



The EASA System for Flight Crew Licensing

EASA Workshop
From JARs to IRs: Flight Crew Licensing





AGENDA

- **I. The institutional and regulatory framework**
- **II. The EASA Rulemaking procedure**
- **III. Differences with the JAA system**
- **IV. The FCL NPA**



➤ **I. The institutional and regulatory framework**



Institutional framework

- **European Community (EC) Agency**
- **Legal personality**
- **Independence**
- **Legal, administrative and financial autonomy.**

- **Vision:**
 - ✧ **EU citizens should benefit from the safest and the most environmentally friendly civil aviation system in the world.**
- **Mission:**
 - ✧ **Our mission is to promote the highest common standards of civil aviation safety and environmental protection in Europe and worldwide.**



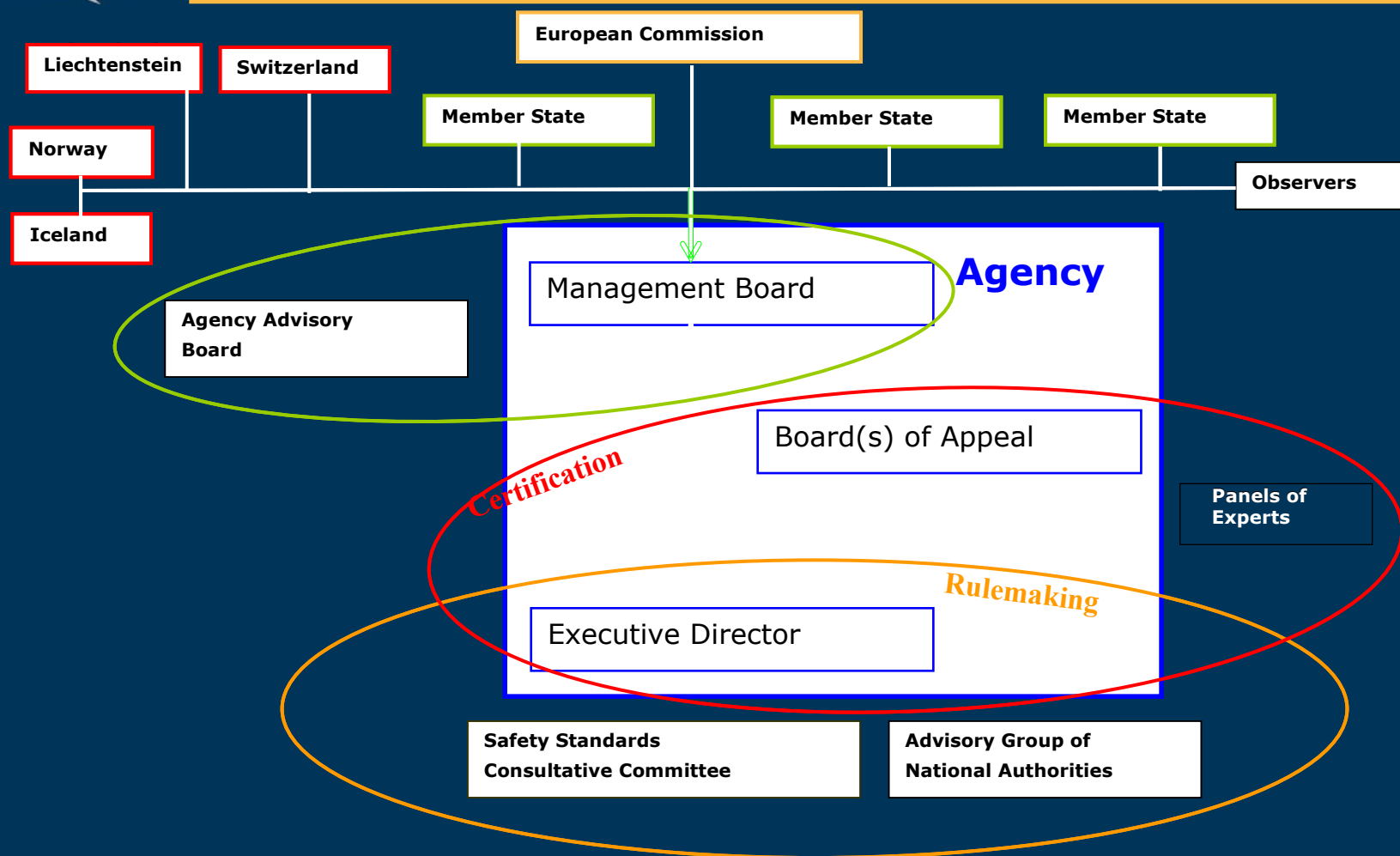
Institutional framework

Objectives of the Agency:

- **establish and maintain a high uniform level of aviation safety in Europe;**
- **ensure a high uniform level of environmental protection;**
- **promote cost efficiency in the regulatory process,**
- **assist Member States in fulfilling their ICAO obligations;**
- **promote Community views through co-operation with third countries and international organisations.**



Institutional framework: EASA governance scheme





Institutional framework: EASA structure





Regulatory framework

The principles

DECENTRALISATION IS THE RULE...

The EC Treaty is based on the principle that the Community **acts as a legislator**, while **Member States apply** Community law under Community control.

Community law is directly applicable (full part of Member States legal order).

Legal remedies for individuals and enforcement means are provided by Member States judicial systems.



Regulatory framework

The principles

... CENTRALISATION THE EXCEPTION

The EC Treaty provides however for the **delegation of executive powers** to the **Commission** (hard law) or an **executive agency** (soft law)

In such cases:

- Delegated powers shall be strictly defined to allow judicial control of executive acts
- Judicial remedies available to individuals and enforcement means shall be specified when delegated powers allow individual decisions



Regulatory framework: the Basic Regulation

➤ The **Parliament** and the **Council**

- ✦ define the **Scope of Powers** transferred from the Member States to the Community.
- ✦ adopt the **Essential Requirements** specifying the objectives to be met

➤ The **Commission**

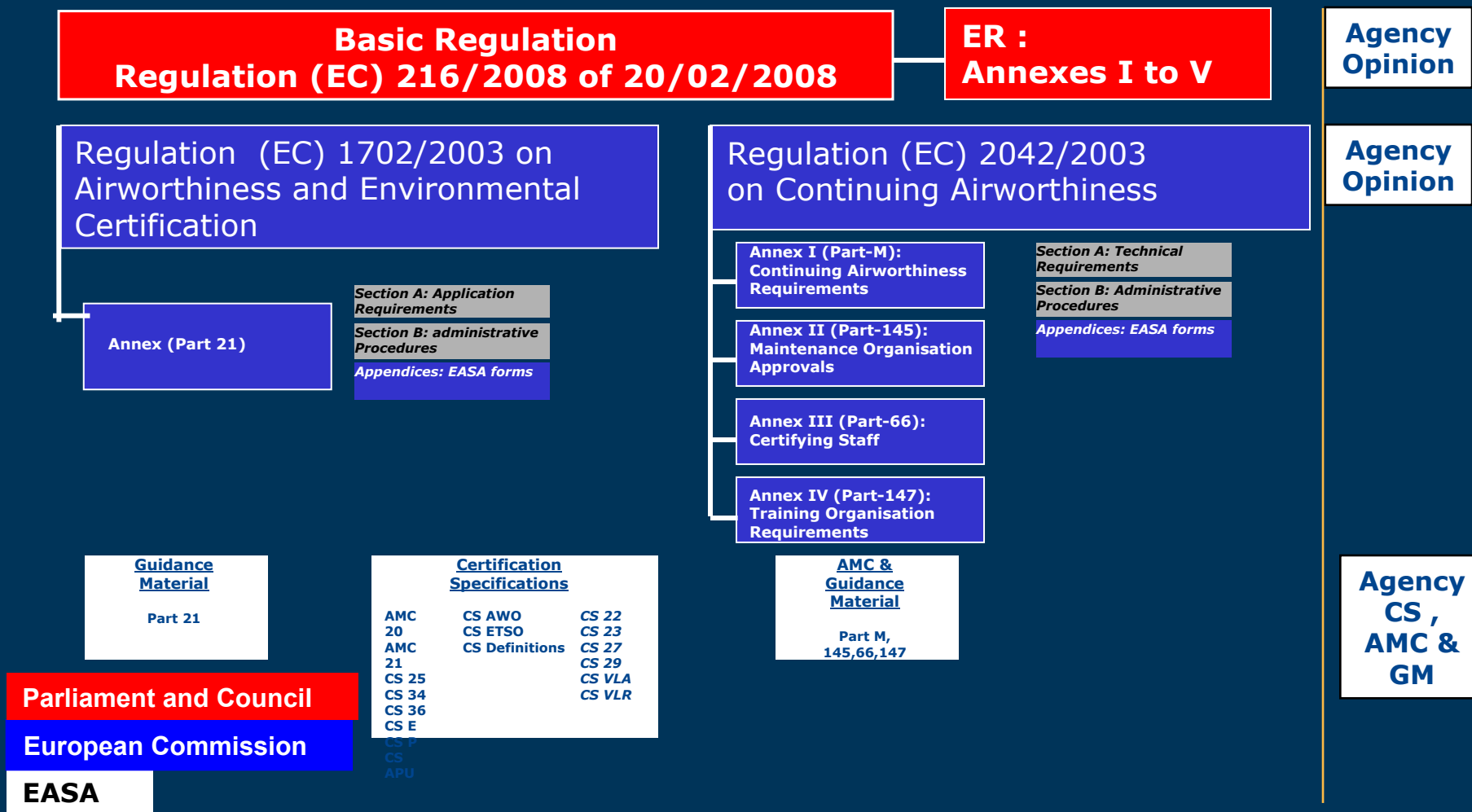
- ✦ adopts **standards** for implementing the essential requirements.

