



European Union Aviation Safety Agency

Notice of Proposed Amendment 2024-105(B)

issued in accordance with Article 6 of MB Decision 01-2022

Proposed amendments to the
acceptable means of compliance and guidance material
to Commission Regulation (EU) No 965/2012

Regular update of the air operations rules — ICAO alignment



Table of contents

1. Proposed amendments and rationale.....	3
Draft Acceptable Means of Compliance	4
AMC1 ORO.AOC.110(c) Leasing agreement	4
AMC3 ORO.MLR.100 Operations manual – general	4
AMC4 ORO.MLR.100 Operations manual – general	10
Draft Guidance Material	11
GM1 ORO.FC.005 Scope.....	11
GM1 CAT.OP.MPA.290 Ground proximity detection.....	11



1. Proposed amendments and rationale

The amendment(s) is (are) arranged as follows to show deleted, new and unchanged text:

- deleted text is ~~struck through~~;
- new text is highlighted in **blue**;
- an ellipsis, '[...]', indicates that the rest of the text is unchanged.

Where necessary, the rationale is provided in *italics*.



Draft Acceptable Means of Compliance**AMC1 ORO.AOC.110(c) Leasing agreement****WET LEASE-IN AGREEMENT WITH A THIRD-COUNTRY OPERATOR**

[...]

(b) Part-ORO:

[...]

(2) ORO.MLR, ~~excluding ORO.MLR.105~~ — Regarding point ORO.MLR.105, the operator should demonstrate to the competent authority only that the standards complied with require the establishment of a MEL based on a specified MMEL and including rectification intervals and operational and maintenance procedures;

[...]

Rationale

The purpose of the proposed amendment is to improve the alignment between the provisions of AMC1 ORO.AOC.110(c) and the elements required under the USOAP to satisfactorily demonstrate compliance with SARPs requiring the State to adequately oversee the acceptance or approval of aircraft leasing arrangements.

The proposed amendment removes the exclusion of the MEL from the list of relevant requirements to which equivalency between the requirements of the State of operator of the lessee and of the lessor needs to be demonstrated by the operator to the competent authority, to improve consistency with ICAO requirements. However, to ensure that the amendment does not put an undue burden on operators, the extent of what needs to be demonstrated to the competent authority is limited to some simple items, achieving the objective of the amendment with very limited impact on operators.

The proposed amendment should have a low positive safety impact with only negligible economic impact for operators, linked to the additional items to be demonstrated. No environmental or social impacts have been identified.

AMC3 ORO.MLR.100 Operations manual – general**CONTENTS — CAT OPERATIONS**

[...]

A GENERAL/BASIC

[...]

2 OPERATIONAL CONTROL AND SUPERVISION

[...]



2.3 Operational control. A description of the procedures and responsibilities necessary to exercise operational control with respect to flight safety, including but not limited to:

- (a) responsibilities for the initiation, continuation, diversion and termination of flights;
- (b) risk management when intending to operate over or near conflict zones; and
- (c) aircraft tracking and location of an aeroplane in distress, when applicable.

[...]

8 OPERATING PROCEDURES

[...]

8.3 Flight Procedures:

[...]

8.3.2 Navigation Procedures. [...].

- (b) performance-based navigation (PBN) ~~required navigation—performance—(RNP)~~, minimum navigation performance specification (MNPS) and polar navigation and navigation in other designated areas

[...]

8.3.5 Procedures and instructions required for the avoidance of controlled flight into terrain (CFIT), including limitations on high rate of descent near the surface; policy for the use of ground proximity warning system (GPWS) / terrain warning system (TAWS), if equipped; the related training elements should be covered in OM-D 2.1. ~~Ground proximity warning system (GPWS)/terrain avoidance warning system (TAWS), for aeroplanes. Procedures and instructions required for the avoidance of controlled flight into terrain, including limitations on high rate of descent near the surface; (the related training requirements are covered in OM-D 2.1).~~

[...]

