

Executive Director Decision

2020/013/R

of 18 August 2020

issuing an amendment to ED Decision 2019/025/R amending ED Decision 2018/006/R of 3 May 2018 issuing the Certification Specifications for Aeroplane Flight Simulation Training Devices, as well as amending ED Decisions 2014/017/R of 24 April 2014 and 2019/005/R of 27 February 2019 on the Acceptable Means of Compliance and Guidance Material to Annex III (Part-ORO) to Commission Regulation (EU) No 965/2012

'Amendment to ED Decision 2019/025/R (AMC & GM to Part ORO — Issue 2, Amendment 16)

Deferment of the use of aeroplane flight simulation training devices (FSTDs) qualified against "CS-FSTD(A) Issue 2" in air operator upset prevention and recovery training (UPRT) in relation to the COVID-19 pandemic'

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 Commission Regulation (EU) No 1178/2011, and in particular point ORA.FSTD.205 of Annex VII (Part-ORA) 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) Certification specifications are non-binding technical standards issued by EASA which indicate the means to demonstrate compliance with Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof, and which can be used by organisations for the purpose of certification.
- (3) 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.

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>).

- (4) With Decision 2014/017/R of 24 April 2014, the Executive Director issued Acceptable Means of Compliance and Guidance Material to Annex III (Part-ORO) to Commission Regulation (EU) No 965/2012. That Decision was subsequently amended, *inter alia*, by ED Decision 2015/012/R of 4 May 2015 to introduce upset prevention and recovery training (UPRT) into the flight crew training programmes of air operators.
- (5) With Decision 2018/006/R of 3 May 2018, the Executive Director issued Certification Specifications for Aeroplane Flight Simulation Training Devices (FSTDs) ‘CS-FSTD(A) — Issue 2’. Regarding its applicability to training which is delivered in accordance with Commission Regulations (EU) Nos 1178/2011 and 965/2012, Article 2 of that Decision made reference to the future applicability dates of the draft amending regulation that was being prepared at that time based on EASA Opinion No 06/2017 ‘Loss of control prevention and recovery training’². Subsequently, Articles 1(a) and 1(4) of the amending Commission Implementing Regulation (EU) 2018/1974³ applied from 20 December 2019.
- (6) With Decision 2019/025/R of 17 December 2019, the Executive Director issued, *inter alia*, an amendment to Decision 2014/017/R of 24 April 2014. With that amendment, the revised AMC to Annex III (Part-ORO) clarified the use of FSTDs that are updated against CS-FSTD(A) — Issue 2 for the provision of UPRT in accordance with Annex III (Part-ORO). The applicability of the revised AMC was set on 20 August 2020, in order to give FSTD operators more time to update their FSTDs against CS-FSTD(A) — Issue 2 and to obtain the respective approvals from their competent authorities.
- (7) In early 2020, feedback from both Member States and FSTD operators showed the need for a further deferment of the applicability of CS-FSTD(A) — Issue 2 to UPRT which is provided in accordance with Annex III (Part-ORO), following the COVID-19 outbreak and the subsequent lockdowns that had resulted in further implementation delays of CS-FSTD(A) — Issue 2.
- (8) 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. In this regard, the CS-FSTD(A) — Issue 2 implementation delays caused by the COVID-19 outbreak should be reflected in the applicability arrangement for the revised AMC to Annex III (Part-ORO) related to the use of updated FSTDs for the provision of UPRT in accordance with Annex III (Part-ORO).
- (9) 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,

² <https://www.easa.europa.eu/document-library/opinions/opinion-062017>

³ Commission Implementing Regulation (EU) 2018/1974 of 14 December 2018 amending Regulation (EU) No 1178/2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EU) 2018/1139 of the European Parliament and of the Council (OJ L 326, 20.12.2018, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1596199988146&uri=CELEX:32018R1974>).

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>).

HAS DECIDED:

Article 1

Article 4 of ED Decision 2019/025/R is amended as follows:

'Article 4

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

However, Article 3 shall apply from 31 March 2021.'

Article 2

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

Cologne, 18 August 2020

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

Patrick KY

