



Easier access for general aviation pilots to instrument flight rules flying

NPA/CRD: 2016-14 — RMT.0677

EXECUTIVE SUMMARY

This Opinion delivers the results of three rulemaking tasks (RMTs): RMT.0677 ‘Easier access for general aviation pilots to instrument flight rules flying’ and the combined RMT.0654 ‘Revision of the balloon licensing requirements’/RMT.0701 ‘Revision of the sailplane licensing requirements’. The detailed structure of this Opinion and the reason for combining these RMTs into one opinion are given in Section 1.1.

The objective of this Opinion regarding RMT.0677 is to establish a simpler, lighter and better regulatory framework for general aviation (GA) pilots regarding flights under instrument flight rules (IFR).

Part (A) of this Opinion proposes a more proportionate set of requirements for GA pilots and a competency-based approach to gain an IFR flying qualification. This is one of the key initiatives for meeting the EASA and the GA community’s objectives in this area.

With Part (A) of this Opinion, EASA addresses the objective established by the GA Road Map, which is to work towards simpler, lighter and better rules for GA. With better and easier access to IFR flying, GA pilots would be able to plan A-B flights with more confidence of safe completion. They would be less vulnerable to changing weather conditions and the associated risk of continuous visual flight rules (VFR) flights into instrument meteorological conditions (IMC). As well as increasing the safety and resilience of GA flying, better and easier access to IFR flying will also reduce the complexity of longer flights, which often require extensive planning and contingency provisions to be executed under VFR. IFR flight planning for longer A-B flights is often more straightforward — thus encouraging pilots to conduct flights that they might otherwise have not attempted. This will bring safety and economic benefits.

Action area:	General aviation (GA)		
Affected rules:	Regulation (EU) No 1178/2011; AMC/GM to Part-FCL		
Affected stakeholders:	GA community; GA pilots; instructors; examiners; approved training organisations (ATOs)		
Driver:	Efficiency/proportionality	Rulemaking group:	No, task force
Impact assessment:	Light	Rulemaking Procedure:	Standard

• EASA rulemaking process milestones



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1. About this Opinion

1.1. How this Opinion was developed

The European Union Aviation Safety Agency (EASA) developed this Opinion in line with Regulation (EU) 2018/1139¹ and the Rulemaking Procedure². It contains the results of three rulemaking tasks (RMTs) related to GA issues which all affect Regulation (EU) No 1178/2011³. For this reason, EASA decided to combine the draft amendments to Regulation (EU) No 1178/2011 that result from all three RMTs into one consolidated document while separate explanatory notes elaborate on the background and detailed explanations for the different RMTs.

The structure of this Opinion, including its annexes, is the following:

- Opinion No 01/2019:
 - Opinion No 01/2019 (A) (Part A): Explanatory Note related to RMT.0677 ‘Easier access for general aviation pilots to instrument flight rules flying’
 - Opinion No 01/2019 (B) (Part B): Explanatory Note related to RMT.0654/RMT.0701 ‘Revision of the balloon and sailplane licensing requirements’
- Annex Ia to Opinion No 01/2019: Amendments to Regulation (EU) No 1178/2011 — Cover Regulation
- Annex Ib to Opinion No 01/2019: Amendments to Regulation (EU) No 1178/2011 — Annexes
- Annex IIa to Opinion No 01/2019: Amendments to Regulation (EU) No 2018/395 — Cover Regulation
- Annex IIb to Opinion No 01/2019: Amendments to Regulation (EU) No 2018/395 — Annexes
- Annex IIIa to Opinion No 01/2019: Amendments to Regulation (EU) No 2018/1976 — Cover Regulation
- Annex IIIb to Opinion No 01/2019: Amendments to Regulation (EU) No 2018/1976 — Annexes

For the purpose of this document, references to ‘this Opinion’ or ‘this rulemaking activity’ shall be understood as referring to the scope of Opinion No 01/2019 (A). The related rulemaking activity is included in the EASA 5-year Rulemaking Programme⁴ under rulemaking task RMT.0677. The scope and timescales of the task were defined in the related Terms of Reference (ToR), Issue 2. The ToR were

¹ Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1536149403076&uri=CELEX:32018R1139>)

² EASA is bound to follow a structured rulemaking process as required by Article 115(1) of Regulation (EU) 2018/1139. Such a 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>).

³ 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) (<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011R1178&qid=1547642686121&from=EN>).

