



European Aviation Safety Agency

EXPLANATORY NOTE

***Regulation Air Operations
Acceptable Means of Compliance (AMC)
and Guidance Material (GM)
to
Annex II – Part-ARO***

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EXECUTIVE SUMMARY

This Explanatory Note introduces Agency Decision 2012/016/R defining AMCs and GM related to the Authority Requirements applicable to Air Operations (Part-ARO) in the area of commercial air transport, as set out in Annex II to Regulation (EU) No 965/2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council.

It provides an overview of changes made since the AMCs and GM had been published with CRD 2008-22b/2009-02d. These changes have been made to address CRD reactions, whenever justified. They also reflect the decision to postpone the adoption of a horizontal rule structure. Other changes have been made to align with changes made at the level of the corresponding implementing rules during the comitology process.

This Decision is applicable to commercial air transport operations with aeroplanes and helicopters.

Acceptable Means of Compliance and Guidance Material to Part-ARO

1. General

Background

On 8 April 2008 Regulation (EC) No 216/2008 of 20 February 2008¹ (the 'Basic Regulation') entered into force. In addition, the Commission has adopted the necessary rules ('Commission Regulations') for the implementation of the Basic Regulation for the technical requirements and administrative procedures related to air operations². Annex II to this Regulation, Part-ARO contains the authority requirements for air operations.

Pursuant to Article 18 of the Basic Regulation the European Aviation Safety Agency (the 'Agency') shall, where appropriate, issue Acceptable Means of Compliance (AMC) as well as Guidance Material (GM) for the application of the Basic Regulation and its Implementing Rules.

Agency measures

AMC illustrate a means, but not the only means, by which a requirement of an Implementing Rule can be met. Satisfactory demonstration of compliance using published AMC shall provide for presumption of compliance with the related requirement; it is a way to facilitate certification tasks for the applicant and the competent authority.

GM is issued by the Agency to assist in the understanding of the Basic Regulation, its Implementing Rules and Certification Specifications (CSs).

General structure and format

This document is related to Annex II to the Regulation on Air Operations 'Part-ARO', which contains three Subparts: GEN, OPS and RAMP³.

The following rule numbering convention was applied to AMCs:

AMC<n> <RULE><§>

Explanation:

- | | |
|----------|--|
| AMC: | Identifier; |
| <n>--: | Number, starting with 1, incremented by 1, to be used in all cases, also when only one AMC exists for a given IR paragraph or subparagraph; |
| <RULE >: | IR reference; |
| <§>: | Reference of the IR subparagraph(s), where relevant; for AMCs addressing only one or more subparagraph(s) within a rule, the AMC reference includes an identification of the IR subparagraph; if more than one subparagraph is covered, all of them are listed; in the absence of such indication, the AMC covers the IR as a whole. |

¹ Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC. (OJ L 79, 19.03.2008, p. 1). Regulation as last amended by Regulation (EC) No 1108/2009 of the European Parliament and of the Council of 21 October 2009 (OJ L 309, 24.11.2009, p. 51).

² Commission Regulation (EU) 965/2012 of 5 October 2012 [air operations].

³ GEN: general requirements; OPS: certification of commercial air transport operators; RAMP: ramp inspections of aircraft of operators under the regulatory oversight of another State.

Where more than one AMC exists, the AMCs are numbered by adding '.1', '.2', etc, to the AMC number.

Example:

AMC1 CAT.OP.MPA.145(a) Establishment of minimum flight altitudes

The other AMC number would be:

AMC1.1 CAT.OP.MPA.145(a) Establishment of minimum flight altitudes.

The following rule numbering convention was applied to GM:

GM<n> <RULE ><§>

The same explanation as provided for AMC applies.

Publication

The full text of these AMC as well as GM is available on the Agency's [website](#).

For more information, contact the Agency at: RPS@easa.europa.eu.

2. Consultation on draft proposals

The AMC and GM to Part-ARO are developed by the Agency, following a structured process as required by Article 52(1) of the Basic Regulation. Such a process has been adopted by the Agency's Management Board and is referred to as 'The Rulemaking Procedure'⁴.

