



NEMZETI FEJLESZTÉSI  
MINISZTERIUM

# eEXTERNAL AUTHORITY POLICY

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## eAP 005-2017

**Nemzeti Fejlesztési Minisztérium Légiközlekedési  
Hatóság megosztott költségű repülésekkel kapcsolatos  
állásfoglalása**

(MND AA determination of cost-shared flights)

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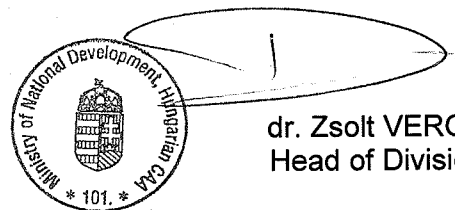
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## BEVEZETÉS / INTRODUCTION

Ez a tájékoztató a Bizottság 965/2012/EU rendelete 6. cikk (4a) bekezdés a) pontján alapul, és a Nemzeti Fejlesztési Minisztérium Légiközlekedési Hatóság megosztott költségű repülésekkel kapcsolatos állásfoglalását tartalmazza. Célja, hogy iránymutatással szolgáljon arra vonatkozóan, hogy mely esetekben hajtható végre utasszállító repülés – a repülés közvetlen költségeinek megosztásával – anélkül, hogy meg kellene felelni a kereskedelmi légi szállításra vonatkozó követelményeknek.

*Eng.: This eAP is issued in accordance with COMMISSION REGULATION (EU) No 965/2012 Article 6. point a) of paragraph (4a) and gives determination of what the MND AA considers as cost-shared flights. The purpose of this information is to provide guidance about such cases when a passenger transport flight may be conducted – with the share of the flight's direct costs – without having to comply with the regulations applicable to commercial air transport.*

### 1. A megosztott költségű repülés definíciója / Definition of cost-shared flights.

A Bizottság 965/2012/EU rendelete 6. cikk (4a) bekezdés a) pontjának értelmében a megosztott költségű repülés a következőt jelenti:

Hajtóművel rendelkező **komplex légijárműnek nem minősülő** repülőgéppel és helikopterrel, valamint ballonnal, vagy vitorlázó repülőgéppel, magánszemély által a Rendelet VII. mellékletében foglaltakkal összhangban végrehajtott olyan repülés, melynek során a repülés közvetlen költségeit a légijármű fedélzetén tartózkodó valamennyi személy között – a pilótát is beleértve – megosztják, és a költségeket egymás között megosztó személyek száma nem haladja meg a hatot;

*Eng.: As defined in COMMISSION REGULATION (EU) No 965/2012 Article 6. point a) of paragraph (4a), a cost-shared flight means*

*a flight by a private individual operated with other-than complex motor-powered aeroplanes and helicopters, balloons and sailplanes in accordance with Annex VII. of the Regulation, on the condition that the direct cost of the flight is shared by all the occupants of the aircraft, pilot included and the number of persons sharing the direct costs is limited to six;*

### 2. Alkalmazhatóság / Applicability

A Bizottság 965/2012/EU rendelete alapján az olyan utasszállító repülés, melyért cserébe fizetséget, vagy más anyagi ellenszolgáltatást nyújtanak, kereskedelmi légi szállításnak minősül. Kereskedelmi légi szállítás esetén az üzemeltetőnek légi üzemeltetői engedéllyel (AOC), a pilótának legalább kereskedelmi pilóta szakszolgálati engedéllyel (CPL) kell rendelkeznie, a repülőgépet pedig a kereskedelmi légi szállításra vonatkozó szabályozás alapján kell karbantartani.

A Bizottság 965/2012/EU rendelete a 6. cikk (4a) bekezdés a) pontja meghatároz egy eltérést, amely az egyébként kereskedelmi légi szállításnak minősülő repülést a nem kereskedelmi repülésekre vonatkozó üzemeltetési szabályok szerint (Annex VII) engedély végrehajtani, meghatározott feltételek együttes teljesülése esetén.

**Ezek a feltételek:**

- a repülés egy magánszemélyek által megosztott költségű repülés,
- a repülés közvetlen költségeit a repülőgépen tartózkodó valamennyi személy között – a pilótát is beleértve – meg kell osztani és ezen személyek száma nem haladhatja meg a hatot,
- az éves költségek nem kerülhetnek elszámolásra a költségmegosztás során
- csak hajtóművel rendelkező komplex légijárműnek nem minősülő légijármű használható.

