

**EXEMPTION FROM PARAGRAPH 704.33(1)(e), SUBSECTION
704.34(1) OF THE *CANADIAN AVIATION REGULATIONS* AND
SUBPARAGRAPH 724.34(1)(a)(vii) OF STANDARD 724 - *COMMUTER
OPERATIONS - AEROPLANES OF THE COMMERCIAL AIR SERVICE
STANDARDS***

Pursuant to subsection 5.9(2) of the *Aeronautics Act*, and after having taken into account that this exemption is in the public interest and is not likely to adversely affect aviation safety or security, I hereby exempt Canadian air operating the Mystère Falcon 900 (900C), Falcon 900EX (900EX EASy, 900DX, or 900LX), Falcon 6X, or Falcon 7X (8X) aeroplanes in an on demand charter operation with no more than 19 passengers, from the requirement set out in paragraph 704.33(1)(e) and subsection 704.34(1) of the *Canadian Aviation Regulations* (CARs), subject to the following conditions.

The above-mentioned provision is reproduced in Appendix A.

INTERPRETATION

The following definition which is set out in subsection 3(1) of the *Aeronautics Act* applies to this exemption.

“commercial air service” means any use of aircraft for hire or reward. (service aérien commercial)

The following definitions which are set out in subsection 101.01(1) of the CARs apply to this exemption.

“air transport service” means a commercial air service that is operated for the purpose of transporting persons, personal belongings, baggage, goods or cargo in an aircraft between two points. (service de transport aérien)

“crew member” means a person who is assigned to duty in an aircraft during flight time, or assigned to duty related to the operation of a remotely piloted aircraft system during flight time. (membre d’équipage)

“flight crew member” means a crew member assigned to act as pilot or flight engineer of an aircraft during flight time. (membre d’équipage de conduite)

The following definition which is set out in Division I of Standard 724 - *Commuter Operations - Aeroplanes* of the *Commercial Air Service Standards* (CASS) applies to this exemption.

“on demand” means an air transport service where the date, time and place(s) of departure and arrival are negotiated directly between a client and the air operator. (à la demande)

In this exemption,

“cabin crew member” means a crew member, other than a flight crew member, who has been assigned duties to be performed in the interest of the passengers in a passenger-carrying aeroplane. (membre d’équipage de cabine)

“scheduled air service” means a publicly available air transport service that provides transportation for passengers between points and serves those points in accordance with a published schedule at a charge per seat. (service aérien régulier)

PURPOSE

The purpose of this exemption is to authorize Canadian air operators to operate Mystère Falcon 900, Falcon 900EX, Falcon 6X, or Falcon 7X aeroplanes while carrying passengers in an on demand charter operation.

This exemption is a re-issuance of NCR-018-2020.

APPLICATION

This exemption applies to Canadian air operators operating Mystère Falcon 900, Falcon 900EX, Falcon 6X, or Falcon 7X aeroplanes under Subpart 4 of Part VII of the CARs.

Commercial air service shall be limited to “on demand” charter operations.

This exemption does not apply to a scheduled air service.

This exemption ceases to apply to the Canadian air operator who breaches a condition of the exemption.

CONDITIONS

This exemption is subject to the following conditions:

1. No person shall operate the aeroplane without a cabin crew member.

2. The pilot-in-command of the aeroplane shall ensure that, prior to each flight or series of flight segments, the crew members of the aeroplane are given a pre-flight briefing that includes the following:
 - a) anticipated weather;
 - b) anticipated flying conditions;
 - c) flight time;
 - d) altitudes; and
 - e) any additional information necessary for the flight including information respecting unserviceable equipment or abnormalities that may affect passengers.
3. No person shall be admitted to the flight deck of the aeroplane other than:
 - a) a flight crew member;
 - b) a crew member performing their duties;
 - c) an inspector referred to in subsection 704.21(1) of the CARs;
 - d) in accordance with the procedures specified in the company operations manual:
 - i) an employee of the air operator who is not a crew member performing their duties, and
 - ii) a pilot, flight engineer, flight attendant or cabin crew member employed by a wholly owned subsidiary or a code share partner of the air operator; and
 - e) a person who has expertise related to the aeroplane, its equipment or its crew members and who is required to be in the flight deck to provide a service to the air operator.
4. No person shall operate the aeroplane unless hand-held fire extinguishers meeting the following requirements are carried:
 - a) at least one shall be conveniently located on the flight deck and readily accessible for use by the flight crew members;
 - b) at least one shall be readily accessible for immediate use in each Class A or Class B cargo compartment that is accessible to crew members in flight; and