The Executive Director Decision **2012/016/R** adopts the initial issue of AMC and GM to Part-ARO as an output of the following Agency rulemaking tasks:

Rulemaking Task No	TITLE	NPA/CRD No
FCL.001 OPS.001	Acceptable Means of Compliance and Guidance Material on authority requirements	2008-22b 2009-02d

The Notice of Proposed Amendment (NPA) and subsequent Comment Response Document (CRD) have been subject to consultation in accordance with Article 52 of the Basic Regulation and Article 6 of the Rulemaking Procedure established by the Management Board. For detailed information on the proposed changes and their justification, consult NPAs 2008-22b and 2009-02d⁵, which are available on the Agency's website.

The Agency has addressed and responded to the comments received on the NPA. The responses are contained in a Comment Response Document (CRD) that has been produced for NPAs 2008-22b and 2009-02d (cf. CRD to NPA 2008-22b and 2009-02d 'Authority Requirements'⁶) and that is also available on the Agency's website.

The CRD to NPA 2008-22b and 2009-02d covered the authority requirements applicable to the areas of civil aviation aircrew and air operations. In accordance with the rule structure adopted

⁴ These AMCs and GM were developed in compliance with Management Board Decision concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications and guidance material ('Rulemaking Procedure'), EASA MB 08-2007, 13.6.2007. However, this Decision has been amended and replaced by EASA MB 01-2012, 13.03.2012.

⁵ See Rulemaking Archive page: <http://www.easa.europa.eu/rulemaking/r-archives.php>.

⁶ See Rulemaking Archive page: <http://www.easa.europa.eu/rulemaking/r-archives.php>.

for the regulations on civil aviation aircrew and on air operations, this Decision only covers AMCs and GM for commercial air transport operations with aeroplanes and helicopters.

In response to the CRD to NPA 2008-22b and 2009-02d, the Agency received a total number of 1 020 reactions from over 70 commentators, including aviation authorities from Austria, Belgium, Germany, France, Finland, Italy, Ireland, The Netherlands, Norway, Spain, Sweden, Switzerland, United Kingdom, as well as professional organisations, non-profit organisations, private companies and a few individuals. The US Federal Aviation Administration (FAA) also reviewed the CRDs and had no comments. Of all reactions received, 530 related to Part-AR and 490 to Part-OR, all of them covering aircrew and air operations. The majority of reactions were made to Subpart GEN. Around 20% of the 1 020 reactions were made on the AMCs and GM to Part-AR and Part-OR.

The total number of reactions received for the AMCs and GM relevant to Part-ARO, i.e. limited to air operations, amounts to **37**. The table below indicates the distribution of these reactions for the different Subparts of Part-ARO.

Part.Subpart	No. of reactions
ARO.GEN	18
ARO.OPS	2
ARO.RAMP	17

Considering this relatively low number of reactions to the AMCs and GM it is important to note that a series of changes has been made to the AMCs and GM in response to CRD reactions on the corresponding Implementing Rules. While all reactions received after the publication of the CRDs were taken into consideration for the drafting of the present AMCs and GM to Part-ARO, some specific issues raised in those reactions will be dealt with through future rulemaking (Rulemaking Task RMT.0516), as the changes proposed would require full stakeholder consultation.

This will entail:

- a review of the AMC material in Sections 2 and 3 of Part-ARO to include additional provisions for the qualification of competent authority personnel involved in the oversight of AOC holders as well as for initial certification and oversight of AOC holders, based on relevant sections from the JAA JIPs and ICAO Manual of Procedures for Operations Inspection, Certification and Continued Surveillance (Doc. 8335);
- further developing the provisions for authorities and organisations addressing risk assessment, safety management and State Safety Programme, which will be done in parallel with the implementation of the EASP and following publication of the new ICAO Annex 19;
- inclusion of AMC to specify the type of safety-significant information to be provided to the Agency. This should typically include all design related safety issues, issues related to the operational suitability data, as well as issues relating to specific areas identified by the Agency as constituting a safety concern.

