Appendix 1
to Opinion No 04/2017

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1. Summary of the outcome of the consultation

312 comments were submitted by 43 commentators, including 8 EU national aviation authorities (NAAs), air operators and several associations.

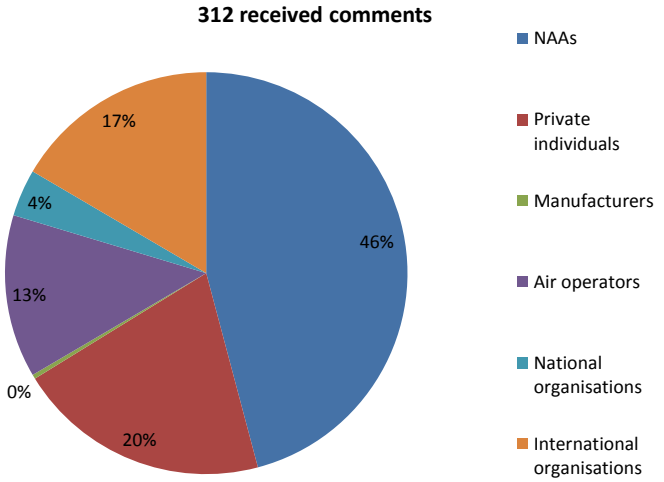

Figure 1: Comments received on NPA 2015-18 (A)

In summary, 78 comments were accepted or partially accepted by EASA, and 189 comments were noted, while only 35 comments were not accepted. The high number of noted comments results from the responses to the open questions, where EASA notes the comments made and will forward them to the relevant EASA staff for a follow-up.

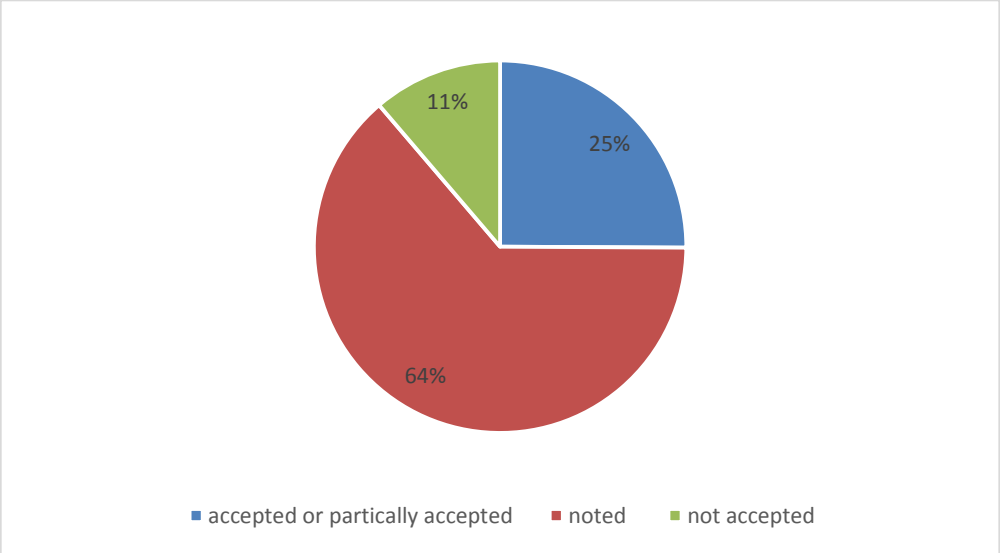

Figure 2: Distribution of the responses to the comments on NPA 2015-18 (A)

2. Individual comments and responses

In responding to comments, a standard terminology has been applied to attest the Agency's position. This terminology is as follows:

(a) **Accepted** — The Agency agrees with the comment and any proposed amendment is wholly transferred to the revised text.

(b) **Partially accepted** — The Agency either agrees partially with the comment, or agrees with it but the proposed amendment is only partially transferred to the revised text.

(c) **Noted** — The Agency acknowledges the comment but no change to the existing text is considered necessary.

(d) **Not accepted** — The comment or proposed amendment is not shared by the Agency.

(General Comments)	-

comment	*13* comment by: *René Meier, Europe Air Sports* Europe Air Sports (EAS), on behalf of all its member organisations (national aero-clubs, European sports and recreational aviation federations) and their members, thanks the Agency for preparing this NPA 2015-18. Aspects of the Regulatory Impact Assessment, some definitions, provisions dealing with Part-NCO were particularly important for us, to a certain extent also Part-SPO. We concentrated our effort on these texts and on the definitions proposed.
response	*Noted*

comment	*31* comment by: *NHF Technical committee* Norsk Helikopteransattes Forbund does not have any comments to this NPA.
response	*Noted*

comment	*185* comment by: *Austro Control* Attachments #1 #2 #3 #4 Dear all, please find below the comments of Austria. best regards Franz Graser Member of TAG FCL/OPS **A General Comments** · At the moment, rulemaking activities taking place in several areas at the same time. We are missing the "Horizontal View" to the different projects as well as the overall "Big Picture" in the whole rulemaking process.

· In the light of the comment made in the first bullet point Austria strongly recommends taking into account the discussion going on at the EASA RAG/MAB regarding establishing an adequate process identifying all possible cross domains effects of proposed rule changes to all other IRs:

RAG 1-2016 "IP-04" specifies the following:
The Agency fosters more and more a project management approach to horizontal issues.

The overall approach should support:

- the development of harmonized rules;
- a standardized implementation of European Rules;
- the introduction of Risk/Performance Based Oversight;
- the standardization activities by EASA;
- the efficient use of resources, including for the production of regulatory material;
- the promotion of European rules globally;

This NPA proposes changes to ARs and ORs where the same requirements are part of the Aircrew regulation. In addition to that EASA has started with "cross domain" standardisation inspections, which only make sense when common cross domain ARs/ORs (including AIR, etc.) are in place. (Different SMS requirements throughout the system are another example …).

· The Policy and Strategic Plan on the Implementation of Performance Based Regulations as specified in WP02 of RAG 1-2016 should be taken into account as well. The Summary strategic plan identified there consists of the following elements:

- The objective of PBR is to better focus on critical safety outcomes and to increase regulatory efficiency.

- Priority candidates (Implementing Rules) for the PBR approach should be:
  - Identified as part of the Rulemaking Programming process
  - confirmed through Impact Assessment or Ex-Post evaluation of Rules
  - discussed and agreed with stakeholders on that basis
  - formalised in the Rulemaking Programme

- The introduction of Performance Based Regulations shall be supported by:
  - common oversight methodologies ensuring harmonised implementation
  - a promotion programme for NAAs and industry on the performance based approach (SSP/EASP & SMS)
  - a review of the current training and qualification plans of staff within the NAAs (inspectors) and EASA (inspectors and Rulemaking Officers).

- To supplement the idea of PBR the following is also part of this paper:
  - Combinations of prescriptive and performance based elements should be determined depending on context and domain.

  - Inclusion of prescriptive elements should be balanced with the need to ensure resilience of the Implementing Rules, provide flexibility, and enhance safety management and efficiency.

  - Inclusion of performance based elements shall consider :

- Safety criticality of non-compliance
- impact on international harmonisation
- impact on oversight capabilities
- proportionality & flexibility
- risk management capability of regulated entities

Attachements:
RAG 1-2016 “IP-04” on horizontal issues + presentation
RAG 1-2016 “WP02” on performance based rulemaking + presentation

response *Noted*

comment *202* comment by: *Luftfahrt-Bundesamt*

Attachment #5

Please see file attached.

response *Noted*

Please refer to the newly amended Declaration.

comment *256* comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*

***Comments FOCA**: The Federal Office of Civil Aviation (FOCA) appreciates the opportunity to comment on the NPA 2015-18.*
In our opinion, the changes in NPA 2015-18(A) from “pressure altitude” to “barometric altitude” should
also be done in NPA 2015-18(B).
The same applies for “Airworthiness Code”, which was replace with “Certification specification”.

response *Accepted*

comment *305* comment by: *IATA*

Please note that the links in the CRT are not all the time matching the appropriate paragraph in the document. We have selected the appropriate paragraph to which we were submitting comments and inserted comments at the specific location. Hopefully this will not make the reading of our comments and their consideration too difficult.

IATA

response *Noted*

comment *338* comment by: *The Finnish Aeronautical Association*

The Finnish Aeronautical Association, on behalf of all its member organisations (Finnish sports aviation clubs) and their members, thanks the Agency for preparing this NPA 2015-18. We agree with the consultation response of the Europe Air Sports federation and wish to highlight some of EAS’ responses as detailed below.

response	*Noted*

comment	*342* comment by: *EUROCONTROL* The EUROCONTROL Agency does not make any comment on NPA 2015-18 (A).
response	*Noted*

comment	*355* comment by: *FNAM* FNAM (Fédération Nationale de l'Aviation Marchande) is the French Aviation Industry Federation / Trade Association for Air Transport, gathering the following members: - CSTA:French Airlines Professional Union (incl. Air France) - SNEH: French Helicopters Operators Professional Union - CSAE: French Handling Operators Professional Union - GIPAG: French General Aviation Operators Professional Union - GPMA: French Ground Operations Operators Professional Union - EBAA France: French Business Airlines Professional Union And the following associated member: UAF: French Airports Professional Union <u>Introduction</u>: The comments hereafter shall be considered as an identification of some of the major issues the French industry asks EASA to discuss with third-parties before any publication of the proposed regulation. In consequence, the following comments shall not be considered: - As a recognition of the third-parties consultation process carried out by the European Parliament and of the Council; - As an acceptance or an acknowledgement of the proposed regulation, as a whole or of any part of it; - As exhaustive: the fact that some articles (or any part of them) are not commented does not mean FNAM has (or may have) no comments about them, neither FNAM accepts or acknowledges them. All the following comments are thus limited to our understanding of the effectively published proposed regulation, notwithstanding their consistency with any other pieces of regulation. <u>General comments</u> : The FNAM would like to thank EASA for the clarifications provided within this NPA especially regarding the lease agreements. Besides the FNAM supports the development of integrated management systems promoted in this NPA. However, it will be necessary to keep in mind that the implementation of integrated management systems could take time for organizations.
response	*Noted*

Notice of Proposed Amendment 2015-18 (A) p. 1

comment *194* comment by: *Austro Control*

Dear all,
please find below the comments of Austria.
best regards
Franz Graser
Member of TAG FCL/OPS

Open Question No 1:
The order of the OM should remain unchanged. The introduction of a flexible/individual table of content increases the review workload for the authorities tremendously one hand and does not support a harmonized application of rules throughout Europe on the other hand. In addition to that, the risk for operators to "miss" important points in their documentation may increase as well. The present order ensures coverage of the necessary minimum documentation and permits a structured authority review without undue increase of workload and supports comparability within Europe.
However it should be possible to expand the numbering system according to the needs of the individual operator, for example by allowing to expand chapters of the OM-A with additional paragraphs [according to AMC3 ORO.MLR.100 OM-A Chapter 0, 0.1, consists of (a), (b), (c), (d) and may be further expanded with paras. (e), (f), (g), etc.]

Open Question No 2:
Austria considers the possibility to have one Accountable Manager (AM) for two operators (AOC holders) that belong to the same holding, but are situated in different Member States as a progressive step forward the industry requires. Nevertheless clear conditions have to be established supporting this new concept. The following should be considered in identifying the criteria: Hierarchies and accountabilities have to be precise and unambiguous. (For example by defining an "accountable management system", meaning the establishment of a clear hierarchy and viable lines of communication). Both, safety and compliance monitoring management should also be embedded and structured along these lines. The approach should go towards a single set of common management processes rather than just following similar SOPs. In addition to that workable criteria have to be developed supporting the oversight responsibilities of the applicable authorities of such organisations.

Open Question No 3:
An "effective continuous reporting system" alone is not sufficient as the sole basis for extending or shortening the oversight cycle. A number of other risk and performance factors (e.g. nature and severity of findings, complexity of operation, frequency of change of management personnel, operator performance, etc.….) need to be taken into consideration for the decision to shorten or extend the oversight cycle.
Open Question No 4:
There is a need for additional guidance on how cooperative oversight can be put in place. In addition to that the Agency should publish guidance on cooperative oversight templates for memoranda of cooperation between MS. Barriers may be given by national administrative laws.
To support cooperative oversight and to ensure there are no gaps and no overlaps in operator oversight a more efficient standardisation system has to be put in place ensuring equal application of the requirements throughout Europe.

Open Question No 5:
The Agency should develop further guidance on how to achieve an integrated management system within an organization holding several approvals. (AOC, Part-M, Part-145, ATO, etc.)
In addition to that guidance for CAs on how to effectively oversee organisations with several approvals having implemented an integrated management system should be developed.

Open Question No 6:
Yes, the option to refuse a safety manager should be given. Guidance on the refusal of safety managers would be advisable as well as a set of minimum qualifications to act as SM.

Open Question No 7:
The proposed new GM1 ORO.GEN.200(a)(3) Management system to provide extensive guidance on setting-up effective safety risk management is supported and should not be replaced (fully or partially) by promotion activities via the ESSI.

Page No: 24
Paragraph: Point 24
Comment: adapt the wording "*Code share" means an agreement* under….
Justification: in ARO.OPS.105 the title will be changed too: (code-share agreement instead of code-share arrangement, see page 41), the definition should therefore also be adapted
Proposal: adapt the wording "*Code share" means an agreement* under….

Page No: 34
Paragraph: ARO.GEN.120
Comment: The deletion of point (d)(3) is highly appreciated as this has been an administrative burden for MS.
Furthermore an important **general remark** has to be made: EASA is not explicitly legally empowered to assess and reject alternative Means of compliance which were approved for an operator or developed/used by a national authority itself. Practical Experience showed that assessments of AltMoC are conducted by the Agency may result in a rejection. The legal status of such a rejection is questionable. Member States must have – due to their national administrative law – the legal possibility to revoke their decision/approval (as e.g. foreseen in Art 14 (5) para.2 of BR) which has been issued already.
Justification: legal certainty for all stakeholders. In some Member States a decision can only be revoked, if the revocation is explicitly stated by law. Without such a provision it might happen, that EASA refuses an AltMoC, but the MS cannot revoke the AltMoC-approval and therefore the operator may continue to use it. In such cases it is difficult to solve this gap with other legal instruments. With a legal reservation of revocation the problem could easily be solved and the legal procedure would be simplified.
Proposal: add at the end of the text a new paragraph as e.g.:
f) If the alternative means of compliance which have been assessed by the Agency within two months are not establishing an alternative compliance with Regulation (EC) No 216/2008 and its Implementing Rules, the Agency has to inform the Member State concerned without undue delay. The member State shall revoke the AltMoCs approval immediately. (*Approval: according to ORO.GEN.120 (b) last sentence*).
Remark: considerations regarding this subject could also be made during the actual rulemaking process for the new basic regulation!

Page: 38
Paragraph: ARO.GEN.305 (h)
Comment: It seems not be a report for the operator, but this is not clearly stated.
Justification: legal certainty
Proposal: Proposal to clarify to whom the recommendation report should be delivered;

Page No: 41
Paragraph: ARO.OPS.110
Comment: It is appreciated that prior approval is limited to dry lease-out agreements of an aircraft with a third-country operator.
At the same time in pg. 51 to ORO.AOC.110 it is clearly described that **all** prior lease approval requirements are limited to lease agreements concerning aircraft registered in a third country. Prior approvals for lease agreements (dry and wet lease) between EU operators will be removed. As there are no longer prior lease agreements between EU operators for EU registered aircraft or EU operators, number (4) of ARO.OPS.110 (a) does not make sense any longer and is an unnecessary requirement.
Justification: legal certainty and consistency
Proposal: delete number (4) of ARO.OPS.110 (a)

Page No: 41
Paragraph: ARO.OPS.110 Lease agreements;
Comment: Para. (b) of ARO.OPS.110 states the suspension or revocation of a wet lease-in agreement. In the future wet lease-in approvals between EU-operators are not longer possible, therefore rule should also be adapted.
Justification: clarification and avoid misinterpretation
Proposal: "The approval of a wet lease-in agreement *with aircraft from a third-country operator* shall be suspended or revoked whenever…."

Page No: 41
Paragraph: ARO.OPS.110 Lease Agreements
Comment: All lease agreements shall be notified to the NAA´s if there is no further requirement of prior permission. In any case the lessor on wet-lease agreements has to have the equivalent authorization as the lessee. Before conducting any lease agreement the lessee has to ensure that all requirements are fulfilled and the lease contract does not contradict the safety of operations and is in conformity with the applicable regulations.
Justification: NAA´s shall be able to determine which aircraft is used from which operator.
Proposal: (e) notwithstanding ARO.OPS.110 (a) to (d) the competent authority shall be notified of all other lease agreements undertaken by the operator

Page No: 47
Paragraph: ARO.RAMP.105

Comment/Justification/Proposal:
The implementation of the new form replacing Appendix III (EASA-Form 136 Issue 1) is highly appreciated.
In addition to that we recommend deleting Appendix IV (EASA-Form 137, Issue 1), which is obviously not used by any MS because all necessary information is covered by Form 136. (The deletion also reduces the administrative burden of Authorites).

Due to practical experience we also recommend allowing MS to deviate on the format of the new form (e.g. printing the new form on 1 page)

Editorial:
Pg. 49, ORO.GEN.110; Point (19) (i) to (iii) delivers the explanation for the changes made in ORO.GEN.110 concerning its subpar. (h), (j) and (k). Subpar. (l) will also be amended, but there is no remark on this amendment (see also Pg. 17, 2.5.4.)

Page No: 51 and 52
Paragraph: **ORO.AOC.110; (21)**
Comment: Removal of prior approval for lease agreements between EU operators is supported. See also comment to Pg. 41, ARO.OPS.110 Lease agreements; (13). Number (4) of ARO.OPS.110 (a) should be deleted.
Remark: Art. 13 of Reg. (EC) No 1008/2008 should be amended also to ensure legal certainty is given and to avoid inconsistency regarding prior approval of lease agreement between EU operators.
Dry lease-in: point (d) is renamed in point (e); actually this point has 4 numbers, but in the proposed text there are only 3 points left. The requirement *"the aircraft is equipped in accordance with the EU regulations for Air Operations"* has been obviously deleted without any further explanation. On purpose or error?
Justification: legal certainty
Proposal: adapt the text accordingly

Page No: 53 – this is not a comment to a change this is rather a generic statement to the existing ORO.AOC.125:
Paragraph: ORO.AOC.125 – **Open Item**
Comment: Being aware of NPA 2015-05 and the amendment of ORO.AOC.125 (which is not part of this rule), it has to be mentioned that due to the urgent practical need of answers to open questions and lack of regulatory operational framework for this subject, the proposed amendments and complements (IR and AMC) should be published at latest with the current amendments of Reg. 965/2012.
It should be once more high lightened that generally, the aircraft should be removed from the AOC for the time during which it is not flown by an AOC holder and leased to a third party. In practice this could also be a very short lease as e.g. just for one day per month. For example if the aircraft is leased to a foreign ATO or another third party (not an AOC-holder!) – even if there will be no more lease-approvals between EU-operators – quite frequently the amendment ("registering/de-registering" of OpSpecs) is an undue administrative burden for the competent authority and the operators with possible high costs (depending on the relevant national fee schedules).
The above situation is an unsatisfactory situation for all stakeholders. Therefore, the establishment of a practically oriented solution and a legal basis is urgently required.
Former national rules e.g. provided, when AOC-aircraft were used by third parties (e.g. for training issues), for short term use that a technical release to service had to be issued or a special Authority approved procedure in the CAME had been established in those cases before the aircraft returned into the AOC-holder's environment.
With such a request the responsibility to take appropriate action rests with the operator without permanent issuance/removal of OpSpecs. Such a procedure would be a simplified administrative way, would support the practical need of operators and would not have a negative impact on safety.

Justification: close of legal gap, practical need of stakeholders, legal certainty
Proposal: Add special provision to ORO.AOC.125 (or create a new Paragraph) and close legal gap for (short term) non-commercial operations of AOC aircraft used by (European) third parties on European level.
Editorial:
Page 81, Title D; (54)
In the headline in the original title "INSTRUMENT, DATA" the term *"AND EQUIPMENT*" is missing ("*and"* will be obviously deleted).

Page No: 81
Paragraph: NCO.OP.190

Comment: It is highly recommended to develop GM to NCO.OP.190 which explaines how the new text of the requirement should be understood and complied with.

Page No: 84
Paragraph: Subpart D – before point (58)
Comment: Referring to the proposed amendments in point (37) pg.68, (51) pg.80 and (54) pg.81 the title of Subpart D (Part-SPO) should also be adapted and therefore the word "*and*" should be deleted.
Justification: uniform titles, consistency
Proposal: Subpart D – INSTRUMENTS, DATA, EQUPIMENT

response *Noted*

2. Explanatory Note — 2.2. Objectives p. 5

comment *239* comment by: *ICEALDA*

I this sections EASA need put take out "maintain high level of safety for air operations by ensuring a harmonised implementation of the Air OPS Regulation"

This is due to EASA say that Operators can do what ever they can do if they follow the Management and SMS system EASA do not need to Audit Operators as much and if regulation have Should in the regulatons the Operators state that they do not have to follow them and say this is just suggesting not regulations.
That meen EASA do not stand for high level of safety if the operators can go around regulations which EASA put in.
if EASA wants to continue to be credible than the agency need to change there strtegy

response *Not accepted*

2. Explanatory Note — 2.3. Summary of the Regulatory Impact Assessment (RIA) p. 5-12

comment *103* comment by: *UK CAA*

Page No: 6

Paragraph No: 3 and 4, in response to SRs GERF-2006-009 and UNKG-2005-148

Comment: The UK CAA believes the solution proposed by the Agency does not entirely resolve the concerns of the safety recommendations and the problem requires a more fundamental approach. The scope of the Basic Regulation should be expanded to cover operational standards, licensing and training requirements for de-icing and anti-icing services and service providers. If EASA wishes to promote the use of industry standards (rather than rulemaking) as a way forward, it still needs to be empowered to do so.

Justification: The issues surrounding de-icing and anti-icing services are numerous, complex and long standing. Pooled audits will only address the economic part of the problem through greater efficiency, reduced complexity and reduced overhead for both service providers and aircraft operators. However, pooled audits can best address the safety elements of the problem if also supported by an adequate regulatory framework. Either rulemaking, or use of industry standards, should be used to establish that:

a) Auditors should be qualified in accordance with a single standard.
b) Audits should be conducted against a single industry-wide accepted standard.

response *Noted*

comment *104* comment by: *UK CAA*

Page No: 7

Paragraph No: Second to last: “the Agency does not consider it is necessary to develop further AMC/GM on pilot incapacitation…”

Comment: The UK CAA believes that the justification provided for this decision is not relevant for the issue highlighted by the safety recommendation SR SWED-2011-013.

Justification: The concern highlighted in SWED-2011-013 is about proper decision-making and management of crew incapacitation after the flight and before further flights. The AMC/GM cited by the agency is only relevant for in-flight management of crew incapacitation

response *Noted*

comment *129* comment by: *Virgin Atlantic*

Page 6: SRs GERF-2006-009 and UNKG-2005-148:-
We support this proposal.

response *Noted*

comment *130* comment by: *Virgin Atlantic*

	P7-8: SR SWED-2011-013 AMC1 ORO.FC.220 & 230; We agree that this should be operator driven, as it is specific to individual airlines.
response	*Noted*

comment	*131* comment by: *Virgin Atlantic* INSPECTOR QUALIFICATIONS (New AMC/GM to ARO.GEN.200(a)(2) (sub-NPA (B)) Page 9: We support the following text and believe it is a good step forward; *The Agency's revised proposal includes a set of specific inspector qualifications, but ensures a certain degree of flexibility on technical background and knowledge:* *—* *The proposed AMC3.ARO.GEN.200(a) only foresees specific qualified inspector for some specific tasks related to the assessment and oversight of aircraft-specific standard operating procedures (SOPs) and flight crew training and checking programmes.* *—* *The proposed AMC3.ARO.GEN.200(a) provides elements to be considered by the authority in establishing aircraft types/classes with similar technical and operational characteristics.* *—* *The proposed GM3 ARO.GEN.200(a)(2) explains how the authority can easily assesses whether an inspector's specific type or class ratings have similar technical and operational characteristics.* *—* *A grandfathering clause will be included into the Articles preceding the final EASA Decision to ensure that inspectors, who have been employed in the authority until now and who have performed those tasks remain qualified.*
response	*Noted*

comment	*148* comment by: *Patrick Berrens* I would like to understand the reason why the reporting of occurrences which refered mainly to the following Regulations 996/2010 (prior known as Directive 94/56), 376/2014 (prior known as Directive 2003/42) additionally to Regulation 2015/1018, which all refered to "civil aviation" and not to "commercial operators" are classified under the Part ORO rather in Part CAT?
response	*Noted* Part-ORO contains the general requirements also for Part-CAT operators.

comment	*169* comment by: *Luftfahrt-Bundesamt* According to chapter 2.3 some grandfathering related to inspectors qualification would be stipulated in the Articles accompanying the Agency's Decision. Pls. consider that complexity of the applicable requirements will once more increase if (similar to the IR itself) we start to include additional requirements in articles of the (Cover) Decision and not in the AMC/GM itself. For IR these articles will be consolidated from time

	to time, for AMC/GM not. For transparency and simplification reasons we recommend not to use the Decision in such cases, but to put the requirements (grandfathering) directly in the AMC/GM.
response	*Partially accepted* Grandfathering requirements have so far been included only in the Cover Regulation or in the Decision issuing the AMC/GM. Grandfathering of the inspectors is not foreseen, since the revised AMC/GM provides the necessary flexibility and enables the authority, to define inspector pilots' profiles with experience on aircraft with similar characteristics.

comment	*219* comment by: *René Meier, Europe Air Sports* page 5/87 2.3. Summary of the RIA 4th block of the text: "...several inconsistencies were identified..." Question: Do you have a list prepared open to the public? Many thanks for your reply. If yes is the answer: Where can we find it?
response	*Noted* The Agency records all comments/questions in a logbook. Those feedback comments and suggestions for improvement have been taken into account.

comment	*220* comment by: *René Meier, Europe Air Sports* page 6/87 2.3. Summary of the RIA Fifth text block in 2.3.: Many thanks for your statement about the undue financial burden General Aviation has been suffering from for more than ten years now. It is high time to take all reasonable action to really change this situation without any further delay.
response	*Noted*

comment	*240* comment by: *ICEALDA* Regarding the stakeholders(each memberstate) than EASA need to put more regulation that they not down grade safety just due to presure from the Operators that they can interpreted regulation so they can have benefit of them not follow the regulation to the end.
response	*Noted*

comment	*241* comment by: *ICEALDA* for safety risk management, operators Must/Shall have FOO in all safety risk management so the operators full fill their obligation to hold standards with in OCC Operaton Control Center or which ever the operators call for responsibility of the flight and method of Operaton Control EASA need as well put definitions regarding responsibility for the flight. EASA Must/Shall put

	Pilot in command and Flight Operaton Officer/Flight Dispatcher FOO Must/Shall have 50% authority of the flight until all doors are closed and aircraft is driven by their own power. This is to clarify that Operators can not put any to assist Pilot in Command for the flight Operators need to full fill training based on ICAO doc 7192 D3 for FOO which than can assist PIC for each flight regarding all safety for each flight.
response	*Noted*

comment	*242* comment by: *ICEALDA* regarding this section EASA need to put in that when and if crew members have in-flight incapacitation than other crew memeber can have direct contact to OCC Operation Control Center and EASA Must definite that this direct contact Must go to qualified FOO on duty to full fill safety obligation to take correct action regarding safety for both crew and passenger on the aircraft. Than FOO can contact ATC due to this issue. EASA need to STOP to put only PIC and Management with in each operators only responsibility for the safety of the aircraft that is as well Flight Operation Officer/ Flight Dispatcher and Maintenance for each flight. EASA need to put in regulations that Operators need to stabilise this in their Operational manual.
response	*Noted*

comment	*243* comment by: *ICEALDA* Regarding Inspector Qualifications, EASA MUST/Shall stabilise into this regulation that Inspector for OCC Must/Shall be at least qualified trained Licence Flight Operation Officer/Flight Dispatcher to full fill their knowledge regarding the flight.
response	*Noted* OCC is outside the EASA scope.

comment	*244* comment by: *ICEALDA* Regarding the SMS system EASA Must/Shall stabilise more detail regarding responsibility with in the operations, not only with in the management system that is basically from for the passenger on each aircraft due to the passnager relay on in each position is highly qualified personnel which support PIC for each flight not unqualified not trained personnel in each position. EASA Must/Shall put in and stabilise in SMS Annex 19 that PIC and FOO are joint responsibility for each flight until all doors are closed and the aircraft is driven by there own power than PIC have authority over the aircraft and FOO can assist PIC if they divert of have emergency in-flight. Why EASA need to stabilise this in SMS is due to that fact that many European operators have low fuel issue in air last couple of years and pressure form the operators that safe fuel and best in this is to have unqualfied not trained FOO(Flight Operation Officer/Flight Dispatcher) in OCC Operation Control Center.

response | *Noted*

OCC is outside the EASA scope.

comment | *245* comment by: *ICEALDA*

EASA Must/Shall definite difference from the sise of the aircraft due to than operators can more stabilise the regulation based on the sise of the aircraft.
EASA Must/Shall work more regarding the size for the aircraft for L M H aircraft and privet aircraft as well.
for L aircraft less than 19pax should be difference regulation, than EASA can work more realistic for the big one and the operators can less go around the regulations which is in force.

response | *Accepted*

The Air OPS Regulation is proportionate and applies different set of rules by aircraft size. Different rules exist for operations with complex or with non-complex aircraft. For CAT operations different rules exist for aircraft with MOPSC of 19 or less.

comment | *289* comment by: *IACA International Air Carrier Association*

Sub-NPA (A) p8 line 14	Typographical error: There is no Sub-NPA (D).

response | *Accepted*

comment | *323* comment by: *Civil Aviation Authority of Norway*

A comment to the Agency's response to SR SPAN-2009-025
It concerns review of SPO SOP and risk assessments – and to what extent an authority should or could be involved in that. And in particular the normal SOPs, i.e. the ones that are not to be authorised as High Risk SPO.

