



## TERMS OF REFERENCE

<b>Task No:</b>	FCL.002
<b>Issue:</b>	1
<b>Date:</b>	20 July 2011
<b>Regulatory reference:</b>	Regulation (EC) No 216/2008 <sup>1</sup> ('Basic Regulation'), Articles 4 (2), 7, Annex II Agency Opinion 4/2010 <sup>2</sup>
<b>Reference documents:</b>	JAR-FCL 1 and 2, JAA Administrative & Guidance Material Section Five: Personnel Licensing Part 2: Procedures, ICAO Annex 1

### 1. Subject:

Updating EASA Flight Crew Licensing (FCL) Implementing Rules

Proposal for a new title: Updating Annex I-III to Commission regulation laying down detailed rules for civil aviation personnel

### 2. Problem / Statement of issue and justification; reason for regulatory evolution (regulatory tasks):

During the development of the rulemaking task FCL.001 'Implementing Rules for Pilot Licensing', there was JAA material that could not be immediately included in NPA 2008-17 'Implementing Rules for Pilot Licensing', related to Part-FCL. In fact, some FCL related material contained references to other JAA provisions that would be part of the other NPAs for the 1<sup>st</sup> extension, and at the time when NPA 2008-17 (FCL) was published the other NPAs were still under development and their content and structure had not been stabilised. This situation also applied to the CRD phase. Examples of such material are the detailed syllabus and learning objectives (LOs) for professional licences and the instrument rating and the 'Examiner's Handbook'. In these documents there are a lot of references to JAR-OPS. Since the NPA 2009-02 (OPS) was still under preparation, and there was no certainty on the numbering of the new paragraphs, it was considered premature to make the necessary amendments to the LOs.

Miscellaneous proposals received from stakeholders during the consultation phase of NPA 2008-17 that could not be directly inserted into Part-FCL will also be taken into account with the task FCL.002. Some of the proposals received were considered to be valuable and should be included in the FCL regulatory material. However, these proposals change the content of the FCL regulatory material in a way that requires the changed text to be submitted for specific consultation to ensure full transparency.

<sup>1</sup> Commission Regulation (EC) No 216/2008 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 (OJ L 79, 19. 03. 2008, p. 1), Regulation as last amended by Regulation (EC) No 1108/2009 of 21 October 2009 (OJ L 309, 24. 11. 2009, p. 51).

<sup>2</sup> Opinion 04/2010 of the European Aviation Safety Agency of 26 August 2010 for a Commission Regulation xxx/2010 laying down Implementing Rules for Pilot Licensing (see: <http://easa.europa.eu/agency-measures/docs/opinions/2010/04/Opinion%2004-2010.pdf>)

Finally, experience indicates that it is advisable to plan a rulemaking task immediately after the adoption of a full set of Implementing Rules to solve any inconsistencies that might arise from amendments to individual paragraphs during the legislative process to adopt the Implementing Rules, or during the process leading to the publication of such rules and to solve problems arising from implementation and transition and EASA standardisation visits.

### 3. Objectives:

To amend the Implementing Rules, their AMCs and GM of the extended Basic Regulation as regards pilot licensing:

- the learning objectives for the theoretical knowledge training for aeroplane and helicopter pilots;
- the Flight Examiners Manual (aeroplanes, helicopters);
- validity period of theoretical knowledge examinations for IR;
- theoretical knowledge syllabus for ATPL, CPL and IR;
- review of prerequisites for ATPL(H);
- harmonisation of night rating requirements for aeroplanes and helicopters;
- development of a night rating syllabus for PPL(A);
- content of the training flight for revalidation of class ratings to be defined;
- review of the tables containing the requirements for skill tests and proficiency checks;
- Instrument Rating Instructor (H) syllabus to be harmonised with the syllabus for the aeroplanes and airship category;
- flight time credit on Annex II aircraft;
- class and type rating list and endorsement list;
- review of Annex III to Part-FCL;
- editorial and clarification changes;
- solve implementation and transitional problems.