⁴ <http://easa.europa.eu/rulemaking/annual-programme-and-planning.php>



published together with the Concept Paper ‘Easier access for General Aviation (GA) pilots to instrument flight rules (IFR) flying’ on the EASA website on 18 December 2015⁵.

The *draft* text of this Opinion has been developed with the support of the ‘GA IFR flying Task Force’ (TF). The TF comprised experts from national aviation authorities (NAAs) (the French DGAC, the UK CAA, the Swedish CAA, the Austrian CAA (Austro Control)) and the GA community (Europe Air Sports (EAS), European Regional Aerodromes Community (ERAC) and International Aircraft Owners and Pilots Association (Europe) (IAOPA Europe)). All interested parties were consulted⁶ through NPA 2016-14 ‘Easier access for general aviation pilots to instrument flight rules flying’⁷. 435 comments were received from 59 interested parties, including industry, NAAs and the GA community.

EASA has addressed and responded to the comments received on the NPA. EASA reviewed the comments received during the public consultation with the support of the TF. The comments received and the EASA’s responses to them are presented in Comment-Response Document (CRD) 2016-14⁸, which is summarised in Section 2.4 below.

The *final* text of this Opinion and the draft regulations have been developed by EASA. The draft rule text proposed by EASA is published on the EASA website⁹.

The major milestones of this rulemaking activity are presented on the title page.

1.2. The next steps

This Opinion contains the proposed amendments to Commission Regulation (EU) No 1178/2011 (the Aircrew Regulation), and in particular the amendments to its Annex I (Part-FCL), to Commission Regulation (EU) 2018/395¹⁰, and to Commission Implementing Regulation (EU) 2018/1976. It is submitted to the European Commission to be used as a technical basis in order to prepare EU regulations.

The decision containing the related acceptable means of compliance (AMC) and guidance material (GM) will be published by EASA when the related regulations are adopted by the European Commission.

⁵ [http://www.easa.europa.eu/system/files/dfu/ToR%20\(%2B%20Concept%20Paper\)%20RMT.0677%20Issue%202.pdf](http://www.easa.europa.eu/system/files/dfu/ToR%20(%2B%20Concept%20Paper)%20RMT.0677%20Issue%202.pdf)

⁶ In accordance with Article 115 of Regulation (EU) 2018/1139, and Articles 6(3) and 7 of the Rulemaking Procedure.

⁷ <https://www.easa.europa.eu/document-library/notices-of-proposed-amendment/npa-2016-14>

⁸ <http://easa.europa.eu/document-library/comment-response-documents>

⁹ <http://easa.europa.eu/document-library/opinions>

¹⁰ Commission Regulation (EU) 2018/395 of 13 March 2018 laying down detailed rules for the operation of balloons pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 71, 14.3.2018, p. 10) (<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018R0395&from=EN>).



2. In summary — why and what

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

The goal of the EASA General Aviation Road Map¹¹ is to work towards simpler, lighter and better rules for GA. During the 2014 EASA Safety Conference on GA, the topic of ‘easier access of GA pilots to IFR flying’ was identified by the GA community as an important initiative to improve the safety and utility of GA flying. This was in response to the safety concerns and the views of the GA community that the current regulatory regime for many aspects of IFR flying should be made more proportionate.

Historically, the level of GA IFR flying activity in Europe has been low compared to that in the USA. While this disparity can to some extent be explained by factors unrelated to the regulatory regime, there is some evidence suggesting that amending the relevant European regulations may facilitate growth in this area.

With better and easier access to IFR flying, GA pilots would be able to plan A-B flights with more confidence of safe completion. They would be less vulnerable to changing weather conditions and the associated risk of continuous VFR flights into IMC. As well as increasing the safety and resilience of GA flying, better and easier access to IFR flying will also reduce the complexity of longer flights, which often require extensive planning and contingency provisions to be executed under VFR. IFR flight planning for longer A-B flights is often more straightforward — thus encouraging pilots to conduct flights that they might otherwise have not attempted. This will bring safety and economic benefits.

2.2. What we want to achieve — objectives

The overall objectives of the EASA system are defined in Article 1 of Regulation (EU) 2018/1139. This proposal will contribute to the achievement of the overall objectives by addressing the issues outlined in Chapter 2.

The European General Aviation Safety Strategy¹², adopted by the EASA Management Board in 2012, identifies the key rationales that render it necessary to adopt a new specific approach for GA. This new approach is seen by the GA community as an urgent necessity in order to ensure a sustainable development of the sector in Europe.