8.3.8 Adverse and potentially hazardous atmospheric conditions. Procedures for operating in, and/or avoiding, and reporting on, adverse and potentially hazardous atmospheric conditions, including the following:

[...]

8.3.15 Cabin safety requirements. Procedures:



[...]

(g) covering the evaluation, based on the presence of fever and certain other signs or symptoms, and handling of suspected infectious diseases, including the transmission of a general declaration to the relevant authorities, if required.

[...]

[...]

9 DANGEROUS GOODS AND WEAPONS

9.1 Information, instructions and general guidance on the transport of dangerous goods, in accordance with CAT.OP.MPA.200 and Subpart G of Annex V (SPA.DG), as applicable, including:

[...]

(b) guidance on the requirements for acceptance, labelling, handling, stowage and segregation of dangerous goods, including company material (COMAT), as applicable;

(c) special notification requirements in the event of an accident or occurrence when dangerous goods are being carried involved;

(d) [...]

(e) duties of all personnel involved; and

(f) [...]

(g) information to passengers as to the types of prohibited, restricted or undeclared dangerous goods.

[...]

12 RULES OF THE AIR

[...]

(h) ATC clearances, including instructions on their clarification and acceptance, particularly where terrain clearance is involved, adherence to flight plan and position reports,

[...]

D TRAINING

[...]

2.4 for operations personnel concerned, including crew members:

[...]

(b) all relevant items prescribed in Annex III (Part-ORO) and Annex IV (Part-CAT) and ~~ORO.SEC~~; and



[...]

Rationale

Amendments proposed to point A 2.3

Operational control is defined in point (91) of Annex I to the Air Operations Regulation as ‘the responsibility for the initiation, continuation, termination, or diversion of a flight in the interest of safety’. This proposed amendment intends to clarify some of the elements that should be included in this part of the OM. All the elements added are already covered by specific requirements in the Air Operations Regulation, as follows.

- Requirements on aircraft tracking and location of an aeroplane in distress are included in point CAT.GEN.MPA.210.
- Requirements on risk management (assessment and mitigations), including when intending to operate over or near conflict zones, are included in point ORO.GEN.200(a)(3). NPA 2022-11 proposed regulatory material to complement the existing provisions in relation to conflict zones.
- Processes related to the initiation, continuation, diversion and termination of flights are part of the definition of operational control and are mentioned in AMC1 to ORO.GEN.110.

This proposed amendment is mainly editorial, and no impacts have been identified, since these items should already be part of operators’ OM, despite not being specifically mentioned in the AMC.

Amendments proposed to point A 8.3.2

The proposed amendment is merely editorial and intends to replace the reference to required navigation performance (RNP) with the broader reference to performance-based navigation (PBN), for consistency with SPA.PBN. No impacts have been identified.

Amendments proposed to point A 8.3.5

Experience with implementation has shown that the order of the sentences in points 8.3.5 of AMC3 ORO.MLR.100 (and 8.3.4 of AMC4 ORO.MLR.100, which has the same wording) creates confusion, since it may lead operators to believe that it is only necessary to include procedures and instructions required for the avoidance of CFIT and related training when GPWS/TAWS is installed, which is not the case. In addition to points CAT.OP.MPA.290 and SPO.OP.200 on ground proximity detection, the Air Operations Regulation covers avoidance of CFIT in point CAT.OP.MPA.115, on approach flight technique.

ICAO Annex 6, Part I, Appendix 2, point 2.1.30 requires the ‘Instructions and training requirements for the avoidance of controlled flight into terrain (CFIT) and policy for the use of the ground proximity warning system (GPWS)’ to be part included in the OM.

The proposed amendment is editorial and changes the order of the two sentences in point 8.3.5 to add clarity to the objective of the provision. No impacts have been identified. See also the rationale for the amendments proposed to GM1 CAT.OP.MPA.290.

