



Explanatory Note to Decision 2013/022/R

AMC/GM TO ANNEX VII - PART-NCO

RELATED NPA/CRD 2009-02 — OPINION No 01/2012 — RMT.0289 (OPS.001) — 01/02/2012

EXECUTIVE SUMMARY

This Decision addresses AMC and GM for non-commercial operations with other-than-complex motor-powered aircraft.

The specific objective is to maintain a high level of safety, to ensure proportionate rules where appropriate; and to warrant flexibility and efficiency for operators and authorities.

This Decision is part of OPS Phase II involving amendments to the following Annexes of the Regulation Air Operation:

- Annex I – Definitions,
- Annex II – Part-ARO,
- Annex III – Part-ORO,
- Annex V – Part-SPA,
- Annex VI – Part-NCC,
- Annex VII – Part-NCO.

Applicability		Process map	
Affected regulations and decisions:	AMC/GM Part-NCO	Concept Paper:	No
Affected stakeholders:	Air operators	Rulemaking group:	Yes
Driver/origin:	Basic Regulation	RIA type:	Full
Reference:		Technical consultation during NPA drafting:	Yes
		Publication date of the NPA:	2009/4
		Duration of NPA consultation:	6 months
		Review group:	Yes
		Focussed consultation:	No
		Publication date of the Opinion:	2011/2
		Publication date of the Decision:	2013/4

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1. Procedural information

1.1. The rule development procedure

The European Aviation Safety Agency (hereinafter referred to as the 'Agency') developed ED Decision 2013/022/R in line with Regulation (EC) No 216/2008¹ (hereinafter referred to as the 'Basic Regulation') and the Rulemaking Procedure².

This rulemaking activity is included in the Agency's [Rulemaking Programme for 2013-2016](#) under RMT.0289 (OPS.001). The scope and timescale of the task were defined in the related Terms of Reference (see process map on the title page).

The draft text of this Decision has been developed by the Agency based on the input of Rulemaking Group RG04. All interested parties were consulted through NPA 2009-02³. More than 15 000 comments in total were received from interested parties, including industry, national aviation authorities and social partners.

The Agency has reviewed the comments received on the NPA. The comments received and the Agency's responses are presented in the Comment-Response Document (CRD) [2009-02](#).

The final text of this Decision with the Acceptable Means of Compliance (AMC)/Guidance Material (GM) has been developed by the Agency based on the input of RG04 and the EASA Committee.

The process map on the title page summarises the major milestones of this rulemaking activity.

1.2. Structure of the related documents

Chapter 1 contains the procedural information related to this task. Chapter 2 explains the core technical content. Chapter 3 provides references. The text of the AMC/GM is annexed to the ED Decision.

¹ Regulation (EC) No 216/2008 of the European Parliament and the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1), as last amended by Commission Regulation (EU) No 6/2013 of 8 January 2013 (OJ L 4, 9.1.2013, p. 34).

² The Agency is bound to follow a structured rulemaking process as required by Article 52(1) of the Basic Regulation. Such process has been adopted by the Agency's Management Board and is referred to as the 'Rulemaking Procedure'. See Management Board Decision concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications and guidance material (Rulemaking Procedure), EASA MB Decision No 01-2012 of 13 March 2012.

³ In accordance with Article 52 of the Basic Regulation and Articles 5(3) and 6 of the Rulemaking Procedure.

2. Explanatory Note

This Decision provides AMC/GM to Commission Regulation (EU) No 800/2013 of 14 August 2013 laying down, among others, requirements for non-commercial operations with other-than-complex motor-powered aircraft.

2.1. Overview of the issues to be addressed

This Decision contains the initial version of the AMC and GM to Part-NCO.

2.2. Objectives

The overall objectives of the EASA system are defined in Article 2 of the Basic Regulation. This proposal will contribute to the achievement of the overall objectives by addressing the issues outlined in Chapter 2. The specific objective of this proposal is, therefore, to maintain a high level of safety, to ensure proportionate rules where appropriate; and to warrant flexibility and efficiency for operators and authorities.

