



**COMMENT RESPONSE DOCUMENT (CRD)  
TO NOTICES OF PROPOSED AMENDMENT (NPA) 2008-22c AND 2009-02c**

**for an Agency Opinion on a Commission Regulation establishing the Implementing  
Rules for  
organisations in the field of air operations and personnel requirements,**

**and**

**a draft Decision of the Executive Director of the European Aviation Safety Agency on  
Acceptable Means of Compliance and Guidance Material  
related to the Implementing Rules  
for  
organisations in the field of air operations and personnel requirements,**

*“Organisation Requirements”*

**CRD a. – Explanatory Note**

## **Explanatory Note**

### **I. General**

1. The purpose of NPA 2008-22c and NPA 2009-02c was to consult on organisation requirements for training organisations, aero-medical centres and operators, leading to an Agency Opinion on the Implementing Rules (IR) for these organisations. The NPAs also included a draft Decision on the related Acceptable Means of Compliance (AMC), Certification Specification (CS) and Guidance Material (GM). The scope of this rulemaking activity was outlined in the Terms of Reference (ToR) FCL.001 and OPS.001 and is described in more detail below.
2. NPA 2008-22 "Authority and Organisation Requirements" was divided into six separate documents:
  - NPA 2008-22a contained the Explanatory Note and the Regulatory Impact Assessment to the NPA, with detailed explanatory memoranda for both Part-AR and Part-OR, as well as cross-reference tables between JAR-FCL 1, 2 and 3, JAR-FSTD and the proposals presented in the NPA,
  - NPA 2008-22b contained draft proposals for IR and related AMC and GM for authority requirements (Part-AR),
  - NPA 2008-22c contained draft proposals for IR and related AMC and GM for organisation requirements (Part-OR),
  - NPA 2008-22d contained draft proposals for CS for FSTD(A),
  - NPA 2008-22e contained draft proposals for CS for FSTD(H),
  - NPA 2008-22f contained the Regulatory Impact Assessment for Part-FCL.

This Comment Response Document (CRD) addresses the comments received to NPA 2008-22a, 22b and 22c.

The comments received to NPA 2008-22d and 22e will be part of a separate CRD, which is planned to be published by mid October 2010.

The comments to NPA 2008-22f were already answered in CRD 2008-17b "Part-FCL".

3. NPA 2009-02 "Implementing Rules for Air Operations of Community Operators" was composed of the following six documents:
  - NPA 2009-02a contained the Explanatory Note and Appendices (not addressed in this CRD),
  - NPA 2009-02b contained the draft proposals for IR and related AMC and GM for air operations (Part-OPS),
  - NPA 2009-02c contained the draft proposals for IR and related AMC and GM for organisations (Part-OR, Subpart OPS)
  - NPA 2009-02d contained the draft proposals for IR and related AMC and GM for competent authorities (Part-AR, Subparts GEN, OPS and CC),
  - NPA 2009-02e contained the draft proposals for IR and related AMC and GM for cabin crew Part-CC for applicants of, or holders of, a cabin crew attestation and a supplement to draft Opinion Part-MED for medical requirements applicable to cabin crew),
  - NPA 2009-02f contained cross-reference tables between EU-OPS, JAR-OPS 3 and the proposals presented in the NPA,
  - NPA 2009-02g and g1 contained the Regulatory Impact Assessment

This CRD addresses the comments received to NPA 2009-02c, as well as the comments relating to organisation requirements received to 02a, 02f and 02g.

The comments relating to the cabin crew attestation received to NPA 2009-02e will be part of a separate CRD on "Part-CC".

The comments received to NPA 2009-02a, 02b, 02f, 02g and 02g1 relating to the technical requirements for air operations will be part of separate CRDs, planned to be published between October and December 2010<sup>1</sup>.

## II. Consultation

4. NPA 2008-22 was published on the EASA web site (<http://www.easa.europa.eu>) on 31 October 2008. NPA 2009-02 was published on 30 January 2009.

The consultation period of the NPAs was extended in accordance with article 6(6) of the Rulemaking Procedure<sup>2</sup>, at the request of stakeholders, to ensure an overlap of the consultation periods of the first extension NPAs<sup>3</sup>. By the closing dates of 28 May 2009 (NPA 2008-22) and 31 July 2009 (NPA 2009-02), the European Aviation Safety Agency ("the Agency") had received 9 405 comments relevant to Parts AR and OR from over 400 commentators, including National Aviation Authorities, professional organisations, private companies and individual persons. The total number of comments for both NPAs amounts to 18 243.

5. The comment review was carried out in accordance with the joint approach for the extension of the EU competence set by the Agency and the Commission, and as endorsed by the Management Board and EASA Committee.<sup>4</sup> This entails a phased approach for processing the first extension rules so that available resources and the comitology process can concentrate on the proposals in sequence. It also envisages an advanced working method for the comment review: on the one hand timely publication of the CRD so as not to jeopardise the publication of the Regulations by 8<sup>th</sup> April 2012, the date set in Regulation (EC) No 216/2008, Article 70 (hereinafter referred to as the 'Basic Regulation'). On the other hand the Agency should provide CRDs that allow stakeholders to easily identify the changes made to the NPAs, ICAO compliance and any differences to EU-OPS/JARs, as appropriate. This working method satisfies Article 7 of the EASA Rulemaking Procedure.
6. All comments received on the above-mentioned NPAs were reviewed, analysed for their relevance with regard to proposed changes and summarised per rule paragraph. The amended rule text, comment summaries and related responses to summarised comments (not to individual comments) were incorporated into a table format, hereafter referred to as comment response summary table (CRST). It also contains the rule source reference and ICAO SARPs reference, where relevant. The CRST was the drafting tool used to document changes to the NPAs, and justifications for these.
7. Based on the CRSTs created for each Subpart, the amended rule texts were discussed in detail with the Rulemaking review groups established for the two NPAs. The composition

<sup>1</sup> Part-CAT (commercial air transport operations); Part-SPA (specific approvals); Part-NCC (non-commercial operations with complex motor-powered aircraft); Part-NCO (non-commercial operations with other-than-complex motor-powered aircraft); Part-SPO (specialised operations).

<sup>2</sup> EASA Management Board Decision 08-2007, amending and replacing the Rulemaking Procedure, adopted at the Management Board meeting 03-2007 of 13 June 2007.

([http://www.easa.eu.int/ws\\_prod/g/management-board-decisions-and-minutes.php](http://www.easa.eu.int/ws_prod/g/management-board-decisions-and-minutes.php))

<sup>3</sup> More specifically, NPA 2008-22, on Authority and Organisation Requirements, and NPA 2009-02, on Implementing Rules for Air Operations of EU Operators.

(<http://easa.europa.eu/rulemaking/r-archives.php>)

<sup>4</sup>

[http://easa.europa.eu/ws\\_prod/g/doc/COMMS/Commission%20EASA%20joint%20position%20MB%2015%2009%2009.pdf](http://easa.europa.eu/ws_prod/g/doc/COMMS/Commission%20EASA%20joint%20position%20MB%2015%2009%2009.pdf).

of the review groups is based on that of the initial drafting groups established for rulemaking tasks OPS.001 and FCL.001. Membership of these initial drafting groups was extended to include additional stakeholder representatives, as well as one representative of the Agency's Standardisation department, in line with the rules of procedures for the membership of rulemaking groups.

8. The following review groups were established for the purpose of NPAs 2008-22 and 2009-02:
  - AOR steering group
    - scope: AR.GEN Sections 1 to 3 and OR.GEN
    - initial drafting groups: OPS.001 and FCL.001 "Authority Requirements and SMS"
  - FCL.001 subgroup
    - scope: AR.ATO (approved training organisation); OR.ATO (not FSTD-related) and AR.FCL
    - initial drafting group: FCL.001 subgroup "Extension of the Regulation (EC) No 216/2008 to FCL"
  - OPS review group RG01 commercial air transport operations (CAT)
    - scope: Part-CAT, Part-SPA, OR.OPS, AR.OPS, AR.CC, Part-CC, Cover Regulation (CR) to AOR, CR to OPS
    - initial drafting group: OPS.001 subgroup CAT
  - OPS review group RG02 aerial work (now referred to as SPO – specialised operations, both commercial and non commercial)
    - scope: Part-SPO, Part-SPA, OR.OPS, AR.OPS, CR to AOR, CR to OPS
    - initial drafting group: OPS.001 subgroup aerial work
  - OPS review group RG03 non-commercial operations with complex motor-powered aircraft (NCC)
    - scope: Part-NCC, Part-SPA, OR.OPS, AR.OPS, AR.CC, Part-CC, CR to AOR, CR to OPS
    - initial drafting group: OPS.001 subgroup non-commercial operations with complex motor-powered aircraft
  - OPS review group RG04 non-commercial operations with other-than-complex motor-powered aircraft (NCO)
    - scope: Part-NCO, Part-SPA, CR to OPS
    - initial drafting group: OPS.001 and MDM.032
9. Subpart OR.AeMC (aero-medical centre) has been discussed with the review group established for NPA 2008-17c Part-MED. The above-mentioned review groups were supported by two ad-hoc groups with experts coming from industry and national authorities. One assisted with the review of FSTD-related Sections in Subparts ATO to Part-AR and Part-OR and the two Certification Specifications for FSTDs. The second ad-hoc group assisted with AR.GEN.Section IV "Ramp Inspections".
10. Following the review of stakeholder comments, the amended draft rules on the GEN Subparts to Part-AR and Part-OR were presented to the four OPS review groups to check for consistency with the OPS-related Subparts and to receive additional input. This input was analysed and considered to improve clarity and consistency throughout the different Subparts. Changes made to AR.GEN Sections I-III and to OR.GEN Sections I and II following consultation with the OPS review groups or ad-hoc groups were then agreed with the AOR steering group. Where substantial changes were made to the NPA text

based on recommendations from the review groups or ad-hoc groups that are not directly linked to any comments received via the CRT, these are identified by a specific statement in column C of the CRST.

11. Finally, the draft rules on AR.GEN Sections I to III and to OR.GEN Sections I and II were presented to the drafting groups established for the second extension (Air Traffic management (ATM)/Air Navigation Services (ANS) and aerodromes (ADR)). Comments provided by these drafting groups were considered as far as they relate to aspects of general applicability. A formal review of the draft rules in Subparts GEN for applicability to the second extension areas will be ensured through the regular rulemaking process in the drafting groups ATM, ANS and ADR. The general provisions will then be adapted, as required.
12. The alignment of existing airworthiness regulations with the new rule structure and the incorporation of common authority and management system requirements will be achieved through two dedicated rulemaking tasks (MDM.055 for Regulation (EC) No 2042/2003 and MDM.060 for Regulation (EC) No 1702/2003), which are part of the current four-year rulemaking programme.

### III. The CRST

13. This CRD covers Part-OR related elements of NPA 2008-22 and NPA 2009-02 respectively. As mentioned above (cf. § 5, 6 and 7), this CRD does not follow the traditional format: due to the high number of comments received, it was not technically possible to generate a CRD using the Agency's Comment Response Tool (CRT). Therefore, the Agency, in agreement with the Management Board, adopted an alternative method for processing all comments posted via the CRT. This method is based on a comment response summary table (CRST), which includes in a single document the amended text, a summary of comments received with an indication of the source of such comments, the Agency response and additional recommendations from review groups, as well as an indication of reference documents, where relevant. This table, to be considered the Agency working document for the redrafting of the NPA text, contains five columns:
  - Column A displays amended NPA text. It shows all changes made compared to the text proposed in the NPAs. Changes are shown as follows:
    - o deleted text is shown with a strike-through: ~~deleted~~;
    - o new text is shown in bold: **bold**;
  - Column B provides for each title and rule paragraph or rule segment a summary of comments and an indication of their number and origin. Summarising comments implied that not every contribution, idea or thought provided could be documented. Every effort was made to ensure that all unique issues raised by commentators have been documented in the CRST, with the exception of comments of an editorial nature. For the latter, the results of these comments can be seen in the edited text and it is noted in column C that an editorial amendment has been made. In addition, it is evident that summarising the comments could mean simplification of the content of a comprehensive comment.
  - The indication of the origin uses the following broad categories:
    - o "MS" for Member States
    - o "IND" for Industry;
    - o "IA" for Industry representative bodies / associations, and
    - o "INDIV" for individuals not representing a Member State or Industry body.

Depending on the issue, in some instances a more detailed indication of the commentators is provided.

- Column C provides a justification for revising or not revising the rule text based on comments received and additional review group inputs;
- Column D is used to provide the rule source reference, where relevant (Regulation (EC) No 216/2008, EU-OPS/JAR-OPS 3);
- Column E is used to provide the ICAO SARPs reference, where relevant.

#### **IV. Publication of the CRD**

14. In addition to the CRST, the CRD includes a proposal for the Cover Regulation to Part-OR (ref. CRD b.1). The Cover Regulation defines the scope and applicability, contains relevant definitions used in the Implementing Rules, and a proposal for transition measures for the implementation of the new requirements.
15. The CRD also includes a clean text version of the amended rules, without any indication of changes made to the NPA text (ref. CRD b.2 for the Implementing Rules and CRD b.3 for the AMCs and GMs), as well as a consolidated version of the CRSTs established for each Subpart (ref. CRD c.2), where all changes are tracked. The CRD is completed with a full set of all comments received (ref. CRD c.1) and a list of commentators (ref. CRD c.3).
16. A rule comparison table is added to show the correspondence between relevant subparts of EU-OPS and JAR-OPS 3 and the amended rules (cf. CRD c.4). Finally, to facilitate the reading of the CRD documents, the CRD contains a separate list of relevant definitions and abbreviation (cf. CRD c.5). This list, which is provided for reference only, also contains the definitions that are included with the Cover Regulations, as it may not always be evident for the reader to identify in which of the two Cover Regulations a particular definition may be found.
17. The table in Annex V shows the different elements of the Part-OR CRD.
18. The Agency Opinion will be issued at least 5 months after the publication of this CRD to allow for any possible reactions of stakeholders regarding possible misunderstandings of the comments received and responses provided.
19. Such reactions should be received by the Agency not later than 6 December 2010 and should be submitted using the Comment Response Tool at <http://hub.easa.europa.eu/crt>. When submitting their reactions, stakeholders are kindly invited to clearly identify the document (cf. Annex V) and the segment/article/paragraph/subparagraph in question.

## Annex I to the Explanatory Note

### Explanatory memorandum on the review of comments on NPAs 2008-22c and 2009-02c "Part-OR" and the resulting text

#### A. General analysis of comments received

20. By the closing dates of the consultation periods for NPA 2008-22 and NPA 2009-02, the European Aviation Safety Agency ("the Agency") had received 9 405 comments relevant to Parts AR and OR, as follows:
- 279 comments on NPA 2008-22a (Explanatory Note & RIA "AR/OR");
  - 649 comments on NPA 2009-02a (Explanatory Note "OPS"), of which 149 relate to Part-AR and Part-OR;
  - 2 217 comments on Part-AR (including OPS, ATO, FCL, CC, AeMC, MED);
  - 6 260 comments on Part-OR (including OPS, ATO, AeMC), of which 1 110 relate to OR.OPS.FTL, not addressed in this CRD<sup>5</sup>.

#### Comments received on NPA 2008-22a and NPA 2009-02a – Explanatory Notes

21. A total of 928 comments were received on the Explanatory Notes and the regulatory impact assessment. A majority of comments received on NPA 2009-02a related to specific Part-OPS provisions and to differences between Part-OPS and ICAO standards. A total of 110 comments were made on OR.OPS. These mainly addressed specific aspects of the different draft rules within the corresponding Subparts and have been addressed together with comments made directly to the corresponding NPA segments (NPA 2008-22c for OR.GEN, OR.ATO, OR.AeMC and NPA 2009-02c for OR.OPS).
22. Some of the 928 comments to the two Explanatory Notes, however, addressed some general issues, specifically those on the regulatory impact assessment, on transition measures and on the new rule structure. The main general issues raised through NPA 2008-22 and NPA 2009-02 related to Part-OR are listed below:
- a. Regulatory impact assessment
  - b. Compliance with ICAO standards
  - c. Proportionality of the rules and balance between Implementing Rules and AMCs
  - d. Alternative and additional means of compliance
  - e. Training with other-than-complex motor-powered aircraft engaged in non-commercial operations
  - g. Impact of rulemaking task 21.039 related to the Operational Suitability Data (OSD)
  - h. Relationship with the JAR materials and EU-OPS
  - i. Relationship with the requirements regarding third country operators
  - j. Relationship with the (EC) Regulations regarding the Single European Sky

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<sup>5</sup> Comments related to OR.OPS.FTL will be dealt with as part of rulemaking task OPS.055.

k. Transition measures – specific aspects related to management system requirements

a. Regulatory impact assessment

23. The new rule structure is intended to create a sound basis for a more efficient and consistent system of rules that will facilitate the integration of the relevant ICAO standards in the area of Safety Management Systems (SMS), the relevant contents of JAR-FCL, EU-OPS/JAR-OPS, JAR-FSTD and of future rules covering new areas of competence for the Agency. Consequently, the main aspects here are efficiency and performance in certification and oversight processes, which are clearly linked to safety.
24. The Agency has already explained the significant advantages of a rule structure which reflects the total system approach in the Explanatory Note to the NPA. When the Agency took over with the COra (Consistency of Organisation Approvals) initiative, which had been started under the JAA (see also Advance Notice of Proposed Amendment, Advance NPA 15-2006<sup>6</sup>), the Agency chose to implement the long-term COra recommendation as part of its existing tasks regarding the implementing rules for the first extension. The new rule structure ensures that separate sets of provisions only exist when requirements are different and provide for a clear separation between organisation requirements and technical requirements, thereby avoiding loopholes and overlaps. Moreover, requirements of general applicability within the scope of the Regulation are defined in the Subparts "General" of Authority and Organisation Requirements. The Agency, supported by the Rulemaking drafting and review groups, strived to streamline the necessary processes as far as possible, by placing specific requirements in the relevant Subparts. This aims to reduce the administrative burden for organisations performing more than one activity, and to assist competent authorities by streamlining certification and oversight processes. It is also in line with better regulation principles. The COra recommendations further promote single management systems as a basis for effective implementation of safety management standards.
25. The Agency recognises the need to improve the collection and analysis of reliable data to enhance its regulatory impact assessments. It has therefore made proposals to update the methodology for conducting regulatory impact assessments. These proposals were presented to the Agency's management board in February 2009 as part of the response to "Article 51 Evaluation". After approval by the Management Board, the project to implement the proposals was launched in March 2009 and the first phase was completed at the end of 2009 with – amongst others - the introduction of a new framework for preliminary Regulatory Impact Assessments. The final phase is expected to be completed in 2011.

b. Compliance with ICAO standards

26. As far as practicable, and within the limits of the terms of reference which require the use of already existing JAA documents, the Agency is committed to ensuring compliance with ICAO Standards and Recommended Practices (SARPs) in the proposed rules. In doing so, commentators acknowledged that the wording may be different in some cases or that the Implementing Rule may appear less prescriptive than the corresponding ICAO SARPs. In this respect, it is highlighted that a transposition of ICAO standards is not a simple "copy and paste" but has to take into account the scope of the EU competence, which sometimes differs from that of ICAO. In addition the European regulatory framework and sometimes legacy issues need also to be considered. This is in some cases implied by rephrasing the ICAO SARPs using wording more common in the European context. This does not affect ICAO compliance. Moreover, the Agency has striven to implement the principles of performance-based regulations. This results in the objective of the SARPs being contained in the Implementing Rule, while a detailed means

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<sup>6</sup> [http://easa.europa.eu/ws\\_prod/r/doc/NPA/final%20A-NPA%2015-2006%20COra%20\(26.09.06\).pdf](http://easa.europa.eu/ws_prod/r/doc/NPA/final%20A-NPA%2015-2006%20COra%20(26.09.06).pdf).

of compliance is found in the corresponding AMC. In this respect, it should be recognised that ICAO has been fostering performance-based regulations for some years now and plans to continue following this route. As an example, ICAO intends to launch the production of a new ICAO Annex dealing with safety management. In doing so, ICAO intends to adopt both the principles of performance-based regulation and the total system approach. The rules proposed by EASA are therefore fully in line with the work in progress at ICAO.

27. This concern was raised in particular with respect to the ICAO SMS requirements. To help stakeholders in identifying how they are transferred in the proposed Organisation Requirements, the AOR review group has compiled a comparison table. It shows clearly that the ICAO SMS standards will be applicable to European organisations, be it through the provisions of the Basic Regulation or Part-OR, or through the use of the applicable AMCs. This table is presented in Annex III to this Explanatory Note.

c. Proportionality of the rules and balance between Implementing Rules and AMCs

28. As explained above, in most cases, the rule was structured so as to set the objective in the Implementing Rule, while the means of achieving this objective are defined as AMC. This provides for proportionate application. Indeed, while the objective may be the same for all organisations, application of the rule may differ depending on the type of organisation or operation. As an example, for the management system requirements set out in OR.GEN.200, two types of AMC are proposed: one for complex organisations, the other for non-complex organisations (complexity being defined as provided in AMC1-OR.GEN.200 (b)). Annex IV of this Explanatory Note identifies the AMCs/GMs applicable to complex and non-complex organisations respectively.

29. To achieve the objective described in the previous paragraph, it was necessary to avoid placing overly detailed requirements in the Implementing Rule, since they could create an unnecessary burden for certain types of organisation (e.g. approved training organisations (ATOs) operating non-complex aircraft). This was an important driver in defining the appropriate balance between the provisions in the Implementing Rule compared to those in AMCs.

d. Alternative and additional means of compliance

30. A significant number of commentators expressed concerns in relation to the new provisions proposed for the processing of alternative means of compliance. These concerns relate to the Agency involvement, to the status of alternative means of compliance agreed with the competent authority that may later on be challenged by the Agency, to the legal basis for the new provisions, as well as to the principles of performance-based rulemaking. Industry stakeholders expressed concerns related to performance-based rulemaking where increasingly rule material shifted to AMC level, such that the level playing field and the achievement of the safety objectives may be affected. The possibility to approve alternative means of compliance has existed for many years and AMCs have been used in the field of aviation. By imposing a systematic notification to the Agency, competent authorities will be under closer scrutiny as regards their process for establishing that the alternative provides an equivalent level of safety to that provided by the Agency AMC. This will increase transparency in the way that alternative means of compliance are processed, which is expected to have a positive effect on safety. Stakeholders further claim that the process should be the same for declared and certified organisations. All these comments indicate that the relevant provisions in Part-AR and Part-OR have been misinterpreted: the main objective of the new provisions is to enhance standardisation and harmonisation, by establishing a uniform and clear process to be used by all Member States for the approval of alternative or additional means of compliance and by ensuring involvement of the Agency in the review of alternative means of compliance. This will not change the status of an alternative means of compliance approved by a competent authority: the alternative

means of compliance may be used immediately from the moment the competent authority has approved it.

31. The legal basis for the alternative means of compliance mechanism and the obligations for competent authorities can be found in the Basic Regulation, Articles 5.5, 7.6 and 8.5, among others, establishing that Implementing Rules shall be adopted on how to issue, maintain and amend certificates and approvals. Since alternative means of compliance are mainly means used by applicants to establish compliance with the Implementing Rules, the Agency considers that it is necessary to establish a process for both applicants and authorities to deal with these alternative means of compliance. As for the role and obligations included for the Agency, they find their legal basis in the powers attributed to the Agency to monitor the implementation of rules by competent authorities and to standardise their performance (see Basic Regulation, Articles 10 and 24). Considering the fundamental difference in nature between declared and certified organisations, there is no legal justification for requesting declared organisations to demonstrate compliance of the alternative means of compliance they use, due to the fact that Basic Regulation, Articles 5.5, 7.6 and 8.5 only apply to certificates and approvals. Nevertheless, the competent authority is entitled to take enforcement actions in case of any non-compliance of a declared organisation with the applicable requirements, including non-compliances related to the alternative means of compliance being used.
32. Some industry stakeholders raised concerns regarding intellectual property related to information that may be required to be submitted in the documents to be provided for approval of an alternative means of compliance. Taking into account that AMCs generally address procedural issues, the Agency does not consider that issues of protection of intellectual property will be a concern: the documentation that will be required to be submitted to the competent authority should not need to be so detailed as to involve the disclosure of intellectual property. Nevertheless, if in certain cases data protection issues or issues of intellectual property arise, the general rules on the protection of data shall apply.
33. As requested by many stakeholders, definitions are provided (cf. Cover Regulation to Part-AR, CRD ref. b.1) for acceptable, alternative and additional means of compliance: Acceptable Means of Compliance (AMC) are non-binding standards adopted by the Agency to establish compliance with the Basic Regulation and its Implementing Rules. When an AMC is complied with, the related Implementing Rules are considered as met. Whereas alternative means of compliance propose an alternative to an existing Acceptable Means of Compliance already published as an Agency AMC, additional means of compliance propose new means of compliance for which no associated AMCs have been adopted by the Agency. To avoid misunderstanding, whenever the acronym AMC is used, reference is made to those existing Acceptable Means of Compliance already published as Agency AMC.
34. In order to support the process of accepting alternative/additional means of compliance, the rules for referencing AMCs to the corresponding rule paragraph or subparagraph have been refined, so as to ensure that the AMC reference provides a clear indication of the relevant rule paragraph or subparagraph for which it provides a means of compliance.  
  
Part-AR (ref. AR.GEN.120) establishes the process to be followed by the competent authority and the Agency regarding the alternative and additional means of compliance. In particular, the Agency will collect the alternative/additional means of compliance it receives for use in Standardisation and Rulemaking. If during the development of the rulemaking task input is received leading to a final AMC different from the alternative/additional means of compliance developed by the Member State competent authority or the organisation, this should be further discussed between the Agency (Standardisation Department) and the competent authority concerned. Depending on the case, further action may be taken in the framework of the standardisation process.
35. It is important to note that as long as alternative/additional means of compliance are not published as Agency AMC, they may be used at an individual level only, as they do not

establish a general presumption of compliance with the Implementing Rules, as is the case for Agency AMC. This means that the alternative/additional means of compliance must be approved individually for each applicant. A competent authority whose attention may have been drawn to a specific means of compliance issued by another competent authority may choose to issue an approval to an organisation using the same means of compliance. Similarly, an organisation may apply to their competent authority for an individual approval to make use of such means of compliance issued by another competent authority. The Agency may only intervene through the standardisation procedures.

36. Finally, when the Agency acts as competent authority, it is required to comply with Part-AR; hence it will assess the alternative means of compliance, notify the applicant of its conclusion, and inform the Agency department in charge of reviewing all alternative means of compliance approved by any competent authority. Disagreements between the Agency acting as competent authority and an applicant will be subject to the general rules regarding appeals against Agency decisions, as defined in the Basic Regulation.

e. Training with other-than-complex motor-powered aircraft engaged in non-commercial operations

37. Comments on this issue were raised by representatives of the light aviation and air sports sector to claim that the new requirements did not reflect the spirit of better regulation for light aviation, as promoted and communicated by the Agency for example through rulemaking task MDM.032. Stakeholders further claim that the content of the new requirements is written with commercial operators in mind. Furthermore, it is not considered to fulfil the needs of light aviation, as every pilot training organisation, including gliding clubs, non-profit associations and federations, will have to comply with the full set of new rules. The requirement for every pilot training organisation to hold a certificate is mandated by Regulation (EC) No 216/2008, Article 7.3. The rules proposed in OR.GEN and Subpart ATO to Part-OR implement Article 7.

