



OPINION No 03/2011

OF THE EUROPEAN AVIATION SAFETY AGENCY

of 19 April 2011

for a Commission Regulation establishing the Implementing Rules for authority requirements and organisation requirements

“Authority Requirements – Organisation Requirements”

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I. Executive Summary

This Opinion proposes requirements for competent authorities and organisations in the area of civil aviation air crew (flight crew and cabin crew). These include general requirements (Subpart GEN) that are common to the areas of air crew and air operations and area-specific requirements covering flight crew licensing, cabin crew attestations, medical certification, approved training organisations, flight simulation training devices¹ and aero-medical centres. The requirements proposed with this Opinion complement the technical requirements in Part-FCL, Part-MED and Part-CC.

- **AR.ATO** and **AR.FCL** are based on existing authority requirements for training organisations and flight crew licensing contained in JAR-FCL and the related JIPs. New provisions are included for the monitoring of examiners.
- **OR.ATO** is based on the existing requirements for training organisations contained in ICAO Annex 1 (Appendix 2) and JAR-FCL. All training organisations, including those providing training only for the light aircraft pilot licence, private pilot licence, balloon pilot licence or sailplane pilot licence, will be required to hold an ATO certificate.
- **AR.CC** implements the provisions contained in Basic Regulation Articles 8(4) and 8(5)(e). **AR.FSTD** and **OR.FSTD** are based on JAR-FSTD aeroplanes and helicopters and the JIPs for JAR-STD.
- **AR.MED**, **AR.AeMC** and **OR.AeMC** include the rules for medical certification of flight crew, data protection of medical documentation of aero-medical examinations held by the competent authority, and organisation requirements for AeMCs. The proposed rules are based on JAR-FCL 3 and the relevant chapters in the JAA Joint Implementation Procedures (JIPs).

The authority (Part-AR) and organisation (Part-OR) requirements further draw on existing Section B requirements in the airworthiness rules and implement relevant provisions of the Basic Regulation as regards the interactions between approved organisations and the competent authority, cooperation and exchange of information between Member States, the need to immediately react to a safety problem, as well as conditions for issuing, maintaining, amending, limiting, suspending and revoking certificates, licenses, ratings, attestations and approvals, as required by Basic Regulation Articles 7 and 8.

The authority requirements take due account of the critical elements of a safety oversight system defined by ICAO and serve the standardisation objective set out in the Basic Regulation. They further include elements that are essential for establishing a comprehensive aviation safety management system at EU level that encompasses EU and Member State responsibilities for safety management. Hence, common authority requirements are directly relevant to the implementation of the European Aviation Safety Programme (EASP).

Organisation requirements build upon the main "Consistency of Organisation Approvals" (COrA)² recommendations and ICAO standards related to safety management systems (SMSs). They form the counterpart to Part-AR on conditions for issuing, maintaining, amending, limiting, suspending or revoking certificates and approvals.

With a view to transposing the relevant ICAO standards on SMS, Part-OR in Subpart GEN proposes consolidated general requirements for management systems, designed to ensure compatibility with existing management systems and applicability for all

¹ The area-specific authority and organisation requirements for air operations will be included with the Opinion on air operations.

² [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).

organisations holding an organisation certificate under the Basic Regulation. The proposed requirements are scalable to the size of an organisation and the nature and complexity of its activities. They are designed to set the standard for implementing SMS for all approved organisations in the field of aerodromes, air traffic management, air navigation services and airworthiness.

The rules proposed with this Opinion follow a horizontal rule structure. As recommended by the European Commission the horizontal rule structure is abandoned in order to safeguard timely adoption of the first extension rules. Subsequently, a number of structural changes and non-substantial adaptations to the draft rules will be required. These changes will be made in cooperation with the European Commission, after the publication of this Opinion. In view of facilitating this process, authority and organisation requirements that were published as two distinct draft rules for the Notices of Proposed Amendment (NPAs) and Comment Response Documents (CRDs) were merged into a single Opinion.

The Opinion includes a proposal for transition measures and opt-outs, ranging from six months to three years, to consider specifically the new management system requirements, the case of organisations that will be subject to a certification obligation for the first time, as well as the changes in the rule material following the decision to modify the structure of the rules after publication of the Opinion.

II. General

1. The purpose of this Opinion is to assist the European Commission in laying down Implementing Rules for authority requirements associated with air operations and flight crew licensing. Regulation (EC) No 216/2008³ of the European Parliament and of the Council (hereinafter referred to as the 'Basic Regulation') establishes an appropriate and comprehensive framework to define and implement common technical requirements and administrative procedures in the field of civil aviation.
2. The objective of the proposed rules is to establish:
 - a. common administrative requirements to be followed by the Agency and Member States to implement and enforce the Basic Regulation and its Implementing Rules regarding air operations and personnel requirements, referred to as "Authority Requirements" (hereafter referred to as Part-AR); and
 - b. common technical requirements to implement and enforce Regulation (EC) No 216/2008 and its Implementing Rules regarding organisations in the field of air operations and personnel requirements, referred to as "Organisation Requirements" (hereafter referred to as Part-OR). The requirements in Part-OR concern the administration and management system and the conditions for issuing, maintaining, amending, limiting, suspending and revoking certificates.

The proposed rules are based on JAR-FCL and JAR-FSTD, on ICAO standards and recommended practices (SARPs), relevant Joint Implementation Procedures (JIPs) in place under the Joint Aviation Authorities (JAA) in the field of operations and flight crew licensing, as well as on existing Section B requirements in Regulations (EC) No 1702/2003⁴ and 2042/2003⁵. They also take into account the following relevant European Union law:

- a. Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community⁶;
 - b. Regulation (EU) No 996/2010⁷ on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC; and
 - c. Directive 2003/42/EC⁸ on occurrence reporting in civil aviation.
3. The Opinion has been adopted following the procedure specified by the European Aviation Safety Agency's (the Agency) Management Board⁹, in accordance with the provisions of Article 19 of the Basic Regulation.

3 Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC; as amended by Regulation (EC) No 1108/2009 (OJ L 79, 19.03.2008, p. 1).

4 Regulation (EC) No 1702/2003 of 24 September 2003 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production (OJ L 243, 27.9.2003, p. 6).

5 Regulation (EC) No 2042/2003 of 20 November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks (OJ L 315, 28/11/2003, p. 1).

6 OJ L 293, 31.10.2008, p. 3-20.

7 Regulation (EU) No 996/2010 of the European Parliament and of the Council of 20 October 2010 on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC Text with EEA relevance (OJ L 295, 12.11.2010, p. 35-50).

8 Directive 2003/42/EC of the European Parliament and of the Council of 13 June 2003 on occurrence reporting in civil aviation (OJ L 167, 4.7.2003, p. 23-36).

4. This Opinion is based on the following NPAs:

- NPA 2008-22b containing draft proposals for Implementing Rules (implementing rule) and related Acceptable Means of Compliance (AMC) and Guidance Material (GM) for authority requirements (Part-AR, Subpart GEN Sections I, II, and III, Subparts FCL, ATO, AeMC, and MED);
- NPA 2008-22c containing draft proposals for Implementing Rules and related AMC and GM for organisation requirements (Part-OR, Subparts GEN, ATO and AeMC);

NPA 2009-02d contained draft proposals for Implementing Rules and related AMC and GM for competent authorities specific to ramp inspections (AR.GEN.Section IV), to operations (AR.OPS) and to cabin crew (AR.CC). These are not covered in this Opinion; they will be included with the first Opinion to be published on Air Operations.

III. Consultation

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

The consultation period for these NPAs was extended in accordance with Article 6(6) of the Rulemaking Procedure⁹, at the request of stakeholders, to ensure an overlap of the consultation periods of the first extension NPAs¹¹. By the closing dates of 28 May 2009 (NPA 2008-22) and 31 July 2009 (NPA 2009-02), 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 individuals. The total number of comments for both NPAs amounted to 18 243.

6. 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 European Commission, and as endorsed by the Management Board and EASA Committee.¹² 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 April 2012, the date set in Article 70 of 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-OPS¹³/Joint Aviation Requirements (JARs), as appropriate. This working method satisfies Article 7 of the EASA Rulemaking Procedure.

7. The amended rule texts were discussed in detail with the Rulemaking review groups established for NPAs 2008-22 and 2009-02. The composition of the review groups was 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

⁹ Decision of the Management Board concerning the procedure to be applied by the Agency for the issuing of Opinions, Certifications Specifications and Guidance Material (Rulemaking Procedure). EASA MB 08-2007, 13.06.2007.

¹⁰ 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).

¹¹ More specifically, NPA 2008-22, on Authority and Organisation Requirements, and NPA 2009-02, on Implementing Rules for Air Operations of EU Operators (http://www.easa.eu.int/ws_prod/r/r_archives.php).

¹² http://easa.europa.eu/ws_prod/g/doc/COMMS/Commission%20EASA%20joint%20position%20MB.%2015%2009%2009.pdf.

¹³ Commission Regulation (EC) No 859/2008 of 20 August 2008 amending Council Regulation (EEC) No 3922/91 as regards common technical requirements and administrative procedures applicable to commercial transportation by aeroplane.

Standardisation department, in line with the rules of procedures for the membership of rulemaking groups. Part-AR was processed together with Part-OR to ensure consistency in outputs and efficiency in the review process. The review process also involved close coordination with the review groups established for the technical air operations (OPS) requirements (NPA 2009-02b) and consultation of the drafting groups established for the second extension (aerodromes, air traffic management, air navigation services).

8. The CRDs for Part-AR and Part-OR providing comment summaries and related Agency responses and the amended text were published on the Agency's website on 4 October 2010. The CRDs contained a list of all persons and/or organisations that had commented. By the closing date of 6 December 2010 the Agency had received 1 020 reactions for Part-AR and Part-OR from over 70 commentators, mainly from national aviation authorities, professional organisations, non-profit organisations and private companies. Further information on these reactions and on their consideration for this Opinion is provided under the relevant subpart and section headings of this Explanatory Note.

IV. Objective of the Opinion of the Agency

9. In the Basic Regulation, the European Legislator defined the scope of competences and powers transferred from the Member States to the Community and defined the essential safety objectives to be met by Community action. The European Legislator further empowered the European Commission to adopt, through the comitology procedure, Implementing Rules to the Basic Regulation, as is broadly described in recitals 37 and 38 of the Basic Regulation.
10. The Basic Regulation provides the legal basis for the European Commission to adopt requirements applicable to the Member States' competent authorities. The existence of those requirements is instrumental in achieving the main objective of the Basic Regulation - the creation and maintenance of a high uniform level of civil aviation safety. Only by imposing common requirements on national aviation authorities can it be ensured that EU law is uniformly applied in the territory of the Member States.
11. The regulation of certificates and approvals requires the establishment of requirements for both their applicants and holders and competent authorities. Part-AR establishes requirements for authorities that will exercise powers in relation to the issuance, amendment, limitation, suspension or revocation, and oversight of certificates, licenses, ratings, attestations and approvals in accordance with Basic Regulation Articles 7 and 8. The proposed rules further implement relevant provisions in Basic Regulation Articles 10, 11, 13, 14, 15, 18(d), 22, 24 and 54.

Part-OR establishes common technical requirements for operators, pilot training organisations, aero-medical centres and flight simulation training device (FSTD) certificate holders in accordance with Basic Regulation Articles 7 and 8. Common authority and organisation requirements will be an essential contribution in ensuring uniform application of EU law by streamlining oversight and management system requirements for all stakeholders within the field of operations and flight crew licensing.

12. In line with the principles of performance-based rulemaking, the balance between Implementing Rules and AMCs has been reviewed in producing this Opinion, so as to ensure proportionality and to increase resilience of the rules at a time where progress in digital communications, computer science and other disciplines open the way to an innumerable number of technical alternatives and the number of available choices tends to proliferate, with ever increasing complexity and density of operations. Essential safety elements are defined at the level of implementing rules, non-essential implementation aspects are included as AMC or GM. This increased complexity in operations and aviation activities, with multiple interactions between the elements of the system, requires authorities and organisations to implement effective management systems.
13. In order to assist Member States in fulfilling their obligations under the Chicago Convention and to continually improve the level of civil aviation safety in Europe, Part-AR

includes some essential elements for establishing a comprehensive management system at the EU level, encompassing EU and Member State responsibilities for safety management. This framework will ensure compliance with the relevant ICAO standards on SMSs and State Safety Programmes (SSPs) for all EU Member States. In this area, the Agency supports a holistic approach towards management systems that incorporates the SMS as a fundamental element of the management system of an organisation or an authority. In this respect, common authority requirements are directly relevant to the implementation of the European Aviation Safety Programme (EASP). In this area, more detailed requirements and associated AMC and GM encompassing the safety programme at the EU level and defining the interaction between the Member States and the Agency are currently under development. This material will be based on the work being coordinated by the European Aviation Safety Advisory Committee (EASAC), in particular regarding the EASP.

14. With a view to transposing the relevant ICAO standards on SMS, Part-OR in its Subpart GEN proposes consolidated general requirements for management systems, designed to ensure applicability to all organisations holding an organisation certificate under the Basic Regulation. The proposed requirements, while ensuring full compliance with the relevant ICAO standards on SMS, are scalable to the size of an organisation and the nature and complexity of its activities. The Agency proposal promotes an integrated approach to management systems, encompassing compliance monitoring and safety management, rather than superimposing another system onto existing management systems. The evaluation of the ICAO SMS Standards and Recommended Practices (SARPs) revealed that many elements of the ICAO SMS are also addressed by the "Consistency of Organisation Approvals" (COra) initiative, initiated under the JAA (see also Advance Notice of Proposed Amendment (A-NPA) 15-2006¹⁴). The ICAO objective of introducing SMS in all aviation fields necessarily leads to the same basic principles of streamlined requirements for organisation approval and oversight and common management system requirements.
15. Common and harmonised authority requirements, together with the corresponding organisation requirements applicable to all areas within the remit of air operations and flight crew, were designed to contribute to implementing the most relevant COra recommendations. As the JARs had been developed progressively and more or less independently for each field, the regulatory material varied in many aspects. Inconsistencies regarding organisation approvals became apparent while implementing the JARs. Although some of these inconsistencies were justified by the specificity of the field being addressed, many others were not.
16. The Agency initially opted for a gradual approach to harmonise organisation approvals. As a first step, these recommendations were taken into account for drafting the implementing rule for air operations and flight crew licensing. In the next step it was planned to implement them for the second extension NPAs (air traffic management/air navigation services and aerodromes). At a later stage COra recommendations were intended to be implemented within the airworthiness rules¹⁵ (Regulations (EC) No 1702/2003 and 2042/2003), aiming to ensure full consistency of requirements for authorities and organisations in all domains under the Agency's remit. The Agency wishes to highlight the importance of consistency in organisation approvals with regard to facilitating acceptance of EASA rules by its main counterparts, such as the USA's Federal Aviation Administration (FAA) and Transport Canada Civil Aviation (TCCA). Mutual acceptance of approvals and certificates would greatly benefit from harmonised and streamlined requirements for granting such approvals and certificates.

