

Draft Annex
to draft Commission Implementing Regulation (EU) .../... amending Commission Regulation (EU) No
965/2012 as regards non-commercial operations conducted in visual flight rules conditions with
gyroplanes

Commission Regulation (EU) No 965/2012 is amended as follows:

- (1) Annex I (Definitions for terms used in Annexes II to VIII) is amended as follows:
- (a) in definition (30), the words ‘or gyroplanes’ are inserted after the word ‘aeroplanes’;
 - (b) in definition (69), in point (a)(ii) the word ‘helicopter’ is replaced by the word ‘rotorcraft’;
 - (c) in definition (82), in point (b) the word ‘helicopter’ is replaced by the word ‘rotorcraft’;
- (2) Annex VII (Part-NCO) is amended as follows:

- (a) point NCO.GEN.115 is replaced by the following:

‘NCO.GEN.115 Taxiing of aeroplanes or gyroplanes

An aeroplane or a gyroplane shall only be taxied on the movement area of an aerodrome if the person at the controls:

- (a) is an appropriately qualified pilot; or
- (b) has been designated by the operator and:
 - (1) is trained to taxi the aeroplane or the gyroplane;
 - (2) is trained to use the radio telephone, if radio communications are required;
 - (3) has received instruction in respect of aerodrome layout, routes, signs, marking, lights, air traffic control (ATC) signals and instructions, phraseology and procedures; and
 - (4) is able to conform to the operational standards required for safe aeroplane or gyroplane movement at the aerodrome.’;
- (b) the title of point NCO.OP.120 is replaced by the following:
‘NCO.OP.120 Noise abatement procedures’;
- (c) the title of point NCO.OP.125 is replaced by the following:
‘NCO.OP.125 Fuel/energy and oil supply’;
- (d) the title of point NCO.OP.155 is replaced by the following:
‘NCO.OP.155 Smoking on board’
- (e) the title of point NCO.OP.175 is replaced by the following:

‘NCO.OP.175 Take-off conditions’;

- (f) the following new point NCO.OP.207 is inserted:

‘NCO.OP.207 Approach and landing conditions — gyroplanes

Before commencing an approach to land, the pilot-in-command shall be satisfied that, according to the information available, the weather at the aerodrome or the operating site and the condition of the runway intended to be used do not prevent a safe approach, landing or missed approach.’;

- (g) in Subpart D, the title of Section 2 is replaced by the following:

‘SECTION 2 – ROTORCRAFT’

- (h) in point NCO.IDE.H.100, points (a)(4) and (c)(2) the word ‘helicopter’ is replaced by the word ‘rotorcraft’;

- (i) point NCO.IDE.H.105 is replaced by the following:

‘NCO.IDE.H.105 Minimum equipment for flight

A flight shall not be commenced when any of the rotorcraft’s instruments, items of equipment or functions required for the intended flight are inoperative or missing, unless:

- (a) the rotorcraft is operated in accordance with the MEL, if established; or
- (b) the rotorcraft is subject to a permit to fly issued in accordance with the applicable airworthiness requirements.’;

- (j) point NCO.IDE.H.115 is replaced by the following: ‘

‘NCO.IDE.H.115 Operating lights

Rotorcraft operated at night shall be equipped with:

- (a) an anti-collision light system;
- (b) navigation/position lights;
- (c) a landing light;
- (d) lighting supplied from the rotorcraft’s electrical system to provide adequate illumination for all instruments and equipment essential to the safe operation of the helicopter;
- (e) lighting supplied from the rotorcraft’s electrical system to provide illumination in all passenger compartments;
- (f) an independent portable light for each crew member station; and
- (g) lights to conform with the International Regulations for Preventing Collisions at Sea if the rotorcraft is amphibious.’;

- (k) point NCO.IDE.H.120 is amended as follows:

- (i) in point (a), the word ‘Helicopter’ is replaced by the word ‘Rotorcraft’;

- (ii) in point (b), the introductory sentence is replaced by the following:

‘(b) Rotorcraft operated under VMC at night, or when the visibility is less than 1 500 m, or in conditions where the rotorcraft cannot be maintained in a desired

flight path without reference to one or more additional instruments, shall be, in addition to (a), equipped with: (...);

(iii) point (c) is replaced by the following:

‘(c) Rotorcraft operated when the visibility is less than 1 500 m, or in conditions where the rotorcraft cannot be maintained in a desired flight path without reference to one or more additional instruments, shall be, in addition to (a) and (b), equipped with a means of preventing malfunction of the airspeed indicating system required in (a)(4) due to condensation or icing.’;

(l) in NCO.IDE.H.135, the word ‘Helicopters’ is replaced by the word ‘Rotorcraft’;

(m) point NCO.IDE.H.140 is replaced by the following:

‘NCO.IDE.H.140 Seats, seat safety belts, restraint systems and child restraint devices

(a) Rotorcraft shall be equipped with:

- (1) a seat or berth for each person on board that is aged 24 months or older, or a station for each crew member or task specialist on board;
- (2) a seat belt on each passenger seat and restraining belts for each berth, and restraint devices for each station;
- (3) for rotorcraft first issued with an individual CofA after 31 December 2012, a seat belt with an upper-torso restraint system for each passenger that is aged 24 months or older;
- (4) a child restraint device for each person on board younger than 24 months; and
- (5) a seat belt with upper torso restraint system incorporating a device that will automatically restrain the occupant’s torso in the event of rapid deceleration on each flight crew seat.