### 4. Specific tasks and interface issues (Deliverables):

- Learning objectives (LOs): One of the responsibilities of the Licensing Sectorial Team (LST) of the Joint Aviation Authorities (JAA) was to review the syllabi, the LOs and the central question databank (CQB) questions. The JAA LOs contain objectives for the theoretical training syllabus for the CPL, ATPL and IR training courses. The LOs being an integrative part of any training syllabus for a pilot's licence and IR on aeroplanes, helicopter and airships shall be included in the AMCs to the Implementing Rules for Flight Crew Licensing. It should also be assessed if the LOs provided by the JAA shall be extended to PPL as well.
- The Flight Examiners Manual (aeroplanes, helicopters) was one of the documents that were not included in FCL.001 as there were many references to future Implementing Rules that were not finished when the NPA was drafted. It should be assessed if such manual should also be developed for the other aircraft categories (powered lift, airships, balloons and sailplanes).
- The validity period of the theoretical knowledge examinations for IR were commented during the consultation of the NPA and CRD to Part-FCL and should be reviewed.
- The theoretical knowledge syllabus for ATPL, CPL and IR – two of the subjects in those syllabi are not fully described and shall be reviewed. These subjects are:
  - Air Law and ATC-procedures, and

- Aircraft Performance, Flight Planning and Mass and Balance.
- The review of prerequisites for ATPL(H) shall include a review of required instrument and night hours as the actual numbers were strongly commented in the NPA and CRD phases of Part-FCL.
- Harmonisation of night rating requirements for aeroplanes and helicopters: when drafting Part-FCL the requirements of JAR-FCL 1 and 2 were taken over. The harmonisation of night rating requirements was strongly commented by many stakeholders during the NPA and CRD consultation and requires a specific review.
- The development of a night rating syllabus for PPL(A) was requested during the consultation phases of the NPA and CRD as some stakeholders considered a course to be dangerous when not performed in a standardised way.
- Content of the training flight for revalidation of class ratings to be defined: the content of the training flight was not defined in JAR-FCL and therefore could not be taken over in Part-FCL. This fact was commented by many stakeholders during the consultation phase of Part-FCL. As this flight is also part of the revalidation requirements for other categories of aircraft it has to be assessed if such an AMC describing in more detail the content of the training flights should be developed for all aircraft categories.
- The review of the tables containing the requirements for skill tests and proficiency checks will enable those tables to be directly used as test/check forms.
- The Instrument Rating Instructor (H) syllabus shall be harmonised with the syllabus for the aeroplanes and airship categories.
- A separate AMC should clarify the status of flight time flown on aircraft mentioned in Annex II to Regulation (EC) 216/2008.
- The class and type rating list and endorsement list were part of Section 5 of JAR-FCL and should be transposed as they are very important for a standardised and harmonised implementation of Part-FCL in all Member States. The abbreviations used when issuing certificates or licences should be identical in all Member States. As this list is very often changed and published on the Agency's website, it will not be taken over into the text. Only a legal basis for the existence, update and publication has to be established.
- A review of the Annex III to the Commission regulation laying down detailed rules for civil aviation personnel, prescribing the conditions for the acceptance of licences issued by or on behalf of third countries seems to be necessary to include the provisions for 'wet-lease in' from Third Country Operators (TCOs).
- Necessary changes to solve implementation and transitional problems will be recognised as the new regulation will be applied by Member States and have to be considered on a case by case basis.

#### **5. Working Methods** (in addition to the applicable Agency procedures):

The work shall be carried out by a rulemaking group. Meetings shall be held at the EASA premises in Cologne.

The group may divide itself temporarily into sub-groups addressing for example:

- The LOs and any other related item;
- The Flight Examiners Manual and any other related item;
- Theoretical knowledge syllabus and any other related item; and
- General / Miscellaneous Issues.

#### **6. Time scale, milestones:**

The group will start to work in quarter 03/2011 and the publication of the NPA is planned for

quarter 04/2013. The CRD is planned to be published in quarter 02/2014, the Opinion in quarter 03/2014 and the Decision by the end of 2014.