EASA states that: … *In addition, according to ARO.GEN.300 in Part-ARO of the Air OPS Regulation, the competent authority shall oversee and verify that operators within their jurisdiction comply with Part-SPO and Part-NCO. Such oversight should detect any weaknesses in the risk assessments and/or SOPs/checklists, which should be required by the competent authority to be corrected.*

It seems quite optimistic to assume that "… *oversight should detect any weakness in the risk assessments and/or checklists* …", to the extent that something could be identified as having to be corrected.

First of all it must be remembered that neither for commersial SPO operators, let alone NCO operators, is there any requirement to submit risk assessments or SOPs to the CA in advance (ORO.DEC.100/NCO.SPEC.100/ NCO.SPEC.105). So any such assessments would then probably have to be done during normal oversight activity (if any) towards such operators.

It should also be mentioned that such a review most likely will be quite time/resource consuming and difficult to perform, considering it will be beyond most inspectors competence to assess it. A meaningful assessment of such risk assessments and SOPs requires in each case a detailed understanding of the type of operation, the aircraft and equipment and the environmental conditions.

response *Not accepted*

Continuous oversight is an important tool to ensure safe operations. The importance of continuous oversight is evident, since the air safety rules do not limit the validity of the certificates.. The Agency agrees that continuous oversight is a challenge for authorities, given the scarce resources, new business models and qualification profiles of inspectors. Continuous oversight for items not requiring prior approval or authorisation is indeed challenging. For this reason, the Agency has embarked together with NAAs on a task so that inspectors are qualified to ensure continuous oversight in a performance-based oversight environment.

comment *339* comment by: *The Finnish Aeronautical Association*

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2.3. Summary of the RIA

Fifth text block in 2.3.: Many thanks for your statement about the undue financial burden General Aviation has been suffering from for more than ten years now. It is high time to take all reasonable action to really change this situation without any further delay.

response *Noted*

2. Explanatory Note — 2.4. Open questions to stakeholders p. 12

comment *278* comment by: *Rogerio Pinheiro*

Dear Sirs,

APTTA – Associação Portuguesa de Transporte e Trabalho Aéreo is pleased to submit its comments regarding NPA 2015-18. Our comments will focus on open questions addressed to the operators on Part (A).

As for Open Question n.º 2 APTTA considers that the industry has to be able to adapt itself to the development of different business solutions that emerge every day. If this need is being identified by industry players APTTA suggestion is that a careful analysis is made in order to maintain, whatever changes accepted, the requirements necessary and inherent to the position of AM.

As for Open Question n.º 3 in APTTA's view, we consider advantageous to extend the cycle to 48 months.

Regarding Open Question n.º 4 APTTA considers favorable a solution where all parties work

more together and share more information. Therefore, cooperative oversight is considered a good indicator of industry's development. Nevertheless we emphasize the need of additional and detailed work and analysis in order to implement further such a solution.

On Open Question n.º 5 APTTA welcomes EASA's suggestion to provide further guidance on how to achieve an integrated management system.

Concerning Open Question n.º 6 APTTA and as for qualification requirements of the Safety Manager APTTA suggests that it should be equivalent to the requirements of other operational positions (i.e. Flight Operations Manager or Training Manager) along with the attendance of a specific course of Safety Management System. As for the syllabus of this course, APTTA kindly suggests the inclusion, among others, of the following issues: an overall view of the SMS and its evolution; risk assessment; safety culture; organizational awareness, hazards identification, gap analysis.

Additionally, as for the sentence "... reduce the oversight planning cycle if there is evidence that the safety performance of the organization has decreased", mentioned on page 37 and 38 of Part (A) APTTA does not agree with this conclusion and suggests exactly the opposite: in these situations the oversight planning cycle should be increased and not reduced.

Best regards,

APTTA

response *Noted*

2. Explanatory Note — 2.4. Open questions to stakeholders — Open question No 1 p. 12

comment *6* comment by: *Torfinn Brokke*

It is our view that it makes things easier for both the operators and the competent authorities to have a fixed order of items in the Operations Manuals. We therefore think that operators should not be able to freely choose the order of items appearing in the OM as of level N-1. We consider the current system of being able to adapt the second-level numbering and lower levels to be flexible enough. Besides, if an operator/competent authority would like to structure their manuals in a manner different from AMC3 ORO.MLR.100 they have the possibility of creating an AltMoC.

This also means that we think that AMC3 ORO.MLR.100 should not be "downgraded" into GM.

response *Accepted*

comment *25* comment by: *NetJets Europe*

Open question No 1 on the order of the OPERATIONS MANUAL (OM) contained in AMC3 ORO.MLR.100

NetJets is in favour of changing AMC3 MLR 100 from AMC to GM.

response	*Noted*

comment	*64* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* **Sweden standpoint: Only for OM-B.** Rationale: Safe and cost effective to use FCOM or similar from TC holder, supplemented by operator specific OM-B. Structure of FCOM can vary. This method is already indicated in ORO.MLR.
response	*Accepted*

comment	*72* comment by: *Civil Aviation Authority of Norway* The possibility for operators to freely choose the order of items appearing in the OM will make it more difficult for NAA inspectors to locate the different elements in the OM and more complicated to verify that the different regulatory requirements are covered in the OM. In order to compensate for this and to make it easier to check compliance between the OM and the applicable regulatory requirements, operators should be required to use compliance list that show the reference between the items in the OM and their reference to the applicable requirement in the regulation. The requirement to use such compliance list could be included in the AMC to ORO.AOC.100(c)(1), and/or in the AMC to ORO.MLR.100 in order to also apply for SPO, and NCC operators
response	*Accepted*

comment	*88* comment by: *British Airways Flight Operations* British Airways welcomes the possibility of flexible numbering of paragraphs within the Ops Manual, and agrees that numbering at N-1 level, would be appropriate. However, we would prefer the AMC to be reconstituted as GM, as suggested, to give greater flexibility to operators.
response	*Not accepted* The consultation has shown that stakeholders' opinions are mixed on the benefits of changing the numbering of the OM.

comment	*107* comment by: *UK CAA* ***Open question No 1 on the order of the OPERATIONS MANUAL (OM) contained in AMC3 ORO.MLR.100*** The Agency would like to ask stakeholders whether operators should be able to freely choose the order of items appearing in the OM as of level N-1. The advantage of this option would be more freedom for operators to adapt the OM to their operations. The disadvantage might be that the OMs from different operators will be more difficult to compare with each other, making it harder for inspecting staff to assess OMs from different operators. **This assumption is correct and the UK CAA believes that NAA oversight would be more challenging on initial manual production. Subsequent to initial manual production the operator's amendments process to indicate any changes incorporated (and rationale**

	for those changes) would not be so dependent on the manual following a standard format. Another possibility could be to change AMC3 MLR 100 from an AMC to GM, which would give the operator complete freedom to include the items into the OM as from level N-1, but which might make it more difficult for authorities to compare OMs from several operators. **This assumption is correct and the oversight would be more challenging on initial manual production.**
response	*Accepted*

comment	*132* comment by: *AeroEx Gmbh* Strongly support the amendment of AMC3 ORO.MLR.100. Operators should be able to choose freely the sub numbering of the chapters as of level N1. This would also clarify the actual compliance uncertainty on the numbering system (example 0.2.1 instead of 0.2 (a)) Also the move from an AMC to GM is supported. The statement that a different structure might be harder to inspect can be opposed due by the fact that it is anyhow the operator's responsibility to maintain the manuals in compliance with the applicable requirements and therefore they should be free to choose the structure and means to demonstrate compliance. This can be done in providing an up to date compliance list to the inspecting authority.
response	*Not accepted* The consultation has shown that stakeholders' opinions are mixed on the benefits of changing the numbering of the OM.

comment	*140* comment by: *Virgin Atlantic* *Open question No 1 on the order of the OPERATIONS MANUAL (OM) contained in AMC3 ORO.MLR.100* The format of the OM should not preclude operators from numbering OMs in a way that works for them.
response	*Noted* The consultation has shown that stakeholders' opinions are mixed on the benefits of changing the numbering of the OM.

comment	*141* comment by: *Virgin Atlantic* *Open question No 1 on the order of the OPERATIONS MANUAL (OM) contained in AMC3 ORO.MLR.100* "Another possibility could be to change AMC3 MLR 100 from an AMC to GM, which would give the operator complete freedom to include the items into the OM as from level N-1," We would support this approach.
response	*Noted*

	The consultation has shown that stakeholders' opinions are mixed on the benefits of changing the numbering of the OM.
comment	*153* comment by: *DGAC France* DGAC believes that no change is needed because the current wording of AMC3 ORO.MLR.100 does not prevent an operator to freely choose the order of items appearing in the OM. The first paragraph of AMC3 ORO.MLR.100 states: *(a) The OM should contain at least the following information, where applicable, as relevant for the area and type of operation* DGAC interpretation of this provision is that the order of items may vary and compliance with AMC3 is still satisfied as far as the minimum required information listed in AMC3 is present in the OM. Some flexibility in the order of items has already been accepted for OM-B when the structure of the FCOM provided by the aircraft manufacturer is different from the order found in AMC3.
response	*Accepted*
comment	*170* comment by: *Luftfahrt-Bundesamt* Unfortunately during the comment period we could not deeply enough evaluate all questions brought up in this NPA. However some general positions of Germany e.g. on cooperative oversight have already been circulated in other working groups. Referring to question 1 a free choice of setting up the OM would bear the risk of significantly increased complexity not only in the daily business of CAs, but also in case of pilots or other relevant staff working for more than one operator. Therefore the effects of any significant changes in this regard must be carefully evaluated before.
response	*Noted*
comment	*188* comment by: *Virgin Atlantic* Location of the Emergency Medical Kit *The Agency took the comments received from stakeholders into account and proposes to change the respective AMC in order to provide more flexibility to operators when identifying secure locations for the carriage of the EMK in their cabin configurations. This NPA proposes an amendment to AMC2 CAT.IDE.A.225(c)(2) and replaces the text relating to storage of the EMK in a 'locked compartment' with a more flexible provision of a 'secure location in the cabin that prevents unauthorised access to it.'* We support the above proposal.
response	*Noted*
comment	*212* comment by: *European Helicopter Association (EHA)*

	Open question n. 1 on the order of the OPERATIONS MANUAL (OM) contained in AMC3 ORO.MLR.100: With the introduction of SPA, SPO, NCC and NCO, operators in the helicopter world will have a variety of these approvals embedded in the same OM. The present structure is rather focused on a straight forward large aircraft IFR operator. Therefore, we believe it is beneficial to give the operators freedom as of the level N-1. However, we do not believe there is a need to amend the rule from AMC to GM. In fact we believe that, not only for the authority, but also for the growing (required) nr. of staff involved or for multiple operators, finding that particular topics in the same subsections would be beneficial.
response	*Partially accepted*

comment	*228* comment by: *Air France* Air France is in favour of keeping the present numbering which makes it easier to compare OMs from several operators.
response	*Accepted*

comment	*233* comment by: *Mario Tortorici* **Open question to stakeholders No. 1 - OM structure** A high standardisation in the structure of the Operations Manual is a benefit for all the users: wether you are a pilot, or an internal auditor, an Authority inspector, an IOSA auditor, a company user you will find a certain information in the same Chapter - Paragraph, also if you change frequently organisation. Considering the current usual difficulty often seen during ramp inspections when pilots try to retrieve information that they know it's in the OM, but do not recall exactly where is it written, We think it is real safety to keep OMs as much similar as possible among operators.
response	*Accepted*

comment	*271* comment by: *Aeroklub Polski* Yes, there should be more freedom in composing the OM. Move it from AMC to GM.
response	*Not accepted* The consultation has shown that stakeholders' opinions are mixed on the benefits of changing the numbering of the OM.

comment	*343* comment by: *Finnish Transport Safety Agency* **Question 1** **Should operators be able to freely choose the order of items appearing in the OM as of level N-1?** In Trafi's opinion the level of OM-A, OM-B and also level of Chapter 0, 1, 2 etc. should be

	kept. Below Chapter level operators could choose freely the numbering and order of items presented. However, the operator should have a compliance check list with which the authority could compare the contents of the manual towards regulations.
response	*Noted* The consultation has shown that stakeholders' opinions are mixed on the benefits of changing the numbering of the OM.

comment	*356* comment by: *FNAM* The FNAM supports the position of maintaining the current structure in order, for an airline, to simplify a comparison with another airline.
response	*Accepted*

2. Explanatory Note — 2.4. Open questions to stakeholders — Open question No 2 p. 12-13

comment	*1* comment by: *Joeri Meeus* Hello, • <u>in the case of 2 AOC belonging to the same group.</u> One Accountable Manager for two AOC's? Yes a good idea, but it needs to be maximum two AOC. I would say that the two AOC should then have the same methodology for the Safety department and as well for Compliance department. It shoud also be possible, maybe mandatory, if an accountable Manager is assigned for 2 AOC's, that the Safety Manager and Compliance Manager are as well assigend for the 2 AOC's. In that case, the same standard is among the AOC's. If not, when a different standard is possible, the accountable manager could switch, to go for certain cases, between AOC's for commercial reasons, operational reasons etc. If for example a risk assesment is made in one way on AOC nr 1 and different in AOC nr 2, that might create intended competition between 2 AOC. If one Safety Manager is assigned for two different AOC's, this risk might be mitigated. The same for the compliance Manager, to avoid different interpretation of regulations in both AOC's. Operating under the same SOP's ? Difficult as the second AOC could be different AC, different operations. But if the oversight of the management system is the same (safety & Compliance), the state of mind of managing these AOC is equal. So an accountable manager for 2 AOC is maybe a request, but a common safety manager and compliance manager for two AOC's should be possible (even with different

Accountable Managers).

But if there is a safety manager for a group, then there should also be a compliance manager for the group, so both at the same time, looking over
the group which has multiple AOC's.

- In case you have 2 AOC from different groups

Let's say a private jet company and a small cargo airline, I believe that the Accountable Manager could be the same but depending on the size of each company. And how will size be defined, by fleet, full time employees etc ??
But it seems to me more difficult as the culture/ policy/ methodology to define Safety & Compliance could be different in the both AOC's

Hope this helps.

With Kind regards

Joeri

response | *Noted*

comment | *73* comment by: *Civil Aviation Authority of Norway*

· *Open question No 2 on the option of one ACCOUNTABLE MANAGER for several AOC holders*:

The N-CAA does not support the possibility for one Accountable Manager to be responsible for several AOC holders. We believe that a scenario could lead to a weakening of the top management's operational control over the AOC holders, both due to the increased complexity of managing several organizations, and due to less "hands on management" between the top manager and the AOC holders especially if they are located in different countries. Through our own experience with one of our airlines that have established different AOCs under the same business group, we have seen examples that increased distance between AOC holders, their top management and the increased complexity of these organizations/business models, can lead to weaker operational control of these organizations. From an authority perspective the distance, increased complexity and possible cultural differences between the different AOC holders, makes it more difficult for us to perform a continuing oversight over these organizations.
If the regulation however should be amended to allow for one Accountable Manager to be responsible for several AOC holders, the regulation should require the different AOC holders to operate under the same Standard Operating Procedures, in order to avoid the tendency for separated organizations to "drift" or to unintentionally developing in different directions.

response | *Noted*

comment *80* comment by: *Patrick Berrens*

Dear Sir or Madam,
Regarding Your question number one (1) would like to point out the following.
I believe operators should continued to comply with the requirements of the AMC3.ORO.MLR.100 which result from the former JAR OPS starting around the year 2000, I think.
By using the AMC as further division for subchapters, pilots should be able to find any information they are looking for, easily and at the same place. By changing company, it is a great advantage and definitely a safety related issue.
The AMC3.ORO.MLR.100 shall remain and for operators, which prefer a different structure or subchapters, they have the possibility to introduce an “alternate means of compliance” through their National Authority or where not relevant insert “Not applicable”.

The Member States have succeeded to harmonize the technical requirements in the Civil Aviation for the benefit of safety for all users.
With the Reg. (EU) 1899/2006 from 15.12.2006, the Member States decided to issue an annex III to the Reg. (EU) 3922/91, which included the JAR OPS up to the revision number eight (8).
This important Annex III was first revised on the 11.12.2007 (through Reg. (EU) 8/2008 by adding JAR OPS revision nine (9) to twelve (12)) and finally on the 20.08.2008 (through Reg. (EU) 859/2008 by adding the JAR OPS revision thirteen (13))
During the same period, the ICAO has defined the main structure of the OM in its ICAO Annex 6 - Appendix 2 as follow:
General;
Aircraft operating information;
Area, routes and aerodromes; and
Training.
This structure is still valid and the one used for the AIR OPS.
The AIR OPS uses also the same main chapters’ structure, which was established the first time with the introduction of the JAR OPS (or annex III of Reg. (EU) 3922/91) and beside of few changes has also remained similar in the OPS 1.
I have checked the differences between ICAO; JAR OPS, OPS 1 and AIR OPS requirements for the OM-A part, over the years and found out that they have been few changes.
Some of the ICAO requirements are not displayed in the AIR OPS as subchapter titles. For example the following:
2.1.22 Instructions on the clarification and acceptance of ATC clearances, particularly where terrain clearance is involved.

2.1.23 Departure and approach briefings.

2.1.24 Procedures for familiarization with areas, routes and aerodromes.

2.1.25 Stabilized approach procedure.

2.1.26 Limitation on high rates of descent near the surface.

2.1.27 Conditions required to commence or to continue an instrument approach.
However, through the introduction of the IOSA audit all IATA Airlines should have these requirements in their OM.
Nevertheless some improvements may be helpful. For example some subchapters define

very clearly the way subchapter must be published. If once observes the structure of chapter 6, each subchapter is laid down in a clear recital, To compare the chapter 8, and more specifically the subchapter 8.1.7, 8.1.10 or 8.3.10 there are no recital structure but long statements.
AMC & Guidance Material to AMC 8.1.7
Determination of the quantities of fuel, oil and water methanol carried. The methods by which the quantities of fuel, oil and water methanol to be carried are determined and monitored in-flight. This section should also include instructions on the measurement and distribution of the fluid carried on board. Such instructions should take account of all circumstances likely to be encountered on the flight, including the possibility of in-flight re-planning and of failure of one or more of the aircraft's power plants. The system for maintaining fuel and oil records should also be described.
It could have been published like this in order to obtain a clear structure:
Determination of the quantities of fuel, oil and water methanol carried.
- The methods by which the quantities of fuel, oil and water methanol to be carried are :
- Determined ; and
- Monitored in-flight.
- Instructions on the measurement and distribution of the fluid carried on board.
- Such instructions should take account of all circumstances likely to be encountered on the flight,;
- Including the possibility of in-flight re-planning; and
- Of failure of one or more of the aircraft's power plants.
- The system for maintaining fuel and oil *records should also be described.*

response | *Noted*

comment | *87* | comment by: *British Airways Flight Operations*

British Airways has no opinion on Question 2

response | *Noted*

comment | *108* | comment by: *UK CAA*

Open question No 2 on the option of one ACCOUNTABLE MANAGER for several AOC holders
The Agency would like to ask stakeholders under what conditions such a scenario with one AM responsible for several AOC holders in different Member States would be possible. Should the respective AOC holders under the responsibility of a single Accountable Manager operate towards the same Standard Operating Procedures (SOPs), or should they work towards a single set of a common safety risk assessment, a common management system?
The UK CAA believes **the SOPs would need to be aligned if the crew were to operate across the organisation for a multiple of AOC's. This would not be necessary if there were to be no cross operations.**
How could the IRs, AMCs and GM ensure that the AM has financial control over all AOC holders? **The UK CAA believes AMC's and GM should indicate the terms of reference for the AM and must/should include the financial control requirements. These TOR's should be carried across each AOC. The Inspector for each CA must be comfortable with the outcome of any discussions regarding finance.**
Should there be also the possibility to assign a single compliance monitoring manager

(CMM)? **The UK CAA believes the CMS must be of suitable size depending on the size and scope of the operation, so there should be no reason why there couldn't be a single CMM. The CMM or deputy must be accessible to the NAA and must have access to the AM.**
Several options are feasible and the Agency is interested in feedback from stakeholders on this open question.

response | *Noted*

comment | *133* | comment by: *AeroEx Gmbh*

This should only be possible if the structures of both AOC's are exactly the same, especially regarding the Management system. Assigning a single Compliance Monitoring Manager or also single Safety Manager should be seen as an advantage. However in this case it must be ensured that sufficient resources are allocated to both functions.

response | *Noted*

comment | *142* | comment by: *Virgin Atlantic*

Open question No 2 on the option of one ACCOUNTABLE MANAGER for several AOC holders

We see no real issue against common Nominated Persons (NP), or a common Accountable Manager (AM). The key is for the AM and NPs to have clearly defined terms of reference for their roles.

response | *Noted*

comment | *146* | comment by: *ExecuJet*

For one AM to be responsible for multiple AOC's that belong to one holding it is essential that the management system is harmonised across the AOC's. The safety management system and compliance monitoring system can be successfully run centrally when all of the processes are the same and the SOP's and operations manuals are all harmonised. A group/holding that is working in this harmonised manner can use one risk register effectively across the operation; it also has the advantage of sharing audits, particularly when dealing with ground handling operations, suppliers and Part 145 providers. A common training system with common standards and SOP's/OPC's will increase business efficiency allowing crew to work across the different AOC's and increase safety standards.
Financial control by the AM can be ensured as long as the company organisation is set up in a way that makes it obvious who maintains the responsibility; with fully harmonised procedures and using the centralised shared services model (CAMO, dispatch, crew training, finance/accounts/HR) financial control is both possible and workable.
One CMM can be assigned over multiple AOC's as long as the management system and operating procedures, as stated above, are the same and fully harmonised. Depending on the size of the individual AOC, consideration should be given to 'local' compliance monitoring staff to ease workload. If using the shared service concept the majority of compliance monitoring can be carried out in one central location.
ExecuJet across Europe has already implemented a fully harmonised management system, training department and financial system across the three AOC's in Denmark, Switzerland and the UK (as well as the private/non-commercial aircraft operation); it has seen the

	advantages of this way of operating and the proposal of one AM for multiple AOC's would be welcomed and embraced. It can help to increase the efficiency and ultimately and most importantly the safety of the operation.
response	*Noted*

comment	*154* comment by: *DGAC France* The possibility to have one single accountable manager (AM) for several AOCs in a single member state or in different member states doesn't seem to raise a safety issue by itself. However, it would be necessary to carefully check that the AM can fulfil his accountabilities : - The AM should have a sufficient amount of time to personally run the management system of all the AOCs; - There should be a clear line of responsibilities in all the AOCs; - The AM should have actual financial control on all the AOCs. Therefore, one of the main needs would be to detail the conditions for the acceptance by the authority of an accountable manager.
response	*Noted*

comment	*213* comment by: *European Helicopter Association (EHA)* Open question 2 on the option of one ACCOUNTABLE MANAGER for several AOC holders: The future AM should be allowed to be AM for multiple AOCs, ATO's, AMOs in different countries if following conditions can be met: 1. A proper corporate holding policy outlining the T&Cs (especially financially) demonstrating that the AM has a real control on both operators and how the control will be performed. 2. Management system of the holding and operators have to be common, very clear and defined, with no doubts or different interpretations (attention to languages as well). 3. The Compliance Monitoring Manager could be the same but not necessarily. For big holdings a Corporate Compliance Monitoring Manager could be an advantage.
response	*Noted*

comment	*246* comment by: *ICEALDA* For the 2.4 Nr.1 EASA MUST/SHALL under no circumstances ask the operators how they want to have their OM. Than we have less trained personnel and no qualified standard with in Flight Operation departments. EASA can never drop down the safety for all personnel which affect each flight and passanger as well. EASA must put instead regulation regarding size of the aircraft not give the operatiors open rules for their operatons, that is madness.
response	*Noted*

comment	*303* comment by: *IATA*

	Answer to Open Question No 1: Order of OM Contents: IATA welcomes the flexibility proposed by EASA on the contents of the Operations Manual.
response	*Noted*

comment	*306* comment by: *IACA International Air Carrier Association* IACA encouraged its members to respond individually to all open questions to stakeholders. More specifically in relation to question N°2, IACA carriers support the scenario of one Accountable Manager responsible for several AOC holders in different Member States.
response	*Noted*

comment	*344* comment by: *Finnish Transport Safety Agency* **Question 2** **Under what conditions one AM responsible for several AOC holders in different Member States would be possible?** The question is not easy to answer, as there are several aspects influencing it. However, Trafi is not totally against the issue. If several AOCs will have common responsible persons, the situation has to be assessed case by case, and taking into account the functional integration level of the organisations. It is essential that the responsibilities are clear and the persons can fulfil the obligations of their tasks. The competent authorities should be able to co-operate and fulfil their obligations in effective way. Also the size of the operators; the nature of the operations; the maturity of the operators, the commitment level, performance and resources of responsible persons; and possible interpretation differences between the Member States in concern has to be taken into account. In general the competent authority should have clear legal mandate via IRs to request change for responsible persons if the management of the situation is not satisfactory. Finland has both good and not so good experiences of common AM for several AOC holders. Trafi suggests that the issue will be further discussed in New Business Model –group.
response	*Noted*

