



Explanatory Note to Decision 2014/022/R

Amendments to AMC/GM to Annex I – Part-FCL

RELATED NPA/CRD 2011-16 – OPINION No 03/2013 – RMT.0199 (FCL.008(B)) – 1.4.2014

EXECUTIVE SUMMARY

This Decision addresses several AMC and GM to the amendments made to Part-FCL by Commission Regulation (EU) No 245/2014 related to the new competency based instrument rating (CB-IR(A)) course, en route instrument rating (EIR) and sailplane cloud flying rating. The specific objectives are to maintain a high level of safety and regulatory harmonisation.

The Decision contains a detailed theoretical knowledge (TK) syllabus and learning objectives (LO) for obtaining an instrument rating (IR) through the CB-IR(A) modular course or EIR. Furthermore, certain crediting and transfer provisions related to TK instruction and examination for a CB-IR(A) and EIR were included. Moreover, additional TK requirements for the CB-IR(A) and EIR for obtaining a class or type rating for high performance single-pilot aeroplanes (HPA SP) were added. Provisions and further clarifications with regard to the conduct of the pre-entry assessment by an approved training organisation (ATO) and the required training record for the training conducted by an instructor with the privilege for instructing for the IR(A) or EIR outside an ATO for the CB-IR(A) and EIR have been developed.

With regard to the EIR, detailed conditions for exercising the privileges of the rating were included. The flying exercises to be conducted during the flight instruction for the EIR and clarifications on the content of the training flight for the revalidation of an EIR, including a requirement for a demonstration of a simulated diversion and instrument approach to an alternate aerodrome in the context of an emergency situation during the en route phase in IFR were specified. The Agency added guidance for the aeroplanes used whilst instructing towards the EIR and CB-IR(A) outside an ATO. Crediting provisions towards the EIR and CB-IR(A) on the basis of a third country IR(A) rating in compliance with Annex 1 to the Chicago convention were also developed, including a clarification how to credit multi-engine experience towards the 25 or 50 hours of PIC flight time for the EIR and CB-IR(A) respectively.

With regard to the CB-IR(A), crediting provisions for prior experience of flight time under IFR as PIC on aeroplanes, and for prior instrument flight time under instruction completed during flight instruction for providing the privileges to fly under IFR and in IMC were specified. These provisions will allow crediting for flight time or instruction provided for the EIR rating, for a national IR(A) rating issued prior to the application of Commission Regulation (EU) No 1178/2011, an IR(A) from a third country in compliance with Annex 1 to the Chicago convention, or an authorisation issued by a Member State (MS) under Article 4(8) to Commission Regulation (EU) No 1178/2011 as amended.

Finally, with regard to the sailplane cloud flying rating, an AMC containing the related TK and flight instruction provisions was developed. In addition, an AMC specifying the skill test and proficiency check requirements was included.

Applicability		Process map	
Affected regulations and decisions:	AMC/GM Part-FCL	Concept Paper:	No
Affected stakeholders:	LAPL(S), SPL, PPL and CPL holders, approved training organisations and NAAs	Rulemaking group:	Yes
Driver/origin:	Safety, Regulatory Harmonisation	RIA type:	Full
Reference:	Commission Regulation (EU) No 1178/2011, amended by Commission Regulation (EU) No 245/2014	Technical consultation during NPA drafting:	No
		Publication date of the NPA:	2011/Q3
		Duration of NPA consultation:	3 months
		Review group:	Yes
		Focussed consultation:	No
		Publication date of the Opinion:	2013/Q2

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1. Procedural information

1.1. The rule development procedure

The European Aviation Safety Agency (hereinafter referred to as the 'Agency') developed ED Decision 2014/022/R in line with Regulation (EC) No 216/2008¹ (hereinafter referred to as the 'Basic Regulation') and the Rulemaking Procedure².

This rulemaking activity is included in the Agency's [4-year Rulemaking Programme](#) under RMT.0199 (FCL.008(b)). The scope and timescale of the task were defined in the related Terms of Reference (see process map on the title page).

