



# Opinion No 16/2016

## Regular update of regulations regarding pilot training, testing and checking and the related oversight

Making the multi-crew pilot licence take-off and landing requirement more competency-based

RMT.0587

### EXECUTIVE SUMMARY

This Opinion addresses a harmonisation and proportionality issue related to the multi-crew pilot licence (MPL) take-off and landing requirement. The specific objective of this Opinion is to ensure that a non-controversial issue, for which there is sufficient consensus related to initial pilot training and licensing, is addressed, as well as to improve the regulatory framework, thereby promoting a competitive environment.

Article 2 of Regulation (EC) No 216/2008 requires the European Aviation Safety Agency to assist Member States (MSs) in fulfilling their obligations under the Chicago Convention on International Civil Aviation, by providing a basis for a common interpretation and uniform implementation of the Convention requirements, and by ensuring that these requirements are duly taken into account in this Regulation and in the implementing rules (IRs) created for their implementation. In this context, the International Civil Aviation Organization (ICAO) Standards and Recommended Practices (SARPs) for the MPL were transposed into Subpart E and Appendix 5 of Annex I (Part-FCL) to Regulation (EU) No 1178/2011. When drafting the relevant parts of the IRs, only the former requirements from Joint Aviation Requirements Flight Crew Licensing 1 (JAR-FCL 1) were taken into consideration, and it was omitted to be fully aligned with the ICAO Doc 9868 'Procedures for Air Navigation Services — Training' (PANS-TRG) recommendations. Moreover, EASA is pursuing a more competency-based approach to ensure proportionate and performance-based requirements.

This Opinion, developed by EASA in accordance with Article 15 of the Management Board (MB) Decision No 18-2015, proposes to amend the IRs dealing with the take-off and landing training required during the advanced phase of an MPL training course. The draft rule text as well as the related guidance material (GM), developed by EASA in consultation with industry MPL experts, will enable approved training organisations (ATOs) and respective operators to make the MPL course more competency-based, thereby aligning itself to a greater extent with ICAO Annex 1 and related provisions, by reducing the minimum number of take-offs and landings from 12 to 6 provided that a procedure is in place to ensure that a pilot is trained in competency. Furthermore, another process between the ATOs and the respective operators should be established to ensure that corrective action is taken if in-training evaluation indicates the need to do so. This proposed amendment is expected to ensure full alignment with the existing ICAO Annex 1 and related provisions and introduce a more competency-based approach.

<b>Action area:</b>	Regular updates		
<b>Affected rules:</b>	Part-FCL and related GM		
<b>Affected stakeholders:</b>	ATOs; flight crew; national aviation authorities (NAAs); commercial air transport (CAT) operators		
<b>Driver:</b>	Proportionality	<b>Rulemaking group:</b>	No
<b>Impact assessment:</b>	Light	<b>Rulemaking Procedure:</b>	Direct (Art. 15)

• EASA special rulemaking procedure milestones



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## 1. About this Opinion

### 1.1. How this Opinion was developed

The European Aviation Safety Agency (EASA) developed this Opinion in line with Regulation EU No 216/2008<sup>1</sup> (hereinafter referred to as the 'Basic Regulation') and the Rulemaking Procedure<sup>2</sup>.

This rulemaking activity is included in the EASA 5-year Rulemaking Programme<sup>3</sup> under rulemaking task RMT.0587. The scope and timescales of the task were defined in the related ToR RMT.0587, Issue 1<sup>4</sup>, published on 11 May 2016 on the EASA website. RMT.0587 is a standing (open-ended) task that serves to address non-controversial issues for which there is sufficient consensus related to, among other areas, initial pilot training and licensing. Moreover, RMT.0587 aims to continuously improve the regulatory framework by reducing the complexity of the IRs and by promoting a competitive environment.

As no rulemaking group (RMG) was created for RMT.0587, EASA presented to various stakeholders and discussed with them the *draft* text of this Opinion (proposed amendment to the MPL training requirements), such as during recent Technical Bodies (TeBs), Safety Standards Consultative Subcommittee Flight Standards (sub-SSCC FS) and Member States' Advisory Body (MAB) meetings. The feedback received showed unanimous support for the EASA initiative. As a result, since this proposed amendment had been widely consulted with the stakeholders, EASA decided to make use of Article 15 'Special rulemaking procedure: direct publication' of the Rulemaking Procedure of MB Decision No 18-2015. In accordance with said Procedure, the draft rule text and the related new draft GM have been consulted for 3 weeks with the ABs. Following this ABs consultation, the rulemaking proposal was not in need to be revised.

