



Notice of Proposed Amendment 2022-105

in accordance with
Articles 6(2) and (3) of MB Decision No 01-2022

Regular update of air operations rules

Provision of rescue and firefighting services for General Aviation flights

RMT.0392

EXECUTIVE SUMMARY

The objective of this Notice of Proposed Amendment (NPA) is to introduce a proportionate provision of rescue and firefighting services (RFFS) for General Aviation (GA) flights, based on the type of aeroplanes that are used for GA operations.

This NPA proposes to exempt non-commercial air operations with other-than-complex motor-powered aircraft (NCO) from the requirement to provide RFFS due to their lower risk: their low mass, low take-off and landing speeds, as well as their limited fuel capacity, which are unlikely to cause the type of take-off or landing accident that would require an aerodrome fire brigade.

The proposed amendments are expected to maintain safety and, at the same time, increase cost-effectiveness because aerodrome operators will no longer bear the cost of establishing and/or maintaining RFFS for GA flights. Moreover, it is expected that GA pilots will have access to more aerodromes, which in turn will lead to flight efficiency and reduce the related flight costs. Furthermore, the proposed amendments will incorporate the related amendments of International Civil Aviation Organization (ICAO) Annex 6, Part II, and Annex 14, Volume I into the Acceptable Means of Compliance (AMC) and Guidance Material (GM) to Regulations (EU) Nos 139/2014 ('Aerodromes') and 965/2012 ('Air OPS').

Domain:	Aerodromes, Flight operations – aeroplanes
Affected rules:	— AMC & GM to Part-ADR.OPS of the Aerodromes Regulation; — AMC & GM to Part-NCC and Part-NCO of the Air OPS Regulation.
Affected stakeholders:	Aerodrome operators, NCO operators
Driver:	Efficiency/proportionality
Rulemaking group:	No
Impact assessment:	Yes

EASA rulemaking procedure milestones

Start Terms of Reference	Advisory Body consultation NPA 2022-105 (draft Decision)	Proposal to the Commission EASA Opinion	Adoption by the Commission Implementing/Delegated act	Decision Acceptable Means of Compliance
7.10.2020	22.9.2022	N/a	N/a	2022/Q4



Table of contents

1. About this NPA.....	3
1.1. How this NPA was developed.....	3
1.2. How to comment on this NPA.....	3
1.3. The next steps	4
2. In summary — why and what	5
2.1. Why we need to amend the rules — issue/rationale	5
2.2. What we want to achieve — objectives.....	5
2.3. How we want to achieve it — overview of the proposed amendments.....	6
2.4. What are the expected benefits and drawbacks of the proposed amendments	6
3. Proposed amendments and rationale	8
3.1. Draft acceptable means of compliance and guidance material (draft EASA decision) to the Aerodromes Regulation	8
AMC1 ADR.OPS.B.010(a) Rescue and firefighting services.....	8
AMC2 ADR.OPS.B.010(a)(2) Rescue and firefighting services	8
3.2. Draft acceptable means of compliance and guidance material (draft EASA decision) to the Air OPS Regulation	9
AMC1 NCC.OP.145(a) Flight preparation.....	9
AMC1 NCO.OP.135(a) Flight preparation	9
4. Impact assessment (IA).....	11
5. Proposed actions to support implementation	12
6. References	13
6.1. Affected EU regulations.....	13
6.2. Affected EASA decisions	13
6.3. Other references	13
7. Appendix	14

1. About this NPA

1.1. How this NPA was developed

The European Union Aviation Safety Agency (EASA) developed this Notice of Proposed Amendment (NPA) in line with Regulation (EU) 2018/1139¹ ('Basic Regulation') and the Rulemaking Procedure². This Rulemaking Task (RMT).0392 is included in Volume II of the [European Plan for Aviation Safety \(EPAS\) 2022–2026](#). The scope and timescales of the task are defined in the related Terms of Reference (ToR)³.

