



DGAC

FRANCE

Conversion Report

*i.a.w. Article 7 sub 2. of
Commission Regulation (EU) No 965/2012*

29 March 2013


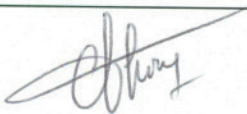
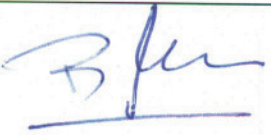

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Report

On the conversion of national helicopter Commercial Air Transport (CAT) Air Operator Certificates (AOCs) into AOCs compliant with Commission Regulation (EU) No 965/2012

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1 Executive summary

Article 7 sub 2 of Commission Regulation (EU) No. 965/2012, requires a Member State to establish a conversion report in consultation with the European Aviation Safety Agency (EASA). Such conversion report shall describe how the Member State intends to convert national AOCs into AOCs compliant with the aforementioned Regulation, 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.

This report contains a short summary of the helicopter commercial transport industry in France, describing the number of operators and the types of operations they are involved in. It further provides an overview of the national requirements on the basis of which the AOCs were issued, including the privileges given to the operators.

The report then describes the differences between national requirements and the requirements laid down in the aforementioned Regulation including the Annexes to it, followed by the conversion method and the envisaged conversion timescale.

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2 Industry summary

The majority of helicopter operators (32 AOC) performs on-demand transportation (including HEMS flights). The flights are under VFR, and are onshore flights (some coastal transit also). 1 operator performs scheduled flights. The flights are also VFR flights. 1 operator performs offshore oil and gas support flights (IFR/VFR). About 15 others operators operate A to A flights only, with less than 3175 kg helicopters, and remain out of the scope of UE n°965/2012.

Many of the French operators are small operators. Almost all of them have higher revenue in aerial work than in CAT.

3 Overview of the national requirements on the basis of which the AOCs were issued

The French AOC are issued under "arrêté du 21 mars 2011 relatif aux conditions techniques d'exploitation d'hélicoptères exploités par une entreprise de transport aérien public »(OPS 3) and the related AMC/IEM « « instruction du 21 mars 2011 relative aux conditions techniques d'exploitation d'hélicoptères par une entreprise de transport aérien public (OPS3)"

French OPS 3 is based on JAR OPS3 section 1 (amendment 5). French instruction is based on JAR OPS3 section 2 (amendment 5). The last amendment of OPS 3 (dated 2011) has been written in order to stick to JAR OPS 3 Amendment 5 as much as possible.

The requirements linked to safety management are defined in « Arrêté du 22 décembre 2008 relatif à la mise en œuvre des systèmes de gestion de la sécurité pour les entreprises de transport aérien public et les organismes de maintenance » and the related instruction.

"arrêté du 21 mars 2011 modifié" is available for consultation :

<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000024027862>

"Instruction du 21 mars 2011 relative aux conditions techniques d'exploitation d'hélicoptères par une entreprise de transport aérien public (OPS3)" (AMC/IEM for helicopters) is available for consultation:

http://www.bulletinofficiel.developpement-durable.gouv.fr/fiches/BO201111/met_20110011_0100_0040.pdf

« Arrêté du 22 décembre 2008 relatif à la mise en œuvre des systèmes de gestion de la sécurité pour les entreprises de transport aérien public et les organismes de maintenance » is available for consultation:

<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000020015934>

« Instruction du 22 décembre 2008 relative à la prise en application de l'arrêté du 22 décembre 2008 relatif à la mise en œuvre des systèmes de gestion de la sécurité pour les entreprises de transport aérien public et les organismes de maintenance » is available for consultation:

http://www.bulletin-officiel.developpement-durable.gouv.fr/fiches/BO20091/met_20090001_0100_0016.pdf

These documents are unfortunately only available in French.

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4 Scope of privileges given to operators

4.1 Types of operations

Type of operation	Number of operators	Types of helicopter	Number of helicopter
VFR day	30	EC120/AS350/EC130	88
		BELL206	10
		R44	14
		AS355	27
		SA365	18
		EC135	35
		EC155	1
		S76C++	7
		AS332	2
		MD369	1
		SA315	3
		A109	14
VFR NIGHT	9	AS355	15
		SA365	18
		EC135	35
		EC155	1
		S76C++	7
		AS332	2
		A109	14
IFR	1		
Other	0		

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4.2 Area of operations

Area of operation	Number of operators	Types of helicopter	Number of helicopter
Domestic	1	BELL206	1
European	25	EC120/AS350/EC130	85
		BELL206	9
		R44	14
		AS355	21
		EC135	35
		EC155	1
		MD369	1
		SA315	3
Worldwide	1	A109	14
		SA365	14
		S76C++	7
Other : French Overseas Departments	5	AS332	2
		EC120/AS350/EC130	11
		R44	1
		AS355	6
		SA316	1
		A109	10

