that the flight does not generate profits distributed outside the organisation and that such flights represent only a marginal activity of the organisation;
   d. training flights performed by a training organisation referred to AAR-ORA that has its principal place of business in a Republic of Azerbaijan.

ARTICLE 3A PILOT LICENCES AND MEDICAL CERTIFICATION

1. Pilots of aircraft referred to in Article 1(1) of this Regulation shall comply with the technical requirements and administrative procedures laid down in Annex III (Part-BFCL) to this Regulation and in AAR-MED.
2. As an exception to the privileges of the holders of licences as defined in Annex III (Part-BFCL) to this Regulation, holders of such licences may carry out flights referred to in Article 3(2)(a) to (d) without complying with point BFCL.215 of Annex III (Part-BFCL) to this Regulation.

3. A SCAA may authorise student pilots who follow a balloon pilot licence ("BPL") training course to exercise limited privileges without supervision before they meet all the requirements that are necessary for the issue of a BPL in accordance with Annex III (Part-BFCL), subject to all of the following conditions:
   a. the scope of the privileges granted shall be based on a safety risk assessment, taking into account the extent of training necessary for the intended level of pilot competence to be achieved;
   b. the privileges shall be limited to the following:
      i. the whole or part of the national territory of the Republic of Azerbaijan;
      ii. balloons that are registered in the Republic of Azerbaijan;
   c. the holder of such an authorisation who applies for the issue of a BPL shall receive credits for training conducted under the authorisation on the basis of a recommendation from an approved training organisation ("ATO") or a declared training organisation ("DTO");
   d. the SCAA will monitor the use of authorisations issued under this paragraph to ensure an acceptable level of aviation safety and take appropriate action in case of identifying an increased safety risk or any safety concerns.

ARTICLE 3B EXISTING PILOT LICENCES AND NATIONAL MEDICAL CERTIFICATES

1. AAR-FCL licences for balloons and associated privileges, ratings and certificates issued by a Republic of Azerbaijan before the date of application of this Regulation shall be deemed to have been issued in accordance with this Regulation. SCAA will replace those licences with licences that comply with the format laid down in AAR-ARA when they reissue licences for administrative reasons or upon a request of licence holders.

2. When a SCAA reissues licences and associated privileges, ratings and certificates in accordance with paragraph 1 of this Article, the Republic of Azerbaijan will, as applicable:
   a. transfer all privileges already endorsed in AAR-FCL licences to the new licence format;
   b. convert the privileges for tethered flight or commercial operation associated with a AAR-FCL licence into a tethered flight rating or a commercial operation rating in accordance with the provisions of Point BFCL.200 and BFCL.215 of Annex III (Part-BFCL) to this Regulation;
   c. endorse the expiry date of a flight instructor certificate associated with a AAR-FCL licence into the pilot's logbook or issue an equivalent document. After that date, those pilots shall exercise instructor privileges only if they comply with point BFCL.360 of Annex III (Part-BFCL) to this Regulation.

3. Holders of national licences for balloons issued by a Republic of Azerbaijan before the date of application of Annex III (Part-BFCL) to this Regulation shall be allowed to continue to exercise the privileges of their licences until 8 April 2023. By that date, SCAA will convert those licences into Part-BFCL licences and associated ratings, privileges and certificates in accordance with the elements laid down in a conversion report that complies with the requirements.

4. National pilot medical certificates associated with a licence as specified in paragraph 2 of this Article and issued by a Republic of Azerbaijan before the date of application of Annex III (Part-BFCL) to this Regulation shall remain valid until the date of their next revalidation or until 8 April 2023, whichever is the earliest. The revalidation of those medical certificates shall comply with the requirements of AAR-MED.

ARTICLE 3C CREDIT FOR TRAINING THAT COMMENCED PRIOR TO THE DATE OF APPLICATION OF THIS REGULATION

1. In respect of issuing Part-BFCL licences and associated privileges, ratings or certificates in accordance with Annex III (Part-BFCL) to this Regulation, training that commenced prior to the date of application of this Regulation in accordance with AAR-FCL shall be deemed to comply with the requirements of this Regulation, provided that the BPL is issued by 8 April 2023 at the latest. In that case, the following shall apply:

   a. BPL training commenced on balloons representing the hot-air airship class, including the related testing, may be completed on those balloons;

   b. training hours completed in the hot-air balloon class in balloons other than group A of that balloon class shall be fully credited towards the requirement in point BFCL.130(b) of Annex III.

2. Training that commenced prior to the date of application of this Regulation or of AAR-FCL, in accordance with Annex 1 to the Chicago Convention, shall be credited for the purposes of issuing Part-BFCL licences on the basis of a credit report established by the Republic of Azerbaijan.

3. The credit report referred to in paragraph 2 shall describe the scope of the training, indicate for which requirements of Part-BFCL credit is given and, if applicable, which requirements applicants need to comply with in order to be issued with a Part-BFCL licence. It shall include copies of all the documents necessary to attest the scope of the training, as well as copies of the national regulations and procedures in accordance with which the training was initiated.

ARTICLE 3D TRAINING ORGANISATIONS

1. Training organisations for pilot licences referred to in Article 1(1) shall comply with the requirements of AAR-ORA.

2. Training organisations referred to in paragraph 1 of this Article which hold an approval issued in accordance with AAR-ORA or have submitted a declaration in accordance with AAR-DTO before the date of application of this Regulation shall adapt their training programmes, where necessary, by 8 April 2023 at the latest.

ARTICLE 4 TRANSITIONAL PROVISIONS

Certificates, authorisations and approvals issued to operators of balloons by Republic of Azerbaijan before 1 April 2023 in accordance with AAR-OPS shall remain valid until 8 October 2023.

Until 8 October 2023, any reference made in this Regulation to a declaration shall also be understood as a reference to the certificates, authorisations or approvals issued by Republic of Azerbaijan before 1 April 2023.

ANNEX I (PART-DEF)

DEFINITIONS

For the purpose of this Regulation, the following definitions and terms are defined shall apply:

1. ***'"acceptable means of compliance (AMC)"*** AMCs are non-binding standards adopted by the SCAA to illustrate means to establish compliance with Azerbaijan Aviation Rules. The AMCs issued by the SCAA are not of a legislative nature. They cannot create additional obligations on the regulated persons, who may decide to show compliance with the applicable requirements using other means. In this case, however, they lose the presumption of compliance provided by the SCAA AMC, and need to demonstrate to the SCAA that they do comply with the law.;

2. ***'"alternative means of compliance (AltMoC)"*** means those means that propose an alternative to an existing AMC or those that propose new means to establish compliance with this Regulation and its delegated and implementing acts for which no associated AMC have been adopted by the SCAA;

3. ***'pilot-in-command'*** means the pilot designated as being in command and charged with the safe conduct of the flight;

4. ***'crew member'*** means a person assigned by an operator to perform duties on board the balloon or, where the duties are directly related to the operation of the balloon, on the ground;

5. ***'flight crew member'*** means a licensed crew member charged with duties essential to the operation of an aircraft during a flight duty period;

6. ***'psychoactive substances'*** means alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychosti- mulants, hallucinogens and volatile solvents, excluding coffee and tobacco;

7. ***'accident'*** means an occurrence associated with the operation of a balloon which takes place between the moment of the commencement of the inflation of the balloon and the moment of complete deflation of the balloon, in which:

    a. a person suffers fatal or serious injuries as a result of being in the balloon or as a result of direct contact with any part of the balloon, including parts which have become detached from the balloon, but excluding any injuries arising from natural causes or which are self-inflicted or inflicted by other persons;

    b. the balloon sustains damage or structural failure which adversely affects its structural strength, performance or flight characteristics and requires major repair or replacement of the affected component; or

    c. the balloon is missing or is completely inaccessible;

8. ***'incident'*** means an occurrence, other than an accident, associated with the operation of a balloon which affects or could affect the safety of its operation;

9. ***'serious incident'*** means an occurrence associated with the operation of the balloon which takes place between the moment of the commencement of the inflation of the balloon and the moment of complete deflation of the balloon, in which there was a high probability of an accident;

10. ***'critical phases of flight'*** means take-off, final approach, missed approach, landing and any other phases of a flight which the pilot-in-command determines as critical for the safe operation of the balloon;

11. ***'aircraft flight manual (AFM)'*** means the document containing the applicable and approved operating limitations and information with respect to the balloon;

11a. ***"flight time"*** means the total time from the moment the basket leaves the ground for the purpose of taking off until the moment it finally comes to a rest at the end of the flight

12. ***'dangerous goods'*** means articles or substances which are capable of posing a risk to health, safety, property or the environment and which are shown in the list of dangerous goods in the technical instructions or which are to be classified as such in accordance with those instructions;

13. ***'technical instructions'*** means the latest applicable edition of the 'Technical instructions for the safe transport of dangerous goods by air', including the supplement and any addenda, published by ICAO in document 9284-AN/ 905;

14. ***'operating site'*** means a site selected by the pilot-in-command or the operator for landing, take-off or external load operations;

15. ***"refuelling'*** means the refilling of fuel cylinders or fuel tanks from an external source, excluding the replacement of fuel cylinders;

16. ***'night'*** means the period between the end of evening civil twilight and the beginning of morning civil twilight. Civil twilight ends in the evening when the centre of the sun's disc is 6 degrees below the horizon and begins in the morning when the centre of the sun's disc is 6 degrees below the horizon;

17. ***'balloon specialised operation'*** means any operation, which can be commercial or non-commercial, with a balloon the main purpose of which is not the carriage of passengers for sightseeing or experience flights, but parachute operations, hang-gliding dropping, flying displays, competition flights or similar specialised activities;

17a. ***"class of balloons"*** means a categorisation of balloons taking into account the lifting means used to sustain flight

17b. ***"proficiency check"*** means the demonstration of skill for the purpose of complying with the recency requirements as established in this Regulation, including oral examinations as may be required

18. ***'traffic load'*** means the total mass of passengers, baggage and carry-on specialist equipment;

19. ***'balloon empty mass'*** means the mass determined by weighing the balloon with all the installed equipment as specified in the AFM;

20. ***'wet lease agreement'*** means an agreement between operators pursuant to which the balloon is operated under the responsibility of the lessor;

21. ***'commercial passenger ballooning' (CPB)*** means a form of commercial air transport operation with a balloon whereby passengers are carried on sightseeing or experience flights for remuneration or other valuable consideration;

22. ***"group of balloons"*** means a categorisation of balloons, taking into account the size or capacity of the envelope

23. ***"skill test"*** means the demonstration of skill for the purpose of issuing a licence or rating, or extension of a privilege, including oral examinations as may be required;

24. ***"assessment of competence"*** means the demonstration of skill, knowledge and attitude for the initial issue, revalidation or renewal of an instructor or examiner certificate;

25. ***"solo flight"*** means a flight during which a student pilot is the sole occupant of the balloon;

26. ***"tethered flight"*** means a flight with a tether system that anchors the balloon to a fixed location during operation, with the exception of a tether which may be used as part of the take-off procedure.'.

FCL.010 DEFINITIONS RELATED TO PART-BFCL

List of definitions from AAR-FCL relevant in the content of Part-BFCL:

— ***"Aircraft"*** means any machine which can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface.

