



Terms of Reference

for a rulemaking task

Additional ratings for Part-FCL licence holders

RMT.0565 & RMT.0566 (FCL.016) – ISSUE 1 – 25/09/2013

Applicability		Process map	
Affected regulations and decisions:	Part-FCL AMC/GM Part-FCL	Rulemaking lead:	R3
Affected stakeholders:	Training organisations, personnel/licence and certificate holders, NAAs	Concept Paper:	No
Driver/origin:	Safety/rulemaking proposals from Member States	Rulemaking group:	Yes
Reference:		RIA type:	Full
		Technical consultation during NPA drafting:	TBD
		Publication date of the NPA:	2014/Q2
		Duration of NPA consultation:	3 months
		Review group:	TBD
		Focused consultation:	TBD
		Publication date of the Opinion:	2015/Q2
		Publication date of the Decision:	2016/Q2

1. Issue and reasoning for regulatory change

This rulemaking task has been planned in order to review the possibilities to develop Implementing Rules (IRs), Acceptable Means of Compliance (AMC) and Guidance Material (GM) for:

- mountain rating for helicopter licence holders; and
- seaplane extension for Light Aircraft Pilot Licence (LAPL(A)) holders.

1.1. Mountain rating for helicopter licence holders

Subpart I of Annex I (Part-FCL) to Commission Regulation (EU) No 1178/2011 (the Aircrew Regulation) includes the provision for a mountain rating in FCL.815.

According to the present Regulation the issue of a mountain rating is only foreseen for aeroplane licence holders. In several Member States helicopters are operated from and to operating sites in mountainous areas. A helicopter mountain rating exists in Switzerland as a national rating.

There are two issues:

- safety issue: the safety of helicopter operations to and from operating sites in mountainous areas might decrease if the current relevant national requirements are not transposed into common EU rules; and
- social issue: there is a concern that existing mountain rating holders might lose their privileges.

When drafting the initial requirements for Part-FCL, Member States' representatives and industry licensing experts proposed to also develop a specific mountain rating for helicopters, but due to time constraints the Agency postponed this task and offered to launch a separate task on this at a later stage.

1.2. Seaplane extension for LAPL(A) holders

Subpart H of Annex I (Part-FCL) to Commission Regulation (EU) No 1178/2011 includes the provision for a seaplane rating in FCL.725.A(b). According to Part-FCL, the holder of a LAPL(A) is not permitted to fly seaplanes. The privileges available to the LAPL(A) holder are defined in FCL.105.A LAPL(A).

UK CAA requested that consideration should be given to allowing the privileges of the LAPL(A) to be extended to seaplanes, if the holder of the licence complies with the requirements for the seaplane rating that has been created for the PPL(A).

UK CAA is concerned that existing licence holders might lose their privileges to fly seaplanes. In addition to this, UK CAA also argues that there is no obvious reason why pilots who can only obtain a LAPL(A), possibly due to medical reasons, should be prevented from flying seaplanes that are similar in all other respects to the landplanes that they are permitted to fly.

This rulemaking task will assess whether the current limitation contained in Part-FCL for holders of a LAPL(A) not to operate seaplanes should be reconsidered.

2. Objectives

2.1. Mountain rating for helicopter licence holders

The specific objectives of this proposal are to:

- improve the safety level of helicopter operations in mountainous areas by introducing adequate and proportionate requirements;
- ensure a standardised approach for training and checking system for the helicopter mountain rating; and,
- ensure a smooth transition to allow the current helicopter pilots operating in mountainous areas to continue their activity.

2.2. Seaplane extension for LAPL(A) holders

The specific objectives of this proposal are to:

- improve the safety level of seaplane operations by LAPL(A) holders with adequate and proportionate requirements; and
- ensure a standardised approach for training and checking system for a seaplane extension for LAPL(A) holders.

3. Activities

Review the existing regulations and the AMC/GM.

Develop a Regulatory Impact Assessment (RIA). During the development of the full RIA, the following activity should be considered regarding the mountain rating for helicopters:

- gathering and analysing of additional accident data to compare the accident rate between countries which introduced a helicopter mountain rating under national rules and countries which had not introduced such rating for flights in mountainous areas.

Draft new legal text and AMC/GM for a mountain rating for helicopter licence holders based on the preferred option. During the development of the requirements, the following activities should be considered:

- review of the existing national training and checking requirements for helicopter mountain operations (both FCL and OPS);
- definition of when and where a helicopter mountain rating is required.

Draft new rules and AMC/GM to allow LAPL(A) licence holders to extend their privileges to operate seaplanes based on the preferred option.

4. Deliverables

Publish the notice of proposed amendment (NPA).

After having reviewed the comments received, publish the Opinion including the Comment-Response Document (CRD).

After the adoption of the Opinion by the Commission, publish the ED Decision including the related AMC/GM.

The rule affected will be Part-FCL.

5. Interface issues

No interface issues identified.

6. Focussed consultation

To be determined.

7. Profile and contribution of the rulemaking group

Profile of potential rulemaking group and its members:

- The rulemaking group should include representatives from competent authorities; from organisations operating in mountainous areas and operating seaplanes; and from general aviation associations.
- The expertise and experience of the group members should cover helicopter flying and training in mountainous areas; seaplane flying and training; regulatory requirements on licensing; regulatory and operational requirements for training organisations; and regulatory and operational requirements for organisations operating on mountainous areas.

8. Annex I: Reference documents

8.1. 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 311, 25.11.2011, p. 1)

8.2. Affected decisions

ED Decision 2011/016/R (Initial Issue) 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

8.3. Reference documents

No specific reference documents.