



Terms of reference

for a rulemaking task

Review of the Aircrew Regulation in order to provide a system for private pilot training outside approved training organisations (ATOs)

RMT.0657 — ISSUE 1 — 13.10.2015

Applicability		Process map	
Affected regulations and decisions:	Commission Regulation (EU) No 1178/2011 'the Aircrew Regulation'; ED Decision 2012/006/Directorate R; ED Decision 2012/007/Directorate R; ED Decision 2011/016/R	Concept paper:	No
Affected stakeholders:	Pilots; operators; ATOs; competent authorities	Rulemaking group:	No, only task force
Driver/origin:	Efficiency/proportionality	RIA type:	Light
Reference:	General Aviation Road Map	Technical consultation during NPA drafting:	N/A
		Publication date of the NPA:	2015/Q4
		Duration of NPA consultation:	2 months
		Review group:	N/A
		Focused consultation:	Workshop
		Publication date of the opinion:	2016/Q2
		Publication date of the decisions:	2017/Q3



1. Issue and reasoning for regulatory change

The major goal of the European Aviation Safety Agency's (the 'Agency') General Aviation (GA) Road Map is to work towards simpler, lighter and better regulations for GA. While completing the transition work from registered facilities (RFs) to full ATO status, many stakeholders repeatedly reported that a training system that consists only of ATOs is not the best and most proportional way to deliver the full range of Part-FCL private pilot training.

Recognising the need to consider alternative rules for the training for private pilot licences, in October 2014 the Agency presented a proposal to the EASA Committee to amend the Aircrew Regulation by introducing another option for the training for private pilot licences, which would be to train private pilots outside ATOs. The EASA Committee gave a positive opinion on the Agency's proposal, and the European Commission, the European Union (EU) Member States and the Agency agreed (as already reflected in Commission Regulation (EU) 2015/445¹) to allow Member States to postpone until April 2018 the implementation of the rules for ATOs that provide only training for the light aircraft pilot licence (LAPL), private pilot licence (PPL), sailplane pilot licence (SPL) and balloon pilot licence (BPL), as well as for the associated ratings and certificates. This derogation was proposed in order to provide sufficient time for the development, consultation and presentation of an opinion on this subject.

2. Objectives

The general objectives of the EU in the field of civil aviation are defined in Article 2 of Regulation (EC) No 216/2008² (the 'Basic Regulation'). The GA Safety Strategy³, which was adopted by the Agency's Management Board in 2012, identifies the key rationales that make it necessary to adopt a new, specific approach for GA. This new approach is seen as an urgent necessity by the GA community in order to ensure a sustainable development of the sector in the EU.

In line with the strategic direction of the GA Safety Strategy, the Agency presented a proposal to the EASA Committee to develop a possibility for training outside ATOs in order to simplify the situation for training towards non-commercial pilot licences and associated ratings and certificates. This would make more proportional training choices available to EU citizens.

3. Activities

During the analysis and development of this rulemaking task (RMT), the following activities will be considered:

1. To review the existing requirements of the Aircrew Regulation and associated Agency decisions for private pilot training.

The scope of the Part-FCL private pilot training to be addressed shall be clearly defined. For each aircraft category, the type of training that may be performed outside an ATO has to be defined.

¹ Commission Regulation (EU) 2015/445 of 17 March 2015 amending Regulation (EU) No 1178/2011 as regards technical requirements and administrative procedures related to civil aviation aircrew (OJ L 74, 18.3.2015, p. 1).

² 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).

³ <https://easa.europa.eu/easa-and-you/aviation-domain/general-aviation/general-aviation-road-map>



Therefore, the following types of training need to be considered:

- theoretical knowledge training for private pilot licences (LAPL, PPL, SPL, BPL);
- flight training for private pilot licences (LAPL, PPL, SPL, BPL);
- training for non-high performance aircraft (HPA), single-engine class ratings (land and sea) for aeroplane, for class (hot air, gas) and group for balloons, touring motor gliders (TMGs), extension for sailplanes;
- training for additional ratings (FCL.800, FCL.805, FCL.810, FCL.815).

Specifically in the case of helicopters, it should be considered whether additional type ratings are within the scope. Previously, under JAR-FCL, **all** additional types had to be trained under an approved type rating training organisation (TRTO).