— ***"Airship"*** means a power-driven lighter-than-air aircraft, with the exception of hot-air airships, which are considered to be balloons in accordance with Article 2(7).

— ***"Balloon"*** means a lighter-than-air aircraft which is not engine-driven and sustains flight through the use of either gas or an airborne heater. For the purposes of this Part, a hot-air airship, although engine-driven, is also considered a balloon.

— ***"Competency"*** means a combination of skills, knowledge and attitude required to perform a task to the prescribed standard.

— ***"Dual instruction time"*** means flight time or instrument ground time during which a person is receiving flight instruction from a properly authorised instructor.

— ***"Error"*** means an action or inaction taken by the flight crew which leads to deviations from organisational or flight intentions or expectations.

— "***Error management"*** means the process of detecting and responding to errors with countermeasures which reduce or eliminate the consequences of errors, and mitigate the probability of errors or undesired aircraft states.

— ***"Night"*** means the period between the end of evening civil twilight and the beginning of morning civil twilight or such other period between sunset and sunrise as may be prescribed by the appropriate authority.

— ***"Pilot-in-command" (PIC)*** means the pilot designated as being in command and charged with the safe conduct of the flight.

— ***"Renewal"*** (of, e.g. a rating or certificate) means the administrative action taken after a rating or certificate has lapsed for the purpose of renewing the privileges of the rating or certificate for a further specified period consequent upon the fulfilment of specified requirements.

— ***"Revalidation"*** (of, e.g. a rating or certificate) means the administrative action taken within the period of validity of a rating or certificate which allows the holder to continue to exercise the privileges of a rating or certificate for a further specified period consequent upon the fulfilment of specified requirements.

— ***"Threat"*** means events or errors which occur beyond the influence of the flight crew, increase operational complexity and which must be managed to maintain the margin of safety.

— ***"Threat management"*** means the process of detecting and responding to the threats with countermeasures which reduce or eliminate the consequences of threats, and mitigate the probability of errors or undesired aircraft states.

ANNEX II – BALLOON AIR OPERATIONS [PART-BOP]

SUBPART BAS – BASIC OPERATIONAL REQUIREMENTS

SECTION 1. GENERAL REQUIREMENTS

BOP.BAS.001 SCOPE

In accordance with Article 3, this Subpart establishes the requirements to be met by any operator of balloons, other than the design or production organisations referred to in the second subparagraph of Article 3(1).

BOP.BAS.005 COMPETENT AUTHORITY

The competent authority shall be the authority designated by the Republic of Azerbaijan where the operator has its principal place of business or, where the operator has no principal place of business, the place where the operator is established or resides. This authority is a State Civil Aviation Agency (SCAA) of Azerbaijan Republic.

BOP.BAS.010 DEMONSTRATION OF COMPLIANCE

(a) An operator shall, when so requested by the competent authority which verifies continued compliance by the operator in accordance with point ARO.GEN.300(a)(2) of AAR-ARO, demonstrate compliance with the essential requirements of this Regulation.

(b) The operator shall use either of the following means to demonstrate such compliance:

(1) acceptable means of compliance (AMC);

(2) alternative means of compliance (AltMoC).

BOP.BAS.015 INTRODUCTORY FLIGHTS

Introductory flights shall be:

(a) operated under visual flight rules (VFR) by day; and

(b) overseen as regards their safety by a person who has been nominated by the organisation performing the introductory flights.

BOP.BAS.020 IMMEDIATE REACTION TO A SAFETY PROBLEM

The operator shall implement:

(a) safety measures mandated by the competent authority in accordance with paragraph (c) of point ARO.GEN.135 of AAR-ARO; and

(b) airworthiness directives and other mandatory information issued by the SCAA.

BOP.BAS.025 DESIGNATION AS PILOT-IN-COMMAND

The operator shall designate a pilot-in-command who is qualified to act as pilot-in-command in accordance with Annex III (Part-BFCL) to this Regulation.

BOP.BAS.030 RESPONSIBILITIES OF THE PILOT-IN-COMMAND

(a) The pilot-in-command shall:

(1) be responsible for the safety of the balloon and of any person or property carried therein during balloon operations;

(2) be responsible for the initiation, continuation or termination of a flight in the interest of safety;

(3) ensure that all applicable operational procedures and checklists are complied with;

(4) only commence a flight if he or she is satisfied that all operational limitations are complied with, as follows:

(i) the balloon is airworthy;

(ii) the balloon is duly registered;

(iv) the mass of the balloon is such that the flight can be conducted within the limits defined by the AFM;

(v) all equipment and baggage are properly loaded and secured; and

(vi) the operating limitations of the balloon as specified in the AFM will not be exceeded at any time during the flight;

(5) ensure that the pre-flight inspection has been carried;

(6) be responsible for the pre-flight briefing of persons assisting in the inflation and deflation of the envelope;

(7) ensure that persons assisting in the inflation and deflation of the envelope wear appropriate protective clothing;

(8) be satisfied that relevant emergency equipment remains easily accessible for immediate use;

(9) ensure that no person is smoking on board or within the direct vicinity of the balloon;

(10) not allow a person to be carried in the balloon who appears to be under the influence of psychoactive substances to the extent that the safety of the balloon or of any person or property carried therein is likely to be endangered;

(11) remain during flight in control of the balloon at all times except if another pilot is taking the controls;

(12) take any action in an emergency situation that requires immediate decision and action which he or she considers necessary under the circumstances. In such cases he or she may deviate from rules, operational procedures and methods to the extent necessary in the interest of safety;

(13) not continue a flight beyond the nearest weather-permissible operating site when his or her capacity to perform his or her duties is significantly reduced because of sickness, fatigue, lack of oxygen or any other cause;

(14) record utilisation data and all known or suspected defects in the balloon at the termination of the flight, or series of flights, in the balloon logbook;

(15) notify the safety investigation authority of the State in the territory of which the occurrence took place and the emergency services of that State without delay by the quickest available means of any serious incident or accident involving the balloon;

(16) submit a report of an act of unlawful interference without delay to the competent authority and inform the local authority designated by the State in the territory of which the unlawful interference took place; and

(17) report to the appropriate air traffic services (ATS) unit, without delay, any hazardous weather or flight conditions encountered that are likely to affect the safety of other aircraft.

(b) The pilot-in-command shall not perform duties on a balloon in one of the following situations:

(1) when he or she is incapacitated from performing his or her duties by any cause, including injury, sickness, medication, fatigue or the effects of any psychoactive substance, or feels otherwise unfit;

(2) if applicable medical requirements are not fulfilled.

(c) Whenever crew members are involved in the operation of the balloon, the pilot-in-command shall:

(1) ensure that during critical phases of flight or whenever deemed necessary in the interest of safety, all crew members are at their assigned stations and do not perform any activities other than those required for the safe operation of the balloon;

(2) not commence a flight if any crew member is incapacitated from performing his or her duties by any cause, including injury, sickness, medication, fatigue or the effects of any psychoactive substance, or feels otherwise unfit;

(3) not continue a flight beyond the nearest weather-permissible operating site when any crew member's capacity to perform duties is significantly reduced because of sickness, fatigue or lack of oxygen or any other cause; and

(4) ensure that all crew members can communicate with each other in a common language.

BOP.BAS.035 AUTHORITY OF THE PILOT-IN-COMMAND

The pilot-in-command shall have the authority to:

(a) give all commands and take any appropriate actions for the purpose of ensuring the safety of the balloon and of any person or property carried therein; and

(b) refuse embarkation or carriage of any person or baggage that may represent a potential hazard to the safety of the balloon or of any person or property carried therein.

BOP.BAS.040 RESPONSIBILITIES OF CREW MEMBERS

(a) Any crew member shall be responsible for the proper execution of his or her duties in respect of the operation of the balloon.

(b) Crew members shall not perform duties on a balloon when incapacitated by any cause, including injury, sickness, medication, fatigue or the effects of any psychoactive substance, or if he or she feels otherwise unfit.

(c) Crew members shall report to the pilot-in-command both of the following:

(1) any fault, failure, malfunction or defect, which he or she believes may affect the airworthiness or safe operation of the balloon, including emergency systems;

(2) any incident.

(d) Any flight crew member who undertakes duties for more than one operator shall:

(1) maintain his or her individual records regarding flight times and rest periods, if applicable; and

(2) provide each operator with the data needed to schedule activities in accordance with the applicable flight and duty time limitations and rest requirements.

BOP.BAS.045 COMPLIANCE WITH LAWS, REGULATIONS AND PROCEDURES

(a) The pilot-in-command and all other crew members shall comply with the laws, regulations and procedures of those States where operations are conducted.

(b) The pilot-in-command shall be familiar with the laws, regulations and procedures, pertinent to the performance of his or her duties, prescribed for the areas to be traversed, the operating sites to be used and the related air navigation facilities.

BOP.BAS.050 DOCUMENTS, MANUALS AND INFORMATION TO BE CARRIED

(a) All of the following documents, manuals and information shall be carried on each flight, as originals or copies:

(1) the operating limitations, normal, abnormal and emergency procedures and other relevant information specific to the balloon's operating characteristics;

(2) details of the filed ATS flight plan;

(3) current and suitable aeronautical charts for the area of the intended flight.

b) All of the following documents, manuals and information shall be carried on each flight or shall be stowed in the retrieve vehicle, as originals or copies:

(1) the certificate of registration;

(2) the certificate of airworthiness, including the annexes;

(3) the AFM or equivalent document(s);

(4) the aircraft radio licence, where the balloon is equipped with radio communication equipment in accordance with point (a) of point BOP.BAS.355;

(5) the third party liability insurance certificate(s);

(6) the balloon logbook or equivalent document(s);

(7) any other documentation that may be pertinent to the flight or is required by the Republic of Azerbaijan or States concerned with the flight.

(c) When requested by the competent authority, the pilot-in-command or the operator shall make available to that authority the original documentation within the time period specified by the authority which shall not be less than 24 hours.

BOP.BAS.055 DANGEROUS GOODS

(a) The transport of dangerous goods on board the balloon shall be conducted in accordance with the requirements set out in Annex 18 to the Chicago Convention, as last amended and amplified by the technical instructions.

(b) The pilot-in-command shall take all reasonable measures to prevent dangerous goods from being carried on board the balloon inadvertently.

(c) Reasonable quantities of articles and substances that would otherwise be classified as dangerous goods and that are used to facilitate flight safety, where carriage on board the balloon is advisable to ensure their timely availability for operational purposes, shall be considered authorised under point 2.2.1(a) of Part 1 of the technical instructions, regardless of whether or not such articles and substances are required to be carried or intended to be used in connection with a particular flight. The pilot-in-command shall ensure that the packing and loading on board the balloon of those articles and substances is performed in such a way as to minimise the risks posed to crew members, passengers and the balloon during operation.

(d) The pilot-in-command or, when the pilot-in-command is incapacitated, the operator shall report without delay any accidents or incidents involving dangerous goods to the safety investigation authority of the State in the territory of which the occurrence took place, the emergency services of that State, any other authority designated by that State and the competent authority.

