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

for an Agency Opinion on a Commission Regulation establishing the Implementing Rules for authority requirements

and

draft Decision of the Executive Director of the European Aviation Safety Agency on Acceptable Means of Compliance and Guidance Material related to the Implementing Rules for authority requirements

"Authority Requirements"

CRD a. – Explanatory Note

Explanatory Note

I. General

1. The purpose of NPAs 2008-22b and 2009-02d was to develop an Opinion on the Implementing Rules (IR) for competent authorities, as well as for organisations. They also included Draft Decisions on the related Acceptable Means of Compliance (AMC) and Guidance Material (GM). This Comment Response Document (CRD) addresses the comments received to the Implementing Rules, AMC and GM proposed in NPA 2008-22, and also to relevant requirements related to ramp inspections, air operations and cabin crew, proposed in NPA 2009-02. The scope of these rulemaking activities was outlined in the Terms of Reference (ToR) FCL.001 and OPS.001 and is described in more detail below.

2. NPA 2008-22 "Authority and Organisation Requirements" was divided into six separate documents:

   - NPA 2008-22a contained the Explanatory Note and the Regulatory Impact Assessment to the NPA, with detailed explanatory memoranda for both Part-AR and Part-OR, as well as cross-reference tables between JAR-FCL 1, 2 and 3, JAR-FSTD and the proposals presented in the NPA,
   - NPA 2008-22b contained draft proposals for IR and related AMC and GM for authority requirements (Part-AR),
   - NPA 2008-22c contained draft proposals for IR and related AMC and GM for organisation requirements (Part-OR),
   - NPA 2008-22d contained draft proposals for CS for FSTD(A),
   - NPA 2008-22e contained draft proposals for CS for FSTD(H),
   - NPA 2008-22f contained the Regulatory Impact Assessment for Part-FCL.

   This CRD addresses the comments received to NPA 2008-22a, 22b and 22c.

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

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

3. NPA 2009-02 was divided into six separate documents:

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

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

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

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

II. Consultation

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

5. The comment review was carried out in accordance with the joint approach for the extension of the EU competence set by the Agency and the Commission, and as endorsed by the Management Board and EASA Committee.[4] 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 to Regulation (EC) No. 216/2008 (hereinafter referred to as the 'Basic Regulation'). On the other hand the Agency should provide CRDs which allow stakeholders to easily identify the changes made to the NPAs, ICAO compliance, and any differences to EU-OPS/JARs, as appropriate. This working method satisfies Article 7 of the EASA Rulemaking Procedure.

6. All comments received on the above-mentioned NPAs were reviewed, analysed for their relevance with regard to proposed changes and summarised per rule paragraph. The amended rule text, comment summaries and related responses to summarised comments (not to individual comments) were incorporated into a table format, hereafter referred to as comment response summary table (CRST). It also contains the rule source reference and ICAO SARPs reference, where relevant. The CRST was the drafting tool used to document changes to the NPAs, and justifications for these.

---

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

2 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).

3 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).

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

7. Based on the CRSTs created for each Subpart, the amended rule texts were discussed in detail with the Rulemaking review groups established for the two NPAs. The composition 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 Standardisation department, in line with the rules of procedures for the membership of rulemaking groups.

8. The following review groups were established for the purpose of NPAs 2008-22 and 2009-02:

- AOR steering group
  - scope: AR.GEN Sections I-III and OR.GEN
  - initial drafting groups: OPS.001 and FCL.001 "Authority Requirements and SMS"
- FCL.001 subgroup
  - scope: AR.ATO (approved training organisation), OR.ATO (not FSTD-related) and AR.FCL
  - initial drafting group: FCL.001 subgroup "Extension of the Regulation (EC) No 216/2008 to FCL"
- OPS review group RG01 commercial air transport operations (CAT)
  - scope: Part-CAT, Part-SPA, OR.OPS (specific requirements related to air operations), AR.OPS, AR.CC (cabin crew), Part-CC, Cover Regulation (CR) to AOR, CR to OPS
  - initial drafting group: OPS.001 subgroup CAT
- OPS review group RG02 aerial work (now referred to as SPO – specialised operations, both commercial and non-commercial)
  - scope: Part-SPO, Part-SPA, OR.OPS, AR.OPS, CR to AOR, CR to OPS
  - initial drafting group: OPS.001 subgroup aerial work
- OPS review group RG03 non-commercial operations with complex motor-powered aircraft (NCC)
  - scope: Part-NCC, Part-SPA, OR.OPS, AR.OPS, AR.CC, Part-CC, CR to AOR, CR to OPS
  - initial drafting group: OPS.001 subgroup non-commercial operations with complex motor-powered aircraft
- OPS review group RG04 non-Commercial operations with other-than-complex motor-powered aircraft (NCO)
  - scope: Part-NCO, Part-SPA, CR to OPS
  - initial drafting group: OPS.001 and MDM.032

9. Subparts AR.AeMC (aero-medical centres), OR.AeMC, as well as AR.MED (medical) were discussed with the review group established for NPA 2008-17c Part-MED. The above-mentioned review groups were supported by two ad-hoc groups with experts coming from industry and national authorities. One ad-hoc group assisted with the review of FSTD-related Sections in the ATO Subparts to Part-AR and Part-OR, and FSTD certification specifications. The second ad-hoc group assisted with AR.GEN.Section IV "Ramp Inspections".

10. Following the review of stakeholder comments, the amended draft rules on the GEN Subparts to Part-AR and Part-OR were presented to the four OPS review groups to check for consistency with the OPS-related Subparts and to receive additional input. This input was analysed and changes made where they were considered to improve clarity and consistency throughout the different Subparts. Changes made to AR.GEN Sections I-III

and to OR.GEN Sections I & II following consultation with the OPS review groups or ad-hoc groups were then agreed with the AOR steering group. Where substantial changes were made to the NPA text based on recommendations from the review groups or ad-hoc groups that are not directly linked to any comments received via the CRT, these are identified by a specific statement in column C of the CRST.

11. Finally, the draft rules on AR.GEN Sections I-III and to OR.GEN Sections I & II were presented to the drafting groups established for the second extension (ATM/ANS and aerodromes (ADR)). Comments provided by these drafting groups were considered as far as they relate to aspects of general applicability. A formal review of the draft rules in Subparts GEN for applicability to the second extension areas will be ensured through the regular rulemaking process in the drafting groups ATM, ANS and ADR. The general provisions will then be adapted, as required.

12. The alignment of existing airworthiness regulations with the new rule structure and the incorporation of common authority and management system requirements will be achieved through two dedicated rulemaking tasks (MDM.055 for Regulation (EC) 2042/2003 and MDM.060 for Regulation (EC) 1702/2003), which are part of the current 4-year rulemaking programme.

III. The CRST

13. This CRD covers Part-AR-related elements of NPA 2008-22 and NPA 2009-02 respectively. As mentioned above, this CRD does not follow the traditional format: due to the high number of comments received, it was not technically possible to generate a CRD using the Agency's Comment-Response Tool (CRT). Therefore, the Agency, in agreement with the Management Board, adopted an alternative method for processing all comments posted via the CRT. This method is based on a comment response summary table (CRST) to include in a single document the amended text, a summary of comments received, the Agency response and additional recommendations from review groups, as well as an indication of reference documents, where relevant. This table, to be considered the Agency working document for the redrafting of the NPA text, contains five columns:

- Column A displays amended NPA text. It shows all changes made compared to the text proposed in the NPAs. Changes are shown as follows:
  - deleted text is shown with a strike through: ~~deleted~~ :
  - new text is shown in bold: **bold**;
- Column B provides for each title and rule paragraph or rule segment a summary of comments and an indication of their number and origin. Summarising comments implied that not every contribution, idea or thought provided could be documented. Every effort was made to ensure that all unique issues raised by commentators have been documented in the CRST, with the exception of comments of an editorial nature. For the latter, the results of these comments can be seen in the edited text and it is noted in column C that an editorial amendment has been made. In addition, it is evident that summarising the comments could mean simplification of the content of a comprehensive comment.
- The indication of the origin of comments in column B uses the following broad categories:
  - "MS" for Member States,
  - "IND" for Industry,
  - "IA" for Industry representative bodies and associations, and
  - "INDIV" for individuals not representing a Member State or Industry body.

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

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

IV. Publication of the CRD

14. In addition to the CRST, the CRD includes a proposal for the Cover Regulation to Part-AR (ref. CRD b.1). The Cover Regulation defines the scope and applicability, contains relevant definitions used in the implementing rules, and a proposal for transition measures for the implementation of the new requirements.

15. The CRD also includes a clean text version of the amended rules, without any indication of changes made to the NPA text (ref. CRD b.2 for the Implementing Rules and CRD b.3 for the AMC and GM), as well as a consolidated version of the CRSTs established for each Subpart (ref. CRD c.2), where all changes are tracked. The CRD is completed with a full set of all comments received on NPAs 2008-22b and 2009-02d (ref. CRD c.1) and a list of commentators for those comments (ref. CRD c.3).

16. A rule comparison table is added to show the correspondence between subparts C, N, O, P and S of EU-OPS and JAR-OPS 3 respectively and the amended Part-AR and Part-OR rules (cf. CRD c.4). Finally, to facilitate the reading of the CRD documents, the CRD contains a separate list of relevant definitions and abbreviations (cf. CRD c.5). This list, which is provided for reference only, also contains the definitions that are included with the Cover Regulations, as it may not always be evident for the reader to identify in which of the two Cover Regulations a particular definition may be found.

17. The table in Annex III shows the different elements of the Part-AR CRD.

18. The Agency Opinion will be issued at least 5 months after the publication of this CRD to allow for any reactions of stakeholders regarding possible misunderstandings of the comments received and responses provided.

19. Such reactions should be received by the Agency not later than 6 December 2010 and should be submitted using the Comment-Response Tool (CRT) at http://hub.easa.europa.eu/crt. When submitting their reactions, stakeholders are kindly invited to clearly identify the document (cf. Annex III) and the segment/article/paragraph/subparagraph in question.

Annex I to the Explanatory Note

Explanatory memorandum on the review of comments on NPAs 2008-22b and 2009-02d "Part-AR" and the resulting text

A. General analysis of comments received

20. By the closing dates of the consultation periods for NPA 2008-22 and NPA 2009-02, the Agency had received 9 405 comments, as follows:

- 279 comments on NPA 2008-22a (Explanatory Note & RIA "AR/OR");
- 649 comments on NPA 2009-02a (Explanatory Note "OPS"), of which 149 relate to Part-AR and Part-OR;
- 2 217 comments on Part-AR (including Subparts GEN, OPS, FCL, CC, ATO, AeMC, and MED);
- 6 260 comments on Part-OR (including Subparts GEN, OPS, ATO, and AeMC), of which 1 110 relate to OR.OPS.FTL, not addressed in this CRD[5].

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

21. A total of 928 comments were received on the Explanatory Notes and the regulatory impact assessment. A majority of comments received on NPA 2009-02a related to specific Part-OPS provisions and to differences between Part-OPS and ICAO standards; only 39 of comments related to AR.OPS. These mainly addressed specific aspects of the different draft rules within the corresponding Part-AR Subparts and have been addressed together with comments made directly to the corresponding NPA segments (NPA 2008-22b for AR.GEN, AR.FCL, AR.ATO, AR.AeMC, AR.MED and NPA 2009-02d for AR.GEN Section 4, AR.CC and AR.OPS).

22. Some of the 928 comments to the two Explanatory Notes, however, addressed some general issues, specifically those on the regulatory impact assessment, on transition measures and on the new rule structure. The main general issues raised for NPA 2008-22 and NPA 2009-02 related to Part-AR are listed below:

a. regulatory impact assessment – new rule structure;

b. legal basis for Authority Requirements;

c. implementation of ICAO standards regarding State Safety Programmes;

d. alternative and additional means of compliance;

e. Agency process related to alternative and additional means of compliance;

f. cooperative oversight;

g. applicability of AR.GEN.Section IV to national operators;

h. occurrence reporting;

i. concept of a single approval - EASA Standard Organisation Approval Certificate;

j. relationship with the JAR materials;

k. link with NPA 2008-17 – Part-FCL;

[5] Comments related to OR.OPS.FTL will be dealt with as part of rulemaking task OPS.055.

l. relationship with the requirements regarding third country operators;

m. relationship with the (EC) Regulations regarding the Single European Sky;

n. transitional arrangements.

a. Regulatory impact assessment – new rule structure

23. The new rule structure is intended to create a sound basis for a more efficient and consistent system of rules that will facilitate the integration of the relevant ICAO standards in the area of Safety Management Systems (SMS), the relevant contents of JAR-FCL, EU-OPS/JAR-OPS, JAR-FSTD, and of the future rules for safety regulation of aerodromes and ATM/ANS: The proposed structure will allow an easier introduction of new implementing rules related to those fields. Consequently, the main aspects here are efficiency and performance in certification and oversight processes, which are clearly linked to safety.

24. The Agency has already explained the significant advantages of a rule structure which reflects the total system approach in the Explanatory Note to the NPA. When the Agency took over with the COrA (Consistency of Organisation Approvals) initiative, which had been started under the JAA (see also Advance Notice of Proposed Amendment, Advance NPA 15-2006[6]), the Agency chose to implement the long-term COrA recommendation as part of its existing tasks regarding the implementing rules for the first extension. The new rule structure ensures that separate sets of provisions only exist when requirements are different and provide for a clear separation between organisation requirements and technical requirements, thereby avoiding loopholes and overlaps. Moreover, requirements of general applicability within the scope of the Regulation are defined in the Subparts "General" of Authority and Organisation Requirements. The Agency, supported by the Rulemaking drafting and review groups, strived to streamline the necessary processes as far as possible, by placing specific requirements in the relevant Subparts. This aims to reduce the administrative burden for organisations performing more than one activity, and to assist competent authorities by streamlining certification and oversight processes. It is also in line with better regulation principles. The COrA recommendations further promote single management systems as a basis for effective implementation of safety management standards.

25. The Agency recognises the need to improve the collection and analysis of reliable data to enhance its regulatory impact assessments. It has therefore made proposals to update the methodology for conducting regulatory impact assessments. These proposals were presented to the Agency's management board in February 2009 as part of the response to "Article 51 Evaluation". After approval by the Management Board, the project to implement the proposals was launched in March 2009 and the first phase was completed at the end of 2009 with – amongst others - the introduction of a new framework for preliminary Regulatory Impact Assessments. The final phase is expected to be completed in 2011.

b. Legal basis for Authority Requirements

26. A significant number of comments, mainly raised by National Aviation Authorities, challenged the legal basis for authority requirements. Other commentators argued that the requirements were too broad in terms of scope and content and that the concept behind them was not in compliance with the principle of subsidiarity. This latter argument on subsidiarity is not acceptable, because the subsidiarity principle cannot be inferred for those areas falling under the exclusive competence of the Union. Since the subsidiarity principle applies to the inception of the Basic Regulation in one area and not to the issuance of subordinate regulation, the Agency is bound by the choice the

[6] http://easa.europa.eu/ws_prod/r/doc/NPA/final%20A-NPA%2015-2006%20COrA%20(26.09.06).pdf

legislator made when adopting the Basic Regulation, and can not challenge it, or propose rules that would give back to Member States the competence to issue their own authority requirements.

The European Legislator clearly 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 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, which also establishes that these Implementing Rules adopted by the Commission will be based on Opinions prepared by the Agency. More specifically, Article 10.5 of the Basic Regulation mandates that the Commission shall adopt Implementing Rules on oversight and enforcement. In accordance with this legal mandate, NPA 2008-22b and NPA 2008-22d (Part-AR) were launched to form the basis for elaborating an Opinion upon which the Commission will prepare a legislative proposal for the adoption of Implementing Rules containing requirements for authorities in the fields of flight crew licensing and air operations.

27. In addition to the legal basis, the conditions for the issuance, amendment, limitation, suspension or revocation of certificates and approvals cannot be specified only from the perspective of the organisation, without establishing requirements for the authorities that will exercise those powers. In fact, the regulation of certificates and approvals requires the establishment of requirements for applicants and holders, and authorities. The existence of those requirements is instrumental to the achievement of 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 civil aviation authorities can it be ensured that Community law is uniformly applied in the territory of the Member States. Finally, common authority requirements will contribute to implementing the long-term recommendations of the COrA report in terms of performance-based oversight, support for the implementation of the European Aviation Safety Programme, and the integration of additional requirements for new Agency remits.

28. Finally, authority requirements already exist in the domain of initial and continuing airworthiness and have been applied without great difficulties. These authority requirements do, however, provide a general framework which needs to be complemented by national administrative procedures.

c. Implementation of ICAO standards regarding state safety programmes

29. Many commentators expressed concerns that the ICAO requirement to implement a State Safety Programme (SSP) was not explicit in the NPA. The intent of the Agency was indeed to provide the legal grounds to ensure implementation of SSPs, as required by ICAO. However, to take into account the number of comments made, an additional paragraph (AR.GEN.110) was added to make an explicit reference to it. This paragraph outlines the need for Member States to coordinate their SSPs, since aviation safety has now to be managed jointly by the EASA Member States. In particular, the current sharing of competences within the European Union (for instance, Regulation at Community level, Oversight at Member State level or by EASA) does not allow for the implementation of an SSP by a Member State in isolation. In this respect, further material is currently being developed to enrich the common implementation of 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 European Aviation Safety Programme (EASP) manual.

d. Alternative and additional means of compliance

30. A significant number of commentators expressed concerns in relation to the new provisions proposed for the processing of alternative means of compliance. These concerns relate to the Agency involvement, to the status of alternative means of compliance agreed with the competent authority that may later on be challenged by the Agency, to the legal basis for the new provisions, as well as to the principles of performance-based rulemaking, where increasingly rule material will be shifted AMC level, such that the flexibility provided may affect the level playing field and the achievement of the safety objectives. Moreover, stakeholders claim that the process should be the same for declared and certified organisations. All these comments indicate that the relevant provisions in Part-AR and Part-OR have been misinterpreted: the main objective of the new provisions is to enhance standardisation and harmonisation, by establishing a uniform and clear process to be used by all Member States for the approval of alternative or additional means of compliance and by ensuring involvement of the Agency in the review of alternative and additional means of compliance.

31. 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 considers that it is necessary to establish a process for both applicants and authorities to deal with these alternative means of compliance. As for the role and obligations included for the Agency, they find their legal basis in the powers attributed to the Agency to monitor the implementation of rules by competent authorities and to standardise their performance (see Basic Regulation, Articles 10 and 24). Considering the fundamental difference in nature between declared and certified organisations, there is no legal justification for requesting declared organisations to demonstrate compliance of the alternative means of compliance they use, due to the fact that Basic Regulation Articles 5.5., 7.6. and 8.5. only apply to certificates and approvals. Nevertheless, the competent authority is entitled to take enforcement action in case of any non-compliance of a declared organisation with the applicable requirements, including non-compliances related to the alternative means of compliance being used.

32. As requested by many stakeholders, definitions are provided (cf. Cover Regulation to Part-AR, CRD ref. b.1) for acceptable, alternative and additional means of compliance: Acceptable Means of Compliance (AMC) are non-binding standards adopted by the Agency to establish compliance with the Basic Regulation and its implementing rules. When an AMC is complied with, the related Implementing Rules are considered as met. Whereas alternative means of compliance propose an alternative to an existing Acceptable Means of Compliance already published as an Agency AMC, additional means of compliance propose new means of compliance for which no associated AMCs have been adopted by the Agency. To avoid misunderstandings, whenever the acronym AMC is used, reference is being made only to those existing Acceptable Means of Compliance already published as Agency.

33. In order to support the process of accepting alternative/additional means of compliance, the rules for referencing AMCs to the corresponding rule paragraph or subparagraph have been refined, so as to ensure that the AMC reference provides a clear indication of the relevant rule paragraph or subparagraph for which it provides a means of compliance.

