



Training outside approved training organisations

RELATED NPA: 2015-20¹ — RMT.0657 — 7.9.2016

EXECUTIVE SUMMARY

This Opinion addresses a proportionality issue related to training providers within the General Aviation (GA) domain, which deliver training for non-commercial pilot licences and associated ratings and certificates only. It takes into account the objectives of the General Aviation Road Map, as well as inputs from the task force established for this rulemaking task (RMT) (which comprised representatives from the GA community and competent authorities (CAs)) and the comments received both during the public consultation phase of NPA 2015-20 and after the dedicated workshop that took place in May 2016 with representatives from the EASA advisory bodies.

The specific objective of this RMT is to allow training for the issue of non-commercial pilot licences — in particular, light aircraft pilot licence (LAPL), private pilot licence (PPL), sailplane pilot licence (SPL) and balloon pilot licence (BPL), and associated ratings and certificates — to be delivered by means other than within an approved training organisation (ATO) certified in accordance with Annex VII (Part-ORA) to Commission Regulation (EU) No 1178/2011, whose provisions have been identified to suit large training organisations providing training for commercial licences but, at the same time, to be too demanding for small GA training providers mainly run by private flying clubs or even private individuals.

This Opinion proposes the introduction of a new Annex VIII (Part-DTO ‘Declared Training Organisations’) to Commission Regulation (EU) No 1178/2011 containing a regulatory framework which will allow training providers for the GA domain to deliver training for the above-mentioned licences, ratings and certificates without being approved as ATOs according to Part-ORA. Without seeking prior formal approval, a DTO can deliver training for non-commercial pilot licences once it has declared its training activities to the CA, giving detailed information about the organisation, its activities and the training programmes used. At any time DTOs will be required to comply with the requirements of Part-DTO, which also contains simplified provisions for internal compliance monitoring and safety management. During the declaration process, as well as while conducting oversight as part of a proportionate, risk- and performance-based oversight programme, the CA will be entitled to address any detected non-compliances by requesting supplemental information or corrective action and, finally, by taking appropriate enforcement measures including limiting or prohibiting, if necessary, the training activities.

The proposed changes are expected to relieve GA training providers — a need that was identified in the General Aviation Road Map.

¹ As explained in Section 1.1., the related CRD to NPA 2015-20 will be published at a later stage.

| Applicability | | Process map | |
|-------------------------------------|---|---|---------------------|
| Affected regulations and decisions: | Commission Regulation (EU) No 1178/2011; ED Decision 2011/016/R; ED Decision 2012/006/R | Concept paper: | No |
| Affected stakeholders: | Pilots; operators; ATOs; CAs | Rulemaking group: | No, only task force |
| Driver/origin: | Efficiency/proportionality | RIA type: | Light |
| Reference: | General Aviation Road Map | Technical consultation during NPA drafting: | N/A |
| | | Publication date of the NPA: | 18.12.2015 |
| | | Duration of NPA consultation: | 2 months |
| | | Review group: | No |
| | | Focused consultation: | Workshop |
| | | Publication date of the Decision: | 2017/Q3 |



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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 this Opinion in line with Regulation (EC) No 216/2008² (hereinafter referred to as the 'Basic Regulation') and the Rulemaking Procedure³.

This rulemaking activity is included in the Agency's Rulemaking Programme for 2016–2020⁴ under RMT.0657. The scope and timescales of the task were defined in the related Terms of Reference (see process map on the title page).

The draft text of this Opinion has been developed by the Agency based on the input of the 'Training outside ATO' task force⁵ (hereinafter referred to as 'TF'). All interested parties were consulted through NPA 2015-20^{6,7}. 1 193 comments were received from interested parties, including industry and CAs. In addition, on 19 May 2016 a workshop was held at the Agency involving representatives from its advisory bodies (TAG, SSCC and GA Sub-SSCC), where a revised concept was presented reflecting the comments received during the NPA public consultation period. The comments received from the participants after the workshop were also taken into consideration. Finally, the revised concept was also presented at a Technical Body (TeB) meeting held at the Agency on 21 June 2016, at a Member States Advisory Body (MAB) meeting held in Brussels on 29 June 2016, and at a General Aviation (GA) TeB & GA Sub-SSCC meeting held at the Agency on 7 July 2016. Feedback from the meeting participants was taken into consideration for the finalisation of the draft implementing rules (IRs) as well as acceptable means of compliance (AMC) and guidance material (GM).

The Agency has addressed and responded to the comments received on the NPA and to the additional comments received after the above-mentioned workshop. The comments received, and the Agency's responses thereto, are presented in the Comment-Response Document (CRD) 2015-20, which will be published at a later stage.

The final text of this Opinion (i.e. Explanatory Note, draft cover regulation and annex) has been developed by the Agency based on the input of the above-mentioned TF and of internal reviews.

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

² Regulation (EC) No 216/2008 of the European Parliament and the of 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).

³ 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 No 01-2012 of 13 March 2013 concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications and guidance material.

⁴ <https://www.easa.europa.eu/system/files/dfu/Final%20RMP%202016-2020%20v6%2020151210.pdf>

⁵ See Chapter 5 of ToR RMT.0657 Issue 1 (<https://www.easa.europa.eu/system/files/dfu/ToR%20RMT.0657%20Issue%201.pdf>).

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

⁷ NPA 2015-20 'Review of the Aircrew Regulation in order to provide a system for private pilot training outside approved training organisations, and of the associated acceptable means of compliance and guidance material (<https://www.easa.europa.eu/system/files/dfu/NPA%202015-20.pdf>).



1.2. The structure of this Opinion and related documents

Chapter 1 contains the procedural information related to this task. Chapter 2 'Explanatory Note' explains the core technical content and provides an overview of the outcome of the public consultation and its impact on the development of the final draft rule text including a summary of the regulatory impact assessment (RIA), and finally an overview of the final draft rule text. Chapter 3 'References' lists the affected regulations and decisions as well as the reference documents. The draft rule text proposed by the Agency is published on its website⁸.

1.3. The next steps in the procedure

This Opinion contains proposed amendments to Commission Regulation (EU) No 1178/2011 (hereinafter referred to as the 'Aircrew Regulation'). The Opinion is addressed to the European Commission, which shall use it as a technical basis to prepare a legislative proposal.

The Decision containing the related AMC and GM will be published by the Agency once the related IRs are adopted by the European Commission.

⁸ <https://www.easa.europa.eu/document-library/opinions>



2. Explanatory Note

2.1. Issues to be addressed

- 2.2.1.** The major goal of the Agency's General Aviation Road Map is to work towards simpler, lighter and better rules for GA. During the transition from registered facilities (RFs) to the ATO status, many stakeholders repeatedly reported that a training system which consists only of ATOs is not the best and most proportionate way to deliver training towards the full range of non-commercial Part-FCL pilot licences (i.e. LAPL, PPL, SPL and BPL).
- 2.2.2.** With the current Aircrew Regulation, the only available option for a new organisation aiming to provide training towards a Part-FCL licence, rating or certificate is to apply for a training school approval. The requirements related to ATOs are included in Annex VII (Part-ORA) to the Aircrew Regulation. Subpart GEN of Part-ORA establishes the general requirements for training organisations and in particular defines the requirements for a management system. Subpart ATO of Part-ORA complements the general requirements with specific provisions for organisations providing training. ATOs providing only training for non-commercial pilot licences are by default considered non-complex organisations, which means that they would be provided with some relief regarding their management system as outlined in the respective parts of the AMC to Part-ORA⁹.
- 2.2.3.** The GA community expressed major concerns about the burden that those requirements represent, from an administrative and economic point of view, for this non-profit sector providing training mainly for Part-FCL non-commercial pilot licences. The current Aircrew Regulation negatively impacts the GA training activities mainly run by volunteers. If private pilots are discouraged by the burden and complexity of the European system, some may elect to revert to other leisure activities, which in turn may affect the European business case.
- 2.2.4.** Recognising the need to consider alternative rules for the training for private pilot licences, in October 2014 the Agency put forward a proposal to the EASA Committee to amend the Aircrew Regulation by introducing another option for the training for private pilot licences, which would be to train private pilots outside ATOs. The EASA Committee endorsed the Agency's proposal, and the European Commission, the European Union (EU) Member States (MSs) and the Agency agreed (as it is already reflected in Commission Regulation (EU) 2015/445¹⁰) to allow MSs to postpone until 8 April 2018 the implementation of the rules for ATOs that provide only training for LAPL, PPL, SPL and BPL, as well as for the associated ratings and certificates. This derogation was proposed in order to provide sufficient time for the development, consultation and presentation of an opinion on this subject.
- 2.2.5.** The aim of NPA 2014-28¹¹ (published on 8 December 2014) to simplify and improve the proportionality of the Part-ORA requirements for non-complex ATOs did not meet the expectations of neither non-complex ATOs providing LAPL/PPL training nor GA non-commercial training organisations as the

⁹ Decision N° 2012/007/Directorate R of the Executive Director of the Agency of 19th April 2012 on Acceptable Means of Compliance and Guidance Material to 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 ('Acceptable Means of Compliance and Guidance Material to Part-ORA'), as amended.

¹⁰ Commission Regulation (EU) 2015/445 of 17 March 2015 amending Regulation (EU) No 1178/2011 as regards technical requirements and administrative procedures related to civil aviation aircrew (OJ L 74, 18.3.2015, p. 1).

¹¹ https://www.easa.europa.eu/system/files/dfu/NPA%202014-28_0.pdf



principles of ATO approval were not changed. Therefore, RMT.0657 (including the establishment of the related TF) was launched with the aim to propose a new concept to address this issue.

- 2.2.6.** During the work of the TF and the NPA drafting process, the initially proposed concept of registered training organisations (RTOs) was expected to cause a conflict with the current Basic Regulation, which requires training organisations to be approved instead of registered. Therefore, the Agency, following consultation with the RMT.0657 TF and the GA project team, decided to propose the basic training organisation (BTO) concept. This concept, as presented in NPA 2015-20, reverted to the approval concept; however, the BTO approval concept was based on a regulatory framework whose requirements were significantly alleviative compared to those of Part-ORA and was, therefore, considered a ‘light’ approval.
- 2.2.7.** NPA 2015-20, which was publicly consulted from 18 December 2015 until 29 February 2016, contained the following elements:
- A new Annex VIII (Part-BTO) to the Aircrew Regulation to introduce BTO as a new option to establish a ‘light’ approved training organisation for delivering Part-FCL training for non-commercial licences and associated ratings and certificates;
 - Amendments to Annex VI (Part-ARA) to the Aircrew Regulation to amend existing paragraphs and to introduce additional paragraphs for providing requirements for both approval and oversight with regard to BTOs;
 - Amendments to Annex I (Part-FCL) to the Aircrew Regulation to amend several paragraphs to allow training for non-commercial licences and associated ratings and certificates to be delivered also by BTOs;
 - Amendments to ED Decision 2011/016/R (AMC and GM to Part-FCL) to allow refresher training for the renewal of some ratings typically used in GA to be delivered also by BTOs and individual instructors;
 - Amendments to ED Decision 2011/006/R (AMC and GM to Part-ARA) to provide additional AMC and GM for approval and oversight with regard to BTOs.
- 2.2.8.** As explained in detail in Section 2.3, the concept presented in NPA 2015-20 received a lot of critical comments during the public consultation period. Therefore, the overall concept was internally reviewed by the Agency together with the TF members. Taking into account the comments received as well as the upcoming amendments to the Basic Regulation, the Agency finally decided to revise the concept and to replace ‘light’ approval (as foreseen in the draft rule text contained in NPA 2015-20) with ‘declaration’ — a concept already known from Commission Regulation (EU) No 965/2012¹². Following this new concept, GA training providers would be required to submit a declaration to the CA instead of seeking prior approval. Apart from this conceptual change, the technical requirements (as contained in NPA 2015-20) were slightly revised to take into account several comments received and to clarify several ambiguities.
- 2.2.9.** The new concept of declared training organisations (DTOs) was presented to the Agency’s advisory bodies (TeBs, SCCC, GA Sub-SSCC) at the workshop on ‘Training outside ATO’ (held at EASA on

¹² Article 1(3) of Commission Regulation (EU) No 965/2012. For consistency reasons, it was decided not to take up the ‘registration’ concept (given as one of the options in NPA 2015-20), but to develop the revised draft following the already existing ‘declaration’ concept.



19 May 2016), hereinafter referred to as the ‘Workshop’, where additional comments on the new text proposals were made by the participants during and after the Workshop. These comments, as well as further feedback received following the presentation of the DTO concept at the events mentioned in Section 1.1., were also taken into consideration when preparing the final draft IR and AMC/GM text.

Details on the most important comments received during the public consultation phase and also during the Workshop, as well as their effect on the resulting concept, can be found in Section 2.3. An overview of the proposed new concept and the respective amendments to the Aircrew Regulation can be found in Section 2.5.