BOP.BAS.060 RELEASE OF DANGEROUS GOODS

(a) The pilot-in-command shall not release dangerous goods when operating a balloon over congested areas of cities, towns or settlements or over an open-air assembly of persons.

(b) Notwithstanding point (a), parachutists may exit the balloon for the purpose of parachute display over those congested areas or over that open-air assembly of persons whilst carrying smoke trail devices that were manufactured for that purpose.

BOP.BAS.065 BALLOON LOGBOOK

For each flight, or series of flights, particulars of the balloon, its crew and each journey shall be retained in the form of a balloon logbook or an equivalent document.

SECTION 2. OPERATING PROCEDURES

BOP.BAS.100 USE OF OPERATING SITES

The pilot-in-command shall only use operating sites that are adequate for the type of balloon and operation concerned.

BOP.BAS.105 NOISE ABATEMENT PROCEDURES

The pilot-in-command shall take into account operating procedures to minimise the effect of heating-system noise, while ensuring however that safety has priority over noise abatement.

BOP.BAS.110 FUEL AND BALLAST SUPPLY AND PLANNING

The pilot-in-command shall only commence a flight if the reserve fuel or ballast carried on board the balloon is sufficient to ensure a safe landing.

BOP.BAS.115 PASSENGER BRIEFING

The pilot-in-command shall ensure that before and, when appropriate, during the flight passengers are given a briefing on normal, abnormal and emergency procedures.

BOP.BAS.120 CARRIAGE OF SPECIAL CATEGORIES OF PASSENGERS

The pilot-in-command shall ensure that persons requiring special conditions, assistance or devices when carried on board a balloon are carried under conditions that ensure the safety of the balloon and of any persons or property carried therein.

BOP.BAS.125 SUBMISSION OF THE AIR TRAFFIC SERVICE FLIGHT PLAN

(a) If an air traffic service (ATS) flight plan is not submitted, the pilot-in-command shall submit adequate information in order to permit alerting services to be activated if required.

(b) When operating from an operating site where it is impossible to submit an ATS flight plan, the pilot-in-command shall submit the ATS flight plan after take-off.

BOP.BAS.130 FLIGHT PREPARATION

Before commencing the flight, the pilot-in-command shall be familiar with the available meteorological and aeronautical information appropriate to the intended flight which includes both of the following:

(a) a study of available current weather reports and forecasts;

(b) the planning of an alternative course of action to provide for the eventuality that the flight cannot be completed as planned.

BOP.BAS.135 SMOKING ON BOARD

No person shall smoke on board a balloon during any phase of flight or within the direct vicinity of a balloon.

BOP.BAS.140 CARRIAGE AND USE OF WEAPONS

(a) The pilot-in-command shall ensure that no person carries and uses a weapon on board the balloon.

(b) By way of derogation from point (a), the pilot-in-command may permit the carriage and use of weapons on board the balloon when required for the safety of the crew members or the passengers. In such cases the pilot-in- command shall ensure that the weapons are secured when not in use.

BOP.BAS.145 METEOROLOGICAL CONDITIONS

The pilot-in-command shall only commence or continue a VFR flight if the latest available meteorological information indicates that the weather conditions along the route and at the intended destination at the estimated time of use are as follows:

(a) at or above the applicable VFR operating minima; and

(b) within the meteorological limitations specified in the AFM.

BOP.BAS.150 TAKE-OFF CONDITIONS

The pilot-in-command shall be satisfied before commencing take-off of the balloon that, according to the latest available information, the weather at the operating site permits a safe take-off and departure.

BOP.BAS.155 APPROACH AND LANDING CONDITIONS

Except in emergency situations, the pilot-in-command shall be satisfied before commencing an approach to land that, according to the latest available information, the conditions at the intended operating site permit a safe approach and landing.

BOP.BAS.160 SIMULATED SITUATIONS IN FLIGHT

(a) The pilot-in-command shall not simulate situations that require the application of abnormal or emergency procedures when carrying passengers.

(b) By way of derogation from point (a), the pilot-in-command may simulate such situations, during operations other than commercial operations of the balloon, when conducting training flights either with student pilots or with passengers, provided that the passengers have been duly informed and agreed to the simulation in advance.

BOP.BAS.165 IN-FLIGHT FUEL MANAGEMENT

The pilot-in-command shall check at regular intervals during the flight that the amount of usable fuel or ballast remaining in flight is not less than the fuel or ballast needed to complete the intended flight and the reserve planned for landing.

BOP.BAS.170 REFUELLING WITH PERSONS ON BOARD

(a) Refuelling of balloons shall not be conducted when persons are on board.

(b) By derogation from point (a), refuelling the engine of hot-air airships may be conducted with the pilot-in-command on board.

BOP.BAS.175 USE OF RESTRAINT SYSTEM

When a restraint system is required in accordance with point BOP.BAS.320, the pilot-in-command shall wear the system at least during landing.

BOP.BAS.180 USE OF SUPPLEMENTAL OXYGEN

The pilot-in-command shall ensure that:

(a) all crew members engaged in performing duties essential to the safe operation of the balloon use supplemental oxygen continuously whenever he or she determines that, at the altitude of the intended flight, the lack of oxygen might result in impairment of the faculties of crew members; and

(b) supplemental oxygen is available to passengers when lack of oxygen might harmfully affect them.

BOP.BAS.185 OPERATIONAL LIMITATIONS AT NIGHT

(a) Hot-air balloons:

(1) shall not land during night, except in emergency situations; and

(2) may take off during night, provided that sufficient fuel or ballast is carried for a landing during day.

(b) Gas balloons and mixed balloons:

(1) shall not land during night, except in emergency situations or as a precautionary landing; and

(2) may take off during night, provided that sufficient fuel or ballast is carried for a landing during day.

(c) Hot-air airships shall be operated in accordance with their approved VFR night operating limitations and information.

BOP.BAS.190 BALLOON SPECIALISED OPERATIONS — RISK ASSESSMENT AND CHECKLIST

(a) Before commencing a balloon specialised operation, the pilot-in-command shall conduct a risk assessment, assessing the complexity of the activity in order to determine the hazards and associated risks of the intended operation and establish mitigating measures where necessary.

(b) A balloon specialised operation shall be performed in accordance with a checklist. The pilot-in-command shall establish that checklist and ensure that it is appropriate to the specialised activity and balloon used, based on the risk assessment and taking account of all requirements set out in this Subpart. The checklist shall be readily accessible on each flight to the pilot-in-command and other crew members, where it is relevant for the performance of their duties.

(c) The pilot-in-command shall regularly review and update the checklist where necessary in order to adequately take account of the risk assessment.

SECTION 3. PERFORMANCE AND OPERATING LIMITATIONS

BOP.BAS.200 OPERATING LIMITATIONS

The pilot-in-command shall ensure that, during any phase of operation, the balloon is not exceeding any of the limitations set out in the AFM or equivalent document(s).

BOP.BAS.205 WEIGHING

(a) The weighing of the balloon shall be accomplished by the manufacturer of the balloon.

(b) The operator shall ensure that the mass of the balloon has been established by actual weighing prior to its initial entry into service. The accumulated effects of modifications and repairs on the mass shall be accounted for and properly documented. Such information shall be made available to the pilot-in-command. The balloon shall be reweighed if the effects of modifications or repairs on the mass are not known.

BOP.BAS.210 PERFORMANCE — GENERAL

The pilot-in-command shall only operate the balloon if the performance of the balloon is adequate to comply with the requirements set out in the Rules of Air of the Republic of Azerbaijan (approved by Cabinet of Ministers Resolution #4 dd.15.01.2013) and any other restrictions applicable to the flight, the airspace or operating sites used, ensuring that any charts or maps used are the latest available edition.

SECTION 4. INSTRUMENTS AND EQUIPMENT

BOP.BAS.300 INSTRUMENTS AND EQUIPMENT — GENERAL

(a) Instruments and equipment required by this Section shall be approved if one of the following conditions is fulfilled:

(1) they are used to comply with points BOP.BAS.355 and BOP.BAS.360;

(2) they are permanently installed in the balloon.

(b) By way of derogation from point (a), all of the following instruments or equipment, when required by this Section, shall not need an approval:

(1) instruments or equipment used by the flight crew to determine the flight path;

(2) independent portable lights;

(3) an accurate time piece;

(4) first-aid kit;

(5) survival and signalling equipment;

(6) supplemental oxygen storage and dispensing apparatus;

(7) alternative source of ignition;

(8) fire blanket or fire-resistant cover;

(9) hand fire extinguisher;

(10) drop line;

(11) knife.

(c) Instruments and equipment not required by this Section, as well as any other equipment that is not required by this Annex but is carried on board a balloon during a flight, shall comply with the following two conditions:

(1) the information provided by those instruments or equipment shall not be used by the flight crew to comply with the essential requirements for airworthiness;

(2) the instruments and equipment shall not affect the airworthiness of the balloon, even in the case of failures or malfunction.

(d) Instruments and equipment shall be readily operable or accessible from the station where the flight crew member that needs to use it is assigned.

(e) All required emergency equipment shall be easily accessible for immediate use.

BOP.BAS.305 MINIMUM INSTRUMENTS AND EQUIPMENT FOR FLIGHT

A balloon flight shall not be commenced when any of the instruments and equipment required for the intended flight with the balloon are missing, inoperative or do not fulfil the required functions.

BOP.BAS.310 OPERATING LIGHTS

Balloons operated at night shall be equipped with all of the following:

(a) an anti-collision light;

(b) a means to provide adequate illumination for all instruments and equipment essential to the safe operation of the balloon;

(c) an independent portable light.

BOP.BAS.315 FLIGHT AND NAVIGATIONAL INSTRUMENTS AND EQUIPMENT

Balloons operated under VFR by day shall be equipped with both of the following:

(a) a means of displaying drift direction;

(b) a means of measuring and displaying:

(1) time in hours, minutes and seconds;

(2) vertical speed, if required by the AFM; and

(3) pressure altitude, if required by the AFM, when required by airspace requirements or when the altitude needs to be known for the use of oxygen.

BOP.BAS.320 RESTRAINT SYSTEMS

Balloons shall be equipped with a restraint system for the pilot-in-command when the balloon is equipped with one of the following:

(a) a separate compartment for the pilot-in-command;

(b) turning vent(s).

BOP.BAS.325 SUPPLEMENTAL OXYGEN

Balloons operated when an oxygen supply is required in accordance with point BOP.BAS.180 shall be equipped with oxygen storage and dispensing apparatus capable of storing and dispensing the required oxygen supplies.

BOP.BAS.330 FIRST-AID KIT

(a) Balloons shall be equipped with a first-aid kit.

(b) The first-aid kit shall be:

(1) readily accessible for use; and

(2) kept up-to-date.

BOP.BAS.335 HAND FIRE EXTINGUISHERS

Except for gas balloons, balloons shall be equipped with at least one hand fire extinguisher.

BOP.BAS.340 LIFE-SAVING AND SIGNALLING EQUIPMENT – FLIGHTS OVER WATER

The pilot-in-command of a balloon operated over water shall determine, before commencing the flight, the risks to survival of the persons carried in the balloon in the event of ditching. In

light of those risks, he or she shall determine whether there is need to carry life-saving and signalling equipment.

