



## Explanatory Note to Decision 2014/021/R

### Amendments to AMC/GM to Annex VII – Part-ORA

RELATED NPA/CRD 2011-16 — OPINION No 03/2013 — RMT.0199 (FCL.008(B)) — 1.4.2014

#### EXECUTIVE SUMMARY

This Decision addresses one AMC concerning training aircraft and FSTDs.

The specific objective is to maintain a high level of safety and to warrant flexibility for all approved training organisations (ATOs), except those providing flight test training.

AMC1 ORA.ATO.135 has been amended to ensure the AMC content also applies to the new en route instrument rating (EIR).

Applicability		Process map	
Affected regulations and decisions:	AMC/GM Part-ORA	Concept Paper:	No
Affected stakeholders:	Training organisations	Rulemaking group:	Yes
Driver/origin:	Safety	RIA type:	Full
Reference:	Commission Regulation (EU) No 290/2012, amending Commission Regulation (EU) No 1178/2011	Technical consultation during NPA drafting:	No
		Publication date of the NPA:	2011/Q3
		Duration of NPA consultation:	3 months
		Review group:	Yes
		Focussed consultation:	No
		Publication date of the Opinion:	2013/Q2

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## 1. Procedural information

### 1.1. The rule development procedure

The European Aviation Safety Agency (hereinafter referred to as the 'Agency') developed ED Decision 2014/021/R in line with Regulation (EC) No 216/2008<sup>1</sup> (hereinafter referred to as the 'Basic Regulation') and the Rulemaking Procedure<sup>2</sup>.

This rulemaking activity is included in the Agency's [4-year Rulemaking Programme](#) under RMT.0199 (FCL.008(b)). The scope and timescale of the task were defined in the related Terms of Reference (see process map on the title page).

The draft text of this Decision has been developed by the Agency based on the input of the Rulemaking Group RMT.0199 (FCL.008(b)). All interested parties were consulted through NPA 2011-16<sup>3</sup>. 1535 comments were received from interested parties, including industry, national aviation authorities, the FAA, General Aviation authorities, training organisations and individual stakeholders.

The Agency has reviewed the comments received on the NPA. The comments received and the Agency's responses are presented in the Comment-Response Document (CRD) to NPA 2011-16<sup>4</sup>. Furthermore the Agency received 39 reactions to the CRD.

The final text of this Decision with the Acceptable Means of Compliance (AMC) and Guidance Material (GM) has been developed by the Agency based on the input of the Review Group RMT.0199 (FCL.008(b)).

The process map on the title page summarises the major milestones of this rulemaking activity.

### 1.2. Structure of the related documents

Chapter 1 contains the procedural information related to this task. Chapter 2 explains the core technical content. Chapter 3 provides references. The text of the AMC and GM is annexed to the ED Decision.

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<sup>1</sup> Regulation (EC) No 216/2008 of the European Parliament and 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), as last amended by Commission Regulation (EU) No 6/2013 of 8 January 2013 (OJ L 4, 9.1.2013, p. 34).

<sup>2</sup> The Agency is bound to follow a structured rulemaking process as required by Article 52(1) of the Basic Regulation. Such process has been adopted by the Agency's Management Board and is referred to as the 'Rulemaking Procedure'. See Management Board Decision concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications and guidance material (Rulemaking Procedure), EASA MB Decision No 01-2012 of 13 March 2012.

<sup>3</sup> In accordance with Article 52 of the Basic Regulation and Articles 5(3) and 6 of the Rulemaking Procedure.

<sup>4</sup> See: <http://easa.europa.eu/rulemaking/notices-of-proposed-amendment-NPA.php>.

## 2. Explanatory Note

When developing the requirements for the future European regulations for pilot licensing (Part-FCL) based on the existing JAR-FCL requirements and national regulations, the Agency decided that certain elements had to be postponed and further reviewed at a later stage. With its Notice of Proposed Amendment (NPA) 2008-17 (b), the Agency agreed with stakeholder concerns that the proposed requirements for the instrument rating seemed to be too demanding for private pilot licence (PPL) holders and indicated that a separate rulemaking task would be started for this purpose. Within the same task the need for review of the existing national regulations for a cloud flying rating for sailplane pilots was identified and it was decided to include the development of requirements for a cloud flying rating in the same rulemaking task. Consequently, the Agency initiated rulemaking task RMT.0198 & RMT.0199 (FCL.008 (a) & (b)) together with licensing experts. The NPA was published on 21 September 2011 and the Opinion was published on 24 April 2013.

### 2.1. Overview of the issues to be addressed

Part-ORA contains the requirements for approved training organisations (ATOs).

This Decision addresses the AMC related to training aircraft in Part-ORA in relation to the new rules in Part-FCL related to the sub ICAO (International Civil Aviation Organization) European en route instrument rating (EIR) for aeroplane licence holders.

### 2.2. Objectives

The overall objectives of the EASA system are defined in Article 2 of the Basic Regulation. This proposal will contribute to the overall objectives by addressing the issues outlined in Section 2.1. The specific objectives of this proposal are, therefore, to introduce an AMC related to the requirements for the EIR, for private and commercial pilots, to fly under IFR and in IMC with reduced training requirements, but also limited privileges.

### 2.3. Overview of the amendments

The Agency amended AMC1 ORA.ATO.135 to ensure that the provisions for training aircraft used by an ATO are also applied to training aircraft used for the flight instruction for the EIR.

For the amended text, please refer to the Annex to this Decision.

### **3. References**

#### **3.1. Related regulations**

Commission Regulation (EU) No 1178/2011<sup>5</sup>.

#### **3.2. Affected decisions**

Decision 2012/007/R<sup>6</sup>.

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<sup>5</sup> Commission Regulation (EU) No 1178/2011 of 03/11/2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 311, 25/11/2011, p. 1-193); as last amended by Commission Regulation (EU) No 245/2014 of 13 March 2014 (OJ L 74/33 p.33).

<sup>6</sup> ED Decision 2012/007/R of the Executive Director of the Agency of 19 April 2012 on Acceptable Means of Compliance and Guidance Material to Commission Regulation (EU) No 290/2012, as amended by Commission Regulation (EU) No 1178/2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008. ED Decision as last amended by ED Decision 2013/008/R of 16 April 2013.