



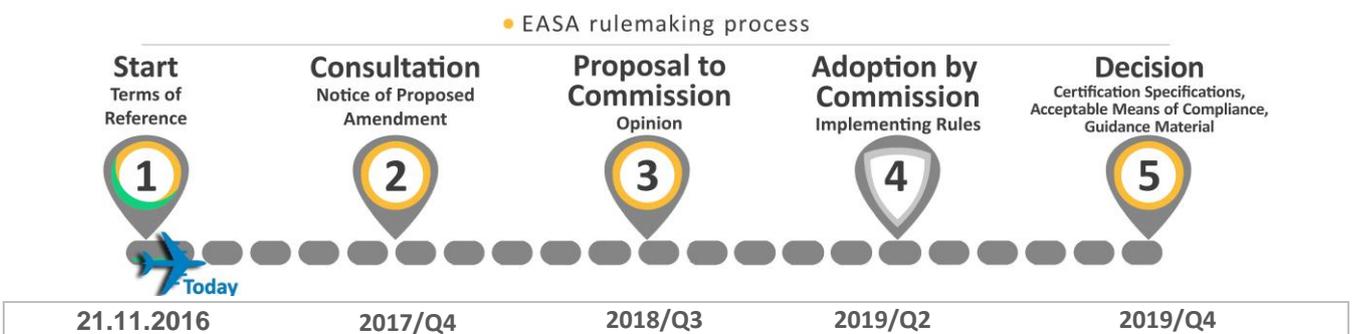
# Terms of Reference

for rulemaking task RMT.0325 (OPS.057(a)) & RMT.0326 (OPS.057(b))

## Helicopter emergency medical services performance and public interest site

ISSUE 3

| Issue/Rationale   |   |                          |   |                           |
|---|---|--------------------------|---|---------------------------|
| To properly address the issues stemming from non-implementation or deviation from JAR-OPS 3 performance and public interest sites (PIS) provisions, in particular performance in high mountains considering review of helicopter emergency medical services (HEMS) flights at night safety level following a UK Safety Directive. |   |                          |   |                           |
| <b>Action area</b>  | Level playing field   |                          |   |                           |
| <b>Affected rules</b>   | Part Definitions, Part-ARO, Part-ORO, Part-CAT, and Part-SPA of Regulation (EU) No 965/2012.<br>Part-145 of Regulation (EU) No 1321/2014. |                          |   |                           |
| <b>Affected stakeholders</b>  | Operators others than airlines; National Aviation Authorities (NAAs), maintenance organisations.  |                          |   |                           |
| <b>Driver</b>   | JAA Transfer and input from stakeholders  | <b>Reference</b>         | JAA Administrative and Guidance Material. Section Four: Operations, Part Three: Temporary Guidance Leaflets, TGL No. 43 |                           |
| <b>Rulemaking group</b>   | No  | <b>Impact assessment</b> | Full  | <b>Procedure</b> Standard |



## 1. Issue and reasoning for regulatory change

- (a) The helicopter emergency medical services (HEMS) regulations need to be adapted to better cater for the specificities of such activities, including mountain rescue operations and rescue operations other than search and rescue.
- (1) Performance requirements were contained in the JAR-OPS 3 Subparts of F, G, H, and I with specific alleviations provided in Appendix 1 to JAR-OPS 3.005(d) 'Helicopter Emergency Medical Service' and Appendix 1 to JAR-OPS 3.005(i) 'Helicopter operations at a public interest site'. These requirements have been transposed into Subpart C, Section 2 of Annex IV of Regulation (EU) No 965/2012 (CAT.POL.H section) and Annex V Part-SPA (SPA.HEMS.125), further supplemented by ARO.OPS.220 in Annex II Part-ARO and related AMC/GM that were contained in Section 2 of JAR-OPS 3 - specifically in Subpart B. The JAA requirements and their associated guidance were examined in detail in Temporary Guidance Leaflet (TGL) 43, which was not included in the package agreed between JAA and EASA for transposition in the initial proposals for the implementing rules. As a result, HEMS performance regulations are to be updated for HEMS in mountain areas.
- (2) It was not foreseen that sling load operations would be used in HEMS, because many Member States would operate mountain rescue according to national rules. EASA recently received alternative means of compliance (AltMOCs) from several Member States, that addressed sling load operations in mountain HEMS. These AltMOCs should be reviewed in order to determine whether these should be adopted and published by EASA as generally applicable AMC.
- (b) Rules regarding public interest sites (PIS) need to be reviewed following stakeholders' request.
- (c) An update of HEMS safety requirements is requested to better reflect the risks of flight in a degraded visual environment that are specific to HEMS operations.
- (1) The UK CAA issued safety directive (SD) No SD-14/003 addressed to operators conducting night HEMS operations within the UK in accordance with a HEMS approval and directed them to comply with additional requirements (NVIS approval, pilot must hold a valid instrument rating (IR), additional meteorological equipment, risk assessment acceptable to the CAA) having declared that it reacts to a safety problem and that the SD is issued in the interest of safe operations.
- (2) A review of HEMS accidents during 2005-2014 published as an appendix to the HEMS concept paper, confirmed that HEMS operations in a degraded visual environment are one of the major risks of accidents in HEMS. An update in regulations should, therefore, be envisaged.
- (d) Following stakeholder's request, an update of part-145 Regulations is requested in order to allow maintenance organisations to issue limited certifying staff authorisation to technical crew members, for them to work on and release helicopter hoist equipment and other type of cabin equipment used in HEMS.



