



**Comment Response Document (CRD)
to Notice of Proposed Amendment (NPA) 2009-02b**

**for a draft Agency Opinion on a Commission Regulation establishing the
Implementing Rules for air operations of Community operators**

and

**a draft Decision of the Executive Director of the European Aviation Safety
Agency on Acceptable Means of Compliance and Guidance Material related to
the Implementing Rules for air operations of Community operators**

'Part-SPO'

CRD c.1 — Comment Response Summary Table (CRST) for Part-SPO

SEGMENT DESCRIPTION	ORIGIN	COMMENT	RESPONSE
B. I. Draft Opinion - Part-OPS - Subpart A - Section II - OPS.GEN.110 Carriage of persons	Réseau de Transport d'Electricité - Services et Travaux Hélicoptés SNEH DGAC	(c) "Prior to and during taxiing, take-off and landing, ..., each person on board shall occupy a seat or berth" For some heliborne operations, and especially for Human External Cargo operations, workers don't necessary have a seat or a berth. The image attached shows linemen in a cradle without any seats. The cradle is approved by an STC, thus it must be considered as a a part of the helicopter. Proposal : "Except for specific aerial works approved by the authority, prior to ... each person on board shall occupy a seat or berth..." or "Except for Human External Cargo operations, prior to ... each person on board shall occupy a seat or berth ..."	OPS.GEN.110 is now replaced by SPO.OP.135(a) which obliges each person to occupy a seat or a station with restraining devices secured. In case they do not have a seat, they need to be properly restrained during critical phases of flight but not during the aerial work task itself. This new wording now permits HEC operations.
B. I. Draft Opinion - Part-OPS - Subpart A - Section II - OPS.GEN.175 Minimum flight altitudes	Civil Aviation Authority Finland	Comment: The minimum flight altitudes for Aerial Work operations should be defined. Special Aerial Work operations (dusting and crop spraying, fire fighting and inspection of electrical wires, photographing etc.) are flown at very low altitudes and paragraphs OPS.GEN.175 (a) or (b) do not fit for this, because it is not question of descending, landing or take-off, but the whole operation is done at very low altitude. The paragraph OPS.COM.270 does not solve the problem either. Also some Aerial Work operations are flown as private operations (ie. spraying the own crop fields or forests of the farmer).	Part-SPO does not contain this requirement anymore as it is now covered by Part-SERA (European rules of the air) which contains an exemption for aerial work.
B. I. Draft Opinion - Part-OPS - Subpart A - Section IV - OPS.GEN.440 High altitude flights - Oxygen	Aero-Club of Switzerland	Please add: ALL AIRCRAFT (a) (1) (iii) The PiC of aircraft engaged in parachute operations and high altitude aerial work decides on the use of oxygen for his own supply and for the supply of the other occupants. Justification: Crews and passengers are well trained prepared for this kind of mission, therefore, it should be the PiC who decides.	Proper training and altitude adaptation cannot be ensured in any circumstance. The use of oxygen is linked to a general medical and safety concern that cannot be disregarded for parachute operations.

B. I. Draft Opinion - Part-OPS - Subpart B - Section I - OPS.CAT.001 Scope	DGAC	There should be a provision (at least in the Cover Regulation) equivalent to (3) EU/JAR-OPS 1/3.001, stating that subpart CAT does not apply "to flights immediately before, during, or immediately after an aerial work activity provided these flights are connected with that aerial work activity and in which, excluding crew members, no more than 6 persons indispensable to the aerial work activity are carried."	Agreed. This provision, which was in a GM in the NPA OPS, is now laid down in the cover regulation published with Opinion 04/2011.
B. I. Draft Opinion - Part-OPS - Subpart C			
B. I. Draft Opinion - Part-OPS - Subpart C - Section I	Austro Control GmbH Walter Gessky	This subpart establishes additional and specific requirements to be met by an operator undertaking commercial operations other than CAT, to ensure compliance with Annex IV of Basic Regulation. Comment: a detailed definition for commercial operation is required in the rule or shall be at least explained in detail in AMC by examples (no definition in AMC for reasons of legal certainty!). The definition in the Basic Regulation seems not to be sufficient (e.g. training within clubs is unclear).	The definition of commercial operations is provided by the Basic Regulation. The Agency needs to strictly follow this definition. EASA cannot give a more detailed definition without taking the risk to give a wrong interpretation of the definition adopted by the legislator.
B. I. Draft Opinion - Part-OPS - Subpart C - Section I	DGAC	We do not understand the rationale for mentioning R 216/2008 in the scope of part OPS subparts GEN, CAT & COM and not mentioning it in the scope of both part OR subpart OPS and part OPS subpart SPA? If, as explained by EASA, the mere application of those subparts is not enough to ensure compliance with the BR, then mentioning the BR in the scope should be avoided as it is confusing and misleading. "OPS.COM.005 Scope This subpart establishes additional and specific requirements to be met by an operator undertaking commercial operations other than Commercial Air Transport, to ensure compliance with Annex IV to Regulation (EC) No 216/2008 (Essential requirements for air operations)."	Subpart C of the OPS NPA is now transferred to Part-SPO where the scope is defined. Part-SPO covers the former OPS.GEN and OPS.COM provisions, adapted to aerial work tasks and to other specialised operations. Part-SPO now covers both commercial and non-commercial operations.

B. I. Draft Opinion - Part-OPS - Subpart C - Section I - OPS.COM.005 Scope	ECA - European Cockpit Association	Comment on OPS.COM.005: change as follows: This subpart establishes additional and specific requirements to be met by an operator undertaking commercial operations other than Commercial Air Transport, to ensure compliance with Annex IV to Regulation (EC) No 216/2008 (Essential requirements for air operations). Justification: Everything necessary to comply with the BR must be found in the IR/AMC/GM. Reference to BR 216/2008 is inappropriate.	Subpart C of the OPS NPA is now transferred to Part-SPO where the scope is defined. Part-SPO covers the former OPS.GEN and OPS.COM provisions, adapted to aerial work tasks and other specialised operations. Part-SPO now covers both commercial and non-commercial operations.
B. I. Draft Opinion - Part-OPS - Subpart C - Section I - OPS.COM.005 Scope	Luftfahrt-Bundesamt	Regarding the operation of sailplanes and powered sailplanes and the possible economic gain with such type of operation, we seriously doubt that the proposed regulations will improve the safety in any detectable way, but lead to a significant decrease of the activities and consequently to a decline in this kind of aviation. We propose to exempt sailplanes and powered sailplanes from the scope of this NPA and add the following wording: "The operation of sailplanes and powered sailplanes is exempted from the scope of this subpart."	Subpart C of the OPS NPA is now transferred to Part-SPO where the scope is defined. The proposed rules are applicable to all types of aircraft covered under the Regulation 216/2008. The SPO rules have been drafted such as to allow these types of aircraft to be able to comply with the SPO rules. Additionally they have been reviewed by sailplanes experts..
B. I. Draft Opinion - Part-OPS - Subpart C - Section I - OPS.COM.005 Scope	DGAC	COM is not restricted to aerial work (as specified in §79 of appendix I Explanatory memorandum to Part OPS in NPA 2009-02 A in the explanatory note). Some of the paragraphs of Subpart COM refer to "specialized tasks". It is not clear however whether all COM operations are considered as specialized tasks. If specialized task are only a fraction of COM operations, a definition of "specialized task" should be added somewhere. If specialized task and COM operations are the same concept, then the use of the terms "specialized tasks" should be avoided to remove confusion. Furthermore their might be some specialized tasks that are not COM.	Subpart C is now covered in Part-SPO. The scope of Part-SPO lists the types of activities covered under this Part. Specialised operations mainly cover aerial work activities but could cover other activities in the future. Training flights, which was mentioned in the explanatory note of the OPS NPA, are now covered by Part-NCO/NCC depending on the type of the aircraft they are conducted with.

<p>B. I. Draft Opinion - Part-OPS - Subpart C - Section I - OPS.COM.005 Scope</p>	<p>Axel Schwarz</p>	<p>According to the definition of "Commercial Operations" in the Basic Regulation, this subpart would include operations under commercial hire. Since for commercial hire of aircraft the owner/operator has only very limited control over the pilot hiring the aircraft, most provisions of this Subpart should not be applicable to commercial hire either by amending the scope or revising the definition in the Basic Regulation to exclude the hiring out of aircraft against remuneration by an operator to pilots.</p>	<p>The Agency is not an appropriate authority to modify a text adopted by the European legislator. An operator always need to ensure that its crew comply with the rules and therefore retains the responsibility. The owner, who is very often the pilot-in-command in aerial work operations, is ultimately responsible for complying with the rules. As Part-SPO contains rules for commercial/non-commercial with complex or other than complex, the rules address either the operator or the owner.</p>
<p>B. I. Draft Opinion - Part-OPS - Subpart C - Section I - OPS.COM.035 Application and use of dangerous goods in specialised tasks</p>	<p>CAA-NL Federal Office of Civil Aviation (FOCA), Switzerland Pietro Barbagallo ENAC UK CAA</p>	<p>OPS.COM.035 Comment: The text states that an aircraft must not fly over cities, towns etc when using dangerous goods for the purposes of a specialised task. It is suggested this text should be amended. Justification: Elsewhere in the IRs (OPS.GEN.030 (b)) states that dangerous goods for "specialised purposes" are those specified in Part 1 of the Technical Instructions, which in turn refer to "specialized use"; in the Technical Instructions this term includes tasks (e.g. aeromedical operations, provision of veterinary aid) which could quite reasonably be allowed over cities, towns etc. It is suggested that the text need only apply to the application of dangerous goods. Proposed Text (if applicable): Amend OS.COM.035 as follows: "OS.COM.035 Application and use of dangerous goods in specialised tasks The operator shall not fly over congested areas of cities, towns or settlements or over an open-air assembly of persons when applying or using dangerous goods for the purpose of a specialised task."</p>	<p>OPS.COM.035 has been modified. SPO.GEN.160 now underlines that what is forbidden is the release of dangerous goods by the operator when flying over congested areas, etc. For example, if veterinary aid has to be given in towns of over congested areas, this should not be done by means of air.</p>

