



Federal Public Service
Mobility and Transport

Belgian Civil Aviation Authority
City Atrium
Rue du Progrès 56
Locker 6B55
1210 Brussels
Phone + 32 (0)2 277 31 11

Notification to European Commission,
to EU Member States, and
to EASA

Your contact
Alain Lousberg
attaché
Phone. : +32 (0)2 277 42 04
e-mail : alain.lousberg@mobilif.fgov.be

Enterprise Number 0 308 357 852

metro: Rogier
train: North station
bus and tram stop: North station

Your letter of :

Your reference :

Our reference :
LA/T-AIR/AL/2017-0635

Annex(es) : Bruxelles,
4 pages 31 May 2017

Subject: Notification of the Belgian CAA concerning the derogation from certain aviation safety rules in accordance with the article 14(6) of the Regulation (EC) N°216/2008 of the European Parliament and of the Council of 20 February 2008 on the basis of Commission Decision of 28 April 2015 C(2015)2656 final.

Dear Sir,

On behalf of the Civil Aviation Authorities of Belgium, in accordance with article 15 (1), in relation with articles 14(6) and 14(7), of the Regulation (EC) N°216/2008 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, and in accordance with the article 2 of the Commission Decision dated 28 April 2015 (ref : C(2015)2656final) *authorising the United Kingdom to derogate pursuant to article 14(6) of Regulation (EC) No 216/2008 of the European Parliament and of the Council from certain common aviation safety rules concerning restraint systems on flight crew seats of helicopters used in commercial air transport operations*, I would like to notify the following information.

Belgium will apply the measures authorising the United Kingdom to derogate from the requirements of CAT.IDE.H.205 (b) (2) set out in Annex IV to Commission Regulation (EU) 965/2012 to its commercial air transport operators to continue to operate helicopters of types R22 and R44, manufactured by Robinsons Helicopter Corporation, with a restraint system on the flight crew seats having a seat belt and a diagonal shoulder strap.

Concerning the Robinson Helicopter Corporation R44, this derogation will be only valid under the condition that the operator will submit to the Belgian Civil Aviation Authority a time scheduled program to plan the incorporation of the retrofit on the helicopters impacted by the CAT.IDE.H.205 (b) (2).

Yours sincerely,


Dejace Nathalie
General Director a.i.
Belgian Civil Aviation Authority

Our offices are open between 9 h and 12 h and between 14 h and 16 h. Private individuals who cannot free themselves during these hours, can request an appointment on Tuesdays or Fridays up to 20 h.

www.mobilif.fgov.be

.be



EUROPEAN
COMMISSION

Brussels, 28.4.2015
C(2015) 2656 final

COMMISSION DECISION

of 28.4.2015

authorising the United Kingdom to derogate pursuant to Article 14(6) of Regulation (EC) No 216/2008 of the European Parliament and of the Council from certain common aviation safety rules concerning restraint systems on flight crew seats of helicopters used in commercial air transport operations

(Text with EEA relevance)

COMMISSION DECISION

of 28.4.2015

authorising the United Kingdom to derogate pursuant to Article 14(6) of Regulation (EC) No 216/2008 of the European Parliament and of the Council from certain common aviation safety rules concerning restraint systems on flight crew seats of helicopters used in commercial air transport operations

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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/EC¹, and in particular Article 14(7) thereof,

Whereas:

- (1) The United Kingdom notified its intention to grant an approval derogating from the common aviation safety rules implementing Regulation (EC) No 216/2008 contained in Commission Regulation (EU) No 965/2012². The intended derogation, notified by the United Kingdom on 9 July 2014, concerns CAT.IDE.H.205 (b)(2) set out in Annex IV to Regulation (EU) No 965/2012.
- (2) Pursuant to Article 14(7) of Regulation (EC) No 216/2008, the Commission assessed the need for, and the level of safety emerging from, the intended derogation, based on a recommendation of the European Aviation Safety Agency (hereinafter: the Agency).
- (3) CAT.IDE.H.205(a)(5) set out in Annex IV to Regulation (EU) No 965/2012 requires that flight crew seats in helicopters operated in commercial air transport operations are equipped with a seat belt with an upper torso restraint system (hereinafter: UTR) incorporating a device that will automatically restrain the occupant's torso in the event of rapid deceleration. CAT.IDE.H.205 (b)(2) specifies that a seat belt with an UTR on flight crew seats and on the seats for the minimum required cabin crew shall include two shoulder straps, i.e. a four-point restraint system. Those requirements apply as from 28 October 2014.
- (4) In its notification the United Kingdom explained that a significant number of R22 and R44 type helicopters, manufactured by Robinson Helicopter Corporation, are used in commercial air transport operations in Europe, which do not meet the requirements of CAT.IDE.H.205 (b)(2), as they are equipped with flight crew restraint system consisting of a seat belt and a diagonal shoulder strap, i.e. a three-point restraint system.