34. The concept that the application of alternative/additional means of compliance needed to be overseen was already recognised by the JAA; in practice this was never fully implemented. Also, the experience in the implementation of initial and continuing airworthiness requirements has shown that the way alternative means of compliance are

processed in each Member State is not harmonised. The new Implementing Rules clarify that when a stakeholder or competent authority wish to use an alternative/additional means of compliance it will have to be demonstrated that these alternative/additional means of compliance comply with the Implementing Rules. In order to achieve such demonstration, an assessment has to be performed and/or evaluated by the competent authority.

35. Part-AR now establishes an obligation for the competent authority to inform the Agency of each alternative/additional means of compliance that it has approved or is using and to make publicly available basic information on that means of compliance. This shall ensure transparency in the process, equal treatment and equal opportunities for stakeholders, as well as standardisation and harmonisation of the processes used by competent authorities. The Agency will collect the alternative/additional means of compliance it receives for the use of Standardisation and Rulemaking.

e. Agency process related to alternative and additional means of compliance

36. The Agency's Standardisation Department will use the available information on alternative/additional means of compliance in the context of its standardisation inspections. As with the current system, findings may be raised if, in their expert opinion, an alternative/additional means of compliance does not satisfy the intent of the Implementing Rule. Such information may also be used as an additional element supporting risk-based planning: the alternative/additional means of compliance could provide information on how rules are implemented in Member States and whether certain areas require more attention than others, so as to focus resources on areas where certain risks or non-compliances have been identified.

37. The Agency's Rulemaking Directorate will use an annual rulemaking task and an accelerated process to publish alternative/additional means of compliance of general applicability as EASA AMC for use by all stakeholders. The development of a new AMC could be decided when the number and variety of alternative/additional means of compliance approved for a certain Implementing Rule indicate a need to develop or amend an EASA AMC. New AMC can also be required according to the objectives of Article 2 of the Basic Regulation, regarding urgent safety issues and priorities established by the European Aviation Safety Programme.

38. The analysis by the Agency will determine if the competent authority has correctly implemented the process specified in Part-AR and the Implementing Rule in question. This analysis will not be carried out systematically for each alternative/additional means of compliance notified to the Agency. To set priorities, it is envisaged to use a risk-based approach, taking into account the overall priorities established through the European Aviation Safety Programme, standardisation planning as well as priorities established for the Agency's Rulemaking Programme. The analysis will also determine whether the alternative/additional means of compliance is of an individual nature, in which case it would not be considered for the rulemaking process. This analysis will be carried out as part of the Agency's existing standardisation and rulemaking procedures, ensuring stakeholder involvement as required. Panels of Experts could be established as deemed necessary to seek external views.

39. If, during the development of the rulemaking task, input is received leading to a final AMC different from the alternative/additional means of compliance developed by the Member State competent authority or the organisation, this should be further discussed between the Agency (Standardisation Department) and the competent authority concerned. Depending on the case, further action may be taken in the framework of the standardisation process.

40. It is important to note that as long as alternative/additional means of compliance are not published as Agency AMC, they may be used at an individual or national level only, as, unlike Agency AMC, they do not establish a general presumption of compliance with the Implementing Rules. However, a competent authority whose attention may have been drawn to a specific means of compliance issued by another competent authority may issue the same means of compliance under their authority. Similarly, an organisation may apply to their competent authority for an individual approval to make use of such means of compliance issued by another competent authority. The Agency would only intervene if there is an obvious non-compliance with the Implementing Rules.

41. In order to optimise the efficiency of the rulemaking process in relation to the adoption of alternative/additional means of compliance as Agency AMC, a similar process to that applicable to Guidance Material in accordance with Articles 3(5) and 4(4) of the Rulemaking Procedure[7] should be applied, which entails:

- a standing rulemaking task with standard ToR;
- working method: Agency;
- no regulatory impact assessment required;
- NPA consultation period reduced to six weeks; and
- CRD and ED Decision published at the same time.

It is therefore foreseen that the Management Board Decision 08-2007, of 13 June 2007 on the Agency's rulemaking procedure is amended to include in Articles 3(5) and 4(4) a reference to AMCs resulting from alternative/additional means of compliance.

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

f. Cooperative oversight

43. The requirements on cooperative oversight[8] related to the implementation of Articles 10, 11 and 15 of the Basic Regulation, were largely commented in detail: the majority of comments were raised by competent authorities, expressing concerns about a possible blurring of responsibilities and on the practical aspects of cooperation between authorities, where different legal systems or language barriers constitute potential obstacles to achieving the objectives of the cooperative oversight provisions. Industry concerns mainly pointed to the additional burden and possible duplication of oversight in the case of organisations operating in several Member States. This indicates that the provisions proposed with the NPA were not clear as to the main objective of cooperative oversight: the specific provisions proposed with AR.GEN.Section III "Oversight, Certification and enforcement" are intended to create the basis for ensuring the most efficient oversight of those activities not geographically limited to the Member State where the certificate has been issued, as required by the Article 10.2 of the Basic Regulation. These cooperative oversight provisions aim to foster a European dimension in oversight, in line with the recommendations of the Conference of Directors General of Civil Aviation on a Global Strategy for Safety Oversight (held in ICAO in 1997), where

---

7 Decision of the Management Board amending and replacing Decision 7-03 concerning the procedure to be applied by the Agency for the issuing of Opinions, Certification Specifications and Guidance Material ("Rulemaking Procedure").

8 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.

the need for coordinating and harmonising the principles and procedures for assessing safety oversight at a global level was emphasised and the advantages of adopting a regional focus were recognised. In that context, the Conference recommended that ICAO promote the establishment of regional mechanisms with a view to achieving the long-term support of safety oversight capability at a global level.

44. In close cooperation with the review group, the relevant provisions in AR.GEN.Section III have been further refined so as to specifically address each area of oversight and to clarify the specific oversight actions required in each case: all activities taking place in the territory of the Member State shall be subject to inspections by the competent authority, where a risk-based approach shall be used to determine the frequency and scope of such inspections, which shall be based on key risk elements in the framework of the State Safety Programme (SSP) and in relation to the European Aviation Safety Programme (EASP). Audits, in terms of a planned and systematic review of an organisation to be accounted for in the oversight planning cycle, shall be conducted only if agreed with the other competent authority, with the objective to make the best use of competent authority resources locally. The provision on agreement between authorities for performing such audits will eliminate the risk of duplication in the area of regular oversight and ensure that competent authorities are not "forced" to perform any regular oversight of an organisation certified by another competent authority, if they do not have the required capability. Finally, this provision aims to encourage cooperation between competent authorities.

45. The specific actions, roles and responsibilities of competent authorities for the purpose of cooperative oversight are now contained in AR.GEN.305 "Oversight Programme", AR.GEN.350 "Findings and corrective actions - organisations", and AR.GEN.355 "Enforcement measures – persons" and the corresponding AMCs and GMs. These form a consistent set of rules that address oversight obligations, the obligations to exchange information, and to cooperate in the handling of findings and related enforcement actions. In summary, the rules aim to:

- avoid the risk of duplication of competent NAA's oversight,
- encourage the best use of NAA oversight resources locally,
- ensure that no person or aircraft may escape regular oversight from an NAA
- ensure that no loopholes may exist with regard to follow-up of findings and enforcement actions, and
- facilitate the implementation of risk based, dynamic SSPs and EASP.

g. Applicability of AR.GEN.Section IV to national operators

46. Stakeholders expressed concerns about the provisions on ramp inspections contained in AR.GEN.Section IV, claiming that these confuse aircraft inspections carried out as part of the oversight of an operator by the competent authority responsible for the AOC, with inspections carried out on any operator by a competent authority as part of what is currently known as the Safety Assessment of Foreign Aircraft (SAFA) programme. Considering those concerns, the Agency decided to limit the scope of Section IV to aircraft used by third country operators or used by operators under the regulatory oversight of any other Member State.

h. Occurrence reporting

47. Some stakeholders claim that the provisions in AR.GEN.040 overlap with Directive 2003/42/EC on occurrence reporting in civil aviation[9] and may not be consistent with the

[9] OJ L167 of 04.07.2003.

future EU Regulation on investigation and prevention of accidents and incidents in civil aviation. Acknowledging those comments, the Agency removed the related provisions in AR.GEN.040 and created a new requirement on occurrence reporting in Part-OR, so as to ensure that all organisations subject to Part-OR comply with the relevant provisions and provide their reports in a form and a manner established by the competent authority.

i. Concept of a single approval - EASA Standard Organisation Approval Certificate

48. The analysis of comments received clearly indicates that the "single certificate" concept is not supported. Industry mainly commented that ICAO does not require a cover organisation approval on top of the AOC and expressed concerns about imposing an additional organisation certificate, which would be a European specificity without international recognition. Authorities commented that the conditions for the issuance of the single certificate and the link between the standard certificate and the specific certificates (AOC, ATO, AeMC) were not clearly defined in Part-AR and indicated that mandating a single organisation certificate would create a significantly increased workload for authorities that was not justified in terms of safety.

49. The proposal for a standard organisation certificate stems from the conclusions of the COrA report. The main idea of the single organisation certificate is to implement performance-based certification and oversight by avoiding inconsistencies and duplication. Organisations certified in accordance with more than one Subpart should have one single management system in accordance with OR.GEN.200. This management system would then be reflected in a single certificate. Considering the concerns expressed by stakeholders, the Agency decided not to maintain the single certificate in Part-AR.

50. It is acknowledged that the main objectives of the single certificate can be achieved without imposing 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 and this is not linked to the way the oversight has been performed. In order to attest that the organisation's management system was audited separately from the different "operational" areas, it is not necessary to impose a single organisation certificate. The definition of the continuing oversight programme is more relevant to ensure efficiency in certification and oversight processes. For that purpose, the crediting of audit items for organisations certified in accordance with more than one Part/Subpart is allowed as described in AMC1-AR.GEN.305(b), which is applicable to all organisations subject to Part-OR.

j. Relationship with the JAR materials

51. While the explanatory note of NPA 2008-22 contained detailed information on how the JAR material had been considered when drafting the proposed authority and organisation requirements, some commentators wished to have a clearer view on how the JAR material was transferred in the proposed rules. Therefore, as far as possible, the reference to corresponding JAR material (mainly JIPs for Part-AR, and JAR-OPS, JAR-FSTD and JAR-FCL for Part-OR) has been indicated in the CRST provided in this CRD (cf. column D).

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

k. Link with NPA 2008-17 – Part-FCL

53. The Agency has received a considerable number of comments on the privileges of flight examiners and on the oversight of flight examiners that were actually addressed to NPA 2008-17. Based on the input received, the Agency has decided to introduce changes in Part-FCL in order to address these issues. Hence, these changes made in Part-FCL cover these specific comments received on NPA 2008-22.

l. Relationship with the requirements regarding third country operators

54. Although the proposed requirements for third country operators (Part-TCO) are due to be published for consultation in December 2010, the current CRD contains already a certain number of requirements related to third country operators that do not depend on the details of Part-TCO. This is the case for ramp inspections (AR.GEN Section IV), deriving from Directive 2004/36/EC[10]. It is also the case for code-sharing and wet lease-in of aircraft from third country operators, which are provided in the OPS Subparts. The provision on code-share was drafted under the basic assumption that third country operators will be authorised by the Agency when compliance with relevant ICAO standards or the Essential Requirements in Annexes I, II and IV of the Basic Regulation has been established, in case there are no ICAO standards.

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

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

n. Transitional arrangements

56. The definition of a latest applicable date for the Implementing Rules in Article 70 of the Basic Regulation limits the periods available for transition by establishing that the Implementing Rules shall be applicable no later than 8 April 2012. Comments related to transitional arrangements, both from industry and competent authorities, strongly advocated transition periods beyond this date of entry into force; such comments further insisted on the need to ensure that privileges under national rules should find access into the new EU-rules without any financial and extra administrative burden. Concerns were expressed also on the new rule structure, for which sufficient adaptation time should be provided, not only to European stakeholders, but also to third countries that may have adopted rules based on Joint Aviation Requirements. A proposal for transition measures taking these concerns into account is provided with the Cover Regulations to Part-AR and

[10] Directive 2004/36/CE of the European Parliament and of the Council of 21 April 2004 on the safety of third-country aircraft using Community airports.

Part-OR, included with the relevant CRDs as item CRD b.1. On request of the Commission, these transition measures are defined in the form of opt-outs, leaving the choice to postpone the implementation date up to the individual Member State, within a certain time limit defined by law. As the transition measures proposed with the Cover Regulations will be subject to consultation with Member States as part of the Comitology process, it must be noted that the transition measures finally adopted may significantly differ from the initial proposal. Finally, when opting out, Member States must ensure consistency throughout the different regulations from which they have already opted out (for example, the opt-out period envisaged for registered facilities must be aligned with the one on Part-FCL).

57. As regards Part-AR, which does not include elements that are fundamentally new with regard to the organisation of a competent authority as related to certification and oversight, competent authorities will be required to adapt their systems and procedures. A transition period is proposed for this adaptation. An additional transitional measure is related to the need to transfer files related to third country organisations to the Agency. Finally, specific transition measures are proposed in relation to ramp inspections defined in AR.GEN.Section IV, regarding the annual minimum inspection quota.

Content and structure of the Cover Regulation:

58. The Cover Regulation to Part-AR is made up of:

- recitals containing the legislator's considerations during the preparation and adoption phase of the piece of legislation;
- the objective and scope of the Regulation;
- provisions applicable to Member States as opposed to competent authorities;
- relevant definitions used in the Implementing Rules;
- applicability of the Annex Part-AR;
- transition measures and grandfathering provisions.

Some elements of the Cover Regulation were part of the NPA:

- scope and applicability were mentioned in the different Subparts of AR, OR and OPS under the paragraphs relating to scope;
- definitions were part of Part-OPS and the different Subparts of AR and OR; and
- general principles for transition and grandfathering were provided in the Explanatory Note to the NPA.

Comments and responses to the elements that were part of the NPA and that have been transferred to the Cover Regulation are reflected in the CRST.

Comments received on NPA 2008-22b and 2009-02d "Part-AR":

59. The following graph shows the distribution of comments and provides an indication of the ratio of unique comments for NPA 2008-22c and NPA 2009-02c (excepting comments for OR.OPS.FTL). The average rate of unique comments amounts to 89,71%, meaning that 10,29 of all comments under consideration for Part-AR were exact repetitions of other comments. This figure has been generated using MS Excel® to identify text duplicates and does not reflect comments that are identical in their substance, but different in wording.

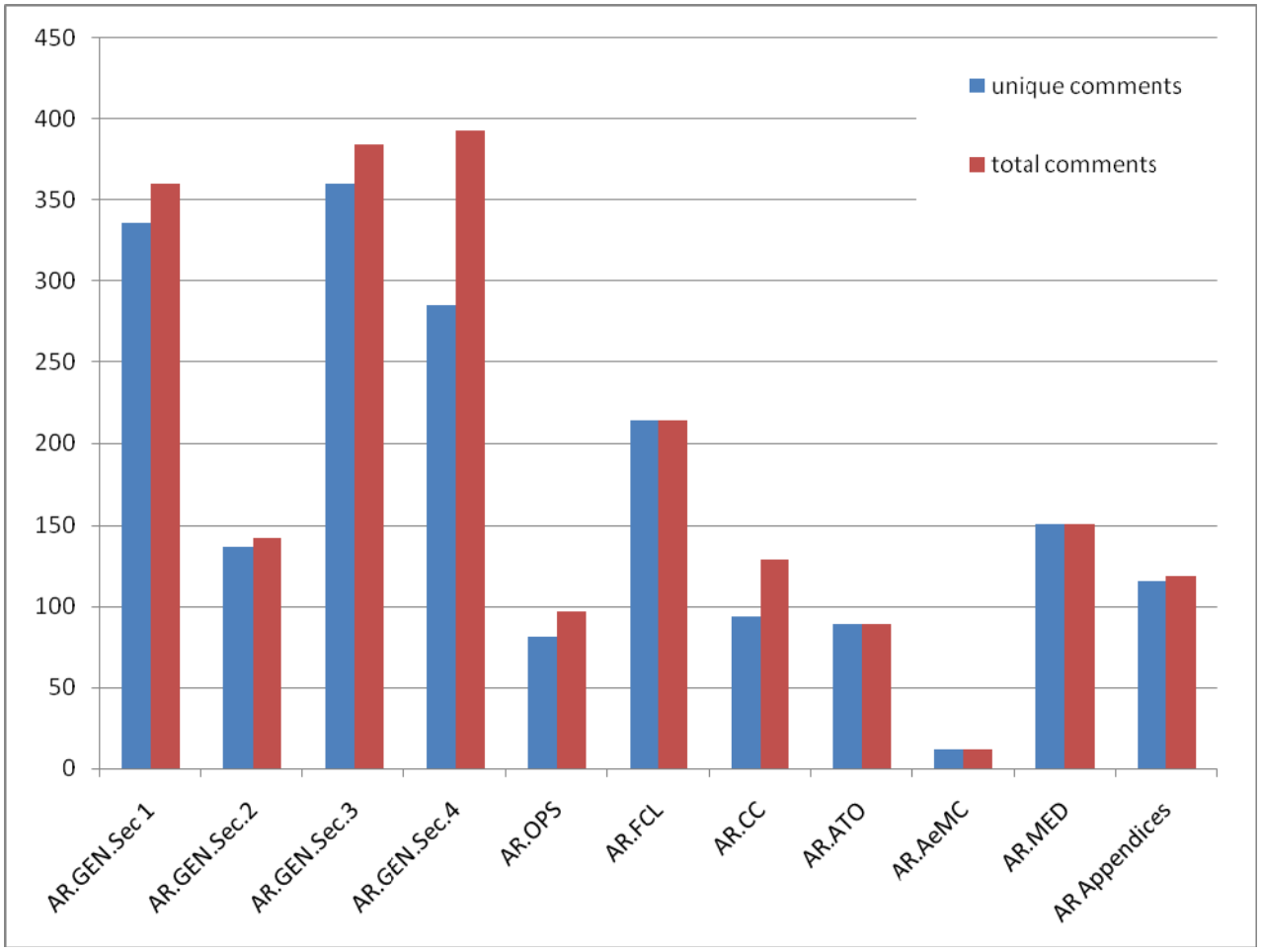


Table 1: Comments to Part-AR - total number and number of unique comments

B. Main changes made to the NPA text Part-AR

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

Part-AR: general

61. All provisions referring to Member States have been transferred to the Cover Regulation, so as to ensure that Annex I to the Regulation (Part-AR) refers to 'competent authority' only. When reference is made to the competent authority, this can mean either a Member State competent authority or the Agency when it acts as competent authority, for example for third country organisations.

In line with legal drafting principles, all references to "Basic Regulation" have been replaced by "Regulation (EC) No 216/2008".

62. In line with the Agency's Rulemaking drafting guidelines, the following rule numbering convention was applied for Implementing Rules in Part-AR and Part-OR:

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

<Part>.	:	mandatory - up to four letters or digits example: 21; AR; OR; OPS; FCL; MED, etc.
<Subpart>	:	mandatory - up to four letters or digits example: GEN, OPS, FCL, ATO, MED etc.
<Section>:		optional - up to four letters or digits example: SPA, MLR, AOC
<N>	:	mandatory - rule number – three digits, increments of 5 as a general pattern.
<T>	:	optional - for rules that are applicable to a certain aircraft type only: A aeroplanes H helicopters S sailplanes B balloons

Rule paragraphs in Sections I were renumbered starting with 1XX (example AR.GEN.120 instead of AR.GEN.020) for consistency with the numbering of subsequent Sections. Use of a three-letter code as Section identifier is optional. This has currently been applied for Subpart CC of Part-AR, Subpart OPS of Part-OR; Parts CAT, NCC, NCO, SPO and SPA:

- example: AR.CC.GEN.XXX = Part AR Subpart CC Section GEN

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

AMC<n>-<RULE><§>-<attribute>

AMC	:	Identifier - mandatory – fixed text
<n>-	:	mandatory - number, starting with 1, incremented by 1, to be used in all cases, also when only one AMC exists for a given Implementing Rule paragraph or subparagraph;
<RULE >	:	mandatory - full rule number as defined above
<§>	:	depending on the case - reference of the Implementing Rule subparagraph(s) and if relevant, the numbered item(s) within this subparagraph
<attribute>	:	optional - applicability is limited to a certain type of organisation, operation or product

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

- example: AMC1-AR.GEN.305(b)(1);(c);(d)(2) Oversight Programme.

