



Opinion No 03/2013

Qualifications for flying in Instrument Meteorological Conditions (IMC)

RELATED NPA/CRD 2011-16 – RMT.0199 & RMT.0198 (FCL.008 (a) & (b)) – 24/04/2013

EXECUTIVE SUMMARY

This Opinion addresses a safety issue and a regulatory coordination issue. The safety issue relates to the continuation of VFR rated pilots in deteriorating weather conditions ending in flight in instrument meteorological conditions (IMC) without holding an instrument rating (IR). The regulatory coordination issue relates to the conduct of sailplane flights in IMC. Across the EASA Members, different approaches to mitigate these flights exist. During the drafting phase, the Agency has taken into account the EASA Management Board General Aviation Safety Strategy Paper and the objectives identified by the General Aviation roadmap established by the European Commission and the Agency.

To address the safety issue, the Agency proposes a competency-based instrument rating (CB IR) and an en route instrument rating (EIR) for private (PPL(A)) and commercial pilot (CPL(A)) licence holders. The proposed changes are expected to increase safety with regard to the accident category of controlled flights into terrain (CFIT) by establishing a better accessible IR, thereby enabling more European General Aviation (GA) pilots to commence this type of training. The proposed new ratings will amend the training and checking requirements in Annex I to Commission Regulation (EU) No 1178/2011 (Part-FCL). The associated decision will also amend AMC and GM to this Regulation and Annex VII to Commission Regulation (EU) No 290/2012 (Part-ORA). More specifically, the proposed CB IR course will contain a reduced theoretical knowledge (TK) syllabus appropriately reflected by a different level of TK examinations and a reduced amount of instrument flight instruction time when compared with the existing IR courses. The EIR requires less training, but nevertheless consists of more comprehensive flight training when compared with the basic instrument flight module of the existing IR. The EIR is considered an EASA MS only rating as it is below ICAO SARPS. As the EIR only provides en route IFR privileges, the Agency envisages that this rating will serve as a module to be credited towards the IR using the proposed competency-based route.

Both CB IR and EIR include provisions for crediting a certain amount of instrument flight time under instruction outside of an ATO or prior PIC instrument experience on aeroplanes. To evaluate this prior training and experience, a pre-course entry assessment will be required at an ATO. Moreover, as a result of consultation, the maximum amount of instrument ground time on an FNPT II for the CB IR was increased, the specific English language requirement for IR (and EIR) holders (FCL.055 (d)) was removed, an IFR-by-day restricted IR for PPL holders was enabled by making the night rating prerequisite flexible, and additional crediting provisions and reduced requirements were established for third-country IR holders.

To address the regulatory coordination issue, this Opinion proposes a Cloud Flying Rating for sailplane pilots. This rating allows holders to enter clouds whilst taking into account the airspace structure, the required minima in different airspace categories, and the relevant Air Traffic Control (ATC) procedures. As this rating replaces several similar national ratings already in place in some MS, it should improve harmonisation with regard to sailplane flights within clouds. Furthermore, as a result of consultation, dual flight instruction was reduced, crediting provisions for EIR and IR holders were included, a certain amount of dual training in a Touring Motor Glider (TMG) was allowed, and revalidation requirements were changed into only recency requirements.

Applicability		Process map	
Affected regulations and decisions:	Annex I to Commission Regulation (EU) No 1178/2011 (Part-FCL), AMC/GM to Commission Regulation (EU) No 1178/2011, AMC/GM to Annex VII to Commission Regulation (EU) No 290/2012 (Part-ORA)	Rulemaking group:	Yes
		Publication date of the NPA:	21/09/2011
		Publication date of the CRD:	29/10/2012
		RIA type:	Full
		Duration of NPA consultation:	3 months
		Review group:	Yes
Affected stakeholders:	Flight crew, Instructors, Examiners, Training Organisations	Focussed consultation:	No
Driver/origin:	Safety and Regulatory Coordination	Expected publication date of the Decision:	2014/Q1
Reference:	N/A		

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1 Procedural information

1.1 The rule development procedure

The European Aviation Safety Agency (hereinafter referred to as the 'Agency') developed this Opinion in line with Regulation (EC) No 216/2008 (hereinafter referred to as the 'Basic Regulation'¹) and the Rulemaking Procedure.²

This rulemaking activity is included in the Agency's Rulemaking Programme for 2013 as RMT.0198 & RMT.0199 (FCL.008(a) & (b)). The scope and schedule of the task were defined in the related [Terms of Reference](#) (see process map on the title page).