*Eng: According to COMMISSION REGULATION (EU) No 965/2012, a flight that transports passengers and for which remuneration or other valuable consideration has been made, is defined as a commercial air transport flight. If a flight is a commercial air transport flight, the operator must have an air operator's certificate (AOC), the pilot must hold a commercial pilot licence (CPL) and the aircraft must be maintained in accordance with the appropriate requirements.*

*COMMISSION REGULATION (EU) No 965/2012 Article 6 point a) of paragraph (4a) includes a derogation that allows a flight that would otherwise be a commercial air transport flight to be flown in accordance with the operating rules for non-commercial flights (Annex VII), subject to specific conditions that must be completed simultaneously.*

*These conditions are:*

- *the flight is a cost-shared flight by private individuals,*
- *the flight's direct costs must be shared between all the occupants of the aircraft, including the pilot, up to a maximum of six persons,*
- *annual costs cannot be included in the cost sharing*
- *only an other-than complex motor-powered aircraft may be used.*

### **3. Útmutatás / Guidance**

A megosztott költségű repülésre vonatkozó szabályozás nem tiltja az ilyen típusú repülések népszerűsítését, vagy hirdetését. Ennek kapcsán az Európai Repülésbiztonsági Ügynökség (EASA) kidolgozott egy a megosztott költségű (akár online meghirdetett) repüléseket végrehajtó pilótákra vonatkozó kötelezettségeket megállapító alapszabályt. Az alapszabályt – mely függelékével együtt jelen állásfoglalás mellékletét képezi – eddig három online platformot üzemeltető szolgáltató írta alá, melyek a COAVMI, a Flyt.club és a Wingli. A Nemzeti Fejlesztési Minisztérium Légiközlekedési Hatóság a repülésbiztonság maximumára való törekvésre tekintettel kizárólag – de nem csak az ismertett szervezetekre korlátozottan – olyan internetes felületeken keresztül fogadja el a megosztott költségű repülések népszerűsítését/hirdetését, melyek szolgáltatója az EASA erre vonatkozó alapszabályát aláírta, és az abban foglaltakat maradéktalanul betartja.

Az ilyen jellegű hirdetések keretében az utasokat tájékoztatni kell arról, hogy milyen biztonsági különbségek merülnek fel a kereskedelmi légi szállítás szabályozási környezetében lebonyolított repülésekhez képest, tekintettel arra, hogy a megosztott költségű repülések során a kereskedelmi légi szállításra vonatkozó követelményektől enyhébb regulációnak elegendő megfelelni.

Fel kell hívni az utasok figyelmét, hogy a pilóta akár rövid időn belül is bármilyen indokkal módosíthatja, vagy törölheti a repülést és nem áll semmilyen kötelezettség alatt annak teljesítésére.

A pilóta által viselendő hányadot a megosztott költségű repülésre vonatkozó szabályok nem határozzák meg, azonban a pilótának is mindenképp érezhető mértékben hozzá kell járulnia a repülés közvetlen költségeihez.

Eng.: *The cost-sharing derogation does not prevent the promoting or advertising of cost-shared flights. The European Safety Agency (EASA) developed a charter laying down a number of commitments for pilots performing cost-shared flights, e.g. advertised via online platforms. The charter – which is attached to this determination's appendix along with its Annex – has so far been signed by three online platforms which are COAVMI, Flyt.club and Wingli. The MND AA aims to keep the safety level in aviation as high as possible so that – not limited to the previously mentioned organizations – it accepts only those online platforms – promoting/advertising cost-shared flights – that have signed the Charter and completely respect its commitments.*

*Any promotion of cost-sharing must inform passengers of the safety levels of general aviation flights with light aircraft as compared to those of commercial air transport operations.*

*In these kind of promotions or advertisements the passengers must be made aware that the pilot may amend or cancel the flight for any reason, including at short notice and is under no obligation to complete it.*

*The proportion of the costs that must be shared by the pilot is not specified in the cost-sharing derogation, however the pilot must make an effective contribution to the direct costs of the flight.*

#### **4. Fogalommagyarázat / Explanation of terms**

##### **1. Hajtóművel rendelkező komplex légi járműnek nem minősülő légi jármű:**

Minden vitorlázó repülőgép és ballon, valamint az olyan hajtóművel rendelkező légi járművek, amelyek a hajtóművel rendelkező komplex légi jármű fogalmában meghatározott feltételek egyikének sem felelnek meg. Megosztott költségű repülés kizárólag ezekkel a légi járművekkel folytatható!