The draft text of this Decision has been developed by the Agency based on the input of the Rulemaking Group RMT.0199 (FCL.008(b)). All interested parties were consulted through NPA 2011-16³. 1535 comments were received from interested parties, including industry, national aviation authorities, the FAA, General Aviation authorities, training organisations and individual stakeholders.

The Agency has reviewed the comments received on the NPA. The comments received and the Agency's responses are presented in the Comment-Response Document (CRD) to NPA 2011-16⁴. Furthermore, the Agency received 39 reactions to the CRD.

The final text of this Decision with the Acceptable Means of Compliance (AMC) and Guidance Material (GM) has been developed by the Agency based on the input of the Review Group RMT.0199 (FCL.008(b)).

The process map on the title page summarises the major milestones of this rulemaking activity.

1.2. Structure of the related documents

Chapter 1 contains the procedural information related to this task. Chapter 2 explains the core technical content. Chapter 3 provides references. The text of the AMC and GM is annexed to this ED Decision.

¹ Regulation (EC) No 216/2008 of the European Parliament and 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 (OJ L 79, 19.3.2008, p. 1), as last amended by Commission Regulation (EU) No 6/2013 of 8 January 2013 (OJ L 4, 9.1.2013, p. 34).

² The Agency is bound to follow a structured rulemaking process as required by Article 52(1) of the Basic Regulation. Such process has been adopted by the Agency's Management Board and is referred to as the 'Rulemaking Procedure'. See Management Board Decision concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications and guidance material (Rulemaking Procedure), EASA MB Decision No 01-2012 of 13 March 2012.

³ In accordance with Article 52 of the Basic Regulation and Articles 5(3) and 6 of the Rulemaking Procedure.

⁴ See: <http://easa.europa.eu/rulemaking/notices-of-proposed-amendment-NPA.php>

2. Explanatory Note

When developing the requirements for the future European regulations for pilot licensing (Part-FCL) based on the existing JAR-FCL requirements and national regulations, the Agency decided that certain elements had to be postponed and further reviewed at a later stage. With its Notice of Proposed Amendment (NPA) 2008-17 (b), the Agency agreed with stakeholder concerns that the proposed requirements for the instrument rating seemed to be too demanding for private pilot licence (PPL) holders and indicated that a separate rulemaking task would be started for this purpose. Within the same task the need for review of the existing national regulations for a cloud flying rating for sailplane pilots was identified and it was decided to include the development of requirements for a cloud flying rating in the same rulemaking task. Consequently, the Agency initiated rulemaking task RMT.0198 & RMT.0199 (FCL.008 (a) & (b)) together with licensing experts. The NPA was published on 21 September 2011 and the Opinion was published on 24 April 2013.

2.1. Overview of the issues to be addressed

Part-FCL contains the requirements for flight crew licencing.

This Decision addresses the AMC and GM related to the new rules in Part-FCL related to:

- a sub ICAO (International Civil Aviation Organization) European en route instrument rating (EIR) for aeroplane licence holders;
- a more accessible ICAO compliant aeroplane instrument rating (IR) called competency-based IR; and
- a cloud flying rating for sailplane pilots.

2.2. Objectives

The overall objectives of the EASA system are defined in Article 2 of the Basic Regulation. This proposal will contribute to the overall objectives by addressing the issues outlined in Section 2.1. The specific objectives of this proposal are, therefore, to:

1. introduce AMC and GM related to the requirements for the competency-based IR(A), whilst taking into account the standards and recommended practices (SARPs) for the issue of an IR contained in Annex 1 published by the ICAO;
2. introduce AMC and GM related to the requirements for the EIR, for private and commercial pilots, to fly under IFR and in IMC with reduced training requirements, but also limited privileges;
3. introduce AMC and GM related to the requirements for the sailplane cloud flying rating for sailplane pilots to fly within clouds; and
4. amend AMC and GM related to the existing Part-FCL IR requirements.

