

Part 16
1AOC OPERATIONAL CONTROL

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SUBPART A: GENERAL

216.001 APPLICABILITY

- (a) This Part prescribes the requirements of Vietnam for the flight release of aircraft by operators required to exercise operational control of their aircraft.
- (b) This Part is applicable to both the operator, the person designated by the operator to issue a flight release, and any other person that performs a function regarding the flight can be construed to fall under the definition of operational control.

16.003 DEFINITIONS

- (a) For the purpose of this Part, the following definitions shall apply:

Note: Additional aviation-related terms are defined in Part 1 of these regulations

- (1) **Flight dispatcher:** A person designated by the operator to engage in the control, assistance, instruction and supervision of flight operations for safety purpose, suitably qualified in accordance with Annex 1 in the Chicago Convention and licenced by CAAV.
- (2) **Flight-following:** The method of flight supervision that ensures the timely communication of departure and arrival times to the AOC holder's central facility for operational control.
- (3) **Flight locating:** The method of flight supervision that ensures that the aircraft and crew may be located after the completion of a flight or a specified maximum time without contact with the AOC holder.
- (4) **Flight plan:** Specified information provided to air traffic services units, relative to an intended flight or portion of a flight of an aircraft. The term "flight plan" is used to mean variously, full information on all items comprised in the flight plan description, covering the whole route of a flight, or limited information required when the purpose is to obtain a clearance for a minor portion of a flight such as to cross an airway, to take off from, or to land at a controlled aerodrome.
- (5) **Flight release:** The documentation that makes up the operational flight plan and other flight preparation documents authorizing that particular flight or series of flights.
- (6) **Flight watch:** The method of flight supervision that ensures active monitoring by assigned personnel of the AOC holder of the conditions that may affect the flight and the ability to communicate with the flight(s) while enroute.
- (7) **Operational control:** The exercise of authority over the initiation, continuation, diversion or termination of a flight in the interest of the safety of the aircraft and regularity and efficiency of the flight.
- (8) **Operational flight plan:** The operator's plan for the safe conduct of the flight based on considerations of aircraft performance, other operating limitations, and relevant expected conditions on the route to be followed and at the aerodromes or heliports concerned.

16.005 ACRONYMS

- (a) The following acronyms are used in this Part:
 - (1) AOC – Air Operator Certificate;
 - (2) ATC – Air Traffic Control;
 - (3) ETA – Estimated Time of Arrival;
 - (4) ETOPS – Extended Twin-engine Operations;
 - (5) IMC – Instrument Meteorological Conditions;
 - (6) LVTO – Low Visibility Take Off;
 - (7) NOTAM – Notice to Airmen;
 - (8) RFM – Rotorcraft Flight Manual;
 - (9) RVR – Runway Visibility Range;
 - (10) RVSM - Reduced Vertical Separation Minimum;
 - (11) PIC – Pilot In Command;
 - (12) F/O – Flight Officer;
 - (13) SM – Statute Miles;
 - (14) VMC - Visual Meteorological Conditions.

SUBPART B: OPERATIONAL CONTROL

16.010 OPERATIONAL CONTROL

- (a) The AOC holder must exercise operational control of the aircraft it operates in commercial air transport.
- (b) The primary task of operational control is the decision-making necessary to authorize, continue, divert, or terminate a commercial air transport flight.
- (c) The responsibility for operational control shall be delegated only to the pilot-in-command and to a flight dispatcher, if the AOC holder's approved method of control and supervision of flight operations requires the use of flight dispatcher personnel
- (d) Any person who participates in the decision-making for any of the tasks and functions associated with operational control is considered to be a party to the flight release of the aircraft and subject to the requirements of this Part.

16.013 FUNCTIONS ASSOCIATED WITH OPERATIONAL CONTROL

- (a) The person(s) exercising responsibility for operational control for an AOC holder shall:
 - (1) Authorise the specific flight operation;
 - (2) Ensure that an airworthy aircraft properly equipped for the flight is available;
 - (3) Ensure that qualified personnel and adequate facilities are available to support and conduct the flight;
 - (4) Ensure that proper flight planning and preparation is made;
 - (5) Ensure that flight locating and flight following procedures are followed; and

- (6) For flights on a scheduled basis with 20 or more passenger seats, ensure the monitoring of the progress of the flight and the provision of information to the flight crew that may be necessary to safety.
- (b) A flight dispatcher assigned to duty should maintain complete familiarization with all features of the operation which are pertinent to such duties, including knowledge and skills related to human performance.

