

Annex IIb to EASA Opinion No 08/2019

Draft Annex to draft Commission Implementing Regulation (EU) .../... amending Commission Regulation (EU) No 1178/2011 as regards the requirements for flight crew competence and training methods, and as regards the reporting, analysis and follow-up of occurrences in civil aviation

Annex I (Part-FCL) to Commission Regulation (EU) No 1178/2011 is amended as follows:

(1) a new definition is added to FCL.010:

‘Practical assessment (or EBT practical assessment)’ is the primary method for assessing performance and shall serve to verify the integrated performance of competencies. It takes place in either a simulated or an operational environment. An EBT practical assessment is equivalent to a proficiency check and is performed under the instructor privilege in accordance with Appendix 10 to this Annex (Part-FCL).’;

(2) a new point (e) is added to FCL.015:

‘(e) Training activities delivered in FSTDs or in aircraft in accordance with Annex III (Part-ORO) to Regulation (EU) No 965/2012 shall be taken into account for experience requirements and revalidation established in this Annex (Part-FCL).’;

(3) in point FCL.625 IR, point (c) is replaced by the following:

‘(c) Renewal. If an IR has expired, in order to renew their privileges applicants shall:

- (1) go through refresher training at an ATO, or a certified operator (AOC) approved for such refresher, to reach the level of proficiency needed to pass the instrument element of the skill test in accordance with Appendix 9 to this Part; and
- (2) complete a proficiency check in accordance with Appendix 9 or Appendix 10 to this Part, in the relevant aircraft category.’;

(4) in point FCL.625 IR(A), point (a)(1) is replaced by the following:

‘(a) Revalidation. Applicants for the revalidation of an IR(A):

- (1) when combined with the revalidation of a class or type rating, shall pass a proficiency check in accordance with Appendix 9 or Appendix 10 to this Part;’;

(5) in point FCL.740, point (b) is replaced by the following:

‘(b) Renewal. If a class or type rating has expired, the applicant shall:

- (1) pass a proficiency check in accordance with Appendix 9 or Appendix 10 to this Annex;
- (2) prior to the proficiency check referred to in point (1), take refresher training at an ATO, or a certified operator (AOC) approved for such refresher, where necessary

to reach the level of proficiency to safely operate the relevant class or type of aircraft.

- (i) at a DTO or at an ATO, where the expired rating was a non-high-performance single-engine piston class rating, a TMG class rating or a single-engine type rating for helicopters referred to in point DTO.GEN.110(a)(2)(c) of Annex VIII (Part-DTO);
- (ii) at a DTO, at an ATO or with an instructor, where the rating expired for no more than 3 years and the rating was a non-high-performance single-engine piston class rating or a TMG class rating.’;

(6) in point FCL.740.A, point (a)(1) is replaced by the following:

‘(a) Revalidation of multi-engine class ratings and type ratings. For revalidation of multi-engine class ratings and type ratings, the applicant shall:

- (1) pass a proficiency check in accordance with Appendix 9 or Appendix 10 to this Part in the relevant class or type of aeroplane or an FSTD representing that class or type, within the 3 months immediately preceding the expiry date of the rating; and’;

(7) point FCL.905.TRI is replaced by the following:

‘FCL.905.TRI TRI — Privileges and conditions

(a) The privileges of a TRI are to instruct for:

- (1) the revalidation and renewal of an EIR or an IR, provided the TRI holds a valid IR;
- (2) the issue of a TRI or SFI certificate, provided that the holder has 3 years of experience as a TRI; and
- (3) in the case of the TRI for single-pilot aeroplanes:
 - (i) the issue, revalidation and renewal of type ratings for single-pilot high-performance complex aeroplanes when the applicant seeks privileges to operate in single-pilot operations.