2.3. Overview of the amendments

2.3.1 En route instrument rating (EIR) and competency-based (CB-IR(A))

GM FCL.010 Definitions

The Agency added two new abbreviations to GM1 FCL.010 for consistency clarifying the CB-IR(A) and EIR.

AMC1 FCL.615(b) Instrument Rating (IR)

This AMC contains the detailed theoretical knowledge (TK) syllabus for obtaining the IR by following the CB-IR(A) modular course, described in Appendix 6 Aa. AMC1 FCL.825(d), refers to this AMC1 FCL.615(b) as the same syllabus also applies to the EIR TK course. Furthermore, based on comments received, the Agency specified that an applicant who has completed a modular IR(A) course according to Appendix 6 A and passed the IR(A) TK examination should be fully credited towards the requirements of TK instruction and examination for a CB-IR(A) or EIR within the validity period of the examination. In addition, the Agency clarified that an applicant wishing to transfer to a CB-IR(A) or EIR course whilst already having commenced a modular IR(A) course should be credited towards the requirements of TK instruction and examination for a CB-IR(A) or EIR for those subjects or theory items already completed. Furthermore, this AMC also clarifies that an applicant for the IR(A) who has completed an EIR TK knowledge course and passed the EIR TK examination in accordance with FCL.825 should be fully credited towards the requirements of TK instruction and examination for a CB-IR(A).

AMC2 FCL.615(b) through AMC8 FCL.615(b) Instrument Rating (IR)

As already published with the NPA, these AMCs contain requirements specifying the learning objectives (LO) for the TK subjects in table format for the CB-IR(A) and EIR as follows;

- AMC2 to FCL.615(b) Air Law
- AMC3 to FCL.615(b) Aircraft General Knowledge – Instrumentation
- AMC4 to FCL.615(b) Flight Planning and Flight Monitoring
- AMC5 to FCL.615(b) Human Performance
- AMC6 to FCL.615(b) Meteorology
- AMC7 to FCL.615(b) Radio Navigation
- AMC8 to FCL.615(b) IFR Communications

Based on the reactions received and further review by the Agency and the review group, some LOs were slightly amended. Furthermore, AMC1 FCL.825(d) refers to these AMC2 FCL.615(b) through AMC8 FCL.615(b) as the same LOs also apply to the TK subjects for the EIR.

GM1 FCL.615(b) Instrument Rating (IR)

As already indicated with the NPA, this GM contains further guidance to the detailed TK syllabus combined with the LOs for both the CB-IR(A). Furthermore, GM1 FCL.825(d) also refers to this GM1 FCL.615(b) as the provisions also apply to the EIR course.

AMC1 FCL.720.A(b)(2)(i) Experience requirements and prerequisites for the issue of class or type ratings — aeroplanes

As per the aforementioned AMC2 FCL.615(b) through AMC8 FCL.615(b) above, AMC1 FCL.720.A(b)(2)(i) has been amended to reflect the additional TK required for a class or type rating for high performance (HPA) single-pilot (SP) aeroplanes. As already indicated in the NPA, an IFR part was added in addition to the existing table already containing the VFR part. Furthermore, based on an internal review, the Agency decided that this AMC should be further amended to clarify that an applicant who has completed the CB-IR(A) course or EIR course needs to complete both VFR and IFR parts. The HPA SP course consisted previously only of the VFR part. However, both the CB-IR(A) and EIR TK subjects do not include the IFR items related to HPA SP that are covered by the existing modular IR(A). Therefore, both the VFR and IFR parts need to be completed by the holder of an CB-IR(A) or EIR prior to commencing a class or type rating for a HPA SP. Moreover, for clarity the Agency further highlighted that an applicant who has completed a modular IR(A) course only needs to complete the VFR part of this course.