This NPA under RMT.0392 was not included in [EPAS 2022-2026](#), but was later introduced in the rulemaking planning. EASA consulted the initiation of, and the proposed working methods for, this new subtask under RMT.0392 with the European Commission and the EASA Advisory Bodies (ABs) in accordance with Article 3(1) of the Rulemaking Procedure. France, Spain, Airports Council International (ACI) Europe, and the European Regional Aerodromes Community (ERAC) agreed on that EASA initiative. ERAC proposed to consider exempting also non-commercial operations with complex motor-powered aircraft (NCC) from complying with the requirements for the provision of RFFS at aerodromes. There were no disagreements, nor any other significant comments were received from stakeholders.

The NPA will be consulted with the EASA ABs in accordance with Articles 6(3) and (2) of the Rulemaking Procedure, as it addresses minor, non-controversial, non-complex, and mature issues in Regulations (EU) Nos 965/2012 ('Air OPS Regulation')⁴ and 139/2014 ('Aerodromes Regulation')⁵.

The major milestones of this RMT are presented on the cover page.

1.2. How to comment on this NPA

Please submit your comments via email to aerodromes@easa.europa.eu.

The deadline for the submission of comments is **6 October 2022**, to meet the applicability date of 3 November 2022 of the ICAO Annex 6, Part II, and Annex 14, Volume I amendments.

¹ Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1535612134845&uri=CELEX:32018R1139>).

² EASA is bound to follow a structured rulemaking process as required by Article 115(1) of Regulation (EU) 2018/1139. Such a process has been adopted by the EASA Management Board (MB) and is referred to as the 'Rulemaking Procedure'. See MB Decision No 01-2022 of 2 May 2022 on the procedure to be applied by EASA for the issuing of opinions, certification specifications and other detailed specifications, acceptable means of compliance and guidance material ('Rulemaking Procedure'), and repealing Management Board Decision No 18-2015 (<https://www.easa.europa.eu/the-agency/management-board/decisions/easa-mb-decision-01-2022-rulemaking-procedure-repealing-mb>).

³ <https://www.easa.europa.eu/en/document-library/terms-of-reference-and-group-compositions/tor-rmt0392>

⁴ 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 (OJ L 296, 25.10.2012, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32012R0965&qid=1663582424998>).

⁵ Commission Regulation (EU) No 139/2014 of 12 February 2014 laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 44, 14.2.2014, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014R0139&qid=1663585735476>).

1.3. The next steps

EASA will review the comments received during the AB consultation. Considering those comments, EASA will issue a decision to amend the related acceptable means of compliance (AMC) to the Air OPS and Aerodromes Regulations. A summary of the comments received and how those were considered will be provided in the explanatory note to the decision.



2. In summary — why and what

2.1. Why we need to amend the rules — issue/rationale

ICAO Annex 14, Vol I, Standard 9.2.1 requires the provision of RFFS at all aerodromes regardless of the type of operations. Amendment 17⁶ to that Standard specifies that RFFS should be provided at aerodromes when serving commercial air transport (CAT) operations. Said amendment stems from a recommendation that was developed at the fifth meeting of the ICAO Flight Operations Panel (FLTOSP/5) in coordination with the ICAO Aerodrome Design and Operations Panel (ADOP). The amendment concerns rescue and firefighting (RFF) for GA. ICAO Annex 6 ‘Operation of Aircraft’, Part II ‘International General Aviation – Aeroplanes’ refers to the acceptance of a lower safety level for GA operations, as there is no equivalent duty of care to protect the occupants of GA aircraft as for fare-paying passengers in CAT operations. The responsibility to ensure the safety of GA operations rests with the owner or pilot-in-command. GA aircraft operators should take the decision to operate or not at an aerodrome considering all factors, including RFF facilities and RFFS.

In the European Union, for aerodromes that fall within the scope of the Basic Regulation, RFFS need to be provided during the aerodrome operating hours. Many small to medium-sized aerodromes, for cost-efficiency reasons, provide RFFS only during CAT operations. This means that in some cases, GA flights were denied access to the aerodrome when RFFS were not available.

Furthermore, Amendment 40 to ICAO Annex 6, Part II introduced Recommendation 2.2.1.2 in Section 2, Chapter 2.2, and Standard 3.4.1.2 in Section 3, Chapter 3.4.⁷ Said amendment will become applicable on 3 November 2022.

