

Executive Director Decision

2017/023/R

of 13 December 2017

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

‘Acceptable means of compliance and guidance material to implementing rules related to flight recorders, underwater locating devices and aircraft tracking systems (third 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) 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.

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).

- (4) With Decision 2012/005/R of 24 October 2012, the Executive Director issued Acceptable Means of Compliance and Guidance Material to Annex I (Part Definitions) to Regulation (EU) No 965/2012
- (5) With Decision 2014/017/R of 24 April 2014, the Executive Director issued Acceptable Means of Compliance and Guidance Material to Annex III (Part-ORO) to Regulation (EU) No 965/2012.
- (6) 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.
- (7) 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.
- (8) Based on notice of proposed amendment (NPA) 2013-26, comment-response document (CRD) 2013-26 and Opinion No 01/2014, the European Commission prepared and published Commission Regulation (EU) 2015/2338³ which introduced new requirements for flight recorders, underwater locating devices and aircraft tracking systems. Among others, Commission Regulation (EU) 2015/2338 added point (f) to CAT.IDE.A.285 (Flight over water), in order to require that large aeroplane operated for commercial air transport over oceanic areas are fitted with a low-frequency underwater locating device.
- (9) Commission Regulation (EU) 2015/2338 also introduced implementing rules to address issues not covered in Opinion No 01/2014 and raised by the disappearance of the Malaysian Airlines flight MH370 on 8 March 2014⁴. In particular, Commission Regulation (EU) 2015/2338 introduced CAT.GEN.MPA.205 (Aircraft tracking systems). The purpose of CAT.GEN.MPA.205 is that the position of a large aeroplane operated for commercial air transport is known at all times during the flight. This is expected to facilitate the location of such an aircraft in case of an abnormal situation, an emergency, or an accident.
- (10) 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. A second set of AMC and GM covering the topics of cockpit voice recorder protection and flight data recorder parameters, was issued through Decision 2016/012/R of 12 September 2016.
- (11) EASA prepared a third set of AMC and GM to support the implementation of CAT.GEN.MPA.205⁵ and to clarify point (f) of CAT.IDE.A.285.
- (12) EASA, pursuant to Article 52(1)(c) of Regulation (EC) No 216/2008 and Article 15 'Special rulemaking procedure: direct publication' of the EASA Rulemaking Procedure, has consulted its Advisory Bodies on the matters which are the subject of this Decision.

³ 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).

⁴ For two weeks, search and rescue efforts were focused on an area close to where the aeroplane was last detected by air traffic control surveillance systems, while it was determined later that the aeroplane had kept flying for several hours after being lost. In addition, a very rough determination of the probable flight path of the aeroplane in the last six hours of the flight was only made possible thanks to the analysis of logon messages exchanged automatically between the aeroplane and the satellites of the telecommunication service provider every hour. The new research zone still represented an area of several tens of thousands of square kilometres. After having explored 120 000 square kilometres of the sea floor, underwater search operations were ceased. To this date, the location of the aircraft wreckage is unknown and this accident remains unexplained. For detailed information, please consult the official information published by the Australian Transportation Safety Bureau (<https://www.atsb.gov.au/mh370.aspx>).

⁵ AMC and GM related to location of an aircraft in distress (refer to CAT.GEN.MPA.210) will be adopted by a Decision published at a later stage.



HAS DECIDED:

Article 1

The Annex to Decision 2012/005/R (AMC and GM to Definitions) of the Executive Director of the Agency of 24 October 2012 is amended as laid down in Annex I to this Decision.

Article 2

The Annex to Decision 2014/017/R (AMC and GM to Part-ORO) of the Executive Director of the Agency of 24 April 2014 is amended as laid down in Annex II to this Decision.

Article 3

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

Article 2

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

Cologne, 13 December 2017

*For the European Aviation Safety Agency
The Executive Director*

Patrick KY

