



# Opinion No 01/2019 (B)

## Revision of the balloon licensing requirements

RMT.0654

## Revision of the sailplane licensing requirements

RMT.0701

### EXECUTIVE SUMMARY

This Opinion delivers the results of three rulemaking tasks (RMTs): RMT.0677 ‘Easier access for general aviation pilots to instrument flight rules (IFR) flying’, and the combined RMT.0654 ‘Revision of the balloon licensing requirements’/RMT.0701 ‘Revision of the sailplane licensing requirements’. The detailed structure of this Opinion and the reason for combining these RMTs into one opinion are given in Section 1.1.

The objective of this Opinion regarding RMT.0654/RMT.0701 is to establish a simpler, lighter and better regulatory framework for flight crew licensing (FCL) related to balloons and sailplanes.

For this purpose, Part (B) of Opinion No 01/2019 proposes to extract all balloon and sailplane FCL provisions of Annex I (Part-FCL) to Regulation (EU) No 1178/2011 and to revise and reintroduce them as new Annex III ‘Part-BFCL — Balloon flight crew licensing’ into Regulation (EU) 2018/395 and as Annex III ‘Part-SFCL — Sailplane flight crew licensing’ into Regulation (EU) 2018/1976, in order to complete the ‘balloon and sailplane rulebooks’.

At the same time, the requirements in other annexes to Regulation (EU) No 1178/2011 on the acceptance of third-country licences (Annex III), medical requirements for pilots (Annex IV ‘Part-MED’), authority requirements (Annex VI ‘Part-ARA’) and requirements for training organisations (Annex VII ‘Part-ORA’; Annex VIII ‘Part-DTO’) should remain applicable and be revised, as necessary, in order to reflect the migration of the balloon and sailplane FCL requirements from Part-FCL to the new Part-BFCL and Part-SFCL.

The proposed Part-BFCL and Part-SFCL contain numerous alleviations and simplifications, compared to the current balloon and sailplane FCL provisions in Part-FCL. Enhanced flexibility and a more performance-based approach in several areas avoid overregulation while still keeping a regulatory level that is needed in order not to compromise safety.

The proposed amendments are expected to maintain safety while reducing the regulatory burden for both pilots and training organisations of balloons and sailplanes as well as competent authorities.

<b>Action area:</b>	General aviation		
<b>Affected rules:</b>	Regulation (EU) No 1178/2011; Regulation (EU) 2018/395; Regulation (EU) 2018/1976		
<b>Affected stakeholders:</b>	Balloon and sailplane operators, pilots, instructors and examiners; training organisations; competent authorities		
<b>Driver:</b>	Efficiency/proportionality	<b>Rulemaking group:</b>	No (external expert group)
<b>Impact assessment:</b>	Light	<b>Rulemaking Procedure:</b>	Article 16: Accelerated procedure

### EASA special rulemaking procedure milestones



RMT.0654: 16.9.2016	21.6.2018	18.2.2019	2019/Q4	2019/Q4
RMT.0701: 15.12.2016	26.6.2018			

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## 1. About this Opinion

### 1.1. How this Opinion was developed

The European Union Aviation Safety Agency (EASA) developed this Opinion in line with Regulation (EU) 2018/1139<sup>1</sup> ('Basic Regulation') and the Rulemaking Procedure<sup>2</sup>. It contains the results of three rulemaking tasks (RMTs) related to general aviation (GA) issues which all affect Regulation (EU) No 1178/2011<sup>3</sup>. For this reason, EASA decided to combine the draft amendments to Regulation (EU) No 1178/2011 that result from all three RMTs into one consolidated document while separate explanatory notes elaborate on the background and detailed explanations for the different RMTs.

The structure of this Opinion, including its annexes, is the following:

- Opinion No 01/2019:
  - Opinion No 01/2019 (A) (Part A): Explanatory Note related to RMT.0677 (Easier access for general aviation pilots to instrument flight rules flying)
  - Opinion No 01/2019 (B) (Part B): Explanatory Note related to RMT.0654/RMT.0701 (Revision of the balloon and sailplane licensing requirements)
- Annex Ia to Opinion 01/2019: Amendments to Regulation (EU) No 1178/2011 — Cover Regulation
- Annex Ib to Opinion 01/2019: Amendments to Regulation (EU) No 1178/2011 — Annexes
- Annex IIa to Opinion 01/2019: Amendments to Regulation (EU) 2018/395 — Cover Regulation
- Annex IIb to Opinion 01/2019: Amendments to Regulation (EU) 2018/395 — Annexes
- Annex IIIa to Opinion 01/2019: Amendments to Regulation (EU) 2018/1976 — Cover Regulation
- Annex IIIb to Opinion 01/2019: Amendments to Regulation (EU) 2018/1976 — Annexes

For the purpose of this document, references to 'this Opinion' or 'this rulemaking activity' shall be understood as referring to the scope of Opinion No 01/2019 (B). The related rulemaking activity is included in the EASA 5-year Rulemaking Programme<sup>4</sup> under RMT.0654 (for the review of the balloon licensing requirements) and RMT.0701 (for the review of the sailplane licensing requirements). The scope and timescales of the task were defined in the related ToRs<sup>5</sup>.

The *draft* text of this Opinion has been developed by the expert groups of RMT.0654 and RMT.0701 (hereinafter: RMT.0654 expert group and RMT.0701 expert group) followed by a review and revision by

<sup>1</sup> 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 (OJ L 212, 22.8.2018, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018R1139&qid=1538580231987&from=DE>).

<sup>2</sup> EASA is bound to follow a structured rulemaking process as required by Article 115(1) of Regulation (EU) 2018/1139. Such a 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 EASA 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> 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) (<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011R1178&qid=1547642686121&from=EN>).

<sup>4</sup> <http://easa.europa.eu/rulemaking/annual-programme-and-planning.php>

<sup>5</sup> RMT.0654: [https://www.easa.europa.eu/sites/default/files/dfu/ToR-RMT\\_0654.pdf](https://www.easa.europa.eu/sites/default/files/dfu/ToR-RMT_0654.pdf);

RMT.0701: <https://www.easa.europa.eu/sites/default/files/dfu/ToR%20RMT.0701%20Issue%201.pdf>



EASA. All interested parties were consulted through focused consultation workshops held on 21 June 2018 (RMT.0654) and on 26 June 2018 (RMT.0701) (one-day public workshops) at EASA. Additionally, a written consultation with the relevant EASA advisory bodies<sup>6</sup> was conducted from 16 October to 13 November 2018.

The *final* text of this Opinion and the draft regulations have been developed by EASA, taking into consideration the input from the RMT.0654 and RMT.0701 expert groups and the outcome of both the focused consultation workshops as well as the written consultation with the EASA advisory bodies. The draft rule text proposed by EASA is published on the EASA website<sup>7</sup>.

The major milestones of this rulemaking activity are presented on the title page.

## 1.2. The next steps

This Opinion contains the proposed amendments to Commission Regulation (EU) No 1178/2011, Commission Regulation (EU) 2018/395<sup>8</sup>, and Commission Implementing Regulation (EU) 2018/1976. It is submitted to the European Commission to be used as a technical basis in order to prepare EU regulations.

The decision containing the related acceptable means of compliance (AMC) and guidance material (GM) will be published by EASA when the related regulations are adopted by the European Commission.

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<sup>6</sup> General Aviation (GA) TeB & GA Committee.

<sup>7</sup> <http://easa.europa.eu/document-library/opinions>

<sup>8</sup> Commission Regulation (EU) 2018/395 of 13 March 2018 laying down detailed rules for the operation of balloons pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 71, 14.3.2018, p. 10) (<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018R0395&from=EN>).



## 2. In summary — why and what

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

Currently, the European rules for flight crew licensing (FCL) for balloons and sailplanes in force are laid down in Annex I (Part-FCL) to Commission Regulation (EU) No 1178/2011 (the Aircrew Regulation). This Regulation contains technical requirements and administrative procedures for FCL not only for balloons and sailplanes but also for aeroplanes, helicopters, airships as well as powered-lift aircraft. In this respect, stakeholders have continuously raised the following concerns as regards FCL for balloons and sailplanes:

- The level of details in the requirements, while being appropriate for FCL for other aircraft categories (mainly aeroplanes and helicopters), is too high for both the balloon and sailplane domains.
- The proportionality of some requirements (e.g. recency requirements for pilots, revalidation and renewal requirements for instructors and examiners), again, while being appropriate for other aircraft categories regulated in Part-FCL, is not given with regard to the requirements related to balloons and sailplanes.
- The availability of two different licences with almost the same scope of privileges (LAPL and BPL/SPL) adds unnecessary complexity to the overall licensing system for balloons and sailplanes.

In the context of the General Aviation (GA) Road Map<sup>9</sup>, EASA took into consideration the concerns raised by stakeholders and decided to develop simpler and more proportionate rules for FCL for balloons and sailplanes. This includes the following major measures:

- Extraction of the FCL requirements for balloons and sailplanes from Part-FCL and reintroduction as new annexes to Commission Regulation (EU) 2018/395 (the Balloon Regulation) and Commission Implementing Regulation (EU) 2018/1976<sup>10</sup> (the Sailplane Regulation), thereby establishing separate regulations that have both operational and FCL requirements under ‘one roof’; and
- restructuring and simplification of the FCL rules for balloons and sailplanes, when reintroducing them as described in the previous indent, in order to establish a simpler, lighter and better regulatory framework for FCL for balloons and sailplanes, tailored to the needs of balloon and sailplane stakeholders.

Once this extraction, revision and reintroduction of the FCL requirements for balloons and sailplanes will be achieved, the new regulatory structure for balloons and sailplanes will be the following:

#### **Commission Regulation (EU) 2018/395 (balloons)**

Annex I (Part-DEF): Definitions

Annex II (Part-BOP): Balloon air operations

#### **Annex III (Part-BFCL): Balloon flight crew licensing**

<sup>9</sup> <https://www.easa.europa.eu/easa-and-you/general-aviation/general-aviation-road-map>

<sup>10</sup> Commission Implementing Regulation (EU) 2018/1976 of 14 December 2018 laying down detailed rules for the operation of sailplanes pursuant to Regulation (EU) 2018/1139 of the European Parliament and of the Council (OJ L 326, 20.12.2018, p. 64).

### **Commission Implementing Regulation (EU) 2018/1976 (sailplanes)**

Annex I (Part-DEF): Definitions

Annex II (Part-SAO): Sailplane air operations

#### **Annex III (Part-SFCL): Sailplane flight crew licensing**

EASA is of the opinion that this new regulatory framework covering both operational and FCL domains of balloons and sailplanes in specific regulations will meet the needs of balloon and sailplane stakeholders. Balloon and sailplane pilots, training providers and operators are expected to benefit from such a concise regulatory framework which does not compromise safety.

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

The overall objectives of the EASA system are defined in Article 1 of Regulation (EU) 2018/1139. This proposal will contribute to the achievement of the overall objectives by addressing the issues outlined in Chapter 2.

The specific objective of this proposal is, therefore, to establish FCL requirements for balloons and sailplanes that are proportionate to the nature and the complexity as well as the risks of balloon and sailplane activities.

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

### **2.3.1. General**

As already explained in Section 2.1., the existing FCL requirements for balloons and sailplanes are extracted from Part-FCL and, after being restructured and simplified, added as new annexes to the Balloon Regulation (new Annex III 'Part-BFCL') and the Sailplane Regulation (new Annex III 'Part-SFCL').

The major changes and achievements of the FCL requirements for balloons and sailplanes done during this revision are summarised in Sections 2.3.2. to 2.3.4.

In Section 2.3.5., the structure and content of the changes to the Balloon Regulation and the Sailplane Regulation (articles) are explained.

In Section 2.3.6., the changes to Annexes I (Part-DEF) of both the Balloon Regulation and the Sailplane Regulation are explained.

In Section 2.3.7., the changes to Annex II (Part-BOP) to Regulation (EU) 2018/395 are explained.

In Section 2.3.8., the overall structure of Part-BFCL and Part-SFCL is explained, and an overview of the content is provided.

Finally, Section 2.3.9. illustrates the changes to the Aircrew Regulation that are necessary in the context of the introduction of Part-BFCL and Part-SFCL.

Further and more detailed information on the changes and especially the differences between Part-FCL on the one side and the new Part-BFCL and Part-SFCL on the other side (including cross references between Part-BFCL, Part-SFCL and Part-FCL) are illustrated in the tables in Appendices 4.1. and 4.2.



Some of the draft rule text that is presented with this Opinion is highlighted with blue colour in order to indicate those draft rules that need to be adopted with a delegated act, in accordance with Article 68 Regulation (EU) 2018/1139.

## 2.3.2. Major amendments and achievements (Part-BFCL and Part-SFCL)

### 2.3.2.1. Deletion of the LAPL for balloons and sailplanes

Under Part-FCL, the current regulatory framework with two licences for both balloons (LAPL(B), BPL) and sailplanes (LAPL(S), SPL) has been identified to be a redundant licensing system that causes unnecessary complexity and burden:

- The level of medical fitness (LAPL medical certificate or class 2 medical certificate) is the only criterion to determine whether an applicant can obtain an LAPL or a BPL/SPL. However, applicants for both LAPL and BPL/SPL have to complete the same training and testing, they are obliged to comply with identical recency requirements, and they are entitled to act as pilots on the same aircraft (LAPL(B) holders are restricted to balloons with a smaller envelope size, but this was identified by the RMT.0654 expert group to be rather irrelevant with regard to the medical fitness of the pilot).
- Although qualified on the same level, instructors that hold an LAPL for balloons or sailplanes were not allowed to provide instruction for the issue of a BPL or an SPL (point FCL.915(b)(1) of Part-FCL).
- According to point MED.A.030 of Annex IV (Part-MED) to the Aircrew Regulation, even a temporary decrease in medical fitness resulting in the ‘downgrading’ from a class 2 medical certificate to an LAPL medical certificate required a temporary reissue of a BPL or an SPL as LAPL.

