



**COMMENT RESPONSE DOCUMENT (CRD)
TO NOTICE OF PROPOSED AMENDMENT (NPA) 2008-17c**

AND

TO NOTICE OF PROPOSED AMENDMENT (NPA) 2009-02e

**for an Agency Opinion on a Commission Regulation establishing the
Implementing Rules for
the medical certification of pilots and medical fitness of cabin crew**

and

**a draft Decision of the Executive Director of the European Aviation Safety
Agency on Acceptable Means of Compliance and Guidance Material on the
medical certification of pilots and medical fitness of cabin crew**

CRD b. 1 – Cover Regulation

The changes as compared to the text proposed in the NPA are shown as follows:

- deleted text is shown with a strike through: ~~deleted~~
- new text is shown in bold: **bold**

Proposal for a
COMMISSION REGULATION (EU) No .../2010
of ...
on personnel licensing requirements

~~THE EUROPEAN COMMISSION OF THE EUROPEAN UNION,~~

Having regard to the Treaty **on the functioning** ~~establishing~~of the European Union,

Having regard to 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 ⁽¹⁾, amended by Regulation (EC) No 1108/**2009** of the European Parliament and of the Council of 21 October 2009 ⁽²⁾ (hereinafter referred to as the ‘Basic Regulation’), and in particular Articles 7 **and 8** thereof,

Whereas:

- (1) The Basic Regulation establishes common essential requirements to provide for a high uniform level of civil aviation safety and environmental protection; it requires the Commission to adopt the necessary implementing rules to ensure their uniform application; it establishes the ‘European Aviation Safety Agency’ (hereinafter referred to as the ‘Agency’) to assist the Commission in the development of such implementing rules.
- (2) It is necessary to adopt common technical requirements and administrative procedures for the licensing of pilots; **and for the proficiency and medical fitness of cabin crew**, subject to the Basic Regulation; such requirements and procedures should specify the conditions to issue, maintain, amend, suspend or revoke the appropriate licences, ~~and certificates or attestations~~.
- (3) In adopting measures for the implementation of common essential requirements in the field of pilot licensing **and medical certification**, the Commission must take care that they reflect the state of the art, including best practices, and scientific and technical progress in the field of pilot training **and their medical assessment**.
- (4) The need to ensure uniformity in the application of common **requirements for pilots and for cabin crew** ~~licensing requirements~~ requires that common procedures be followed by the competent authorities of the Member States and, where applicable, the Agency to assess compliance with these requirements; the Agency should develop acceptable means of compliance and guidance material to facilitate the necessary regulatory uniformity.

¹ OJ L 79, 13.3.2008, p. 1.

² OJ L 309, 24.11.2009, p. 51.

(5) For this purpose, it is necessary to permit a smooth transition to the new regulatory framework of the Agency ensuring that a high and uniform level of civil aviation safety in the Community is maintained; it is necessary to provide sufficient time for the aeronautical industry and Member State administrations to adapt to this new framework and to recognise the continuing validity of licences and certificates issued before the entry into force of this Regulation, in accordance with Article 69 of the Basic Regulation.

(6) The measures provided by this Regulation are based on the opinion issued by the Agency in accordance with Articles 17(2)(b) and 19(1) of the Basic Regulation.

(7) The measures provided for in this Regulation are in accordance with the opinion of the European Aviation Safety Agency Committee established by Article 54(3) of the Basic Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Objective and scope

This Regulation establishes common technical requirements for:

1. The licensing, training, testing and medical certification of pilots involved in the operation of aircraft referred to in Article 4(1)(b) and (c) of the Basic Regulation;
2. The certification of personnel responsible for providing flight training or flight simulation training and for assessing a pilot's skill and their medical fitness;-
3. **The medical fitness of cabin crew involved in operations of aircraft referred to in Article 4(1)(b) and (c) of the Basic Regulation.**

Article 2

Definitions

For the purpose of this Regulation:

- 'JAA' means Joint Aviation Authorities.
- 'Light Aircraft Pilot Licence (LAPL)' means the leisure pilot licence as foreseen ~~ins~~ Article 7 of the Basic Regulation.
- 'Part-21' means the Annex to the Commission Regulation (EC) No 1702/2003 of 24 September 2003, 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**.
- 'Part-AR' means the implementing rules to the Basic Regulation establishing requirements for competent authorities.
- 'Part-OR' means the implementing rules to the Basic Regulation establishing requirements for organisations.
- 'Part-OPS' means the implementing rules to the Basic Regulation establishing requirements for air operations of European Union operators.