2.3. Overview of the amendments

The main technical changes to the AMC and GM are the following:

In general, the received reactions showed overall support for the CRD version of the AMC and GM to Part-NCO.

Some commentators expressed their opinion that the AMC are too complex and should either be drafted as a GM or should be shortened. Such reactions were assessed on a case-by-case basis and accepted where appropriate.

The following text provides further information on amendments made compared to the CRD version based on reactions received.

Where the Implementing Rule is identical with the rule in Part-NCC, the AMC and GM are aligned where appropriate.

For aeroplanes and helicopters, the content of the AMC are in compliance with the corresponding standard and recommended practices (SARPS) of ICAO Annex 6 Part II and Part III.

GM1 NCO.GEN.105 Pilot-in-command responsibilities and authority

For helicopter operations, the description of the time during which the pilot-in-command is responsible for the operations and the safety of the aircraft has been aligned with ICAO Annex 6 part III.

GM1 NCO.GEN.115(b)(4) Taxiing of aeroplanes

Following several comments received asking for guidance on how the required skills and knowledge required under NCO.GEN.115 to be authorised by the operator to taxi an aeroplane, a new guidance material has been added detailing a set of criteria that could be used by an operator.

GM1 NCO.GEN.125 Portable electronic devices**GM2 NCO.GEN.125 Portable electronic devices****GM3 NCO.GEN.125 Portable electronic devices**

The initial GM on portable electronic devices has been replaced by 3 new GM providing definitions of the different types of PED, information on the associated risks and finally additional information on documents available dealing with fire caused by PED. These 3 GM are aligned with the corresponding GM in the NCC decision.

AMC1 NCO.GEN.135(a)(3) Documents, manuals and information to be carried

Following comments received asking to clarify the requirement to carry a certificate of airworthiness and to detail the different documents that can meet the requirement contained in NCO.GEN.135, a new AMC, aligned with AMC1 NCC.GEN.140(a)(3), has been added.

GM1 NCO.GEN.135(a)(1) Documents, manuals and information to be carried

Several comments received asked to add some guidance related to the requirement for balloon to carry the AFM since it was not considered relevant for balloon operations to carry the AFM on-board. Indeed, the Agency agrees that some further explanations is needed while at the same time Annex IV 4.a of the Basic Regulation, which requires the AFM or equivalent documentation to be made available to the crew, needs to be taken into account. Therefore, a new GM has been added, based on the wording of AMC 31HB.81(c) which refers to "... specific sections of the flight manual or by other means (e.g. placards, quick reference cards) ...".

AMC1 NCO.GEN.155 Minimum equipment list**AMC2 NCO.GEN.155 Minimum equipment list****AMC3 NCO.GEN.155 Minimum equipment list****AMC4 NCO.GEN.155 Minimum equipment list****AMC5 NCO.GEN.155 Minimum equipment list****GM1 NCO.GEN.155 Minimum equipment list****GM2 NCO.GEN.155 Minimum equipment list****GM3 NCO.GEN.155 Minimum equipment list**

All AMCs on MEL for NCO have been extensively revised for those NCO operators wishing to establish and use an MEL. Such material introduces for NCO operations the corresponding AMCs and GMs contained in Part-ORO for commercial operations and non-commercial operations of complex-motor-powered aircraft. This text has been simplified and adapted to the NCO context as necessary.

GM3 NCO.OP.110 Aerodrome operating minima – aeroplanes and helicopters**GM4 NCO.OP.110 Aerodrome operating minima – aeroplanes and helicopters**

Many comments requested the Agency to remove the references to NCC AMCs related to the determination of RVR/CMV/VIS minima for NPA, APV, CAT I for aeroplanes and to adapt this AMC to NCO operations since it was found too stringent for such operations. The Agency agrees that it was not appropriate to refer to an AMC in another Annex and that

more flexibility can be provided to NCO operators. Therefore, to address this issue, the content of the related NCC AMC has been transposed in the NCO decision at a GM level and no more in an AMC.