¹ OJ L 79, 19.3.2008, p. 1.

² 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).

- (5) The United Kingdom further stated that, for design reasons, it is not possible to install a four-point restraint system on the existing R22 type helicopters, while for the existing R44 type helicopters there is a technical solution available. However, the cost of such retrofit would make the operations conducted by R44 type helicopters non-sustainable. According to the United Kingdom, complying with the requirement of a four-point restraint system in accordance with CAT.IDE.H.205(b)(2) would force all R22 and the majority of R44 type helicopters currently used for passenger air transport in Europe to cease operations from 28 October 2014. It also stated that a withdrawal of those helicopters from commercial services is likely to affect the capacity of the industry for a number of years. At the same time, for newly built R44 type helicopters viable options exist to install four-point restraint systems on the flight crew seats.
- (6) Therefore, the United Kingdom intends to grant approvals derogating from CAT.IDE.H.205 (b)(2) so as to allow its commercial air transport operators to continue to operate helicopters of type R22 and R44, manufactured by Robinsons Helicopter Corporation, with the existing three-point restraint system mounted on the flight crew seats, on the condition that the R44 type helicopters concerned have been first issued a Certificate of Airworthiness before 28 October 2014. According to the United Kingdom, that condition will eventually prevent newly manufactured helicopters after that date to be used in commercial air transport operations with a three-point restraint system and will lead the total number of helicopters concerned by the derogation to naturally decrease in time as old aircraft are retired from service.
- (7) Information provided by Robinsons Helicopter Corporation, the manufacturer of the helicopters, demonstrates that the three-point restraint system currently in use on the R22 and R44 type helicopters meets the emergency landing dynamic condition requirements of FAR 27.562 and 27.785³, equivalent to CS 27.562 and 27.785⁴, and is therefore able to ensure an equivalent level of protection as the four-point restraint system. Also, research done at the United Kingdom Air Accidents Investigation Branch indicates that on small non-complex aircraft, such as the R22 and R44 type helicopters, a three-point restraint system provides the same level of safety as a four-point restraint system. It should be noted that, due to the specific cabin layout, the additional hardware required for the installation of a four-point restraint system on R44 type helicopters might impose additional risks to the rear seat passengers in the event of an accident or a hard landing.
- (8) Based on the recommendation from the Agency, issued on 10 September 2014, the Commission concluded that the proposed derogation would provide a level of protection equivalent to the one attained by application of the common aviation safety rules, provided certain conditions are met.
- (9) In accordance with Article 14(7) of Regulation (EC) No 216/2008, a decision by the Commission that a Member State may grant a proposed derogation needs to be notified to all Member States, which would also be entitled to apply the measure in question. This Decision should therefore be addressed to all Member States. The description of the derogation, as well as the conditions attached to it, should be such as to enable other Member States to also apply that measure when they are in the same situation, without requiring a further decision by the Commission. Member States should however exchange information on the application of the measure where they

³ Design requirements for helicopters as contained in US Federal Aviation Regulation FAR-27.

⁴ Design requirements for helicopters as contained in EASA Certification Specifications CS-27.

apply it, in accordance with Article 15(1) of Regulation (EC) No 216/2008, as this application may have effects outside the Member States that grant the derogation.

- (10) The measures provided for in this Decision are in accordance with the opinion of the European Aviation Safety Agency Committee,

HAS ADOPTED THIS DECISION:

Article 1

The United Kingdom may grant approvals derogating from CAT.IDE.H.205 (b)(2) set out in Annex IV to Commission Regulation (EU) 965/2012 to its commercial air transport operators to continue to operate helicopters of types R22 and R44, manufactured by Robinsons Helicopter Corporation, with a restraint system on the flight crew seats having a seat belt and a diagonal shoulder strap. Those approvals may only be granted for R44 helicopters that have been first issued a Certificate of Airworthiness before 28 October 2014.

Article 2

All Member States shall be entitled to apply the measure referred to in Article 1. Member States applying this measure shall notify the Commission, the Agency and the national aviation authorities thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 28.4.2015

For the Commission
Violeta BULC
Member of the Commission