2. Explanatory Note — 2.4. Open questions to stakeholders — Open question No 3 p. 13

comment	*74* comment by: *Civil Aviation Authority of Norway* · *Open question No 3 on the extension of the oversight cycle and the option of new AMC or GM to specify what is an effective continuous reporting system from the AOC holder to the authority, in order to extend the oversight cycle from 36 to 48 months as per ARO.GEN.305(c):* An effective continuous reporting system should include mechanisms that enables the Competent Authority to monitor the functioning of the Operators Compliance management system, in particular it's reporting system: what is reported, how the organization evaluates the report, which follow-up actions that are taken, and the organization's evaluation of the

	effectiveness of these actions.
response	*Accepted*

comment	*89* comment by: *British Airways Flight Operations* The oversight cycle should be related to the maturity (or otherwise) of an AOC holder's management system. If, according to objective criteria, the AOC holder can be considered to have a mature MS, the oversight requirements should be less onerous. There are other indicators which the CA could consider – for example IOSA registration – which would be leading indicators of the maturity of the MS.
response	*Noted* The certification to industry standards is already included as one element in the determination of the oversight cycle and is part of a performance based oversight system.

comment	*109* comment by: *UK CAA* ***Open question No 3 on the extension of the oversight cycle and the option of new AMC or GM to specify what is an effective continuous reporting system from the AOC holder to the authority, in order to extend the oversight cycle from 36 to 48 months as per ARO.GEN.305(c).*** The Agency has received questions on what can be understood to be an effective continuous reporting system to the competent authority on the safety performance and regulatory compliance of the organisation. The Agency agrees that there is a gap in AMC to ARO.GEN.305(c), which means that authorities have no guidance to assess what is an effective continuous reporting system. This leads to different standards in the EU, whereby each authority has to define its own system to assess if the oversight cycle can be extended from 36 to 48 months. The Agency would like to receive feedback from stakeholders on what constitutes an 'effective continuous reporting system' subject to which the oversight cycle can be extended. **The UK CAA agrees that an 'effective continuous reporting system' needs to be defined. The Operator needs to provide the CA with the metrics associated with the hazards and risks identified. Subsequent to identification the risks must be adequately managed with acceptable changes or mitigation. This should be a continuous process and reports developed and communicated at least quarterly. Supporting evidence should be available upon request by the CA.**
response	*Noted*

comment	*134* comment by: *AeroEx Gmbh* It is not an effective continuous reporting system that should be the driving factor to extent the oversight cycle but an effective and mature safety management and compliance monitoring system.
response	*Accepted*

comment	*151* comment by: *Transport Malta - Civil Aviation Directorate*

	An AMC would be a preferred option since this would give a structured guidance, while GM may give operators a free hand thus requiring more work during compliance checks.
response	*Noted*

comment	*155* comment by: *DGAC France* In the context of oversight cycle extension, an effective continuous reporting system could be ensured by two means: 1. Yearly meetings with the accountable manager, in order to share information about the results of internal audits, about the identified risks and about the evolution of the safety performance. 2. The communication by the operator of, at least, the following data: A. Conformity: systematic communication of all findings from internal audits and associated corrective actions. B. Risk profile: yearly update on the areas of main concern identified by the operator and on the risk indicators requested by the authority C. Safety performance: yearly update on the safety performance indicators identified by the operator and the one requested by the authority. Such data should be discussed with the accountable manager and should enable the competent authority to keep track of the conformity, the risks and the safety performance of the operator. This data framework is in line with the risk based oversight framework currently built by EASA in collaboration with the Member States. In order to underline the fact that RBO comes on top of a robust CBO system, conformity is presented apart from safety performance even if conformity could be seen as part of the safety performance.
response	*Noted*

comment	*214* comment by: *European Helicopter Association (EHA)* Open question n. 3 on the extension of the oversight cycle and the option of new AMC or GM to specify what is an effective continuous reporting system from the AOC holder to the authority, in order to extend the oversight cycle from 36 to 48 months as per ARO.GEN.305(c): No objections, but the AOC Holders should have a robust management system to facilitate regular and reliable information to the authority.
response	*Noted*

comment	*229* comment by: *Air France* An effective continuous reporting system to the competent authority on the safety performance and regulatory compliance of the organisation could be a set of 3 KPI shared with the competent authority, reflecting the inherent risk/complexity of concerned operations, the operator's compliance and the operator's performance. These KPIs could apply to Organisation-SMS, Flight time limitations, Training, Procedures and SPA-DG. Sharing these KPIs in an annual meeting with operator's accountable manager and competent authority could be an effective continuous reporting system.

response | *Noted*

comment | *234* comment by: *Mario Tortorici*

Open question to stakeholders No. 3 - continuous reporting system
The extension of the oversight cycle means less audit and/or inspections in a given period of time. But it is difficult to explain to the public that this will imply less oversight, therefore it is necessary to establish a system to perform oversight from the CAA's office. For this reason the continuos reporting system shall be designed with this aim. This could take advantage of the new technologies, by granting, to the Oversight Team, a remote access to the flow of information available to the management of the operator. Examples: traffic data, delays, cancellations, MEL usage, hours flown by pilots, outcome of internal audits, pilot rostering and changes to it, FDM etc.
The choice of the data to be available should be driven by the aim to make it possible to inspect some processes without being physically at the operator premises.

response | *Noted*

comment | *238* comment by: *OHI Pedro Vilela*

At present time, is not clear - and different NAA have different understandings - if the second-level numbering is mandatory, like the first-level. Since some chapters, instead of a second-level numbering, have a letters, some NAA understand and "require" that this letter sequence should be maitained.

If possible and in accordance with the changes to be applied to the text on this subject, include some statements about:

- the second-level numbering is mandatory (if this is the decision)
- any sub-level letters at any chapter are only references of what shall be included
- any additional numbered items are accepted after the last reference
- changes in the sequence of second-level are accepted if clear identificable and a better sequence of the manual is produced

a review on the order of the items and changes to titles may be advisable in case of the decisions is made to maintain the requirement about mandatory second-level compliance.

response | *Noted*

comment | *248* comment by: *ICEALDA*

EASA MUST/SHALL under no circumstances ask the operators how they want to have their Accountable Manager.
Than the Operators will go around under each day they want to operate and higher pepole with in the operations, the operator that start and state that if they have issue than the operatior will state that this day they operate under different AOC and the regulation do not match with them at that time.
EASA can never drop down the safety for all personnel which affect each flight and passenger as well.
EASA must put instead regulation regarding more specific that the operators have to definite

	in AOC and rules for their operations, but this is madness.
response	*Noted*

comment	*304* comment by: *IATA* Open Question 2 - One Accountable Manager for several AOC: IATA welcomes the discussion on further flexibility offered by the option of one Accountable Manager for several AOC holders. Commercial aviation goes beyond national boundaries and there is a natural tendency of integration and standardization. Certain airlines would benefit from the possibility of having one Accountable Manager and the specific Nominated Persons in a centralized manner. Operators are endeavoring standardization, synergies and creating common operational, quality and safety standards over all group airlines. The Organizations see upside potential with regard to internal benchmarking, best practice , same SOPs (where not in conflict with local requirements) , documentation and improving transparency of data and thereon based safety standards.
response	*Noted*

comment	*317* comment by: *European Transport Workers Federation - ETF* *NPA 2015-18(A) page 13 "Open question No 2 on the option of one ACCOUNTABLE MANAGER for several AOC holders"* Beyond this open question, we know that the goal is to create the possibility to get one AOC over several state members.Despite the fact that an AOC is relying on the European regulations stated by the EASA and specially the Air Ops, it is undoubted that competent jurisdictions are those from state members. More over, each AOC is delivered by a state member from an aeronautical administration and NOT by the EASA. Therefore, the control over the AOC is supplied BY the state member administration. Thus, instead of allowing a physical person to be an Accounting Manager of several AOC, the ETF requests that a physical person can not be an Accounting Manager of several AOCs from different state members. A physical person could continue to be an Accounting Manager of several AOCs but from only one state member. Additionally, beyond a defined level of organisation complexity, it will be wised that an Accounting Manager could be entitled only for this such organisation. This should allow to an Accounting Manager to correctly assess the local regulations: Criminal Code, Civil Code as well as Employment law. This should avoid to create intern ambiguities within the company to know which member state local regulation is applicable. This should avoid that local administrations skip the duty arguing that it depends from the other state member jurisdiction. Finally, enabling the possibility "for several AOC holders" with in mind the example #2, limited to only 2 state members, it's neglecting the possibility for a holding over X member states to get only 1 Accounting Manager. With a such scheme, the holding weight would be

unbalanced specially facing small member states and that would create a legal octopus and would facilitate mechanisms to circumvention controls and legal obligations. So, it would permit to create a Mafia network without efficient counter-power.

Therefore, as long as there will not exist over the Europe a unified Employment law, a unified Criminal code and a unified Civil Code, an AOC should be limited to the area of one state member and an Accounting Manager should not be able to endorse this position over different state members.

response *Noted*

comment *345* comment by: *Finnish Transport Safety Agency*

Question 3
What is an *effective continuous reporting system* from the AOC holder to the authority, in order to extend the oversight cycle from 36 to 48 months as per ARO.GEN.305(c)?

Trafi thinks that effective reporting system is not the most essential issue, and also it is inadequate criteria for this extension. Instead we would like to focus on the total performance of the operator. The operator shall have proven capability to insure by himself the compliance with the requirements and to manage the safety risks.
We propose that the whole ARO.GEN.305 (c) will be reviewed based on today's experience on SMS functions.

response *Noted*

2. Explanatory Note — 2.4. Open questions to stakeholders — Open question No 4 p. 13-14

comment *65* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

Sweden standpoint: Financing of cooperative oversight should be regulated or adressed i guidance material. I.E level of oversight wich can be conducted without agreement regarding financing and level of oversight that should be financed by state of AOC.

response *Noted*

comment *75* comment by: *Civil Aviation Authority of Norway*

Open question No 4 on cooperative oversight:
We believe that there is a need for additional guidance on how cooperative oversight can be put in place. This is due to uncertainty and different opinions on how such cooperative oversight can be arranged.

To our experience the barriers to cooperative oversight is:

- Financing. Cooperative oversight activities require recourses which have to be financed. Financial constraints on the involved authorities could provide a barrier for cooperative oversight. The states involved in the cooperative oversight of an operator should consider making an agreement on the distribution of costs.

- Acceptance of findings. For the cooperative oversight to become efficient, the states involved must be able to accept each other's findings, without having to validate each finding themselves.
- The authorities involved must be given sufficient access to each other's oversight documentation and results.
- Differences in national legislation regarding public administration, such as different provisions on confidentiality, may serve as barriers to cooperative oversight.

In order to ensure that there are no gaps and no overlaps in operator oversight, we believe that the states involved in cooperative oversight must coordinate their oversight and audit plans regarding the operator concerned.
We believe it would be welcome if the Agency could publish such guidance on cooperative oversight templates, especially a template for an agreement (memoranda) of cooperation between states. In order to suit different needs and different variants of cooperative oversight, the template should be written at index level, highlighting the items that should be concerned, without going into details.

Experience has also shown that oversight in an other state from the CA tend to be less effective and perhaps also less frequent. On the other hand the authority in the state where the operation takes place will only have access to the base and the operation. This might cause gaps and is unlikely to be adequate to assess an operation.

response *Noted*

The Agency has embarked with a trial group of NAAs on a project on cooperative oversight. The final report of the trial will be published by the Agency and distributed to all NAAs.

comment *90* comment by: *British Airways Flight Operations*

British Airways has no opinion on this issue

response *Noted*

comment *110* comment by: *UK CAA*

Open question No 4 on cooperative oversight
The Agency has received questions on cooperative oversight. The term 'cooperative oversight' refers to the obligations established by the Basic Regulation (Art. 10), ARO.GEN.200(c), as well as ARO.GEN.300 (d) and (e) that MS shall cooperate and include in their oversight scope those activities performed in their territory by entities established or residing in another MS, on the basis of safety priorities and past oversight activities.
Questions received indicate that more guidance is necessary to assist MS to better work together and to share information.
The following are examples of cooperative oversight:
— Sharing of safety data and safety information between MS, e.g. data on Safety Assessment of Community Aircraft (SACA), findings, safety studies and reviews, occurrences data, Air Traffic Control (ATC) data, information on findings and inspections or audits.
— Occasional spot checks by the CA of a MS of an operator's remote bases, that are located in the territory of the MS, but where the CA is not the certifying authority. **The UK CAA believes there would need to be clear definition on what 'occasional' means as over-exuberant CA's may over regulate foreign Operators.**
— Joint audits shared between the CAs as a result of joint oversight programmes, which are

currently not foreseen in Part-ARO. **The UK CAA believes there would need to be clear action and follow up lines for any findings made. Finding closure from a foreign CA would need to be closed by that CA and not become the responsibility of the CA in the territory of the MS.**
— Oversight agreements in accordance with ARO.GEN.300(d) or (e).

The Agency would like to receive feedback from stakeholders on the following:
— Is there a need for additional guidance on how cooperative oversight can be put in place? **The UK CAA agrees - Yes – see comments above**
— What are the barriers to cooperative oversight and what has to be in place so that cooperative oversight is beneficial to the CAs involved? **The UK CAA believes there would need to be a clear definition on what 'occasional' means as over-exuberant CA's may over regulate foreign Operators.**
— How to ensure there are no gaps and no overlaps in operator oversight? **The UK CAA suggests that gaps are more of an issue, but that overlaps would not be a problem**
— Should the Agency publish guidance on cooperative oversight templates for memoranda of cooperation between MS, etc.? **The UK CAA believes clear guidance or specific checklists should be produced to ensure standardisation and suggests it may be wise to encourage CAs from differing MS to work collaboratively**

The Agency conducted a focused consultation with MS during the third quarter of 2015 on a draft Working Paper on cooperative oversight. In addition, currently, the Agency is facilitating a trial project between NAAs on cooperative oversight and it is expected that results from this trial project should already be available when the Comment-Response Document (CRD), associated with this NPA, is published.

response

Noted

The Agency has embarked with a trial group of NAAs on a project on cooperative oversight. The final report of the trial will be published by the Agency and distributed to all NAAs.

comment

143 comment by: *Virgin Atlantic*

Open question No 4 on cooperative oversight
There should be assurance that individual NAA's understand the concept of cooperative oversight within their own states.

response

Noted

The Agency has embarked with a trial group of NAAs on a project on cooperative oversight. The final report of the trial will be published by the Agency and distributed to all NAAs.

comment

152 comment by: *Transport Malta - Civil Aviation Directorate*

This scenario has been requested several times. In principle having a common AM for organizations having two AOC's in 2 different MS should enhance the overall financial state.

In principle we agree that it would be acceptable to have the same AM for the scenario prescribed above. As a principle guideline the organizations shall have a homogenic management system but which shall be able to differentiate data of different AOC's to facilitate oversight activities of the same.

The SOP's should not be subject for acceptance of a common AM but rather to having a common Nominated Person which is not the subject of the question.

I propose that the acceptance of having a common AM should not be subject to both authorities approval, however the AM should be made responsible to declare such a position.

Conclusions from the Working Group related to Operator interoperability issues/new business models not only limited to Financial control but also technical domains should also be considered for AMC or GM purposes.

response *Noted*

comment *156* comment by: *DGAC France*

DGAC agrees that there is a need for additional guidance on ARO.GEN.300(d) and (e) as well as ARO.GEN.200(c).
The type of information to be shared could be detailed as well as the sharing of costs and responsibilities when performing cooperative oversight actions.

response *Accepted*

The Agency will promote best practices regarding cooperative oversight and as part of EPAS will monitor via standardisation Member States' applicableprocedures with regards to cooperative oversight.

comment *199* comment by: *European Helicopter Association (EHA)*

Open question n. 4 on cooperative oversight:

Cooperative oversight should bring the following benefits:
1. One single standard in oversight
2. No hide and seek
3. Decreased burden and costs for all involved (MA and operator).
But it also requires the following:
1. Better and higher standardization between MS authorities
2. Language could be a barrier - mitigations required
3. Requires guidance on cooperative oversight
4. All MS should apply the rule in the same manner (this is already a present issue!!!)
5. When audits required by both NAA's, these should be joint audits whenever possible.

response *Noted*

The Agency has embarked with a trial group of NAAs on a project on cooperative oversight. The final report of the trial will be published by the Agency and distributed to all NAAs.
The feedback of EHA has been included into the report.

comment *235* comment by: *Mario Tortorici*

Open question to stakeholders No. 4 - cooperative oversight

	At the moment cooperative oversight is only a definition for the large majority of stakeholders. ENAC is trying to start some activity as Local Authority, but there is no answer from the Competent Authorities. Please provide guidance when cooperative oversight should be considered an obligation for both authorities (local bases, traffic volume, nature of the operations?). Barriers could be not only cultural, but also related to money: a British operator has to pay for Italian oversight? Which tariffs are applicable? In our opinion the operator shall pay the oversight fees to the local authority in accordance with the local requirements otherwise we see a lack of level playing field with local operators? In a cooperative environment there should be an oversight plan shared, where the CA establishes the number and type of audits or inspections with the agreement of the LA, and the LA is requested to carry on part of the activities (those performed in its territory) using procedures of the CA. To make this possible a MoU btwn CA and LA should be compulsory when the CAT operator establishes a permanent base in a different member state; permanent means for at least some months, since in this case the exposure to safety risks is obviously significant.
response	*Noted* The Agency has embarked with a trial group of NAAs on a project on cooperative oversight. The final report of the trial will be published by the Agency and distributed to all NAAs.

comment	*247* comment by: *ICEALDA* EASA MUST/SHALL under no circumstances ask the operators how they want to have their Accountable Manager. Than the Operators will go around under each day they want to operate and higher pepole with in the operations, the operator that start and state that if they have issue than the operatior will state that this day they operate under different AOC and the regulation do not match with them at that time. EASA can never drop down the safety for all personnel which affect each flight and passenger as well. EASA must put instead regulation regarding more specific that the operators have to definite in AOC and rules for their operations, but this is madness.
response	*Noted*

comment	*249* comment by: *ICEALDA* regarding question nr.4 -data on safety assessment of community aircraft. add communicate as well to OCC due to the safety of location of the aircraft and in emergency Shall communicate to FOO with in OCC.
response	*Noted*

comment	*250* comment by: *ICEALDA* question nr.4 EASA Must/Shall put in as well so there is no gaps that FOO Flight Operation Officer/Flight Dispatcher qualified trained and Licensed Shall joint responsibility with the Management and PIC.

	This is due to affect that operators will always go around regulations if that is not clarify in MS or in all regulations. That is one of the reason way aircraft have fuel issue with in EU airspace more than other places
response	*Noted*

comment	*308* comment by: *IATA* Open Question 3: Effective Continuous reporting system The system should give the NAA/CAA the confidence that the organization is properly operating its Safety Management System, identifies safety hazards and implements the appropriate corrective measures. However the system should not be extremely burdensome on the airline. The access to various industry safety tools and programs should also be taken into account as the airline would have a broad perspective on threats, errors and hazards.
response	*Noted*

comment	*313* comment by: *IATA* Open Question No 4 on cooperative oversight: The cooperative oversight processes should reduce the burden of the ramp inspections on airlines in Europe. IATA strongly supports a new performance based formula to calculate the quota of SAFA/SACA inspections. Today the same operator is inspected in every country it operates to, even if no safety issues are identified. This situation increases the burden on the airlines without any added benefit. In a space which applies the same safety rules, standardized by EASA more integration and use of data should be applied. Another issue is the fact that Operators raise safety occurrence reports about issues encountered with airports and ANSPs. As per the SMS principles these reports need to be investigated to allow closure. Many operators are reporting that airports and ANSPs do not return timely replies to allow the closure of such reports.
response	*Noted*

comment	*346* comment by: *Finnish Transport Safety Agency* **Question 4** **— Is there a need for additional guidance on how cooperative oversight can be put in place?** Yes **— What are the barriers to cooperative oversight and what has to be in place so that cooperative oversight is beneficial to the CAs involved?** The barriers could be lack of resources, financing of oversight, sharing of costs, cultural differences, sharing of information, communication and language barriers, possible differences in interpretations, challenges of harmonization, unharmonized processes, unclear responsibilities, lack of experience, unharmonized competencies of inspectors.

— How to ensure there are no gaps and no overlaps in operator oversight?

With proper guidance and detailed agreements and procedures

— Should the Agency publish guidance on cooperative oversight templates for memoranda of cooperation between MS, etc.?

Yes

response

Noted

The Agency has embarked with a trial group of NAAs on a project on cooperative oversight. The final report of the trial will be published by the Agency and distributed to all NAAs.The responses from TRAFI have been taken into account during the trial project and the drafting of the report.

The final report also includes a template for a memorandum of cooperation.

2. Explanatory Note — 2.4. Open questions to stakeholders — Open question No 5 p. 14

comment

7 comment by: *Torfinn Brokke*

We think that there is a great need for clarification and guidelines regarding an integrated management system for operators with several approvals. Currently the different regulations are not entirely compatible. One prominent example is that the operational regulations (ORO.GEN.200) refer to "compliance monitoring", while the CAMO regulations (M.A.712) talks about a "quality system", and both are talking about the same system/function ("quality system" is no longer used in the operational regulations, while the CAMO regulations refer to both this and "compliance monitoring"). These issues should definitely be addressed.

response

Noted

With this Opinion/Decision that is OPS related, the Agency will not propose any changes on the topic. All the feedback gathered will be assessed in the light of a cross-domain assessment of SMS requirements.

comment

19 comment by: *Miguel van Leeuwen García*

-It would be beneficial to have additional guidance on possibilities to integrate the responsible personnel requirements for organizations with different approvals, to ensure there are no incompatibilities when holding different positions, and possible related organizational structures.

-It would be specially beneficial to align requirements and procedures within the Safety Management and Compliance Monitoring/Quality Systems for all approvals (AOC, CAMOs, 145s. ATOs…). Things like findings categories, review boards/systems evaluations, etc.

-The guidance on how to oversee integrated management systems for different approvals

would ideally improve efficiency and synergies, reducing overlapping of audits, and therefore allowing for better use of time and resources. For example, if the SMS oversight for an organization with X approvals can be done in one audit rather than in X audits, that time can be better used by all. In parallel, the related documentation (manuals...) should be evaluated and amended in a coordinated way, and not with X views and criteria.

response

Noted

With this Opinion/Decision that is OPS related, the Agency will not propose any changes on the topic. All the feedback gathered will be assessed in the light of a cross-domain assessment of SMS requirements.

comment

24 comment by: *NetJets Europe*

Open question No 5 on ORO.GEN.200 Management System

NetJets is strongly in favour of further guidance being provided on how to achieve an intergrated management system. This will not only support the operators but assist the CAs as well.

NetJets also strongly supports that the CAs are provided with more guidance on how to oversee organisations that implement an integrated management system.

As an operator with AOC, ATO, FSTD and Part M approvals, we already have an integrated management system for the AOC, ATO and FSTD approvals; however, it is not approved by our competent authority for the Part M approval, because the IRs are not published. We still have to maintain the legacy documentation and associated processes and procedures for the Part M approval. We do not believe that this is in the best interests of safety and strongly request further clarification from EASA to NAAs concerning this issue.

response

Noted

With this Opinion/Decision that is OPS related, the Agency will not propose any changes on the topic. All the feedback gathered will be assessed in the light of a cross-domain assessment of SMS requirements.

comment

76 comment by: *Civil Aviation Authority of Norway*

· *Open question No 5 on ORO.GEN.200:*

An important enabler for such organizations to develop an integrated management system would be to fully harmonize the requirements for the management system in the operations and aircrew and airworthiness regulations. Un-harmonized regulatory requirements create the possibility of misunderstandings and different interpretations of the rule. Such harmonization of the requirements would the provide the ground for the Agency to develop further GM for organizations on how to achieve an integrated management systems across the domains of activity within the organization.

We believe that some of the aspects of the MS could then be subject to one MS audit for all certificates. This would also allow more specialised inspector competence in this field, and save time and resources in other oversight visits.

It should be mentioned the management system as required by ORO.GEN.200 has omitted transposing the explicit requirement for a quality (management) system from JAR-OPS. This is a weakness that is most apparent in the current situation where airworthiness regulations still require a quality management system (QMS) while air ops and aircrew does not. This in spite that it is obviously necessary for any organisation to manage its processes, and a QMS is the core engine of any integrated management system.

New AMC/GM should be developed to expand on this.

response *Noted*

With this Opinion/Decision that is OPS related, the Agency will not propose any changes on the topic. All the feedback gathered will be assessed in the light of a cross-domain assessment of SMS requirements.

comment *91* comment by: *British Airways Flight Operations*

British Airways is an organisation which holds many approvals – including all of the ones referred to, as well as being a TRTO – and would, indeed, welcome guidance about the development of an integrated management system.

response *Noted*

With this Opinion/Decision that is OPS related, the Agency will not propose any changes on the topic. All the feedback gathered will be assessed in the light of a cross-domain assessment of SMS requirements.

comment *111* comment by: *UK CAA*

Open question No 5 on ORO.GEN.200 Management System
The Agency has received many questions from organisations, who hold several approvals (AOC, Part-M, Part-145, ATO, etc.), on how to develop an integrated management system. Stakeholders also commented that the current Management System requirements differ from each other in the different Regulations covering the different domains (Air OPS vs Air CREW vs Maintenance, etc.). The Agency would like to know if there is a need to provide further guidance on how to achieve an integrated management system. **Whilst an integrated management system would be beneficial the UK CAA suggests that the oversight of this system would need to include each discipline. The multi disciplinary group would ensure nuances pertinent to each area are appropriately dealt with.**
The Agency has also received questions from CAs on how to oversee organisations with several approvals. Therefore, the Agency would like to receive feedback on the possible need to produce guidance for CAs on how to effectively oversee organisations with several approvals having implemented an integrated management system. **The UK CAA suggests a clear definition on who is expected to conduct the oversight would need to be established. This clarification would need to define hazards and risks including the measures provided to ensure the oversight Inspector is suitably qualified.**

response *Accepted*

With this Opinion/Decision that is OPS related, the Agency will not propose any changes on the topic. All the feedback gathered will be assessed in the light of a cross-domain

assessment of SMS requirements.

comment

135 comment by: *AeroEx Gmbh*

Management system requirements shall be aligned in the different Implementing Rules. This is already the case between Air Crew and Air OPS regulations, unfortunately this is not the case for Continuing Airworthiness especially Part M.
Today every AOC holder holds also a CAMO approval; the management system requirements regarding Quality and Compliance are absolutely not aligned! In many cases, competent authorities are requiring that the related process and procedures shall be described in different manuals; this requirement is not in line with the integrated MS approach.
GM should be produced to enable airworthiness and OPS inspectors to accept only one Management System.

response

Noted

With this Opinion/Decision that is OPS related, the Agency will not propose any changes on the topic. All the feedback gathered will be assessed in the light of a cross-domain assessment of SMS requirements.

comment

144 comment by: *Virgin Atlantic*

Open question No 5 on ORO.GEN.200 Management System
We believe that there is sufficient guidance on how to achieve an integrated management system.

response

Noted

With this Opinion/Decision that is OPS related, the Agency will not propose any changes on the topic. All the feedback gathered will be assessed in the light of a cross-domain assessment of SMS requirements.

comment

149 comment by: *Transport Malta - Civil Aviation Directorate*

Cooperative oversight and pooling of resources is commendable and becoming a necessity. In reality unless there is a structured framework on which to base this system, this concept will not take off or will be frought by problemes and lack of standardisation.

The first issue is that at the end the responsible CA retains the responsibility of the approval it issues, and in legal and logistical terms this is limiting and also uncomfortable.

