



Terms of Reference

for a rulemaking task

Commercial air transport aeroplane operations at night or in IMC using single-engined turbine aeroplanes

RMT.0232 & RMT.0233 (MDM.031(a)&(b)) — ISSUE 2 – 02/10/2013

Applicability		Process map	
Affected regulations and decisions:	Annexes I and IV to Commission Regulation (EU) No 965/2012 ¹ Decision 2012/015/R Decision 2012/018/R CS-23 Amendment 3 ¹ ;	Rulemaking lead:	R3
Affected stakeholders:	Operators and NAAs	Concept Paper:	No
Driver/origin:	Transfer of a JAA task Proportionality	Rulemaking group:	Yes
Reference:	— JAA NPA OPS 29 Rev 2 ¹ ; — QINETIQ report QINETIQ/EMEA/IX/CR0800029/2 'Risk assessment for European Public Transport Operations using Single Engine Turbine Aircraft at Night and in IMC' ¹ .	RIA type:	Full
		Technical consultation during NPA drafting:	Yes
		Publication date of the NPA:	2013/Q4
		Duration of NPA consultation:	3 months
		Review group:	Yes
		Focussed consultation:	No
		Publication date of the Opinion:	2015/Q3
		Publication date of the Decision:	2016/Q3

1. Subject: Commercial air transport aeroplane operations at night or in IMC using single-engined turbine aeroplanes

2. Problem/statement of the issue and justification; reason for regulatory evolution (regulatory tasks):

- Under the current applicable regulation for commercial air transport, i.e. Regulation (EU) No 965/2012, commercial air transport with single-engined 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 EU Member States, including Finland, France, Greece, Norway, Spain and Sweden, have already approved, under exemptions to EU-OPS, domestic SE-IMC operations under specific conditions.
- For quite a long time several EU Member States have been expressing the need to develop specific operational and airworthiness requirements to allow commercial air transport operations with single-engined aeroplanes at night and/or in IMC. Increased engine reliability has led to the development of single-engined aeroplanes, which are more economical to operate, less harmful to the environment, and have lower maintenance costs than the equivalent current multi-engined aeroplanes.
- To address the case of SE-IMC, JAA had set up a working group in 2000 which produced an NPA whose latest version 'NPA OPS 29 Rev 2' was published in 2004. This proposal was at that time not accepted by all EU Member States and consequently the NPA was not adopted by JAAC. Some EU Member States expressed their concerns about the use of non-European data which they considered not representative of European operating conditions and especially of operations over highly populated areas.
- ICAO published Amendment 29 to ICAO Annex 6, applicable since 2005, which allows single-engined aeroplane commercial operations at night and/or in IMC under specific conditions which are defined in an appendix to the SARPs.
- The JAA working group was tasked to suggest amendments to NPA OPS 29 Rev 2 to ensure compliance with ICAO Annex 6 provisions for SE-IMC operations. No major changes were proposed since it was established that the 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-engined aeroplane 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 was made available on the 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 Rev 2.
- As a consequence of the new competencies attributed to EASA, including operations, the task was finally transferred from the JAA to EASA and was 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 one. Therefore, it has not been transposed in Regulation (EU) No 965/2012, which still doesn't permit SE-IMC operations.

<p>3. Objective:</p> <p>To develop rules (IRs, CS and AMC/GM) to transpose ICAO provision for SE-IMC CAT operations in EASA regulations and, therefore, to allow single-engined turbine 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).</p>
<p>4. Specific tasks and interface issues (Deliverables):</p> <p>a. Deliverables:</p> <p>Proposal to amend:</p> <ul style="list-style-type: none">— 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. <p>To do so, EASA shall take into account the ICAO Annex 6 Amendment 29, the latest version of the JAA NPA OPS 29, and the recommendations of the QinetiQ report.</p> <p>b. Interfaces:</p> <p>The recommendations of the FAA Part-23 Aviation Rulemaking Committee (ARC) on 'Reorganisation of Part-23' will need to be taken into account.</p>
<p>5. Working methods (in addition to the applicable Agency procedures):</p> <p>Task to be carried out by a Group.</p>
<p>6. Timescale, milestones:</p> <p>NPA: 2013/Q4 CRD/Opinion: 2015/Q3 Decisions: 2016/Q3</p>