These major concerns have been addressed by drafting proportional rules as follows:

- in Subpart ATO, by providing a core set of requirements applicable to ATOs providing training for all licences, and by defining the additional requirements for ATOs providing training for licences and ratings other than the LAPL, PPL, SPL and BPL<sup>7</sup> in a separate Section; and
- in OR.GEN.200, which states that the management system shall correspond to the size of the organisation and the nature and complexity of the activities, taking into account the hazards and associated risks inherent in these activities. AMC OR.GEN.200(b) defines a set of criteria for assessing the complexity of an organisation and specifically addresses training organisations only providing training for LAPL, PPL, SPL or BPL: These organisations are considered as non-complex organisations by default.

g. Impact of rulemaking task 21.039 related to the Operational Suitability Data (OSD)

38. The Agency made reference in specific paragraphs of several Part-OR and Part-OPS Subparts (OR.ATO, OPS.SPA.GEN, OR.OPS.CC, OR.OPS.FC<sup>8</sup> etc.) to the "operational suitability data established in accordance with Part-21". These references had already been partially included in the NPA and more detailed explanation was provided with NPA 2009-01 (rulemaking task 21.039). These links have been reviewed and partly been amended taking into account the comments received to the OPS NPA. In addition, account has been taken of the ongoing comment review and progress made related to NPA 2009-01. Operational suitability data (formerly operational suitability certificate) are

<sup>7</sup> Light aircraft pilot licence, private pilot licence, sailplane pilot licence, balloon pilot licence.

<sup>8</sup> SPA: specific approvals; CC: cabin crew; FC: flight crew.

set of data required to be produced by the aircraft manufacturer during the type certification process to support safe operation of the aircraft type. Part of these data will become mandatory for operators in so far as they have to develop their minimum equipment list (MEL) and training programmes on the basis of these data. The OSD therefore represent minimum requirements for an aircraft type to ensure a harmonised level of safety. More detailed explanation will be provided with the CRD to NPA 2009-01, which is expected to be published by January 2011.

#### h. Relationship with the JAR materials and EU-OPS

39. While the Explanatory Note of NPA 2008-22 contained detailed information on how the JAR material had been considered when drafting the proposed Authority and Organisation Requirements, some commentators wished to have a clearer view on how the JAR material was transferred in the proposed rules. Therefore, as far as possible, the reference to corresponding JAR material (mainly Joint Implementation Procedures (JIPs) for Part-AR and JAR-OPS, JAR-FSTD and JAR-FCL for Part-OR) has been indicated in the CRST provided in this CRD (column D).
40. When revising the rule text of the OR.OPS related Subparts, following the comments received an additional step was taken to document differences with existing rules and guidance, as defined in EU-OPS, JAR-OPS 1 Section 2, JAR-OPS 3 Section 1 and 2 and associated JAA TGL. Apart from the acceptance of comments, differences between the text of existing rules, in particular EU-OPS and JAR-OPS 3 Section 1, and the amended text after comment review have been limited to cases where such differences can be justified on the grounds of:
- changes stemming from the Basic Regulation;
  - recent ICAO amendments not yet reflected in the existing provisions;
  - JAA NPAs and WP, JAA SICs, EASA SIBs;
  - required alignment with other EU legislation;
  - items resulting from discussions in the Air Safety Committee;
  - anticipated developments in the fields of air traffic management and aerodromes;
  - identified safety risks;
  - proportionality principles;
  - legal considerations and drafting principles.<sup>9</sup>

Following these considerations, for each rule paragraph a text comparison with EU-OPS and JAR-OPS 3 Section 1 has been carried out carefully for evaluating if the text should be amended to align its wording with existing texts, even for those paragraphs where no comments had been received. EU-OPS and JAR-OPS 3 have been given precedence over existing ICAO SARPS. The latest amendments of Annex 6 have been incorporated whenever the impact of change was considered limited or crucial for international operations, e.g. new AOC format. Whenever the impact could not be easily assessed, the item was deferred to a future rulemaking task.

The relevant EU-OPS/JAR-OPS 3 source references are provided in columns D, for ICAO SARPs in column E of the CRST.

Detailed rule comparison tables indicating the links between the amended rules in Part-AR and Part-OR and EU-OPS / JAR-OPS 3 respectively for subparts C, N, O, P and S are provided (ref. CRD c.4).

<sup>9</sup> As laid down in the Inter-institutional Style Guide: <http://publications.europa.eu/code/en/en-000500.htm>.

i. Relationship with the requirements regarding third country operators

41. Although the proposed requirements for third country operators (Part-TCO) are due to be published for consultation in December 2010, the current CRD already contains a certain number of requirements related to third country operators which do not depend on the details of Part-TCO. This is the case for ramp inspections (AR.GEN Section IV), deriving from the SAFA (safety assessment of foreign aircraft) provisions. It is also the case for code-sharing and wet lease-in of aircraft from third country operators, which are provided in OR.OPS.AOC. Those provisions were drafted under the basic assumption that third country operators will be authorised by the Agency when compliance with relevant ICAO SARPs or Essential Requirements in Annexes I, II, IV to the Basic Regulation will have been established.

j. Relationship with the (EC) Regulations regarding the Single European Sky

42. The Agency acknowledges that Air Navigation Service Providers (ANSPs) and other ATM-related organisations are already regulated by other (EC) Regulations. However, the drafting of Part-AR and Part-OR followed a process which needed to transpose, as far as possible, the JAA requirements. This will allow a smooth transition for those organisations under the scope of this first issue of Part-AR and Part-OR, since they should have already been following those JAA requirements. Wherever possible, comments made by ANSPs were considered and agreed, as well as comments made by other stakeholders not concerned by the scope of this first issue. However, comments which could possibly imply significant impacts on those organisations in the scope of this first issue were not accepted at this early stage of the implementation of the total system approach. Rulemaking groups are currently exploring the best way to transfer ATM safety regulations under the umbrella of the Agency. Part of this discussion will be dedicated to assess whether the proposed Part-AR and Part-OR Subparts GEN fit the current practice of this sector. As an outcome of this discussion, proposals for amending those Parts may arise. Consultation of stakeholders will then be ensured through a dedicated NPA.

k. Transition measures – specific aspects related to management system requirements

43. Provisions regarding the management systems of the regulated organisations are laid down in OR.GEN.200. Those provisions reflect the total system approach followed by the Agency. They also implement the safety management principles fostered by ICAO. Those requirements are therefore of a new nature, although requirements currently applicable in EASA Member States already implement some of those provisions, in particular regarding operators subject to EU-OPS.

44. Quality management systems (QMS) have already been implemented for many years by operators subject to EU-OPS and training organisations approved in accordance with JAR-FCL provisions. Also, EU-OPS 1.037 requires the establishment of an accident prevention and flight safety programme, which contains key processes for the establishment of a safety management system. Taking this into account, the Agency, supported by the AOR review group, considers that those organisations that are compliant with EU-OPS or JAR-OPS 3 should be able to implement the remaining management system requirements without significant additional burden. It has to be noted that compliance with those remaining requirements will initially mean that the responsibilities, functions and procedures should be in place. The demonstration that all processes involved are effective can only be made when sufficient data will have been collected to perform effective safety risk management.

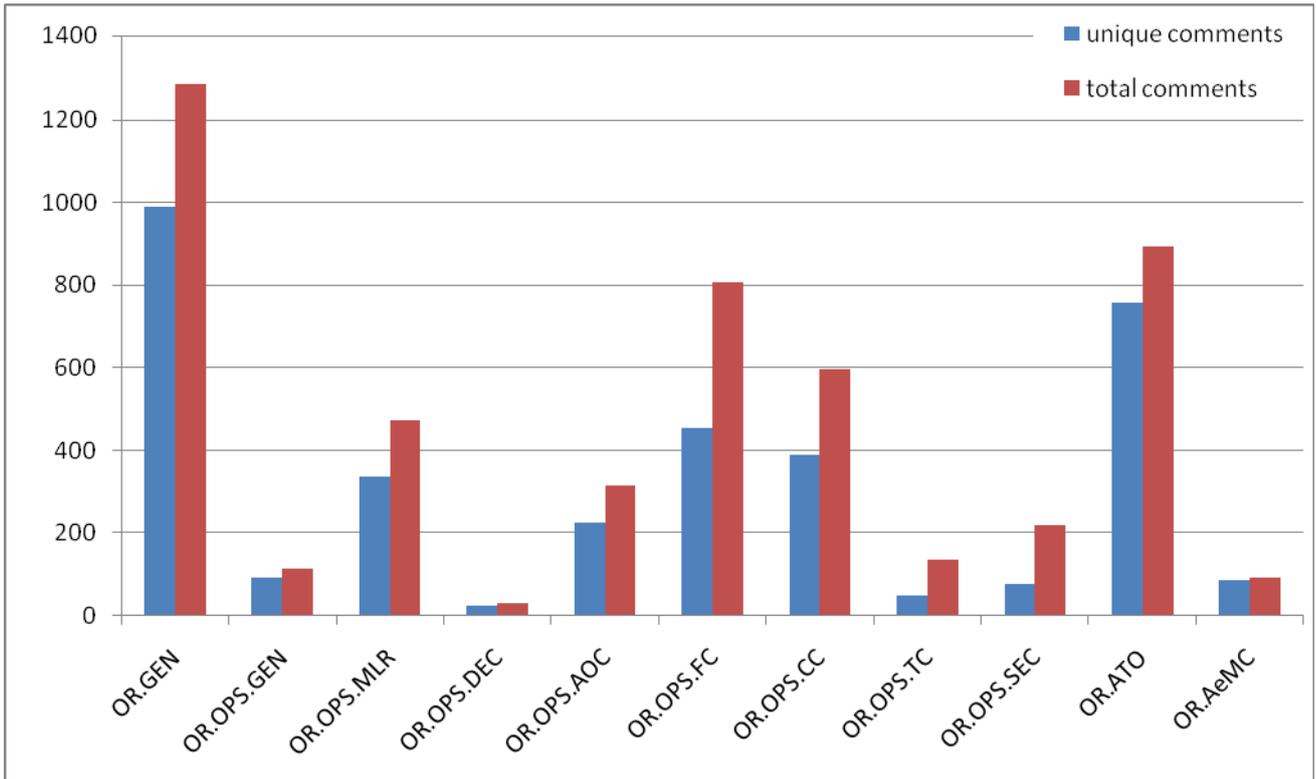
45. In NPA 2008-22, an SMS implementation plan was presented. It was withdrawn in the final version of the proposed rule, as it constitutes a non-permanent provision. It suggested that the SMS could be implemented over a period of two years. This proposal was not commented upon. The Agency thus assumes that this period was considered appropriate. The transition period required for the implementation of safety management

provisions should therefore not exceed two years. In this context, it has to be recalled that the corresponding ICAO standard has already been applicable since 1 January 2009. Therefore, the Agency is proposing that a period of one year is granted to close possible level 2 findings arising from the new provisions.

46. Compliance with the rule must be ensured when it becomes applicable. However, time should be allowed for implementing a system aiming at monitoring compliance and documenting applicable procedures, including the appointment of necessary personnel. Therefore, organisations that cannot benefit from the use of a pre-existing QMS to ensure compliance monitoring should be given enough time to implement it. Since the scope of organisations required to apply those provisions is significantly broader than today, several types of organisations need to be considered here.
47. Therefore, the Agency is proposing the following transition measures for the management system requirements:
  - an implementation plan should be agreed with the competent authority before the applicability date of Part-OR;
  - two years will be allowed to close level 2 findings due to the differences between Part-OR and the JAR that was previously applied or EU-OPS;
  - a Member State may choose to opt out for those organisations not covered by previously applicable JARs or by EU-OPS. Thus, the application of the rule could be postponed for up to two years for operators involved in non-commercial operations with complex motor-powered aircraft, up to three years for operators not subject to EU-OPS or JAR-OPS 3 and up to three years for ATOs not subject to a certification in accordance with JAR-FCL.

#### Comments received on NPA 2008-22c and NPA 2009-02c – Part-OR

48. The following graph shows the distribution of comments and provides an indication of the ratio of unique comments for NPA 2008-22c and NPA 2009-02c (excepting comments for OR.OPS.FTL). The average rate of unique comments amounts to 70,24 %, meaning that 29,76% of all comments under consideration for Part-OR were exact repetitions of other comments. This figure has been generated using MS Excel® to identify text duplicates and does not reflect comments that are identical in their substance, but different in wording. The review of comments by the drafting groups found that, in every rule segment, comments were consistently repeated by groups of stakeholders in all categories: National Aviation Authorities, professional organisations, industry and individuals. When assessing the comments, the primary factor considered by the Agency was the quality and pertinence of those comments, as well as the justifications provided. The number of comments received was, however, a useful indication of the main concerns of stakeholders, but it was not — as the Agency indicated several times to stakeholders — a decisive factor when evaluating the changes to be made to the initial proposals as a result of the consultation.



**Table 1: Comments to Part-OR (except OR.OPS.FTL) - total number and number of unique**

**B. Main changes made to the NPA text Part-OR**

49. This section provides a summary of the main changes made to the rule text published with the NPA, including general changes and changes made in each Subpart/Section following the analysis of comments received from stakeholders via the CRT and considering additional inputs and recommendations from the review groups, as well as changes resulting from the Agency's internal review. It should be read in conjunction with the CRST (ref. CRD c.2).

**Part-OR: general**

50. In line with legal drafting principles, all references to "Basic Regulation" were replaced by "Regulation (EC) No 216/2008".
51. In line with the Agency's Rulemaking drafting guidelines, the following rule numbering convention was applied for Implementing Rules in Part-AR and Part-OR:

<Part>.<Subpart>.<Section>.<N>.<T>

<Part>.: mandatory - up to four letters or digits  
example: 21; AR; OR; OPS; FCL; MED, etc.

<Subpart>: mandatory - up to four letters or digits  
example: GEN, OPS, FCL, ATO, MED etc.

<Section>: optional - up to four letters or digits  
example: SPA, MLR, AOC

<N>: mandatory - rule number – three digits, increments of 5 as a general pattern.

<T>: optional - for rules that are applicable to a certain aircraft type only:  
A aeroplanes  
H helicopters  
S sailplanes  
B balloons

Rule paragraphs in Sections I were renumbered starting with 1XX (example OR.GEN.160 instead of OR.GEN.060) for consistency with the numbering of subsequent Sections. Use of a three-letter code as Section identifier is optional. This has currently been applied for Subpart CC of Part-AR, Subpart OPS of Part-OR; Parts CAT, NCC, NCO, SPO and SPA:

- o example: OR.OPS.AOC.XXX = Part OR Subpart OPS Section AOC

52. The following rule numbering convention was applied to AMCs in Part-AR and Part-OR:

AMC<n>-<RULE><§>-<attribute>

AMC: Identifier - mandatory – fixed text

<n>-: mandatory - number, starting with 1, incremented by 1, to be used in all cases, also when only one AMC exists for a given Implementing Rule paragraph or subparagraph;

<RULE >: mandatory - full rule number as defined above

<§>: depending on the case - reference of the Implementing Rule subparagraph(s) and if relevant, the numbered item(s) within this subparagraph

<attribute>: optional - applicability is limited to a certain type of organisation, operation or product

In order to establish a clear link between the rule paragraph or subparagraph and the AMC, for AMCs addressing one or more subparagraphs within a rule, the AMC reference must include an identification of the Implementing Rule subparagraph. If more than one subparagraph is covered, all of them shall be listed:

- o example: AMC1-OR.GEN.200(a)(1);(2);(3);(5) Management system.

In the absence of such indication, the AMC covers the Implementing Rule as a whole.

- o example: AMC1-OR.GEN.205 Contracting and purchasing.

In this context it is important to note that the existence of an AMC1 and an AMC2 to a specific rule item does not imply that AMC2 constitutes an alternative to AMC1. Unless the scope of an AMC is limited to a certain type of organisation, operation or product (as indicated by the <T> aircraft type and/or the <attribute> in the AMC reference), all AMCs that will be issued by the Agency for Part-OR need to be complied with.

The following attributes were defined for Part-OR:

- **complex**: applicable to complex organisations as determined on the basis of AMC1-OR.GEN.200(b);
- **non-complex**: applicable to complex organisations as determined on the basis of AMC1-OR.GEN.200(b);
- **OPS**: applicable to operators;
- **CAT**: applicable to commercial air transport operators; and
- **ATO**: applicable to approved training organisations.
- example: AMC1-OR.GEN.160-**OPS** Occurrence Reporting.

A subtitle is used for all AMCs so as to provide an indication of the content. Capital letters are used for subtitles.

- o Example: AMC1-OR.GEN.200(b) Management system  
"SIZE, NATURE AND COMPLEXITY OF THE ACTIVITY".

The numbering rules for GMs are the same as those defined for AMCs:

GM<n>-<RULE><§>-<attribute>

### **Part-OR: scope**

53. The management system and common technical requirements defined in Part-OR apply to the following types of organisations:
  - air operators of aircraft referred to in Article 4.1(b) and (c) of the Basic Regulation, involved in the operation of complex motor-powered aircraft and/or commercial operations;
  - non-commercial operators of complex motor-powered aircraft;
  - pilot training organisations and aero-medical centres (AeMCs) involved in the qualification of the personnel referred to in Article 7 of the Basic Regulation;
  - users and operators of flight simulation training devices (FSTDs) referred to in Article 7 of the Basic Regulation.
54. This scope remains basically unchanged from that defined in NPA 2008-22c, except for some specific exclusions that are now defined in the Cover Regulation to Part-OR:

- aircraft referred to in Article 4.5 of Regulation 216/2008. Pending the adoption of common technical requirements for these aircraft, they shall be operated under the conditions set out in Commission decision C(2009) 7633 of 14.10.2009;
- airships, tilt-rotor aircraft, tethered balloons and unmanned aerial systems. Pending the adoption of common technical requirements for the operation of these aircraft, they shall be operated under the conditions set out in Member States' national law.
- in the case of flights related to the introduction or modification of aircraft types conducted by design or production organisations within the scope of their privileges. Pending the adoption of common technical requirements for these flights, they shall continue to be operated under the conditions set out in Member States' national law.

Regarding the applicability of requirements defined in Subpart ATO, a clear distinction is made between approved training organisations using FSTDs to provide training and organisations operating FSTDs only without providing training. The latter organisations, being FSTD certificate holders, are still required to implement a management system in accordance with Part-OR as a basis for maintaining the qualification of the FSTDs operated.

### **Part-OR: terminology**

55. The following changes in terminology were applied in Part-OR; they will also be applied to Part-AR and Part-OPS:
- "approval" and "approval certificate" are replaced by "certificate" when reference is made to the organisation certificate;
  - "Cockpit" was replaced by "flight crew compartment", except in some specific cases (e.g. helicopters)
  - "competent personnel" replaced by "qualified personnel";
  - "oversight" instead of "monitoring of activities" or "surveillance" when reference is made to the competent authority;
  - "staff" replaced by "personnel".

### **Part-OR: definitions**

56. Following comments, the definitions that were placed throughout the NPAs have been collected in the Cover Regulation to Part-OR. The comments and responses to the definitions are dealt with in the CRSTs. The following new definitions were added:

- cabin crew;
- flight instructor;
- organisation;

The following definitions were amended:

- principal place of business;
- qualification test guide



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**Subpart OR.GEN - General Requirements**

57. OR.GEN consists of two Sections:

- Section I – General;
- Section II – Management.

OR.GEN contains the general requirements applicable to all organisations within the scope of Part-OR. These general requirements are complemented by area-specific requirements in the different Subparts (OPS, ATO and AeMC).

**OR.GEN.Section I–Introduction**

58. The Implementing Rules in Section I contain general requirements applicable to certified and declared organisations within the scope of Part-OR. These form the counterpart to the relevant Authority requirements in Part-AR Subpart GEN Sections I and III. They are mainly based on the high level requirements provided for in the Basic Regulation.

<b>NPA rule reference</b>	<b>NPA rule title</b>	<b>CRD rule reference</b>	<b>CRD rule title</b>
xxx	xxx	OR.GEN.101 <sup>(1)</sup>	Scope
OR.GEN.001	Competent authority	OR.GEN.105	Competent authority
OR.GEN.010	Definitions	OR.GEN.110 <sup>(1)</sup>	Definitions
OR.GEN.015	Application	OR.GEN.115	Application for an organisation certificate
OR.GEN.020	Acceptable Means of Compliance	OR.GEN.120	Means of Compliance
OR.GEN.025	Terms of approval and privileges of an organisation	OR.GEN.125	Terms of approval and privileges of an organisation
OR.GEN.030	Changes to the organisation's approval	OR.GEN.130	Changes to organisations subject to certification
OR.GEN.035	Continued validity	OR.GEN.135	Continued validity
xxx	xxx	OR.GEN.140	Access
OR.GEN.040	Declaration	OR.GEN.145	Declaration
OR.GEN.045	Findings	OR.GEN.150	Findings
xxx	xxx	GM1-OR.GEN.105	Competent authority
xxx	xxx	AMC1-OR.GEN.120(a)	Means of compliance
xxx	xxx	AMC1-OR.GEN.125	Terms of approval and privileges of an organisation
AMC OR.GEN.030	Changes to the organisation's approval	AMC1-OR.GEN.130	Changes to organisations subject to certification
xxx	xxx	GM1-OR.GEN.130(a)	Changes to organisations subject to certification
xxx	xxx	GM2-OR.GEN.130(a)	Changes to organisations subject to certification
xxx	xxx	GM1-OR.GEN.130(b)	Changes to organisations subject to certification
AMC OR.GEN.035	Continued validity - OPS	xxx	xxx
AMC.OR.GEN.040	Declaration	AMC1-OR.GEN.145	Declaration
xxx	xxx	GM1-OR.GEN.150	Findings

NPA rule reference	NPA rule title	CRD rule reference	CRD rule title
xxx	xxx	GM2-OR.GEN.150	Findings
xxx	xxx	AMC1-OR.GEN.160-OPS	Occurrence Reporting

(1) transferred to the Cover Regulation

#### OR.GEN.Section I - Comments

59. OR.GEN.Section I received 507 comments on the IRs and 40 comments on the related AMCs and GMs. The principal issues raised in the comments received on OR.GEN.Section I are:

- clarification regarding the procedure for alternative means of compliance;
- approvals of unlimited duration; and
- backdated action on the certificate in case of failure to notify the competent authority in case of changes requiring prior approval.

#### OR.GEN.Section I - Specific issues

60. In line with changes made to AR.GEN, two new rule paragraphs were added to introduce organisation requirements related to the actions to be taken for immediate reaction to a safety problem (cf. OR.GEN.155), as well as related to occurrence reporting (cf. OR.GEN.160). The new rule OR.GEN.155 is also needed to introduce a requirement for organisations to comply with Airworthiness and Safety Directives issued by the Agency, the latter being defined with rulemaking task 21.039.

#### OR.GEN.Section I - Description of main changes

61. OR.GEN.001 "Competent Authority" was renumbered as **OR.GEN.105**. The conditions for determining the competent authority in the case of FSTDs were amended, so as to clearly separate the case of FSTD users and FSTD operators not providing training. Further explanation is provided in Section III of Subpart ATO. The definition of "principal place of business" was transferred to the definitions in the Cover Regulation to Part-OR.
62. As a result of consultation with the OPS review groups, a new **GM1-OR.GEN.105** Competent authority was created for OR.GEN.105 to address the case of non-commercial operators of complex motor-powered aircraft. It clarifies that for those operators, the determination of the principal place of business should consider that part of the organisation responsible for aircraft operations subject to Part-OR. It further clarifies the position of the accountable manager for those operators.
63. OR.GEN.010 "Definitions", renumbered **OR.GEN.110**, remains in the CRST only, as the definitions have been transferred to the Cover Regulation to Part-OR. It contains relevant definitions used in Part-OR, including all Subparts. In the CRST the definition of "principal place of business" has been transferred from OR.GEN.001 (b). On request of the European Commission, the definition was changed to align it with that adopted through amending Regulation (EC) No 1194/2009 to Regulation (EC) No 1702/2003 and amending Regulation (EC) No 127/2010 to Regulation (EC) No 2042/2003, with the objective to adopt the same definition for all regulation within the Agency's remit. This definition, which is based on that in Regulation (EC) No 1008/2008 on common rules for the operation of air services in the Community (Recast), raises concerns, as it assumes that the principal financial functions and the operational control of an organisation are located in the same Member State, which is currently not the case everywhere. Moreover, as regards the safety regulation proposed by the Agency, financial functions are not as relevant (they are partly regulated through other EU legislation, e.g.

Regulation (EC) No 1008/2008 for commercial air services). The AOR review group confirmed these concerns and indicated that since the introduction of the new definition problems had already occurred in some Member States, mainly in the areas of Part-145 and Part-M organisations. The review group therefore clearly indicated its preference for the definition provided with the NPA, which is also the definition preferred by the Agency, as it considers the location of the organisation's technical management as the main criterion. Considering the current trend of development in business models, the Agency recommends that the Commission and Member States reconsider this issue.

A definition was added for "organisations" so as to avoid possible misunderstandings regarding the applicability of Part-OR. It is based on the existing definition in Regulation (EC) No 2042/2003.

64. In **OR.GEN.115**, the title was clarified "Application for an organisation certificate" and minor changes were made for consistency. A change in terminology was introduced with regard to the term "approval": the application process described in OR.GEN.115 relates to the issuance of a certificate, whereas the term "approval" is only used when reference is made either to the process of approving something or to a specific approval, such as those defined in Part-SPA. This distinction between the organisation's certificate under Part-OR and any separate approval it may hold is intended to improve clarity of the relevant provisions. The text has been further amended for consistency with AR.GEN.330 as regards changes not requiring prior competent authority approval. Some stakeholders suggested including a standard application form. After discussion with the AOR review group the Agency finally decided not to include this standard application form, as it would conflict with specific application forms included in some of the Subparts.
65. The title and reference of OR.GEN.020 were changed to **OR.GEN.120** "Means of compliance", for consistency with AR.GEN.120. The rule text was reviewed to provide clarification on the purpose of alternative means of compliance and a new provision was added under subparagraph (c) for consistency with changes made in OR.GEN.145, to create an obligation for organisations subject to declaration to notify the competent authority when they use alternative means of compliance, as an input to the competent authority's oversight programming. As a consequence, the text in (b) was changed to refer to "organisations subject to certification" which also covers the initial certification process before the organisations receives its certificate. A new **AMC1-OR.GEN.120(a)** "Means of compliance" is added to define risk assessment as means of compliance for demonstrating that the Implementing Rules are met.
66. **OR.GEN.125** "Terms of approval and privileges of an organisation" was reworded in order to formulate it as an obligation on the organisation. The initial text, stating that the organisation's privileges and scope of approval are specified in the terms of approval, is transferred to AR.GEN.310. A new **AMC1-OR.GEN.125** is included to clarify the link between the terms of approval and the organisation's management system documentation as required by OR.GEN.200(a)(5).
67. **OR.GEN.130** "Changes" was extensively reviewed to clarify the actions for changes requiring prior competent authority approval and changes not requiring prior approval. The type of changes requiring prior approval is now clearly defined in the new subparagraph (a). In this context it is important to note that depending on the type of organisation, the relevant Subpart(s) may contain additional criteria for determining which changes require prior approval. Actions to be taken by the competent authority for prescribing conditions under which the organisation may operate during changes were transferred to the corresponding Part-AR paragraph (cf. AR.GEN.330).

In subparagraph (c) from the NPA text, now as subparagraph (d), two important changes were made by restricting the possibility of certificate action in case of failure to notify of changes to the sole case of changes not requiring prior approval, and by deleting the statement on certificate action backdated to the actual date of changes. This latter statement was the subject of more than 50% of the comments made to OR.GEN.030 (now OR.GEN.130); such comments were mainly raised by industry.

AMC OR.GEN.030 "Changes to the organisation's approval – AOC holders", now as **AMC1-OR.GEN.130** "Changes" was amended to make it applicable to all organisations and to address the case of unforeseen changes. Three new GMs were added:

- **GM1-OR.GEN.130(a)** to provide guidance on the types of changes requiring prior approval, applicable to all organisations
- **GM2-OR.GEN.130(a)** to provide guidance in case of an organisation changing its name. This GM incorporates the NPA text of GM to AR.GEN.300 "Changes – ATO" subparagraph 1; and
- **GM1-OR.GEN.130(b)** to provide a detailed list of items requiring prior competent authority approval, applicable to operators only.

