



# Terms of Reference

for a rulemaking task

## Simpler, lighter and better Part-FCL requirements for general aviation

RMT.0678 — ISSUE 1 — 1.9.2016

<b>Applicability</b>		<b>Process map</b>	
Affected regulations and decisions:	Commission Regulation (EU) No 1178/2011; ED Decision 2012/006/Directorate R; ED Decision 2012/007/Directorate R; ED Decision 2012/016/R	Concept Paper:	No
Affected stakeholders:	Pilots; instructors, examiners, operators; training organisations; competent authorities	Rulemaking group:	No
Driver/origin:	Efficiency/proportionality	RIA type:	Full (possible major changes towards the training principles for non-commercial licences)
Reference:	General Aviation Road Map	Technical consultation during NPA drafting:	Yes
		Publication date of the NPA:	2017/Q1
		Duration of NPA consultation:	2 months
		Review group:	TBD
		Focused consultation:	Yes
		Publication date of the Opinion:	2017/Q3
		Publication date of the Decision:	2018/Q2



## 1. Issue and reasoning for regulatory change

The major goal of the European Aviation Safety Agency's (hereinafter referred as the 'Agency') General Aviation (GA) Road Map<sup>1</sup> is to work towards simpler, lighter and better regulations for general aviation (GA). During its work, the General Aviation Road Map has identified different parts of Regulation (EU) No 1178/2011 (the 'Aircrew Regulation') to cause problems for GA in such way that either the existing rules do not fully meet the needs of the GA domain in a proportionate way or additional rules are missing to cover particular aspects associated mainly to the GA activities.

One of the major issues raised is that Part-FCL offers flexibility for providing training towards commercial licences and instrument ratings (modular and integrated courses, competency-based training concepts) and, at the same time, training requirements for holders of non-commercial licences and associated ratings consist of rather rigid hours-requirements, not being in line with practical needs in all cases. The introduction of competency-based training in Part-FCL Subpart B and C should therefore be envisaged<sup>2</sup>. At the same time, a step-by-step extension of privileges of an LAPL holder, following respective training modules, should be considered.

Small GA training providers running their business with few instructors and examiners might struggle to always be in compliance with FCL.1005 'Limitation of privileges in case of vested interests'. Overlapping remits for instructors and examiners in a competency-based training environment, if so introduced, would intensify this problematic situation. With these issues in mind, FCL.1005 should be revised.

Several other miscellaneous issues were identified by the GA Road Map as well as by a meeting of the LAPL Monitoring Advisory Board in July 2015. Additionally, written requests from competent authorities as well as applications for exemptions in accordance with Article 14 of Regulation (EC) No 216/2008 served as triggers for considering the revision of parts of the regulation. Such issues were related to different class, type and other ratings as well as to language proficiency requirements and the use of FSTDs in training, testing and checking for GA pilots.

For details please refer to the list provided in Chapter 3 of this document.

As all these issues refer to different parts of the regulation and could not be sensibly linked to other rulemaking tasks (RMT), it was decided to list these issues related to aeroplanes, helicopters and airships for starting a separate RMT on these 'other FCL GA issues' while issues related to sailplanes and balloons will be covered by separate RMTs<sup>3</sup>, with which close cooperation is envisaged.

This RMT.0678 'Other FCL GA issues' is part of the Agency's Rulemaking Programme 2016-2020. When drafting this Terms of Reference, it has been decided to change the name into 'Simpler, lighter and better Part-FCL requirements for general aviation' in order to give consideration to the scope of this RMT.

<sup>1</sup> <https://www.easa.europa.eu/easa-and-you/general-aviation/general-aviation-road-map>

<sup>2</sup> The introduction of competency-based training for LAPL and PPL is planned for RMT.0194 'Extension of competency-based training to all licences and ratings and extension of TEM principle to all licences and ratings'.

<sup>3</sup> RMT.0654 'Revision of the balloon licencing requirements'; RMT.0701 'Revision of the sailplane licencing requirements'.



## 2. Objectives

The general objectives of the EU in the field of civil aviation are defined in Article 2 of Regulation (EC) No 216/2008 (hereinafter referred as the 'Basic Regulation'). With regard to the objectives of the GA Road Map to simplify and enhance proportionate rules for the GA, it is sought to adapt or amend the current regulatory framework of Regulation (EU) No 1178/2011 to consider specific GA needs in a better way.

## 3. Activities

This RMT should be carried out as an Agency task, involving both internal expertise and focused consultation of the GA Road Map Project Team, the LAPL Monitoring Advisory Board, the TeB GA and the STeB GA, as appropriate.

With regard to the issues identified by the GA Road Map, particular provisions in the current Aircrew Regulation as well as associated acceptable means of compliance (AMC) and guidance material (GM) should be reviewed and, if necessary, revised respectively. In addition, new rules and/or AMC and GM should be developed in order to address additional needs so far not taken into account by the current legislation.