BOP.BAS.345 LIFE-SAVING AND SIGNALLING EQUIPMENT – SEARCH AND RESCUE DIFFICULTIES

Balloons operated over areas in which search and rescue (SAR) would be especially difficult shall be equipped with such life-saving and signalling equipment as appropriate to the area overflown.

BOP.BAS.350 MISCELLANEOUS EQUIPMENT

(a) Balloons shall be equipped with protective gloves for each crew member.

(b) Mixed balloons, hot-air balloons and hot-air airships shall be equipped with all of the following:

(1) an alternative and independent source of ignition;

(2) a means of measuring and indicating fuel quantity;

(3) a fire blanket or fire-resistant cover;

(4) a drop line of at least 25 m in length.

(c) Gas balloons shall be equipped with both of the following:

(1) a knife;

(2) a trail rope of at least 20 m in length made of natural fibre or electrostatic, conductive material.

BOP.BAS.355 RADIO COMMUNICATION EQUIPMENT

(a) Balloons shall have radio communication equipment to allow for the communication, if the flight takes place in the airspace of a third country, the law of that third country.

(b) The radio communication equipment shall provide for communication on the aeronautical emergency frequency 121,5 MHz.

BOP.BAS.360 TRANSPONDER

Balloons shall have a secondary surveillance radar (SSR) transponder with all the capabilities and, if the flight takes places in airspace of a third country, the law of that third country.

SUBPART ADD – ADDITIONAL REQUIREMENTS FOR COMMERCIAL OPERATIONS

SECTION 1. GENERAL ORGANISATION REQUIREMENTS

BOP.ADD.001 SCOPE

In accordance with Article 3, this Subpart establishes the requirements to be met, in addition to the requirements of Subpart BAS, by any operator engaged in commercial operations with balloons, other than the operators referred to in the last subparagraph Article 3(2).

BOP.ADD.005 RESPONSIBILITIES OF THE OPERATOR

(a) The operator shall be responsible for the operation of the balloon in accordance with the requirements of this Subpart and with its declaration.

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

(c) The operator shall ensure that the balloon is equipped and all crew members are qualified as required for the area and type of operation.

(d) The operator shall ensure that all crew members assigned to, or directly involved in, flight operations comply with all of the following conditions:

(1) they are properly trained and instructed;

(2) they are aware of the rules and procedures relevant to their particular duties;

(3) they have demonstrated their abilities in their particular duties;

(4) they are aware of their responsibilities and the relationship of such duties to the operation of the balloon as a whole.

(e) The operator shall establish procedures and instructions for the safe operation of each balloon type, containing duties and responsibilities of the crew members, for all types of operations. Those procedures and instructions shall not require crew members to perform any activity during critical phases of flight other than those required for the safe operation of the balloon.

(f) The operator shall make arrangements for the supervision of crew members and personnel involved in the operation of the balloon by individuals with adequate experience and skills in order to ensure the attainment of the standards specified in the operations manual.

(g) The operator shall ensure that all crew members and personnel involved in the operation of the balloon are made aware that they are to comply with the laws, regulations and procedures of the Azerbaijan Republic in which operations are conducted that are pertinent to the performance of their duties.

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

BOP.ADD.010 NOTIFICATION OF ALTERNATIVE MEANS OF COMPLIANCE

The operator shall, when making the declaration in accordance with point BOP.ADD.100, notify to the SCAA the list of alternative means of compliance (AltMoC), where it intends to use AltMoC to demonstrate compliance when so requested in accordance with point BOP.BAS.010.

BOP.ADD.015 ACCESS

(a) For the purpose of determining compliance with the essential requirements and with the requirements of this Regulation, the operator shall grant access to any person authorised by the SCAA at any time to any facility, balloon, document, records, data, procedures or any other material relevant to the operator's activity that falls within the scope of this Regulation, irrespective of whether or not the activity is contracted.

(b) Access to the balloon shall, in the case of commercial passenger ballooning, include the possibility to enter and remain in the balloon during flight operations, unless to do so would endanger the flight.

BOP.ADD.020 FINDINGS

After receipt of the notification of findings raised by the SCAA in accordance with points ARO.GEN.350, ARO.GEN.355 and ARO.GEN.360 of AAR-OPS, the operator shall do all of the following:

(a) identify the root cause of the non-compliance;

(b) define a corrective action plan;

(c) demonstrate implementation of the corrective action plan to the satisfaction of the competent authority within the time period specified by that authority in accordance with point ARO.GEN.350 of Annex II to AAR-OPS.

BOP.ADD.025 OCCURRENCE REPORTING

(a) The operator shall implement, as part of its management system, an occurrence reporting scheme which is to provide for mandatory and voluntary.

(b) Without prejudice to point (a), the operator shall report to the SCAA and to the organisation responsible for the design of the balloon any malfunction, technical defect, exceeding of technical limitations or occurrence that would highlight inaccurate, incomplete or ambiguous information contained in data and any other occurrence which constitutes an incident but not an accident or serious incident.

(c) The operator shall take the necessary measures to ensure that the pilot-in-command, any other crew member and all its personnel in respect of any serious incident or accident associated with the operation of a balloon will be reported.

BOP.ADD.030 MANAGEMENT SYSTEM

(a) The operator shall establish, implement and maintain a management system that includes all of the following:

(1) clearly defined lines of responsibility and accountability throughout the organisation of the operator, including a direct safety accountability of the accountable manager;

(2) a description of the overall philosophies and principles of the operator with regard to safety, which shall be known as the safety policy;

(3) the identification of aviation safety hazards entailed by the activities of the operator, the evaluation of those hazards and the management of associated risks, including by taking actions to mitigate those risks where necessary and verifying the effectiveness of those actions;

(4) maintaining personnel trained and competent to perform their tasks;

(5) documentation of all key processes of the management system, including a process for making personnel aware of their responsibilities and the procedure for amending that documentation;

(6) a function to monitor compliance of the operator with the requirements of this Annex. Such compliance monitoring shall include a feedback system of findings to the accountable manager of the operator to ensure effective implementation of corrective actions as necessary;

(b) The management system shall correspond to the size of the operator and the nature and complexity of its activities, taking into account the hazards and associated risks of those activities.

BOP.ADD.035 CONTRACTED ACTIVITIES

When contracting any part of its activity that falls within the scope of this Regulation, the operator shall be responsible for ensuring that the contracted organisation carries out the activity in accordance with the requirements of this Regulation. The operator shall also ensure that the SCAA is given access to the contracted organisation in order to determine that the operator complies with those requirements.

BOP.ADD.040 PERSONNEL REQUIREMENTS

(a) The operator shall appoint an accountable manager who has the authority to ensure that all activities that fall within the scope of this Regulation can be financed and carried out in accordance with the requirements of this Regulation. The accountable manager shall be responsible for establishing and maintaining an effective management system.

(b) The operator shall:

(1) identify the responsibilities of its personnel for all tasks and activities to be performed;

(2) have sufficient qualified personnel to carry out those tasks and activities; and

(3) maintain appropriate experience, qualification and training records of its personnel.

(c) The operator shall nominate one or more persons responsible for the management and supervision of all of the following areas:

(1) flight operations;

(2) ground operations;

(3) continuing airworthiness.

BOP.ADD.045 FACILITY REQUIREMENTS

The operator shall have facilities that are sufficient to allow the performance and management of all tasks and activities required to ensure compliance with the essential requirements set out in this Regulation.

SECTION 2. DECLARATION, AIRWORTHINESS AND WET AND DRY LEASE

BOP.ADD.100 DECLARATION

(a) In the declaration referred to in the second subparagraph of Article 3(2), the operator shall confirm that it complies and will continue to comply with the essential requirements set out in requirements of this Regulation.

(b) The operator shall include in the declaration all of the following information:

(1) the name of the operator;

(2) the place where the operator has its principal place of business;

(3) the name and contact details of the accountable manager of the operator;

(4) the starting date of the commercial operation and, where relevant, the date at which the change to an existing commercial operation takes effect;

(5) in respect of all balloons used for the commercial operation, the balloon type, registration, main base, type of operation and continuing airworthiness management organisation.

(c) Where applicable, the operator shall annex to the declaration the list of alternative means of compliance (AltMoC), in accordance with point BOP.ADD.010.

(d) When making the declaration, the operator shall use the form contained in the Appendix to this Annex.

BOP.ADD.105 CHANGES TO THE DECLARATION AND CESSATION OF COMMERCIAL OPERATIONS

(a) The operator shall notify the SCAA without delay of any changes in circumstances affecting its compliance with the essential requirements set out in the requirements of this Regulation, as declared to the SCAA, and of any changes in respect of the information referred to in point BOP.ADD.100(b) and the list of AltMoCs referred to in point BOP.ADD.100(c), as included in or annexed to the declaration.

(b) The operator shall notify the SCAA without delay when it is no longer engaged in commercial operations with balloons.

BOP.ADD.110 AIRWORTHINESS REQUIREMENTS

Balloons shall have a certificate of airworthiness issued in accordance with AAR-21 or, in the case of a balloon registered in a third country, shall be subject to either a wet lease agreement or a dry lease agreement in accordance with point BOP.ADD.115.

BOP.ADD.115 WET LEASE AND DRY LEASE OF A BALLOON REGISTERED IN A THIRD COUNTRY

(a) The operator shall notify to the SCAA any wet lease agreement or dry lease agreement concerning a balloon registered in a third country.

(b) Where a balloon registered in a third country is subject to a wet lease agreement, the operator shall ensure that the level of safety resulting from the application of the safety standards with regard to continuing airworthiness and air operations to which the third country operator of the balloon is subject, is at least equivalent to that resulting from the application of the requirements of Annex I to AAR-M and of this Regulation.

(c) Where a balloon registered in a third country is subject to a dry lease agreement, the operator of such balloon shall ensure compliance with the essential requirements relating to continuing airworthiness set out in Air Law and with the requirements of this Regulation.

SECTION 3. MANUALS AND RECORDS

BOP.ADD.200 OPERATIONS MANUAL

(a) The operator shall establish an operations manual.

(b) The content of the operations manual shall reflect the requirements set out in this Annex and shall not contravene any information contained in the operator's declaration.

(c) The operations manual may be established as separate parts.

(d) All personnel of the operator shall have easy access to the portions of the operations manual that are relevant to their duties.

(e) The operations manual shall be kept up-to-date. All personnel of the operator shall be made aware of any amendment of the operations manual that are relevant to the performance of their duties.

(f) The operator shall ensure that any information used as the basis for the content of the operations manual and any amendment thereof is correctly reflected in the operations manual.

(g) The operator shall ensure that all personnel are able to understand the language in which those parts of the operations manual which are relevant to their duties are written. The content of the operations manual shall be presented in a form that can be used without difficulty.

BOP.ADD.205 RECORD-KEEPING

(a) The operator shall establish a system of record-keeping that allows adequate storage and reliable traceability of its activities.

(b) The format of the records shall be specified in the operator's procedures or manuals.

SECTION 4. FLIGHT CREW

BOP.ADD.300 COMPOSITION OF FLIGHT CREW

(a) The composition of the flight crew shall be, as a minimum, as specified in the AFM or operating limitations prescribed for the balloon.

