



European Aviation Safety Agency

EXPLANATORY NOTE

EXECUTIVE SUMMARY

This Explanatory Note introduces Agency Decision 2012/006/R defining AMCs and GM related to the Authority Requirements applicable to Air Crew (Part-ARA), as set out in Annex VI to Regulation (EU) 1178/2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, as last amended with Regulation (EU) No 290/2012 of 30 March 2012.

This note provides an overview of changes made since the AMCs and GM had been published with CRD 2008-22b/2009-02d. These changes have been made to address CRD reactions, whenever justified. They also reflect the decision to postpone the adoption of a horizontal rule structure. Other changes have been made to align with changes made at the level of the corresponding implementing rules during the comitology and legislative processes.

This Decision relates to authority requirements covering ATOs, FCL, CC, FSTDs, MED and AeMCs.

Acceptable Means of Compliance and Guidance Material to Part-ARA

1. General

Background

On 8 April 2008 Regulation (EC) No 216/2008 of 20 February 2008¹ (the 'Basic Regulation') entered into force. In addition, the Commission has adopted the necessary rules ('Commission Regulations') for the implementation of the Basic Regulation for the technical requirements and administrative procedures related to civil aviation aircrew². Annex VI to this Regulation, Part-ARA contains the authority requirements for aircrew.

Pursuant to Article 18 of the Basic Regulation the European Aviation Safety Agency (the 'Agency') shall, where appropriate, issue Acceptable Means of Compliance (AMC) as well as Guidance Material (GM) for the application of the Basic Regulation and its Implementing Rules.

Agency measures

AMC illustrate a means, but not the only means, by which a requirement of an Implementing Rule can be met. Satisfactory demonstration of compliance using published AMC shall provide for presumption of compliance with the related requirement; it is a way to facilitate certification tasks for the applicant and the competent authority.

GM is issued by the Agency to assist in the understanding of the Basic Regulation, its Implementing Rules and Certification Specifications (CSs).

General structure and format

This document is related to Annex VI to the Regulation on civil aviation aircrew 'Part-ARA', which contains seven Subparts: GEN, FCL, CC, ATO, FSTD, AeMC and MED³.

Publication

The full text of these AMC as well as GM is available on the Agency's [website](#).

For more information, contact the Agency at: RPS@easa.europa.eu.

2. Consultation on draft proposals

The AMC and GM to Part-ARA are developed by the Agency, following a structured process as required by Article 52(1) of the Basic Regulation. Such a process has been adopted by the Agency's Management Board and is referred to as 'The Rulemaking Procedure'⁴.

The Executive Director Decision 2012/006/R adopts the initial issue of AMC and GM to Part-ARA: as an output of the following Agency rulemaking tasks:

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, 19.03.2008, p. 1). Regulation as last amended by Regulation (EC) No 1108/2009 of the European Parliament and of the Council of 21 October 2009 (OJ L 309, 24.11.2009, p. 51).

² Commission Regulation (EU) 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 (OJ L 311, 25.11.2011).

³ GEN: general; FCL: flight crew licensing; CC: cabin crew; ATO: approved training organisation; FSTD: flight simulation training device; AeMC: aero-medical centre; MED: medical.

⁴ 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 08-2007, 13.6.2007.

Rulemaking Task No	TITLE	NPA/CRD No
FCL.001 OPS.001	Acceptable Means of Compliance and Guidance Material on authority requirements	2008-22b 2009-02d

The Notice of Proposed Amendment (NPA) and subsequent Comment Response Document (CRD) have been subject to consultation in accordance with Article 52 of the Basic Regulation and Article 15 of the Rulemaking Procedure established by the Management Board. For detailed information on the proposed changes and their justification, consult NPAs 2008-22b and 2009-02d⁵, which are available on the Agency's website.

The Agency has addressed and responded to the comments received on the NPA. The responses are contained in a Comment Response Document (CRD) that has been produced for NPAs 2008-22b and 2009-02d (cf. CRD to NPA 2008-22b and 2009-02d 'Authority Requirements'⁶) and that is also available on the Agency's website.