The specific objective of this proposal is to establish a more proportionate training path for GA pilots to gain an instrument flying qualification by introducing the basic instrument rating (BIR). This proposal reflects on the principles of a proportionate and competency-based approach throughout the different regulatory domains, so as to address the needs of GA pilots as much as possible.

¹¹ <https://www.easa.europa.eu/easa-and-you/general-aviation/general-aviation-road-map>

¹² <https://www.easa.europa.eu/system/files/dfu/Europea%20GA%20Safety%20Strategy.pdf>



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

2.3.1. Principles of the proposal

2.3.1.1. Scope of the basic instrument rating (BIR)

The target audience for the BIR are GA pilots that fly typical single- and multi-engine piston GA aeroplanes for non-commercial operations. The BIR aims to encourage GA pilots to conduct A-B flights under IFR.

2.3.1.2. BIR is not ICAO-compliant

While the BIR may be issued before compliance with the ICAO Annex 1 is demonstrated, instrument flight time requirements are established in order to give maximum utility to GA pilots. These requirements will have similar privileges with the current Part-FCL IR, but more tailored to the needs of GA pilots and with certain limitations.

The BIR is not necessarily compliant with the ICAO hours requirements (less time, for example, than for CB-IR), but still provides for good utility and safety for GA pilots to fly under IFR in Europe. The training would be as modular and competency-based as possible.

Rating may be obtained without full compliance with the ICAO IR training requirements; however, this simply means the rating could not be used outside Europe. It does not have an impact on EASA Member States' obligations towards ICAO.

The modular IR and CB-IR are ICAO-compliant and internationally accepted ratings, whereas the BIR is not a fully ICAO-compliant rating, being valid only in EASA Member States. This is reflected in the present rule structure: the fully ICAO-compliant IR is regulated in Subpart G and in the related Appendices 6 and 7 to Part-FCL, while other (non-ICAO-compliant) IR privileges are to be found in Subpart I (other ratings). Additionally, the CB-IR will of course be maintained within Part-FCL.

2.3.1.3. Key principles for the BIR

The key principles for the BIR are as follows:

- **Training that is entirely competency-based.** There will be no minimum hours requirement set for the BIR. Instead, the required competencies that a GA pilot needs for an IFR flight are grouped into three modules of training. Candidates will progress to the next module or skill test when ready to do so.
- **Training that is flexible.** The core module of instrument flying skills must always be completed first, and after having done so, the candidate may choose which further module to tackle next, within a timescale that suits them. This takes into account the fact that GA pilots may often not have the time or financial resources to commit to a more conventional full course of training towards the IR.
- **Focus on the practical needs of GA pilots.** Holders of the BIR should feel confident to use it to the full extent of its privileges. While IFR flights have many safety advantages, central to its philosophy is to assess the risks of a particular flight in a more systematic way. To this end, the training will be focused on the real-world instrument flying needs of GA pilots, with particular emphasis on practical application of threat and error management. This will ensure that the full safety and utility benefits of IFR flight are reaped.

- **High standards of training and testing.** Despite the focus on GA needs, practical training and testing standards will be similar to those of the current Part-FCL CB-IR and EIR, particularly with regard to interaction with other airspace users. It is very important that GA pilots that fly under IFR have the required competencies for this.

2.3.2. IR is redundant

With the introduction of the BIR, a more comprehensive new approach towards GA IR flying is undertaken. The current EIR is therefore redundant and will be deleted. Existing EIR holders will be allowed to continue to exercise their privileges, and they will receive full credit for Modules 1 and 3 when stepping up to the BIR.

2.3.3. Training structure

Having decided that modular training is important, EASA conducted a training needs analysis to establish the optimum content of the possible individual instrument flight instruction modules of training. This included identifying all competencies in existing instrument qualifications and determining how they could be logically ordered into a flexible and modular training system.

As a result of this, four modules were identified, with the idea being that Module 1 is completed first, but the order in which Modules 2 and 3, and if applicable Module 4, are completed is up to the applicant.