When Part-FCL had been introduced, the main reason for establishing this ‘dual’ system has been to allow pilots with a lower medical fitness to obtain a basic licence for leisure pilot activities, restricted to non-commercial operation and (due to ICAO non-compliance of the LAPL medical certificate) to flying only within the territory of the Member States.

However, during the work of RMT.0654 and RMT.0701, it has been concluded that, while keeping these advantages of basic pilot privileges with certain operational restrictions, the licensing system itself can be simplified, as the requirements for obtaining and maintaining both balloon licences as well as both sailplane licences are identical.

The requirements for the LAPL are therefore deleted for both balloons and sailplanes, and the balloon pilot licence (BPL) and sailplane pilot licence (SPL) remain as the sole licences for the respective aircraft category. Applicants for and holders of a BPL or an SPL will need to hold at least an LAPL medical certificate issued in accordance with Part-MED, except for the commercial transport of passengers for which still a class 2 medical certificate will be required. When holding an LAPL medical certificate, holders of a BPL or an SPL will also be restricted to exercise their privileges within the territory of the Member States. Point MED.A.030 of Annex IV (Part-MED) is proposed to be amended accordingly.



This concept of a single licence with a (potential) scope of privileges solely depending from the medical certificate held by the pilot is believed to provide both simplification and flexibility to the balloon and sailplane licensing domains.

#### **2.3.2.2. Revalidation requirements for the FI certificate**

In Part-FCL, a flight instructor (FI) certificate is issued for a validity period of 3 years and needs to be revalidated following the '2 out of 3' principle (instructor experience, refresher seminar, assessment of competence) (see point FCL.940.FI of Part-FCL).

While it has been highlighted by both the RMT expert group and stakeholders' comments (refer to Section 2.4.) that regular refresher training for instructors is of significant importance, the remaining elements of the known '2 out of 3' principle should be revised in the context of the overall objective to make the regulatory framework for balloons and sailplanes simpler, lighter and better.

Hence, following the example of the licence (BPL and SPL) itself, the FI certificate as per Part-BFCL and Part-SFCL is issued without an expiry date and does no longer need to be revalidated. In order to continuously exercise the privileges of the certificate, the FI will need to comply with a set of recency requirements (see points BFCL.360 and SFCL.360): Within the last 3 years, instructor refresher training needs to be completed and instructor experience (identical to the experience required in point FCL.940.FI(a)(1)(iii) and (iv)) needs to be acquired. Within the last 9 years, the FI needs to have, in the case of balloons, conducted one instruction flight under the supervision of an FI instructor or, in the case of sailplanes, demonstrated to an FI instructor the ability to instruct.

Additionally, holders of an FE certificate will benefit from the possibility to 'combine' compliance with FI recency requirements and FE revalidation requirements: if the holder of an FE certificate has complied with the FE revalidation requirements within the last 3 years, this provides a credit for the 9-yearly supervised training flight (see points BFCL/SFCL.360(c)).

The unlimited validity of the FI certificate will reduce the administrative burden for balloon and sailplane examiners, while the new recency requirements (modelled on existing revalidation requirements but simplified) ensure continuous experience as well as sufficient FI refresher training and assessment of instructional skills.

#### **2.3.2.3. Revalidation requirements for the FE certificate**

In the context of the revision of revalidation requirements for the FI certificate (see Section 2.3.2.2.), it was decided to take a simplified and more performance-based approach also for the revalidation requirements for the flight examiner (FE) certificate.

While in Part-FCL today the validity period of an FE certificate is 3 years, for Part-BFCL and Part-SFCL the validity period of the FE(B) and FE(S) certificates is 5 years (see points BFCL.460 and SFCL.460). Revalidation can be achieved by completing FE refresher training and, within the last 24 months (Part-FCL: 12 months) preceding the end of the validity period of the certificate, by conducting one skill test, proficiency check or assessment of competence under the supervision of an inspector from the competent authority or an examiner that is specifically authorised by the competent authority to do

so ('senior examiner'). An additional requirement for examiners to conduct a minimum number of skill tests, proficiency checks or assessments of competence during the validity period of the certificate (as today in place in Part-FCL) has not been added. It is expected that examiners will in any case need to be active in order to maintain their competence for successful compliance with the remaining revalidation requirements (performance-based approach).

#### **2.3.2.4. Merging of FE and FIE certificate**

In Part-FCL, different examiner certificates exist for different purposes. In fact, only two of them are relevant for balloons and sailplanes: the flight examiner (FE) certificate, and the flight instructor examiner (FIE) certificate.

The RMT.0654 and RMT.0701 expert groups concluded that, for the purpose of simplification, these two relevant examiner certificates can be merged into one single examiner certificate with both FE and FIE privileges included.

With Part-BFCL and Part-SFCL it is therefore proposed to have one single FE certificate with the possibility to extend its privileges to assessing the competence of applicants for an FI certificate (see points BFCL.415(c) and SFCL.415(c)). The conditions for such an extension will be the acquisition of relevant experience as an instructor as well as specific training on instructor assessment during an examiner standardisation course. In return, a separate assessment of competence for obtaining this 'FIE extension' will not be required.

#### **2.3.2.5. Vested interests**

The RMT.0654 and RMT.0701 expert groups concluded that, next to the fact that many examiners are also very active instructors, in some regions there is an unbalanced distribution of balloon and sailplane instructors and examiners. Taking into consideration these factors and the relatively small balloon and sailplane industry in some Member States, it was deemed necessary to provide more flexibility with regard to the allowed involvement of examiners into the preceding training of their candidates. While Part-FCL in point FCL.1005(a)(1) limits this involvement to 25 % of the required flight instruction, in Part-BFCL and Part-SFCL this limit is raised to 50 % (see points BFCL.405 and SFCL.405). A balloon or sailplane examiner can conduct a skill test with a candidate, even if he or she as an instructor has also conducted up to 50 % of the required training course with that candidate.

### **2.3.3. Further major changes and achievements (Part-BFCL)**

#### **2.3.3.1. Recency requirements**

As required by current Part-FCL, BPL holders need to comply with specific experience requirements within a given time frame in order to be allowed to exercise the privileges of their non-expiring licence.

While this principle is kept under Part-BFCL, the RMT.0654 expert group concluded that the current recency requirements for balloon pilots in point FCL.230.B of Part-FCL can be



revised in different aspects in order to grant relief to balloon pilots while still keeping a sufficient safety level.

One major alleviation in the new point BFCL.160 is that the recency time period for completing a training flight with an instructor has been extended from ‘the last 24 months’ to ‘the last 48 months’. This provides more flexibility, which is needed in the context of the relatively small balloon industry in some Member States and the associated reduced availability of instructors and balloons under sufficient weather conditions. Minimum recent experience is still ensured.

Another simplification is that these alleviated recency requirements will be applicable also for the non-commercial carriage of passengers. In this respect, the requirements of point FCL.060(a) of Part-FCL (‘...or carrying passengers...’) have not been transferred to Part-BFCL. The RMT.0654 expert group concluded that these general recency requirements are sufficient for pure private operations, even when involving the carriage of passengers. Only for commercial passenger ballooning, the requirements of the new commercial operation rating (see Section 2.3.3.2.) contain stricter requirements as to the recent experience of the balloon pilot involved.

For further changes to the requirements on recent experience, please refer to the notes linked to point BFCL.160 in the table in Appendix 4.1.

#### **2.3.3.2. Commercial operation rating**

Privileges for acting as pilot on balloons during commercial operations (point FCL.205.B(b) of Part-FCL) are re-established as a commercial operation rating (point BFCL.215 of Part-BFCL). Having regard to commercial passenger ballooning (being the most relevant kind of commercial balloon operation), the intention for this change is to give such extension of privileges a ‘higher value’ and better visibility (licence endorsement).

The general prerequisites and conditions for initially obtaining the commercial operation rating are the same as under Part-FCL, except for the requirement to pass a skill test instead of a proficiency check. Additionally, it was clarified that, as a prerequisite, the relevant class privileges need to be held.

The commercial operation rating is issued without an expiry date. However, for acting as pilot in commercial passenger ballooning, recency requirements are introduced in order to ensure proper recent experience of balloon pilots who fly with fare-paying passengers. With regard to these recency requirements, cross-crediting with operator proficiency checks completed in accordance with the requirements of Part-BOP is possible.

#### **2.3.3.3. Changes to the requirements for the FI(B)**

The concept of an FI(B) with restricted privileges (after initial issue of the FI certificate) has not been taken over into Part-BFCL. Unlike other aircraft categories, balloons are not always operated from aerodromes but regularly from any field, outside a sophisticated club structure with FIs available for exercising supervision for such FI(B) with restricted privileges. The concept of an FI(B) with restricted privileges is therefore unfit for the



balloon domain. AMC/GM is planned to illustrate how the deletion of the 'FI(B) restricted' can be outweighed during the initial FI(B) training course.

Additionally, the minimum duration of the FI(B) theoretical knowledge instruction is reduced from 30 hours (point FCL.930.FI(b)(2)(ii) of Part-FCL) to 12 hours (point BFCL.330(b)(3); see Appendix 4.1., comments to point BFCL.330, for further information).

#### **2.3.4. Further major changes and achievements (Part-SFCL)**

##### **2.3.4.1. Endorsements for aerobatic flight and sailplane cloud flying privileges as well as for launching methods**

In general, the extension of general privileges of a licence to further specific privileges is executed through a licence endorsement, done by the competent authority. In the context of reducing the related administrative and financial effort, the RMT.0701 expert group identified that for some additional SPL privileges a simplified process can be put in place in order to grant some relief to SPL holders.

Privileges for aerobatic (point SFCL.200) or sailplane cloud flying (point SFCL.215) as well as for launching methods (point SFCL.155) are no longer subject to a specific licence endorsement done by the competent authority. These privileges are included in the SPL itself after the training organisation or, in the case of additional launching methods, the instructor has confirmed the completion of the training through an endorsement and a signature in the pilot's logbook. In this context, the terminology has changed from aerobatic or sailplane cloud flying 'rating' to 'privileges'.

A pilot that already holds an LAPL(S) or an SPL with licence endorsements for an aerobatic or a sailplane cloud flying rating in accordance with Part-FCL or additional launching methods will be able to keep this licence endorsements and exercise respective privileges also under Part-SFCL (see Section 2.3.5., explanations to Article 3b (Sailplane Regulation)).

With regard to the obligation to notify the competent authority of such logbook endorsements, please refer to Section 2.4.4.3.

##### **2.3.4.2. Privileges for commercial operation and carriage of passengers**

The conditions for carrying passengers and for acting as pilot in commercial operation with sailplanes (including commercial passenger flights) has been slightly revised (new point SFCL.115).

Before being entitled to carry passengers (in general), an SPL holder will need to comply with experience requirements (same as under Part-FCL) and, as an additional new requirement, complete a flight with an FI(S) in order to demonstrate the competence required for flights with passengers. Holders of an FI(S) certificate will be exempted from these additional requirements.

In return for this additional requirement, an SPL holder will no longer need to complete a proficiency check before being allowed to act as pilot in commercial operations. Complying with the minimum age and experience requirements (same as under Part-FCL) will be sufficient.



This change has been done in order to place more emphasis on ensuring pilot competence for passenger flights.

#### 2.3.4.3. Sailplane and TMG privileges

Under the current Part-FCL provisions, a sailplane licence (LAPL(S) or SPL) can initially be obtained on sailplanes or powered sailplanes, but not on touring motor gliders (TMGs). Once the LAPL(S) or the SPL is issued, its privileges can be extended to flying on TMGs via additional training and a skill test (point FCL.135.S of Part-FCL).

The RMT.0701 expert group concluded that the use of TMGs during initial SPL training provides a number of advantages: due to the possible use of engine power, it is easier to repeat certain exercises again and again, and also cross-country navigation skills and landings outside aerodromes can be trained more effectively and in a safer way. At the same time, a TMG still has the overall handling characteristics of a sailplane.

Hence, the new Part-SFCL requirements provide more flexibility in such way that an SPL can be initially obtained on any kind of sailplane. Point SFCL.130 allows the SPL training course to take place on sailplanes, powered sailplanes or TMGs or even a combination of all. Depending on the privileges sought, certain minimum training elements need to be completed on a particular kind of sailplane.

The skill test following the SPL training course needs to be completed in either sailplanes (excluding TMGs) or TMGs, depending on the kind of sailplane for which the respective minimum contents of the SPL training course have been completed (point SFCL.145(b)). If an SPL training course has covered the minimum training elements for both sailplanes and TMGs, it is also possible to complete two skill tests, one on sailplanes (excluding TMGs) and one on a TMG, in order to get the SPL initially issued already with privileges for both.

If an SPL has been obtained with privileges only for either sailplanes (excluding TMGs) or TMGs, the privileges of the SPL can be extended to the other kind of sailplane via additional training and a skill test (point SFCL.150).

Consequently, the recency requirements for SPL holders have been revised to provide a more practical approach towards keeping recent experience on both sailplane and TMG privileges held (point SFCL.160). In both cases, the overall flight experience required for the preceding recency time period can be completed on a combination of sailplanes and TMGs; however, some certain elements (e.g. minimum number of sailplane launches or TMG take-offs) need to be completed in the relevant kind of aircraft.

