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Title	Implementing Rules for Air Operations of Community Operators - Part-OPS
NPA Number	NPA 2009-02b

IAOPA Europe (info@iaopa-eur.org) has placed **36** unique comments on this NPA:

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3452	B. I. Draft Opinion - Part-OPS - Subpart A - Section I - OPS.GEN.010 Definitions	22 - 27	The list of defitions is a typical example of reduced usability caused by combining all aircraft types into the same document. For the pilot of a fixed wing aircraft many of the definitions are irrelevant since they refer to helicopters. However, this can only be realised after reading the whole definition plus others. For instance definition 25 says: 'Elevated FATO' means a FATO which is at least 3 metres above the surrounding surface. The fixed wing pilot most likely will not know the meaning of FATO and must therefore look up this term only then to realise that it is a term used for helicopter operations. As a minimum the definitions should be grouped into sections according to aircraft type.	
3454	B. I. Draft Opinion - Part-OPS - Subpart A - Section I - OPS.GEN.010 Definitions	22 - 27	Why should a 'local operation' be limited to start and end on the same day. In northern regions of Europe there is 24H daylight during the summer period. Therefore a local flight may well take place around midnight and still be 'a local operation'.	
3710	B. I. Draft Opinion - Part-OPS - Subpart A - Section I - OPS.GEN.010 Definitions	22 - 27	The definition of 'night' as the period between 30 minutes after sunset until 30 minutes before sunrise is unacceptable in the northern regions of Europe. Here - during summer time - the sun will set very	

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			slowly and there will remain sufficient light for maybe several hours after sunset. The definition of night should follow the definition of civil twilight being the period where the sun is more than 6 degress below the horizon or it should be defined by the Member State.	
5061	B. I. Draft Opinion - Part-OPS - Subpart A - Section I - OPS.GEN.030 Transport of dangerous goods	29 - 30	It must still to be possible without special approvallto carry weapons and ammunition for a hunting season in remote areas, and also gasoline in a drum for a motor-boat or a snow-mobile into very remote areas.	
3523	B. I. Draft Opinion - Part-OPS - Subpart A - Section II - OPS.GEN.100 Ice and other contaminants	31	The proper wording must be "the aircraft shall be clear of any deposit which may SIGNIFICANTLY affect its performance". Any deposit will affect the performance of the aircraft so the current wording will in principle require any deposit to be removed. The intention must be that any deposit which has significance for the operation must be removed.	
3527	B. I. Draft Opinion - Part-OPS - Subpart A - Section II - OPS.GEN.147 Visual Flight Rules (VFR) Operating minima	32 - 33	The table with VFR minimas seems to be incomplete. Apparently there are no defined minimas for class G airspace above 3000 ft and for class F airspace below 3000ft.These minimas should be defined in accordance with ICAO.	
3528	B. I. Draft Opinion - Part-OPS - Subpart A - Section II - OPS.GEN.147 Visual Flight Rules (VFR) Operating minima	32 - 33	Most EU countries in accordance with ICAO allow for lower than 5 km visibility in class F and G airspace. For instance 3 km visibility if the aircraft is operated at less than 140 knots and thereby allows enough time to see and avoid other traffic. This fundamental option for VFR flights should be preserved.	
4509	B. I. Draft Opinion - Part-OPS - Subpart A - Section II - OPS.GEN.147 Visual Flight Rules (VFR) Operating minima	32 - 33	It seems the regulation contains no provisions for VFR on top operations where the aircraft is operated VFR but does not have the surface in sight. This is possible in several EU countries and this possibility should definitely be preserved since it will help to improve the safety of flights where the takeoff and landing area have a limited cloud cover but parts of the route has low level clouds or poor visibility.	
3529	B. I. Draft Opinion - Part-OPS - Subpart A - Section II -	34 -	For OPS.GEN.155 a, b and c it is not stated that the requirements are for IFR	

