

# Balloon Declared Operator Guidance

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# Contents

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Contents.....	3
Foreword .....	5
Glossary of abbreviations and definitions.....	6
<b>Chapter 1.....</b>	<b>7</b>
Introduction .....	7
Current Legislation and Status .....	7
Purpose of this Document .....	8
<b>Chapter 2.....</b>	<b>9</b>
Declaration Process .....	9
Prior to declaration .....	9
Application for a Declared Balloon Operator in a Non-EASA State .....	9
Application and Fees.....	10
Language .....	10
<b>Chapter 3.....</b>	<b>11</b>
Submissions.....	11
Items Required for Submission for Initial Declaration.....	11
Submitting the Declaration .....	12
Allocation of a Flight Standards Officer .....	12
DBO Validity and Identification.....	13
<b>Chapter 4.....</b>	<b>14</b>
Changes to the Declaration.....	14
Obligations of the DBO.....	14
<b>Chapter 5.....</b>	<b>15</b>
Oversight by the Authority .....	15

Initial Oversight of DBOs .....	15
Initial DBO Inspection.....	15
Oversight Inspections.....	16
Sampling of Flights.....	16
Findings during oversight and corrective action .....	17
<b>Chapter 6.....</b>	<b>18</b>
Revocation, Suspension or Variation / Limitation of a Declaration .....	18
CAA Action.....	18
<b>Appendix A .....</b>	<b>19</b>
Guidance: Legal Entity of the Applicant Organisation .....	19
Introduction .....	19
Definition of a 'Legal Entity' .....	19
Natural Persons .....	19
Natural Persons and Trading Names .....	19
Partnerships .....	20
Clubs .....	20
Corporate Bodies – Great Britain .....	20
GB Limited Companies .....	21
GB Limited Liability Partnerships (LLP).....	21
Non-GB Limited Companies.....	22
Corporate Bodies and Trading Names.....	22
Trading Names.....	22
Legal Entity Identification .....	23
Changes to the Organisation (Change of name, re-organisation etc) .....	23
Change of Name only.....	23
Re-organisations, Mergers etc .....	24

# Foreword

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The purpose of this document is to provide guidance for organisations or individual seeking to Register as a Declared Balloon Operator (DBO), offering commercial ballooning flights where the principal place of business and registered office is located in the United Kingdom. The CAA will not accept any declarations from Organisations or individuals not meeting these criteria.

This document and other CAA Documents are available at [www.caa.co.uk](http://www.caa.co.uk) website and can be downloaded to users without charge.

It should be noted that this document is subject to change as information is disseminated from the European Aviation Safety Agency or from other National Regulation.

Nothing in this document is intended to conflict with the EASA Regulation (as taken into UK law by the EU Withdrawal) Act or UK statute law where applicable. Whilst every effort is made to ensure that all information is correct at time of publication, the CAA reserves the right to amend this document as required to accommodate changes to the primary authority documents, to correct errors and omissions or to reflect changes in national policy and best practice.

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## Glossary of abbreviations and definitions

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Abbreviation	Definition
AMC	Acceptable Means of Compliance (EASA)
ANO	Air Navigation Order (2016), as amended
ATO	Approved Training Organisation
BPL	Balloon Pilot Licence
CAA	Civil Aviation Authority (UK)
CAMO	Continuing Airworthiness Maintenance Organisation
CFI	Chief Flying Instructor
CPL	Commercial Pilot Licence
DTO	Declared Training Organisation
EASA	European Aviation Safety Agency
EU	European Union
FE	Flight Examiner
FSTD	Flight Simulation Training Device
FI(R)	Flight Instructor Restricted
FIE	Flight Instructor Examiner
FSO	Flight Standards Officer
GAU	General Aviation Unit
GM	Guidance Material (EASA)
GR	Ground Examiner
HT	Head of Training
NAA	National Aviation Authority
OM	Operations Manual
PPL	Private Pilot Licence
SM	Safety Manager
SMS	Safety Management System

## Chapter 1

# Introduction

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## Current Legislation and Status

