



Brussels, **XXX**
[...](2019) **XXX** draft

Annex Ia to EASA Opinion No 01/2019

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

of **XXX**

amending Commission Regulation (EU) No 1178/2011 as regards the introduction of the basic instrument rating, and the deletion of the en route instrument rating as well as of the flight crew licensing requirements for balloons and sailplanes

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

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amending Commission Regulation (EU) No 1178/2011 as regards the introduction of the basic instrument rating, and the deletion of the en route instrument rating as well as of the flight crew licensing requirements for balloons and sailplanes

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Commission Regulation (EU) No 1178/2011 ⁽²⁾ lays down the requirements for pilots who are involved in the operation of aircraft as specified in points (b)(i) and (ii) of Article (2)(1) of Regulation (EU) 2018/1139. Such implementing rules have been adopted with Commission Regulation (EU) No 1178/2011.
- (2) In light of the specific nature of flight crew licensing for balloons and sailplanes, there is a need for dedicated licensing requirements that are laid down in self-standing regulations. Those rules should be based on the general rules for flight crew licensing that are laid down in Commission Regulation (EU) No 1178/2011, but they should be restructured and simplified, in order to ensure that they are proportionate and founded on a risk-based approach, whilst ensuring that balloon and sailplane pilots are and continue to be competent to carry out their activities and to discharge their responsibilities.
- (3) These new licensing requirements for balloon and sailplane pilots should be laid down in Commission Regulation (EU) 2018/395 ⁽³⁾ (the balloon operations regulation) and Commission Implementing Regulation (EU) 2018/1976 ⁽⁴⁾ (the sailplane operations regulation). At the same time, the licensing requirements that are related to balloon and sailplane pilot licences and that are laid down in Annex I (Part-FCL) to Commission

⁽¹⁾ OJ L 212, 22.8.2018, p. 1.

⁽²⁾ Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 311, 25.11.2011, p. 1).

⁽³⁾ Commission Regulation (EU) 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).

⁽⁴⁾ 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).

Regulation (EU) No 1178/2011 should be deleted, and those requirements of Annex I (Part-FCL) that address cross-domain issues, such as crediting provisions between balloon or sailplane pilot licences and licences for other aircraft categories, should be revised in order to consider the new licensing requirements for balloon and sailplane pilots.

- (4) The requirements of Annex VI (Part-ARA), Annex VII (Part-ORA) and Annex VIII (Part-DTO) to Commission Regulation (EU) No 1178/2011 should continue to apply to balloon and sailplane flight crew licensing.
- (5) In order to further improve aviation safety, pilots that are engaged in aerial sport and recreational activities should be more encouraged to obtain privileges for flying in accordance with instrument flight rules (IFR). Hence, the existing rules concerning IFR privileges should be adapted by introducing the basic instrument rating (BIR) in Annex I (Part-FCL). The BIR should be specifically tailored to the needs of pilots that are engaged in aerial sport and recreational flying activities as regards the content of their training and the scope of their privileges.
- (6) With the introduction of the BIR, the already existing EIR in point FCL.825 of Annex I (Part-FCL) is redundant and should be deleted. Existing EIR holders should be entitled to continue to exercise their privileges and should receive credits when they seek to obtain a BIR.
- (7) Training for an EIR that commenced prior to the application of this Regulation should be allowed to be completed, and the issue of an EIR should follow within a given transitional period.
- (8) The measures provided for in this Regulation are based on Opinion No 01/2019⁽⁵⁾ of the European Union Aviation Safety Agency in accordance with point (b) of Article 75(2) and Article 76(1) of Regulation (EU) 2018/1139.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the committee established by Article 127 of Regulation (EU) 2018/1139,

HAS ADOPTED THIS REGULATION:

Article 1

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

- (1) Article 1 is replaced by the following:

'Article 1

Subject matter

1. This Regulation lays down detailed rules for:
 - (a) different ratings for pilot licences, the conditions for issuing, maintaining, amending, limiting, suspending or revoking pilot licences, the privileges and responsibilities of the holders of pilot licences, the conditions for the conversion of existing national pilot licences and of national flight engineer licences into pilot licences, as well as the conditions for the acceptance of pilot licences issued by third countries;

