



**COMMENT RESPONSE DOCUMENT (CRD)
TO NOTICE OF PROPOSED AMENDMENT (NPA) 2009-02E**

**for an Agency Opinion on a Commission Regulation establishing the Implementing
Rules for cabin crew in commercial air transport operations**

and

**a draft Decision of the Executive Director of the European Aviation Safety Agency
on Acceptable Means of Compliance and Guidance Material related to the
Implementing Rules for cabin crew in commercial air transport operations**

"Implementing Rules for Cabin Crew in Commercial Air Transport Operations"

CRD b.1 – Cover Regulation to Part-CC¹

The changes as compared to the text proposed in the NPA are shown as follows:

- deleted text is shown with a strike through: ~~deleted~~
- new text is shown in bold: **bold**

¹ To facilitate reading and understanding, instead of a proposal for a draft amending Regulation, the proposed amendments therein have been developed on the basis of the Draft Regulation published 26 August 2010 with EASA Opinion No 04/2010 for a new Commission Regulation on personnel requirements laying down Implementing Rules for Pilot Licensing. At the end of the adoption process, the Commission Regulation on Personnel Requirements will cover the different Parts (Part-FCL, Part-MED and Part-CC) that are published in successive phases as agreed for the first extension.

Draft

COMMISSION REGULATION (EC) No .../..**of [...]****on personnel requirements**

THE EUROPEAN COMMISSION,

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

Having regard to 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.1, and in particular Articles ~~5(5)~~**7 and 8** thereof,

Whereas:

- (1) The Basic Regulation establishes common essential requirements to provide for a high uniform level of civil aviation safety and environmental protection; it requires the Commission to adopt the necessary implementing rules to ensure their uniform application; it establishes the 'European Aviation Safety Agency' (hereinafter referred to as the 'Agency') to assist the Commission in the development of such implementing rules.
- (2) It is necessary to adopt common technical requirements and administrative procedures for the licensing of pilots **and the qualification of cabin crew**, subject to the Basic Regulation; such requirements and procedures should specify the conditions to issue, maintain, amend, suspend or revoke the appropriate licences, ~~and~~ certificates **and attestations**.
- (3) In adopting measures for the implementation of common essential requirements in the fields of pilot licensing **and cabin crew qualification**, the Commission must take care that they reflect the state of the art, including best practices, and scientific and technical progress in the field of ~~pilot~~ training.
- (4) The need to ensure uniformity in the application of common **requirements for pilots and for cabin crew** ~~licensing requirements~~ makes it necessary that common procedures be followed by the competent authorities of the Member States and, where applicable, the Agency assess compliance with these requirements; the Agency should develop acceptable means of compliance and guidance material to facilitate the necessary regulatory uniformity.
- (5) It is necessary to permit a smooth transition to the new regulatory framework of the Agency ensuring that a high and uniform level of civil aviation safety in the Community is maintained; it is necessary to provide sufficient time for the aeronautical industry and Member State administrations to adapt to this new framework and to recognise the continuing validity of licences and certificates issued before the entry into force of this Regulation, in accordance with Article 69 of the Basic Regulation.
- (6) The measures provided by this Regulation are based on the opinions issued by the Agency in accordance with Articles ~~17(2)(b)~~**18** and ~~19(4)~~ of the Basic Regulation.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the European Aviation Safety Agency Committee established by Article ~~54(3)~~**65** of the Basic Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Objective and scope

This Regulation establishes common technical requirements for:

1. the licensing, training and testing of pilots involved in the operation of aircraft referred to in Article 4(1)(b) and (c) of the Basic Regulation;
2. the certification of personnel responsible for providing flight training or flight simulation training and for assessing a pilot's skill;
3. the licensing, training and testing of pilots of aircraft referred to in (a)(ii), (d) and (h) of Annex II to the Basic Regulation, when used in commercial air transport;
4. **the qualification and related attestations of cabin crew involved in commercial air transport operation of aircraft referred to in Article 4(1)(b) and (c) of the Basic Regulation.**

Article 2

Definitions

[no change, except the addition of the following definition]

- [..] **'Cabin crew member' means an appropriately qualified crew member, other than a flight crew or technical crew member, who is assigned by an operator to perform duties related to the safety of passengers and flight during operations;**

Article 3

Pilot licensing

Personnel referred to in Article 1 **(1) to (3)** shall be qualified in accordance with the provisions of Annex I to this Regulation, hereon referred to as Part-FCL.

Article 4

National pilot licences

[no change]

Article 5

Flight test pilots

[no change]

Article 6

Flight engineers

[no change]

Article 7

Third country licences

[no change]

Article 8

Credit for training

[no change]

Article 9

Credit for military service

[no change]

Article [...]

Cabin Crew

1. Personnel referred to in Article 1 (4) shall be qualified in accordance with the provisions of Annex V to this Regulation, hereon referred to as Part-CC.
2. Cabin crew members who, at the date of entry into force of this Regulation,
 - (a) hold an attestation of initial safety training issued in accordance with Annex III to Council Regulation (EEC) No 3922/91² as amended by Commission Regulation (EC) No 859/2008³ (hereinafter EU-OPS); and
 - (b) have been trained and checked in accordance with EU-OPS, shall be deemed to be compliant with this Regulation and shall be issued a cabin crew attestation to the new format at the latest by **[18 months after entry into force of this Regulation]**.
3. Cabin crew members who, at the date of entry into force of this Regulation,
 - (a) hold an attestation of initial safety training in accordance with EU-OPS; but
 - (b) do not comply with the training and checking requirements of EU-OPS shall complete the training and checking required by Part-CC before being issued a cabin crew attestation in accordance with this Regulation. Such attestation shall be issued at the latest by **[24 months after entry into force of this Regulation]**.
4. Cabin crew training and checking conducted in accordance with JAR-OPS 3 requirements at the date of the entry into force of this Regulation shall be credited in full toward the issue of a cabin crew attestation in accordance with this Regulation.

The competent authority or, where relevant, an organisation approved to issue attestations on its behalf, shall identify any training elements required by Part-CC that a cabin crew member needs to comply with

² OJ L 373, 31.12.1991, p. 4-8.

³ OJ L 254, 20.9.2008, p. 1.

before being issued a cabin crew attestation. The attestation shall be issued at the latest by [24 months after entry into force of this Regulation].

Article 10

Entry into force and applicability

1. This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Union and shall become applicable on 8 April 2012.
2. By way of derogation from paragraph 1, Member States may elect not to apply the following provisions of Part-FCL until *(3 years after the entry into force of this Regulation)*:
 - (a) the provisions related to licences and associated ratings or certificates of pilots of powered-lift aircraft, airships, balloons and sailplanes;
 - (b) the provisions of Subpart B (*LAPL*) and section 2 (*LAFI*), section 8 (*MCCI*), in the case of helicopters, section 10 (*mountain instructor*) and section 11 (*flight test instructor*) of Subpart J;
 - (c) the provisions of paragraphs FCL.800 (*aerobatic rating*), FCL.805 (*sailplane towing and banner towing ratings*), FCL.815 (*mountain rating*) and FCL.820 (*flight test rating*).
3. By way of derogation from Article 4 (2), Member States may elect not to convert their national aeroplane and helicopter licences until (2 years after the entry into force of this Regulation).

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

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

Done at Brussels, [...]

For the Commission

[...] Member of the Commission