(b) The flight crew shall include additional flight crew members when required by the type of operation. The number of the flight crew shall not be lower than the number specified in the operations manual.

(c) All flight crew members shall hold a licence and ratings issued or accepted in accordance with Annex III to this Regulation and shall be appropriate to the duties assigned to them.

(d) Flight crew members may be relieved during the flight of their duties at the controls by another suitably qualified flight crew member.

(e) When engaging the services of flight crew members who work on a freelance or part-time basis, the operator shall verify that all of the following requirements are complied with:

(1) the requirements of this Subpart;

(2) Annex III to this Regulation, including the requirements on recent experience;

(3) the flight and duty time limitations and rest requirements in accordance with the laws and regulations of the Republic of Azerbaijan as the State where the operator has its principal place of business, taking into account all services rendered by the flight crew member to other operators.

BOP.ADD.305 DESIGNATION AS PILOT-IN-COMMAND

(a) The operator shall designate one pilot amongst the flight crew as pilot-in-command.

(b) The operator shall only designate a pilot to act as pilot-in-command if he or she:

(1) is qualified to act as pilot-in-command in accordance with Annex III to this Regulation;

(2) has the minimum level of experience specified in the operations manual; and

(3) has adequate knowledge of the area to be flown.

BOP.ADD.310 PROVISION OF TRAINING AND CHECKING

All training and checking of flight crew members required pursuant to point BOP.ADD.315 shall be provided as follows:

(a) in accordance with the training programmes and syllabi established by the operator in the operations manual;

(b) by appropriately qualified persons and, as regards flight training and checking, by persons qualified in accordance with Annex III to this Regulation.

BOP.ADD.315 RECURRENT TRAINING AND CHECKING

(a) Each flight crew member shall complete every 2 years recurrent flight and ground training relevant to the class of balloon on which he or she operates, including training on the location and use of all emergency and safety equipment carried.

(b) Each flight crew member shall complete operator proficiency checks to demonstrate his or her competence in carrying out normal, abnormal and emergency procedures, covering the relevant aspects associated with the specialised tasks described in the operations manual. When carrying out those checks, due account shall be taken of crew members who undertake operations under VFR at night.

(c) The operator proficiency check shall be valid for 24 calendar months, counting from the end of the month during which the check was carried out or, in case the check is carried out within the last 3 months of the validity period of the previous check, from the last day of the validity period of that previous check.

SECTION 5. GENERAL OPERATING REQUIREMENTS

BOP.ADD.400 RESPONSIBILITIES OF THE PILOT-IN-COMMAND

The pilot-in-command shall comply with both of the following:

(a) the relevant requirements of the operator's occurrence reporting scheme referred to in point BOP.ADD.025;

(b) all flight and duty time limitations and rest requirements applicable to his or her activities in accordance with the national law of the Azerbaijan Republic.

BOP.ADD.405 AUTHORITY OF THE PILOT-IN-COMMAND

Notwithstanding point BOP.BAS.035, the operator shall take all reasonable measures to ensure that all persons carried in the balloon obey all lawful commands given by the pilot-in-command for the purpose of ensuring the safety of the balloon, of any person or property carried therein or of any person or property on the ground.

BOP.ADD.410 ADDITIONAL BALLOON CREW MEMBER

When a balloon carries more than 19 passengers, at least one additional crew member shall be present on board the balloon in addition to the flight crew as required pursuant to points (a) and (b) of point BOP.ADD.300 to assist passengers in the event of an emergency. That additional crew member shall be appropriately experienced and trained.

BOP.ADD.415 FITNESS RELATING TO DEEP WATER DIVING AND BLOOD DONATION

Crew members shall not perform any duties on the balloon where their fitness might be impaired after deep water diving or following blood donation.

BOP.ADD.420 COMMON LANGUAGE

The operator shall ensure that all crew members can communicate with each other in a common language.

BOP.ADD.425 PSYCHOACTIVE SUBSTANCES

The operator shall take all reasonable measures to ensure that no person enters or is in a balloon when under the influence of psychoactive substances to the extent that the safety of the balloon, of any person or property carried therein or of any person or property on the ground is likely to be endangered by the presence of that person.

BOP.ADD.430 ENDANGERING

The operator shall take all reasonable measures to ensure that no person, intentionally, recklessly or negligently, acts or omits to act with one of the following consequences:

(a) endanger a balloon or person therein or on the ground;

(b) cause or permit a balloon to endanger any person or property.

BOP.ADD.435 DOCUMENTS, MANUALS AND INFORMATION TO BE CARRIED

(a) All of the following documents, manuals and information shall be carried on each flight as originals or copies:

(1) the declaration made by the operator;

(2) information concerning search and rescue services for the area of the intended flight;

(3) the operational flight plan.

(b) All of the following documents, manuals and information shall be stowed at a safe place, not on board the balloon during a flight, as originals:

(1) the documents, manuals and information referred to in point (a), when copies thereof are carried on board the balloon during a flight;

(2) the current parts of the operations manual or the standard operating procedures (SOPs) that are relevant to the duties of crew members, which shall be easily accessible to them;

(3) passenger lists, when passengers are carried;

(4) the mass documentation referred to in point (c) of point BOP.ADD.600.

(c) When requested by the competent authority, the pilot-in-command or the operator shall make available to that authority the original documents, manuals and information within the time period specified by the authority which shall not be less than 24 hours.

BOP.ADD.440 DANGEROUS GOODS

The operator shall:

(a) establish procedures to ensure that all reasonable measures are taken to prevent dangerous goods from being carried on board the balloon inadvertently; and

(b) provide crew members with the necessary information enabling them to adequately carry out their duties in respect of any dangerous goods carried or intended to be carried on board the balloon.

SECTION 6. OPERATING PROCEDURES

BOP.ADD.500 FUEL OR BALLAST CALCULATIONS

The operator shall ensure that the calculations as regards reserve fuel or ballast are documented in an operational flight plan.

BOP.ADD.505 CARRIAGE OF SPECIAL CATEGORIES OF PASSENGERS

The operator shall establish procedures for carrying persons requiring special conditions, assistance or devices when carried on board a balloon under conditions that ensure the safety of the balloon and of any person or property carried therein.

BOP.ADD.510 COMMERCIAL BALLOON SPECIALISED OPERATIONS — STANDARD OPERATING PROCEDURES

Notwithstanding point BOP.BAS.190:

(a) Before commencing a commercial balloon specialised operation, the operator shall conduct a risk assessment, assessing the complexity of the intended operation in order to determine the hazards and associated risks of the operation and to establish mitigating measures where necessary.

(b) Based on the risk assessment, the operator shall, before commencing the commercial balloon specialised operation, establish standard operating procedures (SOPs) appropriate to the intended operation and the balloon used. The SOPs shall either be part of the operations manual or be laid down in a separate document. The operator shall regularly review and update the SOPs where necessary in order to adequately take account of the risk assessment.

(c) The operator shall ensure that commercial balloon specialised operations are performed in accordance with the SOPs.

SECTION 7. PERFORMANCE AND OPERATING LIMITATIONS

BOP.ADD.600 SYSTEM FOR DETERMINING THE MASS

(a) The operator shall establish a system specifying how all of the following items are accurately determined for each flight, so as to enable the pilot-in-command to verify that the limitations of the AFM are complied with:

(1) balloon empty mass;

(2) mass of the traffic load;

(3) mass of the fuel or ballast load;

(4) take-off mass;

(5) loading of the balloon performed under the supervision of the pilot-in-command or qualified personnel;

(6) preparation and disposition of all documentation.

(b) The mass computation based on electronic calculations shall be replicable by the pilot-in-command.

(c) The mass documentation, specifying the items listed in point (a), shall be prepared prior to each flight and documented in an operational flight plan.

APPENDIX

DECLARATION

Operator

Name:_____

Place where the operator has its principal place of business:

_____

Name and contact details of the accountable manager:

Balloon operation

Starting date of commercial operation and, where relevant, date of change to existing commercial operation.

Information on balloon(s) used, commercial operation(s) and continuing airworthiness management: (1)

Balloon type	Balloon registration	Main base	Type(s) of operation (2)	Continuing airworthiness management organisation (3)

Where applicable, list of the AltMoCs with references to the associated AMC (annex to this declaration):

Statements

☐ The operator complies, and will continue to comply, with the essential requirements set out in AAR-BAL. In particular, the operator conducts its commercial operations in accordance with the following requirements of Subpart ADD of Annex II of AAR-BAL:

☐ The management system documentation, including the operations manual, comply with the requirements of Subpart ADD and all flights will be carried out in accordance with the provisions of the operations manual as required by point BOP.ADD.005(b) of Subpart ADD.

☐ All balloons operated either have a certificate of airworthiness issued in accordance with AAR-M or meet the specific airworthiness requirements applicable to balloons that are registered in a third country and are subject to a wet lease agreement or a dry lease agreement, as required by points BOP.ADD.110 and BOP. ADD.115(b) and (c) of Subpart ADD.

☐ All flight crew members hold a licence and ratings issued or accepted in accordance with requirements by point BOP.ADD.300(c) of Subpart ADD.

☐ The operator will notify the SCAA of any changes in circumstances affecting its compliance with the essential requirements set out in AAR-SMS as declared to the competent authority through this declaration and any changes to the information and lists of AltMoCs included in and annexed to this declaration, as required by point BOP.ADD.105(a) of Subpart ADD.

☐ The operator confirms that all information included in this declaration, including its annexes, is complete and correct.

Date, name and signature of the accountable manager'

(1) Complete the table. If there is not enough space to list the information, it shall be listed in a separate annex. The annex shall be dated and signed.
(2) "Type(s) of operation" refers to the type(s) of commercial operation conducted with the balloon.
(3) Information about the organization responsible for the continuing airworthiness management shall include the name of the organization, the address and the approval reference.

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ANNEX III – REQUIREMENTS FOR BALLOON FLIGHT CREW LICENSING (PART-BFCL)

SUBPART GEN – GENERAL REQUIREMENTS

BFCL.001 SCOPE

This Annex establishes the requirements for the issue of a balloon pilot licence ("BPL") and associated privileges, ratings and certificates, and the conditions for their validity and use.

BFCL.005 COMPETENT AUTHORITY

For the purpose of this Annex, the competent authority shall be an authority designated by the Republic of Azerbaijan to which a person applies for the issue of a BPL or associated privileges, ratings or certificates.

BFCL.010 CLASSES AND GROUPS OF BALLOONS

For the purpose of this Annex, balloons shall be categorised in the following classes and groups:

(a) "hot-air balloon" class:

(1) group A: envelope capacity up to 3 400 m^3 (120 069 ft^3);

(2) group B: envelope capacity between 3 401 m^3 (120 070 ft^3) and 6 000 m^3 (211 888 ft^3);

(3) group C: envelope capacity between 6 001 m^3 (211 889 ft^3) and 10 500 m^3 (370 804 ft^3);

(4) group D: envelope capacity of more than 10 500 m^3 (370 804 ft^3);

(b) "gas balloon" class;

(c) "mixed balloon" class;

(d) "hot-air airship" class.