<p>B. I. Draft Opinion - Part-OPS - Subpart C - Section I - OPS.COM.035 Application and use of dangerous goods in specialised tasks</p>	<p>International Air Transport Association</p>	<p>OPS.COM.035 Application and use of dangerous goods in specialised tasks. The text in this paragraph is rather vague in setting out just what constitutes "using dangerous goods for the purposes of a specialised task". Previously in OPS.GEN.030(b) there was text regarding "dangerous goods on board for specialised purposes". Here it was commented that this was addressed by Part 1;1.1.3 of the ICAO Technical Instructions. This part of the ICAO TI addresses such operations as search and rescue, provision of medical aid to a patient during flight, etc. For these types of "specialised uses" there should be no impediment on flight over inhabited areas. The text of OPS.COM.035 should perhaps clearly state that it is the release of dangerous goods from the aircraft over cities, towns, etc. that is prohibited.</p>	<p>Accepted. SPO.GEN.160 forbids the operator to release dangerous goods when flying over cities, etc.</p>
<p>B. I. Draft Opinion - Part-OPS - Subpart C - Section I - OPS.COM.035 Application and use of dangerous goods in specialised tasks</p>	<p>British Parachute Association</p>	<p>We suggest that the following wording is added to the end of this paragraph. "(except when carrying smoke trail devices to be used by parachute display jumpers after exiting the aircraft)." We are not sure at this stage whether parachute operations are likely to be classified as a specialised task, but in that event this rule could otherwise prohibit the use of smoke trails on many parachute displays. Smoke trails have long been an important visual feature of parachute displays. This will also ensure consistency with our comments no. 1412, 1604 and 1657.</p>	<p>Parachute operations are covered by Part-SPO. SPO.GEN.160 forbids the operator to release dangerous goods when flying over cities, etc. Smoke trail devices to be used in parachute operations are not considered as being "released".</p>
<p>B. I. Draft Opinion - Part-OPS - Subpart C - Section I - OPS.COM.035 Application and use of dangerous goods in specialised tasks</p>	<p>DGAC</p>	<p>The text can be improved. Proposed Text: Amend text as follows: "The operator shall not operate aircraft over congested areas of cities, towns or settlements or over an open-air assembly of persons when applying or using dangerous goods for the purpose of a specialised task."</p>	<p>Accepted. SPO.GEN.160: The operator shall not operate an aircraft over congested areas of cities, towns or settlements or over an open-air assembly of persons when releasing dangerous goods."</p>

<p>B. I. Draft Opinion - Part-OPS - Subpart C - Section I - OPS.COM.040 Carriage and use of weapons in specialised tasks</p>	<p>CAA-NL Ryanair</p>	<p>Clarification required for 'specialised tasks'. The Agency should clarify what it means by ' when the weapons are used'. When the Agency means the use by air marshals than this statement is unrealistic.</p>	<p>Specialised tasks are now listed in the scope of Part-SPO. It establishes a non-exhaustive list of activities considered to be specialised tasks. Air marshals are not on board aircraft doing specialised operations and are only used for commercial air transportation operations.</p>
<p>B. I. Draft Opinion - Part-OPS - Subpart C - Section I - OPS.COM.040 Carriage and use of weapons in specialised tasks</p>	<p>CAA-NL CAA-UK FOCA Pietro Barbagallo ENAC Finnish CAA</p>	<p>Comment 1 OPS.COM.040(a) Comment: It is not clear what "specialised tasks" are envisaged by OPS.COM.040. Justification: Without an appropriate definition it is suggested the text is too vague and open to abuse. Proposed Text (if applicable): It is suggested a definition of "specialized tasks" should be developed. Comment 2 OPS.COM.040(a) Comment 2: Text needs expanding Justification: "Securing" is only one measure which should be ensured in respect of weapons. Prevention from accidental discharge (in the case of guns) or activation (in the case of pyrotechnics, tear gas devices etc) should also be required. Proposed Text (if applicable): Amend OPS.COM.040(a) as follows: "An operator may carry weapons on a flight for the purposes of a specialised task provided that the weapons are secured and protected against accidental discharge or activation when carried." Comment 3 OPS.COM.040(b) Comment 3: Text is unrealistic: Justification: It is queried how an operator could possibly ensure that, for example, if a policeman discharges his weapon this will not endanger the aircraft or persons. Also, the text could be interpreted as allowing the discharge of a weapon from an aircraft (e.g. to a target on the ground) which is not something allowed currently in the UK (without an exemption) because of the risk of structural damage (e.g. to main or tail rotors) by bullets, including ricochets. Proposed Text (if applicable): Delete OPS.COM.040(b)</p>	<p>Comment 1: Specialised tasks are now listed in the scope of Part-SPO. It establishes a non-exhaustive list of activities to be covered under Part-SPO. Comment 2: The term "secured" is understood as covering the situation given in the comment: secured means that weapons are protected against accidental discharge or activation. For example, weapons should remain in their box (closed) until they are used. Comment 3: If a policeman is on board, the operation is a police operation, excluded from this Part and the scope of EASA regulations. The discharge of a weapon is used in aerial work activities (shooting of animal) and therefore should be allowed.</p>

B. I. Draft Opinion - Part-OPS - Subpart C - Section I - OPS.COM.040 Carriage and use of weapons in specialised tasks	FOCA Pietro Barbagallo ENAC UK CAA Finnish CAA	Concern Detail: It is not clear what "specialised tasks" are envisaged by OPS.COM.040. Comment: Without an appropriate definition it is suggested the text is too vague and open to abuse. Proposal: It is suggested a definition of "specialized tasks" should be developed.	Specialised tasks are now listed in the scope of Part-SPO. It establishes a non-exhaustive list of activities to be covered under Part-SPO.
B. I. Draft Opinion - Part-OPS - Subpart C - Section I - OPS.COM.040 Carriage and use of weapons in specialised tasks	DGAC	Paragraph (a) precludes aerial work operations such as those operations where a weapon onboard the aircraft is used to shoot vaccine or anaesthetic darts at wild animals. Proposed Text: Amend text as follows: "(a) An operator may carry weapons on a flight for the purpose of a specialised task provided that the weapons are secured when carried, except when necessary for the specialized task""	The carriage (not the use) of weapons is allowed only if they are secured. Paragraph (b) allows the use of the weapon for such activities under certain conditions.
B. I. Draft Opinion - Part-OPS - Subpart C - Section I - OPS.COM.040 Carriage and use of weapons in specialised tasks	Department for Transport UK	It is not clear what sort of specialised tasks are envisaged but it appears that the weapons may be used for the specialised task while the aircraft is in flight. If this is the case the weapons cannot be secured when being used for the specialised task. The text should therefore amended to reflect that the weapons will not be secured while in use. Proposed text: OPS.COM.040(a) An operator may carry weapons on a fight for the purpose of a specialised task provided that the weapons are secured when not in use for that task.	Correct. The carriage (not the use) of weapons is allowed only if they are secured. Paragraph (b) allows the use of the weapon for such activities under certain conditions.
B. I. Draft Opinion - Part-OPS - Subpart C - Section II	DGAC	Paragraph 81 of chapter IV of the Explanatory (NPA 2009-02 A, page 38) specifies the following concerning section II: "Secondly, it requires the mitigating procedures to be applied when flying below the minimum flight altitudes. » However there is no such provision in the text of Section II	Part-SPO does not contain this requirement anymore as it is now covered by Part-SERA (European rules of the air) which contains an exemption for aerial work.

<p>B. I. Draft Opinion - Part-OPS - Subpart C - Section II - OPS.COM.115 Briefing of operational personnel</p>	<p>REGA</p>	<p>For HEMS purposes like evacuation and rescue flight within the mountains, specialists (e.g. mountain guides) has to be added to the already available and well trained operational personal. Proposal (OPS.COM.115) For HEMS missions, where exceptional situations require additional specialists for specific tasks, the pilot in command is exceptionally allowed to involve personnel without a standard briefing. The pilot has to proceed according the operators Standard Operating Procedure (SOP), described in the operational manual. Those operational personnel should be supervised by the flight crew or technical crew member.</p>	<p>HEMS operations are not covered by Part-SPO but under CAT operations.</p>
<p>B. I. Draft Opinion - Part-OPS - Subpart C - Section II - OPS.COM.115 Briefing of operational personnel</p>	<p>(FOCA), Switzerland Austro Control</p>	<p>Concern detail: Briefing of operational personnel Comment / Proposal: Modify text: Operational personnel [...] except for mission which are described by Special Operating Procedures (SOP) in the manual of the operator. Justification: SOPs are binding for crew members, therefore a duplication is not necessary.</p>	<p>The comment is relevant. Yet, this requirement has been replaced by SPO.OP.140 on safety briefing and adapted to take into account the nature of the duties of task specialists. More detailed explanation on the status and nature of task specialists can be found in the explanatory note to this CRD.</p>
<p>B. I. Draft Opinion - Part-OPS - Subpart C - Section II - OPS.COM.115 Briefing of operational personnel</p>	<p>Swedish Transport Agency, Civil Aviation Department</p>	<p>Comment: 'Operational personnel' is not defined. Is this meant to be personnel carried for the operation, i.e. photographer, power line inspector and others? Proposal: Define Operational personnel as personnel with work tasks on board during the mission/operation</p>	<p>Part-SPO now covers "task specialists" which is defined in Annex I (definitions) to the OPS regulation.</p>