In the future, additional GMs may be included to define items requiring prior approval for ATOs and AeMCs.

68. New text was provided for **OR. GEN.135** "Continued validity": The rule now clearly defines the conditions for continued certificate validity; the text is based on existing requirements in the airworthiness regulations (Part-M, cf. M.A.715). Several Member States commented on the unlimited validity of certificates, claiming that no legal basis existed for imposing such unlimited validity and expressing concerns about a possible lack of effective control with non-expiring certificates. Regarding the legal basis, it must be clarified that the Basic Regulation does not provide the grounds for imposing a limited validity on certificates. Continued validity of organisation certificates goes together with continuing oversight by the competent authority, including audits and inspections at intervals that shall be determined based on past oversight results and taking into account key risk elements. As the certificate is of unlimited validity, the audit and inspection programme for any organisation shall be based on the performance or results of previous oversight activities. Were the certificates of limited validity, competent authorities could tend to delay audits and inspections until shortly before the expiration of the certificate. In addition, the requirements are defined so as to ensure that competent authorities may take action on the certificate at any time if so required in case of findings that seriously hazard safety. Moreover, Member States can apply penalties as laid down in their national rules to implement Basic Regulation Article 68. Finally, it is worth noting that the concept of unlimited validity of certificates is now widely accepted in the area of airworthiness.
69. Considering the concerns expressed related to the continued validity of organisation certificates, the conditions for continued validity of the certificate were further clarified. The provisions on granting access to the competent authority were isolated and are now included as a separate paragraph OR.GEN.140.
70. Following a recommendation from the AOR review group, and in response to comments received, **AMC OR.GEN.035** "Continued validity OPS", dealing with access to aircraft for AOC holders, has been upgraded to Implementing Rule level to reinforce the right of the pilot-in-command/commander to deny such access in the interest of safety. This rule was transferred to Part-OPS (cf. OPS.CAT.GEN.165 "Power to inspect").
71. The new rule **OR.GEN.140** "Access" specifies the obligations of the organisations to grant access to any person authorised by the competent authority and clarifies that access shall be granted not only to the competent authority that issued the certificate or received the declaration, but also to the competent authority that oversees the activity, if different (cooperative oversight). The scope of what needs to be accessible to the competent authority was further refined and now explicitly refers to "aircraft".
72. OR.GEN.040 "Declaration" was renumbered **OR.GEN.145** and amended for consistency, in line with changes made throughout Part-OR. A new provision was added to require declared organisations to provide the competent authority with a list of alternative means of compliance used when declaring their activity. This information shall support the competent authority for the definition of its oversight programme.

It is important to note that the approval process for alternative means of compliance by the competent authority as set out in AR.GEN.120 is only relevant to certified organisations. This is linked to the fundamental difference between a declaration and a certificate. There is no legal basis in Regulation (EC) No 216/2008 for imposing on declared organisations the same approval process for alternative means of compliance as for certified organisations. In other words, an approval of alternative means of compliance can only exist when attached to an organisation certificate, of which such means of compliance are then included in the certification basis. However, as declared organisations are clearly subject to Part-OR, they must remain in compliance with the applicable Implementing Rules. Therefore, declared organisations can only use alternative means of compliance when they establish compliance with the Implementing Rules. Compliance with the Implementing Rules will be verified by the competent authority during the oversight process, and the competent authority must take action whenever a non-compliance with those rules is confirmed, which may include the grounding of aircraft if required to prevent the continuation of an infringement.

AMC1 OR.GEN.040, now as **AMC1 OR.GEN.045** "Declaration" was amended by deleting the 14-day deadline for submitting the new declaration, as such deadline may suggest this is similar to an application for a change to a certificate.

73. OR.GEN.045 "Findings" was renumbered **OR.GEN.150**. The main change consists in the transfer of the detailed definition of level 1 and level 2 findings to AR.GEN.350. The actions required upon receipt of a finding notification were further clarified, by imposing both remedial and corrective action and by clarifying to which competent authority corrective action shall be demonstrated, in the context of cooperative oversight. Two new GMs have been added:

- **GM1-OR.GEN.150** to clarify the meaning and purpose of remedial and of corrective action; and
- **GM2-OR.GEN.150** to clarify that, although findings may be raised either by the competent authority responsible for the certificate or declaration, or the competent authority overseeing activities in the territory of the Member State, only the competent authority certifying may limit, suspend or revoke the certificate.

74. A new paragraph **OR.GEN.155** "Immediate reaction to a safety problem" was added. This new paragraph is required as counterpart to the provisions defined in AR.GEN.130 "Immediate reaction to a safety problem" and to introduce a requirement for organisations to comply with applicable airworthiness directives, as well as safety directives issued by the Agency in accordance with Regulation (EC) No 216/2008, Articles 5.5(d), 5.5(e)(vi) and 22.1.

This new requirement on safety directives is added to ensure consistency with the rule changes that will be introduced following the outcome of rulemaking task 21.039 "Operational Suitability Certificate and Safety Directives":

- When a new general safety problem is identified, normally a new standard is imposed for new designs. In some cases it might also be necessary to impose such standard to already certificated aircraft. One of the legal tools for imposing new standards to already certificated aircraft will be by means of Safety Directives (SD) issued by the Agency.
- Three different categories of SDs are foreseen:
  1. The SD is issued to impose a change to a design or limitation resulting from a review by the TC holder of the existing design with regard to the new standard to the users of the aircraft type.
  2. In case it is not practical to impose the compliance to a new standard to the TC holder, an SD can be issued directly without support from the TC holder

and will nevertheless impose the measure on operators. This is similar to the way JAR-26 was imposed.

3. The Agency can also issue an SD in the exceptional case of the need to react immediately to a general safety problem. The SD will then impose a general measure directly on the users of the affected aircraft types.
  - Before issuing an SD there will always be a rulemaking effort to establish the new standard in a new CS, called CS-26, except for the third category. For the third category there will still be a short public consultation similar to the one applied for EASA Airworthiness Directives.
  - In all cases the SD will have to list the TCs to which the measure applies and will have to be legally notified to each relevant TC holder.
  - The implementation of SDs by the users of the aircraft will also lead to introducing new provisions in Part-M, Part-NCO and Part-SPO.
  - The related changes to Part-21 will be part of the CRD to NPA 2009-01, scheduled to be published by January 2011.
75. A new paragraph **OR.GEN.160** "Occurrence reporting" was added to ensure Part-OR general requirements are complete in terms of obligations applicable to all organisations. The text is based on existing requirements in the airworthiness Regulations. The occurrences to be reported are those that effectively endanger the safe operation of the aircraft, as opposed to aviation safety hazards to be managed as part of the internal occurrence reporting scheme, required by OR.GEN.200(a)(3).

A new AMC was created, **AMC1-OR.GEN.160**. This AMC refers to existing provisions and reportable occurrences as laid down in AMC-20/8 and in Directive 2003/42/EC on occurrence reporting in civil aviation. The AMC is also required to close a gap between AMC-20/8 and EU-OPS 1.420 "Occurrence reporting": the reporting of volcanic ash clouds encountered during flight (cf. § (d)(6) of EU-OPS 1.420) is the only item of EU-OPS not explicitly stated in AMC-20/8 or in the Directive.

**OR.GEN.Section II - Management**OR.GEN.Section II – Introduction

76. The Implementing Rules in Section II define the core elements of a management system for organisations. A dedicated Implementing Rule (OR.GEN.200) establishes those elements with a built-in provision to adapt such system to the size, nature and complexity of the activities of the organisation. The elements of the management system and criteria to determine the size, nature and complexity of an organisation are detailed in associated AMCs.

<b>NPA rule reference</b>	<b>NPA rule title</b>	<b>CRD rule reference</b>	<b>CRD rule title</b>
AMC to OR.GEN.200(a)(1)	Management System	AMC1-OR.GEN.200(a)(2)-complex	Management System Safety Policy
AMC1 to OR.GEN.200(a)(2)	Management System	AMC1-OR.GEN.200(a)(1); (2); (3); (5)-non-complex	Management System General
AMC 2 to OR.GEN.200(a)(2)	Management System	AMC1 OR.GEN.200(a)(3)-complex	Management System Safety Risk Management
AMC 1 to OR.GEN.200(a)(3)	Management System	AMC1-OR.GEN.200(a)(1); (2); (3); (5)-non-complex	Management System General
AMC 2 to OR.GEN.200(a)(3)	Management System	AMC1-OR.GEN.200(a)(1)-complex	Management System Organisation and Accountabilities
AMC 1 to OR.GEN.200(a)(4)	Management System	AMC1 -OR.GEN.200(a)(4)	Management System Training and Communication on Safety
AMC 2 to OR.GEN.200(a)(4)	Management System	AMC1 -OR.GEN.200(a)(4)	Management System Training and Communication on Safety
AMC to OR.GEN.200(a)(5)	Management System	GM1-OR.GEN.200(a)(3)	Management System Internal Occurrence Reporting Scheme
AMC to OR.GEN.200(a)(6)	Management System	AMC1-OR.GEN.200(a)(5)	Management System Organisation Management System Documentation
GM to OR.GEN.200(a)(6)	Management System	GM1-OR.GEN.200(a)(5)	Management System Organisation Management System Documentation
xxx	xxx	AMC1-OR.GEN.200(a)(5)-complex	Management System Organisation Safety Management Manual
xxx	xxx	GM2-OR.GEN.200(a)(5)	Management System Development of new/amending SOPs
AMC 1 to OR.GEN.200(a)(7)	Management system	AMC1-OR.GEN.200(a)(6)	Management System Compliance Monitoring - General
AMC 2 to OR.GEN.200(a)(7)	Management system - ATO	GM1-OR.GEN.200(a)(6)-complex-ATO	Management System Compliance Monitoring Programme
AMC 3 to OR.GEN.200(a)(7)	Management system-OPS	GM1-OR.GEN.200(a)(6)-complex-OPS	Management System Compliance Monitoring
AMC 4 to OR.GEN.200(a)(7)	Management system-OPS	AMC1-OR.GEN.200(a)(6)-non-complex-OPS	Management System Compliance Monitoring Programme
xxx	xxx	GM1-OR.GEN.200(a)(6)-complex-OPS	Management System Compliance Monitoring

NPA rule reference	NPA rule title	CRD rule reference	CRD rule title
AMC to OR.GEN.200(b)	Management system - ATO	AMC1-OR.GEN.200(b)	Management System Size, Nature and Complexity
AMC1 to OR.GEN.200(b)	Management system - ATO	AMC1-OR.GEN.200(b)	Management System Size, Nature and Complexity
AMC to OR.GEN.205	Contracting and purchasing	AMC1-OR.GEN.205	Contracting and purchasing
GM to OR.GEN.205	Contracting and purchasing	GM1-OR.GEN.205	Contracting and purchasing
AMC 1 to OR.GEN.215	Facilities – ATOs	AMC1-OR.GEN.215-ATO	Facilities
AMC 2 to OR.GEN.215	Facilities - ATO	AMC2-OR.GEN.215-ATO	Facilities
AMC to OR.GEN.220(b)	Record-keeping	AMC1-OR.GEN.220(b)	Record keeping
GM to OR.GEN.220(b)	Record-keeping	GM1-OR.GEN.220(b)	Record keeping
AMC to OR.GEN.220(d)	Record-keeping-OPS	xxx	xxx

### OR.GEN.Section II – Comments and specific issues

77. OR.GEN.Section II received 178 comments on the IRs and 674 comments on the related AMCs and GMs, mainly from industry and industry associations. The principal issues raised in the comments received on OR.GEN.Section II are:

- proportionality of management system requirements; and
- compliance with ICAO SARPS on SMS.

The correspondence between ICAO SARPS on SMS and Part-OR and Basic Regulation Essential Requirements is shown in the table included with Annex III to this document.

### OR.GEN.Section II - Description of main changes

78. The structure and titles of rule paragraphs at the level of Implementing Rule OR.GEN.Section II remain unchanged. The AMCs and GM related to OR.GEN.200 were renumbered. Attributes were used to identify the applicability of specific AMCs and GM to either complex or non-complex organisations, as well as to OPS and ATO respectively. The applicability of the AMCs and GMs to complex and non-complex organisations respectively is provided in the table included with Annex IV to this document.

79. For **OR.GEN.200** "Management System" and the related AMCs and GM, the main changes are listed below:

- differentiation was made between complex and non-complex organisations, to provide for proportionate implementation not based on size alone. A new AMC to OR.GEN.200(b) was included, defining criteria for the assessment of an organisation as complex or non-complex;
- organisations will be allowed to define their own structure to comply with compliance monitoring requirements and safety management requirements;
- organisations will be allowed to define their own management system documentation structure;
- full safety accountability of the accountable manager was made clearer;
- the requirement for a safety policy was elaborated;
- the terminology has been reviewed to ensure better applicability to all sectors; and

- some requirements have been revised for greater clarity.

Moreover, a GM explaining how to use the safety risk management processes to derive standard operating procedures was added (cf. GM2-OR.GEN.200(a)(5)). This GM was initially published for consultation with Subpart OR.OPS. The usefulness of this GM was recognised by commentators and confirmed by the review groups. However, from the comment review of this Subpart, it appeared that it should be better placed as a GM to the documentation requirements of the management system and it is now included as GM2-OR.GEN.200(a)(5). The Agency acknowledges that this GM will require some additional consideration to ensure overall consistency of the terms used in this document with regard to the other AMCs and GM related to the management system requirements. This consistency check will be ensured before EASA issues the Opinion/Decision on Part-OR.

80. For **OR.GEN.205** "Contracting and purchasing" clarification was provided in relation to the approval status of the contracted organisation. In **AMC1-OR.GEN.205** and **GM1-OR.GEN.205** "Contracting and purchasing" some editorial and minor text changes were made to improve clarity.
81. In **OR.GEN.210** "Personnel requirements", some editorial changes and minor changes to improve consistency were made, which do not change the intent.
82. **OR.GEN.215** "Facility requirements" was simplified, by imposing adequate facilities in accordance with applicable requirements, rather than imposing more specific requirements that may not be adequate for all types of organisation.

AMCs related to **OR.GEN.215** "Facilities" were renumbered as **AMC1-OR.GEN.215-ATO** and **AMC2-OR.GEN.215-ATO**. The use of the attribute ATO in the AMC reference indicates these are only applicable to ATOs.

In AMC1-OR.GEN.215-ATO specific requirements for ATOs providing theoretical knowledge training and those providing simulator training were introduced. Only minor changes were made in AMC2-OR.GEN.215-ATO.

83. In **OR.GEN.220** "Records", the last subparagraph (d) was deleted, as access to records by the competent authority is already covered through Part-AR and OR.GEN.140.

**AMC1 OR.GEN.220(b)** "Record keeping" was amended to ensure consistency with the corresponding provisions in Part-AR. GM to OR.GEN.220(b), now as **GM1-OR.GEN.220(b)** remains unchanged.

The **AMC to OR.GEN 220(d)** "Record keeping – OPS" is deleted, as the Implementing Rule, applicable to all organisations, sufficiently addresses the issue.

**Subpart OR.OPS - additional requirements to be followed by an air operator**

84. Subpart OPS consists of nine Sections:

- Section I GEN - General;
- Section II MLR – Manuals, Logs and Records
- Section III DEC - Declarations
- Section IV AOC – Air Operator Certification
- Section V FC – Flight Crew
- Section VI CC – Cabin Crew
- Section VII TC – Technical Crew
- Section VIII FTL – Flight Time Limitations (not part of this CRD)<sup>10</sup>
- Section IX SEC - Security

**OR.OPS.GEN – General requirements–Introduction**

85. This Section addresses the general operator responsibilities for the safe operation of an aircraft. It is applicable to operators conducting commercial operations and non-commercial operations with complex motor-powered aircraft. This Section is based on the relevant EU-OPS requirements laid down in Subparts B, C, D, P and R and on ICAO Annex 6 Parts I and II.

<b>NPA rule reference</b>	<b>NPA rule title</b>	<b>CRD rule reference</b>	<b>CRD rule title</b>
OR.OPS.005.GEN	Scope	OR.OPS.GEN.100	Scope
OR.OPS.010.GEN	Definitions	OR.OPS.010.GEN <sup>(1)</sup>	Definitions
OR.OPS.100.GEN	Operator responsibilities	OR.OPS.GEN.105	Operator responsibilities
OR.OPS.105.GEN	Aircraft used in commercial and non-commercial operations	xxx	xxx

(1) transferred to the Cover Regulation

**OR.OPS.GEN - Comments**

86. All provisions of this Section were commented upon. OR.OPS.GEN received 76 comments on the Implementing Rules and 44 comments on the related AMCs and GMs. The main themes arising from the comments were:

- clarification of the scope and on the intent of the rules;
- proportionality of rules;
- definitions to be improved;
- alignment with EU-OPS text; and
- categories of personnel missing for some requirements (ground crew, certifying staff, flight dispatchers, etc....).

<sup>10</sup> cf. Rulemaking task OPS.055.

OR.OPS.GEN - Specific issues

87. When determining the exercise of operational control by the operator, the Agency specified that this does not imply a requirement for licensed flight dispatchers or a full flight watch system. Where a number of stakeholders supported this explanation, others claimed for the necessity of licensed flight dispatch personnel. Taking into account that the employment of flight dispatchers is not mandated by ICAO, EU-OPS nor JAR-OPS 3, the Agency considers that this suggestion is outside the scope of the NPA ( )which is to transpose EU-OPS. However, this may be considered as a future rulemaking task.

OR.OPS.GEN - Description of main changes

88. The paragraph on definitions **OR.OPS.010.GEN** was not maintained in this Section as all definitions have been transferred to the Part-OR Cover Regulation. The paragraph remains however in the CRST to show how related comments were addressed.
89. An important change in **OR.OPS.100.GEN** "Operator responsibilities" is the insertion of additional operator requirements. These new elements are based on EU-OPS and ICAO Annex 6 provisions that were not initially addressed in the NPA or that were addressed elsewhere in the NPA. In both cases the Agency considered it necessary to include these provisions in this requirement. Therefore, OR.OPS.GEN.100 now contains four additional paragraphs: one is the transposition of EU-OPS1.175, (I) on the obligation for the operator to ensure that every flight will be conducted in accordance with the operations manual. The second new requirement transposes EU-OPS 1.205: all personnel must be properly instructed, be able to perform their work and know their overall responsibilities. The third new requirement transposes EU-OPS 1.020: the operator must make their personnel aware that they have to comply with the laws, regulations and procedures of the States overflown. Finally, the last new paragraph inserted in this Implementing Rule obliges an operator to specify flight planning procedures, in accordance with ICAO Annex 6 Part II.

**OR.OPS.100.GEN(d)** related to the development of new/and amending standard operating procedures was transferred to Subpart GEN Section II and is now included as GM2-OR.OPS.200.GEN(a)(5). The Agency considered it more appropriate to have this guidance in OR.GEN as it is better linked to the management system approach.

Upgrade of AMC to IR: following comments suggesting to amend the text on the operator responsibilities for the training on dangerous goods (former OR.OPS.100.GEN(f)), the text now clarifies that an operator is responsible to establish and maintain personnel training programmes but not to provide the training as such (as was presented in the NPA). The change was made to cover dangerous goods training for all relevant staff (not only those involved in the handling of aircraft) and to avoid that operators are responsible for training sub-contractors. However, the proposed text is not new. As the AMC related to this Implementing Rule (AMC1 OR.OPS.100.GEN(f)) already reflected this approach, it was decided to replace the Implementing Rule by the AMC text.

90. In **OR.OPS.105.GEN** "Aircraft used in commercial and non-commercial operations" three changes have been made: firstly, this requirement was moved to OR.OPS.AOC.125 as it is AOC-related. Secondly, in order to make the subject clearer, the title was to "Non-commercial operations of aircraft subject to an AOC". Thirdly, the Agency proposes a new text that specifies what an operator, holding an AOC, has to do if it intends to operate also non-commercially. The principle remains: the procedures to operate non-commercially need to be specified in the operations manual where a clear identification of differences in operating procedures (commercial or non-commercial operations) must be provided. Also, an operator must ensure that personnel involved are fully conversant with the associated procedures. Additionally, it is specified that this endorsement must be approved by the competent authority. This requirement now clearly specifies that no

declaration as per OR.GEN.145 is need when a commercial operator conducts non-commercial flights.

## **OR.OPS.MLR - Manuals, Logs and Records**

### OR.OPS.MLR – Introduction

91. This Section contains the operator requirements for manuals, logs and records. The following issues are covered:

- operations manual (OM);
- minimum equipment list (MEL);
- operational flight plan (OFP) – commercial air transport;
- information retained on the ground – commercial air transport; and
- record-keeping.

Some or all of the requirements in this Section are applicable to the following types of operation/aircraft:

- commercial air transport operations (CAT);
- non-commercial operations with complex motor-powered aircraft (NCC);
- commercial specialised operations (SPO);
- non-commercial specialised operations with complex motor-powered aircraft (SPO).

The requirements implement 8.b of Annex IV of the Basic Regulation. The associated proposals are contained in NPA 2009-02c. The rule sources for the text proposals include:

- EU-OPS (applicable to CAT aeroplanes)<sup>11</sup>;
- JAR-OPS 3 (applicable to CAT helicopters);
- JAR-MMEL/MEL (parts applicable to MEL requirements at operator level);
- JAA TGL 26 (Sections 1 and 2);
- JAA TGL 44 (applicable to CAT aeroplanes).

This Section is related to the provisions contained in OR.GEN, OR.OPS, Part-CAT, Part-SPO, Part-NCC, Part-SPA and Part-CC.

<b>NPA rule reference</b>	<b>NPA rule title</b>	<b>CRD rule reference</b>	<b>CRD rule title</b>
OR.OPS.015.MLR	Operations Manual	OR.OPS.MLR.100	Operations manual - General
xxx	xxx	OR.OPS.MLR.101	Operations manual - Structure for commercial operations and NC SPO with CMPA
OR.OPS.020.MLR	Minimum Equipment List (MEL)	OR.OPS.MLR.105	Minimum equipment list (MEL)
OR.OPS.025.MLR	Operational flight plan - commercial air transport	xxx	xxx
OR.OPS.030.MLR	Information retained on the ground - commercial air transport	xxx	xxx
xxx	xxx	OR.OPS.MLR.110	Journey log
OR.OPS.220.MLR	Record-keeping	OR.OPS.MLR.115	Record-keeping
AMC1 OR.OPS.015.MLR	Operations Manual GENERAL	AMC1- OR.OPS.MLR.100	Operations manual - General GENERAL
AMC2 OR.OPS.015.MLR	Operations Manual CONTENTS	xxx	xxx

<sup>11</sup> Annex III of Commission Regulation (EC) No 859/2008.

<b>NPA rule reference</b>	<b>NPA rule title</b>	<b>CRD rule reference</b>	<b>CRD rule title</b>
AMC3 OR.OPS.015.MLR	Operations Manual CONTENTS - NON-COMMERCIAL OPERATIONS WITH COMPLEX MOTOR-POWERED AIRCRAFT	AMC2- OR.OPS.MLR.100	Operations manual - General CONTENTS - NCC
AMC4 OR.OPS.015.MLR	Operations Manual STRUCTURE - COMMERCIAL OPERATIONS	xxx	xxx
AMC5 OR.OPS.015.MLR	Operations Manual CONTENTS - COMMERCIAL AIR TRANSPORT	AMC3- OR.OPS.MLR.100	Operations manual - General CONTENTS - CATO
AMC6 OR.OPS.015.MLR	Operations Manual CONTENTS - COMMERCIAL OPERATIONS OTHER THAN COMMERCIAL AIR TRANSPORT	AMC4- OR.OPS.MLR.100	Operations manual - General CONTENTS - NON-COMMERCIAL SPO WITH CMPA AND COMMERCIAL SPO
xxx	xxx	GM1- OR.OPS.MLR.100	Operations manual - General CONTENTS
GM OR.OPS.001.MLR(f)	Operations Manual HUMAN FACTOR PRINCIPLES	GM1- OR.OPS.MLR.100 (k)	Operations manual - General HUMAN FACTOR PRINCIPLES
AMC OR.OPS.015.MLR(g)	Operations Manual AUTHORITY APPROVAL	OR.OPS.MLR.100 (g) and (h)	xxx
AMC OR.OPS.015.MLR(h)	Operations Manual MINOR/MAJOR CHANGES	xxx	xxx
AMC1 OR.OPS.020.MLR(c)	Minimum Equipment List AMENDMENTS TO THE MEL FOLLOWING CHANGES TO THE MMEL - ACCEPTABLE TIMESCALES	AMC1- OR.OPS.MLR.105(c)	Minimum equipment list AMENDMENTS TO THE MEL FOLLOWING CHANGES TO THE MMEL - APPLICABLE CHANGES AND ACCEPTABLE TIMESCALES
AMC2 OR.OPS.020.MLR(c)	Minimum Equipment List AMENDMENTS TO THE MEL FOLLOWING CHANGES TO THE MMEL - APPLICABLE CHANGES	xxx	xxx
AMC OR.OPS.020.MLR(d)	Minimum Equipment List FORMAT OF THE MEL	xxx	xxx
xxx	xxx	AMC1- OR.OPS.MLR.105(d)( 3)	Minimum equipment list EXTENT OF THE MEL
GM OR.OPS.020.MLR(e)	Minimum Equipment List DEFINITIONS RECTIFICATION INTERVAL (RI)	GM1- OR.OPS.MLR.105(e) and (f)	Minimum equipment list RECTIFICATION INTERVAL (RI)
AMC1 OR.OPS.020.MLR(f)	Minimum Equipment List OPERATOR PROCEDURES FOR THE APPROVAL BY THE COMPETENT AUTHORITY	AMC1- OR.OPS.MLR.105(f)	Minimum equipment list RECTIFICATION INTERVAL EXTENSION (RIE) - OPERATOR PROCEDURES FOR THE APPROVAL BY THE COMPETENT AUTHORITY AND NOTIFICATION TO THE COMPETENT AUTHORITY
AMC2 OR.OPS.020.MLR(f)	Minimum Equipment List NOTIFICATION TO THE COMPETENT AUTHORITY	xxx	xxx
GM OR.OPS.020.MLR(f)	Minimum Equipment List RECTIFICATION INTERVAL EXTENSION (RIE)	GM1- OR.OPS.MLR.105(f)	Minimum equipment list RECTIFICATION INTERVAL EXTENSION (RIE)
xxx	xxx	AMC1- OR.OPS.MLR.105(g)	Minimum equipment list - OPERATIONAL AND MAINTENANCE PROCEDURES
GM OR.OPS.020.MLR(g)	Minimum Equipment List OPERATIONAL AND MAINTENANCE PROCEDURES	GM1- OR.OPS.MLR.105(g)	Minimum equipment list - OPERATIONAL AND MAINTENANCE PROCEDURES
xxx	xxx	AMC1- OR.OPS.MLR.105(h)	Minimum equipment list - OPERATIONAL AND MAINTENANCE PROCEDURES - APPLICABLE CHANGES

<b>NPA rule reference</b>	<b>NPA rule title</b>	<b>CRD rule reference</b>	<b>CRD rule title</b>
AMC OR.OPS.020.MLR(g)(3)	Minimum Equipment List ACCOMPLISHMENT OF MAINTENANCE PROCEDURES	xxx	xxx
AMC OR.OPS.025.MLR	Operational flight plan - commercial air transport OPERATIONAL FLIGHT PLAN	xxx	xxx
AMC OR.OPS.030.MLR	Information retained on the ground - commercial air transport	xxx	xxx
xxx	xxx	AMC1-OR.OPS.MLR.110	Journey log GENERAL
xxx	xxx	GM1-OR.OPS.MLR.110	Journey Log SERIES OF FLIGHTS
AMC OR.OPS.220.MLR	Record-keeping	AMC1-OR.OPS.MLR.115	Record-keeping

### OR.OPS.MLR - Comments

92. A total of 474 comments (201 on the IRs and 273 on the AMCs and GMs) were received on the text proposals for this Section (including relevant comments submitted through the EN and the RIA).