➤ The **Agency**

- ✦ adopts **non binding standards** for implementing the essential requirements



Regulatory framework: present regulations structure





Regulatory framework: division of competences

The Commission:

- **adopts implementing rules** (Commission Regulations 1702/2003 and 2042/2003)
- **oversees** the implementation of common rules by **NAAAs**, including use of safeguard provisions (art. 14 of EASA Regulation)
- **negotiates** international agreements



Regulatory framework: division of competences

The Agency:

- **develops opinions for common rules** (Basic Regulation and implementing rules)
- **adopts material** for the application of common rules (certification specifications, airworthiness codes, acceptable means of compliance and guidance material)
- **acts as focal point vis-à-vis third countries and international organisations** for the harmonisation of rules and the recognition / validation of certificates



Regulatory framework: division of competences

Member States National Aviation Authorities:

- **provide expertise** as appropriate for rulemaking tasks;
- **develop national administrative rules** for the **implementation** and **enforcement** of common rules (administrative procedures)
- **may take action on a case by case basis** if so required to ensure safety or appropriate operational flexibility (safeguards).



Regulatory framework: division of executive powers

	PL	Ratings, certificates	MC	TOA	FSTD	AeMC
EASA country	MS	MS	MS	MS	MS¹	MS
Non- EASA country	MS	MS	MS	EASA	EASA	EASA

