



Terms of Reference

for a rulemaking task

Revision of the balloon licensing requirements

RMT.0654 — 16.9.2016

Applicability		Process map	
Affected regulations and decisions:	Commission Regulation (EU) No 1178/2011; Decision 2011/016/R (Part-FCL)	Concept Paper:	No
Affected stakeholders:	Balloon operators, pilots, competent authorities, instructors and examiners.	Rulemaking group:	No, but experts light
Driver/origin:	Efficiency/proportionality	RIA type:	light
Reference:	Regulation (EC) No 216/2008	Technical consultation during NPA drafting:	N/A
		Publication date of the NPA:	N/A
		Duration of NPA consultation:	N/A
		Review group:	N/A
		Focused consultation (workshop):	2017/Q3
		Publication date of the Opinion:	2017/Q4
		Publication date of the Decision:	2018/Q4



1. Issue and reasoning for regulatory change

The traditional approach for regulating general aviation has contributed over the decades to a considerable increase in safety levels. However, the growing number and complexity of regulations has begun to have major side-effects in terms of administrative burden which may have a counterproductive effect. A future regulatory policy should avoid any possible negative side-effect.

Consequently, the major goal of the European Aviation Safety Agency's General Aviation (GA) Road Map is to work towards simpler, 'lighter' and proportionate rules for general aviation. The flight crew licensing (FCL) requirements for balloons were chosen as one project in the context of the GA Road Map.

Recognising the need to have a proportionate approach for balloons, quite separate from commercial air transport flight crew licensing, the present rulemaking task is focused on alleviating the possible overregulation and administrative burden, created by the current rules, laid down in Commission Regulation (EU) No 1178/2011.

This rulemaking activity is included in the Agency's [5-year Rulemaking Programme](#) under RMT.0654.

2. Objectives

The general objectives of the European Union (EU) in the field of civil aviation are defined in Article 2 of Regulation (EC) No 216/2008 (the 'Basic Regulation'). The specific objective of the present rulemaking task is to establish simpler and better balloon licensing requirements.

3. Activities

During the development of the draft rules, the following activities shall be considered:

1. to review the present balloon licensing requirements as laid down in Commission Regulation (EU) No 1178/2011, excluding the Part-MED requirements pertaining to balloon licensing other than the correct reference to the new Commission Regulation;
2. to improve the clarity of the rules;
3. to investigate those parts of the rules which can be simplified;
4. to take into account the input received from the balloon community on targeted improvements;
5. to review the 'line' between implementing rules (IRs) on the one hand, and acceptable means of compliance (AMC) and guidance material (GM) on the other hand;
6. to consider switching from prescriptive to performance-based rulemaking, as appropriate;
7. to modify the balloon licensing requirements and to transfer them to the envisaged new Commission Regulation on balloons¹, taking into account the above-mentioned activities nrs 2 to 6.

As regards the process, due to limited resources within the Agency, a two-phased approach is foreseen for conducting the activities listed above:

¹ For the Agency's proposal of the new Commission Regulation ('one book' for balloons) see Opinion No 01/2016 on the 'Revision of the European operational rules for balloons' (<http://www.easa.europa.eu/document-library/opinions>). The Agency envisages that the Regulation will enter into force in the first half of 2017.



- In Phase 1 the lead is with external experts (stakeholders and competent authorities) to establish a proposal for modifying the balloon licensing requirements;
- In Phase 2 the Agency together with the external experts will further develop and finalise the necessary documents (EASA Opinion).

Potential interface issues with other GA related rulemaking tasks² will be dealt with continuously during the process, as needed, to ensure overall consistency and to avoid any overlap.

4. Deliverables

Due to the tight time frame and in accordance with Article 16 of the Agency's Rulemaking Procedure³, no Notice of Proposed Amendment (NPA) and, consequently, no Comment-Response Document (CRD) will be issued. The planned deliverables of this rulemaking task are the following:

1. An Opinion containing a proposal for:
 - a new Part containing aircrew requirements for balloons to be incorporated in the envisaged new Commission Regulation on balloons;
 - an amendment to Commission Regulation (EU) No 1178/2011 with the appropriate modifications and deletions as regards the implementing rules for balloons in Part-FCL, and, if needed, in other Parts;
2. Decisions containing:
 - the associated AMC/GM to the new Part containing aircrew requirements in the envisaged new Regulation on balloons;
 - the appropriate modifications and deletions as regards the AMC/GM for balloons related to Commission Regulation (EU) No 1178/2011 (Part-FCL and, if needed, other Parts).

5. Focused consultation

For the present rulemaking task, a public workshop with stakeholders and competent authorities is envisaged where the draft implementing rules (Opinion) and the draft AMC/GM (Decisions) shall be discussed. Since no NPA will be issued, this workshop shall serve as an alternative method to consult widely with interested parties on the draft revised balloon licensing requirements. Depending on the needs, the Agency will consider additional measures for consultation. This may include:

- technical meetings with the advisory bodies; and/or
- focused consultation on key issues via surveys or sharing documents per email with a limited group of stakeholders.

² RMT.0678 on 'Other FCL GA issues', RMT.0657 on 'Training outside ATOs' and RMT.0701 on 'Revision of the sailplane licensing requirements'.

³ The Agency is bound to follow a structured rulemaking process as required by Article 52(1) of Regulation (EC) No 216/2008. Such a process has been adopted by the Agency's Management Board (MB) and is referred to as the 'Rulemaking Procedure'. See MB Decision No 18-2015 of 15 December 2015 concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications and guidance material.



6. Profile and contribution of the experts

Due to the tight time frame, and due to the fact that no NPA will be issued, no formal rulemaking group (as described in the Agency's Rulemaking Procedure) will be established. Instead, the Agency will organise technical meetings with experts to work on the present rulemaking task. These experts shall comprise representatives from:

- Operators/balloonists;
- competent authorities; and
- manufacturers.

The expertise and experience of the experts shall cover:

- in-depth knowledge of the balloon licensing requirements; and
- the competent authority oversight of balloon flight crew.



7. Annex I: Reference documents

7.1. 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 296, 25.10.2012, p. 1).

7.2. Affected 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. Available at: <http://easa.europa.eu/agency-measures/agency-decisions.php>.

7.3. Reference documents

Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1).

