



Explanatory Note to Decision 2013/019/R

Amendments to AMC/GM to Annex III - Part-ORO

RELATED NPA/CRD 2008-22, 2009-02 — OPINION No 04/2011 — RMT.0289 (OPS.001) — 01/06/2011

EXECUTIVE SUMMARY

This Decision addresses AMC and GM for air operators related to non-commercial operations.

The specific objective is to maintain a high level of safety, to ensure proportionate rules where appropriate; and to warrant flexibility and efficiency for operators and authorities.

This Decision is part of OPS Phase II involving amendments to the following Annexes of the Regulation Air Operation:

- Annex I – Definitions,
- Annex II – Part-ARO,
- Annex III – Part-ORO,
- Annex V – Part-SPA,
- Annex VI – Part-NCC,
- Annex VII – Part-NCO.

Applicability		Process map	
Affected regulations and decisions:	AMC/GM Part-ORO	Concept Paper:	No
Affected stakeholders:	operators conduction specialised operations, Commercial air transport operators	Rulemaking group:	Yes
Driver/origin:	Basic Regulation	RIA type:	Full
Reference:		Technical consultation during NPA drafting:	Yes
		Publication date of the NPA:	2009/4
		Duration of NPA consultation:	6 months
		Review group:	Yes
		Focussed consultation:	No
		Publication date of the Opinion:	2011/2
		Publication date of the Decision:	2013/4

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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 2013/019/R in line with Regulation (EC) No 216/2008¹ (hereinafter referred to as the 'Basic Regulation') and the Rulemaking Procedure².

This rulemaking activity is included in the Agency's [Rulemaking Programme for 2013-2016](#) under RMT.0289 (OPS.001). 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 RG02. All interested parties were consulted through NPA 2008-22 and NPA 2009-02³. More than 15 000 comments in total were received from interested parties, including industry, national aviation authorities and social partners.

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) [2008-22 and 2009-02](#).

The final text of this Decision with the Acceptable Means of Compliance (AMC)/Guidance Material (GM) has been developed by the Agency based on the input of RG02 and the EASA Committee.

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/GM is annexed to the ED Decision.

¹ 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).

² 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.

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

2. Explanatory Note

This amending Decision provides AMC/GM to Commission Regulation (EU) No 800/2013 of 14 August 2013 laying down, among others, requirements for non-commercial air operations.

2.1. Overview of the issues to be addressed

Part-ORO contains the requirements for operators conducting commercial operations and non-commercial operations with complex motor-powered aircraft.

This amending Decision contains additional AMC and GM used in relation to non-commercial operations.

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 achievement of the overall objectives by addressing the issues outlined in Chapter 2. The specific objective of this proposal is, therefore, to maintain a high level of safety, to ensure proportionate rules where appropriate; and to warrant flexibility and efficiency for operators and authorities.

2.3. Overview of the amendments

The main technical changes to the AMC/GM are the following:

AMC1 ORO.DEC.100 Declaration

A new AMC has been added to detail the requirement contained in ORO.DEC.100 for an operator to notify the competent authority without delay of any changes to its declaration or the means of compliance it uses through submission of an amended declaration. It provides a time frame for an operator to submit the change to its declaration to its competent authority.

ORO.CC Section 1

The title of Section 1 of Subpart Cabin Crew is amended to be aligned with the change made to Part-ORO.

Titles of subparagraphs (b) and (c) of AMC1 ORO.CC.115(e) are amended to clarify that those elements are only relevant to commercial air transport operations as initially covered by JAA TGL44.

Subparagraph (b)(1) of GM1 ORO.CC.115(e) is amended to clarify that this element is only relevant to commercial air transport operations and, for consistency, has been moved as the last element listed, now referred to as (b)(7).

A new AMC1 ORO.CC.120(a)(1) has been inserted taking into account the reactions received to better address the particular case of new entrants in operations other than commercial air transport. Similarly to the principle applicable to cabin crew attestation holders in commercial air transport operations, it is clarified that, subject to certain conditions, some credit may be granted to initial training elements previously completed by a new entrant with previous operational experience as cabin crew member in operations other than commercial air transport.

Taking into account the reactions received and for consistency and proportionality purposes, a new subparagraph (d) is inserted in AMC1 ORO.CC.135 to allow some flexibility for the familiarisation of cabin crew members in operations other than commercial air transport, as appropriate to the aircraft type.

3. References

3.1. Related regulations

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.

3.2. Affected decisions

Decision 2012/017/R of the Executive Director of the Agency of 24 October 2012 on Acceptable Means of Compliance and Guidance Material to Commission Regulation (EU) No 965/2012 of 5 October 2012 — Acceptable Means of Compliance and Guidance Material to Annex III — Part-ORO.

3.3. Reference documents

ICAO Annex 6, Part II and Part III, Section III.