#### 2.3.4.4. Cross-crediting between Part-FCL and Part-SFCL

In both Part-FCL and Part-SFCL, requirements have been put in place to allow cross-crediting between specific ratings and privileges held in accordance with Part-FCL and Part-SFCL:



<i>Rating/privileges</i>	<i>Part-FCL reference</i>	<i>Part-SFCL reference</i>	<i>Credit granted</i>
TMG class privileges	FCL.135.A(c) (new)	SFCL.150(c)	Full credit in both directions
Aerobatic rating/ advanced aerobatic privileges	FCL.800(d) (new)	SFCL.200(e)	Full credit in both directions for TMG motor-powered aerobatic flight privileges
Towing rating	FCL.805	SFCL.205	Full credit in both directions for towing privileges on TMG
(TMG) night rating	FCL.810(a)(4) (new)	SFCL.210 (d)	Full credit in both directions for night rating on aeroplanes/TMGs

#### 2.3.4.5. Aerobatic privileges for sailplanes pilots

Currently, Part-FCL contains one (full) aerobatic rating (point FCL.800) which can be obtained after a respective training course, involving different basic and more advanced aerobatic manoeuvres.

The RMT.0701 expert group concluded that many sailplane pilots, although they do not intend to undertake more advanced aerobatic flights, wish to fly basic aerobatic manoeuvres like a looping or steep climbing or diving lines. For these pilots, a respective possibility to obtain basic aerobatic privileges should be put in place, as requiring full (advanced) aerobatic training would be disproportionate in such cases.

When transferring the requirements for aerobatic privileges to the new Part-SFCL (point SFCL.200), these privileges have been split into basic aerobatic privileges and advanced aerobatic privileges.

Basic aerobatic privileges can be obtained via a training course at an ATO or a DTO (no minimum training duration mandated) and include 45-degree climbing and diving lines, inside loops, wingover and lazy-eight manoeuvres as well as spins.

The advanced aerobatic privileges are equal to those of the aerobatic rating as regulated in point FCL.800 of Part-FCL, with identical training requirements. With regard to the prerequisites, the requirement of 40 hours of flight time as PIC has been reduced to 30 hours.

#### 2.3.5. The structure and content of the new regulatory framework (articles)

Existing articles of both the Balloon and the Sailplane Regulation are amended as follows:

- Article 1 is amended to reflect the new scope of the Regulations, now also covering flight crew licensing.
- Article 2 is amended to refer to the definitions that are already established in Commission Regulation (EU) No 1178/2011. However, some FCL-related definitions that are tailored to the needs of Part-BFCL and Part-SFCL had to be added ('national licence'; 'Part-BFCL licence'/'Part-SFCL licence'; 'conversion report').



Additionally, the following new articles are inserted in both the Balloon Regulation and the Sailplane Regulation:

— **Article 3a (Pilot licences and medical certification)**

*Paragraph 1* requires balloon/sailplane pilots to hold a licence issued in accordance with Annex III (Part-BFCL/Part-SFCL) and a medical certificate issued in accordance with Annex IV (Part-MED) to the Aircrew Regulation.

*Paragraph 2* allows holders of a BPL or an SPL to act as a pilot during certain types of flights (e.g. cost-shared flights, competition flights) and under certain conditions, even if those pilots do not have the privileges for commercial operation.

*Paragraph 3* allows Member States to establish a national modular licensing system in order to offer a module-based training approach towards the BPL or the SPL, based on the proposal published with Opinion No 08/2017 ‘Modular light aircraft pilot licences’ (RMT.0678)<sup>11</sup> and the considerations contained therein.

— **Article 3b (Existing pilot licences and national medical certificates)**

*Paragraph 1* provides full ‘grandfathering’ for existing balloon and sailplane licences issued in accordance with Part-FCL and regulates the replacement of such licences by licences that comply with the licence format laid down in Part-ARA, as updated in the context of the introduction of Part-BCFL and Part-SFCL.

*Paragraph 2* contains transitional provisions for specific areas. In general, the full scope of privileges granted with Part-FCL licences shall be transferred to the new Part-BFCL/Part-SFCL licences (subparagraph (a)). As under Part-BFCL/Part-SFCL instructor certificates will no longer have an expiry date, the expiry date of existing Part-FCL instructor rating will be endorsed in the pilot’s logbook, when reissuing Part-FCL licences as Part-BFCL/Part-SFCL licences. Until this date, instructors will be allowed to continue to exercise their privileges, and only after this date they will be obliged to comply with point BFCL.460 or point SFCL.460 (subparagraph (c)). **As regards balloons**, tethered flight and commercial operation ‘privileges’ issued under Part-FCL will reappear on a new Part-BFCL licence as tethered flight or commercial operation ‘rating’, as foreseen in Part-BFCL (subparagraph (b) in the Balloon Regulation). **As regards sailplanes**, as explained in detail in Section 2.3.4.1., some specific privileges that were established as ‘ratings’ (being endorsed on the licence) under Part-FCL have now been re-established as ‘privileges’ under Part-SFCL (with training completion to be documented in the pilot’s logbook, no more licence endorsement). In these cases, when reissuing existing Part-FCL licences as Part-SFCL licences, the respective licence endorsements shall remain endorsed in the Part-SFCL licence (‘what is in the licence, stays in the licence’).

*Paragraph 3* regulates the transitional phase for holders of national balloon and sailplane licences. Holders of national balloon and sailplane licences will be able to use the privileges of those licences up to 8 April 2021. By that date, those licences shall have been converted into Part-BFCL/Part-SFCL licences. With the envisaged date of entry into force of

<sup>11</sup> <https://www.easa.europa.eu/sites/default/files/dfu/Opinion%20No%2008-2017.pdf>

Part-BFCL and Part-SFCL on 8 April 2020, this will result into a 1-year transitional period (8 April 2020 to 8 April 2021).

*Paragraph 4* regulates the transition for national medical certificates held by balloon and sailplane pilots. National medical certificates for balloon and sailplane pilots will remain valid until the date of their next revalidation or until 8 April 2021, whichever is the earlier. This next revalidation will need to be done in compliance with Annex IV (Part-MED) to Regulation (EU) No 1178/2011.

— **Article 3c (Credit for training that commenced prior to the date of application of Part-BFCL/Part-SFCL)**

*Paragraph 1* contains the transitional provisions for training that commenced prior to the date of application of Part-BFCL/Part-SFCL and is still following the requirements of Part-FCL.

*Paragraph 2* additionally contains transitional provisions for training that commenced prior to the date of application of Part-BFCL/Part-SFCL and is still following the requirements of Annex 1 to the Chicago Convention (ICAO).

— **Article 3d (Conditions for acceptance of licences issued by third countries)**

Article 3d is in general modelled on the existing Article 8 of the Aircrew Regulation.

*Paragraph 1*, for the purpose of accepting third-country licences, refers to the requirements of Annex III to the Aircrew Regulation which will be amended in order to reflect the new FCL regulatory framework of the Balloon Regulation and the Sailplane Regulation.

*Paragraphs 2 and 3*, in addition to the rather simple licence conversion possibilities set out in Annex III to the Aircrew Regulation (see previous indent), provide another option for obtaining a Part-BFCL or a Part-SFCL licence. In cases where the prerequisites and conditions for licence conversion are not met, applicants may receive credits for third-country licences already held and shall undergo a reduced Part-BFCL or Part-SFCL training course.

— **Article 3e (Training organisations)**

*Paragraph 1* requires training organisations to comply with Article 10a of the Aircrew Regulation, which means that they will need to be either certified as approved training organisations (ATOs) or declare themselves as declared training organisations (DTOs) to the competent authority.

*Paragraph 2*, as a transitional provision, requires existing training organisations to adapt their training programmes, where necessary in order to establish compliance with Part-BFCL or Part-SFCL, as applicable, by 8 April 2021 at the latest. Such changes will mainly be needed in order to reflect alleviations and reduction of training requirements (e.g. theoretical knowledge for the FI(B), rearrangement of sailplane and TMG privileges that can be associated with an SPL, basic and advanced aerobatic rating for sailplanes — refer to the tables in Appendices 4.1. and 4.2. for detailed information).

### 2.3.6. Changes to Annexes I (Part-DEF) to the Balloon Regulation and the Sailplane Regulation

In order to avoid duplication of existing definitions, Annexes I (Part-DEF) to both the Balloon Regulation as well as the Sailplane Regulation are amended to refer to the definitions that are contained in Commission Regulation (EU) No 1178/2011. Only in cases where it was necessary to adapt these definitions in the context of the specificities of Part-BFCL and Part-SFCL, revised definitions have been added to the Balloon and the Sailplane Regulation. The order of the definitions has also been changed to fit with the principle of these Annexes (order of appearance instead of alphabetical order).

As regards balloons, a new definition for ‘tethered flight’ is introduced.

As regards sailplanes, the definition of ‘touring motor glider (TMG)’ in point FCL.010 of Part-FCL has been revised in order to allow operational suitability data (OSD) as per Regulation (EU) No 748/2012<sup>12</sup> to categorise a new aircraft as TMG or as sailplane (‘non-TMG’) even if the general definition criteria would indicate otherwise (see also Section 2.4.4.2. for further information).

### 2.3.7. Amendments to Annex II (Part-BOP) to Regulation (EU) 2018/395

When amending Regulation (EU) 2018/395 to insert Annex III (Part-BFCL), the opportunity was taken to adjust several provisions in Annex II (Part-BOP) for updating the references to the Basic Regulation after the adoption of Regulation (EU) 2018/1139 and for inserting references to Part-BFCL.

### 2.3.8. The structure and content of the new regulatory framework (Part-BFCL and Part-SFCL)

Both Part-BFCL and Part-SFCL are divided into five subparts:

- **Subpart GEN** contains general requirements, including rules as regards the scope of Part-BFCL/Part-SFCL, competent authority, applications to the competent authority, crediting of flight time, obligation to carry documents, recording of flight time, etc.
- **Subpart BPL/Subpart SPL** contains the requirements for the BPL/SPL, including rules as regards the privileges of these licences and the conditions for exercising those privileges, minimum age, training course, theoretical knowledge examination, skill test, recency requirements, etc.
- **Subpart ADD** contains requirements for additional ratings and privileges that can be associated with a BPL (tethered hot-air balloon flight rating, night rating, commercial operation rating)/an SPL (aerobatic privileges, towing rating, sailplane cloud flying privileges).
- **Subpart FI** contains the requirements for flight instructor certificates for balloons/sailplanes, including rules as regards the privileges of flight instructors and the conditions for exercising those privileges, prerequisites, training course, assessment of competence, etc.

<sup>12</sup> Commission Regulation (EU) No 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations (OJ L 224, 21.8.2012, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32012R0748&qid=1547648279315&from=EN>)

- **Subpart FE** contains the requirements for flight examiner certificates for balloons/sailplanes, including rules as regards the privileges of flight examiners and the conditions for exercising those privileges, prerequisites, examiner standardisation, assessment of competence, etc.

The following table provides a general overview of the contents of Part-BFCL and Part-SFCL. When rearranging the revised Part-FCL requirements into Part-BFCL and Part-SFCL, the objective has been to establish consistency between Part-FCL and Part-BFCL/Part-SFCL with regard to the overall structure and the terminology used. With regard to the numbering system of individual points, the opportunity was taken to apply a revised numbering system in which points of different subparts dealing with the same topic as often as possible have identical final digits (e.g. privileges and conditions: point xFCL.115/315/415; training course: point xFCL.130/330/430; recency/revalidation/renewal: point xFCL.160/360/460). In this context, preference was given to consistency between Part-BFCL and Part-SFCL before consistency with Part-FCL. However, especially the numbering of the points in Part-BFCL/Part-SFCL Subpart GEN mainly follows the numbering system in Part-FCL Subpart A. Additionally, as regards the final digits, the numbering of points in Part-BFCL/SFCL Subpart ADD as much as possible follows the numbering system in Part-FCL Subpart I (towing rating: points FCL.805/xFCL.205; night rating: points FCL.810/xFCL.210).

For a detailed overview of the contents of Part-BFCL and Part-SFCL, including cross references to and comparison with Part-FCL requirements, please refer to Appendices 4.1. and 4.2.