AMC2 FCL.720.A(b)(2)(i) Experience requirements and prerequisites for the issue of class or type ratings — aeroplanes

A new AMC has been added during the final internal review phase in order to provide guidance for an applicant for an additional class or type rating for a single-pilot aeroplane classified as a high performance aeroplane (HPA), who has held a single-pilot HPA class or type rating prior to the application of Commission Regulation (EU) No 245/2014 and has completed a competency-based modular IR(A) course according to Appendix 6 Aa or EIR course according to FCL.825 but does not fulfil the requirements of FCL.720.A (b)(2)(ii) or (iii). The AMC clarifies that the applicant should pass the theoretical knowledge instruction and examination for the VFR and IFR parts of the course required in accordance with FCL.720.A.(b)(2)(i).

AMC1 FCL.825(a) En Route Instrument Rating (EIR)

As per the NPA, a new AMC1 FCL.825(a) is added containing further clarifications and conditions for exercising the privileges of the EIR. During the internal review, the Agency held extensive internal discussions on the EIR privileges. As a result, the Agency decided to merge the initially proposed lower level GM FCL.825 into AMC1 FCL.825(a) to ensure that an EIR holder does not conduct an IFR departure, arrival or approach procedure, and that an EIR holder informs the air traffic services (ATS) as soon as they are unable to complete their flight within the privileges of their rating. Furthermore, as a result of the discussion, the Agency decided to amend the AMC by clearly specifying that an EIR holder must ensure that when planning the flight he/she ascertains that the appropriate weather reports or forecasts for the destination and alternate aerodrome for the period from one hour before until one hour after the planned time of arrival indicates VMC conditions. The Agency further specified that the flight may only be planned to aerodromes for which such meteorological information is available and the operational rules apply. The Agency believes that this amendment will enhance the level of safety and address the concerns raised by some Member States (MS) during the consultation period. Finally, the discussions focused on the en route VFR/IFR/VFR transitions. The Agency concluded that when filing a flight plan, the holder of an EIR should include suitable VFR to IFR and IFR to VFR transitions. The Agency would like to emphasise the importance of ensuring VMC conditions at these transitions at the time of arrival in addition to the aforementioned meteorological requirements for the destination and alternate aerodromes.

AMC1 FCL.825(c) En Route Instrument Rating (EIR)

As already mentioned in the NPA, a new AMC1 FCL.825(c) is added containing the flying exercises to be conducted during the flight instruction for the EIR. The Agency understands that an approved training organisation (ATO) should make a pre-entry assessment taking into account these flying exercises and the already completed exercises recorded on the training record by the instructor holding the privilege to instruct for the IR(A) and EIR outside an ATO. The ATO should determine the training needs and hours to be credited. This principle is further elaborated in AMC1 FCL.825(h).

AMC1 to FCL.825(d) En Route Instrument Rating (EIR)

The Agency decided for clarity purposes to add a new AMC1 FCL.825(d) referring to AMC1 FCL.615(b) which contains the detailed TK syllabus for the IR following the EIR.

AMC2 FCL.825(d) En Route Instrument Rating (EIR)

As per the NPA, a new AMC2 FCL.825(d) is added specifying the TK instructions and examination requirements.

AMC3 FCL.825(d) En Route Instrument Rating (EIR)

The Agency decided for clarity purposes to add a new AMC3 FCL.825(d) referring to the detailed TK syllabus and LOs in AMC2 FCL.615(b) through to AMC8 FCL.615(b).

GM1 FCL.825(d) En Route Instrument Rating (EIR)

The Agency decided for clarity purposes to add a new GM1 FCL.825(d) referring to the detailed TK syllabus and LOs for the EIR contained in GM1 FCL.615(b).

AMC1 FCL.825(e) and (g) En Route Instrument Rating (EIR)

As per the NPA, a new AMC1 FCL.825(e) and (g) is added containing provisions for the issue, revalidation and renewal of the EIR. These provisions stipulate how to conduct the skill test or proficiency check, the applicable flight test tolerances and the content of the skill test or proficiency check.