Recommendation 2.2.1.2 allows the affected GA operators (i.e. NCO operators in the EU system) to assess the suitability of the aerodrome of intended operation and to consider the availability of RFF facilities in this assessment. For operators covered by ICAO Annex 6, Part II, Section 3 (i.e. NCC operators in the EU system), which are required to have a safety management system (SMS) in place, the need to consider adequate RFF facilities when choosing at which aerodrome to operate should be addressed within the individual operator’s SMS.

The Council of the European Union decided with Council Decision (EU) 2022/322⁸ to support the proposed Amendment 40 to Part II of Annex 6 and Amendment 17 to Volume I of Annex 14 on the provision of RFFS for GA flights, which will apply as of 3 November 2022.

2.2. What we want to achieve — objectives

The overall objectives of the EASA system are defined in Article 1 of the Basic Regulation. This NPA will contribute to achieving the overall objectives by addressing the issues described in Section 2.1.

⁶ ICAO State Letter AN 4/1.2.30-22/14 (EASA reference: SL 014e SL-II)

⁷ ICAO State Letter AN 11/6.3.33-22/16 (EASA reference: SL 016e SL-II).

⁸ Council Decision (EU) 2022/322 of 18 February 2022 on the position to be taken on behalf of the European Union within the Council of the International Civil Aviation Organization (ICAO) as regards the adoption of amendments to Annexes 1, 6 to 10, 14 and 17 to the Convention on International Civil Aviation (ST/5751/2022/INIT) (OJ L 55, 28.2.2022, p. 47) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022D0322&qid=1663591831199>).

The specific objective of this NPA is to incorporate Amendment 17 to ICAO Annex 14 and Amendment 40 to ICAO Annex 6 into the EU regulatory system, in line with Council Decision (EU) 2022/322, and to make more aerodromes accessible to GA flights.

2.3. How we want to achieve it — overview of the proposed amendments

Considering Amendment 17 to ICAO Annex 14, Vol I, which is described in Section 2.1 of this NPA, EASA proposes to apply the exemption from the requirement to provide RFFS at aerodromes to NCO operations for the following reasons:

- In the EU rules on air operations, the concept of GA operations is never used. Instead, GA operations are defined as non-commercial operations, both with complex motor-powered aircraft (NCC) and with other-than-complex motor-powered aircraft (NCO).
- In Europe, ‘GA operations’ are mostly understood as NCO. NCO represent the majority of GA operations.
- The low mass, low take-off and landing speeds, as well as limited fuel capacity of small NCO aircraft are unlikely to cause the type of take-off or landing accident that would require an aerodrome fire brigade.

Therefore, this NPA proposes to amend ED Decision 2014/012/R (‘AMC/GM for Aerodromes – Initial Issue’) as follows:

- introduce AMC1 ADR.OPS.B.010(a) to clarify under which circumstances the non-provision of RFFS at an aerodrome is acceptable;
- amend AMC2 ADR.OPS.B.010(a)(2) regarding the aeroplanes that need to be considered for determining the aerodrome category for RFFS.

The NPA also proposes to amend ED Decision 2013/021/R (‘AMC & GM to Part-NCC’) to introduce AMC1 NCC.OP.145 and ED Decision 2014/016/R (‘AMC & GM to Part-NCO’) to introduce AMC1 NCO.OP.135, to state that the pilot-in-command should assess the safety risk of using an aerodrome that does not provide RFFS.

A dedicated rationale for each individual amendment is provided in Chapter 3.

2.4. What are the expected benefits and drawbacks of the proposed amendments

ICAO assessed the main benefits and drawbacks of Amendment 17 to its Annex 14, Vol I as follows:

Safety impact

No safety impact for CAT and NCC operations is expected, as the provisions remain unaffected. For NCO operations, the owner or pilot-in-command will decide to operate at an aerodrome considering all factors, including RFF facilities and RFFS. Furthermore, NCO operators will have access to more aerodromes, which would be inaccessible to them without RFFS, and more alternate aerodromes will be available, which in turn ensures better flight planning and flight safety in case of need to divert.

