



## TERMS OF REFERENCE

<b>Task</b>	FCL.008 (a) & (b)
<b>Issue:</b>	1
<b>Date:</b>	31 October 2008
<b>Regulatory reference</b>	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 - Articles 4, 7, 21 and Annex III.
<b>Reference documents:</b>	A-NPA 14/2006 and CRD to this A-NPA ICAO Annex 1 JAR-FCL 1 and 2 National licensing requirements NPA 2008/17 Implementing Rules for Licensing

**1. Subject:** Qualifications for flying in Instrument Meteorological Conditions

**2. Problem / Statement of issue and justification:**

In the A-NPA 14/2006 on "A concept for better regulation in General Aviation" the Agency confirmed the need to revise the current JAR-FCL Private Pilot License (PPL) as defined in JAR-FCL to accommodate deficiencies recognized by the majority of stakeholders. Furthermore the stakeholders were asked to comment on the plan to develop a European PPL with certain privileges and conditions tailored to the risk involved in this kind of operation and to express their opinion on the ratings that could be attached to that license. A majority of stakeholders mentioned that an easily accessible rating for flying in instrument meteorological conditions should be created and indicated the need for a review and simplification of the existing Instrument Rating.

During the transfer of the JAR-FCL requirements into the proposal for EASA Implementing Rules, the FCL.001 group and the MDM.032 group (dealing with better regulations for General Aviation) came to the conclusion that the existing requirements for the Instrument Rating seemed to be too demanding for the PPL holder. Additionally some of the group experts were in favor to develop a similar rating as the UK national IMC rating with lesser requirements than the current requirements for the Instrument Rating (IR) which allows the pilot to fly in circumstances that require compliance with the Instrument Flight Rules (IFR) but in certain airspace categories only. However, the groups could not agree on this issue. Due to the time constraints for the development of the Implementing Rules for licensing it was agreed to start a separate rulemaking task.

**3. Objectives:**

Review the existing JAR-FCL requirements for the Instrument Rating with a view to evaluate the possibility of reducing these requirements for private pilots flying under Instrument Flight Rules. This evaluation shall take into account the ICAO Annex 1 SARPs for the issue of an IR

Review the requirements of the UK IMC rating and other national qualifications for flying in IMC and consider whether there is a need to develop an additional European rating to fly in IMC with less training but also with limited privileges

Review the existing national requirements for cloud flying with sailplanes and assess the need for an additional European rating for sailplane pilots to fly in IMC

Take into account Air Traffic Control (ATC) requirements regarding Instrument Flight Rules (IFR) flights

Amend the proposed requirements for the instrument rating if necessary

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

Drafting of a proposal as a basis for an opinion amending the Implementing Rules

Drafting of a proposal as a basis for the decision (Acceptable Means of Compliance (AMC) supporting the opinion)

Contacting ATC experts for further input might be necessary to evaluate the possible impact of the outcome of this task.

Taking into account the comments received on A-NPA 14-2006 "A concept for better regulation in General Aviation" and on NPA 2008/17 Implementing Rules for Licensing.

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

Set up of a rulemaking group (Kick-off meeting in December 2008)

Group meetings in 2009.01 / 2009.02 to produce a proposal for the Agency

Drafting of NPA carried out by the Rulemaking Directorate of the Agency

**6. Time scale, milestones:**

Start: 2008.04

Group proposal: 2009.03

NPA: 2010.01

CRD: 2010.03

Opinion: 2011.01

Decision: 2011.03