The *final* text of this Opinion and the draft regulation have been developed by EASA in consultation with industry MPL experts. The draft rule text proposed by EASA is published on the EASA website<sup>5</sup>.

### 1.2. The next steps

This Opinion contains the proposed amendments to Regulation (EU) No 1178/2011 and their potential impacts. It is submitted to the European Commission to be used as a technical basis in order to prepare a European Union (EU) regulation.

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<sup>1</sup> 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) (<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1467719701894&uri=CELEX:32008R0216>).

<sup>2</sup> EASA 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 EASA Management Board (MB) and is referred to as the 'Rulemaking Procedure'. See MB Decision No 18-2015 of 15 December 2015 replacing Decision 01/2012 concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications and guidance material (<http://www.easa.europa.eu/the-agency/management-board/decisions/easa-mb-decision-18-2015-rulemaking-procedure>).

<sup>3</sup> <http://easa.europa.eu/rulemaking/annual-programme-and-planning.php>

<sup>4</sup> [https://www.easa.europa.eu/document-library/terms-of-reference-and-group-compositions?search=0587&date\\_filter%5Bvalue%5D%5Byear%5D=&=Apply](https://www.easa.europa.eu/document-library/terms-of-reference-and-group-compositions?search=0587&date_filter%5Bvalue%5D%5Byear%5D=&=Apply)

<sup>5</sup> <http://easa.europa.eu/document-library/opinions>



For information, EASA publishes as an Appendix to this Opinion the draft text for the related EASA decision containing GM. The final decision amending the GM will be published by EASA once the European Commission has adopted the regulation.



## 2. In summary — why and what

### 2.1. Why we need to change the rules — issue/rationale

Article 2 of the Basic Regulation requires EASA to assist MSs in fulfilling their obligations under the Chicago Convention, by providing a basis for a common interpretation and uniform implementation of the Convention requirements, and by ensuring that these requirements are duly taken into account in this Regulation and in the IRs created for their implementation.

In this regard, ICAO Annex 1 and related provisions for the MPL were transposed into Subpart E and Appendix 5 of Annex I (Part-FCL) to Regulation (EU) No 1178/2011<sup>6</sup> (the ‘Aircrew Regulation’). When drafting the relevant parts of the IR, only the former requirements from JAR-FCL 1 were taken into consideration, and it was omitted to be fully aligned with the ICAO Doc 9868 ‘PANS-TRG’ recommendations. Moreover, EASA is pursuing a more competency-based approach to ensure proportionate and performance-based requirements.

Consequently, this Opinion, developed by EASA, proposes to amend the IRs dealing with the take-off and landing training required during the advanced phase of an MPL training course.

### 2.2. What we want to achieve — objectives

The overall objectives of the EASA system in the field of civil aviation 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 above.

The specific objectives of this rulemaking proposal are, therefore, to:

- (a) ensure that a non-controversial issue, for which there is sufficient consensus related to initial pilot training and licensing, is addressed; and
- (b) improve the regulatory framework, thereby promoting a competitive environment.

### 2.3. How we want to achieve it — overview of the proposals

EASA proposes to amend:

- Part-FCL; and
- GM to Part-FCL.

The proposed amendment to the IRs, and the additional GM, developed by EASA in consultation with industry MPL experts, will enable ATOs and the respective operators to make the MPL training course more competency-based, by reducing the minimum take-offs and landings from 12 to 6 provided that a procedure is in place to ensure that a pilot is trained in competency. Furthermore, another process between the ATOs and the respective operators should be established to ensure that corrective action is taken if in-training evaluation indicates the need to do so. This is in line with the existing ICAO Annex 1 and related provisions. In this context, it should be highlighted that the post-training evaluation is already covered by GM1 ORO.FC.220(c).

<sup>6</sup> 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) (<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1477651104530&uri=CELEX:32011R1178>).



## 2.4. What are the stakeholders' views — outcome of the consultation

Unanimous support for the initiative has been received from ABs during the consultation of the draft Opinion and Decision in accordance with Article 15 of MB Decision No 18-2015.

## 2.5. What are the expected benefits and drawbacks of the proposals

### 2.5.1. Who is affected

The proposed draft rule text and related GM affect the following categories of stakeholders:

- ATOs,
- flight crew,
- NAAs, and
- CAT operators.