¹⁴ [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).

¹⁵ The airworthiness rules, directly stemming from the JARs, will require a review for consistency, as a prerequisite for implementing the common management system requirements proposed with Part-OR in order to implement SMS in the field of airworthiness.

17. One specific long term COra objective was to create a single approval system with variable scope, leading to a standard application form and a single certificate with a unique approval number for multiple approved organisations, whilst maintaining different criteria for each specific approval. Such single approval system would be beneficial not only because a significant number of organisations hold more than one approval, but also because approved organisations do not exist in a vacuum. In many instances they maintain close links with other approved organisations and this tendency is expected to increase in the future. However, this objective cannot be reached without a clear consensus among stakeholders on the need for common, streamlined authority and organisation requirements applicable to all technical areas within the EASA rules.
18. Some stakeholders expressed concerns on the pertinence of adopting a horizontal rule structure for all aviation safety related rules, pointing to the difficulties that may be expected when extending the approach to additional fields of the Agency remit, where agreement on such common authority and organisation requirements by a wider range of stakeholders would supposedly be more difficult to achieve. Concurrently, the European Commission recommended abandoning the horizontal rule structure in order to safeguard timely adoption of the first extension rules. The structural changes and required non-substantial adaptations to the rules following redistribution into the corresponding technical requirements (FCL, cabin crew (CC), MED, OPS) will be made after the publication of this Opinion on the Agency website. In view of facilitating these changes in the draft rule material, Part-AR and Part-OR have been merged into a single Opinion, while all items exclusively relating to operations have been removed.

This concerns relevant articles and paragraphs in the cover regulation, definitions and provisions in the implementing rules that are only relevant for commercial operators, for operators subject to a declaration obligation as defined in Basic Regulation Article 8(3), or for private operators of other than complex motor-powered aircraft. These items will be transferred to the Opinions on Air Operations.

Annex I to this explanatory note provides the correspondence between the rule references and titles as published with the CRDs for Part-AR / Part-OR and as included with this Opinion.

V. Scope and structure of the Opinion of the Agency

19. The scope of this Opinion covers:
 - a. general authority and organisation requirements related to air crew and air operations (AR.GEN with the exception of Section IV "Ramp Inspections", and OR.GEN);
 - b. specific authority requirements related to the licensing and oversight of flight crew (AR.FCL);
 - c. specific authority requirements related to the attestation and oversight of cabin crew (AR.CC).
 - d. specific authority and organisation requirements related to the certification and/or oversight of approved training organisations (AR.ATO and OR.ATO);
 - e. specific authority and organisation requirements related to the qualification of FSTDs ; (AR.FSTD and OR.FSTD);
 - f. specific authority and organisation requirements related to aero-medical certification and to aero-medical centres (AeMC) (AR.MED; AR.AeMC and OR.AeMC); and

The area-specific authority and organisation requirements for air operations (AR.OPS and OR.OPS) and ramp inspections (AR.GEN.Section IV¹⁶) that were published with the CRDs to Part-AR and Part-OR will be included with the first Opinion to be published on Air Operations. This transfer also concerns the specific implementing rules on declaration (AR.GEN.345 and OR.GEN.145), as these are applicable to non-commercial operators of complex motor-powered aircraft exclusively.

The Opinion is structured as follows:

- Cover Regulation "Authority Requirements – Organisation Requirements";
 - Annex I – Definitions used in the Cover Regulation, in Part-AR and Part-OR;
 - Annex II – Authority Requirements - Part-AR;
 - Annex III – Organisation Requirements - Part-OR.
20. Two new Subparts are proposed with this Opinion to compile requirements relevant to FSTDs, previously included in AR.ATO and OR.ATO respectively:
- Subpart AR.FSTD with specific requirements for the qualification of FSTDs;
 - Subpart OR.FSTD with specific requirements for the qualification of FSTDs and for organisations operating FSTDs.

The following charts represent the structures of Annex II Part-AR and of Annex III Part-OR respectively as proposed with this Opinion.

¹⁶ The provisions on ramp inspections previously included with AR.GEN.Section IV will be published with the Authority Requirements for Air Operations, as Subpart "Ramp Inspections".

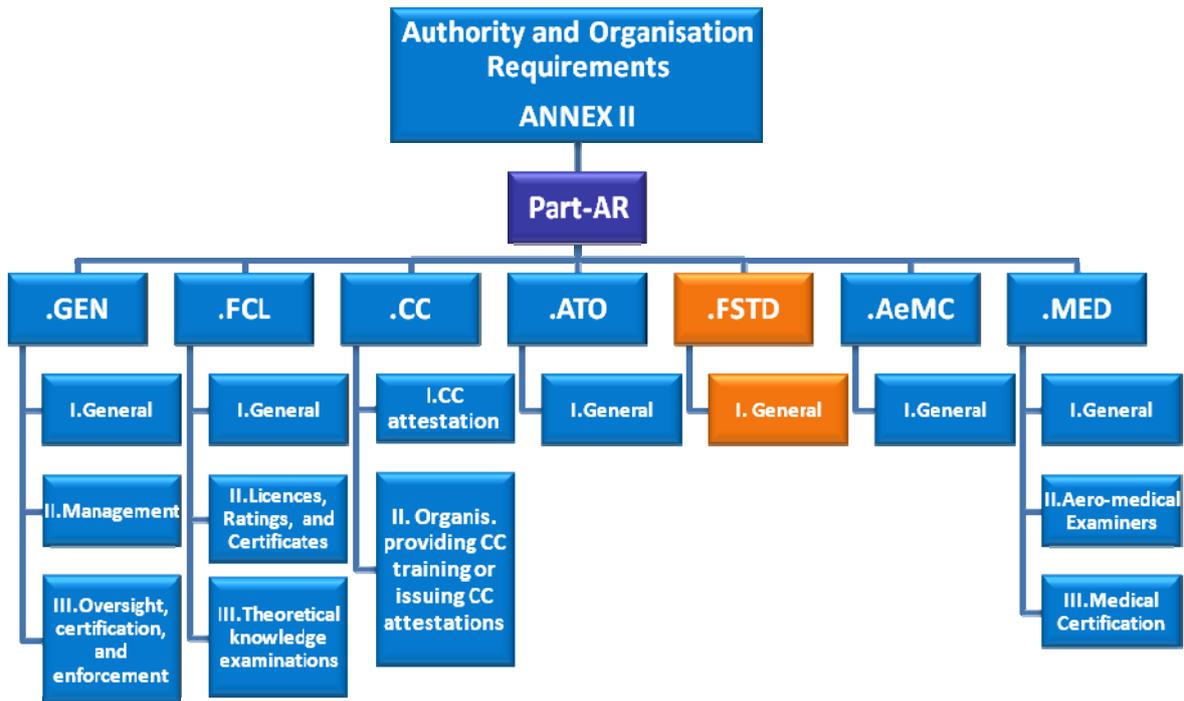


Chart 1: Authority Requirements

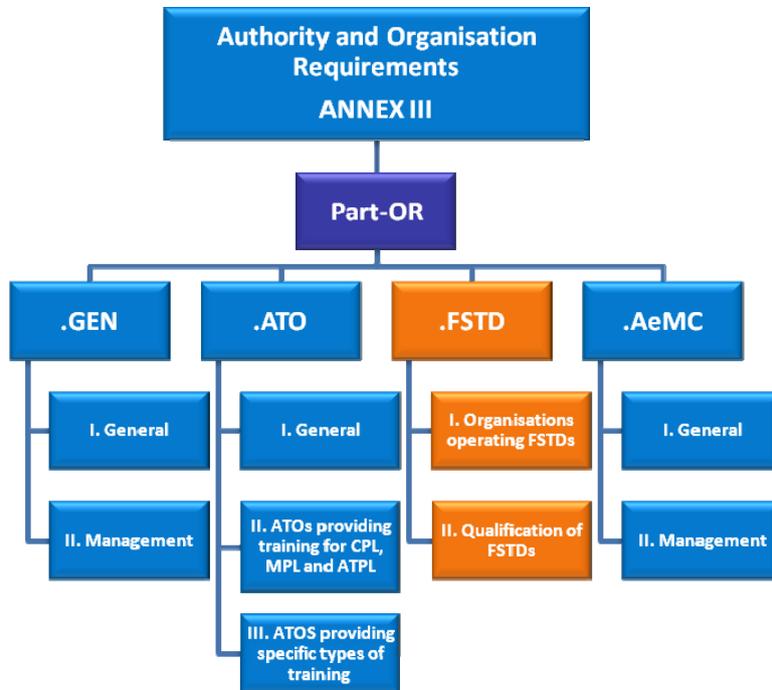


Chart 2: Organisation Requirements

VI. Explanatory memorandum Part-AR

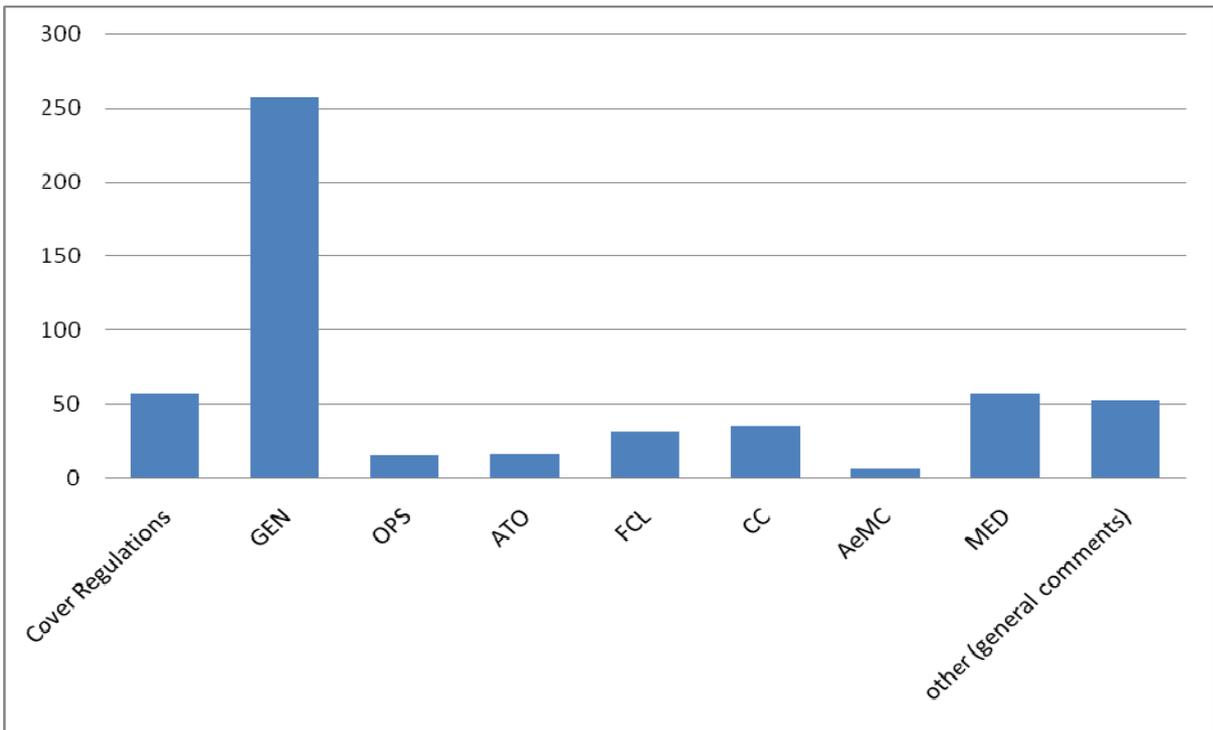
General

21. Part-AR, as proposed with this Opinion, is composed of seven Subparts, which are further divided into Sections, containing both general requirements and then area-specific requirements, for the competent authority applicable to each type of certificate, approval or activity:
 - a. Part-AR Subpart GEN, general requirements;
 - b. Part-AR Subpart FCL, specific requirements related to flight crew licensing;
 - c. Part-AR Subpart CC, specific requirements related to the attestation and oversight of cabin crew;
 - d. Part-AR Subpart ATO, specific requirements related to approved training organisations;
 - e. Part-AR Subpart FSTD, specific requirements related to the qualification of FSTDs ;
 - f. Part-AR Subpart AeMC, specific requirements related to aero-medical centres; and
 - g. Part-AR Subpart MED, specific requirements related to aero-medical certification.
22. The text proposed in the Opinion reflects the changes made to the initial proposals of the Agency (as published in NPAs 2008-22b and 2009-02d) as a result of public consultation, as well as further changes made following the analysis and assessment of reactions made to the CRD.

Consultation

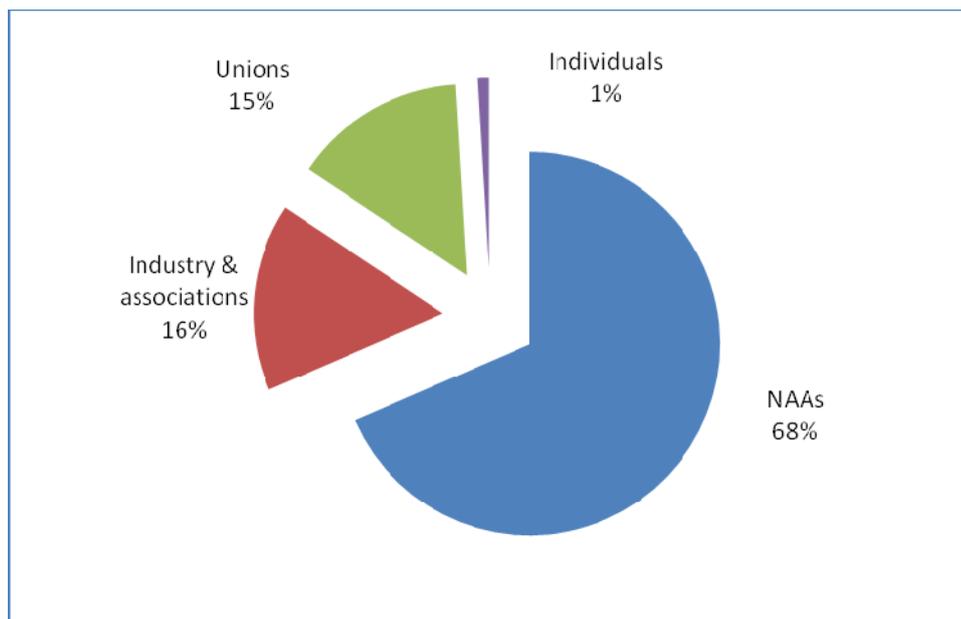
23. For Part-AR and Part-OR the Agency received 1 020 reactions from over 70 commentators, including aviation authorities from Austria, Belgium, Germany, France, Finland, Italy, Ireland, The Netherlands, Norway, Spain, Sweden, Switzerland, United Kingdom, as well as professional organisations, non-profit organisations, private companies and a few individuals. The US Federal Aviation Administration (FAA) also reviewed the CRDs and had no comments. Of all the reactions received, 530 relate to Part-AR and 490 to Part-OR. The majority of reactions were made to Subparts GEN. Around 20% of the 1 020 reactions were made on the AMCs and GM to Part-AR and Part-OR.