BFCL.015 APPLICATION FOR AND ISSUE, REVALIDATION AND RENEWAL OF A BPL AS WELL AS ASSOCIATED PRIVILEGES, RATINGS AND CERTIFICATES

(a) An application for the following shall be submitted to the SCAA in a form and manner established by that SCAA:

(1) the issue of a BPL and associated ratings;

(2) the extension of the privileges of a BPL;

(3) the issue of a flight instructor (for balloons) ("FI(B)") certificate;

(4) the issue, revalidation and renewal of a flight examiner (for balloons) ("FE(B)") certificate; and

(5) any amendments to the BPL and associated privileges, ratings certificates.

(b) An application specified in paragraph (a) shall be accompanied by evidence that the applicant complies with the relevant requirements established in this Annex and AAR-MED.

(c) Any limitation or extension of the privileges granted by a licence, rating or certificate shall be endorsed on the licence or certificate by the competent authority.

(d) A person shall not hold at any time more than one BPL issued in accordance with this Annex.

(e) A licence holder shall submit applications as specified in paragraph (a) to the SCAA in accordance with this Annex (Part-BFCL), or AAR-FCL or Annex III (Part-SFCL) to Implementing Regulation AAR-SAIL, as applicable.

(f) A BPL holder may apply for a change of competent authority to the competent authority designated by another State but in such case the new competent authority shall be the same for all the licences held.

(g) Applicants shall apply for the issue of a BPL and associated ratings, privileges or certificates not later than 6 months after having successfully completed the skill test or assessment of competence.

BFCL.030 PRACTICAL SKILL TEST

Except for the skill test for the commercial operation rating as specified in point BFCL.215, an applicant for a skill test shall be recommended for the test by the ATO or the DTO that is responsible for the training undertaken by the applicants, once the training is completed. The training records shall be made available to the examiner by the ATO or DTO.

BFCL.035 CREDITING OF FLIGHT TIME

Applicants for a BPL or an associated privilege, rating or certificate shall be fully credited with all solo, dual instruction or PIC flight time on balloons towards the requirement of a total flight time for the licence, privilege, rating or certificate.

BFCL.045 OBLIGATION TO CARRY AND PRESENT DOCUMENTS

(a) When exercising the privileges of BPL licence, BPL holders shall carry all of the following:

(1) a valid BPL;

(2) a valid medical certificate;

(3) a personal identification document containing his or her photo;

(4) sufficient logbook data to demonstrate compliance with the requirements of this Annex.

(b) Student pilots shall carry on all solo flights:

(1) the documents as specified in paragraphs (a)(2) and (a)(3); and

(2) evidence of the authorisation required by point BFCL.125(a).

(c) BPL holders or student pilots shall without undue delay present the documents as specified in paragraph (a) or (b) for inspection upon request by an authorised representative of the SCAA.

BFCL.050 RECORDING OF FLIGHT TIME

BPL holders and student pilots shall keep a reliable record of the details of all flights flown in a form and manner established by the SCAA.

BFCL.065 CURTAILMENT OF PRIVILEGES OF BPL HOLDERS AGED 70 YEARS OR OLDER IN COMMERCIAL PASSENGER BALLOONING

BPL holders who have attained the age of 70 years shall not act as pilots of a balloon engaged in commercial passenger balloon operations.

BFCL.070 LIMITATION, SUSPENSION OR REVOCATION OF LICENCES, PRIVILEGES, RATINGS AND CERTIFICATES

(a) A BPL as well as associated privileges, ratings and certificates issued in accordance with this Annex may be limited, suspended or revoked by the SCAA in accordance with the conditions and procedures laid down in AAR-ARA if a BPL holder does not comply with the essential requirements set out in AAR-BAL or with the requirements of this Annex as well as of Annex II (Part-BOP) to this Regulation or AAR-MED.

(b) BPL holders shall immediately return the licence or certificate to the SCAA if their licence, privilege, rating or certificate has been limited, suspended or revoked.

SUBPART BPL. BALLOON PILOT LICENCE ("BPL")

BFCL.115 BPL – PRIVILEGES AND CONDITIONS

(a) The privileges of a BPL holder are to act as PIC in balloons:

(1) without remuneration in non-commercial operations;

(2) in commercial operations if he or she holds a commercial operation rating in accordance with point BFCL.215 of Subpart ADD of this Annex.

(b) By way of derogation from paragraph (a)(1), a BPL holder who has instructor or examiner privileges may receive remuneration for:

(1) the provision of flight instruction for the BPL;

(2) the conduct of skill tests and proficiency checks for the BPL;

(3) the training, testing and checking for the privileges, ratings and certificates attached to a BPL.

(c) BPL holders shall exercise BPL privileges only if they comply with the applicable recency requirements and only if their medical certificate, appropriate to the privileges exercised, is valid.

BFCL.120 BPL – MINIMUM AGE

Applicants for a BPL shall be at least 16 years of age.

BFCL.125 BPL – STUDENT PILOT

(a) Student pilots shall not fly solo unless authorised to do so and supervised by a flight instructor for balloons (FI(B)).

(b) Student pilots shall be at least 14 years of age to be allowed on solo flights.

BFCL.130 BPL – TRAINING COURSE AND EXPERIENCE REQUIREMENTS

Applicants for a BPL shall complete a training course at an ATO or a DTO. The course shall be tailored to the privileges sought and shall include:

(a) theoretical knowledge as specified in point BFCL.135(a);

(b) at least 16 hours of flight instruction in either hot-air balloons that represent group A of that class, or gas balloons, including at least:

(1) 12 hours of dual flight instruction;

(2) 10 inflations and 20 take-offs and landings; and

(3) One supervised solo flight with a flight time of at least 30 minutes.

BFCL.135 BPL – THEORETICAL KNOWLEDGE EXAMINATION

(a) Theoretical knowledge

Applicants for a BPL shall demonstrate a level of theoretical knowledge that is appropriate to the privileges sought through examinations on the following:

(1) common subjects:

(i) air law;

(ii) human performance;

(iii) meteorology;

(iv) communications; and

(2) specific subjects concerning balloons:

(i) principles of flight;

(ii) operational procedures;

(iii) flight performance and planning;

(iv) aircraft general knowledge related to balloons; and

(v) navigation.

(b) Responsibilities of the applicant

(1) The applicant shall take the entire set of theoretical knowledge examinations for the BPL under the responsibility of the SCAA.

(2) The applicant shall take the theoretical knowledge examination only if recommended by the ATO or the DTO that is responsible for his or her training and once he or she has completed the appropriate elements of the training course of theoretical knowledge instruction to a satisfactory standard.

(3) The recommendation by the ATO or the DTO shall be valid for 12 months. If the applicant has failed to take at least one theoretical knowledge examination paper within this validity period, the need for further training shall be determined by the ATO or the DTO, based on the needs of the applicant.

(c) Pass standards

(1) A pass in a theoretical knowledge examination paper shall be awarded to the applicant if he or she has achieved at least 75 % of the marks allocated to that paper. No penalty marking shall be applied.

(2) Unless otherwise specified in this Annex, an applicant is considered to have successfully completed the required theoretical knowledge examination for the BPL if he or she has passed all the required theoretical knowledge examination papers within a period of 18 months counted from the end of the calendar month when the applicant first attempted to take the examination.

(3) If an applicant has failed to pass one of the theoretical knowledge examination papers within four attempts or has failed to pass all papers within the period mentioned in paragraph (2), he or she shall retake the complete set of theoretical knowledge examination papers.

(4) Before retaking the theoretical knowledge examinations, the applicant shall undertake further training at an ATO or a DTO. The ATO or the DTO shall determine the extent and scope of the training, based on the needs of the applicant.

(d) Validity period

The theoretical knowledge examination shall be valid for a period of 24 months counted from the day when the applicant successfully completed the theoretical knowledge examination, in accordance with paragraph (c)(2).

BFCL.140 BPL – CREDITING OF THEORETICAL KNOWLEDGE

Applicants for the issue of a BPL shall be credited towards the theoretical knowledge requirements for the common subjects as specified in point BFCL.135(a)(1) if they:

(a) hold a licence in accordance with AAR-FCL or Annex III (Part-SFCL) of AAR-SAIL; or

(b) have passed the theoretical knowledge examinations for a licence as specified in paragraph (a), as long as this is done within the validity period specified in point BFCL.135(d).

BFCL.145 BPL – PRACTICAL SKILL TEST

(a) Applicants for a BPL shall demonstrate through the completion of a skill test the ability to perform, as PIC on a balloon, the relevant procedures and manoeuvres with competency appropriate to the privileges sought.

(b) Applicants shall complete the skill test in the same class of balloons in which the training course has been completed in accordance with point BFCL.130 and, in case of hot-air balloons, in a balloon that represents group A of that class.

(c) To take a skill test for the issue of a BPL, the applicant shall first pass the required

theoretical knowledge examination.

(d) Pass standards

(1) The skill test shall be divided into different sections, representing all the different phases of a balloon flight.

(2) Failure in any item of a section shall cause the applicant to fail the entire section. If the applicant fails in only one section, he or she shall repeat only that section. Failure in more than one section shall require the applicant to retake the entire test.

(3) If the applicant needs to retake the test in accordance with paragraph (2) and fails in any section, including those sections that have been passed at a previous attempt, the applicant shall retake the entire test.

(e) If the applicant fails to achieve a pass in all sections of the test within two attempts, he or she shall receive further practical training.

BFCL.150 BPL – EXTENSION OF PRIVILEGES TO ANOTHER BALLOON CLASS OR GROUP

(a) The privileges of the BPL shall be limited to the class of balloon in which the skill test as specified in point BFCL.145 was taken, and, in the case of hot-air balloons, to group A of that class.

(b) In the case of hot-air balloons, the privileges of the BPL shall be extended to another group within the hot-air balloon class upon application if a pilot has completed at least:

(1) two instruction flights with an FI(B) on a balloon of the relevant group;

(2) the following amount of hours of flight time as PIC on balloons:

(i) at least 100 hours, if privileges for group B balloons are sought;

(ii) at least 200 hours, if privileges for group C balloons are sought;

(iii) at least 300 hours, if privileges for group D balloons are sought.

(c) Except for the mixed balloon class, the privileges of the BPL shall be extended to another balloon class, or, if privileges for the hot-air balloon class are sought, to group A of the hot-air balloon class, upon application if a pilot has completed in the relevant balloon class and group:

(1) a training course at an ATO or a DTO, including at least:

(i) five dual instructional flights; or

(ii) in the case of an extension from hot-air balloons to hot-air airships, five hours of dual instruction time; and

(2) a skill test during which the pilot has demonstrated to the FE(B) an adequate level of theoretical knowledge for the other class in the following subjects:

(i) principles of flight;

(ii) operational procedures;

(iii) flight performance and planning;

(iv) aircraft general knowledge with regard to the balloon class for which the extension of privileges is sought.

(d) The completion of the training as specified in paragraphs (b)(1) and (c)(1) shall be entered in the logbook of the pilot and signed by:

(1) in the case of paragraph (b)(1), the instructor who is responsible for the instruction flights; and

(2) in the case of paragraph (c)(1), the head of training of the ATO or of the DTO that is responsible for the training.

(e) A BPL holder shall exercise his or her privileges in the mixed balloon class only if he or she has privileges for both the hot-air balloon class and the gas balloon class.

