



Explanatory Note to Decision 2013/017/R

AMENDMENTS TO AMC/GM TO ANNEX I - DEFINITIONS

RELATED NPA/CRD 2009-02 — OPINION No 02/2012, 03/2012 — RMT.0289 (OPS.001) — 16/04/2012, 03/09/2012

EXECUTIVE SUMMARY

This Decision addresses GM related to terms used in AMC and GM material for 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:	GM to Annex I – Definitions	Concept Paper:	No
Affected stakeholders:	air operators, 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 2013/017/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 RG03 and RG04. All interested parties were consulted through 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) [2009-02](#).

The final text of this Decision with the Guidance Material (GM) has been developed by the Agency based on the input of RG03 and RG04.

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 GM to Commission Regulation (EU) No 800/2013 of 14 August 2013 laying down, among others, rules in relation to non-commercial operations.

2.1. Overview of the issues to be addressed

Annex I – Definitions provides definitions of terms used in the AMC/GM to Annexes II to VIII.

This amending Decision contains the definition of terms used in relation to 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 are the following:

In general, the received reactions showed overall support for the CRD version of Annex I. Annex I received 53 reactions from 18 commentators (representing national aviation authorities, industry associations, manufacturers, airlines, an aerodrome association and an individual). Most of these have been dealt with by the publication of Opinions 04/2011 and 01/2012 and Decision 2012/015/R (GM to Annex I - Definitions, initial issue).

Commentators supported the collection of definitions into Annex I, though the majority did not support the split between Implementing Rule, AMC and GM. The main concern expressed was that, for those definitions in AMC, alternatives could be proposed by the 'alternative means of compliance' procedure (as set out in ARO.GEN.120); commentators wanted to exclude definitions from this procedure. To address this concern, the collection of definitions in the Decision to Annex I were transposed as GM (as published in Decision 2012/015/R). Definitions are explanations of terms and do not constitute a means of compliance in themselves. An alternative means of compliance would be provided to the AMC where the term is being used.

For this Decision, one additional term has been added to GM1: the definition of 'personal locator beacon' has been moved from GM1-NCO.IDE.170 item 2 to GM1 Annex I, item (q). Subsequent items in GM1 have been renumbered. No further changes have been made. This is purely for editorial purposes, to ensure that definitions are collected in Annex I.

In addition, GM2 is amended to include acronyms that are used in Parts NCC and/or NCO and were not published with Decision 2012/015/R (GM to Annex I - Definitions, initial issue).

Finally, the title of this Decision refers to Annexes II – VII, to ensure that the GM also applies to Parts NCC and NCO.

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 2012/015/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 I - Definitions.

3.3. Reference documents

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