### 2.5.2. How could the issue/problem evolve

If no action is taken, the EU MPL requirements would not be fully aligned/harmonised with the latest ICAO Annex 1 and related provisions. Furthermore, the EU requirements would remain unnecessarily prescriptive and non-competency-based. A potential decline in the uptake of the MPL by CAT operators is also foreseen.

### 2.5.3. Objectives

The specific objectives of this Opinion are detailed in Section 2.2 above.

### 2.5.4. Policy options

**Table 2 — Policy options**

Option No	Short title	Description
0	Baseline option	No change to the rules; no further harmonisation with ICAO Annex 1 and related provisions on the MPL requirements; the requirements remain unnecessarily prescriptive and non-competency-based.
1	Amendment to the MPL training course requirement in Appendix 5 of Part-FCL	This Option proposes an amendment to the requirement for 12 take-offs and landings during the advanced phase of the MPL training course at an ATO. The amendment aims to make the existing requirement more competency-based, by reducing the take-offs and landings from 12 to 6, subject to the ATO establishing a procedure to assess competency as well as a process for taking corrective actions depending on training needs.  EASA is of the opinion that this amendment fully meets the expectations of the stakeholders.

### 2.5.5. Analysis of impacts

When preparing this Opinion for the amendments to the MPL requirements, EASA considered the following impacts:

**Table 2a — Impacts of Option 0**

<b>Safety impact</b>	No impact on safety. Safety level is maintained.
<b>Economic impact</b>	No impact.
<b>Social impact</b>	Some minor negative impact for the flight crew might be expected in the future, because the EU requirements would remain unnecessarily prescriptive and non-competency-based. A potential decline in the uptake of the MPL by CAT operators is also foreseen.
<b>Environmental impact</b>	No impact on environment. Both aircraft pollution and noise are maintained at the current level.

**Table 2b — Impacts of Option 1**

<b>Safety impact</b>	The safety impact of this Option is enhanced because the training outcome is better assessed through the demonstration of observable behaviours/competencies
<b>Economic impact</b>	The economic impact of this Option is enhanced because unnecessary additional landings are avoided, thus having a positive effect on cost for the affected ATOs and operators. For the NAAs, there is a positive impact due to the aligned global effort towards performance-based regulation and oversight.
<b>Social impact</b>	The IRs, harmonised with ICAO Annex 1 and the ICAO Doc 9868 'PANS TRG' recommendations, have a positive social impact for the ATOs, operators and flight crew due to the promotion of competency-based training.
<b>Environmental impact</b>	Relief through the reduction of unnecessary aircraft pollution and noise

### 2.5.6. Conclusion

As summarised in Tables 2a and 2b above, Option 1 has only positive impacts across the different criteria. It will allow the implementation of a more competency-based requirement for MPL training, ensure harmonisation with ICAO, improve the safety level and competitive environment and, in many cases, significantly reduce pollution and noise.

Done at Cologne, 15 December 2016

[signed by]  
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)

#### 3.2. Related decisions

Decision No<sup>o</sup> 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'

#### 3.3. Other reference documents

- ICAO Annex 1 to the Convention on International Civil Aviation — Personnel Licensing
- ICAO Doc 9868 — PROCEDURES FOR AIR NAVIGATION SERVICES — TRAINING (PANS TRG), 1st Edition



## 4. Appendix: Draft GM to Part-FCL (draft EASA Decision) — For information only

### 4.1. 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.

1. New GM2 to Appendix 5 is added as follows:

#### **GM2 to Appendix 5**

##### ASSESSMENT OF STUDENT COMPETENCY DURING TAKE-OFF AND LANDING TRAINING

The required level of competency of a student pilot is assessed by observing the following:

- situation awareness;
- problem-solving and decision-making;
- communication;
- workload management;
- leadership and teamwork;
- aircraft flight path management; and
- application of procedures.

Two competencies are particularly relevant during the training:

- (a) aircraft flight path management — manual control; and
- (b) application of procedures.

This means that the focus is on observing the student pilot performing take-offs and landings in accordance with the standard operating procedures (SOPs) and recommended techniques of the original equipment manufacturer (OEM).

The competency elements and sub-elements stipulated in GM1 to Appendix 5 for take-off and landing provide additional guidance for instructors and student pilots.

Consistency and repeatability of (a) and (b) above is achieved if the student pilot is able to perform at least three successive take-offs and landings demonstrating the required observable behaviours.

The take-off and landing training in an aeroplane should include at least one go-around.

Due consideration should be given to environmental conditions when evaluating competency.

