

## Executive Director Decision

**2016/018/R**

**of 29 July 2016**

**amending the Acceptable Means of Compliance and Guidance Material to Part-NCO  
of Regulation (EU) No 965/2012**

**‘AMC and GM to Part-NCO — Issue 2, Amendment 3’**

THE EXECUTIVE DIRECTOR OF THE EUROPEAN AVIATION SAFETY AGENCY,

Having regard to Regulation (EC) No 216/2008<sup>1</sup>, and in particular Article 38(3)(a) thereof,

Having regard to Commission Regulation (EU) No 965/2012<sup>2</sup>, and in particular ARO.GEN.120(a) thereof,

WHEREAS:

- (1) The Agency shall, pursuant to Article 18(c) of Regulation (EC) No 216/2008, issue acceptable means of compliance as well as guidance material for the application of Regulation (EC) No 216/2008 and its implementing rules.
- (2) Acceptable means of compliance are non-binding standards adopted by the Agency which may be used by persons and organisations to demonstrate compliance with Regulation (EC) No 216/2008 and its implementing rules; when acceptable means of compliance are complied with, the related requirements of the implementing rules are met.
- (3) Guidance material is non-binding material developed by the Agency which helps to illustrate the meaning of a requirement or specification and is used to support the interpretation of Regulation (EC) No 216/2008, its implementing rules, certification specifications and acceptable means of compliance.

---

<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> 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).

- (4) With Decision 2014/016/R of 24 April 2014, the Executive Director issued acceptable means of compliance and guidance material to Part-NCO of Commission Regulation (EU) No 965/2012.
- (5) The Agency shall, pursuant to Article 19(2) of Regulation (EC) No 216/2008, reflect the state of the art and the best practices in the fields concerned and update its decisions taking into account worldwide aircraft experience in service, and scientific and technical progress.
- (6) Regulation (EU) No 965/2012 requires specific approvals for complex performance-based navigation ('PBN') operations. In contrast to complex, for all other PBN operations a specific approval is not anymore required, taking into account the experience and maturity already reached in operations utilising the global navigation satellite system (GNSS), and in order to ensure consistency with the latest international safety standards. As a consequence, PBN-related AMC and GM have been added to Part-NCO for PBN operations not requiring a specific approval.
- (7) In order to facilitate compliance by operators with the rules related to transport of dangerous goods as well as those related to upper torso restraint systems on flight crew seats and on passenger seats of certain small aeroplanes, and thus to improve safety, it is necessary to adapt those rules to the type of operation and to the complexity of aircraft used.
- (8) Annex VII to Regulation (EU) No 965/2012 requires carrying and using oxygen when flying above a fixed pressure altitude. Based on the principle of risk differentiation, whereby the level of regulatory protection afforded to stakeholders depends on their ability to assess and control risks, the need of oxygen in non-pressurised aircraft engaged in non-commercial operations should be determined by the pilot of such aircraft, taking into account certain objective factors.
- (9) The Agency, pursuant to Article 52(1)(c) of Regulation (EC) No 216/2008 and Articles 5(3), 6 and 7 of the Agency's Rulemaking Procedure<sup>3</sup>, has widely consulted interested parties on the matters which are the subject of this Decision and has provided thereafter a written response to the comments received<sup>4</sup>.

HAS DECIDED:

### **Article 1**

The Annex to Decision 2014/016/R of the Executive Director of the European Aviation Safety Agency of 24 April 2014 is amended as laid down in the Annex to this Decision.

<sup>3</sup> [EASA Management Board \(MB\) Decision 01-2012 of 13 March 2012](#) amending and replacing Decision 08-2007 concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications and guidance material ('Rulemaking Procedure').

<sup>4</sup> <http://easa.europa.eu/document-library/comment-response-documents>

**Article 2**

This Decision shall enter into force on the day following that of its publication in the Official Publication of the Agency.

Done at Cologne, on 29 July 2016.

*For the European Aviation Safety Agency  
The Executive Director*

Patrick KY