- **Module 1:** it provides the foundation of instrument flying competencies: the core flying training module of flight handling skills by sole reference to instruments. A course completion certificate will be issued after an acceptable standard has been reached and before the pilot is allowed to commence further training modules;
- **Module 2:** it introduces 2D and 3D instrument approach procedures such as non-directional radio beacon (NDB), instrument landing system (ILS), performance-based navigation (PBN) (for example, global navigation satellite system (GNSS), etc.), standard instrument arrival (STAR), and standard instrument departure (SID);
- **Module 3:** it includes en route flight under IFR; and
- **Module 4:** with one engine inoperative, if a multi-engine BIR is sought, this module includes asymmetric instrument approach and go-around procedures.

Each module contains the required individual competencies. It will be up to the training organisation or instructor to determine whether the competencies have been assimilated to the required standard before progressing to the next module or skill test. This will allow candidates with a good aptitude to progress faster, while ensuring that slower-learning candidates progress only until they are ready.

2.3.4. Privileges and limitations

While the intention is to create a BIR that has similar practical value to the current Part-FCL CB-IR and EIR, it was decided that by having certain limitations, the practical training time and theoretical knowledge that candidates would need may be reduced, with very little loss of practical utility.

For example, it is relatively rare in typical GA operations to have to fly an instrument approach (particularly a 3D one) to absolute minima. Flying to low minima is quite a perishable skill, and one that would not necessarily be adequately maintained by the amount of IFR flying GA pilots are likely to conduct. Also, the target audience is generally pilots that fly typical piston-engine GA aircraft.

It is, therefore, proposed that:



- the privileges of a BIR holder are to conduct flights under IFR on single-pilot aeroplanes for which class ratings are held, excluding high-performance aeroplanes or aeroplane variants for which operational suitability data (OSD) has determined that an IR is required;
- BIR privileges shall only be exercised in accordance with point FCL.205.A (privileges for the PPL aeroplanes), after completion of the relevant flying training modules of point FCL.835(c)(2);
- BIR privileges may be exercised at night if the pilot holds a night rating in accordance with point FCL.810 (night rating);
- BIR privileges on multi-engine aeroplanes shall also be valid on single-engine aeroplanes for which the pilot holds a valid single-engine class rating;
- the exercise of BIR privileges shall be subject to the following conditions:
 - the decision height or minimum descent height (DH/MDH) used in aerodrome operating minima shall be at least 200 ft greater than what would otherwise be calculated according to ‘NCO.OP.110 Aerodrome operating minima — aeroplanes and helicopters’ and ‘NCO.OP.111 Aerodrome operating minima — NPA, APV, CAT I operations’; and
 - the visibility used in aerodrome operating minima shall not be less than 1 500 m;
 - the pilot-in-command shall not commence or continue a flight under IFR, unless:
 - at the aerodrome of departure, the visibility is at least 1 500 m and the cloud ceiling of at least 600 ft or the published circling minimum applicable to the aeroplane category, whichever is the greater; and
 - at the aerodrome and at any required alternate aerodrome the available current meteorological information indicates, for the period from 1 hour before until 1 hour after the estimated time of arrival, or from the actual time of departure to 1 hour after the estimated time of arrival, whichever is the shorter period, a visibility of at least 1 500 m and a cloud ceiling of at least 600 ft, or the published circling minimum applicable to the aeroplane category, or the DH/MDH incremented by 200 ft in accordance with the first black bullet point above, whichever is the greater.

2.3.5. Theoretical knowledge (TK)

To ensure a greater level of proportionality than is the case for the current CB-IR theoretical knowledge (TK) requirements, it is proposed that each flying training module be supported by a theoretical examination incorporating the relevant learning objectives, resulting in a total of three focused theoretical examinations. The TK examination shall consist of one examination paper associated to each flying training module.

Learning objectives will not duplicate topics already examined at PPL level, but will focus only on objectives that are appropriate for the safe operation of GA aircraft in IMC or under IFR. The scope and depth of knowledge should be broadly similar to that required for the US Federal Aviation Administration (FAA) IR.

EASA wishes to make the theoretical examination process as straightforward as possible. The questions will have to be taken from the relevant areas of the European Central Question Bank (ECQB), otherwise the BIR would require entirely new questions, something that EASA and the EASA Member States do not have the resources for. It is intended that EASA Member States shall adopt a secure process that would allow the exams to be conducted at training organisations that are equipped with the appropriate technology to meet the ECQB requirements.



2.3.6. Skill test

After the completion of the training, the applicant shall pass a skill test in an aeroplane in accordance with Appendix 7 to Part-FCL. For a multi-engine BIR, the skill test shall be taken in a multi-engine aeroplane. For a single-engine BIR, the skill test shall be taken in a single-engine aeroplane. A multi-engine centreline thrust aeroplane shall be considered to be a single-engine aeroplane for the purposes of this paragraph.

