



Brussels, **XXX**
[...](2015) **XXX** draft

ANNEX TO EASA OPINION No 03/2015

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

of **XXX**

**amending Commission Regulation (EU) Nos 1178/2011 and 965/2012 as regards
operational approval of Performance-Based Navigation (PBN)**

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amending Commission Regulation (EU) Nos 1178/2011 and 965/2012 as regards operational approval of Performance-Based Navigation (PBN)

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/EC¹, and in particular Articles 7(6) 8(5) thereof,

Whereas:

- (1) Operators and personnel involved in the operation of certain aircraft have to comply with the relevant Essential Requirements set out in Annex IV to Regulation (EC) No 216/2008.
- (2) In accordance with Regulation (EC) No 216/2008 the Commission should adopt the necessary Implementing Rules for establishing the conditions for the safe operation of aircraft.
- (3) The present Regulation amends Commission Regulation (EU) No 1178/2011² to include particular aspects related to Flight Crew Licensing (FCL) concerning pilot training and periodic checking for Performance-Based Navigation (PBN). Existing pilot licences and ratings should remain valid; however, commercial pilots, instrument rated pilots and airline transport pilots, should demonstrate a sufficient level of theoretical knowledge and practical skill for PBN operations at the next periodic proficiency check.
- (4) The present Regulation also amends Commission Regulation (EU) No 1178/2011 to include particular aspects related to FCL concerning the privileges of flight test pilots in order to allow them to operate an aircraft for certain flights without complying with the requirement to hold the respective class or type rating.
- (5) The present Regulation in addition amends Commission Regulation (EU) No 965/2012³ laying down technical requirements and administrative procedures related to air operations to include particular aspects related to PBN, dangerous goods and upper torso restraint systems.

¹ OJ L 79, 13.3.2008, p.1.

² 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 Commission Regulation (EU) No 965/2012 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) In order to ensure a high and uniform level of civil aviation safety in the European Union, implementing measures should reflect the state of the art, including best practices, and scientific and technical progress in the field of air operations.
- (7) The European Aviation Safety Agency prepared draft Implementing Rules and submitted them as an Opinion 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,

HAS ADOPTED THIS REGULATION:

Article 1

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

1. The following Article 4a is inserted:

'Article 4a

Conversion of an Instrument Rating (IR) for pilots, instructors and examiners to PBN

- (1) Pilots exercising the privileges of an IR 2 years after the applicability date of this Regulation shall have satisfied the requirements of paragraph (2) during a skill test for the issue of an IR in accordance with FCL.620 or during a proficiency check for the revalidation or renewal of an IR in accordance with FCL.625, FCL.625.A or FCL.625.H.
- (2) The applicant shall, in addition to the requirements of Appendix 7 or 9 (as appropriate) to Annex I to Commission Regulation (EU) No 1178/2011 of 3 November 2011:
 - (a) provide evidence of either:
 - (i) successful completion of a course of theoretical knowledge in accordance with FCL.615 where that course includes PBN as amended by this Regulation; or
 - (ii) successful completion of a course of theoretical knowledge at an ATO in the subject of Radio Navigation for PBN; or
 - (iii) successful completion of theoretical knowledge training equivalent to (ii) as part of an operator training programme conducted under Subpart FC (ORO.FC) of Annex III to Commission Regulation (EU) No 965/2012 of 5 October 2012; and
 - (b) in addition either:
 - (i) provide evidence of training in RNP APCH operations as part of an integrated or modular course for the ATPL or IR compliant with Annex I to this Regulation; or
 - (ii) provide evidence of training in RNP APCH or RNP AR APCH under national regulations; or
 - (iii) provide evidence of six RNP APCH operations conducted as pilot-in-command prior to the applicability date of this Regulation; or

- (iv) complete training in PBN operations as determined by the examiner, including at least one additional RNP APCH operation.
- (3) Where a competent authority specifically authorises certain examiners to revalidate or renew ratings on a licence in accordance with ARA.FCL.200, the evidence required by paragraph (2) may be provided to the examiner, and the examiner may endorse the licence to indicate compliance with paragraph (2).
- (4) Examiners shall, before testing or checking a pilot who wishes to demonstrate compliance with paragraph (2), have complied with the requirements of paragraph (2) themselves, but not later than the applicability date of this Regulation.
- (5) One year after the applicability date of this Regulation, instructors shall, before giving instruction in a course of training during an integrated or modular course for the ATPL or IR in accordance with Annex I to this Regulation, have complied with the requirements of paragraph (2) themselves.’.

2. Article 10a is amended by adding a new paragraph 5:

‘5. ATOs offering integrated training courses for an ATPL, CPL/IR, MPL or for a modular IR in accordance with Commission Regulation (EU) No 1178/2011 shall ensure that the course includes instructions on PBN as required by the amendments in this Regulation at the latest on the applicability date of this Regulation.’.

3. Annexes I and VII to Commission Regulation (EU) No 1178/2011 are amended in accordance with Annex I to this Regulation.

Article 2

Commission Regulation (EU) No 965/2012 is amended as follows:

- 4. Article 6 paragraph 7 is deleted.
- 5. Annexes I, II, IV, V, VI, VII and VIII to Commission Regulation (EU) No 965/2012 are amended in accordance with Annex II to this Regulation.

Article 3

Entry into force

This Regulation shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 25 August 2016.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels,

*For the Commission
The President*