The draft text of this Opinion has been developed by the Agency, based on the input of the Rulemaking Group RMT.0198 (FCL.008). All interested parties were consulted through NPA 2011-16³. 1535 comments were received from interested parties, including National Aviation Authorities (NAAs), the FAA, GA organisations, training organisations, professional pilot organisations, and individual stakeholders.

The Agency has addressed the comments received on the NPA. The comments received and the Agency's responses are documented in the Comment-Response Document (CRD) to NPA 2011-16⁴. 37 reactions were received from NAAs, GA organisations, training organisations, manufacturers, and individual stakeholders.

The final text of this Opinion containing the draft Regulations has been developed by the Agency based on internal review.

The process map on the title page summarises the major milestones of this rulemaking activity.

1.2 Structure of the Opinion and related documents

Chapter 1 of this Opinion contains the procedural information related to this task. Chapter 2 'Explanatory Note' explains the core technical content. Chapter 3 summarises the findings from the Regulatory Impact Assessment.

1.3 The next steps in the procedure

This Opinion contains proposed changes to the European Aircrew Regulation. The Opinion is addressed to the European Commission, which uses it as technical basis to prepare a legislative proposal.

The final Decision adopting the AMC and GM will be published by the Agency once the European Commission, Parliament and Council have adopted the Regulations.

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, 19.03.2008, p. 1). Regulation as last amended by Commission Regulation (EU) No 6/2013 of 8 January 2013 (OJ L 4, 9.1.2013, p. 34).

² The Agency is bound to follow a structured rulemaking process as required by Article 52(1) of the Basic Regulation. Such process has been adopted by the Agency's Management Board and is referred to as the 'Rulemaking Procedure'. See Management Board Decision concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications and guidance material (Rulemaking Procedure), EASAMB Decision No 01-2012.

³ [NPA 2011-16 on the EASA website](#)

⁴ [CRD to NPA 2011-16](#)

2 Explanatory Note

2.1 The issues to be addressed

When developing the requirements for the future European regulations for pilot licensing (Part-FCL) based on the existing JAR-FCL requirements and national regulations, the Agency decided that certain elements had to be postponed and further reviewed at a later stage. With its Notice of Proposed Amendment (NPA) 2008-17 (b), the Agency agreed with stakeholder concerns that the proposed requirements for the instrument rating seemed to be too demanding for private pilot licence (PPL) holders and indicated that a separate rulemaking task would be started for this purpose. Within the same task the need for review of the existing national regulations for a cloud flying rating for sailplane pilots was identified and it was decided to include the development of requirements for a cloud flying rating in the same rulemaking task.

Consequently, the Agency initiated rulemaking task FCL.008 (a) & (b) (new numbers RMT.0198 & RMT.0199), together with experts from NAAs, professional pilot organisations, training organisations, and the GA community. The NPA was published on 21 September 2011 and contained three main elements:

- a sub ICAO (International Civil Aviation Organization) European en route instrument rating (EIR) for aeroplane licence holders;
- a more accessible ICAO compliant aeroplane instrument rating (IR) called Competency-Based IR; and
- a cloud flying rating for sailplane pilots.

2.2 Objectives

The overall objectives of the EASA system are defined in Article 2 of the Basic Regulation. This proposal will contribute to the overall objectives by addressing the issues outlined in Section 2. The specific objectives of this proposal are, therefore, to:

1. introduce an additional instrument rating course with reduced requirements for private and commercial pilots flying under IFR, whilst taking into account the standards and recommended practices (SARPs) for the issue of an IR contained in Annex 1 published by the (ICAO);
2. introduce an additional European en route instrument rating, for private and commercial pilots, to fly under IFR and in IMC with reduced training requirements, but also limited privileges;
3. introduce a European rating for sailplane pilots to fly within clouds; and
4. amend certain requirements for the existing Part-FCL IR related requirements (e.g. the pre-requisites or privileges of instructors and examiners).