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	OPS.GEN.155 Selection of alternate aerodromes	35	operations only. This is assumed to be the case but should be specified clearly.	
3530	B. I. Draft Opinion - Part-OPS - Subpart A - Section II - OPS.GEN.155 Selection of alternate aerodromes	34 - 35	OPS.GEN.155 d) The inclusion of special requirements for commercial air transport does not seem to belong in this general section. It should be included in the section specifically dealing with CAT.	
3534	B. I. Draft Opinion - Part-OPS - Subpart A - Section II - OPS.GEN.160 Departure and approach procedures	35	It seems that OPS.GEN.160 b places the responsibility for obstacle clearance on the pilot when he follows an ATC clearance. It is a well established principle that if the controller provide radar vectors to an aircraft then the controller has the responsibility for obstacle clearence. The pilot in practice has no way of determining if a an ATC radar vector provides sufficient obstacle clearance.	
3538	B. I. Draft Opinion - Part-OPS - Subpart A - Section II - OPS.GEN.175 Minimum flight altitudes	35	It seems that to descend according to procedures established by the State, each individual operator must first demonstrate that the operation does not create a hazard to persons or property on the ground. This does not make any sense.	
3542	B. I. Draft Opinion - Part-OPS - Subpart A - Section II - OPS.GEN.185 Meteorological conditions	36	So long as the pilot has an alternative plan there should be no reason why a flight cannot commence and continue towards a destination where the weather is below VFR operating minima. The concept of an alternative airport is allowed for IFR operations so why not for VFR?	
3543	B. I. Draft Opinion - Part-OPS - Subpart A - Section II - OPS.GEN.205 Fuel and oil supply	37 - 38	OPS.GEN.205 c) Why does the rule refer to "normal crusing altitude" by day and to "normal crusing speed" by night? What applies if the flight changes from night to day during the flight? If anyting it must be the condition at the time of expected arrival at the destination that should be relevant.	
3544	B. I. Draft Opinion - Part-OPS - Subpart A - Section II -	37 -	Ref OPS.GEN.205 d)	

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	OPS.GEN.205 Fuel and oil supply	38	For turbine powered aircraft the rules for CAT allows operations with a 30 minutes fuel reserve. It should be possible for non-commercial operators to follow the same procedure. It seems contrary to the whole philosophy of aviation regulation to impose more strict requirements on non-commercial operations.	
3545	B. I. Draft Opinion - Part-OPS - Subpart A - Section III - OPS.GEN.310 Mass and balance system - complex motor-powered aircraft used in non-commercial operations and aircraft used in commercial operations	39	Why does item 4) contain a reference to "under the supervison of qualified personnel"? All other items in the list refers to data that must be calculated. The reference to personnel does not seem appropriate here.	
3546	B. I. Draft Opinion - Part-OPS - Subpart A - Section III - OPS.GEN.320.A Take-off - complex motor-powered aeroplanes used in non-commercial operations and aeroplanes used in commercial operations	40	OPS.GEN.320.A Since continuing a take-off is not an option for a single engine aircraft or for marginally powered multi-engine aircraft (typically FAR 23 aircraft) the calculation of a V1 is meaningless. There is no such speed where the take-off can be continued. Therefore a V1 does not exist. In case of an engine failure on the ground the only option is to apply brakes and stop the aircraft. In most cases if the engine failure occurs just after take-off the procedure for such aircraft will also be to reland and apply brakes. OPS.GEN.320.B For the same reason as stated under OPS.GEN.320.A it does not make any sense to require a single engine aircraft to be able to stop within the runway available. A V1 is not defined since there is no speed where the aircraft can continue	

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			its takeoff. The proposed wording presumes that any multi-engine aircraft can continue its take-off after a certain speed. That is not the case - and effectively the proposed wording would ground all complex multi-engine aircraft which are certified according to FAR 23 and which cannot continue a take-off after an engine failure. Both rules should only apply to aircraft which are certified to continue a take-off after an engine failure - they are aerodynamically meaningless for all other aircraft. Whether the aircraft is complex or non-complex does not have anything to do with these characteristics.	
3548	B. I. Draft Opinion - Part-OPS - Subpart A - Section IV - OPS.GEN.410 Flight instruments and equipment - VFR flights	42 - 43	It is not clear when the conditions specified under b) would be met since VFR implies that the flight is made with external reference. The only condition where b) would seem applicable would be for VFR on top operations, however - as already pointed out - there are no provisions anywhere in the regulation for such operations. Is is suggested that VFR on top operations should be made possible and in this case the equipment requirements under b) would be sensible. Section b) should then explicitly be for this purpose, since in all other cases VFR is made with external reference.	
3549	B. I. Draft Opinion - Part-OPS - Subpart A - Section IV - OPS.GEN.415 Flight instruments and equipment - VFR night flights and IFR flights	43 - 44	To require that VFR night flight are subject to the same equipment requirements as IFR flights is not reasonable. For VFR night flight the following equipment is not relevant as compared to VFR day flights: * Means of measuring and displaying	