The graph below shows the distributions of the reactions to Part-AR for the various Subparts.



Graph 1: Reactions to Part-AR – distribution

24. An indication of the origin of reactions is provided below. Taking into account that reactions originating from industry representative associations are usually sent on behalf of their individual members, it can be assumed that the share of industry associations is under-represented in this graph. That the majority of reactions originated from national aviation authorities is not, however, surprising.



Graph 2: Reactions to Part-AR – origin

Scope and applicability

25. Part-AR as proposed with this Opinion is applicable to flight crew licensing, to the attestation and oversight of cabin crew, to the approval and continuing oversight of approved training organisations and aero-medical centres, to the qualification of FSTDs, to the oversight of FSTD qualification certificate holders and to aero-medical certification. Subpart GEN of Part-AR defines common requirements for competent authorities, meaning those that apply to all technical areas within the scope.

Part-AR Subpart GEN as proposed with this Opinion includes three Sections:

- Section I General;
- Section II Management; and
- Section III Oversight, certification and enforcement.

26. These implement relevant articles of the Basic Regulation as regards the interactions between approved organisations and the competent authority, cooperation and exchange of information between competent authorities and with the Agency, the approval of means of compliance alternative to those established by the Agency, the need to immediately react to a safety problem, as well as conditions for issuing, maintaining, amending, limiting, suspending or revoking certificates and approvals. Subpart GEN further contains requirements for the organisation and management system of competent authorities that are directly relevant to competent authorities' oversight capabilities.

Basic Regulation	Authority Requirements
Article 2(2)(d) Objectives Article 15 Information network	Safety programme (Cover Regulation Article 3)
Article 18 Agency measures Article 19 Opinions, certifications and guidance material	Means of compliance (AR.GEN.120)
Article 7 Pilots	Oversight capabilities (Cover Regulation Article 4) Oversight (AR.GEN.300)
Article 7 Pilots (ATOs, AeMCs, FSTDs)	Oversight programme (AR.GEN.305)
Article 8 Air Operations	Initial certification (AR.GEN.310 & 315) Changes – organisations (AR.GEN.330)
Article 8(4) Air Operations - Cabin Crew	Findings (AR.GEN.350) Enforcement - persons (AR.GEN.355)
Article 10 Oversight and enforcement	Oversight (AR.GEN.300) Oversight programme (AR.GEN.305) Findings (AR.GEN.350) Enforcement - persons (AR.GEN.355)
Article 13 + Annex V Qualified entities	Allocation of tasks (AR.GEN.205)
Article 14, Article 18(d) Flexibility provisions	Flexibility provisions (Cover Regulation Article 5)
Article 15 Information network	Information to the Agency (AR.GEN.125) Oversight programme (AR.GEN.305) Management system (AR.GEN.200)
Article 14 Flexibility provisions Article 15 Information network Article 22(1) Air operation certification	Immediate reaction to a safety problem (AR.GEN.135)

Basic Regulation	Authority Requirements
Article 24 Monitoring the application of rules	Management system (AR.GEN.200) Changes in the management system (AR.GEN.210)
Article 54 Inspection of Member States	Changes in the management system (AR.GEN.210) Record keeping (AR.GEN.220)

Table 1: Basic Regulation Articles implemented by Part-AR

27. In line with the total system approach the requirements in Subpart GEN have been drafted with a view to ensuring consistency and compatibility as far as practicable with relevant rules in the field of aerodromes, air traffic management/air navigation services, as well as of that airworthiness. Considering their general character, the proposed Implementing Rules take due account of the critical elements (CE) of a safety oversight system defined by ICAO¹⁷, in particular as regards:

- CE-3: State civil aviation system and safety oversight functions
- CE-4: Technical personnel qualification and training
- CE-5: Technical guidance, tools and the provision of safety-critical information
- CE-6: Licensing, certification, authorisation and/or approval obligations
- CE-7: Surveillance obligations
- CE-8: Resolution of safety concerns.

ICAO standards on implementing a State Safety Programme (SSP) require the State to establish mechanisms to ensure effective monitoring of these critical elements¹⁸.

28. The proposed rules further draw upon relevant provisions in EU-OPS Subpart C "Operator Certification and Supervision"¹⁹ and provisions that existed in the JAA JIPs. The implementing rules and related AMC's in Subpart GEN to Part-AR are fully consistent with the relevant standards on safety oversight contained in ICAO Annex 6²⁰ Part I Appendix 5 and Part III Appendix 1. The exception is standard 5.5 "remuneration and conditions of service", for which no equivalent can be proposed in Part-AR, as such conditions are not regulated at the level of EU law.

ICAO Annex 6 Part I - Appendix 5 ICAO Annex 6 Part III - Appendix 1	EASA Rules
1. Primary aviation legislation	Regulation (EC) No 216/2008 OR.GEN.140
2. Specific operating regulations	Regulation (EC) No 216/2008; Essential Requirements, Regulation (EC) No 2042/2003 Part-AR Subpart OPS

¹⁷ See ICAO Document 9735 *Safety Oversight Audit Manual*, 2nd Edition — 2006, Appendix C – by assessing the effective implementation of the critical elements of a safety oversight system, the State's capability for safety oversight is determined as part of the ICAO Universal Safety Oversight Audit Programme.

¹⁸ See ICAO Annex 1 Attachment C and ICAO Annex 6 Attachment J "Framework for the State Safety programme" § 3.1.

¹⁹ Rule comparison tables for EU-OPS and JAR-OPS 3 were provided with the CRDs on Part-AR and Part-OR, cf. <http://easa.europa.eu/rulemaking/docs/crd/part-ar/CRD%20c.4%20-%20Rule%20comparison%20EU-OPS+JAR-OPS3.pdf>.

²⁰ ICAO Annex 1 does not contain such Appendix on Safety oversight.

ICAO Annex 6 Part I - Appendix 5 ICAO Annex 6 Part III - Appendix 1	EASA Rules
3.CAA structure and safety oversight functions	AR.GEN.200(a)(2) sufficient number of staff Cover Regulation Article 4
4. Technical Guidance	AR.GEN.200(a)(1) AR.GEN.300(f)
5. Qualified technical personnel	AR.GEN.200(a)(2) GM1 and 2-AR.GEN.200(a)(2)
6. Licensing and certification obligations	AR.GEN.200(a)(1) - AMC1-AR.GEN.305(b)-OPS AR.GEN.310 - AMC1-AR.GEN.310(a)-OPS
7. Continued surveillance obligations	AR.GEN.200(a)(1); AR.GEN.300 AR.GEN.305; AMC1-AR.GEN.305(b)
8. Resolution of safety issues	AR.GEN.200(a)(1) and AR.GEN.350 AR.GEN.350

Table 2: Correspondence between relevant ICAO standards on oversight and Part-AR

29. Subpart GEN of Part-AR, by proposing common requirements that may be applied to all types of certificates and approvals, implements the conclusions of the JAA COrA report in terms of performance-related oversight, streamlined approval processes providing consistency in organisation approvals, where such consistency is essential for organisations to implement effective (safety) management systems. The ICAO objective of introducing SMS in all aviation fields necessarily leads to the same basic principles of organisation management and approval.
30. In conclusion, as Part-AR builds upon existing rule material and proposes requirements that are fully aligned with the relevant ICAO standards for States' safety oversight systems, the core of the authority tasks defined in the implementing rules proposed with this Opinion are not fundamentally different from those that competent authorities are already performing today. Any additional tasks find their justification either in the Basic Regulation directly (i.e. the implementation of those Articles pertaining to the first extension, the achievement of the principal objective of the Basic Regulation in terms of safety, standardisation and harmonisation) or in those ICAO standards related to the establishment of an SSP.

Cover Regulation - items relevant to Part-AR

31. Requirements addressed to Member States as opposed to competent authorities are included in the Cover Regulation: Article 3 requires Member States and the Agency to establish aviation safety plans aimed at continuous safety improvement. It also outlines the need for Member States to coordinate their safety plans, since aviation safety has now to be managed jointly by the EASA States. In particular, the current sharing of competences within the European Union does not allow for a safety plan to be implemented by a Member State in isolation. In the future, further material will be provided to enrich the common implementation of ICAO State Safety Programme (SSP) requirements in the European framework. This will be based on the work being coordinated by the European Aviation Safety Advisory Committee (EASAC), in particular regarding the EASP manual.
32. Cover Regulation Article 4 proposes requirements on oversight capabilities. These provisions, while being fully consistent with the relevant ICAO critical elements of a safety oversight system, additionally mandate Member States to ensure their oversight

personnel are duly empowered to carry out certification and oversight tasks and not exposed to any conflict of interest.

33. Cover Regulation Article 5 defines the information to be provided with the notification sent by a Member State when making use of the flexibility provisions established in Basic Regulation Articles 14.1, 14.4, 14.6 and by the Agency when granting an exemption in accordance with Basic Regulation Article 18(d)²¹ respectively. Without creating an additional burden, this shall ensure uniform application of the relevant provisions and enhance efficiency in the process of granting exemptions and derogations.
34. Cover Regulation Article 9 creates an obligation on Member States to transfer records to the Agency in relation to the oversight of ATOs and AeMCs located outside the territory of the Member States, as Member States will no longer be competent for such organisations after 8 April 2012. The details on such transfers of records will be communicated by the Agency to those competent authorities concerned.

Cover Regulation Article 10 defines the date of entry into force and of applicability: in determining the need for transition or delayed implementation of the authority requirements, the Agency took into consideration that the proposed authority requirements are, to a large extent, based on existing rule material and do not include elements that are fundamentally new with regard to the organisation of a competent authority in the area of certification and oversight. It also considered that Member States, being Contracting States under the Chicago Convention, have been implementing safety oversight systems for many years. More importantly, as soon as the new rules become applicable, Member States must be in a position to process any new applications on the basis of the new requirements, which implies their organisation and oversight systems must be upgraded beforehand. The proposal made with the CRD to grant Member States a delay of 12 months for updating their administrative procedures to comply with the new rules was commented upon by five European aviation authorities that requested that this period be extended to 24 months. After internal review the Agency finally removed this provision, as it does not align with the opt-outs proposed and, more importantly, it may conflict with Commission Regulation (EC) No 736/2006 on working methods of the European Aviation Safety Agency for conducting standardisation inspections²². However, additional time should be provided for the necessary adjustments and updates in the detailed oversight procedures and related systems, such as software applications, as a result of changes in rule references following the decision to revert back to a vertical rule structure. To address this, a general opt-out of 6 months is included in Article 10.2.

Transition measures and opt-outs addressed to organisations are explained in paragraphs 81 to 86 of this explanatory note.

Part-AR Subpart GEN Section I - General

35. Section I complements the requirements for Member States defined at the level of the Cover Regulation with general requirements applicable to competent authorities. It chiefly aims to facilitate cooperation and the exchange of information between authorities and the Agency, as well as between the authorities themselves. These provisions derive from the high level requirements provided for in the Basic Regulation (in particular Articles 5(5); 7(6); 8(5); 10; 15; 22(1) and 24). Section I also includes obligations related to oversight documentation that complement the relevant provisions on oversight capabilities included in the Cover Regulation with reference to ICAO Critical Element CE-5 "Technical guidance, tools and the provision of safety-critical information".

²¹ as last amended by Regulation (EC) 1108/2009.

²² OJ L 240, 7.9.2002, p. 1.

36. Section I further requires competent authorities to provide safety-significant information to the Agency (AR.GEN.125(b)). Although Directive 2003/42/EC²³ established the concept of mandatory safety reports in case of serious incidents, it was felt that the related implementing measures²⁴ do not provide for explicit requirements on the need to convey to the Agency all available safety information in a suitable format. The Agency should typically be informed of issues relating to design, operational suitability data (OSD) and operational safety as identified in the EASP or areas specifically identified by the Agency as constituting a safety concern. AMC material will be included for AR.GEN.125(b) as an outcome of the work currently in progress in the framework of the Agency's Internal Occurrence Reporting System (IORS). In turn, this will provide the Agency with an essential tool to develop the annual safety review requested by the Legislator²⁵.
37. Section I includes requirements for processing means of compliance alternative to the Acceptable Means of Compliance issued by the Agency. The term Acceptable Means of Compliance (AMC) as referred to in Articles 18 and 19 of the Basic Regulation is primarily used to qualify technical/procedural material to be used by Member States and industry when implementing the Basic Regulation and its implementing rules. In this respect, an AMC illustrates a means to comply with the rule. Because the related material issued by the Agency is not of a legislative nature, it cannot create obligations on the regulated persons and they may decide to show compliance with the applicable requirements using other means. However, the Legislator intended such material to provide for legal certainty for applicants and to contribute to uniform implementation, so therefore has conferred it with a presumption of compliance with the rule. The AMC commits the competent authorities so that regulated persons complying with it must be recognised as complying with the law. However, flexibility is provided as stakeholders may propose an alternative means of compliance to their competent authority, and, provided they can demonstrate that an equivalent level of safety can be guaranteed, these alternative means of compliance could then be approved and implemented.
38. The proposal made with the CRD aimed at ensuring uniform processing of such alternatives by competent authorities and providing for full transparency, which is lacking in the current system. The legal basis for the alternative means of compliance mechanism and the obligations for competent authorities can be found in Articles 5(5), 7(6) and 8(5) of the Basic Regulation, 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 considered it 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).
39. For the sake of standardisation and harmonisation, an obligation is established for the competent authority to notify the Agency of each alternative means of compliance that it has approved or is using, as well as to make available to all organisations and persons under its oversight the alternative means of compliance the competent authority itself uses to achieve compliance with the applicable rules. This introduces a new task for competent authorities, which can however be implemented on the basis of existing mechanisms and procedures; therefore the additional burden is expected to be limited.

²³ Directive 2003/42/EC of the European Parliament and of the Council of 13 June 2003 on occurrence reporting in civil aviation (OJ L 167, 4.7.2003, p. 23).

²⁴ Article 2 of Commission Regulation (EC) No 1321/2007 of 12 November 2007 laying down implementing rules for the integration into a central repository of information on civil aviation occurrences exchanged in accordance with Directive 2003/42/EC of the European Parliament and of the Council Text with EEA relevance (OJ L 294, 13.11.2007, p. 3).

²⁵ Article 15(4) of the Basic Regulation.

