

European Aviation Safety Agency

EXPLANATORY NOTE TO DECISION No 2008/013/R

I. General

1. The purpose of this Decision is to amend Annex I Acceptable Means of Compliance to Part-M of Decision 2003/19/RM of the Executive Director of the Agency of 28 November 2003. This amendment has been issued in order to support the changes introduced by the new Commission Regulations (EC) No 1056/2008¹ and (EC) No 1057/2008².
2. This Decision has been adopted, following the procedure specified by the Agency's Management Board, in accordance with the provisions of Article 18 of Basic Regulation (EC) No 216/2008³.

II. Consultation

3. The consultation process corresponding to the content of this Decision was performed in conjunction with the associated changes to the rules, as part of Rulemaking tasks M.005, M.007 and M.017. The consultation was performed through NPA 07/2005 (issued on 23 June 2005), CRD 07/2005 (issued on 26 April 2007), NPA 2007-08 (issued on 28 June 2007) and CRD 2007-08 (issued on 06 March 2008). Details of this consultation can also be found in the Opinion 02/2008 issued by the Agency on 16 May 2008.
4. The changes to the rules proposed by the Agency in Opinion 02/2008 were discussed in the EASA Committee held on 16 July 2008 in Brussels, where a certain number of changes were introduced. The resulting text was approved by the Parliament and the Council before it was adopted by the Commission on 27 October 2008 through Commission Regulations (EC) No 1056/2008 and (EC) No 1057/2008.

III. Content of the Decision

5. The content of this Decision has taken into account:
 - The text resulting from CRD 2007-08.
 - The "reactions to AMC material" (items (1) through (19)) contained in the Attachment to Opinion 02/2008 (these were reactions to the CRD 2007-08).
 - The discussions and changes agreed in the EASA Committee held on 16 July 2008 in Brussels which had an effect in the AMC material.

In relation to the "reactions to AMC material" (items (1) through (19)) contained in the Attachment to Opinion 02/2008, most of them have been accepted by the Agency. However, the proposals made in items (8), (11), (12), (13) and (16) have not been incorporated because:

¹ OJ L 283, 28.10.2008, p. 5.

² OJ L 283, 28.10.2008, p. 30.

³ OJ L 79, 19.03.2008, p. 1.

- The current text of the AMC material is sufficiently clear, or
- The proposal goes to an excessive level of detail, or
- The proposal is outside the terms of reference, or
- It is not possible to incorporate material that is still being discussed in another NPA.

IV. Regulatory Impact Assessment

6. The Regulatory Impact Assessment is contained in Opinion 02/2008, which was published by the Agency on 16 May 2008.