AMC1 NCO.OP.111 Aerodrome operating minima – NPA, APV, CAT I operations

One stakeholder requested the Agency to provide additional material related to NPA operations using CDFA technique and especially in the case of a go-around/missed approach initiated at the DA/DH to avoid flying below the published minima. The Agency agrees that this issue has to be addressed and also noted that some manufacturers already provide an add-on to the published minima to be used for such operations. Therefore a new AMC has been added to emphasize the need to ensure that in such situations the aircraft is not flown below the MDA/H.

AMC1 NCO.OP.130 Passenger briefing

As the initial version of this AMC was not considered to be adapted for sailplanes and balloons operations, two new paragraphs addressing sailplanes and balloons passengers safety briefing have been added. These two new paragraphs are stemming from AMC1 CAT.OP.NMPA.120 and AMC2 CAT.OP.NMPA.120.

AMC1 NCO.OP.145 Refuelling with passengers embarking, on board or disembarking

Following the publication of Opinion 2012-01, which allows refuelling operations with passengers embarking, on board or disembarking, a new AMC has been added to detail the necessary precautions required under NCO.OP.145 for such operations. To ensure proportionality, this new AMC has been simplified compared to the corresponding AMC in NCC rules.

AMC1 NCO.OP.150 Carriage of passengers

A new AMC has been added for the carriage of children and persons with reduced mobility on balloons. This new AMC is stemming from AMC1 CAT.OP.NMPA.115.

AMC1 NCO.OP.176 Take-off conditions - balloons

A new AMC has been added to provide clarification on the requirement to assess the weather at the operating site. This new AMC is stemming from AMC1 CAT.OP.NMPA.155.

GM1 NCO.OP.215 Operational limitations – hot-air balloons

This GM has been slightly amended to be aligned with GM1 CAT.OP.NMPA.180. It recommends avoiding night landings with balloons by taking appropriate measures such as larger quantities of fuel to allow a landing by day.

GM1 NCO.POL.105 Weighing

This GM has been slightly amended and complemented with missing information for balloons.

GM1 NCO.IDE.A/H/S/B.100(a) Instruments and equipment – general

A GM on the applicability of airworthiness requirements for equipment approval on aircraft registered in third countries has been added.

GM1 NCO.IDE.A.125(a)(3) Operations under IFR – flight and navigational instruments and associated equipment

This former AMC has been downgraded to GM after comments and rephrased appropriately.

AMC1 NCO.IDE.A/H.145 First-aid kit**AMC2 NCO.IDE.B.120 First-aid kit**

References to existing industry national standards for the First-Aid Kit (FAK) content were deleted being the content of the FAK already listed in the AMC. Such content has been simplified for NCO operations after comments.

AMC3 NCO.IDE.A/H.170 Emergency locator transmitter (ELT)**AMC3 NCO.IDE.S.135(b) Flight over water****AMC3 NCO.IDE.B.130(b) Flight over water**

After comments received the AMCs have been revised to recommend PLB registration with the national body responsible for search and rescue.

AMC4 NCO.IDE.A/H.170 Emergency locator transmitter (ELT)**AMC4 NCO.IDE.S.135(b) Flight over water****AMC4 NCO.IDE.B.130(b) Flight over water**

After comments received a new AMC has been added to recommend a briefing before the flight on PLB use when the PLB is carried by a passenger.

AMC1 NCO.IDE.S.120(b)(3) Operations under VFR– flight and navigational instruments

A new AMC has been added after comments to allow the possibility to implement the requirement on attitude indication by means of a yaw string.

GM1 NCO.IDE.S.115(b) Operations under VFR – flight and navigational instruments

A new GM has been added to provide further guidance for sailplanes on the conditions where the sailplane cannot be maintained in a desired attitude without reference to one or more additional instruments.

GM1 NCO.IDE.B.115(b)(2) Operations under VFR – flight and navigational instruments

A new GM has been added on the means of measuring and displaying vertical speed for balloons.

AMC1 NCO.IDE.B.140(b)(3) Miscellaneous equipment

A new AMC has been added on fire blankets.

3. References**3.1. Related regulations**

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.

3.2. Affected decisions

None.

3.3. Reference documents

ICAO Annex 6, Part II, Section 2 and Part III, Section III.