During the the analysis of the current legislation and the development of this RMT, the following activities will be considered, taking into account inputs from the GA Road Map and the LAPL Monitoring Advisory Board:

- I. **Review of Part-FCL Subpart B (LAPL) in order to consider to introduce a modular LAPL(A) and LAPL(H) (modular privileges for local flights, carriage of passengers and cross-country flights);**
- II. **Revision of different requirements for the LAPL and the PPL**
  - a) Review and possible revision of the theory syllabus for LAPL and PPL (AMC1 FCL.115; FCL.120 / AMC1 FCL.210; FCL.215);
  - b) Review and possible revision (alignment) of revalidation/recency requirements for LAPL and PPL;
  - c) Review and possible revision of FCL.135.A regarding the term 'class and variant';
  - d) Review and possible revision of the provisions on how to 'upgrade' from an LAPL to a PPL in order to ensure that only PPL training elements not contained in the LAPL syllabus will be part of the upgrading training;
  - e) FCL.110.A(c) – revision of the crediting provisions and/or development of associated AMC/GM to provide details on possible creditings;
  - f) Review and possible revision of the provisions on crediting of theoretical knowledge examination in Part-FCL Appendix 1 with regard to LAPL;
  - g) Development of rules to ensure application of operational suitability data (OSD) and mandatory training elements established in accordance with Regulation (EU) No 748/2012 (Part-21) to training towards LAPL;
  - h) Review and possible revision of FCL.135.H. on extending the privileges of a holder of an LAPL(H) to further helicopter types;



- i) Development of rules to allow LAPL holders to obtain privileges for aeroplanes representing the SEP (sea) class;
  - j) Review and possible revision of FCL.105.A (b) for considering previous experience as PIC for LAPL holders seeking for the privileges to carry passengers;
- III. Revision of requirements for class ratings and privileges in order to cover new propulsion concepts;**
- IV. Revision of the provisions for revalidation and renewal of class and type ratings in order to properly address amphibious aircraft;**
- V. Review of the provisions on language proficiency (FCL.055 and associated AMC and GM) for considering relief for GA pilots when flying across Europe;**
- VI. Consideration of development of rules to foresee appropriate effects on licences in case of decrease of medical fitness;**
- VII. Touring Motor Glider (TMG)**
- a) Review and possible revision of the definition of a TMG;
  - b) Development of further crediting provisions for holders of both aeroplane and sailplane licences including TMG privileges;
- VIII. Review and possible revision of the provisions for the aerobatic rating (FCL.800), the towing rating (FCL.805), the night rating (FCL.810) and the mountain rating (FCL.815) in order to have respective privileges endorsed in pilot's logbooks by instructors instead of licence endorsements by the competent authority;**
- IX. Mountain rating**
- a) Review and possible revision of the provisions for the mountain rating (FCL.815) in order to introduce a restricted mountain rating (focused training on particular landing sites followed by the issue of a mountain rating restricted to those sites);
  - b) Evaluation whether the skill test (FCL.815 (c)) could be deleted so that (likewise with the aerobatic rating, the towing rating and the night rating) the completion of the course would entitle a pilot to apply for the mountain rating;
  - c) Development of a mountain rating for helicopter pilots;
  - d) Review and possible revision of the provisions for the mountain rating instructor (Part-FCL Subpart J Section 10);
- X. Review and possible revision of FCL.820 and associated AMC and GM in order to make the flight test rating proportionate to GA needs;**
- XI. Development of a 'light aircraft flight instructor (LAFI) certificate' to ease the access to instructor certificates for providing LAPL training only (to be coordinated with RMT.0596<sup>4</sup>);**
- XII. Review and possible revision of the rules on examiner's vested interests (FCL.1005) with regard to its proportionality for GA, e.g. small private flying clubs;**

<sup>4</sup> RMT.0596 'Review of provisions for examiners and instructors (Subpart J & K of Part-FCL)'.



- XIII. Review of the provisions regarding the use of FSTDs for training, testing and checking including coordination with RMT.0196<sup>5</sup> to ensure a consistent approach;**
- XIV. Any other relevant GA-related issue detected during the work on this RMT including coordination with other RMTs to ensure a consistent approach, as necessary.**

As some of the above-mentioned activities (especially I, V, XI and XIII) are expected to have a major impact on the domain of training towards non-commercial licences, a full regulatory impact assessment (RIA) may be needed for this RMT.

## 4. Deliverables

The planned deliverables of this RMT will be the following:

- An NPA to propose amendments and additions to the Aircrew Regulation in order to address the issues listed in Chapter 3 of this document, as appropriate;
- An Opinion, based on the NPA and the outcome of the consultation period, amending regulation the Aircrew Regulation;
- Decisions containing the associated (new or amended) AMC and GM related to the amendments to the Aircrew Regulation.

## 5. Interface issues

As partially mentioned in Chapter 3 already, the work on this RMT will be subject to cooperation and coordination, as necessary, with the following other RMTs:

- RMT.0194 'Extension of competency-based training to all licences and ratings and extension of TEM principle to all licences and ratings';
- RMT.0188 'Update of EASA FCL implementing rules';
- RMT.0196 'Update of flight simulation training devices requirements';
- RMT.0596 'Review of provisions for examiners and instructors (Subpart J & K of Part-FCL)';
- RMT.0654 'Revision of the balloon licencing requirements';
- RMT.0677 'Easier access of General Aviation (GA) pilots to instrument flight rules (IFR) flying';
- RMT.0701 'Revision of the sailplane licencing requirements';
- Other RMTs, if coordination is identified to be necessary during the work on this RMT.

## 6. Focused consultation

A final draft of the deliverables of this RMT as defined in Chapter 4 should be presented to the following bodies for the purpose of a focused consultation:

- GA Road Map Project Team;
- LAPL Monitoring Advisory Board;
- TeB GA;
- STeB GA.

<sup>5</sup> RMT.0196 'Update of flight simulation training devices requirements'.



## 7. Annex I: Reference documents

### 7.1. 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).

### 7.2. Affected decisions

- 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').
- Decision N° 2012/006/Directorate R of the Executive Director of the Agency of 19<sup>th</sup> 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 19<sup>th</sup> 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').

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

### 7.3. 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).