The privileges of the TRI(SPA) may be extended to flight instruction for single-pilot high-performance complex aeroplanes type ratings in multi-pilot operations, provided that the TRI:

- (A) holds an MCCI certificate; or
- (B) holds or has held a TRI certificate for multi-pilot aeroplanes;
- (ii) the MPL course on the basic phase, provided that they have the privileges extended to multi-pilot operations and hold or have held an FI(A) or an IRI(A) certificate;
- (4) in the case of the TRI for multi-pilot aeroplanes:
 - (i) the issue, revalidation and renewal of type ratings for:

- (A) multi-pilot aeroplanes;
- (B) single-pilot high-performance complex aeroplanes when the applicant seeks privileges to operate in multi-pilot operations;
- (ii) MCC training;
- (iii) the MPL course on the basic, intermediate and advanced phases, provided that, for the basic phase, they hold or have held an FI(A) or IRI(A) certificate;
- (5) in the case of the TRI for helicopters:
 - (i) the issue, revalidation and renewal of helicopter type ratings;
 - (ii) MCC training, provided they hold a multi-pilot helicopter type rating;
 - (iii) the extension of the single-engine IR(H) to multi-engine IR(H);
- (6) in the case of the TRI for powered-lift aircraft:
 - (i) the issue, revalidation and renewal of powered-lift type ratings;
 - (ii) MCC training.
- (b) After completion of the operator's EBT instructor standardisation in accordance with Annex III (Part-ORO) to Regulation (EU) No 965/2012, the TRI is granted the additional privilege to conduct EBT practical assessment. Notwithstanding FCL.015, this privilege may not be endorsed on the TRI certificate.';
- (8) point FCL.905.SFI is replaced by the following:

'FCL.905.SFI SFI — Privileges and conditions

- (a) The privileges of an SFI are to carry out synthetic flight instruction, within the relevant aircraft category, for:
 - (1) the issue, revalidation and renewal of an IR, provided that they hold or have held an IR in the relevant aircraft category and have completed an IRI training course; and
 - (2) in the case of SFI for single-pilot aeroplanes:
 - (i) the issue, revalidation and renewal of type ratings for single-pilot high-performance complex aeroplanes, when the applicant seeks privileges to operate in single-pilot operations.

The privileges of the SFI(SPA) may be extended to flight instruction for single-pilot high-performance complex aeroplanes type ratings in multi-pilot operations, provided that the SFI:

 - (A) holds an MCCI certificate; or
 - (B) holds or has held a TRI certificate for multi-pilot aeroplanes; and - (ii) provided that the privileges of the SFI(SPA) have been extended to multi-pilot operations in accordance with (i):

- (A) MCC;
 - (B) the MPL course on the basic phase;
- (3) in the case of SFI for multi-pilot aeroplanes:
- (i) the issue, revalidation and renewal of type ratings for:
 - (A) multi-pilot aeroplanes;
 - (B) single-pilot high-performance complex aeroplanes when the applicant seeks privileges to operate in multi-pilot operations;
 - (ii) MCC;
 - (iii) the MPL course on the basic, intermediate and advanced phases, provided that, for the basic phase, they hold or has held an FI(A) or an IRI(A) certificate;
- (4) in the case of SFI for helicopters:
- (i) the issue, revalidation and renewal of helicopter type ratings;
 - (ii) MCC training, when the SFI has privileges to instruct for multi-pilot helicopters.
- (b) After completion of the operator's EBT instructor standardisation in accordance with Annex III (Part-ORO) to Regulation (EU) No 965/2012, the SFI is granted the additional privilege to conduct EBT practical assessment. Notwithstanding FCL.015, this privilege is not endorsed on the TRI certificate.';
- (9) in point FCL.1025, point (b)(1) is replaced by the following:
- '(1) conducted at least one EBT module, two skill tests, proficiency checks, or assessments of competence every year;';
- (10) Appendix 10 is added as follows:

Appendix 10 — Proficiency check for type ratings, and proficiency check for IRs when combined with type ratings — EBT practical assessment