The principle issues/suggestions raised in the comments received on NPA 2009-02a Explanatory Note (EN), NPA 2009-02c (OR.OPS) and NPA 2009-02g Regulatory Impact Assessment (RIA) are as follows:

- deviations from EU-OPS/JAR-OPS 3 text to be re-considered and re-aligned, only with exceptions which are justified for safety reasons and/or for clarification and/or for updating;
- requirements sourced from EU-OPS should/should not be at IR level rather than AMC/GM, with enough flexibility to cater for diverse operations and aircraft e.g.;
  - o the requirement on the structure of the OMs (Parts A-D) to be at IR level;
  - o the requirement on the structure of the OMs (Parts A-D) should/should not be expanded to chapter level e.g. Part A General/Basic, Chapter 8 Operating procedures, Sub-chapter 8.1 Flight preparation instructions (mixed views);
  - o the OM contents requirements should/should not be at IR level, depending on whether the contents list implies that the OM should be presented in the same order (mixed views);
  - o the OM contents requirements should/should not follow the order in EU-OPS as opposed to the proposed order which follows JAR-OPS 3 (mixed views);
- the OM should/should not be written in the English language (mixed views);
- the proposed minor/major changes approval/acceptance concept to be reconsidered (multiple requests);
- the requirements for keeping records if an operator ceases to operate/employ should clearly specify the time limit;
- clear grandfathering rights are required for current OMs;
- MEL amendments approval process to be reconsidered within the frame of concept of changes requiring either approval or notification to the competent authority;
- rectification interval extension process to be reconsidered (e.g. duration of the extension, frequency of the extension, requirements for personnel authorising extensions);
- status of the operational and maintenance procedures within the MEL approval process to be clarified.

OR.OPS.MLR - Specific issues

93. The main concern was that the new rules should not oblige operators to make changes to OMs that are already established. This will not be necessary according to the text proposals. However, the order described in the AMCs on contents has been amended, as described in the section entitled "Description of main changes" in this Explanatory Note.
94. Some commentators suggested that operators should be required to present OMs in a specific order to a certain level of detail e.g. Part A General/Basic, Chapter 8 Operating procedures, Sub-chapter 8.1 Flight preparation instructions. This sort of harmonised approach would mean that OMs would be easily recognised across the Member States. However, there is a possibility to use electronic media and references to external sources, which makes a specific order less relevant.
95. Several commentators asked for provisions for the OM for CAT to be written in the English language. However, although JAR-OPS guidance material stated that the language of the operations manual should be in English, this guidance could not be transferred as it is against the Community principle that gives all EU languages an equal status. The issue was solved by re-establishing the EU-OPS text which makes it clear that the operator is responsible for ensuring that personnel are able to understand the language of the OM.

OR.OPS.MLR - Description of main changes

96. The text was realigned with the rule source, with justified exceptions, such as:
- text which duplicated requirements contained in other legislation, was deleted or amended to refer to the other legislation;
  - reference to the upcoming operational suitability data legislation was added;
  - clarification on the one-time RIE to be covered at the MMEL-level was provided.
  - editorials were applied only if there is a significant improvement to clarity. Otherwise the rule source wording was maintained in order to make the transfer more easily recognisable.

The concept of "applicable changes" has been introduced, requiring amendments to the MEL only after such changes to the MMEL.

97. Another concern was that EU-OPS and JAR-OPS 3 text was merged in the NPA and the order for the OM-B contents reflected JAR-OPS 3. Therefore, the order has been changed to follow the EU-OPS order, as requested by several commentators. Consequently, the provision contained in the NPA, which stated that OMs compiled in accordance with EU-OPS will be considered to be compliant, has been amended to provide grandfathering rights for OMs which currently follow the order in JAR-OPS 3 Amendment 5.

Inclusion of references to flight dispatchers/flight operation personnel in the OM, as requested, was outside the scope of NPA/rule source. However, rules for such personnel could be considered in a future rulemaking task via an EASA rulemaking proposal form.

98. **Operations manual:** The provisions regarding elements of the OM requiring competent authority approval were realigned with the rule source principles, as the GM to OR.GEN.130 (changes) now provides the list of items that need prior approval of the competent authority which was contained in AMC OR.OPS.015.MLR(h) in the NPA. OR.GEN.115, OR.GEN.130, GMs to OR.GEN.130 and AR.GEN.310 also contain provisions for other changes which shall be notified to the competent authority.

Many commentators suggested upgrading the AMCs on the structure and contents of the OM to IR level. A compromise was achieved by moving to IR the AMC on the OM structure for commercial operations and non-commercial SPO with complex motor-

powered aircraft. However, flexibility and proportionality is provided for operators as the OM content remains as AMC.

Amendments to the AMCs were incorporated mainly to provide for more clarity, as suggested by commentators. Also, minor consistency changes were made to the AMC on the OM content for SPO to align it with the new Part-SPO. The applicability, as described in the title to this AMC was amended to include non-commercial SPO with complex motor-powered aircraft.

99. **Operational flight plan – commercial air transport:** This provision was moved to CAT.OP, as it is an operational instruction, as commented.

Information retained on the ground – commercial air transport: this provision was moved to CAT.GEN, as it is a technical requirement, as commented.

The text on record-keeping was amended to clearly indicate that the records for the training, checking and qualification shall be available for relevant crew members, not only flight crew, as commented.

The provisions on journey log contents were moved into this Section on “Manuals, logs and records”, from the Section on “Documents to be carried”.

**OR.OPS.DEC – Declaration**OR.OPS.DEC–Introduction

100. This Section contains the requirement for submitting a declaration. The content of the declaration form is now defined in the Appendix to Part-OR. It is applicable to non-commercial operators of complex motor-powered aircraft (NCC operators). The requirements implement Article 8.5 (d) of the Basic Regulation.

The Section should be read together with OR.GEN.145 and AR.GEN.300, 305, 345.

<b>NPA rule reference</b>	<b>NPA rule title</b>	<b>CRD rule reference</b>	<b>CRD rule title</b>
OR.OPS.040.DEC	Declaration	OR.OPS.DEC.100	Declaration
OR.OPS.041.DEC	Content of the declaration	OR.OPS.DEC.105	Content of the declaration
xxx	xxx	GM1-OR.OPS.DEC.100	Declaration
Appendix 1	to OR.OPS.041.DEC Template Declaration	Part-OR Appendix I	Declaration form

OR.OPS.DEC - Comments

101. OR.OPS.DEC received 29 comments on the two IRs, including the Appendix. The principal issues raised in the comments received on NPA 2009-02a and NPA 2009-02c are as follows:

- the intent of the declaration was not sufficiently clear;
- some national aviation authorities commented that a declaration would not provide a sufficient level of safety for managed aircraft operations including fractional ownership operations, and requested that such operation should require an AOC.

OR.OPS.DEC - Specific issues

102. In accordance with the Basic Regulation<sup>12</sup> and as already proposed in the NPA, all NCC operators shall be required to provide a declaration to the State of the operator. This includes managed aircraft operations which are undertaken as non-commercial operations.

The comments of some National Aviation Authorities suggesting the need for a certification of specific non-commercial managed aircraft operations showed that not all stakeholders may have fully appreciated the proposed oversight scope and responsibility of a competent authority towards an NCC operator. Moreover, there is for the moment no evidence available that the existing oversight instruments would be insufficient for such NCC operations.

<sup>12</sup> Article 8.3: Unless otherwise determined in the implementing rules, operators engaged in the non-commercial operation of complex motor-powered aircraft shall declare their capability and means of discharging the responsibilities associated with the operation of that aircraft.

OR.OPS.DEC -Description of main changes

103. **OR.OPS.DEC.100** "Declaration": the requirement that "operations shall not commence before an acknowledgement of receipt from the competent authority has been received" was deleted for the sake of legal certainty.

A new subparagraph (b) was added to clarify that a change to the content of the declaration should be declared to the competent authority through submission of an amended declaration.

**GM1-OR.OPS.DEC.100** "Declaration": this GM was added to provide further clarity on the intent of the declaration and further guidance for managed operations.

**OR.OPS.DEC - Declaration form**

<b>NPA rule reference</b>	<b>NPA rule title</b>	<b>CRD rule reference</b>	<b>CRD rule title</b>
Appendix 1	to OR.OPS.041.DEC Template Declaration	Part-OR Appendix I EASA Form	Declaration form

The content of the declaration was revised based on the comments received. Terms were aligned with those used in other Subparts and Parts.

**OR.OPS.AOC - Air Operator Certification**OR.OPS.AOC – Introduction

104. This Section within Subpart OPS is applicable to commercial operators. It defines the air operator certificate application process, the conditions for leasing and code-sharing agreements, the application process for the approval to provide cabin crew training and to issue cabin crew attestations and the requirements for non-commercial operations with aircraft operated under an AOC, regarding flight data monitoring, personnel, facilities and the production of manuals and documentation. This Section is based on the relevant EU-OPS and JAR-OPS 3 requirements laid down in Subpart B and C.

105.

<b>NPA rule reference</b>	<b>NPA rule title</b>	<b>CRD rule reference</b>	<b>CRD rule title</b>
OR.OPS.015.AOC	Application for an Air Operator Certificate	OR.OPS.AOC.100	Application for an Air Operator Certificate
OR.OPS.020.AOC	Operation specifications and privileges of an air operator certificate holder	OR.OPS.AOC.105	Operation specifications and privileges of an air operator certificate holder
OR.OPS.025.AOC	Changes	Deleted	Deleted
OR.OPS.030.AOC	Leasing	OR.OPS.AOC.110	Leasing
OR.OPS.035.AOC	Code share arrangements	OR.OPS.AOC.115	Code share arrangements
xxx	xxx	OR.OPS.AOC.120	AOC approvals to provide Part-CC training and to issue cabin crew attestations
xxx	xxx	OR.OPS.AOC.125	Non-commercial operations of aircraft subject to an AOC
OR.OPS.201.AOC	Flight data monitoring – aeroplanes	OR.OPS.AOC.130	Flight data monitoring - aeroplanes
OR.OPS.210.AOC	Personnel requirements	OR.OPS.AOC.135	Personnel requirements
OR.OPS.215.AOC	Facility requirements	OR.OPS.AOC.140	Facility requirements
OR.OPS.300.AOC	Documentation requirements	OR.OPS.AOC.150	Documentation requirements
AMC OR.OPS.015.AOC	Application for an Air Operator Certification	AMC1-OR.OPS.AOC.100	Application for an Air Operator Certificate
AMC OR.OPS.030.AOC	Leasing	AMC1-OR.OPS.AOC.110	Leasing
xxx	xxx	AMC 1 OR.OPS.AOC. 110 (c)	Leasing
xxx	xxx	AMC 1 OR.OPS.AOC.115(d)	Code share arrangements
AMC OR.OPS.035.AOC	Code share arrangements	AMC2-OR.OPS.AOC.115(d)	Code share arrangements
GM to AMC OR.OPS.035.AOC	Code share arrangements	xxx	xxx
AMC OR.OPS.201.AOC	Flight Data monitoring - aeroplanes	AMC1-OR.OPS.AOC.130	Flight data monitoring - aeroplanes
AMC 2 OR.OPS.201.AOC	Flight Data monitoring - aeroplanes	Appendix 1 to AMC1 OR.OPS.130.AOC	Flight data monitoring - aeroplanes
GM OR.OPS.201.AOC	Flight Data monitoring - aeroplanes	GM1-OR.OPS.AOC.130	Flight data monitoring - aeroplanes
AMC 1 OR.OPS.210.AOC(a)	Personnel requirements	AMC1-OR.OPS.AOC.135(a)	Personnel requirements
AMC 2 OR.OPS.210.AOC(a)	Personnel requirements	AMC2-OR.OPS.AOC.135(a)	Personnel requirements

NPA rule reference	NPA rule title	CRD rule reference	CRD rule title
GM 1 OR.OPS.210.AOC(a)	Personnel requirements	GM1-OR.OPS.AOC.135(a)	Personnel requirements
GM2 OR.OPS.210.AOC(a)	Personnel requirements	GM2 -OR.OPS.AOC.135(a)	Personnel requirements
AMC OR.OPS.210.AOC(c)	Personnel requirements	xxx	xxx

### OR.OPS.AOC – Comments

106. Subpart OPS.AOC received 207 comments on the IRs and 106 comments on the related AMCs and GMs. Comments were made by competent authorities, associations, operators and individuals.

The main issues raised in this Section were the applicability and scope of the AOC (OR.OPS.AOC.100), the requirements for wet lease-in of third country aircraft (OR.OPS.AOC.110), code sharing (OR.OPS.AOC.115) and the relation between different post holders and the post holder system (OR.OPS.AOC.135).

### OR.OPS.AOC – Specific issues

107. Significant changes were made to some provisions of this Section. Some modifications are more of an editorial nature or to make the provisions clearer and some were made following the comments received.
108. **OR.OPS.AOC.025** “changes” has been transferred to OR.GEN. A preliminary list of changes that are subject to prior approval will be introduced as GM in OR.GEN. OR.OPS.AOC.110 (b) “leasing” has been brought in line with EU-OPS. It caters for the need expressed in the comments received to create the possibility to apply standards equivalent to EU safety requirements for air operations and organisations for wet lease-in of aircraft from a third country operator.
109. In **OR.OPS.AOC.115** “Code-share agreements” a possibility has been created for a third country operator code-sharing with an EU operator to apply either for an authorisation issued in accordance with Part-TCO or to be subject to a code-share audit programme established by an EU operator.<sup>13</sup> OR.OPS.GEN.105 “Non-commercial operations of aircraft subject to an AOC” has been transferred to OR.OPS.AOC.125 as it is AOC-related.

### OR.OPS.AOC – Description of main changes

110. **OR.OPS.AOC.100** “Application for an air operator certificate”: the reference to “organisation manual” has been changed into “operations manual”.
111. **OR.OPS.AOC.110** “Leasing”: many concerns were raised on the leasing of aircraft from third country operators. EASA carefully assessed the comments received. It is obvious that leasing is an important business tool for commercial airlines and therefore safety-related rules should be proportionate. However, it is also clear that leasing of aircraft, in particular the leasing of aircraft from third country operators, must take place in a controlled environment ensuring an acceptable level of safety. The European legislator has recognised this and addressed leasing in Regulation (EC) No 1008/2008 and EU-OPS. Both pieces of legislation have been taken into account when amending the NPA rule text. EASA believes that the modified text presented in this CRST provides the necessary flexibility for commercial airlines and at the same time provides a level of safety that is expected by the public and the legislator.

<sup>13</sup> NPA Part-TCO is not published yet.

The provision has undergone major text change. The main changes are related to wet lease-in of aircraft from third country operators. Many comments indicated that the requirements for wet lease-in of these aircraft as presented in the NPA were considered difficult to comply with. EU-OPS allows for wet lease-in to apply safety standards that are "equivalent" to those established in EU-OPS. Taking into account the comments received and in order to align with EU-OPS the wording "equivalent safety standards" has been introduced. Consequently, the EU operator has now been given the possibility to demonstrate to the competent authority that the wet lease-in aircraft is subject to standards equivalent to the EU safety rules.

With regard to dry lease-out, the reference to Regulation (EC) No 2042/2003 has been transferred to AR.OPS.110. Also the requirement to remove the aircraft from the AOC of the lessor has been transferred to AR.OPS.110, because it is a competent authority's responsibility to ensure that the aircraft is removed from the operator's AOC within an appropriate time period.

A new paragraph for wet lease-out has been introduced which requires EU operators to notify its competent authority in case it enters into a wet lease-out agreement.

**AMC1-OR.OPS.AOC.110(c)** "Leasing": this new AMC specifies which Implementing Rules on air operations and organisations need to be taken into account when demonstrating equivalent safety standards in case of wet lease-in of aircraft from third country operators.

112. **OR.OPS.AOC.115** "Code-share agreements": first of all it must be underlined that the considerations taken on leasing equally apply to code-sharing. Many comments indicated that Part-TCO should not be applied to code-share agreements with third country operators since some code-share partners never fly into Europe. After a careful assessment of the comments the provision on code-share has been modified. The new proposal makes it now possible for code-share partners who do not operate in the EU to either apply for an authorisation issued in accordance with the future rules on third country operators (Part-TCO) or establish a code-share audit programme ensuring continuous compliance with the Essential Requirements. The approach taken for code-share is to a great extent in line with the "Code-share Safety Program Guidelines" of the Department of Transportation and the Federal Aviation Administration of the USA.

**AMC1-OR.OPS.AOC.15(d)** "Code-share agreements": this AMC has been introduced to specify which requirements must be met by a third country operator to ensure compliance with the essential requirements. A table containing these requirements will be developed in parallel to Part-TCO.

**AMC2-OR.OPS.AOC.115(d)** "Code-share agreements": this AMC contains the conditions for an EU operator for establishing a code-share audit programme and the process and timelines applicable for auditing a third country operator.

113. **OR.OPS.AOC.120** "AOC approvals to provide Part-CC training and to issue cabin crew attestations" has been included in this Section and transposes EU-OPS requirements that were not fully covered in the NPA.
114. **OR.OPS.AOC.125** "Non-commercial operations of aircraft subject to an AOC": three changes were made to this provision. Firstly, OR.OPS.GEN.105 has been moved to OR.OPS.AOC.125. Secondly, in order to make the subject clearer, the title was changed to "Non-commercial operations of aircraft subject to an AOC". Thirdly, the Agency proposes a new text that defines what an operator, holding an AOC, has to do if it intends to operate aircraft also non-commercially. The principle remains: the procedures to operate non-commercially need to be specified in the operations manual where a clear identification of differences of operating procedures (commercial or non-commercial operations) must be identified. Also, an operator must ensure that personnel involved are fully up-to-date on the associated procedures. Additionally, it is specified that this endorsement must be approved by the competent authority. This requirement now

specifies that no declaration is needed when a commercial operator conducts non-commercial flights.

**AMC1-OR.OPS.AOC.135(a)** "Personnel requirements": this AMC contains additional text to clarify how independence of compliance monitoring should be established when the posts of accountable manager and compliance monitoring manager are combined.

**OR.OPS.FC – Flight Crew****OR.OPS.FC–Introduction**

115. This Section contains the qualification, training and checking requirements of flight crew members.

The Section should be read together with OR.OPS.MLR.115(d) on the storage of training records. Further flight crew training and qualification requirements are contained in some Subparts of Part-SPA concerning specific approvals. Recency requirements are contained in FCL.060.

<b>NPA rule reference</b>	<b>NPA rule title</b>	<b>CRD rule reference</b>	<b>CRD rule title</b>
xxx	xxx	OR.OPS.FC.005	Scope
OR.OPS.015.FC	Composition of flight crew	OR.OPS.FC.100	Composition of flight crew
OR.OPS.020.FC	Designation as pilot-in-command/commander	OR.OPS.FC.105	Designation as pilot-in-command/ commander
OR.OPS.025.FC	Flight engineer	OR.OPS.FC.110	Flight engineer
OR.OPS.030.FC	Crew resource management (CRM) training	OR.OPS.FC.115	Crew resource management (CRM) training
OR.OPS.035.FC	Operator conversion training	OR.OPS.FC.120	Operator conversion training
OR.OPS.040.FC	Differences training and familiarisation training	OR.OPS.FC.125	Differences training and familiarisation training
OR.OPS.045.FC	Recurrent training	OR.OPS.FC.130	Recurrent training
OR.OPS.050.FC	Pilot qualification to operate in either pilot's seat	OR.OPS.FC.135	Pilot qualification to operate in either pilot's seat
OR.OPS.055.FC	Operations on more than one type or variant	OR.OPS.FC.140	Operations on more than one type or variant
OR.OPS.060.FC	Provision of training	OR.OPS.FC.145	Provision of training
OR.OPS.115.FC	Composition of Flight Crew	OR.OPS.FC.200	Composition of Flight Crew
OR.OPS.120	Command course	OR.OPS.FC.205	Command course
OR.OPS.130	Initial Operator's Crew Resource Management (CRM) training	OR.OPS.FC.215	Initial Operator's Crew Resource Management (CRM) training
OR.OPS.135	Operator conversion training and checking	OR.OPS.FC.220	Operator conversion training and checking
OR.OPS.145.FC	Recurrent training and checking	OR.OPS.FC.230	Recurrent training and checking
OR.OPS.155.FC	Operation on more than one type or variant	OR.OPS.FC.240	Operation on more than one type or variant
AMC OR.OPS.050.FC	Pilot qualification to operate in either pilot's seat	OR.OPS.FC.235	Pilot qualification to operate in either pilot's seat
xxx	xxx	OR.OPS.FC.245.A	Alternative training and qualification programme
xxx	xxx	AMC1-OR.OPS.FC.245.A	Alternative training and qualification programme
xxx	xxx	AMC1-OR.OPS.FC.245.A(d); (e) (2)	Alternative training and qualification programme
FCL.305	CPL(A) - Privileges in commercial air transport	OR.OPS.FC.255.A	Commanders holding a Commercial Pilot Licence (Aeroplane) (CPL(A))

<b>NPA rule reference</b>	<b>NPA rule title</b>	<b>CRD rule reference</b>	<b>CRD rule title</b>
FCL.305.H	CPL(H) - Privilege to act in commercial air transport	OR.OPS.FC.255.H	Commanders holding a Commercial Pilot Licence (Aeroplane) (CPL(A))
OR.OPS. 240.FC	Recurrent training and checking - Operator Proficiency Check	OR.OPS.FC.330	Recurrent training and checking - Operator Proficiency Check
xxx	xxx	AMC2-OR.OPS.FC.105(c)	Designation as pilot-in-command/commander
xxx	xxx	GM1-OR.OPS.FC.105(c)	Designation as pilot-in-command/ commander
xxx	xxx	AMC1-OR.OPS.FC.145(c)	Provision of training
xxx	xxx	AMC2-OR.OPS.FC.115 and OR.OPS.FC.215	Crew Resource Management (CRM)
xxx	xxx	AMC1- OR.OPS.FC.205	Command course
xxx	xxx	GM1-OR.OPS.FC.220	Operator conversion training and checking
xxx	xxx	GM1-OR.OPS.FC.235(f); (g)	Pilot qualification to operate in either pilot's seat
xxx	xxx	AMC1-OR.OPS.FC.245.A	Alternative training and qualification programme
xxx	xxx	GM1-OR.OPS.FC.245.A	Alternative training and qualification programme
xxx	xxx	AMC1-OR.OPS.FC.245.A(a)	Alternative training and qualification programme
xxx	xxx	AMC1-OR.OPS.FC.245.A(d); (e) (2)	Alternative training and qualification programme
AMC OR.OPS.015.FC (d)	Composition of flight crew	OR.OPS.FC.201.A	In-flight relief of flight crew members
GM OR.OPS.015.FC	Composition of flight crew	xxx	xxx
AMC OR.OPS.020.FC (b)(2)	Nomination as pilot in command	AMC1-OR.OPS. FC. 105 (b)(2); (c)	Designation as pilot-in-command / commander
GM OR.OPS.040.FC	Differences and familiarisation training	AMC1-OR.OPS.FC.125	Differences and familiarisation training
AMC OR.OPS.050.FC	Pilot qualification to operate in either pilot's seat	xxx	xxx
AMC OR.OPS.115.FC (a)	Composition of flight crew	AMC1-OR.OPS.FC.200 (a)	Composition of flight crew
AMC OR.OPS.030.FC and OR.OPS.130.FC	Crew Resource Management (CRM)	AMC1-OR.OPS.FC.115 and OR.OPS.FC.215	Crew Resource Management (CRM)

<b>NPA rule reference</b>	<b>NPA rule title</b>	<b>CRD rule reference</b>	<b>CRD rule title</b>
AMC1 OR.OPS.135.FC	Operator conversion training and checking	AMC1-OR.OPS.FC.220	Operator conversion training and checking
AMC2 OR.OPS.135.FC	Operator conversion training and checking	AMC2-OR.OPS.FC.220	Operator conversion training and checking
GM OR.OPS.135.FC (a)(2)	Operator conversion training and checking	GM1-OR.OPS.FC.220 (a)(2)	Operator conversion training and checking
GM OR.OPS.135.FC (c)	Operator conversion training and checking	GM1-OR.OPS.FC.220(c)	Operator conversion training and checking
AMC1 OR.OPS.145.FC	Recurrent training and checking	AMC1-OR.OPS.FC.230	Recurrent training and checking
AMC2 OR.OPS.145.FC	Recurrent training and checking	xxx	xxx
AMC3 OR.OPS.145.FC	Recurrent training and checking	AMC2-OR.OPS.FC.230	Recurrent training and checking
GM OR.OPS.145.FC	Recurrent training and checking	GM1-OR.OPS.FC.230	Recurrent training and checking
AMC1 OR.OPS.155.FC	Operation on more than one type or variant	AMC1-OR.OPS.FC.240	Operation on more than one type or variant
AMC2 OR.OPS.155.FC	Operation on more than one type or variant	AMC2-OR.OPS.FC.240	Operation on more than one type or variant
GM OR.OPS.155.FC	Operation on more than one type or variant	GM OR.OPS.FC.240	Operation on more than one type or variant

### OR.OPS.FC - Comments

116. OR.OPS.FC received 474 comments on the IRs and 334 comments on the related AMCs and GMs. The principal issues raised in the comments received on NPA 2009-02a and NPA 2009-02c were:

- to use the notion 'commander' instead of 'pilot-in command' for commercial air transport operations;
- to align the requirements for the pilot relieving the commander with EU-OPS;
- to include the alternative training and qualification programme (ATQP) for commercial air transport operations by aeroplane;
- to improve the crew resource management (CRM) training provisions to take into account experience made since the introduction of CRM in EU-OPS and JAR-OPS 3;
- acceptability by the competent authority of certain personnel conducting the training, e.g. CRM trainer;
- to encourage the use of FSTD for training;
- safety level of single-pilot operations and the changes made due to the inclusion of JAA NPA 65 for ICAO alignment;

- to extend the operator proficiency check interval to one year (especially raised by Swiss helicopter operators);
- to exclude non-complex helicopters from the restriction to operate only one type of aeroplane and one type of helicopter concurrently (especially raised by Swiss helicopter operators);
- items concerning the transposition of EU-OPS and JAR-OPS 3;
- consistency with Part-FCL;
- links with the operational suitability data (OSD), in particular when operating more than one type or variant;
- proportionality, especially as regards commercial air transport operations by balloons; and
- distribution of text between Implementing Rules and AMC/GM (especially raised by the pilot association).

#### OR.OPS.FC – Specific Issues

##### 117. ICAO compliance

The resulting text was checked against ICAO Annex 6 Parts I, II and III and the following non-compliances were identified:

- Changes were made concerning the scope to establish proportionate rules especially for smaller CAT operations (see detailed explanations below and in the CRST). In addition, Appendix 1 to 1.005(a) of EU-OPS had to be considered. This represents a CAT C non-compliance with Annex 6, Part I 9.4.4.1 on the number of operator proficiency checks per year. The same holds true for Annex 6, Part III, Section II 7.4.3.1. due to a transposition of Appendix 3.005(f) of JAR-OPS 3 concerning VFR day operations with reference to visual landmarks with other-than-complex motor-powered helicopters.
- Provisions for radio operators and flight navigators were not included in EU-OPS. To the best knowledge of the Agency, aircraft requiring these crew members are not operated by EU operators. Consequently, no provisions were included in the NPA and resulting CRD text. This represents a CAT C non-compliance with Annex 6, Part I, 9.1.2 and 9.1.4. Moreover, while the Agency may regulate the function of these crew members, similar as for flight engineers, Member States are still responsible for regulating their qualification. This also means that Annex 6, Part I, 9.1.3 and Annex 6, Part II, 3.9.1.2 concerning flight engineers are only partially implemented by these rules as it still remains a Member State competence.
- Regarding knowledge of the route/area and aerodromes, the resulting text is ICAO compliant. The distribution of provisions between Implementing Rule and AMC is the same as in EU-OPS/JAR-OPS 3. No adverse comments were received in this regard. This means that part of the ICAO standard is in AMC. In addition, by transposing a provision from Appendix 1 to 1.005(a) of EU-OPS, a CAT C non-compliance for VFR day operations with performance class B aeroplanes with Annex 6, Part I, 9.4.3.5 and 9.4.3.6 regarding the 12-month period is noted.
- Concerning single-pilot operations under IFR and night the standard of Annex 6, Part I, 9.4.5.3 concerning initial training and checks is not particularly reflected in the text. The resulting text is the same as in EU-OPS.