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

- example: AMC1-AR.GEN.330 Changes - organisations.

In this context it is important to note that the existence of an AMC1 and an AMC2 to a specific rule item does not imply that AMC2 constitutes an alternative to AMC1. Unless the scope of an AMC is limited to a certain type of organisation, operation or product (as

indicated by the <T> aircraft type and/or the <attribute> in the AMC reference), all AMCs that will be issued by the Agency for Part-OR need to be complied with.

The following attributes were defined for Part-AR:

- ***OPS***: applicable to operators;

- ***ATO***: applicable to approved training organisations.

o example: AMC1-AR.GEN.300-***OPS*** Continuing Oversight.

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

o Example: AMC1-AR.GEN.305(b)- OPS Oversight programme

"OPERATIONS AUDITS, INSPECTIONS AND OVERSIGHT PROCEDURES".

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

GM<n>-<RULE><§>-<attribute>

Part-AR: scope

64. Part-AR establishes the requirements to be followed by competent authorities in charge of the implementation and enforcement of the Basic Regulation and its Implementing Rules in relation to:

- the licensing and oversight of pilots;
- the certification and/or oversight of approved training organisations;
- the oversight of FSTD certificate holders;
- the certification and/or oversight of air operations;
- the attestation and oversight of cabin crew; and
- the performance of ramp inspections of aircraft at aerodromes located in the territory subject to the provisions of the Treaty.

This does not introduce any new elements compared to AR.GEN.005 "Scope" as published with the NPA. Air operations include commercial and non-commercial operations, with any type of aircraft. The licensing and oversight of pilots includes also the relevant medical certification and qualification of FSTDs. The scope of Part-AR exceeds that of Part-OR, as it also includes private operators of other-than-complex motor-powered aircraft used by operators residing in the territory of the Member State and operators of third country aircraft for aircraft landed in the territory under the jurisdiction of a Member State. These operators are subject to the oversight requirements defined in Part-AR, but do not have to comply with Part-OR.

Part-AR: definitions

65. The Cover Regulation to Part-AR includes new definitions that are required for the proper understanding of the provisions in AR.GEN.120 Means of compliance; AR.GEN.300 Continuing Oversight and AR.GEN.305 Oversight programme:

- Acceptable Means of Compliance,
- alternative means of compliance,
- additional means of compliance,
- Guidance Material,
- audit,
- inspection.

The definitions of 'audit' and 'inspection', derived from the corresponding definitions in ISO 9000:2005[11] *Fundamentals and vocabulary*, have been introduced to clearly distinguish between different scopes and levels of compliance verification by competent authorities, which allows for example to refine the provisions in the field of cooperative oversight.

[11] http://www.iso.org/iso/home.html.

INDEX Part-AR - Changes per Subpart / Section

Subpart AR.GEN – General Requirements

66. AR.GEN consists of four sections:

- Section I – General;
- Section II – Management;
- Section III – Oversight, Certification and Enforcement;
- Section IV - Ramp inspections of aircraft of operators under the regulatory oversight of another State.

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

AR.GEN.Section I - General

AR.GEN.Section I – Introduction

67. The Implementing Rules in Section I contain general requirements applicable to competent authorities, to facilitate collaboration between authorities and the Agency, as well as between the authorities themselves. These provisions are mainly based on the high level requirements provided for in the Basic Regulation.

NPA rule reference	NPA rule title	CRD rule reference	CRD rule title
AR.GEN.005	Scope	AR.GEN.101 (1)	Scope
xxx	xxx	AR.GEN.105 (1)	Definitions
xxx	xxx	AR.GEN.110	Safety programme
xxx	xxx	AR.GEN.115	Oversight capabilities
AR.GEN.020	Acceptable Means of Compliance	AR.GEN.120	Means of compliance
AR.GEN.025	Coordination and Information	AR.GEN.125	Coordination and Information
AR.GEN.030	Mutual Exchange of Information	xxx	xxx
AR.GEN.035	Mandatory Safety Information	AR.GEN.130	Immediate reaction to a safety problem
AR.GEN.040	Reporting	AR.GEN.135	Occurrence reporting
AR.GEN.045	Notification of exemptions	AR.GEN.140	Flexibility provisions
GM to AR.GEN.020 (b)	Acceptable Means of Compliance	xxx	xxx
GM to AR.GEN.030	Mutual exchange of information	xxx	xxx
xxx	xxx	GM1-AR.GEN.120	Means of compliance

(1) transferred to the Cover Regulation

AR.GEN.Section I - Comments

68. AR.GEN.Section I received 346 comments on the Implementing Rules and 18 comments on the two related GMs, mainly from authorities. The principal issues raised in the comments received on AR.GEN.Section I are as follows:

- legal basis for these authority requirements;
- clarification regarding the procedure for alternative means of compliance;
- link with the State Safety Programme, as required by ICAO;
- Basic Regulation considered sufficient;
- duplication of rules;
- duplication of reporting systems.

AR.GEN.Section I - Specific issues

69. The Agency, supported by the AOR review group, decided to mention explicitly a requirement for establishing State Safety Programmes (SSPs), as requested by the commentators. However, to take into account the integrated nature of the management of safety in the European framework, a specific Article in the Cover Regulation, initially included as paragraph AR.GEN.110, now specifies the need to develop each SSP in conjunction with the safety plan of the Agency. This coordination should actually be ensured with all other Member States, but it was considered that such a requirement could potentially oblige Member States to negotiate 465 agreements between them. Therefore, the requirement is to coordinate with the Agency, which will then consider the issues raised within the SSPs of each Member State.

70. This coordination is necessary because no Member State can fully comply with the SSP requirement since safety competences are now shared between the Member States, the European Institutions and the Agency. Therefore the latter is currently working, with the assistance of Member States, on the best way to integrate the already existing procedures at Community level with the necessary procedures at State level. This will result in further guidance material being issued in the near future, to explain how to develop an SSP in conjunction with the safety plan of the Agency. In practice, this will be done in coordination with a European Aviation Safety Programme which will consider the processes to be implemented in coordination with the Agency.

71. Regarding the relationship with the Basic Regulation, it has to be recalled that these are rules implementing the Basic Regulation. They are not meant to repeat the Basic Regulation, but to provide for detailed procedures to implement the high level requirements. The NPA has been reviewed with this in mind and, when necessary, any rules already addressed in the Basic Regulation were deleted. In some cases, the rules concerned have been simplified or clarified. In addition, a certain number of rules have been deleted as they were indeed duplicating rules other than the Basic Regulation.

72. In accordance with the comments made, the review of the proposed reporting requirements took into account the rulemaking process for the draft (EC) Regulation on investigation and prevention of accidents and incidents in civil aviation. It was considered that this Regulation should be the right legal tool to deal with the Agency's access to the total number of occurrence reports made within the Member States. However, to facilitate the exchange of data and allow the Agency to perform its tasks related to identifying safety issues and to informing all Member States accordingly, as provided in the Basic Regulation, it was considered necessary to keep a requirement for the competent authorities to provide the Agency with those elements of information stemming from the occurrence reports they received, for which they would consider that their safety significance justify a specific action at Community level. Therefore, the

requirement for reporting occurrences, as proposed in the NPA, was deleted, but a new subparagraph was added in AR.GEN.125 to provide the Agency with that safety-significant information stemming from occurrence reports received, as identified by the authorities.

AR.GEN.Section I - Description of main changes

73. A new paragraph **AR.GEN.110** was added to introduce the Safety Programme. In the future, AMCs and GM will provide further details, in line with the development of the European Aviation Safety Programme (EASP). As this provision is addressed to Member States, in the final version of the rules this is included as Article 3 in the Cover Regulation.

74. A new paragraph **AR.GEN.115** was added as a result of comments reviewed for AR.GEN.Section III, to complement Authority Requirements with relevant provisions for Member States to ensure they establish and maintain the required oversight capabilities. For the authorisation of competent authority staff, the provisions are similar to those defined in Regulation (EC) No 216/2008, Article 55 "Investigation of undertakings". In the final text version of Part-AR all provisions addressed to Member States are transferred to the Cover Regulation. The term "staff" was replaced by "personnel" for consistency with changes made throughout the text of Part-AR and Part-OR. Only AR.GEN.115(e) remains in the final text of AR.GEN.Section I, with the new title "Oversight Documentation".

75. A total of 119 comments were made on paragraph **AR.GEN.120 "**Acceptable means of compliance", making it the most commented paragraph in AR.GEN. This paragraph has been amended to improve clarity, as many comments suggested that the concept was not well understood. In agreement with the review group, the one-month delay for competent authorities to evaluate the alternative means of compliance has been deleted. The title was changed to "Means of compliance", as the rule addresses acceptable, alternative and additional means of compliance. The corresponding definitions have been transferred to the Cover Regulation (ref. CRD b.1). In order to avoid misunderstandings, the acronym AMC is only used when reference is made to Acceptable Means of Compliance adopted by the Agency. For additional or alternative means of compliance, no acronym is used.

GM to AR.GEN.020(b) on demonstration of compliance for alternative means of compliance was transferred to Part-OR (cf. **AMC1-OR.GEN.120(a)**). New guidance was added for competent authorities to clarify the type of information to be made publicly available for alternative means of compliance that have been approved (cf. **GM1-AR.GEN.120**).

76. The reference and title of AR.GEN.025 "Coordination and information" as published in the NPA was changed to **AR.GEN.125** "Information to the Agency". The text was amended by deleting (a), which is already covered by AR.GEN.Section II, and (c), which will be addressed by the European Aviation Safety Programme. A new paragraph (b) was added to ensure reporting to the Agency of safety information stemming from occurrence reports an authority has received. This was necessary following the deletion of AR.GEN.040 "Reporting".

77. **AR.GEN.030** "Mutual exchange of information" was deleted, as it overlaps with other paragraphs in Part-AR. **AR.GEN.035** "Mandatory safety information" was replaced by new text that better meets the intent of Regulation (EC) No 216/2008, Article 22.1. This now forms the new **AR.GEN.130** "Immediate reaction to a safety problem". **GM to AR.GEN.030** was deleted, in line with deletion of AR.GEN.030.

78. **AR.GEN.040 "**Reporting" was deleted in response to comments pointing out this is covered by other EC regulations or directives dealing with occurrence reporting or with

the European Central Repository. A requirement on occurrence reporting for organisations was included in Part-OR (cf. OR.GEN.160).

79. **AR.GEN.045 "**Notification of exemptions", now **AR.GEN.145** "Flexibility provisions" was amended to cover not only Regulation (EC) No 216/2008, Article 14.4., but also 1. and 6. of that Article. As this provision is addressed to Member States, in the final version of the rules this is included as Article 5 in the Cover Regulation.

AR.GEN.Section II - Management

AR.GEN.Section II – Introduction

80. The Implementing Rules in Section II stipulate that the competent authority shall have a management system in order to comply with its obligations as embedded in Part-AR. For standardisation purposes, Section II also requires the competent authority to provide the Agency with the relevant documentation on their management system and changes thereto. Moreover, common management system requirements for competent authorities shall support the implementation of the State safety plan and contribute to creating an effective oversight system appropriate for the implementation of safety management systems by regulated organisations.

81. The Implementing Rules in Section II are based on JAA Joint Implementation Procedures and Section B requirements in existing airworthiness regulations (Commission Regulations (EC) No 1702/2003 and 2042/2003).

NPA rule reference	**NPA rule title**	**CRD rule reference**	**CRD rule title**
AR.GEN.200	Management system	AR.GEN.200	Management system
xxx	xxx	AR.GEN.205	Use of qualified entities
AR.GEN.205	Changes in the management system	AR.GEN.210	Changes in the management system
AR.GEN.220	Record-keeping	AR.GEN.220	Record-keeping
AMC to AR.GEN.200(a)	Management system - General	AMC1-AR.GEN.200(a)	Management system
GM to AR.GEN.200(a)	Management system - General	GM1-AR.GEN.200(a)	Management system
AMC to AR.GEN.200(a)(1)	Management system – Documented procedures	AMC1-AR.GEN.200(a)(1)	Management system
AMC 1 to AR.GEN.200(a)(2)	Management system – Qualification and training – Inspectors	AMC1-AR.GEN.200(a)(2)	Management system
GM to AR.GEN.200(a)(2)	Management system – Qualification and training - General	GM1-AR.GEN.200(a)(2)	Management system
xxx	xxx	GM2-AR.GEN.200(a)(2)	Management system
xxx	xxx	AMC1-AR.GEN.200(d)	Management system
AMC to AR.GEN.205	Changes in the management system	xxx	xxx
AMC AR.GEN.220	Record-keeping	xxx	xxx
AMC 1 to AR.GEN.220(a)		AMC1-AR.GEN.220(a)	deleted

NPA rule reference	NPA rule title	CRD rule reference	CRD rule title
xxx	xxx	AMC1-AR.GEN.220(a)(1); (a)(2); (a)(3)	Record-keeping
AMC 2 to AR.GEN.220(a)	Record-keeping	AMC1-AR.GEN.220(a)(4); (a)(5)	Record-keeping
AMC 3 to AR.GEN.220(a)	Record-keeping	AMC1-AR.GEN.220(a)(6)	Record-keeping
xxx	xxx	AMC1-AR.GEN.220(a)(8)	Record-keeping
AMC to AR.GEN.220(c)	Record-keeping	xxx	xxx
xxx	xxx	GM1-AR.GEN.220	Record-keeping
xxx	xxx	GM1-AR.GEN.220(a)	Record-keeping
xxx	xxx	GM2-AR.GEN.220(a)	Record-keeping

AR.GEN.Section II - Comments

82. AR.GEN.Section II received 191 comments on the IRs and 55 comments on the related AMCs and GMs, most of them from competent authorities. The principal issues raised in the comments received on this Section are as follows:

- absence of reference to the State Safety Programme as per ICAO SARPS on SMS;
- unclear legal basis for defining implementing rules and management system requirements for competent authorities.

A specific provision on the Safety Programme was added (cf. AR.GEN.110) and the establishment of a safety risk management process is now made explicit (cf. AR.GEN.200(a)(4).

Part-AR is required to define the share of Member States in ensuring all tasks laid down in the Basic Regulation, namely paragraphs 5 and 6 of Articles 5, 7 and 8, with reference to certification (issuing, maintaining, amending, limiting, suspending or revoking those certificates), as well as Article 10.5 with reference to oversight and enforcement. Common authority requirements are essential for standardisation, since such common requirements on civil aviation authorities are instrumental to ensure that Community law is uniformly applied in the territory of the Member States. Such requirements, to be effectively and uniformly implemented, must define the main elements of the competent authority's management system. These main elements will also support the implementation of the European Aviation Safety Programme. Whereas some stakeholders suggested imposing additional requirements for competent authorities' management system, including an obligation for certification of the management system in accordance with ISO 9001 standards and obligations for ensuring cost-efficiency, special care was taken to ensure the proposed management system requirements are compatible with existing requirements for competent authorities, as well as with the requirements stemming from Regulation (EC) 736/2006[12], so that no significant impact on competent authorities' administrative systems is expected.

[12] Official Journal L 129/10 of 17/05/ 2006.

AR.GEN.Section II - Specific issues

83. As suggested by certain stakeholders a requirement for competent authorities to establish a safety risk management process was included in AR.GEN.200. Additional guidance on how this should be achieved, which will also take into account the establishment of the European Aviation Safety Programme, will be included at a later stage by means of a separate rulemaking task.

84. Some stakeholders claimed that data protection rules were not properly addressed in AR.GEN.220 "Record-keeping". This is due to the fact that protection of confidential and personal data by Member States is subject to the applicable national rules implementing the European Directive on data protection[13]. Therefore the inclusion of specific provisions on data protection in Part-AR would conflict with the applicable national rules. Protection of confidential and personal data by the Agency when it is the competent authority is regulated by the Basic Regulation directly (cf. Articles 16 and 58.4).

85. Following consultation of the OPS review groups it was further suggested to complement the AMC material in Section II with additional provisions for competent authority personnel involved in the oversight of AOC holders by incorporating relevant sections from the JIPs and ICAO Manual of Procedures for Operations Inspection, Certification and Continued Surveillance (Doc. 8335), in particular:

- JIPs Appendix 8 on documented procedures – inspecting staff manual;
- JIPs Chapter 3, item 3.2 on qualification and training of inspectors; and
- ICAO Doc. 8335, Edition 5-2010 Chapter 6 on qualification and training of Inspectors.

As on one hand this material was not included with the NPA text and on the other hand it needs to be aligned with the new rule structure and reviewed for consistency with the remaining authority and management system requirements, the incorporation of these additional means of compliance into AR.GEN Section II will be the subject of a separate rulemaking task. This will ensure proper consultation of all stakeholders concerned.

AR.GEN.Section II - Description of main changes

86. Additional provisions were included in **AR.GEN.200** "Management system" to create an obligation for competent authorities to have a system in place to plan the availability of personnel; to implement a safety risk management process, as well as to establish procedures for participation in a mutual exchange of all necessary information and assistance of other competent authorities concerned. The provision in (a)(5) was amended to clarify this relates to the need to nominate a person or group of persons for the compliance monitoring function defined under (a)(4), whereas the requirement in (b) relates to the need to appoint one or more persons with the overall responsibility for the different operational activities. Throughout Part-AR, the term "staff" was replaced by "personnel" for consistency.

The following new AMCs and GM were added to AR.GEN.200:

- **GM2-AR.GEN.200(a)(2)** on how to determine sufficient personnel;
- **AMC1 AR.GEN.200(d)** on procedures to be made available to the Agency for the purpose of standardisation and continuous monitoring.

For the remaining AMCs and GM to AR.GEN.200, a few minor changes were made for consistency and clarity.

---

[13] Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

87. In response to stakeholder comments and to implement Basic Regulation Article 13 and Annex V, a new paragraph **AR.GEN.205** was included to define the actions required by competent authorities prior to making use of qualified entities. A new **GM1-AR.GEN.205** was added to clarify the scope of tasks that can be performed by qualified entities on behalf and under the responsibility of competent authorities.

88. AR.GEN.205, now **AR.GEN.210** "Changes in the management system", was amended by adding in a new subparagraph (a) the obligation to exercise effective control on changes affecting the management system. This new subparagraph now also incorporates subparagraph (c) from the NPA text on changes related to applicable regulations. The type of changes for which the competent authority shall notify the Agency was clarified. In response to stakeholder comments subparagraph (b) from the NPA text on the review of the management system by the Agency was deleted. AMC to AR.GEN.205 on what to consider a significant change as published in the NPA was deleted, as the intent is adequately covered under AR.GEN.200(d) and related AMC1-AR.GEN.200(d). No other AMCs or GM are provided for AR.GEN.210.

89. In **AR.GEN.220 "**Record-keeping", some further items to be considered for record keeping were included to ensure consistency with changes made in AR.GEN.Section III and in some of the Subparts to Part-AR:

- management system documentation as required by Part-OR;
- safety information and related measures;
- use of qualified entities;
- qualification of FSTDs;
- training, qualification and authorisation of personnel;
- cooperative oversight;
- personnel licences, ratings, and certificates (including cabin crew attestations); and
- oversight of aircraft other than those used by certified or declared operators.

Additionally, a new provision was added as subparagraph (b) to require competent authorities to maintain a register of all organisation certificates, personnel licences and certificates they have issued and declarations received, so as to facilitate the exchange of information and support continuing oversight tasks. The minimum retention period for records was further clarified by referring to the applicable Subpart. The five-year retention period proposed with the NPA is kept as default, to be applied in the absence of a specific indication in the applicable Subpart.

Subparagraph (c) from the NPA text on making records available to the Agency and other competent authorities was deleted, as this provision is already sufficiently addressed in the Basic Regulation (Articles 10, 15, 16, 54 etc.).