3. Summary of changes

a) General changes

- i) Changes have been made to specific AMCs and GM to align with any changes at the level of the corresponding Implementing Rules following the adoption process. This includes changes requested during the comitology process and additional changes resulting from the legislative process.
- ii) AMCs and GM that were published with the CRDs but that are only relevant for aircrew have been deleted. These have been published with Decision 2012/006/R on Part-ARA 'Authority Requirements for Aircrew.
- iii) AMCs and GM referring to 'declared organisations' (non-commercial operators of complex motor-powered aircraft) and specific AMC elements referring to privately operated aircraft (non-commercial operators of other-than-complex motor-powered aircraft) have been deleted, as the applicability of this Decision is limited to commercial air transport operations.
- iv) All AMC and GM references have been aligned with the Agency's latest rule numbering convention, by adding the letter 'O' for operations after the Part identifier ('AR' replaced by 'ARO' in all references). As part of this alignment, any suffixes indicating the applicability, such as 'complex', 'non-complex' or 'OPS' have been moved from the AMC reference to the subheading of the relevant AMC or GM.
- v) The numbering of paragraphs and subparagraphs has been aligned with that used for the Implementing Rules.

b) Specific changes Subpart ARO.GEN 'General Requirements'

- i) In line with changes made to **ARO.GEN.120** 'Means of compliance' during the comitology process, GM1 ARO.GEN.120, now included as **AMC1 ARO.GEN.120**, has been amended to specify the information to be provided by a competent authority to the other Member States following approval of alternative means of compliance. A new **GM1 ARO.GEN.120** has been added to clarify that alternative means of compliance that have been approved by the competent authority do not have general applicability.
- ii) GM2 ARO.GEN.200(a)(2) 'Management system', now as **GM1 ARO.GEN.200(a)(2)**, has been amended to align with changes made to ARO.GEN.300 following the dedicated AGNA meeting on cooperative oversight (February 2011) and to ARO.GEN.305 as a result of comitology.
- iii) In response to reactions expressing the need for more focus on qualification, the former GM1 ARO.GEN.200(a)(2) has been changed to AMC and has now been included as **AMC1 ARO.GEN.200(a)(2)**. Due to this change the order and numbering of AMCs and GM has been reviewed:
 - (1) former AMC1 has now been included as **AMC2 ARO.GEN.200(a)(2)**; and
 - (2) former GM2 has now included been as **GM1 ARO.GEN.200(a)(2)**.
- iv) **AMC1 ARO.GEN.200(d)** has been amended in response to CRD reactions, to improve consistency with ARO.GEN.210(c) (notification to the Agency of changes to the management system).
- v) The title of **GM1 ARO.GEN.205** has been amended to read 'Allocation of tasks to qualified entities' to align with changes made at IR level.
- vi) Points (a) and (c) of **AMC1 ARO.GEN.220(a)** have been amended in response to CRD reactions.
- vii) **AMC1 ARO.GEN.220(a)(5)** on record-keeping for persons has been deleted, as it is only relevant for aircrew.
- viii) **AMC1 ARO.GEN.220(a)(6)** on record-keeping related to activities performed in the territory of a Member State by persons or organisations established or residing in another Member State has been amended to align with changes made to

ARO.GEN.300 (d) and (e) following the dedicated AGNA meeting on cooperative oversight. Subsequently the AMC subtitle has been amended.