## 2. Objectives

The specific objectives of rulemaking task RMT.0325/0326 'HEMS performance and public interest site' are the following:

- (a) To issue an efficient and proportional regulation by adapting HEMS requirements to mountain operations and rescue operations other than search and rescue.
  - (1) Review the definition of HEMS to ensure that it covers rescue operations where the medical condition of a patient may be critical but has not yet been assessed, or where there is no immediate medical emergency but the danger comes from the environment itself.
  - (2) Review the performance requirements applicable to mountain HEMS operations. In order to address this specific helicopter performance issue, JAA developed TGL 43 'Conduct of Mountain HEMS/Air Rescue by an AOC Holder when Requirements of JAR-OPS 3 cannot be met'. This is to be the starting point for this sub-task.
  - (3) Acknowledging that sling load operations are being conducted in HEMS, review the HEMS regulations and adapt them to such activities, using SPO.SPEC.HEC as a starting point.
- (b) To maintain a high aviation safety level by reviewing the provisions related to flights to/from a PIS located in a congested area.
  - (1) Stakeholders indicated their concern that an exemption to performance requirements on historical sites is becoming a permanent exemption. The regulations should be reviewed to address this concern. As a result of the consultation of the concept paper, Part-ARO may be amended and the deletion of the derogation in the OPS cover regulation under Article 6.6 is to be considered.
  - (2) Stakeholders indicated their concern that the performance requirement limiting operating masses, such that a climb gradient of 8 % can be achieved (ref. CAT.POL.H.225(a)(3)), is too prescriptive and could be replaced by other equivalent mitigating measures. This should be reviewed.
- (c) To maintain a high aviation safety level by reviewing requirements related to HEMS flights by day or night, regarding equipment, training, minima, operating/hospital site illumination.
  - (1) Regarding the use of NVIS, the consensus reached by the rulemaking group and confirmed during the consultation of the concept paper to mandate NVIS for night HEMS outside a defined illuminated conurbation will be the starting point.
  - (2) Regarding the other safety issues that have been raised in relation to the risk of unintended IMC flight, many options remain to be considered.
- (d) To issue an efficient and proportional regulation by adapting regulations in order to ensure that limited certifying staff authorisations can be issued to the best suited personnel regarding the release of the aircraft following line maintenance on helicopter sling, hoisting, or other cabin equipment.



### 3. Activities

- Review the HEMS rules and the HEMS definition in order to adapt them to operations in a mountain environment (objective (a)).
- Review the current requirements and draft amendments as necessary, to ensure that the obstacle environment at public interest sites is not worsening and that there are no new public interest sites (objective (b)).
- Draft new requirements as necessary to ensure that HEMS VFR operations remain safe, regarding flights into a degraded visual environment (objective (c)).
- Draft new requirements regarding limited certifying staff authorisations (objective (d)).
- Consider switching from prescriptive to performance-based rulemaking, as appropriate
- Develop a regulatory impact assessment (RIA), using the HEMS concept paper as a starting point (all objectives).
- Develop a notice of proposed amendment (NPA) including amendments, as appropriate, to the Air OPS Regulation and related AMC/GM (all objectives).

### 4. Consultation

Stakeholders have already been consulted through seven sessions of a rulemaking group and through a concept paper. The rulemaking task will resume as an Agency task. External expertise will be sought in order to draft an NPA. Three expert groups will be consulted on the following topics:

- Mountain HEMS group.
- Public interest site group.
- Degraded visual environment group.
- Limited certifying staff group

EASA will take care of coordinating the expert groups.

Note: Each expert group should have a balanced representation of NAAs, air operators and pilot associations representing different types of operations relevant to the topic.

### 5. Deliverables

Following the work of the expert groups, the following deliverables will be produced:

- NPA (2017/Q4);
- Comment-response document (CRD) to NPA (2018/Q3);
- Opinion with draft implementing rule (IR) (2018/Q3); and
- ED Decision (2019/Q4).



## 6. Annex I: Reference documents

### 6.1. Affected regulations

- Commission Regulation (EU) No 965/2012 of 28 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Commission Regulation (EU) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1).
  - Annex I (Part Definitions);
  - Annex II (Part-ARO);
  - Annex III (Part-ORO);
  - Annex IV (Part-CAT);
  - Annex V (Part-SPA);
- 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.
  - Annex II (part-145)

### 6.2. 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 N°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 'Acceptable Means of Compliance and Guidance Material to Part-SPA'



- Decision No 2015/029/R of the Executive Director of the Agency of 17 December 2015 issuing acceptable means of compliance and guidance material to Part-M, Part-145, Part-66, and Part-147 of Regulation (EU) No 1321/2014 and repealing Decision 2003/19/RM of the Executive Director of the Agency of 28 November 2003

### **6.3. Reference documents**

- HEMS concept paper.

