



Explanatory Note to Decision 2013/018/R

Amendments to AMC/GM to Annex II - Part-ARO

RELATED NPA/CRD 2008-22, 2009-02 — OPINION No 04/2011 — RMT.0289 (OPS.001) — 01/06/2011

EXECUTIVE SUMMARY

This Decision addresses AMC and GM for competent authorities related to non-commercial air 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.

The proposed changes are expected to harmonise oversight activities of competent authorities and ensure ICAO compliance.

This Decision is part of the OPS Phase II package involving 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-ARO	Concept Paper:	No
Affected stakeholders:	Competent authorities	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

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1. Procedural information

1.1. The rule development procedure

The European Aviation Safety Agency (hereinafter referred to as the 'Agency') developed ED Decision 2013/018/R in line with Regulation (EC) No 216/2008¹ (hereinafter referred to as the 'Basic Regulation') and the Rulemaking Procedure².

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 Group RG02. All interested parties were consulted through NPA 2008-22 and NPA 2009-02³. 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) [2008-22 and 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 the RG02.

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.

¹ 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).

² 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.

³ 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 2013⁴ laying down, among others, technical requirements for authority requirements in relation to non-commercial air operations.

2.1. Overview of the issues to be addressed

Part-ARO contains the authority requirements for commercial and non-commercial operations.

As far as non-commercial rules are concerned, the rules differentiate between non-commercial rules with complex motor-powered aircraft and other-than-complex motor-powered aircraft. The term 'complex motor-powered aircraft' is defined in Article 3 of the Basic Regulation.

A complex motor-powered aeroplane must meet at least one of the following criteria:

- with a maximum certificated take-off mass exceeding 5 700 kg, or
- certificated for a maximum passenger seating configuration of more than nineteen, or
- certificated for operation with a minimum crew of at least two pilots, or
- equipped with (a) turbojet engine(s) or more than one turboprop engine.

A complex motor-powered helicopter must meet at least one of the following criteria:

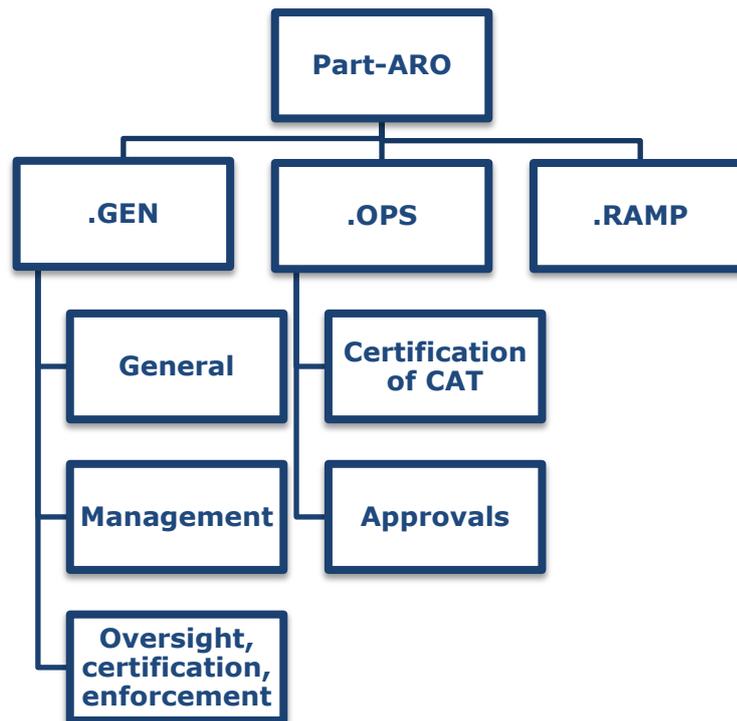
- certificated for a maximum take-off mass exceeding 3 175 kg, or
- certificated for a maximum passenger seating configuration of more than nine, or
- certificated for operation with a minimum crew of at least two pilots.

An other-than-complex motor-powered aeroplane or helicopter is specified through the negation of the term 'complex motor-powered aircraft'.

Figure 1 provides an overview of the structure of Part-ARO⁵.

⁴ Commission Regulation (EU) No 800/2013, OJ L 227, 24.8.2013, p. 1.

⁵ GEN - general requirements, OPS - air operations, RAMP - ramp inspections.



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 the AMC/GM of Part-ARO are the following:

All elements regarding non-commercial operations that were removed from the AMCs/GMs to Subpart ARO.GEN have been reinstated. The following AMCs and GMs are effected: AMC1 ARO.GEN.200(a) 'Management system', GM1 ARO.GEN.200(a)(2) 'Management System', AMC1 ARO.GEN.220(a)(4) 'Record-keeping', AMC1 ARO.GEN.300(a)(2) 'Oversight', AMC1 ARO.GEN.345 'Declaration – organisations' and GM1 ARO.GEN.345 'Declaration – organisations'.

In addition, AMC1 ARO.GEN.200(a) 'Management system' Paragraph (a)(3) has been amended to ensure that the organisational structure of a competent authority also considers persons or organisations declaring their activity to other competent authorities.

AMC1 ARO.GEN.220(a)(4)(a) has been amended for reasons of clarity.

Furthermore, a new GM1 ARO.GEN.300(d) 'Oversight' has been introduced after the dedicated AGNA meeting on cooperative oversight on 1 February 2011. This GM provides more clarity on the activities prescribed in ARO.GEN.300(d).

Finally, AMC1 ARO.GEN.305(d) 'Oversight programme' has been amended taking into account the deliberations of the EASA Committee. It describes the elements to be

considered when establishing the oversight programme for declared operators and the conduct of oversight of such.

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 2012/016/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 II — Part-ARO.

3.3. Reference documents

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