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Annex IIIa to EASA Opinion No 01/2019

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

of **XXX**

**amending Commission Implementing Regulation (EU) 2018/1976 as regards sailplane
pilot licences**

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

of **XXX**

amending Commission Implementing Regulation (EU) 2018/1976 as regards sailplane pilot licences

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) The European Commission is to adopt the necessary implementing rules for establishing the requirements for sailplane pilot licences in accordance with Regulation (EU) 2018/1139, where such aircraft meet the conditions specified in points (b)(i) and (ii) of Article 2(1) of that Regulation.
- (2) In light of the specific nature of flight crew licensing for sailplanes, there is a need for dedicated licensing requirements 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 ⁽²⁾, but they should be restructured and simplified, so as to ensure that they are proportionate and founded on a risk-based approach, whilst ensuring that sailplane pilots are and continue to be competent to carry out their activities and to discharge their responsibilities.
- (3) These new licensing requirements for sailplane pilots should be added to Commission Implementing Regulation (EU) 2018/1976 ⁽³⁾. At the same time, the licensing requirements that are related to sailplane pilot licences and are laid down in Annex I (Part-FCL) to Commission 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 sailplane pilot licences and licences for other aircraft categories, should be revised in order to consider the new licensing requirements for sailplanes.
- (4) Pursuant to Article 12(2a)(3) of Commission Regulation (EU) No 1178/2011, Member States may apply national licensing rules that provide access to basic pilot privileges

⁽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 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).

until 8 April 2020. Some Member States have reported to the European Commission and the European Union Aviation Safety Agency that, in this context, authorising student pilots to exercise limited privileges without supervision and thereby obtain basic privileges on a step-by-step basis supports the promotion of aerial sports and recreational activities by offering easy and more affordable access to flying. Promoting and enabling such easier access to general aviation is in line with the objectives of the General Aviation Road Map that aims to create a more proportional, flexible and proactive regulatory system⁽⁴⁾. For these reasons, Member States should be given the discretion to continue with such modular training routes which should be credited for the issue of a sailplane pilot licence (SPL). Member States should be obliged to inform the European Commission and the European Union Aviation Safety Agency if they make use of such authorisations. They should also monitor the use of such authorisations in order to maintain an acceptable level of aviation safety.

- (5) In order to ensure a smooth transition and to avoid as much as possible any disruptions when introducing the new, specific regulatory framework for sailplane flight crew licensing laid down in this Regulation, any certificates, authorisations and approvals issued to sailplane pilots in accordance with Commission Regulation (EU) No 1178/2011 prior to the date of application of this Regulation should continue to be valid. National sailplane pilot licences issued prior to the date of application of this Regulation should be converted into licences, issued in accordance with this Regulation, through conversion reports established by the Member States in consultation with the European Union Aviation Safety Agency.
- (6) Credit should be granted for sailplane pilot training that commenced prior to the date of application of this Regulation. As the new sailplane pilot training requirements that are introduced with this Regulation are equally or less demanding compared to the so far applicable requirements of Annex I (Part-FCL) to Commission Regulation (EU) No 1178/2011, training in accordance with Annex I (Part-FCL) should be fully credited. Credit for training that commenced in accordance with Annex 1 to the Chicago Convention should be determined through credit reports established by the Member States.
- (7) It should be possible for Member States to accept sailplane licences that are issued by third countries. Based on the requirements of the so far applicable Article 8 of Commission Regulation (EU) No 1178/2011, the conditions for accepting third-country sailplane pilot licences should be laid down.
- (8) 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 sailplane flight crew licensing as, in the context of making the regulatory framework for sailplane pilot licences simpler, lighter and better, there is no need for amendments with regard to these Annexes. Existing training organisations should be given the appropriate time to adapt their training programmes, where necessary, in the context of the simplified training requirements.
- (9) The European Union Aviation Safety Agency has prepared draft implementing rules and submitted them with Opinion No 01/2019⁽⁵⁾ to the European Commission in accordance with points (b) and (c) of Article 75(2) and with Article 76(1) of Regulation (EU) 2018/1139.