In the case of unannounced inspections the CA requires the support of the local MS NAA, for access to the aircraft and facilitites. We have experienced this and it worked however as it is now it depends on the goodwill of the parties, mainlythe individuals coordinating (No structure in place).

The direction taken by SACA and the use of Standard Reports and findings may not be the best option. Sometimes this tool is being misused and in the end does not produce the desired effect but become more of a political statement or policing. The use of reporting between MSs, discussion solving issues together would enhance a culture of dialogue and openess instead of defence, also at SACA level.

As long as there are as many authorities as MSs there will be barriers. From the oversight point the solution would be one European authority but from the sovereignity and competition between MSs aspect, for many this is not an option.

There seems to be a level of mistrust between certain competent authorities, especially where certain organisations have their operational base have setup their principle place of business in another MS. Additional guidance in terms of GM would be appreciated.

GM, Memoranda and templates would certainly help define who does what and how and should be the way forward.

response *Noted*

comment *157* comment by: *DGAC France*

One of the main needs would be to harmonize the Safety Management requirements between AIR-OPS, Part M/Part 145 and AIR-CREW regulations.

DGAC suggests to create a working group in order to deal with this question (mostly applicable to the case of AOC holders).

The WG should consider the following questions regarding the level of integration of an AOC management system (MS) with the one of an ATO on the one hand, and the one(s) of a Part M (& Part 145 if applicable) organization on the other hand :
- Integration with ATO MS : to what extent should it be integrated? (The same question applies to the oversight : today it is two totally separate processes)

- Integration with Part M MS (and Part 145 MS when the operator has such agreement) :

- Accountable manager (AM): Part M requires that the AM be one and unique person for the AOC and the Part M agreement. There is no such provision for the Part 145 approval (we consider that it is recommended to have the same AM when the operator has a Part 145 approval). It could be harmonised.
- Safety risk management & Compliance monitoring : today the indepth oversight is performed in silos (ops inspectors on the AOC, continuing airworthiness inspectors on the Part M), while ops and continuing airworthiness inspectors tend to perform together the oversight of transverse MS processes between OPS and Maintenance.
- Compliance monitoring manager (AOC) v/s Quality Manager (Part M) : it is by logical deduction that we conclude that the AOC CMM and the Part M QM or one and unique person (the role AOC CMM being (as per AMC1 ORO.GEN.200(a)(6) Management system) “to ensure that the activities of the operator are monitored for compliance with the applicable regulatory requirements, and any additional requirements as established by the operator, and that these activities are carried out properly under the supervision of the relevant head of functional area”, among which the “nominated person person responsible for the management and supervision of […] continuing airworthiness in accordance with Regulation (EC) N°2042/2003” ; This should however be clarified in AIROPS and Part M regulations.

response *Noted*

Opinion No 06/2016 is answering the comments made by DGAC France on Part-M.

comment	*171* comment by: *Luftfahrt-Bundesamt* From our point of view the better choice is to re-consider the regulatory framework itself: Many organisational / management system requirements are of common nature, but hidden in several regulations. Question 5 will be answered automatically by reviewing and optimizing this frame (holistic / horizontal view) based on an overall and mature concept. Thus we recommend establishing a cross-domain RMT in this regard similar to several other cross-domain RMTs such as “occurrence reporting”. To produce further pages of GM (isolated for one domain) should be the second choice. Pls. see our further comments on GM1 ORO.GEN.200 (a) as well as on question no. 6.
response	*Noted* With this Opinion/Decision that is OPS related, the Agency will not propose any changes on the topic. All the feedback gathered will be assessed in the light of a cross-domain assessment of SMS requirements.

comment	*180* comment by: *ENAC* ***Open question No 5 on ORO.GEN.200 Management System*** ENAC considers that the harmonisation of Management System requirements and AMC/GM in the different fields is essential and that, mirroring ICAO Annex 19, these should be common to the different sectors (AOC, Part-M, Part-145, ATO, etc.). In the same time ENAC does not see any need of specific guidance on how to oversee organisations with several approvals having implemented an integrated management system.
response	*Noted* With this Opinion/Decision that is OPS related, the Agency will not propose any changes on the topic. All the feedback gathered will be assessed in the light of a cross-domain assessment of SMS requirements.

comment	*215* comment by: *European Helicopter Association (EHA)* Open question n. 5 on ORO.GEN.200 Management System: We believe there is a benefit and therefore a need for additional guidance. Requirements: 1. A proper gap analysis with the present regulations is needed to streamline the requirements for similar functions and nominated persons.This would already be a huge benefit for Authorities and operators. 2. Additional guidance on possibilities on how to integrate the responsible personnel requirements for organizations with different approvals. This to ensure there are no incompatibilities when holding different positions and possible organizational structures. 3. Proper alignement of requirements and procedures within the Safety Management and Compliance Monitoring/Quality Systems for all approvals (AOC, CAMOs, 145s, ATOs...) 4. Guidance on how to oversee integrated management systems for different approvals would ideally improve efficiency and synergies, reducing overlapping of audits and therefore allowing for better use of time and resources. For example if the SMS oversight for an

	organisation with X approvals can be done in one audit rather than in X audits, that time can be better used by all. In parallel, the related documentation (e.g. SMS manual) should be evaluated and amended in a coordinated way and not with X views and criteria.
response	*Noted* With this Opinion/Decision that is OPS related, the Agency will not propose any changes on the topic. All the feedback gathered will be assessed in the light of a cross-domain assessment of SMS requirements.

comment	*251* comment by: *ICEALDA* yes EASA need Must/Shall add in responsibility in MS and Air Ops that FOO qualified trined and Licensed Flight Operation Officer/Flight Dispatcher which is the same person have same or at least 50% joint responsibility of the flight against the PIC and Maintenance until that all doors has been closed and the aircraft is driven by there own power. The operators will always try to a go around the regulations concerning MS system and they state that due to they have MS system in gates and only responsibility for the flight is PIC and accountabiliy personnel with in AOC this accountabiliy personnel can never be on shift 24/7 and PIC can never go over all flight document for each flight only if this is a small L light aircarft. That is the reason way EASA Must stabilise more responsibility regarding size of the aircraft now how the operations are. For example drow the line with aircraft 19pax or less.
response	*Noted*

comment	*273* comment by: *Aeroklub Polski* In such cases an integratad management system shall be made possible, and easy to establish. Guidence for oversight would be nice.
response	*Noted* With this Opinion/Decision that is OPS related, the Agency will not propose any changes on the topic. All the feedback gathered will be assessed in the light of a cross-domain assessment of SMS requirements.

comment	*347* comment by: *Finnish Transport Safety Agency* **Question 5** **Is there a need to provide further guidance on how to achieve an integrated management system?** Yes. As there are separate requirements for management systems (OPS, FCL, etc) in addition to them it would be useful to have guidance how to combine and manage the systems as one integrated system. There is also need for guidance for oversight of the organisations with integrated management system.
response	*Noted*

With this Opinion/Decision that is OPS related, the Agency will not propose any changes on the topic. All the feedback gathered will be assessed in the light of a cross-domain assessment of SMS requirements.

comment *357* comment by: *FNAM*

The FNAM supports the development of the integrated management system. However, if guidance on how to achieve an integrated management system were to be published, the FNAM suggests to be careful that this guidance remains as such and shall not become binding in order to ensure that companies that already have implemented or are implementing an integrated management system within their services remain compliant with the regulation.

response *Noted*

With this Opinion/Decision that is OPS related, the Agency will not propose any changes on the topic. All the feedback gathered will be assessed in the light of a cross-domain assessment of SMS requirements.

2. Explanatory Note — 2.4. Open questions to stakeholders — Open question No 6 p. 14

comment *5* comment by: *Joeri Meeus*

In the Management system, you have 2 independant departments which have the oversight of the organisation.
One is the Safety department and the other one the Compliance Monitoring Department.
Both are headed through the regulations that you need to have one of each.
The regulations requires conditions in order to be a Nominated Person but not for those 2 positions.
I would not stop with only requirements for a Safety Manager but include as well some for the Compliance Monitoring Manager.
And yes, the CAA should have the right to refuse, as with Nominated Persons.
It should also be possible to have requirements to hold both positions into one person.

response *Accepted*

The Agency agrees that any changes to qualification requirements for the CMM or the SM must be aligned with changes in other domains. For this reason, the Agency will reassess the need to develop a common approach for all domains regarding the CMM or the SM.

comment *8* comment by: *Torfinn Brokke*

We see no problem with allowing the competent authorities to refuse the nomination of a Safety Manager, as long as the grounds for refusal are objective and justified. We consider the Safety Manager to be a very important person in an organisation, and the person holding that position should be properly qualified.

response *Accepted*

The Agency agrees that any changes to qualification requirements for the CMM or the SM must be aligned with changes in other domains. For this reason, the Agency will reassess the

need to develop a common approach for all domains regarding the CMM or the SM.

comment

20 comment by: *Miguel van Leeuwen García*

-The NAA should be able to challenge the nomination of a safety manager, as any other nominated/responsible person. But it may be very complicated to list a set of requirements because this will vary depending on the organization and its approvals. A general requirement like "appropriate experience and training relevant to the nature of the position" may suffice. It needs also to be understood that depending on the size of the organization, what becomes more relevant is the qualifications of the whole team. A good team manager with less aviation experience but several experienced safety officers may provide great results. The possible integration of aeronautical safety with occupational safety, and the positive exchange of different industry best practices, should also to be taken into account.

response

Accepted

The Agency agrees that any changes to qualification requirements for the CMM or the SM must be aligned with changes in other domains. For this reason, the Agency will reassess the need to develop a common approach for all domains regarding the CMM or the SM.

comment

66 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

Sweden standpoint: Should be clarified, however already possible within marked aeras in paragraphs below:

ORO.GEN.130 Changes

(a) Any change affecting:
(1) the scope of the certificate or the operations specifications of an operator; or
(2) any of the elements of the operator's management system as required in ORO.GEN.200(a)(1) and (a)(2),
shall require prior approval by the competent authority.
↓
ORO.GEN.200 Management system
(a) The operator shall establish, implement and maintain a management system that includes:
(1) clearly defined lines of responsibility and accountability throughout the operator, including a direct safety accountability of the accountable manager;
↓
AMC1 ORO.GEN.200(a)(1) Management system
COMPLEX OPERATORS - ORGANISATION AND ACCOUNTABILITIES
The management system of an operator should encompass safety by including a safety manager and a safety review board in the organisational structure.
(a) Safety manager
(1) The safety manager should act as the focal point and be responsible for the development, administration and maintenance of an effective safety management system.

response

Accepted

The Agency agrees that any changes to qualification requirements for the CMM or the SM must be aligned with changes in other domains. For this reason, the Agency will reassess the need to develop a common approach for all domains regarding the CMM or the SM.

comment	*77* comment by: *Civil Aviation Authority of Norway* · *Open question No 6 on ORO.GEN.200:* We would appreciate an amendment of the Air OPS rules to allow authorities to refuse an operator's nomination of a safety manager on justified grounds. Initially on the basis of not fulfilling competence requirements and later if not doing the job satisfactorily. We would also suggest adding some elements to indicate minimum qualifications. The expected qualification could be indicated similar how it is done for the CMM in AMC1 ORO.GEN.200(a)(6) in c)3)iii). We propose somthing liike: "*-be able to demonstrate relevant knowledge, background and appropriate experience related to the activities of the operator, including knowledge and experience in safety-, risk- and quality management;*" The safety manager role according to the requirements in ORO.GEN.200 is quite a challenging and complex position and is responsible for both the safety risk management and most of the quality system parts of the management system. Only auditing is really the responsibility of the Compliance Monitoring Manager according to AMC1 ORO.GEN.200(a)(6). This is however not reflected in AMC1 ORO.GEN.200(a)(1) where the functions of the safety manager is listed. Not a word is included about process management, and this seems to describe mainly a typical "old fashioned" safety/risk manager/advisor role (as in safety risk management). Process management seems to be included in the requirement in ORO.GEN.200(a)(5), but no manager is assigned to that and only the documentation is covered in AMC/GM, where the process management/QMS and its associated responsibilities should be. This could indicate that the model for management system chosen by EASA has little focus on process management/QMS and this is left "between two chairs". This could quite possibly be because there is confusion regarding the difference between "safety management" and "safety risk management". This should be adressed.
response	*Partially accepted* . With regard to the second part of the comment, the Agency sees the merits of specifying how to manage the processes; however, including such specific guidance is not supported in the current framework of Part-ARO and Part-ORO. Indeed, existing standards like the ISO standards very much focus on the process; however, the focus of the Air OPS rules is different.

comment	*92* comment by: *British Airways Flight Operations*

In principle, British Airways would not agree with the concept of an authority refusing the nomination of a safety manager, except in exceptional circumstances. Since it is for each operator / AOC holder to define its management system; and, since each operator / AOC holder is responsible in law for its own safety – which an NAA is not – it is surely incumbent on the operator to appoint its own safety-management personnel.

response

Accepted

The Agency agrees that any changes to qualification requirements for the CMM or the SM must be aligned with changes in other domains. For this reason, the Agency will reassess the need to develop a common approach for all domains regarding the CMM or the SM.

comment

112 comment by: *UK CAA*

Open question No 6 on ORO.GEN.200 Management System
The Agency has been asked to assess the need for qualification requirements for safety managers. Today, the NAA cannot challenge a nomination of a safety manager (SM), e.g. if the CA considers the nominated person's qualification to be unsuitable for the position.
The Agency is asking stakeholders to provide feedback on whether the Air OPS rules should be amended to allow authorities to refuse the nomination of a safety manager on justified grounds, e.g. lack of aviation experience, etc**. The UK CAA is in agreement, however there would need to be clear argument as to what the specific requirements are and suggests ICAO 9859 terms should be used. The role of the safety manager should be escalated to become a nominated person within the AOC, so that it becomes subject to the same level of scrutiny and approval as the current nominated persons. The Agency should publish guidance material to support CAs in the assessment of competence of safety managers (similar to GM2 ORO.AOC.135(a)), but the final decision to accept a safety manager should be based on a subjective assessment of various factors (not just qualifications), tailored to each particular situation. Sole reliance on prescriptive qualification requirements can be detrimental in some cases because qualifications are often not enough to ensure competence as competence can be achieved without formal qualifications. The current quality of the available safety management training is very variable and the level of competence required should depend also on the complexity of the operation. In summary, CAs should be able to challenge the nomination of a Safety Manager based on competency rather than qualification requirements.**

The UK CAA has published CAP 795 SMS Guidance to Organisations which has the following information:

"The safety manager should possess:
a) Broad operational knowledge and experience in the functions of the organisation and the supporting systems;
b) Analytical and problem solving skills;
c) Effective oral and written communication skills;
d) An understanding of human and organisational factors;
e) Detailed knowledge of safety management principles and practices."

response

Accepted

The Agency agrees that any changes to qualification requirements for the CMM or the SM must be aligned with changes in other domains. For this reason, the Agency will reassess the

need to develop a common approach for all domains regarding the CMM or the SM.

The Agency thanks the commenter for referring to CAP 795, which serves as a good basis to start developing a common approach.

comment *137* comment by: *AeroEx Gmbh*

Minimum qualification requirements should be defined in an AMC for the Safety Manager.

response *Accepted*

The Agency agrees that any changes to qualification requirements for the CMM or the SM must be aligned with changes in other domains. For this reason, the Agency will reassess the need to develop a common approach for all domains regarding the CMM or the SM.

comment *145* comment by: *Virgin Atlantic*

Open question No 6 on ORO.GEN.200 Management System
"The Agency is asking stakeholders to provide feedback on whether the Air OPS rules should be amended to allow authorities to refuse the nomination of a safety manager on justified grounds, e.g. lack of aviation experience, etc."

We believe that the answer to this question is, yes.

response *Accepted*

The Agency agrees that any changes to qualification requirements for the CMM or the SM must be aligned with changes in other domains. For this reason, the Agency will reassess the need to develop a common approach for all domains regarding the CMM or the SM.

comment *158* comment by: *DGAC France*

DGAC agrees that further guidance on the qualifications of a safety manager is needed. It would give the authority strong arguments when a safety manager cannot be accepted.
Today minimum criteria can be found for the Compliance Monitoring Manager in subparagraph §(c)(3) of AMC1 ORO.GEN.200(a)(6), but there are no minimum criteria for the Safety Manager.

response *Accepted*

comment *172* comment by: *Luftfahrt-Bundesamt*

Some essential qualification & experience requirements for safety managers will help the operators to nominate suitable persons and therefore should be detailed by AMC. However when working on this topic please consider cross-domain-issues (Part-M), clear and harmonised requirements in ORO.GEN.200 and ORO.GEN.210 as well as the right rule-AMC-balance.

response *Accepted*

The Agency agrees that any changes to qualification requirements for the CMM or the SM must be aligned with changes in other domains. For this reason, the Agency will reassess the

need to develop a common approach for all domains regarding the CMM or the SM.

comment

181 comment by: *ENAC*

Open question No 6 on ORO.GEN.200 Management System

Considering the relevance of role played by the safety manager for the correct implementation and maintenance of the management system of the organisation, ENAC considers that he should be subject to acceptance by the competent Authority , on the base of written evidence of the qualifications held and by interviewing him, if so retained by the competent Authority.
Relevant knowledge, background and appropriate experience related to the activities of the operator, including knowledge and experience in safety magement system should be held by the safety manager.

response

Accepted

The Agency agrees that any changes to qualification requirements for the CMM or the SM must be aligned with changes in other domains. For this reason, the Agency will reassess the need to develop a common approach for all domains regarding the CMM or the SM.

comment

209 comment by: *Starspeed*

The safety management of the operation is a core requirement for the organisation, and the qualities and competence of the appointed individual(s) is a crtitical success factor in delivering a robust and effective SMS. It is logical that the NAA should be in a position to review and challenge this appointment.

response

Accepted

The Agency agrees that any changes to qualification requirements for the CMM or the SM must be aligned with changes in other domains. For this reason, the Agency will reassess the need to develop a common approach for all domains regarding the CMM or the SM.

comment

216 comment by: *European Helicopter Association (EHA)*

Open question n. 6 on ORO.GEN.200 Management System:

The NAA should be able to challenge the nomination of a Safety Manager, as any other nominated/responsible person. However, it may be very complicated to list a set of requirements because this will vary depending on the organization and its approvals. Although a general requirement like “appropriate experience and training relevant to the nature of the position” may suffice, we have seen so many examples of abuse by the Authority with these kind of wordings. If guidance is given, it's important to give it on what specific or generic qualifications / experience those individuals should have.
It needs also to be understood that depending on the size of the organization, what becomes more relevant are the qualifications of the whole team. A good team Manager with less aviation experience but supported by several experienced safety officers, may provide great results. On the other hand, aviation experience, a qualification and training are also not guarantees that a person can perform (or, lack of these don’t necessarily mean that an individual may not perform) on a Safety Manager role.

	The possible integration of aeronautical safety with occupational safety, and the positive exchange of different industry best practices, should also to be taken into account. Instead, we would recommend a validation interview (upon submission) of the EASA Form 4 that will ascertain whether the individual understands the context of the organization and his/her responsibilities.
response	*Accepted* The Agency agrees that any changes to qualification requirements for the CMM or the SM must be aligned with changes in other domains. For this reason, the Agency will reassess the need to develop a common approach for all domains regarding the CMM or the SM.

comment	*230* comment by: *Air France* Authorities should be allowed to refuse the nomination of a safety manager due to his/her lack of aviation experience.
response	*Accepted* The Agency agrees that any changes to qualification requirements for the CMM or the SM must be aligned with changes in other domains. For this reason, the Agency will reassess the need to develop a common approach for all domains regarding the CMM or the SM.

comment	*254* comment by: *ICEALDA* EASA Must/Shall stabilise minium standard for qualified personnel for safety managers. The minimum Must/Shall be Flight Operation Officer/Flight Dispatcher which is the same person qualified Licensed, this is to hold standard in knowlement regarding the operations works. Many safety managers have no aviation background and qualifiicaton regarding Flight Operations.
response	*Noted*

comment	*274* comment by: *Aeroklub Polski* No specifications for the SM shall be established. Operators will use best expertise to assign a competent person. The operators shall be trusted to do the right thing. The CAs can allways comment on the choice and the SMs actions while auditing.
response	Noted The Agency agrees that any changes to qualification requirements for the CMM or the SM must be aligned with changes in other domains. For this reason, the Agency will reassess the need to develop a common approach for all domains regarding the CMM or the SM.

comment	*348* comment by: *Finnish Transport Safety Agency* **Question 6** **Should the Air OPS rules be amended to allow authorities to refuse the nomination of a safety manager on justified grounds, e.g. lack of aviation experience, etc?**

We think that safety manager position is the most important position in the organization. In Trafi's opinion the competent authority should have possibility to refuse the nomination of a SM. Also guidance regarding minimum level of qualification requirements for Safety Manager should be added in the Air Ops. More complex the operator, more experienced Safety Manager should be requested.

response *Accepted*

The Agency agrees that any changes to qualification requirements for the CMM or the SM must be aligned with changes in other domains. For this reason, the Agency will reassess the need to develop a common approach for all domains regarding the CMM or the SM.

comment *358* comment by: *FNAM*

The FNAM agrees that "the lack of aviation experience" may be grounds for refusing the approbation of a safety manager. However, we do not see another valid criteria for the authority to be allowed to refuse the approbation of the position of safety manager for a company's employee.
If those criteria are implemented, EASA should give a clear definition for each criteria.

response *Accepted*

The Agency agrees that any changes to qualification requirements for the CMM or the SM must be aligned with changes in other domains. For this reason, the Agency will reassess the need to develop a common approach for all domains regarding the CMM or the SM.

2. Explanatory Note — 2.4. Open questions to stakeholders — Open question No 7 p. 14

comment *21* comment by: *Miguel van Leeuwen García*

-There is a lot of literature on safety risk management. My personal opinion is that often time is wasted on the format, while the focus should be on the results. The GM1 ORO.GEN.200 (a) (3) seems like a good guidance, and my suggestion for improvement would be to further increase in point C-11 the importance of the "conclusions". For example, changing "*The risk assessment should contain conclusions. The conclusions should be unambiguous, precise and robust in order to enable decision makers to accept the risk assessment"* to <u>The desired outcome of a risk assessment are unambiguous, precise and robust conclusions that enable decisions makers to accept or refuse the risk level, and to specify the needed actions to control and mitigate the identified hazards</u>. A risk assessment is a tool, not a final product on its own.

response *Noted*

comment *28* comment by: *NetJets Europe*

NetJets supports the move form GM to AMC.

response *Noted*

A change from the proposed GM to an AMC is not proposed.

comment	78 comment by: *Civil Aviation Authority of Norway* · *Open question No 7 on ORO.GEN.200:* In order to achieve the best possible availability and standardization, we believe that such GM should be part of the regulatory material, and not published as safety promotion material by ESSI. It is however paramount that this material is should be well developed, mature and consistent throughout. Alternatively, or as an interim solution, it could refer to recognised standards in the fields of risk management (e.g. ISO 31000), quality management (e.g. ISO 9001) and auditing (e.g. ISO 19011).
response	*Accepted*

comment	93 comment by: *British Airways Flight Operations* The addition of the new GM is very welcome. Since the material presented relates directly to the requirements of ORO.GEN.200, it should be retained as part of the Air Ops rule set; therefore, GM is the best solution.
response	*Accepted*

comment	113 comment by: *UK CAA* ***Open question No 7 on ORO.GEN.200 Management System*** Sub-NPA (B) proposes a new GM1 ORO.GEN.200(a)(3) Management system to provide extensive guidance on setting-up effective safety risk management. Stakeholders are invited to comment not only on the content of the proposed GM, but also whether they consider that such GM should be part of the regulatory material. Another option (instead of proposing GM) would be to promote this material via the ESSI. **The UK CAA recommends that the Agency should consider the possibility of referencing external publications instead of providing guidance in the proposed format. Existing material such as the ARMS methodology (developed and applied by industry practitioners) could be used.** **Also, the proposed GM is about Safety Risk Assessment rather than Safety Risk Management (which is a much wider topic).**
response	*Accepted*

comment	136 comment by: *AeroEx Gmbh* This proposed GM shouldn't be part of the regulatory material. Guidance should be promoted by ESSI or industry bodies.
response	*Accepted*

comment	159 comment by: *DGAC France* DGAC agrees with the need for additional guidance on safety risk management.

However, the proposed GM raises several issues :
- ALARP can be a very complex concept which is difficult to apply in practice, in particular for organisations with little or no previous experience in risk management. This is a new concept with regards to current practices aiming at defining an acceptable threshold below which it is possible to have an evolution of the safety risks. The following sentence is not always true : « An increase in the risk level at any time should be considered unacceptable even if the safety risk is below the maximum allowed »
- The following sentence may be difficult to understand : « The maximum acceptable risk is in most cases directly or indirectly influenced or determined by regulations which either specify a target or an acceptable means of how to achieve the minimum required safety level. »
- The following paragraph introduces several heterogeneous criteria which are difficult to take into account simultaneously in practice :
« Safety risk acceptance criteria should, at least, address the following, as applicable to the organisation's scope of work:
(i) third parties;
(ii) maintenance personnel;
(iii) the natural environment; and
(v) corporate well-being. »

In conclusion, the proposed GM is confusing and should not be introduced as such. As a consequence, DGAC proposes to create a working group, gathering several stakeholders, which could have the task to write a new version starting from this draft GM.

response | *Noted*

comment | *173* comment by: *Luftfahrt-Bundesamt*

Pls. see our comments on GM1 ORO.GEN.200(a)(3) SRM.

response | *Noted*

comment | *182* comment by: *ENAC*

Open question No 7 on ORO.GEN.200 Management System

Due to the absence of extensive guidance most NAAs have already published guidance material. The publication of an EASA GM is anyway well seen from ENAC.