<i>Part-BFCL reference</i>	<i>Topic</i>	<i>Part-SFCL reference</i>
<b>Subpart GEN</b>		
BFCL.001	Scope	SFCL.001
BFCL.005	Competent authority	SFCL.005
BFCL.010	Classes and groups of balloons	n/a
BFCL.015	Application for and issue, revalidation and renewal of a BPL/SPL as well as associated privileges, ratings and certificates	SFCL.015
BFCL.030	Practical skill test	SFCL.030
BFCL.035	Crediting of flight time	SFCL.035
BFCL.045	Obligation to carry and present documents	SFCL.045
BFCL.050	Recording of flight time	SFCL.050
BFCL.065	Curtailment of privileges of a BPL/SPL holder aged 70 years or older in commercial passenger ballooning/commercial passenger sailplane operation	SFCL.065

BFCL.070	Limitation, suspension and revocation of licences, privileges, ratings and certificates		SFCL.070
<b>Subpart BPL</b>			<b>Subpart SPL</b>
BFCL.115	Privileges and conditions		SFCL.115
BFCL.120	Minimum age		SFCL.120
BFCL.125	Student pilot		SFCL.125
BFCL.130	Training course and experience requirements		SFCL.130
BFCL.135	Theoretical knowledge examination		SFCL.135
BFCL.140	Crediting of theoretical knowledge		SFCL.140
BFCL.145	Practical skill test		SFCL.145
BFCL.150	Extension of privileges to another balloon class or group	Sailplane and TMG privileges	SFCL.150
	n/a	Launching methods	SFCL.155
BFCL.160	Recency requirements		SFCL.160
<b>Subpart ADD</b>			
BFCL.200	Tethered hot-air balloon flight rating	Aerobatic privileges	SFCL.200
	n/a	Sailplane towing and banner towing rating	SFCL.205
BFCL.210	Night rating	TMG night rating	SFCL.210
BFCL.215	Commercial operation rating	Sailplane cloud flying privileges	SFCL.215
<b>Subpart FI</b>			
BFCL.300	Flight instructor certificates		SFCL.300
BFCL.315	Privileges and conditions		SFCL.315
BFCL.320	Prerequisites and requirements		SFCL.320
BFCL.325	Instructor competencies and assessment thereof		SFCL.325
BFCL.330	Training course		SFCL.330
BFCL.345	Assessment of competence		SFCL.345

	n/a	Restricted privileges	SFCL.350
BFCL.360	Recency requirements		SFCL.360
<b>Subpart FE</b>			
BFCL.400	Flight examiner certificates		SFCL.400
BFCL.405	Limitation of privileges in case of vested interests		SFCL.405
BFCL.410	Conduct of skill test, proficiency checks and assessments of competence		SFCL.410
BFCL.415	Privileges and conditions		SFCL.415
BFCL.420	Prerequisites and requirements		SFCL.420
BFCL.430	Standardisation course		SFCL.430
BFCL.445	Assessment of competence		SFCL.445
BFCL.460	Validity, revalidation and renewal		SFCL.460

### 2.3.9. Amendments to Regulation (EU) No 1178/2011

#### 2.3.9.1. General

When moving all FCL requirements for balloons and sailplanes to the new Balloon Regulation and the new Sailplane Regulation, the existing FCL requirements solely referring to balloons and sailplanes in Annex I (Part-FCL) to the Aircrew Regulation had to be deleted. However, as requirements from other annexes (parts) of the Aircrew Regulation with relevance for FCL will not be transferred to the new Balloon Regulation and the new Sailplane Regulation, amendments to the Aircrew Regulation and cross references in the Aircrew Regulation as well as the new Balloon Regulation and the new Sailplane Regulation have to be put in place in order to ensure that the relevant requirements of the annexes to the Aircrew Regulation other than Part-FCL will still be applicable to balloons and sailplanes.

#### 2.3.9.2. Act

*Article 1* is amended by inserting a new paragraph 2 in order to ensure the application of Articles 11b and 11c as well as of Annex IV (Part-MED), Annex VI (Part-ARA), Annex VII (Part-ORA) and Annex VIII (Part-DTO) to the Aircrew Regulation in the area of FCL for balloons and sailplanes, even when the pure FCL requirements in the future are regulated under the new Balloon Regulation and the new Sailplane Regulation.

In *Article 2 paragraph 19*, the definition of ‘flight instructor (FI)’ is amended to refer also to the new Balloon Regulation and the new Sailplane Regulation.



*Article 11c* is amended to adjust the contained transitional measures for (balloon and sailplane training) organisations for which EASA will be the competent authority and to refer also to the new Balloon Regulation and the new Sailplane Regulation. At the same time, the respective outdated transitional provisions for organisations other than balloon and sailplane training organisations that are still in place in *Article 11c* today can be deleted.

In *Article 12*, the transitional provision in paragraph 2a can be deleted, as revised and simplified FCL requirements for balloon and sailplanes will be in force.

### 2.3.9.3. Annex I (Part-FCL)

In general, all subparts and individual points or paragraphs solely relevant for balloons or sailplanes are deleted, and, where relevant (e.g. for crediting provisions), references to the new Balloon Regulation and the new Sailplane Regulation are added, including new terminology, where necessary.

In *point FCL.010*, the definition of ‘touring motor glider (TMG)’ has been amended in order to allow the classification of a certain aircraft as TMG or as non-TMG during the certification process pursuant to Regulation (EU) No 748/2012, even if the standard definition of TMG would require otherwise. Other definitions are deleted in the context of the deletion of all balloon- and sailplane-related requirements from Part-FCL.

*Point FCL.015* is amended in line with the changes already proposed with NPA 2016-16 ‘Regular update of Part-FCL — Regular update of Regulation (EU) No 1178/2011 regarding pilot training and licensing and the related oversight’ (RMT.0587)<sup>13</sup> in order to consider cases where a Member State has designated more than one competent authority in terms of the Aircrew Regulation. Additionally, references to the new Balloon Regulation and the new Sailplane Regulation are added and the text is restructured in order to clarify that a pilot needs to have his or her licences issued in the same Member State as per Part-FCL, Part-BFCL and Part-SFCL. When a pilot applies for a licence transfer, consequently all these licences held need to be transferred to the new Member State (new paragraph (e)). Finally, a new paragraph (f) is inserted to limit the validity period of a skill test or assessment of competence for the issue of the relevant licence, rating or certificate to 6 months.

In *point FCL.725*, a new paragraph (f) is added to grant full credit to holders of an SPL with TMG privileges when they also hold an aeroplane licence and apply for a TMG class rating.

*Point FCL.800* is amended in two aspects: Firstly, the revised text of point FCL.800 now describes an aerobatic rating only for motor-powered aerobatic flight with aeroplanes or TMGs. Gliding aerobatic flight is no longer regulated, as this is transferred to the new Sailplane Regulation (see point SFCL.200). Secondly, crediting provisions for holders of advanced aerobatic privileges issued in accordance with point SFCL.200 are added (new paragraph (c) of point FCL.800).

<sup>13</sup> <https://www.easa.europa.eu/sites/default/files/dfu/NPA%202016-16.pdf>

In *point FCL.805*, crediting provisions are added for holders of a sailplane or banner towing rating issued in accordance with Part-SFCL (see point SFCL.205) who wish to obtain a towing rating in accordance with point FCL.805 (new paragraph (g)).

In *point FCL.810*, crediting provisions are added for holders of a TMG night rating issued in accordance with Part-SFCL (see point SFCL.210) who wish to obtain a night rating in accordance with point FCL.810 (new paragraph (a)(4)).

In *Appendix 1*, paragraph 1.1 is amended to clarify that the credits set out in this paragraph apply to both LAPL and PPL (references to PPL added).

#### **2.3.9.4. Annex III**

In several paragraphs in Sections A and B, references to the new Balloon Regulation and the new Sailplane Regulation are added.

#### **2.3.9.5. Annex IV (Part-MED)**

Point *MED.A.030* is amended in order to support the deletion of the LAPL for balloons and sailplanes as well as the new concept of using a BPL or an SPL either with an LAPL medical certificate or a class 2 medical certificate (see Section 2.3.2.1.).

In general, obtaining and exercising the privileges of a BPL or an SPL will be possible when holding at least an LAPL medical certificate. This will include also the privileges of instructor and examiner certificates associated with these licences.

However, for commercial air transport (commercial passenger ballooning or commercial passenger flights with sailplanes) a class 2 medical certificate will be required. As commercial balloon flights other than commercial passenger ballooning (e.g. commercial display flights) may also take place with passengers on board, also commercial balloon operations other than commercial passenger ballooning will require a class 2 medical certificate if there are more than 4 persons on board the aircraft.

Due to the fact that the LAPL medical certificate is not in compliance with ICAO Annex 1 'Personnel Licensing', BPL or SPL holders with an LAPL medical certificate will be restricted to flying within the territory of the Member States. For exercising the privileges of their licences internationally, these pilots will need to obtain a class 2 medical certificate.

#### **2.3.9.6. Annex VI (Part-ARA)**

In several points, references to the new Balloon Regulation and the new Sailplane Regulation are added. In point ARA.GEN.350(e), a reference to Annex VII (Part-ORA) is reinserted, after it had been accidentally deleted with amending Regulation (EU) 2018/1119, when introducing Annex VIII (Part-DTO). In Part-ARA Appendices I, III and VIII, the text for the flight crew licence, the ATO approval certificate and the DTO training programme approval certificate is amended to also refer to the new Balloon Regulation and the new Sailplane Regulation.



#### 2.3.9.7. Annex VII (Part-ORA)

In several points, references to the new Balloon Regulation and the new Sailplane Regulation are added.

#### 2.3.9.8. Annex VIII (Part-DTO)

In several points, references to the new Balloon Regulation and the new Sailplane Regulation are added, including new terminology, where necessary. In this context, in point *DTO.GEN.110*, the term ‘flight instructor rating’ currently used in paragraphs (a)(3)(f) and (a)(4)(g) is replaced by the term ‘flight instructor certificate’ (consistency with the terminology used in Part-FCL, Part-BFCL and Part-SFCL), and the term ‘refresher seminar’ currently used in paragraphs (a)(3)g) and (a)(4)(h) is replaced by the term ‘refresher course’ (consistency with the terminology used in Part-BFCL and Part-SFCL as well as with the upcoming amendment to Part-FCL<sup>14</sup>).

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

### 2.4.1. General

As described in Section 1.1., the new FCL requirements for balloons and sailplanes as well as the related amendments to Part-FCL were consulted with both Member States and industry through two focused consultation workshops on 21 June 2018 (for balloons; hereinafter referred to as the ‘balloon workshop’) and on 26 June 2018 (for sailplanes; hereinafter referred to as the ‘sailplane workshop’), as well as a written consultation of the final draft in October/November 2018. In addition to editorial changes and corrections, major changes made based on comments received are described in the following paragraphs.

### 2.4.2. Comments and conclusions related to both balloons and sailplanes

#### 2.4.2.1. LAPL medical certificate for instructors and examiners

The draft for Part-BFCL and Part-SFCL, as presented during the balloon and the sailplane workshop, contained the proposal to delete the LAPL for balloons and sailplanes and to allow BPL and SPL holders to exercise non-commercial pilot privileges when they hold an LAPL medical only (see Section 2.3.2.1.). However, for obtaining an instructor or an examiner certificate, still a class 2 medical certificate was required.

During the balloon and the sailplane workshop, all participants agreed that instructors and examiners should be allowed to hold an LAPL medical certificate as well; only for the conduct of commercial passenger flights a class 2 medical certificate should be required.

EASA considered all the comments received both during and after the workshops and finally decided to allow instructors and examiners to hold only LAPL medical certificates. Point MED.A.030 of Part-MED has been redrafted accordingly (see Section 2.3.9.5.).

<sup>14</sup> Opinion No 05/2017 ‘Amendments to Commission Regulation (EU) No 1178/2011’ (RMT.0188 (FCL.002(A))) (<https://www.easa.europa.eu/document-library/opinions/opinion-052017#group-easa-downloads>).

#### 2.4.2.2. Validity and revalidation of the FI and FE certificates

In Part-FCL, instructor and examiner certificates in general are valid for 3 years and need to be revalidated by complying with specific revalidation requirements. Part-BFCL and Part-SFCL, as presented during the balloon and the sailplane workshop, contained proposals both to extend the validity period of instructor and examiner certificates to 5 years as well as to alleviate the respective revalidation requirements. One consequence of these proposals was that a refresher course for the instructor/examiner certificate would have been necessary only once in 5 years.

During the balloon and the sailplane workshop, as well as in writing after the workshops, one participant argued that one refresher course in 5 years for instructors is not enough. The overall objective of revalidation requirements should be to keep instructors proficient and competent. Additionally, a proposal was made to rework the instructor requirements in such way that the instructor certificate would not have an expiry date and should be made subject to recency requirements instead (like the BPL/SPL itself).

Although during the workshops it had been concluded to keep the concept of expiry date/revalidation for instructors, EASA, when receiving the written comments after the workshops, reconsidered the case and, after obtaining further input from the RMT.0654 and RMT.0701 expert groups, decided to rework the requirements regarding the validity of FI and FE requirements as illustrated in Sections 2.3.2.2. and 2.3.2.3. The 3-year cycle for complying with FI recency requirements results in the need for instructors to complete a refresher course every 3 years.

As described already in Section 2.3.2.2., the new FI recency requirements foresee one supervised training flight in a 9-year period. One comment stated that this 9-year period between two supervised instruction flights is too long. In this context, it has to be highlighted that such a 9-year cycle is already in place today for instructors for balloons and sailplanes (see point FCL.940(b)) and that the instructor refresher training will take place once in 3 years in any case (no '2 out of 3' option).

Based on another written comment received after the workshops, it was decided to extend the time frame for examiners to complete the reassessment (test, check or assessment of competence under supervision) for revalidation from 12 months (Part-FCL) to 24 months preceding the expiry date of the examiner certificate, in order to provide more flexibility (see Section 2.3.2.3).

Finally, another written comment received after the workshop was accepted regarding the possibility for examiners to receive credits for instructor recency when complying with examiner revalidation requirements (point BFCL/SFCL.360(c)): The text was changed in such way that those credits will only cover the 9-yearly reassessment flight (point BFCL/SFCL.360(a)(2)) but not, as foreseen in the draft used during the balloon and sailplane workshops, in general instructor experience (point BFCL/SFCL.360(a)(1)(ii)); as for instructor experience, it will be in any case possible to receive credits in accordance with point BFCL/SFCL.360(b).

#### 2.4.2.3. Crediting of theoretical knowledge

During the balloon workshop, some participants raised concerns about point BFCL.140(a) (crediting of theoretical knowledge), and in particular whether the foreseen full credit for the common subjects is applied in the case of the holder of a licence for another aircraft category who has completed the theoretical knowledge examination many years ago and has not exercised his or her pilot privileges for a long time.

