

Part 23

General Aviation: Corporate Operators, Turbojet & Large Airplanes

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SUBPART A: GENERAL

23.001 APPLICABILITY

- (a) This Part prescribes requirements of Vietnam, in addition to those found in Part 10 of these civil aviation regulations, that apply to the general aviation operations of—
 - (1) Large airplanes;
 - (2) Turbojet-powered airplanes; and
 - (3) Other aircraft configured for more than 9 passengers.
- (b) Corporate aviation operations involving three or more aircraft that are operated by pilots employed for the purpose of flying the aircraft, at least one of which is an aeroplane, should be conducted in accordance with this Part.
- (c) This Part also specifically applies to operators of the airplanes listed in (a) and (b), including their managers, licensed persons and service providers who perform the functions associated with maintenance, training, dispatch and flight operations.

23.003 DEFINITIONS

- (a) All definitions applicable to this Part are contained in Part 1 (Appendix 1 to 1.007) of these regulations.

23.005 ACRONYMS & ABBREVIATION

The meanings of acronyms in this Part are contained in Part 1 (Appendix 1 to 1.008) of these regulations.

23.007 OPERATOR IS RESPONSIBLE

- (a) The operator subject to the requirements of this Part shall ensure that the personnel employed for operations and maintenance—
 - (1) Have completed all required training before being assigned to their specific functions;
 - (2) Are qualified for the duties, responsibilities and functions they are assigned;
 - (3) Comply with the laws, regulations and procedures applicable to their assignment;
- (b) The operator shall ensure that its personnel are provided with the manuals and other reference documents necessary to the performance of their duties and responsibilities.
- (c) The operator shall ensure that the owner's responsibilities for maintenance and maintenance records of this Part and Part 4 of these regulations have been met for the aircraft that he is operating.
- (d) The operator shall ensure the completion and retention of the records required for operations under this Part to demonstrate conformance with the applicable requirements.
- (e) The operator shall ensure the completion, submission and retention of the reports required for operations under this Part.

23.010 OPERATING BASE: NOTIFICATION TO CAAV

- (a) An operator subject to the requirements of this Part shall—
 - (1) Provide CAAV with the prescribed information regarding its operating bases; and
 - (2) Notify the civil aviation authorities of each State in which they maintain an operating base.
- (b) Upon notification, CAAV shall confirm the safety and security oversight arrangements with the State of Registry.

SUBPART B: OPERATOR MANUAL SYSTEM

23.020 APPLICABILITY

- (a) This Subpart provides the manual system requirements for operators subject to this Part.

23.023 CONTENTS OF THE MANUAL SYSTEM

- (a) The operator shall provide the following manuals, programs and checklists as a part of its manual system—
 - (1) Operations Manual;
 - (2) Aircraft Operating Manual;
 - (3) Normal, abnormal and emergency checklist for all phases of flight;
 - (4) Minimum Equipment List;
 - (5) Training Program;
 - (6) Maintenance Control Manual;
 - (7) Maintenance Program; and
 - (8) Maintenance Task Cards;
- (b) The operator shall furnish copies of all amendments to these manuals and checklists promptly to all organizations or persons to whom they have been issued.

23.025 OPERATIONS MANUAL

- (a) An operator shall provide, for the use and guidance of personnel concerned, an operations manual containing all the instructions and information necessary for operations personnel to perform their duties. .
- (b) The operations manual shall contain the minimum requirements prescribed in Appendix 1 to 23.025 and may reference accepted and recognized industry codes of practice as the basis for the development of an operations manual as identified by the operator and CAAV.
- (c) The operations manual shall be amended or revised as is necessary to ensure that the information contained therein is kept up to date.
- (d) All such amendments or revisions shall be issued to all personnel that are required to use this manual.
- (e) The operator shall ensure that the operations manual is carried in the cockpit of the aircraft on each flight and is immediately accessible to the flight crew

23.027 AIRCRAFT OPERATING MANUAL

- (a) The operator subject to this Part shall provide operations staff and flight crew with an aircraft operating manual, for each aircraft type operated, containing the normal, abnormal and emergency procedures relating to the operation of the aircraft.
- (b) The manual should be consistent with the aircraft flight manual and checklists to be used.
- (c) The design of the manual should observe Human Factors principles.
- (d) The manual should contain the operating instructions and provide information on aeroplane climb performance to enable the pilot-in-command to determine the climb gradient that can be achieved during the departure phase for the existing take-off conditions and intended take-off technique.
- (e) The aircraft operating manual shall contain the procedures for conducting instrument approaches.
- (f) The operator shall ensure that the aircraft operating manual and associated checklists are carried in the cockpit of the aircraft on each flight and is immediately accessible to the flight crew