AMC1 FCL.825(g)(2) En Route Instrument Rating (EIR)

Based on one reaction, the Agency decided to add a new AMC1 FCL.825(g)(2) clarifying the content of the training flight for the revalidation of an EIR. In general, the AMC highlights that the content of this flight is flexible and mainly to the discretion of the instructor. However, the AMC does specify that the conducted exercises should be based on the items normally conducted during a proficiency check and should take into account the experience level of the candidate. Furthermore, the Agency decided, based on the input received by another rulemaking group, to highlight the need to incorporate threat an error management (TEM) principles, to give more emphasis to decision making in certain situations, and in addition, based on one reaction to the CRD, to include a subsequent demonstration of a simulated diversion and instrument approach to an alternate aerodrome in the context of an emergency situation during the en route phase in IFR.

AMC1 FCL.825(h) En Route Instrument Rating (EIR)

Based on reactions received, the Agency added a new AMC1 to FCL.825(h) containing the details of the mandatory pre-entry assessment and the associated training record related to the instrument flight instruction received outside an ATO by an instructor having the privilege to instruct for the IR or EIR. The AMC clarifies that an ATO should make an assessment of the amount of flight time that may be credited and establish the training

needs of the candidate by using the EIR training syllabus as reference for the assessment. The AMC further specifies that the candidate should provide the ATO with a training record listing the completed exercises of the EIR syllabus, in addition to the details of the flight hours, aeroplane(s) used and instructor. The Agency received several concerns about the training conducted outside an ATO, notably concerns over the standard of the given training. The Agency would like to reiterate that it foresees that any such below standard performance would become apparent during the pre-entry assessment. The head of training (HT) has the final responsibility to determine the amount of crediting, and should inform his/her overseeing authority in the case of doubts about the competence of a particular instructor outside his/her ATO. The Agency also included a 5 year record keeping requirement, instead of 3 years, for consistency reasons based on reactions received.

AMC2 FCL.825(h) En Route Instrument Rating (EIR)

A new AMC2 FCL.825(h) specifying the requirements for the aeroplane used to instruct towards the EIR outside an ATO is added. The need for this AMC was determined by the Agency to ensure consistency with the requirements for aeroplanes used by an ATO already contained in AMC1 ORA.ATO.135.

AMC1 FCL.825(i) En Route Instrument Rating (EIR)

The Agency added a new AMC1 FCL.825(i) to clarify the crediting provisions towards the multi-engine EIR course on the basis of a third country IR(A) rating. The Agency identified that there was a need to clarify how the experience requirement of 25 hours of prior instrument flight time under an IR(A) issued by a third country in compliance with Annex 1 to the Chicago convention should be credited for holders of a multi-engine IR(A). In this case at least 4 of the 25 required hours as PIC should be completed in a multi-engine aeroplane to ensure consistency with the multi-engine EIR course.

AMC1 to Appendix 6 Modular training course for the IR

The Agency decided to amend the sub-heading of AMC1 to Appendix 6 to clarify that this AMC only applies to the other IR courses, except the CB-IR(A)

AMC2 to Appendix 6 Modular training course for the IR

The Agency decided to amend the AMC2 sub-heading for consistency specifying a Section A containing the provisions of the modular IR(A) training course. The Agency would like to clarify that a similar AMC containing flight exercises for the CB-IR(A) has not been developed.

AMC3 to Appendix 6 Modular training course for the IR

The Agency decided to add a new AMC3 for consistency, specifying sub-section Aa, containing the provisions of the TK instruction and examination for the CB-IR(A). As per the NPA, this AMC allows alternative instruction methods with a minimum amount of class room teaching as required by ORA.ATO.305. Furthermore, as already mentioned in the Opinion the 80 hours requirement was moved to rule level for consistency.

