



Explanatory Note to ED Decision 2025/001/R

issued in accordance with Article 4(2) of MB Decision No 01-2022

Regular update of the air operations rules

ICAO alignment

RMT.0392 — Subtasks 1f and 1a

EXECUTIVE SUMMARY

This Decision improves the alignment between the EU air operations regulatory framework and the relevant International Civil Aviation Organization (ICAO) Standards and Recommended Practices (SARPs) and Documents related to the ICAO Universal Safety Oversight Audit Programme (USOAP), by introducing non-controversial amendments to the acceptable means of compliance and guidance material to Commission Regulation (EU) No 965/2012.

The objective is to facilitate the effective implementation of the ICAO SARPs by the European Union Aviation Safety Agency (EASA) and the EU Member States in the area of air operations.

The regulatory material is expected to maintain, and in some cases enhance, the level of safety and to provide benefits in terms of efficiency, with a very low economic impact and no environmental or social impact.

REGULATION(S) INTENDED TO BE AMENDED/ISSUED

n/a

ED DECISION(S) TO BE AMENDED

[ED Decision 2014/017/R – AMC & GM to Part-ORO](#)

[ED Decision 2014/015/R – AMC & GM to Part-CAT](#)

AFFECTED STAKEHOLDERS

EASA; Member States and their national competent authorities; aircraft operators; aircrews

WORKING METHODS

Development

By EASA

Impact assessment(s)

Light

Consultation

Focused (Advisory Bodies) — NPA

RELATED DOCUMENTS / INFORMATION

[ToR RMT.0392](#) issued on 7 October 2020

PLANNING MILESTONES:

Refer to the latest edition of Volume II of the *European Plan for Aviation Safety*¹

¹ [European Plan for Aviation Safety \(EPAS\) 2024 - 13th edition | EASA \(europa.eu\)](#)



Table of contents

1.	About this Decision	3
1.1.	How this regulatory material was developed	3
2.	In summary — why and what	4
2.1.	Why we need to act	4
2.1.1	Elements included in NPA 2022-11	4
2.1.2	Elements included in NPA 2024-105	4
2.2.	What we want to achieve — objectives	6
2.3.	How we want to achieve it — overview of the amendments	6
2.3.1	Elements included in NPA 2022-11	6
2.3.2	Elements included in NPA 2024-105	6
2.4.	What are the stakeholders' views	7
2.4.1	Elements included in NPA 2022-11	7
2.4.2	Elements included in NPA 2024-105	7
3.	Expected benefits and drawbacks of the regulatory material	9
4.	Regulatory material	10
5.	Monitoring and evaluation	11
6.	Proposed actions to support implementation	12
7.	References	13



1. About this Decision

1.1. How this regulatory material was developed

The European Union Aviation Safety Agency (EASA) identified the need to improve the alignment between the EU air operations regulatory framework and the relevant International Civil Aviation Organization (ICAO) Standards and Recommended Practices (SARPs) and Documents related to the ICAO Universal Safety Oversight Audit Programme (USOAP) (as identified in Chapter 2), and, after assessing the impacts of the possible intervention actions, identified rulemaking as the necessary intervention action.

This rulemaking activity covers elements included in Volume II of the 2024 edition of the *European Plan for Aviation Safety*² under Rulemaking Task RMT.0392 Subtask 1a, as well as elements included in Volume II of the 2025 edition of the *European Plan for Aviation Safety* under Rulemaking Task RMT.0392 Subtask 1f.

EASA developed the regulatory material in question in line with Regulation (EU) 2018/1139³ (the Basic Regulation) and the Rulemaking Procedure⁴, as well as in accordance with the objectives and working methods described in the Terms of Reference for this RMT⁵.

The draft regulatory material was consulted through two NPAs:

- NPA 2022-11 ‘Regular update of the Air Operations rules — Lessons learnt from standardisation inspections: Helicopter operation issues & Transposition of several ICAO SARPs⁶, which was publicly consulted, and
- NPA 2024-105(A)&(B) ‘Proposed amendments to the acceptable means of compliance and guidance material to Commission Regulation (EU) No 965/2012: Regular update of the air operations rules – ICAO alignment⁷’ which was subject to focused consultation with the Advisory bodies.

