



EUROPEAN
COMMISSION

Brussels, **XXX**
[...](2022) **XXX** draft

Annex to EASA Opinion No 08/2022

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

amending Regulation (EU) No 965/2012 as regards helicopter emergency medical service operations

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 ⁽¹⁾, and in particular Articles 23(1), 27(1) and 31 thereof,

Whereas:

- (1) Regulation (EU) No 965/2012 ⁽²⁾ lays down technical requirements and administrative procedures related to air operations, and among other things to helicopter emergency medical service operations. These technical requirements and administrative procedures should be updated to ensure that they reflect the state of the art and the best practices in the air operations domain.
- (2) Helicopter emergency medical services are among the most challenging operations from a safety perspective because the mission often consists of a flight to a non-pre-surveyed site in any weather condition and under time pressure to rescue people. These operations should be regulated in such a way that they remain safe.
- (3) Helicopter emergency non-medical rescue operations, which include mountain rescue operations but not search and rescue of aircraft in distress, pose the same challenges as helicopter emergency medical service operations do under the same conditions. Therefore, when these operations fall within the scope of Regulation (EU) 2018/1139, they should be regulated in the same way as helicopter emergency medical services.
- (4) Based on available data, the risk of accidents due to a degraded visual environment, including operations in bad weather and at night, as well as the risk of collision at an accident or rescue site, should be further mitigated by means of requirements for equipment, standard operating procedures, and crew training.

⁽¹⁾ OJ L 212, 22.8.2018, p. 1.

⁽²⁾ 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).

- (5) It should be ensured that derogations from the helicopter performance criteria apply only for legacy hospital sites that were established before Regulation (EU) No 965/2012 entered into force, to ensure the expected level of safety is achieved. At hospital sites that currently qualify for such derogations, the obstacle environment should remain controlled and acceptable from a safety perspective.
- (6) The current requirements on performance and oxygen as regards high-altitude helicopter emergency medical service and mountain rescue operations do not allow operations at high altitudes, yet it should be possible to rescue people at any altitude. The applicable requirements should, therefore, be amended.
- (7) The European Union Aviation Safety Agency has prepared a draft implementing act and has submitted it to the European Commission with Opinion No 08/2022 ⁽³⁾ in accordance with Article 76(1) of Regulation (EU) 2018/1139.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the committee that is established in accordance with Article 127 of Regulation (EU) 2018/1139,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU) No 965/2012

In Article 6, point 6 is replaced by the following:

‘6. Existing helicopter operations to/from a public interest site (PIS) may be conducted in derogation to CAT.POL.H.225 of Annex IV until **[date of publication of this Regulation + 5 years]** whenever the size of the PIS, the obstacle environment or the helicopter does not permit compliance with the requirements for operation in performance class 1. Such operations shall be conducted under conditions determined by Member States.

Member States shall notify the Commission and the Agency of the conditions being applied.’

Article 2

Amendments to the annexes to Regulation (EU) No 965/2012

Annexes I, II, III, IV, V, VII and VIII to Regulation (EU) No 965/2021 are amended in accordance with the Annex to this Regulation.

Article 3

Entry into force and applicability

- (1) This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from **[date of publication + 1 year]**.

- (2) However:

⁽³⁾ <https://www.easa.europa.eu/document-library/opinions>

- (a) in point (5)(b) of the Annex to this Regulation, point (c) of point SPA.HEMS.100 shall apply from [*date of publication + 3 years*].
- (b) in point (5)(d) of the Annex to this Regulation, point (e) of point SPA.HEMS.110 shall apply from [*date of publication + 5 years*].

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President
[...]