- c) at least one shall be readily accessible for immediate use in the passenger compartment.
- 5. No person shall conduct a take-off in the aeroplane unless one unit of protective breathing equipment with a 15-minute portable supply of breathing gas at a pressure-altitude of 8,000 feet is available
 - a) at the entry into each Class A or Class B cargo compartment accessible to crew members during flight; and
 - b) at the site of each hand-held fire extinguisher.
- 6. The air operator shall ensure that when a hand-held fire extinguisher is stowed in a bin or compartment, the bin or compartment shall be clearly marked as containing a hand-held fire extinguisher.
- 7. The air operator shall provide a cabin safety inspector who is performing an in-flight cabin inspection with a confirmed passenger seat in the passenger compartment that is most suitable to perform the inspector's duties, as determined by the inspector.
- 8. Each cabin crew member shall, for take-off and landing, occupy a seat in the passenger compartment that meets the following requirements:
 - a) The cabin crew member seat shall:
 - i) be located in the passenger compartment near a required floor level emergency exit or, because of exit type and distribution or the access to the communication system, at some other approved exit,
 - ii) to the extent possible, without compromising proximity to a required floor level emergency exit, located to provide a direct view of the cabin area for which the cabin crew member is responsible to exercise aural and visual supervision of the passengers,
 - iii) be positioned so that the seat will not interfere with the use of a passageway or exit when the seat is not in use,
 - iv) be equipped with a restraint system consisting of a combined safety belt and shoulder harness unit,
 - v) provide access to the communication system when the cabin crew member is seated, and
 - vi) be located to minimize the probability that occupants would suffer injury by being struck by items dislodged from service areas or

stowage compartments, or by service equipment. Secondary latching mechanisms shall be used to prevent items from being dislodged.

- b) The aeroplane shall be equipped with either a forward or rearward facing seat designed to at least the inertial load factors established under the original type certification basis of the aeroplane. The seat shall provide an energy absorbing rest to support the arms, shoulders, head, and spine;
- c) There shall be means to secure each restraint system when not in use to prevent interference with rapid egress in an emergency;
- d) The selection of the cabin crew member seat shall consider the air operator's emergency procedures for the aeroplane type/model as well as conditions imposed during the original type certification of the aeroplane.

9. No person shall operate the aeroplane unless the aeroplane is equipped with:

- a) a placard on each door that provides passenger access to a passenger emergency exit, stating that the door must be secured or locked open during take-off and landing; and
- b) a means for the crew, in an emergency, to unlock each door that leads to a compartment that is normally accessible to passengers and that can be locked by passengers.

10. No person shall operate the aeroplane unless:

- a) a readily visible sign that clearly displays a symbol indicating that smoking is prohibited or the words "No Smoking" and "Défense de fumer" is installed above the door handle on both sides of the door to each lavatory in the aeroplane;
- b) a readily visible sign that clearly displays a symbol indicating that cigarette disposal is prohibited or the words "No Cigarette Disposal" and "Défense de jeter des cigarettes" is installed adjacent to the opening of each waste disposal receptacle that is located in a lavatory in the aeroplane; and
- c) a self-contained, removable ashtray is installed on or near the outside of the door to each lavatory in the aeroplane or in some other location or locations where it is readily visible to the users of each lavatory from outside the lavatory.

11. No person shall operate the aeroplane with passengers on board unless the aeroplane is equipped with an interphone system that:

- a) can be operated independently of the public address system, except for handsets, headsets, microphones, selector switches and signalling devices;
 - b) provides a means of two-way communication between the flight deck compartment and each passenger compartment;
 - c) is accessible for immediate use from each flight crew member station in the flight deck compartment; and
 - d) is accessible for use from the cabin crew member seat.
12. No person shall operate the aeroplane with passengers on board unless the aeroplane is equipped with a public address system that:
- a) can be operated independently of the interphone system, except for handsets, headsets, microphones, selector switches and signalling devices;
 - b) is accessible for immediate use from each flight crew member station in the flight deck compartment;
 - c) has a microphone that is readily accessible to the seated cabin crew member unless the cabin crew member is seated in the passenger compartment and can communicate orally with all passengers;
 - d) is capable of operation within 10 seconds from the time a microphone is removed from its stowage; and
 - e) is intelligible at all passenger seats, lavatories and cabin crew member seats and work stations.
13. Despite subsection 704.34(1) of the CARs, and whenever the cabin crew member takes on the responsibilities of the emergency equipment, the standard safety briefing prior to take off need not include the information set out in subparagraph 724.34(1)(a)(vii) of Standard 724 — *Commuter Operations — Aeroplanes* of the *Commercial Air Service Standards*.
14. No person shall operate a pressurized aeroplane above flight level FL250 unless:
- a) portable oxygen equipment for use following a decompression is immediately available to each cabin crew member; and
 - b) the oxygen dispensing unit is connected to the portable oxygen supply.
15. Despite subsection 602.62(5) of the CARs, where infant life preservers are carried on board the aeroplane, the infant life preservers may be stowed in bulk in a location that is easily accessible to the cabin crew member if