It was agreed not to change the crediting provision. Instead, GM should be developed to recommend examiners that they should, during the skill test for the BPL, specifically pay attention to checking knowledge in the common subjects in such a case. EASA will consider the development of such GM for both point BFCL.140(a) and point SFCL.140(a).

#### 2.4.2.4. Modular national training routes

One comment did not support the content of the proposed Article 3a(3) of the Balloon Regulation and the Sailplane Regulation (see Section 2.3.5.), providing Member States with the possibility to establish national modular training routes for basic balloon or sailplane pilot privileges that eventually can be converted into a BPL or an SPL via a conversion report.

EASA wishes to highlight that the introduction of such a ‘modular training option’ was promoted by the RMT.0654 and RMT.0701 expert groups and received strong support during the balloon and the sailplane workshops. Based on EASA Opinion No 08/2017<sup>15</sup>, such a modular training option is also proposed to be implemented in Part-FCL and, also for consistency, is therefore also kept for Part-BFCL and Part-SFCL.

#### 2.4.2.5. Instruction outside the Member States

One comment did not support the proposal to allow ATOs outside the territory of the Member States to issue instructor and examiner privileges (drafts presented for points BFCL/SFCL.300(b)(3); BFCL/SFCL.400(b)(3)), as this would lead to an unbalanced treatment of ATOs inside and outside the Member States and would make it more complicated for instructors to change the training organisation. Also, licences and certificates should be issued by competent authorities and not by training organisations.

EASA wishes to highlight that the draft content of Part-BFCL and Part-SFCL in this regard (see references above) was done in order to establish consistency with Part-FCL, namely point FCL.900(c) and FCL.1000(c), as revised with RMT.0188/Opinion No 05/2017. During the still ongoing rules development process after the publication of Opinion No 05/2017 at Commission level, it was however decided to take back the above-mentioned option to allow the certification of ATOs located outside the Member States to cover instructor and examiner privileges. For this reason, the drafts for Part-BFCL/SFCL.300 and BFCL/SFCL.400 were redrafted respectively and will need to be adapted after the final decision regarding the revision of points FCL.900 and FCL.1000, as necessary.

<sup>15</sup> Opinion No 08/2017 ‘Modular light aircraft pilot licences’ (RMT.0678) (<https://www.easa.europa.eu/document-library/opinions/opinion-082017>).

#### 2.4.2.6. Vested interests

One written comment, while not explicitly opposing to the 50-% limit (instead of 25 % in Part-FCL, point FCL.1005) for the involvement of examiners into the preceding training of the tested applicant, stated that there should be a uniform percentage limit across all FCL regulation, irrespective of the number of examiners and the aircraft category. The comment proposed to amend FCL.1005 to also include the 50-% limit.

EASA wishes to highlight that the new 50-% limit in Part-BFCL and Part-SFCL was introduced when considering the specificities of balloon and sailplane activities (see Section 2.3.2.5.) and was strongly supported during the focused consultation workshops.

A change to the percentage limit in point FCL.1005 of Part-FCL will need further investigation and consultation with Member States and industry. Hence, this is recorded for future rulemaking and is not included in the amendments that are proposed with this Opinion.

#### 2.4.2.7. Revalidation requirements for examiners

One comment did not support the deletion of the minimum number for tests, checks or assessments of competence as a requirement for the revalidation of examiner certificates (see Section 2.3.2.3) and proposed to require examiners to conduct, every year during the 5-year validity period of the certificate, at least one test, check or assessment of competence (= 5 events in total). EASA reviewed this proposal and finally concluded that the performance-based approach should be kept, taking into consideration also the interdependencies of instructor and examiner certificates and the need to stay active as instructor/examiner in any case.

At the time of the balloon and sailplane workshops, the time frame for the reassessment flight of the examiner (point BFCL/SFCL.460(b)(2)) was drafted to be the 12 months preceding the expiry date of the certificate. One comment proposed to extend this time frame to 24 months in order to provide more flexibility, taking into consideration the possible difficulties in the balloon domain as regards the necessary logistics to coordinate student, examiner, 'senior' examiner and a balloon under appropriate weather conditions. EASA followed this reasoning and, for keeping consistency, applied this extension to a 24-month time frame for both Part-BFCL and Part-SFCL.

Based on another written comment received, it was clarified in point BFCL/SFCL.460(b)(1) that the examiner refresher course needs to be completed within the validity period of the examiner certificate.

### 2.4.3. Comments and conclusions related to balloons

#### 2.4.3.1. Age limitation for commercial passenger ballooning (CPB)

During the balloon workshop, some participants asked to further extend the age limit for CBP from 70 years (point BFCL.065, taken over from point FCL.065 of Part-FCL) to 75 years. EASA concluded that such an extension will need further investigation and medical study and is therefore not being taken on board with the initial issue of Part-



BFCL, as Part-BFCL is a highly urgent RMT. A possible amendment of the age limit remains an open project.

#### 2.4.3.2. Recency requirements for commercial privileges

The recency requirements for the new commercial operation rating for balloons (point BFCL.215), as presented during the balloon workshop, contained recency requirements related to all privileges of that rating (CPB and other commercial balloon operations such as commercial display or competition flights). During the balloon workshop, participants and balloon experts expressed their views according to which the rather demanding recency requirements should be reserved for CPB while the general recency requirements applicable to all BPL holders are sufficient for other types of commercial balloon operations. The final version of point BFCL.215(d) therefore contains recency requirements which apply only in case of CPB.

One written comment proposed to allow the (optional) refresher training for the commercial operation rating (point BFCL.215(d)(2)(ii)) to be conducted not only by ATOs or DTOs but also by balloon operators. EASA, supported by the RMT.0654 expert group, concluded that the commercial operation rating focuses on the general competence for CPB which is not operator-specific. Additionally, operators who wish to conduct this training and have the appropriate resources to do so can easily establish a DTO for this purpose. Hence, no further changes were applied in this context.

Finally, one comment raised the question why, for the purpose of keeping recent experience related to the commercial operation rating, a refresher course at an ATO or a DTO is necessary at all, since such a course is not required for initially obtaining the rating. EASA wishes to highlight that a refresher course at an ATO or a DTO is not in any case necessary — it is only an alternative to completing a proficiency check (see point BFCL.215(d)(2)(i) and (ii)).

#### 2.4.3.3. Duration of the FI training course and deletion of the 'FI restricted' concept

In Part-FCL, the minimum duration of the theoretical knowledge (TK) instruction during the FI(B) training course is defined with 30 hours (point FCL.930.FI(b)(2)(ii) of Part-FCL). In Part-BFCL (point BFCL.330(b)(3)), this has been reduced to 12 hours. Additionally, the 'FI restricted' concept has been deleted (see point FCL.910.FI of Part-FCL).

During the balloon workshop, one participant raised concern about the reduction of the minimum duration of the FI(B) TK instruction from 30 to 12 hours and the deletion of the 'FI restricted' concept, stating that 12 hours would not be enough instruction time, and an initial phase where a new and still inexperienced instructor acts under supervision of another instructor is a well-established concept that should not be changed.

Supported by input of the RMT.0654 expert group, EASA decided not to bring the 'FI restricted' concept back into Part-BFCL (see Section 2.3.3.3. for further explanations) and to keep the FI(B) TK reduction to 12 hours (see Appendix 4.1., explanations to point BFCL.330). In this context, it needs to be emphasised that these 12 hours constitute the minimum duration of the TK part of an FI(B) training course (excluding the teaching and

learning part); training organisations can of course decide to establish courses with more than 12 hours of TK or provide additional instruction in cases where a particular applicant does not meet the course standards after these 12 hours.

#### **2.4.3.4. Experience of examiners for the commercial operation rating**

Point BFCL.415(b), as presented during the balloon workshop, required an applicant for an examiner certificate whose intention is to only conduct skill tests for the commercial operation rating to have received specific training during an examiner standardisation course only. During the workshop, participants agreed that it should only be possible to obtain an examiner certificate for commercial operation ratings only when the applicant complies with the related minimum experience requirements.

The final version of point BFCL.415(b) therefore now contains a reference to paragraph (a) of that point. As a result, even an examiner who seeks an examiner certificate for conducting skill test for the commercial operation rating only needs to comply with the general examiner experience requirements (applicable for examiners that conduct BPL skill tests).

#### **2.4.4. Comments and conclusions related to sailplanes**

##### **2.4.4.1. Transitional period from national regulations to Part-SFCL**

With regard to the drafted transitional period in Article 3b of the cover regulation (see Section 2.3.5.), some participants of the sailplane workshop highlighted that a start and an end of the transitional period which falls into the beginning of the sailplane flying season (April) might not be ideal.

As done during the workshop, EASA highlights that the transitional arrangements are mainly driven by the end of the current opt-out in Article 12(2a) of Regulation (EU) No 1178/2011, which is 8 April 2020. Final decisions on transitional arrangements will be taken by the European Commission. EASA will inform the European Commission about these related concerns.

##### **2.4.4.2. Revised definition of a TMG**

During the sailplane workshop, a revised definition of TMG was presented. In this new definition, the existing definition text has been completed by an additional rule allowing OSD as per Regulation (EU) No 748/2012 to classify a sailplane as TMG even if the typical TMG criteria are not fulfilled. Workshop participants proposed that OSD should also be given the possibility to classify a sailplane as 'non-TMG' even if the typical TMG criteria are fulfilled.

In order to provide full flexibility in this regard, the final version of the revised definition for TMGs in point FCL.010 of Part-FCL was adjusted accordingly. As regards the classification of a sailplane as 'TMG' or 'non-TMG', OSD will be able to 'overrule' the general TMG definition of Part-SFCL in both directions.



#### 2.4.4.3. Logbook endorsements for additional privileges

When drafting Part-SFCL, the RMT.0701 expert group developed a simplified process for obtaining some of the additional privileges available for sailplane pilots (launching methods, aerobatic and sailplane cloud flying privileges; see Section 2.3.4.1. for further details). During the sailplane workshop, this new approach received wide support by the meeting participants. However, many participants highlighted that competent authorities should be notified in the case of such logbook endorsements by training organisations or instructors. One participant highlighted that competent authorities should be given the possibility to decide to which extend they wish to receive such notifications.

The final version of Part-SFCL contains a provision (point SFCL.015(a)(2)) which indeed leaves it to the competent authorities to determine whether copies of the relevant logbook entries shall be submitted to them.

#### 2.4.4.4. Minimum training route for TMG privileges

During the sailplane workshop, one participant highlighted that while under Part-FCL 30 hours of flight training are required for obtaining a licence with privileges to fly a TMG (LAPL(A) + TMG), now under Part-SFCL 15 hours of flight training will be sufficient (SPL restricted to TMG; see also Section 2.3.4.3.). The commenter claimed that this reduced minimum training time for TMG privileges should be carefully considered, especially in the context of the possibility to step up to an aeroplane licence from a sailplane licence with TMG privileges.

EASA, during the meeting, pointed out that there is still a difference between an LAPL(A) with TMG privileges which can be easily extended to aeroplanes (extension to SEP class; point FCL.135.A) and sailplane licences with TMG privileges where holders additionally need to comply with the experience requirements for TMGs (point FCL.110.A(b): 21 hours of flight time after obtaining TMG privileges) before completing the training as set out in point FCL.135.A for obtaining an LAPL(A).

EASA completed a further analysis of the current Part-FCL provisions and concluded as follows:

- Part-FCL today allows an applicant to obtain an LAPL(S) (point FCL.110.S: 15 hours of training), followed by an extension to TMG (point FCL.135.S: 6 hours of training), and then to step up to an LAPL(A) via point FCL.110.A(b), requiring the pilot to fly for 21 hours on TMG after obtaining TMG privileges and to comply with the training elements specified in point FCL.135.A(a) (3 hours of training). In total, this means that according to Part-FCL today:
  - a licence with TMG privileges (LAPL(S) + TMG) can be obtained with  $15 + 6 = 21$  hours of flight experience; and
  - a pilot who obtains an LAPL(S) + TMG privileges and steps up to an LAPL(A), has in total  $15 + 6 + 21 + 3 = 45$  hours of flight experience.

- Part-SFCL will allow an applicant to obtain an SPL + ab initio TMG privileges (point SFCL.130: 15 hours of training) and then to step up to the LAPL(A) via point FCL.110.A(b) (21 hours of TMG flight experience after obtaining TMG privileges and 3 hours of training in accordance with point FCL.135.A). This means that according to Part-SFCL and Part-FCL, in the future:
  - a licence with TMG privileges (SPL + ab initio TMG privileges) can be obtained with **15 hours of flight experience** (training); and
  - a pilot who obtains an SPL + ab initio TMG privileges and steps up to an LAPL(A), has in total  $15 + 21 + 3 = 39$  **hours of flight experience**.

The decrease of 6 hours compared to today's Part-FCL route (21/45 hours, see above) can be justified by the fact that during the new Part-SFCL training route, the pilot will be trained on TMG (engine handling, etc.) already during the initial SPL training. As the LAPL(A) is not an ICAO-compliant licence, the 39 hours of overall flight experience in such a case is not deemed to be an issue. If an LAPL(A) is obtained via such a route, for stepping further up to an ICAO-compliant Part-FCL PPL(A), a pilot will still need to comply with point FCL.210.A(b) (another 15 flight hours after the issue of the LAPL, 10 of which shall be flight instruction), and thereby comply with the ICAO minimum experience requirements for the issue of a PPL(A) (40 hours for flight experience, if not gained during an approved training course).

