



Terms of Reference

for rulemaking task RMT.0392

Regular update of air operations rules

ISSUE 1 — 7.10.2020

Issue/rationale

The European Plan for Aviation Safety (2020-2024) foresees a regular update of the air operations rules (RMT.0392) to ensure safety, efficiency and proportionality of the regulatory framework of Regulation (EU) No 965/2012 (Air Ops rules). Necessary updates will reflect technological and market developments and will take into account identified implementation issues. Additionally, the lessons learned from the management of the COVID-19 crisis will be taken into account for the regular update of the Air Ops rules.

The following topics will be included in this RMT:

- Required changes following the adoption of Regulation (EU) 2018/1139 ('the Basic Regulation');
- Enable operations of electrically or hybrid powered aircraft (limited to 'conventional' aeroplanes and helicopters; multi-rotor electrical aircraft are not included in the scope of this task);
- Support digitalisation of air operations by removing potential regulatory barriers and updating rules where necessary;
- Lessons learned from the application of the current rules, e.g. feedback from standardisation inspections, use of flexibility provisions, use of alternative means of compliance;
- Feedback from stakeholders during stakeholder consultations and via advisory bodies, e.g. on operations performed by a group of aircraft operators sharing the same management system or belonging to the same 'mother company' (also called 'group operations');
- Implementation of recent ICAO Standards And Recommended Practices (SARPs) that are not subject of dedicated rulemaking tasks (e.g., extended diversion time operations (EDTO));
- Addressing safety issues stemming from safety recommendations that are not subject of dedicated rulemaking tasks.

Action area:	Safety; Efficiency/proportionality		
Related rules:	Annexes (Part-DEF; Part-ARO; Part-ORO; Part-CAT; Part-SPA; Part-NCC; Part-NCO; Part-SPO) and related AMC & GM to Commission Regulation (EU) No 965/2012; Commission Regulation No (EU) 1321/2014; Part-26		
Affected stakeholders:	All aircraft operators; aircraft manufacturers; and NCAs		
Driver:	Efficiency/proportionality	Rulemaking group:	Depending on the topic
Impact assessment:	Depending on the topic. More details further in the text.	Rulemaking Procedure:	Standard



1. Why we need to change the rules — issue/rationale

A regular update of the air operations rules is necessary due to several reasons, among which:

- Constant change of technology requiring fast-adapting rules or technology-neutral requirements;
- Safety data trends revealed by the safety-risk portfolio requiring rules to address emerging issues;
- Emergence of new business models requiring an adjustment of rules to ensure a level-playing field and increasing efficiency while maintaining the required level of safety;
- Compliance with the provisions of Regulation (EU) 2018/1139 ('the Basic Regulation');
- Alignment with the ICAO standards and recommended practices (SARPs) in an increasing global operation;
- Reassessment of rules from a performance-based perspective.

Related safety recommendations (SRs)

On 13 March 2020, AAIB published an Aircraft Accident Report AAR 1/2020 – Piper PA-46-310P Malibu, N264DB, 21 January 2019¹, which contains an SR addressed to EASA. The SR 2020-007 states, 'It is recommended that the European Union Aviation Safety Agency require piston engine aircraft which may have a risk of carbon monoxide poisoning to have a CO detector with an active warning to alert pilots to the presence of elevated levels of carbon monoxide.' This SR will be addressed in this rulemaking task (RMT).

New SRs related to this task will be considered after the publication of this ToR, where appropriate.

Exemptions² in accordance with Article 70 'Safeguard provisions'/Article 71 'Flexibility provisions' and/or Article 76 'Agency measures' of Regulation (EU) 2018/1139³ pertinent to the scope of this RMT:

At the moment of publication of these ToR, there is one flexibility provision on turbine engine aeroplanes with maximum operational passenger seating configuration above 9 that is pertinent to the scope of this RMT. New exemptions related to this task may be considered after the publication of this ToR, where appropriate.

¹ <https://www.gov.uk/aaib-reports/aircraft-accident-report-aar-1-2020-piper-pa-46-310p-malibu-n264db-21-january-2019>.

² Exemptions having an impact on the development of this RMT content and referring to:

- Article 70(1): Measures taken as an immediate reaction to a safety problem
- Article 71(1): Limited in scope and duration exemptions from substantive requirements laid down in Regulation (EU) 2018/1139 and its implementing rules in the event of urgent unforeseeable affecting persons or urgent operational needs of those persons
- Article 71(3): Derogation from the rule(s) implementing Regulation (EU) 2018/1139 where an equivalent level of protection to that attained by the application of the said rules can be achieved by other means
- Article 76(7): Individual flight time specifications schemes deviating from the applicable certification specifications which ensure compliance with essential requirements and, as appropriate, the related implementing rules

³ 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=1536149403076&uri=CELEX:32018R1139>).

