



Explanatory Note to Decision 2014/014/R

Amendments to AMC/GM to Annex II (Part-ARO)

RELATED NPA/CRD 2008-22, 2009-02 — OPINION No 04/2011 — RMT.0289 (OPS.001) — 24.04.2014

EXECUTIVE SUMMARY

This Decision deals with AMC and GM for competent authorities related to specialised air operations, commercial air transport operations with sailplanes and balloons and A-to-A commercial air transport operations with performance class B aeroplanes and non-complex helicopters.

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 the OPS Phases III and IV involving amendments to the Cover Regulation and the following Annexes the Regulation on Air Operations:

- Annex II (Part-ARO),
- Annex III (Part-ORO),
- Annex IV (Part-CAT),
- Annex VII (Part-NCO), and
- Annex VIII (Part-SPO).

Applicability		Process map	
Affected regulations and decisions:	AMC/GM to Part-ARO	Terms of Reference	20.6.2006
Affected stakeholders:	Competent authorities	Concept Paper:	No
Driver/origin:	Legal obligation	Rulemaking group:	Yes
Reference:		RIA type:	Full
		Technical consultation during NPA drafting:	Yes
		Publication date of the NPA:	30.10.2008 & 30.1.2009
		Duration of NPA consultation:	6 months
		Review group:	Yes
		Focussed consultation:	No
		Publication date of the Opinion:	1.6.2011

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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 2014/014/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 [4-year Rulemaking Programme](#) 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 379/2014 of 24 April 2014 laying down, among others, requirements for authorities in relation to specialised air operations, commercial air transport operations with sailplanes and balloons and A-to-A commercial air transport operations with performance class B aeroplanes and non-complex helicopters.

2.1. Overview of the issues to be addressed

Part-ARO contains the authority requirements for commercial and non-commercial air operations, including specialised operations.

As a result of the input of the EASA Committee, Part-ARO has been amended. The change can be summarised as follows:

- All commercial specialised operations and all non-commercial specialised operations with complex motor-powered aircraft shall submit a declaration.
- High risk commercial specialised operations will have to declare their operation, but will also require an authorisation from the authority prior to commencing the activity.
- An authorised high risk commercial specialised operation is an operation where:
 - the competent authority issues an authorisation after having verified and accepted the operator's risk assessment documentation, which points to a high risk operation and relevant Standard Operating Procedures (SOPs);
 - the competent authority of the place of operation determines that due to the operation's specific nature and the local environment in which the operation is conducted, the operation poses a high risk, in particular to third parties on the ground.

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 AMC/GM material are the following:

- The authority's own management system should include reference to authorisations that have to be managed by the authority.
- Qualified entities may perform authorisation tasks.
- The authority's record keeping system will also include requirements of records regarding authorised high risk commercial specialised operations.
- Regarding the oversight of high risk commercial specialised operations, new AMC/GM material specifies the oversight programme and the oversight planning cycle of 24 months, which can be extended to 48 months, provided that the competent

authority has established that during the previous 24 months the organisation has been able to effectively manage safety risks.

- New AMC and GM material describes the verification process during issuance of new authorisations and possible limitations.
- New AMC/GM for the authorisation of cross-border high risk commercial specialised operations.
- New AMC/GM on leasing requirements take into account that ICAO has not stipulated globally harmonised standards for specialised operators and their organisations.
- Finally, new GM was inserted, which lists additional conditions for introductory flights. Following a comment by a Member State, new AMC was introduced stipulating that Member States should publish information on 'marginal activity' so that concerned entities are informed about the threshold for 'marginal' as well as how the activity is to be overseen.

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 (OJ L 296, 25.10.2012, p. 1).

3.2. Affected decisions

Decision 2012/016/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 II (Part-ARO).