#### OR.OPS.FC – Description of main changes

118. **Consistency with Part-FCL:** A number of comments suggested changes for alignment with FCL. These comments have been accepted as far as feasible and whenever the intent of EU-OPS/JAR-OPS 3 could be retained. In general, it should be noted that the operator training requirements may require additional experience, qualification, training or checking, especially when operating in commercial air transport operations.

119. **'Approval' and 'acceptance' in CAT operations:** The NPA included a provision on the operations manual (OM) to be approved by the competent authority. This was questioned by many commentators; thus, the resulting text was changed to reflect EU-OPS/JAR-OPS 3 principles. This means that for flight crew the prior approval items had to be reintroduced into the text, i.e. training and checking programmes and operation on more than one type or variant. The EU-OPS/JAR-OPS 3 items 'acceptable to the authority' were treated as follows: whenever the provision is part of the rule, the operator is required to include an appropriate description in its operations manual. Since all training and checking programmes require competent authority approval, these items will also be covered by the approval, i.e. training after zero flight-time training (ZFTT) and pilot qualification to operate in either pilot's seat. Items included in AMC were either transposed by suggesting to inform the competent authority (e.g. in the case of a commander nominated to carry out certain checks, to include appropriate provisions in the operations manual) or not transposed whenever the acceptability item had rather the notion of an alternative means of compliance. Finally, some of the items that were 'acceptable to the authority' in EU-OPS were not in JAR-OPS 3 or vice versa. In these cases a choice was made for one or the other. Details are indicated in the CRST next to each item.
120. **OR.OPS.FC.005 "Scope":** the NPA Section OR.OPS.FC consisted of the following three chapters:
- Chapter 1 specifying common requirements applicable to both non-commercial operations with complex motor-powered aircraft and any commercial operation;
  - Chapter 2 specifying additional requirements only applicable to commercial air transport operations; and
  - Chapter 3 specifying additional requirements only applicable to commercial operations other than commercial air transport.

Following the comments received and the changes made in particular to Chapter 2, it was decided to subject certain smaller CAT operations to the same requirements as commercial operations other than commercial air transport. This applies to:

- (1) commercial air transport operations with sailplanes or balloons; and
- (2) commercial air transport operations of passengers conducted under visual flight rule (VFR) day, starting and ending at the same aerodrome/operating site and with a maximum duration of 30 minutes, or within a distance specified by the competent authority, with:
  - (i) single-engine propeller-driven aeroplanes having a maximum certified take-off mass of 5 700 kg or less and carrying a maximum of six persons including the pilot; or
  - (ii) single-engine helicopters and carrying a maximum of six persons including the pilot.

The considerations made when defining the threshold were further specified in the CRST document. The alleviation was discussed and welcomed by the review group. Consequently, the paragraph on scope was changed.

121. **Rule numbering:** Taking into account that OR.OPS.FC consists of different chapters, the numbering of the whole Section was reviewed and amended where necessary in order to make the links between Chapter 1 and Chapter 2 clearer. This means that the same issue in Chapter 1 and 2 bear the same last 2 digits, e.g. OR.OPS.FC.115 CRM training and OR.OPS.FC.215 Initial CRM training. The first digit indicates the Chapter, i.e. 1, 2 or 3.
122. **OR.OPS.FC.100 "Composition of flight crew":** the requirement addressing flight crew members working on a freelance or part-time basis was upgraded from Guidance Material. Amendments were made for clarity and consistency with cabin crew and technical crew members. Moreover, a clarification regarding FTL was added taking into

account a mandate of the Air Safety Committee to clarify responsibilities as regards compliance with FTL requirements when pilots are working for more than one operator.

123. **OR.OPS.FC.105** "Designation as pilot-in-command/commander": for CAT operations, the term 'commander' was reintroduced throughout the rules. In addition, a definition was provided in the Cover Regulation to the OPS Parts defining the commander as being the pilot-in-command in CAT operations. While now using different terms in CAT ('commander') and all other operations ('pilot-in-command'), the function of the commander is not different to the pilot-in-command.

Regarding the route/area and aerodrome competence, the Explanatory Note of the NPA explained that the expression 'qualification' was not transposed since EU-OPS/JAR-OPS neither explain nor determine what such a qualification is, who issues it or whether it is related to the licence or not. While the mention of 'qualification' was removed, the requirements related to training and experience were retained as conditions for the nomination as pilot-in-command. Only a few comments were received on this point and mainly concentrated on better wording in relation to the 12-month period. The text was therefore further clarified and the distribution between IR and AMC reviewed. Moreover, alleviations from EU-OPS Appendix 1 to OPS 1.005(a) were taken into account.

**AMC-1 OR.OPS.FC.105(b)(2) and (c)** now includes provision on the classification of offshore installations.

**AMC1-OR.OPS.FC.105(c)** was added to further specify on how the 12-month recency should be calculated.

**AMC2-OR.OPS.FC.105(c)** and **GM1-OR.OPS.FC.105(d)** was added to accommodate for EU-OPS Appendix 1 to OPS 1.005(a) and Appendix 3.005(f) of JAR-OPS 3. AMC-2 applies to all commercial operations.

124. **OR.OPS.FC.115** "CRM training": the provision requiring CRM training for multi-crew operations only was replaced so to have general applicability of CRM training to any operation. This was agreed by the review group.
125. **OR.OPS.FC.130** "Recurrent training": a new paragraph (b) on periodic checking was introduced to ensure compliance with ICAO Annex 6 Part II.
126. In **OR.OPS.FC.145** "Provision of training" an additional subparagraph was introduced to clarify that training programmes of commercial operators shall receive prior approval of the competent authority. This change was necessary to reflect amendments made in OR.OPS.MLR in relation to the operations manual which is not required to be approved in its entirety.

Paragraph (b) and **AMC1-OR.OPS.FC.145(b)** on operational suitability data were added to take into account the outcome of the comment review related to rulemaking task 21.039. The OSD will contain standards and recommendations which an operator has to account for when developing its training programme.

Moreover, taking into account the comment review on the training organisation requirements and FSTD, two provisions on FSTD were added to reflect the former user approval contained in EU-OPS/JAR-OPS 1/3.105 and requiring the operator to establish a system to appropriately manage FSTD changes that could affect the operators' training programmes. Since EU-OPS/JAR-OPS 3 did not contain any specifications regarding the FSTD user approval, **AMC1-OR.OPS.FC.145(d)** has been added detailing how differences between an aircraft and the FSTD should be addressed by the operator. This AMC is considered to reflect best practice in Member States today. The AMC is supported by the OPS review group.

127. **OR.OPS.FC.200** "Composition of flight crew" and **OR.OPS.FC.201.A** "In-flight relief of flight crew members": Paragraph (b) of OR.OPS.FC.200 on relieving the commander during flight was changed to align with EU-OPS. The requirements related to the qualifications of pilots relieving the commander or co-pilot were upgraded from AMC to a

new Implementing Rule paragraph OR.OPS.FC.201.A. The latter was aligned with EU-OPS and further editorial amendments made, as suggested by JAA NPA OPS 65.

128. **OR.OPS.FC.200** "Composition of flight crew" and **OR.OPS.FC.202** "Single-pilot operations under instrument flight rules (IFR) or at night": after receiving a pertinent comment from the OPS review group, the specific training requirements on single-pilot operations under IFR or at night were transferred into a new Implementing Rule OR.OPS.FC.202. Single-pilot crew resource management was added as an additional training item. Other changes are of editorial nature. The comments received show that the training concept of single-pilot operations may need further review. Commentators are therefore encouraged to submit an appropriate rulemaking proposal for the Agency to consider a new rulemaking task.

**AMC1-OR.OPS.FC.200(a)** "Crewing of inexperienced flight crew members": Appropriate links to the OSD were included.

129. **AMC1-OR.OPS.FC.205** "Command course" was added to reflect Appendix 1 to JAR-OPS 3.955, (a)(2) providing for the combination of upgrading and conversion course.
130. **AMC2-OR.OPS.FC.115 & . 215** "Crew Resource Management (CRM) - CRM trainer": Following comments, the AMC on alternative qualifications for the CRM trainer was included to accommodate for provisions included in ACJ OPS (AMC/IEM) 1.943/1.945(a)/1.955(b)(6)/1.965(e).

131. **OR.OPS.FC.220** "Operator conversion training and checking": changes were made to accommodate alleviations for performance class B aeroplanes in accordance with Appendix 1 to 1.005(a) of EU-OPS. Other changes concern the requirements addressing ZFTT. Firstly, the requirement for six take-off and landings was introduced in accordance with EU-OPS. Secondly, the references to operational suitability data were deleted since the OSD realistically cannot include proposals on the reduction of take-off and landings where only ZFTT has been used.

Small changes were made to **AMC1-OR.OPS.FC.220**. They concern EU-OPS transposition and consistency items, a link with the OSD, accommodation for e-learning/CBT in ground training and corrections made to the applicability of specific training elements to operations where no cabin crew is required.

132. **OR.OPS.FC.230** "Recurrent training and checking": changes were made to accommodate alleviations for performance class B aeroplanes in accordance with Appendix 1 to 1.005(a) of EU-OPS and operations by day with other-than-complex motor-powered helicopters in accordance with Appendix 3.005(f) of JAR-OPS 3.

The helicopter provisions in **AMC1-OR.OPS.FC.230** were changed. The AMC now includes the former AMC2 on helicopter water survival training. Furthermore, a new provision was added to encourage the use of FSTDs for helicopter training. Other changes concern EU-OPS/JAR-OPS 3 transposition and consistency items. A number of paragraphs, including the one on use of FSTD, was transferred from the former GM1.

133. **OR.OPS.FC.235** "Pilot qualification to operate in either pilot's seat": this paragraph was upgraded from AMC to Implementing Rule. Two items, autorotative landing for helicopters and differences between left-and right-hand seat, remain in AMC/GM.

134. **OR.OPS.FC.240** "Operation on more than one type or variant": changes were made to accommodate alleviations for performance class B aeroplanes in accordance with Appendix 1 to 1.005(a) of EU-OPS.

**AMC1-OR.OPS.FC.240** has been reviewed to include the appropriate links with the OSD. Comments to **AMC2-OR.OPS.FC.240** and **GM1-OR.OPS.FC.240** indicate that they should be further reviewed regarding links with the OSD; however, no detailed proposals were made. The commentators are asked to submit an appropriate proposal to the Agency for consideration in a future rulemaking task.

135. **OR.OPS.FC.245.A** "Alternative training and qualification programme": this paragraph was not part of the NPA for the reasons explained in the NPA Explanatory Note. Following the comments received, the applicable paragraph was reintroduced. The EU-OPS Appendix was merged with the JAR-OPS 1 Section II material and introduced as **AMC1-OR.OPS.FC.245.A**. Further AMC and GM contain terminology and different explanatory elements downgraded from IR. The adaptations made are explained in detail in the CRST. They were also discussed with the OPS review group.

Helicopter experts assisting the Agency in the comment review made a general remark that the ATQP should also be made available to helicopter operators. As this would require appropriate stakeholder consultation, no changes to the present scope of ATQP were made. Provided the Agency receives further views from stakeholders on this issue, it would be ready to consider this as an additional rulemaking task.

136. **OR.OPS.FC.250.A/.250.H** "Commanders holding a CPL(A)/(H)": both paragraphs were transferred from Part-FCL. Editorial amendments were made to correct references, and the provision on the command course may be better placed with the applicable requirements.

In addition, changes were made to accommodate alleviations for performance class B aeroplanes in accordance with Appendix 1 to 1.005(a) of EU-OPS.

**OR.OPS.CC – Cabin Crew**OR.OPS.CC – Introduction

137. This section contains the requirements applicable to operators operating aircraft with cabin crew, and consists of two chapters. Chapter 1 contains common requirements applicable to all operators, whilst Chapter 2 contains additional requirements only applicable to commercial air transport operators.

The Section should be read together with OR.OPS.MLR.115(d) on the storage of training records, and with Part-CC (Annex V to the Cover Regulation on personnel requirements) which contains further cabin crew training and qualification requirements applicable to cabin crew involved in commercial air transport operations. Part-CC is published in a separate CRD (CRD 2009-02e).

It should be noted that many tracked changes shown in the Comment Response Summary Table (CRST) are not additions or major changes in content but changes resulting from transfers of NPA text from Part-CC into OR.OPS.CC, and/or transfers from Implementing Rules to AMC, or vice-versa in a few cases.

<b>NPA rule reference</b>	<b>NPA rule title</b>	<b>CRD rule reference</b>	<b>CRD rule title</b>
OR.OPS.005.CC	Scope	OR.OPS.CC.005	Scope
OR.OPS.105.CC	Number and composition of cabin crew	OR.OPS.CC.100	Number and composition of cabin crew
OR.OPS.110.CC	Conditions for assignment of cabin crew to duties	OR.OPS.CC.110	Conditions for assignment to duties
OR.OPS.115.CC	Training courses and associated checking	OR.OPS.CC.115	Conduct of training courses and associated checking
OR.OPS.120.CC	Initial safety training	OR.OPS.CC.120	Initial training course
OR.OPS.125.CC	Operator's aircraft type training conversion and differences training	OR.OPS.CC.125	Aircraft type-specific training and Operator conversion training
new	new	OR.OPS.CC.130	Differences training
OR.OPS.130.CC	Familiarisation	OR.OPS.CC.135	Familiarisation
OR.OPS.135.CC	Operator's recurrent training	OR.OPS.CC.140	Recurrent training
OR.OPS.140.CC	Operator's refresher training	OR.OPS.CC.145	Refresher training
OR.OPS.205.CC	Number and composition of cabin crew	OR.OPS.CC.200	Number and composition of cabin crew
xxx	xxx	OR.OPS.CC.205	Minimum number of cabin crew in unforeseen circumstances and during ground operations
OR.OPS.210.CC	Conditions for assignment to duties	OR.OPS.CC.210	Conditions for assignment to duties
OR.OPS.215.CC	Training courses and associated checking	OR.OPS.CC.215	Conduct of training courses and associated checking
OR.OPS.250.CC	Operation on more than one aircraft type or variant	OR.OPS.CC.250	Operation on more than one aircraft type or variant
OR.OPS.255.CC	Single cabin crew member operations	OR.OPS.CC.255	Single cabin crew member operations

<b>NPA rule reference</b>	<b>NPA rule title</b>	<b>CRD rule reference</b>	<b>CRD rule title</b>
OR.OPS.260.CC	Senior cabin crew member	OR.OPS.CC.260	Senior cabin crew member
xxx	xxx	AMC1-OR.OPS.CC.100	CAT Number and composition of cabin crew
xxx	xxx	GM1-OR.OPS.100	CAT Number and composition of cabin crew
GM OR.OPS.110.CC	Conditions for assignment of cabin crew to duties	xxx	xxx
AMC1 OR.OPS.115.CC	Training courses and associated checking	xxx	xxx
AMC1 .C.C.TRA.115	Conduct of training courses, examination and checking	AMC1 OR.OPS.CC.115	Conduct of training courses and associated checking
xxx	xxx	GM1-OR.OPS.CC.115(a)	Conduct of training courses and associated checking
AMC2 OR.OPS.115.CC	Training courses and associated checking	AMC1 OR.OPS.CC.115(e)	Conduct of training courses and associated checking
GM OR.OPS.115.CC	Training courses and associated checking	GM1 OR.OPS.CC.115(e)	Conduct of training courses and associated checking
AMC-OR.OPS.CC.125	Operator's aircraft type training and differences training	AMC1-OR.OPS.CC.125(b)	Aircraft type-specific training and Operator conversion training
AMC1-OR.OPS.CC.125	Aircraft type-specific training and operator training and differences training	AMC1-OR.OPS.CC.125(c)	Aircraft type-specific training and Operator conversion training
GM1-OR.OPS.125.CC	Operator's aircraft type training and differences training	AMC1-OR.OPS.CC.125/OROPS.CC.130	Aircraft type-specific training and operator conversion training/differences
AMC-OR.OPS.130.CC	Familiarisation	AMC1-OR.OPS.CC.135	Familiarisation
AMCOR.OPS.135.CC	Operator's recurrent training and associated checking	AMC1-OR.OPS.CC.140	Recurrent training
AMC-OR.OPS.140.CC	Operator's refresher training and checking	AMC1-OR.OPS.CC.145	Refresher training
GM-OR.OPS.140.CC	Operator's refresher training and checking	GM1-OR.OPS.CC.145	Refresher training
AMC OR.OPS.205.CC	Number and composition of cabin crew	This case is covered under new OR.OPS.CC.205.	
AMC-OR.OPS.205.CC (e)	Number and composition of cabin crew	AMC1-OR.OPS.CC.205(b)	Minimum number of cabin crew in unforeseen circumstances and during ground operations
GM OR.OPS.205.CC (e)	Number and composition of cabin crew	Merged with NPA AMC-OR.OPS.205.CC (e)	
New	New	GM1-OR.OPS.CC.210(c)	GM OR.OPS.205.CC (e)
AMC-OR.OPS.250 CC	Operations on more than one type or variant	AMC1-OR.OPS.CC.250	Operations on more than one type or variant
GM-OR.OPS.250.CC	Operations on more than one type or variant	GM1-OR.OPS.CC.250	Operations on more than one type or variant
AMC-OR.OPS.260.CC (b)	Senior cabin crew member	AMC1-OR.OPS.CC.260 (b)	Senior cabin crew member
GM-OR.OPS.260.CC (b)(5)	Senior cabin crew member	GM1-OR.OPS.CC.260 (b)(5)	Senior cabin crew member
AMC-OR.OPS.260.CC(c)	Senior cabin crew member	AMC1-OR.OPS.CC.260 (c)	Senior cabin crew member

OR.OPS.CC - Comments

138. The nine comments received on NPA 2009-02a Explanatory Note (EN) and the six comments received on NPA 2009-02g Regulatory Impact Assessment (RIA) that related to cabin crew qualifications and the related attestation process were reiterated on this Section, as well as on NPA 2009-02e (Part-CC). The issues raised under those two NPAs are therefore reflected as part of the issues listed under the paragraph below and accordingly treated in the Common Response Summary Table.
139. **OR.OPS.CC** received a total of 597 comments, including 435 on the IRs and 162 on the related AMCs and GMs, from 63 commentators including 12 Member States, 13 Industry associations, 19 individual airlines and other various interested groups/persons. The main issues arising from the comments are available in the CRST and can be summarised as follows:
- Very different positions were expressed regarding the level of harmonisation to be achieved in the field of cabin crew qualifications and the related attestation process required in commercial air transport:
    - some commentators agreed with the approach proposed in the NPA and made suggestions to amend/clarify the text;
    - other commentators considered that there should be no harmonisation beyond EU-OPS, and requested that the NPA proposed rules be revised to be the same as in EU-OPS, considering that:
      - the attestation should be limited to attest completion of initial training;
      - conditions for its validity and use were not needed; and
      - Part-CC should be deleted.
  - Many comments of a more technical nature were also expressed on the following issues:
    - commentators opposing any change to EU-OPS requested that the reference to Part-21 (certification rules) made for the determination of the minimum cabin crew and the maximum number of aircraft types operated be deleted;
    - for most commentators, distribution of training content, specific training elements, familiarisation requirements and validity of training should be clarified and technically aligned more closely to EU-OPS;
    - for many commentators also, checking should be required for senior cabin crew training, and criteria for instructors and examiners should be developed;
    - training organisations for cabin crew should be approved, including for the training devices used;
    - two comments suggested that the set up of a centralised register of approved training organisations would be in the interest of all (authorities, operators, cabin crew).

OR.OPS.CC–Specific Issues

140. **Level of harmonisation foreseen by Regulation No 216/2008 in the field of cabin crew:** the diverging comments received on this Section, as well as on Part-CC and Subpart CC of Part-AR, show that there are two different understandings of Article 8(4) and 8(5)(e)<sup>14</sup> of Regulation No 216/2008. Part of the commentators considered that Regulation No 216/2008 does not foresee any harmonisation beyond, or any change to, EU-OPS, whilst others agreed in principle with the approach developed by the Agency, thus sharing the understanding that the Regulation, in particular its Article 8(5)(e), does

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<sup>14</sup> Regulation (EC) No 216/2008 Article 8(5). 'The measures designed to amend non-essential elements of this Article, by supplementing it, [...] shall specify in particular: [...] (e) conditions for issuing, maintaining, amending, limiting, suspending or revoking the cabin crew attestation referred to in paragraph 4.'

require further harmonisation of cabin crew qualifications, although without precisely specifying to which level this should be done.

Further indication of the aim foreseen by the legislator can be found in Regulation (EC) No 1899/2006 - Article 2, point 2<sup>15</sup>. This was also taken into account by the Agency in its legal analysis of the case, which was conducted at the beginning of the drafting process and agreed by the European Commission. A report published for the period 2004-2009 by the Committee on Transport and Tourism of the European Parliament<sup>16</sup> confirms the same aim for harmonisation beyond EU-OPS in the field of cabin crew qualifications.

Taking into account the above, the Agency has revised and simplified the NPA text to align it more closely to EU-OPS technical requirements with the view to address as many concerns as possible, whilst still ensuring compliance with Article 8(5)(e) and the further harmonisation to be achieved with the specification of conditions for the validity and use of the cabin crew attestation. The Agency is therefore of the opinion that further significant changes to the approach developed for the cabin crew attestation would need a decision by the legislator to amend Regulation No 216/2008.

141. **Transfers from Part- CC into O R.OPS.CC:** With the exception of the initial course, other training programmes formerly in Part-CC have been transferred into OR.OPS.CC as requested by comments.
142. **Definition of cabin crew:** the definition specified in EU-OPS 1.988 restricts the duties of cabin crew to the aircraft cabin and to the safety of passengers. However, some cabin crew duties must be performed outside the aircraft cabin (e.g. after an emergency evacuation). Furthermore, cabin crew duties have been notably extended since 2001 following the changes in the security measures and now include duties that relate to flight safety as such (e.g. protection of the flight crew compartment in case of threat; observation, and information to the flight crew, of aircraft surface contamination) and/or that are performed in other places than the passenger cabin (e.g. in the flight crew compartment in case of pilot incapacitation). For clarity and legal certainty purposes, the EU-OPS definition had to be amended to be more accurate and to encompass the now wider scope of cabin crew duties and responsibilities. Lastly, mention of the need to be appropriately qualified has been included to be consistent with the definitions for other aviation personnel. As also requested by many comments and as an exception to the drafting convention to avoid repetitions, this definition will be included in the Cover Regulation to Part-OR as well as to Part-CC.
143. **Determination of the minimum required cabin crew:** the proposed NPA text raised many concerns from operators and requests for clarification from Member States. The EU-OPS text, OPS 1.990(b)(2), allows operators to reduce the number of cabin crew by one for each whole multiple of 50 seats below the certificated maximum capacity. This could be done in the past with the approval by the competent national authority. Such a reduction of 50 seats in a cabin configuration is a design change that requires to be approved in accordance with Part-21. It cannot be solely decided by the operator without the above-mentioned process being completed by, or in coordination with, the

<sup>15</sup> Regulation (EC) No 1899/2006 - Article 2(2): 'the following recitals shall be inserted immediately after the tenth recital: [...] In the review of certain provisions referred to in Article 8a, the course towards further harmonisation of cabin crew training requirements hitherto adopted should be maintained, in order to facilitate the free movement of cabin crew personnel within the Community. In this context, the possibility of further harmonisation of cabin crew qualifications should be re-examined.'

<sup>16</sup> EP Committee on Transport and Tourism, Doc.2005/0228(COD) on 'Extending the tasks of the European Aviation Safety Agency. [...] 'Furthermore, Parliament succeeded in re-introducing an important provision from the original Commission proposal concerning the requirement of cabin crew licensing, which had been dropped by Council. This ensures that cabin crew, who play an important role in terms of aviation safety, are licensed and must therefore comply with common European standards.' [...]

responsible approved design organisation. In addition to this procedural change, individual queries and reporting sent to the Agency and transmitted to the European Commission have shown that, in a few cases, the current EU-OPS calculation method may lead to a number of cabin crew that is lower than the number specified in the aircraft manufacturer documentation for the same cabin configuration and seating capacity, which results in a case of non-compliance with the evacuation requirements of the applicable airworthiness code. Such a situation was considered by the Agency and the Commission as raising a potential safety case, in addition to the non-compliance issue and had to be addressed. The NPA text has therefore been maintained in substance but has nevertheless been clarified as explained in the paragraph below on 'Description of main changes' and in the CRST.

144. **Provision of a list of aircraft which cabin crew attestation holders are qualified to operate on:** Article 8(5)(e) requires conditions to be specified for the validity and use of the attestation. In aviation, information required to show compliance with the rules is usually stated on the licence or certificate of the holder. However, in the case of cabin crew, a list of aircraft to be used as an annex to the attestation to show compliance has been proposed in the NPA. This proposal should be simpler than a requirement for revalidation and re-issue of the attestation itself. With such an annex that can be easily updated by operators, or approved training organisations when relevant, the attestation can be shown as valid and would therefore need to be issued only once. Comments did not suggest any other alternative option which could have equally achieved the objective.
145. **Carriage of the cabin crew attestation and list of aircraft types when on duty:** this was proposed in the NPA on Part-CC but is also mentioned here because it raised many concerns from the operators. A similar requirement already exists for flight crew. It is the only way in case of inspections by a competent authority to verify that the operating crew member complies with the rules. However, flexibility has been provided, as requested by comments, by amending Part-CC and developing a new related AMC. In case the cabin crew has omitted to carry his/her documents, such documents may be presented either by the cabin crew or by the operator.
146. **Rule numbering:** Taking into account that OR.OPS.CC consists of different Chapters, the numbering of the whole Section proposed in the NPA has been maintained to facilitate the link between Chapter 1 and Chapter 2. The first digit indicates the Chapter, i.e. 1 or 2. The same issue in Chapters 1 and 2 bears the same last two digits: e.g. OR.OPS.CC.115 and OR.OPS.CC.215 cover the same issue and have the same title 'Conduct of training courses and associated checking'. This principle of the last two digits has also been applied to facilitate the link between OR.OPS.CC and Subpart TRA of Part-CC Training requirements for the cabin crew attestation: e.g. OR.OPS.CC.115 and OR.OPS.CC.215 'Conduct of training courses and associated checking' and CC.TRA.215 'Conduct of training courses, examination and checking'. This is why the digit 005 in OR.OPS.CC.005 Scope had to be kept, conversely to the other sections that now start with digit 100 as explained above under 'Main changes made to the NPA text Part-OR'.

