



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

ANNEX to EASA Opinion No 11/2016

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

of **XXX**

**amending Commission Regulation (EU) No 1178/2011 as regards training outside
approved training organisations**

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

of XXX

amending Commission Regulation (EU) No 1178/2011 as regards training outside approved training organisations

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 216/2008 ⁽¹⁾ 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 No 1592/2002 and Directive 2004/36/EC, and in particular Article 7 thereof,

Whereas:

- (1) Commission Regulation (EU) No 1178/2011 ⁽²⁾ lays down detailed rules for pilot licensing.
- (2) Annex I (Part-FCL) to that Regulation contains the requirements for obtaining and maintaining pilot licences, ratings and certificates. Annex VI (Part-ARA) contains the requirements for competent authorities as regards certification and oversight of approved training organisations delivering training towards Part-FCL licences, ratings and certificates. Finally, Annex VII (Part-ORA) contains the requirements to be met by approved training organisations.
- (3) According to the provisions of Part-ORA, approved training organisations need to establish and maintain a management system including compliance monitoring and a safety management system. The overall organisation, its processes, procedures and activities need to be reflected in detailed documentation (manuals).
- (4) Following the entry into force of Part-ORA, its requirements have been identified to provide a proportionate legal framework for certifying large organisations delivering training for commercial licences while, at the same time, being too burdensome and not proportionate for small training organisations run by private individuals and delivering training for non-commercial licences only. Disproportionate requirements for leisure pilots and related training activities can be expected to result in a drawback for the general aviation domain in Europe.
- (5) One of the objectives of the European Aviation Safety Agency's General Aviation Road Map ⁽³⁾, therefore, is to develop a simpler system for providing training towards non-commercial licences outside approved training organisations.
- (6) As a consequence, this Regulation establishes a new Annex VIII (Part-DTO) to Commission Regulation (EU) No 1178/2011, introducing the concept of 'declared

⁽¹⁾ OJ L 79, 19.03.2008, 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⁾ <http://www.easa.europa.eu/easa-and-you/general-aviation>

training organisation' (DTO). This new type of training organisation does not require prior approval, and its scope will be limited to providing training towards non-commercial licences and specific ratings and certificates.

- (7) In return for the limited training scope, declared training organisations will benefit from reduced oversight, compared to the requirements on the oversight of approved training organisations, to be conducted by the competent authority. For this reason, this Regulation proposes amendments also to Part-ARA; in particular, amendments to existing paragraphs as well as the addition of a new subpart on declared training organisations.
- (8) In numerous cases, the existing references in Part-FCL to approved training organisations had to be adapted to also refer to declared training organisations. Part-FCL is amended by this Regulation accordingly.
- (9) Article 10a of Commission Regulation (EU) No 1178/2011 is amended in order to ensure a smooth transition for training organisations for non-commercial licences from the approved training organisation to the declared training organisation framework.
- (10) The European Aviation Safety Agency prepared draft implementing rules and submitted them with Opinion No 11/2016 to the European Commission in accordance with Article 19(1) of Regulation (EC) No 216/2008.
- (11) 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. Article 10a is amended as follows:

'Article 10a

Pilot training organisations

1. Pilot training organisations shall comply with the technical requirements and administrative procedures laid down in Annexes VI and VII, and shall be certified.

1a. Notwithstanding paragraph 1, pilot training organisations providing training limited to light aircraft pilot licences (LAPL), private pilot licences (PPL), sailplane pilot licences (SPL) and balloon pilot licences (BPL), as well as for the associated ratings, certificates and privileges, may, as an alternative, declare compliance with the technical requirements and administrative procedures laid down in Annexes VI and VIII.

2. Pilot training organisations holding JAR-compliant certificates issued or recognised by a Member State before the applicability date of this Regulation shall be deemed to hold a certificate issued in accordance with this Regulation.

In such case, the privileges of these organisations shall be limited to the privileges included in the approval issued by the Member State.

Without prejudice to Article 2, pilot training organisations shall adapt their management system, training programmes, procedures and manuals to be compliant with Annex VII by 8 April 2014 at the latest.

3. JAR-compliant training organisations shall be allowed to provide training for a Part-FCL private pilot licence (PPL), for the associated ratings included in the registration and for a light aircraft pilot licence (LAPL) until 8 April 2018 without having to comply with the provisions of Annex VI, VII and VIII, provided that they were registered before 8 April 2015.

These organisations shall comply with Annex VI as well as with Annex VII or VIII by 8 April 2018 at the latest.

3a. Approved training organisations wishing to continue their training activities, or part thereof, in accordance with Annex VIII shall surrender in whole or in parts, as applicable, the approval certificate to the competent authority and shall comply with all the requirements of Annex VIII, except the submission of a training programme and, if required by the provisions of Annex VIII, the initial approval of a training programme may be substituted by a reference to the training manuals used by the approved training organisation so far.

4. Member States shall replace the certificates referred to in the first subparagraph of paragraph 2 with certificates complying with the format laid down in Annex VI by 8 April 2017 at the latest.

2. Annexes I, VI and VII to Commission Regulation (EU) No 1178/2011 are amended in accordance with the Annex to this Regulation.
3. A new Annex VIII to Regulation (EU) No 1178/2011, whose text is laid down in the Annex to this Regulation, is established.

Article 2

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

It shall apply from 8 April 2017.

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

Done at Brussels,

For the Commission
The President
[...]