- 1.1 Regulation (EU) 2018/395 (Balloon Rule Book) lays down detailed rules for air operations with balloons, where such aircraft meet the conditions laid down in points (b) and (c) of Article 4(1) of Regulation (EC) No 216/2008 (2008 Basic Regulation). Operators of balloons shall operate the balloon in accordance with the requirements set out in Subpart BAS of Annex II within the EASA Balloon Rulebook.
- 1.2 This regulation for balloons comes into force 8<sup>th</sup> April 2019 with a final implementation date in the UK of the 8<sup>th</sup> October 2019.
- 1.3 Operators or individuals looking to declare as Declared Balloon Operators (BDO) should read throughly Regulation (EU) 2018/395 (Balloon Rule Book) before submitting a declaration.
- 1.4 From the 8<sup>th</sup> April 2019 the transition to Declared Balloon Operators (BDO) from Air Operator Certificate Balloons (AOC(B)) will begin. After 8<sup>th</sup> October 2019 the AOC(B) operator will no longer be recognised and become obsolete within the UK. After this date, all operators engaged in commercial operations with balloons should make a declaration in accordance with the provisions of Regulation (EU) 2018/395.
- 1.5 Operators of balloons shall operate the balloon in accordance with the requirements set out in the Balloon Rule Book Subpart BAS of Annex II.
- 1.6 However, BOP.BAS.001 shall not apply to design or production organisations which are compliant with Articles 8 and 9, respectively, of Commission Regulation (EU) No 748/2012 and which operate the balloon, within the scope of their privileges, for the purposes of the introduction or modification of balloon types.

- 1.7 Operators shall only be entitled to engage in such commercial operations after declaring 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.

## Purpose of this Document

- 1.8 This document is intended to serve the following purposes:
- Support new organisations ensure that a declaration as a DBO satisfy EASA requirements
  - Assist current AOC(B) who desire to become a DBO
  - Explain administrative arrangements and legal matters in relation to how the CAA will administer DBOs
  - Give guidance to organisations to ensure continued compliance as and when there are any appropriate or necessary changes to the organisations

This document should be read in conjunction with the relevant provisions of EASA Regulation Part-FCL, Part-ARO, Part-ORO, and EASA Balloon Rulebook.

## Chapter 2

## Declaration Process

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### Prior to declaration

- 2.1 The following information should be considered prior to declaration:
- A DBO is considered to be a single organisation staffed, equipped and operated in a suitable environment to offer commercial balloon flights
  - An operator shall, when requested by the competent authority which is verifying continued compliance by the operator in accordance with point ARO.GEN.300(a)(2) of Annex II to Regulation (EU) No 965/2012, demonstrate compliance with the essential requirements set out in Annex IV to Regulation (EC) No 216/2008 and with the requirements of (EU)2018/395 and the Balloon Rulebook
  - The operator shall use either of the following means to demonstrate such compliance:
    - Acceptable Means of Compliance (AMC)
    - Alternative Means of Compliance (AltMoC)

### Application for a Declared Balloon Operator in a Non-EASA State

- 2.2 An organisation with its principal place of business outside of an EASA Member State cannot make declaration as a DBO. The CAA will not accept any applications where the principal place of business is outside of the United Kingdom. The Channel Islands and the Isle of Man are not members of EASA, therefore, the CAA also cannot accept applications from organisations located in these territories. Further guidance on may be found on the CAA website.
- 2.3 Whilst the regulations do not prohibit the establishment of satellite sites outside of the country of declaration, regulations permit National Authorities to refuse applications if they would place an undue burden upon them. Where the CAA undertakes such work, DBOs will be charged on a full cost recovery basis.