316.015 QUALIFIED PERSONS REQUIRED FOR OPERATIONAL CONTROL FUNCTIONS.

- (a) A qualified person shall be designated by the AOC holder to exercise the functions and responsibilities for operational control of each flight in commercial air transport.
- (b) No person may be assigned for duty as a flight dispatcher or other operational control functions unless that person has completed an operator-specific training curriculum that addresses all of the specific components of the approved method of control and supervision of flight operations.
- (c) For passenger-carrying flights conducted on a scheduled basis, a qualified pilot or flight dispatcher shall be assigned on-duty at an operations base to perform the operational control functions.
- (d) The operator shall use a Flight Dispatcher licenced in accordance with Part 7 and qualified in accordance with Part 14 to perform the operational control and dispatcher functions or scheduled flights of aircraft with 20 or more passenger seats.
- (e) For all other flights, a person qualified in accordance with Part 14 may exercise operational control responsibilities and shall be available for consultation prior to, during and immediately following the flight operation.
- (f) A single pilot air taxi operator is not required to have a qualified person other than the PIC.

16.017 FLIGHT DISPATCHER PRIVILEGES & LIMITATIONS.

- (a) An Flight Dispatcher licenced under Part 7 may, when also qualified in accordance with Part 14, exercise the privileges of this licence as the on-duty supervisor or in the immediate dispatch of aircraft in the flight progress (flight watch) system of a scheduled air carrier.
- (b) ~~4~~No person may assign a flight dispatcher for more than 12 consecutive hours of duty within a 24 consecutive hour period, unless he or she is given an intervening rest period of 10 hours.
- (c) No person may assign a flight dispatcher to duty after 12 consecutive months of absence from such duty unless the dispatcher finishes a re-qualifying training for that position.

16.020 PILOT-IN-COMMAND RESPONSIBILITIES.

- (a) For all flights, the PIC shares in the responsibility for operational control of the aircraft and has the situational authority to make decisions regarding operational control issues in-flight.

³ This content is revised according to Item 3, Appendix XIV to Circular 03/2016/TT-BGTVT dated 31 March 2016.

⁴ This content is revised according to Item 4, Appendix XIV to Circular 03/2016/TT-BGTVT dated 31 March 2016.

- (b) Where a decision of the PIC differs from that recommended, the person making the recommendation shall make a record of the associated facts.
- (c) The PIC may be designated as the sole person to exercise operational control when the AOC holder is using flight-locating as the primary method of flight supervision.

16.023 OPERATIONAL CONTROL DUTIES.

- (a) For passenger-carrying flights conducted on a published schedule, the qualified person performing the duties:
 - (1) Assist the PIC in flight preparation and provide the relevant information required;
 - (2) Assist the PIC in preparing the operational and ATC flight plans;
 - (3) Sign the dispatch copy of the flight release;
 - (4) Furnish the PIC while in flight, by appropriate means, with information which may be necessary for the safe conduct of the flight; and
 - (5) **In the event of an emergency:**
 - (i) **Initiate such procedures as outlined in the operations manual while avoiding taking any action that would conflict with ATC procedures; and**
 - (ii) **Convey safety-related information to the pilot-in-command that may be necessary for the safe conduct of the flight, including information related to any amendments to the flight plan that become necessary in the course of the flight.**
- (b) A qualified person performing the operational control duties shall avoid taking any action that would conflict with the procedures established by:
 - (1) Air traffic control;
 - (2) The meteorological service;
 - (3) The communications service; or
 - (4) AOC holder.
- (c) If an emergency situation which endangers the safety of the aeroplane or persons becomes known first to the flight dispatcher, action by that person shall include, where necessary, notification to the appropriate authorities of the nature of the situation without delay, and requests for assistance if required.

16.025 METHODS OF FLIGHT SUPERVISION.

- (a) **The three methods of flight supervision that are to be practised by operators required to have a system of operational control are—**
 - (1) **Flight locating,**
 - (2) **Flight following, and**
 - (3) **Flight watch (monitoring and tracking flights).**
- (b) **Operators of non-turbojet aircraft with a gross takeoff weight of less than 5700**

⁵ This content is revised according to Item 5, Appendix XIV to Circular 03/2016/TT-BGTVT dated 31 March 2016.

⁶ This content is revised according to Item 1, Appendix XII to Circular 21/2017/TT-BGTVT dated 30 June 2017.

kg. and carrying less than 9 passengers in non-scheduled flights may be authorized by the CAAV to use flight locating as the primary method of flight supervision.

- (c) Flight locating shall be the minimum acceptable system of flight supervision for domestic operations.
- (d) Operators of turbine aircraft weighing more than 5700 kg and/or with a passenger carrying capacity of 20 or more passengers shall use:
 - (1) flight watch, which includes aircraft tracking, or
 - (2) for domestic flights, a combination of flight watch and flight locating, as approved by the CAAV.

16.027 OPERATIONAL INSTRUCTIONS.

- (a) Each person transmitting operational instructions to an aircraft involving a change to a flight plan should coordinate those changes with the appropriate ATS unit prior to transmission to the flight crew.

