



Notice of Proposed Amendment 2022-108

in accordance with
Article 6(2) of MB Decision No 01-2022

Regular update of air operations rules

Provision of rescue and firefighting services for General Aviation flights

RMT.0392

EXECUTIVE SUMMARY

The objective of the proposed amendments in this Notice of Proposed Amendment (NPA) is to introduce a proportionate provision of rescue and firefighting services (RFFS) for non-commercial and specialised operations.

This NPA is a follow up of NPA 2022-105 in which EASA proposed to allow aerodromes not to provide RFFS for non-commercial air operations with other-than-complex motor-powered aircraft due to their low risk. Based on the comments received during the consultation of the advisory bodies and following their review by EASA, it is proposed to extend the initial proposal to cover all non-commercial and specialised operations (SPO).

The proposed amendments are expected to maintain safety, and, at the same time, increase cost-effectiveness because aerodrome operators will no longer bear the cost of establishing and/or maintaining RFFS for non-commercial and specialised operations. Moreover, it is expected that aircraft operators of non-commercial and specialised operations will have access to more aerodromes, which, in turn, will lead to flight efficiency and reduce the related flight costs. Furthermore, the proposed amendments will incorporate the related amendments to International Civil Aviation Organization (ICAO) Annex 6, Part II and Annex 14, Volume I into the Acceptable Means of Compliance (AMC) and Guidance Material (GM) to Regulations (EU) 139/2014 ('Aerodromes') and (EU) 965/2012 ('Air Ops').

Domain: Aerodromes, Flight operations – aeroplanes

Related rules:

- AMC & GM to Part-ADR.OPS of the Aerodromes Regulation
- AMC & GM to Part-NCC, Part NCO and Part SPO of the Air OPS Regulation

Affected stakeholders: Aerodrome operators, NCC, NCO and SPO operators

Driver: Efficiency/proportionality **Rulemaking group:** No

Impact assessment: Yes

EASA rulemaking procedure milestones

Start Terms of Reference	Advisory Body consultation NPA 2022-108 (draft Decision)	Proposal to the Commission EASA Opinion	Adoption by the Commission	Decision Acceptable Means of Compliance, Guidance Material
7.10.2020	14/12/2022	N/a	N/a	2023/Q1
	NPA 2022-105 22.09.2022			

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1. About this NPA

1.1. How this NPA was developed

The European Union Aviation Safety Agency (EASA) developed this Notice of Proposed Amendment (NPA) in line with Regulation (EU) 2018/1139¹ (the 'Basic Regulation') and the Rulemaking Procedure². This Rulemaking Task (RMT).0392 is included in Volume II of the [European Plan for Aviation Safety \(EPAS\) 2022–2026](#). The scope and timescales of the task were defined in the related Terms of Reference (ToR)³.

On 22 September 2022, EASA issued NPA 2022-105 to consult the EASA Advisory Bodies on proposed amendments related to the provision of rescue and firefighting services (RFFS) to non-commercial operations with other-than-complex motor-powered aircraft (NCO).

EASA received 25 comments to NPA 2022-105. Based on those comments, EASA has decided to amend its initial proposals and drafted this NPA accordingly.

This NPA will be consulted with the EASA ABs in accordance with Articles 6(3) and 6(2) of the Rulemaking Procedure, as it addresses minor, non-controversial, non-complex and mature issues in Regulations (EU) 965/2012 ('Air OPS Regulation')⁴ and (EU) 139/2014 ('Aerodromes Regulation')⁵.

The major milestones of this RMT are presented on the cover page.

1.2. How to comment on this NPA

Please submit your comments via email to aerodromes@easa.europa.eu.

The deadline for the submission of comments is **23 January 2023**.

1.3. The next steps

EASA will review the comments received during the AB consultation. Considering those comments, EASA will issue a decision to amend the related acceptable means of compliance (AMC) and Guidance

¹ Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1535612134845&uri=CELEX:32018R1139>).

² EASA is bound to follow a structured rulemaking process as required by Article 115(1) of Regulation (EU) 2018/1139. Such a process has been adopted by the EASA Management Board (MB) and is referred to as the 'Rulemaking Procedure'. See MB Decision No 01-2022 of 2 May 2022 on the procedure to be applied by EASA for the issuing of opinions, certification specifications and other detailed specifications, acceptable means of compliance and guidance material ('Rulemaking Procedure'), and repealing Management Board Decision No 18-2015 (<https://www.easa.europa.eu/the-agency/management-board/decisions/easa-mb-decision-01-2022-rulemaking-procedure-repealing-mb>).

³ <https://www.easa.europa.eu/en/document-library/terms-of-reference-and-group-compositions/tor-rmt0392>

⁴ Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32012R0965&qid=1663582424998>).

