



**COMMENT RESPONSE DOCUMENT (CRD)  
TO NOTICE OF PROPOSED AMENDMENT (NPA) 2008-17B**

**for an Agency Opinion on a Commission Regulation establishing the Implementing  
Rules for the licensing of pilots**

**and**

**a draft Decision of the Executive Director of the European Aviation Safety Agency on  
Acceptable Means of Compliance and Guidance Material on the licensing of pilots**

*“Implementing Rules for Pilot Licensing”*

**c. Replies to comments**

**c.1 - General comments and Subpart A**

**(General Comments)**

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comment	10	comment by: <i>Swiss FOCA, Flight Operations, Head Standardisation and Enforcement</i>
	Whole document very bulky. References to ICAO Annex I missing.	
response	<i>Noted</i>	
	The scope of the matters to be regulated by Part-FCL makes it necessary to have a very extensive document.	
	References to ICAO Annex 1 are made in the text whenever necessary.	
comment	35	comment by: <i>British Gliding Association</i>
	<b>The comments in this response to NPA17b represent the formal response of the UK British Gliding Association</b>	
response	<i>Noted</i>	
	The Agency acknowledges the information provided.	
comment	39	comment by: <i>Padraic O'REILLY</i>
	I think this is a perfect opportunity to place gyroplanes within FCL Europe-wide, with Both LPL, PPL CPL and instructor privileges.	
response	<i>Not accepted</i>	
	Gyroplanes are included in Annex II to the Basic Regulation, and are excluded from the scope of Community competence.	
	Therefore, they cannot be included in the provisions of Part-FCL.	
comment	41	comment by: <i>Kurt Scerri</i>
	Dear Sir/Madam, With reference to the EASA-FCL proposals I would like to make the following suggestion. I would suggest for the agency to issue strict guidance with regards to Licence Formats issued by the EASE member States. Although JAA does have some guidelines these however are not always followed correctly which results in many various different sizes/material types of pilot's licences. I would suggest for EASA to issue very strict licence formats. A good decision would be to print these licences in plastic type cards (Credit Card size) with a picture incorporated in the same licence. It would be very useful to use Chip Technology/Biometric data in these licences and maybe they should be printed in a centralized office of EASA then distributed to the Area Offices (current National JAA members Civil aviation Authorities). Today's JAA paper type Pilot's licences are very prone to be copied. In today's world full of terror threats this may be considered as a security loophole.	

	<p>I hope I have contributed in anyway to the new EASA-FCL rules. Sincerely, Kurt Scerri Malta</p>	
response	<p><i>Noted</i></p> <p>A proposal on the licence format was presented in NPA 2008-22, since it will be included in Part-AR.</p> <p>This issue will be discussed during the review of comments on NPA 2008-22.</p>	
comment	<p>72</p>	<p>comment by: <i>Hans AKERSTEDT</i></p>
	<p>With a document this size, containing regulations for all types of licenses, it is very difficult to find all relevant parts for one specific aircraft category, in my case balloons and airships</p>	
response	<p><i>Noted</i></p> <p>The scope of Part-FCL makes it necessary to include requirements on different licences, which may create some difficulty in the beginning for stakeholders to identify the requirements applicable to them.</p> <p>In order to help stakeholders to easily identify which parts of the proposed regulation will apply to them, the Agency is working on the creation of an e-tool and also considers the publication of handbooks.</p>	
comment	<p>94</p>	<p>comment by: <i>Markus Landgraf</i></p>
	<p>I have a comment on what I could not find in the document. In my understanding the regulations for recognition of US licenses is unchanged from the JAR. I believe that a clear, simple transition path from FAA to EASA licenses will cause many European pilots who own a FAA license to switch to EASA. In particular it would be good if a pilot being citizen of one member state would be allowed to operate an aircraft registered with another member state.</p>	
response	<p><i>Noted</i></p> <p>The Basic Regulation establishes two possible ways to accept a licence issued by a third country: through a bilateral agreement celebrated between the Community and that third country and, in the case of aircraft registered in a third country flown by an operator established or residing in the Community, though unilateral acceptance based on related implementing rules. A proposal for those rules was included in NPA 2008-17, in Annex III to the Licensing regulation.</p> <p>In relation to the second part of your comments, the Basic Regulation establishes the automatic recognition of certificates between the Member States. A pilot with a licence issued by one of the Member States will be able to fly aircraft registered in the other Member States without the need for any further administrative requirements.</p>	
comment	<p>105</p>	<p>comment by: <i>Marcus Aulfinger</i></p>

Für Type Ratings auf einmotorigen Hubschraubern würde ich aus meiner Erfahrung heraus die praktische Ausbildungszeit ab einer bestimmten Gesamtflugerfahrung reduzieren. Da erfahrene Piloten maximal 2 h Notverfahren brauchen, um ein neues Muster zu beherrschen, wird im Großteil der Fälle in der Praxis ein Überführungsflug mit 2-3 h genutzt, um einen Teil der Zeit abzudecken und trotzdem nur die notwendige Zeit mit Notverfahren verbracht. Insofern bin ich der Meinung, dass es keine Reduzierung der Sicherheit bedeuten würde, wenn die praktische Ausbildung für Type Ratings auf einmotorigen Hubschraubern für Piloten mit mehr als 500 h Gesamtflugerfahrung auf 3 h reduziert werden würde.

response *Noted*

The hours included in the Agency's proposal are coming from JAR-FCL 2, and the Agency does not intend to change them at this point.

Please see also replies to dedicated comments in Subpart H.

comment 106

comment by: *Marcus Auffinger*

NfL II-30/07 regelt das Sicherheitstraining für das Muster Robinson R 22 und R 44. In Anlehnung an die amerikanische Regelung in SFAR 73 wurden hier 'besondere Maßnahmen zur Abwehr von Gefahren für den Luftverkehr' getroffen. Aus meiner Sicht sind diese Maßnahmen inhaltlich korrekt, aber überflüssig, wenn innerhalb einer gewissen Zeit nach der Ausbildung auf dem Muster R 22 ein Type Rating auf R 44 gemacht wird oder anders herum. Ich erlebe häufig in der Praxis, dass eine Ausbildung auf R 22 abgeschlossen wird und dann 2 Wochen später exakt dasselbe Sicherheitstraining mit denselben Test wiederholt werden muß für den Robinson R 44. Es ist nicht einzusehen, warum diese zusätzlichen 5 h Flugtraining pro Muster nur für diese beiden Muster gelten und warum keine Anrechnung erfolgt. Die genannten Probleme wie 'Low G', Mast Bumping' und 'Low RPM' betreffen alle leichten Hubschrauber mit Zweiblattrotoren. Aufgrund des fehlenden Governors ist ein Zweiblattrotor z.B., eine Bell 47 aus meiner Sicht sogar anfälliger für Low RPM als ein R 44. In Vorgriff auf eine Regelung dieses Sachverhaltes in einem untergeordneten Regelwerk schlage ich vor, dass das Sicherheitstraining und die zusätzlichen 5 Flugstunden angerechnet werden und nicht noch einmal wiederholt werden müssen, wenn die Prüfung für das andere Type Rating nicht mehr als 6 Monate zurück liegt.

Ausserdem schlage ich vor, die Regelungen des NfL II-30/07 auf die Muster Bell 47, Hiller UH-12, Bell 206/206L auszuweiten.

response *Noted*

The hours included in the Agency's proposal are coming from JAR-FCL 2, and the Agency does not intend to change them at this point.

Please see also replies to dedicated comments in Subpart H.

comment 138

comment by: *Michael P. Ladstaetter*

why are you not copying a proven and functioning system like the FAA system instead of trying to reinvent aviation over and over again ? BR Michael P. Ladstaetter

response *Noted*

Europe has for a long time been in the process of developing its own system for aviation regulation, which is considered one of the best in the world.

When developing this NPA, the Agency primarily followed the philosophy, system and requirements of JAR-FCL, and not the FARs.

The Agency is nevertheless engaged in cooperation with the FAA to ensure, as much as possible, a harmonisation of the technical aspects of the European and US legislation.

comment 139 comment by: Michael P. Ladstaetter

why are you not copying a proven and functioning system like the FAA system instead of trying to reinvent aviation over and over again ? BR Michael P. Ladstaetter

response *Noted*

Please see reply to comment 138 above.

comment 224 comment by: CAA - The Netherlands

### **Apendit III - Cross-reference list**

#### **A) JAR-FCL 1&2 # EASA Part-FCL**

- JAR-FCL 1.015 There is no Annex III at this cross-reference list available.
- JAR-FCL 1.020 Cover Regulations: What is the content of it?
- JAR-FCL .... What is the content of the Authority Requirements? (AR)
- Appendix 4 to JAR-FCL 2.125, about the night qualification for PPL(H): why not described for PPL(A) (see JAR-FCL 1.165(b))?
- JAR-FCL 1.215 - 1.221 Why diverted from EASA Part FCL into the Agency Procedures, instead of into the Authority Requirements?
- JAR-FCL 1.320 Minimum age for FI(A) forgotten to place into EASA reference, or intentional?
- IEM JAR-FCL 1.025 is missing in the cross-reference list.
- AMC FCL 1.055 Meaning of the abbreviation "MS"?
- AMC FCL 1.215 Meaning of the abbreviation "RM"?
- AMC JAR-FCL 1.520 & 1.525 the EASA reference to guidance material tot appendix 5: appendix of which article?

#### **B) EASA Part-FCL # JAR-FCL 1&2**

- Subpart B: section 2, article FCL.135.BA/H is missing in this list.
- Subpart B: section 4, article FCL.205.As and 210.As: they are not mentioned in the list under section 4 but in section 5.

Also following sections are not correctly numbered in de reference list.

- Subpart D: Why is the balloon pilot license not added to this part with the requirements for commercial air transport? In the Netherlands most balloon flights are commercial flights and the number of passengers can be high per balloon, so rather commercial. In the Netherlands the balloon operator needs therefore a commercial permit.

response *Partially accepted*

A) JAR-FCL 1&2 # EASA Part-FCL

- The Reference is to Annex III to the licensing cover Regulation, on the acceptance of third country licences. Please refer to page 159 of NPA 2008-17b.
- Implementing rules are Commission Regulations. They are usually composed of the so-called cover regulation and Annexes to that cover Regulation, containing the technical requirements for implementation. In the EASA system, these Annexes are usually called Parts (e.g. Part-21 is an Annex to Regulation 1702/2003).  
The cover regulation is usually short (3-4 pages) and it includes:
  - considering clauses ("whereas"), explaining the principles and considerations that lead the legislator when adopting the Regulation;
  - a description of the objective and scope of the regulation;
  - definitions that are used throughout the Regulation and its Annexes;
  - the establishment of the applicability of its annex(es);
  - grandfathering and transition measures.
- Part-AR (Authority Requirements) will contain requirements for competent authorities. The Agency proposals for this Part related to flight crew licensing can be found in NPA 2008-22.
- The requirements for the night qualification for aeroplanes were not included in an Appendix. They were included in JAR-FCL 1.125(c). This reference will be added to the final reference tables.
- Because the different type ratings, as well as additional requirements for the pilot's type rating training will be defined by the Agency in the Operational Suitability Certificate for the specific type.
- The requirement for all instructors to be at least 18 years of age is now included in FCL.915(a). It was a mistake not to include the reference. It will be included in the final reference tables.
- The content of IEM FCL 1.025 was deleted in Amendment 4 to JAR-FCL 1 (in 10.09.2005). Therefore, it was not included in the reference tables.
- 'MS' stands for 'Management Systems'. This was the initial title of the Part containing requirements for organisations. It has been renamed in the meantime to Part Organisation Requirements (Part-OR). The Agency proposals for this Part related to flight crew licensing can be found in NPA 2008-22. The references will be corrected in the final reference tables.
- 'RM' stands for 'Rulemaking'.
- Appendix 5 to Part FCL. This and other instances where it has been detected that the mention that these Appendices are to Part-FCL will be corrected in the final reference tables.

