

Executive Director Decision

2020/003/R

of 18 March 2020

issuing Acceptable Means of Compliance and Guidance Material to Annex III (Part-BFCL) to Commission Regulation (EU) 2018/395 and amending the Acceptable Means of Compliance and Guidance Material to Annex II (Part-BOP) to that Regulation

‘AMC & GM to Part-BFCL — Issue 1’

‘AMC & GM to Part-BOP — Issue 1, Amendment 1’

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

Having regard to Regulation (EU) 2018/1139¹, and in particular Article 104(3)(a) thereof,

Having regard to Regulation (EU) No 1178/2011, and in particular point ARA.GEN.120 of Annex VI (Part-ARA) 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 of the delegated and implementing acts adopted on the basis thereof.
- (2) Acceptable means of compliance are non-binding standards issued by EASA which may be used by persons and organisations to demonstrate compliance with Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof.
- (3) Guidance material is non-binding material issued by EASA which helps to illustrate the meaning of a requirement or specification and is used to support the interpretation of Regulation (EU) 2018/1139, the delegated and implementing acts adopted on the basis thereof, certification specifications and acceptable means of compliance.
- (4) In accordance with Regulation (EU) 2020/357², stand-alone flight crew requirements for

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 Implementing Regulation (EU) 2020/357 of 4 March 2020 amending Regulation (EU) 2018/395 as regards balloon pilot licences (OJ L 67, 5.3.2020, p. 34) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32020R0357>).

balloons were laid down as Annex III (Part-BFCL) to Commission Regulation (EU) 2018/395³. Therefore, EASA has to issue Acceptable Means of Compliance (AMC) and Guidance Material (GM) for the new Part-BFCL. Additionally, an existing AMC to Annex II (Part-BOP) to Commission Regulation (EU) 2018/395 has to be updated to be aligned with AMC to Part-BFCL.

- (5) 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. For the development of the AMC and GM to Part-BFCL, certain balloon-specific AMC and GM to Annex I (Part-FCL) to Regulation (EU) No 1178/2011⁴ have been used and revised where necessary in light of the more proportionate requirements for sailplane flight crew licensing laid down in Part-BFCL.
- (6) EASA, pursuant to Article 115(1)(c) of Regulation (EU) 2018/1139 and Article 16 ‘Special rulemaking procedure: accelerated procedure’ of the EASA Rulemaking Procedure⁵ has consulted the affected stakeholders as well as its Advisory Bodies on the matters which are the subject of this Decision and has considered the comments received,

HAS DECIDED:

Article 1

The Acceptable Means of Compliance and Guidance Material to Annex III (Part-BFCL) to Commission Regulation (EU) 2018/395 are those laid down in Annex I to this Decision.

Article 2

The Annex to Decision 2018/004/R of the Executive Director of the Agency of 23 March 2018 is amended as laid down in Annex II to this Decision.

Article 3

This Decision shall enter into force on the day following that of its publication in the Official Publication of EASA.

It shall apply from 8 April 2020.

Cologne, 18 March 2020

*For the European Union Aviation Safety Agency
The Executive Director*

Patrick KY

³ Commission Regulation (EU) 2018/395 of 13 March 2018 laying down detailed rules for the operation of balloons pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 71, 14.3.2018, p. 10) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1579688045323&uri=CELEX:32018R0395>).

⁴ Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 311, 25.11.2011, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1579687825082&uri=CELEX:32011R1178>).

⁵ 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>).