4.3 Special approvals

Special approvals (JAA reference)	Number of operators	Types of helicopter	Number of helicopter
Take-off operations below specified minima (E5)	0		0
Dangerous Goods (E11)	5	EC120/AS350/EC130	21
		AS355	7
		SA365	18
		S76C++	7
		AS332	2
Helicopter Offshore Operations (E12)	1	SA365	14
		S76C++	2
		AS332	2
Sea Pilot Transfer (E13)	0		0
Other	0		0

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4.4 Operational approvals

Special operational approval (JAA reference)	Number of operators	Types of helicopter	Number of helicopter
Helicopter Emergency Medical Service (JAR-OPS 3.005(d))	5	AS355	8
		SA365	4
		EC135	34
		A109	10
Helicopter operations over a hostile environment located outside congested area (JAR-OPS 3.005(e))	21	EC120/AS350/EC130	80
		AS355	18
		SA365	14
		EC135	26
		EC155	1
		S76C++	7
		AS332	2
SA315	3		
Operations for small helicopters (VFR day only) (JAR-OPS 3.005(f))	22	EC120/AS350/EC130	74
		BELL206	7
		R44	9
		AS355	21
		EC135	28
		SA315	3
Local area operations (VFR day only) (JAR-OPS 3.005(g))	0		0
Helicopter Hoist Operations (HHO) (JAR-OPS 3.005(h))	0		0
Helicopter operations at a public interest site (JAR-OPS 3.005(i))	5	AS355	9
		SA365	4
		EC135	33
		A109	10
Helicopter Night VFR operations with the aid of Night Vision Imaging Systems (NVIS) (JAR-OPS 3.005(j))	0		0
Operations without an Assured Safe	17	EC120/AS350/EC130	70
		AS355	16

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Forced Landing Capability (JAR-OPS 3.517)		SA365	18
		EC135	33
		EC155	1
		S76C++	7
		AS332	2
		SA315	3
Other	0		0

5 Differences between national requirements and the Implementing Rules

Appendix 1 establishes a list of major/minor differences between French OPS 3 and regulation 965/2012 and associated Agency decisions (AMC/GM). It should be noted that the last amendment of OPS 3 is based on JAR OPS 3 amendment 5. Thus the majority of the differences between OPS 3 and regulation 965/2012 are also differences between JAR OPS 3 and regulation 965/2012.

For a better comprehension, the appendix 2 and 3 establish a quite detailed comparison between the IR OPS and the French OPS 3 respectively in the areas of ORO, CAT and SPA.

The French authority has introduced in its order some specific provisions for helicopter operators (see article 8 of appendix 4) regarding some differences between the French regulation (OPS 3) and the European regulation (Commission regulation (EU) 965/2012) which could induce major concerns.

The French authority will apply for an exemption in accordance with paragraphs 4 to 7 of article 14 of regulation (CE) n° 216/2008 for the following items; the limits and conditions of such derogations are referred to in article 8 of the French order

On the one hand, crew requirements (technical crew member) for helicopter emergency medical service (HEMS) should not easily be complied with by the operators before the end of the opt out period as they may have very severe economic implications by requiring immediate discontinuation of current activities or induce a quick depreciation of fleets presently in operation.

On the other hand, and concerning helicopter operations over a hostile environment located outside a congested area the French authority accepts Appendix 1 to paragraph OPS 3.005 (e) of aforementioned Order of 21st March 2011 (OPS 3) as an alternative means to comply with the risk assessment referred to in paragraph AMC1 CAT.POL.H.420 (b) of aforementioned decision n° 2012/018/R.

6 - Conversion method/timescale

The conversion method and timescale is described in Appendix 4 which is a courtesy translation of the **Order of 20 February 2013, as regards to the application of regulation (UE) n° 965/2012.**

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DGAC is going to provide the operators with appendix 1, appendix 2 and appendix 3 which give the differences between national requirements and the requirements laid down in the aforementioned Regulation. Some meetings with operators will be planned in order to work all together on these differences (first meeting is scheduled on the 3d and 4th of July 2013).

Regarding the oversight, as specified in appendix 4, as from July 1st, 2013, oversight acts concerning the management system, training programs, procedures and manuals shall investigate the compliance with the applicable requirements of Annexes III, IV and V of regulation (UE) n° 965/2012.

7 Offshore Approval

There is no specific offshore approval in France. One operator performs such operations but it is included in the complete AOC with no specific additional requirements.

8 Operations to/from a Public Interest Site

According to OPS 3, a HEMS site at a hospital could only be considered as a public interest site if a compliance program to improve the site had been set up so that the site could be operated by helicopters in performance class 1, when the construction/renovation work is over.

According to UE 965/2012, a HEMS operating base cannot be a public interest site. Yet 5 HEMS operating base are public interest sites in France.

It is recognised that phasing out, or rebuilding existing hospital sites, is a long-term goal. The renovation work is likely not to be finished in October 2014 for these operating bases. In this case, an exemption will be issued under Article 14 of the Basic regulation for some of these bases.

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Appendix 4: the Order of February, 20th, 2013, as regards to the application of regulation (UE) n° 965/2012 and a courtesy translation of this Order.