2.3.7. Training organisation

Applicants for the BIR shall have completed the training course at an approved training organisation (ATO).

For the time being, the training scope of a declared training organisation (DTO) will not include the BIR. Please refer to EASA Opinion No 11/2016 'Training outside approved training organisations'¹³, Section 2.3.5., for further information and explanations. As described there, EASA intends to carefully monitor the implementation of Part-DTO in order to evaluate, at a later stage, whether the training scope could be extended to include further ratings.

2.3.8. Validity, revalidation and renewal of the BIR

A BIR shall be valid for 1 year.

EASA considered it to be appropriate for the revalidation to introduce the concept of alternating between a proficiency check and an hour's instruction from an instructor that is qualified to teach for the BIR.

Renewal will always be done via a proficiency check.

2.3.9. Amendments to Regulation (EU) No 1178/2011

2.3.9.1. Cover regulation

New *Article 4c* is inserted regarding 'Transitional measures for the holder of an en route instrument rating (EIR)':

- The holder of an EIR can continue to exercise the privileges of the EIR after the date of entry into force of this Regulation.
- The holder of an EIR that is obtained in accordance with point FCL.825 of Annex I (Part-FCL) prior to the date of application of this Regulation, and who wishes to obtain a BIR, shall complete a training course at an ATO.

2.3.9.2. Annex I (Part-FCL)

In *point FCL.010 'Definitions'*, two new definitions related to the introduction of the BIR are added, namely 'en route IFR flight' and 'limited panel instrument flight'.

In *point FCL.025 'Theoretical knowledge examinations for the issue of licences and ratings'*, paragraph (c) regarding the validity period is amended. The validity period for the EIR is deleted and the validity period for the BIR is added. The validity period for the BIR is for an unlimited period.

In *point FCL.035 'Crediting of flight time and theoretical knowledge'*, paragraph (b) is amended: the reference to the EIR is deleted and a new reference to the BIR is added.

In *point FCL.055 'Language proficiency'*, the reference to the EIR is deleted.

¹³ <https://www.easa.europa.eu/sites/default/files/dfu/Opinion%20No%2011-2016.pdf>

In *point FCL.600 'IR — General'*, the reference to FCL.825 (En route instrument rating (EIR)) is deleted and the new reference to FCL.835 (Basic instrument rating (BIR)) is added).

In *point FCL.740.A 'Revalidation of class and type ratings — aeroplanes'*, the reference to the EIR is deleted and a new reference to the BIR is added. Furthermore, a new paragraph (5)(b) is added stating that the proficiency check for the revalidation of a single-pilot single-engine aeroplane class rating may be combined with the proficiency check for the revalidation of a BIR, in accordance with FCL.835(g)(8).

Point FCL.825 'En route instrument rating (EIR)' is deleted.

New *point FCL.835 'Basic instrument rating (BIR)'* is inserted. This is the main amendment and contains all the requirements regarding the BIR, such as:

- privileges and conditions,
- prerequisites,
- training course,
- theoretical knowledge,
- skill test, and
- validity, revalidation and renewal.

In *point FCL.905.FI 'FI — Privileges and conditions'*, a new reference to the BIR is added.

In *point FCL.940.FI 'FI — Revalidation and renewal'*, a new reference to the BIR is added: if the privileges to instruct for the BIR only are to be revalidated, 5 of these 50 hours shall be flight instruction for a BIR.

In *point FCL.905.TRI 'TRI — Privileges and conditions'*, the reference to the EIR is deleted.

In *point FCL.905.IRI 'IRI — Privileges and conditions'*, the reference to the EIR is deleted and a new reference to the BIR is added.

In *point FCL.905.STI 'STI — Privileges and conditions'*, a new reference to the BIR is added.

In *point FCL.1005.FE 'FE — Privileges and conditions'*, the reference to the EIR is deleted and a new reference to the BIR is added.

In *point FCL.1005.TRE 'TRE — Privileges and conditions'*, the reference to the EIR is deleted.

In *Point FCL.1005.CRE 'CRE — Privileges'*, the reference to the EIR is deleted and a new reference to the BIR is added.

In *point FCL.1005.IRE 'IRE — Privileges'*, the reference to the EIR is deleted and a new reference to the BIR is added.

