



Explanatory Note to Decision 2016/028/R

Lead flight test engineer licence

RELATED A-NPA/CRD: 2013-16 — RMT.0583 (MDM.003(c)) — 15.12.2016

EXECUTIVE SUMMARY

With Advance Notice of Proposed Amendment (A-NPA) 2013-16, EASA consulted its stakeholders about the need for a lead flight test engineer (LFTE) licence. The related Comment-Response Document (CRD) 2013-16 contains a summary of the outcome of the A-NPA public consultation, and is published as an Appendix to ED Decision 2016/028/R.

Based on the evaluation of the comments by the A-NPA 2013-16 Review Group, and based on further evaluation of the arguments provided by stakeholders, EASA decided not to create a European licencing system for LFTEs.

However, a national licencing scheme may be required by national law for activities related to Annex II aircraft or other national reasons. In this case, holding such national licences could be considered as ensuring compliance with the LFTE competency requirements of Annex I (Part 21) and may therefore be an alternative means of showing compliance with those requirements. It is, therefore, EASA’s intention to develop the appropriate AMC to Annex I (Part 21) through RMT.0031 ‘Regular update of AMC/GM to Part 21’.

Action area:	Manufacturers		
Affected rules:	None		
Affected stakeholders:	Flight test engineers (FTEs); organisations employing FTEs (i.e. aircraft manufacturers); flight test training schools; national aviation authorities (NAAs)		
Driver:	Level playing field	Rulemaking group:	Yes
Impact assessment:	Light	Rulemaking Procedure:	Standard

EASA rulemaking process milestones



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1. About this Decision

The European Aviation Safety Agency (EASA) developed ED Decision 2016/028/R in line with Regulation (EC) No 216/2008¹ and the Rulemaking Procedure².

This rulemaking activity is included in the EASA's Rulemaking Programme for 2016–2020³ under RMT.0583 (MDM.003(c)). The scope and timescales of the task were defined in the related Terms of Reference⁴.

The draft text of this Decision has been developed by EASA based on the input of the Rulemaking Group RMT.0583 (MDM.003(c)) All interested parties were consulted through A-NPA 2013-16⁵. 433 comments were received from all interested parties, including industry, NAAs, and individual flight test engineers.

EASA reviewed the comments received during the public consultation process with the support of the A-NPA 2013-16 Review Group⁶. The comments received and the EASA responses thereto are presented in Comment-Response Document (CRD) 2013-16⁷.

It was determined that no change is required to the current regulations; however, in order to address the concerns raised by the stakeholders, EASA will continue with a rulemaking task to expand the AMC to Annex I (Part 21).

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

¹ 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) (<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1467719701894&uri=CELEX:32008R0216>).

² EASA 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 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>).

³ <https://www.easa.europa.eu/system/files/dfu/Final%20RMP%202016-2020%20v6%2020151210.pdf>

⁴ <http://www.easa.europa.eu/document-library/terms-of-reference/tor-mdm003a-issue-2>

⁵ In accordance with Article 52 of Regulation (EC) No 216/2008, and Article 6(3) and 7 of the Rulemaking Procedure.

⁶ [https://www.easa.europa.eu/system/files/dfu/rulemaking-docs-nga-rg-A-NPA-Review-Group-RMT.0583-\(MDM.003\(c\)\)---Issue-1.pdf](https://www.easa.europa.eu/system/files/dfu/rulemaking-docs-nga-rg-A-NPA-Review-Group-RMT.0583-(MDM.003(c))---Issue-1.pdf)

⁷ <https://www.easa.europa.eu/document-library/comment-response-documents>



2. In summary: Why and what

2.1. Why we assessed the need to change the CS/AMC/GM

Commission Regulation (EU) No 2015/1039, amending Commission Regulation (EU) No 748/2012, provides the requirements for initial qualification and currency of lead flight test engineers (LFTEs); however, it does not require a European LFTE licence.

Some stakeholders requested to evaluate whether the function of an LFTE should be subject to a licensing requirement.

2.2. What we want to achieve — objectives

The overall objectives of the EASA system are defined in Article 2 of Regulation (EC) No 216/2008. This proposal contributes to the achievement of the overall objectives by addressing the issues outlined in Chapter 2.

The specific objective of this proposal is not to require a European licensing scheme for LFTEs but to provide the opportunity to accept national licences as a means of compliance with the Annex I (Part 21) requirements.

2.3. How we want to achieve it — overview of the amendments

No amendments will be made to Annex I (Part 21). The AMC/GM to Annex I (Part 21) will be amended in a separate rulemaking task (RMT.0031 'Regular update of AMC/GM to Part 21').

2.4. What are the stakeholders' views

262 persons from 10 EU Member States commented on A-NPA 2013-16. The vast majority of the commenters were in favour of a European LFTE licensing scheme. Most of the commenters were from Italy and France where a national LFTE licensing scheme is in place and where significant flight test activities are carried out. In these Member States, other social and economic legislation (i.e. insurance and pension schemes) is linked to licensing. Other Member States do not have an LFTE licensing scheme in place. Neither the Federal Aviation Administration (FAA) nor Transport Canada have a requirement for an LFTE licence.

2.5. What are the benefits and drawbacks

The benefits and drawbacks were discussed by the dedicated A-NPA 2013-16 Review Group. It was determined that the changes to Part 21, introduced with Commission Regulation (EU) 2015/1039 defining the experience and competency requirements for LFTEs, provide flight test organisations and competent authorities with the means to ensure that LFTEs are properly qualified through their own certification/approval and surveillance systems.

The introduction of a European LFTE licence comes with a burden for some organisations and possibly many NAAs. Additionally, an LFTE licence would necessitate an extension Regulation (EC) No 216/2008, which currently does not require such a licence.



3. References

3.1. Related regulations

- 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)

3.2. Affected decisions

N/A

3.3. Other reference documents

N/A



4. Appendix: Comment-Response Document (CRD) 2013-16

Please note that CRD to A-NPA 2013-16 'Lead Flight Test Engineer Licence' is published separately as Appendix to ED Decision 2016/028/R on the Comment-Response Documents (CRDs) webpage at <http://www.easa.europa.eu/document-library/comment-response-documents> and on the Agency Decisions webpage at <http://www.easa.europa.eu/document-library/agency-decisions>.