<p>B. I. Draft Opinion - Part-OPS - Subpart C - Section II - OPS.COM.270 Standard operating procedures - specialised operations other than the transport of persons, cargo or mail</p>	<p>REGA</p>	<p>(b) HEMS-missions usually carry out special operations (e.g. evacuations) in accordance to standard operations procedures (SOP), described in the operational manual. For those specialized standard operations a generic risk assessment according AMC 1 OPS.COM.270, described in the operational manual and authorized by the competent authority, shall be acceptable. Proposal (b) For HEMS-missions carrying out special operations in accordance to standard operations procedures (SOP), described in the operational manual and authorized by the competent authority, shall be allowed to use generic risk assessment template according to AMC 1 OPS.COM.270. The generic risk assessment template shall be described in the operational manual and authorized by the competent authority.</p>	<p>HEMS operations are not covered by Part-SPO but under CAT operations.</p>
<p>B. I. Draft Opinion - Part-OPS - Subpart C - Section II - OPS.COM.270 Standard operating procedures - specialised operations other than the transport of persons, cargo or mail</p>	<p>British Parachute Association</p>	<p>At the end of (a) we suggest adding the words..... "...or operations manuals that are approved by Competent Authorities or National Governing Bodies as being appropriate for specialised tasks." We have in mind here the British Parachute Association Operations Manual which is approved by the UK Civil Aviation Authority. This comment may, of course, be disregarded if parachute operations are not regarded as a specialised task.</p>	<p>The SOPs developed by commercial operators need to be approved by the competent authority. This is now reflected in SPO.OP.230(c).</p>
<p>B. I. Draft Opinion - Part-OPS - Subpart C - Section II - OPS.COM.270 Standard operating procedures - specialised operations other than the transport of persons, cargo or</p>	<p>(FOCA), Switzerland</p>	<p>Concern detail: Standard operating procedures - specialized operations other than the transport. Comment / Proposal: Modify text: (b) Before commencing operations, the operator shall carry out a risk assessment and shall develop appropriate SOPs. A generic risk assessment template according to can be used by the operator.</p>	<p>The proposal in the comment does not bring any added value to the text. The purpose of the implementing rule is to define clearly what should the SOP and the risk assessment contain.</p>

<p>mail</p>			
<p>B. I. Draft Opinion - Part-OPS - Subpart C - Section II - OPS.COM.270 Standard operating procedures - specialised operations other than the transport of persons, cargo or mail</p>	<p>DGAC</p>	<p>Proposal : If (a) is really meant to stay in subpart COM, then delete "other than the transport of persons, cargo or mail" Justification : commercial operations involving "transport of persons, cargo or mail" are addressed in subpart B (CAT) , therefore commercial operations other than CAT (subpart C - COM) are obviously operations "other than the transport of persons, cargo or mail" ! Proposal : If (c) is really meant to stay in subpart COM, then amend the beginning of (c) as follows : "(c) Applicants for an Air Operator Certificate Operators shall demonstrate Justification : COM is dedicated to commercial operations other than CAT. All commercial operations are subject to an AOC. Then all operators under COM shall do make demonstration. Proposal : Move OPS.COM.270 towards Subpart GEN and define "specialized operations" Justification: It is not clear whether SOP are to be developed for all COM operations or only for specialized activities (as it is not clear what "specialized operations" are - See also our comment to OPS.COM.005 Scope). One EASA answered during a forum was that we would have the answer once the cover regulation is published. The problem is that, by that time, we will not have the opportunity to comment anymore... Besides, the surprising wording of OPS.COM.270 (see comments on (a) and (c)) and diagram 1 of AMC OPS.COM.270 (see related comment as well), seem to mean that OPS.COM.270 was first tailored to be inserted into OPS.GEN, that for any specialized activities (commercial or not commercial) SOP have to be developed, and that in the case of COM those SOP require Authority approval as shown below : This explanation would make sense. We suggest further development of other SOP that could be used from the shelves for aerobatics flights, parachutes droppings, and other specialized activities to be defined.</p>	<p>With regard to the comment: (a): agreed and amended. (c): this paragraph is now deleted. SOPs are to be developed for any activity listed in the scope of Part-SPO (specialised task) whether these activities are performed on a commercial basis or not. Part-SPO covers commercial and non-commercial activities. It is correct that commercial operators need to obtain the approval of the SOP before commencing their activities – see SPO.OP.230(c)</p>

B. I. Draft Opinion - Part-OPS - Subpart C - Section II - OPS.COM.270 Standard operating procedures - specialised operations other than the transport of persons, cargo or mail	Ryanair	Definition of "specialised operations" required	A definition of specialised operations is given in Annex I (Definitions) to the OPS Regulation.
B. I. Draft Opinion - Part-OPS - Subpart C - Section II - OPS.COM.270 Standard operating procedures - specialised operations other than the transport of persons, cargo or mail	Swedish Transport Agency, Civil Aviation Department	Comment: It is unclear what is meant with "specialised operations". The explanation that is given is that the proposal concerns private aerial work. If this is the case it doesn't fit in to the context of COM "commercial operations other than commercial air transport". By putting rules concerning private flying in a context with commercial operations creates confusion. Proposal: Restructure the text and put rules as concerns private aerial work in another section.	A definition of specialised operations is given in Annex I (Definitions) to the OPS Regulation. Part-SPO covers commercial and non-commercial activities.
B. I. Draft Opinion - Part-OPS - Subpart C - Section III	DGAC	What is the rationale for the numbering of the paragraphs related to performance criteria (316.A for aeroplanes, 350.H for helicopters) ? Some provisions are repeated in both paragraphs, where they could be mutualized.	316.A was meant to follow the same numbering sequence as OPS.GEN.315. Nevertheless the numbering has been simplified in the CRD.
B. I. Draft Opinion - Part-OPS - Subpart C - Section III	DGAC	Clarify the use of occupants versus persons	The term "occupants" is now deleted and the rules in Part-SPO only mention "persons".
B. I. Draft Opinion - Part-OPS - Subpart C - Section III - OPS.COM.316.A Performance criteria aeroplanes	UK CAA	OPS.COM.316.A Comment: For non-passenger commercial operations, the performance requirements should be the same as passenger-carrying operations. Justification: For all commercial operations, whether carrying passengers or not, the same level of safety should be required. Proposed Text (if applicable. The OPS.CAT	The risks might be different for CAT and aerial work operations. Moreover, in CAT, the passenger is to be protected first and then third parties while for aerial work, most of the time, the protection focuses on third

		requirements should apply to OPS.COM activities.	parties (on the ground) first. Persons on board an aeroplane for the purpose of a specialised task are aware of the risk they take, contrary to the CAT passenger who is not aware of the risk when he decides to embark. Consequently, some adaptation need to be taken while ensuring the highest level of safety for everyone.
B. I. Draft Opinion - Part-OPS - Subpart C - Section III - OPS.COM.350.H Performance criteria helicopter	French SAMU using helicopters for medical transport	OPS 350H Performance criteria helicopter. Delete the first sentence and reverse the second in order to read: "Unless the pilot is able to establish that the hover in ground effect (HIGE) performance level is applicable for take- off or landing on the site the hover out of ground effect (HOGE) performance level shall be applied" Justification: The hover in ground effect being the lowest possible performance level it should only be used if the obstacle environment permits to do so. Helicopters are mainly using operating site and a minimum performance margin should be provided	It is here assumed that the comment is referring to (d). The proposed amendment to this paragraph is now based on the HOGE criteria that prevail on the HIGE.
B. I. Draft Opinion - Part-OPS - Subpart C - Section III - OPS.COM.350.H Performance criteria helicopter	Reto Ruesch	Cat A for congested hostile. A more precise definition of hostile and congested is definitely needed.	'Hostile environment' and 'congested area' are defined in Annex I to regulation OPS and are taken from JAR-OPS3. They were in the NPA.
B. I. Draft Opinion - Part-OPS - Subpart C - Section III - OPS.COM.350.H Performance criteria helicopter	EUROCOPTER	Comment on § (c): Wording modification proposal: (c) When operating outside a congested hostile with helicopters which, in the event of a critical poser unit failure ... Reason: While helicopters operating in a congested hostile environment are dealt in § (a), it has to be clear that § (c) deals with helicopter operating outside a congested hostile environment.	Performance criteria for helicopters are now contained in SPO.POL.146 and has been amended for clarification. Paragraph (c) is now paragraph (b) and applicable to all kind of environment.