Amendments proposed to point A 8.3.8



The proposed amendment adds a reference to the inclusion of procedures for reporting hazardous atmospheric conditions in the OM. The reporting of such conditions is already required under points SERA.12001 and SERA.12005 of the Standardised European Rules of the Air (SERA)¹. Nevertheless, SERA does not clearly specify that the procedure for reporting should be in the OM.

No impacts have been identified for this proposed amendment.

Amendments proposed to point A 8.3.15

The current text of point A 8.3.15 requires the operator to include in the OM procedures for handling suspected infectious diseases. These procedures are supposed to support the implementation of the SARPs in ICAO Annex 9 related to the implementation of health regulations and related provisions (Chapter 8.E.).

The proposed amendments intend to provide further support to operators when establishing such procedures, clarifying that, in accordance with the ICAO SARPs, such procedures need to include the evaluation of passengers with certain symptoms, as well as informing the relevant authorities.

ICAO Annex 9 is not covered by the scope of the Basic Regulation. Therefore, its provisions should be implemented by requirements at the national level. It is assumed that such provisions include the details needed to comply with the SARPs, and that operators' procedures should therefore already include the elements that are now proposed to be added to the AMC. Therefore, the proposed amendment is likely to have no impact on operators.

Amendments proposed to point A 9.1

CAT.GEN.MPA.200 establishes that the transport of dangerous goods by air shall be conducted in accordance with ICAO Annex 18 and the Technical instructions for the safe transport of dangerous goods by air (ICAO Doc 9284-AN/905). Point (c) of point CAT.GEN.MPA.200 requires operators to establish procedures to ensure that all reasonable measures are taken to prevent dangerous goods from being carried on board inadvertently.

ICAO Annex 6 requires operators to have procedures for the transport of dangerous goods, including undeclared company material (COMAT), in points 14.2 (for operators with no dangerous goods approval) and 14.3 (for operators with dangerous goods approval).

ICAO Annex 18 requires operators to ensure that passengers are warned as to the types of dangerous goods that they are prohibited or restricted from transporting aboard an aircraft (Chapter 9.3 of Annex 18 and Part 8, Chapter 1, of the Technical Instructions).

Point 9 of AMC3 ORO.MLR.100 does not specifically mention COMAT, nor does it include a reference to information to be provided to passengers. Furthermore, the reference to SPA.DG in the introductory sentence gives the wrong impression that only operators with approval for the transport of dangerous goods under Part-SPA are required to have procedures on the transport of dangerous goods in their OM.

¹ Commission Implementing Regulation (EU) No 923/2012 of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010 (OJ L 281, 13.10.2012, p. 1).



The proposed amendments therefore intend to add clarity and improve alignment with the ICAO SARPs by:

- clarifying that point (9) of AMC3 ORO.MLR.100 also applies to operators without a SPA.DG approval;
- specifying that operators' procedures for the handling of dangerous goods also include COMAT;
- including a reference to the need to inform passengers on dangerous goods.

In this case, again, operators' procedures should already cover the elements that are proposed to be added to the AMC. Therefore, the proposed amendment is likely to have no impact.

Amendments proposed to point A 12(h)

Point SERA.8015 contains requirements on air traffic control clearances. Points (b) and (e) of point SERA.8015 contain requirements for operators that need to be reflected in the OM. This is already covered by point A 12(h) of AMC3 ORO.MLR.100.

However, point A 12(h) does not contain all the details mentioned in ICAO Annex 6, Part I, 2.1.22, which requires that 'instructions on the clarification and acceptance of ATC clearances, particularly where terrain clearance is involved', are part of the content of the OM.

This NPA proposes to add some more details to the text of point A 2(h) to improve the alignment between this point of the AMC and ICAO Annex 6.

No impacts have been identified for this proposal, which is mainly of an editorial nature.