B) EASA Part-FCL # JAR-FCL 1&2

- It was a mistake not to mention FCL.135.BA/H. It will be corrected in the final cross-reference tables.
- This was also a mistake. It will be corrected in the final reference tables.

Subpart D

As was already mentioned in the Explanatory Note, in the case of balloon pilots the Agency decided, based on the input received from the experts in the FCL.001 group, not to have a specific commercial licence. Therefore, in the case of balloons there is only one licence, the Balloon pilot licence, which privileges can be extended to commercial operations after some requirements are complied with. Please see also replies to comments on Subpart C.

comment

253

comment by: CAA Belgium

Basic remarks on the proposal:

1. **A European regulation in this field should be fully consistent with ICAO Annex 1**, which is the legal basis for the international civil aviation on this planet. A too big difference between EASA-FCL and Annex 1 could seriously compromise the basics of the Chicago Convention and its primary goal: a better safety of international civil aviation through harmonization of the minimum requirements in the Member States. As the European Member States were important founding fathers of the Convention they should not be the first to jeopardize the Organisation.

This becomes even more important as several States and Organizations around the world are using the EASA regulations as their national or regional licensing framework.

Furthermore, as a great number of European licence holders is working outside Europe (Africa, Middle East, Asia) it is in our and their interest that their licence remains compliant with ICAO Annex 1.

2. The aim of the regulation should be to establish an equilibrium between promoting the aviation business and activity on one hand and an acceptable level of safety on the other. It seems that this proposal does not reach this equilibrium as the business aspect has become a lot more important as the safety aspect.

Proposal: to delete as much as possible what is not in accordance with ICAO Annex 1.

3. A skill test form for IRI and CRI should be proposed.

4. Taking into account the number of comments and the large amount of references in the text, we wonder if a second NPA round is not indicated.

response

*Noted*

1 and 2.

This issue will be discussed for each of the paragraphs where a difference with ICAO Annex 1 is established. Even though it is recognised the compliance with ICAO is an important objective, this needs to be considered for each case in particular.

3. This issue is to be considered in the revision of comments to appendix 12.

4. This is not in accordance with the EASA Rulemaking procedure. However, the CRD will be published on the Agency's website for a period of 2 months, and stakeholders may react to it. Those reactions will be taken into account by the Agency when developing the final deliverables.

comment	<p>277 <span style="float: right;">comment by: <i>Belgian Air Component</i></span></p> <ol style="list-style-type: none"> <li>1. The Belgian Air Component is making every effort to provide military pilots with training that is compatible with JAR-FCL. As an example, the theoretic education has been modified to fully comply with the learning objectives of the JAR ATPL Theory. However, due to operational and practical constraints, it is not possible to follow every JAR-FCL requirement to the letter. Nevertheless, military pilots are using the same airspace, some of the aircraft and mainly the same ATC procedures as their civil colleagues.</li> <li>2. JAR-FCL Paragraphs 1.020 and 2.020 allowed national authorities to assess the credits to be given to military aircrew towards the issue of civil licenses and qualifications. Over the years, this principle of 'credit for military service' has been relied upon to aid career management, facilitate outplacement and recognize the professional efforts of military aircrew.</li> <li>3. Belgian Air Staff is aware that the text of the former JAR-FCL 1.020 and 2.020 "Credit for Military Service" will be included in the Licensing Cover Regulation. Since it is unclear if this Cover Regulation will also be proposed for comment prior publication, we emphasize herewith the importance of this paragraph for our management and our aircrew.</li> </ol>
response	<p><i>Noted</i></p> <p>The text that EASA will propose follows the provisions of JAR-FCL 1.020 and 2.020 very closely.</p> <p>This text will be included in the CRD, and you can react on it during the 2 months that the CRD will be open for reactions from stakeholders.</p>
comment	<p>357 <span style="float: right;">comment by: <i>Michal Orlita</i></span></p> <p>the idea of adding two more level 's below PPL(A) is simple wrong. Basic LPL will attract attention of only few any new pilot sand dare to say there will be no UL/TMG pilot wishing to upgrade his/her licence to fly C 152 and be limited to 50 km without a chance to land for a coffee at nerby airfield. LPL(A) makes a bit more sense, but crediting of existing experience will be a significant factor. The current world of ultralights/microlights pilots must not be overlooked - it must be integrated while keeping certain level offreedom for those who do not wish to fly in controlled airspace or busy aerodromes.</p>
response	<p><i>Noted</i></p> <p>This issue is to be revised with the detailed comments on the Basic LPL.</p> <p>However, it has to be noted that ultralights/microlights are included in Annex II to the Basic Regulation and are therefore excluded from the scope of Community legislation.</p>
comment	<p>361 <span style="float: right;">comment by: <i>Ulrich Mildenerger</i></span></p> <p>Dear Madams and Sirs,  please think that this world is for all people, for everyone and for every single human. Pilots included!  If the trend with more and more bureaucratically barriers will proceed, then pilots (sports) will be spread in two groups: the one with self-response will finish with this great sport (so the commercial aviation wont get enough young</p>



	<p>talents) and the other ones without any self-response will fly simply without any papers!          Turn back! Forget all bureaucratic barriers! Let the pilots and their instructors get their own decisions. Patronize all pilots to be self-responsible.          This responsible character of any single pilot in our sport is the essence, the nucleus of aviation itself!          Kindly regards          Uli Mildemberger</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your opinion.</p>

comment	<p>371 <span style="float: right;">comment by: <i>Lufthansa German Airlines</i></span></p> <p><u>Appendices to Part-FCL</u></p> <p>The requirements in Appendices 1 to 12 in the NPA are forming part of the implementing rules. This is in contradiction to the current status in Section 1 to JAR-FCL which is not a binding law under EU legislation by itself. By changing this status there will be "no flexibility to adapt training courses and skill tests to the individual cases of technological advancements or evolution in international best practice in the field of pilot training" as quoted from the Explanatory Note.</p> <p><u>Proposal:</u> Transfer the requirements of Appendices 1 to 12 into AMC and GM to part-FCL</p>
response	<p><i>Noted</i></p> <p>After careful consideration of the comments received on the Appendices, as well as feedback received from stakeholders, the Agency has decided to leave the majority of the Appendices content in the rule, and only pass certain elements to AMC, after an individual analysis, based on concrete comments. The Agency has explained this decision in more detail in the explanatory note of the CRD.          Please see also the related comments to each Appendix.</p>

comment	<p>441 <span style="float: right;">comment by: <i>Head of training and security of FFVV</i></span></p> <p>The french federation of gliding (FFVV) would like to introduce, as for power plane licences, a "basic sailplane licence", which corresponds to the current french glider pilot licence.</p> <p>The proposed LPL (S) includes the cross country gliding authorization, which involves fairly long training courses (at the moment in France, the cross country gliding authorization includes more hours of instruction than foreseen in the LPL(S)).</p> <p>The large majority of glider pilots (80% in France) only glide "locally" i.e. within 30 kilometers of their home airfield.</p> <p>The "basic licence" would allow the pilot to fly within this 30 kilometers radius. Thus the training course would be shorter and compatible with the 2 to 4 week long courses organized during the summer for young glider pilots.</p>
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So, if the pilot holding this "basic licence" wishes to glide cross country, he will require an extra formal training in order to obtain the LPL(S).

response *Noted*

The requirements included in the Agency's proposal for the LPL(S) were carefully assessed by the experts in the drafting groups as being at the adequate level to ensure safety.

At this point, the Agency cannot accept your proposal to include a lower level licence, with lower requirements.

comment 489

comment by: *Peter Montag*

Der Umfang des gesamten Werkes von derzeit ca. 650 Seiten (inkl. AMC und GM) ist unzumutbar groß. Zu groß, um von denjenigen, für die diese Regeln gelten sollen, tatsächlich gelesen und verstanden werden zu können. Damit wird der eigentliche Sinn von Regeln ins Gegenteil verkehrt. Außer den Erstellern dieses Regelwerkes, die sich nur aufgrund ihrer beruflichen Aufgabe jahrelang damit auseinandersetzen können, und sehr wenigen engagierten Idealisten, wird sich in der Praxis niemand die Zeit nehmen (können), soviel Menge verarbeiten zu können!

Diese gewaltige Fülle, insbesondere der AMC und des GM, führt nicht dazu, dass die Regeln besser verstanden werden, sondern im Gegenteil dazu, dass durch die sehr vielen, nahezu identischen Beschreibungen für die einzelnen Lizenzen und Berechtigungen, nur Verwechslungen auftreten werden. Statt für jede einzelne Lizenz/Berechtigung immer wieder nahezu gleiche Beschreibungen vollständig aufzulisten, wäre eine Gliederung in - für alle - gleiche Basiselemente sowie dann zusätzlich die Nennung der jeweilig unterschiedlichen Elemente sinnvoller.

Es wird hierbei völlig außer Acht gelassen, dass die physikalischen Prinzipien bei allen Luftfahrzeugen gleich sind. Beispiele:

- Sowohl die grundlegende Aerodynamik als auch die grundlegende Flugmechanik bei Flächenflugzeugen ist bei einem Segelflugzeug nicht anders als bei einem A380. Aufgrund der physikalisch unsinnigerweise bis heute aufrecht erhaltenen strikten Trennung bei den theoretischen Ausbildungsinhalten von z.B. Segelflugpiloten und ATPL-Piloten wird gerne von vielen Motorflugzeugpiloten verkannt, dass selbst ein Verkehrsflugzeug vom Typ A380 sehr wohl für eine koordinierte, sauber geflogene Kurve einen gewissen Seitenruderausschlag benötigt. Ein reiner Querruderausschlag reicht dafür nicht! Allerdings erledigen die Flight Control Computer eines Verkehrsflugzeugs - von den Ingenieuren entsprechend programmiert - diese Arbeit ohne Zutun und (meistens auch) ohne Wissen des Piloten, sprich, eine reine Querruderbetätigung des Piloten am Steuerhorn bewirkt durch den Flight Control Computer sehr wohl auch einen Seitenruderausschlag.

- Die theoretischen Grundlagen in den meisten Bereichen (Luftrecht, Navigation, Meteorologie, Technik, etc.) sind gleich.

- Viele praktische Übungsabschnitte bei allen 3-Achs-gesteuerten Flächenflugzeugen, sowohl bei Segelflugzeugen wie auch bei Motorflugzeugen, sind gleich. Bitte beachten: Das Thema der Übungsabschnitte ist gleich; das betriebliche Verhalten der unterschiedlichen Luftfahrzeuge unterscheidet sich

dabei natürlich (sonst bräuchte es ja keine unterschiedlichen Lizenzen!).