⁵ Commission Regulation (EU) No 139/2014 of 12 February 2014 laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 44, 14.2.2014, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014R0139&qid=1663585735476>).



Material (GM) to the Air OPS and Aerodromes Regulations. A summary of the comments received and how those were considered will be provided in the explanatory note to the decision.

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2. In summary — why and what

2.1. Why we need to amend the rules — issue/rationale

Please see Section 2.1 of NPA 2022-105.

2.2. What we want to achieve — objectives

Please see Section 2.2 of NPA 2022-105.

2.3. How we want to achieve it — overview of the proposed amendments

In Section 2.3 of NPA 2022-105, EASA explained its original proposals, which were restricted to NCO operations.

The comments received to NPA 2022-105, however, indicated the following:

- ‘NCO operation’ is a term used in the EU legal framework and it is more limiting than the term ‘GA operations’ used by ICAO.
- The aerodrome operator is neither responsible for deciding nor able to decide on the RFFS level of protection that must be provided for each aircraft movement based on the type of operation (CAT, NCC, NCO or SPO). Instead, the aerodrome operator is responsible for communicating the level of protection available at the aerodrome, and then, each aircraft operator is responsible to decide on the use of that aerodrome based on its own safety risk assessment.
- The proposal to allow aerodrome operators not to provide rescue and firefighting services should also be extended to specialised operations (SPO).

Based on a review of the comments received, EASA has reconsidered its initial proposals reviewed the comments received and considered appropriate to revise the proposed AMC1 ADR.OPS.B.010(a) to allow the aerodrome operator to define the time periods when RFFS is not provided and publish this information in the AIP. During these time periods only non-commercial and specialised operations may be allowed. However, when RFFS is available, response to emergencies involving such type of operations is expected. Furthermore, a new GM1 ADR.OPS.B.010(a)(2) is introduced, which explains that the decision to operate at an aerodrome is the responsibility of the pilot-in-command following a risk assessment. In addition, the changes proposed to AMC2 ADR.OPS.B.010(a)(2) in NPA 2022-105 have been abandoned, as they were considered not to be relevant.

EASA, also following the assessment of comments received, proposes to add proportionate AMC and GM for SPO operators as well, so they too can benefit from a wider range of aerodromes of operation in the time intervals when RFFS are not provided. EASA takes the approach of applying similar requirements or AMC and GM to SPO operators whenever transposing amendments to ICAO Annex 6 into the EU regulatory system, as Regulation (EU) 965/2012 contains requirements also for SPO, while ICAO Annex 6 does not. Any change affecting Part-CAT, Part-NCC or Part-NCO should have a proportionate equivalent in Part-SPO; this approach ensures regulatory consistency among all types of operation covered by the Air Ops Regulation. Additionally, and following the review of the comments received on NPA 2022-105, EASA proposes a new GM1 NCC.OP.145(a) to provide further



guidance on how operators should conduct the safety risk assessment. The proposed AMC and GM for specialised operations (SPO) are similar to those for NCC operators.

2.4. What are the expected benefits and drawbacks of the proposed amendments

As explained in NPA 2022-105, the benefits and drawbacks identified by ICAO for Amendment 17 to Annex 14, Vol I and Amendment 40 to Annex 6, Part II are relevant for the amendments proposed by this NPA.

In addition, the extension of the proposals to include NCC and SPO operations will increase the expected benefits of having access to more aerodromes, both in terms of safety (for flight planning and the ability to divert) and economic impacts.



3. Proposed amendments and rationale

The amendment is arranged to show deleted, new, or amended, and unchanged text as follows:

- deleted text is ~~struck through~~;
- new or amended text is highlighted in **blue**;
- an ellipsis '[...]' indicates that the rest of the text is unchanged.

3.1. Draft acceptable means of compliance and guidance material (draft EASA decision) to the Aerodromes Regulation

ANNEX IV — ACCEPTABLE MEANS OF COMPLIANCE AND GUIDANCE MATERIAL TO PART OPERATIONS REQUIREMENTS — AERODROMES (PART-ADR.OPS)

SUBPART B — AERODROME OPERATIONAL SERVICES, EQUIPMENT AND INSTALLATIONS (ADR.OPS.B)

[...]

AMC1 ADR.OPS.B.010(a) Rescue and firefighting services

RESCUE AND FIREFIGHTING SERVICES FOR NON-COMMERCIAL AND SPECIALISED OPERATIONS

- (a) The aerodrome operator may define time periods when rescue and firefighting services (RFFS) are not provided. During such periods, only non-commercial and specialised operations should be allowed.
- (b) In that case, the aerodrome operator should provide the aeronautical information services (AIS) provider with information on the periods of time when RFFS are not available, for publication in the aeronautical information publication (AIP).