EASA reviewed the comments received and duly considered them for the preparation of the regulatory material presented here.

² [European Plan for Aviation Safety | EASA \(europa.eu\)](#)

³ Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1535612134845&uri=CELEX:32018R1139>).

⁴ EASA is bound to follow a structured rulemaking process as required by Article 115(1) of Regulation (EU) 2018/1139. Such a process has been adopted by the EASA Management Board (MB) and is referred to as the rulemaking procedure. See MB Decision No 01-2022 of 2 May 2022 on the procedure to be applied by EASA for the issuing of opinions, certification specifications and other detailed specifications, acceptable means of compliance and guidance material (‘rulemaking procedure’), and repealing MB Decision No 18-2015 (<https://www.easa.europa.eu/the-agency/management-board/decisions/easa-mb-decision-01-2022-rulemaking-procedure-repealing-mb>).

⁵ [ToR RMT.0392 - Regular update of air operations rules | EASA \(europa.eu\)](#)

⁶ <https://www.easa.europa.eu/en/document-library/notices-of-proposed-amendment/npa-2022-11>

⁷ <https://www.easa.europa.eu/en/document-library/notices-of-proposed-amendment/focused-consultations/npa-2024-105>



2. In summary — why and what

2.1. Why we need to act

One of the objectives of the Basic Regulation is to assist Member States ‘in exercising their rights and fulfilling their obligations under the Chicago Convention, by ensuring a common interpretation and a uniform and timely implementation of its provisions, as appropriate’⁸.

Regulation (EU) No 965/2012 (the Air Operations Regulation) lays down detailed rules for air operations with aeroplanes and helicopters, which consider the ICAO SARPs, in particular those included in ICAO Annex 6 and related documentation.

All Member States are ICAO Contracting States, and in that quality are subject to the USOAP established by the ICAO to monitor the fulfilment of their safety oversight obligations. EASA is also subject to the USOAP, covering all applicable USOAP continuous monitoring approach protocols, under a working arrangement⁹ concluded between EASA and ICAO in 2014.

2.1.1 Elements included in NPA 2022-11

Safety risk assessment of flying over or near a conflict zone. Amendment 44 to ICAO Annex 6 Part 1 amended Standard 4.1.2 to require operators to perform a risk assessment and take appropriate risk-mitigation measures when intending to operate over or near conflict zones.

While point ORO.GEN.200(a)(3) already requires operators to identify safety hazards linked to their operations, and to evaluate and manage the associated risks, including taking actions to mitigate them, EASA considers that additional AMC to that point could further clarify and substantiate the need to consider the risks involved in air operations conducted over or near conflict zones.

Departure briefing. ICAO Annex 6 Appendix 2 ‘Organisation and contents of an operations manual’ point 2.1.23, as well as one ICAO USOAP protocol question, mentions departure briefings. However, departure briefings are not mentioned in the list of procedures to be established by the operator contained in AMC3 ORO.MLR.100.

2.1.2 Elements included in NPA 2024-105

The USOAP’s working methodology uses checklists containing ‘protocol questions’ (PQs) to verify compliance with the relevant ICAO SARPs and related ICAO Documents.

While reviewing the ICAO USOAP PQs for air operations, EASA identified several small inconsistencies between the AMC and GM to Regulation (EU) No 965/2012 and relevant ICAO Documents. The main issues identified are the following.

Minimum equipment list (MEL) assessment. According to point (c)(2) of point ORO.AOC.110, an operator intending to wet lease-in an aircraft from a third-country operator needs to demonstrate to the competent authority that the safety standards of the third-country operator regarding continuing airworthiness and air operations are equivalent to the applicable requirements in the EASA system.

⁸ Article 1(2)(g).

⁹ ‘Working arrangement on continuous monitoring activities between the European Aviation Safety Agency and the International Civil Aviation Organisation’, signed on 30 July 2014 (<https://www.easa.europa.eu/en/document-library/working-arrangements/working-arrangement-continuous-monitoring-activities-between>). See in particular point 6.