2. To investigate where the rules can be simplified when training is provided below the current level of an ATO.
3. To consider the structure and balance between implementing rules (IRs) and acceptable means of compliance (AMC) and guidance material (GM) regarding ATOs, and switching from prescriptive to performance-based regulations, as appropriate.

The cover regulation of Commission Regulation (EU) No 1178/2011⁴ will have also to be properly reviewed. 'Grandfathering' and transitional arrangements will have to be clearly defined in particular for:

- existing JAR-compliant RFs that will continue their current activities in a form to be defined;
- existing ATOs providing training for PPL (or, in other words, training organisations that have made the transition to ATO) that will opt for the new solution to be defined in the present RMT.0657.

In both cases, the transitional arrangements will have to be as smooth and simple as possible.

4. To take into account the input received from the task force defined below on fact-based and targeted improvements.

The work of the task force and the notice of proposed amendment (NPA) to be issued should be such that the option to train private pilots outside an ATO will not affect the new Annex 3 to the EU-US BASA agreement⁵ addressing the recognition of pilot licensing (PPL, single-engine piston (SEP), multi-engine piston (MEP) night rating and instrument rating) between the EU and the United States of America (BASA Annex 3, and in particular the special conditions developed in its Appendix 1).

⁴ 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).

⁵ Council Decision of 7 March 2011 concerning the conclusion of the Agreement between the United States of America and the European Community on cooperation in the regulation of civil aviation safety (2011/719/EU) (OJ L 291, 9.11.2011, p. 1). See also <https://easa.europa.eu/document-library/bilateral-agreements/eu-usa>



4. Deliverables

Due to the urgency and the tight time frame, RMT.0657 will be processed by the Agency with the support of the task force defined below. The planned deliverables of RMT.0657 are the following:

- An NPA to review the Aircrew Regulation in order to provide a system for private pilot training outside ATOs;
- an opinion containing a proposal to amend the existing requirements of the Aircrew Regulation (Part-FCL, Part-ORA and Part-ARA);
- decisions containing the associated AMC and GM related to the amended Aircrew Regulation.

The detailed drafting of the corresponding amendments to the requirements will be performed by the Agency, which shall ensure coordination with other RMTs impacting on this work and interface with its other technical disciplines. The Agency will provide updates on the progress of the work to its advisory bodies. The Agency will consider the organisation of a public workshop with stakeholders and national aviation authorities (NAAs) in order to consult them on the envisaged amendments.

Although the detailed drafting will be performed by the Agency, final workshops shall be organised by the Agency in order for the members of the task force to have the opportunity to review the final content of the opinion.

5. Profile and contribution of the task force

As indicated above, the Agency pursues this work with the support of a task force named 'Training outside ATO'. The 'Training outside ATO' task force members have been identified and invited by the Agency on the basis of inputs received from the GA Sub-SSCC and the GA Road Map NAA group.

Due to the multidisciplinary and cross-boundary issues, the members' profile is the following:

- a. relevant, in-depth knowledge, expertise and experience of the GA operations, rules, methods, tools and concepts in relation with training outside an ATO;
- b. areas of expertise: certification, air operations, licensing, aerodromes, and air traffic management (ATM);
- c. from the GA industry, competent authorities and GA user community;
- d. specific role, responsibilities and duties of the task force members for this RMT:
 - to create a holistic view or common understanding of the multifaceted issues regarding training outside an ATO;
 - to find optimal solutions to the complex issues through collaborative effort across the above technical fields (see point b. above);
 - to assist the Agency in the development of the draft regulatory deliverables and regulatory requirements.

The NPA drafting process should be identical to the one followed for NPA 2015-08 'Light Part-M'⁶, meaning that the requirements should be proportional to the significantly lower complexity and

⁶ <http://www.easa.europa.eu/system/files/dfu/NPA%202015-08.pdf>



associated risks of the lighter end of the GA community, and as clear and simple as possible in order to facilitate implementation.

6. Annex I: Reference documents

6.1. Affected regulations

- Commission Regulation (EU) No 1178/2011 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1)

6.2. Affected 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 N° 2012/007/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-ORA')
- 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')

The decisions are available at <http://www.easa.europa.eu/document-library/agency-decisions>.

6.3. 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)
- General Aviation Road Map (<https://easa.europa.eu/easa-and-you/aviation-domain/general-aviation/general-aviation-road-map>)