Rationale

Only the text of point (a) has been amended in relation to the text proposed in NPA 2022-105.

The AMC allows aerodrome operators to define time periods when RFFS are not provided, and when, therefore, only non-commercial and specialised operations are allowed. The aerodrome operator should make the related information available in the AIP, to be used by pilots for flight-planning purposes.

GM7 ADR.OPS.B.010(a)(2) Rescue and firefighting services

RESCUE AND FIREFIGHTING SERVICES FOR NON-COMMERCIAL AND SPECIALISED OPERATIONS

According to the air operations requirements, the pilot-in-command may decide to operate at an aerodrome following a safety risk assessment that takes into account the following:

- (a) the aircraft type and nature of the operation in relation to the availability of rescue and firefighting services (RFFS); and
- (b) whether RFFS are not available for non-commercial or specialised operations.



Rationale

This GM was not included in NPA 2022-105. It intends to clarify to the aerodrome operator that the decision to operate at an aerodrome is the responsibility of the pilot-in-command following a risk assessment

3.2. Draft acceptable means of compliance and guidance material (draft EASA decision) to the Air OPS Regulation**Part NCC****SUBPART B — OPERATIONAL PROCEDURES**

[...]

AMC1 NCC.OP.145(a) Flight preparation**ADEQUACY OF GROUND FACILITIES**

The operator, when deciding on the adequacy of facilities and services available at an aerodrome of intended operation, should assess the level of safety risk that is associated with the aircraft type and nature of the operation in relation to the availability of rescue and firefighting services (RFFS).

Rationale

These proposals have not changed in relation to NPA 2022-105.

This proposed new AMC ensures that the pilot-in-command assesses the safety risk (under the NCC operator's SMS) of using an aerodrome that may not provide RFFS. That assessment should help the pilot-in-command to decide on the aerodrome of intended operation.

The AMC reflects Amendment 40 to ICAO Annex 6, Part II, which introduced Standard 3.4.1.2 in Section 3, Chapter 3.4 (applicable to large and turbojet aeroplanes).

This AMC is relevant only for EU NCC operators that use an aerodrome that does not fall within the scope of the Basic Regulation and for which ICAO Annex 14 applies instead of the Aerodromes Regulation. According to Amendment 17 to ICAO Annex 14 Vol I, aerodromes are no longer required to provide RFFS to GA operations (which, in the EU system, includes both NCC and NCO operations).

When an NCC operator uses an EU aerodrome that falls within the scope of the Basic Regulation, then the Aerodromes Regulation and the associated AMC & GM apply. Consequently, this AMC is less relevant in such cases because then, the aerodrome must continue to provide RFF facilities to NCC flights (see the proposed new AMC1 ADR.OPS.B.010(a), which affects only NCO operations).



GM1 NCC.OP.145(a) Flight preparation**ADEQUACY OF GROUND FACILITIES — SAFETY RISK ASSESSMENT OF OPERATIONS WITHOUT RFFS AT THE AERODROME OF INTENDED OPERATION**

- (a) It is recommended that the operator consults the aeronautical information publication (AIP) for information about the availability of rescue and firefighting services (RFFS) at the aerodrome of intended operation.
- (b) To operate at an aerodrome with downgraded or unavailable RFFS, the operator may consider including in the operations manual (OM), for each aircraft type, certain criteria to be used when conducting a safety risk assessment of such operation. For aircraft in rescue and firefighting (RFF) category 3 and higher, the criteria to be considered by the pilot-in-command before conducting a flight may include the following:
- (1) acceptable downgrades of RFFS for planning and in-flight purposes such as departure, destination, and alternate aerodromes;
 - (2) aircraft characteristics related to mass, landing speed, and fuel capacity;
 - (3) length of the route or flight duration;
 - (4) maximum number of passengers on board;
 - (5) possible limitation to daytime only or to a certain time of the day (due to fatigue);
 - (6) weather constraints;
 - (7) aerodromes that are unacceptable with downgraded or unavailable RFFS; or
 - (8) other criteria, as applicable.

Rationale

This GM was not included in NPA 2022-105. It intends to provide further guidance on how operators should conduct the safety risk assessment. The GM is based on the commentators' suggestions.

Part-NCO**SUBPART B — OPERATIONAL PROCEDURES**

[...]

AMC1 NCO.OP.135(a) Flight preparation**ADEQUACY OF GROUND FACILITIES**

- (a) The pilot-in-command, in ascertaining the adequacy of facilities and services available at an aerodrome of intended operation, should generally assess the safety risk that is associated with the type of the operation in relation to the availability of rescue and firefighting services (RFFS).