2.3 Summary Regulatory Impact Assessment

2.3.1 Instrument Ratings for Aeroplane Licence Holders

The en route IR (EIR) is a new concept where the training requirements are significantly reduced in comparison to the existing IR. Nevertheless, licence holders will not be allowed to perform a departure or approach under IFR. The en route rating is expected to reduce the costs of obtaining an IR by more than half when compared to the existing Part-FCL ratings, and increases the number of pilots with an IR by roughly 80 % (from 6,400 to 11,500) within an anticipated 5 year adjustment period. The EIR increases the level of safety by enabling more pilots to cope with unforeseen deteriorating weather conditions.

The competency-based IR reduces the cost of obtaining an IR by roughly 20 % and increases the number of pilots with an IR by almost 30 % (from 6,400 to 8,200) within an anticipated 5 year adjustment period. The competency-based IR increases safety and, unlike the EIR, also allows departure and approach in IFR. The introduction of both the EIR and the competency-based IR is expected to increase the number of private pilots with an IR qualification by two to three times to the current number (from 6,400 to between 12,000 and 20,000 respectively) within an anticipated 5 year adjustment period. By offering two new routes to obtaining an IR with proportionate requirements and privileges for private and commercial pilots, it is expected to create a higher increase in the number of IR holders and, therefore, an increased level of safety.

The increase in the number of IR holders is expected to ensure a larger pool of potential future commercial pilots, and also further economic benefits for training organisations.

For full RIA, see NPA 2011-16.

2.3.2 Cloud Flying Rating for Sailplane Pilots

The existing Part-FCL rules would prohibit the current cloud flying activities practised in eight MS. Stakeholder organisations confirmed that this would increase safety risks due to a greater risk of field-landings and, therefore, would have a negative economic impact by decreasing sailplane activity.

The Agency considered two new ratings, namely option 1, a full sailplane cloud flying rating, and option 2, a restricted sailplane cloud flying rating. Option 1 is expected to have little or no impact in the 8 MS, while it is expected to increase the operational range and, thus, the level of safety in the 23 MS where this is currently not possible. Besides the safety benefit, a low positive economic impact is also expected as a result of the increase in sailplane activity. Option 2, the restricted sailplane cloud flying rating, increases the operational range and, thus, the level of safety in 23 MS where this practice is currently not possible. However, it would have a negative safety and economic impact on the 8 MS where a full cloud flying rating currently exists. The restricted sailplane cloud flying rating is potentially not in line with existing airspace regulations or air traffic management procedures in certain MS.

As a result of this impact assessment, the Agency recommends the full sailplane cloud flying rating as it is expected to have the highest overall benefits in terms of aviation safety and of economic activity.

For full RIA, see NPA 2011-16.

2.4 Results of consultation

2.4.1 Introduction

The Opinion is based on the review of the reactions received on CRD 2011-16, on exchanges with the working group experts, and also on some of the elements contained in the EASA Management Board General Aviation Safety Strategy paper. In addition, some of the objectives identified by the General Aviation roadmap established by the European Commission and the Agency were also taken into account. However, it should also be emphasised that one of the main reasons for initiating this task was the feedback received on Advance-Notice of Proposed Amendment (A-NPA) 2006-14 aiming at better regulations for GA. Stakeholders and industry strongly supported a review of the JAR-FCL requirements for the IR and the development of a specific IR for PPL holders. During the drafting phase, it also became apparent that these proposals should be extended to CPL holders to also allow them to benefit from these ratings.

2.4.2 General issues

2.4.2.1 EIR Monitoring Board

The Agency understands that the EIR rating is a new concept and may require future adjustments based on industry feedback. To support the implementation process, the Agency proposes to establish a Monitoring Advisory Board for the EIR, similar to the MPL Advisory Board. This board should assess the implementation of these new requirements for the EIR in Europe, identify potential problems, and make an assessment on whether any further amendments would be required. The Board will also evaluate whether this rating should be made available for other licences, such as for helicopter pilots. In addition, the Agency foresees the need to liaise with Air Traffic Services (ATS) prior to the introduction of the rating to create awareness of the reduced privileges of the EIR holders, in particular to those pertaining to the prohibited instrument approach privileges. This method was strongly supported by the reactions received and will, therefore, be initiated when these requirements have been implemented.

2.4.2.2 Crediting of third-country IR holders

The Agency has introduced further alleviations and tools for third-country rated pilots to convert their IR, mainly through crediting flight hours, into a European EIR or CB IR. The proposed demonstration of specific theoretical knowledge and a skill test are seen as an essential element to ensure an adequate level of safety is attained. However, the Agency decided to allow this demonstration of theoretical knowledge to be performed during the practical skill test with an examiner. In addition, the amount of prior experience of flight time under IFR as PIC on aeroplanes has been further reduced to 25 hours for the EIR and 50 hours for the IR respectively.