CRD to NPA 2008-22b and 2009-02d covered the authority requirements applicable to the areas of aircrew and air operations. In accordance with the rule structure adopted for the regulations on civil aviation aircrew and on air operations, this Decision only covers AMCs and GM for civil aviation aircrew.

In response to the CRD to NPA 2008-22b and 2009-02d, the Agency received a total number of 1 020 reactions from over 70 commentators, including aviation authorities from Austria, Belgium, Germany, France, Finland, Italy, Ireland, The Netherlands, Norway, Spain, Sweden, Switzerland, United Kingdom, as well as professional organisations, non-profit organisations, private companies and a few individuals. The US Federal Aviation Administration (FAA) also reviewed the CRDs and had no comments. Of all reactions received, 530 related to Part-AR and 490 to Part-OR, all of them covering aircrew and air operations. The majority of reactions were made to Subpart GEN. Around 20% of the 1 020 reactions were made on the AMCs and GM to Part-AR and Part-OR.

The total number of reactions received for the AMCs and GM relevant to Part-ARA, i.e. limited to civil aviation aircrew, amounts to **40**. The table below indicates the distribution of these reactions for the different Subparts of Part-ARA.

Part.Subpart	No. of reactions
ARA.GEN	18
ARA.FCL	2
ARA.CC	0
ARA.ATO / .FSTD	6
ARA.AeMC / .MED	14

All reactions received after the publication of the CRDs were taken into consideration for the drafting of the present AMC and GM to Part-ARA. Considering the relatively low number of reactions to the AMCs and GM it is important to note that a series of changes have been made to the AMCs and GM in response to CRD reactions on the corresponding Implementing Rules.

⁵ See Rulemaking Archive page: <http://www.easa.europa.eu/rulemaking/r-archives.php>.

⁶ See Rulemaking Archive page: <http://www.easa.europa.eu/rulemaking/r-archives.php>.

3. Summary of changes

a) General changes

- i) Changes have been made to specific AMCs and GM to align with any changes at the level of the corresponding Implementing Rules following the adoption process. This includes changes requested during the comitology process and additional changes resulting from the legislative process.
- ii) AMCs and GM that were published with the CRDs but that are only applicable to air operations have been deleted. These will be included with the Decision on Part-ARO 'Authority Requirements for Air Operations', to be published at a later stage.
- iii) AMCs and GM referring to 'declared organisations' (non-commercial operators of complex motor-powered aircraft) have been amended by removing these references, as the applicability of this Decision is limited to aircrew.
- iv) The references of all AMCs and GM have been aligned with the Agency's latest rule numbering convention, by adding the letter 'A' for aircrew after the Part identifier ('AR' replaced by 'ARA' in all references). As part of this alignment, any suffixes indicating the applicability, such as 'complex', 'non-complex', 'ATO' have been moved from the AMC reference to the subheading of the relevant AMC or GM.
- v) The numbering of paragraphs and subparagraphs has been aligned with that used for the Implementing Rules.

b) Specific changes Subpart ARA.GEN 'General Requirements'

- i) A new **GM1 ARA.GEN.105** has been added to list all acronyms used throughout the Decision.
- ii) In line with changes made to **ARA.GEN.120** 'Means of compliance' during the comitology process, GM1 AR.GEN.120, now included as **AMC1 ARA.GEN.120**, has been amended to specify the information to be provided by a competent authority to the other Member States following approval of alternative means of compliance. A new **GM1 ARA.GEN.120** has been added to clarify that alternative means of compliance that have been approved by the competent authority do not have general applicability.
- iii) GM2 ARA.GEN.200(a)(2) 'Management system', now as **GM1 ARA.GEN.200(a)(2)**, has been amended to align with changes made to ARA.GEN.300 following the dedicated AGNA meeting on cooperative oversight (February 2011) and to ARA.GEN.305 as a result of comitology.
- iv) In response to reactions expressing the need for more focus on qualification, the former GM1 ARA.GEN.200(a)(2) has been changed to AMC and has now been included as **AMC1 ARA.GEN.200(a)(2)**. Due to this change the order and numbering of AMCs and GM has been reviewed:
 - (1) former AMC1 has now been included as **AMC2 ARA.GEN.200(a)(2)**; and
 - (2) former GM2 has now been included as **GM1 ARA.GEN.200(a)(2)**.
- v) **AMC1 ARA.GEN.200(d)** has been amended in response to CRD reactions, for consistency with ARA.GEN.210(c).
- vi) The title of **GM1-ARA.GEN.205** has been amended to read 'Allocation of tasks to qualified entities' as requested during comitology.
- vii) A few editorial changes have been made to **AMC1 ARA.GEN.210(c)** in response to reactions. The former subparagraph (2) 'requirements of particular domains' has been deleted.

