



TERMS OF REFERENCE

Task Nr:	RMT.0421 (FCL.014)
Issue:	1
Date:	9 March 2012
Regulatory reference:	Regulation (EC) No 216/2008 ¹ ('Basic Regulation')
Reference documents:	Agency Opinion 3/2010 ² Annex VII, Part-ORA (organisation requirements for aircrew) ³ Draft Acceptable Means of Compliance (AMC) and Guidance Material (GM) on aircrew, Annex VII JAR-FCL 1 and 2, JAA Administrative & Guidance Material, relevant Joint Implementation Procedures (JIPs), ICAO Annex I (Appendix 2)

1. Subject:

AMC/GM for non-complex approved training organisations (ATOs)
Review the AMC/GM in Part-ORA⁴ (organisation requirements for aircrew) and consider developing new AMC/GM for non-complex ATOs in order to provide more detailed information and guidance to these organisations.

2. Problem/Statement of issue and justification; reason for regulatory evolution (regulatory tasks):

Subpart GEN of Part-ORA establishes the general requirements for training organisations. Section II of Subpart GEN defines requirements for the management system, which shall correspond to the size of the organisation and to the nature and complexity of its activities, taking into account the hazards and associated risks inherent in these activities. An AMC with the criteria for determining if an organisation is complex is provided (cf. AMC1 ORA.GEN.200(b)).

Subpart ATO of Part-ORA complements the general requirements with specific provisions for organisations providing training for pilot licences and associated ratings and certificates.

¹ Commission Regulation (EC) No 216/2008 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 21 October 2009 (OJ L 309, 24. 11. 2009, p. 51).

² Opinion 03/2010 of the European Aviation Safety Agency of 19 April 2011 for a Commission Regulation establishing the Implementing Rules for authority requirements and organisation requirements.

³ Latest draft requirements available as Opinion 03/2011 Authority Requirements and Organisation Requirements, available on the Agency website: <http://easa.europa.eu/agency-measures/opinions.php>.

⁴ Agency Decision AMC/GM Part-ORA awaiting publication. The Agency's Decision can only be published after publication of the amendment to Commission Regulation (EC) No 1178/2011 containing the Implementing Rules of Part-ORA (proposed in Opinion 03/2011).

Section I of subpart ORA.ATO contains provisions for the application for the issue of a certificate, the personnel requirements for an ATO, the training programme, the training and operations manual, the aircraft and aerodromes to be used for training and some additional requirements for training provided in third countries.

Section II establishes the additional provisions for ATOs providing training for commercial pilot licences. It defines additional requirements dealing with personnel, the training programme and describes in more detail the additional requirements for the training and operations manual.

The draft requirements presented in the CRD to NPA 2008-22c and 2009-02c⁵ introduced several AMCs explaining how to comply with the rule in the case of ATOs providing training only for the LAPL, PPL, SPL or BPL and the associated ratings and certificates.

The requirement for training and operations manuals is contained in Section I of Subpart ATO, so as to require these for all ATOs.

For the ATOs providing training only for the private pilot licences (including the LAPL), these manuals may be established on a very basic level (the training and operations manuals can be combined as one manual).

During the consultation phases associated with rulemaking task FCL.001, stakeholders expressed concerns about the level of detail required for ATOs representing the non-profit sector and providing training mainly for the LAPL and the other private licences or the associated ratings and certificates. The Agency addressed most of these concerns by simplifying some of the requirements in Section I of Subpart ATO. The Agency committed to improving 'proportionality' of the rules concerning non-complex ATOs and included rulemaking task RMT.0421 in the Rulemaking Programme 2012–2015 in order to review the AMC/GM for non-complex ATOs to provide more detailed information.

In the Explanatory Memorandum Part-OR(A) of the Opinion 03/2011 an example for additional AMC/GM to be developed for non-complex ATOs was already given by referring to the content of the training and operations manual (old reference OR.ATO.130).

Additional areas already identified where specific AMCs/GMs for non-complex ATOs could be developed, are:

- Management system (ORA.GEN.200);
- Training programme (ORA.ATO.125);
- Training aircraft and FSTDs (ORA.ATO.135).

3. Objectives:

Review and eventually amend the AMC/GM to Part-ORA⁶ (organisation requirements for aircrew) and consider developing new AMC/GM for Subparts ORA.GEN and ORA.ATO concerning how to comply with the rule in the case of non-complex ATOs and develop new 'proportionate' AMC/GM regarding standardised manuals for non-complex ATOs.

Enhance proportionality of management system provisions and provide further guidance for non-complex ATOs.

⁵ See at: <http://www.easa.europa.eu/rulemaking/r-archives.php#crd>.

⁶ Agency Decision AMC/GM Part-ORA awaiting publication. The Agency's Decision can only be published after publication of the amendment to Commission Regulation (EC) No 1178/2011 containing the Implementing Rules of Part-ORA (proposed in Opinion 03/2011).

4. Specific tasks and interface issues (Deliverables):

Drafting of a proposal as a basis for the decision (AMC/GM) supporting the Implementing Rules for organisation requirements concerning non-complex ATOs.

This task will be coordinated with the European General Aviation Safety Team (EGAST).

5. Working Methods (in addition to the applicable Agency procedures):

Agency task.

6. Time scale, milestones:

Start: 2012/Q1

NPA: 2012/Q3

CRD: 2013/Q1

Decision: 2013/Q2