Economic impact

The economic impact is considered positive especially for small aerodromes where the cost of providing RFFS would prevent them from supporting GA flights.

ICAO assessed the main benefits and drawbacks of Amendment 40 to its Annex 6, Part II as follows:

Safety impact

There is a positive safety impact, as more GA aerodromes will be able to remain open, providing additional options for operations. The selection of adequate alternates by the owner/operator needs to consider the available RFFS level and, where applicable, should be made through the operator's SMS.

Economic impact

A decrease in costs is expected for States, as the requirement to oversee RFFS at GA aerodromes no longer exists, as well as a decrease in costs for industry, as they no longer have to pay for additional equipment and staff.

Owner/operators may need to make alternative arrangements with the aerodrome operator, depending on the requirements for aerodrome users.

EASA reviewed these impact assessments (IAs) that were conducted by ICAO and considered them relevant for the amendments proposed by this NPA.

3. Proposed amendments and rationale

The amendment is arranged to show deleted, new, or amended, and unchanged text as follows:

- deleted text is ~~struck through~~;
- new or amended text is highlighted in blue;
- an ellipsis '[...]' indicates that the rest of the text is unchanged.

The rationale is provided below each proposed amendment in *blue italics*.

3.1. Draft acceptable means of compliance and guidance material (draft EASA decision) to the Aerodromes Regulation

AMC1 ADR.OPS.B.010(a) Rescue and firefighting services

RESCUE AND FIREFIGHTING SERVICES FOR NON-COMMERCIAL OPERATIONS WITH OTHER-THAN-COMPLEX MOTOR-POWERED AIRCRAFT

- (a) The aerodrome operator may decide not to provide rescue and firefighting services (RFFS) for non-commercial operations with other-than-complex motor-powered aircraft (NCO).
- (b) In that case, the aerodrome operator should provide the aeronautical information services (AIS) provider with information on the periods of time when RFFS are not available, to be published in the aeronautical information publication (AIP).

Rationale

The AMC exempts aerodrome operators from the requirement to provide RFFS for NCO, because such operations are a low-risk category of operations. See also the explanation in Section 2.1, provided that the related information is available in the AIP, to be used by GA pilots for flight-planning purposes.

AMC2 ADR.OPS.B.010(a)(2) Rescue and firefighting services

RFFS LEVEL OF PROTECTION

- (a) The aerodrome operator should ensure that:
 - (1) the level of protection normally available at an aerodrome is determined and expressed in terms of the category of the rescue and firefighting services (RFF aerodrome category) as described below and in accordance with the types, amounts, and discharge rates of extinguishing agents normally available at the aerodrome; and
 - (2) the aerodrome category for rescue and firefighting is determined according to Table 1, based on the longest aeroplanes normally using the aerodrome for commercial air transport and their fuselage width. If, after selecting the category appropriate to the longest aeroplane's overall length, that aeroplane's fuselage width is greater than the maximum width in Table 1, column 3, for that category, then the category for that aeroplane should actually be one category higher.

[...]

Rationale

Only aeroplanes that conduct CAT operations are considered when determining the aerodrome category for RFFS.

3.2. Draft acceptable means of compliance and guidance material (draft EASA decision) to the Air OPS Regulation

AMC1 NCC.OP.145(a) Flight preparation

ADEQUACY OF GROUND FACILITIES

The pilot-in-command, in deciding on the adequacy of facilities and services available at an aerodrome of intended operation, should assess the safety risk that is associated with the aircraft type and nature of the operation in relation to the availability of rescue and firefighting services (RFFS).

Rationale

This proposed new AMC ensures that the pilot-in-command assesses the safety risk (under the NCC operator's SMS) of using an aerodrome that may not provide RFFS. That assessment should help the pilot-in-command to decide on the aerodrome of intended operation.

The AMC reflects Amendment 40 to ICAO Annex 6, Part II, which introduced Standard 3.4.1.2 in Section 3, Chapter 3.4 (applicable to large and turbojet aeroplanes).