2.2.10. During the final revision and preparation of the draft rule text, it was decided to renumber the provisions of the new Part-DTO in order to be consistent with the numbering system of Part-ORA. In this way, also the sequence of the provisions was changed in a few cases. In the following chapters, references starting with ‘BTO.GEN.XXX’ refer to the numbering system as shown in NPA 2015-20, while references starting with ‘DTO.GEN.XXX’ refer to the new numbering. The following table illustrates which provisions have been renumbered and in which way.

| Topic | Old numbering (NPA 2015-20) | New numbering (Opinion No 11/2016) |
|--|--|---|
| General | BTO.GEN.100 | DTO.GEN.100 |
| Competent authority | BTO.GEN.110 | DTO.GEN.105 |
| Scope | BTO.GEN.120 | DTO.GEN.110 |
| Declaration process | BTO.GEN.130 | DTO.GEN.115 |
| Means of compliance | <i>not part of NPA</i> | DTO.GEN.120 |
| Scope and privileges | BTO.GEN.140 | DTO.GEN.125 |
| Exercise of training activities | BTO.GEN.170 | DTO.GEN.135 |
| Access | BTO.GEN.150 | DTO.GEN.140 |
| Findings | BTO.GEN.160 | DTO.GEN.150 |
| Immediate reaction to a safety problem | BTO.GEN.180 | DTO.GEN.155 |
| Occurrence reporting | <i>not part of NPA</i> | DTO.GEN.160 |
| Personnel requirements | BTO.GEN.200 | DTO.GEN.210 |
| Record-keeping | BTO.GEN.220 | DTO.GEN.220 |
| Training programme | BTO.GEN.230 | DTO.GEN.230 |
| Training aircraft and FSTD | BTO.GEN.240 | DTO.GEN.240 |
| Aerodromes and operation sites | BTO.GEN.250 | DTO.GEN.250 |
| Facility requirements | BTO.GEN.255 | DTO.GEN.255 |
| Theoretical knowledge instruction | BTO.GEN.260 | DTO.GEN.260 |
| Annual internal review and activity report | BTO.GEN.210 | DTO.GEN.270 |



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 achievement of the overall objectives by addressing the issues outlined in Section 2.1, taking into account the outcome of the consultation as outlined in Section 2.3 and the subsequent revision described in Section 2.1.8. The specific objective of this proposal is, therefore, to provide a more proportionate regulatory framework for GA training providers to allow them deliver training for non-commercial licences and associated ratings and certificates without seeking prior approval.

2.3. Outcome of the public consultation

2.3.1. General

During the public consultation phase of NPA 2015-20, which proposed the introduction of the BTO concept as outlined in Section 2.1.7, almost 1 200 comments were received by representatives from GA industry, training organisations and CAs. Summaries of the main issues and major concerns raised, as well as their consideration for the development of this Opinion are provided in the following sections.

2.3.2. RTOs or BTOs?¹³

2.3.2.1. Comments in favour of RTOs instead of BTOs

Many commenters objected to the change from the RTO to the BTO concept (see Section 2.1.6) by stating that the RTO concept, which was basically intended to allow the continuation of RFs as established under the JAR requirements, would meet the needs of GA training providers in a much better way than another category of training organisation still requiring 'prior approval'. The content of the NPA itself was criticised for being a controversial mixture of registration and oversight procedures, resulting in a legal framework with some major legal issues; it was criticised, for example, that a BTO would be entitled to commence training activities even before the CA issues the approval certificate and after checking the BTO application form just for completeness but not for compliance. A pure completeness check was highlighted to be not sufficient for the subsequent issue of a certificate.

In addition, comments and also the discussions in the TF showed that unlike the BTO concept a pure registration procedure, as foreseen in the RTO concept, is believed to consequently require 'light' oversight activities only which is more appropriate to GA industry (see also Section 2.3.3).

Some commenters also claimed that if the Basic Regulation is to be interpreted in such a way that a registered organisation would indeed not be possible, the deferral of the application of Part-ARA and Part-ORA to pilot training organisations for non-commercial licences¹⁴ should be provided for until the Basic Regulation is revised in order to allow the RTO concept to be adopted. If the BTO concept is adopted now, a later change to the RTO concept should be foreseen subject to later amendments to the Basic Regulation.

2.3.2.2. Comments supporting the BTO concept with adaptations

¹³ Please see also Section 2.4 'Summary of the regulatory impact assessment (RIA)'.

¹⁴ See Article 10a(3) 'Pilot training organisations' of Commission Regulation (EU) No 1178/2011: Deferral of the application of Part-ARA and Part-ORA to pilot training organisations providing training for non-commercial licences shall be allowed until 8 April 2018.



Many commenters supported in general the BTO concept and the idea to introduce an easily accessible 'light' approval for GA training providers, but still called for adaptations to the proposed text of the NPA. Also supportive comments highlighted the controversial mixture of registration and certification procedures (see above), and called for respective clarification in order to prevent legal issues when applying the new rules. It was also highlighted that there should be a clear separation between the 'light' BTO approval and the existing ATO approval, and that appropriate transitional measures should be put in place in order to ensure a smooth transition from existing RFs (JAR) to the new BTOs.

2.3.2.3. Consideration of the comments

As already outlined in Section 2.1.8, in reaction to the critical comments and after revising the whole concept internally and together with the TF, it was decided to discontinue the BTO concept. Taking into account future possibilities deriving from the upcoming amendments to the Basic Regulation as well as the comments reflecting the needs of the GA training sector, it was decided to replace the BTO concept with the new DTO concept. The institution of declarations is already known within the EU aviation regulatory framework¹⁵ and was deemed to be the best solution to be introduced for the GA FCL training domain: training providers for non-commercial licences and associated ratings and certificates will not be required to seek prior approval, but they will only need to submit a detailed declaration to the CA prior to starting their training activities on their own responsibility for ensuring the provision of training in accordance with all applicable requirements. Subsequently, the information contained in the declaration and the training programmes will be checked for compliance as part of the continuing oversight process. The respective provisions in the proposed rule text (mainly former ARA.BTO.100, ARA.BTO.110 and BTO.GEN.130; current ARA.DTO.100, ARA.DTO.110 and DTO.GEN.115 respectively) have been reworded accordingly, taking also into consideration consistency with the provisions on declarations referred to in Commission Regulation (EU) No 965/2012. By doing so, the controversies highlighted in the comments with regard to the controversial mixture of elements from approval and registration procedures are resolved.

With regard to the above-mentioned comments (see Section 2.3.2.1) expecting a registration process to result in a 'lighter' oversight activity in comparison to an approval process, it has to be highlighted that training activity in any case needs to be subject to appropriate oversight by the MSs¹⁶. In case of training activities not requiring prior approval, where the CA will not check the compliance of the organisational structure of the training provider before the organisation commences its training activity, oversight activities become even more important. This is reflected by a change in the wording of DTO.GEN.140 (former BTO.GEN.150) (see Section 2.3.3 below).

In order to allow already existing ATOs providing training for non-commercial licences and associated ratings and certificates to continue their activity, even after the introduction of the DTO concept, their training scope should remain unchanged. However, by having an approval requirement for ATOs on the one hand and a declaration requirement for DTOs on the other hand, a clear separation of these two types of training organisations is ensured. At the same time, training providers for non-commercial licences have the freedom of choice whether they want to carry out their activity within the ATO or the DTO regulatory framework.

¹⁵ Commission Regulation (EU) No 965/2012.

¹⁶ See Article 10 'Oversight and enforcement' of Regulation (EC) No 216/2008.



Finally, transitional provisions have been developed to ensure a smooth transition to the new requirements for training providers being registered as RFs under the JAR requirements as well as for ATOs for non-commercial licences which wish to convert to the DTO concept (see proposed amendments to Article 10a of the Aircrew Regulation).

2.3.3. Level of oversight required for BTOs

2.3.3.1. Comments received

The requirements for the oversight programme with regard to BTOs to be 'proportionate' (new point (f) to ARA.GEN.305), and not as rigid as the ATO's oversight programme, was massively supported.

In addition, with regard to the proposed BTO.GEN.150 which requires a BTO to grant access to the CA 'for the purpose of determining whether the BTO establishes and maintains an acceptable level of safety', several commenters highlighted that indeed the CA should only be allowed to access the BTO in case of severe safety issues or poor audit records. The proposed internal review instead of regular audits by the CA (BTO.GEN.210) was also supported.

On the contrary, with regard to BTO.GEN.150, one comment pointed out that the CA should also be allowed to access a BTO to verify compliance with the applicable requirements, which is assumed to be fundamental to the work of an authority responsible for oversight.

During the Workshop, representatives from CAs expressed some concerns with regard to the lack of any parameter or guidance on the frequency of inspections to be conducted. The absence of any standard could lead to huge differences in the oversight 'philosophy' and in the related frequency and level of inspections conducted among the MSs. Additionally, without any standards — except the only requirement for the oversight activity to be 'proportionate' (which was identified to be an undefined and therefore problematic term), MSs and the respective CAs could be found legally severely liable when challenged for example in court cases to prove that they have conducted sufficient oversight in order to prevent non-compliances leading to an accident.

2.3.3.2. Consideration of the comments

Taking into account all the comments and the concerns raised during the Workshop, the draft provisions on oversight were reviewed, also taking into consideration the oversight provisions with regard to declared operators laid down in Regulation (EU) No 965/2012. As a consequence, ARA.GEN.305(f) as well as the associated draft AMC/GM were totally revised.

The term 'proportionate' was deleted from ARA.GEN.305(f), as the remaining wording already clarifies the intention of the rule to adapt the oversight programme to the individual needs of a particular training organisation. Using an additional undefined term was identified not to add any value in this regard.

Additionally, the draft AMC to ARA.GEN.305(f) was revised completely to provide minimum standards and more guidance on the development of an oversight programme, similar to AMC1 ARO.GEN.305(d). During the revision, the new AMC1 ARA.GEN.305(f) point (f) was drafted in such a way so as to provide for alleviations for CAs with regard to the transition phase from JAR-registered facilities, ATOs or even national training organisations (for sailplanes and balloons) to the new DTO regulatory framework.



As a consequence of these changes to ARA.GEN.305(f) and to related AMC, DTO.GEN.270 (former BTO.GEN.210) on the annual internal review also had to be revised. In return for the simplified access for becoming a training provider, a DTO should be required to submit various information to the CA as part of the oversight system. DTO.GEN.270 now requires a DTO to submit a copy of the annual internal review to the CA by default, and not only on request by the CA. Additionally, a DTO is required to establish and submit to the CA an annual activity report for providing the CA with information that it needed for the oversight planning. AMC has been developed to specify the minimum content of such a report.

The wording of DTO.GEN.140 (former BTO.GEN.150) was discussed within the TF, and it was finally decided to reword it in order to allow CAs to request access to a DTO also for the purpose of determining whether the DTO complies with the applicable requirements, as it cannot be justified why DTOs — unlike ATOs — should be ‘protected’ from access by the CA for the purpose of conducting oversight with regard to checking compliance with the applicable requirements.

2.3.4. Level of safety management required

2.3.4.1. Comments received

Many commenters focused on the level of safety management required for BTOs in the proposed rule text and opposed to the use of undefined terms such as ‘safety awareness culture’ and ‘safety philosophy and principles’ in BTO.GEN.190(b), which could lead to misinterpretation and application issues. While BTO.GEN.130 was requiring a declaration referring to the safety policy only, other provisions (BTO.GEN.190(b) and related AMC; GM2 ARA.GEN.305(f) point (b)) seemed to reintroduce parts of a rather sophisticated safety management system. A safety policy ‘statement’ should not need to contain ‘safety philosophy and principles’ (BTO.GEN.190(b)), but only a commitment to the safety policy; the latter should be required to describe how the BTO ensures an appropriate safety level.

As already mentioned in Section 2.3.3.1, the annual internal review (also focusing on safety management issues) was strongly supported.

2.3.4.2. Consideration of the comments

The paragraphs addressing safety management within the new DTO have been revised in order not to use undefined terms. DTO.GEN.210(a)(2) (former BTO.GEN.190(b)) requires the DTO (the representative) to develop a safety policy which shall include appropriate measures to achieve the objectives of this safety policy. With AMC1 DTO.GEN.210, the Agency plans to further describe the minimum content of the safety policy.

2.3.5. Training scope

2.3.5.1. Comments received

Many commenters postulated the extension of the training scope of a BTO, as set out in BTO.GEN.120, e.g. for training towards IR, CBIR and en-route IR, as well as for instructor and examiner certificates also for aeroplanes and helicopters and additional class and type ratings (MEP, SET).

One comment proposed to limit the training scope of a BTO as regards the number of training sites and number of students at the same time to one single category of aircraft.



Finally, several commenters highlighted that BTO.GEN.120 in the case of sailplanes and balloons lists some training for which Part-FCL itself does not require the involvement of a training organisation (ATO) at all, but the current wording of BTO.GEN.120 seems to do so.

2.3.5.2. Consideration of the comments

The comments received and the question whether the training scope of a DTO (former BTO) should be extended to further ratings were discussed with external and internal experts as well as with the TF.

It was finally decided to lift the limitation to single-engine piston helicopters, as the general intention was to extend the DTO training scope to include also those licences and ratings which are mainly used in GA. For helicopters, where no class ratings exist, a limitation to single-engine piston helicopters was identified to be too restrictive. However, a limitation to the seating configuration still remains in the rule.

With regard to the proposals to further extend the DTO training scope, it was decided not to extend it as set out in DTO.GEN.110 (former BTO.GEN.120), as the overall concept is about lowering the level of oversight processes in return for a training scope limited to the GA core activities. Further information will be provided in the responses to the respective comments in the related CRD 2015-20. However, the implementation of this new concept and of Part-DTO will be carefully monitored to evaluate, at a later stage, whether the training scope could be extended to further ratings.

Although further limitations regarding the number of operating sites and students trained in parallel or the category of aircraft were not intended to be put in place, these issues were brought up again during the Workshop. Following another internal review, it was decided to limit aeroplane and helicopter training delivered by a DTO to a maximum of two aerodromes, as delivering training on more than two aerodromes in parallel with these aircraft would require a complex organisational set-up which a DTO cannot be required to have. It was further decided not to limit the maximum number of students to be trained in parallel; however, additional GM related to DTO.GEN.210 (former BTO.GEN.190) has been developed to provide guidance on the recommended maximum ratio of instructors and students. Finally, a DTO will not be limited to a single category of aircraft, and additional AMC will require DTOs providing training for different aircraft categories to nominate deputy heads of training (HTs) to cover all training courses.