Concerning the text proposed in GM1 ORO.GEN.200 (a)(3), It suggested:
- to improve in (d)(5) the indication of the sources for hazard identification;
- to include examples of severity and likelihood tables;
- to add "operational personnel" in item (c)(4).

response | *Accepted*

comment | *210* comment by: *Starspeed*

	If EASA produce GM on how to conduct risk management, then there is a chance that there could be complications should an organisation follow that GM and it prove to be insufficient or ineffective in any post-accident scenario. This might then introduce some confused boundaries or lines between what was the Operator's responsibility for choosing the most effective means for managing the risk and the EASA GM. In other words, the suggestion that if you follow the GM, then you don't need to do any more. Another problem is the number of differing techniques, definitions and criteria in Risk Management theory are numerous (and contentious). It would seem imprudent for EASA to come into the argument by suggesting some form of correctness of one risk management technique over another, especially when other industry and regulatory bodies might disagree with the chosen definitions and methodologies. By making any information available less official than GM, it would avoid any such potential challenges.
response	*Noted*

comment	*217* comment by: *European Helicopter Association (EHA)* Open question n. 7 on ORO.GEN.200 Management System: There is a lot of literature on Safety Risk Management. Our opinion is that quite often, time is wasted on the format, instead of focusing on the results. The GM1 ORO.GEN.200 (a) (3) seems like a good guidance, and our suggestion for improvement would be to further increase in point C-11 the importance of the “conclusions”. For example, changing “The risk assessment should contain conclusions. The conclusions should be unambiguous, precise and robust in order to enable decision makers to accept the risk assessment” to "The desired outcome of a risk assessment is for unambiguous, precise and robust conclusions that enable decision makers to accept or refuse the risk level, and to specify the needed actions to mitigate and control the identified hazards." A risk assessment is a tool, not a final product on its own.
response	*Noted* The Agency has decided use safety promotion rather than GM to the Air OPS rules to promote the proposed guidance on setting up an effective safety risk management. Such promotion material can then be available to all organisations, not only Air Operators.

comment	*255* comment by: *ICEALDA* EASA Must/Shall stabilise minum standard for qualified personnel for management system. This Must be part of regulatiory material and Must/Shall minimum standard Must/Shall be Flight Operaton Officer/Flight Dispatcher which is the same person qualified Licenced, this is to hold standard in knowlement regarding the opreations works.
response	*Noted*

comment	*314* comment by: *IATA* Open question No 5 on Integrated Management Systems: IATA has developed guidance on integration of management systems since for some time it became known that airlines were struggling to function more efficiently and integrate as

much as possible systems functioning on similar principles: safety, quality/compliance monitoring, security, environment, health and safety etc. The IATA integrated-Airline Management System is an integration of key management systems impacting safety within an airline. This toolkit provides the fundamental guidelines to implement management systems for each operational function, as required by IOSA Standards and recommended practices.
Major systems covered are:Safety Management System (SMS), Security Management System (SeMS), Quality Management System (QMS), Enterprise Risk Management (ERP), Supplier Management System (SUMS), Environmental Safety Management System (ESMS).
Airlines evolved from entities which were developing and implementing all processes in-house - flight operations, line maintenance, base maintenance, ground operations, security etc to entities documenting those processes, managing and monitoring those processes but using more and more other entities / companies for some of these processes (subcontracting).
It is not uncommon that an airline today has a multitude of certificates and approvals - air transport - AOC, training - ATO, training for maintenance - Part 147, Part M organisation, Part 145, ISO 9001, 14001, ground handling licences etc.
The organisation should be allowed to integrate such management systems if it wishes and considers that there are synergies to be exploited from such measures. It would be a burden for the airline to be required by the NAAs to have several different SMSs/ QMSs etc - just because the organisation has different various approvals.
One of the principles of SMS is that the organisation does not function in sylos but with a common set of principles and systems which would ensure efficiency and effectiveness and ultimately clear safety improvements.

response *Noted*

comment *349* comment by: *Finnish Transport Safety Agency*

Question 7
Should GM1 ORO.GEN.200(a)(3) 'Management system' be part of the regulatory material? Or maybe promoted via the ESSI?

The proposed material is basically for complex and big operators, so it would be too burdensome for the small operators. Therefore the material should be kept as a guidance material only, either via GM or ESSI. In that way the operators may use the guidance to the extend suitable for their operations and not more.

response *Accepted*

2. Explanatory Note — 2.5. Overview of the proposed amendments — 2.5.2. Annex I (Definitions) p. 15

comment *14* comment by: *René Meier, Europe Air Sports*

Definitions
Page 23/87
New definition "airworthy" is acceptable to us.

Rationale:

	It is precise, short, mirrors the situation it describes, does not leave room for interpretations. Page 24/87 Removal of "airworthiness code", replacing it by "certification specifications" is accepted. Rationale: The new wording is clearer, it better reflects the status of the term. Page 25/87 Definition 31, question about the "commander or the pilot-in-command": At which point in time do they define at the latest what other "critical phases of flight" should be? Rationale: We ask this because the core content of the sentence is not clear. Page 26/87 New definition 46 about EFB: Acceptable to us. Rationale: This definition mirrors the reality. Page 27/87 New definition 52 about "Flight crew member": Acceptable to us. Rationale: Short and precise definition. Page 30/87 Definition 99: Question: Is this differenciation really required? We propose to keep it simple and to stay with "pilot in command", acronym "PiC" Rationale: This term, this acronym are in our view more commonly used than "commander". Page 31/87 Definition 107 on Rules of the air: Acceptable to us. The last part of it, "...by the state of the airspace" is not complete, we think. Rationale: "responsible for..." or "governing" should be added in our view.
response	*Noted* The Agency notes the acceptance of the definitions proposed.

Regarding the comment on critical phase of flight, the air safety rules should leave it to the commander or PIC to determine at any stage whenever a critical phase of flight rules should apply.

Regarding the comment on the definition of 'pilot-in-command', the Agency did not propose any change to the definition.

comment *150* comment by: *Transport Malta - Civil Aviation Directorate*

The role of the Safety Manager and also the Compliance Monitoring shall be subject to acceptance of the CA. Our experience shows that lack of competence in both fields yield overall negative results on the safety performance of the operator.

response *Noted*

The role of the Safety Manager and Compliance Monitoring Manager is indeed a critical function. Please refer to our answers to comments received to question #6.

comment *257* comment by: *ICEALDA*

for 2.5.2 Annex I EASA need put more
EASA Must/Shall stabilise minum standard for qualified personnel for the minimum Must/Shall be Flight Operaton Officer/Flight Dispatcher which is the same person qualified Licenced, this is to hold standard in knowlement regarding the Flight opreations works.

Add definition of responsibility within the management system for the operators.
EASA Must not accept that operators can put one personel responsibility for operations 24/7 365 days a year.

Operators Must/Shall definition which personnel within Operational Control is responsibility, that must be at least FOO Flight Operation Officer fully trained qualified Licensed personnel based on ICAO doc 7192 D3 for FOO.

EASA need as well put as minimum knowledge and qualifiction of personnel with in Opeaton Control Center and in method of responsibility of the flight Must/Shall be at least Flight Operation Officer FOO qualified and Licensed and have have been in OCC environment at least 4yars and have as well undergone a written test to prove his/here knowledge.
This is so EASA can hold their safety standard which they state in their regulations.

response *Noted*

2. Explanatory Note — 2.5. Overview of the proposed amendments — 2.5.3. Annex II (Part-ARO) p. 15-16

comment *81* comment by: *Patrick Berrens*

In the Cover Regulation the article ORO.GEN.160(a) includes a reference to the "Council and Directive 2003/42/EC". This reference shall be deleted and replaced by "Reg. (EU) 376/2014"

response *Accepted*

comment	*258* comment by: *ICEALDA* EASA Must/Shall stabilise minum standard for qualified personnel for the minimum Must/Shall be Flight Operaton Officer/Flight Dispatcher which is the same person qualified Licenced, this is to hold standard in knowlement regarding the Flight opreations works. Add definition of responsibility within the management system for the operators. EASA Must not accept that operators can put one personel responsibility for operations 24/7 365 days a year. Operators Must/Shall definition which personnel within Operational Control is responsibility, that must be at least FOO Flight Operation Officer fully trained qualified Licensed personnel based on ICAO doc 7192 D3 for FOO. EASA need as well put as minimum knowledge and qualifiction of personnel with in Opeaton Control Center and in method of responsibility of the flight Must/Shall be at least Flight Operation Officer FOO qualified and Licensed and have have been in OCC environment at least 4yars and have as well undergone a written test to prove his/here knowledge. This is so EASA can hold their safety standard which they state in their regulations. Add definition of responsibility within the management system for the operators. EASA Must not accept that operators can put one personel responsibility for operations 24/7 365 days a year. Operators Must/Shall definition which personnel within Operational Control is responsibility, that must be at least FOO Flight Operation Officer fully trained based on ICAO doc 7192 D3 for FOO.
response	*Not accepted*

2. Explanatory Note — 2.5. Overview of the proposed amendments — 2.5.4. Annex III (Part-ORO) p. 16-17

comment	*82* comment by: *Luftfahrt-Bundesamt* **ORO.AOC.110 (a)** The removal of approval requirements for wet-lease and dry-lease from Community air carriers is in contradiction to Article 13 No. 2 of Regulation (EC) No. 1008/2008 which **requires prior approval** for dry-lease agreements to which a community air carrier is a party and wet-lease agreements under which the Community air carrier is the lessee.
response	*Partially accepted* Please refer to the Aviation Strategy Package, which includes a revision of Regulation (EC)

No 1008/2008 affecting leasing. This means that the two Regulations will be aligned.

comment *259* comment by: *ICEALDA*

Rregarding Annex II section (22)

Operators Must/Shall definition which personnel within Flight data monitoring, that must be at least FOO Flight Operation Officer fully trained based on ICAO doc 7192 D3 for FOO.

response *Not accepted*

Flight Operation Officers are outside the scope of the Basic Regulation (Regulation (EC) No 216/2008).

comment *260* comment by: *ICEALDA*

regarding (25)
Access to Flight crew compartment security - aeroplanes Must/Shall as well be Flight operaton Officer/Flight Dispatcher FOO.

response *Not accepted*

2. Explanatory Note — 2.5. Overview of the proposed amendments — 2.5.5. Annex IV (Part-CAT) p. 17-18

comment *261* comment by: *ICEALDA*

Regarding all sections conserning responsibilities of the commander and fuel and more.

Regarding responsibilities of the commander than Shall maintain same as state in ICAO that commander have full responsibility of the aircraft etc when all doors are closed and run for their own power until then Flight Operation Officer/Flight Dispatcher Must/Shall have 50% authority as commander.

Regarding fuel than have to go through Flight Dispatch Officer/Flight Dispatcher FOO

response *Noted*

comment *298* comment by: *European Cockpit Association*

ORO.GEN.110 Operator responsibilities

Commented text:
(l) Notwithstanding (j), the following operators, shall ensure that the flight crew has received an
appropriate dangerous goods training or briefing, to enable them to recognise undeclared dangerous goods brought on board by passengers or as cargo:
(1) a sailplane;

	(2) a balloon; or *(3) a commercial flight taking off and landing at the same aerodrome or operating site, under VFR by day, with* *(i) a single-engined propeller-driven aeroplane having an MCTOM of 5 700 kg or less and a MOPSC of five or less; or* *(ii) an other* **ECA's Comment:** Safety issue: undeclared DG are not likely to be detected if the flight crew has no basic idea of what is or what is not allowed to be carried. Appropriate training or briefing shall be associated with the possibility for the flight crew to have access to the relevant DG Regulation to raise any doubt.
response	*Noted* For the proposed changes, an accelerated rulemaking procedure has been applied and the change has been made with Opinion 01-2016 on Performance-based navigation implementation in the European air traffic management network.

2. Explanatory Note — 2.5. Overview of the proposed amendments — 2.5.6. Annex V (Part-SPA) p. 18-19

comment	*262* comment by: *ICEALDA* regarding Annex V 2.5.6 (47) DGR, handling agent Must/Shall inform and send NOTHOC to Flight Operations of the aircraft and Must/Shall go got Flight Operation Officer/Flight Dispatch with in OCC Operation Control. This is due to if we have to have NOTHOC if we have emergency of the aircraft to adv ATC and rescue departments etc.
response	*Noted*

2. Explanatory Note — 2.5. Overview of the proposed amendments — 2.5.8. Annex VII (Part-NCO) p. 19

comment	*102* comment by: *Airbus Helicopters* *Major comment* Comment The explanatory note indicates that the objective of changes (53) and (55) is to make more performance-based the specifications related to the need of supplemental oxygen. As a matter of fact, the proposed changes consist in removing all quantitative conditions (altitudes, durations …) from NCO.OP.190 (Use of supplemental oxygen) and NCO.IDE.A.155 (Supplemental oxygen - non-pressurised aeroplanes) and in only requiring the use of supplemental oxygen (and the aircraft equipment accordingly) when the lack of oxygen "*might result in impairment of the faculties of crew members*" or "*might harmfully affect*" passengers.

This draws the following remarks / questions:

- Reason for change: Is it really considered that specifying the conditions under which supplemental oxygen shall be available and used is not performance-based? Are quantitative performance objectives considered prescriptive, by opposition to performance-based?
- Use of the performance-based specification: On which criteria will an NCO operator decide when the lack of oxygen may impair the faculties of crew members or harmful affect passengers? Is it considered that NCO operators have more knowledge about human physiology than the authors of initial supplemental oxygen specifications?
- Scope: Is there a reason why only considering non-pressurised aeroplanes (NCO.IDE.A.155) and not also considering helicopters (NCO.IDE.H.155), sailplanes (NCO.IDE.S.130), balloons (NCO.IDE.B.121) or NCO specialised operations (NCO.SPEC.110(f) and NCO.SPEC.PAR.115)?
- Justification: Surprisingly, no justification is provided for this proposal and the subject is even not addressed at all in the RIA. Especially, it is totally unclear why this "performance-based" approach is proposed for Part-NCO and only for Part-NCO.

Suggestion
We suggest EASA to consider the arguments / questions above and especially to provide justifications for the proposed changes.

response *Noted*

The amendment of the NCO rules for the carriage and use of oxygen initially proposed in this NPA has been superseded by another regulatory proposal developed in the framework of the GA Road Map and adopted by the EASA Committee in February. Such porposal will be contained in the upcoming amendment of the Air OPS Regulation and will be supported by appropriate AMC/GM and safety promotion material. It is therefore withdrawn from the present rulemaking proposal.

comment *221* comment by: *René Meier, Europe Air Sports*

page 20/87
2.5.8. Annex II (Part-NCO)
(53) Amdt NCO.OP.190 Use of supplemental oxygen
Many thanks for this new provision.

response *Noted*

2. Explanatory Note — 2.5. Overview of the proposed amendments — 2.5.9. Annex VIII (Part-SPO) p. 19-20

comment *263* comment by: *ICEALDA*

ANNEX VIII
(58)(60)Regarding MEL, we Must or Shall put in as minimum that maintenance Must/Shall adv FOO Flight Operation Officer on duty if something affect operational, performance or airworthiness of the aircraft.

response	*Noted*

3.1. Draft Regulation (Draft EASA Opinion) — 3.1. Annex I (Definitions) p. 21-32

comment	*9* comment by: *Ossi KORHONEN* ANNEX 1 DEFINITIONS FOR TERMS USED IN ANNEXES II-VIII 44 AND 45: Instead of having 2 classes ELA 1 and ELA 2 I propose one class ELA including those both classes. It causes unnecessary extra regulation to have 2 ELA classes. At least in member states having only few CAMO´s and Aircraft Maintenance Companies, it is too heavy to follow ELA 2 regulation when use is non commercial privat flying.
response	*Noted*

comment	*32* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* **Annex I Definitions** Sweden supports the proposed new definitions.
response	*Noted*

comment	*85* comment by: *Luftfahrt-Bundesamt* **page 23, 16. and page 23/24, 17.** An 'RVR not less than 200 m' is not in line with ICAO Annex 6 Part I 4.2.8.3 that requires 175 m. The same applies for No. 17 CAT IIIB.
response	*Noted* This is correct. Alignment is currently assessed under RMT.0379 (AWO).

comment	*94* comment by: *British Airways Flight Operations* British Airways agrees with the proposed new definitions of electronic flight bag, flight crew member and rules of the air.
response	*Noted*

comment	*114* comment by: *UK CAA* **Page No:** 31 **Paragraph No:** (5) - 107 **Comment:** The UK CAA believes the proposed definition of Rules of the Air, and the introductory paragraph, do not seem to align with Article 1 of Commission Implementing

	Regulation (EU) No. 932/2012 and the Applicability detailed in SERA.2001(b). Here the applicability of the Regulation is shown to apply to MS registered aircraft wherever they may be operating 'in the world' as long as it does not conflict with local rules. This principle has been established, certainly in the UK, for a very long time. The definition itself is rather vague and it would be better to just refer to SERA perhaps as suggested in the following. **Justification:** Correcting applicability and signposting to appropriate regulation which has its own explanation. **Proposed Text:** "107. 'Rules of the air' means, ~~for the EU territory~~ ***those rules established in Commission Implementing Regulation (EU) No. 932/2012 (the Standardised European Rules of the Air (SERA))***. ~~which are a common set of rules of the air and operational provisions regarding services and procedures in air navigation, based upon ICAO Standards and recommended practices and applicable to the airspace users and aircraft engaged in general air traffic in the European Union. Outside the EU territory, 'rules of the air' means those provisions adopted by the state of the airspace"~~
response	*Accepted*

comment	*236* comment by: *Mario Tortorici* Annex I - Definitions new item 72 "hostile environment". It is not clear if all four conditions (a) i-iv have to be fulfilled and if not then the wording of conditions ii-iv is not correct since it is not specified that they apply only in case of a crash landing: e.g. obviously it is not the intent of this rule to adequately protect occupants from the elements during flight or in case of a normal landing.
response	*Not accepted* As with the European legal writing convention, the definition applies if any of the descriptions contained in a i) to a iv) applies. If all descriptions would have to be complied with, then this would have to be specifically indicated in the definition.

comment	*264* comment by: *ICEALDA* Annex I 2. AMC EASA Must/Shall change from non-binding standards adopted by the Agency to binding standards, this is due to most of EU operators will go around the regulations to not hold standards, that is not enough to have that in SMS/MS system. EASA Must/Shall always hold most safety standard for people with in EU states
response	*Not accepted* The existing approach of IR and AMC/GM is proportionate to the risks and is performance-based. This means that the rule specifies the things an operator must do, whereas the AMC specifies the means to achieve the objective of the rule. If an operator proposes an AltMoC, this has to be approved by the authority.

comment	*265* comment by: *ICEALDA* in Annex I nbr.5. EASA Must/Shall change 'adult' from 12 years to 18 years, this is due to EU law state that person is child until 18 years old.
response	*Not accepted* Please refer to ICAO Annex 6.

comment	*266* comment by: *ICEALDA* in Annex I 13. EASA Must/Shall add to this column 'other than a flight crew or technical crew member' add as well Flight Operation Officer/Flight Dispatcher FOO, due to he/she is perform duties related to the safety of the passengers and flight during operations. This person Must/Shall be fully qualified trained and Licensed personnel
response	*Not accepted* The definition of cabin crew member does not refer to FOO & Flight Dispatcher, because FOOs and Flight Dispatchers are outside the remit of the EASA Basic Regulation. THe definition of cabin crew therefore, rightly only makes reference to flight crew and other technical crew on board, who are subject to the Basic Regulation and its Implementing Rules.

comment	*267* comment by: *ICEALDA* Annex I EASA Must/Shall add to this section 'Flight Operation Officer/Flight Dispatcher FOO as a crew member' means a crew member in commercial air transport HEMS, HHO or NVIS operations other than a flight or cabin crew member, assigned by the operator to duties in the aircraft or on the ground for the purpose of assisting the pilot during HEMS, HHO or NVIS operations, which may require the operation of specialised on-board for equipment, air navigation,Performance and Flight Planning of the aircraft during flight. This is due to EASA have to definite Flight Operaton Officer/Flight Dispatcher FOO on board the aircraft when they have their annually observe flight. But EASA Must/Shall as well definite that this personnel Must/Shall hold qualified Licensed Personnel. This is to hald as well the sandard of knowledge of the Flight Operations of the aircraft.
response	*Not accepted* See the response to comment #266

comment	*279* comment by: *KLM* On page 23 of NPA 2015-18 (A) the definition of the term "airworthy" is given, aligned with the definition contained in ICAO Annex 6. Although the chapter where this definition in the NPA is written is called "ANNEX

	I DEFINITIONS FOR TERMS USED IN ANNEXES II–VIII" we assume that the definition of airworthy is also applicable in all the other EU Regulations and Annexes (not only for Air Operations but also for Initial Airworthiness and Continued Airworthiness, after all ICAO Annex 8 also provides the same definition of "airworthy"). Now that the definition of "airworthy" is so outspoken in the Regulations, we have to revisit all the locations in Regulation 1321/2014 and 748/2012 where the term "airworthy" is used. We come to the conclusion that the definition of the term "airworthy" as defined in the OPS regulation, if applicable for the Part M, 21 and 145, might cause problems. Examples: · M.A.201 (a) : " 1. the aircraft is maintained in an airworthy condition, and;" ….. · M.A. 710 (GM): "At the end, it is the responsibility of the airworthiness review staff to be satisfied that the aircraft complies with Part-M and is airworthy, and…." · M.A.710 (GM): The issuance of the airworthiness review certificate (ARC) by the airworthiness review staff only certifies that the aircraft is considered airworthy in relation to the scope of the airworthiness review performed and the fact that the airworthiness review staff are not aware of instances of non-compliance which endanger flight safety. Furthermore, it only certifies that the aircraft is considered airworthy at the time of the review. · M.A.710 (GM) It is the responsibility of the owner or contracted CAMO to ensure that the aircraft is fully airworthy at any time. · AMC M.A. 712 (b) 1: ´ The primary objectives of the quality system are to enable the M.A. Subpart G organisation to ensure airworthy aircraft and to remain in compliance with the Part-M requirements. · M.A.901(k): ´ An airworthiness review certificate cannot be issued nor extended if there is evidence or reason to believe that the aircraft is not airworthy. · 21 A. 163 (d) : "When the competent authority is satisfied that the procedures required by 21.A.139 are satisfactory to control maintenance activities so as to ensure that the aircraft is airworthy,…..". · 145.A.65 (c) 1 " Independent audits in order to monitor compliance with required aircraft/aircraft component standards and adequacy of the procedures to ensure that such procedures invoke good maintenance practices and airworthy aircraft/aircraft components"…. In view of the end product of Part M, 21 and 145 organisations, we can only say that the aircraft conforms to its approved design(e.g. serviceable condition), not yet that it is in a condition for safe operation. This second part of the definition of "airworthy" is ensured by the Operator before the flight as this includes that fuel is uplifted, necessary equipment for the intended flight is available etc. Please advise what to do with Regulation 1321/2014 and 748/2012 when the definition of "airworthy" is introduced in the OPS regulation.
response	*Accepted* Agreed. The proposed definition of 'airworthy' has been deleted. We thank the commenter for raising the cross-domain concerns.

comment *290* comment by: *IACA International Air Carrier Association*

Definition **'Airworthy'** Sub-NPA (A) p23	Add some text: 'Airworthy' means the status of an aircraft, engine, propeller or part when it conforms to its approved design and maintenance requirements and is in a condition for safe operation.

response *Partially accepted*

The proposed definition has been deleted.

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.2. Annex II (Part-ARO) — ARO.GEN.120 Means of compliance p. 33

comment *307* comment by: *IACA International Air Carrier Association*

AltMoCs Sub-NPA (A) p34 delete ARO.GEN.120(d)(3)	IACA carriers appreciate the EASA initiative to inform other Member States about alternative means of compliance that were accepted by Competent Authorities, but Competent Authorities should inform the organisations they are overseeing about the AltMoCs that were accepted by other Competent Authorities.

response *Partially accepted*

We agree that information on AltMOCs that have been approved by authorities is important information for operators.

Already today, the EASA website contains information on AltMoC received from NAAs. While the detailed information is not available on the EASA website, we assume that operators will exchange information on approved AltMoCs within their trade associations. Operators may also contact the competent authority that approved an ALtMOC to enquire about the nature of the AltMoC.

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.2. Annex II (Part-ARO) — ARO.GEN.205 Allocation of task to qualified entities p. 34

comment	*33* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* **ARO.GEN.205 Allocation of task to qualified entites** Sweden supports the proposed amended provision.
response	*Noted*

comment	*268* comment by: *ICEALDA* EASA Must/Shall a stabilise minimum qualified for the management personnel. EASA Must/Shall put as minimum qualified standards for management with responsibility with in Flight Operation and Flight Operation Control OCC Shall hold as minimum FOO License Flight Operation Officer License (FOOL). This is to hold a minimum knowledge with in Flight Operations
response	*Noted*

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.2. Annex II (Part-ARO) — ARO.GEN.300 Oversight p. 34-35

comment	*269* comment by: *ICEALDA* EASA Must/Shall a stabilise minimum qualified for the responsibile for safety personnel. EASA Must/Shall put as minimum qualified standards for responsibility for safety with responsibility with in Flight Operation and Flight Operation Control OCC Shall hold as minimum FOO License Flight Operation Officer License (FOOL). This is to hold a minimum knowledge with in Flight Operations
response	*Noted*

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.2. Annex II (Part-ARO) — ARO.GEN.305 Oversight programme p. 36-37

comment	*34* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* **ARO.GEN.305 reduce the oversight planning cycle** Sweden supports the proposed new paragraphs (g) and (h) in ARO.GEN.305. However for clarification it is suggested to delete text about reducing oversight cycle in (c) paragraph if the intention is that the new (g) paragraph will be valid for all types of operations covered by ARO.GEN.305. Regarding the (h) paragraph it mentions a “recommendation report” only for “approval” but not for authorisations. It could be questioned if this also shall be valid for “authorisations”.
response	*Accepted* Agreed. The Opinion has been amended to reflect the changes proposed.

comment	*174* comment by: *Luftfahrt-Bundesamt* ARO.GEN.305 (h) „Issue a recommendation report“ is very descriptive and not PBR (performance based regulations). Further on the “possible limitations on the scope of the approval” will never be based on the (overall) results of past oversight. To limit the scope of approval the requirements of ARO.GEN.350 have to be followed, usually based on an immediate need due to safety issues. In lieu of that the review of the past oversight cycle may lead to adapted measures for the next oversight cycle.
response	*Partially accepted* It is agreed that ARO.GEN.305 and ARO.GEN.350 are closely related to each other. While ARO.GEN.305 refers to the oversight programme, ARO.GEN.350 is related to findings and corrective actions, which might lead to immediate actions/requirements. ARO.GEN.305 relates to actions to be taken after the completion of a full oversight cycle. The need for a recommendation report emanates from standardisation findings and questions received from authorities. The Agency agrees that requiring a recommendation report in an Implementing Rule is a very specific and detailed requirement touching upon the internal documentation and procedures established by NAAs. Therefore, the requirement for the authority to issue a recommendation report is removed from the Opinion. THe newly proposed rule now requires the authority to assess the continuation of the approval or authorisation at the completion of each oversight planning cycle. This assessment shall consider possible limitations to the scope of approval or authorisation on the basis of the results of past oversight.

comment	*280* comment by: *KLM* (h) Add, because of the sensitive nature of this information, that this report shall only be shared with the applicable certificate holder.
response	*Noted* The recommendation report has been removed from the proposal.

comment	*316* comment by: *IATA* ARO.GEN.305 Paragraph (g) has the same text as para (c) - second sentence "The oversight planning cycle may be reduced.....". Is there a repetition?
response	*Accepted* Agreed. The reference in point (c) has been removed to ensure that there is no repetition.

comment	*325* comment by: *Civil Aviation Authority of Norway*

	the proposed new text in g) appears to already be included in c).
response	*Accepted* Agreed. See response to comment #316

comment	*359* comment by: *FNAM* The FNAM would like to point out that the sub-paragraph (g) added in the ARO.GEN.305 requirement is already contained within the sub-paragraph (c) of the same paragraph. Therefore, the FNAM wonders whether there is a difference in the scope of application of this new sub-paragraph (g).
response	*Accepted*

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.2. Annex II (Part-ARO) — ARO.GEN.350 Findings and corrective actions — organisations p. 37-38

comment	*35* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* **ARO.GEN.350 Findings and corrective actions - organisations** Sweden supports the proposed amendment.
response	*Noted*

comment	*115* comment by: *UK CAA* **Page No:** 38 **Paragraph No:** (9) - ARO.GEN.305 (g) **Comment:** This change introduces a new paragraph which duplicates text at sub-paragraph (c). The UK CAA recommends that the suitability of both entries be reviewed to reduce duplication. **Justification:** Clarification and deletion of duplication.
response	*Accepted* Changes have been made to avoid repetition.

comment	*116* comment by: *UK CAA* **Page No:** 38 **Paragraph No:** (9) - ARO.GEN.305 (h) **Comment:** The UK CAA suggests that the language of this new paragraph is awkward and the intent may not be obvious. It is recommended that the text be reviewed

and amended so that it is clear to whom the 'recommendation report' is to be issued to and what 'approval' is being mentioned. The UK CAA is unable to offer a proposal without the knowledge of the intent. Additionally, such a report should be considered by a CA at any time and not just at the completion of an oversight planning cycle (this could be 48 months).