Alternative means of compliance (AltMoC)

AltMoC that have been introduced by competent authorities will be reviewed and assessed to be included in this RMT.

The following AltMoC will be assessed for being introduced into Regulation (EU) No 965/2012⁴ ('Air Ops rules') as AMC:

AltMoC no.	Rule	Topic
2016-00037	AMC2 CAT.OP.MPA.160	Carriage of dogs > 8 kg in the passenger compartment
2017-00013		
2018-00016		
2016-00028		
2016-00014		
2016-00034	AMC2 CAT.POL.A.225	Landing – destination and alternate aerodromes
2019-00001	AMC2 CAT.POL.A.225(b)	Missed approach gradient
2019-00019	AMC2 CAT.POL.A.225	Missed approach contingency procedure
2016-00019	AMC2 CAT.POL.A.305 and AMC2 CAT.POL.A.330	Take-off and landing performance
2017-00017	AMC2 CAT.POL.H.305(b)	Implementation of the set of conditions for piston-engined helicopters versus turbine engines
2015-00034		
2020-00006		
2016-00004	AMC2 CAT.POL.MAB.100(b)	Aircraft performance and operating limitations. Section 3: Mass and Balance
2014-00009	AMC1 CAT.POL.MAB.105(c)	Electronic signature or equivalent for mass and balance documentation
2014-00045	AMC1 ORO.AOC.110	Wet-lease arrangements
2014-00020	AMC1 ORO.CC.135(b) and (c)	Alternative aircraft type familiarisation completed in conjunction with aircraft Type Specific training for cabin crew
2014-00030R	ORO.CC.140(d)(1)(viii)	Amendment to AltMoC 2014-00030 Training programme on aero-medical aspects and first aid
2015-00018	AMC2 SPA.RVSM.105(c)(1)(i); AMC2 SPA.RVSM.105(d)(1)(vii); AMC2 SPA.RVSM.105(d)(1)(vii)(B)	RVSM operational approval
2018-00052	AMC3 ORO.MLR.100 Sub-paragraph (a)(O.2)(e)	List of effective pages
2018-00045	AMC1 CAT.GEN.MPA.195(f)(1a)	CVR recording storage period
2019-00018	AMC1 ORO.FC.220 (c)(2)(iv); AMC1 ORO.FC.230 (a)(2)(iii)(C); AMC1 ORO.CC.125(d)(e)(2)(i) AMC1 ORO.CC.140 (b)(2)	Use of extinguishing agents instead of halon substitutes during practical firefighting training
2019-00030	AMC1 ORO.CC.100 (b)	Cabin crew experience measured in the number of sectors instead of 3 months
2019-00015	AMC1 ORO.CC.100	Number and composition of cabin crew
2016-00036	AMC1 CAT.POL.MAB.100(e)	Standard masses

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 L296, 25 October 2012, page 1). Regulation as last amended by Commission Regulation (EU) 379/2014 of 7 April 2014 (OJ L 123, 24/04/2014, p. 1–94)

2018-0052	AMC3 ORO.MLR.100 (a)(A)(02)(e)	Change the 'List of effective pages' in an operations manual with a more appropriate wording to suit electronic operations manuals, for which the list of effective pages is no longer relevant.
2017-002		
2020-00024		

In addition, EASA SIB No 2020-01 on Carbon Monoxide Risk in Small Aeroplanes and Helicopters issued on 27 January 2020 will also be considered in the scope of this RMT.

ICAO and third countries references relevant to the content of this RMT

References considered for alignment of the content of this RMT with ICAO Standards and Recommended Practices (SARPs)

ICAO State Letters:

- SL AN 11/1.3.25-12/10 (EASA reference: SL 010/2012) issued by ICAO on 4 April 2012.
- SL AN 11/1.3.32-18/12 (EASA reference: SL 2018/12) issued by ICAO on 29 March 2018.
- SL AN 11/6.3.30-18/13 (EASA reference: SL 2018/13) issued by ICAO on 29 March 2018.
- SL AN 11/32.3.14-18/14 (EASA reference: SL 2018/14) issued by ICAO on 29 March 2018.
- SL AN 11/1.3.32-20/18 (EASA reference: SL 018e) issued by ICAO on 7 April 2020 introducing amendment 44 to Annex 6 Part I.
- SL AN 11/6.3.31-20/31 (EASA reference: SL 031e) issued by ICAO on 8 April 2020 introducing amendment 37 to Annex 6 Part II.
- SL AN 11/32.3.15-20/32 (EASA reference: SL 032e) issued by ICAO on 7 April 2020 introducing amendment 23 to Annex 6 Part III.

2. What we want to achieve — objective

The overall objectives of the EASA system are defined in Article 1 of Regulation (EU) 2018/1139. This project will contribute to the achievement of the overall objectives by addressing the issues outlined in Chapter 1.