With regard to the trainings listed in DTO.GEN.110 (former BTO.GEN.120), for which Part-FCL itself does not require the involvement of a training organisation at all, it was finally decided not to change the wording of DTO.GEN.110 (former BTO.GEN.120) because this provision is intended to show the full scope of training which can be delivered at a DTO. However, a new GM (GM1 DTO.GEN.110) has been created to clarify that when Part-FCL does not require the involvement of a training organisation, these training activities can of course still take place outside an organisation.

2.3.6. Training outside the Member States (MSs)

2.3.6.1. Comments received

With regard to BTO.GEN.110, some commenters opposed the intention to allow BTOs to be established outside the MSs. In addition, the use of the undefined term 'principal place of activity' instead of the existing term 'principal place of business' was criticised.



2.3.6.2. Consideration of the comments

DTO.GEN.105 (former BTO.GEN.110) was reworded to use the term 'principal place of business'. After discussion with the TF, it was also decided not to allow DTOs to be established outside the territory of the MSs as the higher level of oversight with regard to organisations established in third countries is not in line with the overall concept of having a lower level of mandatory oversight.

2.3.7. Personnel requirements

2.3.7.1. Comments received

Some commenters pointed out that the rules on the personnel structure of a BTO (BTO.GEN.190 and BTO.GEN.200 including the associated AMC and GM) must be clarified, especially with regard to the safety accountability. It was also recommended that the rule should mandatorily require a BTO to nominate an HT, which in the NPA was only foreseen as being optional in the proposed AMC. Additionally, some commenters recommended to delete the position of safety advisers from the draft AMC, as there is no respective requirement in the draft IR.

2.3.7.2. Consideration of the comments

The text originally proposed in BTO.GEN.200 was completely revised. By doing so, it was also decided to merge the texts of former BTO.GEN.190 and BTO.GEN.200 into a new DTO.GEN.210 in order to avoid duplication of text. The new DTO.GEN.210 now clearly requires a DTO to designate a representative and an HT, clearly defining their responsibilities. It has further been decided to delete the safety advisers from the draft AMC text following commenters' recommendations. The organisational set-up under the representative and the HT will be completely at the discretion of the DTO, while the responsibilities (as defined in DTO.GEN.210) will remain with these two positions in any case. Consequently, the associated draft AMC and GM proposed with NPA 2015-20 have been revised.

2.3.8. Record-keeping principles

2.3.8.1. Comments received

The proposed provision in BTO.GEN.220 was highly supported by commenters, who obviously understood that records of training courses must be systematically created and stored only once the training course is completed, as creating training records after each training session is considered excessive bureaucratic burden on small GA training organisations.

With regard to record-keeping, some other commenters postulated to require BTOs to keep the same records as ATOs do, as for example information on expiry dates of medical certificates of flight students is seen as vital information which a training organisation should be aware of.

2.3.8.2. Consideration of the comments

The text in BTO.GEN.220 is basically the same with the text given in ORA.ATO.120, which has always been understood that training records must be created and kept throughout the course (NB: 'progress reports'), and not only after its completion. In order to avoid misinterpretation, and after having discussed this issue with the TF, the text now proposed in DTO.GEN.220 has been adapted



respectively. For consistency reasons, this Opinion proposes in addition to amend ORA.ATO.120 in the same way.

Following internal discussions, it was decided to amend the new DTO.GEN.220 in such a way to indicate that also a DTO will be required to keep records of licences and ratings of the students, including expiry dates of their ratings and medical certificates. This was done because such information is necessary for a DTO to ensure that training will not be provided to students whose ratings or medical certificates have expired.

2.3.9. Training programme and manuals

2.3.9.1. Comments received

Some commenters supported the fact that the NPA does not propose mandatory training and operations manuals. In this regard, even the proposed GM containing a recommendation to have such manuals was criticised. On the contrary, some other commenters highlighted the need for both training and operations manual as a basis for verifying compliance of the organisation with the applicable requirements.

2.3.9.2. Consideration of the comments

The question whether this new category of training organisation should be required to have operations and training manuals in place was the subject of long discussions within the Agency and with the TF. It was finally concluded that a full set of organisational documentation that would require prior approval does not fit with the new concept of training organisations, which they do not need prior approval at all. However, it was also decided that, with regard to the competencies of examiners and their role in the field of flight crew licensing, standardisation courses and refresher seminars for examiners (as foreseen for sailplanes and balloons) should not take place without prior approval. DTO.GEN.110 (former BTO.GEN.120) has been, therefore, reworded to require prior approval of the training programme in these cases. This change was done in order to strengthen the position of the CAs in this area. It has to be highlighted in this context that the approval of such training programme will not constitute an approval of the training organisation itself.

In general, the draft GM1 and GM2 to BTO.GEN.190 in the NPA (now GM4 and GM5 to DTO.GEN.210) have been reworded in such a way that the recommendation to have manuals in place is deleted — however, a simple reference to Part-ORA AMC is given in case a DTO wishes to develop respective documentation. Furthermore, an additional AMC to DTO.GEN.230 (former BTO.GEN.230) is developed on the minimum content of the training programme, which needs to be submitted to the CA with the declaration. The Agency will also consider the development of AMC or GM on standard training programmes, and competent authorities may publish standard training programmes to assist training organisations and to promote training standards (new ARA.DTO.115).



2.3.10. Operating sites for balloons

2.3.10.1. Comments received

As regards the balloons domain, many commenters opposed the proposed text in BTO.GEN.250 on aerodromes and operating sites for providing flight training by outlining that balloon operations just require a grassy field chosen by the instructor. A rule requiring 'aerodromes and operating sites' would therefore not make sense.

2.3.10.2. Consideration of the comments

Alike ORA.ATO.140, DTO.GEN.250 (former BTO.GEN.250) constitutes a very general provision on the infrastructure of a training organisation. For consistency reasons, and after an internal review, it has been decided to leave the proposed text unchanged. However, the Agency intends to create an AMC similar to AMC1 ORA.ATO.140 to provide more detailed information on the minimum infrastructure required while exempting balloon training organisations from these provisions.

2.3.11. Training personnel, aircraft fleet and maintenance

2.3.11.1. Comments received

Within the balloon domain, many commenters apparently understood BTO.GEN.240 in such a way that a BTO would be required to own the aircraft used for providing flight training. It was argued that in most cases balloons are not owned by the training organisation but either by the instructor or the student, and therefore BTO.GEN.240 would not be in line with the needs of balloon training activities. A BTO should neither be required to own the training aircraft nor be responsible for its paperwork (airworthiness certificates, insurance, etc.).

Comments on NPA 2015-20 and also during the Workshop with regard to BTO.GEN.130 (now DTO.GEN.115) and related AMC claimed that the DTO declaration should also encompass a list of all training aircraft to be used by the DTO for the purpose of providing training.

2.3.11.2. Consideration of the comments

Neither the proposed text in DTO.GEN.240 (former BTO.GEN.240) nor the already existing text in ORA.ATO.135(a), which is basically worded in the same way, require that the aircraft used for training have to be owned by the training organisation. The training organisation is just required to use an adequate fleet of aircraft allowing for either owning or leasing aircraft or even using aircraft owned by a flight student. After discussion with the TF, it was decided on the one hand to keep the text proposed in DTO.GEN.240 (former BTO.GEN.240) for consistency reasons, and on the other hand to develop GM to clarify that owning the aircraft fleet is not required by the rule text and that, in any case, the training organisation will remain responsible for using airworthy and appropriately equipped and certified aircraft and flight simulation training devices (FSTDs) for the particular training courses.

The question whether a list of training aircraft should be part of the DTO declaration was discussed internally. Requiring to list all training aircraft in the declaration would mean that changes in the DTO aircraft fleet would need to be notified to the CA, which was identified not to add any value. DTO.GEN.115(a)(5) (former BTO.GEN.130(b)(6)) has been amended to require a list of all training aircraft and, at the same time, the DTO declaration form contained in the newly developed Appendix I



to Part-DTO (see Section 0. below) will clarify that only aircraft models need to be listed (e.g. C172, R44), as this information will be necessary for the subsequent verification of the training programme for compliance with Part-FCL. A detailed list of all training aircraft used (including registration) will need to be included in the annual activity report (DTO.GEN.270(b) and related AMC). This solution is believed to reduce the administrative burden on DTOs when exchanging training aircraft of the same model, as in such case it will not be necessary to notify the CAs.

2.3.12. Distance learning for BTOs

2.3.12.1. Comments received

While some commenters criticised BTO.GEN.260 for allowing too much and strongly recommended to foresee the same requirements for distance learning for all categories of training organisations, a lot of commenters supported the idea of distance learning for BTOs but still opposed the mandatory classroom element. According to these comments, BTOs should be granted more flexibility for providing theoretical knowledge instruction, e.g. for allowing self-study as well as one-to-one instruction (one instructor with one student) outside the traditional classroom environment.

2.3.12.2. Consideration of the comments

The above-mentioned comments and possible solutions were intensively discussed with the TF. Taking into account the overall objective to simplify the legal framework for delivering training within the GA domain, it was finally decided to remove the mandatory classroom element. According to a slightly changed wording of DTO.GEN.260 (former BTO.GEN.260), DTOs may provide theoretical knowledge instruction either on-site (classroom or one-to-one instruction) or through distance learning. In a new subparagraph (b) it is highlighted that the DTO is obliged to monitor the students' progress respectively.

2.3.13. Recommendations for theoretical knowledge examination

2.3.13.1. Comments received

Many comments received on FCL.025 and on AMC1 FCL.115 and FCL.120 argued that there is no need for a training organisation to undertake a 'pre-examination' with a student before recommending them for the theoretical knowledge examination. Additionally, instead of being recommended for taking the exams, the student should decide at their discretion ('self-assessment') whether they are ready; a recommendation in general is not needed. Some other commenters opposed the extension of the validity period of the recommendation from 12 to 24 months. Similar concerns were also raised during the Workshop.

2.3.13.2. Consideration of the comments

It is known to be 'best practice' for training organisations today to conduct a 'pre-examination' by simulating the real exams using multiple-choice questions before recommending a student for the theoretical knowledge examination. However, it has to be clarified that neither FCL.025 nor the above-mentioned AMC explicitly require a training organisation to conduct such a 'pre-examination' with the student. It is up to the training organisation to decide about the procedure to be applied in order to issue a recommendation for the theoretical knowledge examinations. A training organisation may



ensure sufficient training also by other means. Taking this into account, and after discussion with the TF, it was decided not to change the text in FCL.025, nor in the above-mentioned AMC, in this regard.

However, following respective discussions and an internal review, and also taking into account the critical comments received on this issue, it was finally decided to delete the proposed extension of the validity period of the recommendation from 12 to 24 months. Already the 12-month validity period, as foreseen in the current rule, is quite a long time, and one could see no reason to extend this time frame.

FCL.025 was decided to be reviewed by the upcoming RMT.0678 ('Simpler, lighter and better Part-FCL requirements for general aviation'), taking into consideration the comments received on NPA 2015-20 on different other issues related to this provision.

2.3.14. Renewal of class and type ratings at BTOs

2.3.14.1. Comments received

Some commenters claimed that refresher training for the renewal of class ratings at BTOs should be possible for further classes and types not mentioned in the proposed new AMC2 and GM1 FCL.740(b)(1), such as touring motor gliders (TMGs), single-engine high-performance (HP) aeroplanes, multi-engine piston aeroplanes, and single-engine helicopters. Furthermore, regarding the ratings for which a BTO would be entitled to offer initial training (e.g. single-engine piston (aeroplane) (SEP(A))), a limitation to provide refresher training for renewal only in cases where the rating has expired for less than 3 years would not make sense. One commenter even suggested to delete GM1 FCL.740(b)(1) as its wording was claimed not to be fully consistent with AMC1 and AMC2 FCL.740(b)(1), and these AMC would already cover the possibility to determine that no refresher training is needed at all.

2.3.14.2. Consideration of the comments

The proposed text for the above-mentioned AMC has been amended to include TMGs and certain single-engine type ratings for helicopters (no general limitation to piston engines for helicopters; see 2.3.5.2). It was decided, after consultation with the TF, not to extend the scope for further ratings, as this would not be in line with the overall concept of creating a GA training organisation with a limited field of operation in return for simplified access to the training activities and oversight.

During discussions with the TF, it turned out that the above-mentioned limitation for refresher training at an ATO, a BTO or by an instructor (rating must have expired for less than 3 years) was initially intended just for cases where the refresher training is offered by an individual instructor. The above-mentioned AMC has been reworded respectively: For the ratings subject to AMC2 FCL.740(b)(1), ATOs (and now DTOs) are entitled to provide refresher training even if the rating has expired for more than 3 years. Only individual instructors are limited to provide refresher training for these ratings in cases where the rating has expired for less than 3 years.

Additionally, after an internal evaluation, it was finally decided to delete the proposal for GM1 FCL.740(b)(1) and to include an additional subparagraph (d) to AMC1 and AMC2 FCL.740(b)(1) to address cases where it is determined that no refresher training is necessary.