23.030 MINIMUM EQUIPMENT LIST

- (a) Where a master minimum equipment list (MMEL) is established for the aircraft type, the operator subject to this Part shall include in the operations manual a minimum equipment list (MEL) approved by the State of Registry of the aeroplane which will enable the pilot-in-command to determine whether a flight may be commenced or continued from any intermediate stop should any instrument, equipment or systems become inoperative.
- (b) The operator shall ensure that appropriate MEL is carried in the cockpit of the aircraft on each flight and shall be immediately accessible to the flight crew

23.033 OPERATOR'S MAINTENANCE CONTROL MANUAL

- (a) Then operator shall provide a maintenance control manual for the use and guidance of maintenance and operations personnel.
- (b) The operator's maintenance control manual, which may be issued in separate parts, shall be developed according to industry codes of practice, and should at a minimum contain information about—
 - (1) The means for complying with the procedures required by the operator's maintenance responsibilities;
 - (2) The means of recording the names and duties of the person or persons required by the operator's maintenance responsibilities;
 - (3) The operator's approved maintenance program;
 - (4) The methods used for the completion and retention of the operator's maintenance records;
 - (5) The procedures for complying with the service information reporting requirements;
 - (6) The procedures for implementing action resulting from mandatory continuing airworthiness information;
 - (7) A system of analysis and continued monitoring of the performance and efficiency of the maintenance program, in order to correct any deficiency in that program;
 - (8) The aircraft types and models to which the manual applies;
 - (9) The procedures for ensuring that unserviceabilities affecting airworthiness are recorded and rectified; and
 - (10) Procedures for advising the State of Registry of significant in-service occurrences.

SUBPART C: FORMAL PROGRAMS**23.040 APPLICABILITY**

- (a) This Subpart provides the formal programs requirements for operators subject to this Part.

23.043 OPERATIONAL CONTROL SYSTEM

- (a) An operator subject to the requirements of this Part shall describe the operational control system in the operations manual and identify the roles and responsibilities of those involved with the system.
- (b) The operator will also retain copies of the key documents associated with the operational control of specific flight operations under this Part for a period of 3 months after the flight, which include—
 - (1) The ATS flight plan that was filed;
 - (2) All preflight planning documents and calculations of fuel supply requirements;
 - (3) The mass, balance and performance calculations; and
 - (4) The aircraft journey/technical log page, including the deferral/correction of any known or suspected defects.

23.045 SAFETY MANAGEMENT SYSTEM

- (a) An operator subject to the requirements of this Part shall establish and maintain a safety management system that is appropriate to the size and complexity of the operation.
- (b) The safety management system should conform to Subpart J of Part 1 and as a minimum include—
 - (1) A process to identify actual and potential safety hazards and assess the associated risks;
 - (2) A process to develop and implement remedial action necessary to maintain an acceptable level of safety; and
 - (3) Provision for continuous monitoring and regular assessment of the appropriateness and effectiveness of safety management activities.

23.047 PERSONNEL TRAINING & QUALIFICATION PROGRAM

- (a) An operator shall establish, implement and maintain a qualification and training program for all personnel involved in the operations and maintenance of the aircraft that is designed to ensure that all persons who receive training acquire and maintain the competency to perform their assigned duties.
- (b) This training program with the appropriate syllabus shall be included—
 - (1) *For flight crew personnel*, in the operations manual.
 - (2) *For cabin crew members*, in the operations manual or a separate cabin crew manual.
 - (3) *For flight dispatchers*, in the operations manual, or a separate flight dispatch manual.
 - (4) *For maintenance personnel*, in the maintenance control manual.
- (c) This program shall include maintenance and retention of records for each employee which demonstrate the—
 - (1) Current assignments;
 - (2) Currency of required licenses;
 - (3) Completion of initial ground training, including—
 - (i) Company policies and procedures indoctrination;
 - (ii) Human factors training, and coordination with other operations personnel and crew members;
 - (iii) Threat and error management;
 - (iv) Dangerous goods training;
 - (v) Emergency equipment drills;
 - (vi) Aircraft systems and their operations and, if applicable, maintenance;
 - (4) Completion of initial flight training in the type of aircraft, including fleet differences;
 - (5) Completion of specialized training, such as ACAS II operation;
 - (6) Completion of recency of experience;
 - (7) Completion of continuation and recurrent training; and
 - (8) Completion of proficiency or competency checks.
- (d) The operator may provide these ground and flight training programs through internal programs or through a training services provider or combinations of methods, but the specifics must be provided in the applicable training program.
- (e) This training curriculum(s) and methodology shall be acceptable to CAAV.

