



# Regular update of regulations regarding pilot training, testing and checking and the related oversight

Proposed amendments to Regulation (EU) No 1178/2011 on automatic validation of flight crew licences

RMT.0587

## EXECUTIVE SUMMARY

This Opinion addresses a harmonisation issue related to flight crew licensing requirements. The objective of this Opinion is to ensure that non-controversial issues related to the flight crew licence format are timely addressed, thereby providing alignment with the relevant International Civil Aviation Organization (ICAO) Standards and Recommended Practices (SARPs).

Article 2 of Regulation (EC) No 216/2008 (the 'Basic Regulation') requires the European Aviation Safety Agency (EASA) to assist Member States (MSs) in fulfilling their obligations under the Chicago Convention on International Civil Aviation (Chicago Convention) by providing a basis for a common interpretation and uniform implementation of the Convention requirements, and by ensuring that these requirements are duly taken into account in this Regulation and in the implementing rules (IRs) established for their implementation. In this context, the ICAO SARPs for the flight crew licensing requirements are proposed to be incorporated into Annex I (Part-FCL) and Appendix I to Annex VI (Part-ARA) to Regulation (EU) No 1178/2011 (the 'Aircrew Regulation').

This Opinion, developed by EASA in accordance with Article 15 of the Management Board (MB) Decision No 18-2015, proposes amendments to Part-FCL and Part-ARA, by introducing new requirements regarding the automatic validation of flight crew licences in accordance with the ICAO Annex 1 SARPs, applicable as of 9 November 2017.

The proposed changes will ensure that flight crew licences issued by one MS are automatically rendered valid by the other MS parties to the Regional Safety Oversight Organizations' (RSOOs) agreement that is registered with ICAO.

<b>Action area:</b>	Regular updates		
<b>Affected rules:</b>	— Part-ARA; — Part-FCL		
<b>Affected stakeholders:</b>	Flight crews; national aviation authorities (NAAs), commercial air transport (CAT) operators		
<b>Driver:</b>	Efficiency/proportionality	<b>Rulemaking group:</b>	No
<b>Impact assessment:</b>	Light	<b>Rulemaking Procedure:</b>	Direct publication

• EASA special rulemaking procedure milestones



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## 1. About this Opinion

### 1.1. How this Opinion was developed

The European Aviation Safety Agency (EASA) developed this Opinion in line with Regulation EU No 216/2008<sup>1</sup> (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 ToR RMT.0587, Issue 1<sup>4</sup>. RMT.0587 is a standing (open-ended) task that serves to address non-controversial issues for which there is sufficient consensus related to, among other areas, initial flight crew training and licensing. Moreover, RMT.0587 aims to continuously improve the regulatory framework by reducing the complexity of the IRs and by promoting a competitive environment.

As no rulemaking group (RMG) was created for RMT.0587, EASA presented to various stakeholders and discussed with them the *draft* text of this Opinion (proposed amendment to the flight crew licencing requirements of Appendix I to Part-ARA), such as during recent Technical Bodies (TeBs), Member States' Advisory Body (MAB) and EASA Committee meetings. The feedback received was in support of the EASA initiative. As a result, EASA decided to make use of Article 15 'Special rulemaking procedure: direct publication' of the Rulemaking Procedure (MB Decision No 18-2015). In accordance with said Procedure, the draft rule text and the related new draft guidance material (GM) have been consulted for 3 weeks with the ABs. Following this ABs consultation, the rulemaking proposal was revised in accordance with the comments received.

The *final* text of this Opinion and the draft regulation has been developed by EASA in consultation with the ABs. The draft rule text proposed by EASA is published on the EASA website<sup>5</sup>.

### 1.2. The next steps

This Opinion contains the proposed amendments to Regulation (EU) No 1178/2011 and their potential impacts. It is submitted to the European Commission to be used as a technical basis in order to prepare a European Union (EU) regulation.

The decision containing the related acceptable means of compliance (AMC)/GM will be published by EASA when the related regulation is adopted by the European Commission.