Article 3

Pilot licensing and medical certification

1. Pilots referred to in Article 1 shall be:
 - (a) qualified in accordance with the provisions of Annex I to this Regulation, hereon referred to as Part-FCL; **and**
 - (b) **medically fit in accordance with the provisions of Annex IV to this Regulation, hereon referred to as Part-MED.**
2. **Instructors and examiners shall be qualified in accordance with the provisions of Part-FCL.**
3. **Aero-medical examiners and general medical practitioners, if applicable, shall be qualified in accordance with the provisions of Part-MED.**

Article 4

National pilot licences and certificates

1. Any pilot licence, including any associated ratings, certificates, authorisations and/or qualifications issued or recognised by a Member State in accordance with the JAA requirements and procedures before the entry into force of this Regulation, shall be deemed to have been issued in accordance with this Regulation.
2. By 8 April 2012, holders of national pilot licences, including any associated ratings, certificates, authorisations and/or qualifications issued in accordance with ICAO Annex 1 shall have had their national licences converted into pilot licences, ratings or certificates specified in this Regulation by the competent authority of the Member State that issued the national licence.
3. Requirements for conversion.
 - (a) National pilot licences for aeroplanes and helicopters shall be converted into Part-FCL licences, ratings and certificates in accordance with the provisions of Annex II to this Regulation.
 - (b) Pilot licences for other categories of aircraft shall be converted into Part-FCL licences, ratings and certificates in accordance with a conversion report.
3. The conversion report mentioned in 3(b) shall:
 - (a) be developed by the competent authority of the Member State that issued the licence and approved by the Agency;
 - (b) describe the national rules on ~~whose~~ basis the licences, ratings, certificates, authorisations and/or qualifications were issued;
 - (c) describe the scope of the privileges that were given to the pilots;
 - (d) indicate for which Part-FCL requirements credit is to be given and, if applicable, which requirements the applicants will need to comply with in order to be issued a Part-FCL licence;
 - (e) indicate any limitations the licence might be issued with, and which requirements the pilot may have to comply with to remove those limitations;

- (f) include copies of all documents necessary to demonstrate the elements above, including copies of the relevant national requirements and procedures.
- 4. The scope of the privileges given to pilots whose national licences, ratings, certificates and/or qualifications are converted into Part-FCL licences, ratings and certificates should at least cover the scope of the activities that the pilots are undertaking at the date of entry into force of this Regulation, provided that the safety level is not affected.

Article 4a

National medical certificates

- 1. Pilot medical certificates and approvals of aero medical examiners issued or recognised by a Member State in accordance with the JAA requirements and procedures before the entry into force of this Regulation, shall be deemed to have been issued in accordance with this Regulation.**
- 2. Medical certificates and AME approvals issued by a Member State in accordance with national requirements and valid at the date of entry into force of this Regulation shall remain valid:**
 - (a) until the date of their next revalidation; or**
 - (b) in any case, no later than 3 years after the entry into force of this Regulation, independently of the expiry date stated on the certificate.**
- 3. The revalidation of the certificates mentioned in 2. shall comply with the provisions of Part--MED.**

Article 5

Flight test pilots

1. Notwithstanding article 4, pilots that at the date of entry into force of this Regulation have been conducting category 1 and 2 flight tests as defined in Part-21 or providing instruction for flight test pilots shall have their national licences, ratings or qualifications converted into a Part-FCL flight test rating and, if applicable, flight test instructor certificate, as specified in this Regulation by the competent authority of the Member State that issued the national licence.
2. This conversion shall be done in accordance with a conversion report that shall follow the requirements of Article 4(3) and (4).

Article 6

Flight engineers

1. Holders of flight engineer licences, including any associated ratings, certificates, authorisations and/or qualifications, issued in accordance with ICAO Annex 1 wishing to convert their licences into pilot licences specified in this Regulation shall apply to the competent authority of the Member State that issued the licence.
2. Flight engineer licences may be converted into Part-FCL pilot licences, ratings and/or qualifications in accordance with a conversion report that shall follow the requirements of Article 4(3) and (4) and, when the applicant wishes to apply for an Airline Transport Pilot

Licence (ATPL) for aeroplanes, comply with the crediting provisions of paragraph FCL.510.A(c)(2) of Part-FCL.