The **AMCs** and **GM** related to **AR.GEN.220** were amended to ensure consistency with the corresponding provisions in Part-OR and with changes made in AR.GEN.220. In AMC1-AR.GEN.220(a), item 2 on the protection of sensitive data was deleted, as protection of such data must be ensured in accordance with the applicable national regulations implementing the European Directive on data protection. Hence, it is not possible to include specific requirements on the protection of personal data in Part-AR, as these would conflict with the applicable national rules. Additional elements were included to ensure consistency with the corresponding "technical" record keeping provisions in Part-OR.

A new AMC defining the minimum records related to the competent authority's management system was added to reflect changes made in AR.GEN.220 (cf. **AMC1-AR.GEN.220(a)(1);(a)(2);(a)(3)).**

AMC2 to AR.GEN220(a) was re-numbered as **AMC1-AR.GEN.220(a)(4);(a)(5)** and reviewed for consistency; the reference to "approved manuals" was replaced by "documentation based on which the approval was granted": As defined in GM1-OR.GEN.200(a)(5), the organisation's management system documentation may be contained in any of the organisation manuals (e.g. aerodrome manual, operations manual, training manual ….), which may also be combined, so as to ensure flexibility.

AMC3 AR.GEN.220(a) "Record-keeping persons" was re-identified as **AMC1-AR.GEN.220(a)(6)**.

A more detailed list of documents to be provided in support of an application for a personnel licence, certificate, rating or attestation was included. AMC to AR.GEN.220(c) was incorporated into the new **AMC1-AR.GEN.220(a)(8)** specifying a means to comply with record keeping requirements in the context of cooperative oversight. AMC1 AR.GEN.220 (from NPA 2009-02) was deleted, as it duplicates information already contained in the other AMCs to AR.GEN.220. A new GM was added **GM1-AR.GEN.220** to clarify the meaning of "records"; it is based on the ISO 9000:2005 definition of records. .

Two new GMs were added (cf. **GM1-AR.GEN.220(a)** related to microfilming or optical storage of records and **GM2-AR.GEN.220(a)** on documentation to be kept in support of the approval).

AR.GEN.Section III – Oversight, certification and enforcement

AR.GEN.Section III - Introduction

90. This Section within Subpart GEN of the Authority Requirements defines the scope of oversight in terms of initial certification and continuing oversight, including follow-up of findings and enforcement, as well as related competent authority responsibilities and tasks. It introduces the concept of risk based oversight and contains the relevant provisions on cooperative oversight.

The relevant provisions are based on JAA Joint Implementing Procedures (JIPs) to JAR-OPS and JAR-FCL, as well as on existing section B requirements in airworthiness Commission Regulations (EC) Nos 1702/2003 and 2042/2003. Relevant articles of Regulation (EC) No 216/2008 are:

- for OPS: Art. 8.5;
- for FCL: Art. 7.6; and
- for cooperative oversight: Articles 10, 11, 15, and 68

NPA rule reference	NPA rule title	CRD rule reference	CRD rule title
AR.GEN.300	Continuing oversight	AR.GEN.300	Continuing oversight
AR.GEN.305	Monitoring of activities	AR.GEN.305	Oversight programme
AR.GEN.310	Certification procedure - organisations	AR.GEN.310	Certification procedure - organisations
AR.GEN.315	Indirect approval	xxx	xxx
xxx	xxx	AR.GEN.315	Procedure for the issue, revalidation, renewal or change of licences, ratings or certificates - persons
AR.GEN.330	Changes - organisations	AR.GEN.330	Changes - organisations
AR.GEN.340	Declaration – persons and organisations	AR.GEN.345	Declaration – organisations

NPA rule reference	**NPA rule title**	**CRD rule reference**	**CRD rule title**
AR.GEN.345	Findings and corrective actions – organisations	AR.GEN.350	Findings and corrective actions – organisations
AR.GEN.350	Enforcement measures and penalties - persons	AR.GEN.355	Enforcement measures - persons
AR.GEN.355	Activities in more than one Member State	xxx	xxx
AMC 1 AR.GEN.300	Continuing oversight - OPS	AMC1-AR.GEN.300-OPS	Continuing oversight
GM 1 AR.GEN.300	Continuing oversight - OPS	GM1-AR.GEN.300-OPS	Continuing oversight
xxx	xxx	AMC1-AR.GEN.305(b);(c)	Oversight Programme
AMC 1 to AR.GEN.305	Monitoring of activities - ATO	xxx	xxx
AMC 2 to AR.GEN.305	Monitoring of activities - ATO	AMC1-AR.GEN.305(b)	Oversight programme AUDIT PLANNING CYCLE
xxx	xxx	AMC1-AR.GEN.305(b)(1);(c);(d)(2)	Oversight Programme AUDIT
xxx	xxx	AMC1-AR.GEN.305(b)(1);(c);(d)(1);(g)	Oversight Programme RAMP INSPECTIONS
AMC 2 AR.GEN.300	Continuing oversight - OPS	AMC1-AR.GEN.305(b)-OPS	Oversight Programme OPERATIONS AUDITS, INSPECTIONS AND OVERSIGHT PROCEDURES
AMC 3 to AR.GEN.305	Monitoring of activities - OPS	AMC1-AR.GEN.305(b)(1)-OPS	Oversight Programme AUDITS ANND INSPECTIONS
xxx	xxx	GM1-AR.GEN.305	Oversight Programme INDUSTRY STANDARDS
xxx	xxx	GM2-AR.GEN.305	Oversight Programme COMPLEXITY
AMC to AR.GEN.310	Certification procedure-OPS	xxx	incorporated into AMC1-AR.GEN.310(a)
AMC to AR.GEN.300(a)	Continuing oversight - ATO	xxx	incorporated into AMC1-AR.GEN.310(a)-OPS
AMC1 to AR.GEN.310	Certification procedure - organisations	AMC1-AR.GEN.310(a)	Certification procedure - organisations
AMC to AR.GEN.310(a)	Certification procedure-OPS	AMC1-AR.GEN.310(a)-OPS	Certification procedure - organisations
xxx	xxx	AMC1-AR.GEN.315(a)	Procedure for issue, revalidation, renewal or change of licences, ratings or certificates - persons
AMC1 to AR.GEN.330	Changes - ATO	AMC1-AR.GEN.330	Changes - organisations
AMC 2 AR.GEN.330	Changes - OPS	xxx	xxx
AMC 3 AR.GEN.330	Changes	AMC1-AR.GEN.330-OPS	Changes - organisations
GM1 AR.GEN 330	Changes - ATO	GM1-AR.GEN.330	Changes - organisations
GM to AR.GEN.340	Declaration	GM1-AR.GEN.345(a)	Declaration - organisations
AMC AR.GEN.345	Findings and corrective actions organisations	xxx	xxx
xxx	xxx	GM2-AR.GEN.350	Findings and corrective

NPA rule reference	NPA rule title	CRD rule reference	CRD rule title
			actions - organisations
GM AR.GEN.345	Findings and corrective actions organisations	GM1-AR.GEN.350	Findings and corrective actions organisations

AR.GEN.Section III - Comments

91. AR.GEN.Section III received 305 comments on the IRs and 79 comments on the related AMCs and GMs. Comments were mainly made by competent authorities.

The main issues raised in this Section relate to oversight obligations with regard to organisations and persons certified by or making declarations to the competent authority of another Member State ("cooperative oversight") and related responsibilities for handling findings and ensuring follow-up of corrective actions.

AR.GEN.Section III - Specific issues

92. A significant number of comments relate to cooperative oversight (refer to §§ 43 -45 of this Explanatory Note). Moreover, several commentators requested a reorganisation and amendment of the Section title and order of rule paragraphs for the sequence of requirements to flow logically from initial certification to monitoring and oversight. The Section title was amended to be consistent with the order of the rule paragraphs, which remain basically unchanged: the main focus is on oversight, which shall also reflect the principle of continuous monitoring and risk-based oversight promoted by ICAO for transition from the Universal Safety Oversight Audit Programme (USOAP) to the continuous monitoring approach (CMA)[14].

CMA principles are envisaged to be implemented for the Agency's standardisation process as well. This aims to apply compatible (and where possible integrated) processes to the Member States' regulatory compliance performance monitoring with regard to both European Regulations and ICAO requirements.

93. Besides, the order of rule paragraphs is more appropriate with regard to cooperative oversight (certification by a competent authority in another Member State) and to declared organisations (which do not require certification).

94. Following the review of comments on AR.GEN Sections I-III and based on the changes introduced in Section III related to continuing oversight, specific provisions in AR.GEN.Section III were adapted to ensure compatibility and consistency with AR.GEN.Section IV. Ramp inspections being also one element of continuing oversight of national operators, it was clarified in which cases competent authorities need to consider the specific provisions contained in Section IV.

95. Many commentators suggested that AMCs only relevant for ATOs or operators be moved to the corresponding Subparts ATO and OPS. This could only be achieved for those AMCs where the relevant Subpart included an Implementing Rule corresponding to the AMC or GM. In the absence of a corresponding rule in the Subpart, the ATO or OPS-specific AMCs must remain attached to the Implementing Rule in Subpart GEN.

[14] The 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.

96. Following consultation of the OPS review groups, it was further suggested to complement the AMC material in Section III with additional provisions for the initial certification and oversight of AOC holders by incorporating relevant sections from the JIPs and ICAO Manual of Procedures for Operations Inspection, Certification and Continued Surveillance, in particular:

- JIPs Chapter 5 "Procedures for assessing the continued competence of an AOC Holder";
- JIPs Appendix 5 "Continued competence of an AOC Holder";
- JIPs Chapter 4 "Procedures for the issue of an AOC";
- JIPs Appendix 1 "Inspections: initial issue of an AOC"; and
- ICAO Document 8335, Edition 5-2010 Part III Chapters 1-5.

As on one hand this material was not included with the NPA text and on the other hand as it requires alignment with the horizontal rule structure and a full review for consistency with authority and management system requirements, the incorporation of these additional means of compliance into AR.GEN Section III will be the subject of a separate rulemaking task. This will ensure proper consultation of all stakeholders concerned.

AR.GEN.Section III - Description of main changes

97. Section III now starts with the general oversight obligations of competent authorities defined in AR.GEN.300, followed by AR.GEN.305 "Oversight Programme", and then AR.GEN.310 and AR.GEN.315, where specific requirements for initial certification of organisations and persons respectively are defined. The terms "Monitoring of activities" and "surveillance" are no longer used, to ensure consistency in terminology (note that Regulation (EC) No 216/2008 Article 3 uses the term "continuing oversight" only).

98. **AR.GEN.300** "Continuing oversight" was amended to ensure consistency with other changes made to Part-AR or related Parts. In subparagraph (a)(1) a reference to "approval" was added to address oversight related to specific approvals issued under Part-OPS Subpart "Specific Approvals" (SPA), such as, but not limited to ETOPS and RVSM. In subparagraph (c) a reference to the implementation of the safety programme was added. New subparagraph (d) on conflict of interest was added, to ensure consistency with AR.GEN.Section IV (cf. AR.GEN.435). One AMC and one GM are included for AR.GEN.300, both of them only applicable to operators. These were initially published with NPA 2009-02d:

- **AMC1-AR.GEN.300-OPS** Continuing oversight
- **GM1-AR.GEN.300-OPS** Continuing oversight

99. In **AR.GEN.305** "Oversight programme" the text published with the NPA was replaced by new text to clarify the different areas subject to continuing oversight, including cooperative oversight. The rule now details the requirements for the following areas:

- AR.GEN.305(b): Organisations certified the competent authority and FSTD certificate holders not being ATOs or AOC holders;
- AR.GEN.305(c): Organisations declaring their activity to the competent authority;
- AR.GEN.305(d): Organisations exercising activities within the territory of the Member State but certified by or making declarations to the competent authority of any other Member State or the Agency;
- AR.GEN.305(e): Persons certified by or declaring their activity to the competent authority;

– AR.GEN.305(f): Persons exercising activities within the territory of the Member State but certified by or declaring their activity to the competent authority of any other Member State; and

– AR.GEN.305(g): Aircraft operated within the territory of the Member State other than those captured under 305(b) and (c).

The requirement in AR.GEN.305(g) is added to ensure oversight of non-commercial operators of other-than-complex motor-powered aircraft used by operators residing within the territory of the Member States that are not subject to any certification or declaration. Third country operators are covered under AR.GEN.Section IV (cf. AR.GEN.405 "Scope" and will be the subject of the future Subpart TCO to Part-AR.

In line with the principle of performance-based rules, the 24-month oversight interval previously defined in AR.GEN.305 "Monitoring of activities" was transferred to a new **AMC1-AR.GEN.305(b)** defining an oversight planning cycle of 24 months for organisations certified by the competent authority. This now provides flexibility for adopting different oversight planning cycles by way of an alternative means of compliance and based on a risk assessment (risk-based oversight). The new AMC further introduces provisions for granting audit credits to organisations holding more than one certificate, so as to avoid the duplication of oversight of the common management system elements. This meets one of the detailed objectives of the JAA Consistency of Organisation Approvals report (COrA, cf. A-NPA 15/2006[15]): efficiency in the oversight process. The relevant provisions are based on AMC to AR.GEN.300(a) "Continuing Oversight – ATO" published with the NPA.

AMC 2 to AR.GEN.305 "Monitoring of activities – ATO" as published with the NPA 2008-22b was re-identified as **AMC1-AR.GEN.305(b)(1);(c);(d)(2)** "Oversight programme". The text was further amended to ensure applicability of the AMC to all organisations subject to Part-OR.

A new **AMC1-AR.GEN.305(b)(1);(c);(d)(1);(g)** was added to create a link with the ramp inspection principles and methodology defined in AR.GEN.Section IV for ramp inspections of aircraft used by operators under the regulatory oversight of the competent authority: This AMC caters for the needs of some Member States that may have adopted a ramp inspection methodology that is different from the one defined in Section IV; it also addresses ramp inspections on other than suspected aircraft, to incorporate AMC 1 to AR.GEN.415(c).

AMC 2 to AR.GEN.300 "Continuing oversight-OPS" as published with NPA 2009-02d was re-identified as **AMC1-AR.GEN.305(b)-OPS** "Oversight Programme" and further amended for consistency with other changes made in AR.GEN and AR.OPS, without changing the substance of the AMC.

In AMC 3 AR.GEN.305 "Monitoring of activities-OPS" as published with NPA 2009-02d, re-identified as **AMC1-AR.GEN.305(b)(1)-OPS** "Oversight programme", some minor editorial changes were made for consistency.

Two new GMs were added to AR.GEN.305:

– **GM1-AR.GEN.305** provides guidance on how the competent authority may take account of the use by an organisation of industry standards for its oversight;

– **GM2-AR.GEN.305** introduces a link with AMC1-OR.GEN.200(b) that may be used to assess the complexity of an organisation when defining the oversight programme.

100. In **AR.GEN.310** "Certification procedure – organisations" substantial changes were made both to the title and in the text. The title was changed to "Initial certification procedure - organisations" in line with comments received on the OPS-related AMCs to AR.GEN.310.

[15] http://easa.europa.eu/ws_prod/r/doc/NPA/final%20A-NPA%2015-2006%20COrA%20(26.09.06).pdf.

The requirement to conduct an inspection of the organisation upon initial certification is now transferred to the AMC level, inspection being a means of compliance for achieving the rule objective that is to ensure verification of the organisation's compliance with the applicable requirements. This improves consistency with changes made in AR.GEN.305. The reference to Appendix I to Part-AR is deleted, due to the fact that the concept of a single organisation certificate is not maintained. A reference to the unlimited validity of the certificate is added in subparagraph (b).

- The AMC to AR.GEN.310 published with NPA 2008-22b, now **AMC1-AR.GEN.310(a)** Initial certification procedure – organisations" was amended to reflect the changes made in AR.GEN.310 (means of compliance verification) and to incorporate elements of general applicability of AMC to AR.GEN.300(a) "Continuing oversight – ATO" (NPA 2008-22b).
- AMC AR.GEN.310(a) from NPA 2009-02d on verifying compliance with the applicable requirements was incorporated into **AMC1-AR.GEN.310(a)-OPS** "Initial certification procedure – organisations".

101. **AR.GEN.315** "Indirect approval" was deleted based on comments claiming that the intent of this provision lacked clarity. The issue is now addressed in AR.GEN.330 "Changes – organisations" and the term "indirect approval" is no longer used: changes are classified as either requiring prior approval or not requiring prior approval by the competent authority.

102. A new rule **AR.GEN.315** "Procedure for issue, revalidation, renewal or change of licences, ratings or certificates – persons" was included to complement AR.GEN with a general procedure for the issue, revalidation, renewal or change of personnel licences, ratings or certificates, including cabin crew attestations. The text is based on AR.FCL.200 (a) and (b) and was further amended to ensure compatibility with equivalent requirements in Part-66 and for consistency with AR.CC. A new AMC1-AR.GEN.315 was added to require verification by the competent authority before issuing, revalidating or renewing a licence, rating or certificate. This shall contribute to preventing a person from holding more than one licence within the same category and from applying for a licence when such licence was previously revoked or suspended in another Member State. It is acknowledged that it would be more efficient to create an EU-wide database for licence holders. However, at this stage, no consensus could be reached for implementing such a database, not only due to concerns related to the protection of personal data.

103. **AR.GEN.330** "Changes – organisations" was amended for consistency with the corresponding paragraph in Part-OR, with changes made to AR.GEN.310 (means of compliance verification now defined at AMC level) and with AR.OPS.230 "Changes". The case of changes not requiring prior competent authority approval was further clarified. **AMC1-AR.GEN.330** was amended to reflect changes made in AR.GEN.330. Additional changes were made for consistency with other changes made throughout Parts AR and in OR.GEN.130: The reference to "manual" was changed to "management system documentation" and a timeframe was included for the competent authority to acknowledge receipt for amendments not requiring prior approval (10 working days).

AMC 2 AR.GEN.330 "Changes-OPS" as published with NPA 2009-02 was deleted due to changes in OR.OPS.AOC and OR.OPS.MLR. AMC 3 AR.GEN.330 "Changes" as published with NPA 2009-02 dealing with changes in nominated persons was amended for consistency and included as **AMC1-AR.GEN.330-OPS** "Changes – organisations".

GM to AR.GEN.330 "Changes – ATO" as published with NPA 2008-22 dealing with a change of name of the organisation was amended to make it generally applicable and included as **GM1-AR.GEN.330** "Changes – organisations".

104. In AR.GEN.340, now **AR.GEN.345** "Declaration - organisations", the reference to persons is deleted from the title and the content. At this stage, obligations for persons to

declare their activity are only applicable to general medical practitioners (GMPs); the corresponding authority requirement is defined in Subpart MED (cf. AR.MED.345). Actions required in case of non-compliant declarations are clarified: if a non-compliance is found, an inspection shall be carried out before taking action in accordance with AR.GEN.350. The obligation to include declared organisations in the oversight programme was added. GM AR.GEN.340 was re-identified **GM1-AR.GEN.345**. For consistency, the term "organisations" was added to the title.

105. In AR.GEN.345, now **AR.GEN.350** "Findings and corrective actions – organisations" the findings' description and classification previously defined in OR.GEN.045 was incorporated and amended based on comments received.

In response to comments requesting further clarification on cooperative oversight, responsibilities for raising findings and cooperation between authorities were further clarified:

- Findings can be raised by the competent authority having issued the certificate or received the declaration, or the competent authority overseeing the activity that has not issued the certificate or has not received the declaration. The competent authority that raised the finding shall inform the competent authority that issued the certificate or received the declaration, if different.
- Follow-up of corrective actions is within the remit of the competent authority that has issued the certificate or licence or received the declaration. AR.GEN.355(d) as published in the NPA was incorporated to clarify that the competent authorities concerned shall cooperate when handling the corrective action(s) and, where necessary, facilitate the taking of appropriate enforcement measures.
- Moreover, a new **GM1-AR.GEN.350** was added to clarify the meaning of 'competent authority' in the context of cooperative oversight. This GM explains which competent authority may raise findings and which authority can take action on the certificate. GM AR.GEN.345 "Findings and corrective actions – organisations" from NPA 2009-02 on further training in the case of level 1 findings was included as **GM2-AR.GEN.350**.