SUBPART C: FLIGHT RELEASE

16.030 FLIGHT RELEASE DECISION-MAKING RECORDS.

- (a) No person may issue a flight release for a commercial air transport unless the required flight preparation documents have been reviewed and determined to be complete and accurate.
- (b) The decision to authorize the flight release of an aircraft in commercial air transport operations must be recorded within 3 calendar months after the flight.
- (c) An operation flight plan having the signature of the PIC, and any other required person, will be the original file to be recorded.
- (d) Tài liệu lệnh điều phái bay này phải được để lại ở điểm đến bởi người được chỉ định của Người khai thác, trừ khi có sự phê chuẩn khác của Cục HKVN.

16.033 FLIGHT RELEASE: AIRCRAFT REQUIREMENTS

- (a) No person may issue a flight release for a commercial air transport operation unless the aircraft is airworthy and properly equipped for the intended flight operation.
- (b) No person may issue a flight release for a commercial air transport operation using an aircraft with inoperative instruments and equipment installed, except as specified in the Minimum Equipment List approved for the AOC holder for that type aircraft.

16.035 FLIGHT RELEASE: CREW REQUIREMENTS

- (a) No person may issue a flight release for a commercial air transport operation unless the crew is qualified in accordance with the requirements of Parts 14 and 15.

16.037 FLIGHT RELEASE: NOTAMS AND FACILITIES

- (a) No person may release an aircraft over any route or route segment unless there are adequate communications and navigational facilities in satisfactory operating condition as necessary to conduct the flight safely.
- (b) The Operational Control Person shall ensure that the PIC is provided all available

current reports or information on aerodrome conditions and irregularities of navigation facilities that may effect the safety of the flight.

Note: For their review of the operational flight plan, the PIC will be provided with all available NOTAMs with respect to the routing, facilities and aerodromes.

16.040 FLIGHT RELEASE: WEATHER REPORTS AND FORECASTS

- (a) ~~7~~No person may release a flight unless he or she is thoroughly familiar with reported and forecast weather conditions for the routes and operational areas to be flown, including all aerodromes that may be used.
- (b) No person may release a flight unless he or she has communicated all information and reservations they may have regarding weather reports and forecasts to the PIC.

16.043 FLIGHT RELEASE IN ICING CONDITIONS

- (a) Không No person may release an aircraft, when in their opinion or that of the PIC, the icing conditions that may be expected or are met exceed that for which the aircraft is certified and has sufficient operational de-icing or anti-icing equipment.
- (b) No person may release an aircraft any time conditions are such that frost, ice or snow may reasonably be expected to adhere to the aircraft, unless there is the available to the PIC at the aerodrome of departure adequate facilities and equipment to accomplish the procedures approved for the AOC holder by CAAV for ground de-icing and anti-icing.

16.045 FLIGHT RELEASE UNDER VFR OR IFR

- (a) No person may release a flight under VFR or IFR unless the weather reports and forecasts indicated that the flight can reasonably be expected to be completed as specified in the release.

16.047 FLIGHT RELEASE: MINIMUM FUEL SUPPLY

- (a) No person may issue a flight release for a commercial air transport operation unless the fuel supply specified in the release is equivalent to or greater than the minimum flight planning requirements of Part 10, including anticipated contingencies.

16.050 FLIGHT RELEASE: AIRCRAFT LOADING AND PERFORMANCE.

- (a) No person may issue a flight release unless he or she is familiar with the anticipated loading of the aircraft and is reasonably certain that the proposed operation will not exceed the
 - (1) Centre of gravity limits;
 - (2) Aircraft operating limitations; and
 - (3) Minimum performance requirements:

16.053 FLIGHT RELEASE: AMENDMENT OR RE-RELEASE EN ROUTE.

- (a) Each person who amends a flight release while the flight is en route shall record that amendment.

⁷ This content is revised according to Item 7, Appendix XIV to Circular 03/2016/TT-BGTVT dated 31 March 2016.

- (b) No person may amend the original flight release to change the destination or alternate aerodrome while the aircraft is en route unless the flight preparation requirements for routing, aerodrome selection and minimum fuel supply are met at the time of amendment or re-release.
- (c) No person may allow a flight to continue to an aerodrome to which it has been released if the weather reports and forecasts indicate changes which would render that aerodrome unsuitable for the original flight release.

16.055 FLIGHT RELEASE WITH AIRBORNE WEATHER RADAR EQUIPMENT

- (a) No person may release a aeroplane whose weight is more than 5,700kg carrying passengers under IFR or night VFR conditions when current weather reports indicate that thunderstorms, or other potentially hazardous weather conditions that can be detected with airborne weather radar, may reasonably be expected along the route to be flown, unless the airborne weather radar equipment is in satisfactory operating condition.