## Application and Fees

- 2.4 Any organisation wishing to offer commercial balloon flights must submit a DBO Declaration prior to starting any activity using form [SRG2146](#). Any subsequent changes or variations to the information supplied on the original declaration should be notified to the CAA using the same form amending only the information which has changed.
- 2.5 When making a initial declaration as a DBO, or to amend or vary an existing declaration, the organisation should ensure that any documents provided are both complete and accurate. The material should also clearly demonstrate full compliance with all relevant Part-FCL, Part-ORO and Balloon Rule Book requirements.
- 2.6 When an initial declaration is made, initial declaration fees are payable.
- 2.7 When an application is made for the variation of a declaration, a fee for a variation will be charged. The CAA will raise an invoice on receipt of the variation request which will be payable on demand.
- 2.8 A fixed annual continuation charge shall be payable by the balloon operator to the CAA. The CAA will raise an invoice for the balloon operators in respect of the annual continuation charge which will be payable on demand).
- 2.9 All charges can be found in [Official Record Series 5 - Scheme of Charges](#).

## Language

- 2.10 The CAA will only accept declarations from organisations who submit the declaration in English. Therefore, all material, including any documentation or records required, must be in English.

## Chapter 3

# Submissions

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## Items Required for Submission for Initial Declaration

3.1 The initial Declaration must be submitted to the CAA using form [SRG2146](#) and must contain the following information

- Name of the DBO (including legal entity and trading name if applicable)
- Contact details of the organisation's principal place of business, main trading site and main operating base (if different) and, if applicable, the contact details of any other operating site(s)
- Names of the Representative and Accountable Manager
- Balloon types and registrations and types of operations
- Details of the Continuing Airworthiness Management Organisation
- Details of any sub-contracted activity (such as aircraft maintenance)
- Confirmation that the organisation has a safety policy and management system by which it operates
- Confirmation that all balloon meets the applicable airworthiness requirements

3.2 Additionally, the following items should be submitted:

- Confirmation of Legal Entity of the organisation, e.g. a copy of the company registration document for limited and public limited companies or confirmation of the Companies House number (see appendix A for details)
- Relevant application fees as detailed in the Scheme of Charges
- Proof of permission to operate from relevant landowners

3.3 It is important that DBOs provide a single email address to be used for all communication between the CAA and the DBO. Any changes to the email address supplied must be communicated to the CAA.

## Submitting the Declaration

- 3.4 The organisation may commence operations based on the information specified in their declaration as soon as the Declaration has been submitted and an acknowledgement has been received from the CAA.
- 3.5 AMC1.ARO.GEN.345 states that the Competent Authority (in this case the UK CAA) should acknowledge receipt of the declaration in writing to the DBO within 10 working days. The CAA will either confirm receipt of an acceptable declaration form within the 10 days or will request further details if necessary.
- 3.6 It is the responsibility of the organisation to check that the CAA has received the declaration if they have not had any such acknowledgement within 20 working days following the original submission of the declaration.
- 3.7 Where incorrect or incomplete information is supplied, the CAA will notify the applicant as soon as possible by email detailing any errors or omissions. Where further details are required and the declaration form needs to be resubmitted, a further 10 working day period will start upon receipt of the additional information.

## Allocation of a Flight Standards Officer

- 3.8 When a declaration form has been received with the relevant fee and any other associated documentation, a Flight Standards Officer (FSO) will be assigned to oversee the application process and review the relevant documentation. The FSO will work with the DBO, conduct any required oversight visits, and be the Organisation's main point of contact within the CAA for matters related to the DBO.

## DBO Validity and Identification

- 3.9 Under EASA Regulations, a DBO declaration remains valid without expiry unless revoked or suspended by the CAA. However, the DBO is obliged to notify the CAA of any changes to the information supplied on the original and subsequent declarations.
- 3.10 The CAA will allocate a unique Identifying Number to each DBO. The CAA will notify the DBO of this by returning a copy of the original declaration with the number added and an official signature, recognizing the DBO. This should be retained by the DBO.
- 3.11 For continued oversight of an organisation, the CAA will follow the procedure detailed at ARO.GEN.300, ARO.GEN.305 and those specified within (EU) 2018/395.

