



Explanatory Note to Decision 2016/022/R

Helicopter Offshore Operations

RELATED NPA/CRD 2013-10 — OPINION NO 04/2015 — RMT.0410 (OPS.093(B))

EXECUTIVE SUMMARY

This Decision addresses the safety risks identified for helicopter offshore operations (HOFO) taking into account new technologies, with a view to establishing a level playing field.

The Decision proposes to introduce acceptable means of compliance (AMC) and guidance material (GM) for helicopter offshore operations conducted as commercial air transport (CAT), specialised (SPO) or non-commercial operations with complex motor-powered aircraft (NCC).

The AMC/GM have been developed taking into consideration the current industry best practices and additional national requirements of certain European Aviation Safety Agency (EASA) Member States (MSs), which have been notified to EASA in accordance with Article 6 of Regulation (EU) No 965/2012.

Proportionality is ensured by introducing appropriate rules for the different types of operations and by excluding non-commercial operations with other-than-complex motor-powered aircraft (NCO) from the new rules.

The AMC/GM have been modified in accordance with Comment-Response Document (CRD) to Notice of Proposed Amendment (NPA) 2013-10, published on 15 August 2014, in order to reflect the changes to the implementing rules (IRs) proposed by Opinion No 04/2015, published on 22 May 2015, as well as the evolution of the offshore industry.

The most significant changes are related to training alternatives to passenger briefings, airborne radar approaches, and survivability in the event of a helicopter capsized.

These AMC/GM are expected to maintain the high level of safety for HOFO established by the MSs in which most of those operations take place.

Action area	Helicopter operation				
Affected rules	ED Decision 2012/015/R; ED Decision 2014/025/R; ED Decision 2014/017/R; ED Decision 2014/015/R; ED Decision 2012/019/R; ED Decision 2013/021/R; ED Decision 2014/016/R; ED Decision 2014/018/R				
Affected stakeholders	Air operators and national aviation authorities (NAAs)				
Driver	Safety		Reference	N/a	
Rulemaking group	Yes	Impact assessment	Full	Procedure	Standard

● EASA rulemaking process

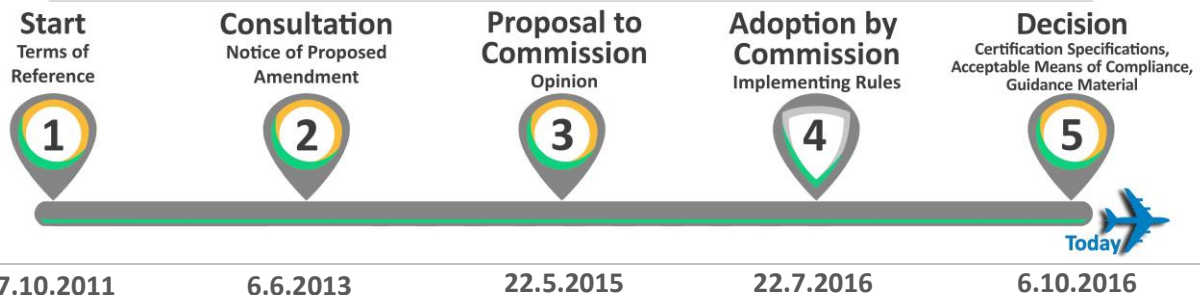


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1. Procedural information

1.1. The rule development procedure

EASA (hereinafter referred to as the 'Agency') developed ED Decision 2016/022/R in line with Regulation (EC) No 216/2008¹ (hereinafter referred to as the 'Basic Regulation') and the Rulemaking Procedure².

This rulemaking task is included in the Agency's [Rulemaking Programme](#) under RMT.0409 (OPS.093(a)) & RMT.0410 (OPS.093(b)). The scope and timescales of the task were defined in the related [ToR](#).

The *draft* text of this Decision has been developed by the Agency based on the input of RMG RMT.0410 (OPS.093(b)). All interested parties were consulted through [NPA 2013-10](#)³. 368 comments were received from 26 interested parties, including air operators (37 %), NAAs (37 %), staff associations (11 %), manufacturers (5 %) and other stakeholders(10 %).