Bei entsprechender Zusammenlegung von gleichen Basisinhalten, insbesondere bei den Lehrplänen, könnte vermutlich über die Hälfte der gesamten Seiten eingespart werden. Damit könnte dann auch wieder eine Übersichtlichkeit erreicht werden, die dazu führt, dass der Inhalt überhaupt von den Betroffenen verstanden werden kann!

Es ist eine völlige Fehleinschätzung, wenn die Ersteller dieses Werkes glauben, dass dadurch, dass sie für jede der verschiedenen Lizenzen und Berechtigungen völlig 'eigenständige' Abschnitte und entsprechende AMC und GM herausgeben, die Übersichtlichkeit und das Verstehen gefördert wird. Die Ersteller verkennen die Realität, dass sich solche Mammutwerke (hier insbesondere die AMC und GM) in der fliegerischen Praxis kaum ein Fluglehrer, geschweige denn ein Flugschüler oder Lizenzinhaber, auch nur im Entferntesten anschauen wird. Nur wenige - idealistische - Interessenten können sich so viel durchlesen UND verstehen. Die meisten, auch sehr engagierten Fluglehrer, haben dafür keine reale Zeit und auch nicht die Auffassungsgabe für solchen Bürokratismus. Die wenigen, die es doch tun, werden durch die Vielzahl der Ähnlichkeiten, aber im Detail dann doch Unterschiede, nur verwirrt.

Es gilt bei der FCL auch die alte Lebensweisheit:  
**Weniger ist manchmal mehr!**

Ich schlage deshalb vor, dass die Ersteller dieses Regelwerkes einmalig eine Summe von 50.000 € zusätzlich zu ihren normalen Gehalt erhalten und im Gegenzug für jedes Wort in dem dann verabschiedeten Regelwerk 1 € wieder abgeben müssen.

Dies würde zu einem übersichtlichen Regelwerk führen!

response *Noted*

The Agency acknowledges your opinion.

comment 545

comment by: *Norwegian Air Sports Federation*

The following comments are all limited to and related to the proposed amendments regarding the implementation of an Aerobatic Rating. The Norwegian CAA implemented in 1994 requirements for aerobatic training and formal endorsement by an approved training organisation for all pilots performing aerobatic manoeuvres. Further, the aerobatic training could only be given by certified aerobatic instructors within an approved training organisation. The existing Norwegian regulations are much in line with the proposed amendments, but with some important differences. Valuable experience has been gained through the years, which should be shared and taken into consideration.

response *Noted*

Thank you for your feedback.

Please see replies to dedicated comments to Subpart I.

comment 579

comment by: *trevor sexton*

	<p>No where in these documents does it mention. Flying Annex 2 aircraft or microlights.</p> <p>Annex 2 aircraft come in a wide variety of types. Older types, permit aircraft and microlights.</p> <p>My concern is that the NAAs vary so much on what they say and define by annex 2 that EASA should issue a definition.</p> <p>For instants Microlights come under annex 2. Some NAA,s allow hours on microlights count towards the Hours required for your by-annual whilst other NAA,s don,t allow this.</p>
response	<p><i>Noted</i></p> <p>The proposals contained in NPA 2008-17 are not meant to be applicable to Annex II aircraft.</p> <p>In fact, these aircraft are excluded from the applicability of the Basic Regulation, in accordance with Article 4/4 and Annex II thereof.</p> <p>Therefore, the regulation of these aircraft (including the requirements for their operation and for the qualification of their pilots) remains within the competence of Member States, and is therefore subject to national rules.</p>
comment	<p>580 <span style="float: right;">comment by: trevor sexton</span></p> <p>Signatures/Signoff,s No mention on the document of Signature requirments... when does a instructor/examiner need to signs a log book or license. What happens if the signature/signoff is missed even by 1 day.</p> <p>There has been big problems with this under JAA due to the way individual NAA,s interpret the rules. for instance:- For the recency requirements of say FCL140.A does the instructor have to sign anything / does an Examiner have to sign anythng. what happens if the instructor/examiner does,nt sign by the last day of the 24 months. technically this should just be the pilot can,t fly until he get a signature. However under JAR this seem to have caused a problem. in that if you did,nt get a signature by the last day of the 24 months then the pilot would need to re do a GFT this seems very hash and costly to the pilot. Having now to do a skills test. seem rather stupid to have met all the recency requirments but not the signature. I would have said it was better to say can,t fly until you have the signature.</p> <p>I would rather EASA define the rules on these rather than individual NAA,s.</p>
response	<p><i>Noted</i></p> <p>The Agency considers that the responsibility/obligation for signatures/sign-offs by examiners/instructors has been defined in the rules whenever necessary.</p>
comment	<p>586 <span style="float: right;">comment by: trevor sexton</span></p>

Note in the document it allows Gliders and balloons to be flown in IFR and at night  
In which case why can,t Annex 2 aircraft and microlights be flown at Night etc

Again some countries / NAAs in europe you can and other you can,t.  
We need an EASA ruling....  
In france you can fly VFR above cloud. in the UK you can,t.  
In some countried in Europe you have a NIGHT definition of night VFR in others Night is IFR.

response *Noted*

Please see reply to comment 579 above.

comment 589

comment by: *British Microlight Aircraft Association*

### **Response Part 1: General comment: Overriding Principles**

1. That the European Parliament has chosen to take responsibility for the pilot licensing system throughout its member states is accepted.

a. It is noted that the proposed pilot licensing system does not expressly include aircraft included in Annex 2 but by implication there is an expectation to influence the regulation of some of those aircraft expressed in the basic regulation 216/2008.

*(5) It would not be appropriate to subject all aircraft to common rules, in particular aircraft that are of simple design or operate mainly on a local basis, and those that are home-built or particularly rare or only exist in a small number; such aircraft should therefore remain under the regulatory control of the Member States, without any obligation under this Regulation on other Member States to recognise such national arrangements. However, proportionate measures should be taken to increase generally the level of safety of recreational aviation. Consideration should in particular be given to aeroplanes and helicopters with a low maximum take-off mass and whose performance is increasing, which can circulate all over the Community and which are produced in an industrial manner. They therefore can be better regulated at Community level to provide for the necessary uniform level of safety and environmental protection.*

b. It is noted that nothing in the proposed regulations prevents the use of aircraft included in Annex 2 from being flown by pilots holding one of the proposed EASA licenses or using an aircraft within Annex 2 for instruction towards the grant of a qualification in the proposals, provided that the aircraft is in the same category as the pilot qualification that is held or being qualified for.

2. That EASA has been tasked with developing the pilot licensing system is accepted.

2.

a. The licence system developed and proposed for adoption by EASA must be relevant to the aircraft, pilot and activity throughout.

3. The EASA pilot licensing system should seek to conform to recognised international standards that have been developed over many years of experience and use. The system must not increase or add complexity to requirements without a proven safety justification.
3.
  - a. Licence requirements should comply with, but not exceed, ICAO minimum requirements where the qualification is designed to be recognised internationally outside EC member States.
3.
  - b. Licence requirements should be proportionate to the activity where the qualification is intended to be for use within Member States with no requirement for recognition elsewhere.
3.
  - c. The development of the Leisure Pilot's Licence must recognise the needs of the recreational pilot and the extent of the flying activity the recreational pilot will undertake.
3.
  - d. Qualifying requirements for the Leisure Pilot's Licence system must be proportionate to the activities of the holder.
3.
  - e. Due credit for holders of the Leisure Pilot's Licence must be given when applying for higher licenses.
3.
  - f. The Leisure Pilot's Licence must fully recognise that experience in different classes of aircraft has a relevance to other classes and all training, revalidation and renewal requirements must be developed to facilitate simple crediting of training and flight time across all classes held on the licence.
4. The EASA licensing system should recognise that all pilots achieve a level of operational and skill based experience and that when adding to their privileges credit should be given for this experience and only training in areas of which the pilot has no training experience should be required when seeking to obtain a variation of a licence or certificate.
4.
  - a. In several parts the proposal includes credits, awarded to pilots with previous experience, against training requirements for the grant of a licence or certificate. The credit awards must recognise that all pilot licenses have been achieved as the result of training and testing and that holders will have gained experience subsequently. Credits should fully recognise the value of previous training and experience and minimise the amount of "required" training for the attainment of an additional qualification.
4.
  - b. The general guidance must be that only elements of training not previously included in the applicant's formal training should be required for the grant of an additional qualification and that the total number of flying hours required before grant of the additional qualification should not exceed the hours requirement for the initial grant of that qualification.

4.
  - c. Non-ICAO compliant licenses, certificates and ratings issued by National Authorities must also be recognised as qualifications for which credit can be given against an EASA licence, certificate or rating. Credits given for non-ICAO compliant qualifications should follow the guidance given above and only require particular training which has not previously been undertaken by the applicant and limit the minimum amount of training time required to no more than that of the initial qualification requirements for those parts.
4.
  - d. A record of credits approved for ICAO and non-ICAO qualifications should be maintained and published by EASA as a reference document against which other credits can be approved.
5. The EASA licensing system should believe in the value of examination for establishing and proving levels of knowledge and practical skills and rely on this means of proving conformity to requirements when granting certificates having taken into account previous experience.
5.
  - a. When devising credit arrangements for the initial grant of an EASA qualification the presumption should be that examination will determine the suitability of a candidate to hold the qualification without having to complete any arbitrary hours requirement.
6. The EASA licensing system should believe in the value of examination for establishing and proving levels of knowledge and practical skills and establish agreements to accept conclusions of other licensing systems as an alternate to its own.
6.
  - a. Full credit must be given to holders of ICAO compliant qualifications applying for EASA qualifications without the application of requirements for further flight or ground testing or training except where the ICAO requirements do not fulfil the requirements of the EASA qualification.
7. The EASA licensing system must recognise that it is a truly Member State state-wide system and should not include any element of regulation which seeks to constrain any privileges or experience gained in one State being recognised in any other.
7.
  - a. Several statements in the proposed regulation have the effect of restricting the student, or renewing pilot, in his choice of training organisation and place of training. If the licensing system is to be seen as truly equal in quality and standards across the Member States trainees must be able to have the choice to complete their training at organisations and in places that they believe best suit their requirements.
7. The regulation requiring that training for a licence must take place in only one Member State must be removed.
- 7.