AMC4 to Appendix 6 Modular training course for the IR

As per the CRD, a new AMC4 is added to Appendix 6, sub-section Aa, containing the provisions on the instrument flight instruction and for aeroplanes and FSTDs to be used for training outside an ATO similar to the provisions contained in AMC1 ORA.ATO.135.

AMC5 to Appendix 6 Modular training course for the IR

The Agency, based on reactions received, decided to add a new AMC5 to Appendix 6, sub-section Aa, for (6)(a)(i) and (b)(i) to specify which ratings can be taken into account for the crediting of prior experience of flight time under IFR as PIC on aeroplanes towards the CB-IR(A) course. The provision clarifies that prior experience from an EIR rating, a national IR(A) rating prior to application of Commission Regulation (EU) No 1178/2011, an IR(A) from a third country in compliance with Annex 1 to the Chicago convention, or an authorisation issued by a MS under Article 4(8) to Commission Regulation (EU) No 1178/2011, as amended, can be taken into account. It was clarified that the amount of credit given should not exceed the amount of hours completed as instrument flight time.

AMC6 to Appendix 6 Modular training course for the IR

The Agency, based on reactions received, decided to add a new AMC6 to Appendix 6, sub-section Aa, for (6)(a)(ii) and (b)(ii) to specify which kind of prior instrument flight time under instruction should be credited towards the CB-IR(A) course. The provisions now take into account prior instrument flight time for instruction completed during an EIR course, during flight instruction for a national IR(A) prior to application of Commission Regulation (EU) No 1178/2011, an IR(A) from a third country in compliance with Annex 1 to the Chicago convention, or an authorisation issued by a MS under Article 4(8) to Commission Regulation (EU) No 1178/2011 as amended.

AMC7 to Appendix 6 Modular training course for the IR

As per the NPA, a new AMC7 to Appendix 6, sub-section Aa, for (6)(c) and (6)(d) is added further specifying the pre-entry assessment and training record requirements in case of training outside an ATO. This AMC uses the same principles as already explained for AMC1 to FCL.825(h) for the EIR above.

AMC8 to Appendix 6 Modular training course for the IR

The Agency, based on further review, decided to add a new AMC8 to Appendix 6, sub-section Aa, for 8(c) to clarify how the experience requirement of 50 hours of prior PIC instrument flight time experience under an IR(A) issued by a third country in compliance with Annex 1 to the Chicago convention should be fulfilled for holders of a multi-engine IR(A). In such case the 50 hours experience required to be credited in full towards the CB-IR should contain at least 15 hours instrument flight time on a multi-engine aeroplane. The Agency decided to require this to ensure consistency with the multi-engine CB-IR(A) course.

2.3.2 Sailplane Cloud Flying Rating

AMC1 FCL.830 Sailplane Cloud Flying Rating

As per the NPA, a new AMC1 FCL.830 is added containing the TK instruction and flight instruction provisions for the sailplane cloud flying rating.

AMC2 FCL.830 Sailplane Cloud Flying Rating

As per the NPA a new AMC2 FCL.830 detailing the skill test and proficiency check requirements was added. Based on one reaction, the Agency added the possibility to also conduct the skill test and proficiency check in a TMG in addition to sailplanes.

For the amended text, please refer to the Annex to this Decision.

3. References

3.1. Related regulations

Commission Regulation (EU) No 1178/2011⁵

3.2. Affected decisions

ED Decision 2011/016/R⁶.

3.3. Reference documents

ICAO Annex 1⁷.

⁵ Commission Regulation (EU) No 1178/2011 of 03/11/2011 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. 1-193); as last amended by Commission Regulation (EU) No 245/2014 of 13 March 2014 (OJ L 74/33 p.33).

⁶ ED Decision 2011/016/R of the Executive Director of the Agency of 12 December 2011 on Acceptable Means of Compliance and Guidance Material to Commission Regulation (EU) No 1178/2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008.

⁷ ICAO Annex 1 (Personnel Licencing) to the Convention on International Civil Aviation, signed at Chicago on 07 December 1944.