## Chapter 4

## Changes to the Declaration

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### Obligations of the DBO

- 4.1 Any changes to the information supplied below on the original declaration must be notified to the CAA:
- Changes to the legal entity
  - Changes to nominated personnel
  - Changes / Additions fleet
  - Changes to bases sites
  - Termination of commercial operations
- 4.2 Unforeseen changes should be notified promptly, in order to enable the CAA to determine continued compliance with the EASA Regulation. Where an organisation ceases offering commercial ballooning activities it must inform the CAA without undue delay.
- 4.3 Where an organisation changes its name only but retains the same company number with Companies House, a copy of the Companies House certificate verifying the change must be submitted with a covering letter, a completed application form and the appropriate CAA administration charge.
- 4.4 The status of a Declared Balloon Operator is NOT transferable. Therefore, if there is a change in the legal entity to the DBO, a new identifying number is issued by Companies House, i.e. the operator intends to operate using a different company, or the DBO transitions from sole trader status to that of a limited company, a new declaration application must be submitted. The original declaration will in that event cease to be valid.
- 4.5 In the above circumstances the previous declaration which has been made must be surrendered.

## Chapter 5

## Oversight by the Authority

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### Initial Oversight of DBOs

- 5.1 Once a DBO has submitted and has received acknowledgement of its initial declaration it will be subject to continued oversight by the CAA. This oversight may include audits and inspections, including unannounced inspections as appropriate, flight sampling and meetings between the postholders and the competent authority to ensure both remain informed of significant issues.

### Initial DBO Inspection

- 5.2 All organisations, including those that have previously held a current AOC(B) should expect an oversight inspection at any time within four years of receipt of the declaration. Wherever possible, the FSO will contact the DBO three months prior to the anticipated visit to agree a date and ensure that the nominated postholders will be available on the date agreed. Normally the inspection and other oversight visits would take place during the working week however, it is acknowledged that some DBOs may only operate at weekends and thus, with advance agreement, it may be possible to make such visits on a Saturday or Sunday.

### Ongoing Oversight Cycle

- 5.3 The interval between oversight inspections (oversight planning cycle) is established by the CAA using risk-based criteria, including volume and range of activity, DBO size and complexity, the effectiveness of the DBOs management system and safety / occurrence reports. The oversight planning cycle will not exceed four years, however, visits may take place at more frequent intervals, dependant upon the DBO's performance, to enable the Inspector to check the effectiveness of the DBO's organisational system and to observe training taking place.

- 5.4 Continuous oversight inspections follow a similar pattern to the initial inspection. During such inspections, emphasis will be placed on the effectiveness of the DBO's safety system, including internal reviews, safety policy, hazard / risk identification and mitigation and activity to ensure compliance with applicable regulations. It is therefore essential that the nominated postholders are available.

## Oversight Inspections

- 5.5 A DBO oversight inspection will focus on, but not be confined to, reviewing safety related items such as:
- The existence of a safety policy and it's adequacy regarding the DBO's activities
  - The existence of appropriate measures to achieve the objectives of the safety policy, including risk identification, assessment and mitigation measures, results of annual reviews and respective corrective actions if applicable
  - Compliance with applicable regulations
  - Operating sites and associated facilities
  - Information of pilots and the validity of their licences, certificates, ratings and logbooks

## Sampling of Flights

- 5.6 The allocated FSO might sample flying with the BDO at various stages of the oversight planning cycle. During inspections, DBOs can expect the FSO to observe actual passenger briefings, instruction, and balloon flight, including pre-flight and post-flight briefings. The FSO will aim not to disrupt or distract from the flying during any observation. Observation of flights may also be carried out by CAA Flight Examiners on behalf of the General Aviation Unit.
- 5.7 Training records of pilots and staff training and standardisation records will also be sampled during a DBO inspection. Therefore, these must be made available to the FSO upon request.