1) EASA, when requested by a MS



➤ **II. The EASA Rulemaking procedure**



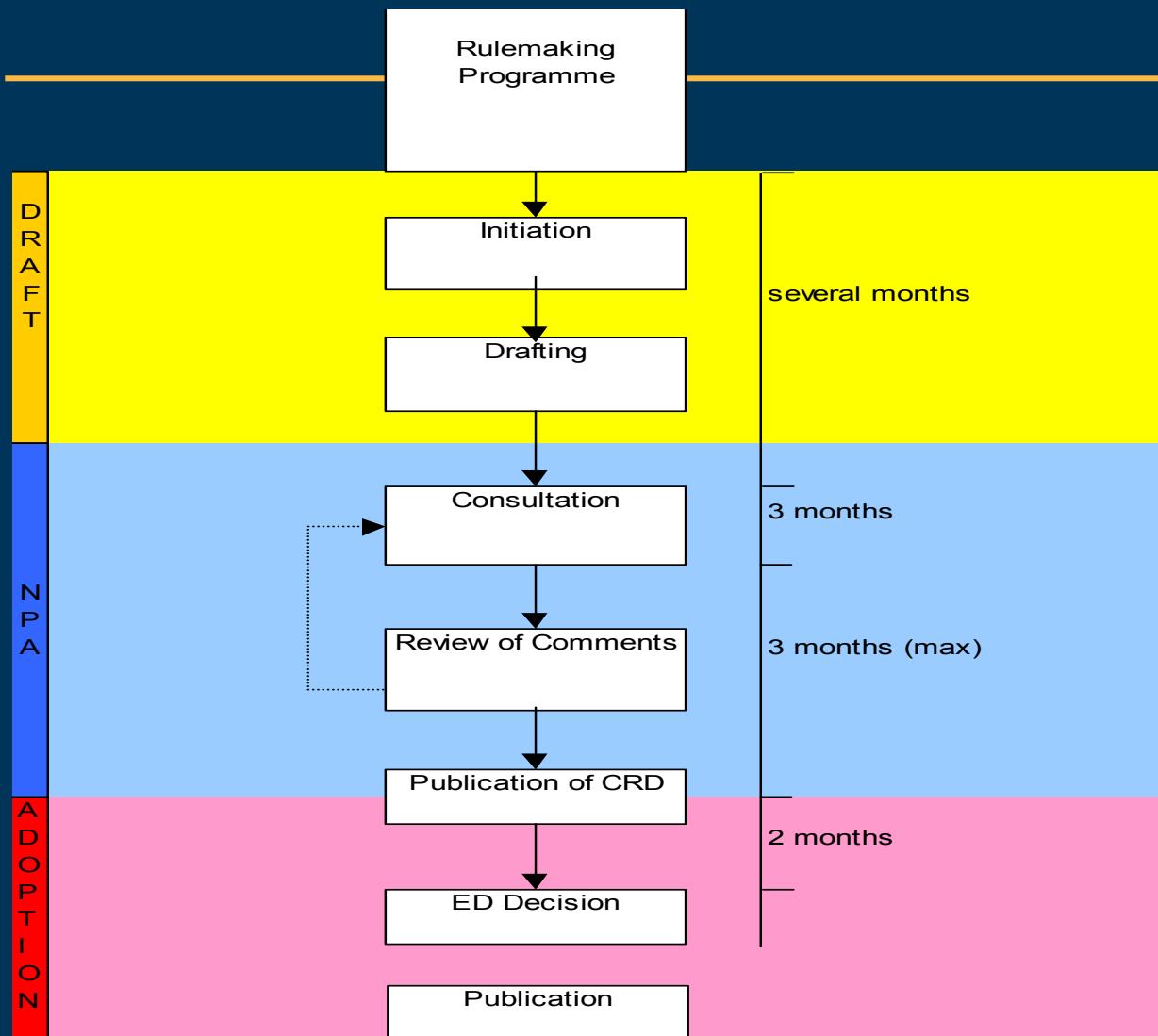
EASA Rulemaking Procedure

- **Phase 1: Programming**
 - ✧ **Annual Rulemaking Programme**
 - ✧ **Advance Planning**

- **Phase 2: Processing of rulemaking deliverables**
 - ✧ **Opinions, Certification specifications, Acceptable Means of Compliance and Guidance material**



Rulemaking process flowchart





Review Group

➤ Why

- ★ **To address strong opposite views;**
- ★ **Ensure fair and appropriate treatment.**

➤ Composition

- ★ **Members from Rulemaking group + external members**



Comment Response Document

- **CRD issued within 3 months after the deadline of the NPA consultation**

- **Provisions for:**
 - ✧ **Extension of the deadline for publication of the CRD;**
 - ✧ **Second round of publication of the NPA;**
 - ✧ **Consultation of AGNA in case of major objections from Member States.**



Adoption and publication

- **Issue opinions to the EC for amending the Basic Regulation and its Implementing Rules;**
- **Adopts CS, AMC and GM;**
- **Publication in the Official Publication (Agency website), no earlier than 2 months after the publication of the CRD.**



➤ **III. Differences with the JAA system**



Differences with the JAA system

For **Rulemaking**:

- The Agency proposals **follow** latest amendments of **JARs**:
 - ✦ **JAR-FCL 1 Amendment 7**
 - ✦ **JAR-FCL 2 Amendment 6**
 - ✦ **JAR-FCL 3 Amendment 5**

But:

- JAA NPAs in an advanced phase of adoption (ex: Draft NPAs FCL-33, FCL-34, FCL-36) were introduced;



Differences with the JAA system

For **Rulemaking** (cont.):

- As EASA **implementing rules** are binding in their entirety (not minimum standards nor recommended practices), they shall be **less prescriptive** to provide for flexibility (**performance based**).
- To provide for uniformity, **Acceptable Means of Compliance** have to be issued and **deviations** thereto **controlled** by the Agency.
- As a consequence, some rule material included in Sections 1 of JAR-FCL was 'downgraded' to AMC.



Differences with the JAA system

For **Rulemaking** (cont.):

- Because the **scope** of the EASA system extends well beyond that of the JAA (ex: JAR-FCL only applies to aeroplanes and helicopters, EASA rules shall cover all other aircraft); and
- Because **drafting principles** of Community law require that a requirement applicable to various persons be set in a single text

It is not possible to have one rule per type of activity or aircraft



Differences with the JAA system

For **Rulemaking** (cont.):

- The Agency proposals also contain **differences** in the **drafting style** resulting from the application of EU principles.
- Community legislative acts shall be drafted **clearly**, **simply** and **precisely**. The drafting of a legislative act must be:
 - ✧ clear, easy to understand and unambiguous;
 - ✧ simple, concise, containing no unnecessary elements;
 - ✧ precise, leaving no uncertainty in the mind of the reader.



Differences with the JAA system

For **Member States**:

- Because of the nature of the EC, Member States **may no more**:
 - ✧ **deviate from common rules** - except in the case of art. 14 of the Basic Regulation
 - ✧ **impose additional requirements** - to ensure a level playing field and no discrimination
 - ✧ **conclude international arrangements with third countries** - transfer of competence produces effects also for international competence



➤ **IV. The FCL NPA**



The FCL NPA

➤ **The FCL NPA is divided into 3 separate documents:**

- ★ **Explanatory note**

- ★ **Draft opinion and decision Part FCL**

- ★ **Draft opinion and decision Part Medical**



The FCL NPA

➤ The explanatory note:

- ★ **Describes the background, structure and content of the Agency's proposals**

- ★ **Contains 3 Appendices:**

- ➔ **Explanatory memorandum to Part FCL**
- ➔ **Explanatory memorandum to Part Medical**
- ➔ **Cross reference tables JARs-Parts**



The FCL NPA

➤ **The draft opinion and decision Part FCL contains:**

★ **3 draft Annexes to the implementing regulation:**

- ➔ **Annex 1 - Part FCL and Appendices to Part FCL**
- ➔ **Annex 3 – Acceptance of foreign licences**
- ➔ **Annex 4 – Conversion of national aeroplane and helicopter licences**