⁽⁴⁾ <https://www.easa.europa.eu/easa-and-you/general-aviation/general-aviation-road-map>

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

- (10) 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 Implementing Regulation (EU) 2018/1976 is amended as follows:

- (1) the title of Commission Implementing Regulation (EU) 2018/1976 is replaced by the following:

‘Commission Implementing Regulation (EU) 2018/1976 of 14 December 2018 laying down detailed rules for the operation of as well as the flight crew licensing for sailplanes pursuant to Regulation (EU) 2018/1139 of the European Parliament and of the Council’;

- (2) in Article 1, paragraph 1 is replaced by the following:

‘1. This Regulation lays down detailed rules for air operations with sailplanes as well as for issuing and maintaining pilot licences and associated ratings, privileges and certificates for sailplanes, where such aircraft meet the conditions laid down in points (b)(i) and (ii) of Article 2(1) of Regulation (EU) 2018/1139.’;

- (3) Article 2 is amended as follows:

- (a) the introductory sentence is replaced by the following:

‘For the purpose of this Regulations, the following definitions and, unless terms are defined otherwise in this Article, the definitions of Article 2 of Commission Regulation (EU) No 1178/2011 apply:’;

- (b) point (10) is replaced by the following:

‘(10) “dry lease agreement” means an agreement between undertakings pursuant to which the sailplane is operated under the responsibility of the lessee;’;

- (b) The following points (11) to (13) are added:

‘(11) “national licence” means a pilot licence issued by a Member State in accordance with national legislation before the date of application of Annex III (Part-SFCL) to this Regulation or of Annex I (Part-FCL) to Commission Regulation (EU) No 1178/2011;

(12) “Part-SFCL licence” means a flight crew licence which complies with the requirements of Annex III (Part-SFCL) to this Regulation;

(13) “conversion report” means a report on the basis of which a licence may be converted into a Part-SFCL licence;’;

- (4) after Article 3, the following Articles 3a to 3e are inserted:

‘Article 3a

Pilot licences and medical certification

1. Without prejudice to Article 3d of this Regulation, pilots of aircraft referred to in Article 1(1) shall comply with the technical requirements and administrative procedures laid down in Annex III (Part-SFCL) to this Regulation and in Annex IV (Part-MED) to Commission Regulation (EU) No 1178/2011.

2. As an exception to the privileges of the holders of licences as defined in Annex III (Part-SFCL) to this Regulation, holders of such licences may carry out flights referred to in Article 3(2)(a) to (d) without complying with point SFCL.115(a)(3) of Annex III (Part-SFCL) to this Regulation.
3. A Member State may authorise student pilots who follow an SPL training course to exercise limited privileges without supervision before they meet all the requirements that are necessary for the issue of an SPL in accordance with Annex III (Part-SFCL) to this Regulation, subject to the following conditions:
 - (a) the scope of the privileges granted shall be based on a safety risk assessment carried out by the Member State, taking into account the extent of training necessary for the intended level of pilot competence to be achieved;
 - (b) the privileges shall be limited to the following:
 - (i) the whole or part of the national territory of the authorising Member State; and
 - (ii) sailplanes that are registered in the authorising Member State;
 - (c) the holder of such an authorisation who applies for the issue of a sailplane pilot licence (SPL) shall receive credits for training conducted under the authorisation on the basis of a recommendation from an approved training organisation (ATO) or a declared training organisation (DTO);
 - (d) the Member State shall submit reports and safety risk assessments to the European Commission and the European Union Aviation Safety Agency every 3 years;
 - (e) the Member State shall monitor the use of authorisations issued under this paragraph to ensure an acceptable level of aviation safety and take appropriate action in case of identifying an increased safety risk or any safety concerns.

Article 3b

Existing pilot licences and national medical certificates

1. Part-FCL licences for sailplanes and associated privileges, ratings and certificates issued by a Member State before the date of application of this Regulation shall be deemed to have been issued in accordance with this Regulation. When a Member State reissues licences for administrative reasons or upon application by licence holders, the Member State shall replace these licences with licences that comply with the format laid down in Annex VI (Part-ARA) to Commission Regulation (EU) No 1178/2011.
2. When a Member State reissues licences and associated privileges, ratings and certificates in accordance with paragraph 1, the Member State shall, as applicable:
 - (a) transfer all privileges endorsed so far in Part-FCL licences to the new licence format;
 - (b) convert aerobatic ratings issued in accordance with point FCL.800 of Annex I (Part-FCL) to Commission Regulation (EU) No 1178/2011 into advanced aerobatic privileges in accordance with point SFCL.200(c) of Annex III (Part-SFCL) to this Regulation; and