(b) A seat belt with upper torso restraint system shall have a single point release.’;

(n) in point NCO.IDE.H.145, in point (a) the word ‘Helicopters’ is replaced by the word ‘Rotorcraft’;

(o) point NCO.IDE.H.155 is replaced by the following

‘NCO.IDE.H.155 Supplemental oxygen – non-pressurised rotorcraft

Non-pressurised rotorcraft operated when an oxygen supply is required in accordance with NCO.OP.190 shall be equipped with oxygen storage and dispensing apparatus capable of storing and dispensing the required oxygen supplies.’

(p) in point NCO.IDE.H.160, the introductory sentence of point (a) is replaced by the following:

‘(a) Rotorcraft, except ELA2 helicopters, shall be equipped with at least one hand fire extinguisher: (...);’

(q) in point NCO.IDE.H.165, the introductory sentence is replaced by the following:

‘If areas of the rotorcraft’s fuselage suitable for breaking in by rescue crews in an emergency are marked, such areas shall be marked as shown in Figure 1. (...);’

- (r) point NCO.IDE.170 is replaced by the following:

‘NCO.IDE.H.170 Emergency locator transmitter (ELT)

- (a) Rotorcraft certified for a maximum passenger seating configuration above six shall be equipped with:
- (1) an automatic ELT; and
 - (2) one survival ELT (ELT(S)) in a life-raft or life-jacket when the rotorcraft is operated at a distance from land corresponding to more than 3 minutes flying time at normal cruising speed.
- (b) Rotorcraft certified for a maximum passenger seating configuration of six or less shall be equipped with an ELT(S) or a personal locator beacon (PLB), carried by a crew member or a passenger, or with an automatic ELT.
- (c) ELTs of any type and PLBs shall be capable of transmitting simultaneously on 121,5 MHz and 406 MHz.’;

- (s) point NCO.IDE.H.175 is replaced by the following:

‘NCO.IDE.H.175 Flight over water

- (a) Rotorcraft shall be equipped with a life-jacket for each person on board or equivalent individual flotation device for each person on board younger than 24 months, which shall be worn or stowed in a position that is readily accessible from the seat or berth of the person for whose use it is provided, when:
- (1) flying over water beyond autorotational distance from land where, in case of the critical engine failure, the rotorcraft is not able to sustain level flight; or
 - (2) flying over water beyond gliding distance from land where, in case of critical engine failure, the gyroplane is not able to sustain level flight; or
 - (3) flying over water at a distance of land corresponding to more than 10 minutes flying at normal cruising speed, where, in case of the critical engine failure, the rotorcraft is able to sustain level flight; or
 - (4) taking off or landing at an aerodrome/operating site where the take-off or approach path is over water.
- (b) Each life-jacket or equivalent individual flotation device shall be equipped with a means of electric illumination for the purpose of facilitating the location of persons.
- (c) The pilot-in-command of a rotorcraft operated on a flight over water at a distance from land corresponding to more than 30 minutes flying time at normal cruising speed or 50 NM, whichever is less, shall determine the risks to survival of the occupants of the helicopter in the event of a ditching, based on which he or she shall determine the carriage of:
- (1) equipment for making the distress signals;
 - (2) life-rafts in sufficient numbers to carry all persons on board, stowed so as to facilitate their ready use in emergency; and
 - (3) life-saving equipment, to provide the means of sustaining life, as appropriate to the flight to be undertaken.
- (d) The pilot-in-command shall determine the risks to survival of the occupants of the rotorcraft in the event of a ditching, when deciding if the life-jackets required in point (a) shall be worn by all occupants.’;

- (t) in point NCO.IDE.H.180, the word ‘Helicopters’ is replaced by the word ‘Rotorcraft’;
- (u) point NCO.IDE.H.185 is replaced by the following:

‘NCO.IDE.H.185 All rotorcraft on flights over water – ditching

Rotorcraft flying over water in a hostile environment beyond a distance of 50 NM from land shall be either of the following:

- (a) designed for landing on water in accordance with the relevant certification specifications;
 - (b) certified for ditching in accordance with the relevant certification specifications;
 - (c) fitted with emergency flotation equipment.’
- (v) point NCO.IDE.H.190 is replaced by the following:

‘NCO.IDE.H.190 Radio communication equipment

- (a) Where required by the airspace being flown, rotorcraft shall be equipped with radio communication equipment capable of conducting two-way communication with those aeronautical stations and on those frequencies to meet airspace requirements.
 - (b) Radio communication equipment, if required by (a), shall provide for communication on the aeronautical emergency frequency 121,5 MHz.
 - (c) When more than one communication equipment unit is required, each shall be independent of the other or others to the extent that a failure in any one will not result in failure of any other.
 - (d) When a radio communication system is required, and in addition to the flight crew interphone system required in NCO.IDE.H.135, rotorcraft shall be equipped with a transmit button on the flight controls for each required pilot and/or crew member at his or her working station.’;
- (w) in point NCO.IDE.H.200, the word ‘helicopters’ is replaced by the word ‘rotorcraft’;
 - (y) the following new NCO.SPEC.172 is inserted:

‘NCO.SPEC.172 Performance and operating criteria — gyroplanes

When operating a gyroplane at a height of less than 150 m (500 ft) above a non-congested area, for operations of gyroplanes that are not able to sustain level flight in the event of a critical engine failure, the pilot-in-command shall have:

- (a) established operational procedures to minimise the consequences of an engine failure; and
- (b) briefed all crew members and task specialists on board on the procedures to be carried out in the event of a forced landing.’.