## Findings during oversight and corrective action

- 5.8 If, during oversight, evidence is found by the FSO that indicates a non-compliance with the applicable requirements the FSO:
- Will raise a finding, record it and communicate it in writing to the nominated postholder of the DBO and determine a period of time within which the DBO must take corrective action
  - Will ensure that the DBO takes immediate and appropriate action to limit or to stop the flying activity until successful corrective action is taken if a safety problem is identified
  - Will suspend all or part of a DBO's activities, until such time as a satisfactory resolution is put in place, if post audit corrective actions do not suitably address audit findings

## Chapter 6

# Revocation, Suspension or Variation / Limitation of a Declaration

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## CAA Action

- 6.1 The CAA is under an obligation to be satisfied, on a continuing basis, of the fitness of character of individuals and post holders. The CAA must consider options for any regulatory intervention when available information indicates that a person may no longer have the fitness of character appropriate to the privileges of their licence.
- 6.2 The CAA can take immediate and appropriate action to prohibit<sup>1</sup>, limit or suspend activities of any organisation where that organisation has been in serious breach of the applicable regulations and no remedial or corrective action has been taken or proved effective.
- 6.3 Annual fees in respect of continuation of the validity of the Declaration will be payable throughout the full period of DBO suspension.
- 6.4 Where an organisation declaration has been revoked or surrendered, no further fees are payable, however, outstanding invoices will still be applicable.

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<sup>1</sup> This can be either on a temporarily or permanent basis.

## Appendix A

# Guidance: Legal Entity of the Applicant Organisation

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## Introduction

A1 The CAA routinely receives applications for legal documents (e.g. Certificates, Licences, Permissions, Approvals, and Exemptions). Before granting issue of these documents, it is important that the legal status of the applicant is established and the correct name of the entity is used. The CAA will only provide such documents to legal entities once these have been fully established or clarified. The CAA wishes to ensure that all parties are protected, whether these are the applicant organisation, the students it trains or the CAA itself in both legal matters and business matters.

## Definition of a 'Legal Entity'

A2 Legal entities take one of two forms:

- A natural person
- A corporate body

## Natural Persons

A3 A natural person is an individual such as 'John Smith'. All natural persons have rights and duties under the law and can be held accountable in the courts. Natural persons are able to hold various legal documents granted by the CAA. In some instances, the CAA may ask for corroborating identification such as a passport or birth certificate, before granting a document to a natural person. Natural persons in business are sometimes referred to as 'sole traders'.

## Natural Persons and Trading Names

A4 Natural persons may adopt one or more trading names under which to conduct business, e.g. Smith Aviation. The application form should, for example, show John Smith as the Applicant and Smith Aviation as the trading name.

## Partnerships

- A5 Several individuals may join together to form a partnership under the Partnership Act 1890. A partnership is a relationship which exists between persons in business together with a view of profit. The partnership may adopt a name, e.g. the John Smith Partnership.
- A6 In Scotland, under the Partnership Act, a partnership has its own distinct personality, and unless it is a Limited Liability Partnership (LLP) which is a form of incorporated partnership, a partnership has no legal identity of its own and must be treated as a trading name.
- A7 All documents granted to a partnership should therefore show all the names of the individual partners, e.g. John Smith, Jane Smith, David Brown and Dianne Brown trading as the John Smith Partnership.

## Clubs

- A8 Distinct from a partnership, several individuals may also join together to form a club as an unincorporated association through their agreeing to abide by common rules, and members may leave and join the club via the same way. An unincorporated club has no distinct legal identity and club property is generally held by trustees on behalf of the club members, sometimes the chairman and club secretary.
- A9 Where a certificate or other document is to be issued to an unincorporated club, it will be necessary to determine in whose names the certificate is to be held in accordance with the club's rules.
- A10 If the club is incorporated, as for example if it is a limited liability company, the document will be issued in the name of that company.

## Corporate Bodies – Great Britain

- A11 There are many different forms of GB body corporate, but the most common are:

- Limited Liability Companies,
- Companies limited by guarantee; and
- Limited Liability Partnerships.

A12 Whatever form it takes, body corporate body will be able to produce documentary evidence of its incorporation, usually an official copy of the certificate of registration issued by the Companies Registrar.

## **GB Limited Companies**

A13 In Great Britain, companies can either be private limited companies (e.g. Smith Aviation Ltd), public limited companies (e.g. Smith Aviation PLC) or companies that are limited by guarantee. In all cases they will have been registered at Companies House.