2.3.15. Further changes

During the development of this Opinion and the final draft rule text, the following further changes have been made:

- As already explained in Section 2.2.10., the numbering of the provisions in Part-DTO has been revised in order to be consistent as far as possible with the numbering system of Part-ORA. By doing so, also the sequence of the provisions has been changed in some cases.
- New AMCs related to FCL.115(c) and FCL.210(c) foresee the transfer of all training records from the training organisation where the training has commenced to the training organisation where the training will be completed.
- ARA.GEN.350(da) has been reworded completely to provide a clear legal basis for CAs to take enforcement measures in particular situations.
- A new Appendix VIII to Part-ARA has been developed to provide a standard approval form for approving alternative means of compliance (AltMoCs; see next indent) as well as standardisation courses and refresher seminars for examiners for sailplanes and balloons.
- A new DTO.GEN.120 will allow DTOs to establish AltMoCs. The implementation of such AltMoCs will be subject to prior approval by the CA. ARA.GEN.120 is proposed to be amended respectively.
- Following respective comments during the TeB meeting held at the Agency on 21 June 2016, DTO.GEN.150 (former BTO.GEN.160) will require DTOs also to identify the root cause of non-compliances leading to a finding.
- DTO.GEN.135 (former BTO.GEN.170) will require DTOs being inactive for more than 36 consecutive months to send the declaration again. This change was done following the TeB meeting held at the Agency on 21 June 2016 where some concerns had been raised on how to deal with inactive training organisations.
- A new DTO.GEN.155 has been inserted on occurrence reporting, as a respective provision had been missing so far.
- DTO.GEN.210 (merger of former BTO.GEN.190 and BTO.GEN.200) has been further restructured to include also a provision (new subparagraph (c)) according to which there should have been no sanctions imposed on both the representative and the HT, with regard to Regulation (EU) No 1178/2011 or the Basic Regulation, by the CA during the last 3 years. This change was done following a comment from a Member State during the GA TeB & GA Sub-SSCC meeting held at the Agency on 7 July 2016. In addition, further subparagraphs (d) and (e) were added to provide qualification requirements for instructors at a DTO.
- A new Appendix I to Part-DTO establishes the DTO declaration form, replacing AMC1 BTO.GEN.130.



2.4. Summary of the regulatory impact assessment (RIA)

2.4.1 Policy options

Table 1: Selected policy options for training for non-commercial pilot licences

| Option No | Short title | Description |
|------------------|---|---|
| 0 | Baseline (Approved training organisation (ATO)) | Baseline option (no change in the rules). Currently, some MSs still haven't opted out, so their training organisations are obliged to comply with Part-ORA. Training organisations of other MSs (that have opted out), that are still allowed to work under their national approval, are restricted to the training scope of this national approval. If they wish to extend their training scope to another course, compliance with EU rules (for the time being: Part-ORA) would be necessary. These organisations will be obliged to comply with Part-ORA by 8 April 2018 the latest. Overall, the risks remain as outlined in the issue analysis. |
| 1 | Registered training organisation (RTO) | An RTO, meaning an adapted ATO structure not requiring approval but only registration. Training providers for non-commercial licences and associated ratings and certificates will not be required to seek prior approval, but they will need to obtain a registration from the CA in order to start their activities. This option foresees registration of the training organisations by the CA before they start their training activities. |
| 2 | Basic training organisation (BTO) | A BTO, meaning an adapted ATO structure based on a 'light' approval. This option implies certification of the training organisations before they start their activities. However, it will be a simpler procedure based on a simplified organisational structure concerning the personnel and a simplified safety and compliance monitoring system. The CA verifies compliance of the BTO and its training programme with the applicable requirements. Its oversight is proportionate and risk-based and there are no mandatory audit or inspection intervals. The BTO commences its training activities after it has submitted the application. The certificate is valid unless it is revoked by the CA or suspended by the organisation. |
| 3 | No training structure | No training structure at all — training is delivered completely outside any training organisation environment. This option foresees that any instructor may deliver training towards a non-commercial licence, certificate or rating without the need for a formal training structure. Such a model is developed and implemented in the USA. |
| 4 | Declared training organisation (DTO) | Establishing a DTO. Training providers for non-commercial licences and associated ratings and certificates can start activities without prior formal approval after having submitted first a declaration to the CA. The CA is required to check the declaration submitted by the DTO for completeness and the training programme for compliance. The CA oversight is proportionate and risk-based, and there are no mandatory audit or inspection intervals. Non-compliances detected during oversight may lead to limitation or prohibition of the training activities. The training programme should be verified by the CA for Part-FCL |



compliance (initial and subsequent changes). If non-compliances are not rectified appropriately, the CA has the right to take enforcement measures. The CA needs to verify and determine the compliance of the training programme.

2.4.2 Overview of the comments received during the public consultation phase

During the public consultation of the NPA, 120 comments and answers were provided on the RIA part. The comments/answers on each option are presented below.

Overview of Option 0 — Baseline scenario (Approved training organisation (ATO))

There are no explicit comments on this option. However, many of the comments made on the other options provide indirectly views on it. The ATO concept is too complicated and more costly. The cost is disproportionate to the benefits. By comparing all other options with the baseline option, the commenters acknowledged that the shift towards a lighter and simpler procedure for training organisations outside ATOs is necessary and therefore they welcomed the introduction of alternative options.

Overview of Option 1 — Registered training organisation (RTO)

This option has not received much support by the stakeholders mainly due to the legal issues identified in the NPA, as well as the unwillingness of the industry to continue keeping the uncertainty of the current situation (Option 0). However, Option 1 has been recognised as an appropriate solution by one NAA and some stakeholders) mainly due to:

- its compliance with the strategic direction of the GA Safety Strategy, which was adopted in 2012;
- developing an alternative to training outside ATOs without requiring a 'light' approval; and
- establishing proportionate requirements for training towards non-commercial pilot licences and associated ratings and certificates.

Overview of Option 2 — Basic training organisation (BTO)

During the public consultation phase, some stakeholders supported the BTO concept as being the most realistic and viable solution, requiring proportionate CA oversight. The stable regulatory framework establishing a simple, light and regulated training organisation with no risk of further changes is welcomed by the stakeholders to plan the future and keep non-commercial flights a leisure sport. Currently, the BTO option is successfully implemented in the UK in the ballooning community.

Despite its benefits, the BTO concept does not address the following concerns expressed by one CA and several training providers:

- Introducing the BTO concept now before the Basic Regulation is amended would create a very complex regulatory system and burden for MSs;
- It does not fully achieve the Agency's General Aviation Road Map goal nor the European Commission's objectives that were set in October 2014 at the EASA Committee and at the EASA conference in Rome. It is not completely in line with the strategic direction of the GA Safety Strategy adopted in 2012;
- It doesn't develop the possibility for training outside ATOs due to the 'light' approval concept;



- Various CAs in Europe will most likely apply different methods of oversight, leading to different regulatory burden from one State to another. A stringent oversight approach may also lead to higher user fees than necessary, which could force some small training organisations to leave the business;
- It is considered as a short-term solution, not in favour of a stable regulatory framework.

Due to these drawbacks, the BTO concept has not been fully supported by the stakeholders. On the contrary, the RTO concept has been supported by some stakeholders because it overcomes these drawbacks.

Overview of Option 3 — No training structure

This option has received some approval by the stakeholders. It has been generally contested because it would make training too liable, thus weakening the safety of the system. It might seriously diminish the training standards, established by the existing training organisations. It has been nevertheless supported by the FAA, as this is currently the practice in the USA.

Overview of new policy option (Option 4) — Declared training organisation (DTO)

In order to address the comments made during the public consultation and the drawbacks identified for each option, the Agency has suggested a new policy option (Option 4), that is declared training organisation (DTO). This option is similar to the RTO option, as it follows the same concept with additional alleviations for the training organisations. DTOs will not be required to seek prior approval; the training provider needs to submit a detailed declaration to the CA and can start its training activities without any formal approval or registration.

This option has been created as an appropriate solution in response to the comments received from stakeholders, CAs and the European Commission. By requiring CAs to check the declaration submitted by a DTO for completeness and not to issue a certificate, the controversies highlighted in the comments are considered addressed. This new option is analysed and assessed below.

2.4.3 Methodology and data

2.4.3.1 Applied methodology

The methodology applied for this RIA is the multi-criteria analysis (MCA), which allows comparing all options by scoring them against a set of criteria.

MCA covers a wide range of techniques that aim to combine a range of positive and negative impacts into a single framework to allow easier comparison of scenarios. Essentially, it applies a cost–benefit assessment (CBA) to cases where there is a need to present multiple impacts representing a mixture of qualitative, quantitative and monetary data, and where there are varying degrees of certainty. The MCA key steps generally include the following:

- establishing the criteria to be used to compare the options (these criteria must be measurable, at least in qualitative terms); and
- scoring how well each option meets the criteria; the scoring needs to be relative to the baseline scenario.



The criteria used to compare the options were derived from the Basic Regulation, and the guidelines for the RIA were developed by the European Commission. The principal objective of the Agency is to 'establish and maintain a high uniform level of safety' (Article 2(1) of the Basic Regulation). As additional objectives to those mentioned above, the Basic Regulation identifies social, economic, proportionality, and harmonisation aspects, which are reflected below.

The scoring of the impacts uses a scale of –5 to +5 to indicate the negative and positive impacts of each option (i.e. from 'very low' to 'very high' negative/positive impacts). Intermediate levels of benefits are termed 'low', 'medium' and 'high' to provide for a total of five levels in each one of the positive and negative directions, with also a 'no impact' score possible.

Table 1a: Scale with scoring of the impacts

| Positive impact | Score | Negative impact | Score |
|-----------------|---------------------------|-----------------|---------------------------|
| + 5 | Very high positive impact | – 5 | Very high negative impact |
| + 4 | High positive impact | – 4 | High negative impact |
| + 3 | Medium positive impact | – 3 | Medium negative impact |
| + 2 | Low positive impact | – 2 | Low negative impact |
| + 1 | Very low positive impact | – 1 | Very low negative impact |
| 0 | Insignificant | — | — |

2.4.3.2 Data collection

Data on the impacts was collected by the stakeholders when responding to the questions of NPA 2015-20. Furthermore, additional data from CAs (regarding their current oversight framework and the anticipated changes envisaged in the different options) were further requested (in May 2016) and analysed.

The assessment of the impacts of each criterion was made having in mind the baseline scenario. The economic impact, in particular, was assessed by establishing a common type of expenditure/workload criteria, applicable to all options which were compared in terms of costs/workload for the stakeholders/CAs, having in mind the baseline scenario. The impact was then considered by assessing the cost reduction (for the training providers) and the workload reduction (for the CAs). On the one hand this methodology ensures that the specificities (advantages/disadvantages) of each option are considered, and on the other that the comparison of the options is made on the common issues applicable to all options.

2.4.4 Analysis of impacts

2.4.4.1 Safety impact

Option 0 — Baseline scenario (Approved training organisation (ATO))

No impact; the safety level is maintained and, therefore, the score result is 0.



Option 1 — Registered training organisation (RTO)

No impact on safety; safety level equivalent to that of Option 0 due to an adapted training structure making use of more risk-based oversight. The oversight will be performance-based. The score result is 0.

Option 2 — Basic training organisation (BTO)

Same as for Option 1. The score result is 0.

Option 3 — No training structure

A minor negative impact on safety might be expected, as it will be more difficult to perform adequate oversight and standardisation of training. It is considered negative because the oversight function may be less effective than before due to the potential increase in the number of training instructors. This may jeopardise safety. Therefore, the safety impact result is –1 (very low negative impact). Nevertheless, one authority having experience with a third country¹⁷ stated that the acceptable level of standardisation, and with it the level of safety, may be achieved even with a reduced level of direct oversight. However, the overall legal framework in this third country is not fully comparable with that of the EU and thus the level of safety risk is considered as described above.

Option 4 — Declared training organisation (DTO)

Same as for Option 1. DTOs should develop a safety policy which shall include appropriate measures to ensure the safe operation of all activities. The oversight will be performance-based. The score result is 0.

Based on the analysis above, the safety impact assessment is summarised as follows:

Table 2: Safety impacts per option

| CRITERION | OPTION 0 | OPTION 1 | OPTION 2 | OPTION 3 | OPTION 4 |
|----------------------|----------------|----------------|----------------|--|----------------|
| SAFETY IMPACT | Neutral impact | Neutral impact | Neutral impact | Minor negative impact due to the safety risk explained above | Neutral impact |
| | 0 | 0 | 0 | – 1 | 0 |

2.4.4.2 Social impact

The social impact is analysed from the perspective of which option provides the best training framework to ensure that GA pilots receive training proportionate to their needs.

¹⁷ In 2013, the FAA completed a study titled ‘Effects of Training School Type and Examiner Type on General Aviation Flight Safety’. This study addressed the question ‘Do training school type and certifying examiner type affect a general aviation pilot’s subsequent aviation safety record?’. The results indicated that school type does not affect subsequent accident rates. The FAA also notes that in its studies, the accident rate of those training in an ATO-type of environment, versus those trained outside of such an environment, are similar. This suggests that the skills and competencies of those trained in a non-ATO environment are comparable to those trained in an ATO-type of facility.



Option 0 — Baseline (Approved training organisation (ATO))

No change to the training framework for the training organisations. The social impact is neutral, thus the score result is 0.

Option 1 — Registered training organisation (RTO)

This option ensures quality of training while pursuing flexibility of the training organisation requirements. It establishes a high-quality training framework, enabling more future pilots to obtain a private pilot licence. Therefore, the score result is + 1 (low positive impact).

Option 2 — Basic training organisation (BTO)

Same as in Option 1. As regards the training framework for pilots, there is no difference in the training subjects and exercises, so the quality of the training is equivalent to that of Option 1 and the score result is + 1 (low positive impact).