- ix) A new **GM1 ARO.GEN.300(d)** 'Oversight' has been added to clarify the meaning of 'activities within the territory of the Member State'.
- x) Several changes have been made to the AMCs and GM to **ARO.GEN.305** 'Oversight Programme' in response to CRD reactions and to align with changes made at the level of the Implementing Rule. The order and numbering of AMCs and GM has been changed accordingly, they are now included as follows (number and sub-header):
- AMC1 ARO.GEN.305(b) 'SPECIFIC NATURE AND COMPLEXITY OF THE ORGANISATION, RESULTS OF PAST OVERSIGHT'
 - AMC2 ARO.GEN.305(b) 'PROCEDURES FOR OVERSIGHT OF OPERATIONS'
 - GM1 ARO.GEN.305(b) 'FINANCIAL MANAGEMENT'
 - AMC1 ARO.GEN.305(b)(1) 'AUDIT'
 - AMC2 ARO.GEN.305(b)(1) 'RAMP INSPECTIONS'
 - AMC1 ARO.GEN.305(b);(c) 'INDUSTRY STANDARDS'
 - AMC1 ARO.GEN.305(c) 'OVERSIGHT PLANNING CYCLE'
 - AMC2 ARO.GEN.305(c) 'OVERSIGHT PLANNING CYCLE'
 - AMC1 ARO.GEN.305(d) 'PERSONS HOLDING A LICENCE, CERTIFICATE, RATING OR ATTESTATION'
- xi) A new **AMC1 ARO.GEN.305(b)** has been added to clarify 'specific nature and complexity of the organisation' for the determination of the oversight programme.
- xii) A new **GM1 ARO.GEN.305(b)** 'financial management' has been added, it is extracted from AMC2 ARO.GEN.305(b), as suggested by CRD reactions.
- xiii) In response to a CRD reaction, **AMC1 ARO.GEN.305(c)** has been reviewed to make it applicable both to aircrew and to air operations. The first point has been added to reflect changes made at the level of the Implementing Rule (in particular as regards ARO.GEN.305 (c)(1) related to the organisation's ability to effectively manage risks).
- xiv) **AMC2 ARO.GEN.305(c)** 'Oversight programme – Oversight planning cycle':
- 'alignment of oversight planning cycle with calendar year' has been clarified;
 - 'key risk elements' (KRE) has been replaced by 'main risk areas identified' in response to a CRD reaction (the reference to KREs is already used in Part-M – Annex I to Regulation (EC) 2042/2003⁷ and has a different meaning in Part-M);
 - a reference to 'integrated oversight schedule' has been added in response to a CRD reaction, to further clarify the case of organisations holding more than one certificate;
 - references to '24-month oversight planning cycle' have been amended to reflect changes made at Implementing Rule level (with the possibility to extend this to 36/48 months); and
 - several editorial changes have been made to improve consistency and clarity.
- xv) As requested in CRD reactions, GM1 ARO.GEN.305 related to industry standards has been included as an AMC to make clear that crediting audits performed as part of certification in accordance with industry standards constitutes a means of

⁷ Commission Regulation (EC) No. 2042/2003 of 20 November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks. (OJ L 315, 28.11.2003, p. 1).

compliance under certain conditions specified in the AMC. This is now included as **AMC1 ARO.GEN.305(b);(c)**.

- xvi) A new **AMC1 ARO.GEN.305(d)** has been added in response to CRD reactions on the related Implementing Rule to further specify how to perform oversight of persons holding a licence, certificate, rating or attestation.
- xvii) Former AMC1-AR.GEN.310(a) 'verification of compliance' and AMC1-AR.GEN.310(a)-OPS 'application for an air operator certificate' have been merged in response to CRD reactions suggesting these two AMCs presented some degree of overlap. They are now combined as **AMC1 ARO.GEN.310(a)** 'verification of compliance', which defines all verification steps from the receipt of the application to the final response to the applicant, including details on the audit to be performed at the applicant's facilities. Examples of submissions requiring specific approval have been deleted in order not to conflict with the corresponding GM to ORO.GEN.130.
- xviii) **AMC2 ARO.GEN.330** 'change in nominated persons', previously included as an air operations-specific AMC, has been incorporated into **AMC1 ARO.GEN.330**. The reference to nominated persons has been clarified.
- xix) **GM1-AR.GEN.350** 'Findings and corrective actions – organisations' has been deleted as a result of changes made to ARO.GEN.350 following the dedicated AGNA meeting on cooperative oversight.
- xx) A new **GM1 ARO.GEN.355(b)** 'Findings and enforcement measures – persons' has been added as requested by Member States during comitology, to clarify the meaning of ARO.GEN.355(b) related to findings for persons not holding a licence.

c) Specific changes Subpart ARO.OPS 'Certification of commercial air transport operators'