★ **Draft AMC and GM to Part FCL**



The FCL NPA

➤ **The draft opinion and decision Part Medical contains:**

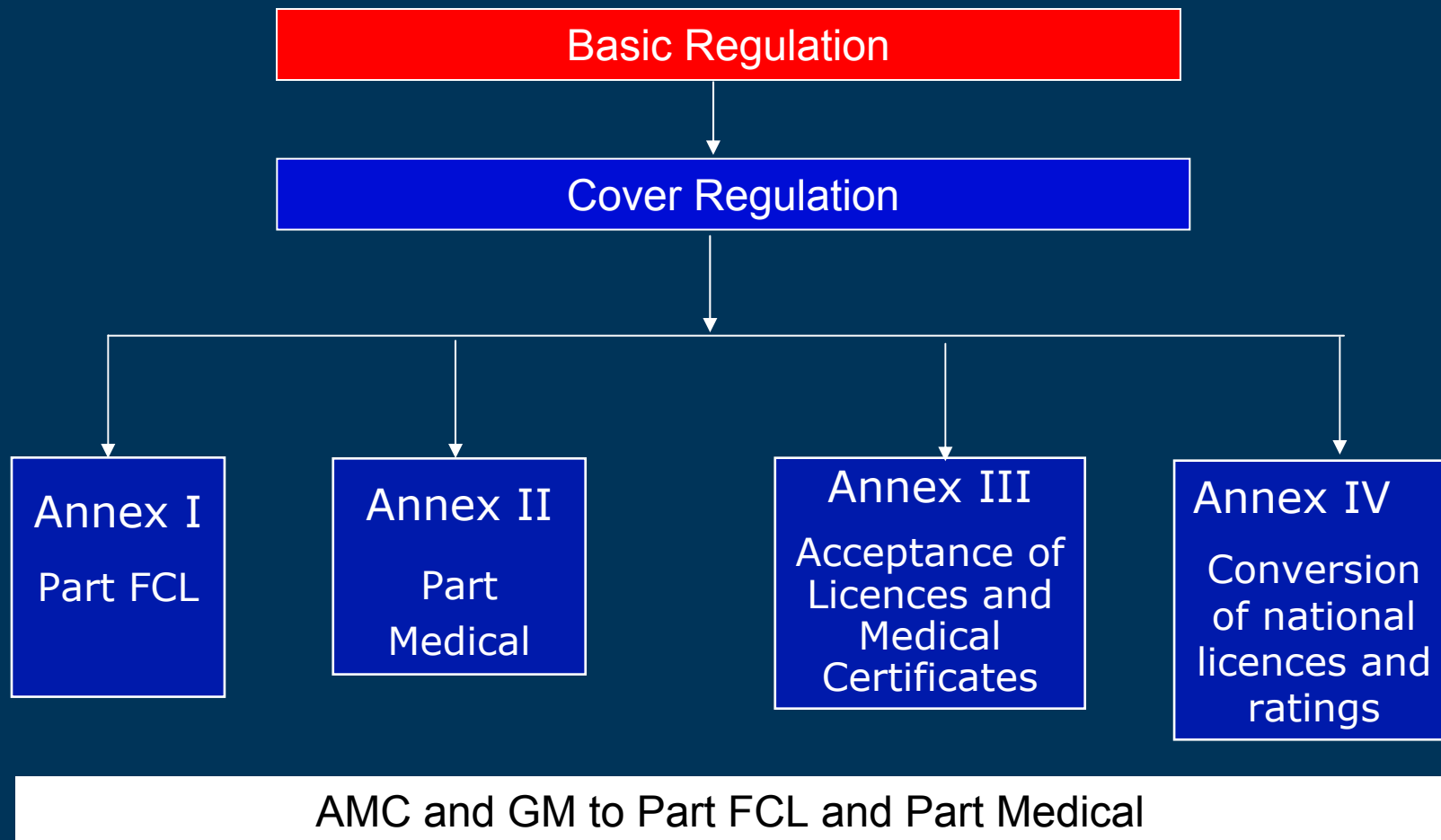
★ **1 draft Annex to the implementing regulation:**

➔ **Annex 2 - Part Medical**

★ **Draft AMC to Part Medical**



The FCL NPA - Structure





The FCL NPA

- **Part FCL and the Appendices contain requirements for:**
 - ★ **training and testing of pilots for all categories of licences**
 - ★ **instrument, type and class ratings and additional ratings**
 - ★ **instructor certificates**
 - ★ **examiner certificates**



The FCL NPA

➤ Part Medical contains :

- ★ General Requirements**
- ★ Class 1 and Class 2 general medical requirements**
- ★ Requirements for the medical certificate for the LPL**
- ★ Requirements for Aeromedical Examiners and GMPs**



The FCL NPA

➤ Something missing?

We didn't forget !

★ Requirements for Training Organisations

➔ Included in Management Systems NPA

★ Requirements for Aero-medical Centres

➔ Included in Management Systems NPA

★ Requirements for the competent authority

➔ Included in Authority requirements NPA



The FCL NPA

➤ The FCL NPA:

- ★ **is published on the Agency's website**

- ➔ www.easa.europa.eu

- ➔ **Anyone can comment!**

- ★ **please send your comments using the Comment Response Tool (CRT)**

- ➔ <http://hub.easa.europa.eu/crt/>



**Thank you
for your attention**