#### OR.OPS.CC–Description of main changes

147. **Re-alignment with EU- OPS requirements :** a notable number of comments recommended changes to align with EU-OPS. When in compliance with Regulation (EC) No 216/2008 and where feasible, these comments have been accepted.
148. **Approval' and ` acceptance' in CAT o perations:** as already explained under the section on flight crew, the resulting text was changed to reflect the related EU-OPS principles. Prior approval items had also to be reintroduced into this section (i.e. training and checking programmes and operation on four aircraft types). The two EU-OPS items 'acceptable to the authority' were treated as follows: the procedures for the evacuation of passengers with a reduced cabin crew were considered as requiring an approval since EU-OPS specifies that the operator must demonstrate that such procedures provide an 'equivalent level of safety'. Conversely, for the second item, 'the procedures to select the

most suitably qualified cabin crew member to replace the senior cabin crew member if he/she becomes unable to operate', it was considered that changes to these procedures should be 'notified to the authority' without requiring prior approval.

149. **OR.OPS.CC.005 Sc ope**: the text is the same in substance and has been further developed to improve clarity, as requested by comments.

## **Chapter 1** Common requirements

150. **OR.OPS.CC.100** "Number and composition of cabin crew": formerly numbered 105, the text of this rule has been reviewed in substance taking into account the comments received and after consultation of the review group. It should be read in conjunction with the corresponding former OR.OPS.CC.205 (now renumbered 200), most of which has been transferred to this rule.

Many comments requested to go back to the text of OPS 1.990(b)(2) which allows operators to reduce the number of cabin crew by one for each whole multiple of 50 seats below the certificated maximum capacity. The issue has already been described above under 'Specific issues'. The text of the rule has been amended to make clear that the minimum required number of cabin crew referred to in new point (b)(1) is that determined for the particular cabin configuration of the aircraft to be operated, and not only that determined for the maximum passenger seating capacity of the type. The following new GM material has been developed to ensure common understanding of the reason for the change made.

**AMC1-OR.OPS.CC.100-CAT** "Number and composition of cabin crew DETERMINATION OF THE NUMBER AND COMPOSITION OF CABIN CREW": formerly AMC1-OR.OPS.CC.205, this AMC has been transferred as a result of the change in the rule.

**GM1-OR.OPS.100-CAT** "Number and composition of cabin crew": this new GM has been developed to ensure proper understanding of the change.

151. **OR.OPS.CC.110** "Conditions for assignment to duties": the NPA text has been clarified and realigned closer to EU-OPS where feasible. Also, the GM related to cabin crew working on a freelance or part-time basis has been moved back to the rule, as requested by comments and to be consistent with the same provisions for flight crew and technical crew.
152. **OR.OPS.CC.115** "Conduct of training courses and associated checking": the text has been clarified and further developed to address the various comments received on this rule.

**AMC1-OR.OPS.CC.115** "Conduct of training courses and associated checking- TRAINING METHODS, TRAINING DEVICES, TRAINING PROGRAMMES, EXAMINATION AND/OR CHECKING": after consultation with the review group, this AMC has been further developed to include provisions on training methods and devices that were initially in an AMC to AR.CC.100. In alignment with other Sections, a new point on training programmes has been added to ensure the link with operational suitability data.

**GM1-OR.OPS.CC.115(a)** "Conduct of training courses and associated checking - EQUIPMENT AND PROCEDURES": a consistency check showed that wording related to 'equipment ' and 'procedures' varied in different requirements of EU-OPS. This new GM has been developed as a result of a recommendation from the review group to clarify the meaning as applicable to cabin crew and to ensure common understanding.

**AMC1-OR.OPS.CC.115 (e)** "Conduct of training courses and associated checking - CREW RESOURCE MANAGEMENT- CRM INSTRUCTORS AND TRAINING PROGRAMMES": this AMC has been maintained in substance. Although CRM is not subject to checking, a new point has nevertheless been transferred from the GM below to mention the CRM training for senior cabin crew members (SCCMs) as part of the CRM training programmes.

**GM1-OR.OPS.CC.115 (e)** "Conduct of training courses and associated checking - CREW RESOURCE MANAGEMENT (CRM)": some minor changes have been made as requested by comments and the only substantial change is the transfer already mentioned in the AMC just above.

153. **OR.OPS.CC.120** "Initial training course": this rule has been further developed for clarity purposes as requested by comments. A new point on combination of training has been included to realign with EU-OPS.

154. **OR.OPS.CC.125** "Aircraft type-specific training and operator conversion training": the content of this rule has been substantially extended to include the aircraft type-specific training programme initially defined in Part-CC. Editorial changes have also been made to improve clarity and where requested by comments. Lastly, the subparagraph on differences training has been deleted and put in a separate rule dedicated to differences training as recommended by the review group (to improve clarity).

**AMC1-OR.OPS.CC.125 (b)** "Aircraft type-specific training and Operator conversion training - TRAINING PROGRAMME – AIRCRAFT TYPE-SPECIFIC TRAINING":

**AMC1-OR.OPS.CC.125(c)** "Aircraft type-specific training and Operator conversion training - TRAINING PROGRAMME – OPERATOR CONVERSION TRAINING":

These two AMCs have been edited to improve clarity and amended following comments to improve the distribution between the training elements initially identified as aircraft type-specific and those listed as operator-specific. They also reflect the changes resulting from the split of the differences training into a new separate rule OR.OPS.CC.130.

**AMC1-OR.OPS.CC.125/OR.OPS.CC.130** "Aircraft type-specific training and operator conversion training/ Differences training TRAINING PROGRAMMES": the status of this provision has been re-aligned with JAR/EU-OPS.

155. **OR.OPS.CC.130** "Differences training": this is a new rule that has been created by the split of the differences training from its initial location with the aircraft type and operator conversion training. Points (a) and (b)(2) have only been transferred without substantial changes. Conversely and as a consequence of the split, point (b)(1) has been added to make the necessary link with the training on the basic aircraft type.

156. **OR.OPS.CC.135** "Familiarisation": editorial changes have been made to both the rule and the AMC to improve clarity.

157. **OR.OPS.CC.140** "Recurrent training": this rule has been amended to reflect the transfer of the training programme from Part-CC into OR.OPS.CC as requested by comments, and includes editorial changes to improve clarity in particular regarding the annual and triennial training elements. Furthermore, the validity provisions have been transferred back into the rule to realign with EU-OPS, as also requested by comments.

**AMC1-OR.OPS.CC.140** "Recurrent training - TRAINING PROGRAMMES": this AMC only includes minor editorial changes.

158. **OR.OPS.CC.145** "Refresher training": this rule and the related AMC and GM include editorial changes.

## **Chapter 2** Additional requirements for commercial air transport

159. **OR.OPS.CC.200** "Number and composition of cabin crew": the content of this rule (formerly numbered 205) has been significantly limited as a result of the transfer of several of its points into OR.OPS.CC.100, as well as of the transfer into a new separate rule, after consultation of the review group, of the conditions for reducing the minimum cabin crew.

160. **OR.OPS.CC.205** "Minimum number of cabin crew in unforeseen circumstances and during ground operations": this rule originates from the split mentioned under the rule just above. The text has nevertheless been notably revised to improve clarity as

requested by comments and after consultation with the review group. Comments requesting substantial changes could not be accepted as considered subject to a future rulemaking task.

**AMC1-OR.OPS.CC.205(B)** "Minimum number of cabin crew in unforeseen circumstances and during ground operations - IN UNFORESEEN CIRCUMSTANCES DURING GROUND OPERATIONS WITH PASSENGERS ON BOARD": editorial changes were made, largely to reflect the changes made to the rule.

161. **OR.OPS.CC.210** "Conditions for assignment to duties": the wording relating to the uniform has been amended as requested and to be realigned with EU-OPS.

**GM1-OR.OPS.CC.210(c)** "Conditions for assignment to duties - UNIFORM": this new GM results from the revision of the rule to provide the flexibility requested.

162. **OR.OPS.CC.215** "Conduct of training courses and associated checking": a new point (a) on the prior approval of training programmes has been added to be realigned with EU-OPS as already mentioned under the above paragraph on 'Description of main changes'.

163. **OR.OPS.CC.250** "Operation on more than one aircraft type or variant": the rule has been clarified as requested. Reference to the OSD has however been maintained as in other Sections. Also, as already mentioned, the requirement for prior approval by the competent authority, in this case for operation on four aircraft types, has been re-included in order to realign with EU-OPS.

No changes were made to the related AMC and GM as they are in line with JAR-OPS 1, Section 2.

164. **OR.OPS.CC.255** "Single cabin crew member operations": the text has been amended with minor changes to improve clarity and to be realigned where possible with EU-OPS.

165. **OR.OPS.CC.260** "Senior cabin crew member": no significant changes have been made to this rule and its associated AMCs and GMs, except for the new requirement for checking after completion of senior cabin crew training which has been added after consultation of the review group.

**OR.OPS.TC - Technical Crew Member in HEMS, HHO or NVIS operations****OR.OPS.TC - Introduction**

166. This Section contains the training and checking requirements when operating an aircraft with technical crew members in commercial air transport helicopter emergency medical services (HEMS), helicopter hoist operations (HHOs) and night vision imaging system (NVIS) operations.

The Section should be read together with OR.OPS.MLR.115, (d) on the storage of training records as well as SPA.HEMS/HHO/NVIS where further detailed requirements regarding training of technical crew members appropriate to the operation concerned are included.

<b>NPA rule reference</b>	<b>NPA rule title</b>	<b>CRD rule reference</b>	<b>CRD rule title</b>
OR.OPS.005.TC	Scope	OR.OPS.TC.100	Scope
OR.OPS.010.TC	Conditions for assignment of technical crew to duties	OR.OPS.TC.105	Conditions for assignment to duties
OR.OPS.020.TC	Initial and type-related training	OR.OPS.TC.115	Initial training
OR.OPS.025.TC	Aircraft type Operator conversion training and differences training	OR.OPS.TC.120	Operator conversion training
xxx	xxx	OR.OPS.TC.125	Differences training
OR.OPS.030.TC	Familiarisation flights	OR.OPS.TC.130	Familiarisation flights
OR.OPS.035.TC	Recurrent training	OR.OPS.TC.135	Recurrent training
OR.OPS.040.TC	Refresher training	OR.OPS.TC.140	Refresher training
OR.OPS.045.TC	Checking	OR.OPS.TC.110	Training and Checking
AMC-OR.OPS.010.TC	Conditions for assignment of technical crew to duties	GM1-OR.OPS.TC.105	Conditions for assignment to duties
AMC1- OR.OPS.20.TC	Initial and type-related training	AMC1- OR.OPS.TC.115	Initial training
AMC2-OR.OPS.20.TC	Initial and type-related Operator conversion training	AMC1-OR.OPS.TC.120 & .125	Operator conversion training and differences training
AMC OR.OPS.025.TC	Aircraft type and differences training	AMC2-OR.OPS.TC.120 & .125	Operator conversion training and differences training
AMC OR.OPS.035.TC	Recurrent training	AMC1-OR.OPS.TC.135	Recurrent training
AMC OR.OPS.040.TC	Refresher training	AMC1-OR.OPS.TC.140	Refresher training
AMC OR.OPS.045.TC	Checking	AMC1-OR.OPS.TC.110	Training and Checking

**OR.OPS.TC - Comments**

167. OR.OPS.TC received 98 comments on the IRs and 37 comments on the related AMCs and GMs. The principal issues raised in the comments received on NPA 2009-02a and NPA 2009-02c were:

- technical crew vs. task specialists in aerial work and related definitions;

- no medical requirements vs. medical requirements comparable to cabin crew;
- consistency with OR.OPS.FC or OR.OPS.CC, as appropriate;
- transposition of JAR-OPS 3; and
- proportionality.

#### OR.OPS.TC–Specific Issues

n/a

#### OR.OPS.TC–Description of main changes

168. The scope of the Section and definition is clarified to apply to technical crew members in CAT HEMS, HHO and NVIS operations. Technical crew members or task specialists in aerial work are presently not addressed in this Section. Definitions of aerial work task specialists as well as appropriate training related to the aerial work activity were addressed through dedicated standard operating procedures (SOPs) in Part-SPO. The Agency may decide at a later stage to include technical crew members engaged in certain aerial work activities in this Section.
169. The provisions on medical requirements were aligned with JAR-OPS 3 and take into account the applicable Essential Requirements on crew members in chapter 7 of Annex IV.
170. The provisions on helicopter types and limitation on maximum number of types have been in principle transposed from JAR-OPS 3. However, it has to be recognised that no types were established for technical crew members. Many operators use the types established for flight crew. Taking into account the scope of HEMS, HHO and NVIS it may be appropriate to also differentiate by the equipment and procedures being used instead of referring generally to helicopter types as established for flight crew. The limitation is therefore transposed into AMC by requiring the operator to specify the maximum number in its operations manual, taking into account the specific environment for technical crew members.
171. Other changes were made to align with JAR-OPS 3, enhance readability and ensure consistency with OR.OPS.FC and OR.OPS.CC.

**OR.OPS.SEC - Security**OR.OPS.SEC–Introduction

172. This Section addresses the flight crew compartment security, both for aeroplanes and helicopters. It contains the obligation for operators to have in place protective procedures and equipment means to avoid any breaches in the flight crew compartment. This requirement does not contain AMC or GM. This Section is based on Subpart S of EU-OPS and JAR-OPS 3. It also provides compliance with ICAO Annex 6 Part I.

<b>NPA rule reference</b>	<b>NPA rule title</b>	<b>CRD rule reference</b>	<b>CRD rule title</b>
OR.OPS.020.SEC	Disruptive Passenger Behaviour	xxx	xxx
OR.OPS.025.SEC	Security programme and Security training	xxx	xxx
OR.OPS.030.SEC	Aircraft search procedure checklist	xxx	xxx
OR.OPS.035.SEC	Cockpit security – Aeroplanes	OR.OPS.SEC.100.A	Flight crew compartment security
OR.OPS.040.SEC	Cockpit security – Helicopters	OR.OPS.SEC.100.H	Flight crew compartment security
GM OR.OPS.020.SEC	Disruptive Passenger Behaviour	xxx	xxx
AMC OR.OPS.025.SEC	Security programme and Security training	xxx	xxx
GM OR.OPS.025.SEC	Security programme and Security training	xxx	xxx
GM OR.OPS.030.SEC	Aircraft search procedure checklist	xxx	xxx

OR.OPS.SEC - Comments

173. OR.OPS.SEC received 84 comments on the IRs and 134 comments on the related AMCs and GMs. The main comments made on this Section and particularly on flight crew compartment security are:

- conflict with Regulation (EC) No 300/2008<sup>17</sup>;
- request for EU-OPS alignment ;
- editorial improvements (mainly regarding consistency).

OR.OPS.SEC - Specific issues

174. One particular concern raised by industry was the conflict of the NPA rules with Regulation (EC) No 300/2008. The NPA implemented Annex IV of Regulation (EC) No 216/2008, which addresses some security issues already contained in Regulation (EC) No 300/2008. Whilst stakeholders were not opposed to the security rules as such, they wanted to avoid duplication of such rules.

<sup>17</sup> Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security.

175. Most of the provisions that were in the NPA are not maintained in this Section (see the comparison table above). The Agency transferred those provisions to the European Commission for the above mentioned reason. In order to avoid gaps or grey zones, the Agency is of the opinion that there is a need to address the transferred provisions very soon. For example, training of crew and ground staff is crucial in dealing successfully with an unruly passenger and in preventing a situation from escalating. If some rules are unavailable there is a risk that operators may stop some kind of training (disruptive passengers training). Also, the Agency has already prepared relevant material on security issues and this material could be a basis for future work to be carried out by the European Commission.
176. Another issue raised relates to the obligation to install Closed Circuit Television (CCTV) cameras for monitoring the area outside the flight crew compartment door. Some operators/associations opposed having CCTV installation as compulsory. The Agency would like to remind stakeholders of the conclusions of the EU Commission Air Safety Committee (composed of EU Member States) which favoured the use of CCTV, and the agreement that Member States would implement the use of CCTV to the greatest extent possible.

#### OR.OPS.SEC - Description of main changes

177. **Transfer of some NPA rules to Regulation (EC) No 300/2008:** The specific issue mentioned above had an important impact on this Section. While Section IX of the NPA contained four requirements, OR.OPS.SEC now only addresses flight crew compartment security. In agreement with the European Commission, the requirements on disruptive passenger behaviour, security programme and security training and aircraft search procedure checklist will be addressed by the Commission at a later stage.
178. **Cockpit security (former OPS.035.SEC):** "Cockpit" was renamed "flight crew compartment" when referring to the area from where the pilot controls the aircraft. This term is consistent with the term used in EU-OPS, ICAO and Regulation (EC) No 216/2008.

There is no change of this text from the initial NPA, which was strictly aligned with EU-OPS 1.1255.

The first subparagraph (a) concerns the capability of the flight crew compartment door of being locked and the means for the cabin crew to notify any tentative breaching of this door. The scope was adapted and is no longer limited to commercial operations, but to all aeroplanes that are equipped with a flight crew compartment door.

Subparagraph (c)(2) was realigned with EU-OPS wording (1.1255 (c)(2)) in order to clarify that the means required in (c)(2) are only applicable to the aeroplanes referred to in paragraph (b).

**OR.ATO – Approved Training Organisations**OR.ATO.Section I – Introduction

179. This general Section within Subpart ATO defines specific requirements related to organisations providing training for pilot licences and associated ratings and certificates.

The relevant provisions are based on the JAR-FCL requirements and Appendices (mainly Appendix 1a to JAR-FCL 1.055 and 2.055).

<b>NPA rule reference</b>	<b>NPA rule title</b>	<b>CRD rule reference</b>	<b>CRD rule title</b>
OR.ATO.005	Scope	OR.ATO.100	Scope
OR.ATO.010	Legal entity and financial resources	xxx	xxx
OR.ATO.015	Application	OR.ATO.105	Application
OR.ATO.110	Personnel requirements	OR.ATO.110	Personnel requirements
OR.ATO.120	Record keeping	OR.ATO.120	Record keeping
OR.ATO.125	Training programme	OR.ATO.125	Training programme
OR.ATO.130	Training aircraft and FSTDs	OR.ATO.130	Training manual and operations manual
OR.ATO.135	Aerodromes	OR.ATO.135	Training aircraft and FSTDs
OR.ATO.140	Pre-requisites for training	OR.ATO.140	Aerodromes and operating sites
OR.ATO.145	Training outside Member States	OR.ATO.145	Pre-requisites for training
xxx	xxx	OR.ATO.150	Training in Third Countries
AMC to OR.ATO.010(b)	Legal entity and financial resources	xxx	xxx
AMC to OR.ATO.015	Application	AMC1-OR.ATO.105	Application
AMC to OR.ATO.110	Personnel requirements	AMC 1 OR.ATO.110(a)	Personnel requirements – Head of Training
xxx	xxx	AMC1-OR.ATO.110(b)	Personnel requirements – Theoretical Knowledge Instructors
xxx	xxx	AMC1 - OR.ATO.120(a)(1)(2)	Record keeping
AMC 1 to OR.ATO.125	Training programme – type rating courses	AMC1-OR.ATO.125	Training Programme
AMC 2 to OR.ATO.125	Training programme – type rating courses	AMC2-OR.ATO.125	Training Programme
AMC 3 to OR.ATO.125	Training programme – type rating courses	AMC3-OR.ATO.125	Training Programme
xxx	xxx	AMC4-OR.ATO.125	Training Programme
AMC to OR.ATO.130	Training aircraft and FSTDs	AMC1-OR.ATO.135	Training aircraft and FSTDs
AMC to OR.ATO.135	Aerodromes	AMC1-OR.ATO.140	Aerodromes and operating sites
xxx	xxx	AMC1-OR.ATO.145	Pre-requisites for training

OR.ATO.Section I – Comments

180. OR.ATO Section I received 219 comments on the IRs and 231 comments on the related AMCs and GMs. Comments were made by competent authorities, industry (associations) and as well by individual stakeholders.

The main issues raised in this Section were the requirement on financial resources, the approval of the training programme by the competent authority, the aerodromes to be used for training and the training provided outside of the Member States.

OR.ATO.Section I – Specific Issues

181. Some changes were made to this Section, including the development of several additional AMCs explaining how to comply with the rule in the case of non-complex training organisations providing training only for the LAPL, PPL, SPL or BPL. The requirements for training organisation to be registered as a legal entity and to demonstrate financial resources were deleted from the ATO Subpart. Furthermore it was decided to move the requirement for a training and operational manual from Section II to Section I and to require it for all training organisations. It should be clarified that for the training organisations providing training only for the LAPL, PPL, SPL or BPL this manual (training and operations manual can be combined) need only be established in a very basic form. The Agency intends to develop AMCs on how to establish such a very basic training and operation manual at a later stage within a future rulemaking task.
182. Based on the comments received dealing with the specific requirements for training organisations providing courses only for flight test ratings, the Agency decided to develop a specific set of rules for this kind of training organisation. In several requirements specific additional rules have been added to address this issue.

OR.ATO.Section I - Description of main changes

183. OR.ATO 005, now as **OR.ATO.100** "Scope" was slightly amended and the list containing the different types of training deleted for editorial reasons. No AMCs or GM are included for OR.ATO.005.
184. The requirement **OR.ATO.010** "Legal entity and financial resources" was deleted for several reasons. The requirement for the ATO to be part of an organisation registered as a legal entity was challenged by a significant number of comments highlighting that in several Member States, where the training organisation is only registered it would be very difficult to register as a legal entity. As this was not required in JAR-FCL, also because the other organisations covered in Part-OR are not required to be registered as legal entities, and as the status of an ATO does not influence the training provided or the level of safety in such a school, the Agency decided to delete the requirement. The second issue, the requirement to demonstrate that sufficient resources are available to conduct training, was controversially discussed not only by the comments received (mainly from industry and Member States) but also by the experts involved in the review. Especially for the so-called "non-profit" non-complex training organisations such a requirement would cause difficulties. It should also be highlighted that in other IRs (e.g. Part-147) and in the other Subparts of this Part-OR (e.g. OR.OPS) such a requirement on financial resources is not established. In addition to this, OR.GEN.210 defines that in each organisation the accountable manager of the organisation must ensure that all training commitments can be financed and carried out to the standards required. The Agency believes that this requirement is exactly addressing the issue and that this already fulfils the needs. It decided therefore to delete the requirement in OR.ATO.010.
185. In OR.ATO.015 "Application", now **OR.ATO.105** the text was slightly changed in order to address some editorial issues. The only major change is the deletion of the second part of the sentence in (a)(2) exempting ATOs providing training only for the LAPL, PPL, SPL

or BPL from providing a training and operations manual. This sentence was deleted based on the decision to introduce a new requirement OR.ATO.130 requiring such a manual for all training organisations.

The **AMC** to OR.ATO.015, now **OR.ATO105** containing the application form for an ATO certificate was kept basically unchanged. Some additions were made in order to cover the ATOs providing training for the flight test rating only. Furthermore the description of the different types of training devices was adapted.

186. In **OR.ATO.110** "Personnel requirements" some significant changes were made:

The requirement detailing the Head of Training's (HTs) responsibilities was amended by transferring the text from Section II (OR.ATO.230) in order to define the tasks more precisely.

Some additional elements and clarifications were added for the HT for ATOs providing flight test training.

The paragraph used in the NPA describing the necessary background and prior experience of a theoretical knowledge instructor ("appropriate knowledge and experience in aviation") was amended and further detailed as the old wording would have left room for interpretation.

The former AMC1 OR.ATO.110 was deleted based on the comments received from Member States and industry proposing such a deletion. The Agency agrees that the AMC is not needed as all the privileges for the different instructor categories are sufficiently covered in Part-FCL.

Two new AMCs were developed to reflect the changes made in OR.ATO.110 and to further specify how to comply with the Implementing Rules. The following AMCs were added:

- **AMC1-OR.ATO.110** was introduced in order to address the comments asking if more than 1 HT might be nominated, for a non-complex training organisation offering courses for different aircraft categories.
- **AMC1-OR.ATO.110(b)** to introduce a test lecture for the theoretical knowledge instructors in order to support the experience requirement in OR.ATO.110.

187. The time period given with **OR.ATO.120** "Record keeping" was reduced to three years based on the comments asking for a reduction of administrative burden for the ATOs and questioning the need for keeping the documents for a longer period as the longest revalidation interval given in Part-FCL (instructor certificate: three years). In order to clarify when this period starts the text was amended. The FSTD related records and the AMC dealing with these records were deleted as it was decided to move them to Section III containing the other specific requirements for organisations using FSTDs.

A new **AMC1-OR.ATO.120(a)(1)(2)** was developed in order to address and allow the actual practice in several Member States to use specific student progress cards for keeping all the required records.

188. In **OR.ATO.125** "Training programme" no important changes were introduced. However, a reference to the requirements in Part-FCL was introduced.

Only minor changes were incorporated in the three **AMCs to OR.ATO.125**. The main issue is the additional reference to the operational suitability data concept (OSD) mentioning that the training programme should comply with the standards included in the OSD. The wording of the two AMCs for aeroplane and helicopter type rating courses was adapted for consistency reasons (see e.g. item 2 "Variants"). An additional AMC 4 to OR.ATO.125 "Training programme – flight test training" was developed based on the decision to add specific requirements for training organisations providing courses only for flight test ratings.

189. A new requirement **OR.ATO.130** with the title "Training manual and operations manual" was developed based on the requirement already contained in Section II. The decision to require also the non-complex training organisation wishing to provide training for the LAPL, PPL, SPL or BPL to establish a training and operations manual, is based on several criteria. Firstly it should be highlighted that several comments were proposing to introduce such a system also for the "small" training organisation as such a manual is clearly an important element for the standardisation of training (which has also a certain influence on the level of safety). The Agency when doing the review of all the comments realised that commercial training for any licence (also for the LAPL or PPL) would also require an operations manual as this is established in the Basic Regulation. In order not to introduce a new term like "commercial ATO" and reflecting also the proposal made by several stakeholders, the Agency decided to require all ATOs to develop a training and operations manual.

No AMCs or GM are included for OR.ATO.130.

190. **OR.ATO.135** "Training aircraft and FSTDs" was amended in regards to the use of FSTDs and flight test training organisations. The requirement in (b) describes the items to be demonstrated by the ATO when training shall be provided on an FSTD. The main elements of the text were moved from OR.ATO.300(a)(2) to this Section as the new allocation seems to be more appropriate. An additional item (d) was introduced in order to address the needs for an ATO providing training for the flight test rating.

**AMC1-OR.ATO.135** was amended to address some comments stating that for instructor training courses (LAFI and FI) aircraft suitable for spin recovery should be required.

191. In **OR.ATO.140** "Aerodromes and operating sites" the title was changed in order to address the ATOs using operating sites which are not classified as aerodromes (e.g. ATOs providing training for the BPL). The rule text was kept unchanged.

**AMC1-OR.ATO.140** was changed quite substantially as a significant number of stakeholders requested a change as a certain amount of aerodromes used nowadays for PPL training would no longer be usable if this AMC remained unchanged. As the certification of an ATO includes also the aerodromes to be used, the competent authority will anyway check if the aerodromes intended to be used by the ATO will allow normal and safe training operation or not. The text was changed, a more general term introduced and the detailed characteristics determining the runway length deleted. Item (d) requiring ATC service was amended in order to address the issue of small uncontrolled airfields or operating sites where normally no ATC service will be available.

192. In **OR.ATO.145** "Pre-requisites for training" a reference to the future Part-MED and a specific paragraph for the ATOs providing flight training for the flight test rating was added.

A new **AMC1-OR.ATO.145** was added which is based on a requirement already established under JAR-FCL and requiring the ATO to check theoretical knowledge in certain subjects before starting the training for a commercial licence. This was addressed by experts during the review of the comments and the Agency was asked to put these entry requirements back in Part-OR as it has been proven a valuable tool for assessing if students have sufficient knowledge to be able to follow the courses.

193. For OR.ATO.145, now **OR.ATO.150**, a new title "Training in third countries" was introduced as this term is more consistent with the wording used in other documents. Although several comments were proposing to change or delete certain elements of this rule the Agency decided to keep this requirement which was transferred from JAR-FCL. The required acclimatisation flights and the skill test to be done in one of the Member State is still seen as necessary in order to ensure that licence holders who complete all their training outside the Member States will have a certain knowledge about the European airspace system and instrument flying environment.