<p>B. I. Draft Opinion - Part-OPS - Subpart C - Section III - OPS.COM.350.H Performance criteria helicopter</p>	<p>Heli Gotthard Stefan Huber Air Zermatt Air-Glaciers (pf) Berner Oberländer Helikopter AG BOHAG Heliswiss AG, Belp Dirk Hatebur Heliswiss Heliswiss NV Heli Gotthard AG Jan Brühlmann Catherine Nussb. Walter Mayer, HS Philipp Peterhans Pascal DREER HDM Luftrettung Benedikt SCHLEGEL Christophe Bauma Ph.Walker Hans MESSERLI Heliswiss Internat. SHA (AS) Trans Héli (pf) Swiss Helicopter Gr Eliticino SA new European Helicopter Ass Christian Hölzle Valair AG Switzerld.</p>	<p>From 1968 the Swiss AIB reports 18 flame out occurrences (6 on SP and 12 on SE)(10 CAT - 5 AW - 3GA). Out of these 18, 3 were due to HFACS (ice ingestion and fuel contamination). Concerning the SE, on the remaining 9, five happened on Bell 204,205,206, three on SA315B and one on AS350. Considering 390 occurrences and a total of 4 engine failure on the type in use for AW-HEMS-SAR that represents only 1% of the total occurrences. From 1968 the Swiss AIB reports 58 occurrences related to technical or maintenance. 25 cases for SP, 28 cases for SE and 5 cases for ME. If we compare to the number of announced occurrences the figures shows: 25 occurrences for SP over a total of 121 representing 21%. 28 occurrences for SE over a total of 240 representing 12%. 5 occurrences for ME over a total of 29 representing 17%. Single Engine is according to this database the safest type. More, both IHST and EHEST in their respective analysis and research have not come to a result or any recommendations about the performance class type of helicopters. Therefore the choice of the performance class shall be left to the operator, provided he obtains the National Authority AOC required. There is no justification not allowing Performance Class 2 and 3 helicopter operating in SAR-HEMS-AW-CAT over hostile environment.</p>	<p>The Agency takes note of the statistics mentioned in the comments. The new rule text is amended but is to be read in conjunction with the amended provision on 'performance general' SPO.POL.120. This approach was agreed with the members of the review group. In all cases, helicopters must be certificated in category A in a congested hostile environment.</p>
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B. I. Draft Opinion - Part-OPS - Subpart C - Section III - OPS.COM.350.H Performance criteria helicopter	EUROCOPTER	Proposal for § (c) (5): (5) ensure that all occupants wear the appropriate individual protective equipment; and Reason: consistency with OPS.COM.488 title	This paragraph is now deleted as it is already covered by the relevant SPO.IDE provision on individual protective equipment
B. I. Draft Opinion - Part-OPS - Subpart C - Section III - OPS.COM.350.H Performance criteria helicopter	AECA helicopters.	Proposal to change from category concept to performance concept associated with helicopter operation (as in OPS CAT 355)	The concept of performance classes are not used when conducting specialised operations. Please see the explanatory note for more details.
B. I. Draft Opinion - Part-OPS - Subpart C - Section III - OPS.COM.350.H Performance criteria helicopter	EUROCOPTER	This requirement, with the associated requirements OPS.COM.487 and AMC OPS.COM.487, request that the helicopter is fitted with crash mitigation equipment such as crash-absorbing seats and self-sealing fuel tanks. Comments are: This requirement is disproportionate and, if maintained as such, will forbid Aerial Work operations to many helicopter types in Europe because of the dramatic induced development costs for operators to retrofit crash mitigation equipment. As a matter of fact, only a few helicopter types would be compliant to this requirement thanks to having been certificated in accordance with recent certification bases. - In addition we do not see the benefit of self-sealing fuel tanks in terms of crash mitigation. Proposal: to delete OPS.COM.350.H § (c)(4), as well as the corresponding OPS.COM.487 and AMC OPS.COM.487:(4) ensure that the helicopter is equipped with appropriate crash mitigation equipment pertinent to the operation;	(c)(4) is now deleted as it is already covered in SPO.IDE.206. With regard to the crash absorbing seats, they should only be installed for H with a CofA issued after 8 April 2012. For those first issued with a CofA before that date, the crash absorbing seats should only be installed if certified equipment is provided by the manufacturer.

B. I. Draft Opinion - Part-OPS - Subpart C - Section III - OPS.COM.350.H Performance criteria helicopter	Réseau de Transport d'Electricité - Services et Travaux Hélicoptés EUROCOPTER	(a) (1) Proposal: "(a) Helicopters operating in a congested hostile environment shall be: (1) certificated in category A or considered to satisfy the Category A criteria; and" Justification: AMC OPS.GEN.010(a)(9) & (10) defines, in its § 2., additional requirements for certain helicopter types to be eligible for Performance Class 1 or 2 operations, but omits to say that, when it has been demonstrated that these additional requirements are fulfilled, these helicopter types are considered to satisfy the Category A criteria. It is so proposed to amend OPS.COM.350.H § (a)(1) and AMC OPS.GEN.010(a)(9)&(10) in this purpose.	The Agency considers imperative to maintain a high level of safety with regard to the performance criteria. Category A must be met. However the Agency also considers that an equivalent level can be met. In that case, this level shall be determined by the Agency. This change also aligns the approach done for CAT operations.
B. I. Draft Opinion - Part-OPS - Subpart C - Section III - OPS.COM.350.H Performance criteria helicopter	Federal Office of Civil Aviation (FOCA), Switzerland	Concern detail: Performance criteria helicopter Comment / Proposal: Modify text: (a) delete (b) delete The according AMC has to modified accordingly (delete AMC to OPS:COM.350.H (a))	The Agency considers imperative to maintain a high level of safety with regard to the performance criteria. Category A must be met. However the Agency also considers that an equivalent level can be met. In that case, this level shall be determined by the Agency. This change also aligns the approach done for CAT operations.
B. I. Draft Opinion - Part-OPS - Subpart C - Section III - OPS.COM.350.H Performance criteria helicopter	Austro Control GmbH	Austro Control agrees with requirement OPS.COM.350.H. As requested in NPA 02a, Point 84, page 39: Austro Control pleads for the flexibility provisions in Art 14 since this subject concerns only a few helicopter types.	Noted. The Agency considers imperative to maintain a high level of safety with regard to the performance criteria. Category A must be met. However the Agency also considers that an equivalent level can be met. In that case, this level shall be determined by the Agency. This change also aligns the approach done for CAT operations.

<p>B. I. Draft Opinion - Part-OPS - Subpart C - Section III - OPS.COM.350.H Performance criteria helicopter</p>	<p>Walter Mayer, Heli Catherine Nussb. Jan Brühlmann Heliswiss NV Heli Gotthard Pascal DREER Heli Gotthard AG Heliswiss AG, Belp SNEH Christophe Baumann Benedikt SCHLEGEL Philipp Peterhans Dirk Hatebur Hans MESSERLI SHA (AS) Trans Héli (pf) DHV Swiss Helicopter Gr new European Helicopter Assoc Réseau de Transport d'Electricité Heliswiss International Berner Oberländer Helikopter AG BOHAG EUROCOPTER</p>	<p>(c) (6) Who are the "persons"? The pilots, other workers necessary to the mission, passengers? Proposal is to delete OPS.COM.350.H (c)(6). Reason: Workers carried during aerial work operations are aware of the risks encountered and should not have the same level of protection as in CAT. Requesting compliance to OPS.SFL would forbid aerial work operations over forests with single engine helicopters and persons on board. Moreover, it is a heavy burden on operators to ask them to implement a Usage Monitoring System for example.</p>	<p>Paragraph (c)(6) is now deleted as it created confusion and did not bring any added value in this requirement. SPO.POL.146(c)(3) is considered to be enough.</p>
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B. I. Draft Opinion - Part-OPS - Subpart C - Section III - OPS.COM.350.H Performance criteria helicopter	Air-Glaciers (pf)	e) and f) :The aim is to maintain the possibility to operate in PC3 without an assured SFL en route in the particular cases of mountain or remote operations. By consistency with OPS.SPA.005.SFL(d)(3) it should be indicated that Performance Class 3 operations may be conducted without an assured safe forced landing capability en-route. Moreover the requirement number to be referenced should be OPS.SPA.005.SFL instead of OPS.SPA.SFL. Proposed wording modifications: (e) Helicopters operated in performance class 2 or 3 may be operated without an assured safe forced landing capability during the landing and take-off phase under the conditions contained in OPS.SPA.SFL Subpart D Section VI (SFL). (f) Helicopters operated in performance class 3 may be operated without an assured safe forced landing capability under the conditions contained in Subpart D Section VI (SFL).	It is assumed that the comment refers to sub-paragraph 6. (e) and f) do not exist in OPS.COM.350.H. The reference to OPS.SFL is deleted in Part-SPO as it created confusion and did not bring any added value in this requirement. SPO.POL.146(c)(3) is considered to be enough.
B. I. Draft Opinion - Part-OPS - Subpart C - Section III - OPS.COM.350.H Performance criteria helicopter	UK CAA	OPS.COM.350.H (c) Comment: The requirements at sub-paragraphs (4) and (5) are repeated at OPS.COM.487 and 488 respectively and therefore should be deleted. Sub-paragraph (6) requires amendment to correct the reference and to clarify the intent to require additional performance measures when persons other than crew are carried. This is in line with the original JAR-OPS 4.495(c)(6) intention. Justification: Deletion of duplication and clarification of the text and requirement. Proposed Text (if applicable): (64) ensure compliance with OPS.SPA.SFL when persons other than crew members are carried.	The comment is correct and the repetition is now deleted in Part-SPO. Subparagraph 6 is now deleted as the reference to SFL created confusion and did not bring any added value in this requirement. SPO.POL.146(c)(3) is considered to be enough.
B. I. Draft Opinion - Part-OPS - Subpart C - Section III - OPS.COM.350.H Performance criteria helicopter	Aero-Club of Switzerland	Please leave the choice of helicopter types to the operators. Justification: We think they know best what type is suited for their operations.	The Agency is responsible for ensuring that a minimum level of safety is maintained in Europe. Single engine helicopters over congested hostile environment is not considered as being sufficient to avoid fatal accidents. The text has been amended to leave the possibility for operators

			to operate helicopters with a category A equivalent determined by the Agency. This is in line with the approach taken for the CAT rules.
B. I. Draft Opinion - Part-OPS - Subpart C - Section III - OPS.COM.350.H Performance criteria helicopter	SNEH Organisation representing all french commercial helicopters operators	(a) (1) Proposal : "(a) Helicopter operating in a congested hostile environment shall be : (1) certificated in category A or considered to satisfy the Category A criteria; and" Justification : AMC OPS.GEN.010 (a)(9) & (10) defines, in its §2, additional requirements for certain helicopter types to be eligible for Performance Class 1 or 2 operations, but omits to say that, when it has been demonstrated that these additional requirements are fulfilled, these helicopter types are considered to satisfy the Category A criteria. It is so proposed to amend OPS.COM.350.H §(a) (1) and AMC OPS.GEN.010 (a) (9) & (10) in this purpose.	The Agency considers imperative to maintain a high level of safety with regard to the performance criteria. Category A must be met. However the Agency also considers that an equivalent level can be met. In that case, this level shall be determined by the Agency. This change also aligns the approach done for CAT operations.
B. I. Draft Opinion - Part-OPS - Subpart C - Section III - OPS.COM.350.H Performance criteria helicopter	DGAC	(a)(1) and (b): We still have reservations on the requirement about cat A and B for COM as it could prevent operators from performing some aerial works which can be done by only big Russians helicopters. (a)(2): Proposed Text: Amend text as follows: "(2) operated at a mass and in conditions such that, in the event of a critical power unit failure, the helicopter is capable of sustaining level flight. Measures shall be taken to prevent risk to persons on the ground surface and to alleviate risk to property on the surface. Justification: To improve the wording and to take into account the fact that the surface under the flight path may not be limited to ground. (c)(6) : We propose do delete paragraph (6) of (c) of OPS.COM.350.H. We do not really know who these persons are. We still have some reservations concerning the feasibility for operators of aerial work to implement some of SFL provisions, for instance those related to Usage Monitoring System.	(a)(1) and (b): In principle aircraft operated commercially by EU operators should have a CoA in accordance with Part-21. Under certain conditions, the dry lease-in of third country aircraft may be possible. Those conditions are presently developed by rulemaking task MDM.047. (a)(2): The second sentence of this paragraph is removed to avoid confusion and misinterpretation. (c)(6): this paragraph is now deleted as the reference to SFL created confusion and did not bring any added value in this requirement. SPO.POL.146(c)(3) is considered to be enough.