⁽⁵⁾ <https://www.easa.europa.eu/document-library/opinions>

- (b) the certification of persons that are responsible for providing flight training or flight simulation training and for assessing pilots' skills;
 - (c) different medical certificates for pilots, the conditions for issuing, maintaining, amending, limiting, suspending or revoking medical certificates, the privileges and responsibilities of the holders of medical certificates as well as the conditions for the conversion of national medical certificates into mutually recognised medical certificates;
 - (d) the certification of aero-medical examiners, as well as the conditions under which general medical practitioners may act as aero-medical examiners;
 - (e) the periodical aero-medical assessment of cabin crew members, as well as the qualifications of persons who are responsible for this assessment;
 - (f) the conditions for issuing, maintaining, amending, limiting, suspending or revoking cabin crew attestations, as well as the privileges and responsibilities of the holders of cabin crew attestations;
 - (g) the conditions for issuing, maintaining, amending, limiting, suspending or revoking certificates of pilot training organisations and of aero-medical centres involved in the qualification and aero-medical assessment of civil aviation aircrew;
 - (h) the requirements for the certification of flight simulation training devices and for organisations that operate and use those devices;
 - (i) the requirements for the administration and management system to be fulfilled by the Member States, the European Union Aviation Safety Agency and the organisations in relation with the rules referred to in points 1(a) to (h).
2. Articles 11b and 11c as well as Annex IV (Part-MED), Annex VI (Part-ARA), Annex VI (Part-ORA) and Annex VIII (Part-DTO) to this Regulation shall apply to pilot licences for balloons and sailplanes in accordance with Commission Regulation (EU) 2018/395 and Commission Implementing Regulation (EU) 2018/1976.';

(2) in Article 2, paragraph 19 is replaced by the following:

'(19) "flight instructor (FI)" means an instructor with the privileges to provide training in an aircraft in accordance with Subpart J of Annex I (Part-FCL) to Commission Regulation (EU) No 1178/2011, Subpart FI of Annex III (Part-BFCL) to Commission Regulation (EU) 2018/395, or Subpart FI of Annex III (Part-SFCL) to Commission Implementing Regulation (EU) 2018/1976.';

(3) the following Article 4c is inserted:

'Article 4c

Transitional measures for holders of an en route instrument rating

1. Holders of an en route instrument rating (EIR), as set out in point FCL.825 of Annex I (Part-FCL), prior to the date of entry into force of **[INSERT REFERENCE TO AMENDING REGULATION]** shall:
 - (a) be entitled to continue to exercise the privileges of their EIR after **[INSERT DATE OF START OF APPLICATION OF AMENDING REGULATION]**;

- (b) receive full credit towards the training requirements in point FCL.835(c)(2)(i)(A) and (C), when applying for the issue of a basic instrument rating (BIR) in accordance with point FCL.835 of Annex I (Part-FCL); and
 - (c) receive full credit as established for EIR holders in Annex I (Part-FCL) before **[INSERT REFERENCE TO AMENDING REGULATION]** applied.
2. Training for an EIR as referred to in paragraph 1 that commenced prior to the date of entry into force of **[INSERT REFERENCE TO AMENDING REGULATION]** shall be given credit for the purpose of issuing an EIR until **[INSERT DATE OF FIRST ANNIVERSARY OF START OF APPLICATION OF AMENDING REGULATION]**.
- (4) Article 11c is replaced by the following:

‘Article 11c

Transitional measures

As regards organisations that provide training for pilot licences in accordance with Commission Regulation (EU) 2018/395 and Commission Implementing Regulation (EU) 2018/1976 and for which the European Union Aviation Safety Agency is the competent authority in accordance with Article 78 of Regulation (EU) 2018/1139:

- (a) Member States shall transfer to EASA all records related to the oversight of such organisations by 8 April 2021 at the latest;
 - (b) certification processes initiated before 8 April 2020 by a Member State shall be concluded by that Member State in coordination with the European Union Aviation Safety Agency which shall assume all its responsibilities as competent authority concerning such organisations after the issuing of the certificate by that Member State.’;
- (5) in Article 12, paragraph 2a is deleted;
- (6) Annex I (Part-FCL) is amended in accordance with Annex I to this Regulation;
- (7) Annex III (Conditions for the acceptance of licences issued by or on behalf of third countries) is amended in accordance with Annex II to this Regulation;
- (8) Annex IV (Part-MED) is amended in accordance with Annex III to this Regulation;
- (9) Annex VI (Part-ARA) is amended in accordance with Annex IV to this Regulation;
- (10) Annex VII (Part-ORA) is amended in accordance with Annex V to this Regulation;
- (11) Annex VIII (Part-DTO) is amended in accordance with Annex VI to this Regulation.

Article 2

1. This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.
2. This Regulation shall apply from 8 April 2020.
However, the following shall apply from the day referred to in paragraph 1:
 - (a) Article 1(4);

- (b) having regard to Article 1(6), points (1)(e); (4)(b); (5); (29); (31); (33)(c); (37)(a); (38); (39); (40); (41)(a); (42); (43); (44); (47)(f); (48); (49) and (50) of Annex I to this Regulation;
- (c) having regard to Article 1(8), point (b) of Annex IV to this Regulation;
- (d) Article 1(8); and
- (e) having regard to Article 1(9), point (7)(d)(ii) of Annex IV to this Regulation.

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

Done at Brussels,

For the Commission
The President
[\[...\]](#)