- c. Any inclusion in the regulations that suggests that all training for any particular qualification must be completed at a single training organisation must be removed.
- 7.
- d. The regulations must include the opportunity for a trainee to be able to move from any training organisation to another training organisation part way through a course of training and carry full credit for the course work completed prior to the move.
8. The EASA licensing system must recognise the value of its own training system and not add requirements without a proven safety justification.
- 8.
- a. There is by its inclusion within the proposal recognition of the need for a private pilot's licence to provide for the requirements of leisure and personal flying activities that are not considered to be Commercial Air Transport (CAT) activities. The proposals provide for the inclusion of additional certificates achieved by specific training. The additions should be considered as self contained and not require further qualification to be valid. The inclusion of an instructor or examiner certificate within a licence conveys privileges to the holder in accordance with the certificate.
- 8.
- b. For the continued development of private, non CAT, aviation activity it is important that properly trained instructors and examiners are available and that pilots wanting to achieve that status are not restricted from doing so by unnecessary requirements.
- 8.
- c. The proposed instructor course requirements recognise the key elements of the instructor's role and the need to standardise the understanding and presentation of the ground and flight training given by instructors. This is welcomed.
- 8.
- The proposed examiner training requirements recognise the key elements of the examiner's role and the need to standardise the conduct of examinations. This is welcomed.
- 8.
- e. However the holder of an instructor or examiner certificate should not be required to hold a licence of a higher status than is being sought by their student or candidate. Therefore the requirement for the holder of an instructor or examiner certificate to hold a CPL should be removed from the specific requirements unless instructing or examining for the CPL. The content of the instructor and examiner training is of a sufficiently high standard that further requirements are unnecessary.
- 8.
- f. All licenses to which an instructor certificate can be added should include within the basic privileges of the licence the privilege to be remunerated for the giving of instruction.
- 8.
- g. All holders of instructor certificates should be able to qualify to



include an examiner's certificate without having to hold a higher level of licence and should be entitled to be remunerated as an examiner.

8.

h. If these recommendations are not followed pilots wishing to become instructors for the issue of private licenses will be forced to gain qualifications unnecessary for the role of instructing. This will lead to a lack of career instructors and a reliance on "hours building" commercial pilots. There must be a route for remuneration of PPL non-commercially rated flying instructors to ensure adequate numbers of career instructors are available.

9. Requirements for the maintenance of ratings and certificates must be as uniform across the licence system as possible so as to avoid confusion and to establish standardisation.

9.

a. All licenses must be valid for the life of the holder. Ratings and certificates have validity periods. Requiring licenses to be replaced by purchase is a tax on the holder and has no safety benefit.

9.

b. There are differing requirements throughout the instructor revalidation procedures, some stipulating revalidation by proficiency test on alternate revalidations others by proficiency test every third revalidation. Requirements for revalidation by proficiency test must be standardised across all instructor ratings.

9.

The requirement for a proficiency check for private pilots every six years is an unnecessary imposition and must be removed from the requirements. There is no safety case to validate this requirement.

9.

The system of rolling validity of ratings is difficult to understand and open to abuse. All pilot class ratings should require a confirmation of currency by examination of log book evidence and confirmation by an authorised examiner at the end of each validity period.

9.

There is no provision in the proposal to credit flight experience gained in one category of aircraft towards the revalidation of a rating or certificate held by a pilot in another category of aircraft. A credit value must be devised and published to allow the holder of multiple ratings or certificates to be able to include experience in any category towards the maintenance of other qualifications.

Requirements for the renewal of qualifications must recognise the value of experience and not only be time dependent.

10.

a. Throughout the proposal there are examples of a requirement for further training or testing to take place to renew a rating following it being lapsed as a function of date rather than experience. The renewal procedure must be reviewed so that recent experience within the validity of a qualification is taken into account in the requirements for the renewal of a lapsed

rating.

This would sensibly change the requirement for a pilot in recent practice to have to undergo unnecessary training. The recent experience gained within the validity of the expired qualification should have at least equal value to the experience that would have been required to revalidate the qualification prior to expiry.

response

*Noted*

1.a) Aircraft included in Annex II to the Basic Regulation are excluded from the scope of Community competence.

They remain under the competence of Member States for all aspects of their regulation.

It is not the intention of this NPA to in any way influence the way Member states decide to exercise their national competence in relation to Annex II aircraft.

1.b) That is partially correct.

As was said above, Annex II aircraft are subject of Member State's national competence. It is up to Member States to decide how to regulate them, and one of the possible ways could be to choose to subject them to Part-FCL requirements.

However, in order to obtain a Part-FCL licence it is necessary to conduct the training in an aircraft subject to EASA requirements.

2.1. That is precisely the principle that was followed in the elaboration of the proposals.

3. The proposals in this NPA were drafted taking into account the international standards of ICAO Annex 1 but also the existing European standards contained in JAR-FCL.

The Agency acknowledges your statements.

4., 5. and 6. Credits established for previous experience or training in this NPA follow ICAO Annex 1 and JAR-FCL principles.

Where European standards are higher than ICAO minimum requirements full credit cannot be given.

7. The NPA does not prevent a student from undergoing training in several ATO in several member States. Only FCL.025(a)(1) establishes that all the theoretical knowledge examinations need to be taken in only one member State. But this does not mean that the instruction has to follow the same rule.

8. Thank you for your positive feedback. These issues are analysed in further detail in the reply to the comments to Subparts J and K.

9. and 10. These issues are analysed in further detail in the reply to the comments to the related requirements.

comment

918

comment by: *Rory OCONOR*

these comments are from a powered sailplane pilot with 1000hr gliding,

	including Alpine competition flying and cloud flying, and PPL(SEP) towplane pilot
response	<i>Noted</i> The Agency acknowledges the information provided.
comment	1163 <span style="float: right;">comment by: <i>Thomas Reusch</i></span> Alle Zusatzbedingungen, die weitere Kosten verursachen, sind nicht vorteilhaft für die Sicherheit und damit abzulehnen.
response	<i>Noted</i> The Agency acknowledges your opinion.
comment	1213 <span style="float: right;">comment by: <i>Dieter Lenzkes</i></span> <b>Genereller redaktioneller Kommentar</b>  Problem: Aus der technischen Normung ist bekannt, dass die Begriffe „or“ im Englischen und „oder“ im Deutschen, je nach Kontext in dem sie stehen, unterschiedlich verstanden werden. Im Englischen wird der Begriff „or“ meist als ein „exklusiv oder“ verstanden, im Deutschen dagegen als ein „inklusiv oder“, entsprechend den Regeln der Booleschen Algebra. Dies kann zu einem unterschiedlichen Verständnis einer Bestimmung in den verschiedenen Sprachfassungen führen.  Vorschlag: In der englischen Sprachfassung ist an allen Stellen, wo ein „inklusiv oder“ gemeint ist der Begriff „...and/or ...“ zu verwenden, wie es z.B. schon in FCL.110.S (a) geschehen ist. Diese Formulierung hat sich in der technischen Normung bestens bewährt.
response	<i>Noted</i> Thank you for pointing this out.  This will be taken into account for the translation of the text.
comment	1215 <span style="float: right;">comment by: <i>Julia DEAN</i></span> There are some passages in this NPA that it is difficult to comment on without full knowledge of what might appear in the NPA's on 'operations' - especially comments concerning commercial operations and licences. Would it not be reasonable to extend the period for consultation on this NPA in order to allow more overlap with NPA's yet to be issued that are likely to affect how comments are made on this NPA?
response	<i>Noted</i> The comment period of NPA 2008-17 was extended to allow an overlap with the consultation periods for NPAs 2008-22 and 2009-02.
comment	1230 <span style="float: right;">comment by: <i>Aeromega</i></span>

The document format has been created to suit the drafters and the authorities and not those who will have to refer to the document in the normal course of their work. For every operator to maintain and use a 650 page document, it will be costly and often irrelevant as the majority of pages will relate to aircraft types which are not used by that organisation. Separate documents should surely be produced for Fixed Wing and Rotary, A third could then cover remaining aircraft types.

response *Noted*

The Agency acknowledges your opinion. As was already mentioned in the Explanatory Note, the Agency is developing a web-based tool which will help users in their day-to-day activity, by enabling them to select the relevant requirements through a search function.

comment

1513

comment by: *Geschäftsführer Luftsportverband RP*

Bei allen meinen Kommentaren möchte ich vorausschicken, dass ich der Agentur herzlichst danke, dass sie den Nutzern eine Möglichkeit anbieten, Dinge zu verbessern, bevor sie in gesetzlichen Regelungen verankert sind und dadurch quasi einfach hingenommen werden müssen.

Weiterhin danke ich der Agentur, dass sie den Mut aufgebracht hat, Vereinfachungen vorzuschlagen, die sicherlich von manchen Länderbehörden vehement angegriffen werden, da sie eine andere Auffassung vertreten.

Die Sportluftfahrt dient in vielerlei Hinsicht der Hinführung jugendlicher Interessenten im sozialen Umfeld des Vereins zum Wecken der Neugierde auf technische und fliegerische Berufe. Wird dieses Ziel erschwert oder verteuert hat das gravierende Auswirkungen in die Zukunft.

response *Noted*

Thank you for your comment and the positive feedback given.

comment

1514

comment by: *AOPA (Malta)*

The Aircraft Owners and Pilot's Association (AOPA) of Malta vehemently protests the proposed rules which would automatically nullify non European Pilot Licences once these come into force. There is no evidence to support that such a rule would make General Aviation safer. We insist that a grandfather clause be invoked because as is, the rule is discriminatory and imparts great difficulties on those pilots having to convert their licences to that under JAR rules.

Many of us pilots here in Malta including myself have been flying for more than 20 years with FAA licences without incident, why cannot it therefore be a simple paper transfer as is after all done in the USA when converting a JAR licence to an FAA licence?

What EASA is suggesting will impart an unfair cost to an already qualified and proficient pilot. The time involved to get one's licence converted must also be accrued and the end result is that safety will NOT be improved.

We are equally disturbed by the fact that it would be very difficult to fly and keep 'N' registered aircraft here in Malta. This is not acceptable and this is regarded as being discriminatory and aimed at disrupting General Aviation activities. On the same merit EASA should ban all commercial flights involving 'N' registered aircraft, imagine the negative impact this would have on the

	airline industry.
response	<p><i>Noted</i></p> <p>This issue is further detailed in the reply to the comments on Annex III.</p>
comment	<p>1525 <span style="float: right;">comment by: <i>Danish Balloon Organisation</i></span></p> <p><b>General Comments:</b></p> <ol style="list-style-type: none"> <li>1. This document is difficult to read for the end user.</li> <li>2. Grandfather rights are essential especially for the NON JAR licenses. One example: To day no R/T license is required for ICAO compliant sailplane- and balloon licenses. Present license holders should be permitted to continue flying without an R/T license.</li> </ol>
response	<p><i>Noted</i></p> <ol style="list-style-type: none"> <li>1. Please see reply to comment 1230 above.</li> <li>2. This NPA does not contain any requirement to hold a R/T licence or certificate. This is part of national rules for the use of radio, and they are not linked to the pilot licence.</li> </ol>
comment	<p>1553 <span style="float: right;">comment by: <i>IAAPS</i></span></p> <p>The document is not user-friendly and users, most of them operating only one category of aircraft and mainly airplanes, would benefit from a format whereby parts irrelevant to them could be removed.</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 1230 above.</p>
comment	<p>1642 <span style="float: right;">comment by: <i>colin sutton</i></span></p> <p>Being a private Glider Pilot I would like the views of the British Gliding association which has undertaken an indepth review of this document and made many suggestions as to how it should be improved or altered to keep gliding a safe and enjoyable sport for the future.</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges the information provided.</p>
comment	<p>1739 <span style="float: right;">comment by: <i>KLM</i></span></p> <p><u>Appendices to Part-FCL</u></p> <p>The requirements in Appendices 1 to 12 in the NPA are forming part of the implementing rules. This is in contradiction to the current status in Section 1 to JAR-FCL. By changing this status there will be "no flexibility to adapt training courses and skill tests to the individual cases of technological advancements or evolution in international best practice in the field of pilot training" as quoted from the Explanatory Note.</p>