##### **1.1. Hajtóművel rendelkező komplex légi jármű:**

###### **a. repülőgép:**

- amelynek bizonyítvány szerinti legnagyobb felszálló tömege meghaladja az 5700 kg-t, vagy
- amelynél a bizonyítvány szerint az utasok megengedett maximális száma több, mint tizenkilenc, vagy
- amelynek bizonyítvány szerinti üzemben tartása legalább két pilótából álló személyzettel lehetséges, vagy
- amely egy vagy több turbó sugárhajtóművel, vagy egynél több turbólégcsavaros hajtóművel rendelkezik, vagy

###### **b. helikopter, amelynek a bizonyítvány szerint:**

- a legnagyobb felszálló tömege meghaladja a 3175 kg-t, vagy
- az utasok maximális száma több, mint kilenc, vagy
- üzemben tartása legalább két pilótából álló személyzettel lehetséges, vagy

###### **c. a dönthető rotoros légi járművek.**

##### **2. A repülés közvetlen költsége:**

A repülés végrehajtásával kapcsolatban felmerülő közvetlen kiadás, mint üzemanyagköltség, repülőtéri díjak és a repülőgép bérleti költsége azzal, hogy a közvetlen költségek között nyereséget eredményező elem nem szerepelhet.

### 3. Éves költségek

A repülőgép fenntartásával, karbantartásával, biztosításával és üzemben tartásával kapcsolatban egy naptári év alatt felmerülő költségek, amelyek a megosztott költségű repülés során nem kerülhetnek elszámolásra és amelyek között nyereséget eredményező elem nem szerepelhet.

Eng.:

1. Other-than complex motor-powered aircraft:

*All sailplanes and balloons along with those motor-powered aircrafts that do not meet with any requirements stated for complex motor-powered aircrafts. Cost-shared flights are subject to be conducted with these aircrafts only!*

1.1 Complex motor-powered aircraft:

a. an aeroplane:

- *with a maximum certificated take-off mass exceeding 5700 kg, or*
- *certificated for a maximum passenger seating configuration of more than nineteen, or*
- *certificated for operation with a minimum crew of at least two pilots, or*
- *equipped with (a) a turbojet engine(s) or more than one turboprop engine, or*

b. a helicopter certificated:

- *for a maximum take-off mass exceeding 3175 kg, or*
- *for a maximum passenger seating configuration of more than nine, or*
- *for operation with a minimum crew of at least two pilots, or*

c. a tilt rotor aircraft.

2. The flight's direct costs:

*Those costs directly incurred in relation to the conduction of a flight, e.g. fuel, airfield charges, rental fee for an aircraft. There can be no element of profit.*

3. Annual costs:

*Those costs arisen due the keeping, maintaining, insuring and operating the aircraft over a period of one calendar year and which cannot be included in the cost sharing. There can be no element of profit.*

**Melléklet / Appendix****Charter to promote the safety of non-commercial General Aviation flights with light aircraft<sup>1</sup>****Preamble**

This Charter has been developed in cooperation with the European Aviation Safety Agency (hereafter "EASA") in order to promote the safety of non-commercial General Aviation flights with light aircraft. By signing this Charter the flight sharing platform makes the commitment to adhere to the principles, responsibilities and values stated below. Specifically, the flight sharing platform commits to:

**Article 1**

Inform the passengers of the different safety levels concerning non-commercial General Aviation flights with light aircraft as compared to commercial air transport operations.

**Article 2**

Actively promote a safety oriented code of conduct for both pilots and passengers.

**Article 3**

Provide pilots with check-lists, guidance and tutorials on safety best-practices.

**Article 4**

Provide passengers with accurate and meaningful information on the type of aircraft flown and the pilot's current experience and qualification.

**Article 5**

Provide an online forum in order to promote the sharing of safety best practices within the GA pilot community.

**Article 6**

Collect data related to flights, aircraft and pilot profiles, and to share this data with EASA and national competent authorities.

**Article 7**

Meet annually with EASA and national competent authorities with a view to review the implementation of this Charter.

**Article 8**

Implement the detailed elements provided in the Annex to this Charter.

**Article 9**

Publish this Charter on the platform's website.

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<sup>1</sup> <https://www.easa.europa.eu/charter-promote-safety-non-commercial-general-aviation>, letöltve / downloaded: 2017.10.16.