A14 Documents granted must show the complete and accurate name of the company, including punctuation such as spaces, full stops and brackets, (e.g. Smith Aviation (2001) Ltd). Apart from the use of Ltd (which is short form for Limited) and Plc (which is short form for public limited company) no abbreviations should be used unless they are actually used within the company's name. Any application forms should therefore have the legally accurate name of the company, including spaces, punctuation etc. as registered with Companies House.

A15 Each company additionally has a unique registration number that is allotted to it on its incorporation and which cannot be changed or transferred, even when a company changes its name. This number should be entered on any application form where requested by UK CAA.

## **GB Limited Liability Partnerships (LLP)**

A16 LLPs will have been registered at Companies House and should be treated in the same way as limited companies.

## Non-GB Limited Companies

A17 Companies based outside Great Britain will have been subject to a registration process in the country of registration. This process will have resulted in the generation of documentary evidence, such as Certificates of Incorporation. CAA policy requires sight of copies of such evidence before granting documents to non-GB limited companies (**note:** If the certificates etc. are in a foreign language these will be required to be submitted in the original language along with a translated version submitted).

## Corporate Bodies and Trading Names

A18 Bodies corporate may, like natural persons, adopt trading names. For guidance, see '**Trading Names**' section below.

### Trading Names

A19 Natural persons and bodies corporate may adopt one or more trading names. The trading name is not the name of the legal entity, indeed, several different legal entities could, in theory, adopt the same trading name. The CAA will issue all documents in the legal name of the Body Corporate or Natural Person.

A20 Where the applicant has informed the CAA that they wish to adopt a trading name, e.g. on the application form, this will be shown on the document in addition to, but not instead of, the legal name, e.g. John Smith trading as Smith Aviation, or Smith Aviation Ltd trading as Smithair.

A21 However, there are two circumstances in which CAA may wish to query or refuse a request:

- Firstly, where the trading name does not seem to be properly reflected in the documentation produced by the company. The organisation will need to make clear that there is no confusion in-house as to what procedures, manuals or other forms and records they should be utilising. There must be consistency in the way the organisation is described in its own documentation and material. The CAA will query the position with the applicant where this is not the case.

- Secondly, and of less importance, because the CAA is not responsible for regulating the use of trading names, where the trading name seems potentially confusing the CAA may query it with the applicant, e.g. Bloggs Air Limited trading as British Airways.

## Legal Entity Identification

A22 In order to regulate effectively, the CAA needs to be clear about the identity of the organisations with which it is dealing. The CAA will therefore insist that all correspondence, manuals and other documents submitted in support of applications, or in the course of routine regulatory oversight, clearly identify the appropriate legal entity.

A23 It should be noted that whilst a company can change its name one or more times over its lifetime and that two different companies can have the same name albeit not at the same time (this is not uncommon in group reorganisations and in company liquidations where the liquidators of the company may sell the name to another company, sometimes to its former management) each company has a unique registration number that is allotted to it on its incorporation and which cannot be changed or transferred. It is therefore recommended that an incorporated company has this number included in its documentation and correspondence.

## Changes to the Organisation (Change of name, re-organisation etc)

A24 Any application to amend an organisation certificate should be submitted at least 30 days before the date of intended changes. Unforeseen changes should be notified at the earliest possible opportunity in order to enable the CAA to determine continued compliance with the EASA Regulation.

### Change of Name only

A25 Where an organisation changes its name but retains the same company number with Companies House only, a copy of the Companies House certificate verifying the change should be submitted with a covering letter, a completed application form and the appropriate CAA administration charge.

Amendment pages will additionally need to be issued for the company's approved manuals held by CAA. Subject to all submissions being satisfactory, the DBO will be re-issued in the new company name.

## Re-organisations, Mergers etc

- A26 An acknowledgement once issued is **NOT transferable**. A new declaration must be made if there is going to be a substantial change in the organisation's circumstances, for example, where a DBO changes its name and ownership or enters into an arrangement to 'move / merge' an approval to/with another DBO.
- A27 Approvals Support should be notified at the earliest possible opportunity if such a change is going to take place, in order that advice can be given on what needs to be done to facilitate the issue of a new approval as expeditiously as possible.