	<p><u>Proposal</u>: Transfer the requirements of Appendices 1 to 12 into AMC and GM to part-FCL</p>
response	<p><i>Noted</i></p> <p>After careful consideration of the comments received on the Appendices, as well as feedback received from stakeholders, the Agency has decided to leave the majority of the Appendices content in the rule, and only pass certain elements to AMC, after an individual analysis, based on concrete comments. The Agency has explained this decision in more detail in the explanatory note of the CRD. Please see also the related comments to each Appendix.</p>
comment	<p>1763 <span style="float: right;">comment by: <i>Cirrus Design Corporation</i></span></p> <p>Attachment <a href="#">#1</a></p>
response	<p><i>Noted</i></p> <p>The Terms of Reference for the FCL.001 task stated that JAR-FCL and JAR-FSTD should be followed.</p> <p>The Agency considers that this is not the proper time to operate significant changes to FSTD qualification requirements.</p> <p>Therefore, the Agency is planning a future rulemaking task on FSTDs that will take the results of the international working group and the amendments to the related ICAO documentation into account.</p>
comment	<p>1916 <span style="float: right;">comment by: <i>Nigel Roche</i></span></p> <p>Having read <a href="http://eur-lex.europa.eu/en/techleg/pdf/en.pdf">http://eur-lex.europa.eu/en/techleg/pdf/en.pdf</a> a practical guide to drafting EU legislation I feel that NPA 2008-17b falls short of the principles laid out in 1 , 2, 3 and 4 of this guide.</p> <p>To illustrate this I am using an example of a reader trying to find out all the necessary information regarding the CPL (A). The reader has to refer to:</p> <p>FCL.300 - page 23 of 647 - for the details of the minimum age.</p> <p>FCL.305 - page 23 of 647 - for the details of CPL privileges then to Page 24 of 647 to see specific privileges in commercial air transport with a further reference to Subpart Ops of MS3</p> <p>FCL.065 - page 9 of 647 for the maximum age which he/she is allowed to exercise the privileges.</p> <p>FCL.310 - page 23 of 647 - details the subjects for theory knowledge and refers to Appendix 2</p> <p>Appendix 2 is found on page 74 of 647</p> <p>To find out as to the exam standard and validity reference has to be made to FCL.025 - page 6 of 647.</p>

To find out if there are any theory or flight time credits refer to FCL.035 - pages 6/7 of 647

For bridging credits refer to Appendix 1 -page 72 of 647

FCL315 - Page 23 of 647 refers the reader to appendix 3 for details of the training course.

Appendix 3 starts on page 82 of 647. The items wanted are either "C CPL integrated course - aeroplanes" or "D CPL modular course - aeroplanes".

The reference to an AMC for Appendix 3 is given in NPA 2008- 17a on page 53 of 85 but crucially not made in Appendix 3

The AMC for Appendix 3 was to be found starting on page 583 of 647.

FCL.320 - page 24 of 647 reference to Appendix 4 for the skills test syllabus.

Appendix 4 starts on page 97 of 647, the item wanted also starts on page 97 of 647

After a word search for AMC it was found that there are no AMCs for this appendix

#### **Points from the above**

1.

The format/layout of this FCL requires the reader to jump backwards and forwards to find the appropriate information, therefore fails to meet item 4 of the drafting practical guide "**their content should be as homogeneous as possible.**"

This is detrimental and will result in items being missed or inadvertently overlooked especially as unlike the JAR-FCL, the reference is given in the text only and there is no form of cross-referencing.

Appendix 4 does not have an AMC but the whole manual has to be searched because other orders and appendices do have AMCs which are not shown, for example Appendix 3.

To further illustrate the point here is an example from EASA FCL compared to JAR-FCL 1

#### **From EASA FCL**

##### **FCL.325.A CPL(A) Specific conditions for MPL holders**

Before exercising the privileges of a CPL(A), the holder of an MPL shall have completed in aeroplanes:

(a) 70 hours flight time:

(1) as pilot-in-command;

or

(2) made up of at least 10 hours as pilot-in-command and the additional flight time as pilot-in-command

under supervision (PICUS).

Of these 70 hours, 20 shall be of VFR cross-country flight time as pilot-in-

command, or cross-country flight time made up of at least 10 hours as pilot-in-command and 10 hours as PICUS. This shall include a VFR cross-country flight of at least 540 km (300 NM) in the course of which full-stop landings at two different aerodromes shall be flown as pilot-in-command;

(b) the elements of the CPL(A) modular course as specified in paragraphs 11(a) and 12 of Appendix 3.

D; and

(c) the CPL(A) skill test, in accordance with FCL.320.

#### **From JAR-FCL**

#### **JAR-FCL 1.160 Theoretical knowledge**

(See Appendix 1 to JAR- FCL 1.160 & 1.165(a)(1) through (4))

This allows a reader to see at a glance that there is further information to read. A further illustration below shows how the JAR-FCL 1 used a system where by there is a tie back to the original order and appendix - if appropriate.

#### **AMC/IEM D - COMMERCIAL PILOT LICENCE**

AMC FCL 1.160 & 1.165(a)(1)

ATP(A) integrated course

(See JAR-FCL 1.160 & 165)

(See Appendix 1 to JAR-FCL 1.470)

(See IEM FCL 1.170)

THE FLYING INSTRUCTION IS DIVIDED INTO FIVE PHASES:

#### **Point 2**

As Justification for this style of layout it has been said at EASA FCL workshops that the FCL has had to be written in this manner due to EU drafting directives.

Another reason given for the layout is that there should not be duplication or reiteration. When conducting a word search of either of these words in the joint practical guide neither term appeared.

It has also been said that we, ATOs, as the users of this FCL can cut and paste the sections together to make a workable document - if this is not an admission of the document not being fit for purpose then I do not know what is.

This opens up the inherent danger that ATOs across the EU are producing documents either printed or electronic for which there is no guarantee of amendment.

If, however, the document is produced whereby all the relevant details are co-located for example the CPL(A), any amendment to any part of this is almost foolproof - issue a new CPL(A) section electronically with the instruction to remove and discard the old CPL(A) section, it would be EU wide within the day

As <http://eur-lex.europa.eu/en/techleg/pdf/en.pdf> a practical guide to drafting EU legislation has been issued I feel that those responsible for its issue did not intend that such rigid adherence to "a regulation should not be repeated"

I am sure that those who issued the drafting directive did not expect such rigid



adherence as to make the FCL a bureaucratic nightmare for the users, when they issued Practical Guide to Drafting.

My suggestions are

1.

As a minimum, follow the JAR-FCL format and put appendix and AMC references under the order header, cross reference back from AMCs and appendices to the originating order.

2.

Into each subpart co-locate all annexes, appendices and AMC that are relevant to that level of licence.

Divide these Subparts into sections to aeroplanes, helicopters etc and put the orders applicable in each. Cross reference the orders to common appendices etc where applicable. Cross reference to individual references where applicable but all would be within the same subsection.

Maintain the Subpart A as general orders but give links to the appropriate subparts.

Objective to meet item 4 of the drafting guide "**Provisions of acts shall be concise and their content should be as homogeneous as possible.**" and make the EASA FCL useable to the public.

response *Noted*

1. In relation to the references to Appendices, they are made in the text of the requirements.

References to AMCs, on the other hand, cannot be made in the requirements, as that would make them indirectly binding.

2. Since the Appendices typically refer to more than one type/category of licence and/or rating, the solution that you are proposing is not practical and would create more confusion.

Taking into account the complexity and scope of the new requirements, the Agency is working on an e-tool to help stakeholders find the requirements applicable to their particular case more easily.

comment 1980

comment by: *Richard Bellaby*

EASA should require that any Flying Instructor who is teaching a student for an EASA or JAR CPL or Instrument Rating should hold at least the same Licence or Rating that they are teaching for .

We should not allow the current situation where FTOs such as Oxford Aviation Training are able to use FAA instructors to teach JAR students for the Integrated ATPL in the USA.

For example - why insist that instructors in JAR countries have to pass 9 or 14 Theoretical Knowledge exams for a CPL when FAA CPL candidates only have to pass one , and can then earn money teaching JAR students ?

If this is to be allowed, then allow a straight conversion from an FAA CPL / IR

	<p>to an EASA CPL / IR with just one ground exam and a skills test. We would then cut out the expensive US-based European owned FTO which is charging European prices while taking advantage of a US cost base and FAA Instructors who have failed to qualify to the standards that their JAR students will have to reach.</p> <p>All training for an EASA Licence or Rating should take place in an EASA country.</p>
response	<p><i>Noted</i></p> <p>Thank you for your feedback.</p> <p>It has to be noted, however, that nothing prevents training for Part-FCL licences to be conducted outside Europe as long as that training is in accordance with the requirements of Part-FCL and the school is approved in accordance with Part-OR.</p>
comment	<p>2026 <span style="float: right;">comment by: <i>H.D.BAUER-HIMMELSBACH</i></span></p> <p>Ich habe meine fliegerische Laufbahn vor 40 Jahren begonnen, 1973 den PPL-A gemacht und über die Jahre PPL-A,B und C unfallfrei gepflegt und genutzt. Auch das Fliegen in Amerika mit der unkomplizierten Erlangung des amerikanischen Scheins und den dortigen Verlängerungsregeln, die ja jetzt in etwa auch bei uns gelten, habe ich kenngelernt. Auch nutze ich die Möglichkeiten, die unsere nun offenen Grenzen in Europa bieten und fliege in den Staaten, die früher hinter dem eisernen Vorhang für mich unerreichbar waren.</p> <p>In dieser langen Zeit habe ich natürlich etliche Umstellungen der Scheine in ihrem Aussehen erlebt und Änderungen in ihren Verlängerungsregeln. Die letzte Änderung / Umstellung auf JAR ist ja auch erst wenige Jahre alt. Immer war das neue Regelwerk in wenigen Seiten übersichtlich darzustellen und man konnte sich leicht darauf einstellen.</p> <p>Jetzt aber haben Sie offenbar einen derartigen Molloch in der Pipeline, dass man Edmund Stoiber eigentlich bitten sollte, statt alte EU-Vorschriften abzuspecken und auszumisten, dieses neue Ungeheuer zu verhindern, das Sie offenbar gerade ausbrüten.</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your opinion.</p>
comment	<p>2191 <span style="float: right;">comment by: <i>AECA(SPAIN)</i></span></p> <p>Delete all professional licences and certificates not contained in ICAO Annex 1 or in Basic Regulation.</p> <p>Justification: Annex 1 of Chicago Convention and Basic Regulation (Regulation CE 216/2008, art. 7, 7 paragraph 2).</p>
response	<p><i>Not accepted</i></p> <p>This NPA foresees no professional licences or certificates that are not included in ICAO Annex 1.</p>
comment	<p>2196 <span style="float: right;">comment by: <i>AECA(SPAIN)</i></span></p>