Amendments proposed to point D 2.4

Part-ORO and its AMC and GM contain several provisions on the training of operations personnel (e.g. point ORO.GEN.110, Subpart ORO.FC, Subpart ORO.CC). However, currently, point D 2.4 of AMC3 ORO.MLR.100 refers only to Subpart ORO.SEC with regard to the training requirements to be included in this section of the OM. The proposed amendment refers more generally to Part-ORO and will better reflect the requirements in the Air Operations Regulation.

This is mainly an editorial amendment, and no impacts have been identified.



AMC4 ORO.MLR.100 Operations manual – general**CONTENTS — NON-COMMERCIAL SPECIALISED OPERATIONS WITH COMPLEX MOTOR-POWERED AIRCRAFT AND COMMERCIAL SPECIALISED OPERATIONS**

[...]

A GENERAL/BASIC

[...]

8 [...]

[...]

8.3.4 Procedures and instructions required for the avoidance of controlled flight into terrain (CFIT), including limitations on high rate of descent near the surface; policy for the use of ground proximity warning system (GPWS) / terrain warning system (TAWS), if equipped; the related training elements should be covered in OM-D 2.1. ~~GPWS/TAWS for aeroplanes. Procedures and instructions required for the avoidance of controlled flight into terrain, including limitations on high rate of descent near the surface (the related training requirements are covered in OM-D 2.1);~~

Rationale

See the rationale for the amendments proposed to point A 8.3.5 of AMC3 ORO.MLR.100.



Draft Guidance Material**GM1 ORO.FC.005 Scope**

The term 'qualification' used in the introductory sentence of point ORO.FC.005 should be understood as referring not only to the initial qualification of a flight crew member, but also to its maintenance and/or revalidation/renewal (requalification).

Whenever the Regulation calls on the operator to establish training for the qualification of flight crew, this should be understood as including requalification.

Rationale

Experience shows that the term 'qualification' could be understood in a too restrictive manner as covering only requirements and training for the initial qualification of flight crew. This was not the intention of the provisions in this subpart; whenever the operator is required to ensure that the crew is qualified, this includes not only the initial qualification, but also its maintenance.

The proposed new GM adds clarity to the existing rules and can be considered as an editorial amendment. No impacts have been identified.

GM1 CAT.OP.MPA.290 Ground proximity detection**TERRAIN AWARENESS WARNING SYSTEM (TAWS) FLIGHT CREW TRAINING**

[...]

SPECIFIC ELEMENTS FOR CONTROLLED FLIGHT INTO TERRAIN (CFIT) FLIGHT CREW TRAINING PROGRAMMES

The following items are typical performance-based training objectives for the training of flight crew on the avoidance of CFIT:

- anticipate terrain threats;
- prepare for terrain threats;
- recognise unsafe terrain clearance;
- take appropriate action;
- apply appropriate procedure correctly;
- maintain aircraft control;
- restore safe flight path;
- manage consequences.

The following scenarios may be addressed as part of the training:

- ATC clearance giving insufficient terrain clearance;
- provision of a wrong QNH;



- demonstration of terrain avoidance warning systems;
- engine failure where performance is marginal, leading to a TAWS warning;
- ‘virtual mountain’ meaning the surprise element of an unexpected warning.

More details can be found in ICAO Doc 9995, *Manual of Evidence-based Training*.

Rationale

Point CAT.OP.MPA.290 establishes that a pilot must take immediate corrective action whenever undue proximity to the ground is detected by GPWS or a flight crew member.

However, GM1 CAT.OP.MPA.290 currently contains provisions to support the operator when developing flight crew training programmes only when the aircraft is equipped with TAWS. Thus, no guidance exists for the development of training in cases where TAWS is not installed².

The proposed amendment therefore intends to add further guidance for operators on recommended training objectives for a training programme on CFIT.

No impacts have been identified for this proposal, which intends to add clarity and support the implementation of existing requirements. See also the rationale for the amendments proposed to point A 8.3.5 of AMC3 ORO.MLR.100.

² Point CAT.IDE.A.150 establishes in which cases aeroplanes need to be equipped with TAWS.