## Annex to the Safety Charter<sup>2</sup>

### In relation to Article 1:

*The following information shall be made available to the passengers:*

*“You are about to book a cost-shared flight on a light aircraft. You should be aware of the fact that safety rules for cost-shared flights are not as strict as they are for commercial air transport flights. This means that there is more risk involved in taking a cost-shared flight than buying a ticket from a commercial airline operator, where much stricter safety rules apply and where the aircraft, pilots and the operator are subject to continuous checks and strict oversight rules from the authority.*

*As opposed to commercial airline passenger flights, the risk levels involved in General Aviation flights can be compared with risk levels found in road transportation.”*

### In relation to Article 2:

*A code of conduct for pilots shall be published and include the following elements:*

- *The pilot is the only one who has the authority to make decisions concerning the flight and the aircraft. The presence of other people on board should never make the pilot feel pressured to conduct the flight in a certain way, because he is the only one who knows how to safely pilot the aircraft. The passenger will have been informed about the possibility of the cancellation of the flight at any time for any reasons.*
- *Bad weather conditions are a primary reason for accidents in non-commercial General Aviation flights with light aircraft. Weather conditions can change quickly, as a result the pilot may cancel the flight. Therefore, the day before the actual flight, the pilot should inform the passenger of the weather forecast regarding the feasibility of the flight. The presence of the passenger on the day of the flight and their expectations that it will take place, shall not make the pilot reluctant to cancel a flight.*
- *The pilot can refuse to board a passenger at any time, for any reason (safety or operational) and without any justification.*
- *EU safety regulations only permit cost-shared flights by private individuals, if the direct cost (i.e. cost directly incurred in relation to the flight, e.g. fuel, airfield charges, rental fee for an aircraft) are shared between all parties, including the pilot. Cost-shared flights shall not have an element of profit. If a flight is not a cost-shared flight in accordance with EU safety regulations, the flight will be qualified as a commercial flight and commercial air operation rules will apply.*

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<sup>2</sup> <https://www.easa.europa.eu/system/files/dfu/Annex%20to%20Safety%20Charter%20non-commercial%20General%20Aviation.pdf>, letöltve / downloaded: 2017.10.16.



- *Prior to the flight, the pilot shall always indicate the type of aircraft used for the cost-shared flight.*
- *Whenever, the aircraft type and model of the aircraft changes, the pilot must inform the passenger of such a change.*
- *The cost-shared flight will be conducted under the sole responsibility of the pilot under the applicable regulation for non-commercial flights with light aircraft by private pilots. It is also the pilot's responsibility to ensure the flight is insured for flights with passengers.*
- *The pilot should inform the passenger that toilets are not available on board.*

The code of conduct shall be acknowledged by the pilot

*A code of conduct for passengers shall be published and include the following elements:*

- *Respect the pilot's instructions*  
*It is important to understand that the pilot is the only decision maker on the aircraft as he/she is the pilot in command. Before departure, the pilot can decide at any time to cancel the flight. During the flight passengers must abstain from making any comments on the decisions of the pilot, to avoid distracting the pilot from safely piloting the aircraft.*
- *Respect the pilot decision regarding weather hazards*  
*As part of their pilot licence, private pilots have received training on weather conditions and the consequences of deteriorating weather conditions. Most pilots will only be allowed to fly in visual weather conditions as part of their VFR (Visual Flight Rules) training. Some pilots might have an IFR (Instrument Flight Rules) qualification and are permitted to fly under non-visual weather conditions. At all times, both VFR and IFR pilot's decision on flying, diversion during flight or not flying shall be respected. A passenger should never try to persuade a pilot to fly if the pilot has decided otherwise, at the risk of putting the passenger and the pilot in danger.*
- *Respect the maximum luggage weight*  
*The light aircraft in which you will be flying is very sensitive to weight variations. The pilot takes into consideration the weight that passengers have declared for themselves and their luggage to check the plane's gravity centre. Therefore it is mandatory that passengers respect the maximum weight authorised by the pilot on this aircraft and not move their luggage during the flight. It's for all those reasons that passengers shall indicate the weight precisely before departure and inform the pilot if it were to change.*
- *It is forbidden to carry illegal or dangerous goods*  
*The passenger should never take illegal or dangerous goods with them. If the passenger has doubts about the dangerous nature of carried goods, the passenger shall inform the pilot and check with the pilot if transportation is possible. The pilot can check your bags at any time and refuse to take you. If the pilot sees that you are carrying dangerous goods and the pilot has not been informed, the pilot shall refuse to take you on board.*
- *Always be on time*  
*When planning the flight, the pilot takes into account the planned time of departure and arrival and the expected weather conditions at those times. Thus it is important that the pilot is able to take-off at the planned time. In case of uncertainty on the timely arrival, passengers shall inform the pilot.*
- *Cancellation by the passenger before the flight*