Option 3 — No training structure

This Option might have a very low negative social impact. As any instructor may deliver training towards a non-commercial pilot licence, certificate or rating without the need for a formal training structure, this may force existing national training organisations (15 545)¹⁸ or former JAR Registered Facilities (RFs) (15 205) to cease their activities, as they may no longer be needed. This may have a negative social impact in terms of decrease in the number of jobs. In addition, a negative effect on GA private pilot training might be expected in terms of lack of standardisation and complications to occur when performing oversight. The excessively simplified requirements could lead to more GA pilots not achieving the required competencies in the skill test if the training is not provided within a minimum organisational environment. The score result is – 2 (low negative impact).

Option 4 — Declared training organisation (DTO)

Same as in Option 1. The score result is + 1 (very low positive impact).

Based on the analysis above, the safety impact assessment is summarised as follows:

Table 3: Social impacts per option

| CRITERION | OPTION 0 | OPTION 1 | OPTION 2 | OPTION 3 | OPTION 4 |
|----------------------|----------------|---|---|--|---|
| SOCIAL IMPACT | Neutral impact | Ensures quality of the training framework for GA pilots | Ensures quality of the training framework for GA pilots | Ensures quality of the training framework for GA pilots Risk for former JAR RFs to cease their activities | Ensures quality of the training framework for GA pilots |
| | 0 | 1 | 1 | – 2 | 1 |

¹⁸ Source: Data from Standardisation Information System, last updated in 2015.



2.4.4.3 Economic impact

Option 0 — Baseline (Approved training organisation (ATO))

Following the public consultation phase of the NPA, the following data has been collected from existing ATOs and JAR RFs that is used to represent the costs and the administrative burden for setting up and running an ATO.

Table 4: Example of workload for the preparation of training documentation for non-complex ATOs¹⁹

| WORKLOAD FOR THE PRODUCTION AND REVISION OF TRAINING DOCUMENTATION | WORKING HOURS²⁰ |
|---|-----------------------------------|
| Production of training documentation (per manual) | 100–300 |
| Revision of training documentation (per manual) | 10–50 |

The **workload for the production** of a manual is estimated between 100 and 300 hours, depending on the ATO. The revision of each manual may take between 10 and 50 hours.

Table 5: Example of costs for the training organisation to comply with the requirements for ATOs²¹

| Costs for the training organisation to comply with the ATO requirements | Total (in EUR) | Initial costs per ATO | Recurrent cost per ATO |
|---|----------------|-----------------------|------------------------|
| Example ATO | 87 200 | 41 200 | 46 000 |

The details on the costs for compliance with the ATO concept are as follows:

a. Initial costs (one-off costs)

- Creating a structure: cost of initial preparations, including legal advice, the purchase of software, etc. (estimated around EUR 10 000);
- Writing and printing training and operations manuals, including the Ops Manual, SMS system and all the forms required for the ATO application (500 man-hours for 3 manuals) (estimated around EUR 30 000);
- The initial certification fee is estimated at EUR 1 200 for the ATO.

b. Recurring costs (annually)

- Staff operating costs for running an ATO (2 persons) (estimated around EUR 36 000);
- Costs for updating and reviewing all documents will be EUR 9 000 (50 hours for the renewal of 1 manual, 150 hours for the renewal of all 3 manuals);
- Costs for maintaining the certified organisation: EUR 700, plus the cost of any external audits required by the NAA: EUR 300.

As regards CAs²², their workload to certify a non-complex ATO is estimated at around 70 working hours. The average amount of the certification fees for a non-complex ATO is estimated at EUR 1 200. The oversight follows defined oversight cycles. In compliance with Annex VII (Part-ORA) to Regulation (EU) No 1178/2011, there are mandatory time frames given during which at least one full

¹⁹ Source: Feedback from ATOs and JAR RFs collected via the Comment-Response Tool (CRT).

²⁰ Depending on the size of the ATO.

²¹ Source: Feedback from ATOs and JAR RFs collected via the Comment-Response Tool (CRT).

²² Source: Feedback from the CAs, which was collected additionally during the preparation of this Opinion.



audit of each ATO must be performed. These time frames can be extended under specific circumstances.

Table 6: Estimation of the average CA workload with regard to non-complex ATOs

| Workload to certify a non-complex ATO (average amount of hours) | Initial certification fees for a non-complex ATO (average amount of initial certification fees) | Recurrent fees for a non-complex ATO, related to amendments to the certification (average amount) | Oversight of ATO |
|---|---|---|----------------------------------|
| 70 working hours | EUR 1 200 | EUR 700 | Follows defined oversight cycles |

Conclusion:

Overall, the impact of the cost to establish a non-complex ATO for non-commercial pilot training is disproportionate to their size and complexity, creating a financial burden on training schools. The score result is – 3 (medium negative impact).

Option 1 — Registered training organisation (RTO)

Benefits (positive impacts):

- As regards training organisations, there will be a decrease in the workload (see Table 7), estimated at around 420 working hours less due to fewer requirements for the preparation, revision and approval of operations and training manuals. The cost reduction for RTOs will be indicatively 51 % less compared to the ATO costs due to the simplified procedure of setting up and running a training organisation (see Table 8).
- CA oversight is based on proportionate approach, meaning decrease in the workload compared to the ATO concept. It is estimated that the CA workload for initial registration will be three times less compared to the current workload (see Table 9).
- Potential additional revenues for the CAs, due to the new registration fees that might be regulated for RTOs by the MSs, depending on the national regulations on fees and charges. The amount of revenues cannot be forecasted at the moment. However, it is expected that it will be lower than the certification fees for setting up an ATO. The latter has a different value (subject to the MSs' regulations on fees and charges (see Table 6).

Costs (negative impacts):

Initial costs for setting up an RTO. In addition, registration fees may be expected for RTOs. Registration fees will be defined by each MS and it is, therefore, not possible to assess them at the moment.

Conclusion:

This option is expected to have a more proportionate cost impact. Additional costs will mainly incur due to the resources needed to establish an RTO. Some CA registration fees are expected. There would be a cost reduction compared to the ATO concept, which is estimated to be 51 %. The oversight



activities are expected to be proportionate and less rigid than those for ATOs. The score result is + 3 (medium positive impact).

Option 2 — Basic training organisation (BTO)

Benefits (positive impacts):

- As regards training schools, a workload decrease of 420 hours is expected (see Table 7) due to fewer requirements for the preparation/revision of training and operations manuals. However, some work on the preparation of training documents might be expected. The cost reduction for BTOs will be indicatively 51 % compared to the ATO costs due a simplified organisational structure concerning the personnel and a simplified safety and compliance monitoring system (see Table 8).
- Additional revenues for the CAs might be expected due to the certification fees for the 'light approval' of the BTO. Their amount cannot be forecasted at the moment. However, it is expected that it will be lower than the certification fees for setting up an ATO. The latter is subject to the MSs' regulations on fees and charges (see Table 6).

Costs (negative impacts):

- Initial costs for setting up a BTO. In addition, certification fees for the 'light approval' of the BTO might be expected, which will be defined by each MS.
- A slight decrease of the CA workload to certify a training organisation, because it will still be involved in the issue of certificates. For some CAs there will be no impact, as their MSs did not opt out and all flight schools have obtained an ATO approval. As regards oversight, it will be proportionate and risk-based.

Conclusion:

More proportionate cost impact, additional costs mainly incurring due to the resources needed to establish a BTO. Some CA certification fees to be expected. There would be a cost reduction for the training providers estimated at 51 % compared to the ATOs costs. For the CA, there will be as slight decrease in the workload (less than three times compared to Option 0) to certify the training organisation. The score result is + 2 (low positive impact).

Option 3 — No training structure

The costs for this option could not be estimated, as such an option has not been fully developed yet. Nevertheless, the impacts are estimated as follows:

Benefits (positive impacts):

- As regards individual instructors, a workload decrease of 420 hours is expected (see Table 7) due to fewer requirements for the preparation/revision of manuals. However, some work on the preparation and revision of training documents might be expected (estimated around 230 man-hours).
- No initial costs for setting up a training organisation.

Costs (negative impacts):



- For the CA, there will be an increase in the workload to oversee the training organisation due to the need to strengthen oversight, and to eventually oversee more training providers.

Conclusion:

There would be a cost reduction. At the same time, the CA workload related to the oversight of individual instructors would increase. The score result is + 3 (medium positive impact).

Option 4 — Declared training organisation (DTO)

Benefits (positive impacts)

- As regards training organisations, there will be a workload reduction (see Table 7) estimated around 420 working hours less due to the reduced requirements for the preparation, revision and approval of operations and training manuals. The cost reduction for RTOs will be indicatively 51 % compared to the ATO costs due to the simplified procedure for setting up and running the training organisation (see Table 8).
- CA oversight is risk-based and proportionate, meaning less workload compared to the ATO concept. It is estimated that the CA workload for the declaration process will be three times less compared to the current workload (see Table 9). The workload is due to the adaptation of the internal procedures and disseminating information to the training organisations.

Costs (negative impacts):

- Initial costs for setting up a DTO.
- CAs may record less revenues from organisations for non-commercial licences (depending on the national regulations on fees and charges). The amount of the fees (if any) is subject to each MS's regulations on fees and charges.

Conclusion:

This option is expected to have a more proportionate cost impact. There would be a cost reduction compared to the ATO concept, which is estimated to be 51 %. CAs will perform oversight, which will be proportionate to the risk and performance of the newly established DTO training providers. CAs may record less revenues due to the lack of certification/registration fees for training providers. The score result is + 3 (medium positive impact).

The economic impacts of the different options per stakeholder are summarised in the following Table 7.



Table 7: Overview of economic impacts per stakeholder

| | Option 0 — ATO | Option 1 — RTO | Option 2 — BTO | Option 3 — No training structure | Option 4 — DTO |
|-------------------------|---|--|---|--|--|
| Benefits | | | | | |
| Workload | | | | | |
| Training organisation | Intensive workload, estimated at around 650 hours, for the preparation and revision of training documentation (500 hours for the production of manuals, and 150 hours for their revision) | Decrease of approximately 420 hours of the workload due to reduced requirements for the preparation/revision of manuals (expected workload is around 150 hours for the preparation of a training programme, and 80 hours for its revision) | Decrease of approximately 420 hours of the workload due to reduced requirements for the preparation/revision of manuals (expected workload is more than 150 hours for the preparation of a training programme, and 80 hours for its revision) | Decrease of approximately 420 hours of the workload due to reduced requirements for the preparation/revision of manuals (expected workload is around 150 hours for the preparation of a training programme, and 80 hours for its revision) | Decrease of approximately 420 hours of the workload due to reduced requirements for the preparation/revision of manuals (expected workload is around 150 hours for the preparation of a training programme, and 80 hours for its revision) |
| CAs | Defined oversight cycles An average of 70 working hours for the certification/approval of an ATO | Risk-based and proportionate oversight Decrease of the CA workload (three times less workload for registering an organisation) | Risk-based and proportionate oversight Slight decrease of the CA workload for certifying an organisation | Very slight decrease of the CA workload for overseeing a training organisation | As in Option 1 |
| New revenues for the CA | Revenues coming from the ATO certification process | Potential new revenues for the CA coming from the RTO registration process | Potential new revenues for the CA coming from the BTO certification process | No information | Possible decrease of revenues with regard to organisations for non-commercial pilot licences (depending on the national regulations) |



| | | | | | |
|--|---|---|--|---|---|
| | | | | | on fees and charges) |
| Decrease in costs for setting up and running a training school | No decrease | Around 51 % decrease compared to Option 0 | Around 51 % decrease compared to Option 0 | No information | Around 51 % decrease compared to Option 0 |
| Costs | | | | | |
| Initial costs | Initial costs for setting up an ATO estimated around EUR 10 000 | Initial costs for setting up an RTO | Initial costs for setting up a BTO | No initial costs for setting up a training organisation | Initial costs for setting up a DTO |
| Fees | Certification fees (an average of EUR 1 200) | Registration fees might be expected | Certification fees for the 'light approval' of the BTO might be expected | No information | Might be expected |



