



EUROPEAN
COMMISSION

Brussels, **XXX**
[...](2021) **XXX** draft

ANNEX II to EASA Opinion No 02/2021

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

**amending Commission Regulation (EU) No 1178/2011 as regards the requirements for
all-weather operations and for instrument and type rating training in helicopters**

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

amending Commission Regulation (EU) No 1178/2011 as regards the requirements for all-weather operations and for instrument and type rating training in helicopters

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 ⁽¹⁾, and in particular Articles 23(1) and 27(1) thereof,

Whereas:

- (1) Annex I (Part-FCL) to Commission Regulation (EU) No 1178/2011² lays down the training, testing and checking requirements for pilot licences, including requirements for obtaining privileges to fly approaches in accordance with instrument flight rules (IFR) down to decision heights of less than 200 feet (60 metres), and for instrument and type rating training in helicopters.
- (2) Commission Regulation (EU) No 965/2012³ lays down detailed rules for air operations, including requirements for operators to provide to their crew regular training and conduct checking with regard to the specific type of operation (operator training and checking). This Regulation is prepared to be amended to reflect the latest amendments to the standards adopted by the International Civil Aviation Organization (ICAO), namely ICAO Annex 6, Part I (11th edition), Part II (10th edition) and Part III (9th edition), regarding all-weather operations and the instrument approach terminology. The related amendments to Commission Regulation (EU) No 965/2012 are designed to constitute the comprehensive regulatory framework for low-visibility IFR approaches. The requirements for low-visibility IFR approaches in Commission Regulation (EU) No 1178/2011 should therefore be deleted or, where necessary, replaced by references to the new operator training requirements in Commission Regulation (EU) No 965/2012.

⁽¹⁾ OJ L 212, 22.8.2018, p. 1.

⁽²⁾ 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).

⁽³⁾ 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) Since single-engine helicopters have started to be certified for operation under IFR, the requirements for the helicopter instrument rating should be revised in order to provide more flexibility. The helicopter instrument rating and the related training should be designed to cover instrument flight in both single-engine and multi-engine helicopters, and additional training to convert from a single-engine helicopter instrument rating to a multi-engine helicopter instrument rating should no longer be needed.
- (4) As regards pilot privileges for multi-pilot operation in helicopters certified for single-pilot operation, today the more demanding Part-FCL provisions for pilot privileges for multi-pilot helicopters apply. As a result, almost all helicopter operations are carried out in single-pilot operation, unless multi-pilot operation is mandated by operational requirements. In such way, the safety benefit of flying with a co-pilot is not promoted. For this reason, the requirements and privileges for multi-pilot operation in helicopters should be revised in order to provide more flexibility. Appropriate requirements should be put in place to allow for safe multi-pilot operation in single-pilot helicopters.
- (5) Since, until now, de facto only multi-engine helicopters were used for helicopter flights under IFR, the existing helicopter instrument ratings were obtained in multi-engine helicopters. For this reason, transitional provisions should be put in place to ensure that existing helicopter instrument ratings and related training will be deemed as and lead to helicopter instrument ratings that encompass privileges for both single-engine and multi-engine helicopters.
- (6) Training organisations should be given sufficient time to adapt their training programmes.
- (7) The European Union Aviation Safety Agency has prepared draft implementing rules and submitted them to the European Commission with Opinion No 02/2021 ⁽⁴⁾ in accordance with points (b) and (c) of Article 75(2) and with Article 76(1) of Regulation (EU) 2018/1139.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the committee that is established in accordance with Article 127 of Regulation (EU) 2018/1139,

HAS ADOPTED THIS REGULATION:

Article 1

Commission Regulation (EU) No 1178/2011 is amended as follows:

- (1) the following Article 4d is inserted:

‘Article 4d

Transitional measures for single-engine instrument rating privileges for helicopters

Without prejudice to point FCL.630.H of Annex I (Part-FCL) to this Regulation, all of the following shall apply:

1. instrument ratings for helicopters (IR(H)) issued in accordance with Annex I (Part-FCL) to this Regulation before [*date of applicability of the fuel package*] shall be deemed as IR(H) for both single-engine and multi-engine

⁽⁴⁾ <https://www.easa.europa.eu/document-library/opinions>

helicopters and shall be reissued as such IR(H), when reissuing a helicopter pilot licence for administrative reasons.

2. Applicants who before [*date of applicability of the fuel package*] commenced training for an IR(H) for either single-engine or multi-engine helicopters shall be allowed to complete that training and, in such a case, be issued with an IR(H) for both single-engine and multi-engine helicopters.’

(2) the following Article 4e is inserted:

‘Article 4e

Transitional measures for training, testing and checking related to multi-pilot operations in single-pilot helicopters

1. Member States may decide to issue specific privileges for conducting training, skill tests and proficiency checks in multi-pilot operation in single-pilot helicopters to applicants who meet all of the following conditions:
 - (a) hold an instructor or examiner certificate, as applicable, issued in accordance with Annex I (Part-FCL) to this Regulation, including the privileges to instruct or to examine, as applicable, in the relevant type of helicopter;
 - (b) have completed the training specified in point FCL.735.H of Part-FCL;
 - (c) have experience in multi-pilot operation in helicopters at a level that is acceptable to the competent authority of that Member State.
2. The privileges issued in accordance with paragraph 1 shall be valid only until [*date of applicability of the fuel package* + 3 YEARS]. In order to revalidate the privileges, applicants shall comply with the experience requirements for instructor and examiner privileges related to multi-pilot operation in single-pilot helicopters as set out in Part-FCL.

(3) in Article 10a, the following paragraph (6) is added:

- ‘6. Pilot training organisations that provide training for the IR(H) shall adapt their training programme to be compliant with the Annex to this Regulation by [*date of applicability of the fuel package* + 1 YEAR].

(3) Annex I (Part-FCL) is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from [*date of applicability of the fuel package*].

Article 4e and the following points of this Regulation shall apply from [*date of applicability of the fuel package* + 1 YEAR]:

- point 1 of the Annex;
- point 4 of the Annex;
- point 9 of the Annex;
- point 23 of the Annex;
- point 24 of the Annex.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President
[...]