The Agency has reviewed the comments received on the NPA. The comments received and the Agency's responses thereto, based on the input of RG RMT.0409 (OPS.093(a)) & RMT.0410 (OPS.093(b)), are presented in [CRD 2013-10](#).

The *final* text of this Decision with the AMC)/GM has been developed by the Agency as an improved version, based on the input of a focused consultation.

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. The text of the AMC/GM is annexed to the ED Decision.

¹ Regulation (EC) No 216/2008 of the European Parliament and of 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).

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 (MB) and is referred to as the 'Rulemaking Procedure'. See [MB Decision No 18-2015](#) of 15 December 2015 replacing Decision 01/2012 concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications and guidance material.

³ In accordance with Article 52 of the Basic Regulation and Articles 6(3) and 7 of the Rulemaking Procedure.



2. Explanatory Note

The Annex to this Decision contains AMC/GM to Regulation (EU) 2016/1199⁴, amending Regulation (EU) No 965/2012⁵ (hereinafter referred to as the 'Air OPS Regulation'), as adopted by the European Commission. The AMC/GM introduced by this Decision are related to helicopter offshore operations.

2.1. Overview of the issues to be addressed

The EASA MSs where the majority of offshore operations are conducted have continued to apply additional national rules and offshore approvals on top of the Joint Aviation Requirements (JAR)-OPS 3 requirements to ensure an appropriate level of safety in challenging environments such as the North Sea. Some national rules were not similar from one MS to another.

Furthermore, the requirement for the issuance of an offshore approval has not been transposed into an EU Regulation because JAR-OPS 3 was not clearly defining the conditions for granting this approval.

With the implementation of the Air OPS Regulation, the MSs where the majority of all CAT helicopter offshore operations are performed considered that the current text of said Regulation does not allow the maintenance of present safety levels as additional national requirements that are applicable in these MSs are not reflected therein.

This resulted in the use of derogation measures (as per Article 6 of the Air OPS Regulation), and in this ensuing RMT.

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. Following the publication of the upcoming HOFO IRs by the European Commission, the specific objective of this proposal is to provide means to comply with the requirements of the rules in order to address the risks identified for helicopter operations at offshore locations, by:

- introducing AMC/GM to a new Subpart K — Helicopter offshore operations of Part-SPA, taking into account the situation in the MSs, the results of conducted studies, and the new technologies; and
- amending the AMC/GM to Part CAT, Part-NCC, Part-SPO and Part-NCO accordingly.

2.3. Outcome of the consultation

Following the public consultation of NPA 2013-10, 162 comments were either accepted or partially accepted, resulting in the publication in CRD 2013-10 of fairly different draft AMC/GM to the ones published in the NPA. In addition, other comments to the NPA were answered by welcoming text

⁴ Commission Regulation (EU) 2016/1199 of 22 July 2016 amending Regulation (EU) No 965/2012 as regards operational approval of performance-based navigation, certification and oversight of data services providers and helicopter offshore operations, and correcting that Regulation (OJ L 198, 23.7.2016, p. 13).

⁵ Commission Regulation (EU) No 965/2012 of 28 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EU) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1).



proposals, which stakeholders eventually provided. Minor changes were introduced in the IRs during the adoption process, requiring the AMC/GM to be changed accordingly.

These factors commanded a new round of consultation that resulted in new improvements in the AMC/GM, as detailed in Section 2.5 below.

2.4. Summary of the RIA

The main contributing factors to risk reduction in the offshore environment, as identified in the RIA, are:

- introduction of newest helicopter design and technology;
- introduction of safety management systems (SMSs);
- use of flight data monitoring (FDM);
- use of vibration health monitoring (VHM); and
- improved operational training of flight crew.

Helicopter design not being within the scope of the Air OPS Regulation, and SMS being already introduced, the amending Regulation and the related AMC/GM deal with the other three factors.