Table 8: Example of calculation of cost reduction per option

| Example of cost for a training organisation to comply with the ATO requirements | Per year | Indicative cost reduction for Option 1 (RTO compared to ATO) | Per year | Indicative cost reduction for Option 2 (BTO compared to ATO) | Per year | Indicative cost reduction for Option 4 (DTO compared to ATO) | Per year |
|---|----------|--|----------|--|----------|--|----------|
| a. Initial costs | | a. Initial costs | | a. Initial costs | | a. Initial costs | |
| 1. Creating a structure: cost of initial preparations, including legal advice, purchase of software, etc. | 10 000 | Creating a structure: cost of initial preparations, including legal advice, purchase of software, etc. | 0 | Creating a structure: cost of initial preparations, including legal advice, purchase of software, etc. | 0 | Creating a structure: cost of initial preparations, including legal advice, purchase of software, etc. | 0 |
| 2. Writing and printing training and operations manuals including the Ops Manual, SMS system and all the forms required for the ATO application (500 man-hours) | 30 000 | Cost reduction due to reduced requirement for writing and printing training and operations manuals (150 man-hours to prepare a training programme and safety policy) | - 21 000 | Cost reduction due to reduced requirement for writing and printing training and operations manuals (150 man-hours to prepare a training programme and safety policy) | - 21 000 | Cost reduction due to reduced requirement for writing and printing training and operations manuals (150 man-hours to prepare a training programme and safety policy) | - 21 000 |
| 3. The initial fee from the NAA is EUR 1 200 for the ATO application | 1 200 | Cost reduction of the initial fee from the NAA (estimated, depending on the national regulations on fees and charges) | - 900 | Cost reduction of the initial fee from the NAA (estimated, depending on the national regulations on fees and charges) | - 500 | Cost reduction of the initial fee from the NAA (estimated, depending on the national regulations on fees and charges) | - 900 |



| <u>b. Recurring costs (per year)</u> | | <u>b. Recurring costs (per year)</u> | | <u>b. Recurring costs (per year)</u> | | <u>b. Recurring costs (per year)</u> | |
|---|---------------|---|---------------|---|---------------|---|---------------|
| 1. Staff operating costs for running an ATO (2 persons) | 36 000 | Staff operating costs for running the organisation (assumption: 1 person) | - 18 000 | Staff operating costs for running the organisation (assumption: 1 person) | - 18 000 | Staff operating costs for running the organisation (assumption: 1 person) | - 18 000 |
| 2. Annual cost for updating and reviewing documentation (EUR 150 for the renewal of all manuals) | 9 000 | Reduced costs for updating and reviewing documentation (expected workload of 80 man-hours) | - 4 200 | Reduced costs for updating and reviewing documentation (expected workload of 80 man-hours) | - 4 200 | Reduced costs for updating and reviewing documentation (expected workload of 80 man-hours) | - 4 200 |
| 3. Costs for maintaining the certified organisation: EUR 700, plus the cost of any external audits required by the NAA: EUR 300 | 1 000 | Cost reduction for maintaining the certified organisation plus the cost of any external audits required by the NAA: EUR 300 | - 800 | Cost reduction for maintaining the certified organisation: EUR 700, plus the cost of any external audits required by the NAA: EUR 300 | - 800 | Cost reduction for maintaining the certified organisation: EUR 700, plus the cost of any external audits required by the NAA: EUR 300 | - 800 |
| Total costs for an ATO to comply with the ATO requirements | 87 200 | Total cost reduction for an RTO compared to an ATO | 44 900 | Total cost reduction for a BTO compared to an ATO | 44 500 | Total cost reduction for a DTO compared to an ATO | 44 900 |
| | | % reduction of the ATO costs | 51.5 % | % reduction of the ATO costs | 51 % | % reduction of the ATO costs | 51.5 % |



Table 9: Example of CA workload reduction for the approval of training organisations

| | | |
|---|--|-------------------------------|
| Current CA workload for the approval of a non-complex ATO (hours) | Expected CA workload for the administration of a DTO (hours) | % of decrease in the workload |
| 70 | 18 | ~ 300 % |

Based on the analysis above, the economic impact assessment is summarised as follows:

Table 10: Economic impacts per option

| CRITERION | OPTION 0 | OPTION 1 | OPTION 2 | OPTION 3 | OPTION 4 |
|------------------------|---|---|--|--|---|
| ECONOMIC IMPACT | Disproportionate impact, leading to a financial burden for the training organisations | Around 51.5 % cost reduction and proportionate cost impact Oversight is proportionate to the related decrease of the CA workload | Around 51 % cost reduction However, there is a slight decrease of the CA workload | Higher cost reduction might be expected compared to Options 1 & 4 from a training organisation’s point of view (though costs are not estimated) Increase of the CA workload for oversight | Around 51.5 % cost reduction and proportionate cost impact Oversight is proportionate to the related decrease of the CA workload |
| | - 3 | 3 | 2 | 3 | 3 |

2.4.4.4 General Aviation (GA) and proportionality issues

Option 0 — Baseline option (Approved training organisation (ATO))

Option 0 will not achieve the goal of the General Aviation Road Map nor the objectives set by the European Commission and the EASA MSs. As mentioned above, the overall impact of establishing ATOs for non-commercial pilot training schools is disproportionate to their size and complexity. The score result is - 3 (medium negative impact).

Option 1 — Registered training organisation (RTO)

Option 1 will achieve the goal of the General Aviation Road Map, as well as the objectives set by the European Commission and the EASA MSs. It complies with the strategic direction of the GA Safety Strategy and contributes to the development of alternatives for training outside ATOs. This option will contribute to the establishment of a more proportionate system for GA training providers when delivering training for non-commercial licences and associated ratings and certificates. The score result is + 3 (medium positive impact).



Option 2 — Basic training organisation (BTO)

Option 2 will largely contribute to the achievement of the goal of the General Aviation Road Map, as well as of the objectives set by the European Commission and the EASA MSs. However, it is considered by some stakeholders that it is not fully in line with the strategic direction of the GA Safety Strategy, because a 'light' approval is foreseen for BTOs. This concern, which is shared by some stakeholders, led to the reconsideration of the option in terms of proportionality issues. This has been seen as a threat, as this process might be implemented and followed by the CAs more formally, meaning more stringently and rigidly. The score result is + 2 (low positive impact).

Option 3 — No training structure

Same as for Option 1. The score result is + 3 (medium positive impact).

Option 4 — Declared training organisation (DTO)

Option 4 will fully achieve the goal of the General Aviation Road Map, as well as the objectives set by the European Commission and the EASA MSs. It complies with the strategic direction of the GA Safety Strategy and contributes to the development of alternatives for training outside ATOs, establishing proportionate requirements for training towards non-commercial pilot licences and associated ratings and certificates. The rules are simplified and proportionate to the size and type of the training organisations, enabling easy access to the market without registration/certification process. Therefore, the score result is + 3 (medium positive impact).

Based on the analysis above, the GA and proportionality issues assessment is summarised as follows:

Table 11: GA and proportionality issues impacts per option

| CRITERION | OPTION 0 | OPTION 1 | OPTION 2 | OPTION 3 | OPTION 4 |
|--------------------------------------|-------------------------|-----------------------------|--|-----------------------------|-----------------------------|
| GA AND PROPORTIONALITY ISSUES | Disproportionate impact | Proportionate impact for GA | Proportionate impact, but not fully in line with the strategic direction of the GA Safety Strategy | Proportionate impact for GA | Proportionate impact for GA |
| | - 3 | 3 | 2 | 3 | 3 |

2.4.4.5 Impact on better regulation and harmonisation**Option 0 — Baseline option (Approved training organisation (ATO))**

Option 0 ensures harmonisation, but it does not support the better regulation principles though as the current requirements are considered to be too burdensome for the GA pilot community. The score result is - 2 (low negative impact).

Option 1 — Registered training organisation (RTO)

Option 1 does not affect the EASA MSs' obligations towards ICAO. It simplifies the existing rules for training organisations and introduces more risk-based regulations. However, it foresees a registration process which, for consistency reasons with other IRs, is considered not to be the best solution (refer



to Section 2.2.8 of this Opinion). This slightly affects the implementation of the better regulation principles. Therefore, the score result is 1 (very low positive impact).

Option 2 — Basic training organisation (BTO)

Option 2 simplifies the existing rules for training organisations and will introduce more risk-based regulations. Besides that, it does not have an impact on the EASA MSS' obligations towards ICAO. The option is considered as a 'problematic mixture' of elements from certification and registration/declaration process, hence impeding the implementation of the better regulation principles, as mentioned in Section 2.2.8. The score result is 1 (very low positive impact).

Option 3 — No training structure

Option 3 will abolish the existing rules for pilot training within an organisation and does not have an impact on the EASA MSS' obligations towards ICAO. It does not fully support the better regulation principles, as some implementation problems might be expected due to the new training paradigm. The score result is 1 (very low positive impact).

Option 4 — Declared training organisation (DTO)

Option 4 does not affect the EASA MSS' obligations towards ICAO. It is expected to fully support the better regulation principles, namely to achieve the objectives at minimum cost. It simplifies the existing rules for training organisations and introduces more risk-based regulations together with a pure declaration process which is already known from other IRs. The score result is 2 (low positive impact).

Based on the analysis above, the impacts on better regulation and harmonisation are assessed as follows:

Table 12: Impacts on better regulation and harmonisation per option

| CRITERION | OPTION 0 | OPTION 1 | OPTION 2 | OPTION 3 | OPTION 4 |
|--|--|--|--|--|--|
| BETTER REGULATION AND HARMONISATION | Better regulation principles are not supported | Better regulation principles are not fully supported | Better regulation principles are not fully supported | Better regulation principles are not fully supported | Better regulation principles are supported |
| | - 2 | 1 | 1 | 1 | 2 |

2.4.5 Comparison and conclusion

By combining the scores from each of the impact criteria, and for each scenario, the overall impact is concluded, which is summarised in Table 13 below.



Table 13: Comparison and conclusion

| CRITERIA | OPTION 0 — BASELINE (ATO) | OPTION 1 — REGISTERED TRAINING ORGANISATION (RTO) | OPTION 2 — BASIC TRAINING ORGANISATION (BTO) | OPTION 3 — NO TRAINING STRUCTURE | OPTION 4 — DECLARED TRAINING ORGANISATION (DTO) |
|---|------------------------------|---|---|--|---|
| SAFETY | 0 | 0 | 0 | -1 | 0 |
| SOCIAL | 0 | 1 | 1 | -2 | 1 |
| ECONOMIC | -3 | 3 | 2 | 3 | 3 |
| GA AND PROPORTIONALITY | -3 | 3 | 2 | 3 | 3 |
| BETTER REGULATION AND HARMONISATION | -2 | 1 | 1 | 1 | 2 |
| OVERALL | -8 | 8 | 6 | 4 | 9 |

The conclusion of this RIA is as follows:

Option 0 'Baseline (ATO)' would result in a disproportionate impact on training organisations, creating a financial burden for them. This is considered to be unacceptable on the basis of the issues described in Section 2.1 above. The final score for this Option is - 8.

Option 1 is favourable to both training organisations and CAs, entailing cost reduction for the training and less workload for the CAs. It would have proportionate impact. However, this option foresees a registration process which, for consistency reasons with other IRs, is not considered to be the best solution (refer to Section 2.2.8 of this Opinion). This slightly affects the implementation of the better regulation principles. Its final score is + 8.

Option 2 is less favourable, as it might have less proportionate impact on the training providers and might create additional workload for the CAs. In addition, it is considered not to be fully in line with the GA Safety Strategy and with the better regulation principles. Its final score is + 6.

Option 3 is economically efficient, but it has a potential negative safety and social impact. Therefore, its final score is + 4.

Option 4 is economically and socially the most viable solution, establishing proportionate requirements for training organisations. The rules are simplified, and are proportionate to the size and type of the training organisations with a pure declaration process. This option achieves the objectives at minimum cost and in addition it implements the better regulation principles. Its final score is + 9.

Therefore, Option 4 (DTO) is the recommended one.

2.4.6 Monitoring and evaluation

Monitoring is a continuous and systematic process of data collection and analysis about the implementation/application of a rule/activity. It generates factual information for future possible evaluation and impact assessments, and helps identify actual implementation problems. With respect to this proposal, the Agency would suggest to monitor the following:



| Indicator | When it will be monitored | How it will be monitored | Who will be in charge of the monitoring |
|---|---|---|---|
| Number of newly registered DTOs | 1 year after the entry into force of Part-DTO | Collecting data from MSs through surveys | EASA |
| Number of ATOs that continued their activities as DTOs | 1 year after the entry into force of Part-DTO | Collecting data from MSs through surveys | EASA |
| Costs for setting up and running a DTO | 1 year after the entry into force of Part-DTO | Collecting data from stakeholders through surveys | EASA |
| Initial fee payable to the CAs for setting up a DTO | 1 year after the entry into force of Part-DTO | Collecting data from MSs through surveys | EASA |
| Recurrent fees payable to the CAs for maintaining a DTO (if applicable) | 1 year after the entry into force of Part-DTO | Collecting data from MSs through surveys | EASA |
| Number of staff employed by the DTO | 1 year after the entry into force of Part-DTO | Collecting data from MSs through surveys | EASA |
| Number of pilots trained by a DTO | 1 year after the entry into force of Part-DTO | Collecting data from MSs through surveys | EASA |

Monitoring, in terms of collecting and analysing data from different available sources, will be performed through several tools (e.g. surveys). The actors responsible for collecting and providing the data (e.g. MSs, CAs, training organisations, etc.) will be further specified in the implementation phase.

In addition, the proposal might be subject to interim/ongoing/ex post evaluation, which will judge how well the adopted rules have performed (or are working), taking account of earlier evaluations made in this impact assessment. The evaluation will provide an evidence-based judgement of the extent to which the proposal has met the objectives of this RMT effectively and efficiently. The decision whether an evaluation will be necessary will be taken based also on the monitoring results.

2.5. Overview of the proposed new rules and of the amendments to existing ones

2.5.1. Amendment to Article 10a of Commission Regulation (EU) No 1178/2011

In line with the proposal for a new Annex VIII (Part-DTO; see Section 2.5.2 below), an amendment to Article 10a of the Aircrew Regulation is proposed in order to provide references to the new Annex VIII regarding training towards non-commercial pilot licences. In addition, transitional provisions are put in place to provide for a smooth transition for already existing ATOs to DTOs, if desired.



2.5.2. New Annex VIII (Part-DTO) to Commission Regulation (EU) No 1178/2011

The Agency proposes a new Annex VIII (Part-DTO) to the Aircrew Regulation, containing a new regulatory framework to allow training organisations to deliver training towards non-commercial pilot licences without being approved as ATOs but after having submitted a declaration to the CA. The declaration will need to contain essential information about the organisation and be submitted together with all training programmes used. The CA will check, as part of the continuing oversight, whether the information in the declaration and the training programmes used comply with the applicable requirements of the Aircrew Regulation, while the DTO will be obliged to submit annual internal reviews and activity reports to the CA as part of the oversight process and planning.

