



Explanatory Note to Decisions 2023/003/R and 2023/004/R

Provision of rescue and firefighting services for General Aviation flights

RELATED NPAs 2022-105 & 2022-108 —RMT.0392

EXECUTIVE SUMMARY

The objective of these Decisions is to improve the proportionality of the provisions on rescue and firefighting services (RFFS) for General Aviation (GA) flights by incorporating the related amendments to International Civil Aviation Organization (ICAO) Annex 6, Part II, and Annex 14, Volume I into the EU regulatory system.

These Decisions amend the acceptable means of compliance (AMC) and guidance material (GM) to Regulations (EU) Nos 139/2014 ('Aerodromes Regulation') and 965/2012 ('Air OPS Regulation'). They provide guidance to aerodrome operators on how to apply the requirements for the provision of RFFS for GA flights and introduce an acceptable means to disseminate related information to flight crews and GA operators. Furthermore, the Decisions increase the availability of aerodromes for NCC, NCO, and SPO operators by using a risk-based approach when deciding whether an aerodrome is acceptable in terms of adequacy of its RFFS. The Decisions also correct some editorial errors that were introduced by ED Decision 2022/013/R.

The amendments are expected to maintain safety and, at the same time, increase cost-efficiency for aerodrome operators by reducing the costs for 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.

Domain:	Aerodromes, Flight operations – aeroplanes
Related rules:	<ul style="list-style-type: none"> — AMC & GM to Part-ADR.OPS of the Aerodromes Regulation; — AMC & GM to Part-NCC, Part-NCO and Part-SPO of the Air OPS Regulation.
Affected stakeholders:	Aerodrome operators; NCO, NCC, and SPO operators.
Driver:	Efficiency/proportionality
Rulemaking group	No
Impact assessment:	Light

EASA rulemaking procedure milestones

Start Terms of Reference	Advisory Body consultation	Proposal to the Commission Opinion	Adoption by Commission Implementing/Delegating act	Decision Acceptable Means of Compliance and Guidance Material
7.10.2020	NPA 2022-105: 22.9.2022 NPA 2022-108: 14.12.2022	N/a	N/a	2023/Q1



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1. About these Decisions

The European Union Aviation Safety Agency (EASA) developed ED Decisions 2022/003/R and 2022/004/R in line with Regulation (EU) 2018/1139¹ ('Basic Regulation') and the Rulemaking Procedure².

Rulemaking Task (RMT).0392 is included in Volume II of the [European Plan for Aviation Safety \(EPAS\) 2022-2026](#). This regulatory initiative falls within the scope of this regular-update RMT and aims to address minor, non-controversial, non-complex, and mature issues in the acceptable means of compliance (AMC) and guidance material (GM) to Regulation (EU) No 965/2012 ('Air OPS Regulation')³. However, in this specific case, this initiative includes also changes in the AMC and GM to Regulation (EU) No 139/2014 ('Aerodromes Regulation')⁴ due to their relevance.

Since this initiative was not planned in the previous EPAS edition, which was published in January 2022, on 26 July 2022, EASA informed the EASA Advisory Bodies (ABs) of its intent to prepare a proposal to amend the provisions for rescue and firefighting services (RFFS) for non-commercial operations in the related AMC and GM to Air OPS and Aerodromes Regulations, to harmonise them with Amendment 17 to International Civil Aviation Organization (ICAO) Annex 14, Volume I and Amendment 40 to ICAO Annex 6, Part II. No communication expressing disagreement on the initiative was received from the consulted ABs.

EASA developed the *draft* text of these Decisions. The ABs were consulted through Notice of Proposed Amendment (NPA) 2022-105⁵. In total, 9 comments were received from the Civil Aviation Authority (CAA) of Germany (BMDV⁶), the Federal Office of Civil Aviation (FOCA) of Switzerland, DGAC France⁷, the Danish Aviation Association, the European Regional Aerodromes Community (ERAC), the International Council of Aircraft Owner and Pilot Associations (IAOPA), the LBA⁸, the CAA of the Netherlands and Europe Air Sports.

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 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>).

⁴ 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>).

⁵ In accordance with Article 115 of the Basic Regulation and Articles 6(2) and 3 of the Rulemaking Procedure.