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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 the Basic Regulation. Such 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?search=0587&date\\_filter%5Bvalue%5D%5Byear%5D=&=Apply](https://www.easa.europa.eu/document-library/terms-of-reference-and-group-compositions?search=0587&date_filter%5Bvalue%5D%5Byear%5D=&=Apply)

<sup>5</sup> <http://easa.europa.eu/document-library/opinions>



For information, EASA published as an Appendix to this Opinion the draft text for the related EASA decision containing AMC/GM. The final decision amending the AMC/GM will be published by EASA once the European Commission has adopted the regulation.



## 2. In summary — why and what

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

Article 2 of the Basic Regulation requires EASA to assist MSs in fulfilling their obligations under the Chicago Convention, by providing a basis for a common interpretation and uniform implementation of the Convention requirements, and by ensuring that these requirements are duly taken into account in this Regulation and in the IRs drafted for their implementation.

In this regard, ICAO Annex 1 provisions for the flight crew licencing were incorporated into Part-ARA and Part-FCL, and related AMC/GM were drafted.

Consequently, this Opinion, developed by EASA, proposes to amend the IRs on the flight crew licencing requirements.

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

The overall objectives of the EASA system in the field of civil aviation 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 above.

The specific objectives of this rulemaking proposal are, therefore, to:

- (a) ensure that a non-controversial issue, for which there is sufficient consensus related to initial flight crew training and licensing, is addressed; and
- (b) improve the regulatory framework, thereby promoting a competitive environment.

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

Through this Opinion, EASA proposes to amend:

- Part-ARA; and
- Part-FCL.

Through the related Decision, EASA will issue:

- AMC to Part-FCL and Part-ARA; and
- GM to Part-FCL.

The proposed amendment to the IRs and the related new AMC/GM, developed by EASA with the support of the ABs, will ensure that EU rules are aligned with ICAO SARPSs in order to avoid findings to be raised during ramp inspections performed by foreign aircraft inspectors, or before the validity of a flight crew licence is queried in an investigation.

### 2.4. What are the stakeholders' views — outcome of the consultation

The ABs were in support of the proposals contained in the draft Opinion and Decision, as consulted with them in accordance with Article 15 of MB Decision No 18-2015.



## 2.5. What are the expected benefits and drawbacks of the proposals

### 2.5.1. Who is affected

The proposed draft rule text and related AMC/GM affect the following categories of stakeholders:

- flight crews,
- NAAs, and
- CAT operators.

### 2.5.2. How could the issue/problem evolve

If no action is taken, the EU flight crew licensing requirements will not be fully aligned/harmonised with the latest ICAO Annex 1 provisions.

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

The specific objectives of this Opinion are detailed in Section 2.2 above.

### 2.5.4. How it could be achieved — options

**Table 2 — Policy options**

Option No	Short title	Description
0	Baseline option	No change to the rules; no harmonisation with ICAO; EU requirements will remain unaligned with the ICAO provisions.
1	Amend the flight crew licencing requirements	This Option proposes to amend the flight crew licence template for standardisation purposes between the EASA MSs and ICAO. Moreover, the obligation to carry and present relevant documents (ICAO attachment) only when operating outside the MSs' territory an aircraft registered in an MS other than the one that issued the flight crew licence is also proposed. The amendment aims to align the requirements of the Aircrew Regulation <sup>6</sup> with ICAO Annex 1.

<sup>6</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=1488475950324&uri=CELEX:32011R1178>)

### 2.5.5. What are the impacts

When preparing this Opinion, EASA considered the following impacts:

**Table 2a — Impacts of Option 0**

<b>Safety impact</b>	No impact on safety. The current safety level is maintained.
<b>Economic impact</b>	Non-compliance with the ICAO SARPs may lead to a potential negative economic impact on EU CAT operators. This is due to the possibility of their aircraft being grounded by foreign aircraft inspectors that may not be aware of the EU requirements. Said inspectors may not accept that in some cases, an EU flight crew licence is not issued by the MS where the aircraft is registered since normally a licence or validation by the MS where the aircraft is registered is required.
<b>Social impact</b>	No impact.
<b>Environmental impact</b>	No impact.
<b>Harmonisation with ICAO</b>	Not harmonised.