B. I. Draft Opinion - Part-OPS - Subpart C - Section IV - OPS.COM.406 Restraining devices	British Parachute Association	We suggest that at the end of the paragraph the following words are added. "Except in the case of parachutists or jumpmasters who are wearing serviceable parachutes." This rule would otherwise not be consistent with the nature of parachute operations and could restrict a jumpmaster in the correct performance of his duties.	The exemption for parachute operations is contained in SPO.SPEC.PAR.105.
B. I. Draft Opinion - Part-OPS - Subpart C - Section IV - OPS.COM.406 Restraining devices	UK CAA Civil Aviation Authority of Norway	Page No: 87 Paragraph No: OPS.COM.406 Comment: Identify which doors are referred to in the Requirement. Justification: Clarity. Proposed Text (if applicable): OPERATIONS WITH EXTERNAL DOORS OPENED OR REMOVED Crew members other than flight crew shall be restrained when carrying out specialised tasks with external doors opened or removed.	OPS.COM.406 is now contained in SPO.OP.135(b) and the word "external" is added for more clarity.
B. I. Draft Opinion - Part-OPS - Subpart C - Section IV - OPS.COM.420.H Life jackets - Helicopters	EUROCOPTER Réseau de Transport d'Electricité - Services et Travaux Hélicoptés SNEH DGAC	It is not consistent to request that life jackets have to be worn during a flight by each person on board, while in CAT this is up to the pilot-in-command to decide (see OPS.GEN.420 (g), which is also applicable to CAT). We consider that it is up to the operators to make the passengers wear the life jacket in COM depending on the time spent over water. It is proposed to delete OPS.COM.420.H	This requirement is now contained in subpart D (instrument, data and equipment). It is consistent with other Parts.
B. I. Draft Opinion - Part-OPS - Subpart C - Section IV - OPS.COM.426.H Survival suits - Helicopters	EUROCOPTER Réseau de Transport d'Electricité - Services et Travaux Hélicoptés SNEH	Wording modification proposal: Each crew member shall wear a survival suit during a flight when operating on water or over water beyond auto-rotational/gliding distance from land from more than 3 minutes where, in the event of a mishap, there would be a likelihood of ditching, and when the weather reports or forecasts available to the pilot-in-command indicates that the sea water temperature will be less than plus 10°C during the flight, or when the estimated rescue time exceeds the estimated survival time. Reasons:- this requirement should only apply when the aerial work mission over water exceeds a definite time (proposal is 3 minutes), in order to avoid to wear the	The text is amended to take into account the comment and is now aligned with the provision applicable to CAT. SPO.IDE.H.198 (survival suits) is now drafted in such a way to specify when survival suits need to be worn.

	DGAC	survival suits as soon as a river is crossed for example.- the words 'in the event of a mishap' do not bring anything useful; moreover the word 'mishap' is not adapted to regulatory wording - replacing 'sea temperature' by 'water temperature' is for consistency with the title, and in order to cover operations on lakes or rivers.- for consistency with other requirements such as OPS.CAT.426.H and OPS.CAT.427.H it is proposed to add the condition "or when the estimated time exceeds the estimated survival time".	
B. I. Draft Opinion - Part-OPS - Subpart C - Section IV - OPS.COM.426.H Survival suits - Helicopters	UK CAA	<p>Comment: The requirement for the wearing of survival suits should be extended to cover all persons on board for flights over water in the detailed conditions. The text would benefit from reflecting that at OPS.CAT.426.H and part of OPS.CAT.427.H to make this clear and proportionate to the type of helicopter performance class equivalence being used. A new GM OPS.COM.426H with text directing readers to GM OPS.CAT.426H Crew Survival Suits would be prudent. Justification: Clarification of the text and requirement and better use of guidance material. Proposed Text (if applicable): OPS.COM.426.H Survival suits – Helicopters. Each crew member All persons onboard shall wear a survival suit when operating: on a flight on water or over water beyond auto-rotational/gliding distance from land where, in the event of a mishap, there would be a likelihood of ditching, and when the weather reports or forecasts available to the pilot-in-command indicate that the sea temperature will be less than plus 10°C during the flight. (a) in Performance Class 1 or 2 on a flight over water at a distance from the land corresponding to more than 10 minutes flying time at normal cruising speed, when the weather reports or forecasts available to the pilot-in-command indicate that the sea temperature will be less than plus 10°C during the flight, or the estimated rescue time exceeds the estimated survival time; or (b) in Performance Class 3 on a flight</p>	<p>The text is amended to take into account the comment and is now aligned with the provision applicable to CAT.</p> <p>The text of GM OPS.CAT.426.H is also added to SPO.IDE.H.198, as suggested.</p>

		over water beyond autorotational or safe forced landing distance from land, when the weather reports or forecasts available to the pilot-in-command indicate that the sea temperature will be less than plus 10°C during the flight. New associated GM. GM OPS.COM.426.H Survival Suits – Helicopters. Refer to GM OPS.CAT.426.H for information regarding Estimating Survival Times.	
B. I. Draft Opinion - Part-OPS - Subpart C - Section IV - OPS.COM.426.H Survival suits - Helicopters	Irish Aviation Authority	Comment: The requirements as set out in OPS.CAT.426 H should apply equally to flights carried out under commercial operations. Justification: Standardisation with already accepted aviation normal practice. Proposed text: Amend text to reflect requirements set out in OPS.CAT.426 H	The text is amended to take into account the comment and is now aligned with the provision applicable to CAT. The text of GM OPS.CAT.426.H is also added to SPO.IDE.H.198 as suggested.
B. I. Draft Opinion - Part-OPS - Subpart C - Section IV - OPS.COM.426.H Survival suits - Helicopters	DGAC	Proposal: Replace "sea" by "water" to read: "... indicate that the sea water temperature will be less ..." Justification: Consistency with the rest of the paragraph and to cover operations on lakes or rivers.	The new text is aligned with Part-CAT and therefore it is proposed to use only the term 'water' to cover various situations over sea or lake or other locations where water is present.
B. I. Draft Opinion - Part-OPS - Subpart C - Section IV - OPS.COM.426.H Survival suits - Helicopters	DGAC	Proposal: Delete "in the event of a mishap" Justification: These words don't bring anything useful; moreover the word 'mishap' is not adapted to regulatory wording.	OPS.COM.426.H is now replaced by the text of OPS.CAT.426.H. The proposed deletion is accepted.
B. I. Draft Opinion - Part-OPS - Subpart C - Section IV - OPS.COM.426.H Survival suits - Helicopters	DGAC	Proposal: Add "...will be less than plus 10°C during the flight, or when the estimated rescue time exceeds the estimated survival time." Justification: Consistency with other requirements such as OPS.CAT.426.H and OPS.CAT.427.H	Accepted and reflected in the amended text.
B. I. Draft Opinion - Part-OPS - Subpart C - Section IV - OPS.COM.486	Pietro Barbagallo ENAC	Comment: this requirement may have impact on existing fleet. Please consider a proper implementation date	The implementing rules shall be applicable no later than 8 April 2012. However, for all specialised operations, a general "opt-out" of 3

Emergency egress from the cockpit			years is proposed.
B. I. Draft Opinion - Part-OPS - Subpart C - Section IV - OPS.COM.486 Emergency egress from the cockpit	UK CAA	Comment: The requirements for effective means of breaking out of the cockpit are best dealt with by OPS.GEN.485.A and its AMC. As written the requirement would also be addressed at helicopters, which is incorrect. Delete this paragraph and AMC OPS.COM.486. Justification: Clarity.	Accepted. The text is amended accordingly and reflected in SPO.IDE.A.181. The requirement now only applies to aeroplanes.
B. I. Draft Opinion - Part-OPS - Subpart C - Section IV - OPS.COM.486 Emergency egress from the cockpit	Christian Hölzle Reto Ruesch Heli Gotthard Stefan Huber Air Zermatt Air-Glaciers (pf) SHA (AS) BOHAG Heliswiss AG, Belp Dirk Hatebur Heliswiss Heliswiss NV Jan Brühlmann Catherine Nussbau Walter Mayer, Heli Philipp Peterhans Pascal DREER Benedikt SCHLEGEL Christophe Baumann Ph.Walker Hans MESSERLI HDM Luftrettung Heliswiss Internat Swiss Helicopter Gr Eliticino SA Heli Gotthard AG ErstfeldHeliswiss	Emergency egress: In smaller helicopters without a lot of available space in the cabin, the decision shall be left to the manufacturer to find an acceptable site. Today the regulations are imposing so many requirements that it will be very difficult to fulfil them all without redefining cabin size. In this particular case, a crash axe is useless in most of the small helicopters because of the construction of the cabins (windows).	The requirement now only applies to aeroplanes as proposed in NPA OPS.GEN.485.A.

