



# Explanatory Note to Decision 2015/002/R

## Sterile flight deck procedures

### ‘GM to Annex I (Definitions) — Amendment 2’

RELATED NPA/CRD 2012-06 — OPINION No 05/2103 — RMT.0417 (OPS.009(b)) — 29.01.2015

#### EXECUTIVE SUMMARY

For formal reasons this Decision is connected to the rulemaking task on sterile flight deck procedures. However, the objective of this Decision is to enable sensational flights as specialised operations in the short run.

A quick solution is deemed necessary by some Member States whose operators do not use Annex II aircraft for this kind of specialised operations. This change of the applicable framework follows the deliberations of the EASA Committee.

The Agency, nevertheless, strongly recommends only undertaking sensational flights under the applicable rules of Part-SPO after a detailed risk assessment of this kind of operation has been carried out and all applicable implementing rules and AMC/GM have been reviewed and, where required, appropriately amended.

Applicability		Process map	
Affected Regulations and Decisions:	Decision 2012/015/R (Definitions)	Concept Paper:	No
Affected stakeholders:	EU Operators	Terms of Reference	No
Driver/origin:	Safety	Rulemaking group:	No
Reference:	N/A	RIA type:	N/A
		Technical consultation during NPA drafting:	No
		Publication date of the NPA:	N/A
		Duration of NPA consultation:	N/A
		Review group:	No
		Focussed consultation:	No
		Publication date of the CRD:	N/A
		Publication date of the Opinion:	N/A



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## 1. Procedural information

### 1.1. The rule development procedure

The European Aviation Safety Agency (hereinafter referred to as the 'Agency') developed this Decision in line with Regulation (EC) No 216/2008<sup>1</sup> (hereinafter referred to as the 'Basic Regulation').

This rule-amendment task was initiated at short notice on the request of a Member State and the European Commission, and did not follow in full terms the Rulemaking Procedure<sup>2</sup>. Instead, the Guidance Material (GM) on sensational flights has been reviewed by the EASA Committee<sup>3</sup>.

### 1.2. Structure of the related documents

Chapter 1 contains the procedural information related to this task. Chapter 2 explains the core technical content. Chapter 3 provides the references. The text of the GM is annexed to the ED Decision.

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<sup>1</sup> Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1).

<sup>2</sup> The Agency is bound to follow a structured rulemaking process as required by Article 52(1) of the Basic Regulation. Such process has been adopted by the Agency's Management Board and is referred to as the 'Rulemaking Procedure'. See Management Board Decision concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications and guidance material (Rulemaking Procedure), EASA MB Decision No 01-2012.

<sup>3</sup> Meeting of the EASA Committee on 7–8 May 2014. The EASA Committee is established by Article 65 of the Basic Regulation.



## 2. Explanatory Note

### 2.1. Overview of the issues to be addressed

For formal reasons this Decision is connected to the rulemaking task on sterile flight deck procedures. However, this Decision concerns sensational flights carried out as a specialised operation in the short run within Member States whose operators do not use Annex II aircraft for this kind of specialised operations.

A sensational flight is a flight involving extreme aerobatic manoeuvres carried out for the purpose of allowing the persons on board to experience zero gravity, high g-forces or similar sensations.

This short-term solution may, however, be replaced by a set of specific rules for sensational flights, based on a detailed risk assessment and detailed review of all applicable Implementing Rules and AMC/GM at a later stage.

Such a rulemaking task may among others:

- clarify the terms ‘task specialist’ and ‘passenger’, and add passenger safety rules to achieve at least the intended safety level of non-commercial operations with complex motor-powered aircraft laid down in Part-NCC of Commission Regulation (EU) No 965/2012;
- assess whether cabin crew requirements need to be added;
- assess the corresponding amendments to operator requirements and pilot-in-command responsibilities;
- based on a risk assessment of a typical sensational flight, assess whether additional safety rules should be proposed for this specific operation; such rules could be added as a new section to Subpart E of Part-SPO and may address:
  - standard operation procedure items;
  - flight crew qualification, training and recency requirements;
  - additional cabin crew training and recency requirements, if applicable;
  - specific passenger safety rules including passenger briefing for this specific type of operation;
  - specific equipment requirements;
  - a reference to Implementing Rules or AMC/GM from which sensational flights may be alleviated;
  - a GM describing the differences between sensational flights and aerobatic flights and any commonalities;
- assess whether sensational flights should be added to operations which require an authorisation in accordance with Subpart SPO of Part-ORO of Commission Regulation (EU) No 965/2012; and
- assess the impact of the deletion of the maximum number of 6 task specialists in the Cover Regulation on Subpart D (instruments, data and equipment) of Part-SPO.



## 2.2. Objectives

The overall objectives of the EASA system are defined in Article 2 of the Basic Regulation. This Decision will contribute to the achievement of the overall objectives by addressing the issues outlined in Paragraph 2.1. The specific objective of this Decision is to enable sensational flights in the short run.

## 2.3. Overview of the new provision

The Agency proposes the following provision to the GM to Annex I (Definitions): New GM to Annex I (Definitions) for the definition of 'task specialist' is introduced. This GM clarifies that persons that are carried in a specialised operation (e.g. on sensational flights, but also e.g. on parachute flights and on scientific research flights) are considered to be task specialists. Part-SPO has not been written having passenger flights in mind. Therefore, the Implementing Rules as well as the AMC and GM do not contain passenger safety rules. Passengers on board have been considered as indispensable for the specialised task and therefore have been subsumed as task specialists. The rules for task specialists include safety rules which are similar to passenger safety rules for non-commercial operations with complex motor-powered aircraft laid down in Part-NCC. Therefore, persons that are carried on board during a specialised operation (e.g. a sensational flight) have to be considered as task specialists. Otherwise Part-SPO rules cannot be used for sensational flights.

In addition, to this Decision on 'GM to Annex I (Definitions)', in a separate Decision on 'AMC and GM to Part-SPO', the Agency has amended GM1 SPO.GEN.005 by adding 'sensational flights' to the non-exhaustive list of specialised operations.



### 3. References

#### 3.1. Related 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).

#### 3.2. Affected decisions

Decision 2012/015/R of the Executive Director of the Agency of 24 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. Available at <http://easa.europa.eu/agency-measures/agency-decisions.php>.