- (b) The risk assessment may conclude that there is no need for availability of RFFS at the aerodrome of intended landing due to the low risk that is associated with the type of aircraft and type of operation specific to NCO.

Rationale

These proposals have not changed in relation to NPA 2022-105.

This proposed new AMC ensures that the pilot-in-command assesses the safety risk of using an aerodrome that may not provide RFFS. That assessment should help the pilot-in-command to decide on the aerodrome of intended operation.

The AMC reflects Amendment 40 to ICAO Annex 6, Part II, which introduced Recommendation 2.2.1.2 in Section 2, Chapter 2.2 (in the Air OPS Regulation, such recommendation relates to NCO operators).

This AMC applies to NCO operators that use aerodromes that fall within or lie outside the scope of the Basic Regulation. The proposed new AMC1 ADR.OPS.B.010(a) to the Aerodromes Regulation reflects the related changes that were introduced by Amendment 17 to ICAO Annex 14, Vol I, and links the Aerodromes requirements to the operational requirements for NCO operations and Amendment 40 to ICAO Annex 6.

Part-SPO

SUBPART B — OPERATIONAL PROCEDURES

AMC1 SPO.OP.140(a) Flight preparation

ADEQUACY OF GROUND FACILITIES

The operator, when deciding on the adequacy of facilities and services available at an aerodrome of intended operation, should assess the level of safety risk that is associated with the aircraft type and nature of the operation, in relation to the availability of rescue and firefighting services (RFFS).

Rationale

This AMC was not included in NPA. 2022-105. It intends to extend the initial proposals to SPO. It follows the proposals for NCC.

GM1 SPO.OP.140(a) Flight preparation

ADEQUACY OF GROUND FACILITIES — SAFETY RISK ASSESSMENT OF OPERATIONS WITHOUT RFFS AT THE AERODROME OF INTENDED OPERATION

- (a) It is recommended that the operator consults the aeronautical information publication (AIP) for information about the availability of rescue and firefighting services (RFFS) at the aerodromes of intended operation.
- (b) To operate at an aerodrome with downgraded or unavailable RFFS, the operator may consider including in the operations manual (OM), for each aircraft type, certain criteria to be used when



conducting a safety risk assessment of such operation. For aircraft in rescue and firefighting (RFF) category 3 and higher, the criteria to be considered by the pilot-in-command before conducting a flight may include the following:

- (1) acceptable downgrades of RFFS for planning and in-flight purposes such as departure, destination, and alternate aerodromes;
- (2) aircraft characteristics related to mass, landing speed, and fuel capacity;
- (3) possible limitation to daytime only or to a certain time of the day (due to fatigue);
- (4) weather constraints;
- (5) aerodromes that are unacceptable with downgraded or unavailable RFFS; or
- (6) other criteria, as applicable.

Rationale

This GM was not included in NPA. 2022-105. It intends to extend the initial proposals to SPO. It follows the proposals for NCC.



4. Impact assessment (IA)

For the impact assessment, which was prepared by ICAO and subsequently reviewed and considered relevant by EASA, please refer to Section 2.4 and NPA 2022-105.



5. Proposed actions to support implementation

Please refer to NPA 2022-105.



6. References

6.1. Affected EU regulations

N/a

6.2. Affected EASA decisions

- Decision 2014/012/R of the Executive Director of the Agency of 27 February 2014 adopting Acceptable Means of Compliance and Guidance Material to Regulation (EU) No 139/2014 'AMC/GM for Aerodromes – Initial Issue'
- Decision N° 2013/021/Directorate R of the Executive Director of the Agency of 23 August 2013 on adopting Acceptable Means of Compliance and Guidance Material for Non-commercial operations with complex motor-powered aircraft (Part-NCC)
- Decision 2014/016/R of the Executive Director of the Agency of 24 April 2014 adopting Acceptable Means of Compliance and Guidance Material to Part-NCO of Regulation (EU) No 965/2012 and repealing Decision 2013/022/R of the Executive Director of the Agency of 23 August 2013 'AMC and GM to Part-NCO – Issue 2'

6.3. Other references

- ICAO State Letter AN 11/6.3.33-22/16 of 31 March 2022 'Adoption of Amendment 40 to Annex 6, Part II'
- ICAO State Letter AN 4/1.2.30-22/14 of 30 March 2022 'Adoption of Amendment 17 to Annex 14, Volume I'
- Council Decision (EU) 2022/322 of 18 February 2022 on the decision to be taken on behalf of the European Union within the Council of the International Civil Aviation Organization (ICAO) as regard the adoption of amendments to Annexes 1, 6 to 10, 14 and 17 to the Convention on International Civil Aviation (ST/5751/2022/INIT) (OJ L 55, 28.2.2022, p. 47)



7. Appendix

N/a