- For stepping up from a Part-SFCL SPL with ab initio TMG privileges to a Part-FCL PPL(A), compliance with point FCL.210.A(c) will be required (24 hours of flight time on TMGs after obtaining TMG privileges = issue of the SPL in this case; and additional 15 hours of flight training in aeroplanes). By using this training route, Part-SFCL and Part-FCL allow applicants to obtain a PPL(A) with  $15 + 24 + 15 = 54$  hours of total flight experience.

EASA therefore considers that Part-SFCL and Part-FCL training and crediting arrangements are appropriate.

#### 2.4.4.5. Launching methods used during SPL training

The arrangements for extending the privileges of an SPL to further launching methods were taken over from Part-FCL (point FCL.130.S → point SFCL.155), meaning that only privileges for the launching method used during the skill test shall be included in an initially issued SPL. Privileges for additional launching methods can be obtained via additional training. During the sailplane workshop, it was agreed that an initially issued SPL should also include launching methods that were not included in the skill test but were sufficiently trained during the training course.

The final version of point SFCL.155 therefore allows an SPL holder to use all launching methods for which the minimum training requirements as established in this point have been complied with, either during the SPL training course (point SFCL.130), the training for obtaining sailplane privileges (for SPLs initially issued with TMG privileges only — point SFCL.150(e)(1) or additional training provided by an instructor after the issue of

the SPL. The completion of the training on the relevant launching method will be recorded through logbook entries signed by the head of training of the ATO or the DTO or the instructor, as applicable. Licence endorsements by the competent authority related to launching methods will no longer be necessary.

#### 2.4.4.6. Additional launching method: 'gravity launch'

In some Member States, sailplanes are also launched by letting them run down a runway that is built on a hillslope. During the sailplane workshop, a long discussion took place whether minimum training requirements for this method, referred to as 'gravity launch', should be added to Part-SFCL. Some participants did not see a need to regulate this while others held the opinion that Part-SFCL as a comprehensive regulatory framework for European sailplane licences should consider also 'gravity launch', as it is practised in some Member States.

It was finally decided to take a flexible approach: an additional requirement has been added to point SFCL.155 which requires sailplane pilots to comply with training requirements determined by the competent authority for further launching methods not covered by this point.

#### 2.4.4.7. Scope of basic aerobatic privileges

EASA received some comments which contained proposals for extending the scope of the basic aerobatic privileges by adding manoeuvres such as the lazy eight, immelman, hammerhead, stall turns, chandelles, and clover leaf.

EASA, together with the RMT.0701 expert group assessed these comments and finally concluded that widening the scope of the basic aerobatic privileges to a number of additional manoeuvres would contradict the initial idea and concept of the basic aerobatic privileges which was to establish a clear step between basic and advanced aerobatic privileges. Also, due to the nature of basic privileges and the related reduced and simplified training requirements, the intention was to exclude all manoeuvres which, in the case of wrong pilot input, could easily end up in a highly dangerous flight condition.

In this context, it was decided to add the lazy-eight manoeuvre and to specify in the list of basic aerobatic manoeuvres that only 'inside' loops are included.

One specific comment argued that specific training on spins could add additional general safety benefits, not only limited to aerobatic flight. It was therefore finally decided to add also spins to the basic aerobatic training and privileges.

#### 2.4.4.8. Banner towing rating

The initial draft of Part-SFCL did not take over from Part-FCL the banner towing rating for sailplane pilots, as it had been believed to be not relevant for sailplanes. However, some participants in the sailplane workshop argued that banner towing with TMGs is a relevant activity in their Member States.

The scope of point SFCL.205 was therefore extended to include also a banner towing rating, as it is the case in point FCL.805 of Part-FCL today.



In this context, another comment highlighted that today the training scope of a sailplane DTO does not include training for a banner towing rating (see point DTO.GEN.110(a)(3)). Point DTO.GEN.110(a)(3) will therefore be amended to include training for the banner towing (with TMGs).

#### 2.4.4.9. Cloud flying training under engine power

Today, point FCL.830 of Part-FCL excludes TMGs from sailplane cloud flying, with the intention that the privileges of the sailplane cloud flying shall not be used for motor-powered flights in clouds. In new point SFCL.215, this exclusion of TMGs is replaced by a general limitation of the exercise of cloud flying privileges to flights without engine power. However, during the sailplane workshop, some participants stated that a certain part of the training for sailplane cloud flying privileges should be allowed with motor power, given that such training flights are conducted in VMC and the student wears an IFR training hood. Such a possibility would provide more flexibility with regard to sailplane cloud flying training.

It was finally agreed to allow that 50 % of the actual practical training time (which could be more than the minimum of 2 hours) may be completed in TMGs with engine power in VMC and with the student wearing an IFR training hood. Point SFCL.215(b)(2)(ii) has been updated accordingly.

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

### 2.5.1. General

As explained in Section 2.1., due to repeated stakeholder input, particularly from those Member States which have already implemented Part-FCL also for balloons and sailplanes, the decision was taken to simplify the regulatory framework for balloon and sailplane flight crew licensing, when transferring the respective requirements from Part-FCL to the new Balloon Regulation and the new Sailplane Regulation. The impact of such simplified requirements, as presented in the previous chapters, is assessed in the following sections. In this context, the statistical data for balloon and sailplane activities, as described in Section 2.5 of EASA Opinion No 01/2016<sup>16</sup> as well as in Chapter 3 of EASA Opinion No 07/2017<sup>17</sup>, should be taken into consideration.

### 2.5.2. Overview of the different options

Table 1 — Selected policy options

Option No	Short title	Description
0	Part-FCL unchanged	No policy change: the current Part-FCL requirements for balloons and sailplanes continue to be implemented or, as regards those Member States who made use of the respective

<sup>16</sup> Opinion No 01/2016 'Revision of the European operational rules for balloons' (RMT.0674) (<https://www.easa.europa.eu/document-library/opinions/opinion-012016>).

<sup>17</sup> Opinion No 07/2017 'Revision of the operational rules for sailplanes' (RMT.0698) (<https://www.easa.europa.eu/document-library/opinions/opinion-072017>).

1	Simplified European FCL requirements for balloons and sailplanes	<p>opt-outs, are implemented after these opt-outs terminate in April 2020.</p> <p>Part-FCL requirements for balloons and sailplanes are transferred to the new Balloon Regulation and the new Sailplane Regulation without any changes to the content.</p> <p>Part-FCL requirements are revised, as described in detail in Section 2.3., in order to address major issues identified for balloons and sailplanes as described in Section 2.1. Examples of major changes are the following:</p> <ul style="list-style-type: none"> <li>— Deletion of the LAPL and compatibility of BPL/SPL with an LAPL medical, except for commercial passenger flights;</li> <li>— Simplification of recency requirements for BPL/SPL holders;</li> <li>— Commercial operation rating for BPL holders;</li> <li>— Basic aerobatic privileges for SPL holders;</li> <li>— Simplified obtainment of additional privileges for SPL holders;</li> <li>— Simplification of the requirements for flight instructors and examiners;</li> <li>— Option for Member States to implement modular training routes towards BPL/SPL.</li> </ul>
2	National rules for balloon and sailplane FCL	<p>Stop the implementation of the current Part-FCL requirements for balloons and sailplanes and allow continued application of national FCL requirements for balloons and sailplanes. This option would however not be in line with the overall objective to have standardised rules that ensure a high and uniform level of safety in all Member States and is therefore discarded.</p>

### 2.5.3. Analysis of the impacts of different options

The following tables present the impacts of each different option (Table 2a for Option 0 and Table 2b for Option 1). Each impact is scored with 0 (neutral), + (positive), – (negative) or a combination of + and – (±).

**Table 2a: Option 0 ‘Part-FCL unchanged’**

Criteria	Description of the impact	Result
<b>Safety impact</b>	<b>No impact.</b> The current safety level is maintained.	<b>0</b>
<b>Social impact</b>	A <b>negative social impact</b> could be expected as the complex and — to some extent — overregulating Part-FCL requirements in the context of balloons and sailplanes could lead to a negative effect on the acceptance of relevant industry (pilots, training organisations). Some of the existing pilots, instructors, examiners or training organisations may stop their activities due to the overdemanding regulation.	–
<b>Economic impact</b>	A <b>negative economic impact</b> is expected as the overcomplex and overdemanding Part-FCL requirements for balloons and sailplanes result in administrative costs for stakeholders which are not proportionate when considering the nature of balloons and sailplanes and the operation of these aircraft.	–
<b>GA and proportionality</b>	A <b>negative impact on the GA community</b> can be expected from the full implementation of Part-FCL, as it is too complex and overregulating in the context of balloons and sailplanes (refer to Section 2.1. for further details).	–

Table 2b: Option 1 ‘Simplified European FCL requirements for balloons and sailplanes’

Criteria	Description of the impact	Result
<b>Safety impact</b>	<b>No impact.</b> While Part-BFCL and Part-SFCL will provide a simplified and less demanding regulatory framework, minima as necessary for the safe conduct of particular activities (e.g. general recency, commercial operation, providing instruction) are kept. At the same time, a simple set of rules tailored to the industry’s needs is more likely to be accepted and duly applied by stakeholders.	0
<b>Social impact</b>	A <b>positive social impact</b> could be expected as a simplified and proportionate regulatory framework which is tailored to the needs of the industry could lead to a positive effect on the acceptance of relevant industry (pilots, training organisations). Such simplified requirements are more likely to be duly applied and will contribute to a harmonised application of European standards. Additionally, simplified rules will make access to balloon and sailplane activities easier and will thereby support a positive development and growth of these aviation sectors.	+
<b>Economic impact</b>	A <b>positive economic impact</b> can be expected as a simplified and less demanding regulatory framework will result in reduced administrative burden and costs for both the industry and competent authorities. It will be more affordable to obtain and maintain pilot privileges. Training organisations will benefit from flexible training requirements tailored to the needs of the relevant aircraft category which will reduce costs also for training providers.	+
<b>GA and proportionality</b>	A <b>positive impact on the GA community</b> is expected in the context of the impacts described above. The new Part-BFCL and the new Part-SFCL are in line with the objectives of the EASA GA Road Map and contain a simpler, lighter and better regulatory framework for balloon and sailplane FCL, compared to the present Part-FCL requirements.	+

#### 2.5.4. Conclusion

Table 2d: Overall impacts of all options

Criteria	Option 0	Option 1
	Part-FCL unchanged	Simplified European FCL requirements for balloons and sailplanes
<b>Safety</b>	0	0
<b>Social</b>	–	+
<b>Economic</b>	–	+
<b>GA and proportionality</b>	–	+
<b>Overall</b>	–	+



As illustrated in Table 2a, Option 0 ('Part-FCL unchanged') will have no safety impact but is expected to have negative social and economic impacts as well as a negative impact on the GA community.

As illustrated in Table 2b, Option 1 ('Simplified European FCL requirements for balloons and sailplanes') will have no safety impact and, additionally, is expected to have positive social and economic impacts as well as a positive impact on the GA community.

In summary, Option 1 is considered to be the best option to appropriately address the issue as it has no negative impact on safety, it has positive social and economic impacts as well as a positive impact on GA, and is the only option that has no negative impacts on any of the domains that have been assessed.

## 2.6. How we monitor and evaluate the rules

The implementation of Part-BFCL and Part-SFCL will be monitored and evaluated through the continued exchange of information between EASA and the Member States during EASA Advisory Body meetings as well as during standardisation inspections.

It is recommended that the following monitoring indicators be used to review the implementation of the new provisions:

**Table: Proposed indicative indicators to monitor the implementation of the rules**

<i>Monitoring indicator</i>	<i>Source of data</i>	<i>Indicative frequency</i>
Number of BPL	Standardisation data	Annually
Number of SPL	Standardisation data	Annually
Number of BPL/SPL holders with LAPL medical certificate	Standardisation data	Annually
Assessment of the cases where sailplane training was a factor in a safety incident/accident	EASA Safety Review	Annually
Assessment of the cases where balloon training was a factor in a safety incident/accident	EASA Safety Review	Annually

Based on the monitoring results, EASA may undertake an evaluation of the impact of the adopted rules. This evaluation shall assess the achieved impact of the changes versus the expected consequences, and shall conclude on the overall relevance, effectiveness and efficiency of the rules.

Cologne, 18 February 2019

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)
- Commission Regulation (EU) 2018/395 of 13 March 2018 laying down detailed rules for the operation of balloons pursuant to Regulation (EC) No 216/2008 of the European Parliament and the Council (OJ L 71/10, 14.03.2018, p. 10)
- Commission Implementing Regulation (EU) 2018/1976 of 14 December 2018 laying down detailed rules for the operation of sailplanes pursuant to Regulation (EU) 2018/1139 of the European Parliament and of the Council (OJ L 326, 20.12.2018, p. 64)

#### 3.2. Related decisions

- Decision No 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'), as amended
- Decision No 2012/006/R of the Executive Director of the Agency of 19th 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'), as amended
- Decision No 2012/007/R of the Executive Director of the Agency of 19th 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'), as amended
- Decision No 2018/009/R of the Executive Director of the Agency of 14 September 2018 issuing Acceptable Means of Compliance and Guidance Material to Regulation (EU) No 1178/2011 and to its Annex VIII (Part-DTO) ('AMC/GM to Part-DTO'), as amended

#### 3.3. Other reference documents

- 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 (OJ L 212, 22.8.2018, p. 1)

- General Aviation Road Map (<http://easa.europa.eu/easa-and-you/general-aviation>)



## 4. Appendices

*Note:* The remark ‘No differences’ in the column ‘Differences/remarks’ indicates that there are no differences between Part-BFCL/Part-SFCL and Part-FCL with regard to the content of the relevant requirements (e.g. training hours, flight experience required), even if in some cases the text has been restructured and rearranged (e.g. wording improved for clarity, lists introduced, terminology and wording adjusted for balloons or sailplanes, more than one Part-FCL point merged into one Part-BFCL/Part-SFCL point). Additionally, where necessary and not already explained in Chapters 2.3.2., 2.3.3. and 2.3.4., a brief justification for the changes to the content of a requirement is given in *italics*.