Through the NPA comments and CRD reactions it clearly appeared that a majority of stakeholders favour a systematic ex-ante check by the Agency of all alternative means of compliance before their approval and/or implementation by the competent authority. The central argument is to maintain a level playing field and to eliminate uncertainty residing in the fact that alternative means of compliance approved by the competent authority without intervention of the Agency may subsequently be challenged, for example during a standardisation inspection. The Basic Regulation does not include a mandate for such ex-ante approval by the Agency as it leaves the implementation of the rules to the Member States. Consequently these concerns cannot be addressed under the current legal system. In order, however, to take into consideration stakeholder concerns, a mitigating element is foreseen by rendering explicit the requirement for the competent authority to establish a system to consistently evaluate and control all alternative means of compliance. In this context it is important to note that the use of means of compliance approved by a competent authority is limited to organisations under the oversight of that authority. It means that other organisations willing to use the same alternative means of compliance have to process them again with their competent authority.

40. Finally, in response to CRD reactions, the Agency simplified the definitions by deleting the term "additional means of compliance" and extending the definition of "alternative means of compliance" to cover means that provide an alternative to an existing AMC and new means to establish compliance with the Basic Regulation and its implementing rules where no associated AMC have been adopted by the Agency.

Part-AR Subpart GEN Section II - Management

41. The rules in Section II require competent authorities to establish and maintain a management system in order to comply with their obligations and to discharge their responsibilities as embedded in Part-AR. The main elements of such management system emulate typical management system requirements applicable to organisations:
- documented policies and procedures;
 - sufficient and adequately qualified personnel, including the obligation to plan the availability of personnel;
 - nomination of management personnel for the different areas of activity;
 - adequate facilities and accommodation;
 - a function to monitor compliance of the management system, including nomination of a person or group of person responsible for the compliance monitoring function;
 - the need to ensure that certification and oversight tasks performed on behalf of the competent authority conform to the applicable requirements;
 - a system to identify changes that affect the management system and to take action to ensure it remains effective; and
 - a system of record-keeping to ensure traceability of activities performed.
42. These management system requirements are complemented by a specific requirement to establish procedures for the effective exchange of information and assistance of other authorities, which further details the requirements of Basic Regulation Article 15(1). The set of common requirements for competent authority management systems proposed with Section II directly relate to the ICAO critical elements of safety oversight systems CE-4 "Technical personnel qualification and training" and CE-5 "Technical guidance, tools and the provision of safety critical information". These requirements support the implementation of SSPs and shall contribute to creating an effective oversight system to facilitate and encourage regulated organisations to implement management systems in line with Part-OR.

43. With a view to supporting the standardisation process and facilitating the move of that process towards continuous monitoring²⁶, Section II also requires competent authorities to provide the Agency with the relevant documentation on their management system and on changes thereto.
44. Regarding the use of qualified entities (AR.GEN.205), some Member States challenged the inclusion of specific provisions in Part-AR, claiming that Basic Regulation Article 13 and Annex V were sufficiently addressing the issue. Conversely, the Agency considers that the Basic Regulation does not provide how the specified obligations shall be ensured and therefore maintains the provisions, in an amended version: The rule now addresses the allocation by the competent authority of certification and oversight tasks to legal or natural persons and focuses on the criteria to be met. Such specific rules aim to warrant that any certification or oversight task performed on behalf of the competent authority conforms to the applicable requirements, similar to what is required from organisations when contracting activities within their scope of approval. This new implementing rule is directly relevant to ensuring a high level of safety in competent authority certification and oversight activities, as well as uniform implementation of the relevant Basic Regulation provisions.
45. While the provisions in Section II derive from existing requirements, such as those contained in Sections B to Regulation (EC) No 2042/2003 in the field of competent authority organisation, qualification and training, procedures, facilities, record-keeping and more, they require some new tasks for competent authorities:
- a. the transmission to the Agency of procedures and amendments thereto, the information to the Agency regarding changes affecting the management system (AR.GEN.200(d) and AR.GEN.210(c));
 - b. the definition and implementation of procedures for participation in a mutual exchange of information and assistance to other competent authorities AR.GEN.200(c); and
 - c. the implementation of a compliance monitoring system (AR.GEN.200 (a)(4);(5)), including the implementation of a system to initially and continuously assess legal or natural persons performing certification or oversight tasks on behalf of the competent authority (AR.GEN.205).

Whereas for tasks a. and b. it may be assumed that authorities can rely on existing resources and communication channels, it is acknowledged that implementing task c. may require additional resources. The responsibilities of Member States for providing the necessary oversight capabilities and resources to competent authorities to perform their tasks in accordance with applicable requirements are clearly set out in Article 4(4) of the Cover Regulation. This shall form the legal basis for ensuring that all additional tasks can be financed. In this context it is worth noting that an effective management system, including effective compliance monitoring, may constitute a valuable contributing factor for ensuring cost-efficiency in certification and oversight processes.

46. In addition, the provisions in Section II now present the obligations:
- a. for competent authorities to maintain a list of all organisation certificates, FSTD qualification certificates and personnel licences, ratings, certificates or attestations issued (AR.GEN.220(b));
 - b. for competent authorities to keep records of the evaluation of alternative means of compliance proposed by organisations subject to certification and the assessment of alternative means of compliance used by the competent authority itself; and

²⁶ The Continuous Monitoring Approach (CMA) will involve the establishment of a system to continuously monitor Member States according to a harmonised and consistent approach. Monitoring of Member States' safety oversight capability will be based on the following four key steps: (1) collect and validate safety data, (2) analyse and measure level of safety oversight capability, (3) identify deficiencies and assess the related risks, (4) develop and implement strategies for risk mitigation.

- c. to implement a system to plan the availability of personnel (AR.GEN.200(a)(2)).

Although current rules do not include such explicit requirements, it can be assumed that competent authorities do have in place systems required to comply with these new requirements as part of their administration of certificates and approvals and their management of personnel.

Part-AR Subpart GEN Section III – Oversight, Certification and Enforcement

47. This Section within Part-AR Subpart GEN provides the necessary elements to the competent authority on how to interact with regulated organisations and persons. It describes general oversight principles, addresses the elements of the oversight programme and details the specific actions, roles and responsibilities of competent authorities for certification, continuing oversight and enforcement processes. It is based on established procedures in existing regulations. The rules on oversight take into account the high-level requirements contained in the Basic Regulation to ensure oversight is not limited to organisations and persons certified by the competent authority.

The relevant provisions derive from JAA JIPs to JAR-OPS and JAR-FCL, as well as existing section B requirements in Regulations (EC) Nos 1702/2003 and 2042/2003. Relevant articles of the Basic Regulation are for OPS: 8(5); for FCL: 7(6); for cooperative oversight: Articles 10, 11, and 15. In response to stakeholder feedback, more specific instructions on initial certification and oversight, specifically addressing processes, staff qualifications and adequacy of number, validity of licences and ratings for flight instructors etc... will be included with the AMCs and GM.

48. The proposal made with the NPA included elements stemming from the COra recommendations for issuing a single organisation certificate to those organisations holding approvals in accordance with more than one Part. The analysis of NPA comments clearly indicated that the “single certificate” concept is not supported: industry concerns relate to the fact that ICAO does not require a “cover” organisation approval on top of the AOC, thus the single certificate would create a European specificity without international recognition. Competent authorities commented that the conditions for the issuance of the single certificate and the link between the stand-alone organisation certificate and the area-specific certificates (AOC, ATO, AeMC) were not clearly established. They further claimed that the single organisation certificate would create a significantly increased workload for authorities that was not justified in terms of safety. As the main objectives behind the concept of a single organisation certificate can be achieved without imposing the issuance of a single certificate, the Agency agreed not to maintain the single certificate concept. Indeed, in terms of effective oversight it is far more relevant to rationalise the oversight programme for organisations holding approvals in accordance with more than one Part than to issue a stand-alone organisation certificate. Crediting audit items for organisations certified in accordance with more than one Part is allowed, as described in the AMCs to AR.GEN.305.
49. The NPA also included a proposal for cooperative oversight²⁷ aimed at creating the basis for ensuring the most efficient oversight of those activities that are not geographically limited to the Member State where the certificate has been issued. The main objective of the cooperative oversight provisions is to bring a European dimension into oversight, by encouraging the best use of oversight resources locally, while ensuring that all persons, organisations or aircraft are subject to regular oversight. This would implement some of the specific recommendations of the Conference of Directors General of Civil Aviation on a Global Strategy for Safety Oversight (held at the ICAO premises in 1997) during which the need for coordinating and harmonising the principles and procedures for assessing

²⁷ The term “collective oversight” used in the Explanatory Note to NPA 2008-22 is now replaced by “cooperative oversight”, which better reflects the intent of the relevant provisions.

safety oversight at a global level was emphasised and the advantages of adopting a regional focus were recognised. The Agency proposal was largely commented upon. The majority of comments were made by competent authorities, expressing concerns about a possible blurring of oversight responsibilities and on the practical aspects of cooperation between authorities, where different legal systems or language barriers would constitute potential obstacles. Industry concerns mainly pointed to the additional burden and possible duplication of oversight on organisations operating in several Member States.

50. In line with the recommendations made by the AR/OR review group and following a dedicated meeting with Advisory Group of National Authorities (AGNA) representatives, relevant AR.GEN.Section III provisions were further refined so as to address the main concerns expressed by stakeholders. A risk-based approach primarily considering the safety priorities identified in the State safety plan referred to in Cover Regulation Article 3 shall be used to determine the scope of oversight for activities performed in the territory of the Member State by persons or organisations not certified by the competent authority. The primary responsibility of the competent authority that issued the certificate remains unchanged. The proposal is complemented with provisions for cooperation on a voluntary basis in form of agreements between authorities so that part of the oversight may be performed by the authority in whose territory the activity takes place, thus increasing the visibility of those activities. This should encourage competent authorities to make the best use of authority resources locally. The implementing rules related to findings and enforcement (AR.GEN.350 and AR.GEN.355) were amended accordingly. AR.GEN.350 was further amended for consistency with AR.CC to address falsification and fraud. A new subparagraph AR.GEN.300(f) is added to include the provision previously defined in AR.GEN.425(a), the latter being transferred to the Regulation on Air Operations.
51. While the Agency amended its proposal on cooperative oversight to address the main concerns expressed by Member States, it insists on the importance of extending oversight to all activities within a Member State's territory and enhanced cooperation between Member States' competent authorities, in order to cope with the challenges of the common market: An increased number of pilots and operators, but also flight examiners and aero-medical examiners may exercise their privileges in an EU State different to the State primarily responsible for their oversight. Therefore, the Agency suggests a review of the implementation of the cooperative oversight provisions and the appropriate functioning of the oversight system in the future, not only to detect possible oversight loopholes at the earliest possible stage, but also to determine the need for more specific provisions, with the aim to foster oversight capabilities at European level, both in terms of safety and efficient use of resources.
52. Another important element proposed with the NPA is the move towards risk-based and performance-based oversight, also stemming from the COra initiative. Following an assessment of NPA comments, the 24-month oversight interval initially defined at the level of implementing rule was moved to AMC to AR.GEN.305 for the CRD, so as to provide flexibility. This change to AMC level triggered stakeholder reactions expressing serious concerns about implementing a purely risk-based system at the present stage: These claimed such system should not be adopted before regulated organisations had achieved a sufficient maturity in their safety management systems and competent authorities gained visibility of their safety performance, through collection and analysis of relevant data. Some stakeholders further commented that the flexibility provided could be used in some Member States to justify further reductions in competent authority resources. In order to address those concerns, the Agency agreed to reinstate the 24-month interval at implementing rule level and now proposes a number of criteria for extending or reducing this standard oversight interval. These provisions apply to organisations certified by the competent authority and to FSTD qualification certificate holders.
53. AR.GEN.300 and AR.GEN.305 include general requirements for the oversight of persons through inspections. Some stakeholder associations and non-profit organisations reacted

to those provisions, contesting the need for unannounced inspections and claiming the provisions would generate additional costs that would be passed on to the licence holders. An AMC will be included to clarify that oversight of persons holding a licence, certificate, rating or attestation should normally be ensured as part of the oversight of organisations where these persons exercise their privileges. Additionally, the competent authority should verify compliance with applicable requirements when endorsing or renewing ratings. Moreover, to properly discharge its oversight responsibilities, the competent authority should perform a certain number of unannounced verifications. The AMC will reflect the provisions of ICAO Document 9379 "Manual of procedures for the establishment and management of a State's personnel licensing system".

54. The provisions of "indirect approval" of certain types of organisation changes proposed with the NPA were reviewed. The issue is now addressed in AR.GEN.330 "Changes – organisations" and changes are classified as either requiring prior approval or as not requiring prior approval by the competent authority. Moreover, provisions are included for those organisations wishing to implement changes without prior competent authority approval: the organisation shall have a procedure specifying the scope of such changes and describing how these will be managed and submit this procedure to the competent authority for approval (cf. AR.GEN.310(c)). The amended provisions fully meet the intent of "indirect approval" or changes "acceptable to the authority".
55. The proposed implementing rules on findings and enforcement actions were amended to include the findings description previously provided in Part-OR and to align with changes made in AR.GEN.300 and AR.GEN.305 related to cooperative oversight. Moreover, all references to penalties were deleted, as these are subject to the applicable national rules implementing Basic Regulation Article 68. Finally, the implementation period for corrective actions was redefined to align with existing requirements in the continuing airworthiness rules.
56. Considering that a large portion of the implementing rules proposed with AR.GEN Section III are based on existing requirements, and taking into account the obligations of Member States under ICAO to implement effective oversight systems as part of their State safety programme, the tasks that are genuinely new or that are not part of those deriving from the obligations under the Chicago Convention are limited to the obligations to:
 - a. inform persons and organisations that are subject to an oversight agreement between competent authorities (AR.GEN.300(e));
 - b. approve the organisation's procedure related to changes not requiring prior approval (AR.GEN.310(c));
 - c. inform the competent authority that issued the certificate in case any non-compliance with the applicable requirements by an organisation certified by the competent authority of another Member State or the Agency has been detected, as well as to provide an indication of the level of the finding (AR.GEN.350(e)); and
 - d. inform the competent authority that issued the license, certificate, rating or attestation in case any non-compliance with the applicable requirements by a person certified by the competent authority of another Member State has been detected (AR.GEN.355(e)).

It can be assumed that authorities may rely on existing resources, oversight and certification processes, as well as communication channels to perform those additional tasks.

Part-AR Subpart FCL

57. Subpart AR.FCL defines specific requirements for authorities related to flight crew licensing. It includes 3 sections:

- Section I General
- Section II Licences, ratings and certificates
- Section III Theoretical knowledge examinations.

Section I of this Subpart establishes the general requirements and contains provisions for the records related to licensing to be kept by the competent authority.

Section II establishes the additional provisions for licences, ratings and certificates. It contains requirements dealing with the procedures for the issue, revalidation and renewal of a licence, monitoring of examiners, specific information for examiners, the validity period of licences, the procedure for re-issuing a licence and the provisions for the limitation, suspension or revocation of a licence, rating or certificate.

Section III contains provisions for the theoretical knowledge examination procedures.