	International		
B. I. Draft Opinion - Part-OPS - Subpart C - Section IV - OPS.COM.488 Individual protective equipment	EUROCOPTER REGA	Wording modification proposal: "When operating under OPS.COM.350.H §(c), persons on board shall wear individual personal protective equipment which is adequate for the type of operation." Reason: individual protective equipment should not be requested for in the conditions of OPS.COM.350 (a) (operations in a congested hostile environment).	This requirement is now contained in SPO.IDE.H.205 and is not anymore linked to the type of environment the operation is conducted.
B. I. Draft Opinion - Part-OPS - Subpart C - Section IV - OPS.COM.425.H Ditching - Helicopters	UK CAA DGAC	Comment: Some of the ditching requirements are in conflict with OPS.GEN.425.H. It is recommended that this paragraph be deleted. Justification: Clarity. Proposed Text (if applicable): Delete paragraph	The requirement on ditching has been reviewed and amended to reflect the elements contained in OPS.GEN.425.H. SPO.IDE.H.203 now contains a distance condition of 50 NM from the shore.
B. I. Draft Opinion - Part-OPS - Subpart C - Section IV - OPS.COM.425.H Ditching - Helicopters	Irish Aviation Authority	Comment: The requirements as set out in OPS.CAT.425 H should apply equally to flights carried out under commercial operations. Justification: Standardisation with already accepted aviation normal practice. Proposed text: Amend text to reflect requirements set out in OPS.CAT.425 H	The requirements on ditching has been reviewed and amended to reflect the elements contained in OPS.GEN.425.H. There are now contained in SPO.IDE.H.203
B. I. Draft Opinion - Part-OPS - Subpart C - Section IV - OPS.COM.487 Crash mitigation equipment	EUROCOPTER	Comments are: This requirement is disproportionate and, if maintained as such, will forbid Aerial Work operations to many helicopter types in Europe because of the dramatic induced development costs for operators to retrofit crash mitigation equipment. As a matter of fact, only a few helicopter types would be compliant to this requirement thanks to having been certificated in accordance with recent certification bases. In addition we do not see the benefit of self-sealing fuel tanks in terms of crash mitigation. Proposal: to delete OPS.COM.487 and AMC OPS.COM.487	OPS.COM.487 was reviewed to take into account the comment. The new text is contained in SPO.IDE.A.206 and SPO.IDE.H.206. There is no retrofit required. For aircraft certified before 8 April 2012, crash mitigation equipment is required only if certified equipment is provided by the manufacturer. There is no impact for operators. All aircraft certified after 8 April 2014 need to be equipped with

			such equipment.
B. I. Draft Opinion - Part-OPS - Subpart C - Section IV - OPS.COM.487 Crash mitigation equipment	UK CAA	Comment: The expression "crash mitigation equipment" is vague and could be taken to mean either equipment that helped prevent an aircraft crash or equipment that helped to prevent injury to aircraft occupants from the effects of a crash. Justification: Clarification of the Rule is required.	The new text SPO.IDE.H.206 contains an AMC explaining that crash mitigation equipment is to reduce the consequences of a crash and should include items such as crash-absorbing and self-sealing fuel tanks.
B. II. Draft Decision - Part-OPS - Subpart A - Section II - AMC OPS.GEN.175 Minimum flight altitudes	Air Southwest	The use of the word "may" also implies the negative situation and makes the content too vague.	This AMC is associated with implementing rule OPS.GEN.175 which is now removed from the OPS rules and transferred to Part-SERA (rules of the air).
B. II. Draft Decision - Part-OPS - Subpart A - Section II - AMC OPS.GEN.175 Minimum flight altitudes	Swiss International Airlines / Bruno Pfister	Relevant Text: Commercially available information specifying minimum terrain clearance altitudes may be used Comment: This is a new proposal. At least safety should be ensured. Proposal: Suggest to delete this AMC which might lead to confusion	This AMC is associated with implementing rule OPS.GEN.175 which is now removed from the OPS rules and transferred to Part-SERA (rules of the air).
B. II. Draft Decision - Part-OPS - Subpart A - Section II - AMC3 OPS.GEN.205 Fuel and oil supply	EUROCOPTER	This AMC has been renamed AMC1 OPS.COM.205 because it is applicable to "Commercial Operations other than CAT". In parallel a new paragraph OPS.COM.205 has to be created. Reference is made to AMC4 OPS.GEN.205.H but this AMC does not exist.	The NPA is now divided into 5 subparts, one of which is Part SPO. The requirement on fuel and oil supply is now covered under SPO.OP.130 (aeroplanes) and SPO.OP.131 (for helicopters) and SPO.OP.132 (for balloons).

B. II. Draft Decision - Part-OPS - Subpart A - Section II - AMC3 OPS.GEN.205 Fuel and oil supply	Réseau de Transport d'Electricité - Services et Travaux Hélicoptés SNEH Organisation representing all french commercial helicopters operators	1. Proposal : « Notwithstanding AMC3 OPS.GEN.205.A and AMC4 OPS.GEN.205.H for flights remaining within 25 NM of the aerodrome/operating site of departure and with operating flight crew and workers needed for the mission on board only, reserve fuel should not be less than: ... for helicopters, 10 minutes fuel at best range speed". Reason : For specific aerial works (e.g. Human External Cargo with linemen), helicopters shall have the power for hover-out-of-ground-effect one-engine-inoperative. Weight must be reduced as low as possible especially when operating in mountains at a high altitude.	The NPA is now divided into 5 subparts, one of which is Part SPO. The requirement on fuel and oil supply is now covered under SPO.OP. The alleviations for local flights is upgraded to IR and the wording changed to reflect the task specialist duties on board.
B. II. Draft Decision - Part-OPS - Subpart A - Section II - AMC3 OPS.GEN.205 Fuel and oil supply	Airbus S.A.S. DGAC	Reference to AMC3 OPS.GEN.205.A and AMC4 OPS.GEN.205.H are not valid, as these AMCs do not exist.	Correct. The references are not relevant anymore: Part-SPO does not follow the same sequence number as the OPS NPA, as the overall structure of the OPS rules has changed.
B. II. Draft Decision - Part-OPS - Subpart A - Section II - AMC3 OPS.GEN.205 Fuel and oil supply	DGAC	Proposal: Add: "...with operating flight crew and workers needed for the mission on board only..."	When conducting a specialised task, the operator shall only carry persons essential to the performance of the task.
B. II. Draft Decision - Part-OPS - Subpart A - Section II - AMC4 OPS.GEN.145 Use of aerodromes/operating sites	EHOOC	General. The intention of the AMC is not clear: as was previously mentioned in a comment to OPS.GEN.150(d), to 'take account of' might mean that elements of AMC2 OPS.GEN.145 should be considered; this is what a general reading of the text indicates. If that is not the case and the intent was to 'take full account of' the references AMC; perhaps that might have been better expressed by extending the scope of AMC2 to Commercial Operations (and not just to Commercial Air Transport). This is an interesting case because it has already been noted that in OPS.GEN.150(d) the original text 'take full account of' had been shortened to 'take account of'. In fact it confirms the belief that 'take account of' is meant as 'you have to consider the elements of the AMC but they are not	Agreed. The new text in AMC1-SPO.OP.100 reproduces the former AMC2 OPS.GEN.145. This AMC1 and the AMC2 are applicable only to complex motor-powered aircraft.

		binding'. It is thought that, in this case, if AMC2 is binding on Aerial Work the scope has to be amended; if that is not the case then another form of words should be used.	
B. II. Draft Decision - Part-OPS - Subpart A - Section II - AMC4 OPS.GEN.205 Fuel and oil supply	Graham HALLETT	AMC4 OPS.GEN.205. This AMC appears to seek to show compliance with something that isn't in the regulations. For balloons, OPS.GEN.205 merely requires that a balloon has a certain amount of reserve fuel. Any balloon refuelling procedures are the same, be it private, commercial or CAT. This AMC seems excessively proscriptive.	This AMC4 is not reproduced in Part-SPO. A specific requirement on balloons is added.
B. II. Draft Decision - Part-OPS - Subpart A - Section II - GM1 OPS.GEN.110 Carriage of persons	Royal Danish Aeroclub	We do support the exception of parachute operations.	The exemption for parachute operations is now contained in Subpart E.
B. II. Draft Decision - Part-OPS - Subpart A - Section II - GM1 OPS.GEN.110 Carriage of persons	ECA - European Cockpit Association	Comment: change text as follows: The carriage of operational personnel indispensable to the performance of a task and carried on a flight taking place immediately before, during or immediately after and directly associated with a specialised task, is not considered Commercial Air Transport. The size of team associated with the operational task should be the minimum compatible with the task or tasks to be carried out. This does not apply to parachute Operations. Except for parachute operations, the number of persons carried should not exceed six, excluding crew members. Justification: This is very prescriptive and unnecessary. The size of the crew will be appropriate to the task and if large would require cabin crew etc for safety in any case. It is suggested that the crew be limited to those relevant to the task being performed and numbers minimised as far as practical.	This GM has now been transferred to the cover regulation. The number of six persons was proposed by the Commission when adopting EU-OPS, based on JAR-OPS 1. Parachute operations may carry more task specialists.

B. II. Draft Decision - Part-OPS - Subpart A - Section II - GM1 OPS.GEN.110 Carriage of persons	Airbus S.A.S.	In the last sentence, the paragraph states: "Except for parachute operations, the number of persons carried should not exceed six, excluding crew members". Rationales for this statement would be appreciated	The number of six was proposed by the European Commission when adopting EU-OPS, based on JAR-OPS 1.
B. II. Draft Decision - Part-OPS - Subpart A - Section II - GM1 OPS.GEN.110 Carriage of persons	Southern Cross International	The maximum number of six persons, excluding crew members, is arbitrary and should be deleted. On large research and test aircraft (e.g. Fokker 100 or Airbus A320) the number of observers, research staff, technical staff et cetera may easily exceed the number of six.	The number of six was proposed by the European Commission when adopting EU-OPS, based on JAR-OPS 1. Crew members do not fall under this limit. If it is felt that this criterion is too stringent, the comment should be further substantiated to enable the Agency to make a better assessment and to possibly initiate a rulemaking task.
B. II. Draft Decision - Part-OPS - Subpart A - Section II - GM2 OPS.GEN.210 Refuelling with passengers embarking, on board or disembarking	CAA-NL International Air Transport Association UK CAA Finnish CAA FOCA	GM2 OPS.GEN.210 3. c. Comment: This text should be clarified to make clear that the requirements for the carriage of dangerous goods apply to fuel being transported. Justification: The intent of the current text is not clear. Proposed Text (if applicable): "c. Transportation in, on or under the aircraft (and the applicable requirements for the carriage of dangerous goods by air) "	This GM2 is currently not reproduced in the SPO rules. The proposed AMC1 associated to the rule is considered sufficient.
B. II. Draft Decision - Part-OPS - Subpart A - Section II - GM2 OPS.GEN.210 Refuelling with passengers embarking, on board or disembarking	IACA International Air Carrier Association	The title is referring to "refuelling" only, while the contents also deal with "defuelling". Therefore, EASA should correct the title to Re/Defuelling to avoid any misunderstanding. EASA should prohibit "Defuelling with passengers on board, embarking or disembarking". Reason: ICAO Doc.9137 Part 1 Paragraph 16.3.3.	Defuelling is not used anymore in the SPO rules.