2.4.2.3 English language proficiency

The specific requirement on the use of the English language for the holders of an IR contained in FCL.055 was a heavily discussed issue during the drafting and review phase. Currently the method to assess this competency is determined by the National Authority. This provides a certain amount of flexibility.

The Agency published the CRD without such a specific requirement for the EIR, as FCL.055 (d) refers only to the IR. However, the requirement for the IR was kept. During the reaction period some further comments were made. One national aviation authority proposed that this specific English Language requirement should also apply to the EIR, whereas another authority proposed that this assessment should not be required for either the EIR and IR. In addition, two stakeholders proposed that this requirement should be removed for both the EIR and IR for non-commercial flights.

To make a decision on whether to keep or remove the FCL.055 (d) requirement, the Agency endeavoured to take the different perspectives and opinions into account and acknowledges that this is a highly contested issue. In addition, the Agency also reviewed the ICAO SARPS, liaised with ATM experts and continued to discuss the issue internally. The Agency would like to highlight that the ICAO SARPS currently do not mandate a specific English assessment for IR flights. Moreover, the ATM experts have indicated that increasingly certain European (upper) airspace areas and major airports, will mandate the use of English for radio communication as a prerequisite for operating within such areas or airports. This implies that, in any case, pilots wishing to operate within these areas or to these airports must hold an English language proficiency endorsement. In addition, the general requirements for the English language contained in FCL.055 will remain. Also, the proposal to remove the requirement for only non-commercial flights would, in the opinion of the Agency, not be a consistent approach and may be difficult for national authorities to oversee. The Agency disagrees that the level of safety would be increased by keeping the requirement FCL.055 (d) for both the EIR and the IR. In fact, the FCL.055 (d) requirement would prevent many GA

pilots from obtaining an instrument rating, especially in Member States where English is not frequently used for radio communications.

Therefore, taking into account the above considerations, the Agency decided to delete the specific requirement FCL.055 (d) on the use of English for both the EIR and IR holders. The Agency would like to reiterate that, in any case the remaining FCL.055 requirements stipulate that an EIR or IR holder will need to be able to demonstrate proficiency to communicate in either the English language or the language used for radio communication used in a flight. Furthermore, ATS may also mandate the use of English in certain airspace areas.

2.4.2.4 Request to maintain national ratings

Several stakeholders expressed their concern on the lack of flexibility of FCL.600 when compared to JAR-FCL 1.175. More specifically, stakeholders requested that national instrument ratings be maintained. This issue has been discussed during each phase of the drafting process. The Agency fully appreciates the stakeholder reasoning of allowing MS to maintain some of their national licences, ratings, and certificates. It is true that this may not have an adverse effect on safety, however, it would contradict the general concept of a uniform European harmonisation and the aim of creating a standardised European regulatory system allowing for mutual recognition of licences. In its current form, the Basic Regulation does not provide the scope for introducing or retaining such national licences, ratings, or certificates. It was, therefore, decided not to amend Subpart G of Part-FCL in this regard.

2.4.2.5 Sailplane towing aeroplane requirements

During the reaction phase the necessity, already addressed in the Agency's comments in the CRD, for an aeroplane pilot towing a sailplane to hold either an EIR or IR for flights in IMC was further questioned. The Agency understands that in certain MS such launches in IMC were normal practice prior to the introduction of Part-FCL. However, the ICAO SARPS and the principles of the Basic Regulation mandate that flights conducted under IFR or in IMC, in aeroplanes, require to hold an IR (or in the future an EIR). Applying an exception for this type of flight would result in a lower level of safety. Moreover, the proposal made in some of the comments or reactions on making the sailplane cloud flying rating available to an aeroplane pilot to be used for sailplane towing operations cannot be considered as a safe alternative. It should be understood that the cloud flying rating is a sailplane rating only, as the content of the training is specifically developed for sailplane pilots.