58. AR.FCL is mainly based on the existing requirements for authorities related to training organisations and flight crew licensing contained in JAR-FCL. Based on the comments received and further discussions with the Member States, the most significant change was that made to the system for monitoring of examiners.

59. Only a few significant changes were made to this Subpart. The requirement dealing with the procedures for issuing and revalidating a licence (AR.FCL.200) was amended in order to address the endorsement of a licence by examiners. This better reflects the changes already addressed in Part-FCL and will allow competent authorities to specifically authorise certain examiners for this task.

The majority of comments and reactions received focussed on AR.FCL.205 (in Section II) dealing with the monitoring of examiners. In the CRD, the Agency introduced a list of examiners to be established by the authorities, in order to support the authorities with oversight. Taking into account the reactions received and the discussions with the Member States, the Agency added an obligation for the authorities to also include the examiners certified by another Member State but exercising the privileges on their territory. In addition to this the Agency included a provision (already established in JAR-FCL) requiring the authorities to develop procedures for the designation of examiners for certain skill tests.

60. It must be highlighted that the task to establish and publish a list of examiners as well as the need to organise briefings for examiners certified in other Member States and the administrative tasks related to this will create some additional tasks for the competent authorities.

The provision to provide examiners with safety criteria to be observed for skill tests and proficiency checks was reworded to clarify that it also covers examiners certified in another Member State. A future rulemaking task will address this issue again as certain elements of these safety criteria will be part of the examiner's manual, as an outcome of this rulemaking task.

61. The main issue raised related to the requirements in Section III was the need for a common European Central Question Bank, including the distribution table of questions and the duration of the examination for specific subjects. AR.FCL.300 was slightly amended in order to address some editorial mistakes and to clarify the questions related to the European Central Question Bank.

62. Based on the reactions received, the standard licence format, EASA Form 141, now in Appendix I to Part-AR, was also reviewed and several changes in comparison to the

licence format in JAR-FCL were introduced during the consultation phase. Some of the main changes are:

- uniform format with other European licences;
- level and validity date for language proficiency endorsement added;
- more space for the revalidation of the language proficiency endorsements ;
- space for the specific remarks on the LAPL licence (not in accordance with ICAO);
- additional column for the date of the instrument rating test was added; and
- additional row IVa for the date of birth (to be in accordance with ICAO Article 5.1.1.2)

A future rulemaking task will be initiated at a later stage in order to develop a list of standardised abbreviations (e.g. ratings, aircraft categories) and their possible combination. This list should be used for the entries in the licence and as a guidance for competent authorities and examiners on how to issue/revalidate/renew ratings in the licence.

Part-AR Subpart CC

63. This Subpart supplements the requirements of Subpart GEN as regards the cabin crew attestation and their holders. It expands on a few requirements to address the specificity of the cabin crew attestation, as foreseen by Article 8(4) and Article 8(5)(e) of the Basic Regulation. It contains:

- Section I Cabin crew attestations
- Section II Organisations providing cabin crew training or issuing cabin crew attestations.

64. *Section I* focuses on the aspects directly related to the cabin crew attestation itself, such as the two options available to Member States for its issue, the EASA standard format to be used and the situations that may require the competent authority to take measures in its enforcement tasks as applicable to persons.

Section II addresses the case of the organisations that may be approved by the competent authority, subject to certain general conditions, to provide cabin crew training, and/or to issue cabin crew attestations. It is to be mentioned that, unlike the training organisations for flight crew, the Basic Regulation does not provide a clear legal basis to the Agency to specify criteria applicable to the training organisations for cabin crew. This is why the relevant national requirements remain applicable until such criteria may be developed at EU level.

65. The cabin crew attestation is different from the attestation of safety training currently required by EU-OPS. Like EU-OPS, it must be held by any cabin crew member involved in commercial air transport operations. However, contrary to the EU-OPS attestation, it must be maintained, and there are conditions that may require it to be amended, limited, suspended or revoked. The requirements directed to the holders have been specified in a separate Part-CC.

66. ICAO Annex 1 and Annex 6 do not require cabin crew members to hold an attestation, certificate or licence. However, more than a few ICAO Member States have developed such a system. For example, several EU Member States have national licensing or certification requirements for cabin crew members that supplement the minimum requirements of EU-OPS; the FAA issues a Certificate of Demonstrated Proficiency to the USA Flight Attendants involved in commercial air transport operations; the South African Civil Aviation Authority of South Africa (SACAA) requires and issues cabin crew licenses.

67. The main issues raised by the reactions received to the CRD, and the related responses of the Agency, are the following:

- *The requirement to issue a cabin crew attestation to the new EASA format:* the transition period of 18 months initially proposed is prolonged to 60 months, in line with the JAR-compliant pilot licences issued by a Member State before 8 April 2012 (cf. Opinion "Implementing rules for the qualification of cabin crew involved in commercial operations" – Cover Regulation, Article 9b).
- *Approval of organisations to issue cabin crew attestations on behalf of the competent authority:* the task of issuing cabin crew attestations, if so decided by a Member State, may be conducted by an organisation through an approval granting the privilege to issue such attestations.
- *The requirement to complete aircraft type-specific training before the cabin crew attestation may be issued:* this requirement has been deleted. However, valid aircraft type qualification remains in Part-CC as a condition of the use of the attestation by the holder.
- *The absence of common criteria or standards at EU level for the approval of training organisations for cabin crew, for qualifications of instructors and examiners and for*

training devices: subject to common understanding and agreement on the legal basis by the Legislator, the Agency proposes to address these issues with a future Rulemaking task.

Part-AR Subpart ATO

68. Subpart AR.ATO defines the specific authority requirements related to approved training organisations for flight crew licensing. It includes one Section:

- Section I General

Subpart AR.ATO establishes requirements complementing the general requirements, such as relating to the oversight programme for ATOs and the system of record-keeping for the ATO-related data. AR.ATO is mainly based on the existing requirements for authorities related to training organisations and flight crew licensing contained in JAR-FCL. In response to reactions from some stakeholders the Agency would like to highlight that under the proposed rules ATOs, while being operators in the sense of Basic Regulation Article 3(h) are not required to hold an AOC.

69. Only a few significant changes were made. In AR.ATO.105 the main issue raised by stakeholders during the consultation phase was that the use of a training aircraft with only 2 seats might not allow for the sampling of training flights. This was taken into account and the text reworded to clarify the issue.

The provisions in AR.ATO.120 about record-keeping were amended in order to clarify the terminology used for the use of FSTDs. It should be mentioned that for FSTDs the Agency decided to initiate a new rulemaking task in order to align all the implementing rules, CSs and AMCs with the 3rd edition of ICAO Document 9625.

In the CRD the Agency informed stakeholders that, as the EASA Standard Organisation Approval Certificate will not be maintained, a separate ATO Approval Certificate would be developed. The basis for this certificate was the JAA Form 153 FTO/TRTO Approval Certificate and the EASA.147 Approval Certificate with the attached Approval Schedule, now referred to as "Training Course Approval".

In response to comments on the Training Course Approval Schedule, the approval for the ATO to use FSTDs (formerly "user approval") was incorporated into the Course Approval Form attached to the ATO certificate. This course approval requires that the training course and the corresponding FSTDs be listed.

Part-AR Subpart FSTD

70. Subpart AR.FSTD defines the specific authority requirements related to the qualification of FSTDs. It includes one Section:

- Section I General

AR.FSTD describes the main duties of the competent authority qualifying and monitoring the operation of FSTDs. It describes the assessment process leading to the issue of an FSTD qualification certificate, including the initial and recurrent evaluation procedure, the composition of the evaluation team, the assessment of the FSTD operator's compliance monitoring system and the issuance of a qualification certificate. The section also covers the procedures to be followed in case of changes to the qualified FSTD or if the required standard for the qualification cannot be maintained by the operator.

AR.FSTD is based on JAR-FSTD A and H and the JIPs for JAR-STD (included in the JAA Administration and Guidance Material, Section Six: *Synthetic Training Devices (STD)*, Part Two: Procedures). There are no significant differences or new tasks arising for competent authorities compared to the former regulations.

A table has been added to the "Flight simulation training device qualification certificate" listing the training, testing and checking considerations to enable the qualification certificate holder to provide any user of the device with information approved by the qualifying competent authority.

Part-AR Subparts AeMC and MED

71. AR.MED and AR.AeMC define the specific requirements relating to aero-medical certification, which complement the general requirements in Part-AR Subpart GEN. AR.AeMC and AR.MED, together with OR.AeMC, provide the regulatory system for the certification of AeMCs and aero-medical examiners (AMEs), the notification of general medical practitioners (GMPs) and medical certification of pilots.

AR.AeMC is composed of only one Section - "General".

AR.MED consists of three Sections:

- Section I General
- Section II Aero-medical examiners
- Section III Medical certification

Subpart AR.AeMC is completed with the standard format for the approval schedule for aero-medical centres. AR.MED also introduces the AeMC certificate and the standard EASA medical certificate for pilots respectively.

72. No significant issues were raised on the subject of AeMCs. The main concern in Subpart MED was paragraph AR.MED.150 "Record-keeping": the competent authorities of the vast majority of Member States will hold the medical files of all pilots who were issued with their licence by that authority (licensing authority). The European Directive on data protection is implemented very differently in the Member States and the release of the medical files will therefore be handled differently around Europe. Therefore the reactions asking to release medical records to research institutes without dis-identification of the pilot, to the management of the competent authority, to investigation bodies (accident, security, police) and "in any other circumstances when required under National Law" have not been added to the implementing rules but will be included in an AMC. This gives enough flexibility to Member States to apply national data protection law. However, the paragraph has been amended and the reactions relating to the release of medical documents for a medical review for the issue of a medical certificate (to the medical review board, medical specialists involved in the assessment) were included. These records are needed to make a decision on medical fitness, which is the main reason for the competent authorities to hold the medical files.
73. The reactions of one Member State relating to several paragraphs (AR.MED 120, 125, 150, 315 and 325) focussed on the involvement of the competent authority/medical assessor in the medical certification process of an individual pilot, and on the fact that, after an aero-medical examination and assessment, the AMEs have to send the full medical examination reports of all pilots to the authority where the pilot holds his/her licence (licensing authority). The reason for these reactions is the position of that Member State that no medical files should be sent to the competent authority and fitness shall not be assessed by the medical assessor of the competent authority where the pilot holds his/her licence (licensing authority) but by an AME or AeMC only. No text changes were made because this issue has been solved in Part-MED and the rules are needed for the remaining Member States.
74. Appendix VI to Part-AR contains the format of the medical certificate for pilots and the description thereof. Item 13 of the description and field X in the certificate format were amended because the medical certificate cannot be signed by the GMP or the medical assessor in all Member States. The field on page 4 of the certificate containing the information for the AME on dates of "most recent" and "next" tests (ECG, audiogram and ophthalmology) was cleared on request of one Member State and the space used to paste MED.A.020 in its place. Inclusion of "MED.A.020 Decrease in medical fitness" on the medical certificate was requested by several Member States. The Agency is of the opinion that a medical certificate is to give proof that the pilot underwent the relevant

aero-medical examination and assessment and was assessed as fit to fly and not to inform the pilot about his/her obligation in the case of decrease in medical fitness. Nevertheless, the reaction was accepted as it is not a safety issue and seems to be important for several Member States.

75. Reactions asking to move items from AR.MED to AR.GEN and from OR.AeMC to OR.GEN were not accepted due to the re-verticalisation of the rule structure. Under the new structure it will actually be necessary to move or copy paragraphs from AR.GEN to AR.MED.

VII. Explanatory memorandum Part-OR

General

76. Part-OR as proposed with this Opinion is composed of four Subparts, which are further divided into Sections, containing both general requirements and the area-specific requirements for the different types of organisations:

- Part-OR Subpart GEN, general requirements, complemented by:
 - Part-OR Subpart ATO, specific requirements related to approved training organisations;
 - Part-OR Subpart FSTD, specific requirements for organisations operating FSTDs and for the qualification of FSTDs; and
 - Part-OR Subpart AeMC, specific requirements related to aero-medical centres.

Subpart OR.FSTD, that was not included with the CRD, incorporates the implementing rules previously included as Section III of Subpart ATO. This change in structure addresses the fact that not all FSTD operators are approved training organisations.

Part-OR Subpart GEN as proposed with this Opinion includes two Sections:

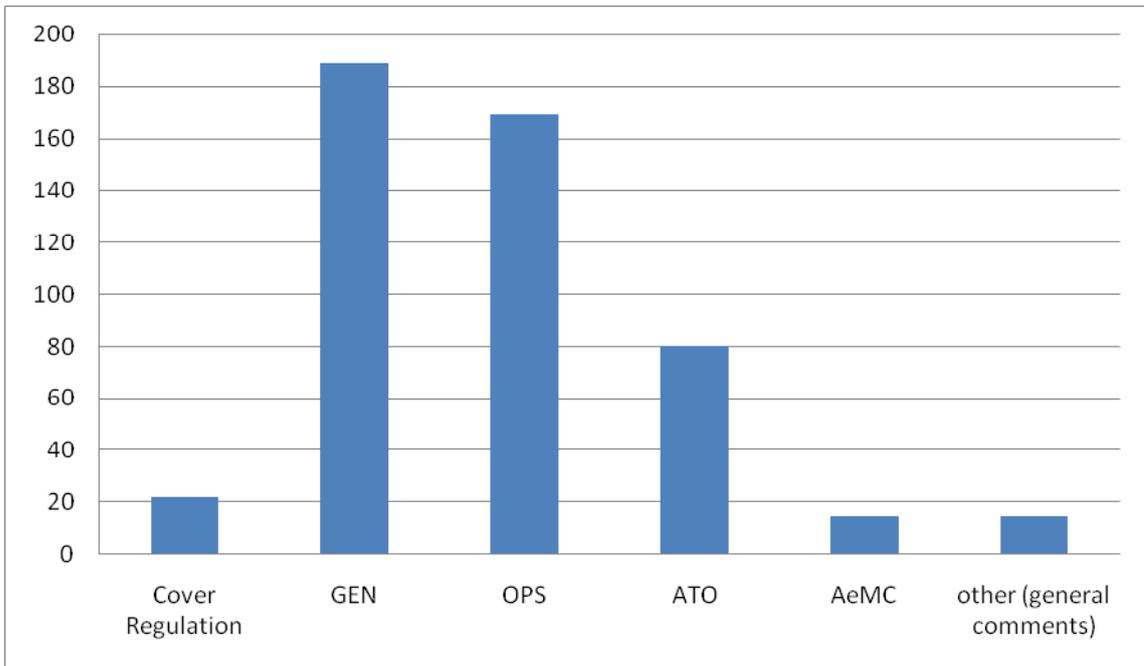
- Section I General
- Section II Management system.

Subpart GEN of Part-OR defines requirements commonly applicable to all organisations in the field of air crew and operations . These build upon the main COrA recommendations and ICAO standards related to SMS. They complement the authority requirements on conditions for issuing, maintaining, amending, limiting, suspending and revoking certificates and approvals.

