



Brussels, **XXX**
[...](2017) **XXX** draft

ANNEX to EASA Opinion No 03/2017

COMMISSION REGULATION (EU) No .../..

of **XXX**

**amending Commission Regulation (EU) No 1178/2011 as regards the automatic
validation of flight crew licences**

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amending Commission Regulation (EU) No 1178/2011 as regards the automatic validation of flight crew licences

THE EUROPEAN COMMISSION,

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

Having regard to 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 ⁽¹⁾, and in particular Article 7(6) thereof,

Whereas:

- (1) Regulation (EU) No 1178/2011 ⁽²⁾ establishes conditions for pilots involved in the operation of certain aircraft, as well as for flight simulation training devices, persons and organisations involved in the training, testing and checking of those pilots.
- (2) Following several ramp inspections outside the territory of the European Union Member States, when the flight crew members were found operating aircraft registered in a Member State other than the one that had issued their pilot licences, ICAO proposed to amend Annex 1 to the Chicago Convention on International Civil Aviation to cater for automatic validation of licences through Regional Safety Oversight Organizations (RSOOs) agreements.
- (3) Regulation (EU) No 1178/2011 should therefore be amended accordingly. The newly adopted ICAO SARPs on flight crew licences — the provision on an additional licence remark regarding automatic validation of flight crew licences — are to be incorporated into Regulation (EU) No 1178/2011.
- (4) The measures provided for in this Regulation are based on Opinion No 03/2017 issued by the European Aviation Safety Agency in accordance with Article 19(1) of Regulation (EC) No 216/2008.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 65 of Regulation (EC) No 216/2008,

HAS ADOPTED THIS REGULATION:

Article 1

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

1. In Annex I, point (e) of FCL.045 is added:

¹ OJ L 79, 19.3.2008, 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).

- ‘(e) Pilots holding a flight crew licence with the remark: ‘The licence is automatically rendered valid as per the ICAO attachment to this licence’ shall carry, in print or in electronic format, the latest issue of the ICAO attachment, which includes a reference to the ICAO registration number of the agreement that recognises the automatic validation of licences, as well as the list of States parties to this agreement.’
2. In ARA.GEN.105 of Annex VI, the following definitions are added:
- ‘‘Automatically validated’ means the acceptance without formalities, by an ICAO contracting State listed in the ICAO attachment, of a flight crew licence issued by a State in accordance with Annex I to the Chicago Convention.
- ‘ICAO attachment’ means an attachment to an automatically validated flight crew licence issued in accordance with Annex 1 to the Chicago Convention, which is mentioned under item XIII of the flight crew licence.’
3. In Annex VI, point (a) of ARA.FCL.200 is replaced by the following:
- ‘(a) Issue of licences and ratings. The competent authority shall issue a pilot licence and associated ratings, using the form as established in Appendix I to this Part.
- (b) If a pilot intends to fly outside the territory to which the Treaty applies on an aircraft registered in a Member State other than the one that issued the flight crew licence, the competent authority shall:
- (1) add the following remark on the flight crew licence under item XIII: ‘This licence is automatically validated as per the ICAO attachment to this licence’; and
- (2) make the ICAO attachment available to the pilot in print or electronic format.’
4. In Annex VI, point (2)(XIII) of Appendix I is replaced by the following:
- ‘(XIII) remarks: i.e. special endorsements relating to limitations and endorsements for privileges, including endorsements of language proficiency, remarks on automatic validation of the licence, and ratings for Annex II aircraft, when used for commercial air transportation; and’

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*.

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

It shall apply from 9 November 2017. Nevertheless, for licences issued before this Regulation applies, Member States may elect to comply with the requirements of Article 1(3)(b) of this Regulation by 9 November 2022 at the latest.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels,

For the Commission
The President
[...]