The objectives of this RMT are to ensure relevance and adaptability of Air Ops rules on a regular basis:

- To improve and bring up-to-date the authority and organisation requirements for air operations by addressing identified implementation issues and feedback from standardisation and industry/NAA stakeholders;
- To ensure compliance with the provisions of Regulation (EU) 2018/1139;
- To ensure alignment with the ICAO SARPs;
- To update and modernise specific requirements of the Air Ops rules;
- To enable the Air Ops rules to ensure and enhance the safety of new business models and new technologies and to ensure a level playing field; and
- To improve efficiency of the Air Ops rules.



3. How we want to achieve it

RMT.0392 is an Agency task. However, work with groups of experts is envisaged where the complexity of the topic so requires.

RMT.0392 will be geared at two speeds: depending on the complexity of topics, several Notices of Proposed Amendments (NPAs) may be published. Where the new rules propose changes only at AMC & GM level, those will be published as independent EASA Decisions. A regular update of rules is not foreseen to include a regulatory impact assessment (RIA). However, when the topics are or become controversial during the rule development, a related RIA will be integrated into the NPA.

The proposal for amendments of the Air Ops rules will be subject to focused consultation with affected stakeholders. Focused consultations will be performed with relevant Advisory Bodies, i.e. the Air OPS TeB for national authorities and the FS.TEC for industry stakeholders.

The scope of this RMT includes the following topics (work packages):

3.1. Alignment with Regulation (EU) 2018/1139 ('the Basic Regulation')

Description of the issue:

Regulation (EU) 2018/1139 entered into force and became applicable in 2018. It introduced several changes that require a revision and a possible adaptation of the implementing rules adopted on the basis of Regulation (EC) No 216/2008 and Regulation (EC) No 552/2004.

Proposed actions:

This RMT will include the following actions to align with the Basic Regulation:

- Update the old references and terminology existing in Regulation (EU) No 965/2012 ('Air Ops rules') and its associated AMC and GM to Regulation (EC) No. 216/2008 with new references to Regulation (EU) 2018/1139 and new terminology, where necessary (e.g. 'implementing and delegated acts' instead of 'implementing rules', 'aircraft operator' instead of 'air operator');
- Replace, where possible, the terminology used for some concepts or terms (e.g. in Part-IDE) with technology-neutral terms to indicate the function of a component or an instrument rather than describe them;
- Improve the flexibility of the Air Ops rules for swift adaptation to new regulated domains such as operation of unmanned aircraft or electric or hybrid-propulsion aircraft;
- Assess the need to include a definition for complex motor-powered aircraft (CMPA) or to use different discriminants or references, which do not refer to aircraft complexity. This action will consider the approach adopted in other EASA domains (i.e., initial and continuing airworthiness).

3.2. Alignment with ICAO SARPs on the function to erase CVR and AIR recordings

Description of the issue:

Amendment 43 to ICAO Annex 6 Part I (commercial air transport (CAT) operations of aeroplanes) and Amendment 22 to Annex 6 Part III (helicopter operations) introduced requirements for a function available to the flight crew to erase cockpit voice recorder (CVR) and airborne image recorder (AIR)



recordings after flights. This function is applicable to aeroplanes and helicopters with an individual certificate of airworthiness (CofA) first issued on or after 1 January 2023. The transposition of this standard into the Air Ops rules, which aims at protecting flight crew privacy, must be assessed within this RMT, as it may raise additional costs for the industry.

Proposed actions:

- Assess the need to transpose the provisions of point 1.4 ‘Flight recorders’ in Appendix 8 to Annex 6 Part I and respectively in Appendix 4 to Annex 6 Part III.
- Develop an impact assessment.

Affected stakeholders: CAT operators of aeroplanes and helicopters and flight crew.

3.3. Alignment with ICAO SARPs on extended diversion time operations (EDTO): former RMT.0577 – Extended diversion time operations (EDTO)

Description of the issue:

Before Amendment 36, ICAO Annex 6 Part I was only addressing extended range operations of twin-engined aeroplane (ETOPS) beyond a threshold time determined by the competent authority and for which an approval from the competent authority was required⁵.

Amendment 36 to Annex 6 Part I, whose primary purpose was to introduce the concept of operations beyond 60 minutes for all airplanes with turbine engines and to allow longer EDTO operations, provided as well more flexibility for competent authorities through a risk-based approach. To take into account this extension, the ‘ETOPS’ acronym was replaced by ‘EDTO’.