77. The text proposed in the Opinion reflects the changes made to the initial proposal of the Agency (as published in NPA 2008-22c), as well as further changes made following the analysis and assessment of reactions made to the CRD. NPA 2009-02c contained the organisation requirements specific to operations (Part-OR Subpart OPS). These will be included with the first Opinion to be published on Air Operations.

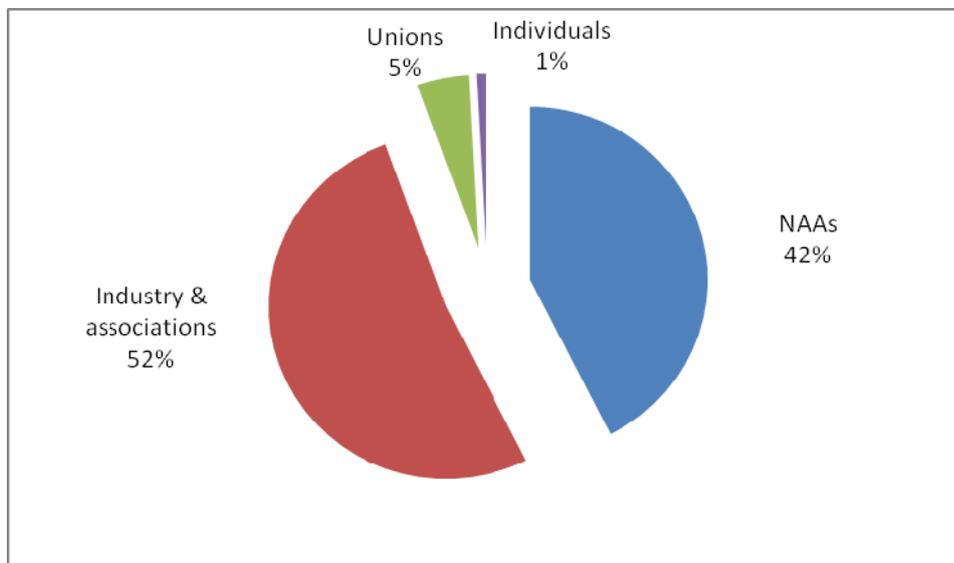
Consultation

78. Paragraphs 23 of this explanatory note contains general information on the reactions made to the CRDs to Part-AR and Part-OR. The table below shows the distributions of the 490 reactions received to Part-OR (CRD 2008-22c and 2009-02c), of which 1/3 were made on the AMCs and GMs and 2/3 on the implementing rules.



Graph 3: Reactions to Part-OR – distribution

79. An indication of the origin of reactions is provided below. Taking into account that reactions originating from industry representative associations are usually sent on behalf of their individual members, it can be assumed that the global share of industry is under-represented in this graph.



Graph 4: Reactions to Part-OR – origin

The main issues raised in the reactions to the CRD are addressed in the subsequent paragraphs.

Scope and applicability

80. Part-OR as proposed with this Opinion is applicable to the approval and continuing oversight of ATOs and AeMCs, to the qualification of FSTDs and continued compliance with requirements applicable to certified organisations and FSTD qualification certificate holders. Subpart GEN of Part-OR defines the generally applicable organisation requirements for all certified organisations and FSTD certificate holders²⁸ in the field of flight crew licensing and operations. These complement the Part-AR provisions on issuing, maintaining, amending, limiting, suspending and revoking certificates and approvals. Part-OR also defines common management system requirements encompassing compliance monitoring and safety management.

Cover Regulation - items relevant to Part-OR

81. The Cover Regulation includes a proposal for transitional provisions and opt-outs, to consider specifically the new provisions regarding the management systems of the regulated organisations, as laid down in OR.GEN.200. Those provisions implement the safety management principles fostered by ICAO, which confers upon them the status of new requirements, although requirements currently applicable in EASA Member States already implement some of those provisions. In particular, quality management systems (QMS) and quality assurance (QA) have already been implemented for many years by operators subject to EU-OPS and training organisations approved in accordance with JAR-FCL provisions. For instance, commercial air transport (CAT) operators, in application of EU-OPS 1.037, already perform several activities that are necessary for safety management.

82. Taking this into account, the Agency considers that organisations complying with EU-OPS, JAR-OPS 3, JAR-FCL or JAR-STD should benefit from continued validity of their organisation certificates after the applicability date of the new Regulation ("grandfathering"), as these organisations should be able to implement the remaining management system requirements without significant additional burden. It has to be noted that compliance with those elements will still require that relevant responsibilities, functions and procedures be in place as soon as the new rules become applicable. However, demonstrating that all processes involved are effective can only be made after a certain time, when sufficient data will have been collected to perform effective safety risk management.

83. In NPA 2008-22, an SMS implementation plan was presented. It is withdrawn in the final version of the proposed rule, as it constituted a non-permanent provision. It suggested that the SMS could be implemented over a period of 2 years. This proposal was not commented upon during the consultation process. The Agency thus assumes that this was considered an appropriate timeframe and proposes that a period of 2 years be granted to close possible level 2 findings arising from differences with the new provisions. Considering concerns expressed by some Member States, the Agency removed the proposal made in Article 7 of the Part-OR Cover Regulation published with the CRD, which was for a management system implementation plan to be agreed between the organisation and the competent authority. It can be assumed that the promotion of SMS implementation by Member States is part of the implementation of their State Safety Programmes.

84. 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, in particular if they will be subject to a certification obligation for the first time should be given enough time to implement the new management system requirements. The Agency

²⁸ Holders of an FSTD qualification certificate must implement a management system in accordance with Part-OR, in order to maintain the validity of their FSTD qualification certificate(s).

therefore proposes that Member States may choose to postpone the applicability for those organisations not covered by previously applicable JARs. Thus, the application of the rule for training organisations that are currently not subject to a certification obligation in accordance with JAR-FCL (“registered facilities”) could be delayed by up to 3 years.

85. Finally, the Agency proposes a general opt-out period of 6 months for JAR-compliant ATOs and JAR-compliant AeMCs, to consider the effects of the decision to change the rule structure. This change to the rule structure will induce changes in the individual rule references, as well as certain adaptations to rule contents resulting from the distribution of Part-AR and Part-OR into each technical regulation.
86. The transition measures proposed in Article 10 are summarised in the table below:

Article	Subject	Description
10(2)(a)	JAR-compliant approved training organisations and aero-medical centres	Member States may elect not to apply the provisions of Part-AR and Part-OR until no later than 8 October 2013
10(2)(b)	training organisations providing training only for the light aircraft pilot licence, private pilot licence, balloon pilot licence or sailplane pilot licence	Member States may elect not to apply the provisions of Part-AR and Part-OR until no later than 8 April 2015
10(2)(c)	training organisations providing training for flight test ratings in accordance with FCL.820	Member States may elect not to apply the provisions of Part-AR and Part-OR until no later than 8 April 2015 (to align with Part-FCL)
10(2)(d)	FSTD certificate holders, not being an approved training organisation	Member States may elect not to apply the provisions of OR.GEN.200 (a)(3) until no later than 8 April 2015

Table 3: Overview of proposed opt-outs

Definitions relevant to Part-OR

87. The definition of “principal place of business” for the determination of the competent authority now aligns with the definition in Regulation (EC) No 1008/2008 on common rules for the operation of air services in the Community (Recast)²⁹, which is also the one adopted for Regulation (EC) No 2042/2003 with amending Regulation (EC) No 127/2010³⁰. This caters for the fact that licensed air carriers need to be approved in accordance with Subpart G of Annex I to Regulation (EC) No 2042/2003 “Part-M” as part of their AOC. The definition assumes that the principal financial functions and the operational control of an organisation are located in the same Member State. While acknowledging the benefits of adopting common definitions for different Regulations, the

²⁹ Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (Recast) (Text with EEA relevance) *OJ L 293, 31.10.2008, p. 3–20*.

³⁰ Commission Regulation (EU) No 127/2010 of 5 February 2010 amending Regulation (EC) No 2042/2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks (Text with EEA relevance); *OJ L 40, 13.2.2010, p. 4–50*.

Agency is of the opinion that the definition taken over from Regulation (EC) No 1008/2008 will create implementation problems. Therefore it recommends a review of this definition for all EASA Regulations concerned, including the airworthiness Regulations. This review should consider the location of the organisation's technical management with regard to the activity approved under the Basic Regulation and its implementing rules as the main criterion for determining the principal place of business of an organisation, for the purpose of determining the competent authority.

Part-OR Subpart GEN Section I – General

88. The implementing rules in Section I contain general requirements for organisations in the area of both operations and flight crew licensing, in particular relating to initial certification and oversight. These form the counterpart to the corresponding authority requirements in Part-AR Subpart GEN Sections I and III. They are based on the high-level requirements provided for in the Basic Regulation. 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 (OR.GEN.155), as well as related to occurrence reporting (OR.GEN.160). The new OR.GEN.155 introduces the requirement for organisations to comply with Airworthiness and Safety Directives issued by the Agency, the latter deriving from rulemaking task 21.039 "Operational Suitability Data".

Ref. Part-OR	Title	Corresponding AR
OR.GEN.105	Competent authority	n/a
OR.GEN.115	Application for an organisation certificate	AR.GEN.310(a)
OR.GEN.120	Means of compliance	AR.GEN.120
OR.GEN.125	Terms of approval and privileges of an organisation	AR.GEN.310(b)
OR.GEN.130	Changes to organisations	AR.GEN.330
OR.GEN.135	Continued validity	AR.GEN.310(b)
OR.GEN.140	Access	Cover Regulation Article 4(5)
OR.GEN.150	Findings	AR.GEN.350
OR.GEN.155	Immediate reaction to a safety problem	AR.GEN.135
OR.GEN.160	Occurrence reporting	AR.GEN.135

Table 4: Correspondence between AR.GEN and OR.GEN

89. OR.GEN.115 defines the application process for an organisation certificate. Considering NPA comments from stakeholders, the proposal for a single organisation certificate made with NPA 2008-22c was not maintained, and concurrently no standard application form is proposed with Part-OR. On this latter point, Member States expressed concerns on the impacts of imposing a standard application form on different administrative systems already in place under currently applicable rules. On the issue of the “single certificate” concept, the Agency considers that its main objectives can be achieved without imposing the issuance of a single organisation certificate: the certificate, which is merely the “attestation” of the certification process, can be in form of one single document or different documents. The main aspect is to ensure competent authorities may perform oversight in the most efficient way for organisations holding multiple approvals³¹. In that respect, common management system requirements applicable to all types of organisations are essential.
90. OR.GEN.120 defines the process for the approval of alternative means of compliance, which applies to organisations holding a certificate under Part-OR, including approved organisations and FSTD qualification certificate holders. Concerns were expressed during the consultation process on the alternative means of compliance used by organisations subject to a declaration obligation only. The Agency notes that there is no legal basis in the Basic Regulation for imposing on such organisations to follow the same approval process for alternative means of compliance as for certified organisations. An approval of alternative means of compliance can only exist when attached to a certificate or approval, where such means of compliance are then considered part of the basis for granting the approval. However, for organisations subject to a declaration obligation, the approval process does apply to alternative means of compliance to an AMC directly related to any specific approval such organisations may hold under Part-SPA. As regards the possibility for professional organisations or stakeholder representative bodies not holding an organisation certificate under the Basic Regulation and its implementing rules to use alternative means of compliance, there is no need for such organisations to

³¹ Criteria for “crediting” audit items for the oversight of organisations holding more than one approval will be provided with the AMCs to AR.GEN.305.

request an approval of such alternative means, as long as they are not subject to any obligation of compliance under the Basic Regulation and its implementing rules.

In response to reactions from industry stakeholders, the Agency will launch an additional rulemaking task to provide a methodology on how to demonstrate that the safety objective of the implementing rule is met when applying for the approval of an alternative means of compliance.

91. In OR.GEN.130 "Changes to organisations subject to certification" the type of changes requiring prior approval in relation to the organisation's management system is further specified, in order to alleviate the burden on organisations and authorities: in terms of management system, changes requiring prior approval are now defined more specifically as those affecting the lines of responsibility and accountability and/or the safety policy. The Agency proposal for OR.GEN.130, together with the corresponding AR provisions, while not differing in its substance from the "indirect approval" or "changes acceptable to the competent authority" concepts, provides flexibility: upon initial certification, an organisation may agree with its competent authority on the scope of changes not requiring prior approval, within the limits set by OR.GEN.130. As the organisation "matures", the scope of such changes may be extended, provided they remain within the limits set at implementing rule level.
92. Several Member States' competent authorities commented on the concept of unlimited validity of certificates, expressing concerns about a possible lack of effective control with non-expiring certificates. The Agency notes that unlimited validity of certificates is now widely accepted in the area of airworthiness. Continued validity of organisation certificates is subject to continuing oversight by the competent authority. The Agency proposal promotes a continuous monitoring process through audits, reviews and inspections at intervals determined on the basis of past oversight results and taking into account risk elements. Were the certificates of limited validity, competent authorities may tend to delay audits and inspections until shortly before the expiration of the certificate. Part-AR provides the necessary elements for competent authorities to take action on a certificate at any time if so required, in case of findings that seriously hazard safety. Moreover, Member States can take enforcement action by applying penalties, as laid down in their national rules implementing Basic Regulation Article 68.
93. A new implementing rule OR.GEN.160 "Occurrence reporting" is included to define reporting requirements, including reporting to the organisation responsible for the design of the aircraft, for all organisations subject to Part-OR. The text is based on existing requirements in the airworthiness rules. 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, covered by OR.GEN.200(a)(3). To consider CRD reactions, the requirements have been reviewed: initial reports, to be submitted within 72 hours of the organisation identifying the occurrence, do not need to contain details of actions the organisation intends to take to prevent recurrence, as determining such actions may require more time.