Standard implementation periods for corrective actions were added. These are based on those already defined in the airworthiness Commission Regulations (EC) Nos 1702/2003 and 2042/2003. In agreement with the AOR review group, all references to penalties were deleted, as these are subject to the applicable national rules implementing Basic Regulation Article 68.

106. The AMC AR.GEN.345 "Findings and corrective actions – organisations" published with NPA 2009-02 on corrective action periods is deleted, as the issue is now addressed in the amended version of the implementing rule AR.GEN.350.

107. AR.GEN.350, now **AR.GEN.355** "Enforcement measures – persons", is amended by deleting any reference to penalties, including in the title, and by clarifying the responsibilities of the competent authority responsible for the licence, certificate, rating, or attestation and the overseeing competent authority, if different. AR.GEN.355 "Activities in more than one Member State" as published in the NPA was incorporated into AR.GEN.305 "Oversight programme" and AR.GEN.350 "Findings and corrective actions organisations".

AR.GEN – EASA Standard Organisation Approval certificate

NPA rule reference	NPA rule title	CRD rule reference	CRD rule title
Appendix I to Annex 1 – Part-AR	EASA Standard Organisation Approval Certificate	xxx	xxx

108. Significant concerns were expressed in the 25 comments raised on the proposed EASA Standard Organisation Approval certificate, both from industry and competent authorities. Considering the issues raised in those comments (refer to §§ 48 to 50 for further details), the Agency decided to delete this certificate. Only the area-specific certificates for the specific organisation approvals remain in the Appendix to Part-AR.

AR.GEN.Section IV – Ramp inspections of aircraft of operators under the regulatory oversight of another State

AR.GEN.Section IV - Introduction

109. AR.GEN.Section IV of Part Authority Requirements is applicable to third country operators and EU operators under the regulatory oversight of any other Member State. It defines the annual quota of ramp inspections of aircraft landing at the Member State's aerodromes, conditions for the Agency to perform ramp inspections, criteria for the prioritisation of ramp inspections, the qualification of ramp inspectors, the conduct of ramp inspections, the classification of findings and follow-up actions, grounding of aircraft and the coordination tasks of the Agency. This Section is based on Regulation (EC) No 216/2008, Directive 2004/36/EC ("SAFA Directive"), Commission Regulation (EC) No 351/2008, Commission Regulation (EC) No 768/2006 and Directive 2009/49/EC.

NPA rule reference	NPA rule title	CRD rule reference	CRD rule title
AR.GEN.405	Scope	AR.GEN.405	Scope
AR.GEN.410	Definitions	AR.GEN.410 (1)	Definitions
AR.GEN.415	General	AR.GEN.415	General
AR.GEN.420	Prioritisation criteria	AR.GEN.420	Prioritisation criteria
AR.GEN.425	Collection of information	AR.GEN.425	Collection of information
AR.GEN.430	Qualification of inspectors	AR.GEN.430	Qualification of ramp inspectors
AR.GEN.435	Conduct of Ramp inspections	AR.GEN.435	Conduct of ramp inspections
AR.GEN.440	Categorisation of findings	AR.GEN.440	Categorisation of findings
AR.GEN.445	Follow up actions on non compliances	AR.GEN.445	Follow up actions on findings
AR.GEN.450	Grounding of aircraft	AR.GEN.450	Grounding of aircraft
AR.GEN.455	Reporting	AR.GEN.455	Reporting
AR.GEN.460	Database	AR.GEN.460	Agency coordination tasks

NPA rule reference	**NPA rule title**	**CRD rule reference**	**CRD rule title**
AR.GEN.465	(Reporting)	AR.GEN.465	Annual Report
AR.GEN.470	Information to the public	AR.GEN.470	Information to the public
AMC AR.GEN.415	xxx	AMC1-AR.GEN.415	General
GM AR.GEN.415	xxx	xxx	xxx
AMC AR.GEN.415(a)(1)(ii)	(Suspected aircraft)	AMC1-AR.GEN.415(b)	General – Suspected aircraft
AMC AR.GEN.415(a)(2)	Spot Check procedure	AMC1-AR.GEN.305(b)(1);(c)(1);(f)	Oversight programme
AMC AR.GEN.415 (c)(1)	Minimum annual quota	AMC1-AR.GEN.415(c)(1)	Minimum annual quota
xxx	xxx	GM1-AR.GEN.415(c)(1)	Minimum annual quota
xxx	xxx	GM1-AR.GEN.420(b)(2)(i)	Prioritisation criteria
AMC AR.GEN.425 (a)	Collection of information	AMC1-AR.GEN.425(a)	Collection of information
GM AR.GEN 430 (a)	Qualification of inspectors	AMC1- AR.GEN 430 (a)	Qualification of ramp inspectors Qualification of inspectors Background knowledge and experience
GM AR.GEN.430(b)(1)	Qualification of inspectors	AMC1-AR.GEN.430(b)(1)	Qualification of ramp inspectors Qualification of inspectors Eligibility criteria
AMC 1 to AR.GEN.430(b)(2)	Senior Inspectors	AMC1-AR.GEN.430(b)(2)	Qualification of ramp inspectors Senior ramp inspectors
GM 1 AR.GEN.430(b)(2)	xxx	AMC1-AR.GEN.430(b)(2)	Qualification of ramp inspectors Senior ramp inspectors
GM 2 AR.GEN.430(b)(2)	Initial training requirements	AMC2-AR.GEN.430(b)(3)	Qualification of ramp inspectors Initial training requirements
GM 3 AR.GEN.430(b)(2)	Qualification of the inspector after successful completion of training	AMC3-AR.GEN.430(b)(2)	Qualification of ramp inspectors Qualification of the inspector after successful completion of training
GM 4 AR.GEN.430(b)(2)	xxx	GM1-AR.GEN.430(b)(2)	Qualification of ramp inspectors
AMC 2 AR.GEN.430(b)(2)	Approval of training organisations providing training to ramp inspectors	AMC1-AR.GEN.430(c)	Qualification of ramp inspectors Criteria for the qualification of training organisations providing training to ramp inspectors
XXX	XXX	GM1-AR.GEN.430(c)	Qualification of ramp inspectors Criteria for the qualification of training organisations providing training to ramp inspectors

NPA rule reference	NPA rule title	CRD rule reference	CRD rule title
GM 5 AR.GEN.430(b)(2)	Criteria For Training Organisations	AMC2-AR.GEN.430(c)	Qualification of ramp inspectors Criteria For Training Organisations
GM 6 AR.GEN.430(b)(2)	Checklist for the evaluation of 3rd party Training Organisation	GM2-AR.GEN.430(c)	Qualification of ramp inspectors Checklist for the evaluation of 3rd party Training Organisation
GM 7 AR.GEN.430(b)(2)	Checklist for the Evaluation of Ramp Inspections Training Instructors	GM3-AR.GEN.430(c)	Qualification of ramp inspectors Checklist for the Evaluation of Ramp Inspections Training Instructors
xxx	xxx	AMC4-AR.GEN.430(b)(2)	Qualification of ramp inspectors Checklist On- the-Job Training of Inspectors
AMC 1 AR.GEN.430(b)(2)(i)	Syllabus of theoretical knowledge for ramp inspectors	AMC1-AR.GEN.430(b)(2)(i)	Qualification of ramp inspectors Syllabus of theoretical knowledge for ramp inspectors
AMC 2 AR.GEN.430(b)(2)(i)	Syllabus of practical training for ramp inspectors	AMC2-AR.GEN.430(b)(2)(i)	Qualification of ramp inspectors Syllabus of practical training for ramp inspectors
GM 1 AR.GEN.430(b)(3)	Recurrent training	AMC1-AR.GEN.430(b)(3)	Qualification of ramp inspectors Recurrent training
GM 2 AR.GEN.430(b)(3)	Recency requirements	AMC2-AR.GEN.430(b)(3)	Qualification of ramp inspectors Recent experience requirements
GM AR.GEN.435(d)	Conduct of ramp inspections	AMC1-AR.GEN.435(b)	Conduct of ramp inspections
GM-AR.GEN.435(e)	Unreasonable delay	GM1-AR.GEN.435(b)	Unreasonable delay

(1) transferred to the Cover Regulation

AR.GEN.Section IV - Comments

110. AR.GEN.Section IV received 145 comments on the IRs, 152 comments on the related AMCs and GMs and 34 comments on the Appendices (Appendices 1 to 3 as published with NPA 2009-02d). Comments were made by competent authorities, industry associations, operators and individuals.

The main issues raised in this Section were on the scope (AR.GEN.405), the prioritisation criteria (AR.GEN.420) the conduct of ramp inspections (AR.GEN.435), the categorisation of findings (AR.GEN.440), the grounding of aircraft (AR.GEN.450) and the minimum annual quota (AMC1-AR.GEN.415(c)(1)).

AR.GEN.Section IV - Specific issues

111. The significant changes made to provisions in this Section are discussed below.

112. **AR.GEN.405** "Scope": a number of Member States apply the methodology established in the SAFA Directive when performing ramp inspections on aircraft used by operators they oversee: the so-called "domestic operators". Other Member States indicated that they have a different approach with regard to the oversight of domestic operators or only apply the SAFA methodology partially. These Member States consider that applying Section IV to domestic operators is neither needed nor proportionate and will have a detrimental effect on resources. They believe that inspections should be focusing on "system checks" rather than "output checks", which are considered less effective.

113. Furthermore, they believe that most aircraft of domestic operators are already subject to ramp inspections performed in the EU (Safety Assessment of Community Aircraft - SACA), which they consider a sufficient extra check on the oversight of domestic operators. Although the Agency sees the advantage of a streamlined and harmonised approach with regard to ramp inspections within the EU, the possibility to choose the approach and mechanism for the oversight of domestic operators as laid down in AR.GEN.Section III has its merits. In particular, since the Agency believes that SACA, once implemented properly, can serve as a tool for the oversight of domestic operators, it may replace ramp inspections for the Safety Assessment of National Aircraft (SANA) to a great extent. Therefore the Agency decided to change the scope of this Section by limiting it to aircraft used by third country operators (so called SAFA) or used by operators under the regulatory oversight of any other Member State (so called SACA). The section title was changed accordingly.

114. **AR.GEN.415** "General": This provision underwent editorial changes and was brought in line with AR.GEN.405 and AR.GEN.305.

115. In **AR.GEN.440** "Categorisation of findings" the Level 1 and 2 findings were changed into Category 1, 2 and 3 findings. Many concerns were raised with regard to the change of the Categories 1 to 3 findings as established in the SAFA Directive into Level 1 and 2 findings, which are the ones defined in AR.GEN.Section III. These concerns were repeated in the "ad-Hoc group meeting on "ramp inspections", which was held in Cologne on 29 and 30 June 2010. The main justifications put forward by competent authorities to maintain the current classification system are that the classification of findings as established in the SAFA Directive is more appropriate in the case of product audits, which are a "snapshot" at a particular moment in time, and that therefore this classification better serves the intention of ramp inspections, whereas the general classification (Level 1 and 2) is applicable in the case of a system or process audit. Competent authorities also expressed their concerns on changing a well-established classification system that has proven to be more then adequate.

The Agency believes that for the purpose of the current SAFA inspections the use of three categories of findings is appropriate. However, since the scope of Section IV is wider than the scope of the SAFA Directive and thus will also apply to aircraft used by EU operators, a link between the operator and the aircraft needs to be established in certain cases. Applying two different findings classification schemes (Level 1 and 2 for the operator and Category 1, 2 and 3 for an aircraft) could create difficulties for competent authorities on the one hand and possible confusion for operators on the other.

Nonetheless it is understood that the SAFA system, including the categorisation of findings, has been proven to work. Moreover, the Agency also considers that too many changes in the system at the same time create a heavy burden on both the competent authorities' and operators' resources. Therefore, the Agency decided to introduce the categorisation of findings contained in the SAFA Directive into this Section.

AR.GEN.Section IV – Description of main changes

116. The section title was changed to "Ramp inspections of aircraft of operators under the regulatory oversight of another State", so as to clarify these ramp inspections exclude the inspections to be performed on the operators certified by or having declared their activity to the competent authority.

117. In **AR.GEN.405** "Scope" the term "inspecting authority" was changed into competent authority, because AR.GEN.115 defines that the Member States can designate more than one competent authority (in the final version of the rule AR.GEN.115 is transferred to the Cover Regulation as Article 4). As mentioned under § 112 the scope of this Section was limited to aircraft used by third country operators (SAFA) or used by operators under the regulatory oversight of any other Member State (SACA).

118. In **AR.GEN.410** "Definitions" the definitions on "foreign aircraft" and "foreign operator" were deleted because AR.GEN.405 makes clear to which aircraft this Section applies. In the clean text version of the rule the definitions under AR.GEN.410 have been transferred to the Cover Regulation as Article 2.

119. In **AR.GEN.415** "General" paragraph (a) was brought in line with AR.GEN.305 "Oversight programme". Therefore the reference to the "Spot check procedure" was deleted. AR.GEN.305 requires competent authorities to establish an oversight programme which shall be based on past oversight activities and key risk elements. The Agency therefore considers that the objective of the deleted part of this paragraph is adequately covered in AR.GEN.305.

Paragraph (b) was deleted because "domestic operators" are excluded from the scope of this section. A new (b) was brought in line with paragraph (a). The annual programme will be part of the oversight programme referred to in AR.GEN.305.

Paragraph (d) was transferred to AR.GEN.420 (a) and (c).

GM1-AR.GEN.415 was brought in line with the new scope of this Section and the changes to the reference to the Parts reflect the new rule titles.

AMC1-AR.GEN.415(c)(1) "Minimum annual quota": further to the comments received and based also on the discussions with the competent authorities on the quota of annual inspections, the formula for the calculation of points to be accumulated by a competent authority was revised. Operators will have a different weighting in the calculation of points based on the volume of traffic in the territory of Member States (the formula distinguished between operators with less than 12 landings within a calendar year and those with 12 or more landings). The methodology by which each inspection is valued was also changed to better reflect the particularities of certain ramp inspections by creating an incentive for the inspection of prioritised aircraft or operators, or of operators operating on remote aerodromes or at odd hours, and of new or seldom inspected operators.

120. **AR.GEN.420** "Prioritisation criteria": The last sentence of subparagraph (b)(3)(i) was **downgraded** to **AMC1-AR.GEN.420(b)(2)(i)**. In a new subparagraph (c) a reference to the Community list was included in order to be able to start preparing a prioritisation list after an air safety committee meeting in the context of Regulation (EC) No 2111/2005. The last sentence of (b)(6) has been transferred to AMC1-AR.GEN.305 (b)(1);(c); (d)(1);(g) "Oversight programme".

121. In **AR.GEN.425** "Collection of information" subparagraph (b) was modified. The requirement to use the standard report form as established in Appendix 1 (NPA 2009-02d) was deleted. The competent authority can store the information in a form or format it considers appropriate.

122. In **AR.GEN.430** "Qualification of ramp inspectors" the title was changed and "ramp" was included. In subparagraph (d) a requirement has been added for the Agency to maintain the established training syllabi.

In **AMC2-AR.GEN.430(b)(2)** "Recent Experience" point 3 was modified. The wording "*at least 2 inspections*" was changed into the more general and flexible term "number of inspections" and a new sentence *"The number of supervised inspections* should *not be less than half the number of missed inspections according to the minimum requirement"* was added. The reason for this change is to allow competent authorities to be more precise on the number of supervised inspections that have to be carried out. With the new proposal the competent authority should ensure that half of the number of inspections that are missing to reach the minimum required are carried out under the supervision of a senior inspector.

123. In **AR.GEN.435** "Conduct of ramp inspections" subparagraph (a) was transferred to AR.GEN.Section III (cf. AR.GEN.300), because the Agency considers it should be applicable to inspectors in all areas covered by Part-AR. Subparagraph (b) was changed. The requirement to use the form as established in Appendix 3 was deleted. The competent authority can use the form or format it considers appropriate. However it is still required to use the inventory of items to be checked as listed in Appendix 3 (now as Appendix III to Part-AR).

124. **AR.GEN.440**. "Categorisation of findings" was modified: the reference to level 1 and 2 findings was changed into a reference to Category 1, 2 and 3. Categories 2 and 3 were redefined and brought in line with AR.GEN.350. The Category 1 finding was also redefined and brought in line with the definition of Categories 2 and 3.

125. **AR.GEN.445.** "Follow-up actions on findings" was modified for editorial and clarity reasons and due to the comments received. The follow-up action for the Agency in case of a finding on a third country operator will be defined in the future Subpart AR.TCO.

126. In **AR.GEN.450** "Grounding of aircraft" some text modifications were made. Subparagraph (a) was modified and brought in line with AR.GEN.440. The wording "that the finding would clearly be hazardous to flight safety" is considered redundant and therefore deleted. The description of the Category 3 finding covers the deleted text. The wording "or the person appearing to be in command of the aircraft" was changed into "the operator". The term "commander" was added.

Subparagraph (e) was added to make clear which actions must be taken to lift the grounding if the non-compliance affects the validity of the certificate of airworthiness, taking into account the different authorities responsible for continuing oversight of the aircraft.

127. **AR.GEN.455** "Reporting": subparagraph (a) was brought in line with AR.GEN.435 (a). In subparagraph (b) the reference to the Agency was deleted because the information referred to must be collected by the competent authorities. Subparagraph (c) was aligned with AR.GEN.425 (b). The term "*voluntary*" was deleted from subparagraph (d) to protect and therefore encourage disclosure of safety relevant information.

128. In **AR.GEN.460** "Agency coordination tasks" subparagraph (b)(2)(ii) was deleted because it is considered to be redundant.

129. In **AR.GEN.465** "Annual report" subparagraphs (b) and (c) were deleted because the content is considered to be covered in AR.GEN.470.

130. In **AR**.**GEN.470** "Information to the public" only editorial changes were made.

131. Following a recommendation from the ad-hoc group and in response to stakeholder comments, the following GMs were upgraded to AMC:

- GM-AR.GEN 430(a) "Qualification of inspectors";
- GM-AR.GEN.430(b)(1) "Qualification of inspectors";
- GM-AR.GEN.430(b)(2); "Qualification of inspectors";
- GM3-AR.GEN.430(b)(2) "Qualification of inspectors";
- GM3-AR.GEN.430(b)(2) "Qualification of inspectors";
- GM5-AR.GEN.430(b)(2) "Qualification of inspectors";
- GM7-AR.GEN.425(b)(2) "Checklist on the job training of inspectors"
- GM1-AR.GEN.430(b)(3) "Qualification of inspectors";
- GM2-AR.GEN.430(b)(3) "Qualification of inspectors"; and
- GM-AR.GEN.435(d) "Conduct of ramp inspections".

The corresponding AMC references are indicated in the rule comparison table.

AR.GEN.Section IV – Appendices

NPA rule reference	**NPA rule title**	**CRD rule reference**	**CRD rule title**
Appendix 1	Standard Report Form	Appendix I to Annex 1 Part-AR EASA Form 135	Standard Report Form
Appendix 2	Proof of Ramp Inspection Form	Appendix II to Annex 1 Part EASA Form 136	Proof of Ramp Inspection Form
Appendix 3	Ramp Inspection Report	Appendix III to Annex 1 Part EASA Form 137	Ramp Inspection Report

132. In **Appendix 1 to Part-AR "Standard Report Form**" the National Coordinator's name and signature were deleted because the information will be directly entered into the centralised database.

133. **Appendix 2 "Proof of Ramp Inspection Form"** and **Appendix 3 "Ramp Inspection Report":** the templates were slightly modified for better clarity and consistency with changes made in terminology or in the respective Parts. EASA Form numbers were allocated to each form.

Subpart AR.OPS - Specific requirements related to air operations

134. Subpart OPS of Part Authority Requirements is applicable to commercial operators and non-commercial operators. It defines the application process for an air operator certificate, the approval of leasing and code-sharing arrangements, the specific operations approval procedure and the approval of the minimum equipment list (MEL). This subpart is based on the relevant JAA Joint Implementing Procedures (JIPs) to JAR-OPS.