In particular, the threshold time above, for which an operator needs to get an EDTO approval from its competent authority, has to be established by the competent authority. It may be specific to each aircraft type based on the aircraft certification basis and the reliability of the propulsion system. This new threshold time may also be dependent on the fulfilment of special maintenance requirements by the operator, the establishment of operational procedures, and the operator’s previous experience with similar aircraft types and routes. Therefore, according to Attachment C to Annex 6 Part I and ICAO Doc 10085, this threshold is specific to each aircraft and each operator, and not necessarily a fixed determined value applicable to all operators. In addition, Attachment C was completely redrafted to take into account these changes and to provide some additional guidance.

Amendment 36 to Annex 6 Part I has been applicable since 15 November 2012.

Current European regulatory framework:

As recommended by the former Attachment C to Annex 6 Part I and ICAO Doc 10085, the threshold for twin-engined aeroplanes ETOPS, established in CAT.OP.MPA.140 of Regulation (EU) No 965/2012, has been set to 60 minutes flight time from an en-route alternate aerodrome except for certain categories of small aeroplanes. This requirement does not provide for a more flexible and risk-based approach.

⁵ As stated in ICAO Doc 10085, this threshold time should normally be set at 60 minutes, with the possibility to use a higher value based on a thorough assessment of the impact of such value on non-EDTO operations of non-EDTO certified two-engine transport category aeroplanes.

Furthermore, EDTO of aeroplanes with more than two turbine engines is currently not addressed in the European rules, which are thus less prescriptive than the ICAO SARPs.

Finally, the terminology 'ETOPS' is used in numerous places in the Air Ops rules and will have to be replaced by the new terminology 'EDTO' for consistency.

EASA will ensure a horizontal coordination between several domains (aircrew, airworthiness) to replace the ETOPS references and harmonise the content of the affected provisions where necessary.

Proposed actions:

Harmonise the Air Ops rules with the related ICAO SARPs as follows:

- Develop an impact assessment;
- Amend and modernise the current Air Ops requirements for ETOPS;
- Determine if updates to other EASA rules and guidance material (e.g. Part 21, CS-25, CS-E, Part-M, Part-145 and AMC 20-6) are necessary to support the implementation of these Air Ops amendments; and
- Add minimum requirements for CAT operations with aeroplanes with three or more turbine engines.

Affected stakeholders: CAT operators of aeroplanes, manufacturers of aeroplanes.

3.4. Obstacles to digitalisation

Description of the issue:

For several years, stakeholders have been calling into question the efficiency of operational requirements referring to paper documentation. Carriage of paper documents on board an aircraft has an impact on fuel consumption and the environment, having no benefit to safety compared to electronic documents.

While the purpose of requirements such as providing proof that an operation, activity or person involved in that activity has been approved by the relevant competent authority remains the same, evidence thereof can be provided by alternative means, in electronic format, on EFBs or in virtual databases or repositories shared among competent authorities. Additionally, where originals are required, the authority can either provide them by using electronic processes that allow for digitalisation of an original paper document into a certified electronic copy or establish rules for transforming an electronically issued original into a certified paper copy.

This subtask, which is part of a wider digitalisation agenda at Agency level, aims first at revisiting the Air Ops rules to ensure that these do not prevent an operator or a competent authority from using secure electronic versions instead of paper formats of various certificates and forms required to be on board an aircraft. Secondly, EASA aims at ensuring full recognition of secure electronic formats of certificates and forms throughout the EASA member states. Thirdly, concepts like 'certified true copy', 'original certificate' (of registration, CofA, type certificate, (radio) licence, etc.) should be explained to ensure that these terms are understood in the same way and that the authenticity of such documents is evenly relied upon across EASA states. If necessary, producing guidance material in this sense will be considered if this would lead to increased reliability and usability of documentation in electronic format.



A potential issue arising from this proposal is the misalignment with the ICAO standards and possible non-compliances for EU operators when operating outside the EU. Acceptance of electronic certificates or licences cannot be guaranteed in non-EU ICAO states. However, any certificate issued in accordance with requirements meeting the applicable SARPs should be valid and recognised in all other ICAO contracting states. This should include certificates issued in electronic form if this was done in conformity with the national administrative law of the issuing Member State. EASA will work closely with ICAO and key partnership countries and will support the Member States participating in various ICAO panels to ensure a coordinated action towards the modernisation of ICAO SARPs in the direction of removing any obstacles to digitalisation by supporting mutual recognition of electronic certificates.

Proposed actions:

- Review the rules and guidance material to facilitate digital solutions
- Collect input from Member States about their national requirements regarding electronic means/processes used in public aviation administration.
- Based on the result, consider issuing guidance material or best practice to enable the use of electronic processes for the purpose stated above.
- Assess the potential risk that electronic certificates may not be accepted by non-EU member states to the Chicago Convention and decide on the way forward.
- Address the issue at ICAO level.

Affected stakeholders: all aircraft operators and competent authorities.