In *Appendix 1 'Crediting of theoretical knowledge'*, in paragraph 4 'IR', the reference to the EIR is deleted and a new reference to the BIR is added.

In *Appendix 6 'Modular courses for the IR'*, under Chapter Aa. 'IR(A) — Competency-based modular flying training course', two new paragraphs are added regarding the flying training for the BIR.

In *Appendix 7*, the title as well the text in certain paragraphs are amended to include now the BIR too.

In *Appendix 9*, the title is amended to include now as well the BIR.

2.3.9.3. Annex VI (Part-ARA)

In *Appendix 1*, in the template of EASA Form 141, Issue 2, the reference to the EIR is deleted and a new reference to the BIR is added.



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

2.4.1. General

As described in Section 1.1., all interested parties were consulted through NPA 2016-14. During this consultation, 435 comments were received from 59 interested parties, including industry, NAAs and the GA community. With regard to major issues, the outcome of discussions and revisions (following the submission of comments) are described in the following paragraphs.

2.4.2. Comments and conclusions related to the BIR

2.4.2.1. Scope of the BIR

Some commentators would like to see the BIR for other domains (like air traffic management (ATM)) or other categories (helicopters).

EASA would like to highlight that it plans to take a holistic approach to ensure improvements regarding GA IFR flying across the different regulatory domains. However, as explained at the end of Section 2.1 of NPA 2016-14, due to time constraints and the need for prioritisation of actions, the current proposal addresses the aircrew domain only. Further tasks will be planned with regard to the other domains, e.g. ATM.

Regarding the BIR for other categories, EASA would like to state that other categories will have very different types of IFR flying operations. Therefore, adding a BIR for other categories will require further rulemaking expert group meetings and additional formal consultations.

2.4.2.2. Definition of 'en route'

A few commentators were of the opinion that the 'en route' definition, as written in NPA 2016-14, was not clear and suggested rewording it, which resulted in the following new definition:

"'en route IFR flight' means the phase of an IFR flight that commences after the completion of an IFR departure procedure and finishes when commencing an IFR approach procedure.'

2.4.2.3. The EIR is redundant

In NPA 2016-14, EASA raised a question to stakeholders or their feedback on the proposal to delete the EIR in FCL.825, together with its associated AMC and GM and the references to other requirements. EASA received 17 comments on this subject and more or less half of the commentators were in favour, the other half against. Some commentators do not show a preference but highlight the necessity of grandfathering of EIR privileges into a BIR or for a transition measure for the holder of the EIR. Based on the comments received and after consultation with the TF, EASA has decided to delete the EIR. EASA also took into account that the number of EIRs issued after the implementation of Regulation (EU) No 245/2014¹⁴ in March 2014 is very low for various reasons. Existing EIR holders will be allowed to continue to exercise their privileges, and they will receive full credit for Modules 1 and 3 when stepping up to the BIR.

2.4.2.4. Training course at a DTO

Some commentators would like to allow DTOs to conduct BIR training. As stated in Section 2.3.6 above (with reference to the explanation in Opinion No 11/2016), for the time being, the training scope of a DTO will not include the BIR.

¹⁴ Commission Regulation (EU) No 245/2014 of 13 March 2014 amending Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew (OJ L 74, 14.3.2014, p. 33).

2.4.2.5. Language proficiency

The requirement in FCL.055(d) for holders of the IR regarding the demonstration of the ability to use the English language was considered by EASA to be a possible barrier to the update of instrument flying qualifications amongst GA pilots. As a result of this, it is proposed not to amend FCL.055(d) to include the BIR into the language proficiency requirement.

A few commentators have concerns regarding EASA's proposal to exclude pilots who hold a BIR from demonstrating a minimum English language proficiency.

EASA will keep its opinion that a requirement for English language proficiency for the BIR increases the uptake of the BIR amongst pilots for whom English is not their mother tongue for flights conducted solely within an EASA Member State in which the language spoken is acceptable for radio communications.

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

2.5.1. Questionnaire

In order to better understand some of the current barriers for GA pilots to gain IFR flying qualifications, a questionnaire has been addressed to the EASA Member States. The results were presented in NPA 2016-14 in Section 2.3 'Summary of the regulatory impact assessment (RIA)'.