Part-OR Subpart GEN Section II – Management system

94. The Agency proposes to dedicate a specific Section of the general organisation requirements to those related to organisations' management systems. These requirements stem mainly from those already existing in applicable standards, like the JARs. They cover the need to have qualified staff and in particular specific persons in charge of ensuring that the organisation complies with the applicable requirements. The existing requirements also cover the need to have appropriate facilities to perform the required tasks and the need to keep records of all activities performed in accordance with the applicable rules.
95. This specific section is also the right place to implement the ICAO standards on safety management systems (SMS)³². The Agency believes that these should not be implemented through an additional management system requirement superimposed onto the existing rules, be they related to finance, quality or any other concern of an organisation manager. Imposing a safety management system separate from the others could be seen as a mere additional prescriptive requirement, with the risk that organisations would seek to satisfy their competent authority by showing that they have added in their organisation all the required prescriptive elements. This would not support the implementation of performance-based rules, as fostered by ICAO to facilitate the implementation of SMS principles.
96. Instead, the Agency proposes to list the elements that the organisations must address. Thus, the proposed requirements are based on the idea that safety, as well as compliance with rules, should be a concern for all personnel and for all activities of the organisation. Therefore, the requirements are presented in such a way that allows the organisation to apply them in the way it sees fit, taking into account its own business model. In particular, the requirements would allow the implementation of an integrated management system where safety is a parameter to be taken into account with each decision, rather than a juxtaposition of management systems. Integrated management enables managers to recognise and take into account all significant influences on their organisation, such as the strategic direction of their business, relevant legislation and standards, internal policies and culture, risks and hazards, resource requirements and the needs of those who may be affected by any aspect of the organisation's operation.
97. In terms of quality systems the Agency proposes to retain what the regulator is really interested in when requiring the organisations to implement a quality system: compliance with the rules. Indeed, a quality system may be used to satisfy different sets of requirements. The Agency believes that it is necessary to simply require compliance monitoring as part of the management system requirements. The proposed requirements thus offer the ability to implement the ICAO SMS standards, without obliging the organisation to alter its business model.
98. Although different in wording, not only are the proposed requirements compliant with ICAO, but the Agency proposal may also be a model that ICAO will follow. Indeed, the 37th ICAO Assembly, held in September/October 2010, confirmed the creation of a new Annex dealing with safety management. It will contain the standards related to the safety programme required from the authorities and may contain the general SMS standards applicable to all organisations, thus following the total system approach proposed by EASA in its NPA on Authority and Organisation Requirements. The management system requirements, as proposed, fit various organisations, whatever their size, nature or complexity of the activities and whatever business model they wish to apply, thus ensuring their proportionate application.

³² ICAO Annex 1 Appendix 4 / ICAO Annex 6 Appendix 7 "Framework for Safety Management Systems".

99. The Agency also proposes that, in case an organisation would contract out part of its activities subject to the present proposed requirements, it should retain the responsibilities of compliance with the applicable rules. This is necessary to ensure that organisations remain fully accountable for those activities that are subject to certification.
100. The management system requirements are proposed to apply to all organisations covered by these proposed Organisation Requirements. When drafting the management system requirements, the Agency checked what was already applicable to initial and continuing airworthiness organisations in order to check compatibility with those, keeping the wording of those already applicable rules when possible. However, the Agency intends to propose rules implementing the ICAO SMS standards for other types of organisations in the future. As far as possible, the Agency will strive to keep the requirements as similar as possible to those proposed in these Organisation Requirements. This will facilitate a streamlined implementation of the ICAO standards, in particular for those organisations whose activities cover several aeronautical sectors.
101. When necessary, the management system requirements are complemented by the corresponding requirements for specific types of organisations in order not to change the requirements currently followed by these specific types of organisation (e.g. concerning an already agreed duration for record keeping).
102. When drafting those proposed requirements, the Agency strived to ensure consistency between the requirements applicable to the various types of organisations. Therefore, the Agency has studied the requirements laid out in JAR-FCL 1, 2 and 3, in EU-OPS, in the AMCs and GMs to JAR-OPS 1 and in JAR-OPS 3. Those standards contained the requirements to be followed by the organisations in the scope of the proposed Organisation Requirements. Then, in order to ensure overall consistency, the Agency has studied the relevant requirements provided in the implementing rules already applicable to airworthiness organisations. The Agency then proposed, in its NPA, the wording which seemed to fit best to all organisations, complementing this, when needed, by requirements for specific types of organisations.
103. The Agency supplemented those proposed rules with other rules based on ICAO standards which had not been introduced in the standards listed in the previous paragraph. This is the case for the ICAO SMS requirements, for example.
104. During the consultation phase, the Agency has extensively explained the process followed to come up with the proposed management system requirements. The initial comments of stakeholders showed that the proposed rules were not fully understood. Therefore, the Agency, assisted by the review group has reviewed the proposed text with a view to improving its clarity.
105. In this respect, in the CRD, the Agency gave details on how the ICAO SMS standards were transcribed in these rules. The intent was to respond to concerns that the Agency had proposed requirements which differed from the ICAO standards. From the reactions received, the Agency realised that this was much appreciated and generally understood. In particular, stakeholders realised that the Agency intends to propose new AMCs, in the future, to help stakeholders in performing the necessary processes expected for the management of safety. For example, since the Agency is collaborating with major authorities and ICAO on how to measure safety performance, it will propose AMC or GM to verify the effectiveness of actions taken to mitigate the risks, in accordance with the corresponding requirement.
106. The Agency also found it interesting that some stakeholders requested to move further in the direction of performance-based rules. However, the Agency thinks that it would not be wise to propose full performance-based rules at this stage and that continuous improvement of the rules, consistent with the progress made at the level of organisations, will facilitate the route towards performance-based rules.
107. The Agency is also aware that some issues will need further study, both by the Agency and by ICAO. This is the case of the interfaces between SMSs. The Agency agrees with

stakeholders that the organisations should not manage safety in isolation, but should do this in coordination with the other organisations with which they are connected. For example, effective safety management by an aerodrome operator implies appropriate coordination with the air operators and air navigation service providers who use the aerodrome services. Therefore, the Agency intends to propose a rule to address this issue in the future. To this aim, the Agency will use the expertise of the rulemaking groups working on the implementing rules for aerodromes.

Part-OR Subpart ATO

108. Subpart OR.ATO defines the specific organisation requirements for ATOs in the field of flight crew licensing, complementing the requirements of Subpart GEN. It is composed of four Sections, structured as follows:

- Section I General requirements;
- Section II Additional requirements for ATOs providing training for CPL, MPL and ATPL and the associated ratings and certificates.
- Section III Additional requirements for ATOs providing specific types of training
 - Chapter 1: Distance learning courses;
 - Chapter 2: Zero flight-time training;
 - Chapter 3: MPL courses; and
 - Chapter 4: Flight test training.

109. *Section I* of subpart OR.ATO establishes the general requirements for organisations providing training for pilot licences, ratings and certificates. This section contains provisions on the application for the issue of a certificate, the personnel requirements for an approved training organisation (ATO), the training programme, the training and operations manual, the aircraft and aerodromes to be used for training and some additional requirements for training provided in third countries.

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

Section III contains requirements for training organisations providing training for specific types of training, such as distance learning courses, zero flight-time training, multi-crew pilot licence courses and flight test training.

110. The proposed implementing rules of Sections I, II and III are based on the existing requirements for training organisations contained in ICAO Annex 1 (Appendix 2) and JAR-FCL. Differences to former regulations are mainly to improve clarity. Based on the input received from stakeholders, certain issues were clarified and amended. Taking into account that most of the training organisations providing training only for the LAPL, PPL, SPL, BPL and for the associated ratings and certificates are up to now either classified as a registered facility under the JAR system or are regulated under national rules, certain requirements stemming from JAR-FCL were established in a more general and simplified way in Section I. The additional requirements for the ATOs providing training for commercial pilot licences in Section II are based on Appendix 1a to JAR-FCL 1.055 / 2.055.

111. The CRD introduced some changes to the NPA text for 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 and the associated ratings and certificates. The initially proposed requirements for training organisation to be registered as a legal entity and to demonstrate financial resources were deleted. Furthermore it was decided to move the requirement for a training and operations 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 private pilot licences (including the LAPL), this manual must only be established on a very basic level (the training and operations manuals can be combined as one manual).

112. During the consultation phase stakeholder organisations expressed concerns about the level of detail required for training organisations representing the non-profit sector and providing training mainly for the LAPL and the other private licences or the associated ratings and certificates. The Agency tried to address these concerns by simplifying some of the requirements in this section. It was also decided that additional AMCs/GM for this kind of training organisation will be developed within a future rulemaking task (e.g. content of the training and operations manual).
113. Based on the comments received dealing with the specific requirements for training organisations providing courses only for flight test ratings, the Agency decided not to develop a specific set of rules for this kind of training organisation. In several requirements specific additional rules or alleviations as appropriate have been added to address this issue.
114. The title of this Section has been amended to address the stakeholder comments on the scope of the training organisations providing training only for the LAPL, PPL, SPL or BPL. The amended title shall clarify that the training organisations providing training for the LAPL and the private licences will also be allowed to provide training courses for the associated ratings and certificates to these licences.
115. Several diverging opinions were received on the required experience for the chief flight instructor (CFI). The Agency decided to amend the wording proposed with the CRD and to stay closer with the wording already included in JAR-FCL. The requirement that the CFI shall hold the highest professional pilot licence and the associated ratings related to the flight training courses conducted was moved back to the implementing rules. The AMC will be amended as well in order to further explain this requirement.
116. A similar comment was provided by several stakeholders, proposing that distance learning courses should be available for multi-pilot type rating training with the same restrictions as those listed for single-pilot type ratings. The Agency is aware that web-based distance learning is becoming increasingly available for type rating training and acknowledges the pedagogical benefit. The Agency amended the text in order to allow distance learning courses for all class or type ratings.
117. The majority of comments and reactions received on the additional requirements for flight test training organisations 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 specific to flight test training organisations were identified and 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.355.
118. Training organisation approvals issued or recognised in accordance with the applicable JAR-FCL requirements by a Member State having implemented JAR-FCL and having been recommended for mutual recognition shall be deemed to have been issued in accordance with Part-OR. In such a case the period for closure of level 2 findings shall not exceed 2 years when those findings arise from differences with previous national legislation reflecting the JAR-FCL requirements for training organisations.
119. For the training organisations not having been under the scope of the JAR-FCL system and providing training only for the private licences or the associated ratings and certificates, it is proposed that Member States may delay the application of the provisions of Part-AR and Part-OR up to 3 years after the applicability date of the new regulation. This transition period should address the concerns expressed mainly by small training organisations and stakeholder organisations highlighting that the registered facilities or other training organisations under the national system will need more time to prepare

themselves for the new regulation. A few stakeholder organisations and some Member States proposed some kind of “grandfathering” for the registered facilities. The issue was carefully reviewed by the Agency but due to the significant differences between the requirements to be followed for being accepted as a registered facility and the approval for the ATO system, in the future no specific credit or grandfathering clause could be introduced for this type of training organisation. However, the Agency assumes that in most cases the transfer of an existing registered facility into the future ATO system will be based on a gap analysis between the two regulations. This will allow some kind of credit to be granted to the training organisation for the elements already established and approved by the competent authority (e.g. training and operations manual / elements of the SMS).

Part-OR Subpart FSTD

120. Subpart OR.FSTD defines the specific requirements for organisations operating flight simulation training devices (FSTDs) and the qualification of FSTDs. It is composed of two Sections, as follows:

- Section I Requirements for organisations operating FSTDs
- Section II Requirements for the qualification of FSTDs

121. OR.FSTD defines the additional requirements for organisations operating FSTDs and the qualification of FSTDs. It addresses organisations such as FSTD operators that do not provide training programmes, ATOs and AOC holders operating FSTDs.

- *Section I* describes how an organisation operating an FSTD 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 kind of 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).
- *Section II* addresses all steps from the application for an FSTD qualification, the qualification basis, which includes the CS, the special case of an interim qualification up to the issue of an FSTD qualification certificate and its validity.

122. OR.FSTD is based on JAR-FSTD A and H. Differences to former regulations are mainly related to an improvement for clarity. There are no fundamental differences for FSTD operators.

123. Since there was never a requirement to provide the user of an FSTD (in this case ATOs or AOC holders) with a ‘user approval’ as a single document, the approval to use an FSTD will become part of the ATO certificate (appendix) or of the training manual (OM-D) of AOC holders in connection with the approved training programmes. This ensures that the provision on the details in the training programme to what the specific training device, to be identified by its specific letter code, is actually capable of will be kept.

124. To address FSTD operators that do not provide training programmes, the general term “organisations operating an FSTD” has been used. This covers both ATOs and AOC holders operating FSTDs. If, for instance, an ATO operates an FSTD, the rules in Section III also apply to them, in addition to the other applicable rules of Subpart OR.ATO.

All organisations operating FSTDs shall have an effective compliance monitoring (CM) programme in place. This has to be demonstrated to the competent authority before a qualification certificate can be issued. The requirement for record-keeping as part of the CM programme has been added.

A link to Part-21 has been inserted to include the aircraft validation data defined by the operational suitability data (OSD) into the qualification basis of the respective type(s) of FSTD.

125. For FSTD certificate holders, a transition period to comply with the requirements as listed in OR.GEN.200(a)(3) is proposed as a two year opt-out, as it cannot be assumed that all parts already have been implemented under the existing regulations (e.g. identification of safety hazards).

Part-OR Subpart AeMC

Refer to Part-AR Subpart AeMC.

Cologne, 19 April 2011

P. GOUDOU
Executive Director

ANNEX I**Rule references and titles - comparison table CRD / Opinion (in the order of the CRD)**

CRD rule reference	CRD rule title	Opinion rule reference	Opinion rule title
COVER REGULATION			
AR Article 1	Objective and Scope	Article 1	Objective and scope
AR Article 2	Definitions	Article 2	Definitions
AR Article 3	Safety Programme	Article 3	Safety planning
AR Article 4	Oversight capabilities	Article 4	Oversight capabilities
AR Article 5	Flexibility provisions	Article 5	Flexibility provisions
AR Article 6	Transitional arrangements	Article 6	Pilot training organisations
AR Article 7	Entry into force	Article 7	Flight simulation training devices
---	---	Article 8	Aero-medical centres
---	---	Article 9	Transitional measures
---	---	Article 10	Entry into force
AR.GEN - GENERAL REQUIREMENTS			
AR.GEN	Section I - GENERAL	AR.GEN	Section I - GENERAL
AR.GEN.115	Oversight documentation	AR.GEN.115	Oversight documentation
AR.GEN.120	Means of compliance	AR.GEN.120	Means of compliance
AR.GEN.125	Information to the Agency	AR.GEN.125	Information to the Agency
AR.GEN.135	Immediate reaction to a safety problem	AR.GEN.135	Immediate reaction to a safety problem
AR.GEN	Section II - MANAGEMENT	AR.GEN	Section II - MANAGEMENT
AR.GEN.200	Management system	AR.GEN.200	Management system
AR.GEN.205	Use of qualified entities	AR.GEN.205	Allocation of tasks
AR.GEN.210	Changes in the management system	AR.GEN.210	Changes in the management system
AR.GEN.220	Record-keeping	AR.GEN.220	Record-keeping
AR.GEN	Section III - OVERSIGHT, CERTIFICATION AND ENFORCEMENT	AR.GEN	Section III - OVERSIGHT, CERTIFICATION AND ENFORCEMENT
AR.GEN.300	Continuing oversight	AR.GEN.300	Oversight
AR.GEN.305	Oversight programme	AR.GEN.305	Oversight programme
AR.GEN.310	Initial certification procedure - organisations	AR.GEN.310	Initial certification procedure - organisations
AR.GEN.315	Procedure for the issue, revalidation, renewal or change of licences, ratings or certificates - persons	AR.GEN.315	Procedure for the issue, revalidation, renewal or change of licences, ratings, certificates or attestations - persons
AR.GEN.330	Changes - organisations	AR.GEN.330	Changes - organisations
AR.GEN.345	Declaration – organisations	---	to be published with the Opinion for the Regulation on Air Operations