- viii) Paragraphs (a) and (c) of **AMC1 ARA.GEN.220(a)** have been amended in response to CRD reactions.
- ix) One reaction to **AMC1 ARA.GEN.220(a)(5)** on record-keeping for persons has been rejected, it requested the inclusion under point (b) of records of aero-medical examinations and assessments. This would have created an inconsistency with changes made to ARA.MED during the comitology process, as Member States opposed the provision for aero-medical records to be sent to the competent authority by AMEs or AeMCs.
- x) **AMC1 ARA.GEN.220(a)(7)** on record-keeping related to activities performed in the territory of a Member State by persons or organisations established or residing in another Member State has been amended to align with changes made to ARA.GEN.300 (d) and (e) following the dedicated AGNA meeting on cooperative oversight. Subsequently the AMC sub-title has been amended.
- xi) A new **GM1 ARA.GEN.300(d)** 'Oversight' has been added to clarify the meaning of 'activities within the territory of the Member State'.
- xii) Several changes have been made to the AMCs and GM to **ARA.GEN.305 'Oversight Programme'** in response to CRD reactions and to align with changes made at the level of the Implementing Rule. The order and numbering of AMCs and GM has been changed accordingly, they are now included as follows:
- AMC1 ARA.GEN.305(b) 'SPECIFIC NATURE AND COMPLEXITY OF THE ORGANISATION, RESULTS OF PAST OVERSIGHT'
 - AMC1 ARA.GEN.305(b)(1) 'AUDIT'
 - AMC2 ARA.GEN.305(b)(1) 'RAMP INSPECTIONS'
 - AMC1 ARA.GEN.305(b);(c) 'INDUSTRY STANDARDS'
 - AMC1 ARA.GEN.305(c) 'OVERSIGHT PLANNING CYCLE'
 - AMC2 ARA.GEN.305(c) 'OVERSIGHT PLANNING CYCLE'
 - AMC1 ARA.GEN.305(d) 'PERSONS HOLDING A LICENCE, CERTIFICATE, RATING OR ATTESTATION'
- xiii) A new **AMC1 ARA.GEN.305(b)** has been added to clarify 'specific nature and complexity of the organisation' for the determination of the oversight programme.
- xiv) In **AMC2 ARA.GEN.305(b)(1)** 'Ramp Inspections' subparagraphs (b) and (c) have been deleted, as these issues will be addressed through Subpart "RAMP" of Part-ARO (Authority requirements Air Operations), which refers to aircraft and not to air operators.
- xv) **AMC2 ARA.GEN.305(c)** 'Oversight programme – Oversight planning cycle':
- holders of an FSTD qualification certificate have been included;
 - 'alignment of oversight planning cycle with calendar' year has been clarified;
 - the term 'key risk elements' has been replaced by 'main risk areas identified' in response to a CRD reaction (the term 'key risk elements' is already used in Part-M – Annex I to Regulation (EC) 2042/2003⁷);
 - a reference to 'integrated oversight schedule' has been added in response to a CRD reaction (organisations holding more than one certificate);
 - references to '24-month oversight planning cycle' have been amended to reflect changes made at Implementing Rule level (with the possibility to extend the cycle to 36/48 months); and

⁷

Commission Regulation (EC) 2042/2003 of 20 November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks. (OJ L 315, 28.11.2003, p. 1).

- several editorial changes have been made to improve consistency and clarity.

