



Terms of Reference

for a rulemaking task

Review of provisions for examiners and instructors (Subparts J and K of Part-FCL)

RMT.0596 — ISSUE 1 — DATE 18.7.2016

Applicability		Process map	
Affected regulations and decisions:	Commission Regulation (EU) No 1178/2011 (Annex I – Part - FCL) Commission Regulation (EU) No 965/2012 ED Decision 2012/006/R, ED Decision 2012/007/R, ED Decision 2011/016/R	Concept Paper:	Yes
		Rulemaking group:	Yes
		RIA type:	Light
		Technical consultation during NPA drafting:	No
		Publication date of the NPA:	2017/Q2
		Duration of NPA consultation:	2 months
Affected stakeholders:	Pilots, Instructors, Examiners, ATOs, Operators	Review group:	Yes
		Focussed consultation:	TBD
Driver/origin:	Safety	Publication date of the Opinion:	2018/Q1
Reference:	n/a	Publication date of the Decision:	2019/Q1



1. Issue and reasoning for regulatory change

Since the entry into force of the Commission Regulation (EU) No 1178/2011¹ (the Aircrew Regulation), Member States (MSs) and industry have identified several issues concerning the provisions for instructors and examiners included in Subparts J and K of Annex I (Part-FCL) to the Aircrew Regulation. As a consequence, the Agency received the request from MSs and industry to initiate a rulemaking task (RMT) regarding the review of the said subparts in order to introduce more adequate and proportionate provisions, i.e. review the prerequisites for instructors and revalidation requirements instructors and examiners, as appropriate. This resulted in RMT.0596 'Review of provisions for examiners and instructors (Subparts J and K of Part-FCL)'.

This RMT is needed to perform a complete review of the requirements related to instructors and examiners in Annex I (Part-FCL) of the Aircrew Regulation and associated acceptable means of compliance (AMC) and guidance material (GM) as well as others topics related to instructors and examiners i.e. the harmonisation between the requirements of the Aircrew Regulation and Commission Regulation (EU) No 965/2012² in order to correct and align the rules in place.

Attention will be paid to General Aviation (GA) issues that were addressed in particular during the LAPL Board kick-off meeting (held on the 22nd of July 2015). In line with the strategic direction of the GA Safety Strategy³, it was agreed to review the existing instructor and examiner requirements with a view to suggest more proportionate requirements and other associated measures for private pilots with an overall aim to make sure that there are sufficient instructors and examiners available in order to ensure the development of General Aviation in Europe. Requirements regarding flight instructors (pre-requisites, course related requirements and privileges) should be included and some requirements regarding right to become an examiner reviewed.

2. Objectives

- The general objectives of the European Union in the field of civil aviation are defined in Article 2 of Regulation (EC) No 216/2008 (the Basic Regulation)⁴. The specific objective of this RMT is improvement of the level of safety by introducing more adequate and proportionate requirements for instructors and examiners both for professional and private pilots, as appropriate;

The detailed objectives of this RMT are to:

- ensure more consistent and proportionate provisions for instructors and examiners, as appropriate;

¹ 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).

² Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296 25.10.2012, p. 1)

³ See the EASA website <http://www.easa.europa.eu/easa-and-you/general-aviation/general-aviation-road-map>

⁴ 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).



- ensure a more holistic approach to pilot training, testing and checking, and following the new training paradigm; and
- introduce more competency-based provisions to ensure the consistency with the new approach of evidence-based training.

3. Activities

During the analysis and development of this RMT, all the provisions of Subparts J and K will be reviewed. RMT activities will in particular (but not be limited to) address the following items:

Instructors (Subpart J)

