

Executive Director Decision

2018/012/R

of 21 November 2018

amending the Guidance Material to Commission Regulation (EU) No 965/2012 as well as the Acceptable Means of Compliance and the Guidance Material to Part-ARO and Part-CAT of Commission Regulation (EU) No 965/2012

**‘GM to Regulation (EU) No 965/2012 — Issue 1, Amendment 2;
AMC and GM to Part-ARO — Issue 3, Amendment 8; and
AMC and GM to Part-CAT — Issue 2, Amendment 15’**

THE EXECUTIVE DIRECTOR OF THE EUROPEAN AVIATION SAFETY AGENCY (EASA),

Having regard to Regulation (EC) No 218/1139¹, and in particular Article 104(3)(a) thereof,

Having regard to Commission Regulation (EU) No 965/2012², and in particular ARO.GEN.120(a) of Annex II thereto,

Whereas:

- ((1) EASA shall, pursuant to Article 76(3) of Regulation (EU) 2018/1139, issue certification specifications and acceptable means of compliance, as well as guidance material, for the application of Regulation (EU) 2018/1139 and its implementing rules.
- (2) Acceptable means of compliance are non-binding standards adopted by EASA which may be used by persons and organisations to demonstrate compliance with Regulation (EU) 2018/1139 and its implementing rules; when acceptable means of compliance are applied, the related requirements of the implementing rules are met.
- (3) Guidance material is non-binding material developed by EASA which helps to illustrate the meaning of a requirement or specification and is used to support the interpretation of

¹ 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>)

² 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) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1539104939449&uri=CELEX:32012R0965>)



- Regulation (EU) 2018/1139, its implementing rules, certification specifications and acceptable means of compliance.
- (4) With Decision 2014/019/R of 24 April 2014, the Executive Director issued Guidance Material to Commission Regulation (EU) No 965/2012.
 - (5) With Decision 2014/025/R of 28 July 2014, the Executive Director issued Acceptable Means of Compliance and Guidance Material to Part-ARO of Commission Regulation (EU) No 965/2012.
 - (6) With Decision 2014/015/R of 24 April 2014, the Executive Director issued Acceptable Means of Compliance and Guidance Material to Part-CAT of Commission Regulation (EU) No 965/2012.
 - (7) EASA shall, pursuant to Article 4(1)(a) of Regulation (EU) 2018/1139, reflect the state of the art and the best practices in the field of aviation and update its decisions taking into account worldwide aviation experience and scientific and technical progress in the respective fields. The annexes to this Decision contain new as well as amended Acceptable Means of Compliance and Guidance Material to Commission Regulation (EU) No 965/2012 that are associated with the amendments introduced through Regulation (EU) 2018/1042³ of 23 July 2018 to Commission Regulation (EU) No 965/2012 as regards technical requirements and administrative procedures related to introducing support programmes, psychological assessment of flight crew, as well as systematic and random testing of psychoactive substances to ensure medical fitness of flight and cabin crew members.
 - (8) This Decision provides Member States and competent authorities with Acceptable means of Compliance and Guidance Material on how to carry out alcohol testing of flight and cabin crew.
 - (9) This Decision also provides commercial air transport operators with Acceptable Means of Compliance and Guidance Material on how to introduce support programmes and to carry out psychological assessment of flight crew and testing of psychoactive substances.
 - (10) EASA, pursuant to Article 115(1)(c) of Regulation (EU) 2018/1139 and Article 15 ‘Special rulemaking procedure: direct publication’ of the EASA Rulemaking Procedure⁴, has consulted its Advisory Bodies on the matters which are the subject of this Decision and has considered the comments received,

HAS DECIDED:

³ Commission Regulation (EU) 2018/1042 of 23 July 2018 amending Regulation (EU) No 965/2012, as regards technical requirements and administrative procedures related to introducing support programmes, psychological assessment of flight crew, as well as systematic and random testing of psychoactive substances to ensure medical fitness of flight and cabin crew members, and as regards equipping newly manufactured turbine-powered aeroplanes with a maximum certified take-off mass of 5 700 kg or less and approved to carry six to nine passengers with a terrain awareness warning system (OJ L 188, 25.7.2018, p. 3) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1539167289501&uri=CELEX:32018R1042>)

⁴ EASA Management Board (MB) Decision No 18-2015 of 15 December 2015 replacing Decision 01/2012 concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications, acceptable means of compliance and guidance material (‘Rulemaking Procedure’) (<http://www.easa.europa.eu/system/files/dfu/EASA%20MB%20Decision%2018-2015%20on%20Rulemaking%20Procedure.pdf>)



Article 1

The Annex to Decision 2014/019/R of the Executive Director of the European Aviation Safety Agency of 24 April 2014 (Guidance Material to Regulation (EU) No 965/2012) is amended as laid down in Annex I to this Decision.

Article 2

The Annex to Decision 2014/025/R of the Executive Director of the European Aviation Safety Agency of 28 July 2014 (AMC and GM to Part-ARO) is amended as laid down in Annex II to this Decision.

Article 3

The Annex to Decision 2014/015/R of the Executive Director of the European Aviation Safety Agency of 24 April 2014 (AMC and GM to Part-CAT) is amended as laid down in Annex III to this Decision.

Article 4

This Decision shall enter into force on the day following that of its publication in the Official Publication of EASA and it shall apply from 14 August 2020.

Cologne, 21 November 2018

*For the European Aviation Safety Agency
The Executive Director*

Patrick KY