CRD rule reference	CRD rule title	Opinion rule reference	Opinion rule title
AR.GEN.350	Findings and corrective actions – organisations	AR.GEN.350	Findings and corrective actions
AR.GEN.355	Enforcement measures - persons	AR.GEN.355	Enforcement measures - persons
AR.GEN	AR.GEN.Section IV "Ramp Inspections"	AR.RAMP	to be published with the Opinion for the Regulation on Air Operations
AR.OPS	AR.OPS	AR.OPS	
AR.FCL - SPECIFIC REQUIREMENTS RELATING TO FLIGHT CREW LICENSING			
AR.FCL	Section I - GENERAL	AR.FCL	Section I - GENERAL
AR.FCL.120	Record-keeping	AR.FCL.120	Record-keeping
AR.FCL	Section II - LICENCES, RATINGS AND CERTIFICATES	AR.FCL	Section II - LICENCES, RATINGS AND CERTIFICATES
AR.FCL.200	Procedures for issue, revalidation and renewal of a licence, rating or certificate	AR.FCL.200	Procedures for issue, revalidation or renewal of a licence, rating or certificate
AR.FCL.205	Monitoring of examiners	AR.FCL.205	Monitoring of examiners
AR.FCL.210	Information for examiners	AR.FCL.210	Information for examiners
AR.FCL.215	Validity period	AR.FCL.215	Validity period
AR.FCL.220	Procedure for the re-issue of a pilot licence	AR.FCL.220	Procedure for the re-issue of a pilot licence
AR.FCL.250	Limitation, suspension and revocation of licences, ratings and certificates	AR.FCL.250	Limitation, suspension or revocation of licences, ratings and certificates
AR.FCL	Section III - THEORETICAL KNOWLEDGE EXAMINATION	AR.FCL	Section III - THEORETICAL KNOWLEDGE EXAMINATION
AR.FCL.300	Examination procedures	AR.FCL.300	Examination procedures
Appendix VII to Annex 1 – Part-AR EASA Form 141	Standard EASA Licence Format	Appendix I to Annex II – Part-AR EASA Form 141	Standard EASA Licence Format
AR.CC - SPECIFIC REQUIREMENTS RELATING TO CABIN CREW			
AR.CC	Section I - APPROVAL OF ORGANISATIONS PROVIDING CC TRAINING OR ISSUING CC ATTESTATIONS	AR.CC	Section II - ORGANISATIONS PROVIDING CC TRAINING OR ISSUING CC ATTESTATIONS
AR.CC.100	Approval of organisations to provide cabin crew training or to issue cabin crew attestations	AR.CC.200	Approval of organisations to provide cabin crew training or to issue cabin crew attestations
AR.CC	Section II - CABIN CREW ATTESTATION		Section I - CABIN CREW ATTESTATION
AR.CC.200	Procedures for the issuance of a cabin crew attestation	AR.CC.100	Procedures for cabin crew attestations
AR.CC.205	Format and specifications for cabin crew attestations	---	[incorporated into AR.CC.100]
AR.CC.215	Suspension or revocation of cabin crew attestations	AR.CC.105	Suspension or revocation of cabin crew attestations
Appendix VIII to Annex 1 – Part-AR EASA Form 142	Standard EASA format for Cabin crew attestations	Appendix II to Annex II – Part-AR EASA Form 142	Standard EASA format for Cabin crew attestations

CRD rule reference	CRD rule title	Opinion rule reference	Opinion rule title
AR.ATO - SPECIFIC REQUIREMENTS RELATED TO APPROVED TRAINING ORGANISATIONS (ATOs)			
AR.ATO.105	Oversight programme	AR.ATO.105	Oversight programme
AR.ATO.120	Record-keeping	AR.ATO.120	Record-keeping
AR.FSTD - SPECIFIC REQUIREMENTS RELATED TO THE QUALIFICATION OF FLIGHT SIMULATION TRAINING DEVICES (FSTD)			
AR.ATO.200	Initial evaluation procedure	AR.FSTD.100	Initial evaluation procedure
AR.ATO.210	Issue of an FSTD qualification certificate	AR.FSTD.110	Issue of an FSTD qualification certificate
AR.ATO.220	Continuation of an FSTD qualification	AR.FSTD.120	Continuation of an FSTD qualification
AR.ATO.230	Changes	AR.FSTD.130	Changes
AR.ATO.235	Findings and corrective actions - FSTD qualification certificate	AR.FSTD.135	Findings and corrective actions - FSTD qualification certificate
Appendix IX to Annex 1 – Part-AR EASA Form 143	Certificate for Approved Training Organisations with training course approval form	Appendix III to Annex II – Part-AR EASA Form 143	Certificate for Approved Training Organisations with training course approval form
Appendix X to Annex 1 – Part-AR EASA Form 145	Flight simulation training device qualification certificate	Appendix IV to Annex II – Part-AR EASA Form 145	Flight simulation training device qualification certificate
AR.AeMC - SPECIFIC REQUIREMENTS RELATING TO AERO-MEDICAL CENTRES (AeMCs)			
AR.AeMC.110	Initial certification procedure	AR.AeMC.110	Initial certification procedure
AR.AeMC.150	Findings and corrective actions - AeMC	AR.AeMC.150	Findings and corrective actions - AeMC
Appendix XI to Annex 1 – Part-AR EASA Form 146	Certificate for aero-medical centres (AeMCs)	Appendix V to Annex II – Part-AR EASA Form 146	Certificate for aero-medical centres (AeMCs)
AR.MED - SPECIFIC REQUIREMENTS RELATING TO AERO-MEDICAL CERTIFICATION			
AR.MED	Section I - GENERAL	AR.MED	Section I - GENERAL
AR.MED.120	Medical assessors	AR.MED.120	Medical assessors
AR.MED.125	Referral to the licensing authority	AR.MED.125	Referral to the licensing authority
AR.MED.130	Medical certificate format	AR.MED.130	Medical certificate format
AR.MED.135	Aero-medical forms	AR.MED.135	Aero-medical forms
AR.MED.145	GMP declaration to the competent authority	AR.MED.145	GMP notification to the competent authority
AR.MED.150	Record-keeping	AR.MED.150	Record-keeping
AR.MED	Section II - AERO-MEDICAL EXAMINERS	AR.MED	Section II - AERO-MEDICAL EXAMINERS
AR.MED.200	AR.MED.200 Procedure for the issue of an aero-medical examiner (AME) certificate	AR.MED.200	Procedure for the issue of an AME certificate
AR.MED.240	General medical practitioners (GMPs) acting as aero-medical examiners (AMEs)	AR.MED.240	General medical practitioners (GMPs) acting as AMEs
AR.MED.245	Continuing oversight of aero-medical examiners (AMEs) and general medical practitioners (GMPs)	AR.MED.245	Continuing oversight of AMEs and GMPs

CRD rule reference	CRD rule title	Opinion rule reference	Opinion rule title
AR.MED.250	Limitation, suspension and revocation of an aero-medical examiner's certificate–	AR.MED.250	Limitation, suspension and revocation of an AME's certificate
AR.MED.255	Enforcement measures	AR.MED.255	Enforcement measures
AR.MED	Section III - MEDICAL CERTIFICATION	AR.MED	Section III - MEDICAL CERTIFICATION
AR.MED.315	Review of examination reports	AR.MED.315	Review of examination reports
AR.MED.325	Secondary review procedure	AR.MED.325	Secondary review procedure
Appendix XII to Annex 1 – Part-AR EASA Form 147	Standard EASA medical certificate format	Appendix VI to Annex II – Part-AR EASA Form 147	Standard EASA medical certificate format
Cover Regulation			
OR Article 1	Objective and scope	Article 1	Objective and scope
OR Article 2	Definitions	Article 2	Definitions
OR Article 3	Pilot Training Organisations	Article 6	Pilot training organisations
OR Article 4	Flight Simulation Trainnig Devices	Article 7	Flight simulation trainnig devices
OR Article 5	Aero-medical centres	Article 8	Aero-medical centres
OR Article 6	Air Operators	---	---
OR Article 8	Entry into force	Article 10	Entry into force
OR.GEN - GENERAL REQUIREMENTS			
OR.GEN	Section I - GENERAL	OR.GEN	Section I - GENERAL
OR.GEN.105	Competent authority	OR.GEN.105	Competent authority
OR.GEN.115	Application for an organisation certificate	OR.GEN.115	Application for an organisation certificate
OR.GEN.120	Means of Compliance	OR.GEN.120	Means of Compliance
OR.GEN.125	Terms of approval and privileges of an organisation	OR.GEN.125	Terms of approval and privileges of an organisation
OR.GEN.130	Changes to organisations subject to certification	OR.GEN.130	Changes to organisations subject to certification
OR.GEN.135	Continued validity	OR.GEN.135	Continued validity
OR.GEN.140	Access	OR.GEN.140	Access
OR.GEN.145	Declaration	---	to be published with the Opinion for the Regulation on Air Operations
OR.GEN.150	Findings	OR.GEN.150	Findings
OR.GEN.155	Immediate reaction to a safety problem	OR.GEN.155	Immediate reaction to a safety problem
OR.GEN.160	Occurrence reporting	OR.GEN.160	Occurrence reporting
OR.GEN	Section II - MANAGEMENT SYSTEM	OR.GEN	Section II - MANAGEMENT SYSTEM
OR.GEN.200	Management system	OR.GEN.200	Management system
OR.GEN.205	Contracting and purchasing	OR.GEN.205	Contracted activities
OR.GEN.210	Personnel requirements	OR.GEN.210	Personnel requirements
OR.GEN.215	Facility requirements	OR.GEN.215	Facility requirements
OR.GEN.220	Record-keeping	OR.GEN.220	Record-keeping

CRD rule reference	CRD rule title	Opinion rule reference	Opinion rule title
OR.OPS.GEN	OR.OPS.GEN	CAT.OR	to be published with the Opinion for the Regulation on Air Operations
OR.OPS.MLR	OR.OPS.MLR	CAT.MLR	
OR.OPS.AOC	OR.OPS.AOC	CAT.AOC	
OR.OPS.FC	OR.OPS.FC	CAT.FC	
OR.OPS.CC	OR.OPS.CC	CAR.CC	
OR.OPS.TC	OR.OPS.TC	CAT.TC	
OR.OPS.SEC	OR.OPS.SEC	CAT.SEC	
OR.ATO - APPROVED TRAINING ORGANISATIONS			
OR.ATO	Section I - GENERAL	OR.ATO	Section I - GENERAL
OR.ATO.100	Scope	OR.ATO.100	Scope
OR.ATO.105	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 manual and operations manual	OR.ATO.130	Training manual and operations manual
OR.ATO.135	Training aircraft and FSTDs	OR.ATO.135	Training aircraft and FSTDs
OR.ATO.140	Aerodromes and operating sites	OR.ATO.140	Aerodromes and operating sites
OR.ATO.145	Pre-requisites for training	OR.ATO.145	Pre-requisites for training
OR.ATO.150	Training in Third Countries	OR.ATO.150	Training in third countries
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 - ADDITIONAL REQUIREMENTS FOR ATOs PROVIDING TRAINING FOR CPL, MPL AND ATPL AND THE ASSOCIATED RATINGS AND CERTIFICATES
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
OR.FSTD - REQUIREMENTS FOR ORGANISATIONS OPERATING FLIGHT SIMULATION TRAINING DEVICES (FSTDs) AND THE QUALIFICATION OF FSTDs			
OR.ATO	Section III – ADDITIONAL REQUIREMENTS FOR ORGANISATIONS OPERATING FSTDs AND THE QUALIFICATION OF FSTDs	OR.FSTD	Section I - REQUIREMENTS FOR ORGANISATIONS OPERATING FSTDs
OR.ATO.300	General	OR.FSTD.100	General
OR.ATO.305	FSTD qualification maintenance	OR.FSTD.105	Maintaining the FSTD qualification
OR.ATO.310	Modifications	OR.FSTD.110	Modifications
OR.ATO.315	Installations	OR.FSTD.115	Installations
OR.ATO.320	Additional equipment	OR.FSTD.120	Additional equipment
OR.ATO	Section III – ADDITIONAL REQUIREMENTS FOR ORGANISATIONS OPERATING	OR.FSTD	Section II - REQUIREMENTS FOR THE QUALIFICATION OF FSTDs

CRD rule reference	CRD rule title	Opinion rule reference	Opinion rule title
	FSTDs AND THE QUALIFICATION OF FSTDs (CONTINUED)		
OR.ATO.350	Application for FSTD qualification	OR.FSTD.200	Application for FSTD qualification
OR.ATO.355	Certification specifications for FSTDs	OR.FSTD.205	Certification specifications for FSTDs
OR.ATO.360	Qualification basis	OR.FSTD.210	Qualification basis
OR.ATO.365	Issue of an FSTD qualification certificate	OR.FSTD.215	Issue of an FSTD qualification certificate
OR.ATO.370	Interim FSTD qualification	OR.FSTD.220	Interim FSTD qualification
OR.ATO.375	Duration and continued validity	OR.FSTD.225	Duration and continued validity
OR.ATO.380	Changes to the qualified FSTD	OR.FSTD.230	Changes to the qualified FSTD
OR.ATO.385	Transferability of an FSTD qualification	OR.FSTD.235	Transferability of an FSTD qualification
OR.ATO.390	Record keeping	OR.FSTD.240	Record-keeping
OR.ATO	SECTION IV - ADDITIONAL REQUIREMENTS FOR ATOs PROVIDING SPECIFIC TYPES OF TRAINING	OR.ATO	SECTION III - ADDITIONAL REQUIREMENTS FOR ATOs PROVIDING SPECIFIC TYPES OF TRAINING
OR.ATO.400	General	OR.ATO.300	General
OR.ATO.405	Classroom instruction	OR.ATO.305	Classroom instruction
OR.ATO.410	Instructors	OR.ATO.310	Instructors
OR.ATO.430	General	OR.ATO.330	General
OR.ATO.435	Full Flight Simulator	OR.ATO.335	Full Flight Simulator
OR.ATO.450	General	OR.ATO.350	General
OR.ATO.455	Flight test training organisations	OR.ATO.355	Flight test training organisations
OR.AeMC	OR.AeMC	OR.AeMC	AERO-MEDICAL CENTRES
OR.AeMC	Section I - GENERAL	OR.ATO	Section I - GENERAL
OR.AeMC.105	Scope	OR.AeMC.105	Scope
OR.AeMC.115	Application	OR.AeMC.115	Application
OR.AeMC.135	Continued validity	OR.AeMC.135	Continued validity
OR.AeMC	Section II - MANAGEMENT	OR.AeMC	Section II - MANAGEMENT
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