### 4.1. Appendix 1: Content of Part-BFCL and comparison with Part-FCL

<i>Part-BFCL reference</i>	<i>Content</i>	<i>Part-FCL cross reference</i>	<i>Differences/remarks</i>
<b>Subpart GEN</b>			
BFCL.001	<b>Scope</b>	FCL.005	No differences
BFCL.005	<b>Competent authority</b>	FCL.001	No differences
BFCL.010	<b>Classes and groups of balloons</b>	AMC1 FCL.225.B	<ul style="list-style-type: none"> <li>— Classes and groups of balloons are now set out at rule level.</li> <li>— Subdivision into groups only kept for hot-air balloons.</li> </ul> <p style="text-align: center;"><i>For other classes, such a subdivision does not have a large practical impact and can be deleted.</i></p>



BFCL.015	<b>Application for and issue, revalidation and renewal of a BPL as well as associated privileges, ratings and certificates</b>	FCL.015	<ul style="list-style-type: none"> <li>— Text of point FCL.015(a) transferred to point BFCL.015(a) and (b).</li> <li>— Point BFCL.015(a) restructured to contain a list and reworded to reflect that only FI/FE certificates are subject to revalidation and renewal.</li> <li>— Insertion of the term ‘privileges’ (class privileges).</li> <li>— Paragraphs (e) and (f): all Part-FCL/BFCL/SFCL licences held by a pilot need to be issued in the same Member State. In case of licence transfer, all Part-FCL/BFCL/SFCL licences held by that pilot need to be transferred together.</li> <li>— New paragraph (g) to limit the validity period of a skill test or assessment of competence for the issue of the relevant licence, rating or certificate to 6 months (as also proposed for point FCL.015 of Part-FCL with NPA 2016-16).</li> </ul>
BFCL.030	<b>Practical skill test</b>	FCL.030(b)	<ul style="list-style-type: none"> <li>— No differences</li> <li>— Point FCL.030(a) covered by point BFCL.145(c).</li> </ul>
BFCL.035	<b>Crediting of flight time</b>	FCL.035(a)(2)(i)	<ul style="list-style-type: none"> <li>— No differences</li> <li>— Rest of point FCL.035 not relevant for balloons: <ul style="list-style-type: none"> <li>• paragraph (a)(1) not necessary as the whole Part-BFCL is about balloons only;</li> <li>• paragraph (b) is about theory credits not relevant for balloons (hence point BFCL.035 is named ‘Crediting of flight time’; for crediting of theoretical knowledge, refer to point BFCL.140).</li> </ul> </li> </ul>
BFCL.045	<b>Obligation to carry and present documents</b>	FCL.045	New document to carry: logbook data for demonstrating compliance with recency requirements that are only recorded in the logbook.
BFCL.050	<b>Recording of flight time</b>	FCL.050	No differences



BFCL.065	<b>Curtailment of privileges of a BPL holder aged 70 years or older in commercial passenger ballooning</b>	FCL.065	Term 'commercial air transport' replaced by 'commercial passenger ballooning (CPB)' (terminology from Part-BOP).
BFCL.070	<b>Limitation, suspension and revocation of licences, privileges, ratings and certificates</b>	FCL.070	Reference to the essential requirements of the Basic Regulation added. Reference to 'operational requirements' replaced by a reference to Annex II (Part-BOP) to Commission Regulation (EU) 2018/395.
<b>Subpart BPL</b>			
BFCL.115	<b>Privileges and conditions</b>	FCL.205.B FCL.040	— Reference to new commercial operation rating instead of requirements on how to lift a restriction to non-commercial operation. — Point BFCL.115(c) reflects the content of point FCL.040.
BFCL.120	<b>Minimum age</b>	FCL.200(b)	No differences
BFCL.125	<b>Student pilot</b>	FCL.020	No differences
BFCL.130	<b>Training course and experience requirements</b>	FCL.210.B	Only hot-air balloon (group A only) or gas balloons can be used for initial BPL training.  <i>Larger balloons will require to carry more people which is not to be done during initial licence training. Before extending privileges to larger balloons, experience with smaller balloons shall be acquired.</i>
BFCL.135	<b>Theoretical knowledge examination</b>	FCL.025 FCL.215	No differences
BFCL.140	<b>Crediting of theoretical knowledge</b>	Appendix 1, Section A, points 1.1., 1.2.	No differences



BFCL.145	<b>Practical skill test</b>	FCL.030(a) FCL.235	No differences
BFCL.150	<b>Extension of privileges to another balloon class or group</b>	FCL.135.B FCL.225.B(b)	<ul style="list-style-type: none"> <li>— Subdivision into group only for hot-air balloons (see also point BFCL.010).</li> <li>— Gas balloons with an envelope size of more than 1 260 m<sup>3</sup>: minimum experience requirement of 50 hours of flight time deleted.</li> </ul> <p style="text-align: center;"><i>The practical relevance of such a prerequisite is very low, due to minor envelope steps of gas balloons and respective minor handling differences between different envelope steps.</i></p>



BFCL.160	Recency requirements	FCL.230.B	<ul style="list-style-type: none"> <li>— Time frame for the training flight extended from 24 to 48 months.</li> <li>— Introduction of the option to ‘fly dual’ in order to keep recent experience in general (point BFCL.160(a)(1)(i)), therefore no need for further keeping an additional ‘renewal’; option similar to points FCL.140.B(b) and FCL.230.B(c).</li> <li>— Hot-air balloons: not only in the case of the training flight but also in case of a proficiency check, the recency is kept only for the hot-air balloon group (and hot-air balloon groups with smaller envelope size) used (other balloon classes are no longer subdivided into groups; see point BFCL.010).</li> <li>— Paragraph (b) (cross-class credit): no minimum number of take-offs/landings mentioned.  <i>More flexibility</i></li> <li>— If training flight is completed in another balloon class and hot-air balloon class privileges are also held → recency in hot-air balloons only maintained for group A.  <i>For keeping privileges for hot-air balloons with bigger envelope sizes, recent experience with such classes is needed and no cross-crediting from other balloon classes should be possible.</i></li> <li>— Credits for holders of a commercial operation rating.</li> <li>— No additional (advanced) recency requirements for non-commercial carriage of passengers (requirements of Part-FCL, point FCL.060 not taken over). For recency requirements related to commercial passenger ballooning, refer to point BFCL.220.</li> </ul>
<b>Subpart ADD</b>			



BFCL.200	<b>Tethered hot-air balloon flight rating</b>	FCL.130.B	<ul style="list-style-type: none"> <li>— Formal rating, limited to hot-air balloons. <i>No practical relevance for other balloon classes.</i></li> <li>— Training requirements: reduced from 3 to 2 training flights. <i>Tethered flight, being a non-complex type of operation, reuses skills already obtained during BPL training, hence this reduction of minimum training requirements (proportionality).</i></li> <li>— Recency requirements: reduced from 2 flights in 24 months to 1 flight in 48 months. <i>See justification in the previous indent.</i></li> </ul>
BFCL.210	<b>Night rating</b>	FCL.810(c)	No differences
BFCL.215	<b>Commercial operation rating</b>	FCL.205.B(b)	<ul style="list-style-type: none"> <li>— Formal rating.</li> <li>— Prerequisite: relevant class privileges need to be held.</li> <li>— For initial issue: skill test (instead of proficiency check).</li> <li>— Extension to other classes: skill test required.</li> <li>— Recency requirements introduced.</li> <li>— Credits for operator proficiency checks completed in accordance with Part-BOP.</li> </ul>
<b>Subpart FI</b>			
BFCL.300	<b>Flight instructor certificates</b>	FCL.900	Updated in coordination with RMT.0188 ((FCL.002(a))) (Opinion No 05/2017 'Amendments to Commission Regulation (EU) No 1178/2011').



BFCL.315	<b>Privileges and conditions</b>	FCL.905.FI	<ul style="list-style-type: none"> <li>– Instructional privileges for the night rating: no more ‘demonstration of ability’ to an FI required. <i>Minor differences between night and day balloon instruction allow such a simplification.</i></li> <li>– Instructional privileges for the tethered flight rating: now mentioned in Part-BFCL (tethered flight extension not mentioned in FCL.905.FI).</li> <li>– Instructional privileges for the FI certificate: <ul style="list-style-type: none"> <li>• prerequisite of ‘50 take-offs and landings’ deleted <i>The remaining ‘50 hours of flight instruction’ is sufficient and understood to cover all relevant phases of a balloon flight.</i></li> <li>• assessment of competence replaced by providing 1 hour of flight instruction under supervision <i>More proportional and practical approach.</i></li> </ul> </li> </ul>
BFCL.320	<b>Prerequisites and requirements</b>	FCL.900(a)(1) and (2) FCL.915(a), (b)(1) and (3) FCL.930 FCL.935	No differences
BFCL.325	<b>Instructor competencies and assessment thereof</b>	FCL.920	No differences



BFCL.330	Training course	FCL.930.FI	<ul style="list-style-type: none"> <li>— Pre-course assessment of the candidate does not necessarily need to contain a flight and can be completed within the preceding 12 months (instead of 6 months).  <i>More flexibility is given to training organisations by allowing them to decide on a case-by-case basis whether or not to include a flight in the pre-course assessment, as necessary. AMC/GM is planned to provide further explanations.</i></li> <li>— Theoretical knowledge course:             <ul style="list-style-type: none"> <li>• minimum duration reduced from 30 to 12 hours (excluding teaching and learning)  <i>Applicants for an FI(B) certificate are not ab initio students and do not need to be retaught basic ballooning knowledge. The purpose of the FI course is to strengthen the already existing balloon theoretical knowledge of the applicants of an FI certificate, and for this purpose, 12 hours have been considered to be sufficient, leading also to a significant alleviation in FI training.</i></li> <li>• reference to point BFCL.325 included</li> </ul> </li> </ul>
BFCL.345	Assessment of competence	FCL.935	<ul style="list-style-type: none"> <li>— Assessment of competence does not necessarily take place in the balloon class used during the FI training course.  <i>The focus of the FI(B) assessment is on the candidate’s instructional competence, not on the competence regarding a specific balloon class. Considering that in most cases the balloon class used for the FI training will be the one to be used for the assessment of competence, it was still the intention to provide more flexibility also in this area.</i></li> <li>— Consequences of a failed assessment of competence (point FCL.935(d)) moved to point BFCL.360(e).</li> </ul>
BFCL.360	Recency requirements		Revalidation requirements replaced by recency requirements (see Section 2.3.2.2.).
<b>Subpart FE</b>			



BFCL.400	<b>Flight examiner certificates</b>	FCL.1000	Updated in coordination with RMT.0188 ((FCL.002(a))) (Opinion No 05/2017 'Amendments to Commission Regulation (EU) No 1178/2011').
BFCL.405	<b>Limitation of privileges in case of vested interests</b>	FCL.1005	<ul style="list-style-type: none"> <li>— Amount of allowed training involvement for examiners raised to 50 % of the training course duration.  <i>More flexibility with regard to the relatively small balloon community in some Member States.</i></li> <li>— No exclusion in case of being responsible for the recommendation for the skill test (point FCL.1005(a)(2) also proposed to be deleted with Opinion No 05/2017 'Amendments to Commission Regulation (EU) No 1178/2011').</li> </ul>
BFCL.410	<b>Conduct of skill test, proficiency checks and assessments of competence</b>	FCL.1030	No differences, but terminology adjusted ('privileges').
BFCL.415	<b>Privileges and conditions</b>	FCL.1005.FE(e) FCL.1010.FIE(e)	<ul style="list-style-type: none"> <li>— General prerequisite of 50 hours as FI is to have covered the full BPL syllabus (in order to ensure that the applicant has gained experience as an instructor in all phases of a balloon flight).</li> <li>— Prerequisites for instruction for commercial operation privileges (now: commercial operation rating): no hourly requirements, but examiner standardisation needs to cover this activity.  <i>More proportionate and practical approach.</i></li> <li>— No separate FIE certificate, privileges to assess applicant FIs are included in the FE certificate with the following prerequisites: <ul style="list-style-type: none"> <li>• 350 hours total flight time (like Part-FCL);</li> <li>• 5 hours as FI instructor (Part-FCL: 10 hours);</li> <li>• no separate assessment of competence — examiner standardisation needs to cover this activity.</li> </ul> </li> </ul>



BFCL.420	<b>Prerequisites and requirements</b>	FCL.1000(a)(1) and (2) FCL.1010 FCL.1015 FCL.1020 FCL.1010.FE	No differences
BFCL.430	<b>Standardisation course</b>	FCL.1015	Course content: at least 1 test profile (Part-FCL: 2 test profiles).
BFCL.445	<b>Assessment of competence</b>	FCL.1020	No differences
BFCL.460	<b>Validity, revalidation and renewal</b>	FCL.1025	<ul style="list-style-type: none"> <li>— Validity period extended to 5 years.</li> <li>— Revalidation requirements (see Section 2.3.2.3.):                             <ul style="list-style-type: none"> <li>• no minimum number of skill tests, proficiency checks or assessments of competence;</li> <li>• reassessment (skill test, proficiency check or assessment of competence under supervision) within the last 24 months instead of 12 months.</li> </ul> </li> </ul>