- (c) endorse the expiry date of a flight instructor certificate associated with a Part-FCL licence into the pilot's logbook or issue an equivalent document. After that date, those pilots shall exercise instructor privileges only when they comply with point SFCL.460 of Annex III (Part-SFCL) to this Regulation.
3. Holders of national licences for sailplanes issued by a Member State before the date of application of Annex III (Part-SFCL) to this Regulation shall be allowed to continue to exercise the privileges of their licences until 8 April 2021. By that date, these licences shall have been converted into Part-SFCL licences and associated ratings, privileges and certificates in accordance with the elements laid down in a conversion report that complies with the requirements of Article 4(4) and (5) of Commission Regulation (EU) No 1178/2011.
4. National pilot medical certificates associated with a licence as specified in paragraph 2 above and issued by a Member State before the date of application of Annex III (Part-SFCL) to this Regulation shall remain valid until the date of their next revalidation or until 8 April 2021, whichever is the earlier. The revalidation of these medical certificates shall comply with the requirements of Annex IV (Part-MED) to Commission Regulation (EU) No 1178/2011.

Article 3c

Credit for training that commenced prior to the date of application of this Regulation

1. In respect of issuing Part-SFCL licences and associated privileges, ratings or certificates in accordance with Annex III (Part-SFCL) to this Regulation, training that commenced prior to the date of application of this Regulation in accordance with Annex I (Part-FCL) to Commission Regulation (EU) No 1178/2011 shall be deemed to have commenced in accordance with this Regulation.
2. Training that commenced prior to the date of application of this Regulation or of Annex I (Part-FCL) to Commission Regulation (EU) No 1178/2011, in accordance with Annex 1 to the Chicago Convention, shall be given credit for the purposes of issuing Part-SFCL licences on the basis of a credit report established by the Member State in consultation with the European Union Aviation Safety Agency.
3. The credit report shall describe the scope of the training, indicate for which requirements of Part-SFCL credit is given and, if applicable, which requirements applicants need to comply with in order to be issued with a Part-SFCL licence. It shall include copies of all the documents that are necessary to demonstrate the scope of the training, as well as copies of the national regulations and procedures in accordance with which the training was commenced.

Article 3d

Conditions for the acceptance of licences issued by third countries

1. Without prejudice to international agreements concluded between the European Union and a third country in accordance with point (a) of Article 68(1) of Regulation (EU) 2018/1139 covering sailplane pilot licensing, Member States may accept third-country sailplane licences and associated ratings, privileges or certificates, as well as associated medical certificates issued by or on behalf of third countries, in accordance with the provisions of Annex III to Commission Regulation (EU) No 1178/2011.
2. Applicants for a Part-SFCL licence who already hold at least an equivalent licence, rating, privilege or certificate issued in accordance with Annex 1 to the Chicago Convention by a third country shall comply with all the requirements of Annex III (Part-SFCL) to this Regulation, except that the course duration, the number of lessons and the specific training hours may be reduced.
3. The credit given to the applicant shall be determined by the Member State to which the pilot applies on the basis of a recommendation from an ATO or a DTO for sailplanes.

Article 3e

Training organisations

1. Training organisations for pilot licences referred to in Article 1(1) shall comply with the requirements of Article 10a of Commission Regulation (EU) No 1178/2011.
 2. Training organisations referred to in paragraph 1 which hold an approval issued in accordance with Annex VII (Part-ORA) to Commission Regulation (EU) No 1178/2011 or have submitted a declaration in accordance with Annex VIII (Part-DTO) to Commission Regulation (EU) No 1178/2011 before the date of application of this Regulation shall adapt their training programmes, where necessary, by 8 April 2021 at the latest.’;
- (5) Annex I (Part-DEF) is amended in accordance with Annex I to this Regulation;
- (6) Annex III (Part-SFCL) is added as set out in Annex II to this Regulation.

Article 2

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

It shall apply from 8 April 2020.

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

Done at Brussels,

For the Commission
The President
[...]