	<p>If an Appendix or AMC/GM/CS exists for any given paragraph, this should be indicated in the heading, as in JARs, to ease the use of the Part(s)</p>
response	<p><i>Not accepted</i></p> <p>Please see reply to comment 1916.</p>
comment	<p>2197 <span style="float: right;">comment by: AECA(SPAIN)</span></p> <p>The use of 'Multi-pilot' and 'Multi-crew' phrases <b>need an exhaustive revision.</b></p> <p>They do not have the same meaning in different Document paragraphs: Multi-pilot is used 163 times and Multi-crew be found 68.</p> <p>Different phrases used same meening: Multi-pilot operations, Multi-pilot operating enviroment, Multi-pilot conditions, Multi-pilot role, Multi-pilot crew...</p> <p>Part FCL defines OML as Operational Multi-crew limitation, Part medical defines as Operational Multi-pilot limitation.</p> <p>Multi-crew operations in not defined anywhere. Multi-pilot operations is defined in GM to FCL 010, but only for helicopters.</p> <p>In FCL 405, MPL is restricted to 'Aeroplanes required to be operated with a co-pilot', but in FCL 505.A refered to ATPL(A) privileges forformer MPL holders, changes the wording: 'restricted to multi-pilot operations', wich is different to 'aeroplanes required to be operated with a co-pilot'.</p> <p>Keep-out this mess.</p>
response	<p><i>Accepted</i></p> <p>The Agency will conduct an editorial revision of the text to make sure that expressions are used consistently, and that the necessary definitions are in place.</p> <p>Please refer to the reply to comments in the relevant paragraphs.</p>
comment	<p>2198 <span style="float: right;">comment by: AECA(SPAIN)</span></p> <p>The opening up for all who qualify to have the right to get an Examiner Certificate is very unfortunate, in particular when seen in conjunction with the requirements to the Authorities to train and monitor then.</p> <p>In particular, we find unclear how EASA envisions the application of 'Collective Oversight' to include foreing certificated examiners in another States.</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your opinion.</p> <p>Please refer to the replies to comments on the related paragraphs in Subpart K and in NPA 2008-22.</p> <p>In relation to your question on collective oversight, please refer to paragraph FCL.1030(b)(3) and (d), and to the requirements in the Basic Regulation Part-AR where competent authorities are required to oversee all the activities in their respective territories.</p>

comment	<p>2217 comment by: <i>Industry Group (Airbus, Alteon Training, Bell Helicopters, Boeing, CAE, CTC Aviation Group, ECOGAS, Flight Safety International, IAAPS (International Association of Aviation Personnel Schools), IACA, IATA, KLM Luchtvaartschool, Lufthansa Flight Training, TUI Group Airlines)</i></p> <p>All inserted comments under this login represent the common views of the following organizations:</p> <ul style="list-style-type: none"> <li>• Airbus</li> <li>• Alteon Training</li> <li>• Bell Helicopters</li> <li>• Boeing</li> <li>• CAE</li> <li>• CTC Aviation Group</li> <li>• ECOGAS</li> <li>• Flight Safety International</li> <li>• IAAPS (International Association of Aviation Personnel Schools)</li> <li>• IACA</li>   <li>• IATA</li> <li>• KLM Luchtvaartschool</li>   <li>• Lufthansa Flight Training</li> <li>• TUI Group Airlines (TUIfly, TUIflynordic, Corsairfly, Jetairfly, Arkefly, Jet4U, Thomson Airways)</li> </ul>
response	<p><i>Noted</i></p> <p>The Agency acknowledges the information provided.</p>
comment	<p>2220 comment by: <i>Nigel Roche</i></p> <p>In respect to subparts B, C, D, E, F, G, J and K.</p> <p>The layout of this volume is inconsistent:</p> <p>subparts B, C, D, E and F place the pre-requisites at the beginning of the section then follow it by the Privileges, then the Privilege Restrictions.</p> <p>subparts G, J and K start with the Privileges, then follow with the Privilege Restrictions before the pre-requisites.</p> <p>I would suggest that:</p> <ol style="list-style-type: none"> <li>1. one standard of layout is adopted and applied to all of these subparts.</li> <li>2. that the standard of layout as per subparts B, C, D, E and F is the preferred layout as it saves the reader from having to go backwards and forwards trying to assimilate what is required etc.</li> </ol>
response	<p><i>Noted</i></p> <p>The Agency will conduct an editorial revision of the text to ensure consistency as much as possible.</p>
comment	<p>2311 comment by: <i>Susana Nogueira</i></p>

	<p>Delete all professional licences and certificates not contained in ICAO Annex 1 or in Basic Regulation.</p> <p>Justification: Annex 1 of Chicago Convention and Basic Regulation (Regulation CE 216/2008, art. 7, 7 paragraph 2).</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 2191 above.</p>
comment	<p>2313 <span style="float: right;">comment by: <i>Susana Nogueira</i></span></p> <p>If an Appendix or AMC/GM/CS exists for any given paragraph, this should be indicated in the heading, as in JARs, to ease the use of the Part(s)</p>
response	<p><i>Not accepted</i></p> <p>Please see reply to comment 1916.</p>
comment	<p>2314 <span style="float: right;">comment by: <i>Susana Nogueira</i></span></p> <p>The use of 'Multi-pilot' and 'Multi-crew' phrases <b>need an exhaustive revision</b>. They do not have the same meaning in different Document paragraphs: Multi-pilot is used 163 times and Multi-crew be found 68. Different phrases used same meening: Multi-pilot operations, Multi-pilot operating enviroment, Multi-pilot conditions, Multi-pilot role, Multi-pilot crew...</p> <p>Part FCL defines OML as Operational Multi-crew limitation, Part medical defines as Operational Multi-pilot limitation.</p> <p>Multi-crew operations in not defined anywhere. Multi-pilot operations is defined in GM to FCL 010, but only for helicopters.</p> <p>In FCL 405, MPL is restricted to 'Aeroplanes required to be operated with a co-pilot', but in FCL 505.A refered to ATPL(A) privileges forformer MPL holders, changes the wording: 'restricted to multi-pilot operations', wich is different to 'aeroplanes required to be operated with a co-pilot'.</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 2197 above.</p>
comment	<p>2315 <span style="float: right;">comment by: <i>Susana Nogueira</i></span></p> <p>The opening up for all who qualify to have the right to get an Examiner Certificate is very unfortunate, in particular when seen in conjunction with the requirements to the Authorities to train and monitor then. In particular, we find unclear how EASA envisions the application of 'Collective Oversight' to include foreing certificated examiners in another States.</p>
response	<p><i>Noted</i></p> <p>This issue is discussed in detail in the replies to comments to Subpart K. Please consult replies to identical comments in that section of the CRD.</p>

comment	2420	comment by: <i>Danish Powerflying Union</i>
	<p><b>Hours flown on Annex II aircrafts.</b>  Hours flown on Annex II aircrafts are not accepted as a part of the hours of flight time required for the different ratings. This causes problems for pilots flying vintage aircrafts and pilots flying i.e. police helicopters for the state or aircrafts for the Danish Air Force. It is our opinion, that hours flown on Annex II aircrafts are of the exact same value as hours flown on other aircrafts under the EASA regulations, and therefore should be accepted.  The number of PPL licenses is reducing and we think that the benefit of LPL will only have a minor impact on this. Flying costs are increasing due to fuel prices, taxes, requirements to equipment etc. There is an urgent need for a cheaper way to educate private pilots. An important and growing recruiting base for the commercial industry is, for example, pilots flying gliders and microlights, which gives as good basic flying experience as pilots flying e.g. a Cessna 172.</p>	
response	<p><i>Noted</i></p> <p>Annex II aircraft are excluded from the scope of the Basic Regulation, and the Agency cannot regulate them in detail. However, amendments to the initial proposals have been made of the crediting of experience to allow hours flown in these aircraft to be taken into account. Please see amendments to related paragraphs in Subparts B and C.</p>	
comment	2421	comment by: <i>Danish Powerflying Union</i>
	<p><b>Crediting of earlier flying experience.</b>  We recommend that earlier flying experience (gliders, TMG or microlights) can be credited as follows, when applying for at LPL (A) or PPL.</p> <ul style="list-style-type: none"> <li>- 10 % credit of total flight time.</li> <li>- Earlier flying experience to be tested and approved.</li> <li>- The flying school/ flight instructor evaluates the value of earlier flying experience referring to the first two points.</li> </ul>	
response	<p><i>Noted</i></p> <p>Based on the comments received, the Agency has amended its proposals in relation to credit for previous experience. Please see amendments to related paragraphs in Subparts B and C.</p>	
comment	2422	comment by: <i>Danish Powerflying Union</i>
	<p><b>Grandfather rights</b>  Grandfather rights are essential, especially for the NON JAR licenses.</p>	
response	<p><i>Noted</i></p> <p>Grandfathering rights provide for a licence to be automatically considered fully compliant with the new rules.</p> <p>Since the EASA proposals are based on JAR-FCL, a system of grandfathering will only be possible for licences issued in accordance with JAR-FCL.</p> <p>For other national licences a system allowing their conversion on the basis of a report by the competent authority will be proposed, as already indicated in the</p>	

Explanatory Note.

comment

2492

comment by: *mfb-bb*

**Allgemeines / General:**

Ein Feed back zu den erarbeiteten NPA ist zur Optimierung ausdrücklich gewünscht

Dieses gestaltet sich für jemanden, der sich lediglich in seiner Freizeit – aus Zeitgründen - mit diesen Themen auseinandersetzen kann, als sehr schwierig und umfangreich.

Die Ordnung und Struktur des Dokumentes ist auf den ersten Blick sehr schwierig und man muss alles lesen, zT. auch quer, um zu verstehen und kommentieren zu können.

Somit beschränken sich die Kommentare auf einige wenige Nutzer, die höchstwahrscheinlich zum Großteil einen gewerblichen bzw professionellen Hintergrund und ein ebensolches Interesse haben.

Auch das CRT bzw der Weg zum CRT ist anfänglich schwierig zu verstehen, schwierig zu bedienen und nicht sehr benutzerfreundlich gestaltet. Man benötigt zu viel Zeit um die Struktur bzw das System zu verstehen und die ersten Kommentare einzustellen.

**Vorschlag** :Die Struktur der Gesetzestexte vereinfachen, übersichtlicher gestalten und auf Querverweise verzichten. Das CRT einfacher und benutzerfreundlicher gestalten,

**General:**

Comments to the NPA developed by the EASA are specifically requested.

This is very difficult for anybody who is not engaged in the flying business and deals with this specific topic of flight crew licensing just for fun and / or after work.

The structure of the document is very difficult, you have to read the whole NPA for understanding.

You have to switch between the different subparts and therefore need a long time to understand the whole system.

The CTR is difficult for use too and for the first use it is very user unfriendly.

It needs a plenty of time to get familiar with the use of the CRT.

**Justification:**

Therefore the given comments will not be representative and will be confined to the people with commercial activities. But aviation should be available

**Proposal:**

The structure of the documents shall be easier for reading and understanding without the necessity of switching between the subparts.

The CRT shall be easier and user-friendlier in use. Sometimes the pull down menu does not open to add new comments.

response

*Noted*

The Agency acknowledges your opinion.

The structure of the NPA is as complex as it was necessary to reflect its scope.

The Agency is continuously working on the CRT tool to improve it and make it more user-friendly. The comments received on this issue will be considered for further improvements.

comment

2519

comment by: *Andy Austin*

Generally I agree that disciplined controls should be in place for aviation sport.

Having regular assesments may well benefit safety and even help the social aspect of the sport. However an examiner is not required to perform this task. Instructors are trained to progress would be pilots to the required standard. Instructors are far more accesible than examiners as there are many more of them.

