



# Explanatory Note to Decision 2017/022/R

## Regular update of acceptable means of compliance and guidance material to Regulation (EU) No 1178/2011 regarding pilot training and licensing and the related oversight

RELATED NPA/CRD 2016-16 — RMT.0587

### EXECUTIVE SUMMARY

The objective of this Decision is to address a non-controversial safety and regulatory-coordination issue linked with pilot training and licencing. The Decision amends the acceptable means of compliance (AMC)/guidance material (GM) to Annex I (Part-FCL), Annex VI (Part-ARA) and Annex VII (Part-ORA) to Regulation (EU) No 1178/2011 (the 'Aircrew Regulation') in order to improve their accuracy and effectiveness, by correcting inconsistencies and editorial errors. The amendments are expected to ensure clarity of the related AMC/GM, thus improving the regulatory framework, promote a competitive environment, provide for alignment with International Civil Aviation Organization (ICAO), and maintain the current level of safety.

On 30 November 2016, the European Aviation Safety Agency (EASA) published Notice of Proposed Amendment (NPA) 2016-16 proposing amendments not only to Part-FCL, Part-ARA, and Part-ORA of the Aircrew Regulation, as well as to Annex III thereto, but also to related and non-related AMC/GM. This Decision amends only those AMC/GM that are not affected by the respective changes in the rule text — the related CRD 2016-16 Issue 1 will be annexed to this Decision. Therefore, the Opinion with the proposed amendments to the rule text and the related CRD 2016-06 Issue 2 annexed thereto are expected to be published in 2019/Q1.

As this Decision amends various AMC/GM to the Aircrew Regulation, the following three different annexes are annexed thereto:

- Annex I: AMC/GM to Part-FCL;
- Annex II: AMC/GM to Part-ARA; and
- Annex III: AMC/GM to Part-ORA.

<b>Action area:</b>	Regular updates/review of rules		
<b>Affected rules:</b>	<ul style="list-style-type: none"> <li>— AMC/GM to Part-FCL;</li> <li>— AMC/GM to Part-ARA;</li> <li>— AMC/GM to Part-ORA.</li> </ul>		
<b>Affected stakeholders:</b>	Pilots, operators, approved training organisations (ATOs), competent authorities (CAs).		
<b>Driver:</b>	Efficiency/proportionality	<b>Rulemaking group:</b>	No
<b>Impact assessment:</b>	None	<b>Rulemaking Procedure:</b>	Standard

● EASA rulemaking process



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## 1. About this Decision

The European Aviation Safety Agency (EASA) developed ED Decision 2017/XXX/R in line with Regulation (EC) No 216/2008<sup>1</sup> (hereinafter referred to as the 'Basic Regulation') and the Rulemaking Procedure<sup>2</sup>.

This rulemaking activity is included in the EASA 5-year Rulemaking Programme<sup>3</sup> under rulemaking task RMT.0587. The scope and timescales of the task were defined in the related Terms of Reference (ToR RMT.0587 Issue 1)<sup>4</sup>.

The draft text of this Decision has been developed by EASA. All interested parties were consulted through Notice of Proposed Amendment (NPA) 2016-16<sup>5</sup>. 164 comments in total were received from all interested parties, including industry, national aviation authorities (NAAs), and social partners. 82 comments out of the total number were related to the issues addressed by this Decision.

EASA reviewed the comments received during the consultation. The related comments received and EASA's responses thereto are presented in Comment-Response Document (CRD) 2016-16 Issue 1<sup>6</sup>. Comments linked with issues addressed by the related Opinion will be included in CRD 2016-16 Issue 2.

The final text of this Decision with the acceptable means of compliance (AMC)/guidance material (GM) has been developed by EASA.

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

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<sup>1</sup> 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>.

<sup>2</sup> 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>).

<sup>3</sup> <http://easa.europa.eu/rulemaking/annual-programme-and-planning.php>

<sup>4</sup> <https://www.easa.europa.eu/document-library/terms-of-reference-and-group-compositions/tor-rmt0587>

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

<sup>6</sup> <https://www.easa.europa.eu/document-library/comment-response-documents>



## 2. In summary — why and what

### 2.1. Why we need to change the AMC/GM

Since the adoption of Regulation (EU) No 1178/2011 (the ‘Aircrew Regulation’<sup>7</sup>) and the related EASA AMC/GM, competent authorities (CAs), industry and EASA have identified editorial errors in said documents as well as inconsistencies between requirements and AMC/GM.

As a result, this Decision addresses different kinds of such non-controversial issues:

- some existing AMC/GM have been clarified;
- new AMC/GM have been inserted to improve the regulatory framework; and
- new AMC/GM have been created to clarify the existing requirements.

### 2.2. What we want to achieve — objectives

The overall objectives of the EASA system are defined in Article 2 of the Basic Regulation. This proposal will contribute to the achievement of the overall objectives by addressing the issues outlined in Chapter 2.

The specific objectives of this proposal are, therefore:

- to ensure that miscellaneous issues (such as internal and external rulemaking proposals and editorial issues) of a non-controversial nature where there is sufficient consensus with regard to initial pilot training and licensing or recurrent pilot training, testing and checking are addressed; and
- to continuously improve the regulatory framework by reducing complexity and promoting a competitive environment.