AR.OPS as amended consists of two sections:

- AR.OPS.Section I: Certification of commercial air operators
- AR.OPS.Section II: Approvals

NPA rule reference	NPA rule title	CRD rule reference	CRD rule title
AR.OPS.020	Record-keeping-Register of operator certificates and declarations	xxx	xxx
AR.OPS.210	Issue of the air operator certificate	AR.OPS.100	Issue of the air operator certificate
AR.OPS.235	Code share arrangements	AR.OPS.105	Code share arrangements
AR.OPS.236	Lease agreements	AR.OPS.110	Lease agreements
AR.OPS.300	Certification procedure	AR.OPS.200	Specific approval procedure
AR.OPS.305	Minimum equipment list	AR.OPS.205	Minimum equipment list approval
AR.OPS.310	Certification Specifications (CS) and individual flight time specification schemes	AR.OPS.210	Local area
xxx	xxx	AMC1-AR.OPS.100	Issue of the air operator certificate
xxx	xxx	GM1-AR.OPS.110	leasing
AMC to AR.OPS.300	Certification procedure - OPS	AMC1-AR.OPS.200	Specific approval procedure - OPS
AMC to AR.OPS.300	Certification procedure - OPS	AMC2-AR.OPS.200	Specific approval procedure - OPS
GM1 to -AR.OPS.305	Minimum equipment list	GM1-AR.OPS.205	Minimum equipment list approval
xxx	xxx	GM1-AR.OPS.210	Local area
AMC to AR.OPS.310	Individual flight time specification schemes	xxx	xxx
GM AR.OPS.310	Individual flight time specification schemes	xxx	xxx

AR-OPS - Comments

135. Subpart OPS received 81 comments on the IRs, 52 comments on the related AMCs and GMs and 25 comments on the AOC and operations specifications (Appendix I to Annex 1 Part Authority Requirements in NPA 2008-22b). Comments were made by competent authorities, industry associations, operators and individuals.

The main issues raised in this Section were on aircraft registration marks, the approval of code share (AR.OPS.105) and lease agreements (AR.OPS.110) and the approval of the MEL (AR.OPS.205).

AR-OPS - Specific issues

136. Significant changes were made to some provisions of this Section. Some modifications are more of an editorial nature or to make the provisions clearer and some were made following the comments received.

137. **AR.OPS.105** "Code share agreements" and **AR.OPS.110** "Lease agreements"

The comments made on code share and leasing were similar to those made to the respective provision in OR.OPS.AOC. A detailed explanation of the changes and the justifications is offered in the Explanatory Note to Part-OR, cf. Subpart OR.OPS Section IV.

Short-term leasing in the event of unforeseen urgent operational circumstances or operational needs for a limited duration is subject to Article 14.4 of Regulation (EC) No 216/2008. ACJ OPS.1.165 provides guidance for the competent authority and the lessee for short-term leasing. In a number of comments it was proposed to include this ACJ. However, after assessing the ACJ it was considered not to be suitable in the current legal framework. Therefore it has been decided to address ACJ OPS.1.165 in a separate rulemaking task.

138. "Appendix VI to Annex 1 Part Authority Requirements"

This new appendix was added to document specific approvals issued to non-commercial operators in a coherent manner. This template is similar to the operations specifications template for commercial operations. It is identified with an EASA Form number (EASA Form 140).

AR.OPS.Section I - Certification of commercial air operators

AR.OPS.Section I - Description of main changes

139. **AR.OPS.020** "Record-keeping - Register of operator certificate and declarations" was deleted because record keeping of the certification and declaration process is covered by AR.GEN.220.

140. In **AR.OPS.100** "Issue of the air operator certificate" no significant text changes were made. From the comments it appeared that it is not clear what is meant by "and general conditions". Therefore the wording "and general conditions" was deleted.

141. **AR.OPS.230** "Changes" was deleted because the Agency considers that the matter of changes is sufficiently covered in AR.GEN.310(c) and (d) and AR.GEN.330.

142. **AR.OPS.105** "Code-share agreements": editorial changes were made and the provision was brought in line with OR.OPS.AOC.115. Also a reference to Regulation 2111/2005 (the Blacklist) was introduced.

143. **AR.OPS.110** "Lease agreements": the provision underwent a major text change. A specific reference to OR.OPS.AOC.100 was added to make it clear which conditions have to be met for dry lease-in of aircraft. Moreover, specific requirements were introduced for the suspension and revocation of the approval of wet lease-in agreements, including a reference to Regulation 2111/2005.

With regard to dry lease-out, a paragraph was added to ensure that the competent authority approving the agreement will coordinate with the competent authority responsible for the oversight of the aircraft in accordance with Regulation (EC) No

2042/2003, if it is not the same authority and that the dry leased-out aircraft is removed from the operator's AOC in good time.

GM1-AR.OPS.110 "Leasing": this GM on dry lease-out clarifies that the reference to Regulation (EC) No 2042/2003 was added to ensure that either regulatory oversight of the aircraft is transferred to the State of the lessee or that the aircraft remains subject to the continuing airworthiness requirements of Regulation (EC) No 2042/2003.

AR-OPS.Section II - Approvals

AR-OPS.Section II - Description of main changes

144. AR.OPS.300 "Certification procedure", now as **AR.OPS.200** "Specific operations approval procedure" was amended to cater for a newly introduced operation specifications template for non-commercial operations (cf. Appendix VI – EASA Form 140).

AMC2-AR.OPS.200 "Specific approval procedure–OPS": point 2 "content of Operator RVSM Application" was transferred to AMC1-SPA.RVSM.105 "RVSM operational approval".

145. AR.OPS.305, now as **AR.OPS.205** "Minimum equipment list approval": the provision was edited to improve clarity. The wording "…and conduct where relevant, an inspection of the organisation" is deleted because the MEL and related maintenance and operations procedures approval is solely a documentary process.

146. A new rule **AR.OPS.210** "Local area" was added. The term "local area" is used in some provisions to provide certain alleviations, for example:

- carriage of documents;
- operational flight plan;
- applicability of Flight Crew training requirements,

147. The radius of this local area shall be determined by the competent authority, depending on the local environment and operating conditions, as mentioned in **GM1-AR.OPS.210**. A new paragraph has therefore been inserted to create the legal basis for the associated prior approval by the competent authority.

148. **AR.OPS.310** "Certification Specifications (CS) and individual flight time specification schemes" and related AMCs: the Authority requirements for Certification Specifications and individual flight time specification schemes will be subject to Rulemaking task OPS.055, therefore, this rule is deleted from the CRD.

AR.OPS – AOC and Operations Specifications

NPA rule reference	NPA rule title	CRD rule reference	CRD rule title
Appendix I to Annex 1 Part-AR	Air Operator Certificate	Appendix IV to Annex 1 – Part-AR EASA Form 138	Air Operator Certificate
	Operations Specifications	Appendix V to Annex 1 Part-AR EASA Form 139	Operations Specifications

149. The AOC template, now as **Appendix IV – EASA Form 138**, is based on the AOC template developed by ICAO.

The template was slightly modified. The expiry date was removed, since the AOC is issued for an unlimited duration. The reference to CAT and non-CAT in the operations

specifications template was moved to the AOC template. This means that the AOC will indicate whether or not the operations carried out under the AOC are CAT.

150. The operations specifications template now as **Appendix V – EASA Form 139**, is also based on the template developed by ICAO. It has undergone some changes. Partly because the scope is wider (all commercial EU operators need to hold an AOC), but also due to changes in terminology, to specific approvals for e.g. Cabin Crew (CC) training and the issuing of CC attestations and changes resulting from the comments received. A section on aircraft registration marks was included.

Subpart AR.FCL – Specific requirements related to Flight Crew Licensing

151. This Subpart of Part Authority Requirements contains the specific requirements related to flight crew licensing. The relevant provisions are based on JAR-FCL and the related JAR-FCL Appendices.

AR.FCL consists of three sections:

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

AR.FCL received 161 comments on the IRs, 54 comments on the related AMCs and GMs and 33 comments on the Standard EASA Licence Format (Appendix II to Annex 1 Part Authority Requirements as published with NPA 2008-22b). Comments were mainly made by competent authorities.

AR.FCL.Section I – General

AR.FCL.Section I – Introduction

152. The first Section in Subpart AR.FCL consists of only one rule paragraph and one related AMC on record keeping, which is based on JAR-FCL 1.535 and related Appendices.

NPA rule reference	**NPA rule title**	**CRD rule reference**	**CRD rule title**
AR.FCL.020	Record-keeping	AR.FCL.120	Record-keeping
AMC 1 AR.FCL.020	Record-keeping	n/a	n/a

AR.FCL .Section I Comments and specific issues

153. Section I of Subpart AR.FCL received 11 comments on the IRs and seven comments on the related AMC. Comments were mainly made by competent authorities.

No significant changes were made to the Implementing Rules of this Section, as no specific issues were raised. Based on the comments received the Agency decided to delete the AMC to AR.FCL.020.

AR.FCL .Section I - Description of main changes

154. **AR.FCL.020** "Record keeping": based on the comment received asking for clarification of the wording used for the records to be required in addition to the records already required in AR.GEN.220, the text was amended to ensure that that the competent authority will keep records not only for details of theoretical knowledge examinations but also for the assessments of the pilot's skill.

The **AMC1 AR.FCL.020** was deleted completely as the storage of such detailed information should not be required. The rule text already provides the necessary framework needed for competent authorities.

AR.FCL Section II - Licences, ratings and certificates

AR.FCL.Section II – Introduction

155. This section within Subpart FCL of Part Authority Requirements contains the procedures for monitoring examiners, the information to be given to examiners as well as several requirements about the procedures for issuing, limiting or revoking a licence, rating or certificate.

The relevant provisions are based on JAR-FCL as well as on the general requirements already provided in subpart AR.GEN.

NPA rule reference	NPA rule title	CRD rule reference	CRD rule title
AR.FCL.200	Procedures for issue and revalidation of a licence, rating or certificate	AR.FCL.200	Procedures for issue, revalidation and renewal of a licence, rating or certificate
AR.FCL.205	Monitoring of examiners	AR.FCL.205	Monitoring of examiners
AR.FCL.215	Validity period	AR.FCL.210	Information for examiners
AR.FCL.220	Procedure for the re-issue of a pilot licence	AR.FCL.215	Validity period
AR.FCL.250	Limitation, suspension and revocation of licences, ratings and certificates	AR.FCL.220	Procedure for the re-issue of a pilot licence
AMC to AR.FCL.205	Monitoring of examiners	AR.FCL.250	Limitation, suspension and revocation of licences, ratings and certificates
n/a	n/a	AMC1- AR.FCL.205	Monitoring of examiners

AR.FCL.Section II – Comments

156. AR.FCL Section II received 117 comments on the IRs and 7 comments on the related AMCs and GMs. Comments were mainly made by competent authorities and industry associations.

The main issues raised in this section were the obligations on competent authorities with regard to the monitoring of examiners and the procedures for the revalidation or renewal of a licence, rating or certificate by examiners.

AR.FCL.Section II – Specific issues

157. Only a few significant changes were made to this section: 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 the authorities to specifically authorise certain examiners for this task.

In AR.FCL.205 “Monitoring of examiners” a list of examiners to be established by the authorities was introduced in order to support the authorities fulfilling their oversight tasks.

AR.FCL .Section II - Description of main changes

158. The first two subparagraphs of **AR.FCL.200** “Procedure for issue, revalidation and renewal of a licence, rating or certificate” were moved to AR.GEN.315 as these issues are applicable to all kind of organisations and not only to ATOs. An additional subparagraph

(c) was added to address the examiner privilege to endorse a revalidation or renewal, based on the changes already introduced with Part-FCL and on the comments received. The competent authorities will be asked to develop appropriate procedures in the case of authorising certain examiners for this task.

No AMCs or GM are included for AR.FCL.200.

159. In **AR.FCL.205** "Monitoring of examiners" again an additional subparagraph was added in order to address the proposals of several commentators to establish some kind of an examiner database. The authorities will be asked to maintain a list of the certified examiners and to publish this list regularly.

The text of AMC to AR.FCL.205 was kept unchanged; it was renumbered **AMC1-AR.FCL.205**.

160. The wording of the rule text in **AR.FCL.210** "Information for examiners" was slightly amended to make clear that the competent authority may issue certain additional information containing safety criteria for examiners if seen as necessary and if these assessments and checks are done in an aircraft. A future rulemaking task will address these issues again as certain elements will be part of the future examiner's manual.

No AMCs or GM are included for AR.FCL.210.

161. **AR.FCL.215** "Validity period" was reviewed and amended in line with the comments claiming that the wording of this provision lacked clarity. The changed rule text clarifies now that the competent authority when issuing or renewing a rating or certificate shall extend the validity period until the end of the month in which the proficiency check or assessment of competence was taken. The examiner, if authorised by the authority, was also added in order to address the changes introduced with Part-FCL and AR.FCL.210.

The Agency decided to delete all the references and explanations in Part-FCL regarding the definition of validity periods as this requirement in AR.FCL.215 will be a general rule for all the licences, ratings and certificates and will not be repeated in Part-FCL or Part-MED. Several Member States asked for a change of the time period given to allow privileges to be exercised after successful completion of the examination but pending the endorsement on the licence. The Agency agrees with this proposal and amended the requirement accordingly. A procedure might be developed which will allow the licence holder to exercise his/her privileges for a maximum period of 8 weeks after successful completion of the examination.

No AMCs or GM are included for AR.FCL.215.

162. **AR.FCL.220** "Procedure for the re-issue of a pilot licence" introduced a requirement asking the competent authority to re-issue a licence after renewal. A comment highlighted that this would create an undesirable administrative burden for competent authorities. The Agency carefully reviewed the issue and came to the conclusion to delete the term "or its renewal".

No AMCs or GMs are included for AR.FCL.220.

163. **AR.GEN.250** "Limitation, suspension and revocation of licences, ratings or certificates" was amended for consistency with the corresponding paragraph in AR.GEN.355. Additionally some editorial and structural changes were introduced. The task for the competent authority to check if the licence of a pilot who is involved in an accident or incident should be limited, suspended or revoked was further specified and introduced as an additional subparagraph.

No AMCs or GMs are included for AR.GEN.250.

AR.FCL Section III - Theoretical Knowledge examinations

AR.FCL.Section III – Introduction

164. This section within Subpart FCL of Part Authority Requirements contains one IR and three AMCs defining the procedures for the theoretical knowledge examinations and the AMCs detailing the procedures to be used by the authorities as well as the duration of a theoretical knowledge examination for commercial licences and the minimum number of questions.

The relevant provisions are based on the JAA FCL JIPs and JAR-FCL.

NPA rule reference	NPA rule title	CRD rule reference	CRD rule title
AR.FCL.300	Examination procedure - General	AR.FCL.300	Examination procedures
AMC to AR.FCL.300	Examination procedure - General	AMC1 -AR.FCL.300	Examination procedures
AMC 1 to AR.FCL.300(b)	Examination procedure for professional licences and instrument ratings Theoretical knowledge examinations – Duration and number of questions	AMC1 - AR.FCL.300(b)	Examination procedures
AMC 2 to AR:FCL.300(b)	Examination procedure for professional licences and instrument ratings Theoretical knowledge examinations – Distribution of questions	AMC1 - AR.FCL.300(b)	Examination procedures

AR.FCL.Section III – Comments and specific issues

165. AR.FCL Section III received 33 comments on the IRs and 40 comments on the related AMCs. Comments were mainly made by competent authorities.

The main issues raised in this Section were the need for a common European question bank and some editorial mistakes were pointed out regarding the number of questions and the duration for specific subjects.

Only a few changes were made to this Section. AR.FCL.300 was slightly amended in order to address some editorial mistakes and to clarify some of the issues highlighted in the comments. It was further included that the questions should be selected from a European Central Question Bank.

AR.FCL.Section III – Description of main changes

166. In subparagraph (b) of **AR.FCL.300** "Examination procedures" the requirement that examinations should be done in a written or computerised form was added, following comments to move this requirement from the AMC into the IR. Several Member States proposed that a common databank managed by the Agency should be introduced with this requirement. The Agency agrees and added that the questions for the examination should be selected "from the European Central Question Bank".

AMC1-AR.FCL.300 was basically kept unchanged. In order to address the comments highlighting that the mentioned list of electronic devices not to be used during an examination should be checked and amended, the text was changed and the additional list of electronic equipment deleted.

Several comments proposed to move the content of AMC1 and AMC2 AR.FCL.300(b) (duration and minimum number of question for the different subjects) to the rule text. The Agency does not agree and will not upgrade these AMCs to the level of an

Implementing Rule. These tables are closely linked with the learning objectives, which need to be updated as necessary. This requires some kind of flexibility which is only given if the documents are published as AMC. Several comments identified changes compared with the JAR-FCL documents (JIPs). The Agency agrees and corrected these editorial mistakes accordingly. It should be pointed out however, that the Agency intends to carry out a total review of all the given numbers by comparing these lists with the reviewed learning objectives as a working item of the future task FCL.002. Based on this decision the maximum number of questions for a certain subject or the duration of the examination was not changed at this stage although requested by some stakeholders.

In line with the AMC numbering convention, the two AMCs were merged into one **AMC1-AR.FCL.300(b)**, as otherwise they could be interpreted as one being an alternative to the other, which is clearly not the case.

AR.FCL – Flight crew licence format

NPA rule reference	NPA rule title	CRD rule reference	CRD rule title
Appendix III to Annex 1 – Part-AR	Standard EASA Licence Format	Appendix VII to Annex 1 – Part-AR EASA Form 141	Standard EASA Licence Format

167. As a general issue it should be highlighted that the Agency decided not to keep the system proposed, which was based on the principle that a pilot can only hold one licence. As this would be too complicated in certain cases, it was agreed to allow that a separate licence for each aircraft category will be issued.

On the cover page of the licence, the title “Joint Aviation Authority” was replaced by the title “European Union”. An „EASA Form 141” standard form number and a separate issue number were added at the bottom of the cover page. In order to ensure a uniform format with the Part-66 licences (Aircraft Maintenance Licences), the relevant Part name “FCL” will be included as part of the licence number. The address was defined as “Address of holder” in item V on page 2.

In comparison with the JAR-FCL format, the level and the validity date of language(s) were added for the language proficiency endorsement(s) in item XIII on page 3. There will be also enough space left for a remark in case of the BLAPL or LAPL licences in order to clarify that these licences are “not issued in accordance with ICAO standards”.

Based one comment received, an additional column “Date of IR test” was added for the entry of a proficiency check date for the revalidation of the class/type rating under IFR on the licence pages 5, 6 and 7.

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 (page 8) and as a guidance for competent authorities and examiners on how to issue/revalidate/renew ratings in the licence.

Subpart AR.CC – Specific requirements related to cabin crew (CC)

168. Subpart CC contains the specific requirements related to cabin crew and the cabin crew attestation referred to in Article 8 points (4) and (5)(e) of Regulation (EC) No 216/2008. The cabin crew attestation required to be hold by cabin crew operating on aircraft involved in commercial air transport is a notable change compared to the Attestation of

Initial safety training required by EU-OPS[16]. Article 8(5)(e) requires conditions to be specified for its validity and use, meaning a process to ensure compliance with the rules under the responsibility of the competent authority.

This subpart consists of two sections:

Section I – Organisations providing cabin crew training or issuing cabin crew attestations;

Section II – Cabin crew attestations.

AR.CC received 95 comments on the implementing rules (IRs), 14 comments on the only AMC and 20comments on the Standard EASA Format for Cabin crew attestations (Appendix V to Annex 1 to Part-AR as published in NPA 2009-02d).

AR.CC – Section I - Organisations providing cabin crew training or issuing cabin crew attestations

AR.CC.Section I – Introduction

169. Section I consists of only one rule paragraph and one related AMC on the approval of organisations by the competent authority to provide cabin crew training (in particular that required by Part-CC), and/or to issue the related cabin crew attestations on behalf of that authority.