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			outside air temperature (no difference from VFR day operations) * Pitot heating (since the aircraft will not enter clouds - no difference from VFR day operations) * Mach indicator (no difference from VFR day operations) * illuminated chart holder (cockpit lighting or a torch will be be sufficient and most VFR maps will not fit a chart holder anyway)	
3615	B. I. Draft Opinion - Part-OPS - Subpart A - Section IV - OPS.GEN.425.H Ditching - Helicopters	45	What is meant by a safe forced landing distance from land? If it meant to be equivalent to gliding distance then there is absolutely no justification why for non-commercial flights a performance class 3 helicopter must be equipped with flotation device when flying beyond a safe forced landing distance from land. A single engine fixed wing aircraft is allowed to fly beyond gliding distance from land even if the the outcome of ditching is more uncertain than for a helicopter. For non-commercial operations a performance class 3 helicopter should have the same option as a single engine fixed wing aircraft.	
3631	B. I. Draft Opinion - Part-OPS - Subpart A - Section IV - OPS.GEN.430 Emergency Locator Transmitter (ELT)	45 - 46	It should possible to satisfy the ELT requirement by carrying a PLB (Personal Locator Beacon) approved by Cospass Sarsat and coded for aviation use. The PLB has several advantages over the ELT. First of all it stays with the crew/person carrying it allowing search and rescue to find the pilot and passengers instead of the aircraft wreck. Secondly - in case of a survivable crash on water - it will remain useful even if the aircraft with a fixed ELT installation sinks and is made useless.	

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			The automatic activation of the fixed ELT installation has a long track record for not activating on impact making the pilot activated PLB also here a good option. For the same reasons PLB should be able to replace both requirements c(2) I and II for helicopters	
3644	B. I. Draft Opinion - Part-OPS - Subpart A - Section IV - OPS.GEN.440 High altitude flights - Oxygen	46 - 47	The rigid limit to 10.000 ft for flights without supplemental oxygen is a recipe for disaster. Particularly in mountaineous regions it will make flying less safe since it will force pilots to cross mountain tops with less clearing than what is advicable. It will give the pilot less options in case of an engine failure over hostile terrain and it will force the pilot to fly into potential dangerous down-drafts and weather which could be avoided if the pilot was allowed to climb to a higher and more safe altitude for a short duration of time. As pointed out by EASA CFIT accidents account for a relatively high percentage of accident and this limitation will increase that number. There is no doubt that a persons skill and faculty is affected at high altitudes, but this is a matter of balancing risks and choosing the safest flight path and the safest decision may well be to climb to a higher altitude for a short duration of time. As far as IAOPA Europe is aware there is not a high rate of accidents in Europe where hypoxia was the cause. Specially not when compared to the number of CFIT accidents. It therefore shoud remain possible to climb to higher altitudes for short durations best on the pilots assessment on what is the safest flight path.	

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			It is noted that ICAO allows for operations up to 13.000 ft for up to 30 minutes without the use of supplemental oxygen.	
3691	B. I. Draft Opinion - Part-OPS - Subpart A - Section IV - OPS.GEN.525 Communication equipment	53 - 54	There is no justification to require two way radio communication for VFR night flights. If the VFR night flight takes place in areas where communication is not required there should be no mandate to carry a radio. Requiring a radio for making traffic patterns at night on an uncontrolled airfield with no assigned radio frequency is absolutely meaningless.	
3791	B. I. Draft Opinion - Part-OPS - Subpart A - Section IV - OPS.GEN.535 Navigation equipment	54	OPS.GEN.535 a(1) should be ammended to read "the original flight plan or an alternative procedure; and..." It should not be a requirement that the aircraft can always continue according to the original plan in case of equipment malfunction. It should be sufficient that the pilot has planned for an alternative course of action since otherwise equipment duplication will often be required when this is not necessary. For instance the following scenario should be allowed without requiring two NDB receivers or RNAV: In case of a flightplan involving an NDB in the enroute part the pilot should have the option to proceed along an alternative route constituted of VORs if the aircraft's NDB receiver fails. With the current wording this scenario would not be allowed.	
5070	B. I. Draft Opinion - Part-OPS	54	It seems not reasonable that a one-man	

