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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, ...

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Draft

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

of [...]

amending Commission Regulation (EU) No 1178/2011 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

(Text with EEA relevance)

Draft

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

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amending Commission Regulation (EU) No 1178/2011 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 COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, in particular Article 80(2) thereof,

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 (hereafter referred to as the 'Basic Regulation'), and in particular Article 7(6), 8(5) and 10(5) thereof,

Whereas:

- (1) Commission Regulation (EU) No 1178/2011² lays down detailed rules for certain pilots' licences, the conversion of national licences and certificates, as well as the conditions for the acceptance of licences from third countries. In addition, Regulation (EU) No 1178/2011 includes provisions on the certification of approved training organisations and of operators of flight simulation training devices used for pilot training, testing and checking.
- (2) With the replacement of Regulation (EC) No 1592/2002 by Regulation (EC) No 216/2008, Article 5 dealing with airworthiness was extended to include the elements of operational suitability evaluation into the implementing rules for type certification.
- (3) The European Aviation Safety Agency (hereafter referred to as the 'Agency') has found it necessary to propose amendments to Regulation (EC) No 1702/2003 in order to allow the Agency to approve operational suitability data as part of the type certification process.
- (4) The operational suitability data will include mandatory training elements for type rating training of flight crew which shall be the basis for developing type training courses.
- (5) The requirements related to the establishment of flight crew type rating training courses refer to the operational suitability data, but a general provision needs to be added for the case the operational suitability data is not available and at the same time the necessary transition measures need to be added.

¹ OJ L 79, 19.03.2008, p.1.

² Commission Regulation (EU) 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).

- (6) The measures provided for in this Regulation are based on the Opinion issued by the Agency³ in accordance with Articles 17(2)(b) and 19(1) of Regulation (EC) No 216/2008.
- (7) The measures provided for in this Regulation are in accordance with the Opinion⁴ of the European Aviation Safety Agency Committee established by Article 65(3) of Regulation (EC) No 216/2008.
- (8) Commission Regulation (EU) No 1178/2011 should therefore be amended accordingly.

HAS ADOPTED THIS REGULATION:

Article 1

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

1. A new Article 9bis is added as follows:

Article 9bis

Type rating training and operational suitability data

1. When in the Annexes reference is made to the operational suitability data established in accordance with Part-21, in the case such data is not available for the relevant type, the applicant may comply with the provisions of the Annexes only.
 2. Type rating training courses approved before the approval of the minimum syllabus of pilot type rating training in the operational suitability data for the relevant type in accordance with Part-21 shall include the mandatory training elements within four years after entry into force of this Regulation or within two years after the operational suitability data was approved, whichever is the latest.
2. The Annex VII to Commission Regulation (EU) 1178/2011 is amended as set out in the Annex to this Regulation.

Article 2

Entry into force

1. This Regulation shall enter into force the 20th day following 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, XXXX.

For the Commission

[...]

The President

³ (07/2011).

⁴ (To be issued).

ANNEX

Annex VII (Part-ORA) to Regulation (EU) 1178/2011 is amended as follows:

1. In point ORA.GEN.160, point (b) is replaced by the following:
'(b) Without prejudice to paragraph (a), the organisation shall report to the competent authority and to the organisation responsible for the design of the aircraft any incident, malfunction, technical defect, exceeding of technical limitations, occurrence that would highlight inaccurate, incomplete or ambiguous information contained in the mandatory part of the operational suitability data established in accordance with Part-21 or other irregular circumstance that has or may have endangered the safe operation of the aircraft and that has not resulted in an accident or serious incident.'
2. In point ORA.ATO.145, point (a) is replaced by the following:
'(a) The ATO shall ensure that the students meet all the pre-requisites for training established in Part-Medical, Part-FCL, and, if applicable, as defined in the mandatory part of the operational suitability data established in accordance with Part-21.'
3. In point ORA.FSTD.210(a), point (2) is replaced by the following:
'(2) the aircraft validation data defined by the mandatory part of the operational suitability data established in accordance with Part-21, if applicable; and'