BFCL.160 BPL – RECENCY REQUIREMENTS

(a) A BPL holder shall only exercise the privileges of his or her licence if he or she has completed in the relevant balloon class:

(1) either:

(i) within the last 24 months before the planned flight, at least six hours of flight time as PIC, including 10 take-offs and landings, as PIC or flying dual or solo under the supervision of an FI(B); and

(ii) within the last 48 months before the planned flight, at least one training flight with an FI(B); or

(2) within the last 24 months before the planned flight, a proficiency check in accordance with point (c).

(b) In addition to the requirements in paragraph (a), in the case of a pilot who is qualified to fly more than one class of balloons, in order to exercise his or her privileges in the other balloon class or the other balloon classes, he or she shall have completed at least three hours of flight time, as PIC or flying dual or solo under the supervision of an FI(B), on each additional balloon class within the last 24 months.

(c) A BPL holder who does not comply with the requirements in paragraph (a)(1) and, if applicable, (b), before resuming the exercise of his or her privileges, shall pass a proficiency check with an FE(B) in a balloon that represents the relevant class.

(d) After complying with paragraph (a), (b) or (c), as applicable, a BPL holder with privileges to fly hot-air balloons shall exercise his or her privileges only on hot-air balloons that represent:

(i) the same group of hot-air balloons in which the training flight as specified in paragraph (a)(1)(ii) or the proficiency check as specified in paragraph (c), as applicable, have been completed, or a group with a smaller envelope size; or

(ii) group A of hot-air balloons in cases where a pilot, in accordance with paragraph (b), has completed the training flight as specified in paragraph (a)(2) in a balloon class other than hot-air balloons.

(e) The completion of the dual flights, the flights under supervision and the training flight as specified in paragraph (a)(1) and (b), as well as the proficiency check as specified in

paragraph (c) shall be entered in the logbook of the pilot and signed by, in the case of paragraphs (a)(1) and (b), the responsible FI(B) and, in the case of paragraph (c), the responsible FE(B).

(f) A BPL holder, that holds also the privileges for commercial operations as specified in point BFCL.215 of Subpart ADD of this Annex, shall be deemed to comply with the requirements of:

(1) paragraph (a) and, if applicable, (b), in case he or she has completed a proficiency check in accordance with point BFCL.215(d)(2)(i) in the relevant balloon class or classes within the last 24 months; or

(2) paragraph (a)(1)(ii), in case he or she has completed the training flight as specified in point BFCL.215(d)(2)(ii) in the relevant balloon class.

In the case of the hot-air balloon class, limitations specified in paragraph (d), concerning the privileges to operate different classes of balloons, shall apply, depending on the balloon class used for complying with paragraphs (f)(1) or (f)(2).

SUBPART ADD – ADDITIONAL RATINGS

BFCL.200 TETHERED HOT-AIR BALLOON FLIGHT RATING

(a) A BPL holder shall undertake tethered flights with hot-air balloons only if he or she holds a tethered hot-air balloon flight rating in accordance with this point.

(b) To apply for a tethered hot-air balloon flight rating, the applicant shall:

(1) have privileges for the hot-air balloon class;

(2) first complete at least two tethered hot-air balloon instruction flights.

(c) The completion of the tethered hot-air balloon training shall be entered in the logbook and signed by the FI(B) who is responsible for the training.

(d) A pilot who holds a tethered hot-air balloon flight rating shall exercise his or her privileges only if he or she has completed at least one tethered hot-air balloon flight during the 48 months preceding the planned flight, or, if he or she has not performed such a flight, the pilot shall exercise his or her privileges if they have performed a tethered hot-air balloon flight flying dual or solo under the supervision of an FI(B). The completion of such dual or solo flight under supervision shall be entered in the pilots logbook and signed by the FI(B).

BFCL.210 NIGHT RATING

(a) A BPL holder shall exercise the privileges of his or her licence in VFR conditions at night only if he or she holds a night rating in accordance with this point.

(b) An applicant for a night rating shall have completed at least two instruction flights at night of at least one hour each.

(c) The completion of the night rating training shall be entered in the logbook and signed by the FI(B) who is responsible for the training.

BFCL.215 COMMERCIAL OPERATION RATING

(a) A BPL holder shall exercise the privileges of his or her licence during commercial operations with balloons only if he or she holds a commercial operation rating in accordance with this point.

(b) An applicant for a commercial operation rating shall:

(1) have attained the age of 18 years;

(2) have completed 50 hours of flight time and 50 take-offs and landings as PIC on balloons;

(3) have the privileges for the class of balloon in which the privileges of the commercial operation rating will be exercised; and

(4) have passed a skill test on the relevant class of balloon during which he or she shall demonstrate to an FE(B) the competence required for commercial balloon operations.

(c) The privileges of the commercial operation rating shall be limited to the class of balloon in which the skill test in accordance with paragraph (b)(3) has been completed. The privileges shall be extended upon application to another class of balloon if, in that other class, the applicant complies with paragraph (b)(3) and (b)(4).

(d) A pilot who holds a commercial operation rating shall exercise the privileges of that rating in commercial passenger ballooning only if he or she has completed:

(1) within the 180 days preceding the planned flight:

(i) at least three flights as PIC in balloons, of which at least one shall be in a balloon of the relevant class; or

(ii) one flight as PIC in a balloon of the relevant class under the supervision of an FI(B) who is qualified in accordance with this point; and

(2) within the 24 months preceding the planned flight:

(i) a proficiency check, in a balloon of the relevant class, during which he or she shall demonstrate to an FE(B) the competence required for commercial passenger ballooning; or

(ii) a refresher course at an ATO or a DTO, tailored to the competence required for commercial balloon operations, including at least six hours of theoretical knowledge instruction and one training flight in a balloon of the relevant class with an FI(B) who is qualified for commercial balloon operations in accordance with this point.

SUBPART FI – FLIGHT INSTRUCTORS

SECTION 1. GENERAL REQUIREMENTS

BFCL.300 FLIGHT INSTRUCTOR CERTIFICATES

(a) General

An instructor shall only carry out flight instruction in a balloon if he or she:

(1) holds:

(i) a BPL including the privileges, ratings and certificates for which flight instruction is to be provided; and

(ii) a balloon flight instructor (FI(B)) certificate appropriate to the instruction carried out, and issued in accordance with this Subpart; and

(2) is entitled to act as PIC in the balloon during flight instruction.

(b) Instruction provided outside the territory of the Republic of Azerbaijan

(1) By way of derogation from subparagraph (a)(1), in the case of flight instruction provided during a training course approved in accordance with this Annex (Part-BFCL) outside the territory of Republic of Azerbaijan for which SCAA are responsible under the Chicago Convention, the SCAA shall issue a flight instructor certificate to an applicant who holds a balloon pilot licence that is compliant with Annex 1 to the Chicago Convention, provided that the applicant:

(i) holds at least a licence including, where relevant, privileges, ratings or certificates equivalent to those for which he or she is authorised to instruct;

(ii) complies with the requirements established in this Subpart for the issue of the FI(B) certificate with the relevant instructional privileges; and

(iii) demonstrates to the SCAA an adequate level of knowledge of Azerbaijan aviation safety rules to be able to exercise his or her instructional privileges in accordance with this Annex.

(2) The certificate shall be limited to the provision of approved flight instruction:

(i) outside the territory for which Republic of Azerbaijan are responsible under the Chicago Convention; and

(ii) to a student pilot who has sufficient knowledge of the language in which flight instruction is provided.

SECTION 2. FLIGHT INSTRUCTOR CERTIFICATE FOR BALLOONS – FI(B)

BFCL.315 FI(B) CERTIFICATE – PRIVILEGES AND CONDITIONS

(a) Subject to compliance of applicants with point BFCL.320 and with the following conditions, an FI(B) certificate shall be issued with privileges to conduct flight instruction for:

(1) a BPL;

(2) the extension of privileges to further classes and groups of balloons provided that the applicant has completed at least 15 hours of flight time as PIC in each relevant class;

(3) a night rating or a tethered flight rating, provided that the applicant has received specific training in providing instruction for the relevant rating at an ATO or at a DTO; and

(4) an FI(B) certificate, provided that the applicant has:

(i) completed at least 50 hours of flight instruction on balloons; and

(ii) in accordance with the procedures established for that purpose by the competent authority, conducted at least one hour of flight instruction for the FI(B) certificate under the supervision and to the satisfaction of an FI(B) who is qualified in accordance with this subparagraph and nominated by the head of training of the ATO or the DTO.

(b) The privileges listed in paragraph (a) shall include the privileges to conduct flight instruction for:

(1) the issue of the relevant licence, privileges, ratings or certificate; and

(2) the revalidation, renewal or compliance with the relevant recency requirements of this Annex, as applicable.

BFCL.320 FI(B) – PREREQUISITES AND REQUIREMENTS

Applicants for an FI(B) certificate shall:

(a) be at least 18 years of age;

(b) comply with the requirements of subparagraphs (a)(1)(i) and (a)(2) of point BFCL.300;

(c) have completed 75 hours of balloon flight time as PIC;

(d) have completed an instructor training course in accordance with point BFCL.330 at an ATO or a DTO; and

(e) have passed an assessment of competence in accordance with point BFCL.345.

BFCL.325 FI(B) COMPETENCIES AND ASSESSMENT

Applicants for an FI(B) certificate shall be trained to achieve the following competencies:

(a) prepare resources;

(b) create a climate conducive to learning;

(c) present knowledge;

(d) integrate threat and error management (TEM) and crew resource management (CRM);

(e) manage time to achieve training objectives;

(f) facilitate learning;

(g) assess trainee performance;

(h) monitor and review progress;

(i) evaluate training sessions; and

(j) report outcome.

BFCL.330 FI(B) – TRAINING COURSE

(a) Applicants for an FI(B) certificate shall first pass a specific pre-entry assessment at an ATO or a DTO within the 12 months preceding the start of the training course, to assess his or her ability to take the course.

(b) The FI(B) training course shall include at least:

(1) the elements specified in point BFCL.325;

(2) 25 hours of teaching and learning;

(3) 12 hours of theoretical knowledge instruction, including progress tests; and

(4) three hours of flight instruction, including three take-offs and landings.

(c) Applicants who already hold an instructor certificate in accordance with Annex III (Part-SFCL) of AAR-SAIL or with AAR-FCL shall be fully credited towards the requirement in paragraph (b)(2).

BFCL.345 FI(B) – ASSESSMENT OF COMPETENCE

(a) Applicants for the issue of an FI(B) certificate shall pass an assessment of competence on a balloon to demonstrate to an examiner qualified in accordance with point BFCL.415(c) the ability to instruct a student pilot to the level required for the issue of a BPL.

(b) The assessment shall include:

(1) the demonstration of the competencies described in point BFCL.325 during pre-flight, post-flight and theoretical knowledge instruction;

(2) oral theoretical examinations on the ground, pre-flight and post-flight briefings, and in-flight demonstrations in the appropriate balloon class;

(3) exercises adequate to evaluate the instructor's competencies.