- i) **AMC1 AR.OPS.100** 'Issue of the air operator certificate' has been deleted as demonstration flights are addressed in **AMC1 ARO.GEN.310(a)**.
- ii) **AMC1 ARO.OPS.105** 'Code-share arrangements' has been introduced following the discussions during comitology. This AMC provides considerations for evaluating the safety of the code-share agreement. The newly introduced **AMC2 ARO.OPS.105** 'Code-share arrangements' clarifies that in case audits are performed by a third party provider, the competent authority should verify if such provider meets the criteria set out in AMC2 ORO.AOC.115(b).
- iii) Following OPS review group comments a new **AMC1 ARO.OPS.110** has been introduced ensuring that the competent authority of the lessee assesses all available reports on ramp inspections performed on the aircraft of the lessor before approving a wet lease-in agreement. In addition, it is clarified that a wet lease-in agreement is only approved if the routes intended to be flown are contained within the authorised areas of operations specified in the AOC of the lessor.
- iv) In response to the reactions and the discussion in the EASA Committee, **AMC2 ARO.OPS.110** 'Lease agreements' has been drafted to cater for the need to wet lease-in an aircraft on short term notice. This AMC is based on ACJ OPS 1.165(c)(2) and aligned with Article 13(3) of Regulation (EC) No 1008/2008, ORO.AOC.110 and AMC1 ORO.AOC.OPS.110(c).

As a consequence, some elements of ACJ OPS 1.165(c)(2) have been deleted as they were already addressed in ORO.AOC.110 and related AMC or considered redundant.

- v) Following the discussions in the EASA Committee **GM1 ARO.OPS.110** 'Lease agreements' has been introduced to clarify that a lease agreement should be approved by both the State of the lessee and the lessor. In case the aircraft is

leased from an undertaking or a person not being the operator only the competent authority of the lessee should issue the approval.

- vi) **AMC1 ARO.OPS.215, AMC2 ARO.OPS.215, AMC1 ARO.OPS.220 and AMC2 ARO.OPS.220** are introduced as a result of the discussions during comitology. The original text in the JAA mentions a prior approval also from the States in which the hostile area or the public interest site, respectively, is located. To clearly establish that there is only one competent authority responsible for the operational approval the rule has been amended to include the word 'endorsement' rather than 'approval'. The AMCs describes how such endorsement is granted and what needs to be assessed by the State in which the hostile area or the public interest site is located.
- vii) **GM1 ARO.OPS.225** 'Approval of operations to an isolated aerodrome' has been introduced. It addresses the need for the competent authority to assess if all mitigating measures have been taken for the increased risk related to the use of an isolated aerodrome.

d) Specific changes Subpart ARO.RAMP 'Ramp inspections of aircraft of operators under the regulatory oversight of another State'

- i) The sequence of points 1 and 2 of **AMC1 ARO.RAMP.100(c)(1)** 'General' has been changed. Point 1 is renumbered as point (b) and point 2 as point (a). Some minor editorial changes have been made for reasons of clarity, but the intent of this AMC has not been changed.
- ii) Points (b) and (c) of **AMC1 ARO.RAMP.115(b)(2)** 'Qualification of ramp inspectors' have been amended following the reactions received. As a consequence the minimum number of 24 ramp inspections to be performed per 12 months in point (a)(2) has been changed into 72 ramp inspections during a 36 month period. This will provide more flexibility in the event that the senior inspector is not able to perform 12 inspections during a 12 month period. The senior inspector should however strive to evenly spread the ramp inspections during the 36 months period. Point (a)(3) has been amended for reasons of clarity. Following OPS review group comments points (a) and (b) have been amended to allow an integrated assessment of the successful completion of the practical and on-the-job training.
- iii) Point (b) of **GM1 ARO.RAMP.115(b)(2)** 'Qualification of inspectors' has been changed in response to the reactions. Points (b)(1) and (b)(2) now provide additional guidance for on-the-job training (OJT) in a classroom environment and for limiting the number of inspections, if acceptable in view of the number of new inspection items.
- iv) **AMC1 ARO.RAMP.115(c)** 'Qualification of ramp inspectors' has been aligned with ARO.RAMP.120. The elements covered in ARO.RAMP.120 are therefore deleted and the AMC is renumbered and reads now **AMC1 ARO.RAMP.120**.