23.050 FATIGUE MANAGEMENT PROGRAM

- (a) An operator shall establish and implement a fatigue management program that ensures that all operator personnel involved in the operation and maintenance of aircraft do not carry out their duties when fatigued.
- (b) The program shall address flight and duty times and mandatory rest periods.

23.053 MAINTENANCE PROGRAM

- (a) The operator shall provide, for the use and guidance of maintenance and operational personnel concerned, a maintenance program for each aeroplane, acceptable to CAAV.
- (b) The design and application of the operator's maintenance shall comply with human factors principles.
- (c) The maintenance program for each aeroplane shall contain the following information—
 - (1) Maintenance tasks and the intervals at which these are to be performed, taking into account the anticipated utilization of the aeroplane;
 - (2) When applicable, a continuing structural integrity program;
 - (3) Procedures for changing or deviating from the requirements of subparagraphs (1) and (2) as approved by CAAV; and

- (4) When applicable and approved by CAAV, condition monitoring and reliability program descriptions for aircraft systems, components and powerplants.
- (d) Maintenance tasks and intervals that have been specified as mandatory in approval of the type design, or approved changes to the maintenance program, shall be identified as such.
- (e) The maintenance program should be based on maintenance program information made available by the State of Design or by the organization responsible for the type design, and any additional applicable experience acceptable to CAAV.
- (f) The operator shall furnish copies of all amendments to the maintenance program promptly to all organizations or persons to whom the maintenance programme has been issued.

23.055 ELECTRONIC NAVIGATION DATA MANAGEMENT PROGRAM

- (a) An operator shall have a program approved by CAAV for the use of electronic navigation data products that have been processed for application in the air and on the ground that includes—
 - (1) Procedures to ensure proper monitoring of the process and products.
 - (2) Procedures that ensure the timely distribution and insertion of current and unaltered electronic navigation data to all aircraft that require it.

23.057 SECURITY PROGRAM

- (a) The operator, including corporate operator aviation operators, shall establish, implement and maintain a written operator security program that meets the requirements of the national civil aviation security programme of Vietnam.

23.060 AERODROME OPERATING MINIMA & MINIMUM FLIGHT ALTITUDES

- (a) An operator shall ensure that no pilot-in-command operates to or from an aerodrome using operating minima lower than those which may be established for that aerodrome by the State in which it is located, except with the specific approval of that State.
- (b) An operator shall specify, for flights which are to be conducted in accordance with the instrument flight rules, the method of establishing terrain clearance altitudes.

23.063 FLIGHT RECORDERS

- (a) To ensure the continued serviceability of the records, the operator shall ensure that an on-going program of operational checks and evaluations of recordings is being conducted for both the flight data and cockpit voice recorder system.
- (b) That program will provide procedures to ensure that the recorders are—
 - (1) Not switched off during flight time;
 - (2) Deactivated upon completion of flight time following an accident or incident; and
 - (3) Not reactivated before their disposition as determined in accordance with Part 19 of the civil aviation regulations
- (c) The owner of the aeroplane, or in the case where it is leased, the lessee, shall ensure, to the extent possible, in the event the aeroplane becomes involved in an accident or incident—
 - (1) The preservation of all related flight recorder records; and
 - (2) If necessary, the associated flight recorders, and
 - (3) The retention of the records and recorders in safe custody pending their disposition as determined in accordance with Part 19 of the civil aviation regulations.

SUBPART D: PERSONNEL TRAINING & QUALIFICATIONS

23.070 APPLICABILITY

- (a) This Subpart provides the personnel training and qualifications requirements for operators subject to this Part.

23.073 OPERATING INSTRUCTIONS & TRAINING

- (a) The operator shall ensure that all operations and maintenance personnel are properly instructed in their particular duties and responsibilities and the relationship of such duties to the operation as a whole.
- (b) The operator shall ensure that all employees when abroad know that they must comply with the laws, regulations and procedures of those States in which operations are conducted.
- (c) The operator shall ensure that all pilots are familiar with the laws, regulations and procedures, pertinent to the performance of their duties, prescribed for the areas to be traversed, the aerodromes to be used and the air navigation facilities relating thereto.
- (d) The operator shall ensure that other members of the flight crew are familiar with such laws, regulations and procedures referenced in paragraph (c) as are pertinent to the performance of their respective duties in the operation of the aeroplane.

23.075 CREW MEMBER EMERGENCY DUTIES

- (a) An operator shall, for each type of aeroplane, assign to all crew members the necessary functions they are to perform in an emergency or in a situation requiring emergency evacuation.
- (b) Continuation and recurrent training in accomplishing these functions shall be contained in the operator's training program and shall include—
 - (1) Instruction in the use of all emergency and life-saving equipment required to be carried; and
 - (2) Drills in the emergency evacuation of the aeroplane.