Justification: Clarification and demonstration of intent.

response *Partially accepted*

The comment is justified. The revised rule text removes the requirement for a report at the end of the oversight cycle. Instead, it refers to the need for the authority to assess the approval/authorisations at the end of the cycle. This assessment is necessary to decide upon any restrictions and on the subsequent oversight cycle, which might be extended or reduced, depending on the results of the past oversight.

comment *296* comment by: *European Cockpit Association*

Annex II Part-ARO ARO.GEN.305
ARO.GEN.305 Oversight Programme
*(g) The oversight planning cycle may be reduced if there is **evidence** that the safety performance of the*
organisation has decreased.

ECA's comment:
Sub-paragraph (g) provides for the possibility to reduce the oversight planning cycle if there is **evidence** that the safety performance of the organisation has decreased.
ECA would like to request a clarification on the fact who would be entitled to demonstrate such evidence?

response *Noted*

The term 'evidence' is not defined in the Regulations. It refers to the authorities knowledge about the operations and any aspect that might have a negative impact on safety.

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.2. Annex II (Part-ARO) — ARO.GEN.350 Findings and corrective actions — organisations p. 38-40

comment *177* comment by: *Luftfahrt-Bundesamt*

The inserted clarification has the nature of a typical AMC.
Especially point (d) (2) should be reworked to better reflect the IR-AMC-balance and the PBR approach.

response *Accepted*

Agreed. The explanation and specifications are better placed in an AMC.

comment *281* comment by: *KLM*

(d) (2) (i) Replace "written communication" by "formal written communication with audit report identifier", in order to avoid that emails without this formal written communication

	with audit report identifier attached, can serve as a starting point of the corrective action implementation period.
response	*Partially accepted* ARO rules do not specify how the written communication should be structured. However, we have now specified this into an AMC, allowing authorities to specify this according to their own procedures.

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.2. Annex II (Part-ARO) — ARO.OPS.105 Code-share arrangements p. 40

comment	*36* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* **ARO.OPS.105 Code-share arrangements** Sweden supports the proposed change.
response	*Noted*

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.2. Annex II (Part-ARO) — ARO.OPS.110 Lease agreements p. 40-41

comment	*83* comment by: *Luftfahrt-Bundesamt* **ARO.OPS.110** Article 12 of Regulation No. 1008/2008 requires, that without prejudice to Article 13(3) [wet-lease provisions], aircraft used by a Community air carrier shall be registered, at the option of the Member State whose competent authority issues the operating licence, in its national register or within the Community. Therefore dry-leasing in of **third country registered** aircraft is in contradiction to Article 12. The provisions of ORO.AOC.110 (d) make no sense without changing Article 12 of Regulation (EC) No. 1008/2008.
response	*Noted* Please see response provided to comment #16

comment	*95* comment by: *British Airways Flight Operations* British Airways welcomes the relaxation of the requirements for approval of dry lease-out.
response	*Noted*

comment	*117* comment by: *UK CAA* **Page No:** 40

Paragraph No: (d)(2)(i)

Comment: If this is written as a letter rather than an electronic communication, does the date start from the date of the letter or the date that it is received by the organisation?

Justification: If the communication is sent electronically the date is the same, if however, it is sent via the postal system there could be several days between creation and receipt.

Proposed Text: "It shall commence *from the date of the letter* communicating details of the finding to the organisation requesting corrective action to address the non-compliance identified."

response *Not accepted*

We understand and agree that authorities can specify in their own procedures how to interpret the date when the communciation was written. ARO rules are not micro-managing every possible procedure that the authority develops. ARO rules contain basic implementing rules allowing the authority to adapt those rules to their own legal systems. Depending on the country of the authority, existing case law might require different procedures.

comment *162* comment by: *DGAC France*

The COMMISSION REGULATION (UE) n° 1329/2015 of 31 July 2015 doesn't seem to have been taken into account. This regulation states for point (c):

"(c) The approval of a dry lease-in agreement shall be suspended or revoked whenever:
(1) the certificate of airworthiness of the aircraft is suspended or revoked;
(2) the aircraft is included in the list of operators subject to operational restrictions or it is registered in a State of which all operators under its oversight are subject to an operating ban pursuant to Regulation (EC) No 2111/2005."

response *Partially accepted*

Under the Aviation Strategy Package, Regulation 1008/2008 will be amended.

comment *232* comment by: *Mario Tortorici*

see comment to ORO.GEN.110

response *Noted*

comment *293* comment by: *IACA International Air Carrier Association*

Prior approval of lease Sub-NPA (A) p41 ARO.OPS.110(a)(3)	IACA carriers strongly support to limit prior approval only to leasing agreements with a third-country operator.

response *Noted*

comment	*294* comment by: *IACA International Air Carrier Association* ARO.OPS.110(a)(3) Sub-NPA (A) p41 — Typographical error: (3) ORO.AOC.110.~~(e)~~(f)
response	*Accepted*

comment	*360* comment by: *FNAM* The FNAM would like to thank EASA for the clarifications provided regarding the lease agreements issue. The FNAM points out that national policy over CMI agreements are a strong level-playing-field issue that required sound standardization. In particular, the FNAM welcomes the fact each and every EU airline shall be deemed to be leased without prior technical authorization.
response	*Accepted*

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.2. Annex II (Part-ARO) — ARO.RAMP.105 Prioritisation criteria p. 41-42

comment	*118* comment by: *UK CAA* **Page No:** 41 **Paragraph No:** (13) - ARO.OPS.110(a)(3) **with regard to Dry Leasing-out** **Comment:** This paragraph proposes to limit the ARO.OPS.110(a)(3) requirement for dry lease-out approvals to *"… agreements of an aircraft with a third country operator"*, thereby removing the prior lease approval requirement when dry leasing-out to a Community operator. The UK CAA believes that prior lease approval for dry leasing-out to a Community operator should still be required, particularly when crossing national boundaries (including within the Community) as the lease arrangements need to be accepted by the State of Registry and State of Operator before agreeing the regulatory safety oversight responsibilities between the two States. **Justification:** Article 13(2) of Commission Regulation (EC) No 1008/2008 requires a Community air carrier to obtain prior approval for *"A dry lease agreement to which the Community air carrier is a party…"* There has been a recent proposal to amend some of the requirements in Article 13, but the requirement for prior approval for dry leasing (in and out) is still required in it. **Proposed Text:** ARO.OPS.110(a)(3) should remain as the current text – "ORO.AOC.110 (e), for dry lease-out of an aircraft to any ~~third-country~~ operator;…"
response	*Not accepted*

Removing the prior approval for dry-lease out between EU operators is in line with changes to leasing-in prior approvals.

Due to the common EU safety rules, a prior approval for leasing agreements between EU operators, is not necessary.

For changes related to Regulation (EC) 1008/2008, please refer to the Aviation Strategy Package.

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.2. Annex II (Part-ARO) — Appendix I p. 43-44

comment *97* comment by: *Luftfahrt-Bundesamt*

In addition to the mentioned changes to the numbering, the AOC template should be further changed to comprise the requirement of ICAO Annex 6 and ICAO DOC 8335 7.3.1 for a period of validity or another appropriate annotation.

response *Not accepted*

With the continuous monitoring approach and the new elements of ORO.GEN.200 together with the respective oversight requirements, authorities can effectively oversee organisations under their oversight without a fixed period of validity of the AOC.

comment *270* comment by: *ICEALDA*

ARO.RAMP.140 Grounding of aircraft.
(1) EASA Must/Shall add to this column to notify on only the operator they have to notify OCC Operation Control Center and Must notify qualified Licensed FOO Flight Operation Officer/Flight Dispatcher, this is due to knowledge of the Flight Operations for safety of the aircraft.

response *Noted*

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.2. Annex II (Part-ARO) — Appendix II p. 44-46

comment *98* comment by: *Luftfahrt-Bundesamt*

The box with footnote 16 is empty in the Operations Specification of the AOCs in several member states. It should be further clarified whether an entry of limitation in this box is compulsory or optional.

response *Noted*

If this part of the OPS SPECs does not apply, it should not be filled in.

comment *163* comment by: *DGAC France*

The EU template for "Operations Specifications" (EASA form 139) should be updated in conformity with the template provided in Appendix 6 of ICAO Annex 6 (some check boxes are missing):

- "Operational credit(s)" is missing in "Low Visibility Operations"
- "EFB" authorization is missing

response *Noted*

Operational credits will be added through RMT.0379 (AWO). The EFB entry has been already addressed in the RMT.601 on EFB.

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.2. Annex II (Part-ARO) — Appendix III p. 46-47

comment *99* comment by: *Luftfahrt-Bundesamt*

The (*) at the bottom of the page seems to have no reference to the text above. We would prefer the old text 'Acknowledgement of receipt(*)' as this clearly references the (*) and additionally makes clear the nature of the signature. This will help to avoid discussions about the necessity of the signature on the ramp.

The mainly used direction of writing on a piece of paper is from top to bottom and from left to right. As during a ramp inspection first the boxes for the checked items are ticked and thereafter a possible finding description is filled in, we propose to move the big box 'finding description' to the right side of the page and the boxes with the items, the class of action and the inspectors numbers to the right side of the paper. Alternatively to changing the form, a clear statement would be appreciated to allow member states to customise the form to their needs, so that position and size of the boxes in the form can be amended as long as the content stays the same.
In general we suggest not to change the POI too often because of internal procedures in the authorities and additional cost for printing the new papers.

response	*Accepted*

comment	*147* comment by: *Transport Malta - Civil Aviation Directorate* The final version of this form was accepted by the RICS attendees and following the entry into force of the Regulation, new forms have been printed. Changing the format again at this stage is a waste of time, resources and money. The NAA's require stability, as constant changes of this sort are costly. The use of photographs as evidence and the EASA RI Database does not require detailed findings to be written and a second POI form can always be used.
response	*Noted*

comment	*272* comment by: *ICEALDA* in this section (18) for Proof of Ramp Inspection. EASA Must/Shall add to look into Flight planning document and if their ein is qualified and Licensed which make the flight document for each flight. The personnel can give License number to the flight plan etc.
response	*Noted*

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.3. Annex III (Part-ORO) — ORO.GEN.110 Operator responsibilities p. 48-49

comment	*15* comment by: *René Meier, Europe Air Sports* Page 49 and 50/87 ORO.GEN.110 (l) should be modified, we think. Rationale: We do not understand this text: Which operators did the author think of?
response	*Not accepted* The text of ORO.GEN.110(l) is the same requirement that existed in ORO.GEN.110(k); it has only been renumbered.

comment	*138* comment by: *AeroEx Gmbh* Strongly support the amendment of (k)
response	*Noted*

	Thank you for your support.

comment	*164* comment by: *DGAC France* DGAC fully supports the proposal of amendment introduced in point (k) which will exempt NCC operators from the approval by the authority of their DG training programmes if they do not intend to transport dangerous goods. However, DGAC strongly suggests to extend this exemption to SPO operators which do not intend to transport dangerous goods as well.
response	*Noted* Thank you for your support. At the moment, however, the Agency does not foresee an amendment to the SPO provisions, unless evidence of potential difficulties with its implementation is provided to the Agency.

comment	*179* comment by: *Luftfahrt-Bundesamt* Formally speaking the CMPA with twin-turboprop are affected by this point? Please ensure that the exemption of those aircraft from NCC-rules is such clear that single paragraphs are not in conflict with that. Furthermore (j) says that “training programmes shall commensurate with the responsibilities of personnel”. On the other hand the NCC-operator not intending to transport DG must set up such “tailored” training programmes. Effectiveness and the need for such training programmes and procedures etc. behind might be questionable.
response	*Noted* This derogation from NCC for the aircraft you refer to is in the Cover Regulation. Therefore, and although it is not specifically mentioned because there is no need to, Part-ORO would not apply to these aircraft and thus these aircraft would be exempted from complying with the requirement in ORO.GEN.110.

comment	*223* comment by: *René Meier, Europe Air Sports* Page 50/87 ORO.GEN.110 Operators responsibilities (l)(1)(2) Delete (1) and (2) please. What could be the content of such a briefing: a) No firearms, no explosives, no chemical substances, b) No knifes, c) No sticks, d) No objects that might endanger crew or passengers, d) No lithium batteries, Rationale: With regards to sailplanes and balloon operations this provision makes no sense. We repeat our position that flying sailplanes and balloons is "fun", or "pleasure", or "recreation", or "sports" In case of doubt: Please check the risk hierarchy published in your "Roadmap for Regulation of General Aviation", 18 November 2012.

	Besides this, how could a passenger bring "cargo" on-board a sailplane or a balloon?
response	*Not accepted* By deleting (1) and (2), sailplanes and balloons would be subject to the full requirement of ORO.GEN.110 (j) and therefore they would have to establish and maintain dangerous goods training programmes that would have to be approved by their competent authority. The alleviation is applicable also to other aircraft; this is why 'cargo' is mentioned.

comment	*253* comment by: *Federal Office of Civil Aviation (FOCA), Switzerland* **Appendix III to Part-ARO** ***Comments FOCA:*** *The suggested modifications, concerning the actual template are extensive, but on the other hand should bring a significant improvement in terms of the layout and the content. However, the quit frequent changes/modifications to the EASA SAFA report template are causing repetitive efforts of time and personnel, which is leading to additional financial expenses.*
response	*Noted*

comment	*275* comment by: *ICEALDA* ORO.GEN.110 Operator responsibilities EASA Must/Shall add in (d) and Flight Operatons/Operation Control are qualified as required for the area and type of operations. in section from C EASA Must/Shall add in all sections method of operation of Flight operation etc Must/Shall hold a minimum FOO Licensed and qualified their ein In (I) EASA Must/Shall add operators Must that FOO Flight Opeaton Officer/Flight Dispatcher Must received an appropriate dangerous goods training.
response	*Noted*

comment	*297* comment by: *European Cockpit Association* **ORO.GEN.110 Operator responsibilities** Commented text: *Notwithstanding (j), an operator of a complex motor-powered-aircraft used in non-commercial operations, provided they do not intend to transport dangerous goods, shall establish and maintain dangerous goods training programmes for personnel as required by the Technical Instructions. This training shall not be required to be approved.* **ECA's Comment:** Suggestion: Either training to be included in the operator SMS, or training requires approval as previously prescribed. ECA's concern is that there is no feedback loop required on experienced incidents by airline if only linked to TI's. Threat of undeclared DG being carried and leading to accident over

	populated areas. Suggest: Either training to be included in the operator SMS, or training requires approval as previously prescribed.
response	*Noted* Training is, part of SMS. Therefore, it should be understood that dangerous goods training, when required, is also part of the SMS.

comment	*350* comment by: *Finnish Transport Safety Agency* ORO.GEN.110 (k) Trafi supports the proposal. However, it should be notified that with this change a deviation to ICAO standards and ICAO-TI shall be notified.
response	*Noted* Thank you for your support. Your comment on the deviation from the ICAO standards is noted. However, please notice that notifications to ICAO should be done by the Member States.

comment	*351* comment by: *Finnish Transport Safety Agency* ORO.GEN.110 (l) Trafi supports the proposal. However, it should be notified that with this change a deviation to ICAO standards and ICAO-TI shall be notified. In addition it shall be made sure that the proposal will be in line with new Balloon Ops rules.
response	*Noted* Thank you for your support. Your comment on the deviation from the ICAO standards is noted. However, please notice that notification to ICAO should be done by the Member States. Regarding the Balloon OPS rules, all references to balloons will be deleted by Opinion No 01-2016 to avoid such conflicts.

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.3. Annex III (Part-ORO) — ORO.GEN.205 Contracted activities p. 50

comment	*37* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* **ORO.GEN.205 Contracted activities.** Sweden finds the proposed amendment to IR acceptable.
response	*Noted*

comment	*119* comment by: *UK CAA* **Page No:** 50

Paragraph No: (19) - ORO.GEN.110 (k)

Comment: The UK CAA agrees it is proportionate that training programmes for operators of complex motor-powered-aircraft used in non-commercial operations should not need to be approved. However, this is not in compliance with Part 1; Chapter 4.1.2 of the ICAO Technical Instructions for the Safe Transport of Dangerous Goods By Air, which requires the dangerous goods training programmes of all operators to be approved by the State of the Operator.

Justification: The UK CAA believes that Part 1;4.1.2 of the Technical Instructions was not written with non-commercial complex motor powered aircraft in mind and it is likely that if a change to that requirement was proposed to ICAO, the Dangerous Goods Panel would agree to exclude some types of operations from the requirement for approval of their training programmes. However, as yet, no such proposal has been made, so any amendment to the Technical Instructions would not be introduced until 2019 at the earliest. In the interim, EASA-OPS and States would not be in compliance with the Technical Instructions.

Proposed Text: No text is proposed, since the principle is considered appropriate. However, EASA or a Member State should seek to amend Part 1;4.1.2 of the ICAO Technical Instructions.

response

Noted

The Agency appreciates the support for this rule amendment. As regards of the amendment to the Technical Instructions, should this be necessary and supported by other European Member States, the Agency would be willing to propose and/or support any proposal in this regard at the ICAO Dangerous Goods Panel.

comment

127 comment by: *UK CAA*

Page No: 50

Paragraph No: (l)

Comment: While (k) exempts operators of complex motor-powered aircraft used in non-commercial operations from “approved training” for dangerous goods if they are not transporting them, (l) doesn’t appear to offer the same exemption. It reads as though the operators listed in (l) must have approved DG training or briefing and that it applies to ALL sailplane and balloon operators but only to commercial VFR flights.

The UK CAA seeks clarification of whether flights operated in accordance with Part-NCO, Part-SPO are deemed to be commercial for the purposes of this provision.

Justification: Onerous on small GA operators, sailplanes and balloons.

Proposed Text: “Notwithstanding (j), the following operators, operating on a commercial flight, shall ensure that the flight crew has received appropriate dangerous goods training or a briefing, to enable them to recognise undeclared dangerous goods brought on board by passengers or as cargo. This training/briefing shall not be required to be approved.”

response | *Noted*

Operators listed in (l) are not expected to obtain an approval from the competent authority. This point has been just moved from (k) to (l), so no amendments have been made to the text compared to the currently existing provision. In any case, the proposal for the text cannot be accepted as the alleviation proposed by the Agency applies both to commercial and non-commercial operations, whereas the proposed text by the UK CAA is limited to commercial operations and, therefore, non-commercial operations would be subject to the full requirement in point (j).

comment | *204* comment by: *European Helicopter Association (EHA)*

Page 50 - ORO.GEN.110 Operator Responsibilities (K):

We suggest to change the last sentence "The training shall not be required to be approved" into "Approval for this training is not required".

response | *Partially accepted*

The Agency agrees that the text can be improved. However, the Agency will modify the text to say: 'These training programmes are not be required to be approved by the competent authority.'

comment | *292* comment by: *KLM*

(a) (2) Safety hazards now included in ORO.GEN.205 requirements, the descriptor " any safety aviation safety hazards" too wide of a scope, change proposed to aviation safety hazards as defined by the operator.

response | *Not accepted*

The existing terms used are in line with those in ORO.GEN.200, which also do not specify that the hazards have to first be identified by the operator.

comment | *309* comment by: *IACA International Air Carrier Association*

Contracted activities Sub-NPA (A) p51 new ORO.GEN.205(a)(2)	IACA carriers agree that safety hazards associated with contracting and purchasing are part of the operator's management system, and note the Guidance Material on effective management of safety risks and interfaces between organisations.

response | *Noted*

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.3. Annex III (Part-ORO) — ORO.AOC.110 Leasing agreements p. 50-51

comment

38 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

ORO.AOC.110 Leasing agreements
Sweden supports the proposal to limit the prior approval requirement to lease agreements concerning aircraft registered in a third country and to remove the prior approval for lease agreements between EU operators.

Sweden supports the new and amended rules (IR/AMC/GM) in this NPA regarding Leasing agreement.
To align the new requirements in ORO.AOC.110 with the requirements in ARO.OPS.110 STA proposes the following changes to ARO.OPS.110 (a)(2), (a)(3) and (a)(4):
ARO.OPS.110 Lease agreements
(a) The competent authority shall approve a lease agreement when satisfied that the operator certified in accordance with Annex III (Part-ORO) complies with:
(1) ORO.AOC.110 (d), for dry leased-in third country aircraft;
(2) ORO.AOC.110 (~~c~~a), for wet lease-in of an aircraft from a third-country operator;
(3) ORO.AOC.110 (~~e~~f), for dry lease-out of an aircraft to any third-country operator;
~~(4) relevant requirements of continuing airworthiness and air operations, for dry lease-in of an aircraft registered in the EU and wet lease-in of an aircraft from an EU operator.~~

response

Accepted

Changes have been made according to the comment.

comment

84 comment by: *Luftfahrt-Bundesamt*

ORO.AOC.110
Article 12 of Regulation No. 1008/2008 requires, that without prejudice to Article 13(3) [wet-lease provisions], aircraft used by a Community air carrier shall be registered, at the option of the Member State whose competent authority issues the operating licence, in its national register or within the Community.
Therefore dry-leasing in of **third country registered** aircraft is in contradiction to Article 12. The provisions of ORO.AOC.110 (d) make no sense without changing Article 12 of Regulation (EC) No. 1008/2008.

response

Partially accepted

See changes proposed to Regulation (EC) No 1008/2008.
Prior approval of intra-EU leasing agreements is not necessary from a safety point of view, given the common set of safety rules.

comment

165 comment by: *DGAC France*

The COMMISSION REGULATION (UE) n° 1329/2015 of 31 July 2015 doesn't seem to have been taken into account.
The following sentence should be added for each dry/wet lease case in part ARO and ORO :
"*The operator certified in accordance with this Part shall not lease-in aircraft included in the list of operators subject to operational restrictions, registered in a State of which all operators under its oversight are subject to an operating ban or from an operator that is subject to an operating ban pursuant to Regulation (EC) No 2111/2005*"

response | *Not accepted*

comment | *231* comment by: *Mario Tortorici*

in our (ENAC) understanding this proposal of change to ORO.AOC.110 deletes any obbligation in case of leasing within Member States.

This change to current rules poses several problems:
1) consistency with UE Reg. 1008/2008 article 13.2 that requires, for safety considerations, prior approval for all lease agreements when the lessee is an UE air carrier.

2) consistency with ARO.OPS 110(c)&(d) regarding dry lease in and out ; in our opionion it should be clear that any addition or deletion of aircraft in a AOC shall be subject to prior approval and this principle applies also to dry leased EU registered aircraft; in case of aircraft listed in AOC the AOC has to be timely updated, and the same should apply to OM if the aircraft are listed only in the OM, subject to prior approval. These are CA requirements but they need matching operator's requirements.

3) a reduced level of safety oversight and protection of the passenger in comparison to the current situation since the CA responsible for the lessor and licence holder is no more in the information and approval loop. Today it is not possible yet to believe that every operator is the same only because it is approved in accordance with EU regulation.

4) consistency with the general agreement within member states that leasings are an hazard that needs to be properly dealt with, see current discussion within EASA NBM working group.

Our proposal is to to leave the current requirement for prior approval of any leasing agreement until Reg. 1008/2008 will be revised.
As a goal we would like to keep also in the future a strict prior involvement of the CA in any lease agreement with the only exception for short term wet lease in for unforeseen circumstances from EU lessors. In the case of wet lease from UE operators the involvement should include prior information to the CA and specific ramp inspections, by amending ARO.RAMP, and in case of longer term agreements also the obligation for a MoU between the CA of the lessor and the CA of the lessee, that often is also the Local Authority, for a joint oversight.

response | *Not accepted*

Based on the assumption that common safety rules are applied in the EU, a prior approval for leasing between EU operators is not necessary.

Standardisation and cooperation between NAAs ensure that existing safety rules are applied.

Cooperative oversight is an important means to exchange information between NAAs on remote operations. By making use of ARO.GEN.300(d) and by informing the NAA of the country where the wet-leasing activity takes place, authorities can coordinate oversight and ensure that safety levels are not deteriorating due to remote operations. Cooperative oversight is deemed to be more effective than the prior approval, where the NAA where the activity is taking place is not informed.

The EASA Working Group on New Business Models did look into leasing from the point of view of the operator (operator's SMS) and from the point of view of the authority (cooperative oversight). This was deemed to be more efficient than a prior approval.

Regulation (EC) No 1008/2008 has been proposed to be amended.

comment *299* comment by: *European Cockpit Association*

SUBPART AOC — AIR OPERATOR CERTIFICATION ORO.AOC.110

Commented text:
ORO.AOC.110 Leasing agreement - Wet lease-in
Deletion of: *(a) Without prejudice to Regulation (EC) No 1008/2008, any lease agreement concerning aircraft used by an operator certified in accordance with this Part shall be subject to prior approval by the competent authority.*

ECA's Comment:
ECA does not support the proposal of removing prior approval for wet-leasing arrangements between EU operators. The following paragraph should be reinstated into the text:
(a) Without prejudice to Regulation (EC) No 1008/2008, any lease agreement concerning aircraft used by an operator certified in accordance with this Part shall be subject to prior approval by the competent authority.

Reasoning:
Wet lease is a practice that involves provision of aircraft and crew. For this reason, it has both strong safety and industrial/social implications that cannot be disregarded in the process of proposing changes to the current legislation, especially when those changes aim at reducing the oversight for the sake of simplification within the EU (between EU operators).
Leasing arrangements were initially foreseen to enable operators to cater for unforeseen needs: for instance a wet lease is typically utilized during peak traffic seasons or annual heavy maintenance checks, or to initiate new routes and hence for a limited period of time until a more stable solution is found. The recent emergence of wet-leasing chains, whereby a chain of successive short-term leases results de facto in long-term leasing arrangements – as a kind of integrated quasi-permanent part of the lessee's operation – is neither in line with the spirit of EU legislation (Reg. 1008/2008, although the 'unforeseen needs' requirement is not explicitly defined), nor is it helpful in terms of safety oversight. In fact, some operators are setting up such complex leasing and wet-leasing 'cascade' arrangements for regulatory shopping purpose (take advantage from cheap labour and lax or less stringent oversight).
That being said, it is paramount that the relevant National Authorities have the final say on the various wet lease applications including intra EU in order to properly assess the situation and verify whether the request is compliant with Reg. 1008/2008 and justified (cater for unforeseen needs) or if there is reason to believe that the rationale behind that application is different (e.g. intent to limit the costs of the operations)
Regulation 1008/2008 allows Member States not to authorize intra-European wet-leasing when they consider that this operation could be endangering safety. Danger to safety could come from different reasons which are not necessary linked to the wet-lessor's safety but to the situation of the lessee (insufficient number of self-owned aircraft, social unrest, etc). The authorization is the only means existing to allow Member States to comply with this right recognized in the Regulation:

Article 13:[…] Community air carriers may freely operate wet-leased aircraft registered within the Community except where this would lead to endangering safety. The Commission shall ensure that the implementation of such a provision is reasonable and proportionate and based on safety considerations.
Furthermore, the authorization would be necessary in ICAO terms as it is the only means for the Authority responsible of the AOC under which the wet leased aircraft would be operating to effectively monitor the operations of the airline under its responsibility.
Finally - the social impact of suppression of the authorization process should be assessed. Wet Lease should be considered as posting. Without the authorization process the authorities of the airline's AOC will have not have the possibility to assess any employment practice of the lessor that might have safety implications. Wet leasing during industrial actions is also an issue which might have both social and safety implications.

Further to the above, ECA does not support the proposal of removing prior approval for wet-leasing arrangements between EU operators.
Moreover, ECA urges the EU regulator and Europe's safety oversight bodies to stop such complex and in-transparent leasing setups as well as quasi-permanent wet-leasing chains. While cooperative safety oversight is part of the answer, operators should comply with the spirit of the EU Regulation and use wet-leasing only to cater for unforeseen needs (requisite that must be thoroughly defined) – which, by nature, will be of a limited period of time.

response *Not accepted*

Based on the assumption that common safety rules are applied in the EU, a prior approval for leasing between EU operators is not necessary.

