



Brussels, **XXX**
[...](2017) **XXX** draft

ANNEX to EASA Opinion No 06/2017

COMMISSION REGULATION (EU) No .../..

of **XXX**

**amending Commission Regulation (EU) No 1178/2011 as regards loss of control
prevention and recovery training [...]**

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amending Commission Regulation (EU) No 1178/2011 as regards loss of control prevention and recovery training [...]

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 216/2008⁽¹⁾ 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 No 1592/2002 and Directive 2004/36/EC, and in particular Article 7 thereof,

Whereas:

- (1) After a number of accidents related to the loss of control in flight, the International Civil Aviation Organization (ICAO) in 2014 amended Annex 1 to the Chicago Convention on Personnel Licensing to introduce provisions for upset prevention and recovery training (UPRT) during training for the multi-crew pilot licence (MPL) and for multi-pilot aeroplane type ratings. The new additional training elements aim at improving pilot competencies needed for both prevention of and recovery from aeroplane upsets that can lead to a loss of control and, eventually, to a fatal accident.
- (2) Annex I (Part-FCL) to Regulation (EU) No 1178/2011² should therefore be amended in order to reflect these amendments to Annex 1 to the Chicago Convention in the European regulatory framework, and in order to enhance pilot training in relation to UPRT in general.
- (3) When reflecting these changes in Annex 1 to the Chicago Convention in the EU regulatory framework by updating the rules on pilot training, integration of UPRT at various stages of a professional pilot's career should be sought, taking into consideration the privileges of the particular pilot licence and the associated safety risks. The objective of this approach is to ensure a both well-developed and well-maintained competence of professional pilots in upset prevention and recovery. General UPRT elements should therefore become a mandatory part of the MPL training course and the integrated training course for airline transport pilots for aeroplanes (ATP(A)). Additionally, a dedicated UPRT course comprising UPRT-related air exercises in an aeroplane should become part of the MPL and the ATP(A) training courses in order to allow pilots to develop advanced competencies in upset prevention and recovery. This course should also form a prerequisite for training courses for ratings for those class and type ratings mainly used for commercial air transport. Finally, such class and type rating training courses should also comprise UPRT elements related to the specificities of the relevant class or type.

⁽¹⁾ OJ L 79, 19.03.2008, p. 1.

⁽²⁾ Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 311, 25.11.2011, p. 1)

- (4) With regard to the introduction of the new course related to the development of advanced pilot competencies in upset prevention and recovery, the requirements for instructor certificates should be revised in order to ensure that instructors instructing on this course are appropriately qualified.
- (5) While it is in the interest of aviation safety that the new UPRT elements should be implemented as soon as possible, transitional provisions should be put in place to allow training courses that have started before these UPRT-related amendments to the requirements on pilot training become effective can be completed without any further adaptation, taking into consideration that pilots flying for commercial air operators in terms of Commission Regulation (EU) No 965/2012³ need to undergo regular operator recurrent training which already today contains UPRT elements. Additionally, pilot training organisations should be given a transitional period at the end of which they will need to have their training programmes adapted to comply with the new UPRT requirements. After that date, all relevant training courses should be conducted in accordance with the new UPRT requirements.
- (6) The European Aviation Safety Agency prepared draft implementing rules and submitted them with Opinion No xx/2017 to the European Commission in accordance with Article 19(1) of Regulation (EC) No 216/2008.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the committee established by Article 65 of Regulation (EC) No 216/2008,

HAS ADOPTED THIS REGULATION:

Article 1

Commission Regulation (EU) No 1178/2011 is amended as follows:

Article 4b

Upset prevention and recovery training

- (1) After Article 4a, the following Article 4b is inserted
 1. Pilots shall only be issued with a CPL(A), an ATPL(A), an MPL or their first class or type rating for:
 - (a) single-pilot aeroplanes, when operated in multi-pilot operation;
 - (b) single-pilot high-performance complex aeroplanes; or
 - (c) multi-pilot aeroplanesin accordance with Annex I (Part-FCL) after completion of a training course including upset recovery training as of 8 April 2022
 2. Students completing an integrated ATP(A) training course or an MPL training course in accordance with Part-FCL at an ATO not yet having adapted its training programme in accordance with Article 10a paragraph 2⁴ shall be given full credit for the purpose of issuing the licence provided that the training and testing were completed by 8 April 2022 at the latest.

⁽³⁾ Commission Regulation (EU) No 965/2012 of 5 October 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 (OJ L 296, 25.10.2012, p. 1).

⁽⁴⁾ Taking into consideration that the current paragraphs 2, 3 and 4 are deleted with the amending regulation implementing Part-DTO.

3. Students completing a training course for their first class or type rating for one of the aircraft referred to in paragraph 1 in accordance with Part-FCL at an ATO not yet having adapted its training programme in accordance with Article 10a paragraph 2 shall be given full credit for the purpose of issuing the rating provided that the skill test was completed in compliance with point (c)(2) of FCL.725 Annex I (Part-FCL) to this Regulation.
 4. Applicants for an ATPL or MPL or for a class or type rating as referred to in paragraph 1 who completed upset prevention and recovery training in accordance with national requirements prior to 8 April 2019 may receive credits for complying with the requirements of this Regulation.
 5. The credit given to applicants shall be determined by the competent authority to which the pilot applies on the basis of a recommendation from an approved training organisation.
- (2) In Article 10a, the following paragraph 2⁵ is inserted:
2. Training organisations as referred to in paragraph 1 shall amend their training programmes in order to comply with the amendments to this Regulation introduced with Regulation XXXXX no later than 8 April 2019.
- (3) Annex I to Commission Regulation (EU) No 1178/2011 is amended in accordance with the Annex to this Regulation.

Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 8 April 2018.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels,

For the Commission
The President

⁽⁵⁾ Taking into consideration that the current paragraphs 2, 3 and 4 are deleted with the amending regulation implementing Part-DTO.