- Review proposed modifications included in NPA 2014-29 ‘Amendments to Commission Regulation (EU) No 1178/2011 (the Aircrew Regulation), and the respective EASA Opinion and ED Decision — Cover Regulation, Annex I, Annex II, Annex III and AMC & GM to Annex I (Part-FCL)’ modifications proposal on instructor in order to remove any remaining inconsistencies;
- Review the prerequisites and privileges for instructors (flight instructor (FI), class rating instructor (CRI), type rating instructor (TRI) (SPA) and synthetic flight instructor (SFI) (SPA)) acting in training conducted in multi-pilot operations for HPA (complex and non-complex) aeroplanes;
- Review the instrument rating (IR) instructor prerequisites (FI, IRI, TRI) in close coordination with RMT.0677 currently developing the ‘basic instrument rating’. This new IR aims to increase access for private pilots flying under instrument flight rules (IFR);
- Review the prerequisites and course content for FI providing instruction for leisure pilot licence (LAPL)/private pilot licence (PPL)/sailplane pilot licence (SPL)/balloon pilot licence (BPL) in order to define proportionate requirements and ensure a sufficient number of instructors for general aviation activities;
- Review the possibility for a FI(S) having the privilege to provide flight instruction on touring motor glider (TMG) (see FCL.915.FI(e)) to instruct also TMG to the benefit of aeroplane licence holders (LAPL(A)/PPL(A));
- Draft revised provisions to allow CRI (resp. IRI) with a sufficient experience in their specific domain to extend their privileges to CRI instruction (resp. IRI instruction) and act in CRI training courses (FCL.930.CRI) (resp. IRI training courses (FCL.930.IRI));
- Review instructor revalidation requirements (FCL.940.FI/CRI/IRI/TRI/SFI/MCCI):
 - Address the coherency issue between revalidation requirements and regular refresher training required by the Basic Regulation Annex III paragraph (1)(i)(2)(v);
 - Review and develop a coherent proposal for crediting of hours flown as an examiner in other aircraft categories (see FCL.915(c)) (for example: flight crediting of hours flown as FE(S) or FE(B) to revalidate a FI(A) certificate);
 - Review the FI revalidation requirements (FCL.940.FI) including revalidation of EIR instructional privilege (see FCL.940.FI(a)(1));
 - Review the multi crew cooperation instructor (MCCI) revalidation requirements including the conditions for performing the supervision required in FCL.940.MCCI(a);

- Review the AMC material concerning instructor revalidation and renewal for FI/CRI (AMC1 FCL.940.FI/CRI/IRI) and for TRI/SFI (AMC1 FCL.940.TRI/SFI developed in NPA 2014-29);
- Draft an amendment to the rule and new AMC/GM for aerobatic rating instructors (missing requirement raising a safety issue):
 - Review the prerequisites in FCL.905.FI;
 - Develop AMC/GM for a pre-entry flight evaluation;
 - Develop AMC/GM for an additional training for aerobatic instructors;
- Check the consistency of TRI limitations (flight simulator training device (FSTD) only, Line Training under Supervision (LIFUS), base training normal, base training abnormal) and associated conditions (additional training, assessment, supervision) to lift limitations. The NPA 2014-29 proposal in this respect will be taken into account;
- Remove all the remaining inconsistencies between TRI and SFI requirements and in particular refine the content of AMC.FCL.930.TRI, taking into account the NPA 2014-29 proposal;
- Draft a new requirement to allow SFI to instruct for issue, revalidation and renewal of a SFI or TRI restricted to FSTD;
- Develop an AMC to define the content of assessment of competence (FCL.935) for TRI and SFI;
- Review the MI revalidation requirements (FCL.940.MI) and AMC/GM material for the content of a dedicated MI refresher seminar;
 - Coordinate with on-going RMT.0599 ‘Evidence-based and competency-based training’ to ensure that the instructor provisions facilitate EBT;
 - Coordinate with on-going RTM.0678 ‘Simpler, lighter and better Part-FCL requirements for general aviation’ to ensure a consistent approach;
- Coordinate with the General Aviation Road Map initiative on all matters related to GA;
- Any other issues relevant to the Agency.

