

Executive Director Decision

2017/002/R

of 8 March 2017

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

‘AMC/GM to Part-CAT — Issue 2, Amendment 9’

and

‘AMC/GM to Part-NCC — Amendment 8’

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, and in particular ARO.GEN.120 of Annex II (Part-ARO) thereto,

Whereas:

- (1) EASA 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 EASA, which may be used by persons and organisations to demonstrate 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.
- (3) Guidance material is non-binding material developed by EASA, 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 Part-CAT of Regulation (EU) No 965/2012.

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 (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1).

- (5) With Decision 2013/021/R of 23 August 2013, the Executive Director issued Acceptable Means of Compliance and Guidance Material to Part-NCC of Regulation (EU) No 965/2012.
- (6) EASA 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.
- (7) Following consideration of the introduction of the certification scheme for data services (DAT) providers through Commission Implementing Regulation (EU) 2017/373³, Commission Regulation (EU) No 965/2012 was amended by Commission Regulation (EU) 2016/1199⁴ of 22 July 2016 as regards the management of aeronautical databases.
- (8) According to Commission Implementing Regulation (EU) 2017/373, DAT providers are allowed, on a voluntary basis, to apply for, and be granted, the relevant certificates immediately upon the entry into force of Regulation (EU) 2017/373, i.e. in advance of the applicability date of these requirements (1 January 2019).
- (9) EASA, in order to facilitate the implementation of the technical requirements and administrative procedures pertaining to the management of navigation databases for the transition period (that is, before the applicability date of these requirements), has determined the need to amend the existing acceptable means of compliance and guidance material by introducing the possibility for CAT and NCC operators to use DAT providers as an alternative to LoA holders.
- (10) EASA, pursuant to Article 52(1)(c) of Regulation (EC) No 216/2008 and Articles 5(3), 6 and 7 of the EASA Rulemaking Procedure⁵, has widely consulted interested parties on the matters, which are the subject of this Decision and has provided thereafter a written response to the comments received⁶,

HAS DECIDED:

Article 1

The Annex to ED Decision 2014/015/R of the Executive Director of the Agency of 24 April 2014 is amended as laid down in Annex I to this Decision.

³ Commission Implementing Regulation (EU) 2017/373 of 1 March 2017 laying down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight, repealing Regulation (EC) No 482/2008, Implementing Regulations (EU) No 1034/2011, (EU) No 1035/2011 and (EU) 2016/1377 and amending Regulation (EU) No 677/2011 (OJ L 62, 8.3.2017, p. 1).

⁴ Commission Regulation (EU) 2016/1199 of 22 July 2016 amending Regulation (EU) No 965/2012 as regards operational approval of performance-based navigation, certification and oversight of data services providers and helicopter offshore operations, and correcting that Regulation C/2016/4605 (OJ L 198, 23.7.2016, p. 13)

⁵ EASA MB Decision No 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://easa.europa.eu/the-agency/facts-and-figures/easa-mb-decision-01-2012-amending-and-replacing-mb-decision-08-2007>).

⁶ <http://easa.europa.eu/document-library/comment-response-documents>



Article 2

The Annex to ED Decision 2013/021/R of the Executive Director of the Agency of 23 August 2013 is amended as laid down in Annex II to this Decision.

Article 3

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

Cologne, 8 March 2017

*For the European Aviation Safety Agency
The Executive Director*

Patrick KY