NPA rule reference	NPA rule title	CRD rule reference	CRD rule title
AR.CC.100	Approval of organisations providing cabin crew training	AR.CC.100	Approval of organisations to provide cabin crew training or to issue cabin crew attestations
xxx	xxx	AMC1-AR.CC.100(b)	Approval of organisations to provide cabin crew training or to issue cabin crew attestations
AMC to AR.CC.100	Approval of organisations providing cabin crew training	xxx	xxx

AR.CC.Section I – Comments and specific issues

170. Section I received 31 comments on the IR and 14 comments on the related AMC that specified criteria for assessing the training methods and devices to be used by the organisations to be approved.

Operators and two Member States requested to align with EU-OPS, considering that the attestation should only be an evidence of initial safety training. Some comments even requested to delete the entire subpart.

Many comments from Member States and also from industry and crew organisations shared the view that criteria should be developed at EU level for the approval of training organisations, as well as for training devices and for qualifications of instructors.

A few comments suggested establishing a centralised register of approved training organisations. Comments from cabin crew associations recommended that cabin crew attestations should only be issued by competent authorities and that the NPA text needed to be reinforced to secure the reliability of the attestation process.

[16] REGULATION (EC) No 1899/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 12 December 2006 amending Council Regulation (EEC) No 3922/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation.

171. Taking into account the wide diversity of the comments, the following specific issues were identified:

- the significant differences in the understanding of the objective foreseen by the legislator in this field, particularly as regards the nature and scope of the cabin crew attestation; as follows
  - o part of the comments requesting not to regulate beyond EU-OPS;
  - o the others comments agreeing in principle with the approach proposed in NPA 2009-02 for harmonisation including an attestation process; and
- conversely, the widely shared view on the need for developing at EU level standards for training organisations, as well as for instructors and training devices.

AR.CC.Section I - Description of main changes

172. **AR.CC.100** has therefore been amended mainly for clarity and consistency purposes, including with the transfer of former (c) of AR.CC.200 into AR.CC.100 as new point (b).

A substantial change has however been made to (d) on personnel conducting examination/checking. Although there is a general principle that examiners should not be the persons that conducted the training in order to avoid conflict of interest, serious concerns were expressed. Subparagraph (d) has therefore been amended and, as a result, one new AMC (**AMC1-AR.CC.100(b)**) has been developed to provide flexibility as requested by comments whilst ensuring that adequate alternative measures will be put in place.

Moreover, after further analysis, the Agency came to the conclusion that Regulation (EC) No 216/2008 provided a legal basis to develop requirements for air operators, but that this was not the case for cabin crew training organisations. This is why the former AMC to AR.CC.100 proposed in the NPA to specify criteria for training methods and devices has been transferred, after consultation of the review group, into Part-OR Subpart OPS for operators (AMC1-OR.OPS.CC.115 Conduct of training courses and associated checking).

Nevertheless, the Agency took note that there is broad consensus on the need for EU standards for training organisations, devices and instructors, considering it as an issue which would deserve consideration by the legislator. This would require a change of the Basic Regulation. Until such time, training organisations will not benefit from the common market and harmonisation of approval requirements.

Further details on the comments received and the related responses by the Agency can be found in the comment response summary table (CRST) (CRD c.2).

AR.CC.Section II - Cabin crew attestations

AR.CC.Section II – Introduction

173. Section II consists of three rule paragraphs on the issue, format and specifications of cabin crew attestations and the measures to be taken, including suspension or revocation, in case of non-compliance with the rules.

NPA rule reference	**NPA rule title**	**CRD rule reference**	**CRD rule title**
AR.CC.200	Procedures for the issue of a cabin crew attestation	AR.CC.200	Procedures for the issuance of a cabin crew attestation
AR.CC.205	Format and specifications for cabin crew attestations	AR.CC.205	Format and specifications for cabin crew attestations
AR.CC.215	Limitation, suspension or revocation of cabin crew attestations	AR.CC.215	Suspension or revocation of cabin crew attestations

AR.CC.Section II – Comments and specific issues

174. Section II received 61 comments, from Member States as well as from various sources of the industry. Those comments show the same diversity of views as already described for Section I, meaning that the same specific issues were raised, as mentioned above.

AR.CC.Section II - Description of main changes

175. **AR.CC.200 "**Procedures for the issue of a cabin crew attestation": several editorial changes have been made for clarity and consistency purposes, including, as mentioned above, the transfer of former (c) as (b) to AR.CC.100.

176. **AR.CC.205** "Format and specifications for cabin crew attestations": this rule is maintained as proposed in the NPA.

177. **AR.CC.215 "**Limitation, suspension or revocation of cabin crew attestations": the cases for taking such measures have been simplified as recommended by the comments, in particular with the deletion of (a)(5) on the written request by the holder considered as unnecessary by several comments, as well as of the case for a limitation covered under former (d) which has also been deleted.

Taking into account the concerns expressed by the Member States and as limitations are actually restricted to specific medical conditions already covered in Part-MED and depending on a decision by the AME or occupational health medical practitioner, it was considered acceptable not to directly involve the authority. This does not mean that individual cabin crew attestation holders are denied their rights for a second opinion and/or of appeal in accordance with national administrative law.

Furthermore, several Member States also expressed doubts and/or concerns on how to deal with suspension or revocation of an attestation that could be issued by an approved organisation. Regulation (EC) No 216/2008 indeed leaves to the Member State the choice to delegate the task (but not the responsibility) of issuing the attestations. Approved organisations act therefore in such cases on behalf of the authority. Consistently, deciding to take measures such as suspension or revocation is and remains the responsibility of competent authorities as part of their oversight function in accordance with AR.GEN.355.

No AMC or GM was developed for this section.

AR.CC - Cabin crew attestations

NPA rule reference	NPA rule title	CRD rule reference	CRD rule title
Appendix V to Annex 1 – Part-AR	Standard EASA format for Cabin crew attestations	Appendix VIII to Annex 1 – Part-AR EASA Form 142	Standard EASA format for Cabin crew attestations

178. The standard format proposed in the NPA and the related specifications received 20 comments, from Member States and industry.

In addition to the same views already described for Sections I and II, and repeated for this Appendix, concerns relating to the issue of this new attestation were expressed, requesting that the format of the EU-OPS attestation of initial safety training be kept. This could not be accepted as the cabin crew attestation is different in nature and scope and cannot therefore be the same. However, most of the concerns related to the issuing of this new attestation should be addressed by the transition measures specified in the Cover Regulation.

As requested in the comments received, the format proposed in the NPA has been significantly revised to be simplified and clarified, even though the content remains very similar. Details are precisely described in the CRST (CRD c.2).

Another important objective of these changes was to develop a format that facilitates recognition across the EU and is easy to carry. This is why the size already used in the EU for many official documents is now specified, which should also improve the standardisation process, thus in accordance with the objectives set by Regulation (EC) No 216/2008.

Subpart AR.ATO – Specific requirements related to approved training organisations (ATOs)

179. This Subpart provides the specific authority requirements for ATOs and qualification requirements for FSTDs. The procedures for the approval of an ATO are based on JAR-FCL and associated JIPS, but now introduce the continued validity of certificates.

AR.ATO received 36 comments on the IRs, 54 comments on the related AMCs and GMs and one comment on the training course/approval schedule for ATOs (Appendix I to Annex 1 Part Authority Requirements as published with NPA 2008-22b).

AR.ATO consists of two sections:

- Section I – General;
- Section II – FSTD qualifications;

AR.ATO.Section I – General

AR.ATO.Section I – Introduction

180. This general Section within Subpart ATO of Part Authority Requirements defines specific requirements for the competent authorities related to approved training organisations.

The relevant provisions are based on the Appendices 1a to JAR-FCL 1.055 and 1a to JAR-FCL 2.055. The text in AR.ATO.120 (Record Keeping) is also based on AR.GEN.220 whereas the requirement in AR.ATO.105 (Oversight Programme) has to be seen in the context of the general requirements on the oversight programme for all organisations in AR.GEN.305.

NPA rule reference	**NPA rule title**	**CRD rule reference**	**CRD rule title**
AR.ATO.020	Record-keeping	AR.ATO.120	Record-keeping
AR.ATO.105	Monitoring of activities - ATOs	AR.ATO.105	Oversight programme
AMC to AR.ATO.020	Record keeping - FSTDs	AMC1-AR.ATO.120	Record keeping - FSTDs
xxx	xxx	AMC1-AR.ATO.105	Oversight programme

AR.ATO.Section I Comments

181. AR.ATO.Section I received 21 comments on the IRs and 19 comments on the related AMCs. Comments were made by competent authorities, industry (associations) as well as by individual stakeholders. The main issues raised in this section were the items to be included in the oversight programme of ATOs.

AR.ATO.Section I - Specific issues

182. No specific issues were raised; consequently no significant changes were introduced. To align with changes introduced in AR.GEN, the title of the requirement in AR.ATO.105 was amended and is now “Oversight Programme” and to comply with the rule numbering convention AR.ATO.020 was renumbered AR.ATO.120.

AR.ATO.Section I - Description of main changes

183. In AR.ATO.105 the issue raised by the commentators that the use of a training aircraft with only two seats might not allow the sampling of training flights for the purpose of competent authority oversight was taken into account and the text reworded to clarify the issue.

A new **AMC1-AR.ATO.105** was added. This AMC was developed on the basis of the AMC to AR.GEN.300 (a) "Continuing Oversight – ATO". It specifies in detail the items to be checked by the authority during an ATO audit or inspection.

184. AR.ATO.120 "Record keeping" was amended in (b) in order to clarify the terminology used for the use of flight simulation training devices. It should be mentioned that for FSTDs the Agency decided to initiate a new rulemaking task in order to align all the IRs, the CSs and AMCs with the new ICAO document 9625.

185. The text of AMC AR.ATO.020 containing the details for records relating to FSTDs was kept unchanged, the reference was updated (AMC1-AR.ATO.120).

AR.ATO.Section II – Flight Simulation Training Device (FSTD) Qualifications

AR.ATO.Section II – Introduction

186. This Section describes the main duties of the competent authority upon receiving an application for an FSTD qualification. It describes the assessment process leading to the issue of an FSTD qualification 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. The section is based on JAR-FSTD A and H and the Joint Implementation Procedures (JIP) for JAR-STD (included in the JAA Administration and Guidance Material, Section Six: Synthetic Training Devices (STD), Part Two: Procedures).

NPA rule reference	**NPA rule title**	**CRD rule reference**	**CRD rule title**
AR.ATO.200	Initial evaluation procedure	AR.ATO.200	Initial evaluation procedure
AR.ATO.210	Issue of a FSTD qualification certificate	AR.ATO.210	Issue of an FSTD qualification certificate
AR.ATO.220	Continuation of a FSTD qualification	AR.ATO.220	Continuation of an FSTD qualification
AR.ATO.230	Changes	AR.ATO.230	Changes
AR.ATO.235	Findings and corrective actions - FSTD qualification certificate	AR.ATO.235	Findings and corrective actions - FSTD qualification certificate
AMC 1 to AR.ATO.200(a)(1)	Initial evaluation procedure - Assessment Process leading to the issue of a FSTD qualification	AMC1-AR.ATO.200(a)(1)	Initial evaluation procedure - Assessment Process leading to the issue of a FSTD qualification
AMC 2 to AR.ATO.200(a)(1)	Initial evaluation procedure - General	AMC2-AR.ATO.200(a)(1)	Initial evaluation procedure - General
AMC 3 to AR.ATO.200(a)(1)	Initial evaluation procedure - Initial evaluation	AMC3-AR.ATO.200(a)(1)	Initial evaluation procedure - Initial evaluation

NPA rule reference	**NPA rule title**	**CRD rule reference**	**CRD rule title**
AMC 4 to AR.ATO.200(a)(1)	Initial evaluation procedure – Composition of the evaluation team	AMC4-AR.ATO.200(a)(1)	Initial evaluation procedure – Composition of the evaluation team
AMC 5 to AR.ATO.200(a)(1)	FSTD Evaluation Report	AMC5-AR.ATO.200(a)(1)	FSTD Evaluation Report
GM to AR.ATO.200(a)(1)	Initial evaluation procedure - Initial evaluation	GM1-AR.ATO.200(a)(1)	Initial evaluation procedure - Initial evaluation
AMC to AR.ATO.200(a)(3)	Initial evaluation procedure - Functions and Subjective Tests – Suggested Test Routine	AMC1-AR.ATO.200(a)(3)	Initial evaluation procedure - Functions and Subjective Tests – Suggested Test Routine
GM to AR.ATO.200(a)(3)	Initial evaluation procedure	GM1-AR.ATO.200(a)(3)	Initial evaluation procedure
AMC to AR.ATO.210	Issue of a FSTD qualification certificate - Basic Instrument Training Device (BITD)	AMC1-AR.ATO.210	Issue of an FSTD qualification certificate - Basic Instrument Training Device (BITD)
AMC to AR.ATO.220	Continuation of a FSTD qualification – Recurrent Evaluations	AMC1-AR.ATO.220	Continuation of an FSTD qualification – General
xxx	xxx	AMC2-AR.ATO.220	Continuation of an FSTD qualification - composition of the evaluation team
AMC 1 to AR.ATO.230	Changes	xxx	xxx
AMC 2 to AR.ATO.230	Changes	AMC1-AR.ATO.230	Changes
xxx	xxx	GM1- AR.ATO.230	Changes
AMC 1 to AR.ATO.235	Findings and corrective actions – FSTD qualification certificate	AMC1-AR.ATO.235	Findings and corrective actions – FSTD qualification certificate
AMC 2 to AR.ATO.235	Suspension, revocation or limitation of a FSTD qualification certificate – Suspension	AMC2-AR.ATO.235	Suspension, revocation or limitation of a FSTD qualification certificate – suspension and limitation
AMC 3 to AR.ATO.235	Suspension, revocation or limitation of a FSTD qualification certificate – Revocation	AMC3-AR.ATO.235	Suspension, revocation or limitation of a FSTD qualification certificate – Revocation

AR.FCL.Section II – Comments

187. AR.ATO Section II received 23 comments on the IRs, five comments on the FSTD qualification certificate and 53 comments on the related AMCs and GM.. Comments were made by competent authorities, associations, FSTD operators, FSTD manufacturers, FSTD users and individuals. Most of the commentators asked for more clarification and guidance within the different sections. Concerns have been raised by the FSTD operators and FSTD users regarding the qualification of inspectors from the competent authorities being in charge of FSTD evaluations with special regard to the correct classification of findings in relation to the training provided.

AR.ATO.Section II – Specific issues

188. The term *ATO* was replaced by *organisation* whenever the rules, AMCs or GMs are related to the operation of FSTD only. By this change also those FSTD operators are addressed who do not provide training programmes. If an ATO operates an FSTD, the rules for those organisations are a part of the rules they have to comply with as an ATO.

AR.ATO.Section II - Description of main changes

189. AR.ATO.200 "Initial evaluation procedure": subparagraph (c)(3), dealing with the notification of special conditions, was deleted after internal review because it seems to be too prescriptive, it does not cover all possibilities, and the way the paragraph is written seems to indicate that the Agency will initiate a new rulemaking task every time that a special condition is notified. It would be easier to have a yearly task, for instance to update a CS with all special conditions identified instead of several smaller rulemaking tasks.

AMC1-AR.ATO.200(a)(1) "Initial evaluation procedure": 2.a. was modified to clarify for organisations operating FSTD against which version of CS a new FSTD will be qualified when contracted to be built.

AMC4-AR.ATO.200(a)(1) "Initial evaluation procedure": 1.c., addressing a designee as a substitute for one of the competent authority's inspectors, was reinstated after being omitted unintentionally when transferring from JAR-FSTD to Part AR.

Point 5. of this AMC, addressing a reduced evaluation team, was moved to a new AMC2-AR.ATO.220 being applicable to recurrent evaluations only.

AMC5-AR.ATO.200(a)(1) "Initial evaluation procedure": the FSTD evaluation report form as described in this AMC was modified to cover all types of FSTD for aeroplanes and helicopters. As a guidance material for organisations receiving the evaluation report point 5.2 (period of rectification) was added, referring to AMC2-AR.ATO.200(a)(1) 2, since this reminder turned out to be beneficial.

190. **GM1-AR.ATO.230** "Changes": this material related to changes on already qualified ("old") FSTDs was added to give guidance to the competent authority on how new systems or equipment can be evaluated if not covered by the original qualification basis for the device.

Training /Course(s) – Approval schedule for approved training organisations

NPA rule reference	NPA rule title	CRD rule reference	CRD rule title
Appendix I to Annex 1 – Part-AR	Training /Course(s) – Approval schedule for approved training organisations	Appendix IX to Annex 1 – Part-AR EASA Form 143	Certificate for Approved Training Organisations with training course approval form

191. It was decided after consultation with the review group and taking into account that the EASA Standard Organisation Approval Certificate is not maintained, to create a separate ATO Approval Certificate, with an attached Course Approval Form. The basis used for these were the JAA Form 153 FTO/TRTO Approval Certificate, and EASA.147 Approval Certificate with attached Approval Schedule, now referred to as 'Training Course Approval.

In response to the only comment on the training course approval schedule, from a competent authority, 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 listing the training course and the corresponding FSTDs. In the future, additional guidance material will be provided to assist competent authorities in determining the exact reference of each training course to be stated on the course approval, so as to ensure effective control on any changes in the use of the FSTD that may have an impact on the training course. This guidance should clearly indicate that any training course is identified in conjunction with the related syllabus and breakdown and that the course and the conditions this course meets as to its syllabus and breakdown as required by the Essential Requirements (Basic Regulation, Annex III, paragraph 1.h.2) be identified in the approval form.

The ATO certificate and attached course approval form are now identified as EASA Form 143.

AR.ATO - Flight simulation training device qualification certificate

NPA rule reference	**NPA rule title**	**CRD rule reference**	**CRD rule title**
Appendix II to Annex 1 – Part-AR	Flight simulation training device qualification certificate	Appendix X to Annex 1 – Part-AR EASA Form 145	Flight simulation training device qualification certificate

192. The reference to CS has been deleted because the qualification basis could be another document (JAR-FSTD, JAR-STD or even FAA AC120-40A or B for "grandfathered" devices). It is sufficient to refer to the qualification requirements prescribed in Part-OR.

A table listing the training, testing and checking considerations has been added to the qualification certificate enabling the holder of the certificate to provide any user of the device with information proved by the qualifying competent authority. EASA Form number 145 was allocated to the qualification certificate.

Subpart AR.AeMC – Specific requirements related to aero-medical centres (AeMCs)

193. While all rules and AMC material provided in AR.GEN apply to competent authorities, Subpart AR.AeMC provides additional rules on the certification procedure of aero-medical centres and the corresponding EASA standard aero-medical centre certificate. These paragraphs are new because neither JAR-FCL 3 nor ICAO Annex I contain provisions to this effect.

AR.AeMC consists of only one section: Section I – General.

AR.AeMC.Section I – Introduction

194. Subpart AeMC consists of 2 IRs, with no related AMCs or GMs:

NPA rule reference	**NPA rule title**	**CRD rule reference**	**CRD rule title**
AR.AeMC.005	Continuing oversight and monitoring of activities	xxx	xxx
AR.AeMC.010	Certification procedure	AR.AeMC.110	Initial certification procedure
xxx	xxx	AR.AeMC.150	Findings and corrective actions - AeMC

AR.AeMC.Section I – Comments

195. AR.AeMC received 13 comments on the IRs and one comment on the AeMC approval schedule (Appendix I to Annex 1 Part Authority Requirements in the NPA). Comments were mainly raised by competent authorities.

AR.AeMC.Section – Specific Issues

196. No specific issues were raised to this Subpart.

AR.AeMC.Section - Description of main changes

197. Paragraph **AR.AeMC.005** on continuing oversight and monitoring of activities was deleted as all issues to this effect are covered in AR.GEN.305.

198. In AR.AeMC.010, now **AR.AeMC.110** the title was changed to “Initial certification procedure” and “inspection” was replaced by “audit”, for consistency with changes made in AR.GEN.

199. Paragraph AR.AeMC.050, now renumbered **AR.AeMC.150** to ensure consistency within the document, was amended to allow level 1 findings also on issues not mentioned in the list of these findings. This change was made following the review of comments and discussions with the review group where it was stated that level 1 findings should not be limited to only three that are mentioned in this paragraph.