4.2. Appendix 2: Content of Part-SFCL and comparison with Part-FCL

<i>Part-SFCL reference</i>	<i>Content</i>	<i>Part-FCL cross reference</i>	<i>Differences/remarks</i>
<b>Subpart GEN</b>			
SFCL.001	<b>Scope</b>	FCL.005	No differences
SFCL.005	<b>Competent authority</b>	FCL.001	No differences
SFCL.015	<b>Application for and issue, revalidation and renewal of an SPL as well as associated privileges, ratings and certificates</b>	FCL.015	<ul style="list-style-type: none"> <li>— Text of point FCL.015(a) transferred to point SFCL.015(a) and (b).</li> <li>— Point SFCL.015(a) restructured to contain a list and reworded to reflect that only FI/FE certificates are subject to revalidation and renewal.</li> <li>— Insertion of the term ‘privileges’ (class privileges).</li> <li>— Paragraphs (e) and (f): all Part-FCL/BFCL/SFCL licences held by a pilot need to be issued in the same Member State. In case of licence transfer, all Part-FCL/BFCL/SFCL licences held by that pilot need to be transferred together.</li> <li>— New paragraph (g) to limit the validity period of a skill test or assessment of competence for the issue of the relevant licence, rating or certificate to 6 months (as also proposed for point FCL.015 of Part-FCL with NPA 2016-16).</li> </ul>
SFCL.030	<b>Practical skill test</b>	FCL.030(b)	<ul style="list-style-type: none"> <li>— No differences.</li> <li>— Point FCL.030(a) covered by point SFCL.145(c).</li> </ul>



SFCL.035	<b>Crediting of flight time</b>	FCL.035(a)(2)(i)	<ul style="list-style-type: none"> <li>— No differences.</li> <li>— Rest of point FCL.035 not relevant for sailplanes: <ul style="list-style-type: none"> <li>• paragraph (a)(1) not necessary as the whole Part-SFCL is about sailplanes only;</li> <li>• paragraph (b) is about theory credits not relevant for sailplanes (hence point SFCL.035 is named 'Crediting of flight time'; for crediting of theoretical knowledge, refer to point SFCL.140).</li> </ul> </li> </ul>
SFCL.045	<b>Obligation to carry and present documents</b>	FCL.045	<ul style="list-style-type: none"> <li>— New document to carry: logbook data for demonstrating compliance with recency requirements that are only recorded in the logbook.</li> <li>— For local flights, all documents can be retained at the aerodrome.</li> </ul>
SFCL.050	<b>Recording of flight time</b>	FCL.050	No differences
SFCL.065	<b>Curtailement of privileges of an SPL holder aged 70 year or older in commercial passenger ballooning / commercial passenger sailplane operation</b>	FCL.065	Term 'commercial air transport' replaced by 'commercial sailplane operation'.
SFCL.070	<b>Limitation, suspension and revocation of licences, privileges, ratings and certificates</b>	FCL.070	Reference to the essential requirements of the Basic Regulation added.  Reference to 'operational requirements' replaced by a reference to Annex II (Part-SAO) to Commission Implementing Regulation (EU) 2018/1976.
<b>Subpart SPL</b>			
SFCL.115	<b>Privileges and conditions</b>	FCL.205.S FCL.040	<ul style="list-style-type: none"> <li>— Privileges for carrying passengers: additional flight with FI(S) required in order to demonstrate the necessary competence.</li> <li>— Privileges for commercial operations: no proficiency check required.</li> <li>— Point SFCL.115(c) reflects the content of point FCL.040.</li> </ul>



SFCL.120	<b>Minimum age</b>	FCL.200(b)	No differences
SFCL.125	<b>Student pilot</b>	FCL.020	No differences
SFCL.130	<b>Training course and experience requirements</b>	FCL.110.S FCL.210.S FCL.135.S(a)	<ul style="list-style-type: none"> <li>– Text restructured in order to allow different training routes for ab initio sailplane and/or TMG privileges (see also point SFCL.145(b)).</li> <li>– Minimum training elements for both sailplanes and TMGs defined (for TMGs, modelled on point FCL.135.S(a)).</li> <li>– Credits for holders of licences for other aircraft categories: credit includes also 10 launches.</li> </ul> <p style="text-align: center;"><i>Point FCL.210.S(b) final paragraph provided credits only for up to 7 hours, but not for launches. Hence, still 45 launches had to be made in 8 hours (15 minus 7 hours) of training, which was identified to be inconsistent with the general crediting approach.</i></p>
SFCL.135	<b>Theoretical knowledge examination</b>	FCL.025 FCL.215	No differences
SFCL.140	<b>Crediting of theoretical knowledge</b>	Appendix 1, Section A, points 1.1., 1.2.	No differences
SFCL.145	<b>Practical skill test</b>	FCL.030(a) FCL.235	Use of either sailplane or TMG for the skill test dependent on compliance with the relevant minimum training requirements as set out in point SFCL.130.



SFCL.150	<b>Sailplane and TMG privileges</b>	New (sailplanes) FCL.135.S (TMG)	<ul style="list-style-type: none"> <li>– Acquisition of sailplane/TMG privileges dependent on aircraft used for the skill test (see point SFCL.145).</li> <li>– Minimum training requirements to extend privileges from sailplanes to TMGs (modelled on point FCL.135.S(a)), and from TMGs to sailplanes (new).</li> <li>– TMG privileges: credits for TMG privileges held in accordance with Part-FCL.</li> </ul>
SFCL.155	<b>Launching methods</b>	FCL.130.S	<ul style="list-style-type: none"> <li>– All launching methods sufficiently trained during the SPL training course are included in the SPL, when initially issued.</li> <li>– Completion of the minimum training requirements for the relevant launching methods is recorded by the ATO/DTO or, in the case of additional launching training after the issue of the SPL, the instructor in the pilot's logbook (see Section 2.3.4.1.).</li> </ul>
SFCL.160	<b>Recency requirements</b>	FCL.140.S FCL.060	<ul style="list-style-type: none"> <li>– Completely revised in order to allow combined sailplane/TMG activity for maintaining recency (see last paragraph in Section 2.3.4.3).</li> <li>– Introduction of the option to 'fly dual' in order to keep recent experience in general (point SFCL.160(a)(1) and (b)(1)), therefore no need for further keeping an additional 'renewal' — option similar to point FCL.140.S(c). In this context, it is also made possible to include the 2 training flights with an FI into the overall 5-hour flight time requirement.</li> </ul>
<b>Part-ADD</b>			
SFCL.200	<b>Aerobatic privileges</b>	FCL.800	<ul style="list-style-type: none"> <li>– Basic aerobatic and advanced aerobatic privileges (see Section 2.3.4.5.).</li> <li>– Changed from 'rating' endorsed on the licence to 'privileges' obtained after completion of training is recorded by the ATO/DTO in the pilot's logbook (see Section 2.3.4.1.).</li> </ul>
SFCL.205	<b>Sailplane towing and banner towing rating</b>	FCL.805	Crediting provision added for holders of a towing rating issued in accordance with Part-FCL, point FCL.805.



SFCL.210	<b>TMG night rating</b>	FCL.810	Crediting provision added for holders of a night rating issued in accordance with Part FCL, point FCL.810.
SFCL.215	<b>Sailplane cloud flying privileges</b>	FCL.830	<ul style="list-style-type: none"> <li>— Changed from ‘rating’ endorsed on the licence to ‘privileges’ obtained after completion of training is recorded by the ATO/DTO in the pilot’s logbook (see Section 2.3.4.1.).</li> <li>— Prerequisites: flight experience reduced from 30 to 15 hours. <i>15 hours of experience have been identified to be sufficient.</i></li> <li>— TMGs with stopped engine included.</li> <li>— 50 % of the actual course duration (2 hours of flight instruction is only the minimum required) can be completed in TMGs under engine power in VMC. <i>During the focused consultation workshop on 26 June 2018, it was agreed that such motor-powered training flights should be possible when the students wears the IFR training hood (AMC to be developed).</i></li> <li>— Skill test deleted (same logic as for aerobatic privileges). <i>More proportionate and practical approach (as already the case in national sailplane regulations).</i></li> </ul>
<b>Subpart FI</b>			
SFCL.300	<b>Flight instructor certificates</b>	FCL.900	Updated in coordination with RMT.0188 (FCL.002(A)) (Opinion No 05/2017 ‘Amendments to Commission Regulation (EU) No 1178/2011’).



SFCL.315	<b>Privileges and conditions</b>	FCL.905.FI FCL.915.FI(e)	<ul style="list-style-type: none"> <li>— Instructional privileges for launching methods: minimum experience requirements defined for aerotow and winch launch.  <i>Necessary in order to ensure sufficient experience before providing instruction in those launching methods.</i></li> <li>— Instructional privileges for the TMG privileges: assessment of competence replaced by ‘demonstration of ability to instruct to an FI instructor’ + preceding TMG training during FI course.  <i>More proportionate and practical approach.</i></li> <li>— Instructional privileges for the FI certificate: assessment of competence replaced by ‘demonstration to an FI instructor of the ability to instruct applicants for an instructor certificate’.  <i>More proportionate and practical approach.</i></li> </ul>
SFCL.320	<b>Prerequisites and requirements</b>	FCL.900(a)(1) and (2) FCL.915(a), (b)(1) and (3) FCL.930 FCL.935	No differences
SFCL.325	<b>Instructor competencies and assessment thereof</b>	FCL.920	No differences



SFCL.330	<b>Training course</b>	FCL.930.FI	<ul style="list-style-type: none"> <li>— Pre-course assessment of the candidate does not necessarily need to contain a flight and can be completed within the preceding 12 months (instead of 6 months).</li> <li>— Theoretical knowledge course: reference to point BFCL.325 included.</li> <li>— Term ‘take-off’ replaced by ‘launches’.</li> </ul> <p style="text-align: center;"><i>‘Launches’ is the term usually to be used when referring to pure gliding operations. However, and notwithstanding point SFCL.330(b)(2) (TMG instructional privileges), TMGs may be used for up to 3 hours out of the 6 hours of flight instruction).</i></p> <ul style="list-style-type: none"> <li>— Instructional privileges for the TMG privileges: clarification that 6 hours of TMG training are ‘in addition’ to the standard FI training course duration.</li> </ul>
SFCL.345	<b>Assessment of competence</b>	FCL.940.FI	<ul style="list-style-type: none"> <li>— Assessment of competence needs to take place on sailplanes, excluding TMGs.</li> <li>— Consequences of a failed assessment of competence (point FCL.935(d)) moved to point SFCL.360(d).</li> </ul>
SFCL.350	<b>Restricted privileges</b>	FCL.910.FI	<ul style="list-style-type: none"> <li>— Scope of ‘FI restricted’: training for night rating excluded, training for aerobatic privileges included.</li> </ul> <p style="text-align: center;"><i>Intention: training for additional ratings/privileges requiring solo flights is excluded, everything else is included.</i></p> <ul style="list-style-type: none"> <li>— ‘FI restricted’ with completed FI TMG training (point SFCL.330(b)(2)): part of FI experience needed for lifting the restriction can be completed on TMGs.</li> </ul>
SFCL.360	<b>Recency requirements</b>		Revalidation requirements replaced by recency requirements (see Section 2.3.2.2.).
SFCL.400	<b>Flight examiner certificates</b>	FCL.1000	Updated in coordination with RMT.0188 (FCL.002(A)) (Opinion No 05/2017 ‘Amendments to Commission Regulation (EU) No 1178/2011’).



SFCL.405	<b>Limitation of privileges in case of vested interests</b>	FCL.1005	<ul style="list-style-type: none"> <li>— Amount of allowed training involvement for examiners raised to 50 % of the training course duration.</li> <li>— No exclusion in case of being responsible for the recommendation for the skill test (point FCL.1005(a)(2) also proposed to be deleted with Opinion No 05/2017 ‘Amendments to Commission Regulation (EU) No 1178/2011’).</li> </ul>
SFCL.410	<b>Conduct of skill test, proficiency checks and assessments of competence</b>	FCL.1030	No differences, but terminology adjusted (‘privileges’).
SFCL.415	<b>Privileges and conditions</b>	FCL.1005.FE(d) FCL.1010.FIE(d)	<ul style="list-style-type: none"> <li>— Privileges for conducting skill tests for the sailplane cloud flying privileges as well as proficiency checks for commercial operation privileges deleted (no more skill test/proficiency check necessary, see points SFCL.115 and SFCL.220).</li> <li>— No separate FIE certificate, privileges to assess applicant FIs are included in the FE certificate with the following prerequisites: <ul style="list-style-type: none"> <li>• flight experience as FI instructor: 10 hours or 30 launches/take-offs and landings on sailplanes/TMGs, as applicable (like in Part-FCL);</li> <li>• no separate assessment of competence — examiner standardisation needs to cover this activity.</li> </ul> </li> </ul>
SFCL.420	<b>Prerequisites and requirements</b>	FCL.1000(a)(1) and (2) FCL.1010 FCL.1015 FCL.1020 FCL.1010.FE	No differences
SFCL.430	<b>Standardisation course</b>	FCL.1015	No differences



SFCL.445	<b>Assessment of competence</b>	FCL.1020	No differences
SFCL.460	<b>Validity, revalidation and renewal</b>	FCL.1025	<ul style="list-style-type: none"> <li>— Validity period extended to 5 years.</li> <li>— Revalidation requirements (see Section 2.3.2.3.):                             <ul style="list-style-type: none"> <li>• no minimum number of skill tests, proficiency checks or assessments of competence;</li> <li>• reassessment (skill test, proficiency check or assessment of competence under supervision) within last 24 months instead of 12 months.</li> </ul> </li> </ul>