3.5. Performance requirements for certain categories of aeroplanes

Description of the issue:

The existing aeroplane Performance Classes (A, B and C) defined in the Air Ops rules do not cover certain categories of aeroplanes such as single-engine jets or turbine-powered aeroplanes with a maximum operational passenger seating configuration (MOPSC) above 9.

Furthermore, the term 'High performance aeroplanes' is commonly used in certain aviation domains (e.g. aircrew licensing, initial airworthiness) without being explicitly defined. Some aircraft types, referred to as being 'High performance aeroplanes', belong to the categories listed above.

Proposed actions:

- Consider reviewing the existing Air Ops rules, either to include and define high-performance aeroplanes or to re-visit the concept of Performance Classes. Ensure that aircraft recently certified or undergoing certification (single jet aeroplanes, electrically or hybrid powered aeroplanes) are properly covered by the Performance Classes.
- Develop an impact assessment.

Affected stakeholders: operators of aeroplane categories currently not covered by the existing Performance Classes.



3.6. Group operations

Description of the issue:

One of the business models proliferating in the past years among European aircraft operators is the operation of aircraft in a group of similar organisations (AOC holders) or in a group of organisations that are closely interrelated.

The AOC holders in a group often apply the same management system and operational procedures and share the same training programmes. They are interested to streamline their operations across several different AOCs in different Member States, to be able to apply the same management system in all their organisations, avoiding any duplications or unnecessary administrative burden.

Increased integration of operations in airline groups also requires good cooperation between national competent authorities, via the so-called cooperative oversight.

The current Air Ops rules need to be revisited to ensure that where group operations are run, the same level of safety is attained while eliminating any unnecessary duplications or burdens in rule implementation.

Proposed actions:

- Assess the adequacy of current Air Ops rules to enable integration of future elements related to group operations by looking into the following aspects:
 - Seamless integration of group operations into the organisations' management system;
 - Aspects of cooperative oversight;
 - Issues related to the organisation's principal place of business; and
 - Interchange of aircraft listed on AOCs that are part of group operations;
- Develop an impact assessment.

The assessment will be done from the air operations perspective. It will not tackle specific aircrew interoperability issues, which will be dealt with separately. The aircrew interoperability issues are currently assessed in the EASA process of best intervention strategy (BIS) and the outcome will be published soon.

Affected stakeholders: CAT operators.

3.7. Training requirements for operations control personnel

Description of the issue:

Aircraft operators employ an operations control centre (OCC) to coordinate activities related to the operational control of their operations, such as flight planning, route planning, aircrew planning, flight dispatch, load control, coordination of hub operations, flight following, flight monitoring, flight watch, sometimes maintenance coordination activities, etc. Considering that most of the activities that are run in an OCC are critical to the safety of flight and ground operations of an organisation, they should be clearly identified and described, and personnel involved in those activities should receive adequate training and have relevant working experience to ensure that their required competencies remain current.



The current Air Ops rules do not contain requirements to cover the tasks and responsibilities employed in the activities of an OCC or the minimum training elements required for personnel performing functions within the OCC. The generic provisions contained in ORO.GEN.110(e) are insufficient for this purpose. Training for flight operations officers (FOO) is mentioned only once, in GM1 ORO.GEN.110(c), with a reference to an obsolete ICAO document, and it would apply only if the operator chooses to employ flight operations officers (FOOs) in conjunction with a method of operational control. The adequate competencies required for such personnel are not mentioned at all.

This is a gap in the current Air Ops rules, which should be closed, and this RMT will look into it.

RMT.0573 'Fuel planning and management', in the Opinion expected to be published before the end of 2020, proposes a training programme for FOOs having responsibilities related to flight monitoring and flight watch for the purpose of fuel planning and management. The training programme is included in an AMC and is based on the training syllabus for FOOs in ICAO Annex 1, combined with a few relevant elements from industry standards. This action represents a first step towards the creation of proper training requirements for this category of personnel. RMT.0392 will further analyse the training needs and develop the required training programme to ensure the currency of required competencies for the various functions performed by flight operations officers.

Proposed actions:

- Establish a regulatory framework for operations control personnel, including FOOs, and establish minimum training requirements. Requirements related to the oversight of such activities should also be established.
- Develop an impact assessment.

This task will be coordinated with RMT.0728 'Development of requirements for groundhandling', as the flight dispatch activities are included in the definition of groundhandling in the Basic Regulation and should be duly considered from that perspective as well.

Affected stakeholders: aircraft operators having an OCC or FOOs employed in conjunction with a method of operational control; FOOs.

3.8. Electric- and hybrid-propulsion aircraft not covered by VTOL

Description of the issue:

Classic-design aircraft with electric or hybrid propulsion are entering the certification domain and therefore the Air Ops rules need to be updated in such a way as to allow swift adaptation to these aircraft types. The terminology, certain operational procedures and aircraft performance requirements in the Air Ops rules need to be re-drafted to fit aircraft using new types of propulsion.