Having to use examiners will add to the cost of the sport and will help to destroy the industry that supports this growing sport. Pilots will start to leave this sport because it is too difficult to maintain.

response

*Noted*

The Agency acknowledges your opinion. However, the text of Article 7(5) and 1.j of Annex III to the Basic Regulation establishes that only an examiner can assess the competence/skill of pilots. Therefore, only an examiner can conduct skill tests or proficiency checks.

comment

2657

comment by: *Hohmeister*

Dear ladies and gentlemen,

I am not an expert regarding rules and regulation making in aviation. But I was reading the proposed new ruling and just ask myself, if there are some adaptation reasonable.

First of all I am missing a transfer rule for all Ultralight Pilots (SPL-F in Germany) to the future LPL. Today the regulkations are intransparent and different handled.

The hope was, that a new class of light aircraft would allow an easy license transfer from Ecolight aircraft flying to Light Aircraft flying.

The training regarding the theory anyhow is the same with a few little exemption of the nowadays PPL compared to SPL.

I fully understand the restrictions of light aircraft, but what for does aviation need an additional class? So in future we will have a 472,5 kg and a 600 kg and a 1000 kg and a 2000 kg class restriction, with different ruleing in the absolute same airspace.

More reasonable, also for the aircraft manufactures in Europe, would be an clear, but easy (not complex) rules set.

The technical background of an LSA aircraft and UL aircraft anyhow is the same (engine, frame, avionics etc). and for safety reasons it would be better, to have a similar/same ruling (in one class) for the nowadays different classes.

Why can European legislation not just copy the US approach, what also would means transferable licences with the US?



Regarding medical check and licence prolongation rules I can follow the EASA approach. The Airspace in Europe is quiet full and therefore these rules should be more strict than in US. But the rest is making the rule set even more complicated than it is today.

I would be happy to see a LSA class with 600 kg, two seater, with some other sensful restrictions, but with the possibility to upgade with reasonable training steps (common rules in Europe) to LPL 1 and LPL 2 license.  
The LSA and UL class should be merged - like in the US, also for safety reasons.

Thank you for taking my comment into account

Harry Hohmeister  
(Now) UL Pilot  
and SWISS Board member

response *Noted*

First of all, it needs to be noted that micro/ultra-light aircraft are excluded from the scope of Community competence by Article 4 and Annex II to the Basic Regulation. Therefore, they remain fully within the competence of Member Sates, and cannot be regulated directly by the Agency.

Concerning the question of the transfer/conversion of national qualification to Part-FCL ones, dedicated provisions will be included in the licensing cover regulation, as was already indicated in the Explanatory Note to this NPA.

Finally, concerning the issue of the LSA or ELA category, the Agency is currently studying this issue, and it is possible that in the future there will be a specifically dedicated to these aircraft. But for the moment, the Agency is creating the LPL as a way to reply to stakeholders' requests for creating ways for easier access into aviation, and following the instructions of the European Legislator, as included in the Basic Regulation.

comment

2678 *comment by: French Fédération Française Aéronautique groups the 580 French powered flying aer-clubs and their 43 000 private pilots*

The "Fédération Française Aéronautique", or FFA, represents some 600 powered flying aero-clubs or associations in France and 43,000 private pilots. The FFA is the national largest powered flying federation within European Union.

All FFA comments are related to aeroplanes as defined in Subpart A, FCL 010.

FFA strongly supports the concept of non complex aeroplane and ELA, the concept of a Leisure Pilot Licence, basic LPL and full LPL as well, the concept of a LAFI certificate, the concept of a FI certificate open to PPL holders intending to act as volunteers.

In the scope of the regulatory impact assessment of the new system, FFA could provide upon the Agency's request safety data related to the French "Brevet de Base" licence.

FFA considers that these two licences - i.e. Basic LPL and LPL - achieve to a

certain extent the building-up of a step-by-step training system applicable both ways:

- from Basic LPL to PPL via PPL, for young pilots for instance,
- from PPL to Basic LPL via LPL, for aging pilots for instance.

FFA asks the Agency for including in the NPA any additional rule which will allow to use the new FCL system both ways.

FFA requests a new numbering system, because the proposed one is somehow confusing.

FFA requests a progressive numbering of the articles.

FFA requests that pilots will be offered free of charge booklets specific to each type of licence that will contain the whole requirements related to a given licence.

FFA asks for clarification about the vocabulary used by the Agency. Although this NPA deals with the implementing rules, the text often refers to requirements, which are supposed to be reserved to the Basic Regulation.

FFA is afraid of a restrictive definition of a light/small ATO, of an extensive requirement for a safety management system, and of a restrictive definition of an appropriate aerodrome to conduct flight instruction ...

response *Noted*

Thank you for your positive feedback concerning the LPL.

As for your request of a link between the LPL and the PPL, it is already created. Please see for example paragraph FCL.110.

As for the numbering system, it was developed to take into account that there are general sections, and then specific requirements per aircraft category.

Regarding the booklets, please see reply to comment 1553 above.

As for the clarification on the meaning of rules and requirements, the latter is not reserved for the Basic Regulation, and it is used through the document to refer to other paragraphs of the implementing rules.

Concerning ATOs, this issue is included in NPA 2008-22. Please see the dedicated CRD.

comment 2707

comment by: AVAG, Eugenio Lanza di Casalanza

In the requirements for maintaining the privileges of a licence you changed from the previous system from 1h of flight with an instructor with 1 skill test with an examiner, this will mean a big problem in Italy unless most instructor can obtain the qualification of F.E. Actually F.E. are only Enac's employee and are very few and if they should "check" all pilots every 6 years it is almost impossible they will be able to do it.

It would be advisable to enable the instructors to do the skill test, this will also reduce overall costs.

Eugenio Lanza di Casalanza  
AVAG Italy

Further comments

Ref. FCL.140 A/S FCL.230 S Recency requirements

This rulement is too much burdensome, it would be better to maintain the actual system with 11 hrs (6 for gliders) and a 1 hr flight with an instructor each second year. This is what happen in the USA (and lots of other non EU countries) where the rulement has been copied from. The new rule seems a way of complicate the whole thing, and an excuse to create new job opportunities for CPL and ATPL pilots to the prejudice of private pilots. Each new complication created by EASA will mean less people wishing to fly for fun and increasing costs for the whole community without any increase in safety. Please note that a pilot holding an FAA PPL can flight with a US registered aircraft in the EU without restrictions, this means that US rulements are considered satisfactory, so why we must complicate our lives making everything harder and more expensive?

Ref. FCL.135 S FCL.225 S Extension of privileges to TMG

It is not clear if the skill test can be conducted by the F.I or by a F.E., in any case it is advisable that this action could be done by the instructor himself (F.I.) with an endorsement on the logbook, transferred (optionally) on the licence, like has been done until now, and how works in the USA (and other non EU countries) without any particular problem or danger

Ref. 1010 F.E. Flight Examiner pre requisites

It is too burdensome to force a person to hold a CPL or an ATPL to become a F.E. (and worst a F.I.); in most of our countries we have people working on voluntary basis that cannot afford the cost of a CPL, so two are the ways: limit the F.E. requirement for the sole first and only one Skill/proficiency check or reduce the pre-requirements removing the CPL requirements.

Eugenio Lanza di Casalanza

AVAG Italy  
FIVV Italy  
FCAP Italy

response

*Noted*

General and Ref. FCL.140 A/S FCL.230 S Recency requirements:

The Agency considers that the text of Article 7(5) and 1.j of Annex III to the Basic Regulation establishes that only an examiner can assess the competence/skill of pilots. Therefore, only an examiner can conduct skill tests or proficiency checks.

However, based on the comments received the Agency has re-considered the requirement for the mandatory proficiency checks for the LPL. Please see replies to dedicated comments, and amended text.

Ref. FCL.135 S FCL.225 S Extension of privileges to TMG

The skill test needs to be done with an examiner. See explanation above, and also FCL.1005.FE (e)(3).

Ref. 1010 F.E. Flight Examiner prerequisites  
Please refer to the replies to comments on this paragraph.

comment 2708 comment by: Mike Ashfield

I wish to support the Flight Crew Licensing changes in general. I believe it should lead to larger numbers of people undertaking flight training as they will be able to obtain each qualification in the chain with less hours and therefore at less expense than at present. This should be good for everyone concerned with aviation as well as the flying students.

response *Noted*

Thank you for your positive feedback.

comment 2804 comment by: Joerg H. Trauboth

### 1. Goal for all Licenses

The **goal for all licences** must be to have **one Europe wide valid licence**. All licences should meet the individual requirements: Commercial licences for commercial pilots, PPL VFR and IFR for Private Pilots, etc.

Follow the basic line:

- the right licence for the appropriate holder
- reduce any unnecessary demands to get and maintain a licence, certification or rating
- Working Group FCL.008 / NPA2008-17(FCL)keep it short and simple (KISS)

### 2. The IFR licence for Private Pilot must be significantly simplified.

The IFR training in Europe is designed to become a commercial pilot. The present requirements to achieve an IR licence according to JAA, however, is not suitable for private pilots. They are counterproductive. This results in a very low percentages of Privat Pilots with IFR (about 4-6 % in Europe / source: Pilot und Flugzeug 10/2008, while in the US 40 % have the IFR licence (27% of PPL holders and 88% of CPL holders / source AOPA letter 01/09).

IFR capapability in the cockpit reduces flying risks significantly. The **flying safety aspect therefore must be considered as number one argument to open IFR more easily to private pilots**. While the UK national "IFR light" might not meet the IMC flying situation on the European continent, the current JAA set up is according to the theory overdrawn and beyond any financial possibility of most of the Private Pilots.

- The basic line to receive the IFR licence should be the US IFR with about 40 hours to fly and 60 questions out of roughly 700 to answer with 70 %.
- The students shall have the option to study from home based on an EASA questionaere for Instrument Flying.
- There should be no minimum hours requirement for any theory lessons (as presently demaded with 150 h). The candidate has to prove his/her qualification in the written test, aural test and the checkflight.
- Each country should run at least one test facility wher the written test is executed according to EASA rules and regulations.
- The study should be preferably in English to meet the requirements for

- IFR flying beyond the national airspace.
- Before the checkflight with an EASA authorized examiner/instructor there will be an extensive aural check by the authorized examiner.
- According to the reduced amount of IR theory and overall knowledge for a PPL IR candidate the minimum hours as PIC (presently required: 1000h with at least 500 h on instructing duties of which 200h may be instrument ground time) should be reduced to 800/400/100) to give more EASA qualified training centers and individual EASA qualified instructors the chance to train IR with experienced trainers.
- If the student fails any of this 3 areas he/she can repeat the failed section earliest after 30 days.
- The checkflight should be done each year based on a defined and proved IFR flying practice per year (according to the US regulation).
- The new licence "IFR for non commercial pilots" shall be valid within and beyond Europe

### 3. Proficiency Check with Examiner for Private Pilots (VFR)

The intention to fix a fundamental proficiency check all 6 years will only improve the system or flying safety, if

- (1) sufficient examiners are available and
- (2) have a professional standard and
- (3) the authorities have no influence on the selection of the examiner and on the check-flight.

If these prerequisites are not guaranteed we should stay to the already available good working set up which than is: All private pilots should have a *Biennial* as done in the US over decades and performed according JAR-FCL.