No AMCs or GMs are included for OR.ATO.150.

## **OR.ATO Section II – Additional requirements for ATOs providing training for licences and ratings other than the LAPL, PPL, SPL and BPL**

### OR.ATO.Section II – Introduction

194. This Section within Subpart ATO is applicable to approved training organisations (ATOs) providing training for pilot licences and associated ratings and certificates other than the LAPL, PPL, SPL and BPL. These requirements are based on the JAR-FCL flying training organisation and type rating training organisation approval requirements.

<b>NPA rule reference</b>	<b>NPA rule title</b>	<b>CRD rule reference</b>	<b>CRD rule title</b>
OR.ATO.210	Personnel requirements	OR.ATO.210	Personnel requirements
OR.ATO.225	Training programme	OR.ATO.225	Training programme
OR.ATO.230	Training manual and operations manual	OR.ATO.230	Training manual and operations manual
AMC 1 to OR.ATO.210	Personnel requirement	AMC1-OR.ATO.210	Personnel requirements
AMC 2 to OR.ATO.210	Personnel requirements	AMC2-OR.ATO.210	Personnel requirements
AMC to OR.ATO.230(c)	Training manual and operations manual	AMC1-OR.ATO.230(c)	Training manual and operations manual
AMC to OR.ATO.230(d)	Training manual and operations manual	AMC1-OR.ATO.230(d)	Training manual and operations manual

### OR.ATO.Section II – Comments

Section II of this Subpart received 87 comments on the IRs and 77 comments on the related AMCs and GMs. Comments were made by competent authorities, associations, operators and individuals.

### OR.ATO.Section II – Specific Issues

The specific issues raised in this Section were the personnel requirements (OR.ATO.210) and the training manual and operations manual (OR.ATO.230).

### OR.ATO.Section II – Description of main changes

195. **OR.ATO.210** "Personnel requirements": there were a few comments on the wording of the text of this requirement and the main elements of the experience criteria. The Agency did not change the wording of the text because Section II is based on the exact wording of the requirements coming from Appendix 1a to JAR-FCL 1.055 and Appendix 1a to JAR-FCL 2.055. However, in order to align the two requirements for the HT in (a)(1) and (a)(2) in this paragraph and the requirements for the HT in OR.ATO.110 in Section I the Agency has transferred these requirements to this general Section.

There were also some comments asking to put **AMC2-OR.ATO.210** into the paragraph OR.ATO.210. This AMC explain the experience for both HT and chief flight instructor (CFI). The Agency is of the opinion that this kind of detail should stay in AMC because it is imperative that only essential safety elements are contained in the rule, leaving non-essential implementation aspects to Certification Specifications or AMCs.

196. There were many stakeholders with a similar comment on OR.ATO.210 (a)(2): Head of Training of an ATO may have no experience in training for pilot licences but significant experience as a TRI/TRE. The have the opinion that in the case of an ATO providing only modular theoretical knowledge instruction it is not necessary for the Head of Training to

have experience as a flight instructor. The Agency carefully assessed these comments and has amended the text of this paragraph to solve this problem.

197. The Agency received also many similar comments on OR.ATO.210 (b) and (c) stating that the Appendix 2 to JAR-FCL 1.055 did not require to have a chief flight instructor and a chief ground instructor (renamed to chief theoretical knowledge instructor) within the current approved TRTO structure. The Agency agrees and has amended subparagraph 4 of AMC1-OR.ATO.210 to assure that not only for the modular courses but also for ATOs providing only type rating courses or only theoretical knowledge instruction certain functions (HT / CGI / CTKI) can be combined. However, this is depending on the scope of training offered.
198. **OR.ATO.230** "Training manual and operations manual": based on the comments received on this paragraph and further discussions with the experts involved during the review, it was decided to move subparagraphs (a) and (b) to Section I (cf. OR.ATO.130). All types of training organisations (not only the ATOs providing training for the licences other than LAPL / PPL /SPL or BPL) will be asked to establish a training and operations manual.

### **OR.ATO.Section III – Additional requirements for organisations operating flight simulation training devices (FSTDs) and the qualification of FSTDs**

199. OR.ATO Section III contains two chapters:

- Chapter 1 - Requirements for organisations operating FSTDs; and
- Chapter 2 - Requirements for the qualification of FSTDs.

#### **OR.ATO.Section III – Introduction**

200. Chapter 1 of this Section describes how an organisation operating FSTDs can give evidence to the competent authority that it has the capability to maintain the FSTD's qualification level as certified and how to proceed when any modifications are necessary or additional equipment has been added to the FSTD. An important element to ensure the continued compliance with the applicable requirements is the compliance monitoring programme (CMP). There are several AMCs and GMs providing additional and specific information and guidance on how to establish a CMP. Additional guidance is given to the organisation on how to prepare for an evaluation of an FSTD by the competent authority. The requirements do not refer to the devices only but also to all installations necessary to ensure safe operation. Chapter 2 of this Section addresses all steps from the application for an FSTD qualification, the qualification basis which includes the Certification Specifications (CSs), the special case of an interim qualification, to the issue of an FSTD qualification certificate and its validity

<b>NPA rule reference</b>	<b>NPA rule title</b>	<b>CRD rule reference</b>	<b>CRD rule title</b>
OR.ATO.300	General	OR.ATO.300	General
OR.ATO.305	FSTD qualification maintenance	OR.ATO.305	FSTD qualification maintenance
OR.ATO.310	Modifications	OR.ATO.310	Modifications
OR.ATO.315	Installations	OR.ATO.315	Installations
OR.ATO.320	Additional equipment	OR.ATO.320	Additional equipment
OR.ATO.350	Application for FSTD qualification	OR.ATO.350	Application for FSTD qualification
OR.ATO.355	Certification specifications for FSTDs	OR.ATO.355	Certification specifications for FSTDs
OR.ATO.360	Qualification basis	OR.ATO.360	Qualification basis
OR.ATO.365	Issue of an FSTD qualification	OR.ATO.365	Issue of an FSTD qualification certificate
OR.ATO.370	Interim FSTD Qualification	OR.ATO.370	Interim FSTD qualification
OR.ATO.375	Duration and continued validity	OR.ATO.375	Duration and continued validity
OR.ATO.380	Changes to the qualified FSTD	OR.ATO.380	Changes to the qualified FSTD
OR.ATO.385	Transferability of an FSTD qualification	OR.ATO.385	Transferability of an FSTD qualification
xxx	xxx	OR.ATO.390	Record keeping
AMC 1 to OR.ATO.300(a)(1)	General	AMC1-OR.ATO.300	General
AMC 2 to OR.ATO.300(a)(1)	General	AMC2-OR.ATO.300	General
AMC 3 to OR.ATO.300(a)(1)	General	AMC3-OR.ATO.300	General
GM 1 to OR.ATO.300	General	GM1-OR.ATO.300	General

<b>NPA rule reference</b>	<b>NPA rule title</b>	<b>CRD rule reference</b>	<b>CRD rule title</b>
GM 2 to OR.ATO.300	Compliance Monitoring System Assessment for ATOs operating FSTDs	GM 2 to OR.ATO.300	General
GM 3 to OR.ATO.300	Guidance for ATOs operating FSTDs to prepare for a competent authority evaluation	GM3-OR.ATO.300	General
AMC to OR.ATO.310(a)	Modifications	AMC1-OR.ATO.310(a)	Modifications
AMC to OR.ATO.310(b)	Modifications	AMC1-OR.ATO.310(b)	Modifications
AMC to OR.ATO.315	Installations	AMC1-OR.ATO.315	Installations
GM to OR.ATO.315	Installations	GM1-OR.ATO.315	Installations
AMC to OR.ATO.350	Application for FSTD qualification	AMC1-OR.ATO.350	Application for FSTD qualification
GM to OR.ATO.350	Application for FSTD qualification	GM1-OR.ATO.350	Application for FSTD qualification
AMC to OR.ATO.370	Interim FSTD qualification	AMC1-OR.ATO.370	Interim FSTD qualification
GM to OR.ATO.370	Interim FSTD qualification	GM1-OR.ATO.370	Interim FSTD qualification
xxx	xxx	AMC1-OR.ATO.375(b)(4)	Duration and continued validity
AMC to OR.ATO.380(b)	Changes to the qualified FSTD	AMC1-OR.ATO.380(b)	Changes to the qualified FSTD
xxx	xxx	AMC1-OR.ATO.390	Record keeping

### OR.ATO.Section III – Comments

201. Subpart OR.ATO.Section III received 62 comments on the IRs and 114 comments on the related AMCs and GMs. Comments were made by competent authorities, associations, FSTD operators, FSTD manufacturers, FSTD users and individuals.

### OR.ATO.Section III – Specific issues

202. Some commentators requested to reinstate the former “user approval”. Devices still have to be user-approved by the competent authority. This approval is part of the ATO certificate (appendix) and of the training manual (OM-D) of AOC holders in connection with the approved training programmes. Therefore the provision regarding the details in the training programme indicating what the training device is actually capable of is retained.

The term *ATO* was replaced by *organisation* whenever the rules, AMCs or GMs relate to the operation of FSTDs only. By this change those FSTD operators who do not provide training programmes are also addressed. If an ATO operates an FSTD the relevant rules are part of the rules that apply to them as an ATO.

The Agency envisages transferring specific AMCs and GMs related to compliance monitoring from Subpart ATO to Subpart GEN, as these AMCs and GMs may be of general interest. Identification of the AMCs and GMs concerned and possible changes will be determined before publishing the related Decision.

### OR.ATO.Section III – Description of main changes

203. **GM1-OR.ATO.300** and **GM2-OR.ATO.300** “General”: Both GMs were revised to improve clarity, to avoid duplication and for a more logical grouping of audit areas in the questionnaire. In the course of this revision the “acceptability” to the competent authority of the accountable manager and the compliance monitoring manager was

removed as there are no requirements for them defined in the rules. Furthermore the naming of any international quality standard was avoided since e.g. ISO could be a baseline but ISO certification is not required.

The cooperation between the FSTD operators and sub-contractors in terms of compliance monitoring was clarified.

204. **AMC1-OR.ATO.310(a)** "Modifications": was amended to clarify that the tracking of modifications of the represented aircraft and their implementation on an FSTD, if necessary, does not apply to all types of FSTD. The content of point 5. was moved to point 4.
- AMC1-OR.ATO.310(b)** "Modifications": this AMC was completely redrafted to improve clarity.
205. **GM1-OR.ATO.315** "Installations": point 2. has been deleted because the obligation therein was incorrectly addressed to the competent authority.
206. **AMC1-OR.ATO.350** "Application for FSTD qualification": The application form was modified and extended to be used for FFS, FTD and FNPT.
207. **OR.ATO.360** "Qualification basis": the rule was redrafted entirely as it had contained text covering aircraft type certification which are not applicable. A link to Part-21 was inserted to include the aircraft validation data defined by the OSD into the qualification basis of the respective type(s) of FSTD.
208. **OR.ATO.365** "Issue of an FSTD qualification certificate" was amended by a reference to OR.ATO.300 to assure that a CM programme is in place and effective before a qualification certificate can be issued.
209. **AMC1-OR.ATO.370** "Interim FSTD qualification": links to Part-21 were inserted to consider the interim qualification of OSD in the type certification process under Part-21.
210. **OR.ATO.375** "Duration and continued validity": an improved definition of the duration and continued validity was provided, with special regard to the start date of time periods and the possible timeframe for the date of recurrent evaluations of the FSTDs.
- The prerequisites for an extension of the period for recurrent evaluations were reviewed. A modification of the text was necessary to preclude that an organisation successfully operating several FSTDs cannot benefit from the extension if an unforeseeable major failure, which is not related to failures in the CM, occurs leading to an abort of the evaluation (e.g. breakdown of control loading system or motion system).
- Point (b)(3) was deleted because it is covered in (b)(1) and (b)(2). There will be no qualification of a device if the organisation operating the FSTD(s) does not comply with all applicable requirements.
211. **AMC1-OR.ATO.375(b)(4)** "Duration and continued validity": this new AMC was added containing former parts of the rule which are considered as being AMC material.
212. **OR.ATO.390** "Record keeping": this new rule was added to be consistent with AMC1-OR.ATO.120(b).

#### OR.ATO.Section IV – Introduction

213. This Section IV within Subpart ATO gives additional requirements for ATOs providing specific types of training. It contains four Chapters:
- Chapter 1 - Distance learning courses;
  - Chapter 2 - Zero flight time training;
  - Chapter 3 - MPL courses; and
  - Chapter 4 - Flight test training.

In relation to the three first subjects, the resulting text does not present significant changes compared to the proposals in NPA 2008-22. The main sources for these requirements were JAR-FCL 1 and 2.

In relation to flight test training organisations, the proposals in NPA 2008-22 were the result of a separate rulemaking task (MDM.003) which was part of the tasks that the Agency inherited from the JAA. The output of this task was integrated into three separate NPAs: NPA 2008-17, containing the requirements for the flight test rating, to be integrated in Part-FCL; NPA 2008-20, containing requirements to be followed by Part-21 organisations when conducting flight tests; and NPA 2008-22, containing the requirements for flight test training organisations, to be included in Part-OR. Because of the specific nature of flight test activity, and the close links between the 3 NPAs, the Agency decided that all flight test related comments on the three NPAs would be reviewed by a specific review group. This review group was constituted by experts on the flight test activity from the Agency, NAAs and industry. The resulting text in Chapter 4 is the result of the review of the comments received and additional suggestions made by this review group, taking into account in-service experience and existing national requirements. In addition to the changes in Section IV, other changes were made to requirements in other Sections of Subpart ATO to take into account the comments received and the input from the group.

<b>NPA rule reference</b>	<b>NPA rule title</b>	<b>CRD rule reference</b>	<b>CRD rule title</b>
OR.ATO.400	General	OR.ATO.400	General
OR.ATO.405	Classroom instruction	OR.ATO.405	Classroom instruction
OR.ATO.410	Instructors	OR.ATO.410	Instructors
OR.ATO.430	General	OR.ATO.430	General
OR.ATO.435	Flight Simulation Training Devices	OR.ATO.435	Full Flight Simulator
OR.ATO.450	General	OR.ATO.450	General
OR.ATO.455	General	OR.ATO.455	Flight test training organisations
AMC to OR.ATO.400	General	AMC1-OR.ATO.400	General
AMC to OR.ATO.430	General	AMC1-OR.ATO.430	General
AMC to OR.ATO.435	Flight Simulation Training Devices	AMC1-OR.ATO.435	Full Flight Simulator

#### OR.ATO.Section IV – Comments

214. Section IV of Subpart received 103 comments on the IRs and eight comments on the related AMCs and GMs.

#### OR.ATO.Section IV – Specific issues

No specific issues have been raised for this Section.

#### OR.ATO.Section IV – Description of main changes

215. **OR.ATO.400** "General": there were many stakeholders with a similar comment: distance learning courses should also be available for multi-pilot type rating training with the same restrictions as are listed for single-pilot type rating candidates. The Agency is aware that web-based distance learning is becoming increasingly available for type rating

training and sees the pedagogic benefit: students can study at times most suitable to them. The Agency amended the text to make the requirement general for all class or type rating.

216. **OR.ATO.430** "Zero Flight Time Organisation": many stakeholders requested that clarification be given for the approval for ZFFT. They were referring to the JAR-FCL requirement where it was written that the operational experience has to be acceptable to the Authority on the aeroplane. The Agency amended the text by adding the requirement 'acceptable to the competent authority on the aeroplane type'.
217. **OR.ATO.455** "Flight test training organisation": the majority of the comments received were not on the content of the Agency's proposals, but on their structure. Several stakeholders requested that a separate Subpart be created for flight test training organisations. After carefully reviewing the comments and the requirements, with the support of the flight test review group, the Agency concluded that, even though flight test training is a very specific activity, there was no need to create a separate Subpart. In fact, the large majority of the general requirements for ATOs could be applied to flight test training organisations.

However, a few items that were specific to flight test training organisations were identified, and they have been reflected in the text either by way of excluding these organisations from some of the general requirements, or by amending the initial text of OR.ATO.455.

The main changes made were:

- The exclusion of developmental FSTDs (those that are used for development and research and for related flight test training) from the requirement to receive a qualification certificate, since on the one hand the specific use that is made of these FSTDs does not allow them to comply with the requirements for other FSTDs used for training and, on the other hand, there are no credits established for training performed on FSTDs towards the issuance of a flight test rating.
- A specific subparagraph for flight test training organisations was introduced in OR.ATO.015 regarding the information that needs to be provided by an organisation applying for an ATO certificate in relation to its training sites and the aircraft used for training. This was also reflected in the changes made in AMC1 to this paragraph.
- References to Part-21 in OR.ATO.110, OR.ATO.125 and OR.ATO.140, since in the establishment and implementation of a flight test training programme not only Part-FCL needs to be taken into account, but also some requirements included in Part-21. Accordingly, a new AMC4-OR.ATO.125 was introduced, on the training programme for flight test training courses.
- A specific subparagraph for flight test training organisations was introduced in OR.ATO.130 in relation to specific requirements for training aircraft used by these organisations. Accordingly, flight test training organisations were excluded from AMC1 to this paragraph.
- An exemption from OR.ATO.210(a) was introduced for flight test training organisations, since in their case it is more relevant that the HT is experienced in training for flight tests, rather than professional licences in general.
- A specific subparagraph for flight test training organisations was introduced in OR.ATO.230 in relation to the operations manual, clarifying that it should follow the requirements included in Part-21 for the flight test operations manual. Accordingly, flight test training organisations have been excluded from AMC1-OR.ATO.230(d).
- A specific subparagraph was included in OR.ATO.455 requiring a specific link between a flight test training organisation and a Part-21 organisation when the former wishes to provide flight test related training other than for the issue of a Category 1 or 2 flight test rating. Most of the original subparagraphs of OR.ATO.455

were deleted, as a result of the comments, or because their provisions were already covered by other changes in OR.ATO. The subparagraph on training records was amended following the comments received and taking into account the changes to the AMC to FCL.820 during the review of the comments on Part-FCL.

- Finally, flight test training organisation were excluded from the second subparagraph of AMC2-OR.ATO.135.

**OR.AeMC – Specific Requirements related to Aero-medical Centres (AeMCs)**

218. OR.AeMC consists of two Sections:

- Section I – General; and
- Section II – Management.

**OR.AeMC.Sections I & II – Introduction**

219. Subpart OR.AeMC provides rules and AMC material for aero-medical centres (AeMCs), which are defined as organisations in the Basic Regulation. These rules are newly introduced and do not correspond to JAR-FCL 3 where only one paragraph (JAR-FCL 3.085) was dedicated to AeMCs. Some provisions of this paragraph could not be transposed to Subpart OR.AeMC as JAR-FCL limited the duration of authorisation of an AeMC, as well as the number of AeMCs in one country. The rules are also not based on ICAO Annex 1 because ICAO does mention AeMCs. The reasons for introducing new requirements were to follow the Basic Regulation and to adapt the JAR-FCL 3 requirement to the overall approach taken to regulate organisations.

<b>NPA rule reference</b>	<b>NPA rule title</b>	<b>CRD rule reference</b>	<b>CRD rule title</b>
OR.AeMC.005	Scope	OR.AeMC.105	Scope
OR.AeMC.015	Application	OR.AeMC.115	Application
OR.AeMC.035	Continued validity	OR.AeMC.135	Continued validity
OR.AeMC.045	Findings	xxx	xxx
OR.AeMC.200	Management system	OR.AeMC.200	Management system
OR.AeMC.210	Personnel requirements	OR.AeMC.210	Personnel requirements
OR.AeMC.215	Facility requirements	OR.AeMC.215	Facility requirements
OR.AeMC.220	Record-keeping	OR.AeMC.220	Record-keeping
AMC to OR.AeMC.015	Application	AMC1- OR.AeMC.115	Application
AMC to OR.AeMC.210	Personnel requirements	AMC1- OR.AeMC.210	Personnel requirements
AMC to OR.AeMC.215	Facility requirements	AMC1- OR.AeMC.215	Facility requirements

**OR.AeMC.Sections I & II – Comments**

220. A total of 92 comments were made to Subpart AeMC (57 on the IRs and 35 on the related AMCs).

The comments to this Subpart do not indicate whether stakeholders are fully aware that AeMCs must comply with all requirements in OR.GEN.

**OR.AeMC.Sections I & II – Specific issues**

221. The main issue was the number of 500 class 1 aero-medical examinations to be performed per year at an AeMC to maintain the validity of the AeMC certificate. This was considered necessary because all AeMCs will have the privilege to issue initial class 1 medical certificates which, under JAR-FCL 3, was supposed to be done by the Aero-

medical Section of the authority. Initial issue of medical certificates for commercial pilots is deemed to be crucial.

The comments to this paragraph were mainly from small Member States where the number of commercial pilots is so low that 500 examinations per year cannot be reached even if there would be only one AeMC. There were also comments saying that there has to be a rule stating that each Member State must have at least one AeMC.

The solution to this problem was that the rule now states that an "adequate" number of class 1 examinations must be performed each year without stating a number. A new AMC has been drafted to explain how to ensure experience of AMEs working in an AeMC where high numbers of class 1 examinations cannot be reached due to a small pilot population.

#### OR.AeMC.Sections I & II – Description of main changes

222. Except for the issue of numbers of examinations as explained above, no major changes were made as compared to the NPA. However, the only subparagraphs that were transposed from JAR-FCL 3.085 were amended following comments and discussions in the review group. These changes are:

- **OR.AeMC.200** "Management system": (b) was deleted following comments. AeMCs no longer have the obligation to conduct aero-medical research and publish the results. It has been agreed that this may be too difficult for some AeMCs and is not of an added value for the aero-medical examinations and assessments of pilots.
- **OR.AeMC.210** "Personnel requirements": in (a)(1) the head of the AeMC is no longer responsible for coordinating assessment results and signing reports and certificates; the AMEs working at an AeMC may take that responsibility under the privileges granted by their individual AME certificates.

223. In order to ensure consistency throughout Part-OR, **OR.AeMC.200** was amended by deleting the reference to specific subparagraphs of OR.GEN.200, as aero-medical centres need to comply with all provisions in OR.GEN.

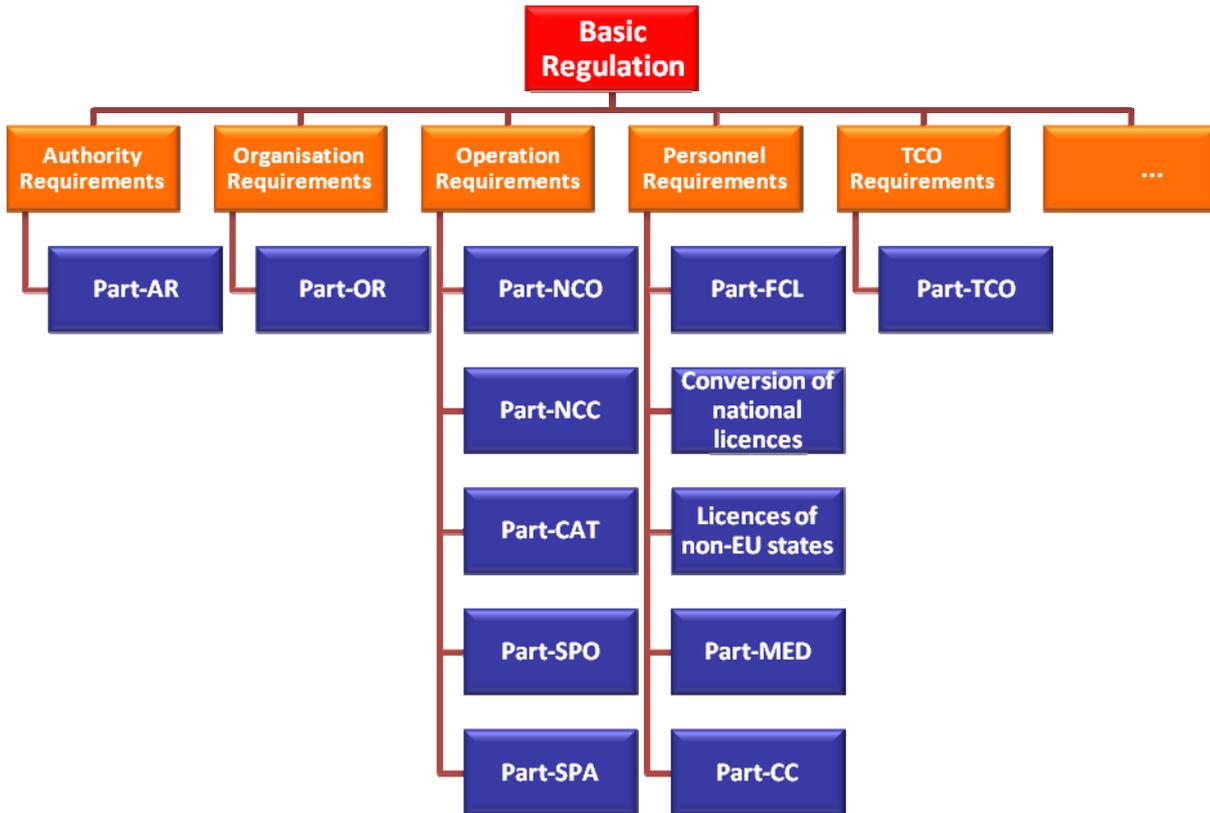
224. One new **AMC1-OR.AeMC.135** "Continued validity": was added as a consequence of the problem of small Member states where the originally required number of class 1 examinations at an AeMC cannot be reached due to a small pilot population. The AMC now gives an estimate of 200 class 1 aero-medical examinations per year with the addition that medical certificates for private pilots and Third Countries (e.g. FAA) as well as research may be accepted as contributing to the continued experience of AMEs working at an AeMC.

225. **AMC1-OR.AeMC.210**: an AME was required to have performed 500 class 1 examinations before he/she could be nominated as Head of an AeMC. This number was reduced to 200 following the addition of AMC.AeMC.135.