Proposed actions:

The Air Ops rules will be revisited to enable their implementation — where applicable — by operators of classic-design types of aeroplanes and helicopters with electric or hybrid propulsion that are not covered by the electric vertical take-off and landing (eVTOL) provisions developed in RMT.0230 or RMT.0731 on new air mobility.

Affected stakeholders: operators of aeroplanes and helicopters with electric or hybrid propulsion that are not in the VTOL category.

3.9. RMT.0348 ‘Manufacturer flights’

Description of the issue: Flights related to design and production activities are mainly those flights related to the introduction of new aircraft types or changes to the aircraft type design. They are carried out by design and/or production organisations with or without a design organisation approval and/or a production organisation approval. Such flights are often referred to as ‘manufacturer flights’.

Due to the specific nature of flights related to design and production activities, these flights are now excluded from Regulation (EU) No 965/2012. This RMT intends to close this gap.

The specific objective is to mitigate the risks linked to flights performed by design and production organisations with or without a design or a production organisation approval.

Proposed actions:

- Establish implementing rules and associated AMC & GM on operational requirements for flights related to design and production activities. In this sense, consider the previous draft rules (draft NPA) that were developed by EASA under RMT.0348 (2014).
- Complete the operational requirements with a set of rules applicable to flights performed by aircraft design organisations and production organisations.
- Develop an impact assessment.

Affected stakeholders: design and production organisations.

This topic will be led by French DGAC with EASA’s support.

3.10. Lessons learned from standardisation inspections

This RMT will amend the Air Ops rules following the feedback from the OPS standardisation inspections that were performed before the outbreak of the COVID-19 pandemic, i.e., in a period of economic stability for the aviation sector. Some of this feedback relates to editorial issues, while other comments and lessons learned relate to changes to the technical content of the rules (i.e., implementing rules, AMC and GM).

One example of change to the technical content is to amend the AMC to the flight data monitoring (FDM) programme in Part-ORO for aeroplanes and in Part-SPA for helicopters to ensure minimum performance of the FDM programmes and that it is effective in supporting the SMS.

General changes may include better wording, additional guidance material, clarifications, solving omissions in the text, ensuring consistency of authority requirements with organisational requirements, updating some rules, and strengthening some GM by moving the text to AMC level or downgrading some AMC to a GM level.

3.11. Miscellaneous

The Air Ops rules will be reviewed to improve their efficiency where possible, to correct editorial mistakes, update regulatory references, update retrofit requirements for which the applicability date has passed, add clarifications where needed, fix inconsistencies, and delete repetitions. Any actions needed to improve the quality and effectiveness of the rules will be performed accordingly.



The main purposes of performing an overall review of the Air Ops rules following the feedback from the EASA oversight activities are to clarify some rules and ensure appropriateness of the terms used, in order to:

- safeguard accountability and responsibility for increased safety,
- improve effectiveness and efficiency of rules,
- avoid various interpretations of rules, and
- close potential gaps in the rules.

Finally, the lessons learned during the management of the COVID-19 crisis in the first half of 2020 will also be considered in this exercise. For example, the provisions of CAT.OP.MPA.160 on the stowage of baggage and cargo in the passenger compartment will have to be reassessed. The purpose is to determine if this rule should be more flexible in order to address urgent needs generated by exceptional circumstances such as a pandemic crisis or similar, where cargo should be transported in the passenger compartment at such short notice that would not allow enough time for a supplemental type certificate (STC) approval.

3.11.1 Helicopter issues

The overall review shall include at least the following:

- A consistency review of the cabin safety elements in SPA.HOFO in relation to RMT.0120;
- A consistency review of equipment requirements in Part-SPA and Subparts IDE of the other Annexes;
- Clarification of the interface between Part-SPA and Subpart ORO.FC training and checking requirements;
- A consistency review of Subparts HEC, HESLO and HHO following operational feedback;
- A review of mass and balance and loading AMC in the context of helicopter operations.

3.11.2 Maintenance check flights issues

Some aircraft operators specialise in performing maintenance check flights (MCFs) against remuneration. These operators perform a one-time MCF with an aircraft, while some of the current provisions are not customised for such operators, as they are either too burdensome to apply or present a low safety benefit (e.g. ORO.DEC.100 or ORO.SPO.100(c)(2)). Operation of a MCF performed with third-country registered aircraft is difficult, if not impossible, as the only possibility to operate such an aircraft is through a leasing agreement that cannot exceed 7 months out of 12 and is subject to an approval by the competent authority. This is often a long process, considering that compliance with ORO.SPO.100(c)(2)(iii) requirements must be proven.

