

COMMENT RESPONSE DOCUMENT

EASA PAD No. 21-034

[Published on 03 March 2021 and officially closed for comments on 31 March 2021]

Commenter 1: Airbus Helicopters – Olivier JEUNEHOMME – 30/03/2021

Comment # 1

Although AH is aware of the background leading to the revision of the AS332L2 and EC225LP RFM, AH would like to highlight issues that may be faced by Operators and Member States in complying with this AD:

1. Conflict between Basic Regulation and Implementing Rules

- a. The PAD mentions that a “discrepancy was found in the previous revisions of the applicable RFM NR, not specifying the one-engine inoperative (OEI) performance limitations for 10 or more passenger seating configurations as required by §29.1”. In the case of the AS332L2 and EC225LP, §29.1 requires more than the OEI performance limitation, it requires a safe flight and landing capability according to Category A.
- b. EASA Air-OPS CAT.POL.H allows operation under Performance Class 2 when transporting up to 19 passengers with a non-assured safe forced landing capability during T/O and Landing phases. This is conflicting with the requirement to operate as Category A H/C as introduced in the RFM revision. The EASA Air-OPS and Basic Regulation further require that “an aircraft must be operated in accordance with its airworthiness documentation and all related operating procedures and limitations as expressed in its approved flight manual”.
- c. A similar legal conflict between the old basic regulation EU 2008/2016 and the Air-Ops regulation for the HV diagram (29.87/1517) has been recently solved with the new basic regulation EU 2018/1139 (cf. Annex V §4.2).
- d. AH is therefore kindly asking to EASA to provide guidance to operator and competent authorities on the way to resolve this conflict until it is properly clarified at regulation level.

2. Operation outside EASA remit

- a. The Basic Regulation clearly exclude operation for “military, customs, police, search and rescue, firefighting, border control, coastguard or similar activities or services under the control and responsibility of a Member State, undertaken in the public interest”.
- b. However according to the same Regulation, “Member States shall ensure that activities and services performed by the aircraft referred to in that point are carried out with due regard to the safety objectives of this Regulation”.
- c. Formally Member states could define airworthiness criteria for these operations, in practice the only reference is the EASA approved data, in particular the operational limitation and performance of the flight manual.



- d. For AS332L2 and EC225LP, it results in a conflict between operation that by nature cannot be performed as Category A H/C and approved Flight Manual limitations.
- e. This situation will create an administrative burden for operator and Member States. AH indeed anticipates a large number of request for NTO to support the legal process of each Member State when operator will apply for exemption to Category A limitations for operations outside EASA remit.
- f. AH would appreciate EASA involvement to facilitate the communication with Member States.

EASA response:

Comment not agreed.

After review of the comments received, EASA reassessed the recently published Super-Puma RFM Normal Revisions that the AD aimed to make mandatory so as to correct discrepancy in RFM information with the certification requirement FAR/JAR 29.1, i.e. "RFM NR" as AS332 L2 RFM NR 22 (date code 19-30), EC225 LP Standard RFM NR 34 (date code 20-50) and EC225 LP MPAI RFM NR 48 (date code 20-50).

Though not found unsafe information per se, the technical content of the RFM Limitation introduced by these new RFM NR was deemed incorrect versus the paragraph 29.1, and actually too stringent or even misleading in mixing up information of the operations of Cat B and Cat A.

Therefore, regarding the points raised by the comments, they now appear irrelevant because they originated from and were based on inappropriate RFM Limitation contents mistakenly introduced in the flight manuals.

In this context of accumulation of successive Super-Puma RFM shortcoming, EASA decided to rework the PAD 21.034 in order to provide adequate definition of the missing RFM Limitation (in regard to Cat B operations only) with dedicated PAD Appendices.

The PAD is amended at Revision 1 accordingly, pending availability of further RFM NR updates with information of equal effect to that presented in the PAD Appendices.

Commenter 2: Babcock España – Miguel van Leeuwen García – 31/03/2021

Comment # 2

Babcock España considers that the application of these operating limitations, related to the certification categories for this aircraft type, equally to all types of operations, could have a net negative impact on safety. We maintain that the application of the limitations in the way they were presented in the previous RFM amendments, meets an acceptable level of safety, beneficial for public interest, in firefighting operations. We support the position



(as expressed by ICAO, EASA and many Authorities in other cases) that certain operating limitations should consider “the type of operation and the circumstances of the flight”.



Safety Case New FM Progress_Report_Ma
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EASA response:

Comment not agreed.

See response above to the previous comment.

In addition, EASA recalls with reference to Basic Regulation (EU) 2018/1139, Article 2, Point 3.(a) that firefighting operations, or similar activities or services under the control and responsibility of a Member State, undertaken in the public interest by or on behalf of a body vested with the powers of a public authority, are outside of EASA remit and cannot therefore be regulated within the EASA-approved RFM, which is required to provide compliance with the type certification basis applicable to the rotorcraft (particularly with FAR/JAR 29.1 in this case).

