



Explanatory Note to Decision 2014/017/R

Amendments to AMC/GM to Annex III (Part-ORO)

RELATED NPA/CRD 2008-22C, 2009-02C — OPINION No 04/2011 — RMT.0289 (OPS.001) — 24.04.2014

EXECUTIVE SUMMARY

This Decision deals with AMC and GM for air operators related to specialised air operations, commercial air transport operations with sailplanes and balloons and A-to-A commercial air transport operations with performance class B aeroplanes and non-complex helicopters.

The specific objective is to maintain a high level of safety, to ensure proportionate rules where appropriate, and to warrant flexibility and efficiency for operators and authorities.

This Decision is part of the OPS Phases III and IV involving amendments to the Cover Regulation and the following Annexes to the Regulation on Air Operations:

- Annex II (Part-ARO),
- Annex III (Part-ORO),
- Annex IV (Part-CAT),
- Annex VII (Part-NCO), and
- Annex VIII (Part-SPO).

Applicability		Process map	
Affected regulations and decisions:	AMC/GM to Part-ORO	Terms of Reference	20.7.2006
Affected stakeholders:	operators conduction specialised operations, Commercial air transport operators	Concept Paper:	No
Driver/origin:	Legal obligation	Rulemaking group:	Yes
Reference:		RIA type:	Full
		Technical consultation during NPA drafting:	Yes
		Publication date of the NPA:	30.10.2008 & 30.1.2009
		Duration of NPA consultation:	6 months
		Review group:	Yes
		Focussed consultation:	No
		Publication date of the Opinion:	1.6.2011

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1. Procedural information

1.1. The rule development procedure

The European Aviation Safety Agency (hereinafter referred to as the 'Agency') developed ED Decision 2014/017/R in line with Regulation (EC) No 216/2008¹ (hereinafter referred to as the 'Basic Regulation') and the Rulemaking Procedure².

This rulemaking activity is included in the Agency's [4-year Rulemaking Programme](#) under RMT.0289 (OPS.001). The scope and timescale of the task were defined in the related Terms of Reference (see process map on the title page).

The draft text of this Decision has been developed by the Agency based on the input of the Rulemaking Group RG02. All interested parties were consulted through NPA 2008-22c and NPA 2009-02c³. More than 15 000 comments in total were received from interested parties, including industry, national aviation authorities and social partners.

The Agency has reviewed the comments received on the NPA. The comments received and the Agency's responses are presented in the Comment-Response Document (CRD) [2008-22 and 2009-02](#).

The final text of this Decision with the Acceptable Means of Compliance (AMC)/Guidance Material (GM) has been developed by the Agency based on the input of RG02 and the EASA Committee.

The process map on the title page summarises the major milestones of this rulemaking activity.

1.2. Structure of the related documents

Chapter 1 contains the procedural information related to this task. Chapter 2 explains the core technical content. Chapter 3 provides references. The text of the AMC/GM is annexed to the ED Decision.

¹ Regulation (EC) No 216/2008 of the European Parliament and the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1), as last amended by Commission Regulation (EU) No 6/2013 of 8 January 2013 (OJ L 4, 9.1.2013, p. 34).

² The Agency is bound to follow a structured rulemaking process as required by Article 52(1) of the Basic Regulation. Such process has been adopted by the Agency's Management Board and is referred to as the 'Rulemaking Procedure'. See Management Board Decision concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications and guidance material (Rulemaking Procedure), EASA MB Decision No 01-2012 of 13 March 2012.

³ In accordance with Article 52 of the Basic Regulation and Articles 5(3) and 6 of the Rulemaking Procedure.

2. Explanatory Note

This amending Decision provides AMC/GM to Commission Regulation (EU) No 379/2014 of 24 April 2014 laying down, among others, requirements for air operators in relation to specialised air operations, commercial air transport operations with sailplanes and balloons and A-to-A commercial air transport operations with performance class B aeroplanes and non-complex helicopters.

2.1. Overview of the issues to be addressed

Part-ORO contains the requirements for operators conducting commercial operations and non-commercial operations with complex motor-powered aircraft.

Following the introduction through Commission Regulation (EU) No 379/2014 of 24 April 2014 of provisions for specialised operations, CAT A-to-A operations with performance class B aeroplanes and non-complex helicopters, and as it was foreseen in the CRD version, some specific AMCs and GMs to Part-ORO had to be introduced in the current Decision to Part-ORO.

In addition to that, some new AMCs and GMs and modifications to the existing AMCs and GMs had to be introduced in the area of operations manual content, leasing provisions and the authorisation process for high-risk commercial specialised operators since the CRD version of the AMCs and GMs was designed at an earlier stage and the latest version of the rule text had to be taken into account.

Some other changes were introduced in the AMCs and GMs for Minimum Equipment List (MEL) to include some additional information for the development of an MEL.

2.2. Objectives

The overall objectives of the EASA system are defined in Article 2 of the Basic Regulation. This proposal will contribute to the achievement of the overall objectives by addressing the issues outlined in Chapter 2. The specific objective of this proposal is, therefore, to maintain a high level of safety, to ensure proportionate rules where appropriate, and to warrant flexibility and efficiency for operators and authorities.