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	- Subpart A - Section IV - OPS.GEN.540.A Electronic navigation data management - Complex motor-powered aeroplanes		non commercial operator should have to demonstrate to the authority that the delivered products meet standards of integrity. This is in no way propartional regulation.	
3821	B. I. Draft Opinion - Part-OPS - Subpart A - Section V - OPS.GEN.600 Documents and information to be carried on all aircraft	56	For some documents it is explicitly stated that the document may be a copy or an original, for other documents this distinction is not made. There should no requirement to carry originals since these are often best stored safely on the ground. An copy of the original document should be sufficient as onboard documentation.	
3826	B. I. Draft Opinion - Part-OPS - Subpart A - Section V - OPS.GEN.605 Documents and information to be carried on non-commercial flights with complex motor-powered aircraft and aircraft used in commercial operations	56 - 57	Some countries do no longer issue a separate Aircraft Radio License. Therefore this requirement should be deleted.	
5073	B. I. Draft Opinion - Part-OPS - Subpart D - Section I - OPS.SPA.020.GEN Application for a specific approval	88	There should be no requirement to specify a business name. A private operator should be able to apply for a specific approval as well.	
4156	B. II. Draft Decision - Part-OPS - Subpart A - Section II - AMC2 OPS.GEN.150 Instrument Flight Rules (IFR) operating minima	140	It is agreed ha a Continuous Descend Final Approch (CDFA) technique is recommended. However, for non-commercial operation it is not acceptable that RVR must be increased by 2-400 metres in case the CDFA technique is not used. The CDFA approach requires specialised equipment not normally available in GA aircaft and IAOPA is not aware of any safety concerns with the currently aplied visibility requirements for such operations.	
4705	B. II. Draft Decision - Part-OPS - Subpart A - Section II - AMC3 OPS.GEN.150 Instrument Flight Rules (IFR) operating minima	140 - 144	The take/off minimas for non-commercial operations are too restrictive and not aligned with the current practice in Europe. For non-commercial operations it is	

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			suggested to allow operations in accordance with LVTO minimas but without requiring the associated LVTO approval. This would preserve the existing minimas typically applied in Europe today. There seems to be no indication case that the existing regulation for non-commercial operations is not sufficiently safe.	
4832	B. II. Draft Decision - Part-OPS - Subpart A - Section II - AMC6 OPS.GEN.150.A Instrument Flight Rules (IFR) operating minima	146 - 149	For non-commercial operations the restrictions for single-pilot operations are too restrictive and not aligned with the current practice in Europe. In non-commercial operations It should be possible to land single pilot with an RVR of 550 meters. Provided that full facilities are available including TDZ lighting or centerline lighting an autopilot should not be required. The proposed limitations will considerable restrict non-commercial GA IFR operations compared to today.	
4862	B. II. Draft Decision - Part-OPS - Subpart A - Section IV - GM2 OPS.GEN.400(c) Instruments and equipments - General	197 - 198	If the proposal to accept a PLB to satisfy the ELT requirement then the PLB should be added to this list since a portable PLB should not be subject to a Part-21 approval. Of course the PLB should still be approved by Caspass-Sarsat	
4863	B. II. Draft Decision - Part-OPS - Subpart A - Section IV - AMC OPS.GEN.410(a)(4) Flight instruments and equipment - VFR flights	200	Calibration in mph should also be accepted - particularly for aeroplanes other than complex motor-powered aeroplanes. This calibration the standard in some older GA aircraft imported from the US.	
4925	B. II. Draft Decision - Part-OPS - Subpart A - Section IV - AMC OPS.GEN.410(b)(3) Flight instruments and equipment - VFR flights	200	The requirement for counter drum-pointer for all aircraft operating IFR and and for VFR flight when the aircraft cannot be maintained in desired attitude without reference to one or more flight instruments is absolutely unacceptable for non-complex GA aircraft.	

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			Most of these aircraft are unpressurised and therefore always operated below 10.000 ft because of oxygen requirements and there is therefore no safety gain in a counter drum-pointer. Helicopters are exempted from this requirement for the same reason. This requirement would require the majority of the GA fleet operating IFR to ahve their altimters exchanged. The cost of this would be very significant with no safety benefit.	
5025	B. II. Draft Decision - Part-OPS - Subpart A - Section IV - AMC OPS.GEN.440(a)(1)(i) High altitude flights - Oxygen	205	It cannot seriously be the intent to require cabin crew in order to use portable bottles of oxygen for non-commercial operations in non-complex aircraft.	
5043	B. II. Draft Decision - Part-OPS - Subpart B - Section II - AMC2 OPS.CAT.205.A Fuel and oil supply	277 - 280	Non-commercial operators of complex aircraft should also have the option to follow this AMC since it allows in some aspects more flexibility than the general rules. Particularly it allows for aircraft with turbine engines a final reserve fuel of 30 minutes where the general requirement is 45 minutes. It is a well-established principle that commercial requirements are more conservative since they should protect the safety of non-involved paying passengers. It would be a violation of this principle to force non-commercial operators to have larger reserves than commercial operators.	