**Table 2b — Impacts of Option 1**

<b>Safety impact</b>	No impact on safety. The current safety level is maintained.
<b>Economic impact</b>	Potential negative low-to-medium economic impact on competent authorities (CAs). The main cost is associated with the additional administrative burden for adding text to the licences to cater for the additional remark on the licence for new licences issued as of November 2017 (ICAO applicability date of the new provisions). The economic impact, however, cannot be quantified due to the divergence of the IT systems used by the various CAs within the MSs. Nevertheless, existing licences are expected to be replaced during the transition period, which will incur a negligible additional cost.  This Option is expected to have a positive economic impact on EU CAT operators in terms of avoiding their aircraft being grounded by foreign aircraft inspectors.
<b>Social impact</b>	No impact.
<b>Environmental impact</b>	No impact.
<b>Harmonisation with ICAO</b>	Harmonised.

### 2.5.6. Conclusion

As summarised in Table 2 above on policy options, Option 1 is the preferred one. It may have a negative economic impact in terms of costs for the CAs, but will ensure harmonisation with ICAO and will consequently help avoid potential costs for the affected EU CAT operators, whilst maintaining the current level of safety.



**2.5.7. How we monitor and evaluate the rules**

N/a.

Cologne, 10 May 2017

[signed by]

Patrick KY  
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 (OJ L 311, 25.11.2011, p. 1)

#### 3.2. Related decisions

- Decision N° 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° 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'

#### 3.3. Other reference documents

- ICAO Annex 1 to the Convention on International Civil Aviation 'Personnel Licensing', 11th Edition, July 2011
- ICAO State letter AN 12/1.1.20-16/64 'Proposal for the amendment of Annex 1 regarding automatic validation of licences', 22 July 2016
- ICAO Working Paper AN-WP/9074 'FINAL REVIEW OF PROPOSED AMENDMENT TO ANNEX 1 RELATING TO AUTOMATIC VALIDATION OF LICENCES ISSUED BY A GROUP OF STATES', 22 December 2016
- C-WP/14560 'Air Navigation Commission Report', 24 January 2017



## 4. Appendix: Draft EASA Decision — For information only

### 4.1. Proposed amendments

The text of the amendment is arranged to show deleted text, new or amended text as shown below:

- (a) deleted text is ~~struck through~~;
- (b) new or amended text is highlighted in grey;
- (c) an ellipsis [...] indicates that the remaining text is unchanged.

#### Draft AMC to Part-ARA

1. New AMC1 to ARA.FCL.200(a) is added as follows:

#### **AMC1 to ARA.FCL.200(a) ICAO attachment**

The format of the ICAO attachment in electronic or paper format is the following:

<p><b>EUROPEAN UNION*</b></p> <p><b>ICAO attachment to automatically validate licences</b></p> <p><b>(Issue 1)</b></p> <p>issued in accordance with Annex VII to Commission Regulation (EU) No 1178/2011</p>
<p>1. The licence is automatically validated by all the ICAO States listed in point (2) under an agreement registered with ICAO. The ICAO registration number is: XXXX.</p>
<p>2. The ICAO Contracting States that automatically validate this licence are:</p> <p>Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom.</p>
<p style="text-align: right;">European Aviation Safety Agency (EASA): .....</p> <p style="text-align: right;">Date of issue: .....</p>

\*'EUROPEAN UNION' to be deleted for non-EU Member States



2. New AMC2 to ARA.FCL.200(a) is added as follows:

**AMC2 to ARA.FCL.200(a) Remark on the licence**

When issuing the licence with the remark on the licence item XIII: 'This licence is automatically validated as per the ICAO attachment to this licence', the competent authority should provide the holder of the licence with the ICAO attachment.

3. New AMC1 to Appendix I is added as follows:

**AMC1 to Appendix I Flight crew licence**

In case of using privileges outside the territory to which the Treaty applies on an aircraft registered in a Member State other than the one that issued the flight crew licence, the following remark should be added to licence item XIII: 'This licence is automatically rendered valid as per the ICAO attachment to this licence'.

**Draft GM to Part-FCL**

1. New GM1 FCL.015(a) is added as follows:

**GM1 FCL.015(a) Application and issue, revalidation and renewal of licences, ratings and certificates**

An application for the remark on the automatic validation of licences to be added under licence item XIII should be submitted either when the pilot applies for the issue, revalidation or renewal of the licence, or as a separate application.