2.3. Overview of the amendments

The main technical changes to the AMC/GM material are the following:

- On a general basis, since no AOC is required for commercial SPO operators, all the paragraphs in relation to certification were modified to refer only to commercial air transport and no more to commercial operations.
- AMC1 ORO.GEN.200(b) has been modified by adding the high-risk commercial operation authorisation in the list of criteria to be used to assess if an organisation is complex. The specific AMCs of ORO.GEN.200 (management system) for complex operators might become applicable to an authorisation holder.
- GM1 ORO.GEN.205: the first sentence of paragraph (a) to ORO.GEN.205 was considered to be guidance and therefore was transferred to GM1 ORO.GEN.205.
- GM1 ORO.AOC.140(b);(c): a new GM has been drafted to provide guidance on the facility requirements of ORO.AOC.140 for VFR day operations with aeroplanes with a MOPSC of less than 7 and helicopters with a MOPSC of less than 5 taking off and

landing at the same aerodrome or operating site. This follows discussions in the EASA Committee.

- Since ORO.AOC.135 is also applicable to commercial specialised operators, as stated in ORO.SPO.100, the AMCs and GMs to ORO.AOC.135 related to nominated persons for certified operators have been transposed in AMCs and GMs to ORO.SPO.100. The new AMCs and GMs are AMC1 ORO.SPO.100(a), AMC2 ORO.SPO.100(a), GM1 ORO.SPO.100(a) and GM2 ORO.SPO.100(a).
- Since ORO.AOC.110 is only applicable to commercial air transport operators, the content of the AMCs and GMs to ORO.AOC.110 related to leasing has been transposed in new AMCs and GMs to ORO.SPO.100. The new AMCs and GMs are AMC1 ORO.SPO.100(c), GM1 ORO.SPO.100(c), AMC1 ORO.SPO.100(c)(1), AMC2 ORO.SPO.100(c)(1) and GM1 ORO.SPO.100(c)(1).
- GM1 ORO.SPO.100(c) is a new GM which has been added to clearly state that leasing between commercial specialised operators having their principal place of business in the EU is not subject to an approval from their competent authorities.
- GM1 ORO.SPO.110(a) is a new GM designed to clearly state that in any case the declaration process is applicable to commercial specialised operations.
- GM2 ORO.SPO.110(a) is a new GM which explains that a commercial specialised operator may apply for a commercial high-risk operation authorisation related to a single event, a defined series of flights or an unlimited duration.
- GM1 ORO.SPO.115(a) is a new GM related to the changes to a commercial specialised operator holding an authorisation for a high-risk specialised operation. It specifically states that for changes to information contained in the authorisation but not impacting the operator's risk assessment or the SOPs, a notification has to be sent to the competent authority which should then amend the authorisation.
- AMC2 ORO.MLR.100: an alleviation for commercial air transport operations with single-engined propeller-driven aeroplanes with a MOPSC of 5 or single-engined non-complex helicopters with a MOPSC of 5, taking off and landing at the same aerodrome or operating site, under VFR by day and commercial air transport operations with sailplanes and balloons have been introduced in ORO.MLR.101. Therefore, the generic OM content for CAT operations is no more applicable to these operations and consequently AMC2 ORO.MLR.100, which was first designed for non-commercial operations with complex motor-powered aircraft, has been amended to be applicable for these operations.
- AMC4 ORO.MLR.100: the content of the OM for commercial specialised operations and non-commercial specialised operations with complex motor-powered aircraft has been included in this AMC4. It is partly common to the content for CAT operations and has not been amended compared to the CRD version.
- GM1 ORO.MLR.100 related to sections of the OM not relevant to a specific operator has been deleted and transposed in both AMC3 ORO.MLR.100 and AMC4 ORO.MLR.100.
- GM1 ORO.MLR.105(a) on MEL general guidance has been expanded to provide guidance to operators for the case when an MMEL, as defined in the mandatory part of operational suitability data, has not been established. This may occur for a limited period of time.

- A new AMC1 ORO.MLR.105(d) on the MEL format has been added.
- A new AMC1 ORO.MLR.105(d)(1) on the MEL preamble has been added.
- A new AMC1 ORO.MLR.105(d)(3) and GM1 ORO.MLR.105(d)(3) on the MEL scope have been added.
- A new GM2 ORO.MLR.105(d)(3) on the purpose of the MEL has been added.
- AMC1 ORO.MLR.105(g) and GM1 ORO.MLR.105(g) on maintenance and operational procedures have been amended to add references to Commission Regulation (EC) No 2042/2003 and to specify how such procedures should be made available for the application of the MEL.
- AMC1 ORO.MLR.105(h) on maintenance and operational procedures has been amended to specify an acceptable timescale for amendments to such procedures.
- Following the adoption of the Commission Regulation on Operational Suitability Data amending Regulation (EU) No 748/2012, the term 'data' is replaced by 'operational suitability data' in relevant AMC to ORO.FC and ORO.CC.

3. References

3.1. Related regulations

Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1).

3.2. Affected decisions

Decision 2012/017/R of the Executive Director of the Agency of 24 October 2012 on Acceptable Means of Compliance and Guidance Material to Commission Regulation (EU) No 965/2012 of 5 October 2012 — Acceptable Means of Compliance and Guidance Material to Annex III (Part-ORO).

3.3. Reference documents

ICAO Annex 6, Part I and Part III Section I.