- a) the location is adjacent to a ditching emergency exit and is clearly marked as the stowage location for infant life preservers; and
 - b) the air operator has established procedures that require the cabin crew member to distribute an infant life preserver to each person responsible for an infant when preparing for a ditching.
16. The air operator shall not permit a person to act — and no person shall act — as a cabin crew member on board the aeroplane unless
- a) the person has successfully completed the air operator's training program as set out in conditions 17 and 18 or equivalent training that meets the requirements of condition 19, and the validity period of the training has not expired; and
 - b) the person has demonstrated to the air operator knowledge of
 - i) the conditions of this exemption that affect the responsibilities of a cabin crew member,
 - ii) aeronautical terminology, and
 - iii) the physiological effects of flight.
17. The air operator shall establish and maintain a training program in respect of cabin crew members that
- a) takes into account the aeroplane type to which the cabin crew member will be assigned to duty;
 - b) contains the elements as set out in Appendix B; and
 - c) is approved by the Minister in accordance with section 704.115 of the CARs.
18. The air operator shall design its training program in respect of cabin crew members so that a person who receives training
- a) will, if the person is receiving the training for the first time, acquire the competency necessary to perform his or her duties; and
 - b) will, if the person is receiving subsequent training, maintain the competency referred to in paragraph a) and acquire any new competency necessary to perform his or her duties.
19. A person who will act as a cabin crew member for the air operator, and who has received crew member training under the ground and flight training program of

another air operator or private operator, may use that training to meet the equivalent training required under this exemption if:

- a) the training received by the person is in respect of the aeroplane type to which the cabin crew member will be assigned to duty;
- b) the validity period, if any, of that training has not expired; and
- c) the air operator provides the person with training in:
 - i) the processes, practices and procedures set out in the air operator's company operations manual,
 - ii) the differences in installed equipment and operational procedures, and
 - iii) the air operator's emergency procedures for the aeroplane in respect of which the person will be assigned duties.

20. A copy of this exemption shall be carried on board the aeroplane.

VALIDITY

This exemption is in effect from March 1, 2025 until the earliest of the following:

- a) February 28, 2030 at 23:59 EST;
- b) the date on which an amendment to the pertinent provisions related to this exemption comes into force; or
- c) The date on which the exemption is cancelled in writing by the Minister where she is of the opinion that it is no longer in the public interest or is likely to adversely affect aviation safety or security.

DATE AND SIGNATURE

Dated at Ottawa, Ontario, the 28 of February 2025, on behalf of the **Minister of Transport**.

"Original signed by"

Félix Meunier

Director General, Civil Aviation

Transport Canada

Appendix A – Pertinent Regulatory Provisions

Pertinent provision of the *Aeronautics Act*

Interpretation

3(1) In this Act,

“commercial air service” means any use of aircraft for hire or reward. (service aérien commercial)

Pertinent provisions of the *Canadian Aviation Regulations*

Interpretation

101.01(1) In these Regulations:

“air transport service” means a commercial air service that is operated for the purpose of transporting persons, personal belongings, baggage, goods or cargo in an aircraft between two points. (service de transport aérien)

“crew member” means a person who is assigned to duty in an aircraft during flight time, or assigned to duty related to the operation of a remotely piloted aircraft system during flight time. (member d’équipage)

“flight attendant” means a crew member, other than a flight crew member, who has been assigned duties to be performed in the interest of the passengers in a passenger-carrying aircraft. (agent de bord)

“flight crew member” means a crew member assigned to act as pilot or flight engineer of an aircraft during flight time. (membre d’équipage de conduite)

Passenger and Cabin Safety Procedures

704.33(1) An air operator shall establish procedures to ensure that

(a) passengers move to and from the aircraft and embark and disembark safely, in accordance with procedures that meet the *Commercial Air Service Standards* and that are specified in the air operator’s company operations manual;

(b) all passengers are seated and secured in accordance with subsection 605.26(1);

(c) subject to subsection (2), the back of each seat is in the upright position and all chair tables are stowed during movement on the surface, take-off and landing and at such other times as the pilot-in-command considers necessary for the safety of the persons on board the aircraft;

(d) seats located at emergency exits are not occupied by passengers whose presence in those seats could adversely affect the safety of passengers or crew members during an emergency evacuation; and

(e) the flight crew can exercise supervisory control over passengers by visual and aural means.