2.5. Overview of the amendments

The following improvements have been made to the proposed AMC/GM that were published in CRD 2013-10:

- (a) The guidance on performance requirements for offshore operations that was to be introduced in AMC1 SPA.HOFO.140 has been rediscussed and it became clear that most of the material would complement the guidance on performance requirements for commercial air transport, while being irrelevant to non-CAT operators. This AMC to Part-SPA was subsequently moved to an AMC to Part-CAT, while only the part applicable to non-CAT operators remained in the AMC1 SPA.HOFO140.
- (b) A new GM was introduced to clarify the meaning of ‘designed for landing on water’.
- (c) Comments on the NPA led the Agency to introduce the training of passengers as an alternative to passenger briefings, which is already possible in other kinds of operations such as helicopter emergency medical service (HEMS). A new AMC was also introduced for that purpose. The proposed AMC was revised after additional input from stakeholders in order to ensure that in case of emergencies, the passengers attending such training would be at least as proficient as the ones attending briefings.
- (d) A new GM related to the arming of flotation devices was introduced to take into consideration the differences between Regulation (EU) 2016/1199 and Opinion No 04/2015.
- (e) The helideck limitations list (HLL) was modernised and made compatible with smartphone applications. Non-directional beacons (NDBs) were deleted from the rule text because these navigation aids are becoming obsolete. The HLL’s name was changed to helideck directory (HD).
- (f) The GM related to airborne radar approaches (ARAs) was modified to better explain how to use a global navigation satellite system (GNSS) in order to enhance the safety of the approach. More



ambitious changes, which would allow the use of GNSS as the primary navigation aid as well as offset approaches, to be introduced into the Air OPS Regulation will be discussed during the ongoing RMT.0379 — All-weather operations.

- (g) A procedure for the use of aircraft tracking systems (ATs) was introduced, while the guidance that was no longer relevant following the publication of Regulation (EU) 2015/2338⁶ was deleted.
- (h) A new AMC and a new GM related to the suitability of emergency exits and openings was developed in order to take into consideration the differences between Regulation (EU) 2016/1199 and Opinion No 04/2015.
- (i) An AMC related to emergency breathing systems (EBSs) was developed in order to take into consideration the differences between Regulation (EU) 2016/1199 and Opinion No 04/2015.
- (j) GM1 SPA.HOFO.170(b)&(c) Crew requirements, the contents of which justified the changes to the IRs but added no valuable guidance, was deleted.
- (k) Several editorial changes were introduced.

⁶ Commission Regulation (EU) 2015/2338 of 11 December 2015 amending Regulation (EU) No 965/2012 as regards requirements for flight recorders, underwater locating devices and aircraft tracking systems (OJ L 330, 16.12.2015, p. 1).



3. References

3.1. Related regulations

Commission Regulation (EU) No 965/2012 of 28 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EU) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1)

3.2. Affected decisions

- Decision N° 2012/015/Directorate R of the Executive Director of the Agency of 24th October 2012 on Acceptable Means of Compliance and Guidance Material to 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 ‘Guidance Material to Annex I — Definitions’
- Decision 2014/025/R of the Executive Director of the Agency of 28 July 2014 adopting Acceptable Means of Compliance and Guidance Material to Part-ARO of Regulation (EU) No 965/2012 and repealing Decision 2014/014/R of the Executive Director of the Agency of 24 April 2014 ‘AMC and GM to Part-ARO — Issue 3’
- Decision 2014/017/R of the Executive Director of the Agency of 24 April 2014 adopting Acceptable Means of Compliance and Guidance Material to Part-ORO of Regulation (EU) No 965/2012 and repealing Decision 2012/017/R of the Executive Director of the Agency of 24 October 2012 ‘AMC and GM to Part-ORO — Issue 2’
- Decision 2014/015/R of the Executive Director of the Agency of 24 April 2014 adopting Acceptable Means of Compliance and Guidance Material to Part-CAT of Regulation (EU) No 965/2012 and repealing Decision 2012/018/R of the Executive Director of the Agency of 24 October 2012 ‘AMC and GM to Part-CAT — Issue 2’
- Decision N° 2012/019/Directorate R of the Executive Director of the Agency of 24th October 2012 on Acceptable Means of Compliance and Guidance Material to 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 ‘Acceptable Means of Compliance and Guidance Material to Part-SPA’
- Decision 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’
- Decision 2014/018/R of the Executive Director of the Agency of 24th April 2014 adopting Acceptable Means of Compliance and Guidance Material to Part-SPO of Regulation (EU) No 965/2012 ‘AMC and GM to Part-SPO’



3.3. Reference documents

N/a.

