



Terms of Reference

for rulemaking task RMT.0701

Revision of the sailplane licensing requirements

ISSUE 1

Issue/rationale

General aviation (GA) has a high priority for the European Aviation Safety Agency (EASA). In this context, EASA is dedicating effort and resources towards creating simpler, lighter and better rules for GA. Recognising the importance of GA and its contribution to a safe European aviation system, EASA has created the GA Road Map. One project of the GA Road Map is the revision of the sailplane licensing requirements to address topics identified by sailplane experts on the aircrew side.

Action area	GA		
Affected rules	Regulation (EU) No 1178/2011; ED Decision 2011/016/R (AMC/GM to Part-FCL)		
Affected stakeholders	Sailplane operators, pilots, instructors, examiners, training organisations and competent authorities		
Driver:	Efficiency/proportionality	Rulemaking group:	No
Impact assessment:	Light	Rulemaking Procedure:	Accelerated

• EASA special rulemaking procedure



1. Why we need to change the rules — issue/rationale

The growing number and complexity of regulations has begun to have major side effects in terms of administrative burden with a possible counterproductive impact.

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

Recognising the need to have a proportionate approach for sailplanes, quite separate from the context of 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 Regulation (EU) No 1178/2011.

2. What we want to achieve — objective

The overall objectives of the EASA system are defined in Article 2 of Regulation (EC) No 216/2008¹ (Basic Regulation). This project will contribute to the achievement of the overall objectives by addressing the issues outlined in Chapter 1 above.

The specific objective of this proposal is to establish dedicated sailplane licensing requirements that are better considering the specificities of sailplanes and are proportional to the complexity and risks of sailplane flying.

3. How we want to achieve it

In order to achieve the goals and objectives described above, the following activities will be considered during the development of the draft rules:

- (a) reviewing the present sailplane licensing requirements of Regulation (EU) No 1178/2011, excluding the requirements of its Annex IV (Part-MED) pertaining to sailplane licensing except for their references to the new Commission Regulation;
- (b) improving the clarity of the rules;
- (c) identifying those parts of the rules that can be simplified;
- (d) taking into account the input received from the sailplane community on targeted improvements;
- (e) reviewing the borderline between implementing rules (IRs) on the one hand, and acceptable means of compliance (AMC)/guidance material (GM) on the other;
- (f) considering to switch from prescriptive to performance-based rulemaking, as appropriate; and
- (g) amending the sailplane licensing requirements and including them into the envisaged new Regulation on sailplanes², taking into account the above-mentioned activities (b)–(f).

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 In parallel, but further advanced, EASA is working on RMT.0698 (Revision of the operational rules for sailplanes) and is planning to publish an EASA Opinion in 2017/Q2 which will contain the proposal for a new Regulation ('one book' for sailplanes).



As regards the process, due to limited resources within EASA, a two-phased approach for developing the EASA Opinion is foreseen:

- in Phase 1, external experts (stakeholders and competent authorities (CAs)) will have the lead in establishing a proposal for modifying the sailplane licensing requirements; and
- in Phase 2, EASA together with the external experts will further develop and finalise the necessary documents (EASA Opinion).

Potential interface issues with other GA-related rulemaking tasks³ will be dealt with continuously during the process, as necessary, to ensure overall consistency and avoid possible overlaps.

4. What are the deliverables

Since this rulemaking task is dealing with issues affecting a limited group of stakeholders, EASA decided to perform the task in accordance with Article 16 ‘Special rulemaking procedure: accelerated procedure’ of the EASA’s Rulemaking Procedure⁴. Consequently, no notice of proposed amendment (NPA) will be issued. The planned deliverables of this rulemaking task are:

- an EASA Opinion with a proposal for:
 - a new Part containing aircrew requirements for sailplanes to be incorporated in the envisaged new Commission Regulation on sailplanes; and
 - an amendment to Commission Regulation (EU) No 1178/2011 with the appropriate modifications and deletions of the IRs for sailplanes in Part-FCL, and, if needed, in other Parts;
- an ED Decision containing the associated AMC/GM to the new Part, containing aircrew requirements, of the envisaged new Regulation on sailplanes; and
- an ED Decision containing the appropriate modifications and deletions of the AMC/GM for sailplanes to Commission Regulation (EU) No 1178/2011 (Part-FCL and, if needed, other Parts).

5. How we consult

For the present rulemaking task and in accordance with Article 16 of the EASA Rulemaking Procedure, a focused consultation with technical experts (stakeholders and CAs) is envisaged where the draft IRs (draft EASA Opinion) and the related draft AMC/GM (draft ED Decisions) will be discussed. This consultation will take the form of a workshop, serving as an alternative method to widely consult with interested parties. Subsequently, the publication of the proposed rule text will be preceded by a written consultation of its draft version with the EASA Advisory Bodies (ABs).

In addition and depending on the needs, EASA will consider additional measures for consultation. These may include:

³ RMT.0678 on ‘Other FCL GA issues’, RMT.0657 on ‘Training outside ATOs’ (Opinion No 11/2016) and RMT.0654 on ‘Revision of the balloon licensing requirements’.

⁴ EASA is bound to follow a structured rulemaking process as required by Article 52(1) of the Basic Regulation. 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 (<http://www.easa.europa.eu/the-agency/management-board/decisions/easa-mb-decision-18-2015-rulemaking-procedure>).



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

6. Profile and contribution of the external experts

In accordance with Article 16 of the EASA Rulemaking Procedure, no formal rulemaking group (RMG) will be established. Instead, on a less formal basis, technical meetings with experts will be conducted to work on the present rulemaking task. The experts will comprise representatives from:

- sailplane operators;
- CAs; and
- manufacturers.

EASA will select those experts based on the nominations received. The expertise and experience of the experts will cover:

- in-depth knowledge of the sailplane licensing requirements; and
- the CA oversight over sailplane pilots.

7. 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 N° 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' (<https://www.easa.europa.eu/document-library/agency-decisions/ed-decision-2011016r>)

7.3. Other 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)