Article 7

Third country licences and ratings

1. Without prejudice to ~~a~~Article 1, Member States may accept licences and associated ratings and/or qualifications and medical certificates issued by or on behalf of third countries, in accordance with the provisions of Annex III to this Regulation.
2. An applicant for a Part-FCL licence and associated ratings, certificates and/or qualifications already holding at least an equivalent licence issued in accordance with ICAO Annex 1 by a third country shall meet all the requirements of Part-FCL, except that the requirements of course duration, number of lessons and specific training hours may be reduced.

The credit given to the applicant shall be determined by the competent authority of the Member State to which the pilot applies, on the basis of a recommendation from an approved training organisation.

3. The holder of an ATPL issued in accordance with ICAO Annex 1 who has completed the experience requirements for the issue of an ATPL in the relevant aircraft category established in Subpart F of Part-FCL may be credited in full with the requirements to undergo a training course prior to undertaking the theoretical knowledge examinations and the skill test, if his/her licence contains a valid type rating for the aircraft to be used for the ATPL skill test.
4. An aeroplane or helicopter type rating may be issued to the holder of a Part-FCL licence that complies with the requirements for the issue of that rating established by a third country.

Such a rating will be restricted to aircraft registered in that Member State and excluded from the scope of the Basic Regulation in accordance with Article 4 thereof.

This restriction may be removed when the pilot complies with the requirements in paragraph C.1 of Annex III to this Regulation.

Article 8

Credit for training

1. Training commenced prior to the entry into force of this Regulation in accordance with the JAA requirements and procedures shall be credited in full towards the issuance of a licence, rating, or certificate in accordance with this Regulation provided that training and testing is completed before *(4 years from the date of entry into force of this Regulation)*.
2. Training commenced prior to the entry into force of this regulation in accordance with ICAO Annex 1 may be credited towards the issuance of a licence, rating or qualification in accordance with this Regulation on the basis of a credit report developed by the competent authority and approved by the Agency.

The report shall describe the scope of the training given to the applicant; indicate for which Part-FCL requirements credit is given and, if applicable, which requirements the applicant needs to comply with in order to be issued a licence.

The report shall include copies of all documents necessary to demonstrate the scope of the training and of the national regulations and procedures in accordance with which the training was commenced.

Article 9

Credit for military service

1. Military flight crew members wishing to obtain licences, ratings or certificates specified in Part-FCL shall apply to the competent authority of the Member State for which they served.
2. The knowledge, experience and skill gained in military service shall be credited towards the relevant requirements of Part-FCL licences and ratings in accordance with a credit report developed by the competent authority and approved by the Agency.

The report shall describe the scope of the training, experience and skill gained by the applicant; indicate for which Part-FCL requirements credit is given and, if applicable, which requirements the applicant needs to comply with in order to be issued a licence.

The report shall also indicate any limitations the licence might be issued with, and which requirements the pilot might have to comply **with** to lift the limitations.

The report shall include copies of all documents necessary to demonstrate the scope of the training, experience and skill gained by the applicant.

Article 9a

Cabin crew

1. **Cabin crew members shall be medically fit in accordance with the provisions of Subpart E of Part-MED.**
2. **The results of medical examinations or assessments passed by cabin crew members to assess their medical fitness to discharge their duties under EU-OPS or applicable national requirements that are valid at the date of entry into force of this Regulation shall remain valid until the end of the validity period**
 - (a) **determined by the competent authority under EU-OPS; or**
 - (b) **provided for in MED.E.005, whichever comes first, counted from the date of the last medical examination or assessment.**

Article 10

Entry into force

1. This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.
2. By way of derogation from paragraph 1, Member States may elect not to apply:
 - (a) the provisions of Part-FCL relating to licences, ratings, certificates and/or qualifications of pilots of powered-lift aircraft, airships, balloons and sailplanes until (3 years after the entry into force of this Regulation);
 - (b) the provisions of Subpart B (LAPL) and Sections 2 (LAFI), 8 (MCCI), in the case of helicopters, and 10 (Mountain instructor) of Subpart J of Part-FCL until (3 years after the entry into force of this Regulation);
 - (c) the provisions of paragraphs FCL.800 (aerobatic rating), FCL.805 (sailplane towing and banner towing ratings), FCL.815 (Mountain rating) until (2 years after the entry into force of this ~~R~~Regulation);

- (d) the provisions of FCL.820 (*flight test pilots*) until (*18 months after the entry into force of this Regulation*);
- (e) **the provisions of Subpart E of Part-MED (*medical fitness of cabin crew*) until (*2 years after the entry into force of this Regulation*).**

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, XXXX.

For the Commission
The President
X. XXX