2.5.2. Analysis

According to the results of the questionnaire, the main reasons pilots do not complete IFR flying qualifications are that they are too expensive or too time-consuming to obtain. While there will always be a cost barrier associated with learning to fly under IFR, this emphasises the need to make it as proportionate and flexible as possible.

2.5.3. Policy options

Table 1: Selected policy options

Option	Description
0	'Do nothing': No change to the rules; risks remain as outlined in the issue analysis.
1	'Amend CB-IR': Amend the competency-based instrument rating (CB-IR) to be more proportionate, for example, closer to the requirements for the FAA IR. This would probably not mean significant changes to the flight training requirements; the focus would be on reducing the amount of theoretical knowledge.
2	'Adapt sub-ICAO instrument qualification': Adapt an existing 'sub-ICAO' instrument qualification to the EASA system. Take an existing 'sub-ICAO' instrument flying qualification that is currently or has been issued by another State (for example, the UK IR (Restricted)), and modify it for inclusion in the EASA system.
3	'Introduce a new BIR': Develop a new instrument qualification, i.e. 'basic instrument rating (BIR)', more tailored to the needs of GA pilots and the European flying environment.

	This would involve the creation of a new qualification that is not necessarily compliant with the ICAO hours requirements (less time, for example, than for CB-IR), but still provides for good utility and safety for GA pilots to fly under IFR in Europe. The training would be as modular and competency-based as possible.
4	<p>‘Aeroplane cloud flying rating’: As part of the TF discussions, a fourth supplementary option was considered that would facilitate some of the safety improvement aims in the area of flight in IMC. This would be a more basic qualification to allow cloud penetration, similar to the cloud flying rating for sailplanes.</p> <p>It was decided during the TF discussions that the focus of this NPA should be on encouraging planned IFR flights — so, while it was unanimously agreed that the idea has merit, it was decided to refer the proposal to RMT.0678 ‘Simpler, lighter and better Part-FCL requirements for general aviation’¹⁵ for further consideration.</p> <p>It is, therefore, not included in the options part of the RIA, but is further discussed in Section 2.5. ‘Aeroplane cloud flying rating’.</p>

2.5.4. Safety impact

Option 0 ‘Do nothing’	<p>No impact; safety level is maintained.</p> <p>The amended Aircrew Regulation (amended by Commission Regulation (EU) No 245/2014) already enables more flexible training for the EASA instrument rating via the competency-based route.</p>
Option 1 ‘Amended CB-IR’	<p>Some positive impact on safety.</p> <p>For example, due to more proportionate theoretical knowledge requirements, more GA pilots than before might take up the CB-IR. However, the requirements are more onerous than those of Option 3, so uptake is likely to be low.</p>
Option 2 ‘Sub-ICAO IR’	<p>Some positive impact on safety; however, the outcome may not be optimised for use in all EASA Member States.</p>
Option 3 ‘New BIR’	<p>Some positive impact on safety. By enabling more GA pilots to undertake instrument flight training, they will improve their skills and allow them to plan A-B flights with more confidence of safe completion. This will make them as well less vulnerable to risks associated with flight in poor weather conditions, such as continuous VFR flight into IMC.</p>

¹⁵ <https://www.easa.europa.eu/document-library/terms-of-reference-and-group-compositions/tor-rmt0678>

2.5.5. Social impact

Option 0 'Do nothing'	Status quo maintained. Potential market for GA IFR flying qualifications is not optimised, and compared to the United States, less GA pilots within the EASA Member States would hold instrument qualifications.
Option 1 'Amended CB-IR'	Some positive social impact, similar to that described for Option 3; however, maybe to a lesser extent.
Option 2 'Sub-ICAO IR'	Some positive social impact. However, the outcome would not be optimised across EASA Member States. Lesser positive impact than that of Option 3.
Option 3 'New BIR'	<p>The introduction of more proportionate requirements, like the BIR, will encourage even more GA pilots to gain IFR flying qualifications and will provide for more flexibility for GA flying.</p> <p>GA flying is generally a recreational activity that individuals conduct for enjoyment. Flight clubs and schools are places of social interaction, and flight training is an activity that involves learning new skills and gaining proficiency in a complex activity. It could, therefore, be considered to be of positive social impact. It also encourages travel and the free movement of people.</p>