<p>B. II. Draft Decision - Part-OPS - Subpart C - Section II - AMC OPS.COM.116 Briefing of operational personnel AMC OPS.COM.116 Briefing of operational personnel</p>	<p>Airbus S.A.S.</p>	<p>AMC OPS.COM.116 refers to OPS.COM.115 "Briefing of operational personnel". For consistency reasons, the AMC should be renamed as "OPS.COM.115". If accepted, reference to this AMC should be renamed also in Appendix 1 to AMC.OPS.COM.270 (3)(c)(i).</p>	<p>Part-SPO has restructured the NPA OPS.COM. It is now contained in SPO.OP.140.</p>
<p>B. II. Draft Decision - Part-OPS - Subpart C - Section II - AMC1 OPS.COM.270 Standard operating procedures - specialised operations other than the transport of persons, cargo or mail</p>	<p>ECA - European Cockpit Association</p>	<p>Comment on AMC1 OPS.COM.270: This should be also included as AMC in OPS.CAT section. Justification: A comprehensive method for developing SOP's is described here. The question is why this is not also referred to Commercial Air transport Operations.</p>	<p>This AMC1 was intentionally covering OPS.COM while a general provision on the development of SOP is contained in ORO.GEN (transferring OR.OP.GEN.100(d) of the NPA).</p>
<p>B. II. Draft Decision - Part-OPS - Subpart C - Section II - AMC1 OPS.COM.270 Standard operating procedures - specialised operations other than the transport of persons, cargo or mail</p>	<p>DGAC</p>	<p>COM is not restricted to aerial work (as specified in NPA 2009-02 A in the explanatory note). Some of the paragraphs of Subpart COM refer to "specialized tasks". It is not clear however whether all COM operations are considered as specialized tasks. If specialized task are only a fraction of COM operations, a definition of "specialized task" should be added somewhere. If specialized task and COM operations are the same concept, then the use of the terms "specialized tasks" should be avoided to remove confusion. §(3) : What is "the procedure described in OR.GEN.005" referred to in §3? Indeed OR.GEN.005 does not exist. If it is intended to refer to the procedure for Acceptable means of compliance, replace "OR.GEN.005" with "OR.GEN.020" all over paragraph 3.</p>	<p>OPS.COM was meant to include all the specialised tasks. Part-SPO also covers the specialised tasks which are now defined in the scope: SPO.GEN.101 where a list of specialised task can be found. The reference was wrong in the NPA. The correct reference was OR.OPS.GEN.100(d) and its associated GM.</p>

<p>B. II. Draft Decision - Part-OPS - Subpart C - Section II - AMC2 OPS.COM.270 Standard operating procedures - specialised operations other than the transport of persons, cargo or mail</p>	<p>ECA - European Cockpit Association</p>	<p>Comment on AMC2 OPS.COM.270: on the Risk assessment diagram: For a more consistent assessment, some feedback of the implemented SOP should be included.</p>	<p>The comment is accepted. The amendments will be included before finalisation of the rules.</p>
<p>B. II. Draft Decision - Part-OPS - Subpart C - Section II - AMC2 OPS.COM.270 Standard operating procedures - specialised operations other than the transport of persons, cargo or mail</p>	<p>DGAC</p>	<p>§(2)(a) : The text in this paragraph is derived from the text of A-NPA JAR-OPS 4, which was at that time drafted by the JAA HSC/HSST, with helicopter specific considerations. A slightly different wording is required to ensure that the text fits all aircraft types used in COM operations. Proposed Text: Amend text as follows: "a. The Aircraft. The category of aircraft to be used for the activity should be indicated (e.g. helicopter/aeroplane/airship/balloon, single/multi-engined, not-powered, other than complex motor-powered/complex motor-powered, technologic features impacting handling characteristics – such as the type of antitorque system for helicopters classic tail rotor/Fenestron/NOTAR equipped). In particular, for helicopters, the necessary level of performance certification (Category A/B) should be specified." DIAGRAM 1 - DEVELOPMENT OF A SOP BASED ON A RISK ASSESSMENT (RA) What case is covered in the diagram when stated : « authority approval (if required) ». Does it mean that in some cases SOP do not have to be approved? This part of the diagram seems to cover the case of some COM operations that would not have to be certified and for which declaration of capability would be enough. If so, this case should be addressed in sections III (AOC) and section IV (DEC) of OR.OPS as well as in OPS.COM (see also comment on missing provision in the IR</p>	<p>The proposed text is accepted.</p> <p>Diagram 1: The new text clarifies now that the SOP needs to be approved by the competent authority if the operation is conducted commercially. SPO operators conducting non-commercially with complex motor powered aircraft need to fill in a declaration in accordance with Part-ORO.DEC. Non-commercial operators with other than complex motor powered aircraft do not need an approval or a declaration.</p>

		to implement the provision of recital (7) and article 8.2 of R216/2008 which empowers the Commission to develop the conditions for replacement of certification by declaration of capabilities in some cases, "taking into account the risks associated with the different types of operations, such as certain types of aerial works and local flights with small aircraft" (which is the principal of SOP development, and the title of the diagram) (see pict1.jpg)	
B. II. Draft Decision - Part-OPS - Subpart C - Section II - AMC2 OPS.COM.270 Standard operating procedures - specialised operations other than the transport of persons, cargo or mail - Appendix 1 to AMC OPS.COM.270	Reto Ruesch	Check with Foca ECS Swiss FOCA together with the industry has developed a training standard which is today the minimum requirement needed to achieve an acceptable level of safety. We propose the EASA to compare and adapt HELO ops to the Swiss FOCA standards. www.ofac.admin.ch	Noted. The Agency has held discussion with FOCA on those ECS syllabi. They are proposed to be guidance material to help operators to develop they own syllabi.
B. II. Draft Decision - Part-OPS - Subpart C - Section II - AMC2 OPS.COM.270 Standard operating procedures - specialised operations other than the transport of persons, cargo or mail - Appendix 1 to AMC OPS.COM.270	Reto Ruesch	HELO CAT A over hostile environment A more precise definition of hostile and congested is definitely needed / the final decision shall be defined by national authorities following and RIA (Risk impact assessment).	A definition of hostile and congested is defined in the NPA and reproduced in Annex I to the OPS Regulation.

<p>B. II. Draft Decision - Part-OPS - Subpart C - Section II - AMC2 OPS.COM.270 Standard operating procedures - specialised operations other than the transport of persons, cargo or mail - Appendix 1 to AMC OPS.COM.270</p>	<p>Reto Ruesch</p>	<p>HELO CAT A over hostile environment HELO should be defined in Part Ops 3 and be left out of the Part OPS 1 as it is already complex enough. A mix of the 2 Parts is certainly not the best way to achieve safety and comprehension.</p>	<p>The Appendix attached to the AMC OPS.COM.270 is now contained in subpart E (specific requirements) where all the SOPs will be laid down.</p>
<p>B. II. Draft Decision - Part-OPS - Subpart C - Section II - AMC2 OPS.COM.270 Standard operating procedures - specialised operations other than the transport of persons, cargo or mail - Appendix 1 to AMC OPS.COM.270</p>	<p>Reto Ruesch</p>	<p>Load type 3 and 4 reduction of 10%. Proposition to adopt the Swiss FOCA ECS file. Switzerland has already a Syllabus system for ECS, HCS, HHO which has proven it's value and safety record. EASA shall adopt the Swiss system. Www.ofac.admin.ch.</p>	<p>Noted. The Agency has held discussions with FOCA on those ECS syllabi. They are proposed to be guidance material to help operators to develop they own syllabi.</p>
<p>B. II. Draft Decision - Part-OPS - Subpart C - Section II - AMC2 OPS.COM.270 Standard operating procedures - specialised operations other than the transport of persons, cargo or mail - Appendix 1 to AMC OPS.COM.270</p>	<p>Stefan Huber Air Zermatt Air-Glaciers (pf) SHA (AS) BOHAG Heliswiss AG, Belp Dirk Hatebur Heliswiss Heliswiss NV Jan Brühlmann Catherine Nussb. Walter Mayer, Helis</p>	<p>Points b and c shall be the same as for loads below 1500 kg. 10 h flight experience on type and 30 hours performing load types 1 and 2 before acting as PIC in loads 3 and 4.</p>	<p>Accepted. The revised text is amended accordingly.</p>

	Philipp Peterhans Christophe Baumann Ph.Walker Hans MESSERLI Trans Héli (pf) Heliswiss Internatl Christian Hölzle Swiss Helicopter Gr Eliticino SA Heli Gotthard AG Erstfeld Pascal DREER HDM Luftrettung		
B. II. Draft Decision - Part-OPS - Subpart C - Section II - AMC2 OPS.COM.270 Standard operating procedures - specialised operations other than the transport of persons, cargo or mail - Appendix 1 to AMC OPS.COM.270	EUROCOPTER	Comments on § 2.b. Equipment: Comment n° 1: wording modification proposal : i. One cargo safety mirror or alternative means to see the hook(s) cargo" Comment n° 2: The paragraph "The helicopter may be equipped with: A. additional mirror(s); B. a bubble window; and C. supplementary hook(s) or multi-hook device(s) should be transferred in a GM (Guidance Material) because of the use of "may".	Comment n°1: it is proposed to use the term hook(s) load. Comment n°2: The word "may" is replaced by "should" as it is an AMC.
B. II. Draft Decision - Part-OPS - Subpart C - Section II - AMC2 OPS.COM.270 Standard operating procedures - specialised operations other than the transport of persons, cargo or	Walter Mayer, Helis Catherine Nussb. Jan Brühlmann Air-Glaciers (pf) Heliswiss NV Heliswiss AG, Belp Christophe Baumann Heli Gotthard Réseau de	3. b. For the four load types, the experience acquired on other helicopter types is not taken in consideration. We consider that a pilot having experience on a load type don't need so much experience when changing of helicopter type. Proposal : We suggest to divide by 2 the experience needed on the helicopter type, for pilots having more than 50 hours of flight as pilot-in-command for a load type.	Accepted and text amended accordingly. This was also agreed by review group members.