Examiners (Subpart K)

- Review the proposed modifications regarding examiners included in NPA 2014-29 in order to remove any remaining inconsistencies;
- Assess the possibility of having examiner authorisations issued by a National Aviation Authority (NAA) different from the one which issued the licence, for examiners acting mainly in a different MS;
- Review and clarify the common general prerequisites (FCL.1000(a)) applicable to all examiners acting in an aircraft or in an FSTD;
- Introduce new requirements to allow NAAs to designate examiners who do not meet the Subpart K requirements in special circumstances and for the conduct of specific tests (skill test, proficiency check etc.) when no qualified examiner can be found;



- Review the limitation of privileges in case of vested interest (FCL.1005) and in particular clarify the 25 % rule introduced with Commission Regulation (EU) No 445/2015⁵;
- Review and clarify the examiner revalidation requirements (FCL.1025) and in particular develop a coherent proposal for possible credit for an applicant who wishes to revalidate examiner certificates in different aircraft categories at the same time (see FCL.1025(b)(4));
- Review all the flight instructor examiner (FIE) prerequisites (specifically experience condition regarding flight time instructing for an instructor certificate) and in particular the prerequisites for FIE(S) wishing to conduct assessments of competence on TMGs (FCL.1010.FIE(d)(3)(i));
- Review the prerequisites for examiners wishing only to conduct IR proficiency checks (revalidation) and in particular draft requirements to allow flight examiner (FE), class rating examiner (CRE) to revalidate IR without being IR instructors (IRI or FI/IR);
- Review the TRE/SFE prerequisites before being authorised to conduct assessments of competence (FCL.935) for the issue, revalidation or renewal of TRI/SFI;
 - Coordinate with on-going RMT.0599 'Evidence-based and competency-based training' to ensure that the examiner provisions facilitate EBT;
 - Coordinate with on-going RTM.0678 'Simpler, lighter and better Part-FCL requirements for general aviation' to ensure a consistent approach;
 - Coordinate with the General Aviation Road Map initiative on all matters related to GA;
 - Any other issues relevant to the Agency.

4. Deliverables

The expected deliverables of this RMT.0596 are:

- a concept paper on how to facilitate the shift in the training paradigm in relation to the instructor and examiner provisions;
- a notice of proposed amendment (NPA), containing proposed amendments of Part-FCL Subparts J and K and amendments to related AMC and GM;
- a comment-response document (CRD) (review of comments received);
- an Opinion including:
 - amendments of the existing requirements in Part-FCL Subparts J and K,
 - development, when needed, of new requirements in Part-FCL Subparts J and K,
 - amendments of others Parts of the Aircrew Regulation if closely linked to instructors and examiners provisions;
- a ED Decision including the related AMC/GM (after adoption of the Opinion by the Commission).

5. Interface issues

Possible interface issues between this RMT and the following ones:

⁵ 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).



- (a) RMT.0599 'Evidence-based and competency-based training';
- (b) RMT.0657 'Review of the Aircrew Regulation in order to provide a system for private pilot training outside approved training organisations (ATOs)';
- (c) RMT.0654 'Revision of the balloon licensing requirements';
- (d) RMT.0701 'Revision of the operational rules for sailplanes';
- (e) RMT.0677 'Easier access of General Aviation (GA) pilots to instrument flight rules (IFR) flying';
- (f) RMT.0678 'Simpler, lighter and better Part-FCL requirements for general Aviation';
- (g) RMT.0194 'Competency based requirements for Part-FCL'

6. Profile and contribution of the rulemaking group

The rulemaking group will be set up and its members should have the following competencies:

- initial pilot training and checking experience;
- competent authority oversight experience;
- experience in training organisations;
- experience in commercial air transport operators employing different categories of instructors and examiners: TRI, SFI, CRI, TRE, SFE, CRE etc.;
- experience in general aviation associations;
- experience in air crew licensing field.

The above mentioned expertise should be related to aeroplanes and helicopters only.

The expertise and experience of the rulemaking group members should cover regulatory requirements on licensing and regulatory and operational requirements for training organisations and operators.

According to the tasks related to RMT.0596 subgroups of the rulemaking group may be set up to better facilitate the technical discussions and drafting.

7. Annex I: Reference documents

7.1. Affected regulations

Annex I (Part-FCL) 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 (OJ L 296, 25.10.2012, p. 1).

Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296 25.10.2012, p. 1)

7.2. Affected decisions

- ED Decision 2011/016/R 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')

- ED Decisions 2012/006/R of 19 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')
- 2012/007/R of 19 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')

7.3. Reference documents

Regulation (EC) No 216/2008 of the European Parliament and the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1)

