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Title	AMC/GM for non-complex approved training organisations (ATOs)
NPA Number	NPA 2014-28

René Meier, Europe Air Sports (r.meier@europe-air-sports.org) has placed **18** unique comments on this NPA:

Cmt#	Segment description	Page	Comment	Attachments
20	(General Comments)	0	<p>Europe Air Sports thanks the Agency for the preparation of this NPA. It is a pity that we have, again, to do with re-engineering. This time-consuming task could have been avoided if the concerns we stipulated from the beginning were considered.</p> <p>We understand that NPA 2014-28 (FCL.014)(RMT.0421) is not related to NPA 2014-29 (FCL.002)(RMT.0188 and RMT.0189). Of course, there is a statement in the Executive Summary that Rulemaking Task FCL.001 is to be looked at, as well as the General Aviation Roadmap and the comments thereto. Nevertheless, the fact of receiving both NPAs stated in the same period of time, one published on 8 December 2014, the second on 17 December 2014, both just before the holiday period, one with a shortened comment period, the other with the standard period created considerable confusion among our members, created undue pressure and will result in questionable results.</p> <p>May we add that we do not think it to be helpful just to make a statement in the Executive Summary that only "most of these concerns" were addressed by the Agency. And we do not understand why you repeatedly put the term proportionality in apostrophes. Do we have to make proposals for a definition of this term? To all of us it must be clear what is meant, otherwise we will end up in epic discussions as it happens e.g. with the term "commercial operations": "Proportionate provisions, rules, regulations stem from respecting the scaled risk hierarchy developed by the Agency together with the stakeholders. The different degree in protection required</p>	

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			<p>by a fare-paying passenger in the commercial air transport world compared to the protection required by a pilot/owner operating his/her own aircraft must be respected by all stakeholders in all aeronautics related activities" might be a try. Proportionate is proportionate, not more not less. We will neither accept compromises and nor interpretations.</p> <p>No part of NPA 2014-28 considers the existence of "one person" training establishments like there are many across Europe. Some of the proposed provisions are absolutely not proportionate to this form of undertaking.</p> <p>Most important of all: We deal here with AMC/GM, texts not normally translated in the official lanugages of the European Union. Considering the fact of persons freely moving within the Union, for the sake of the level playing field so often cited, we urgently ask for full translation of these few pages. We hereby offer our assistance.</p>	
21	EXECUTIVE SUMMARY	1	Please refer to comment 20.	
22	1. Procedural information	3 - 4	<p>1.1 The rule development procedure page 4 Agency statement: "And additional initiative and a rulemaking task will be launched soon": Many thanks for this.</p> <p>Our questions: 1) What do you understand by "soon"? 2) Will you extend the comment period to clearly more than three months from the start?</p>	
23	2. Explanatory Note — 2.1. Overview of the issues to be addressed	5 - 6	<p>2. Explanatory Note page 5</p> <p>Text block 6 and 8 are confusing the readers. Our comment on the "proportionate" we already posted.</p> <p>Rationale: On the onhe hand we clearly dislike "by simplyfing some of the provisions", on the other it is not reflected in the first sentence of text block 8.</p>	

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24	2. Explanatory Note — 2.2. Objectives	6	<p>2.2. Objectives page 6</p> <p>May we add that we do not want proportionate AMC/GM put in apostrophes. We need risk-based rules applied uniformly in all member states.</p> <p>Rationale: Not having risk-based rules, uniformly applied, will never enable us to reach a level playing-field.</p>	
25	3. Proposed amendments — 3.1. Draft EASA Decision — Subpart GEN — AMC2 ORA.GEN.200(a)(2)	10	<p>AMC2 ORA.GEN.200(a)(2) Management System page 10</p> <p>Please replace "highest safety standards" by "acceptable safety standards". The rest of the paragraph is good for us, we always respect these principles.</p> <p>Rationale: What we do must be acceptably safe, considering the greatly varying nature of our operations. If more is asked for we will be grounded.</p>	
27	3. Proposed amendments — 3.1. Draft EASA Decision — Subpart GEN — AMC3 ORA.GEN.200(a)(3)	10 - 11	<p>AMC3 ORA.GEN.200(a)(3) Management System page 11</p> <p>As regards (a): We see the need for managing changes but it must be done in simple and straightforward way. We did not find any link to the "hazard identification, risk assessment, mitigation process".</p> <p>Rationale: In our view combining all this leads to requirements put on us by competent authorities adding much to the paperwork, not much to safety.</p> <p>As regards (b): A simple Emergency Response Plan really can be helpful. We insist on the last part of the paragraph: "...and reflect the size, nature and complexity of the activities performed by the organisation". We would like to add at the end of the sentence "as well as considering the risks of the operations undertaken."</p> <p>Rationale:</p>	

