



TERMS OF REFERENCE

Task Nr: RMT.0232 & RMT.0233 (MDM.031(a)&(b))
Issue: 1
Date: 13 November 2012
Regulatory reference: Commission Regulation (EC) No 859/2008 - EU-OPS ¹
Reference documents: Draft Regulation on Air Operations ²
Annex I Definitions
Annex IV Part CAT
Draft Acceptable Means of Compliance (AMC) and Guidance Material (GM) on Air Operations, Annexes I and IV³
CS-23 Amendment 3⁴
JAA NPA OPS 29 Rev 2⁵
QINETIQ report QINETIQ/EMEA/IX/CR0800029/2 "Risk assessment for European Public Transport Operations using Single Engine Turbine Aircraft at Night and in IMC"⁶

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| <p>1. Subject: Commercial air transportation aeroplane operations at night or in IMC using single engine turboprop aeroplane.</p> |
| <p>2. Problem/Statement of issue and justification; reason for regulatory evolution (regulatory tasks):</p> <ul style="list-style-type: none">- Under the current applicable regulation for commercial air transport, EU-OPS, commercial air transport with single engine aeroplanes operated at night or in instrument meteorological conditions except under special VFR (SE-IMC) is not permitted mainly because of the risk involved with the level of engine reliability that existed when the ICAO rules were originally promulgated. Nevertheless, some |

¹ Commission Regulation (EC) No 859/2008 amending Council Regulation (EEC) No 3922/91 as regards common technical requirement and administrative procedures applicable to commercial transportation by aeroplane (OJ L 254, 20.9. 2008, p.1).
² Opinion No 04/2011 of the European Aviation Safety Agency of 1 June 2011 for a Commission Regulation establishing Implementing Rules for air operations contains DEF, Part-ARO, Part-ORO, Part-CAT, Part-SPA. Available under <http://www.easa.europa.eu/agency-measures/opinions.php>.
³ Comment Response Document (CRD), dated 25 November 2010, to Notice of Proposed Amendment (NPA) 2009-02b for an Agency Opinion on a Commission Regulation establishing the Implementing Rules for air operations of Community operators and 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. Available under <http://easa.europa.eu/rulemaking/r-archives.php> and <http://easa.europa.eu/rulemaking/comment-response-documents-CRDs-and-review-groups.php>.
⁴ Decision 2003/14/RM dated 14 November 2003, on Certification Specifications, including airworthiness codes and Acceptable Means of Compliance, for normal, utility, aerobatic and commuter category aeroplanes. Decision as last amended by Decision 2012/012/R, dated 13 July 2012. Available under <http://easa.europa.eu/agency-measures/certification-specifications.php#CS-23>.
⁵ Circulated in June 2004.
⁶ Report realised under contract number EASA-2006-C46. Issue 2 delivered in October 2007.

Member States, including Finland, France, Greece, Norway, Spain and Sweden have already approved, under derogation principles, domestic SE-IMC operations but for cargo only and under specific conditions.

- Since a long time several Member States have been expressing the need to develop specific operational and airworthiness requirement to allow commercial air transport operations with single engine aeroplanes at night and/or in IMC. Increased engine reliability has led to the development of single engine aeroplanes, which are more economical to operate, less harmful to the environment and have lower maintenance costs than the equivalent current multi-engine aeroplanes.
- To address the case of SE-IMC, JAA had set up a working group in 2000 which produced a NPA whose latest version NPA OPS 29 Rev2 was published in 2004. This proposal was at that time not accepted by all Member States and consequently the NPA was not adopted by JAAC. Some Member States expressed their concerns about the use of non-European data which they considered not representative of European operating conditions and especially operations over highly populated areas.
- ICAO published amendment 29 to ICAO Annex 6, applicable since 2005, which allows single engine aeroplane commercial operations at night and/or in IMC under specific conditions defined in an appendix to the SARPs.
- The JAA working group was tasked to suggest amendments to NPA OPS 29 Rev2 to ensure compliance with ICAO's Annex 6 provisions for SE-IMC operations. No major changes were proposed since it was established that JAA requirements were more restrictive and could be left unchanged while still in compliance with ICAO Annex 6.
- In 2005, as a possible means of breaking the apparent deadlock, EASA made a proposal for an independent party to conduct a study and produce an independent report in order to identify the risks and possible mitigating factors to assure that SE-IMC operations do not involve more risks than multi-engine aeroplanes operations in IMC. This proposal was accepted by the JAA.
- In October 2007, the final version of this independent report was issued by QinetiQ and made available on EASA website. This independent study supported SE-IMC operations and recommended a series of risk mitigating measures, based on the provisions contained in JAA NPA OPS 29 Rev2.
- As a consequence of the new competencies attributed to EASA, including Operations, the task was finally transferred from the JAA to EASA and integrated in the EASA rulemaking tasks inventory.
- Due to the complexity of the task, the Agency decided not to address SE-IMC operations in rulemaking task OPS.001, but in a separate rulemaking task. Therefore, it has not been transposed in Opinion 04/2011 which still doesn't permit SE-IMC operations.

3. Objective:

To develop rules (IR, CS and AMC/GM) to transpose ICAO provision for SE-IMC CAT operations in EASA regulations and therefore to allow single engine aeroplanes meeting specified engine reliability, equipment, operating and maintenance requirements to operate commercial air transport operations at night and/or in IMC (except under special VFR).

4. Specific tasks and interface issues (Deliverables):

a. Deliverables:

Proposal to amend:

- Commission Regulation establishing the Implementing Rules for air operations and to provide amendments to the associated AMC and GM.
- Certification Specifications CS-23, for normal, utility, aerobatic and commuter category aeroplanes.

To do so EASA shall take into account ICAO Annex 6 amendment 29, the latest version of JAA NPA OPS 29 and the recommendations of the QinetiQ report.

b. Interfaces:

The recommendations of the FAA Part-23 Aviation Rulemaking Committee (ARC) on 'Reorganisation of Part-23' will need to be taken into account.

5. Working methods (in addition to the applicable Agency procedures):

Task to be carried out by a Group.

6. Timescale, milestones:

NPA: 2013/Q4

CRD/Opinion: 2015/Q3

Decisions: 2016/Q3