⁶ *Bundesministerium für Digitales und Verkehr*, the German Federal Ministry of Transport and Digital Infrastructure.

⁷ *Direction générale de l'aviation civile*, 'Directorate General for Civil Aviation' or 'Civil Aviation Authority' of France in English.

⁸ *Luftfahrt-Bundesamt*, 'Federal Aviation Office' (of Germany) in English.

EASA reviewed the comments received during the AB consultation and, to finalise the related ED Decisions, decided to consult the ABs again, through NPA 2022-108⁹. In total, 16 comments were received from DGAC France, Milan Airport, the CAA of Romania, IAOPA, the CAA of Sweden, FNAM¹⁰, and Fraport.

EASA developed the *final* text of these Decisions with the AMC and GM considering the input from the AB consultations, and published the Decisions on the Official Publication¹¹ of EASA.

The major milestones of this regulatory initiative are presented on the title page.

⁹ In accordance with Article 115 of the Basic Regulation and Articles 6(2) and 3 of the Rulemaking Procedure.

¹⁰ *Fédération Nationale de l'Aviation et de ses Métiers*.

¹¹ <https://www.easa.europa.eu/official-publication>



2. In summary — why and what

2.1. Why we need to amend the AMC & GM — issue/rationale

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 commercial air transport (CAT) operations. This means that in some cases, general aviation (GA) flights are denied access to these aerodromes when RFFS are not available, limiting in that way access to better infrastructure and to more alternate aerodromes.

Furthermore, compared to CAT operations, there is no equivalent duty of care to protect the occupants of GA aircraft as for fare-paying passengers. The responsibility to ensure the safety of GA operations rests with the owner or pilot-in-command. GA aircraft operators should take the decision whether to operate or not at an aerodrome considering all factors, including rescue and firefighting (RFF) facilities and RFFS.

These Decisions are also harmonised with Amendment 17¹² to ICAO Annex 14, Volume I, which specifies that RFFS should be provided at aerodromes when serving CAT operations, as well as with Amendment 40¹³ to ICAO Annex 6, Part II, where Recommendation 2.2.1.2 allows the affected GA operators (i.e. non-commercial operators using other-than-complex motor-powered aircraft (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 that assessment.

Similarly, for operators covered by ICAO Annex 6, Part II, Section 3 (i.e. non-commercial operators using complex motor-powered aircraft (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.

As the Air Ops Regulation covers also specialised operations (SPO), the related AMC and GM to Annex VIII (Part-SPO) thereto should be amended accordingly for consistency with the AMC and GM to Annex VI (Part-NCC) and Annex VII (Part-NCO) thereto.

2.2. What we want to achieve — objectives

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

The specific objective of these Decisions is, therefore, to make more aerodromes accessible to GA flights by incorporating Amendment 17 to ICAO Annex 14, Volume I and Amendment 40 to ICAO Annex 6, Part II into the EU regulatory system.

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

Regarding the AMC and GM to the Aerodromes Regulation, ED Decision 2023/003/R introduces AMC1 ADR.OPS.B.010(a) that deals with the provision of RFFS for non-commercial operations and

¹² ICAO State Letter AN 4/1.2.30-22/14 (EASA reference: SL 014e SL-II)

¹³ ICAO State Letter AN 11/6.3.33-22/16 (EASA reference: SL 016e SL-II).

specialised operations. That AMC allows the aerodrome operator to define time periods in which RFFS are not available provided at the aerodrome, which should not be a limiting factor for the use of the aerodrome for non-commercial operations and specialised operations. On the other hand, the AMC ensures that RFFS will respond to an incident/accident involving aircraft that conduct non-commercial operations and specialised operations when RFFS are available at the aerodrome. Furthermore, to support the safety risk assessment that is conducted by the pilot-in-command to decide whether it is safe to use the aerodrome based on the availability of RFFS, the time periods of the RFFS unavailability should be made available to the aeronautical information services (AIS) for publication in the aeronautical information publication (AIP). In addition, ED Decision 2023/003/R introduces GM7 ADR.OPS.B.010(a)(2) that explains that the decision to operate at an aerodrome is the responsibility of the pilot-in-command following their safety risk assessment, depending on the availability of RFFS at the aerodrome.