- xvi) As requested in CRD reactions, GM1 ARA.GEN.305 related to industry standards has been included as **AMC1 ARA.GEN.305(b);(c)**.
- xvii) In response to a CRD reaction, **AMC1 ARA.GEN.305(c)** has been reviewed to make it applicable both to aircrew and to air operations. The first subparagraph has been added to reflect changes made at the level of the Implementing Rule (in particular as regards ARA.GEN.305 (c)(1) related to the organisation's ability to effectively manage risks).
- xviii) A new **AMC1 ARA.GEN.305(d)** has been added in response to CRD reactions on the related Implementing Rule for the oversight of persons holding a licence, certificate, rating or attestation.
- xix) **AMC1 ARA.GEN.310(a)** has been amended in response to CRD reactions, to include specific compliance verification items in terms of validity of licences, ratings, certificates or attestations. **AMC2 ARA.GEN.330**, previously included as an air operations-specific AMC, has been reviewed and incorporated into AMC1. The reference to nominated persons has been clarified.
- xx) **GM1-AR.GEN.350** 'Findings and corrective actions – organisations' has been deleted as a result of changes made to ARA.GEN.350 following the dedicated AGNA meeting on cooperative oversight.
- xxi) A new **GM1 AMC1 ARA.GEN.355(e)** 'Findings and enforcement measures – persons' has been added as requested by Member States during comitology, to clarify the meaning of ARA.GEN.355 (e) related to findings for persons not holding a licence.

c) Specific changes Subpart ARA.FCL 'Specific Requirements relating to Flight Crew Licensing'

- i) **AMC1 ARA.FCL.300(b)** 'Examination procedures' has been amended slightly and reformatted. The revised tables for distribution of examination questions now reflect the latest updates agreed for the examination procedure tables.

d) Specific changes Subpart ARA.CC 'Specific Requirements relating to Cabin Crew'

- i) **AMC1 ARA.CC.200(b)(2)** 'Approval of organisations to provide cabin crew training or to issue cabin crew attestations - PERSONNEL CONDUCTING EXAMINATIONS': This AMC has been renumbered and the text clarified to better reflect the Implementing Rule as requested by reactions to the CRD.

e) Specific changes Subpart ARA.ATO 'Specific Requirements related to Approved Training Organisations (ATOs)'

- i) Only editorial changes have been made to the AMCs and GM for ARA.ATO.

f) Specific changes Subpart ARA.FSTD 'Specific Requirements related to the Qualification of Flight Simulation Training devices (FSTDs)'

- i) **AMC5 ARA.FSTD.100(a)(1)** 'Initial evaluation procedure – FSTD evaluation report for initial and recurrent evaluation': it is no longer stated that the qualification certificate will finalise the evaluation report since the qualification certificate has an unlimited duration (unless it will be limited, suspended or revoked).
- ii) **AMC1 ARA.FSTD.115** and **GM1 ARA.FSTD.115** 'Interim FSTD qualification – New aircraft FFS/FTD qualification - additional information': these AMCs and GM have

been moved from Part-ORA to Part-ARA since they apply to the competent authority.

g) Subpart ARA.AeMC 'Specific Requirements relating to Aero-Medical Centres (AeMCs)'

- i) No AMCs /GM are included for this Subpart.

h) Specific changes Subpart ARA.MED 'Specific Requirements relating to Aero-Medical Certification'

- i) The AMCs and GM for ARA.MED have been amended in response to reactions received to the associated CRD and editorial corrections and clarifications have been made.
- ii) The following new items have been introduced:
 - (1) Instructions for completion of the aero-medical forms have been transposed from section 2 of JAR-FCL 3, with minimal changes made in order to reflect the aircrew Regulation.
 - (2) Under **AMC1 ARA.MED.135(a)** sleep disorder and musculoskeletal illness items have been added to the application form for a medical certificate. Consequently, the medical history items have been renumbered from number 126 onwards, to provide a more logical order.
 - (3) Ophthalmology and otorhinolaryngology examination report forms and instructions for completion, sourced from section 2 of JAR-FCL 3, have been added as **GM to ARA.MED.135(b) and (c)**.
 - (4) **AMC1 ARA.MED.150** has been added to provide clarification on the release of aero-medical records.
 - (5) **AMC1 ARA.MED.200** has been added to define the competent authority's role in the aero-medical examiner's (AME) practice inspection.
 - (6) **AMC1 ARA.MED.315(a)** has been added to provide clarification on the review of examination reports by the competent authority.