Briefing of Passengers

704.34 (1) The pilot-in-command shall ensure that passengers are given a safety briefing in accordance with the *Commercial Air Service Standards*.

Pertinent provision of the *Commercial Air Service Standards*

Standard 724 - *Commuter Operations - Aeroplanes*

Definitions

The words and expressions used in these Standards have the same meaning as in the General Provisions Part I of the *Canadian Aviation Regulations* with the following additions:

“on demand” means an air transport service where the date, time and place(s) of departure and arrival are negotiated directly between a client and the air operator. (à la demande)

724.34 Briefing of Passengers

(1) Standard Safety Briefing

The standard safety briefing shall consist of an oral briefing provided by a flight crew member, a person authorized by the air operator, by audio or audiovisual means which includes the following information as applicable to the aeroplane, equipment, and operation:

(a) prior to take-off:

(i) [...]

(vii) the location of any emergency equipment the passenger may have a need for in an emergency situation such as the ELT, fire extinguisher, survival

equipment (including the means to access if in a locked compartment), first aid kit and life raft;

(viii) [...]

Appendix B – Cabin Crew Member Training Program

The training program for cabin crew members includes the following elements:

- a) the roles and responsibilities of the air operator and crew members;
- b) the coordination of crew member duties and crew resource management;
- c) aeroplane communications systems and communication procedures in normal, abnormal and emergency conditions;
- d) the content of the briefings given to passengers and crew members;
- e) cabin and passenger safety checks;
- f) aeroplane surface contamination procedures;
- g) procedures relating to passengers requiring special treatment;
- h) requirements and procedures relating to seats and restraint systems for passengers and crew members;
- i) procedures for accepting and stowing carry-on baggage, and any applicable restrictions;
- j) policies and procedures relating to the use of portable electronic devices;
- k) procedures for fuelling with passengers on board;
- l) procedures relating to passenger service when the aeroplane is on the ground;
- m) safety procedures relating to take-offs, landings and aeroplane movements on the surface;
- n) safety procedures relating to the embarkation and disembarkation of passengers and their movement on the apron;
- o) procedures relating to passenger and crew member safety during periods of in-flight turbulence;
- p) procedures for entering the flight deck and for serving beverages and meals to flight crew members;

- q) procedures for dealing with the incapacitation of a crew member;
- r) the location and operation of, and any safety instructions relating to, the various types of cabin exits and the flight deck escape routes;
- s) the operation of cabin systems and of safety and emergency equipment by cabin crew members in normal and abnormal conditions;
- t) the actions to be taken with respect to the equipment identified on the minimum equipment list and intended for use by cabin crew members;
- u) the actions to be taken in the event of fumes or smoke in the cabin and to prevent fumes or smoke in the vicinity of the aeroplane from entering the cabin;
- v) fire detection, fire-fighting systems and fire-fighting procedures;
- w) procedures in the event of loss of cabin pressurization;
- x) how to identify the need for administering supplemental oxygen, and procedures for administering the oxygen;
- y) procedures for the evacuation of passengers and crew members; and
- z) training that includes the performance of the following emergency procedures:
 - i) the use of the public address and interphone systems,
 - ii) the briefing of passengers,
 - iii) the operation and use of the emergency exits on each type of aeroplane to which the cabin crew member will be assigned, subject to the following:
 - A) the performance associated with the operation and use of the window emergency exit may be conducted using a window exit from another aeroplane, provided the air operator has conducted a comparative analysis to determine that the alternate window exit is compatible with respect to the type of exit, height, width, weight, force required to move the window exit control handle, and life line location, and

- B) the performance associated with the operation and use of the window emergency exit is conducted during initial training and once every third annual training year,
- iv) emergency evacuation procedures, subject to the following:
 - A) the performance of emergency evacuation procedures may be conducted using a representative aeroplane or cabin training device rather than on board each aeroplane type on which the crew member is to be qualified,
- v) if the cabin crew member will be assigned to an aeroplane equipped with life preservers, the donning and inflation of life preservers, subject to the following:
 - A) the actual inflation of the life preserver is required during initial training, and
 - B) the inflation of the life preserver may be simulated annually in lieu of actual inflation,
- vi) if the cabin crew member will be assigned to an aeroplane equipped with either first aid oxygen equipment or portable oxygen equipment, the operation and use of that equipment,
- vii) if the cabin crew member will be assigned to an aeroplane equipped with life rafts, the removal of life rafts from the stowage compartment and the deployment, inflation and boarding of life rafts during initial training and once every third annual training year, and
- viii) fire fighting, including the use of a fire extinguisher on an actual fire, subject to the following:
 - A) the use of a fire extinguisher on an actual fire is required during initial training and once every third annual training year.