**Annex II to the Explanatory Note**

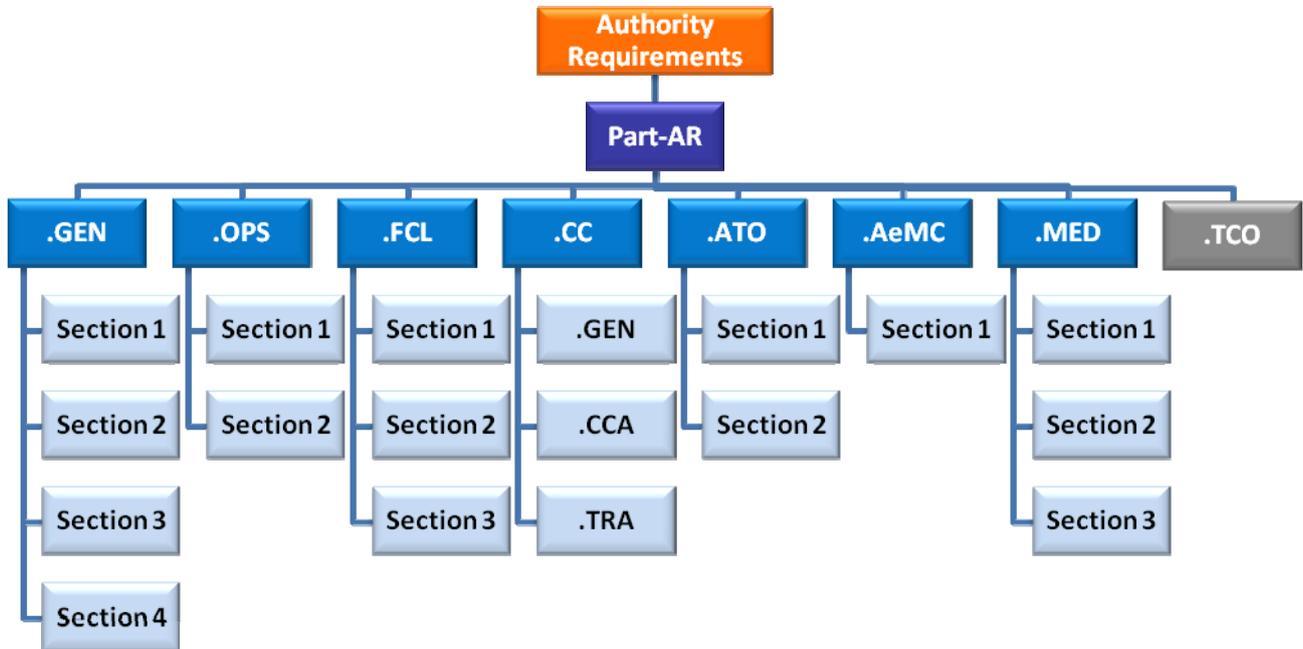
**Rule Structure**

**Overview of Cover Regulations and Parts**



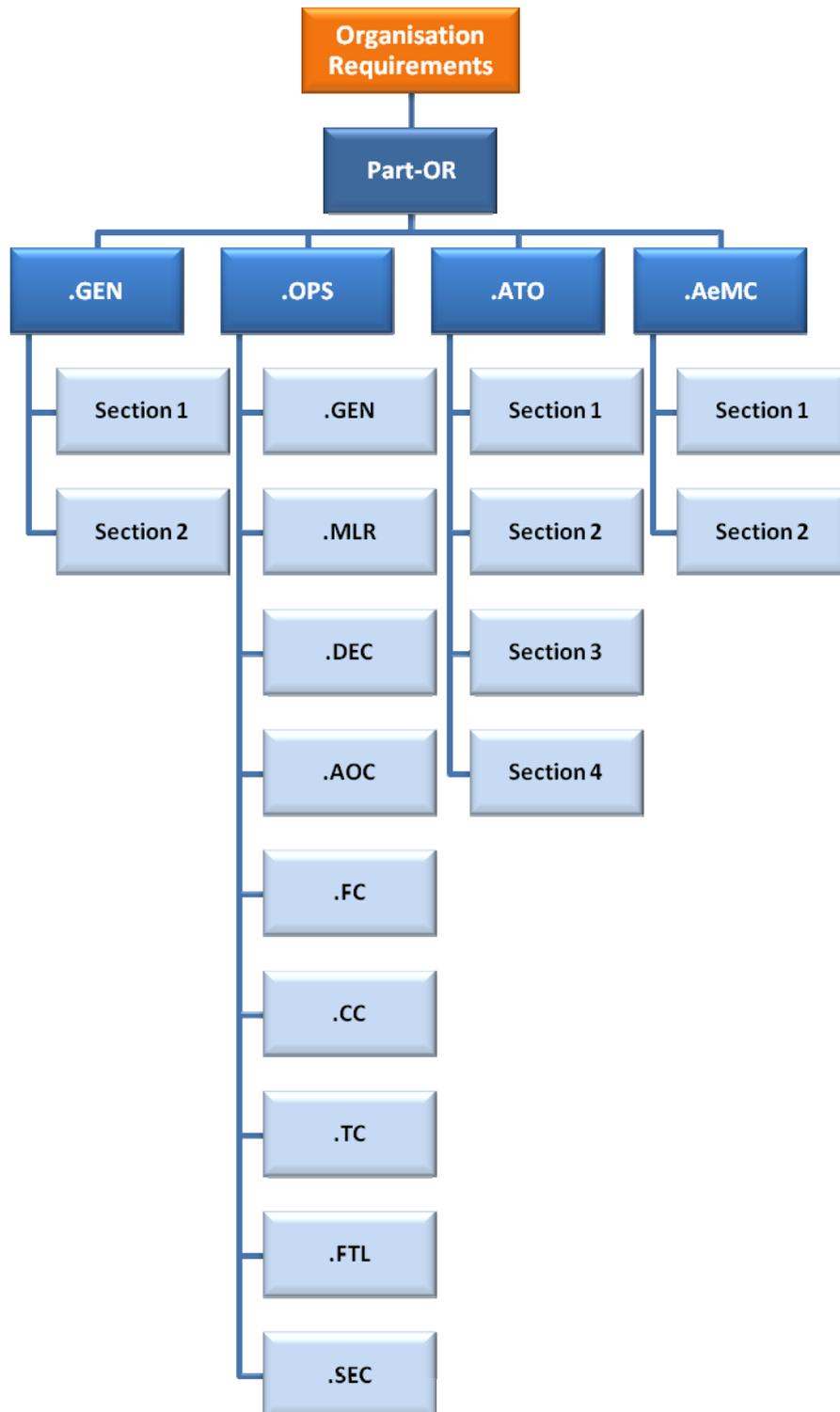
### Rule Structure

#### Authority Requirements



### Rule Structure

#### Organisation Requirements



**Annex III to the Explanatory Note**  
**Safety Management Requirements for organisations**  
**Comparison ICAO standards/Part-OR – Basic Regulation (ERs)**

ICAO Standard	Requirement	AMC
<p style="text-align: center;"><b>Safety Management Standards</b></p> <p>States shall require, as part of their State safety programme, that an [organisation] implement a safety management system acceptable to the State that, as a minimum:</p>	<p style="text-align: center;"><b><u>OR.GEN.200(a)</u></b></p> <p>An organisation shall establish, implement and maintain a management system that includes:</p>	
a) identifies safety hazards;	<p style="text-align: center;"><b><u>OR.GEN.200(a)(3)</u></b></p> <p><b>the identification of aviation safety hazards</b> entailed by the activities of the organisation, their evaluation and the management of associated risks, including taking effective actions to mitigate the risk;</p>	
b) ensures the implementation of remedial action necessary to maintain agreed safety performance;	<p style="text-align: center;"><b><u>OR.GEN.200(a)(3)</u></b></p> <p>the identification of aviation safety hazards entailed by the activities of the organisation, their evaluation and the <b>management of associated risks, including taking effective actions to mitigate the risk;</b></p>	
c) provides for continuous monitoring and regular assessment of the safety performance; and	<p style="text-align: center;"><b><u>OR.GEN.200(a)(3)</u></b></p> <p>the identification of aviation safety hazards entailed by the activities of the organisation, their evaluation and the management of associated risks, including taking <b>effective actions</b> to mitigate the risk;</p> <p style="text-align: center;"><b><u>OR.GEN.200(a)(6)</u></b></p> <p>a function to monitor compliance of the organisation with the relevant requirements. Compliance monitoring shall include a feedback</p>	<p style="text-align: center;"><b><u>AMC1-OR.GEN.200(a)(6)-§ 1a</u></b></p> <p>The implementation and use of a Compliance Monitoring function should enable the organisation to monitor compliance with relevant requirements of Part-OR and other applicable Parts.</p>

ICAO Standard	Requirement	AMC
	system of findings to the accountable manager to ensure effective implementation of corrective actions as necessary	
d) aims at a continuous improvement of the overall performance of the safety management system.	<p><b><u>ER for airworthiness 3.a.2.</u></b> the organisation must implement and maintain a management system to ensure compliance with these essential requirements for airworthiness, and aim for continuous improvement of this system;</p> <p><b><u>ER for pilot licensing 3.a.1(ii)</u></b> implement and maintain a management system relating to safety and the standard of training, and aim for continuous improvement of this system</p> <p><b><u>ER for pilot licensing 4.c.1(ii)</u></b> implement and maintain a management system relating to safety and the standard of medical assessment, and aim for continuous improvement of this system</p> <p><b><u>ER for air operations 8.a.4</u></b> the operator must implement and maintain a management system to ensure compliance with these essential requirements for operations and aim for continuous improvement of this system</p>	
A safety management system shall clearly define lines of safety accountability throughout the [organization], including a direct accountability for safety on the part of senior management.	<p><b><u>OR.GEN.200(a)(1)</u></b> clearly defined lines of responsibility and accountability throughout the organisation, including a direct safety accountability of the accountable manager;</p>	

ICAO Standard	Requirement	AMC
<p><b>*APPENDIX.-FRAMEWORK FOR SAFETY MANAGEMENT SYSTEMS (SMS)</b></p> <p>This appendix specifies the framework for the implementation and maintenance of a safety management system (SMS) by [organization]. An SMS is a management tool for the management of safety by an organization. The framework includes four components and twelve elements representing the minimum requirements from SMS implementation. The implementation of the framework shall be commensurate with the size of the organization and the complexity of the services provided. This appendix also includes a brief description of each element of the framework.</p>	<p><b><u>OR.GEN.200(b)</u></b></p> <p>The management system shall correspond to the size of the organisation and the nature and complexity of its activities, and the hazards and associated risks inherent in these activities.</p>	<p><b><u>AMC1-OR.GEN.200(b)</u></b></p>
<p>*1.1 Management commitment and responsibility</p> <p>The [organization] shall define the organization's safety policy which shall be in accordance with international and national requirements, and which shall be signed by the accountable executive of the organization. The safety policy shall reflect organizational commitments regarding safety; shall include a clear statement about the provision of the necessary resources for the implementation of the safety policy; and shall be communicated, with visible endorsement, throughout the organization. The safety policy shall include the safety reporting procedures; shall clearly indicate which types of operational behaviours are unacceptable; and shall include the conditions under which exemption from disciplinary action would be applicable. The safety policy shall be periodically reviewed to ensure it remains relevant and appropriate to the organization.</p>	<p><b><u>OR.GEN.200(a)(2)</u></b></p> <p>a description of the overall philosophies and principles of the organisation with regard to safety referred to as the safety policy;</p> <p><b><u>OR.GEN.200(a)(6)</u></b></p> <p>a function to monitor compliance of the organisation with the relevant requirements. Compliance monitoring shall include a feedback system of findings to the accountable manager to ensure effective implementation of corrective actions as necessary</p>	<p><b><u>AMC1-OR.GEN.200(a)(2) – complex</u></b></p> <ol style="list-style-type: none"> <li>1. The safety policy should:             <ol style="list-style-type: none"> <li>a. be endorsed by the accountable manager;</li> <li>b. reflect organisational commitments regarding safety and its proactive and systematic management;</li> <li>c. be communicated, with visible endorsement, throughout the organisation; and</li> <li>d. include safety reporting principles.</li> </ol> </li> <li>2. The safety policy should include a commitment:             <ol style="list-style-type: none"> <li>a. to improve towards the highest safety standards;</li> <li>b. to comply with all applicable legal requirements, meet all applicable standards and consider best practices;</li> <li>c. to provide appropriate resources; and</li> <li>d. to enforce safety as one primary responsibility of all managers; and</li> <li>e. not to blame someone for reporting something which would not have been detected otherwise.</li> </ol> </li> <li>3. Senior management should:             <ol style="list-style-type: none"> <li>a. continuously promote the safety policy to all</li> </ol> </li> </ol>

ICAO Standard	Requirement	AMC
		<p>staff and demonstrate their commitment to it;</p> <p>b. provide necessary human and financial resources for its implementation; and</p> <p>c. establish safety objectives and performance standards.</p> <p><b><u>AMC1-OR.GEN.200(a)(1)(2)(3)(5)-non-complex</u></b></p> <p>The safety policy should include a commitment to improve towards the highest safety standards, comply with all applicable legal requirements, meet all applicable standards, consider best practices and provide appropriate resources.</p>
<p>*1.2 Safety accountabilities</p> <p>The [organization] shall identify the accountable executive who, irrespective of other functions, shall have ultimate responsibility and accountability, on behalf of the [organization], for the implementation and maintenance of the SMS. The [organization] shall also identify the accountabilities of all members of management, irrespective of other functions, as well as of employees, with respect to the safety performance of the SMS. Safety responsibilities, accountabilities and authorities shall be documented and communicated throughout the organization, and shall include a definition of the levels of management with authority to make decisions regarding safety risks tolerability.</p>	<p><b><u>OR.GEN.210(a)</u></b></p> <p>The organisation shall appoint an accountable manager, who has the authority for ensuring that all activities can be financed and carried out in accordance with the applicable requirements.</p> <p><b><u>OR.GEN.210(b)</u></b></p> <p>A person or group of persons shall be nominated by the organisation, with the responsibility of ensuring that the organisation remains in compliance with the applicable requirements. Such person(s) shall be ultimately responsible to the accountable manager.</p> <p><b><u>OR.GEN.200(a)(5)</u></b></p> <p>documentation of all management system key processes, including a process for making personnel aware of their responsibilities, and its amendment procedure;</p>	<p><b><u>AMC1-OR.GEN.200(a)(3)-complex -§ 2b</u></b></p> <p>The levels of management who have the authority to make decisions regarding the tolerability of safety risks [...] should be specified.</p> <p><b><u>AMC1-OR.GEN.200(a)(1)(2)(3)(5)-non-complex-§ 4</u></b></p> <p>Within the organisation, responsibilities should be identified for hazard identification, risk assessment and mitigation.</p>
<p>*1.3 Appointment of key safety personnel</p> <p>The [organization] shall identify a safety manager to be the responsible individual and focal point for the implementation and maintenance of an effective SMS.</p>	<p><b><u>OR.GEN.210(b)</u></b></p> <p>A person or group of persons shall be nominated by the organisation, with the responsibility of ensuring that the organisation remains in compliance with the applicable requirements. Such person(s) shall be ultimately responsible to the accountable manager.</p>	<p><b><u>AMC1-OR.GEN.200(a)(1) - complex - § 2a</u></b></p> <p>The safety manager should be responsible and the focal point for the development, administration and maintenance of an effective safety management system.</p> <p><b><u>AMC1-OR.GEN.200(a)(1)(2)(3)(5)-non-complex-§ 3</u></b></p>

ICAO Standard	Requirement	AMC
		<p>The organisation should identify a person that fulfils the role of safety manager and who is responsible for co-ordinating the safety management system. This person may be the accountable manager or a person with an operational role in the organisation.</p>
<p>*1.4 Coordination of emergency response planning</p> <p>The [organization] shall ensure that an emergency response plan that provides for the orderly and efficient transition from normal to emergency operations and the return to normal operations, is properly coordinated with the emergency response plans of those organizations it must interface with during the provision of its services.</p>	<p><b><u>OR.GEN.200(a)(3)</u></b></p> <p>the identification of aviation safety hazards entailed by the activities of the organisation, their evaluation and the management of associated risks, including taking effective actions to mitigate the risk;</p>	<p><b><u>AMC1-OR.GEN.200(a)(3)-complex-7</u></b></p> <p>a. An Emergency Response Plan (ERP) should be established that provides the actions to be taken by the organisation or specified individuals in an emergency, and the ERP should reflect the size, nature and complexity of the activities performed by the organisation.</p> <p>b. The Emergency Response Plan should ensure:</p> <ul style="list-style-type: none"> <li>i. an orderly and safe transition from normal to emergency operations;</li> <li>ii. safe continuation of operations or return to normal operations as soon as practicable; and</li> <li>iii. co-ordination with the emergency response plans of other organisations, where appropriate.</li> </ul> <p><b><u>AMC1-OR.GEN.200(a)(1)(2)(3)(5)-non-complex-§ 6</u></b></p> <p>The organisation should, in co-operation with other stakeholders, establish, coordinate and maintain an emergency response plan (ERP) that ensures orderly and safe transition from normal to emergency operations, and return to normal operations.</p> <p>It should provide the actions to be taken by the organisation or specified individuals in an emergency and reflects the size, nature and complexity of the activities performed by the organisation</p>
<p>*1.5 SMS documentation</p> <p>The [organization] shall develop an SMS implementation plan, endorsed by senior management of the organization, that defines the organization's approach to the management of safety</p>	<p><b><u>OR.GEN.200(a)(5)</u></b></p> <p>documentation of all management system key processes, including a process for making personnel aware of their responsibilities and an amendment procedure;</p>	<p><b><u>AMC1-OR.GEN.200(a)(5)-complex-§ 1</u></b></p> <p>The safety management manual (SMM) should be the key instrument for communicating the approach to safety for the whole of the organisation. The SMM should document all aspects of safety management, including the safety policy, objectives, procedures</p>

ICAO Standard	Requirement	AMC
<p>in a manner that meets the organization's safety objectives, and maintain SMS documentation to describe the safety policy and objectives, the SMS requirements, the SMS processes and procedures, the accountabilities, responsibilities and authorities for processes and procedures, and the SMS outputs. Also as part of the SMS documentation, the [organization] shall develop and maintain a safety management systems manual (SMSM), to communicate its approach to the management of safety throughout the organization.</p>		<p>and individual safety responsibilities.</p>
<p>*2.1 Hazard identification</p> <p>The [organization] shall develop and maintain a formal process that ensures that hazards in operations are identified. Hazard identification shall be based on a combination of reactive, proactive and predictive methods of safety data collection.</p>	<p><b><u>OR.GEN.200(a)(3)</u></b>  <b>the identification of aviation safety hazards</b> entailed by the activities of the organisation, their evaluation and the management of associated risks, including taking effective actions to mitigate the risk; .</p>	<p><b><u>AMC1-OR.GEN.200(a)(3)-complex-§ 1a</u></b>  Reactive and proactive schemes for hazard identification should be the formal means of collecting, recording, analysing, acting on and generating feedback about hazards and the associated risks that affect the safety of the operational activities of the organisation.</p>
<p>*2.2 Safety risk assessment and mitigation</p> <p>The [organization] shall develop and maintain a formal process that ensures analysis, assessment and control of the safety risks in [Annex-specific] operations.</p>	<p><b><u>OR.GEN.200(a)(3)</u></b>  the identification of aviation safety hazards entailed by the activities of the organisation, their evaluation and the <b>management of associated risks</b> , including taking effective actions to mitigate the risk; .</p>	<p><b><u>AMC1-OR.GEN.200(a)(3)-complex- § 2a</u></b>  A formal risk management process should be established and maintained that ensures analysis (in terms of probability and severity of occurrence), assessment (in terms of tolerability) and control (in terms of mitigation) of risks to an acceptable level.</p>
<p>*3.1 Safety performance monitoring and measurement</p> <p>The [organization] shall develop and maintain the means to verify the safety performance of the organization and to validate the effectiveness of safety risks controls. The safety performance of the organization shall be verified in reference to the safety performance indicators and safety performance targets of the SMS.</p>	<p><b><u>OR.GEN.200(a)(3)</u></b>  the identification of aviation safety hazards entailed by the activities of the organisation, their evaluation and the <b>management of associated risks, including taking effective actions to mitigate the risk;</b> .</p>	<p><b><u>AMC1-OR.GEN.200(a)(3)-complex- § 4a</u></b>  Safety performance monitoring and measurement should be the process by which the safety performance of the organisation is verified in comparison to the safety policy and objectives.</p>

ICAO Standard	Requirement	AMC
<p>*3.2 The management of change</p> <p>The <i>[organization]</i> shall develop and maintain a formal process to identify changes within the organization which may affect established processes and services; to describe the arrangements to ensure safety performance before implementing changes; and to eliminate or modify safety risk controls that are no longer needed or effective due to changes in the operational environment.</p>	<p><b><u>OR.GEN.200(a)(3)</u></b>  <b>the identification of aviation safety hazards entailed by the activities of the organisation, their evaluation and the management of associated risks, including taking effective actions to mitigate the risk;.</b></p>	<p><b><u>AMC1-OR.GEN.200(a)(3)-complex- § 5a</u></b>  <b><u>AMC1-OR.GEN.200(a)(1)(2)(3)(5)-non-complex- § 2</u></b></p> <p>The organisation should manage safety risks related to a change. The management of change should be a documented process to identify external and internal change that may have an adverse effect on safety. It should make use of the organisation's existing hazard identification, risk assessment and mitigation processes.</p>
<p>*3.3 Continuous improvement of the SMS</p> <p>The <i>[organization]</i> shall develop and maintain a formal process to identify the causes of sub-standard performance of the SMS, determine the implications of sub-standard performance of the SMS in operations, and eliminate or mitigate such causes.</p>	<p><b><u>OR.GEN.200(a)(3)</u></b>  the identification of aviation safety hazards entailed by the activities of the organisation, their evaluation and the management of associated risks, including taking <b>effective actions</b> to mitigate the risk;</p> <p><b><u>OR.GEN.200(a)(6)</u></b>  a function to monitor compliance of the organisation with the relevant requirements. Compliance monitoring shall include a feedback system of findings to the accountable manager to ensure effective implementation of corrective action as necessary.</p>	<p><b><u>AMC1-OR.GEN.200(a)(3)-complex- § 6</u></b></p> <p>The organisation should continuously seek to improve its safety performance. Continuous improvement should be achieved through:</p> <ol style="list-style-type: none"> <li>i. proactive and reactive evaluations of facilities, equipment, documentation and procedures through safety audits and surveys;</li> <li>ii. proactive evaluation of the individual's performance to verify the fulfilment of their safety responsibilities; and</li> <li>iii. reactive evaluations in order to verify the effectiveness of the system for control and mitigation of risk.</li> </ol>
<p>*4.1 Training and education</p> <p>The <i>[organization]</i> shall develop and maintain a safety training programme that ensures that personnel are trained and competent to perform the SMS duties. The scope of the safety training shall be appropriate to each individual's involvement in the SMS.</p>	<p><b><u>OR.GEN.200(a)(4)</u></b>  maintaining personnel trained and competent to perform their tasks;</p>	<p><b><u>AMC1-OR.GEN.200(a)(4)- § 1</u></b></p> <ol style="list-style-type: none"> <li>a. All personnel should receive safety training as appropriate for their safety responsibilities.</li> <li>b. The safety training programme may consist of e-learning or similar training provided by training service providers.</li> </ol>

ICAO Standard	Requirement	AMC
<p>*4.2 Safety communication</p> <p>The [<i>organization</i>] shall develop and maintain formal means for safety communication, that ensures that all personnel are fully aware of the SMS, conveys safety critical information, and explains why particular safety actions are taken and why safety procedures are introduced or changed.</p>	<p><b><u>OR.GEN.200(a)(4)</u></b>  maintaining personnel trained and competent to perform their tasks;</p> <p><b><u>OR.GEN.200(a)(5)</u></b>  [...] including a process for making personnel aware of their responsibilities, and its amendment procedure.</p>	<p><b><u>AMC1-OR.GEN.200(a)(4)- § 2</u></b></p> <p>a. The organisation should establish communication about safety matters that:</p> <ul style="list-style-type: none"> <li>i. ensures that all staff are aware of the safety management activities;</li> <li>ii. conveys safety critical information, especially relating to assessed risks and analysed hazards;</li> <li>iii. explains why particular actions are taken; and</li> <li>iv. explains why safety procedures are introduced or changed.</li> </ul> <p>b. Regular meetings with personnel where information, actions and procedures are discussed may be used to communicate safety matters.</p>

**Annex IV to the Explanatory Note**  
**AMCs and GMs related to OR.GEN.200**  
**Applicability depending on the organisation's complexity**

Subject	Non-complex organisations	Complex organisations
<i>Responsibility/accountability for safety</i>		
Safety manager role	AMC1-OR.GEN.200(a)(1)(2)(3)(5) § 3	AMC1-OR.GEN.200(a)(1)
Safety review board		AMC1-OR.GEN.200(a)(1)
Safety action group		GM1-OR.GEN.200(a)(1)
<i>Safety policy</i>		
Description of senior management responsibilities		AMC1-OR.GEN.200(a)(2)
Commitment to achieve the highest safety standards, observe all applicable legal requirements, standards and best practices and provide appropriate resources	AMC1-OR.GEN.200(a)(1)(2)(3)(5) § 5	AMC1-OR.GEN.200(a)(2)
Commitment to enforce safety as one primary responsibility of all managers.		AMC1-OR.GEN.200(a)(2)
Safety policy	GM1-OR.GEN.200(a)(2)	GM1-OR.GEN.200(a)(2)
<i>Hazard identification/risk management, performance monitoring</i>		
Use of hazard checklists	AMC1-OR.GEN.200(a)(1)(2)(3)(5) § 1	
Hazard identification processes		AMC1-OR.GEN.200(a)(3)
Management of change	AMC1-OR.GEN.200(a)(1)(2)(3)(5) § 2	AMC1-OR.GEN.200(a)(3)
Identification of responsibilities for hazard identification and risk management	AMC1-OR.GEN.200(a)(1)(2)(3)(5) § 4	
Risk management process		AMC1-OR.GEN.200(a)(3)
Internal investigations		AMC1-OR.GEN.200(a)(3)
Performance monitoring and measurement process		AMC1-OR.GEN.200(a)(3)
Internal occurrence reporting scheme	GM1-OR.GEN.200(a)(3)	GM1-OR.GEN.200(a)(3)
Continuous improvement achievement		AMC1-OR.GEN.200(a)(3)
Emergency Response Plan	AMC1-OR.GEN.200(a)(1)(2)(3)(5) § 6	AMC1-OR.GEN.200(a)(3)

<b>Subject</b>	<b>Non-complex organisations</b>	<b>Complex organisations</b>
Safety management documentation	AMC1-OR.GEN.200(a)(5) GM1-OR.GEN.200(a)(5)	AMC1-OR.GEN.200(a)(5) AMC1-OR.GEN.200(a)(5)-complex GM1-OR.GEN.200(a)(5)
<i>Training</i>		
Training and communication	AMC1-OR.GEN.200(a)(4)	AMC1-OR.GEN.200(a)(4)
<i>Communication, documentation</i>		
Content of organisation manual	AMC1-OR.GEN.200(a)(5)	AMC1-OR.GEN.200(a)(5)
Content of safety management manual		AMC1-OR.GEN.200(a)(5)-complex
Organisation manual	GM1-OR.GEN.200(a)(5)	GM1-OR.GEN.200(a)(5)
<i>Compliance monitoring</i>		
Description of compliance monitoring function	AMC1-OR.GEN.200(a)(6)	AMC1-OR.GEN.200(a)(6)
Compliance monitoring manager	AMC1-OR.GEN.200(a)(6)	AMC1-OR.GEN.200(a)(6)
Compliance monitoring by accountable manager possible	AMC1-OR.GEN.200(a)(6) § 3.d	N/A
Compliance monitoring documentation	AMC1-OR.GEN.200(a)(6)	AMC1-OR.GEN.200(a)(6)
Compliance monitoring training	AMC1-OR.GEN.200(a)(6)	AMC1-OR.GEN.200(a)(6)
Use of compliance monitoring checklists	AMC1-OR.GEN.200(a)(6)-non-complex OPS	
Compliance monitoring programme-ATO		GM1-OR.GEN.200(a)(6)-complex ATO
Compliance monitoring programme -OPS		GM1-OR.GEN.200(a)(6)-complex-OPS

**Annex V to the Explanatory Note****Content of the CRD**

<b>N</b>	<b>Original document</b>	<b>CRD ref. #</b>	<b>Content</b>
1	N/A	CRD a.	Explanatory Note OR
		EN	
2	N/A	CRD b.1	Cover Regulation OR
3	NPA 2008-22c	CRD b.2	Resulting text Part-OR (IR) including Subparts GEN, OPS, ATO, AeMC
	NPA 2009-02c		
4	NPA 2008-22c	CRD b.3	Resulting text Part-AR (AMC/GM) including Subparts GEN, OPS, ATO, AeMC
	NPA 2009-02c		
5	NPA 2008-22c	CRD c.1	Comments received on Part-OR
	NPA 2009-02c		
6	NPA 2008-22c	CRD c.2	Comment Response Summary Table Part-OR including Subparts GEN, OPS, ATO, AeMC
	NPA 2009-02c		
7	NPA 2008-22c	CRD c.3	List of commentators for Part-OR
	NPA 2009-02c		
8	N/A	CRD c.4	Rule comparison tables EU-OPS – JAR-OPS 3 Subparts C, N, O, P and S
9	N/A	CRD c.5	Definitions & acronyms covering Part-AR and Part-OR