ED Decision 2023/004/R introduces AMC1 NCC.OP.145(a) and GM1 NCC.OP.145(a) to incorporate the related Standards and Recommended Practices (SARPs) of ICAO Annex 6, Part II, Section 3 (non-commercial operators that use complex aircraft). The new AMC indicates that the safety risk assessment for operating at an aerodrome without RFFS should be included in the NCC operator's SMS, and that the operator should consult the AIP for information on the provision of RFFS at the aerodrome of intended operation. The new GM provides further guidance on how the operator can conduct the safety risk assessment.

ED Decision 2023/004/R introduces AMC1 NCO.OP.135(a) to state that the pilot-in-command should assess the safety risk of using an aerodrome that does not provide RFFS.

ED Decision 2023/004/R introduces AMC1 SPO.OP.140(a) and GM1 SPO.OP.140(a) to Part-SPO, similar to those to Part-NCC, as the EU rules also contain requirements for SPO operations, while ICAO Annex 6 does not. EASA adapts, when reasonable, the requirements of, as well as the AMC or GM to, Part SPO when incorporating ICAO Annex 6 amendments into the EU regulatory framework. This approach ensures regulatory consistency among all types of operations that are covered by the Air OPS rules.

2.4. What are the stakeholders' views — outcome of the consultation

EASA's proposed amendments received support from the ABs during the NPA 2022-105 and NPA 2022-108 consultations.

The ABs' comments related to the following aspects:

- There was concern over the responsibility of the aerodrome operator to provide RFFS based on the type of operation of each single aircraft movement.
- 'NCO operations' is an EU term that is more limiting than the term 'GA operations' that is used by ICAO; therefore, it is more appropriate to use the ICAO term to consider also GA operations from non-EU countries.
- The aerodrome operator is neither responsible nor able to decide on the RFFS level of protection that must be provided for each aircraft movement based on the type of operation. Instead, the aerodrome operator is responsible to disseminate the information on the level of protection available at the aerodrome, and each aircraft operator is then responsible to decide whether to use that aerodrome based on its own safety risk assessment.



- The proposed AMC and GM to the Air OPS Regulation allow the use of the aerodrome by NCO and NCC operators following a safety risk assessment of the RFFS level of protection.
- SPO operations should also be considered, and the amendments to Part-SPO should be harmonised with the proposed amendments to the AMC and GM to Part-NCC and Part-NCO.

EASA reviewed the comments received during the consultations and adjusted the proposed AMC and GM, as indicated in Section 2.3, as follows:

- The AMC and GM that are introduced by EDD 2023/003/R allow the aerodrome operator to define time periods in which RFFS is not available at the aerodrome and to provide that information for publication in the AIP.
- The term ‘non-commercial operations’ is used instead of ‘GA operations’, as the latter is not used in the EU regulatory framework in the context of air operations.
- Proportional AMC and GM to Part-SPO, harmonised with those to Part-NCC, are introduced.

2.5. What are the benefits and drawbacks of the amendments

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

Safety impact

No safety impact for CAT operations is expected, as the provisions remain unaffected. For NCO and NCC operations (both considered as GA operations in the ICAO context), the operator or pilot-in-command will decide to operate at an aerodrome considering all factors, including RFF facilities and RFFS. Furthermore, GA 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.

EASA reviewed these impact assessments (IAs) that were conducted by ICAO and considered them relevant for the amendments introduced by EDD 2023/003/R and and ED Decision 2023/004/R. In



addition, the main benefits and drawbacks for GA operations that were identified in the ICAO IAs are considered valid also for the amendments that are introduced to the AMC and GM to Part-SPO.



3. How we monitor and evaluate the amended AMC & GM

N/a.



4. References

4.1. Related EU regulations

- 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)
- 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)

4.2. Related 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'
- Decision 2014/018/R Decision of the Executive Director of the Agency of 24 April 2014 adopting Acceptable Means of Compliance and Guidance Material to Part-SPO of Regulation (EU) No 965/2012 'AMC and GM to Part-SPO'

4.3. Other reference documents

- 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)



5. Related document(s)

N/a.