23.077 FLIGHT CREW MEMBER TRAINING

- (a) An operator shall establish and maintain a flight crew training program that is designed to ensure that a person who receives training acquires and maintains the competency to perform assigned duties, including skills related to human performance.
- (b) The training program shall include training to competency for all equipment installed.
- (c) Flight simulators should be used to the maximum extent practicable for initial and annual recurrent training.
- (d) This training should include all applicable requirements of Section 23.047 of this Part.

23.080 PILOT PROFICIENCY CHECK

- (a) The operator shall ensure that piloting technique and the ability to execute emergency procedures is checked periodically in such a way as to demonstrate the pilot's competence.
- (b) Where the operation may be conducted under the instrument flight rules, an operator shall ensure that the pilot's competence to comply with such rules is demonstrated to either a check pilot of the operator or a representative of CAAV.
- (c) The periodicity of the checks referred to in paragraph (a) of this Section is dependent upon the complexity and shall be not be less than that specified in Subpart C of Part 10 of the civil aviation regulations.

23.083 CABIN CREW MEMBER TRAINING

- (a) An operator shall ensure that all cabin crew members—
 - (1) Complete initial and continuation training with all features of the operation which are pertinent to their duties, including human factors and coordination with flight crew and ground handling personnel; and

- (2) Maintain competency in the functions to which they are assigned.
- (b) This training shall include all applicable requirements of Section 13.011 and Section 23.047.

23.085 FLIGHT DISPATCHER TRAINING

- (a) An operator shall ensure that all flight dispatchers and other persons associated with operational control—
 - (1) Complete initial and continuation training with all features of the operation which are pertinent to their duties, including human factors and coordination with other dispatch and flight crews; and
 - (2) Maintain competency in the functions to which they are assigned.
- (b) This training should include all applicable requirements of Section 23.047 of this Part.

23.087 MAINTENANCE PERSONNEL TRAINING

- (a) The operator shall ensure that all maintenance personnel—
 - (1) Complete initial and continuation training with all features of the maintenance activities which are pertinent to their duties, including human factors and coordination with other maintenance personnel and flight crew;
 - (2) Maintain competency in the functions to which they are assigned.
- (b) This training should include all applicable requirements of Section 23.047 of this Part.

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APPENDICES

APPENDIX 1 TO 23.025: CONTENTS OF OPERATIONS MANUAL

- (a) The operations manual shall include policies and procedures to ensure the—
- (1) The details of the fatigue management program;
 - (2) The instructions and information for determination for expected aircraft performance, including runway length, climb gradient and landing, and intended takeoff technique;
 - (3) Procedures to ensure that the flight is not commenced unless—
 - (i) The aeroplane is airworthy, duly registered and that appropriate certificates with respect thereto are aboard the aeroplane;
 - (ii) The instruments and equipment installed in the aeroplane are appropriate, taking into account the expected flight conditions;
 - (iii) Any necessary maintenance has been performed in accordance with Part 4 of these aviation regulations;
 - (iv) The mass of the aeroplane and centre of gravity location are such that the flight can be conducted safely, taking into account the flight conditions expected;
 - (v) Any load carried is properly distributed and safely secured; and
 - (vi) The aeroplane operating limitations, contained in the flight manual, or its equivalent, will not be exceeded.
 - (4) A description of the operational control system and identify the roles and responsibilities of those involved with that system.
 - (5) Flight planning procedures to provide for the safe conduct of the flight based on considerations of aeroplane performance, other operating limitations and relevant expected conditions on the route to be followed and at the aerodromes concerned.
 - (6) Procedures for ensuring proper use of oxygen;
 - (7) Minimum oxygen supply for crew and passengers
 - (8) Safe refueling with passengers on board;
 - (9) AOM operating procedures for conducting instrument approaches;
 - (10) Flight recorder operations and checks
 - (11) Post-accident flight recorder records preservation
 - (12) For flights which are to be conducted in accordance with the instrument flight rules, the method of establishing terrain clearance altitudes.
 - (13) General requirements regarding aerodrome operating minima, including a prohibition against using operating minima lower than those which may be established for that aerodrome by the State in which it is located, except with the specific approval of that State.
 - (14) Procedures to ensure that all baggage carried onto an aeroplane and taken into the passenger cabin is adequately and securely stowed during takeoff and landing.
 - (1) Prohibitions against inflight simulation of instrument flight, abnormals or emergency when passengers are on board;
 - (2) Passenger briefing procedures and content to include all requirements of Section 10.300 to these aviation regulations.

End of Part 23