2.4.2.6 Night rating requirement for the IR

During the CRD phase and reaction periods, the FCL.610 requirement to hold a night rating for the issue of an IR was further reviewed by the Agency. Based on ICAO Annex 1, current practices in several third-countries, and previously in Europe under national rules, the Agency strongly believes that the night flying privileges should not be a mandatory requirement for EIR or IR applicants holding a PPL. As a result, the Agency amended FCL.610 to remove the requirement for those applicants wishing to only operate in IFR-by-day. As a consequence, a PPL holder who does not hold a night rating will be issued with an EIR or IR restricted to IFR-by-day only. Conversely, this restriction will be removed once the pilot obtains a night rating. In addition, the Agency also amended Annex II requirements to reflect the changes to FCL.610.

2.4.2.7 Training outside an ATO (FCL.825 & Appendix 6)

This Opinion proposes to allow crediting of training received outside an ATO for both the EIR and competency-based IR courses. The Agency received many comments in support of this

proposal, but also some concerns, notably from NAAs. The main concerns related to the absence of a course approval, the training standards, and the pre-entry assessment.

To address these issues, the Agency already introduced, with the amended resulting text in the CRD, a training record with a 5 year record keeping requirement as the basis for crediting training. The required content of the training record are described in a GM to Appendix 6 (CB IR) and AMC to FCL.825 (EIR) and provide for a more structured approach to the training given by a qualified IRI(A) or FI(A) outside of an ATO. Moreover, a pre-entry assessment should be conducted by an ATO to establish the amount of hours to be credited. The content of the training record, in combination with the relevant training syllabus of the rating sought, allows the head of training (HT) to establish a tailored pre-entry assessment. In any case, the assessment should always consist of at least some flight time with an instructor, as an only ground based assessment would not be considered appropriate for assessing the possible crediting of flight time. The Agency does not currently see a need to standardise the content of the assessment by regulatory means, as pilots may have very different experience and training when coming to the assessment. The rules are now flexible and rely on the ATO management system for ensuring that an assessment takes into consideration all relevant items. Finally, to ensure a good training standard is maintained during training given outside an ATO, the Agency believes that relevant below standard performance during the pre-entry assessment will be communicated to the NAA overseeing the ATO. In turn, it is expected that the NAA will investigate the cause as necessary.

During a review of the rule text, the Agency recognised that no requirements existed for aircraft used for training outside an ATO. Therefore, it was decided to develop a new AMC to both the EIR and competency-based IR, with similar requirements as already contained in Part-ORA (AMC1 ORA.ATO.135), and to amend the AMC in Part-ORA in order to reflect training towards the EIR. This will be reflected with the Agency Decision to be published later on.

2.4.2.8 Use of Annex II Aircraft for training

This Opinion will not address the issue of the use of Annex II aircraft in the context of training for the newly proposed ratings. The Agency is currently in discussion with MS and stakeholder organisations to examine under which conditions Annex II aircraft could be used for training towards Part-FCL licences and ratings.

2.4.2.9 Terminology for instrument flying and instruction

When drafting the Opinion, the Agency studied the terminology used for instrument flying and training in the existing rules and in the AMC/GM text. Guidelines explained in this chapter were followed in order to stay consistent with the definitions in FCL.010 and current wording in the Part-FCL.

In the rule text, the phrase 'instrument flight instruction' is used for instruction towards IFR flying in general. The phrase 'instrument time under instruction' is now used for referring to situations where the student is receiving instruction and flying solely by reference to instruments. This phrase can refer to receiving instruction both in the aircraft or in the FSTD based on the definition for 'instrument time'. The phrase 'instrument flight time under instruction' is used when the instruction can only be completed in an aircraft. This phrase is based on the definition for 'instrument flight time'. Also the word 'dual' is used to emphasise the instruction hours with an authorised instructor.

Regarding the applicant's prior instrument flight experience the phrase 'flight time under IFR' is now used when referring to IFR flying either in IMC or in VMC. The phrase has a clear definition in FCL.010.

2.4.3 En route instrument rating

2.4.3.1 General

Currently some MS are not in favour of the proposed EIR and identified some potential hazards or risks. The Agency, supported by many stakeholders, strongly disagrees with this position and believes that the EIR will in fact have an overall positive effect on safety. In addition, the EIR will provide an incentive to GA VFR pilots to obtain the IR(A) rating at a later stage. Moreover, the Agency would like to highlight that currently hundreds of GA airports in Europe are not IFR capable. Indeed in many regions and cities, there is no practical access to an IFR airport for GA traffic. Therefore, a significant proportion of GA IFR movements at present already use transitions from IFR to VFR in order to depart from and arrive at VFR airports, in a very similar way to the proposed EIR.

