



Brussels, **XXX**
[...] (2016) **XXX** draft

ANNEX to EASA Opinion No 09/2016

COMMISSION REGULATION (EU) No .../..

of **XXX**

amending Commission Regulation (EU) No 1178/2011 of 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

DRAFT COMMISSION REGULATION (EU) .../...

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amending Commission Regulation (EU) No 1178/2011 of 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

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning 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⁾, and in particular Articles 7(6), 8(5) and 10(5) thereof,

Whereas:

- (1) Commission Regulation (EU) No 1178/2011⁽²⁾ lays down detailed rules for certain pilots' licences and for the conversion of national pilots' licences and of national flight engineers' licences into pilots' licences, as well as the conditions for the acceptance of licences from third countries. Rules for pilots' medical certificates, the conditions for the conversion of national medical certificates and the certification of aero-medical examiners are also set out in that Regulation. In addition, Commission Regulation (EU) No 1178/2011 includes provisions on medical fitness of the cabin crew.
- (2) Some Member States have found that certain requirements are either ambiguous or open to interpretation and that lead to implementation problems and subsequently problems in maintaining the same level of safety in all Member States.
- (3) During standardisation visits conducted by the European Aviation Safety Agency ('the Agency') as well as Medical Expert Group meetings hosted by EASA, several gaps were identified in Annex IV to Commission Regulation (EU) No 1178/2011 that could have potential safety implications.
- (4) A number of editorial errors leading to unintended implementation difficulties have also been identified in Commission Regulation (EU) No 1178/2011 by Member States.
- (5) Following the accident of the Germanwings Flight 9525, the EASA-led Germanwings Task Force identified a number of safety risks and issued six recommendations to mitigate those risks. Three of these recommendations, namely recommendation 2 'Mental health assessment of flight crew', recommendation 3 'Prevention of misuse of alcohol and other psychoactive substances by the flight crew', and recommendation 4 'Training, oversight and network of AMEs' require regulatory changes in the requirements regarding aircrew medical certification.

⁽¹⁾ OJ L 79, 13.3.2008, p. 1.

⁽²⁾ OJ L 311, 25.11.2011, p. 1.

- (6) Therefore, the existing requirements should be amended in order to correct editorial errors, address the identified gaps, harmonise the requirements with the provisions of Commission Regulation (EU) 2015/340 of 20 February 2015 laying down technical requirements and administrative procedures relating to air traffic controllers' licences and certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, amending Commission Implementing Regulation (EU) No 923/2012 and repealing Commission Regulation (EU) No 805/2011⁽³⁾, and achieve the level of aviation safety laid down in Regulation (EC) No 216/2008.
- (7) The Agency prepared draft implementing rules and submitted them with Opinion No 09/2016 to the European Commission in accordance with Article 19(1) of Regulation (EC) No 216/2008.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the committee established by Article 65 of Regulation (EC) No 216/2008.
- (9) Commission Regulation (EU) No 1178/2011 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Commission Regulation (EU) No 1178/2011 is amended as follows:

1. In Article 5, paragraph 2 is replaced by the following:
'Member States shall replace pilots' medical certificates and aero-medical examiners' certificates with certificates complying with the format laid down in Part-ARA by 8 April 2018 at the latest.'
2. Annex IV is amended as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the thirtieth day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels,

For the Commission
The President
[...]

⁽³⁾ OJ L 63, 6.3.2015, p. 1.