To support the implementation of this requirement, AMC1 ORO.AOC.110(c) contains a list of relevant requirements to which equivalency needs to be demonstrated by the operator. Point (b)(2) of that AMC provides that the operator should demonstrate compliance with the provisions of Subpart ORO.MLR, 'excluding point ORO.MLR.105' on the MEL.

The exclusion of the requirements on the MEL has been in place since the initial issue of AMC1 ORO.AOC.110(c)¹⁰. This exclusion was made to address the concern that demonstrating equivalency to the EU requirements would prove too burdensome considering that, at the time, the concept of operational suitability data, including the master MEL (MMEL), as provided for in Regulation (EU) No 748/2012¹¹, was just starting to be implemented.

Point 5.1 of Appendix V to ICAO Annex 6, Part I, and point 5.1 of Appendix I to Annex 6, Part III, on the safety oversight of air operators, require States to ensure that 'authority inspectors are provided with technical guidance manuals containing the policies, procedures and standards to be used in the certification and continued surveillance of air operators'. Within the USOAP, compliance with this standard requires States to have established procedures for the acceptance or approval of aircraft leasing arrangements, which should address several elements, among them the approval of the MEL.

The current provisions of point ORO.AOC.110(c) and its related AMC and GM cover all the elements that should be addressed by the States' procedures in accordance with the USOAP guidance, except for this point on the approval of the MEL. This does not constitute a difference between point ORO.AOC.110(c) and ICAO SARPs since there is no specific SARP requiring it¹². Nevertheless, this small discrepancy would be enough for ICAO to consider that the EU regulatory framework does not satisfactorily address the acceptance or approval of wet-lease-in agreements.

Changes to the content of the operations manual (OM). Under point ORO.MLR.100, the operator must establish and maintain an OM containing all necessary instructions, information and procedures for all aircraft operated and for operations personnel to perform their duties. To support the implementation of this provision, AMC3 ORO.MLR.100 contains a list of the information that needs to be included in the OM.

When reviewing in detail the content of that AMC, EASA identified some elements that, despite being required from the operator under the Air Operations Regulation or other EU legislation, are not specifically mentioned in the list of contents of the OM. These inconsistencies could create confusion for operators and therefore hinder the implementation of the Air Operations Regulation. At the same time, they could have a negative impact when compliance with the related ICAO SARPs is being assessed under the USOAP.

Controlled flight into terrain (CFIT) flight crew training programmes. Point CAT.OP.MPA.290 establishes that a pilot must take immediate corrective action whenever undue proximity to the ground is detected by a ground proximity warning system (GPWS) or a flight crew member. However, GM1 CAT.OP.MPA.290 currently does not contain any guidance to support the operator when

¹⁰ [ED Decision 2012/017/R - AMC & GM to Part-ORO | EASA \(europa.eu\)](#)

¹¹ Commission Regulation (EU) No 748/2012 of 3 August laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations (OJ L 224, 21.8.2012, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32012R0748&qid=1724849523792>).

¹² ICAO Annex 6, point 6.1.3, on the MEL, does not contain any specific provisions regarding wet-lease arrangements.



developing flight crew training programmes when the aircraft is not equipped with a terrain awareness warning system (TAWS)¹³.

Clarification on the term ‘qualification’ in point ORO.FC.005. Subpart ORO.FC establishes requirements to be met by the operator related to flight crew training, experience and qualification. Currently, the term ‘qualification’ could be interpreted as referring to only the initial qualification of flight crew, whereas it was originally meant to cover the maintenance of this qualification as well.

2.2. What we want to achieve — objectives

The overall objectives of the EASA system are defined in Article 1 of the Basic Regulation. The regulatory material presented here is expected to contribute to achieving these overall objectives by addressing the issue described in Section 2.1 of NPA 2024-105.

More specifically, with the regulatory material presented here, EASA intends to improve harmonisation with ICAO.

2.3. How we want to achieve it — overview of the amendments

2.3.1 Elements included in NPA 2022-11

Safety risk assessment of flying over or near a conflict zone. AMC2 ORO.GEN.200(a)(3) is introduced to improve alignment with Standard 4.1.2 of ICAO Annex 6 Part 1. That new AMC highlights the need for the air operator to assess the risks related to conflict zones and, when necessary, take appropriate risk-mitigation measures to ensure a safe flight operation. It is expected that the new AMC will have a positive impact on safety, as it will contribute to the establishment of a better risk management process.

