



European Aviation Safety Agency

EXPLANATORY NOTE

Regulation Air Operations

Guidance Material (GM)

to

Annex I – Definitions to Annexes II to V

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Executive Summary

This Explanatory note provides background information on the GM for the Decision on Annex I – Definitions for Annexes II to VIII.

Based on the principles set out by the Management Board together with the European Commission, the Agency transposed the contents of EU-OPS and JAR-OPS 3 as Implementing rules and as GM. Furthermore, the material of this Decision contains text from the former Section 2 material of JAR-OPS 1 and JAR-OPS 3 and aligns with ICAO SARPs of Annex 6 Part I and Part III Sections 1 and 2, as far as possible. The development of these requirements was based on the following objectives:

- maintain a high level of safety;
- ensure proportionate rules where appropriate;
- guarantee flexibility and efficiency for operators and authorities.

The content of this Decision is the result of an extensive consultation process involving authorities, associations, operators and aviation experts.

reference includes an identification of the IR subparagraph; if more than one subparagraph is covered, all of them are listed; in the absence of such indication, the AMC covers the IR as a whole.

III. Consultation

4. This Decision is based on:
 - NPA 2009-02, published on 30 January 2009;
 - CRD OPS I, published on 25 November 2010; and
 - Opinion 04/2011, published on 1 June 2011.

IV. Overview of reactions

5. In general, the received reactions showed overall support for the CRD version of Annex I – Definitions.
6. Annex I received 53 reactions from 18 commentators (representing national aviation authorities, industry associations, manufacturers, airlines, an aerodrome association and an individual). Most of these have been dealt with by the publication of Opinions 04/2011 and 01/2012. In general, commentators supported the collection of definitions into Annex I, though the majority did not support the split between IR, AMC and GM. The main concern expressed was that, for those definitions in AMC, alternatives could be proposed by the 'alternative means of compliance' procedure (as set out in ARO.GEN.120); commentators wanted to exclude definitions from this procedure.
7. The following chapters provide further information on the amendments to Annex I – Definitions.

Annex I - Definitions

I. Scope

8. Annex I contains definitions for terms used in Annexes II-V of this Regulation and a list of abbreviations and acronyms.

II. Reference to existing material

9. The definitions in this Decision align with those in EU-OPS / JAR-OPS 3. Where a term is not used in the Implementing Rule or AMC/GM, it has not been included in Annex I. Regarding terms stemming from the ICAO Technical Instructions on the transport of dangerous goods, these have not all been transposed as the approach presented in Opinion 04/2011 was to provide a dynamic reference to the Technical Instructions rather than transpose EU-OPS / JAR-OPS 3 in full. In addition, terms for accidents and incidents have not been transposed as they are already defined in Regulation (EU) No 996/2010² of the European Parliament and of the Council.

III. Explanations

10. Following comments received and editorial reviews, the following changes were made compared to the CRD:
- The definition of 'emergency locator transmitter' previously in GM1-CAT.IDE.A.280 and GM1 CAT.IDE.H.280 has been moved to GM1 of Annex I.
 - GM8 has been added to provide an example of a public interest site.
 - Some stakeholders requested that the definitions in the AMC to Annex I be placed within the Annex itself. The Agency did not find this appropriate for terms that are not used within the Implementing Rules. However, to address the concern that definitions as AMC could fall under the alternative means of compliance procedure, the collection of definitions in the Decision to Annex I has been transposed as GM. Definitions are explanations of terms and do not constitute a means of compliance in themselves. An alternative means of compliance would be provided to the AMC where the term is being used.
 - As presented in the CRD, for a few terms, the EU-OPS and/or JAR-OPS 3 definition has been split into a main definition in Annex I and the other material placed in GM (with a few exceptions being placed in IR or AMC, as discussed in the Explanatory Note to Opinion 04/2011). These GM contain material that is open to interpretation or purely illustrative and therefore not appropriate within the main definition. Following comments, additional GM were drafted for night vision imaging system and offshore operations.
 - The list of abbreviations and acronyms used in the Regulation on Air Operations has been included as GM2 to Annex I, for ease of reference.

² OJ L 295, 12.11.2010, p. 35.