



## AMC/GM TO ANNEX VI - PART-NCC

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 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 2013/021/R in line with Regulation (EC) No 216/2008<sup>1</sup> (hereinafter referred to as the 'Basic Regulation') and the Rulemaking Procedure<sup>2</sup>.

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 RG03. All interested parties were consulted through NPA 2009-02<sup>3</sup>. 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 RG03 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.

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<sup>1</sup> 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).

<sup>2</sup> 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.

<sup>3</sup> 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 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-NCC.

### 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/GM are the following:

In general, the received reactions showed overall support for the CRD version of the AMC and GM material to Part-NCC. Many commentators highlighted the fact that operations, particularly in the field of business aviation, swap between non-commercial operations and commercial operations with complex motor-powered aircraft. These commentators strongly supported the approach to duplicate the AMC/GM material from Part-CAT in Part-NCC for those Implementing Rules that are the same in both Parts.

Some other operators found specific AMCs to be too CAT-specific and recommended a downgrade to a GM. 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-CAT, the AMC and GM are aligned where appropriate.

The content of the AMC and GM are in compliance with the corresponding standard and recommended practices (SARPS) of ICAO Annex 6 Part II and Part III.

#### **GM1 NCC.GEN.106 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 NCC.GEN.120(b)(4) Taxiing of aeroplanes**

Following several comments received asking for guidance on the required skills and knowledge required under NCC.GEN.120 to be designated 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.

**AMC1 NCC.GEN.130 Portable electronic devices**  
**GM1 NCC.GEN.130 Portable electronic devices**  
**GM2 NCC.GEN.130 Portable electronic devices**  
**GM3 NCC.GEN.130 Portable electronic devices**

A new AMC has been added. This AMC is aligned with the same AMC contained in the CAT decision.

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 NCO decision.

**AMC1- NCC.GEN.140(a)(3) Documents, manuals and information to be carried**

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

**AMC1- NCC.GEN.145(b) Preservation, production and use of flight recorder recordings**

In order to provide more flexibility to operators, an alleviation to paragraph (a) of AMC1 NCC.GEN.145(b) related to the annual inspection of FDR and CVR recordings, has been provided. This alleviation has been agreed by the European Flight Recorder Partnership Group (EFRPG).

In addition, based on a recommendation from the EFRPG, the periodicity of inspection of data link recording has been reduced to 5 years, since an annual inspection, as required for FDR and CVR recordings, is not considered necessary.

**GM1 NCC.GEN.145(b) Preservation, production and use of flight recorder recordings**

A new paragraph to GM1 NCC.GEN.145(b) has been added to provide guidance on the data link recording inspection since it was not yet addressed in this GM.

**AMC3- NCC.OP.110 Aerodrome operating minima – general**

Since performance classes are only defined and relevant to Part-CAT operations as no such performance requirements are laid down for Part-NCC, this AMC has been amended accordingly defining alternative criteria for helicopter performance.

**AMC1- NCC.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, aligned with AMC1 CAT.OP.MPA.115, which requires operators to consider the use of an add-on to the published minima.

**GM1- NCC.OP.145(b) Flight preparation**

Based on the comment received from one stakeholder asking to add provisions for long-distance non-commercial flights related to the possible use of an operational flight plan (OFP), a new GM has been added. This GM states that an OFP may be used by an operator and also provides guidance on the content of an OFP based on the corresponding AMC in the CAT decision.

**AMC1- NCC.OP.230 Commencement and continuation of approach**

This AMC has been aligned with AMC1 CAT.OP.MPA.305(e) and especially a paragraph related to the use of EVS during APV operations and NPA operations flown with the CDFA technique, has been added.

**AMC1 NCC.POL.110(c) Mass and balance data and documentation**

A new AMC with the same content of the corresponding AMC in the CAT Decision has been added to implement the use of electronic signatures on mass and balance documentation.

**AMC2 NCC.POL.110(c) Mass and balance data and documentation**

A new AMC with the same content of the corresponding AMC in the CAT Decision has been added with regards to mass and balance documentation sent via data link.

**AMC1 NCC.POL.135 Landing – aeroplanes**

Based on comments received, a new AMC has been added to specify the parameters that should be taken into account for landing performance of aeroplanes.

**GM1 NCC.IDE.A.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.

**AMC1 NCC.IDE.A.160 Cockpit voice recorder**

**AMC1 NCC.IDE.A.165 Flight data recorder**

**AMC1 NCC.IDE.A.170 Data link recording**

Based on comments received and advice of experts, these three AMCs have been revised to include latest developments and correct references to EUROCAE standards for recorders.

**AMC1 NCC.IDE.A/H.190 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.

**GM1 NCC.IDE.A.195(c)(2) Supplemental oxygen – pressurised aeroplanes**

A GM on QUICK DONNING MASK has been added coherently with Part-CAT.

**AMC1 NCC.IDE.A.230(a)(2) Survival equipment**

An AMC has been added to provide the condition to fulfil the requirement on survival ELT with a portable automatic ELT.

**AMC1 NCC.IDE.H.160 Cockpit voice recorder****AMC1 NCC.IDE.H.165 Flight data recorder****AMC1 NCC.IDE.H.170 Data link recording**

Based on comments received and advice of experts, these three AMCs have been revised to include latest developments and correct references to EUROCAE standards for recorders.

**AMC2 NCC.IDE.H.230 Survival equipment**

An AMC has been added to provide the condition to fulfil the requirement on survival ELT with a portable automatic ELT.

### **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 3 and Part III, Section III.