Part-DTO is designed to provide benefits known from the simplified system of RFs (known under the JAR system) and, at the same time, to establish consistency within the EASA regulatory framework. As regards the latter, the declaration concept in principle was taken over from Commission Regulation (EU) No 965/2012. By requiring DTOs to comply with simplified organisational structures regarding personnel, infrastructure and documentation, together with the lack of the need for prior approval, Part-DTO is expected to provide the alleviations which were recommended for the GA training domain.

2.5.3. Amendments to Annex VI (Part-ARA) to Commission Regulation (EU) No 1178/2011

The introduction of Part-DTO triggers the necessity to amend several provisions of Part-ARA in order to implement the DTO concept in the Aircrew Regulation. New rules had to be developed to cover the declaration process for DTOs (Subpart DTO). The proposed new rules on the planning and conduct of oversight take into account the limited scope of the DTO privileges (see Sections 2.3.5.2 and 2.3.14.2 above) and, therefore, propose a proportionate, risk- and performance-based approach (new ARA.GEN.305(f)). Finally, ARA.GEN.350 had to be amended in order to clearly describe the enforcement measures with regard to DTOs where there is no certificate to be suspended or revoked.

2.5.4. Amendments to Annex I (Part-FCL) to Commission Regulation (EU) No 1178/2011

With regard to the training scope of the DTO (DTO.GEN.110), a set of Part-FCL rules had to be amended to refer not only to ATOs but also to DTOs. Additionally, FCL.725, FCL.740 and related AMC are amended to allow refresher training for the renewal of class and type ratings to be conducted also within DTOs and, additionally, to allow refresher training for aircraft within the DTO training scope to be provided also by an individual instructor, given that the rating has expired in less than 3 years.

Done at Cologne, on 7.9.2016

Patrick KY

Executive Director



3. References

3.1. Affected regulations

- 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), as amended

3.2. Affected decisions

- Decision N° 2011/016/R of the Executive Director of the European Aviation Safety Agency of 15 December 2011 on Acceptable Means of Compliance and Guidance Material to 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 ('Acceptable Means of Compliance and Guidance Material to Part-FCL'), as amended
- Decision N° 2012/006/Directorate R of the Executive Director of the Agency of 19th April 2012 on Acceptable Means of Compliance and Guidance Material to 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 ('Acceptable Means of Compliance and Guidance Material to Part-ARA'), as amended

3.3. Reference documents

- 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 (OJ L 79, 19.3.2008, p. 1), as amended
- General Aviation Road Map (*see also Section 2.2.1*)
(<https://www.easa.europa.eu/easa-and-you/general-aviation/general-aviation-road-map>)
- NPA 2015-20 'Review of the Aircrew Regulation in order to provide a system for private pilot training outside approved training organisations, and of the associated acceptable means of compliance and guidance material' (<http://www.easa.europa.eu/system/files/dfu/NPA%202015-20.pdf>)



4. Annex I: Draft AMC & GM (draft EASA decision) — For information only

Proposed amendments

The text of the amendment is arranged to show deleted text, new or amended text as shown below:

- (a) deleted text is ~~struck through~~;
- (b) new or amended text is highlighted in grey;
- (c) an ellipsis '[...]' indicates that the remaining text is unchanged.

Draft AMC and GM (draft EASA decision)

Amendments to ED Decision 2011/016/R

- (1) GM1 FCL.010 is amended as follows:

GM1 FCL.010 Abbreviations

The following abbreviations apply to the Acceptable Means of Compliance and Guidance Material to Part-FCL:

[...]

DTO Declared training organisation

[...]

- (2) AMC1 FCL.115;FCL.120 is amended as follows:

AMC1 FCL.115;FCL.120

SYLLABUS OF THEORETICAL KNOWLEDGE FOR THE LAPL

- (a) The training and examination should cover aspects related to non-technical skills in an integrated manner, taking into account the particular risks associated with the licence and the activity. ~~The theoretical knowledge instruction provided by the ATO should include a certain element of formal classroom work but may also include other methods of delivery for example interactive video, slide or tape presentation, computer based training and other media distance learning courses.~~ The training organisation **DTO** or the ATO responsible for the training has to check if all the appropriate elements of the training course of theoretical knowledge instruction have been completed to a satisfactory standard before recommending the applicant for the examination.

[...]

- (3) A new AMC1 FCL.115(c) is inserted as follows:

AMC1 FCL.115(c)

CHANGE OF TRAINING ORGANISATION

In cases where theoretical knowledge instruction or flight instruction is completed in a different DTO or ATO from the one where the applicant has started the training, the records kept in



accordance with DTO.GEN.220 should be transferred to the DTO or ATO where the training will be completed.

- (4) AMC1 FCL.135.S;FCL.205.S(a) is amended as follows:

'AMC1 FCL.135.S;FCL.205.S(a)

EXTENSION OF PRIVILEGES TO TMG: LAPL(S) AND SPL

[...]

- (b) The **DTO or the** ATO should issue a certificate of satisfactory completion of the training.

[...]

- (5) AMC1 FCL.135.B;FCL.225.B is amended as follows:

'AMC1 FCL.135.B;FCL.225.B

THEORETICAL KNOWLEDGE INSTRUCTION FOR THE EXTENSION TO ANOTHER BALLOON CLASS:
LAPL(B) AND BPL

[...]

- (c) The **DTO or the** ATO should issue a certificate of satisfactory completion of the instruction to licence endorsement.

[...]

- (6) A new AMC1 FCL.210(c) is inserted as follows:

'AMC1 FCL.210(c)

CHANGE OF TRAINING ORGANISATION

In cases where theoretical knowledge instruction or flight instruction is completed in a different DTO or ATO from the one where the applicant has started the training, the records kept in accordance with DTO.GEN.220 should be transferred to the DTO or ATO where the training will be completed.'

- (7) AMC1 FCL.210;FCL.215 is amended as follows:

'AMC1 FCL.210;FCL.215

SYLLABUS OF THEORETICAL KNOWLEDGE FOR THE PPL(A) AND PPL(H)

The following tables contain the syllabi for the courses of theoretical knowledge, as well as for the theoretical knowledge examinations for the PPL(A) and PPL(H). The training and examination should cover aspects related to non-technical skills in an integrated manner, taking into account the particular risks associated to the licence and the activity.

~~An approved course shall comprise at least 100 hours of theoretical knowledge instruction. This theoretical knowledge instruction provided by the ATO should include a certain element of formal classroom work but may include also such facilities as interactive video, slide or tape presentation, computer based training and other media distance learning courses.~~



The ~~training organisation~~ DTO or the ATO responsible for the training ~~has to~~ should check if all the appropriate elements of the training course of theoretical knowledge instruction have been completed to a satisfactory standard before recommending the applicant for the examination.

The applicable items for each licence are marked with 'x'. An 'x' on the main title of a subject means that all the subdivisions are applicable.

[...]

- (8) AMC1 FCL.740(b)(1) is replaced by the following:

'AMC1 FCL.740(b)(1) Validity and renewal of class and type ratings

RENEWAL OF CLASS AND TYPE RATINGS AT AN ATO: REFRESHER TRAINING

(a) The objective of the refresher training at an ATO is to reach the level of proficiency necessary to safely operate the relevant type or class of aircraft. The amount of refresher training needed should be determined on a case-by-case basis by the ATO, taking into account the following factors:

- (1) the experience of the applicant;
- (2) the amount of time elapsed since the privileges of the rating were last used;
- (3) the complexity of the aircraft;
- (4) whether the applicant has a current rating on another aircraft type or class; and
- (5) where considered necessary, the performance of the applicant during a simulated proficiency check for the rating in an FSTD or an aircraft of the relevant type or class.

It should be expected that the amount of training needed to reach the desired level of proficiency will increase analogously to the time elapsed since the privileges of the rating were last used.

(b) Once the ATO has determined the needs of the applicant, it should develop an individual training programme based on the ATO's approved course for the rating, focusing on the aspects where the applicant has shown the greatest needs. Theoretical knowledge instruction should be included, as necessary, such as for type-specific system failures in complex aircraft. The performance of the applicant should be reviewed during the training and additional instruction should be provided, where necessary, to reach the standard required for the proficiency check.

(c) After successful completion of the training, the ATO should issue the applicant with a training completion certificate describing the evaluation of the factors listed in (a), the training received, and a statement that the training has been successfully completed. The training completion certificate should be presented to the examiner prior to the proficiency check. Following the successful renewal of the rating, the training completion certificate and the examiner report form should be submitted to the competent authority.

(d) Taking into account the factors listed in (a) above, an ATO may also decide that the applicant already possesses the required level of proficiency and that no refresher training



is necessary. In such a case, the certificate or other documental evidence referred to in (c) above should contain a respective statement including sufficient reasoning.'

(9) A new AMC2 FCL.740(b)(1) is inserted as follows:

'AMC2 FCL.740(b)(1) Validity and renewal of class and type ratings

RENEWAL OF NON-HIGH-PERFORMANCE SINGLE-ENGINE PISTON AND TOURING MOTOR GLIDER CLASS RATINGS OR SINGLE-ENGINE HELICOPTER TYPE RATINGS REFERRED TO IN DTO.GEN.110(b)(3) AT AN ATO, A DTO OR, IN CASES WHERE THE RATING HAS EXPIRED FOR LESS THAN 3 YEARS, BY AN INSTRUCTOR: REFRESHER TRAINING

(a) The objective of the refresher training at an ATO, a DTO or, in cases where the rating has expired for less than 3 years, by an instructor, is to reach the level of proficiency necessary to safely operate the respective single-engine piston class (except high-performance aeroplanes), touring motor glider class or single-engine helicopter type referred to in DTO.GEN.110(b)(3). The amount of refresher training needed should be determined on a case-by-case basis by the ATO, the DTO or, if applicable, the instructor, taking into account the following factors:

- (1) the experience of the applicant by evaluating the pilot's logbook;
- (2) the amount of time elapsed since the privileges of the rating were last used;
- (3) whether the applicant has a current rating on another aircraft type or class; and
- (4) where considered necessary, the performance of the applicant during a simulated proficiency check.

It should be expected that the amount of training needed to reach the desired level of proficiency will increase analogously to the time elapsed since the privileges of the rating were last used.

(b) Once the ATO, the DTO or, if applicable, the instructor has determined the needs of the applicant, it should develop an individual training programme that should be based on the initial training for the issue of the rating and focus on the aspects where the applicant has shown the greatest needs.

(c) After successful completion of the training, the ATO, the DTO or, if applicable, the instructor should issue the applicant with a certificate, or other documental evidence, describing the evaluation of the factors listed in (a), the training received, and a statement that the training has been successfully completed. The certificate or other documental evidence should be presented to the examiner prior to the proficiency check. Following the successful renewal of the rating, the certificate or other documental evidence and the examiner report form should be submitted to the competent authority.

(d) Taking into account the factors listed in (a) above, an ATO, a DTO or an instructor (as applicable) may also decide that the applicant already possesses the required level of proficiency and that no refresher training is necessary. In such a case, the certificate or other documental evidence referred to in (c) above should contain a respective statement including sufficient reasoning.'



- (10) AMC1 FCL.800 is amended as follows:

'AMC1 FCL.800 Aerobatic rating

THEORETICAL KNOWLEDGE AND FLYING TRAINING

[...]

- (b) The **DTO or the** ATO should issue a certificate of satisfactory completion of the instruction to licence endorsement.

[...]

- (11) AMC1 FCL.805 is amended as follows:

'AMC1 FCL.805 Sailplane towing and banner towing rating

THEORETICAL KNOWLEDGE AND FLYING TRAINING

[...]

- (b) The **DTO or the** ATO should issue a certificate of satisfactory completion of the instruction that can be used for licence endorsement.

[...]

- (12) AMC1 FCL.810(b) is amended as follows:

'AMC1 FCL.810(b) Night rating

PPL(H) NIGHT RATING COURSE

[...]

- (b) The **DTO or the** ATO should issue a certificate of satisfactory completion of the instruction that can be used for licence endorsement.

[...]

- (13) AMC2 FCL.930.FI is amended as follows:

'AMC2 FCL.930.FI FI — Training course

FI(S) AND FI(B) TRAINING COURSE

GENERAL

- (a) The aim of the FI(S) and FI(B) training course **at a DTO or an ATO** is to train SPL and BPL holders to the level of competence defined in FCL.920 as instructor competencies.

[...]

- (14) AMC1 FCL.1015 is amended as follows:

'AMC1 FCL.1015 Examiner standardisation

GENERAL

- (a) The competent authority may provide the course itself or through an arrangement with an **ATO or, in the case of sailplanes and balloons, with a DTO**. This arrangement should clearly



state that the ATO or the DTO is acting under the management system of the competent authority.

[...]

- (c) The competent authority, ~~or~~ the ATO or the DTO should determine any further training required before presenting the candidate for the examiner assessment of competence.

CONTENT

- (d) The training should comprise:

- (1) Theoretical training covering at least:

[...]

- (vii) except for sailplane and balloon examiner standardisation courses provided by ATOs or DTOs, the management system of ATOs;

[...]

- (15) AMC2 FCL.1015 is amended as follows:

'AMC2 FCL.1015 Examiner standardisation

STANDARDISATION ARRANGEMENTS FOR EXAMINERS

[...]

PURPOSE OF A TEST OR CHECK

[...]

- (d) Improve training and flight instruction in ATOs or DTOs by feedback of information from examiners about items or sections of tests or checks that are most frequently failed.