BFCL.360 FI(B) CERTIFICATE – RECENCY REQUIREMENTS

(a) An FI(B) certificate holder shall only exercise the privileges of his or her certificate if he or she has completed:

(1) within the last three years before the planned exercise of those privileges:

(i) instructor refresher training at an ATO, a DTO, or a competent authority during which the holder shall receive theoretical knowledge instruction for refreshing and updating the knowledge relevant for balloon instructors;

(ii) at least 6 hours of flight instruction in balloons as FI(B); and

(2) within the last nine years and in accordance with the procedures established for that purpose by the competent authority, one instruction flight on a balloon as FI(B) under the supervision and to the satisfaction of an FI(B) who is qualified in accordance with point BFCL.315(a)(4) and nominated by the head of training of an ATO or a DTO.

(b) The hours flown as an FE(B) during skill tests, proficiency checks or assessments of competence shall be fully credited towards the requirement in paragraph (a)(1)(ii).

(c) If an FI(B) certificate holder has failed to complete the instruction flight under supervision to the satisfaction of the FI(B) in accordance with paragraph (a)(2), he or she shall not exercise the privileges of the FI(B) certificate until he or she has successfully completed an assessment of competence in accordance with point BFCL.345.

(d) To resume the exercise of the privileges of the FI(B) certificate, an FI(B) certificate holder who does not comply with all the requirements of paragraph (a) shall comply with the requirement of paragraph (a)(1)(i) and of point BFCL.345.

SUBPART FE – FLIGHT EXAMINERS

SECTION 1. GENERAL REQUIREMENTS

BFCL.400 BALLOON FLIGHT EXAMINER CERTIFICATES

(a) General

An examiner shall only carry out skill tests, proficiency checks or assessments of competence in accordance with this Annex if he or she:

(1) holds:

(i) a BPL including privileges, ratings and certificates for which he or she is authorised to conduct skill tests, proficiency checks or assessments of competence, and the privileges to instruct for them;

(ii) an FE(B) certificate including privileges appropriate to the skill test, proficiency check or assessment of competence conducted, issued in accordance with this Subpart;

(2) is entitled to act as PIC in a balloon during the skill test, proficiency check or assessment of competence.

(b) Examinations conducted outside the territory of the Republic of Azerbaijan:

(1) By way of derogation from paragraph (a)(1), in the case of skill tests and proficiency checks performed outside the territory for which Republic of Azerbaijan are responsible under the Chicago Convention, the SCAA shall issue an examiner certificate to an applicant who holds a balloon pilot licence that is compliant with Annex 1 to the Chicago Convention, provided that the applicant:

(i) holds at least a licence including, where relevant, privileges, ratings, or certificates equivalent to those for which he or she is authorised to conduct skill tests or proficiency checks;

(ii) complies with the requirements established in this Subpart for the issue of the relevant examiner certificate;

(iii) demonstrates to the SCAA an adequate level of knowledge of Azerbaijan aviation safety rules to be able to exercise examiner privileges in accordance with this Annex.

(2) The certificate referred to in subparagraph (1) shall be limited to performing skill tests and proficiency checks:

(i) outside the territory for which the Republic of Azerbaijan is responsible under the Chicago Convention; and

(ii) to a pilot who has sufficient knowledge of the language in which the test/check is provided.

BFCL.405 LIMITATION OF PRIVILEGES IN CASE OF VESTED INTERESTS

A balloon examiner shall not conduct:

(a) a skill test or assessment of competence of an applicant for the issue of a licence, rating or certificate to whom he or she has provided more than 50 % of the required flight instruction for the licence, rating or certificate for which the skill test or assessment of competence is taken; or

(b) a skill test, proficiency check or assessment of competence whenever he or she feels that his or her objectivity may be affected.

BFCL.410 CONDUCT OF SKILL TESTS, PROFICIENCY CHECKS AND ASSESSMENTS OF COMPETENCE

(a) When conducting skill tests, proficiency checks and assessments of competence, a balloon examiner shall do all of the following:

(1) ensure that communication with the applicant can be established without language barriers;

(2) verify that the applicant complies with all the qualification, training and experience requirements of this Annex for the issue, revalidation or renewal of the licence, privileges, rating or certificate for which the skill test, proficiency check or assessment of competence is taken; and

(3) make the applicant aware of the consequences of providing incomplete, inaccurate or false information related to his or her training and flight experience.

(b) After completion of the skill test, proficiency check or assessment of competence, the balloon examiner shall:

(1) inform the applicant of the results of the skill test, proficiency check or assessment of competence;

(2) in the event of a pass in an assessment of competence for the revalidation or renewal, endorse the new expiry date on the applicant's licence or certificate, if specifically authorised for that purpose by the competent authority that is responsible for the applicant's licence;

(3) provide the applicant with a signed report of the skill test, proficiency check or assessment of competence and submit without undue delay copies of the report to the competent authority that is responsible for the applicant's licence, and to the competent authority that issued the examiner certificate. The report shall include:

(i) a declaration that the balloon examiner has received information from the applicant regarding his or her experience and instruction, and found that experience and instruction comply with the applicable requirements of this Annex;

(ii) confirmation that all the required manoeuvres and exercises have been completed, as well as information on the verbal theoretical knowledge examination, when applicable. If an item has been failed, the examiner shall record the reasons for this assessment;

(iii) the results of the skill test, proficiency check or assessment of competence;

(iv) a declaration that the balloon examiner has reviewed and applied the national procedures and requirements of the applicant's competent authority if the competent authority that is responsible for the applicant's licence is not the one that issued the examiner's certificate;

(v) a copy of the balloon examiner certificate containing the scope of his or her privileges as balloon examiner in the case of skill tests, proficiency checks or assessments of competence of an applicant whose competent authority is not the one that issued the examiner's certificate.

(c) The balloon examiner shall maintain the records for five years with details of all skill tests, proficiency checks and assessments of competence performed and their results.

(d) Upon request by the competent authority that is responsible for the balloon examiner certificate, or the competent authority that is responsible for the applicant's licence, the balloon examiner shall submit all records and reports, and any other information, as required, for oversight activities.

SECTION 2. FLIGHT EXAMINER CERTIFICATE FOR BALLOONS – FE(B)

BFCL.415 FE(B) CERTIFICATE – PRIVILEGES AND CONDITIONS

Subject to compliance of the applicant with point BFCL.420 and with the following conditions, an FE(B) certificate shall be issued upon application with privileges to conduct:

(a) skill tests and proficiency checks for the BPL and skill tests for the extension of the privileges to another balloon class, provided that the applicant has completed 250 hours of flight time as pilot on balloons, including 50 hours of flight instruction covering the full syllabus of a BPL training course;

(b) skill tests and proficiency checks for the commercial operation rating as specified in point BFCL.215, provided that the applicant complies with the experience requirements set out in paragraph (a) and has received specific training during an examiner standardisation course in accordance with point BFCL.430;

(c) assessments of competence for the issue of an FI(B) certificate, provided that the applicant has:

(1) completed 350 hours of flight time as pilot on balloons, including 5 hours of instruction to an applicant for the FI(B) certificate;

(2) received specific training during an examiner standardisation course in accordance with point BFCL.430.

BFCL.420 FE(B) CERTIFICATE – PREREQUISITES AND REQUIREMENTS

Applicants for an FE(B) certificate shall:

(a) comply with the requirements of subparagraphs (a)(1)(i) and (2) of point BFCL.400;

(b) have completed the FE(B) standardisation course in accordance with point BFCL.430;

(c) have completed an assessment of competence in accordance with point BFCL.445;

(d) demonstrate relevant background related to the privileges of the FE(B) certificate; and

(e) demonstrate that he or she has not been subject to any sanctions, including the suspension, limitation or revocation of any of his or her licences, ratings or certificates issued in accordance with this Annex, with AAR-FCL, or with Annex III (Part-SFCL) to Implementing Regulation AAR-SAIL, for non-compliance with Regulation AAR-BAL and its delegated and implementing acts during the last three years.

BFCL.430 FE(B) CERTIFICATE – STANDARDISATION COURSE

(a) Applicants for an FE(B) certificate shall take a standardisation course which is provided either by the SCAA or by an ATO or a DTO and approved by SCAA.

(b) The standardisation course shall be tailored to the balloon flight examiner privileges sought and shall consist of theoretical and practical instruction, including, at least:

(1) the conduct of at least one skill test, proficiency check or assessment of competence for the BPL or associated ratings or certificates;

(2) instruction on the applicable requirements of this Annex and the applicable air operations requirements, the conduct of skill tests, proficiency checks and assessments of competence, and their documentation and reporting;

(3) a briefing on the following:

(i) national administrative procedures;

(ii) requirements for the protection of personal data;

(iii) examiner's liability;

(iv) examiner's accident insurance;

(v) national fees; and

(vi) information on how to access the information contained in points (i) to (v) when conducting skill tests, proficiency checks or assessments of competence of an applicant whose competent authority is not the one that issued the examiner certificate.

(c) An FE(B) certificate holder shall not conduct skill tests, proficiency checks or assessments of competence of an applicant whose competent authority is not the one that issued the examiner certificate, unless he or she has reviewed the latest available information containing the relevant national procedures of the applicant's competent authority.

BFCL.445 FE(B) CERTIFICATE – ASSESSMENT OF COMPETENCE

An applicant for the initial issue of an FE(B) certificate shall demonstrate his or her competences as an FE(B) to an inspector from the SCAA or to a senior examiner specifically authorised to do so by the SCAA that is responsible for the FE(B) certificate. During the assessment of competence, the applicant shall conduct a skill test, proficiency check or

assessment of competence, including briefing, conduct of the skill test, proficiency check or assessment of competence, and assessment of the person to whom the test, check or assessment is given, debriefing and recording documentation.

BFCL.460 FE(B) CERTIFICATE – VALIDITY, REVALIDATION AND RENEWAL

(a) An FE(B) certificate shall be valid for five years.

(b) An FE(B) certificate shall be revalidated if its holder has:

(1) during the validity period of the FE(B) certificate, completed an examiner refresher course which is provided either by the competent authority or by an ATO or a DTO and approved by SCAA, during which the holder shall receive theoretical knowledge instruction for refreshing and updating the knowledge relevant for balloon examiners; and

(2) within the last 24 months preceding the end of the validity period of the certificate, conducted one skill test, proficiency check or assessment of competence under the supervision and to the satisfaction of an inspector from the SCAA or an examiner specifically authorised to do so by the SCAA that is responsible for the FE(B) certificate.

(c) An FE(B) certificate holder who also holds one or more examiner certificates for other aircraft categories in accordance with AAR-FCL or with Annex III (Part-SFCL) to Implementing Regulation AAR-SAIL may achieve combined revalidation of all examiner certificates held, in agreement with the SCAA.

(d) If an FE(B) certificate has expired, its holder shall comply with the requirements of paragraph (b)(1) and of point BFCL.445 before he or she can resume the exercise of the privileges of the FE(B) certificate.

(e) An FE(B) certificate shall only be revalidated or renewed if the applicant demonstrates continued compliance with the requirements of point BFCL.410 as well as with the requirements of point BFCL.420(d) and (e).'

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CHAPTER 2 – CONTINUING AIRWORTHINESS

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CHAPTER 3 – INITIAL AIRWORTHINESS

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