mail - Appendix 1 to AMC OPS.COM.270	Transport d'Electricité - Services et Travaux Héliportés Benedikt SCHLEGEL SNEH Philipp Peterhans Dirk Hatebur BOHAG Hans MESSERLI SHA (AS) Trans Héli (pf) Swiss Helicopter Gr new European Helicopter Association Heliswiss International DHV Heli Gotthard AG Erstfeld Pascal DREER DGAC		
B. II. Draft Decision - Part-OPS - Subpart C - Section II - AMC2 OPS.COM.270 Standard operating procedures - specialised operations other than the transport of persons, cargo or mail - Appendix 1 to AMC OPS.COM.270	Air-Glacières (pf) Heliswiss NV Heli Gotthard Heli Gotthard AG Er Heliswiss AG, Belp Pascal DREER Walter Mayer, Heli Catherine Nussba. Christophe Baumann Swiss Helicopter Gr new European Helicopter	4 performance : b) this is not acceptable and not fulfillable. The modification shall be a reserve of power of at least 5% of the MTOM or at least 10% of the maximum sling load capacity.	Accepted and amended accordingly.

	Association BOHAG Philipp Peterhans Dirk Hatebur Hans MESSERLI SHA (AS) Trans Héli (pf) Heliswiss Internat Benedikt SCHLEGEL		
B. II. Draft Decision - Part-OPS - Subpart C - Section II - AMC2 OPS.COM.270 Standard operating procedures - specialised operations other than the transport of persons, cargo or mail - Appendix 1 to AMC OPS.COM.270	UK CAA	Appendix 1 to AMC OPS.COM.270 8 Comment: The reference is incorrect. Justification: Editorial. Proposed Text (if applicable): OPS.COM.350(a)	Correct. The reference should be OPS.COM.350.H(a).
B. II. Draft Decision - Part-OPS - Subpart C - Section II - AMC2 OPS.COM.270 Standard operating procedures - specialised operations other than the transport of persons, cargo or mail - Appendix 1 to AMC OPS.COM.270	Helikopter Air Transport GmbH / Christophorus Flugrettungsverein	No regulation for HEC operation in this rule, there should be an regulation for HEC operation	The NPA did not contain HEC SOP because no updated material on this operation was available. Part-SPO now contains the SOP for HEC in addition to HESLO.

<p>B. II. Draft Decision - Part-OPS - Subpart C - Section II - AMC2 OPS.COM.270 Standard operating procedures - specialised operations other than the transport of persons, cargo or mail - Appendix 1 to AMC OPS.COM.270</p>	<p>ALFA-HELICOPTER, spol. s r.o.</p>	<p>The use of rope operations in HEMS is not mentioned in the text. Experience shows that employing rope operations in HEMS is a more effective way of saving lives during HEMS missions in special conditions. The main advantage of rope operations is the very low equipment weight and this is obvious especially in such demanding environments. Even if the occurrence of these missions is quite rare, we cannot exclude rope operations. Weight is the most essential feature of the majority of helicopters in HEMS operations – light twin-engine category A, 1st class performance certified helicopters. The second big advantage of the equipment needed for rope operations is its lower price in comparison to hoist equipment.</p>	<p>HEMS operations are covered under Part-CAT and are not in the scope of Part-SPO.</p>
<p>B. II. Draft Decision - Part-OPS - Subpart C - Section II - AMC2 OPS.COM.270 Standard operating procedures - specialised operations other than the transport of persons, cargo or mail - Appendix 1 to AMC OPS.COM.270</p>	<p>ADAC Luftrettung GmbH</p>	<p>Point 8 of OPS COM 270 / Where is the OPS COM 050? Where is this document page 372 ?</p>	<p>The correct reference should have been OPS.COM.350.H. The new reference in Part-SPO is now SPO.POL.120(b) and SPO.POL.146.</p>
<p>B. II. Draft Decision - Part-OPS - Subpart C - Section II - AMC2 OPS.COM.270 Standard operating procedures - specialised operations other than the transport of persons, cargo or mail - Appendix 1 to</p>	<p>Heli Austria</p>	<p>1.b. i. Load type 1: short line, 20 metres (m) or less ii. Load type 2: long line, more than 20 m; 10 metres would be far too short 20 meters should be just for the line (synthetic or steel) not considering the damper and the remote hook and the load attached to the remote hook 2. a. The helicopter: Just require Category B as standard - the definition of Category B is in AMC OPS.GEN.010 For operations over a congested hostile environment require Category A as per AMC OPS.GEN.010. In the current NPA you are not considering paragraph 2 of AMC OPS.GEN.010 and also CS/JAR/FAR 29 aircraft Usually the larger 29</p>	<p>Accepted and figures amended accordingly. This is also agreed by review group members.</p>

AMC OPS.COM.270		aircraft will be used for HELO in cities. 4.b. the current proposal would mean a reduction of about 800 kg for a helicopter like a Super Puma and 400 kg for a Bell medium. Usually a reduction of 10%-15% of the mass of the load or 5% reduction of the MTOM is currently used for HELO	
B. II. Draft Decision - Part-OPS - Subpart C - Section III - AMC OPS.COM.350.H(a)(2) Performance criteria helicopter	Réseau de Transport d'Electricité - Services et Travaux Hélicoptés SNEH DGAC	Proposal Delete the last sentence or modify it by : "Jettisoning the load is only permitted when prior approval is obtained from the owner(s) of property, the tenant, the beneficiary of an easement or anyone who has the enjoyment of property under the flight path." Reason : 1 - In France, one property can belong to a large number of owners and it is often very difficult to find them all. Furthermore, it would be quite impossible to obtain the approval of each of them. 2 - In France, public utility easements can be obtained (e.g. for high-voltage lines) allowing to use a property without the approval of the owners or of the tenants.	Accepted and text amended accordingly.
B. II. Draft Decision - Part-OPS - Subpart C - Section IV - AMC OPS.COM.465.A Terrain Awareness Warning System (TAWS) - Aeroplanes	ECA - European Cockpit Association	Comment on AMC OPS.COM.465.A: Terrain Awareness Warning System (TAWS) – Aeroplanes DISABLING THE TAWS The procedures for disabling the TAWS should be included in a checklist, which should be available during flight." Comment: The procedure for disabling the system should be a very simple one, thus not requiring of a checklist. In most aeroplanes, just pushing a button.	OPS.COM.465.A has been completely reviewed and redrafted. SPO.OP.205 obliges the pilot to take corrective action if flying too much below the minimum altitude, except for the purpose of the specialised task. A guidance material is associated to explain how the crew can be trained to cope with ground proximity detection situations.
B. II. Draft Decision - Part-OPS - Subpart C - Section IV - GM	Aero-Club of Switzerland	We do not understand why the crash axe or crowbar should be located out of the sight of passengers. Justification: If, after an emergency landing for instance.	This GM is not reproduced in the rule text. SPO.IDE.A181 only addresses the requirement to locate this

OPS.COM.486 Emergency egress from the cockpit		The pilot is disabled and the cabin cannot be used, someone else must take action. This could be passenger using the crash axe or the crowbar.	equipment in the flight crew compartment. There are no AMC or GM attached to the IR.
B. II. Draft Decision - Part-OPS - Subpart C - Section IV - GM OPS.COM.488 Personal protective equipment	EUROCOPTER	Proposal: Title should be changed as: "Individual personal protective equipment" This wording should also be used in the text of requirement. Reason: consistency with OPS.COM.488 title	The title was amended and "personal" is now removed for consistency and coherence – it is considered as not being needed when the protective equipment is individual.
B. II. Draft Decision - Part-OPS - Subpart D - Section VIII - AMC OPS.SPA.001.HHO(b) (4) Helicopter hoist operations (HHO)	REGA	Switzerland has a long tradition and large experience in this field of operations. Most of the commercial activities in Switzerland today are focused on aerial work, especially transport of cargo. After a lot of accidents the last 3 decades the Swiss authority together with the helicopter industry decided to develop a training syllabus for external sling operations. This syllabus bases on the accident analysis and the large experience from the industry. Since the authority requires those more demanding instruction and experience before beginning hook (or hoist) operations, Switzerland experiences significantly less helicopter accidents! Please see the attached training program and syllabus.	Noted. The Agency would like to thank REGA for the attached documents. The Agency has integrated them in its SPO rules guidance material which takes over the training programmes and syllabi from the Swiss authority FOCA.
TABLE OF CONTENTS FOR NPA 2009-02B	Stefan Huber	Art.16 : When this difficult subject was considered previously, it was decided that any regulation for Aerial Work (AW) had to include non-commercial operations. Hence the scope of JAR-OPS 4 did not exclude that activity. AW now appears to have been included in the scope of 'Commercial operations other than Commercial Air Transport' thus excluding non-commercial AW. There are no requirements for non-commercial AW other than those contained in Subpart GEN; whilst this category of AW might not be large, it probably should be regulated and also be permitted the derogations from some requirements contained in Subpart GEN.	Subpart C of the OPS NPA is now transferred to Part-SPO where the scope is defined. Part-SPO covers the former OPS.GEN and OPS.COM provisions, adapted to aerial work tasks. Part-SPO now covers both commercial and non-commercial operations.