This AMC is relevant only for EU NCC operators that use an aerodrome that does not fall within the scope of the Basic Regulation and for which ICAO Annex 14 applies instead of the Aerodromes Regulation. According to Amendment 17 to ICAO Annex 14 Vol I, aerodromes are no longer required to provide RFFS to GA operations (which, in the EU system, includes both NCC and NCO operations).

When an NCC operator uses an EU aerodrome that falls within the scope of the Basic Regulation, then the Aerodromes Regulation and the associated AMC & GM apply. Consequently, this AMC is less relevant in such cases because then, the aerodrome must continue to provide RFF facilities to NCC flights (see the proposed new AMC1 ADR.OPS.B.010(a), which affects only NCO operations).

AMC1 NCO.OP.135(a) Flight preparation

ADEQUACY OF GROUND FACILITIES

- (a) The pilot-in-command, in ascertaining the adequacy of facilities and services available at an aerodrome of intended operation, should generally assess the safety risk that is associated with the aircraft type and nature of the operation in relation to the availability of rescue and firefighting services (RFFS).
- (b) The risk assessment may conclude that there is no need for RFFS at the aerodrome of intended landing because the risk that is associated with the type of aircraft and type of operation specific to NCO is low.

Rationale

This proposed new AMC ensures that the pilot-in-command assesses the safety risk of using an aerodrome that may not provide RFFS. That assessment should help the pilot-in-command to decide on the aerodrome of intended operation.

The AMC reflects Amendment 40 to ICAO Annex 6, Part II, which introduced Recommendation 2.2.1.2 in Section 2, Chapter 2.2 (in the Air OPS Regulation, such recommendation relates to NCO operators).

This AMC applies to NCO operators that use aerodromes that fall within or lie outside the scope of the Basic Regulation. The proposed new AMC1 ADR.OPS.B.010(a) to the Aerodromes Regulation reflects the related changes that were introduced by Amendment 17 to ICAO Annex 14, Vol I, and links the Aerodromes requirements to the operational requirements for NCO operations and Amendment 40 to ICAO Annex 6.



4. Impact assessment (IA)

For the impact assessment, which was prepared by ICAO and subsequently reviewed and considered relevant by EASA, please refer to Section 2.4.



5. Proposed actions to support implementation

- Focused communication for AB meetings (MAB/SAB/TeB/TEC/COM)
- Clarifications via electronic communication tools between EASA and national competent authorities (NCAs) (EUSurvey or other)
- EASA circular
- Detailed explanations/clarifications on the EASA website
- Dedicated thematic workshop/session
- Series of thematic events that are organised on the regional principle
- A combination of the above-mentioned means



6. References

6.1. Affected EU regulations

N/a

6.2. Affected EASA decisions

- Decision 2014/012/R of the Executive Director of the Agency of 27 February 2014 adopting Acceptable Means of Compliance and Guidance Material to Regulation (EU) No 139/2014 ‘AMC/GM for Aerodromes – Initial Issue’
- Decision N° 2013/021/Directorate R of the Executive Director of the Agency of 23 August 2013 on adopting Acceptable Means of Compliance and Guidance Material for Non-commercial operations with complex motor-powered aircraft (Part-NCC)
- Decision 2014/016/R of the Executive Director of the Agency of 24 April 2014 adopting Acceptable Means of Compliance and Guidance Material to Part-NCO of Regulation (EU) No 965/2012 and repealing Decision 2013/022/R of the Executive Director of the Agency of 23 August 2013 ‘AMC and GM to Part-NCO – Issue 2’

6.3. Other references

- ICAO State Letter AN 11/6.3.33-22/16 of 31 March 2022 ‘Adoption of Amendment 40 to Annex 6, Part II’
- ICAO State Letter AN 4/1.2.30-22/14 of 30 March 2022 ‘Adoption of Amendment 17 to Annex 14, Volume I’
- Council Decision (EU) 2022/322 of 18 February 2022 on the decision to be taken on behalf of the European Union within the Council of the International Civil Aviation Organization (ICAO) as regard the adoption of amendments to Annexes 1, 6 to 10, 14 and 17 to the Convention on International Civil Aviation (ST/5751/2022/INIT) (OJ L 55, 28.2.2022, p. 47)

7. Appendix

N/a