AR.AeMC – Certificate for aero-medical centres

NPA rule reference	NPA rule title	CRD rule reference	CRD rule title
Appendix I to Annex 1 – Part-AR	Approval Schedule for Aero-medical Centres (AeMCs)	Appendix XI to Annex 1 – Part-AR EASA Form 146	Certificate for aero-medical centres (AeMCs)

Subpart AR.MED – Specific requirements related to aero-medical certification (MED)

200. Subpart AR.MED provides additional rules complementing AR.GEN with specific requirements for competent authorities for aero-medical certification. It consists of three sections:

- Section 1 – General;
- Section 2 - Aero-medical examiners; and
- Section 3 - Medical certification.

Subpart AR.MED also contains two Appendices addressing the AeMC certificate and the standard EASA medical certificate for pilots respectively. Acceptable means of compliance that complement Section I of this Subpart provide the forms to be used for the application for a medical certificate and the medical examination report forms.

AR.MED.Sections I, II and III – Introduction

Several paragraphs of this Subpart were renumbered for consistency reasons regarding the complete document. All paragraph numbers mentioned in this part of the EN refer to the new numbers.

NPA rule reference	NPA rule title	CRD rule reference	CRD rule title
AR.MED.020	Medical assessor	AR.MED.120	Medical assessors
AR.MED.025	Referral to the competent authority	AR.MED.125	Referral to the licensing authority
AR.MED.030	Medical certificate format	AR.MED.130	Medical certificate format
xxx	xxx	AR.MED.135	Aero-medical forms
xxx	xxx	AR.MED.145	GMP declaration to the competent authority
AR.MED.120	Record-keeping	AR.MED.150	Record-keeping
AR.MED.200	Procedure for the issue of an AME certificate	AR.MED.200	AR.MED.200 Procedure for the issue of an aero-medical examiner (AME) certificate
AR.MED.230	Changes – approved AMEs	xxx	xxx
AR.MED.240	General Medical Practitioners (GMP) acting as AMEs	AR.MED.240	General medical practitioners (GMPs) acting as aero-medical examiners (AMEs)
AR.MED.245	Monitoring of AME and GMP	AR.MED.245	Continuing oversight of aero-medical examiners (AMEs) and general medical

NPA rule reference	**NPA rule title**	**CRD rule reference**	**CRD rule title**
			practitioners (GMPs)
AR.MED.250	Limitation, suspension and revocation of an aero-medical examiner's certificate–	AR.MED.250	Limitation, suspension and revocation of an aero-medical examiner's certificate–
AR.MED.255	Enforcement measures and penalties	AR.MED.255	Enforcement measures
AR.MED.315	Review of examination reports	AR.MED.315	Review of examination reports
AR.MED.320	Issuance and removal of limitation(s) to medical certificates	xxx	xxx
AR.MED.325	Secondary review policy	AR.MED.325	Secondary review procedure
AMC to AR.MED.020	Medical assessor	AMC1-AR.MED.120	Medical assessors – experience and knowledge
xxx	xxx	AMC2-AR.MED.120	Medical assessors – tasks
AMC to AR.MED.025	Referral to the competent authority	AMC1-AR.MED.125	Referral to the licensing authority
xxx	xxx	AMC1-AR.MED.135	Aero-medical forms – standard forms

AR.MED.Sections I, II and III – Comments

201. AR.MED received 122 comments on the IRs, 32 comments on the related AMCs and 30 comments on the standard EASA medical certificate format.

The main issues raised were record keeping with regard to medical confidentiality, the EASA medical certificate form and the involvement of the licensing authority with regard to medical certification.

AR.MED.Sections I, II and III – Specific Issues

202. Several comments asked to establish a central data base in EASA to register individual pilots who were assessed as long-term unfit. The reason for such a database would be to prevent pilots who were assessed as long-term unfit to try to get a medical certificate in another Member State by hiding medical facts that led to the unfit assessment. This proposal was not accepted for the time being but may be discussed at a later stage.

203. Regarding the text in NPA 2008-22b there are three main issues in this Subpart:

1. AR.MED.125 “Referral to the licensing authority” and AR.MED.315 “Review of examination reports”;
2. AR.MED.150 “Record keeping”; and
3. Standard EASA medical certificate.

One National Authority and competent authorities designated by the same Member State were strongly against sending medical examination reports to the licensing authority and against any referrals of medical cases for decision on fitness of a pilot by the licensing authority. The commentators claim that problematic medical cases are better placed with an AeMC than with the medical assessor of the licensing authority and that data protection laws forbid sending medical data to an authority. This view is supported by all

stakeholders (AMEs, AeMCs and pilots) of that Member State and corresponding comments have also been made to Part-MED. No substantial changes were made to these paragraphs as they are based on JAR-FCL 3 and ICAO Annex 1 and correspond to international practice.

The licensing authority may make medical records of individual pilots available to AMEs, to other licensing authorities, to the Agency for standardisation purposes and to research institutes. The wording of this paragraph was considered as being too open and data protection regarding medical confidentiality could be impaired. A significant change was made to this paragraph saying that records may only be released after written consent of the pilot and that de-identification of the licence holder is required in cases where the file is needed for reasons other than medical certification.

AR.MED.Section I - Description of main changes

204. Following comments a new paragraph **AR.MED.135** "Aero-medical forms" was added to indicate that the forms in new AMC1 to this paragraph should be used by pilots for the application of a medical certificate and by AMEs, AeMCs and GMPs to document the results of the aero-medical examinations (examination form). These forms correspond to the ones in JAR-FCL 3 for class 1 and class 2 medical certificates and the examination form was adapted to be used for LAPL medical examinations.

AR.MED.Section II - Description of main changes

205. **AR.MED.200** "Procedure for the issue of an AME certificate" was not significantly amended but it should be mentioned that some commentators requested to delete the requirement to inspect an AME practice prior to certification. This was not accepted, so as to remain in line with the certification and oversight provisions in AR.GEN.Section III.

206. **AR.MED.255** "Enforcement measures": this paragraph was reworded to state that medical certificates issued by an AME or GMP with whom non-compliance has been found shall not be rendered invalid automatically but be reviewed by the licensing authority and rendered invalid only where required for reasons of flight safety.

207. Deletions of paragraphs:

Two paragraph and three subparagraphs were deleted from AR.MED:

AR.MED.230 "Changes - approved aero-medical examiners": deleted because specific changes that would need prior approval could not be identified.

AR.MED.240 "General medical practitioners acting as AMEs": subparagraph (c) was deleted because it does not enhance clarity.

AR.MED.245 "Continuing oversight of AMEs and GMPs": subparagraph (a) was deleted because the issue is sufficiently covered in AR.GEN.305.

AR.MED.Section III - Description of main changes

208. AR.MED.315 "Review of examination reports": subparagraph (c) was deleted because the issue of limiting, suspending or revoking of medical certificates is sufficiently covered in MED.A.065.

209. AR.MED.320 "Issuance and removal of limitations": this paragraph was deleted because the issue is considered to be sufficiently covered in MED.A.045.

AR.MED - Standard EASA medical certificate format

NPA rule reference	NPA rule title	CRD rule reference	CRD rule title
Appendix IV to Annex 1 – Part-AR	Standard EASA Medical Certificate Format	Appendix XII to Annex 1 – Part-AR EASA Form 147	Standard EASA medical certificate format

210. The medical certificate format triggered many comments, including the proposal to move the form to an AMC. The main issue was the certificate number, how to address the different validity periods of an individual certificate and additional information (examination dates) contained in the form. The form was adapted following comments. However, not all comments could be taken into account.

Appendices to Part-AR

211. The following tables list the documents included in the Appendices to Part-AR, as published with NPA 2008-22 and NPA 2009-02 respectively and as amended. Except for the EASA standard organisation approval certificate, all comments related to the different forms were addressed together with the comments to the related Subparts.

An EASA Form number was allocated to each form. The numbering order corresponds to the order of Subparts as defined in the rule structure (cf. Annex II, left to right).

Part-AR Appendices as published with the NPAs		
Reference	*Title*	*Related Subpart*
Appendix I-1 to PART-AR	EASA Standard Organisation Approval Certificate	GEN
Appendix I-2 to PART-AR	Training Course(s) – Approval Schedule for ATOs	ATO
Appendix I-3 to PART-AR	Approval schedule for AeMCs	AeMC
Appendix I-4 to PART-AR	Air Operator Certificate	OPS
Appendix I-4 to PART-AR	Operations specifications	OPS
Appendix II to PART-AR	FSTD Qualification Certificate	ATO
Appendix III to PART-AR	EASA Standard Licence Format	FCL
Appendix IV to PART-AR	Standard EASA Medical Certificate	MED
Appendix V to Part-AR	Standard EASA format for Cabin Crew attestation	CC
Appendix 1 to PART-AR	Standard Report Form	GEN.Sec.IV
Appendix 2 to PART-AR	Proof of Ramp Inspection Form	GEN.Sec.IV
Appendix 3 to PART-AR	Ramp Inspection Report	GEN.Sec.IV

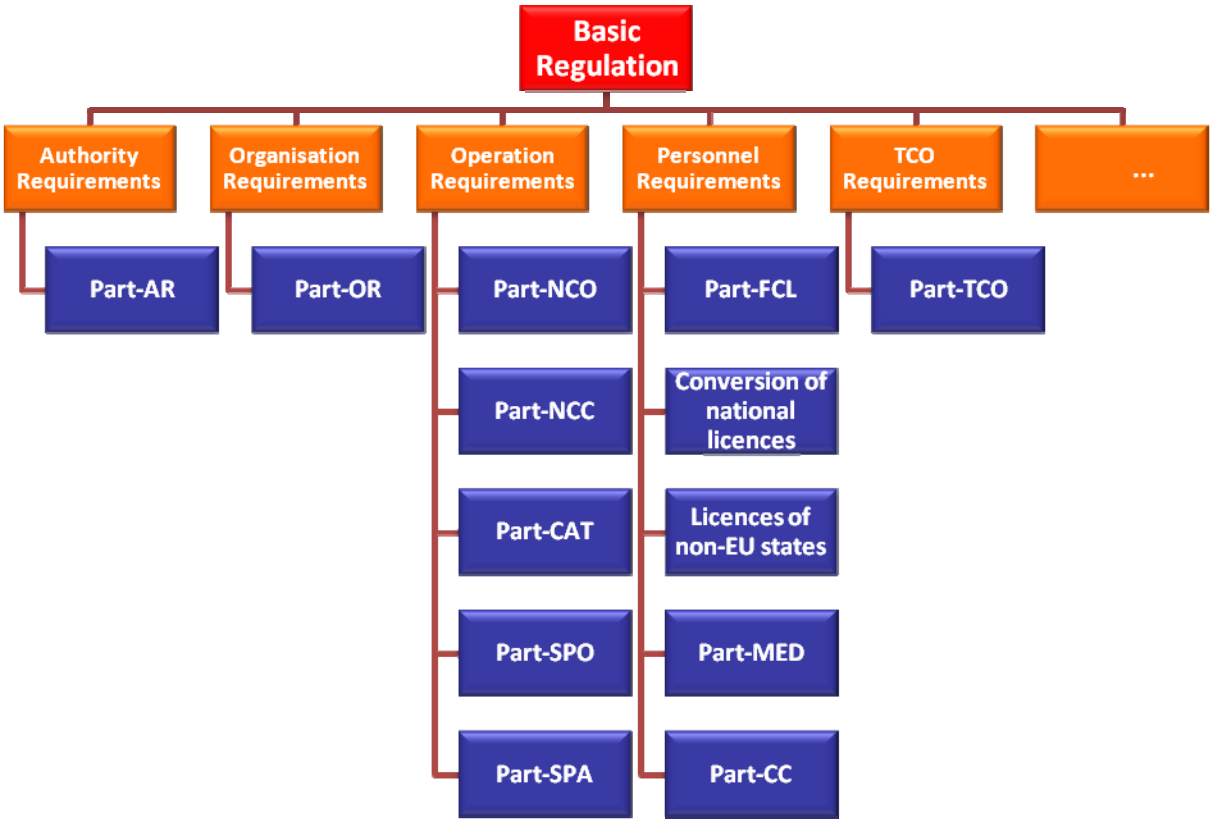
Part-AR Appendices as amended		
EASA Form number	*Title*	*Related Subpart*
Appendix I to Part-AR EASA Form 135	Standard Report Form	GEN.Sec.IV
Appendix II to Part-AR EASA Form 136	Proof of Ramp Inspection Form	GEN.Sec.IV
Appendix III to Part-AR EASA Form 137	Ramp Inspection Report	GEN.Sec.IV
Appendix IV to Part-AR EASA Form 138	Air Operator Certificate	OPS
Appendix V to Part-AR EASA Form 139	Operations Specifications	OPS
Appendix VI to Part-AR EASA Form 140	List of specific approvals (non-commercial)	OPS
Appendix VII to Part-AR EASA Form 141	Flight Crew Licence Format	FCL
Appendix VIII to Part-AR EASA Form 142	Standard EASA format for Cabin crew attestations	CC
Appendix IX to Part-AR EASA Form 143	Certificate for Approved Training Organisations with training course approval form	ATO
Appendix X to Part-AR EASA Form 145	FSTD Qualification Certificate	FSTD
Appendix XI to Part-AR EASA Form 146	Certificate for aero-medical centres (AeMCs)	AeMC
Appendix XII to Part-AR EASA Form 147	Standard EASA Medical Certificate Format	MED

Details of changes made to each form are provided in the paragraphs on the related Part-AR Sections and Subparts of this note.

Annex II to the Explanatory Note

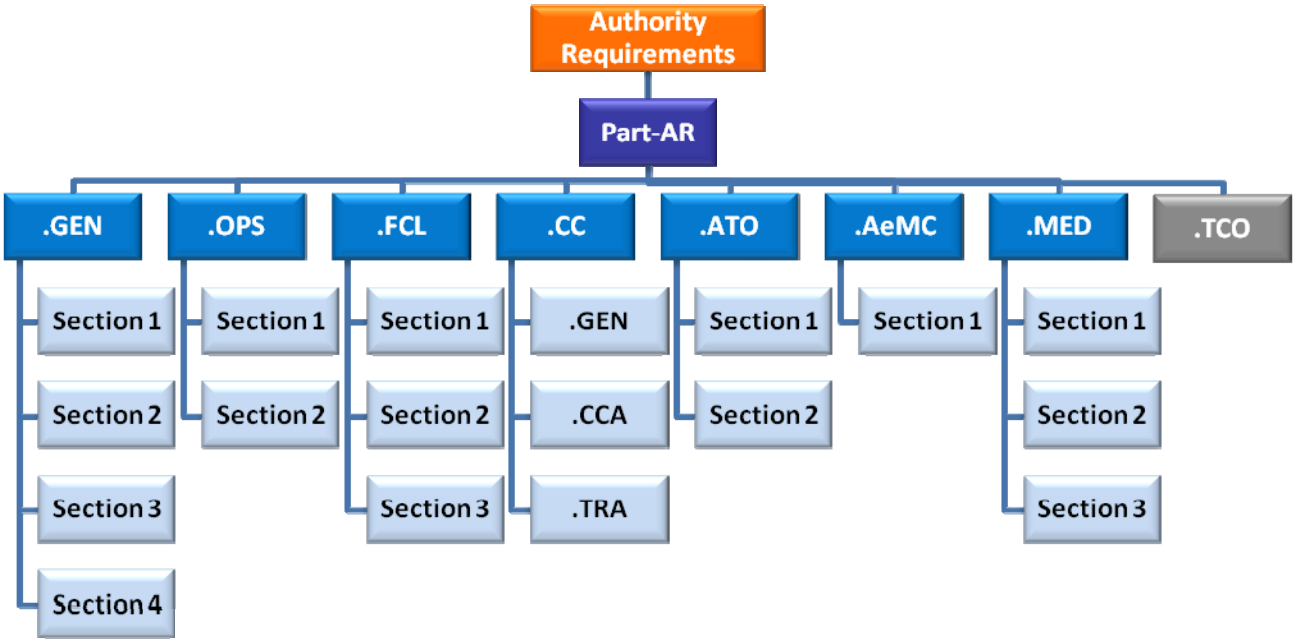
Rule Structure

Overview of Cover Regulations and Parts



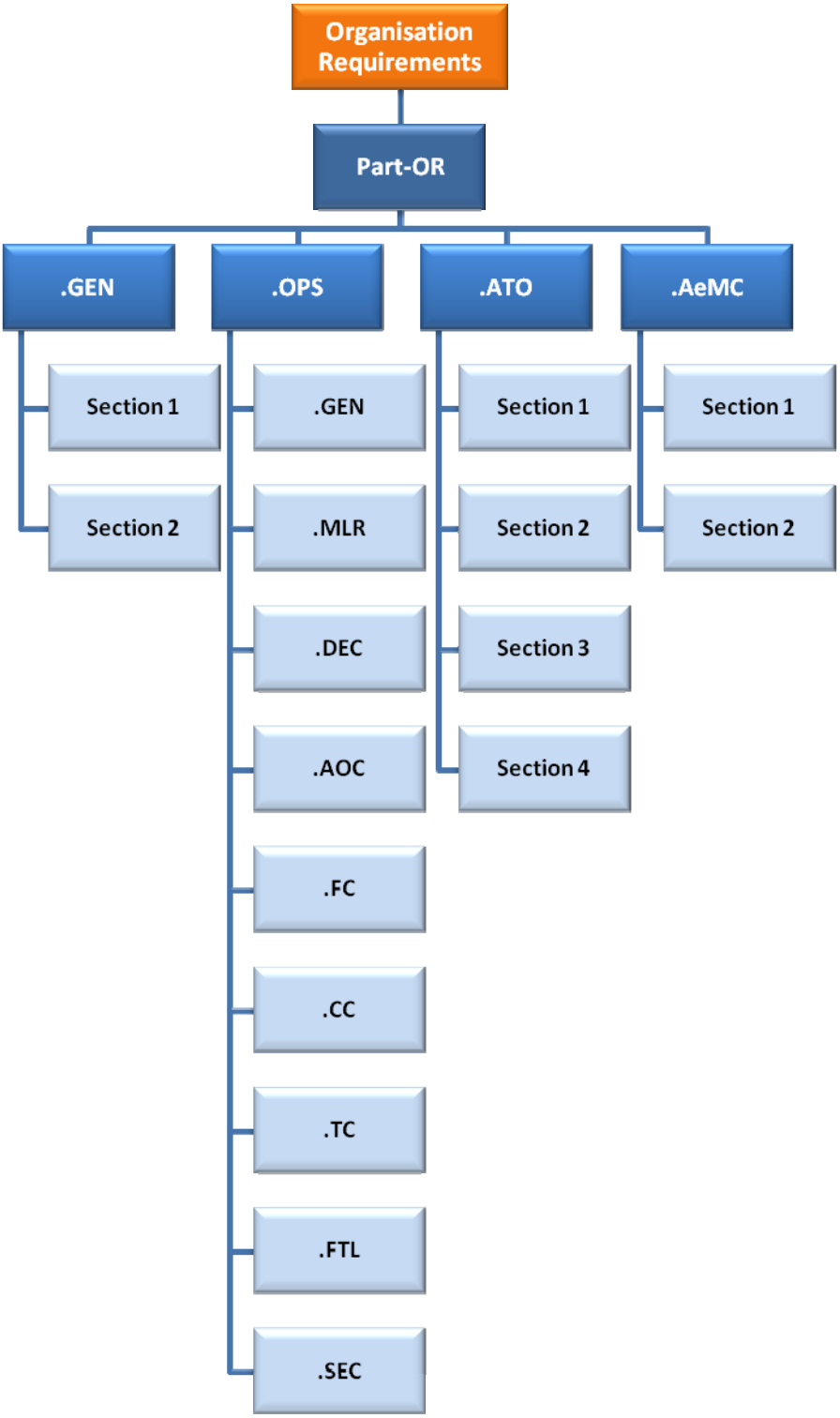
Rule Structure

Authority Requirements



Rule Structure

Organisation Requirements



Annex III to the Explanatory Note

Content of the CRD

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