

Is your fly-in legal?

By Patrick Gilligan

COPA provides Air Meet liability insurance for events organized by our Flights, including monthly meetings, COPA For Kids flights and fly-ins.

During the summer of 2012, I attended a number of fly-ins and took notes about how they were run in preparation for an upcoming review of our insurance with our new broker, Magnes.

A few things stood out and got me thinking: “Does COPA Air Meet insurance really cover that?” and “Does this part of the fly-in require a Special Flight Operations Certificate (SFOC) from Transport Canada?” and “What if an accident occurs and a SFOC has not been issued? Can insurance companies refuse to pay because the fly-in was illegal?”

So, I went to work on ways to answer these questions, starting with the regulations.

According to the Canadian Aviation Regulations (CARs), every fly-in requires an SFOC:

“CAR 603.01 No person shall conduct a **special aviation event** unless the person complies with the provisions of a special flight operations certificate - special aviation event issued by the Minister pursuant to Section 603.02.”

A special aviation event is defined as: “an air show, a low level air race, an aerobatic competition, a **fly-in** or a balloon festival.”

Special Flight Operations [Standard 623, Division I](#) contains details for special aviation events such as air shows, aerobatic competitions and balloon festivals. Chapter Five is for fly-ins but the chapter is shown as “reserved”, meaning no standards exist for fly-ins.

So, even though an SFOC is technically required for all fly-ins, even simple ones like a breakfast, it is up to individual Transport Canada inspectors to determine what is required for each event and each SFOC.

Transport Canada has not been insisting on a SFOC for many fly-ins even though it is clearly stated in the regulations that one is required for events involving aircraft flying in. This creates at best a grey area for many organizers and for COPA because without an SFOC the organizers could be held accountable for not being in compliance with the regulations and, for COPA organizers, there is a risk that any insurance coverage they may have may be void.

The simple solution would be to remove the term “fly-in” from the SFOC regulation and COPA tried that a number of years ago but for various reasons Transport Canada did not take up the issue. To remove the word from the regulation may take many years, given the backlog of regulatory amendments, for the amendment to be finalized and in the meantime there would be confusion and potential liability issues.

So, given the grey area in the regulations and the need to more clearly define what is covered by our insurance, I decided in October 2012 to develop a [COPA Guide to Air Meets](#) and to file an exemption request with Transport Canada for a non-regulatory solution based on the guide.

The proposal was that COPA would make the guide available to everyone, whether or not they are COPA members, and anyone who follows the guide would not require a SFOC. I asked that Transport Canada give priority to this request so that the exemption could be in place for this fly-in season.

A few meetings were scheduled with TC staff to clarify COPA’s request and to review the guide. During the period when Transport Canada was considering the request for exemption, COPA sought and received approval from our underwriter, Ironshore, to provide insurance coverage as long as our Flights followed the Guide, which is available in two languages and was distributed to all Flights.

I am pleased to announce that the exemption was granted on July 5, 2013 and is available here

<http://www.copanational.org/files/RDIMS-8571964E.pdf> .

Transport Canada decided that they would not require organizers to meet the requirements of our guide because, according to inspector Mark Wuennenberg “...there were concerns about referencing a document in the exemption that Transport Canada has no oversight or approval authority of.”

Our underwriter continues to agree that COPA organizers who follow our Guide are eligible for our Air Meet liability insurance. So even though fly-in organizers who comply with the exemption no longer require an SFOC, following our Guide to Air Meets is required if COPA liability insurance is to remain in effect.

Fly-ins are a vital tool for promoting aviation to the public and a major activity for many of our members including fund raising through food sales. The successful resolution of this grey area in the regulations is another example of the value of COPA in protecting your freedom to fly.

It should be noted that fly-ins *do not* include aerobatics, competitions, high speed low passes, non-standard circuit procedures, spot landings, flour bombing or aerial demonstrations.

If any of these are intended to occur, one of the other chapters of [Standard 623, Division I](#) comes into play for issuing an SFOC and if anyone takes it upon themselves to authorize or to perform any of these maneuvers at a fly-in, they may find themselves in violation of the regulations for having done so if a SFOC has not been issued for the event.

For COPA organizers of events who encourage these activities or build them into their fly-in, they may also step outside of COPA's Air Meet insurance coverage. If there is any doubt, please contact Diana Easun at the Magnes Group (dmerlano@magnesgroup.com) or Belinda Bryce (bbryce@magnesgroup.com) or call toll free 1-800-650-3435 for clarification.

If your fly-in will involve activities that require a SFOC, please contact your regional Transport Canada office and refer to the following CAR:

“603.02 Subject to section 6.71 of the Act, the Minister shall, on receipt of an application submitted in the form and manner required by and within the time limits specified in the Special Flight Operations Standards, issue a special flight operations certificate – special aviation event to an applicant who demonstrates to the Minister the ability to conduct a special aviation event in accordance with the Special Flight Operations Standards.”