



## Explanatory Note to Decision 2013/020/R

### AMENDMENTS TO AMC/GM TO ANNEX V - PART-SPA

RELATED NPA/CRD 2009-02 — OPINION No 01/2012 — RMT.0289 (OPS.001) — 01/02/2012

#### EXECUTIVE SUMMARY

This Decision addresses AMC for air operators related to operations requiring specific approvals in relation 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-NCO	Concept Paper:	No
Affected stakeholders:	Air 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

## Table of contents

1. Procedural information .....	3
1.1. The rule development procedure .....	3
1.2. Structure of the related documents .....	3
2. Explanatory Note .....	4
2.1. Overview of the issues to be addressed.....	4
2.2. Objectives .....	4
2.3. Overview of the amendments .....	4
3. References .....	4
3.1. Related regulations.....	4
3.2. Affected decisions .....	4
3.3. Reference documents .....	5

## 1. Procedural information

### 1.1. The rule development procedure

The European Aviation Safety Agency (hereinafter referred to as the 'Agency') developed ED Decision 2013/020/R in line with Regulation (EC) No 216/2008<sup>1</sup> (hereinafter referred to as the 'Basic Regulation') and the Rulemaking Procedure<sup>2</sup>.

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 Groups RG03 and RG04. All interested parties were consulted through NPA 2009-02<sup>3</sup>. 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) [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 RG03 and RG04 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.

---

<sup>1</sup> 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).

<sup>2</sup> 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.

<sup>3</sup> 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 operations.

### **2.1. Overview of the issues to be addressed**

Part-SPA contains the technical requirements for operations requiring operational approvals.

This Amending Decision amends certain AMCs to accommodate 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 AMC/GM material are the following:

It should be noted that whenever operations requiring a specific approval are applicable to non-commercial operators, the Implementing Rules do not differentiate between commercial and non-commercial operations. Therefore, also the AMC and GM are identical. The amendments are only of an editorial nature, taking into account that non-commercial operators with other-than-complex motor-powered aircraft are not required to have an operations manual. Therefore, the AMC specify that whenever an operations manual is not required, a procedures manual should be available.

The amendment to AMC1 SPA.GEN.105(a) clarifies that such a procedures manual can be the aircraft flight manual (AFM) or the pilot operating handbook (POH) if these manuals contain the required procedures for operations requiring a specific approval.

Similar editorial amendments have been provided to AMC1 SPA.RVSM.105 and AMC1 SPA.LVO.125.

## **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 2012/019/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-SPA.

**3.3. Reference documents**

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