[...]

METHOD AND CONTENTS OF THE TEST OR CHECK

[...]

- (r) A test or check flight will be conducted within the limitations contained in the operations manual of an ATO or, when available, the operations manual of a DTO.'

- (16) A new AMC2 FCL.1025 is inserted:

'AMC2 FCL.1025 Validity, revalidation and renewal of examiner certificates

EXAMINER REFRESHER SEMINAR FOR FE(S) AND FE(B)

The examiner refresher seminar for FE(S) and FE(B) at a DTO or an ATO should follow the content of the examiner standardisation course included in AMC1 FCL.1015, and take into account specific contents as per the category of examiner affected.'



Amendments to ED Decision 2012/006/R

(17) A new AMC1 ARA.GEN.305(f) is added as follows:

'AMC1 ARA.GEN.305(f) Oversight programme

- (a) When determining the oversight programme of organisations having declared their activity, the competent authority should make a selection of DTOs to be inspected based on the elements specified in ARA.GEN.305(f).
- (b) For each selected DTO an inspection is a sample inspection of the pre-defined inspection criteria on the basis of key risk elements and the applicable requirements.
- (c) The results of past oversight activities should include information from the DTO's annual internal review and the DTO's activity reports as well as information from the verification of the DTO's training programme for Part-FCL compliance and occurrence reports linked to the activity of the DTO, if applicable.
- (d) The oversight programme should follow a risk-based approach and should be developed on a yearly basis. All DTOs should be considered for inclusion into the programme not later than 12 months after the date of the first declaration received. At least one inspection should be performed within each 72-month cycle starting from the date on which the declaration was received.
- (e) Additional inspections or unannounced inspections to specific DTOs may be included in the oversight programme on the basis of the elements specified in ARA.GEN.305(f).
- (f) The submission of a declaration, when adapting an already existing training organisation, should not be considered as a 'first declaration' as per point (d).'

(18) A new AMC2 ARA.GEN.305(f) is inserted:

'AMC2 ARA.GEN.305(f) Oversight programme

Inspection should focus on safety-relevant items, such as:

- (a) the existence of a safety policy statement and its adequacy regarding the DTO activities;
- (b) the existence of appropriate measures aiming to achieve the objectives of the safety policy including risk mitigation measures, results of annual reviews and respective corrective actions, if applicable;
- (c) flight training in accordance with the DTO training programme, its conduct and standards as well as training records;
- (d) training aircraft in use, including their registration, associated documents and maintenance records;
- (e) use of FSTDs;
- (f) operating sites and associated facilities as appropriate; and
- (g) information on flight instructors and on the validity of their licences, certificates, ratings and logbooks.



- (19) A new AMC1 ARA.DTO.100(a) is inserted as follows:

AMC1 ARA.DTO.100(a) Declaration to the competent authority

ACKNOWLEDGEMENT OF RECEIPT OF THE DECLARATION

The competent authority should acknowledge receipt of the declaration to the DTO in writing within 10 working days.

- (20) A new GM1 ARA.DTO.100(a) is inserted as follows:

GM1 ARA.DTO.100(a) Declaration to the competent authority

The verification made by the competent authority upon receipt of the declaration does not imply an inspection. The aim is to check whether what is declared complies with the applicable requirements.

- (21) A new AMC1 ARA.DTO.110 is inserted as follows:

AMC1 ARA.DTO.110 Verification of compliance of the training programme(s)

Without prejudice to national provisions on administrative procedures, when receiving an initial declaration, the competent authority should verify the compliance of the training programme(s) attached to that declaration within 6 months from the time it has acknowledged receipt of the declaration in accordance with ARA.DTO.100(a).



Draft ED Decision 201X/XXX/R ‘Acceptable Means of Compliance and Guidance Material to Part-DTO’

- (22) New AMC and GM to ‘Annex VIII (PART-DTO) “REQUIREMENTS FOR DECLARED TRAINING ORGANISATIONS (DTOs)”’ are added as follows:

GM1 DTO.GEN.110 Scope

DTO.GEN.110 lists all the training activities subject to Part-FCL which can be conducted at a DTO. However, for some of the training activities mentioned, Part-FCL does not require the involvement of a training organisation at all (FCL.130.S, FCL.130.B, FCL.225.B(b), FCL.810(c)). In this regard, DTO.GEN.110 does not constitute an obligation for these training activities to be undertaken at a DTO only.

GM1 DTO.GEN.115 Declaration process**INITIAL DTO DECLARATION AND CHANGES TO THE DTO**

The DTO should submit the declaration and any attachment(s) thereto in a paper or electronic version to the competent authority.

In the declaration, the list of aircraft should contain at least the models used for training (e.g. Cessna 152, Piper PA 28, etc.).

AMC1 DTO.GEN.210 Personnel requirements including tasks, responsibilities and procedures**SAFETY POLICY**

The safety policy should define, in relation to the DTO training programme, at least the means and methods used for:

- (a) risk identification;
- (b) risk assessment; and
- (c) adequacy of the mitigation measures (implementation and follow-up).

AMC2 DTO.GEN.210 Personnel requirements including tasks, responsibilities and procedures**HEAD OF TRAINING (HT) AND REPRESENTATIVE**

- (a) The HT should hold or have held an unrestricted flight instructor (FI) certificate for the relevant aircraft category, and should have gained 100 hours of experience as an instructor after the restriction according to FCL.910.FI has been lifted.
- (b) At a DTO providing training courses for different aircraft categories, the HT should be assisted by one or more nominated deputy HT(s) qualified with regard to the other category or categories of aircraft.



- (c) The representative of the DTO may designate a person to act as a focal point for the competent authority. The scope of the associated responsibilities should be clearly defined and communicated to the competent authority.

GM1 DTO.GEN.210 Personnel requirements

SAFETY POLICY AND RESPONSIBILITY

- (a) In order to ensure compliance of all DTO activities with its safety policy, the representative should raise safety concerns within the DTO and may rely on the experience of instructors and other competent persons within the DTO for this purpose.
- (b) Even if the representative delegates tasks to other persons, the representative remains ultimately responsible for all DTO activities.

GM2 DTO.GEN.210 Personnel requirements

HEAD OF TRAINING (HT)

The HT is responsible for:

- (a) the adequacy of the training conducted within the DTO;
- (b) monitoring the updates of the DTO training programmes;
- (c) ensuring that applicants have successfully completed the training in accordance with the DTO training programmes; and
- (d) monitoring the correct application of training standards by instructors in the DTO.

GM3 DTO.GEN.210 Personnel requirements

RESOURCES (INSTRUCTORS)

- (a) The ratio of all students to flight instructors, excluding the HT, should not exceed 6:1.
- (b) Class numbers in ground subjects involving a high degree of supervision or practical work should not exceed 28 students.

GM4 DTO.GEN.210 Personnel requirements including tasks, responsibilities and procedures

PROMOTION OF TRAINING STANDARDS: OPERATIONS MANUAL

If a DTO wishes to develop an operations manual, AMC1 ORA.ATO.230(b) can be used as guidance.



GM5 DTO.GEN.210 Personnel requirements including tasks, responsibilities and procedures
PROMOTION OF TRAINING STANDARDS: TRAINING MANUAL, INCLUDING DTO TRAINING PROGRAMME

If a DTO wishes to develop a training manual, AMC1 ORA.ATO.230(a) can be used as guidance.

AMC1 DTO.GEN.215 Facility requirements

(a) The facilities of a DTO should comprise:

- (1) flight planning facilities providing at least:
 - (i) appropriate and current aviation maps and charts;
 - (ii) current AIS information;
 - (iii) current meteorological information;
 - (iv) communications to ATC (if applicable);
 - (v) any other flight-safety-related material;
- (2) adequate briefing facilities of sufficient size and number;
- (3) suitable office(s) to allow flight instructors to write reports on students, complete records and other related documentation, as appropriate;
- (4) suitable rest areas for instructors and students, where appropriate to the training task;
- (5) in the case of DTOs providing training for the BPL or LAPL(B) only, the flight operations accommodation listed in (a)(1) to (a)(4) may be replaced by other suitable facilities when operating outside aerodromes.

(b) The following facilities for theoretical knowledge instruction should be available:

- (1) adequate classroom accommodation for the current student population;
- (2) suitable demonstration equipment to support the theoretical knowledge instruction;
- (3) suitable office(s) for the instructional personnel.

AMC1 DTO.GEN.220 Record-keeping

The training records should be kept in a paper or electronic version by the DTO where the candidate(s) is (are) undertaking their training.

AMC1 DTO.GEN.230 DTO training programme

The DTO training programme should include at least the following information:

- (a) the aim of the course;



- (b) crediting of previous experience and pre-entry requirements (including appropriate procedures for students wishing to complete their training after having started in a different training organisation);
- (c) a list of all air and FSTD exercises to be taught, including a description of the objective of each exercise as well the standard to be reached in order to complete each exercise successfully;
- (d) a syllabus summary;
- (e) structure and content of the theoretical knowledge instruction;
- (f) structure of the entire course and integration of theoretical knowledge instruction, FSTD and flight training;
- (g) student progress checks for theoretical knowledge and flight training, as appropriate.

AMC1 DTO.GEN.240 Training aircraft and FSTDs

- (a) The number of training aircraft may be affected by the availability of FSTDs.
- (b) Each training aircraft should be:
 - (1) equipped as required in the training specifications concerning the course in which it is used;
 - (2) except in the case of balloons or single-seat aircraft, fitted with primary flight controls that are instantly accessible by both the student and the instructor (for example dual flight controls or a centre control stick); swing-over flight controls should not be used.
- (c) The fleet should include, as appropriate to the courses of training:
 - (1) in the case of aeroplanes and sailplanes, aircraft suitable for demonstrating stalling and spin avoidance;
 - (2) in the case of helicopters, helicopters suitable for autorotation demonstration;
 - (3) each FSTD should be equipped as required in the training specifications concerning the course in which it is used.
- (d) One single aircraft having all the required characteristics of a training aircraft mentioned in (b) and (c) above may be sufficient.

GM1 DTO.GEN.240 Training aircraft and FSTDs

The DTO is required to use an adequate fleet of training aircraft. However, it is not required for a DTO to own the aircraft used. In any case, the DTO has a responsibility for using airworthy and appropriately equipped, certified and insured aircraft and FSTDs, as relevant to the particular course.



AMC1 DTO.GEN.250 Aerodromes and operating sites

- (a) Except in the case of sailplanes and balloons, the base aerodrome or operating site and any other aerodromes or operating sites at which flight training is being conducted should have at least the following facilities:
- (1) at least one runway or final approach and take-off area (FATO) that allows training aircraft to make a normal take-off or landing within the performance limits of all the aircraft used for the training flights;
 - (2) a wind direction indicator that is visible at ground level from the ends of each runway or at the appropriate holding points;
 - (3) adequate runway electrical lighting, if used for night training;
 - (4) an air traffic service, except for uncontrolled aerodromes or operating sites where the training requirements may be satisfied safely by another acceptable means of air-to-ground communication.
- (b) In addition to (a), for helicopters, training sites should be available for:
- (1) confined area operation training;
 - (2) simulated engine off autorotation; and
 - (3) sloping ground operation.
- (c) In the case of balloons, the take-off sites used by the DTO should allow a normal take-off and clearing of all obstacles in the take-off flight path by at least 50 ft.

AMC1 DTO.GEN.270(a) Annual internal review and annual activity report**ANNUAL INTERNAL REVIEW**

- (a) The annual internal review should be carried out by the representative who may be assisted by other persons, as necessary.
- (b) The annual internal review should cover at least the following:
- (1) Safety risk and performance:
 - (i) analysis of in-service events;
 - (ii) assessment of the adequacy of improvements made or mitigation measures taken (action plan); and
 - (iii) ensuring the integration and use of (new) training devices (aircraft and FSTDs) within the DTO.
 - (2) Training adequacy:
 - (i) training practices are in accordance with the DTO training programme(s) which have been verified for Part-FCL compliance;
 - (ii) performance of flight instructor standardisation; and
 - (iii) up-to-date DTO training programme(s).
 - (3) Safety policy:
 - (i) assessment of the safety policy for its adequacy and being up to date.



AMC1 DTO.GEN.270(b) Annual internal review and annual activity report**ANNUAL ACTIVITY REPORT**

- (a) With regard to the past calendar year, the annual activity report should contain at least lists of:
- (1) all training courses and refresher trainings actually provided;
 - (2) names of all flight and theoretical knowledge instructors involved in the provision of training, including information on the training courses they have been teaching for;
 - (3) names of all students, including information on their training goal and status;
 - (4) all training aircraft and FSTDs used, including registration and FSTD qualification letter code (as applicable);
 - (5) all occurrences, accidents and incidents that occurred during the training courses;
and
 - (6) any other information deemed relevant by the DTO.

AMC1 DTO.GEN.270(c) Annual internal review and annual activity report**SUBMISSION OF ANNUAL INTERNAL REVIEW AND ANNUAL ACTIVITY REPORT TO THE COMPETENT AUTHORITY**

The annual internal review and the annual activity report for each past calendar year should be submitted to the competent authority within a time frame agreed with the competent authority.

GM1 DTO.GEN.270(c) Annual internal review and annual activity report**SUBMISSION OF ANNUAL INTERNAL REVIEW AND ANNUAL ACTIVITY REPORT TO THE COMPETENT AUTHORITY**

It is recommended for the competent authority and the DTO to agree on the regular time frames; for example, to agree that the annual internal review and annual activity report should be submitted during the first quarter of each year for the past calendar year.