The current MCF rules should be amended to allow their application to organisations specialised in performing MCF, such as maintenance or continuing airworthiness organisations, production organisations, or SPO operators that are different from the operator of those aircraft.

Proposed actions:

- Review the MCF rules in Part-ORO and Part-SPO and assess possible alleviations that can be introduced to accommodate the type of operators stated above.



Affected stakeholders: operators of aeroplanes and helicopters that are specialised in MCF and are different from the operators that use the aircraft on a regular basis.

3.12. Work packages under further consideration

Alignment with ICAO SARPs on some flight recorder requirements: former RMT.0294 – Data link recording retrofit for aircraft used in CAT operations

Description of the issue:

ICAO standards prescribe that aircraft modified on or after 1 January 2016 record also data-link communication messages on a flight recorder. These standards have not yet been transposed into the EU rules.

Proposed actions:

- Assess the need to transpose the provisions of ICAO standard 6.3.3.1.2 in Annex 6 Part I, standard 2.4.16.3.1.2 in Section 2 Annex 6 Part II, and standard 4.3.3.1.2 in Annex 6 Part III.
- Develop an impact assessment.

Affected stakeholders: operators of aeroplanes and helicopters whose aircraft are required to be equipped with flight recorders; POA and DOA holders.

Standard passenger masses

Description of the issue:

Changes in passenger masses have a strong impact on smaller aircraft where the tolerance is more reduced than on large aircraft (ratio being of 2 % vs 30 % of the total aircraft mass). For this reason, a regular review of the passenger masses should be performed to assess whether the current values provided in the Air Ops rules are still reflecting the real values or if the use of inaccurate mass data poses a risk to the aircraft general mass and balance calculation.

Proposed actions:

- Assess the need to launch an updated survey on passenger masses in 2021 and review the Air Ops rules accordingly.

Stakeholders are invited to propose topics that should be removed from the scope of this RMT as having a low priority.

The estimated timelines for the work on each of the topics described above are as follows. They have been updated considering the delay caused by the COVID-19 crisis and its impact on the availability of resources from both the stakeholders and EASA:

Topic no.	Scope of work	Drive	ToR Issue 1	NPA 2022 Q1	EASA Decision 1: 2022 Q4	Opinion 2023 Q1	EASA Decision 2: 2023 Q4
3.1	Alignment with Reg. (EU) 2018/1139	Safety; Efficiency/proportionality	X	X	X	X	X

3.2	Alignment with ICAO SARPs on the function to erase CVR and AIR recordings	Efficiency/ proportionality	X	X	-	X	X
3.3	ETOPS/EDTO	Safety; Level playing field	X	X	-	X	X
3.4	Obstacles to digitalisation	Efficiency/ proportionality	X	X	X	X	X
3.5	Performance requirements for certain categories of aeroplanes	Safety; Efficiency/ proportionality	X	X	-	X	X
3.6	Group operations	Safety; Efficiency/ proportionality	X	X	-	X	X
3.7	Training requirements for operations control personnel	Safety	X	X	-	X	X
3.8	Electric and hybrid propulsion aircraft not covered by VTOL	Safety; Efficiency/ proportionality; Level playing field	X	X	-	X	X
3.9	Manufacturer flights (RMT.0348)	Safety; Level playing field	X	X		X	X
3.10	Lessons learned from standardisation inspections	Safety; Efficiency/ proportionality	X	X	X	X	X
3.11	Miscellaneous	Safety; Level playing field; Efficiency/ proportionality	X	X	X	X	X

4. What are the deliverables

RMT.0392 should be viewed as a standing rulemaking task. It is intended to become the main vehicle to keep the Air Ops rules up to date. Additional work packages will be included by amending the ToR.

- NPA with draft implementing rules, AMC, and GM. Publication of several NPAs within this RMT is also being considered,
- Opinion with draft implementing rules,
- EASA Decision containing associated AMC and GM,
- Safety promotion material,
- Implementation support activities.



5. How we consult

The diversity of topics covered by this RMT requires a flexible approach in involving external expertise to develop certain topics.

The description of this RMT in EPAS 2020-2024 indicates the generic approach that will be applied to the non-controversial and non-complex issues. The complexity of topics will determine the working method preferred by EASA. For complex tasks such as, for example, performance class requirements for certain categories of aeroplanes, EDTO, group operations, or operations control personnel, EASA will request support from experts using various forms of consultation such as:

- focused consultation on key issues via surveys or shared documents with a limited group of stakeholders;
- technical meetings with groups of experts representing affected stakeholders;
- technical workshops;
- technical meetings with the advisory bodies;
- written advisory bodies consultations on complex topics and on final deliverables.

