

Executive Director Decision

2016/012/R

of 12 September 2016

**amending Acceptable Means of Compliance and Guidance Material to Part-CAT,
Part-NCC and Part-SPO of Commission Regulation (EU) No 965/2012**

**‘AMC and GM to Part-CAT — Issue 2, Amendment 7;
AMC and GM to Part-NCC — Amendment 6; and
AMC and GM to Part-SPO — Amendment 6’**

(AMC and GM to implementing rules on flight recorders, underwater locating devices and aircraft tracking systems (second set))

THE EXECUTIVE DIRECTOR OF THE EUROPEAN AVIATION SAFETY AGENCY,

Having regard to Regulation (EC) No 216/2008¹, and in particular Article 38(3)(a) thereof,

Having regard to Commission Regulation (EU) No 965/2012² of 5 October 2012 and in particular paragraph ARO.GEN.120(a) of Annex II thereto,

Whereas:

- (1) The Agency shall, pursuant to Article 18(c) of Regulation (EC) No 216/2008, issue certification specifications and 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 establish 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.

¹ 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).

² Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EU) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1).

- (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.
- (4) With Decision 2014/015/R of 24 April 2014, the Executive Director issued Acceptable Means of Compliance and Guidance Material to Annex IV (Part-CAT) to Regulation (EU) No 965/2012.
- (5) With Decision 2013/021/R of 23 August 2013, the Executive Director issued Acceptable Means of Compliance and Guidance Material to Annex VI (Part-NCC) to Regulation (EU) No 965/2012.
- (6) With Decision 2014/018/R of 24 April 2014, the Executive Director issued Acceptable Means of Compliance and Guidance Material to Annex VIII (Part-SPO) to Regulation (EU) No 965/2012.
- (7) 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.
- (8) The Agency issued on 20 December 2013 Notice of Proposed Amendment (NPA) 2013-26 on 'Amendment of requirements for flight recorders and underwater locating devices'. NPA 2013-26 contains draft amendments to the implementing rules of Part-CAT, Part-NCC and Part-SPO, and draft amendments to AMC and GM for these implementing rules³.
- (9) The Agency issued on 6 May 2014 Comment-Response Document (CRD) 2013-26 and Opinion No 01/2014. CRD 2013-26⁴ contains a revised version of the draft AMC and GM presented in NPA 2013-26.
- (10) Based on Opinion No 01/2014, CRD 2013-26 and NPA 2013-26, the European Commission prepared and published Commission Regulation (EU) 2015/2338⁵ amending Commission Regulation (EU) No 965/2012 as regards requirements for flight recorders, underwater locating devices and aircraft tracking systems.
- (11) Commission Regulation (EU) 2015/2338 introduced amendments to the following paragraphs of Part-CAT, Part-NCC and Part-SPO: CAT.GEN.MPA.105, CAT.GEN.MPA.195, CAT.IDE.A.185, CAT.IDE.A.190, CAT.IDE.A.195, CAT.IDE.H.190, CAT.IDE.H.195, NCC.GEN.106, NCC.GEN.145, NCC.IDE.A.165, NCC.IDE.A.170, NCC.IDE.H.165, NCC.IDE.H.170, SPO.GEN.107, SPO.GEN.145, SPO.IDE.A.145, SPO.IDE.A.150, SPO.IDE.H.145, and SPO.IDE.H.150.
- (12) A first set of AMC and GM complementing the implementing rules adopted by Commission Regulation (EU) No 2015/2338 and corresponding to the draft AMC and GM presented in CRD 2013-26, was issued through Decision 2015/030/R of 17 December 2015.
- (13) The Agency prepared a second set of AMC and GM to Part-CAT, Part-NCC and Part-SPO. These AMC and GM are covering the topics of cockpit voice recorder protection and flight data recorder parameters⁶.

³ See NPA 2013-26 (available at <http://easa.europa.eu/document-library/notices-of-proposed-amendments/npa-2013-26>).

⁴ See CRD 2013-26 (available at <http://easa.europa.eu/document-library/comment-response-documents/crd-2013-26>).

⁵ Commission Regulation (EU) 2015/2338 of 11 December 2015 amending Regulation (EU) No 965/2012 as regards requirements for flight recorders, underwater locating devices and aircraft tracking systems (OJ L 330, 16.12.2015, p. 1).

⁶ AMC and GM related to aircraft tracking systems and to location of an aircraft in distress (refer to Part CAT, CAT.GEN.MPA.205 and CAT.GEN.MPA.210) will be adopted by a Decision published at a later stage.



(14) 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 Procedure⁷, has consulted interested parties on the matters which are the subject of this Decision and it has provided thereafter a written response to the comments received⁸,

HAS DECIDED:

Article 1

The Annex to Decision 2014/015/R (AMC and GM to Part-CAT) of the Executive Director of the European Aviation Safety Agency of 24 April 2014 is amended as laid down in Annex I to this Decision.

Article 2

The Annex to Decision 2013/021/R (AMC and GM to Part-NCC) of the Executive Director of the European Aviation Safety Agency of 23 August 2013 is amended as laid down in Annex II to this Decision.

Article 3

The Annex to Decision 2014/018/R (AMC and GM to Part-SPO) of the Executive Director of the European Aviation Safety Agency of 24 April 2014 is amended as laid down in Annex III to this Decision.

Article 4

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

Done at Cologne, 12 September 2016.

*For the European Aviation Safety Agency
The Executive Director*

Patrick KY

⁷ EASA 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') (<http://www.easa.europa.eu/the-agency/facts-and-figures/easa-mb-decision-01-2012-amending-and-replacing-mb-decision-08-2007>).

⁸ A two-phase consultation with the EASA advisory bodies (TAG, RAG and SSCC) was carried out on the AMC and GM adopted by this Decision. Comment-response documents were prepared following both phases of consultation and distributed to the advisory bodies.