The text of AMC2 ORO.GEN.200(a)(3) differs from the initial proposal in NPA 2022-11 in that its scope, following the comments received, is now restricted to operators of CAT with aeroplanes (see Section 2.4.1 of this document for more details) and it also covers text that was initially proposed as GM. After further assessment, EASA sees no reason to separate the regulatory material in two different levels of soft law.

Departure briefing. Departure briefing is added to the list of normal procedures to be included in the OM-B under AMC3 ORO.MLR.100, to better align with ICAO Annex 6 Appendix 2 point 2.1.23.

2.3.2 Elements included in NPA 2024-105

Minimum equipment list (MEL) assessment. This Decision amends point (b)(2) of AMC1 ORO.AOC.110(c) to no longer exclude point ORO.MLR.105 from the list of relevant requirements to which equivalency between the requirements of the State of operator of the lessee and of the lessor needs to be demonstrated by the operator to the competent authority, to improve consistency with the ICAO requirements. The regulatory proposal includes some limitations on what needs to be demonstrated, with the intent of limiting the burden on operators.

Changes to the content of the operations manual (OM). The Decision introduces several amendments, in some cases only editorial, to the content of the OM included in AMC3 ORO.MLR.100, to improve the alignment with the requirements in the Air Operations Regulation, other EU legislation

¹³ Point CAT.IDE.A.150 establishes in which cases aeroplanes need to be equipped with TAWS.



and relevant ICAO documentation. Since the intent of the amendments is merely for the content of the OM included in AMC3 ORO.MLR.100 to better reflect the elements that are already required from operators and should, therefore, already be included in their OMs, the amendments are expected to have no impact.

Controlled flight into terrain (CFIT) flight crew training programmes. The amendment to GM1 CAT.OP.MPA.290 introduces training objectives on CFIT based on ICAO Doc 9995, *Manual of Evidence-based Training*.

Clarification on the term ‘qualification’ in point ORO.FC.005. This Decision adds GM1 ORO.FC.0005 to clarify that the term ‘qualification’ includes not only the initial qualification, but also its maintenance.

The regulatory material will be applicable on the day following that of the publication of the Decision.

The legal base for the amendments included in this Decision is laid down in Article 76(3) of the Basic Regulation.

2.4. What are the stakeholders’ views

2.4.1 Elements included in NPA 2022-11

Safety risk assessment of flying over or near a conflict zone

EASA received 5 comments related to the risk assessment of flying over or near a conflict zone. All of them were in relation to the request for stakeholders to share their opinion on whether the scope of the proposed AMC and GM should be restricted only to CAT operators with aeroplanes, following the scope of point 4.1.2 of Chapter 4 of Annex 6 Part I, or whether it should be applicable to other operators too. 4 of the comments received proposed to restrict the applicability to aeroplane CAT operators, while 1 supported that the AMC should also apply to NCC operators. Considering that the comments received proposed to restrict the applicability of AMC2 ORO.GEN.200(a)(3) to CAT operators with aeroplanes, which is also the scope of point 4.1.2 of Chapter 4 of Annex 6 Part I, EASA accepted the comments received and amended the initial proposal accordingly.

Departure briefing

No comments were received on this point.

2.4.2 Elements included in NPA 2024-105

During the focused consultation of the draft regulatory material, EASA received a total of 10 comments from 4 national aviation authorities (DGAC France, AESA Spain, FOCA Switzerland and the Swedish Transport Agency).

Minimum equipment list (MEL) assessment. 2 comments were received on this point. One of the comments proposed to modify the text of point (b)(2) of AMC1 ORO.AOC.110(c) to refer to a MEL ‘validated by the State of Registry’ and to delete the reference to ‘rectification intervals and operational and maintenance procedures’. The first suggestion was considered to improve the clarity of the text and so the comment was partially accepted and the text was modified accordingly. The second comment was editorial, and proposed to divide the sentence into two parts for better



understanding. The comment was not accepted, as it was considered that the sentence was clearly understandable.