6. Interface issues

This RMT is related to the outcome of several other RMTs included in the latest edition of EPAS, which may affect other regulations as well (e.g. Regulation (EU) No 748/2012, CS-25, CS-E, Regulation (EU) No 1321/2014, AMC 20-6). EASA will ensure proper coordination with the development of the deliverables produced by those respective RMTs:

- RMT.0230 'Introduction of a regulatory framework for the operation of drones — SubTask 2', addressing manned e-VTOL electric propulsion aspects related to the ADR, ATM, FCL, OPS domains;
- RMT.0573 'Fuel/energy planning and management' — the training programme for flight operations officers;
- RMT.0643 'Regular update of AMC-20' (AMC 20-6 ETOPS)';
- RMT.0728 'Development of requirements for groundhandling' — the activities related to flight dispatch;
- RMT.0731 'New air mobility';
- RMTs related to other regular updates in various domains (e.g. RMT.0673 'Regular update of CS-25').

The new rules on EDTO (replacing the ETOPS terminology) and those related to aircraft with electrical propulsion may have a future impact on the theoretical knowledge of pilots.



7. Reference documents

7.1. Affected regulations

Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1)

Commission Regulation (EU) No 1321/2014 of 26 November 2014 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks (OJ L 362, 17.12.2014, p.1)

7.2. Affected decisions

- Decision N° 2012/015/Directorate R of the Executive Director of the Agency of 24th October 2012 on Acceptable Means of Compliance and Guidance Material to 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 — **‘Guidance Material to Annex I — Definitions’**
- Decision 2014/025/R of the Executive Director of the Agency of 28 July 2014 adopting Acceptable Means of Compliance and Guidance Material to Part-ARO of Regulation (EU) No 965/2012 and repealing Decision 2014/014/R of the Executive Director of the Agency of 24 April 2014 — **‘AMC and GM to Part-ARO — Issue 3’**
- Decision 2014/017/R of the Executive Director of the Agency of 24 April 2014 adopting Acceptable Means of Compliance and Guidance Material to Part-ORO of Regulation (EU) No 965/2012 and repealing Decision 2012/017/R of the Executive Director of the Agency of 24 October 2012 — **‘AMC and GM to Part-ORO — Issue 2’**
- Decision 2014/015/R of the Executive Director of the Agency of 24 April 2014 adopting Acceptable Means of Compliance and Guidance Material to Part-CAT of Regulation (EU) No 965/2012 and repealing Decision 2012/018/R of the Executive Director of the Agency of 24 October 2012 — **‘AMC and GM to Part-CAT — Issue 2’**
- Decision No 2012/019/Directorate R of the Executive Director of the Agency of 24th October 2012 on Acceptable Means of Compliance and Guidance Material to 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 — **‘AMC & GM to Part-SPA’**
- 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 — **‘AMC and GM to 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 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**’
- Decision No. 2003/12/RM of the Executive Director of the Agency of 5 November 2003 on general acceptable means of compliance for airworthiness of products, parts and appliances (‘AMC-20’) — **AMC 20-6** ‘Extended Range Operation with Two-Engine Aeroplanes ETOPS Certification and Operation’

7.3. Reference documents

- 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
- ICAO Annex 6 to the Chicago Convention on International Civil Aviation, Operation of Aircraft, Part I — International Commercial Air Transport — Aeroplanes, 11th Edition, July 2018
- ICAO Annex 6 to the Chicago Convention on International Civil Aviation, Operation of Aircraft, Part II — International General Aviation — Aeroplanes, 10th Edition, July 2018
- ICAO Annex 6 to the Chicago Convention on International Civil Aviation, Operation of Aircraft, Part III — International Operations — Helicopters, 9th Edition, July 2018
- ICAO State Letter AN 11/1.3.25-12/10 (EASA reference: SL 010/2012) issued by ICAO on 4 April 2012
- ICAO State Letter AN 11/1.3.32-18/12 (EASA reference: SL 2018/12) issued by ICAO on 29 March 2018
- ICAO State Letter AN 11/6.3.30-18/13 (EASA reference: SL 2018/13) issued by ICAO on 29 March 2018
- ICAO State Letter AN 11/32.3.14-18/14 (EASA reference: SL 2018/14) issued by ICAO on 3 April 2018
- ICAO State Letter SP 55/4-19/26 (EASA reference: SL 2019/SL26) issued by ICAO on 5 April 2019
- ICAO State Letter AN 11/1.3.32-20/18 (EASA reference: SL 018e) issued by ICAO on 7 April 2020
- ICAO State Letter AN 11/6.3.31-20/31 (EASA reference: SL 031e) issued by ICAO on 8 April 2020
- ICAO State Letter AN 11/32.3.15-20/32 (EASA reference: SL 032e) issued by ICAO on 7 April 2020
- ICAO State Letter AN 11/1.1.34-20/75 (EASA reference: SL 75e) issued by ICAO on 17 September 2020
- ICAO Doc 10085 (EDTO Manual)