Standardisation and cooperation between NAAs ensure that existing safety rules are applied.

The NBM Working Group did look into leasing from the point of view of the operator (operator's SMS) and from the point of view of the authority (cooperative oversight). This was deemed to be more efficient than a prior approval.

Regulation (EC) No 1008/2008 has been proposed to be amended.

comment *310* comment by: *IACA International Air Carrier Association*

Lease between EU operators Sub-NPA (A) p51-52 amendment ORO.AOC.110(a) new ORO.AOC.110(f)	IACA carriers strongly support the removal of the prior approval requirement for lease agreements between EU operators, and to limit the prior approval requirement only to lease agreements with third-country operators.

response *Noted*

comment *311* comment by: *IACA International Air Carrier Association*

Lease with third-country operator Sub-NPA (A) p52 new ORO.AOC.110(d)	IACA carriers strongly support the provisions to allow dry lease-in of third country aircraft.

response *Noted*

comment *312* comment by: *IACA International Air Carrier Association*

Lease with third-country operator Sub-NPA (A) p52 amendment ORO.AOC.110(g)	IACA carriers support that wet lease-out to a third country no longer requires prior approval but only a notification.

response *Noted*

comment *326* comment by: *Civil Aviation Authority of Norway*

It does not appear to be consistency between the text still in ARO.OPS.110 and the new text here. E.g. ARO.OPS.110(a)(4) specifies an approval and the change in ORO.AOC.110(g) only asks for "notify".

response *Accepted*

See the amended text.

comment *352* comment by: *Finnish Transport Safety Agency*

ORO.AOC.110

Seems that ORO.AOC.110 is in contradiction with the Regulation (EC) No 1008/2008, Article 13 (2.):
'A dry lease agreement to which a Community air carrier is a party or a wet lease agreement under which the Community air carrier is the lessee of the wet-leased aircraft shall be subject to **prior approval** in accordance with applicable Community or national law on aviation safety.'

In case of dry lease, prior approval would still be needed for the change of operations specifications of an operator (ORO.GEN.130). Therefore some administrative burden remains.

The text should be clarified – which regulation applies between EU operators – 1008/2008 or 965/2012?
- does wording 'applicable Community law' in 1008/2008 refer to ORO.AOC.110?
- are there plans to amend the 1008/2008 requirements?

Separate requirements for EU operators and third country operators would make the issue clearer.

response *Not accepted*

In case of a dry-lease in, the OPS SPECs do not have to be changed each time. As stated during an EASA Air OPS Workshop in March 2014, the operator can obtain a prior approval for a framework agreement with operators from which to dry-lease in aircraft. Every time a new aircraft is dry-leased in, the OPS SPECs do not necessarily have to be changed (please refer to the Footnote No 6 of the OPS SPECs, which state that the OPS SPECs can refer to the relevant page in the OM where the aircraft and registrations are listed. This means that provided the operator dry-leases an aircraft from this prior approved list of aircraft, a simple notification to the NAA before the aircraft is operated under its AOC may be sufficient. The respective answers to similar questions are contained in the hand-outs and presentations of the Air OPS Workshop from March 2014 accessible on the EASA website.

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.3. Annex III (Part-ORO) — ORO.AOC.130 Flight data monitoring — aeroplanes p. 52

comment *39* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

ORO.AOC.130 Flight data monitoring — aeroplanes.
Sweden finds the proposed change acceptable.

response *Noted*

comment *121* comment by: *UK CAA*

Page No: 52

Paragraph No: (21) - ORO.AOC.110(a) **with regard to Wet Leasing-in from a Community operator**

Comment: This paragraph proposes to limit the requirement for lease-in approvals to *"… lease agreements concerning aircraft registered in a third country"*, thereby removing the prior lease approval requirement for wet leasing-in from a Community operator. Prior lease approval for wet leasing-in from a Community operator should still be required, particularly as wet leasing is a contract activity (ORO.GEN.205). The UK CAA believes to ensure that safety risks are managed properly, driving the use of SMS, backed by use of a formal approval from the competent authority, will allow an element of regulatory control; a lever to ensure the right behaviours.

Justification: Lease approval for wet leasing-in from a Community operator is still required under ARO.OPS.110(a)(4) - please see NPA 2015-18A, Page 41. Therefore, removing the

prior approval requirement in ORO.AOC.110(a) will directly conflict with the ARO.OPS.110(a)(4) requirement in EU Reg 965/2012. In addition, standardisation within Europe is still evolving, so until there is a level playing field, wet lease-in approval should still be required to ensure that safety risks are managed properly.

ICAO Doc 8335 (Manual of Procedures for Operations Inspection, Certification and Continued Surveillance), Part V, Chapter 3, Paragraph 3.1 and 3.2 highlights the complexities of wet leasing and areas that States should consider before such arrangements can commence. The main issues being:**–**

Paragraph 3.1.2 states: *"… The actual lease arrangement and other relevant information need to be examined by the respective authorities responsible for monitoring the operation of the wet leased aircraft"*.

Paragraph 3.1.3 continues by stating: that where the Lessor and Lessee are in different States, the responsible authority or authorities need to resolve questions before operations involving use of the wet leased aircraft can be commenced.

Paragraph 3.3.2 which refers to short-term wet leases states: *"Authorities should establish procedures for operators to provide lists of approved lessors and lessees or charters. For operators in one State, potential lessors may be from another State and appropriate arrangements should be made between States which may be concerned"*.

Paragraph 3.3.3 says *"States should seek details of the lease arrangement and the Lessors from their operators… and appropriate arrangements could be put in place to enable approval for an actual short-term wet lease or charter to be given quickly".*

Proposed Text: Recommend retaining the current (active) wording, as follows:

Any Lease-in
"Without prejudice to Regulation (EC) No 1008/2008, any lease agreement concerning aircraft used by an operator certified in accordance with this Part shall be subject to prior approval by the competent authority".

response

Not accepted

While it is acknowledged that the respective rule in ARO.OPS.110 has to reflect the changes made to ORO.AOC.110, the reference to ICAO Doc 8335 does not take into account a common safety framework as is the case with the Air OPS Regulation.

In all cases, ICAO Doc 8335 requires authorities to examine the lease agreements. This should still be undertaken by the authorities during the continuous oversight. Where the lease agreement is a lease-in from an aircraft or operator from a third country, the rules are proportionate and require a prior approval.

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.3. Annex III (Part-ORO) — ORO.AOC.135 Personnel requirements p. 52

comment

40 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

ORO.AOC.135 Personnel requirements.
Sweden finds the proposed change acceptable.

response *Noted*

comment *122* comment by: *UK CAA*

Page No: 52

Paragraph No: (21) - ORO.AOC.110(d) Leasing agreements **with regard to Dry Leasing-in of a Community registered aircraft**

Comment: This paragraph proposes to limit the requirement for lease-in approvals to *"… lease agreements concerning aircraft registered in a third country"*, thereby removing the prior lease approval requirement for dry leasing-in of a Community registered aircraft. The UK CAA believes prior lease approval for dry leasing-in a Community registered aircraft should be required, particularly when crossing national boundaries (including within the Community) as the lease arrangements need to be accepted by the State of Registry and State of Operator before agreeing the regulatory safety oversight responsibilities between the two States.

Justification: Article 13(2) of EC Regulation 1008/2008 requires a Community air carrier to obtain prior approval for *"A dry lease agreement to which the Community air carrier is a party…"* There has been a recent proposal to amend some of the requirements in Article 13 leasing, but the requirement for prior approval for dry leasing (in and out) is still required. In addition, ARO.OPS.110(a)(4) still requires prior approval from the competent authority before dry leasing-in an aircraft registered in the EU. Therefore, the UK CAA believes removing the prior approval requirement for dry leasing-in from the Community in ORO.AOC.110(a) will directly conflict with the approval requirements in Article 13(2) of EC Reg 1008/2008 and ARO.OPS.110(a)(4) of EU Reg 965/2012.

Proposed Text: Recommend retaining the current (active) wording as follows:

Any Lease-in
"Without prejudice to Regulation (EC) No 1008/2008, any lease agreement concerning aircraft used by an operator certified in accordance with this Part shall be subject to prior approval by the competent authority".

response *Not accepted*

Due to a common safety framework, prior approvals for leasing agreements should not be required for leasing agreements between EU operators.

comment *123* comment by: *UK CAA*

Page No: 52

Paragraph No: (21) - ORO.AOC.110(f) **with regard to Dry Leasing-out**

Comment: The paragraph should not be limited to dry leasing-out to a third country operator only. Please see the UK CAA's comment under ARO.OPS.110(a)(3) **with regard to**

Dry Leasing-out, above.

Justification: Article 13(2) of Commission Regulation (EC) No 1008/2008 requires a Community air carrier to obtain prior approval for *"A dry lease agreement to which the Community air carrier is a party…"* There has been a recent proposal to amend some of the requirements in Article 13, but the requirement for prior approval for dry leasing (in and out) is still required in it.

Proposed Text: Recommend retaining the previous (and currently active) wording of ORO.AOC.110(e), as follows: *"The operator certified in accordance with this Part intending to dry lease-out one of its aircraft ~~to a third country operator~~ shall apply for prior approval by the competent authority".*

response *Not accepted*

Due to a common safety framework, prior approvals for leasing agreements should not be required for leasing agreements between EU operators.

comment *124* comment by: *UK CAA*

Page No: 52

Paragraph No: (21) - ORO.AOC.110(g) **on Notification of lease agreements not requiring prior approval.**

Comment: Dry leasing-in and out within the Community and wet leasing-in from a Community operator should still require prior approval from the competent authority, so the UK does not agree with notification requirement only. Please see comments on ARO.OPS.110 and ORO.AOC.110 above.

Justification: See above

Proposed Text: See above

response *Not accepted*

Due to a common safety framework, prior approvals for leasing agreements should not be required for leasing agreements between EU operators.

comment *208* comment by: *ICEALDA*

EASA SHALL change all doc and indicat in all doc ICAO is the minimum standard with in aviation and SHALL/MUST be the roules.

THIS IS DUE TO EUROPEAN OPERATORS ONLY FILE IN THEIR OM BUT NOT FOLLOW THE REGULATIONS.

And regading all personel shall/must hold qualified training based on ICAO DOC 7192 D3 as aminumum standard for training personel with in Operation Control area

response *Noted*

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.3. Annex III (Part-ORO) — ORO.SPO.100 Common requirements for commercial specialised operators p. 53

comment

41 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

ORO.SPO.100 Common requirements for commercial specialised operators.
Sweden finds the proposed change acceptable.

response

Noted

comment

321 comment by: *ICEALDA*

A minimum knowledge and qualification of personnel required Must/Shall be at least Flight Operation Officer/Flight Dispatcher FOO and hold at least 4 years working as Flight Operation Officer/Flight Dispatcher under qualification of Licensed FOO or have Maintenance knowledge or hold a ATPL licenses.

This due to that fact Operators will always try to go around this regulations regarding what qualificaton Must hold with in Operaton Control in method of flight planning etc.

in (b) Adequacy and competence of personnel.
EASA need put definition regarding what is 'be properly trained'
EASA Must/Shall have as minimum standard in this section that minimum training is based on ICAO doc 7192 D3 for FOO training.

For the Supervision of personnel EASA Must/Shall put that if operators have OCC or NCC or what ever they called for more than 19 pax aircraft than minimum qualification Must/Shall be Licensed Flight Operation Officer/Flight Dispatcher due to he or here have been trained according to ICAO doc 7192 D3

response

Noted

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.3. Annex III (Part-ORO) — ORO.SEC.100 Flight crew compartment security – aeroplanes p. 53-54

comment

26 comment by: *NetJets Europe*

Even though the change is editorial, NetJets would like to highlight the following:

Several manufacturers are developing intercontinental turbojet aeroplanes for business travel, ‘business jets’, that have a maximum certified take-off mass (MCTOM) in excess of 45 500 kg. While operation of these aeroplanes is unchanged from similar aeroplanes at or below the current MCTOM threshold, the additional mass would require these operators to install the flight crew compartment door and comply with this IR, when operating in commercial air transport (CAT).
An example is the Gulfstream G650 that has a MCTOM of 45,178Kg and the G650ER that has a MCTOM of 46,992Kg. The only major differnce is the amount of fuel carried.

RMT.0695 Non-ETOPS operations with performance class A aeroplanes, is addressing the same threshold issue.

NetJets is suggests a review of the threshold. If not within scope of this NPA, then maybe it can be added to the scope of RMT.0695 and RMT.0296.

response *Not accepted*

While EASA is aware of the discussions surrounding the threshold for the cockpit door,the current rule in ORO.SEC is a direct transposition of the respective ICAO text of Annex 6. For this reason, any changes in the thresholds should be discussed at the appropriate level; in this case, ICAO.

comment *42*

comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

ORO.SEC.100 Flight crew compartment security.
Sweden supports the proposed amendment.

However Sweden sees a need to further clarify the term *monitor* in ORO.SEC.100 (c) thru AMC/GM and therefore STA propose that new AMC/GM is developed to ORO.SEC.100 as follows:

AMC1 ORO.SEC.100 (c) Flight crew compartment security

COCKPIT DOOR SURVEILLANCE
Means to monitor from either pilot's station the entire door area outside the flight crew compartment may either consist of specialised equipment, such as a Close Circuit Television system (CCTV), or by using a combination of a visual device and procedures. As an alternative to CCTV a combination of a visual device and procedures could be used. The alternative should enable the flight crew to monitor the entire door area outside the flight crew compartment to ensure that an individual requesting entry is not operating in a situation of duress.

GM1 ORO.SEC.100 (c) Flight crew compartment security
COCKPIT DOOR SURVEILLANCE
ICAO Security Manual Doc 9811 (restricted access) contains guidance on the development of policies and procedures to monitor from either pilot's station the entire door area outside the flight crew compartment to identify persons requesting entry and to suspect suspicious behavior or potential threat.

Rationale - There is different opinions thru Europe about the interpretation regarding the term "monitor" and therefore there is a need for clarification thru AMC/GM.

response *Partially accepted*

It is correct that the current rule, which is a transposition from ICAO is interpreted differently by some NAAs. This is why EASA, together with NAAs and the Commission, discussed the ORO.SEC.100 requirement in the context of changes made to in-flight security elements of the rule. At the time, and following a focused consultation with NAAs during the summer of 2015, the Agency proposed several options. After further reflection and considering the

comments received on the in-flight security focused consultation of August 2015, the Agency is proposing to reword the rule text rather than to include new AMC that would be contradicting the rule text.

Since the rule text requires that the door area must be monitored from either pilot station, another monitoring method, whereby the pilot uses an alternative to a CCTV system, e.g. by means of a spyhole, would require one pilot to leave his/her seat to look through the spyhole.

Therefore, the Agency proposes to delete the term 'from either pilot station' from the rule to clarify that other means can be used.

comment *139* comment by: *AeroEx Gmbh*

text in ORO.SEC.100 should be amended to clarify that this requirement only applies to CAT operations.

response *Accepted*

Agreed. ORO.SEC.100(c) now includes a clarification that this only applies to passenger-carrying aeroplanes engaged in CAT.

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.3. Annex III (Part-ORO) — Appendix I p. 54-56

comment *27* comment by: *NetJets Europe*

Some operators use the aircraft that are included in the OPS specs of an AOC for non-commercial operations. If all the aircraft on the AOC are used for NCC operations, the requirement to list these and any changes to the list will require a submission of a new declaration which creates extra burden for the operator and CA.

NetJets proposes the inclusion of provision to allow a general statement that all the aircraft listed in the OPS specs of an AOC are declared without requirement to list each aircraft individually and provide space for the exception to cater for aircraft on the AOC not being used for NCC. The change as proposed in the NPA would allow listing of the additional aircraft that are not on the AOC that are being used for NCC.

Additional Note: The NetJets proposal will not be required if the current RMT.0352 proposal, for CAT operators that perform NCC ops with aircraft listed in the OPS Specs, to not require a declaration, is accepted.

response *Accepted*

As mentioned correctly by the commentator RMT.0352 will ensure that CAT operators that perform NCC operations with aircraft listed in the OPS Specs, do not have to submit a declaration. Therefore, the Agency agrees with the comment, but the change will be introduced with RMT.0352.

comment *183* comment by: *Luftfahrt-Bundesamt*

	We refer to our document submitted separately raising some essential issues in this regard.
response	*Partially accepted* The Agency agrees that the declaration should be amended.

comment	*322* comment by: *ICEALDA* A minimum knowledge and qualification of personnel required Must/Shall be at least Flight Operation Officer/Flight Dispatcher FOO and hold at least 4 years working as Flight Operation Officer/Flight Dispatcher under qualification of Licensed FOO or have Maintenance knowledge or hold a ATPL licenses. This due to that fact Operators will always try to go around this regulations regarding what qualificaton Must hold with in Operaton Control in method of flight planning etc. Adequacy and competence of personnel. EASA need put definition regarding what is 'be properly trained' EASA Must/Shall have as minimum standard in this section that minimum training is based on ICAO doc 7192 D3 for FOO training.
response	*Noted*

comment	*329* comment by: *Civil Aviation Authority of Norway* It appears that each type of operation has to be listed for each aircraft registration in the form. That seems a bit excessive and might lead to a very long list. It should perhaps be considered to find a way to group the aircraft and the operations similar to what is done on the Ops Spec.
response	*Partially accepted* The Agency agrees that the declaration should be amended.

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.4. Annex IV (Part-CAT) — CAT.GEN.MPA.105 Responsibilities of the commander p. 57-58

comment	*43* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* **CAT.GEN.MPA.105 Responsibilities of the commander.** Sweden supports the proposed amendment.
response	*Noted*

comment	*96* comment by: *British Airways Flight Operations* British Airways agrees with the alignment of the responsibilities of the Commander between the various Parts of the regulation - specifically referring to the completion of the Technical

	Log.
response	*Noted*

comment	*166* comment by: *DGAC France* The new sub-paragraph (a)(14) inserted in CAT.GEN.MPA.105 allows the commander to report defects into the technical log book of the aircraft only at the end of a series of flights. The consequence is that the aircraft may leave for a subsequent sector with defects and this information will not be retained on the ground while CAT.GEN.MPA.185 asks for the relevant part of the technical log to be retained on the ground. The purpose is to serve the possible needs of an investigation in case of an accident.
response	*Not accepted* Reporting defects into the logbook on board does not mean that the operator does not have to comply with CAT.GEN.MPA.185 on **Information to be retained on the ground.** Both requirements apply.

comment	*167* comment by: *DGAC France* The report of hazardous conditions to ATS through PIREP/AIREP is clearly included in NCC.GEN.106, NCO.GEN.105 and SPO.GEN.107 but not in CAT.GEN.MPA.105. DGAC suggests to add a similar requirement in CAT.GEN.MPA.105: *(number tbd) The commander shall, as soon as possible, report to the appropriate air traffic services (ATS) unit any hazardous weather or flight conditions encountered that are likely to affect the safety of other aircraft.*
response	*Accepted* This is supported. A new point (e) in CAT.GEN.MPA.105 has been added including the proposed text.

comment	*184* comment by: *Luftfahrt-Bundesamt* By insertion of ",or series of flights," even airworthiness related defects might be recorded in the TLB just on the last flight back to home base. The wording must be adapted considering the related requirements of M.A.403!
response	*Accepted* The text has been amended in accordance with the comment.

comment	*227* comment by: *KLM* Add "to ensure continued flight safety' to align with M.A.306.
response	*Accepted* The text has been amended in accordance with the comment.

comment	*324* comment by: *ICEALDA*

	EASA need as well put definitions regarding responsibility for the flight. EASA Must/Shall put Pilot in command and Flight Operaton Officer/Flight Dispatcher FOO Must/Shall have 50% authority of the flight until all doors are closed and aircraft is driven by their own power. This is to clarify that Operators can not put any to assist Pilot in Command for the flight Operators need to full fill training based on ICAO doc 7192 D3 for FOO which than can assist PIC for each flight regarding all safety for each flight. This is due to that fact that commander do mistake and Flight Operation Officer/Flight Dispatcher FOO which have been fully qualified and trained based on ICAO doc 7192 D3 have correct commander and assist him from do mistake. This is MUST to have in the crew regulations.
response	*Noted*

comment	*353* comment by: *Finnish Transport Safety Agency* CAT.GEN.MPA.105 point (a)(14) Current wording could be interpreted so that the possible defects could be recorded only after series of flights, not after a flight which is part of series of flights. Proposed text: (14) record utilisation data and all known or suspected defects of the aircraft at the termination of the flight~~, or series of flights,~~ in the aircraft technical log or journey log of the aircraft;
response	*Accepted* The text has been amended in accordance with the comment.

comment	*361* comment by: *FNAM* The FNAM suggests to add a definition of word the “defect” in the first part of this regulation to avoid confusion since this word does not have the same meaning in French and in English. Indeed, in French a defect refers to the “physical imperfection of a device” whereas in English, it deals with the “non-conformance of a product with the specified requirements”.
response	*Not accepted* The Regulation will be translated into the French language. Defect is a well-known aviation term in English. if there are different meanings in the French language this can be flagged up with translation services.

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.4. Annex IV (Part-CAT) — CAT.GEN.MPA.150 Ditching — aeroplanes p. 58

comment	*45* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* **CAT.GEN.MPA.150 Ditching — aeroplanes.**

	Sweden supports the proposed amendment.
response	*Noted*

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.4. Annex IV (Part-CAT) — CAT.GEN.MPA.180 Documents, manuals and information to be carried p. 59-60

comment	*46* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* **CAT.GEN.MPA.180** Sweden supports the proposed amendment.
response	*Noted*

comment	*328* comment by: *ICEALDA* Regarding documents,manual and information to be carried. EASA Must/Shall take out in (11) if applicable, EASA Must/Shall put in they must have this on board the aircraft eather paper or download via EFB eloctrinical flight bag. (21) f applicable, EASA Must/Shall put in they must have this on board the aircraft eather paper or download via EFB eloctrinical flight bag. If EASA continue this way than EASA is definitely downgrade safety for flight due to that fact if the operators see this in the regulations that they will try to have known in OCC Operation Control which have knowledge to do flight plan properly for the flight deck crew for each flight. Once again if EASA want to hold the name of safety than they have to start and act like that.
response	*Noted*

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.4. Annex IV (Part-CAT) — CAT.GEN.NMPA.100 Responsibilities of the commander p. 60-61

comment	*18* comment by: *René Meier, Europe Air Sports* Page 61/87 CAT.GEN.MPA.100 Responsibilites of the commander Besides disliking the term "commander", strongly prefering the term "pilot in command" and never having supported that there is such a thing like "commercial air transport with sailplanes" because glider flying is sports or pleasure or fun, but not air transport, we think para (2)(ii) should be worded differently: "for sailplanes, from the moment any person, not included the pilot in command, takes a seat in the aircraft after a complete briefing until the pilot in command releases such a person after having left the aircraft at the end of the flight" or similiar.

	Rationale: As glider flying is sports or fun or recreation, but not air transport, appropriate provisions must be in place.
response	*Noted*

comment	*47* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* **CAT.GEN.NMPA.100** Sweden supports the proposed amendment.
response	*Noted*

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.4. Annex IV (Part-CAT) — CAT.GEN.NMPA.140 Documents, manuals and information to be carried p. 62

comment	*48* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* **CAT.GEN.NMPA.140** Sweden supports the proposed amendment.
response	*Noted*

comment	*330* comment by: *ICEALDA* Regarding documents,manual and information to be carried. EASA Must/Shall take out in (12) if applicable, EASA Must/Shall put in they must have this on board the aircraft eather paper or download via EFB eloctrinical flight bag. (20) f applicable, EASA Must/Shall put in they must have this on board the aircraft eather paper or download via EFB eloctrinical flight bag. If EASA continue this way than EASA is definitely downgrade safety for flight due to that fact if the operators see this in the regulations that they will try to have known in OCC Operation Control which have knowledge to do flight plan properly for the flight deck crew for each flight. Once again if EASA want to hold the name of safety than they have to start and act like that.
response	*Noted*

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.4. Annex IV (Part-CAT) — CAT.OP.MPA.140 Maximum distance from an adequate aerodrome for two-engined aeroplanes without an ETOPS approval p. 63-64

comment	*29* comment by: *NetJets Europe*

	NetJets supports the change.
response	*Noted*

comment	*50* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* **CAT.OP.MPA.140 (Regarding ETOPS)** Sweden supports the proposed amendment.
response	*Noted*

comment	*332* comment by: *ICEALDA* A minimum knowledge and qualification of other personnel involved Must/Shall be at least Flight Operation Officer/Flight Dispatcher FOO qualified trained and Licensed. This is due to that fact that operators will always try to around this regulations and not full fill the training according with standard this this kind of operations. EASA Must/Shall put more definition to the section (3) so both crew and operations personnel they can full fill them self that all have been trained according to ICAO doc 7192 D3 for FOO
response	*Noted*

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.4. Annex IV (Part-CAT) — CAT.OP.MPA.151 Fuel policy — alleviations p. 64

comment	*51* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* **CAT.OP.MPA.151(a) Fuel policy — alleviations** Sweden supports the proposed amendment.
response	*Noted*

comment	*331* comment by: *ICEALDA*
response	*Noted*

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.4. Annex IV (Part-CAT) — CAT.OP.MPA.185 Planning minima for IFR flights — aeroplanes p. 65-66

comment	*10* comment by: *Ossi KORHONEN* CAT.OP.MPA.151 Fuel policy - alleviations (a1). I propose to add : For seaplanes minimum final reserve fuel shall not be less than than the amount needed to fly for a period of 30 minutes, when operating within an area providing continuous and suitable precautionary landing sites.

response	*Noted* Any amendments to final reserve fuel will be dealt with through a dedicated Rulemaking Task. The comment has been forwarded to the respective department in the Agency.

comment	*30* comment by: *NetJets Europe* NetJets proposes the addition of items a), b) and c) (planning minima requirements for APV, LTS CAT I and OTS CAT II ops) of GM1 CAT.OP.MPA.185 to Table 1: Planning minima
response	*Not accepted* Items a, b, and c are already included in a GM. The safety benefit of upgrading those items to an IR is not clear.

comment	*320* comment by: *Bombardier* Bombardier supports the intent to clarify this paragraph and state that ETOPS approval is not required for sub-ETOPS diversion distances. However, we do not believe that the proposed text for paragraph (d) on its own is sufficiently clear on what is required to demonstrate a capability to operate 120-180 minutes from an adequate aerodrome without an ETOPS approval, as there is currently no supporting advisory material to clarify this issue. Since EASA is requiring certification of this non-ETOPS capability, we recommend the development of new AMC material to detail an acceptable method of compliance for this specific case, to complement the existing guidance for ETOPS approval.
response	*Noted* The Agency has deleted the change to this rule from the Opinion, because a dedicated rulemaking task will update the Air OPS requirements to include the ICAO EDTO documentation.

comment	*334* comment by: *General Aviation Manufacturers Association / Hennig* The General Aviation Manufacturers Association (GAMA) appreciates the agency's proposed changes to CAT.OP.MPA.140 (d)(1) to provide a technical correction to address non-ETOPS operations of business jets. This changes helps move forward the work that is underway in parallel in RMT.0695. GAMA supports the language as proposed by the agency in (d)(1) in this NPA.
response	*Noted*

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.4. Annex IV (Part-CAT) — CAT.OP.MPA.320 Aircraft categories p. 66

comment	*2* comment by: *KLM* since there is no definition for en-route alterante (ERA) aerodrome this has to be deleted.

response | *Not accepted*

Explanations are contained in (c) Planning minima for a destination alternate aerodrome, isolated aerodrome, fuel en-route alternate (fuel ERA) aerodrome, en-route alternate (ERA) aerodrome.