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

This Decision amends AMC/GM to Part-FCL, Part-ARA, and Part-ORA in order to simplify the text, introducing some new AMC/GM to remove existing inconsistencies and editorial errors, and improve the quality of the existing text.

#### AMC/GM to Part-FCL

- AMC1 FCL.625(c) has been amended to ensure that the approved training organisation (ATO) evaluates the necessity of the refresher training on a case-by-case basis, without taking into account the date of expiry of an instrument rating.
- New GM FCL.725(e) has been inserted to clarify that the hours gained during the instruction flights for category 1 or 2 flight tests are not considered as flight tests related to development, certification or production.
- AMC1 FCL.735.A; FCL.735.H; FCL.735.As has been amended and a new paragraph has been inserted into AMC2 FCL.735.A, GM1 FCL.735.A, GM2 FCL.735.A, and GM3 FCL.735.A to introduce

<sup>7</sup> 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) (<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1510067711457&uri=CELEX:02011R1178-20160408>).



the new concept of multi-crew cooperation (MCC) course as an alternative for pilots to develop their core competencies before commencing the initial type-rating training. The core competencies have been aligned with the latest ICAO developments as well as coordinated with RMT.0595 and RMT.0599. New GM4 FCL.735.A has been inserted to define the minimum content of the MCC training items which should be included in the agreement between the approved training organisation (ATO) and the operator.

- New GM2 FCL.900(c)(1) has been created in order to provide the possibility to issue unrestricted instructor certificates to those third-country instructors that have sufficient experience in flight instruction and solo-flight supervision. NPA 2016-16 contained instead an erroneous reference to ‘instructor certificates with unlimited duration’.
- New paragraph (d) has been inserted into GM1 to Appendix 5 to define the minimum content of the multi-crew pilot licence (MPL) training items which should be included in the agreement between the ATO and the operator.
- New GM to Appendix 6 has been inserted to clarify the content of items that the examiner may use for assessing the flight crew’s theoretical knowledge during the skill test.

#### **AMC/GM to Part-ARA**

- Several definitions have been moved from GM1 ORA.GEN.005 to GM1 ARA.GEN.105 in order to create one complete list of definitions for both Part-ARA and Part-ORA. GM1 ORA.GEN.005 has been therefore deleted.
- Additional qualification and training elements for inspectors have been inserted into AMC2 ARA.GEN.200(a)(2); due to the large amount of new text, the whole AMC has been replaced.
- New GM2 ARA.GEN.200(a)(2) has been inserted to include the list of documents which may be used for the content of the initial training programme for inspectors referred to in (b)(3) and (b)(6) of AMC2 ARA.GEN.200(a)(2).
- New GM3 ARA.GEN.200(a)(2) has been inserted to clarify the meaning of ‘relevant ratings and certificates appropriate to the level of the training conducted’.

#### **AMC/GM to Part-ORA**

- GM1 ORA.GEN.005 has been deleted as there is no related requirement in Part-ORA. All the definitions, as well as some additional ones, have been inserted into GM1 ARA.GEN.105, as indicated above.
- Additional text has been inserted into GM1 ORA.GEN.130(a) to clarify that the mentioned changes to organisations require prior approval by the CA.
- New GM1 ORA.GEN.130(c) has been inserted to specify that the lists of changes not requiring prior approval by the CA should be included as annexes to the ATO documentation; some typical examples of such changes have also been included.
- New AMC ORA.ATO.305(b) has been inserted to clarify the requirements of ORA.ATO.305(b).

#### 2.4. What are the stakeholders' views

EASA received supporting comments for the changes proposed in the NPA 2016-16. Most of the comments were related to the newly introduced MCC training course. EASA reviewed all the comments and developed the new AMC/GM text annexed to this Decision based on the comments received.

#### 2.5. What are the benefits and drawbacks

The proposed changes address non-controversial issues and, as explained above, are triggered by the need to remove existing inconsistencies and editorial errors, as well as to improve the existing AMC/GM. The proposed amendments are neither controversial nor difficult to implement and do not impose any burden to the CAs, training organisations or pilots.

Therefore, EASA does not expect any drawbacks in the implementation of the above-mentioned AMC/GM.

#### 2.6. How we monitor and evaluate the rules

EASA will monitor and evaluate the new AMC/GM through its regular standardisation activities.

The updated AMC/GM to the Aircrew Regulation might be subject to evaluation. Through this evaluation, it will be assessed how well the adopted AMC/GM have performed or are currently performing. The decision whether an evaluation will be necessary will be taken based also on the monitoring results.



### 3. References

#### 3.1. Related 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 311, 25.11.2011, p. 1)

#### 3.2. 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 'Acceptable Means of Compliance and Guidance Material to Part-FCL'
- Decision No 2012/006/Directorate R of the Executive Director of the Agency of 19th April 2012 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 'Acceptable Means of Compliance and Guidance Material to Part-ARA'
- Decision No 2012/007/Directorate R of the Executive Director of the Agency of 19th April 2012 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 'Acceptable Means of Compliance and Guidance Material to Part-ORA'

#### 3.3. Other reference documents

N/a



#### 4. Appendix

Appendix to ED Decision 2017/022/R 'Regular update of acceptable means of compliance and guidance material to Regulation (EU) No 1178/2011 regarding pilot training and licensing and the related oversight' — CRD 2016-16, Issue 1.