Changes to the content of the operations manual (OM). Several comments were received on the amendments proposed to AMC3 ORO.MLR.100. Most of them were of editorial nature and were accepted, as it was considered that they improved the clarity of the text. Only some of the amendments made to the initial proposal as a result of the comments received need to be highlighted.

In relation to the amendments introduced to point A.2.3 on operational control:

- The introductory sentence now refers to a description of the system, the processes, the procedures and the responsibility necessary to exercise operational control. The proposed addition of the reference to system and processes was accepted as it further aligns the content of the OM with ICAO.
- Point (b) now refers to risk management not only in the context of operations over or near conflict zones but also to other external threats. This proposed addition was accepted as it creates a clearer link to any external threats that exist in relation to a flight.

One of the comments received proposed to add point (d) to A.2.3 related to communication procedures. After carefully assessing the comment, EASA considers that while the suggestion has merit, it requires a deeper assessment. Therefore, it was decided to add this proposal to the list of items to be addressed in the future through RMT.0392.

A new amendment is introduced to point A.10, on security, following one of the comments received, to improve alignment with Standard 13.3 of Annex 6 Part I. The text now specifically refers to an aircraft search procedure checklist, which is already required by Annex V (Essential requirements for air operations) to Regulation (EU) 2018/1139.

Controlled flight into terrain (CFIT) flight crew training programmes. Regarding the new elements for CFIT flight crew training programmes introduced in GM1 CAT.OP.MPA.290, a commentator proposed to specify that certain scenarios suggested to be addressed as part of the training would only be relevant if the related equipment would be installed. This comment was accepted as indeed some of the training elements indicated are only relevant if the related equipment is installed, and the text was amended accordingly.



3. Expected benefits and drawbacks of the regulatory material

EASA considered that intervention is required and that new or amended AMC and GM are necessary to effectively address the issue described in Section 2.1, because the objectives described in Section 2.2 cannot be achieved effectively by non-regulatory action.

EASA also assessed the impacts of the regulatory material to ensure that it delivers its full benefits with minimum drawbacks. It is expected that the implementation of the amendments introduced by this Decision will overall bring a low positive safety impact, combined with a low negative economic impact for operators. The main positive benefit, however, will be for competent authorities since the proposals will support compliance with the ICAO SARPs. No social or environmental impacts have been identified.

The regulatory material has been developed by duly considering the better regulation principles, and in particular the regulatory fitness principles.

The regulatory material is expected to:

- reduce the existing regulatory burden for EASA and Member States by improving the alignment of the EU regulatory framework with that of ICAO, thereby reducing the need to produce further material at national level (e.g. national administrative procedures);
- keep the regulatory burden created by the new requirements to a minimum by amending only AMC and GM.



4. Regulatory material

Please refer to Annex I and II to ED Decision 2025/001/R.



5. Monitoring and evaluation

EASA plans to monitor whether the objectives described in Section 2.2 have been achieved with the regulatory material by considering the results of the assessment of the related PQs during the USOAP audit of EASA planned for 2025.



6. Proposed actions to support implementation

In order to support affected stakeholders in the implementation of the new regulatory material, EASA plans to take the following actions:

- communicating about the regulatory material at advisory body meetings (Air Operations Technical Body, Commercial Aviation Community Steering Group, Activity Group 13);
- providing supporting clarifications through electronic communications to the competent authorities.



7. References

- Standardised European Rules of the Air¹⁴
- EASA, *European Plan for Aviation Safety*, Volume II¹⁵
- ICAO, Doc 9995, *Manual of Evidence-based Training*, 1st edition, 2013
- ICAO, Annex 6, Part I, Amendment 48
- ICAO, Annex 18, Amendment 12
- ICAO, Doc 9284-AN/905, *Technical instructions for the safe transport of dangerous goods by air*, 2023–2024 edition
- ICAO, USOAP¹⁶

¹⁴ Commission Implementing Regulation (EU) No 923/2012 of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010 (OJ L 281, 13.10.2012, p. 1).

¹⁵ <https://www.easa.europa.eu/en/document-library/general-publications/european-plan-aviation-safety-epas-2024>

¹⁶ <https://www.icao.int/safety/CMAForum/Pages/default.aspx>