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.4. Annex IV (Part-CAT) — Subpart D p. 67

comment | *3* comment by: *KLM*

ERA aerodrome has to be deleted. There is no definition for this and it creates confusion in the operation what is exsactly intended.

response | *Not accepted*

See (c) Planning minima for a destination alternate aerodrome, isolated aerodrome, fuel en-route alternate (fuel ERA) aerodrome, en-route alternate (ERA) aerodrome.

comment | *4* comment by: *KLM*

the planning minima table should be based on increments to the planned facility instead of looking at the next facility. this is not realistic in the real world no ILS will fail without notice and this is ensured by the way an ILS is maintained and monitored.

the minima between precision and non-precision procedure are unneccesary high and creating a margin to the forecasted weather is much more realistic.

here is a more realistic table that aslo considers APV and LPV which are procedures in between precision and non-precision and therefore have to be treated different from these procedures.

Approach Facility	**Ceiling**	**Visibility**
Precision Approach	Authorized DH/DA plus an increment of 200 ft	Authorized visibility plus an increment of 600 meters
APV/LPV	Authorized DH/DA plus 300 ft	Authorized visibility plus 800 mtr
Non-Precision Approach	Authorized MDH/MDA plus an increment of 400 ft	Authorized visibility plus an increment of 1000 meters
circling	Circling	circling

response | *Noted*

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.4. Annex IV (Part-CAT) — CAT.IDE.A.125 Operations under VFR by day — flight and navigational instruments and associated equipment p. 67-68

comment	*52* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* **CAT.IDE.A.125 Operations under VFR by day — flight and navigational instruments and associated equipment.** Sweden supports the proposed amendment.
response	*Noted*

comment	*218* comment by: *European Helicopter Association (EHA)* page 67 - CAT.OP.MPA.320 Aircraft categories: **CAT.OP.MPA.320 Aircraft categories** 1. Comment 1: Suggest to add the Aircraft Category H. 2. Comment 2: Suggest to add explanation text that helicopters should follow category A or B approach speeds and approach paths when H is not published or available. Reference should be made to ICAO Doc 8168 PANS-OPS Volume 1 sections: 1.1.5 to 1.1.8 and 1.3.10 3. Comment 3: we also advise to amend or make reference to ICAO Doc 8168 PANS-OPS Volume 1; VISUAL MANOEUVRING (CIRCLING) AREA *"7.1 PURPOSE* *7.1.1 Visual maneuvering (circling) is the term used to describe the phase of flight after an instrument approach has been completed. It brings the aircraft into position for landing on a runway which is not suitably located for straight-in approach, i.e. one where the criteria for alignment or descent gradient cannot be met.* *7.1.2 Applicability to helicopters* *Circling procedures are not applicable to helicopters. The helicopter pilot has to conduct a visual manoeuvre in adequate meteorological conditions to see and avoid obstacles in the vicinity of the final approach and take-off area (FATO) in the case of Category H procedures, or a suitable landing area in the case of Category A or point-in-space procedures. However, the pilot must be alert to any operational notes regarding ATS requirements while maneuvering to land."* **A this moment the EASA rules for helicopters on circling procedures still show a significant compliance difference with ICAO.**
response	*Partially accepted* Regarding comments 1 and 2 on category H speeds and associated comment: Partially agreed. The Agency agrees that the current CAT.OP.MPA.320(a) is not adequate for helicopters because helicopters do not have Vso/Vat speeds, and aircraft categories are only used for the determination of aeroplane minima. The definition of a category H is not needed because helicopter rules include their own AMCs. However, this is not to be considered as a difference with ICAO Doc 8168 PANS OPS. A GM explaining that 'Helicopters may use category A instrument approach procedures designed for aeroplanes' is not deemed necessary. Regarding comment 3 on circling, the comment is Noted.

AMC8 CAT.OP.MPA.110 requires onshore circling minima of 250 ft/800 m. This is not a significant difference form ICAO Doc 8168 PANS OPS. Offshore instrument approaches and minima including circling do not therefore have to amended.

Aircraft to be changed to aeroplane in CAT.OP.MPA.320. The definition of a category H is not needed because helicopter safety rules include separate AMCs on this issue. The only significant difference with ICAO Doc 8168 PANS OPS is related to offshore instrument approaches and circling.

As a result of the comment, CAT.OP.MPA.320 should be amended as follows:

CAT.OP.MPA.320 ~~Aircraft~~ Aeroplane categories
(a) ~~Aircraft~~ **Aeroplane** categories shall be based on the indicated airspeed at threshold (VAT) which is equal to the
stalling speed (VSO) multiplied by 1,3 or one-g (gravity) stall speed (VS1g) multiplied by 1,23 in the
landing configuration at the maximum certified landing mass. If both VSO and VS1g are available, the
higher resulting VAT shall be used.
(b) The ~~aircraft~~ **aeroplane** categories specified in the table below shall be used.
Table 1
~~Aircraft~~ Aeroplane categories corresponding to VAT values

~~Aircraft~~ **Aeroplane** category	VAT
A	Less than 91 kt
B	From 91 to 120 kt
C	From 121 to 140 kt
D	From 141 to 165 kt
E	From 166 to 210 kt

(c) The landing configuration that is to be taken into consideration shall be specified in the operations
manual.
(d) The operator may apply a lower landing mass for determining the VAT if approved by the competent authority. Such a lower landing mass shall be a permanent value, independent of the
changing conditions of day-to-day operations..

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.4. Annex IV (Part-CAT) — CAT.IDE.A.130 Operations under IFR or at night — flight and navigational instruments and associated equipment p. 68-69

comment *53* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

CAT.IDE.A.130 Operations under IFR or at night — flight and navigational instruments and associated equipment.

	Sweden supports the proposed amendment.
response	*Noted*

comment	*69* comment by: *OHI Pedro Vilela* ~~outside~~ Outside - upper case the first letter to be aligned with the others
response	*Not accepted* Comment not clear.

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.4. Annex IV (Part-CAT) — CAT.IDE.A.275 Emergency lighting and marking p. 69-70

comment	*49* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* **CAT.IDE.A.275 Emergency lighting and marking.** Sweden supports the proposed amendment.
response	*Noted*

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.4. Annex IV (Part-CAT) — CAT.IDE.H.100 Instruments and equipment — general p. 71-72

comment	*11* comment by: *Ossi KORHONEN* CAT.IDE.A.285 Flight over water (c) (2) The requirement of equipment for making sound signals causes extra costs for seaplane owners. It may be technically difficult install these systems to used seaplanes. It means increased weight and maybe aerodynamic effects affecting mostly ELA planes. The term where applicable may give a wide room for interpretations. In foggy conditions seaplanes hardly taxi. On the other hand according to the rules of the seas, seaplanes have to stay off from other seatraffic. This para should be deleted or at least formulated newly between Air and Marine EU authorities to correspond better the normal operating practices of seaplanes.
response	*Noted* Amphibia seaplanes are outside the scope of the Air OPS Regulation.

comment	*54* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* **CAT.IDE.H.100 Instruments and equipment — general.** Sweden supports the proposed amendment.
response	*Noted*

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.4. Annex IV (Part-CAT) — CAT.IDE.H.125 Operations under VFR by day — flight and navigational instruments and associated equipment p. 72-73

comment	*55* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* **CAT.IDE.H.125 Operations under VFR by day — flight and navigational instruments and associated equipment.** Sweden supports the proposed amendment.
response	*Noted*

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.4. Annex IV (Part-CAT) — CAT.IDE.H.130 Operations under IFR or at night — flight and navigational instruments and associated equipment p. 73-74

comment	*56* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* **CAT.IDE.H.130 Operations under IFR or at night — flight and navigational instruments and associated equipment.** Sweden supports the proposed amendment.
response	*Noted*

comment	*70* comment by: *OHI Pedro Vilela* ~~outside~~ Outside - upper case the first letter to be aligned with the others
response	*Not accepted* Comment not clear

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.4. Annex IV (Part-CAT) — CAT.IDE.H.315 Helicopters certified for operating on water — miscellaneous equipment p. 74

comment	*57* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* **CAT.IDE.H.315 Helicopters certified for operating on water — miscellaneous equipment.** Sweden supports the proposed amendment.
response	*Noted*

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.5. Annex V (Part-SPA) — SPA.DG.110 Dangerous goods information and documentation p. 76

comment	*58* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

	SPA.DG.110 Dangerous goods information and documentation Sweden support the proposed changes.
response	*Noted*

comment	*224* comment by: *René Meier, Europe Air Sports* Page 77/87 (47) SPA.DG.110 Dangerous goods information and documentation Having read ORO.GEN.110 Operator responsibilities our remark: Imagine what these provisions mean for a sailplanes or balloon operator: Perfect bureaucracy absolutely not appropriate to the operational conditions, to the situation respectvely!
response	*Noted* Sailplane and balloon operations are subject to a dedicated rulemaking task that will revise the rules for sailplanes and the rules for balloons.

comment	*333* comment by: *ICEALDA* regarding tarnsport of dangeruse goods DGR. EASA Must/Shall add to section (me) that if copy of the DGR NOTHOC is left behind with designated ground personnel that person or handling agent Must/Shall forward by e-mail to FOO Flight Operation Officer/Flight Dispatcher no later than 15 min STD/before take off. This is due to that fact many aerodromes and operators do not have their own handling and after each handling company have finished loading they go to next project and do not care about if the aircraft and maybe they do not know if certain aircraft is going or have goes into emergency. EASA Must/Shall Add one more column (h) and put in that operators Must have initial training first for FOO personnel before they can put them on recurrent training course. Other than that this time EASA have done grate changes on this section
response	*Noted*

comment	*354* comment by: *Finnish Transport Safety Agency* SPA.DG.110 point (e) The point (e) should be modified to make the responsibilities of the operations clear. The flight operations officer, dispatcher or the ground personnel are not responsible for the flight operations. Proposed text: .. the flight operations officer, flight dispatcher, or the designated ground personnel responsible for their part of the ~~flight~~ operations..
response	*Accepted*

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.5. Annex V (Part-SPA) — SPA.NVIS.110 Equipment requirements for NVIS operations p. 77

comment

59 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

SPA.NVIS.110 Equipment requirements for NVIS operations
Sweden support the proposed changes.

response

Noted

comment

125 comment by: *UK CAA*

Page No: 77

Paragraph No: (47) - SPA.DG.110 (e)

Comment: The amendment to this paragraph introduces terms (flight operations officer/ flight dispatcher) that are not used elsewhere in Part-Ops and the UK CAA suggests these might benefit from being defined in Annex 1 using the following ICAO Annex 6 definition as a basis.

Justification: Clarification and definition.

Proposed Text:

'Flight operations officer/flight dispatcher' A person designated by the operator to engage in the control and supervision of flight operations, whether licensed or not, suitably qualified *in accordance with Annex 1*, who supports, briefs and/or assists the pilot-in-command in the safe conduct of the flight."

response

Accepted

comment

237 comment by: *ICEALDA*

add for E

Regarding DGR on aircraft, the handling agent Must/Shall adv and send to qualified/Licence trained Flight Operation Officer of the Operators all info of transporting of DGR on board the aircraft.

The Operators Must/Shall have initial training before Operators can hold re-current training for FOO personnel which is responsibility for DGR carry on board the aircraft.

EASA have to identify more about Flight Operation Officer FOO responsibility due to Operators is trying to go around training qualification for the Operation Control/Operations/Network Control Personnel

ADD) (e) ATS or crew Must/Shall notification of an in-flight emergency occur.

	Take out "or the designated gournd personnel responsibile for the flight operatons" ADD (e) Must/Shall adv and send to Flight operatons officer/Flight Dispatcher locaton and what was loaded on board the aircraft and have to info FOO at least 15min before the aircraft depart from airodrome.
response	*Noted*

comment	*300* comment by: *European Cockpit Association* **SUBPART G — TRANSPORT OF DANGEROUS GOODS; SPA.DG.110 Dangerous goods information and documentation** **Commented text:** *(e) ensure that a copy of the information to the pilot-in-command/commander is retained on the ground and that this copy, or the information contained in it, is readily accessible to the flight operations officer, flight dispatcher, or the designated ground personnel responsible for flight operations until after the flight to which the information refers;* **ECA's Comment:** **ECA welcomes this update.** Suggestion to add: the information retained shall be readily accessible by RFFS of the destination or diversion aerodrome in case of incident (which implies a 24H / 7D duty manager for the designated ground personnel).
response	*Noted* The changes are an alignment with the Technical Instructions from ICAO. Therefore, further changes are not necessary.

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.5. Annex V (Part-SPA) — SPA.HHO.110 Equipment requirements for HHO p. 78

comment	*60* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* **SPA.HHO.110 Equipment requirements for HHO** Sweden support the proposed changes.
response	*Noted*

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.5. Annex V (Part-SPA) — SPA.HEMS.110 Equipment requirements for HEMS operations p. 78

comment	*61* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* **SPA.HEMS.110 Equipment requirements for HEMS operations** Sweden support the proposed changes.
response	*Noted*

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.6. Annex VI (Part-NCC) — NCC.IDE.H.235 All helicopters on flights over water — ditching p. 79

comment

62 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

NCC.IDE.H.235 All helicopters on flights over water — ditching.
Sweden find the change acceptable.

response

Noted

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.7. Annex VII (Part-NCO) — NCO.OP.190 Use of supplemental oxygen p. 80

comment

79 comment by: *Civil Aviation Authority of Norway*

NCO.OP.190 Use of supplemental oxygen: The proposed provision is supported, provided that AMC/GM and safety promotion material is developed to educate GA pilots on the use of supplemental oxygen and on the dangers of hypoxia.

response

Noted

comment

100 comment by: *Luftfahrt-Bundesamt*

The draft opinion presented during the EASA-C-meeting 2015/04, Agenda item 8.3. contained the following proposal:
"NCO.OP.190 is replaced by the following:
'NCO.OP.190 Use of supplemental oxygen
(a) The pilot-in-command shall ensure that all flight crew members engaged in performing duties essential to the safe operation of an aircraft in flight use supplemental oxygen continuously whenever he/she determines that at the altitude of the intended flight the lack of oxygen might result in impairment of the faculties of crew members, and shall ensure that supplemental oxygen is available to passengers when lack of oxygen might harmfully affect passengers.
(b) In any other case when the pilot-in-command cannot determine how the lack of oxygen might affect all occupants on board, he/she shall ensure that:
(1) all crew members engaged in performing duties essential to the safe operation of an aircraft in flight use supplemental oxygen for any period in excess of 30 minutes when the pressure altitude in the passenger compartment will be between 10 000 ft and 13 000 ft; and
(2) all occupants use supplemental oxygen for any period that the pressure altitude in the passenger compartment will be above 13 000 ft.'"
The NPA proposal covers only point a) of above draft?
It might be helpful to put (b) in the AMC. Without any further explanation point (a) might be difficult to be considered for some NCO-operators.
A similar approach might be applicable for NCC.

Furthermore, the deleted text can also be found in ICAO Annex 6. Whenever the new

	performance based approach leads to less supplemental oxygen than required by ICAO this can result in a less safe operation and to findings during SAFA ramp inspections. Moreover, such a performance based approach can be a significant bureaucratic burden especially for NCO.
response	*Noted* The amendment of the NCO rules for the carriage and use of oxygen initially proposed in this NPA has been superseded by another regulatory proposal developed in the framework of the GA Road Map and adopted by the EASA Committee in February. Such porposal will be contained in the upcoming amendment of the Air OPS Regulation and will be supported by appropriate AMC/GM and safety promotion material. It is therefore withdrawn from the present rulemaking proposal.

comment	*168* comment by: *DGAC France* These amendments were adopted at the last EASA commitee (17th & 18th of Febuary 2016). However, DGAC considers that those criteria should be at least kept as an AMC to NCO.OP.190.
response	*Noted* The amendment of the NCO rules for the carriage and use of oxygen initially proposed in this NPA has been superseded by another regulatory proposal developed in the framework of the GA Road Map and adopted by the EASA Committee in February. Such porposal will be contained in the upcoming amendment of the Air OPS Regulation and will be supported by appropriate AMC/GM and safety promotion material. It is therefore withdrawn from the present rulemaking proposal.

comment	*211* comment by: *Starspeed* The requirement for use of supplemental oxygen is too subjective, there needs to be some evidence based parameter.
response	*Noted* The amendment of the NCO rules for the carriage and use of oxygen initially proposed in this NPA has been superseded by another regulatory proposal developed in the framework of the GA Road Map and adopted by the EASA Committee in February. Such porposal will be contained in the upcoming amendment of the Air OPS Regulation and will be supported by appropriate AMC/GM and safety promotion material. It is therefore withdrawn from the present rulemaking proposal.

comment	*341* comment by: *The Finnish Aeronautical Association*

page 81/87
NCO.OP.190 Use of supplemental oxygen

Thanks for this adjustment!

Rationale:
The overall responsibility is now where it has to be: With the pilot-in- command, he is responsible for the safe operation of the aircraft, no-one else.

response *Noted*

The amendment of the NCO rules for the carriage and use of oxygen initially proposed in this NPA has been superseded by another regulatory proposal developed in the framework of the GA Road Map and adopted by the EASA Committee in February. Such porposal will be contained in the upcoming amendment of the Air OPS Regulation and will be supported by appropriate AMC/GM and safety promotion material. It is therefore withdrawn from the present rulemaking proposal.

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.7. Annex VII (Part-NCO) — Subpart D p. 80

comment *276* comment by: *Aeroklub Polski*

This is a good change.

response *Noted*

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.7. Annex VII (Part-NCO) — NCO.IDE.A.155 Supplemental oxygen — non-pressurised aeroplanes p. 80-81

comment *101* comment by: *Luftfahrt-Bundesamt*

The deleted text can also be found in ICAO Annex 6. Whenever the new performance based approach leads to less supplemental oxygen than required by ICAO this can result in a less safe operation and to findings during SAFA ramp inspections. Moreover, such a performance based approach can be a significant bureaucratic burden especially for NCO.

response *Accepted*

The amendment of the NCO rules for the carriage and use of oxygen initially proposed in this NPA has been superseded by another regulatory proposal developed in the framework of the GA Road Map and adopted by the EASA Committee in February. Such porposal will be contained in the upcoming amendment of the Air OPS Regulation and will be supported by appropriate AMC/GM and safety promotion material. It is therefore withdrawn from the present rulemaking proposal.

comment	*225* comment by: *René Meier, Europe Air Sports* page 81/87 NCO.OP.190 Use of supplemental oxygen Thanks for this adjustment! Rationale: The overall responsibility is now where it has to be: With the pilot-in- command, he is responsible for the safe operation of the aircraft, no-one else.
response	*Noted*

comment	*277* comment by: *Aeroklub Polski* This is a good change.
response	*Noted*

comment	*319* comment by: *European Transport Workers Federation - ETF* *NPA 2015-18(A) page 81 "(53) Amendment of NCO.OP.190 Use of supplemental oxygen to:"* The ETF requests that the possibility for a pilot and passengers not to comply with oxygen requirement over the 10.000ft, should be limited within uncontrolled airspace. Indeed, the current proposed text is too permissive and we could found pilots without any oxygen supply arguing that there performance enable them to cruise at any flight level. So, we could have in the same air space, at the same level, an aircraft with correctly equipped pilots carrying passengers under the AOC regulations and another aircraft, with an "air drunk" pilot due to hypoxia. Freedom must not jeopardize other lives. The ETF proposes the following text: "Within an uncontrolled airspace, the pilot-in-command shall ensure that he/she and flight crew members engaged in performing duties essential to the safe operation of an aircraft in flight use supplemental oxygen continuously whenever lack of oxygen might result in impairment of the faculties of crew members, and shall ensure that supplemental oxygen is available to passengers when lack of oxygen might harmfully affect them. Within a controlled airspace, The pilot-in-command shall ensure that he/she and flight crew members engaged in performing duties essential to the safe operation of an aircraft in flight use supplemental oxygen continuously whenever the cabin altitude exceeds 10 000 ft for a period of more than 30 minutes and whenever the cabin altitude exceeds 13 000 ft. The elapsed time starts regardless of the airspace category".
response	*Noted* Part-NCO is related to non-commercial operations not transporting passengers.

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.7. Annex VII (Part-NCO) — NCO.IDE.H.185 All helicopters onflights over water — ditching p. 81

comment	*63* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* **NCC.IDE.H.185 All helicopters on flights over water — ditching.** Sweden find the change acceptable.
response	*Noted*

comment	*128* comment by: *The Norwegian Air Sports Federation* The Norwegian Air Sports Federation (NLF) strongly supports the provision of the revised NCO.OP.190, as one individual's tolerance to high altitude may differ greatly from that of another.
response	*Noted*

comment	*207* comment by: *European Helicopter Association (EHA)* Page 81 - NCO.OP.190 Use of supplemental oxygen: This is not measurable by the crew. We recommend to leave the decision to the PIC or crew according to the mission, as it is practice now.
response	*Noted* The amendment of the NCO rules for the carriage and use of oxygen initially proposed in this NPA has been superseded by another regulatory proposal developed in the framework of the GA Road Map and adopted by the EASA Committee in February. Such porposal will be contained in the upcoming amendment of the Air OPS Regulation and will be supported by appropriate AMC/GM and safety promotion material. It is therefore withdrawn from the present rulemaking proposal.

comment	*301* comment by: *European Cockpit Association* **SUBPART B — OPERATIONAL PROCEDURES NCO.OP.190 Use of supplemental oxygen** **Commented text:** *The pilot-in-command shall ensure that he/she and flight crew members engaged in performing duties essential to the safe operation of an aircraft in flight use supplemental oxygen continuously whenever lack of oxygen might result in impairment of the faculties of crew members, and shall ensure that supplemental oxygen is available to passengers when lack of oxygen might harmfully affect them.* **ECA's Comment:** Safety issue: mis-interpretention of this provision may lead to a decrease (up to a full suppression) of supplemental oxygen. Oxygen starvation is difficult to detect and can lead to dramatic consequences for crews, passengers, and areas overflown. Supplemental oxygen is the only available means to ensure crews will be able to move inside the cabin/flight deck to assist others or to troubleshoot a failure. Moreover, we fear that such provision might be extended to commercial operations in the future on behalf of harmonization, and be agreed

following (for example) a performance-based assessment.
Therefore ECA urges EASA to delete this new provision and to keep the requirements of mandatory supplemental oxygen whenever the cabin altitude exceeds 10 000ft for a period of more than 30 minutes and whenever the cabin altitude exceeds 13 000ft.

response *Noted*

The amendment of the NCO rules for the carriage and use of oxygen initially proposed in this NPA has been superseded by another regulatory proposal developed in the framework of the GA Road Map and adopted by the EASA Committee in February. Such porposal will be contained in the upcoming amendment of the Air OPS Regulation and will be supported by appropriate AMC/GM and safety promotion material. It is therefore withdrawn from the present rulemaking proposal.

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.8. Annex VIII (Part-SPO) — SPO.POL.110 Mass and balance system — commercial operations with aeroplanes and helicopters and non-commercial operations with complex motor-powered aircraft p. 82

comment *335* comment by: *ICEALDA*

regarding Mass and balance system for aircraft.
EASA Must/Shall add to in section (d) that loading of the aircraft is performed under the supervision of qualified personnel which Must/Shall be minimum qualified and trained as FOO Flight Operation Officer/Flight Dispatcher according to ICAO doc 7192 D3 as minimum training.

This is due to that fact that both handling company and operators are trying to have less training personnel with in Flight Operations which can or may cause incident or accident of the aircraft due to lack of qualified personnel.

EASA MUST follow their own standard as safety agency

response *Noted*

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.8. Annex VIII (Part-SPO) — SPO.IDE.A.105 Minimum equipment for flight p. 83

comment *205* comment by: *European Helicopter Association (EHA)*

Page 83 - SPO.POL.110 Mass and balance system:

EASA accepts that the operator can make a M&B for a flight or series of flights. We would also want this changed in CAT as it would really help in our daily work.

response *Noted*

comment *336* comment by: *ICEALDA*

Regarding MEL, we Must or Shall put in as minimum that maintenance Must/Shall adv FOO

	Flight Operation Officer/Flight Dispatcher on duty if something affect operational, performance or airworthiness of the aircraft.
response	*Noted*

3.1. Draft Regulation (Draft EASA Opinion) — 3.1.8. Annex VIII (Part-SPO) — SPO.IDE.H.105 Minimum equipment for flight p. 83-84

comment	*126* comment by: *UK CAA* **Page No:** 84 **Paragraph No:** (59) - SPO.IDE.A.130 **Comment:** The UK CAA believes the amendment to remove MOPSC and replace with 'maximum certified seating configuration' diverges from the same requirement in Part-NCC and could be discriminatory towards the SPO operator. Such an operator will have a Operations Manual, as required by Part-ORO, and can determine the operating passenger seating configuration. The change should not be made and no justification has been provided for it. **Justification:** Alignment and proportionality.
response	*Accepted*

comment	*252* comment by: *Federal Office of Civil Aviation (FOCA), Switzerland* **SPO.IDE.A.130 Terrain awareness warning system (TAWS)** Turbine-powered aeroplanes with a maximum certified take-off mass (MCTOM) of more than 5 700 kg or ~~an MOPSC~~ maximum certified seating configuration of more than nine shall be equipped with a TAWS that meets the requirements for: ***Comments FOCA***: Replacing the abbreviation MOPSC (**m**aximum **o**perational **p**assenger **s**eating **c**onfiguration) with the designation maximum certified seating configuration creates even more confusion, respectively leads to harder understanding of this paragraph. Which consequences do these changes exactly imply? (simple rewording or in addition also the applicability) EASA published in their AIR OPS definitions the abbreviation MPSC as well as MOPSC. In regard of the definition ***maximum certified seating configuration*** there is no abbreviation listed. Consequently EASA should consider very carefully the designations and abbreviations which forms the basis to describe the applicability of certain paragraphs and rules. In this case it would be more appropriate to publish perceptive formulations and abbreviations to achieve a uniform and clear level of understanding in respect of the application of paragraphs and regulations. We therefore recommend the use of following two formulations and related abbreviations to define the applicability (unmistakable and clear):

Proposition formulation 1

If the applicability of the rule define the ***maximum certified passenger capacity***, then the term Maximum Approved Passenger Seating Capacity and/ or abbreviation MAPSC should be used therefore. (as a consequence the related AIR OPS abbreviation MPSC must be replaced by MAPSC)

Proposition formulation 2

If the applicability of the rule define the ***maximum operational passenger seating configuration***, consequently the term Maximum Operational Passenger Seating Configuration and/ or abbreviation MOPSC should be applied therefore. (Note: this term and abbreviation is already existing on the AIR OPS regulations and definitions)

Note: Both formulations as explained above should not only be adapted in this paragraph. We recommend EASA to apply this to the entire AIR OPS regulations, annexes and related AMC/GM where affected

response | *Accepted*

comment | *337* comment by: *ICEALDA*

Regarding MEL, we Must or Shall put in as minimum that maintenance Must/Shall adv FOO Flight Operation Officer/Flight Dispatcher on duty if something affect operational, performance or airworthiness of the aircraft.

response | *Noted*

3. Attachments

AI 11 Presentation .pdf
Attachment #1 to comment #185

AI 06 - Presentation.pdf
Attachment #2 to comment #185

AI 06.pdf
Attachment #3 to comment #185

AI 11- IP 04-Follow-up in Austrian contributions for horizontal isssues.pdf
Attachment #4 to comment #185

NPA-2015-018(A)-Declaration-20160225.pdf
Attachment #5 to comment #202