2.5.6. Economic impact

Option 0 'Do nothing'	Due to the current situation, the relatively low number of GA pilots in Europe that hold a qualification permitting them to fly under IFR will remain unchanged, and there will be no positive economic impact.
Option 1 'Amended CB-IR'	Some positive economic impact, similar to that described for Option 3; however, maybe to a lesser extent.
Option 2 'Sub-ICAO IR'	Some positive economic impact. However, the outcome would not be optimised across the EASA Member States. Lesser positive impact than that of Option 3.
Option 3 'New BIR'	The introduction of more proportionate requirements, like the BIR, will have a positive economic impact. Improved access to GA IFR flying will benefit GA pilots and organisations that are involved in their training, such as flight schools, clubs, and instructors. Organisations that support the maintenance and operation of GA aircraft certified for IFR flight would also benefit, as would organisations that are involved in the manufacture of IFR-certified aircraft and the production of components and equipment for IFR flight.

2.5.7. General aviation and proportionality issues

Option 0 'Do nothing'	Will not bring about the changes requested by the GA Road Map, the Commission and the EASA Member States.
Option 1 'Amended CB-IR'	Will largely bring about the changes requested by the GA Road Map, the Commission and the EASA Member States.
Option 2 'Sub-ICAO IR'	Might achieve some of the stated aims of the GA Road Map; however, the result will not be optimised across the EASA Member States.
Option 3 'New BIR'	Will bring about the changes requested by the GA Road Map, the Commission and the EASA Member States, and as further explained in Section 2.1 of the Explanatory Note.

2.5.8. Impact on 'better regulation' and harmonisation

Option 0 'Do nothing'	Harmonisation is ensured. 'Better regulation' principles are not upheld as the current requirements are considered to be too burdensome for the GA pilot community.
Option 1 'Amended CB-IR'	Does not have an impact on EASA Member States' obligations towards ICAO. CB-IR would remain ICAO-compliant. Also, it does not add to the complexity of Part-FCL.
Option 2 'Sub-ICAO IR'	Harmonisation would not be optimal, because the practical value of this option would vary between the different EASA Member States.
Option 3 'New BIR'	Rating may be obtained without full compliance with the ICAO IR training requirements; however, this simply means the rating could not be used outside Europe. It does not have an impact on EASA Member States' obligations towards ICAO. While rating achieves proportionality for GA, it does introduce more complexity to the flight crew licensing requirements, because it is a new rating in addition to the existing ones in Part-FCL. Some feedback from stakeholders suggests that the level of instrument flying qualifications available is confusing — however, this could be mitigated by careful consideration of the integration of the new BIR into the existing FCL provisions.

2.5.9. Comparison and conclusion

Option 0 will have no impact on safety, but the relatively low number of GA pilots in Europe that hold a qualification permitting them to fly under IFR will remain unchanged.

Options 1 and 2 will have a slightly positive safety, social and economic impact. More proportionate requirements, by amending the existing CB-IR or adapting the existing 'sub-ICAO' instrument



qualifications, will encourage more GA pilots to gain IFR flying qualifications. However, EASA believes that Option 1 may not achieve a proportionality benefit as great as that of Option 3, and Option 2 may suffer from the benefits not being optimised across all EASA Member States.

Option 3 will have the greatest positive safety, economic and social impact. By introducing the BIR, the number of GA pilots that undertake instrument flight training will likely increase the most, therefore all the benefits associated with increasing GA instrument flying in general would be maximised with this Option.

2.6. How we monitor and evaluate the rules

The introduction of the BIR will be monitored and evaluated through the continued exchange of information between EASA and the Member States during EASA Advisory Body meetings as well as its regular standardisation inspections.

It is recommended that the following monitoring indicators be used to review the implementation of the new provisions:

Table: Proposed indicative indicators to monitor the implementation of the rules

<i>Monitoring indicator</i>	<i>Source of data</i>	<i>Indicative frequency</i>
Number of BIR	Standardisation data	Annually
Assessment of the cases where the BIR training was a contributing factor in a safety incident/accident	EASA Safety Review	Annually

Based on the monitoring results, EASA may undertake an evaluation of the impact of the adopted rules. This evaluation shall assess the achieved impact of the changes versus the expected consequences, and shall conclude on the overall relevance, effectiveness and efficiency of the rules.

Cologne, 18 February 2019

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 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

- Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1)
- General Aviation Road Map (<http://easa.europa.eu/easa-and-you/general-aviation>)



4. Appendix

Appendix to Opinion No 01/2019 (A):

CRD to NPA 2016-14 'Easier access for general aviation pilots to instrument flight rules flying'
(RMT.0677)