A — General

1. The EBT practical assessment within an EBT programme is equivalent to a proficiency check.

2. Appendix 10 only applies to:
 - (a) an operator with an EBT programme in accordance with ORO.FC.231 that:
 - (1) has an experience of at least 3 years in conducting a mixed EBT programme; and
 - (2) for each of the type ratings for which Appendix 10 is applicable, there is a current type rating examiner that shall be the nominated person for crew training (or a deputy (or deputies)); and
 - (b) an ATO on behalf of the operator that complies with paragraph (2)(a) above, under ORO.GEN.205 'Contracted activities'.
3. The nominated person (or the deputy(ies)) for crew training must verify that the applicant complies with all the qualification, training and experience requirements in this Part for the revalidation of the rating for which the proficiency check is taken.
4. Applicants that use Appendix 10 shall:
 - (a) be enrolled pilots in the operator's EBT programme; and
 - (b) within the period of validity, complete the operator's EBT programme.
5. The revalidation or renewal in accordance with Appendix 10 shall comprise:
 - (a) continuous EBT practical assessment within an EBT programme;
 - (b) demonstration of an acceptable level of performance in all competencies; and
 - (c) the administrative action of licence revalidation.
 - (1) The nominated person for crew training (or the deputy(ies)) shall endorse the applicant's licence or certificate with the new expiry date of the rating. Delegation of the nominated person's for crew training (or the deputy(ies)) signature in order for the applicant's licence to be signed, may be possible only if the operator has an approved procedure for such a case.
 - (2) The nominated person for crew training (or the deputy(ies)) shall ensure that the requirements in FCL.1030 'Conduct of skill tests, proficiency checks and assessments of competence' are met.

B — CONDUCT OF EBT PRACTICAL ASSESSMENT

6. The EBT practical assessment must be conducted in accordance with the operator's EBT programme.
7. Applicants who fail to demonstrate an acceptable level of competence and are de-enrolled from the operator's EBT programme shall not exercise the privileges of that type rating.';

Annex VI (Part-ARA) to Commission Regulation (EU) No 1178/2011 is amended as follows:

(11) point ARA.GEN.125 is replaced by the following:

‘ARA.GEN.125 Information to the Agency

- (a) The competent authority shall notify the Agency in case of any significant problems with the implementation of Regulation (EU) 2018/1139 and its delegated and implementing acts within 30 days from the manifestation of such problems.
- (b) Without prejudice to Regulation (EU) No 376/2014 and its delegated and implementing acts, the competent authority shall provide the Agency with safety-significant information stemming from the occurrence reports stored in the national database, as soon as possible.’;

(12) in point ARA.GEN.135, point (a) is replaced by the following:

- ‘(a) Without prejudice to Regulation (EU) No 376/2014 and its delegated and implementing acts, the competent authority shall implement a system to appropriately collect, analyse and disseminate safety information.’;

(13) point ARA.GEN.200 is amended as follows:

(a) in point (a), point (1) is replaced by the following:

‘(1) documented policies and procedures to describe its organisation, means and methods to achieve compliance with Regulation (EU) 2018/1139, as well as Regulation (EU) No 376/2014 and their respective delegated and implementing acts. The procedures shall be kept up to date and serve as the basic working documents within that competent authority for all related tasks;’;

(b) point (c) is replaced by the following:

‘(c) The competent authority shall establish procedures for participation in a mutual exchange of all necessary information and assistance with other competent authorities concerned, whether from within the Member State or in other Member States, including information:

- (1) on all findings raised, corrective follow-up actions taken pursuant to such findings and enforcement measures taken as a result of oversight of persons and organisations exercising activities in the territory of a Member State but certified by or having made declarations to the competent authority of another Member State or the Agency; and
- (2) stemming from mandatory and voluntary occurrence reporting as required by ORA.GEN.160.’;

(14) point ARA.GEN.210 is replaced by the following:

‘ARA.GEN.210 Changes in the management system

- (a) The competent authority shall have a system in place to identify changes that affect its capability to perform its tasks and discharge its responsibilities as defined in Regulation (EU) 2018/1139, as well as Regulation (EU) No 376/2014 and their respective delegated and implementing acts. This system shall enable it to take action as appropriate to ensure that its management system remains adequate and effective.
- (b) The competent authority shall update its management system to reflect any change to Regulation (EU) 2018/1139, as well as Regulation (EU) No 376/2014 and their respective delegated and implementing acts in a timely manner, so as to ensure effective implementation.
- (c) The competent authority shall notify the Agency of changes affecting its capability to perform its tasks and discharge its responsibilities as defined in Regulation (EU) 2018/1139, as well as Regulation (EU) No 376/2014 and their respective delegated and implementing acts.’;

(15) in point ARA.FCL.200, point (c) is replaced by the following:

- ‘(c) Endorsement of licences by examiners. Before specifically authorising certain examiners to revalidate or renew ratings or certificates, the competent authority shall develop appropriate procedures. These procedures may include endorsement of a pilot licence under an EBT programme. In this case, signature delegation for endorsement of a pilot licence may be allowed.’.

Annex VII (Part-ORA) to Commission Regulation (EU) No 1178/2011 is amended as follows:

(16) point ORA.GEN.160 is replaced by the following:

‘ORA.GEN.160 Occurrence reporting

- (a) As part of its management system, the organisation shall establish and maintain an occurrence-reporting system, including mandatory and voluntary reporting. For organisations having their principal place of business in a Member State, that system shall include provisions for mandatory and voluntary reporting and follow-up of occurrences that meet the requirements of Regulation (EU) No 376/2014 and of Regulation (EU) 2018/1139 and their respective delegated and implementing acts.
- (b) The organisation shall report to the competent authority and the State of Registry in case of aircraft not registered in a Member State any safety-related event or condition that endangers or, if not corrected or addressed, could endanger an aircraft, its occupants or any other person, and in particular any accident or serious incident.

- (c) Without prejudice to point (b) above, the organisation shall report to the competent authority and the design approval holder of the aircraft any incident, malfunction, technical defect, exceeding of technical limitations, occurrence that would highlight inaccurate, incomplete or ambiguous information, contained in data established in accordance with Regulation (EU) No 748/2012, or other irregular circumstance that has or may have endangered an aircraft, its occupants or any other person and has not resulted in an accident or serious incident.
 - (d) Without prejudice to Regulation (EU) No 376/2014 and its delegated and implementing acts, reports in accordance with point (c) above shall:
 - (1) be made as soon as practicable, but in any case, no later than 72 hours after the organisation has become aware of the occurrence unless exceptional circumstances prevent this;
 - (2) be made in a form and manner established by the competent authority, as defined in ORA.GEN.105; and
 - (3) contain all pertinent information about the condition known to the organisation.
 - (e) For organisations not having their principal place of business in a Member State:
 - (1) initial mandatory reports shall:
 - (i) appropriately safeguard the confidentiality of the identity of the reporter and of the persons mentioned in the report;
 - (ii) be made as soon as practicable, but in any case, no later than 72 hours after the organisation has become aware of the occurrence unless exceptional circumstances prevent this;
 - (iii) be made in a form and manner established by the Agency; and
 - (iv) contain all pertinent information about the condition known to the organisation;
 - (2) where relevant, a follow-up report providing details of actions the organisation intends to take to prevent similar occurrences in the future shall be made as soon as these actions have been identified; those follow-up reports shall:
 - (i) be sent to relevant entities initially reported to as per points (b) and (c) above; and
 - (ii) be made in a form and manner established by the Agency.’;
- (17) in point ORA.GEN.200, point (a)(7) is replaced by the following:
- (7) ‘any additional relevant requirements prescribed in Regulation (EU) 2018/1139 as well as in Regulation (EU) No 376/2014 and their respective delegated and implementing acts.’.