2.4.3.2 Aerodrome reference point in FCL.825(a)(3)

FCL.825 (a)(3) referred to the aerodrome reference point. The Agency reviewed the rule based on several reactions received and a focussed consultation with air traffic management (ATM) experts. As the required use of such reference point was confusing and would be unnecessarily restrictive, the Agency decided to delete FCL.825 (a)(3) altogether. However, the associated AMC was amended to further clarify the VFR/IFR/VFR transition points and also to specify, in addition to the applicable operational rules for planning flights in IFR and VFR, additional flight planning criteria.

2.4.3.3 Revalidation of the EIR

FCL.825 (g)(3) deals with revalidation of the EIR. The Agency proposed a proficiency check each alternate year with the CRD. The Agency believes this approach to be appropriate and sees no need to remove the checking requirement altogether as suggested by a stakeholder during the reaction phase. In addition, another stakeholder proposed to use the training flight to re-expose the EIR holder to a demonstration of a simulated diversion and instrument approach in the context of an emergency situation during the en route phase in IFR. The Agency finds this a positive addition and has included this proposal into AMC. In any case, the Agency would like to re-emphasise that the EIR holder does not hold the privileges to conduct an instrument approach and, therefore, only the instructor can demonstrate this.

2.4.3.4 Examiner prerequisites

FCL.1005.FE requires the flight examiner to also fulfil the prerequisites of FCL.1010.IRE. As the EIR privileges are limited when compared to the IR, one stakeholder deemed the related flight examiner prerequisites excessive and disproportionate. The Agency reviewed the issue and agreed to amend FCL.1005.FE(a)(5) by reducing the required hours in an aeroplane to 1500. In any case, the FE will need to comply with FCL.1010.IRE(a)(2). One commentator also suggested allowing the FE(A) to conduct proficiency checks and revalidation for the IR. The Agency reviewed this proposal and strongly believes that this privilege, as already in place for several years now, should be left to the IRE(A) in order to guarantee a high level of safety.

2.4.3.5 Theoretical Knowledge

Based on some general reactions asking for a consistency check with Appendix 6 and the AMC for other ratings, the Agency reviewed a few issues as regards the consistency of the whole document (Part-FCL). Based on this review, the Agency decided, in a similar way as for the existing IR, to include the minimum amount of theory lessons in FCL.825 (c)(1). This decision is based on the fact that the amended Appendix 6 for the CB-IR will also require 80 hours theoretical knowledge instruction and on the fact that the theory for both should be identical.

2.4.4 Competency-based IR

2.4.4.1 Maximum amount of instrument ground time

Item 6 (a) of Appendix 6 ('Modular training course for the IR') contains the requirements for the amount of training to be provided in flight simulation training devices (FSTDs). Based on several reactions received, the Agency reviewed the maximum amount of instrument ground time that could be included for flying training. For the FNPT I and FFS, the number of hours were reduced whereas the hours acceptable to for the FNPT II were increased and, thereby, aligned with the FFS. These changes are in line with the principles already used for the other existing courses in Appendix 6. This decision is based on the fact that the Agency strongly believes that a minimum of 15 hours flying training in an aeroplane is needed to reach an adequate proficiency level.

2.4.4.2 Crediting previous IR experience and training

In 2.4.2.2 above, crediting provisions for third-country IR holders were already highlighted. In addition, during the NPA and CRD phase, the Agency also received numerous appeals by stakeholders for ensuring that previous IR experience as PIC and instrument flight time under instruction on an aeroplane can also be credited towards the competency-based IR in addition to the already proposed crediting of instrument flight instruction provided by an IRI(A) or FI(A) outside an ATO. The Agency examined the various options available and developed an AMC to allow a certain amount of IR experience as PIC or instrument flight time under instruction on an aeroplane as follows:

Crediting of IR experience on an aeroplane as PIC for holders of:

- An EIR rating issued by a competent authority of a MS.
- A national instrument rating issued by a MS before Part-FCL was applied.
- A valid instrument rating issued in compliance with the requirements of Annex 1 to the Chicago Convention by a third country.