*The passenger may cancel a flight at any time before departure.*

➤ Safety rules

- *The passengers shall obey the following basic safety principles:*
- *Refrain from smoking during the flight when the pilot tells you.*
- *Passengers are never allowed to touch the instruments and controls as this could lead to an accident.*
- *Passengers shall not speak when the pilot is using the radio and during take-off and landing. Passengers shall never touch the door lock if the pilot has not instructed them to do so.*
- *Passengers should refrain from using psychoactive substances, including alcohol before or during flying.*

The code of conduct shall be acknowledged by the passenger

**In relation to Article 3:**

*Pilots shall be encouraged to use a checklist, including at least the following elements, before commencing any flight:*

Pilot check list

- Have you ensured that a list of the emergency and survival equipment carried on board (see NCO.GEN.130 of Regulation EU No. 965/2012) is available for immediate communication to rescue and co-ordination centres?
- Have you checked that the relevant documentation for the aircraft is current?
- Did you provide a passenger briefing prior to the flight?
- Did you complete a weight and balance/performance calculation?
- Is your first aid kit accessible and up to date?

*Detailed guidance on passenger handling shall be provided to the pilot. Below is an example:*

➤ Just after the booking:

- Contact the passenger by phone/chat to acquaint each other.
- Explain to the passenger the risks of cancellation of the flight due to the weather or any other cancellation reason.
- Give some advice to the passenger in terms of logistics (sunglasses, transportation to the airfield, weight of passengers, maximum luggage, etc.).

➤ The Day before the flight:

- Make a weather briefing with the passengers / cancellation if needed.
- Make sure the passenger will be on time to the airfield.
- Repeat advice to the passenger in terms of logistics (sunglasses, transportation to the airfield, weight of passengers, maximum luggage, etc.).

➤ Before Engine start:

- Take time to explain on the map the route you are planning to do.
- Explain to the passenger what he should or not do (below an example of passenger briefing).

➤ Passenger Briefing: inside the aircraft

- Installation, seat belt, seat position, locking and unlocking of the doors.
- Instrument and controls: ruder, yoke are unobstructed (Explain to the passenger they shouldn't touch it and should make sure it is always unobstructed).
- Explain to the passengers that they should not speak when the pilot is using the radio.
- Explain how to proceed in an emergency landing.
- How to proceed in case of stress or sickness, that the passenger should not hesitate to tell the pilot (Pilot should handover an air sickness bag).
- Instruct the passenger on how to participate in the safety of the flight (you can tell passengers how they can help you).

*By 30th June 2018, all pilots registered in the Platform shall have undergone a dedicated on-line training.*

### Pilot training

This training will be developed by EASA and made available by 31<sup>st</sup> March 2018. The training will include the following four modules:

- MODULE 1. Risk and threat awareness
- MODULE 2. Passenger briefing and communication
- MODULE 3. Preflight and inflight management
- MODULE 4. Threat and Error Management (TEM) and Single pilot crew Resource Management (SRM)

### **In relation to Article 4:**

*The platform shall check, record and/or publish the following information:*

- Check the validity and record of the licence of the pilot and the medical certificate.
- Publish the pilot's total and recent (past 12 months) experience on his/her public profile.
- Publish the pilot qualification (licence and ratings) on his/her public profile.
- Publish the aircraft used for the flight and the number of hours on the aircraft.
- Record non-public comments of users and make them available to the concerned pilot.

### **In relation to Article 5:**

As described in Article 5.

### **In relation to Article 6:**

*The following information shall be recorded and made available to EASA and national competent authorities:*

- Number of flights done on the platform.

- Duration of flights.
- Number of pilots.
- Number of passengers.
- Number of A-A local flights and A-B long distance navigation flights (absolute and percentage).
- Repartition of the pilots in terms of experience (absolute and percentage).
- Repartition of pilots in terms of licence and qualification (absolute and percentage).
- Number of cancelled flights: due to bad weather, due to plane unavailability.

*A voluntary programme of flight monitoring shall be implemented.*

Pilots shall be encouraged to participate in this programme and those participating in the programme shall be identified on the platform. Under this programme, flight logs<sup>3</sup> shall be collected by the platform and ultimately made available to EASA and national competent authorities.

### **In relation to Article 7**

*EASA will organise an annual meeting with all platforms signatory of this charter and national competent authorities.*

During the annual meeting,

The platforms will:

- Share statistical data.
- Report on significant safety events known to them.
- Report on the implementation of the Charter.

EASA will:

- Share safety relevant information with Platforms and national competent authorities.
- Update Platforms on the publication of relevant safety promotion material.

EASA, the national competent authorities and the Platforms will:

- Discuss the continuous improvement of the Charter.

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<sup>3</sup> AirNav Pro and Sky Demon are typical systems that provide flight log recording, but there might be others