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			By adding this last part it is made clear: An Emergency Response Plan has to reflect the risks as well as size, nature and complexity of the activities.	
28	3. Proposed amendments — 3.1. Draft EASA Decision — Subpart GEN — GM4 ORA.ATO.200(a)(3)	11 - 14	GM4 ORA.GEN.200(a)(3) Management System page 12 (a) Risk Register exemple Good exemple, thank you. We would add a "Remarks" column, that's all. Rationale: Very often there will be remarks to be added which should not be noted and stored separately. Such a column will make it easier to get the full picture of a risk or a harzard.	
29	3. Proposed amendments — 3.1. Draft EASA Decision — Subpart GEN — GM4 ORA.ATO.200(a)(3)	11 - 14	GM4 ORA.GEN.200(a)(3) Management System page 14 (b) Proposed severity and likelihood definitions Question: In the column "Qualitative definition" you propose "unlikely", in the "Meaning" you write "very unlikely". What is the difference?	
30	3. Proposed amendments — 3.1. Draft EASA Decision — Subpart GEN — GM5 ORA.ATO.200(a)(3)	14 - 16	GM5 ORA.GEN.200(a)(3) Management System pages 14 to 17 Hazard Checklist exemple We are deeply sorry, but his proposal it totally unacceptable to us: It is not appropriate to size, nature, risk and complexity of our training organisations. We want to have it deleted. Rationale: If you propose such a list as GM, not translated, any competent authority will interpret these texts individually, by doing so creating frustration. Some "hazards" simply are not hazards, just situations, some elements you propose have nothing to do with the safety of flight or the quality of the training performed.	

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31	3. Proposed amendments — 3.1. Draft EASA Decision — Subpart GEN — GM6 ORA.ATO.200(a)(3)	16 - 17	See comment 31	
32	3. Proposed amendments — 3.1. Draft EASA Decision — Subpart GEN — GM7 ORA.ATO.200(a)(3)	17 - 18	<p>GM7 ORA.ATO.200(a)(3) Emergency Response Plan (ERP) pages 17 and 18</p> <p>2. Exemples 3. Organisation 4. Reaction to... 5. Maintaining the ERP</p> <p>We agree with your proposals.</p> <p>Rationale: Best possible information and training on how to use the ERP, held as simple and clear as possible, positively supports any task in an emergency of whatever size.</p>	
33	3. Proposed amendments — 3.1. Draft EASA Decision — Subpart GEN — AMC1 ORA.GEN.200(a)(6)	19 - 21	<p>AMC1 ORA.GEN.200(a)(6) Management System Compliance Monitoring pages 19, 20, part of 21</p> <p>We are of the opinion that the proposed text is disproportionate. We insist on a full re-write of this text, to the exception of (6), which is reasonable.</p> <p>Rationale: As a whole transforming a Registered Facility to an Approved Training Organisation cost in cases known to Europe Air Sports several tens of thousands of Euros, this without any increase in safety. The provisions in place for Compliance Monitoring were real cost drivers. Structures are asked for which are not needed, initiatives in the direction of benevolent activities are killed, contrary th what the European Union proposes, self-responsibility does not exist. Of course we read under (e) Training (4) that the allocation of time and resources should be governed by the volume and complexity of the activities concerned, but: Who rules what counts? Surely not we as stakeholders. That is why we want to have all this completely re-written. Stating tasks to be fulfilled instead of organisational levels concerned would be more profitable: It is the correct</p>	

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			fulfilment of a task that counts, not the position of a person in a hierarchy, which in all cases will be a very flat one when we think of the staff a non-complex training organisation usually disposes of.	
34	3. Proposed amendments – 3.1. Draft EASA Decision – Subpart GEN – AMC1 ORA.GEN.200(c)	21 - 22	<p>AMC1 ORA.GEN.200(c) Management System ATOs providing training only for... Organisational Review</p> <p>The idea proposed is correct, the way how to obtain results is in our view not adequate.</p> <p>Rationale: It does not fit the benevolent activities of members of a group or a club, it does not fit the needs and possibilities of the pilot/owner, it is much too "organisations centric", leaving besides individuals, their wills, skills, knowledge and capacities. The provisions proposed may be fitting some large ATO's but definitiely thy group/club environment.</p>	
35	3. Proposed amendments – 3.1. Draft EASA Decision – Subpart GEN – GM1 ORA.GEN.200(c)	22 - 23	<p>GM1 ORA.GEN.200(c) Management System ATOs providing training only for... Organisational Review</p> <p>The proposed text is proportionate.</p> <p>Rationale: We think it goes well with what our groups/clubs regularly do to maintain safety at an acceptable level.</p>	
36	3. Proposed amendments – 3.1. Draft EASA Decision – Subpart ATO – AMC1 ORA.ATO.105	26 - 27	<p>AMC1 ORA.ATO.105 Application Application Form</p> <p>General remark: We understand that this simple application form will be submitted together with plans and lists as required by 7. Aerodromes/operating sites, 8. Flight Operations accomodation, 9. Theoretical instruction facilities, 11. Description of aircraft.</p> <p>Question to Block 7: Is it accepted to simply write "none", e.g. behind (c) air traffic control?</p>	

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37	3. Proposed amendments — 3.1. Draft EASA Decision — Subpart ATO — AMC1 ORA.ATO.105	26 - 27	<p>AMC1 ORA.ATO.105 Application Application Form</p> <p>Field 13 with the asterisk: We fully accept the content of Note 3, but a question arises: How is it related to all the proposed texts about Compliance Monitoring in this NPA?</p>	
38	3. Proposed amendments — 3.1. Draft EASA Decision — Subpart ATO — AMC1 ORA.ATO.130	28 - 31	<p>AMC1 ORA.ATO.130 Content of training and Operations Manual page 29</p> <p>So far a good compilation of what is needed. One remark, however: Why do you ask for (4) Student discipline and disciplinary action? Please delete this.</p> <p>Rationale: We are free European citizens, no such records are required, at least not such a wording, this is unacceptable in the context of totally voluntary trainings paid by individuals from their personal income.</p>	