Crediting of instrument flight time under instruction received on an aeroplane for:

- A national instrument rating before Part-FCL was applied.
- An instrument rating in compliance with the requirements of Annex 1 to the Chicago Convention by a third country.

2.4.5 Sailplane cloud flying rating

2.4.5.1 Use of TMGs

FCL.830 (a) excludes the TMG for exercising the privileges of the sailplane cloud flying rating. The issue to exclude the TMG was already reviewed extensively with the group experts during the initial drafting phase. Currently there is no TMG certified for cloud flying. If, however, a

TMG would become adequately certified in the future, the issue could be reviewed again. However, at this stage, the Agency does not see a need for TMGs to be operated in clouds during sailplane operations whilst not flying en route IFR. This would only be allowed with an EIR or an IR and would require an IFR certified TMG. In any case, a TMG may continue to be used for certain elements of the training (in "simulated IMC") and, therefore, the Agency does not foresee the need to amend the proposed text.

2.4.5.2 Recency Requirements

FCL.830 (e) specifies that holders of a cloud flying rating who do not comply with the recency requirements shall, before they resume the exercise of their privileges, either undertake a proficiency check with an examiner or perform the additional flight time or flights required under the supervision of an instructor. Based on the above mentioned consistency check (see 2.4.2.9), all requirements mentioning flights under the supervision of an instructor have been reviewed and reworded. In this specific case, it was specified that the required training flights have to be done with a qualified instructor.

2.5 Overview of the proposed amendments

2.5.1 En route instrument rating (EIR)

The Agency proposes with this Opinion some crucial changes to the IR-related requirements provided in Part-FCL in order to establish more proportionate rules for PPL and CPL holders. Together with the review group experts, the Agency developed the EIR which should be a new entry level of instrument training and experience. Compared with the existing IR (as introduced with Part-FCL), the EIR requires less training, though nevertheless slightly more detailed flight training than for the basic instrument flight module of the IR. As the EIR focuses mainly on the en route part of an IFR flight, the future EIR holder should be able to fly safely under instrument flight rules (IFR) and in IMC in the en route phase of the flight. It is envisaged that this rating will not only allow the holder to get used to en route IFR procedures and to cope with unforeseen deteriorating weather conditions, but should also serve as a module to be credited for the IR using the new modular route proposed (see 2.5.2 below).

2.5.2 Competency-based IR

The proposed 'competency-based' modular IR addresses the need for a more accessible route to obtaining the IR as requested by GA stakeholders. This new training route is accessible for both PPL and CPL holders. The proposed course will have a significantly reduced theoretical knowledge (TK) syllabus focusing only on those items related to the PPL or CPL holder flying under IFR and a reduced amount of instrument flight instruction time when compared with the existing IR courses. Furthermore, this reduced syllabus is also reflected in a different level of TK examinations. Moreover, the competency-based IR includes a practical pre-entry assessment to evaluate prior instrument experience, and crediting instrument flight time under instruction outside an ATO (see also 2.4.4.2) completed before commencing the final training course at an ATO. A high uniform level of safety is ensured by requiring the applicants to pass the same skill test as established already for the IR in Part-FCL.

2.5.3 Sailplane Cloud Flying Rating

The cloud flying rating for sailplane pilots already exists in a number of MS. Based on these national regulations and the review group discussions, the Agency developed a cloud flying rating for sailplane pilots with relevant requirements and AMC/GM. This rating should allow the holders to enter clouds whilst taking into account the airspace structure, the required minima in different airspace categories, and the relevant Air Traffic Control (ATC) procedures.

Cologne, 24 April 2013

P. GOUDOU

Executive Director

3 References

3.1 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

3.2 Affected decisions

Decision of the Executive Director of the European Aviation Safety Agency amending Decision 2011/016/R of the Executive Director of the 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.

Decision of the Executive Director of the European Safety Agency amending Decision 2012/007/R of the Executive Director of the Agency of 19 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'

Note: The Agency will publish the Decision containing the AMC and the GM when the text of the Implementing Rules has been published in the Official Journal of the EU.

3.3 Other reference documents.

A-NPA 2006/14 and CRD to this A-NPA
ICAO Annex 1
JAR-FCL 1
National licensing requirements
NPA 2008/17 Implementing Rules for Licensing
NPA 2011-16 and CRD to this NPA
EASA Management Board General Aviation Safety Strategy Paper
General Aviation roadmap (established by the European Commission and the Agency)