According to veterans in the cockpit I recommend a checkflight also for private pilots each year starting at the age of 70.

### 4. Acceptance of licences

The goal for the talks between EASA and FAA (EU/US) must be the **full mutual recognition**, which means all licences shall have the acceptance of the other party. This master solution would reduce the buracratic efforts on handling the subject significantly on both sides. The common understanding of mutual recognition should be **based on ICAO standards** and not on national or (EU/FAA) perspectives.

As long as this is not reality (interim solution), the acceptance of foreign licences, especially the US PPL + IFR rating should be accepted by the nations without any further national additional requirement. The acceptance should be in the understanding that a licence in the US and Europe has the same quality and meets the requirements of safe aircraft handling.

- According to JAR-FCL 1.015 Annex 1, a pilot with an US IFR licence has to fly 100 hours IFR minimum after receiving the US licence. This must be done on N-registered airplanes. Additionally the pilot with the full US IFR has to re-learn (in Germany) the theory of 3 areas to get a national license for one year. After having an IFR licence which is valid on N- aircraft worldwide this sounds like a disqualification of a the US IFR rating. The recommendation is to accept the US IFR licence based on a checkflight, and vice versa.
- National IR licences shall not be the aim of validations or, validations should not run into a national IR licence. Any IR licence from third countries should rather more run into an EASA IR licence. The national interests are reflected sufficiently in the required IR checkflight (with the aural IR examination) by a national /EASA certified examiner.

- The only reason not to grant a foreign / third country licence should be the failing in the named qualification requirements or the national security background check, if required.

### 5. Aircraft Equipment

According to the requirement of standardized international IFR training, there should be one technical equipment standard (EU/US) for IFR equipped airplanes.

### 6. EASA Data Bank for Certificates and Ratings

A centralized licence management calls for one centralized data bank. The EASA should not give up the goal of running a data bank for Certificates and Ratings. The national authorities have a distinguished granting system of tracking those data nationally. It must be possible to provide EASA with the right data. 7.

Remarks by the author:

1. The author (German/PPL/1500 h) is just starting in the US the compact & demanding private pilot IR training (as many others from Europe) due to the nonsense of the current IR licence practice for non commercial pilots in Germany.

2. If some comments do not fit in this NPA, EASA is authorized to use it/them at the appropriate place.

Wish FCL.008 a break through to more efficiency and less bureaucracy!

Jörg H. Trauboth

Col. German Air Force (ret.)

European Director of the

American Yankee Association (AYA)

with 1500 member Grumman airplanes worldwide and 100 in Europe

[www.aya.org](http://www.aya.org)

response

*Noted*

1. The Agency acknowledges your opinion.

2. This issue is being discussed in the Rulemaking task FCL.008, regarding conditions to fly in IMC. Comments received on this issue will be discussed by the FCL.008 group.

3. Based on the comments received, the Agency has amended its initial proposal in this aspect. Please see amended text and reply to comments on related paragraphs.

4. Full mutual recognition of EU/US licences can only be achieved through a bilateral agreement. The Community has already voiced its availability to start discussions on this issue.

5. This NPA does not establish any requirements on equipment.

6. Thank you for your feedback. The Agency will continue discussions with the national authorities on the possibility to create such a data bank.

comment

2839

comment by: *Dave Sawdon*

It is inappropriate to permit an instructor with just an aerobatic rating to teach aerobatics. To ensure safety a short training course is required, as is currently

response	<p>the case in the UK.</p> <p><i>Noted</i></p> <p>Please see replies to comments on Subpart J.</p>
comment	<p>2840 <span style="float: right;">comment by: <i>Dave Sawdon</i></span></p> <p>It is necessary to standardise the "grandfathering" of existing rights for pilots who are experienced in aerobatics and towing.</p>
response	<p><i>Accepted</i></p> <p>Appropriate transition measures for pilots currently holding these privileges will be established.</p>
comment	<p>2864 <span style="float: right;">comment by: <i>Jeremy Hinton</i></span></p> <p>This proposal will perhaps inadvertently increase the beaurocracy and cost burden of private flying. In some cases, the proposals are likely to result in increased safety, or increased traceability which are good outcomes. In other cases, the proposals seem to address a perceived problem which may not exist. Bit by bit, the burdens of private aviation seem to increase, as the joy gets harder to attain.</p> <p>Each part of the proposal should be subject to questions: Is it necessary? Is it justified by current evidence/experience? What is the contribution to safety? Are there any potential unintended consequences?</p> <p>If only proposals which passed these critieria were adopted, the document would be shorter!</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your opinion.</p> <p>A regulatory impact assessment on the proposals was conducted and has been published together with NPA 2008-22.</p>
comment	<p>2899 <span style="float: right;">comment by: <i>AECA(SPAIN)</i></span></p> <p>The aim of the regulation should be to establish an equilibrium between promoting the aviation business and activity on one hand and an acceptable level of safety on the other. It seems that this proposal does not reaches this equilibrium as the business aspect has become a lot more important as the safety aspect.</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your opinion.</p> <p>A regulatory impact assessment on the proposals was conducted and has been published together with NPA 2008-22.</p>

comment	<p>2900 <span style="float: right;">comment by: <i>AECA (SPAIN)</i></span></p> <p>A skill test form for IRI and CRI should be proposed.</p>
response	<p><i>Noted</i></p> <p>This issue is to be considered in the revision of comments to Appendix 12.</p>
comment	<p>2967 <span style="float: right;">comment by: <i>BMVBS (German Ministry of Transport)</i></span></p> <p>General comment no. 1: The logic and purpose of the repetitive numbering system, eg. FCL.123.X, FCL 123.Y, FCL.123.Z is understood, however, its advantages are not. It appears, that it would make it extremely difficult to quickly flip to the right paragraph during day to day work, which will be major a nuisance. An ongoing sequence of paragraph numbers such as in JAR FCL 1 would be much more convenient and useful.</p> <p>(Alternatively, the header or footer of each page in the final code should mention at least the chapter for easy reference. However, this is only a possible mitigation for a problem that wouldn't be there in the first place, if an ordinary numbering system was chosen)</p> <p>General comment no. 2: Attention is drawn to the more specific comments by the Luftfahrt-Bundesamt, which are generally supported by the Ministry of Transport, Building and Urban Affairs. In order to avoid unnecessary duplication, we refrained from reproducing the text under this alias.</p> <p>General comment no. 3: Of major concern is the licensing concept for helicopter pilots, instructors and examiners. A complete re-classification of the licensing requirements in relation to the complexity of the helicopter appears imperative. The approach to link the licensing requirements to the number of engines and/or pilots does not give reasonable consideration to the complexity of the helicopter and its operation. A reasonable concept would need to be based on the complexity of the helicopter rather than the number of engines and pilots.</p>
response	<p><i>Noted</i></p> <ol style="list-style-type: none"> <li>1. The numbering system was developed to take into account that there are general sections, and then specific requirements per aircraft category.</li> <li>2. The Agency acknowledges the information provided.</li> <li>3. The Terms of Reference of task FCL.001 stated that the system established in JAR-FCL should be followed as much as possible. The requirements for helicopters in this NPA follow that system.</li> </ol>
comment	<p>2968 <span style="float: right;">comment by: <i>Kai Uwe Huecking</i></span></p> <p>Ladies and Gentlemen,</p> <p>beside my day to day business life, I obtain the task of the Financial Officer of the Fränkische Fliegerschule Feuerstein e.V. This function enables me to have a quite realistic picture about the current</p>



situation of the general aviation in Germany. Now in front of new regulations, I allow myself to write this letter to you.

Before I jump into the new amendments, I would like to have a short look backwards, what has happened during the last 5 to 6 years.

### **History:**

Up to 2003 all licences ( PPL A,B;C ) were valid for a period of two years, had a specific expiry date and had precisely defined conditions for extension.

With the introduction of JAR FCL the licences were splitted into national and international ones.

The following major amendments are as follows:

1. License Validity = 5 years
2. Rating Validity = 2 years

Extension conditions now vary between national PPL A ( 12 hours in 24 month prior of expiry date)

and JAR/ ICAO (12 hours in 12 month prior of expiry date). Mandatory for the extension is at least a 60 minute trainingflight with a flight instructor.

The former PPL B (Motorseglerführer) was nearly discontinued, and nearly all existing licences are registered as a class rating (TMG) within the Glider Pilot licence. There is an existing possibility to apply via JAR FCL for the Touring Motor Glider (TMG) licence, but in practise to expensive (similar cost as single engine piston SEP) and therefore not practicable.

The former PPL B was convenient for these clients, which did not have enough time for the timeconsuming gliding activities on the one hand, and on the other which were not capable to invest money for the more expensive PPL A licence. Since the launch of JAR FCL, the former Powered Glider Pillar disappeared nearly (including the manufacturer Scheibe Aircraft, Dachau)

For the former PPL C holders (Glider Pilot licence) prior to the next take off licence holder has to check his flight log book carefully, that he can proof 25 launches in the last 24 month and obtains therefore a valid rating. That means after winter break (from November to March most probably) if PPL-C holder intend to launch in spring, he needs 25 launches in the last 24 months, knowing that in the recent 5 months no chance was given to keep the rating valid. This leads to the consequence that a PPL-C holder has instead of 24 months only 14 months for 25 launches to keep his rating valid. There is no possibility to compensate a lack of launches with flying-time. A rule which is more than questionable .

There is in deed a grey zone, where some authorities (Bezirksregierung/ Luftamt) accept SEP/TMG launches as replacement for glider launches.

Flight instructors have to deliver 100 instruction hours during the last 3 years, and 30 hours in 12 months prior of the expiry date of their instructor rating. These extension conditions are mostly not achievable in a normal flight club, and hardly in a flight training centre.

The consequence of this new regulation is already visible in the daily life of a flight training centre as e. g. Fränkische Fliegerschule Feuerstein e. V.

The recruitment of flight instructors (either seasonal or long term) becomes more and more difficult, due to the fact, that there are hardly no new applicants for FI in the market. Not surprisingly, because the costs for a FI Rating (SEP) easily amounts to more than 15.000 Euro with a possible lifetime of 3 years only.

Additional new regulations for all SEP holders have been implemented as:

1. ZÜP (civilcheck of the realibility of the licence holder)  
Causes a more emotional based reaction from all rather than a logical, but

costs money and time, and could be judged as discrimination. (An antidiscrimination-law has been implemented in 2006 in Germany)

2. English Language Examination.

Despite of an available BZF 1, a new English language test has to be passed. Causes additional workload and costs? Who will execute those tests?

3. Big confusion came up concerning valid medicals from age 50 onwards. First rule mentioned one year validity.

Now it was changed back to two years. Finally o.k., but created additional questions and discussions in an already very emotional environment.

**Current status:**

1. The former Powered Glider Sector (TMG), which was an important supporting leg in Clubs and Training Centers is practically not existing anymore. This sector reflected at least 15 % of general aviation activities.

2. The number of available flight instructors (SEP) is going down significantly. The age pyramid of this group shows overaged appearance. Hardly no new FI's are recruitable, which could work in Club`s or small sized flight training centres. (reumeration and extension conditions are the case )

If this developement continues, the General aviation for SEP is really endangered. The trainingbase for this category are the Clubs and smaller training centres (lower costs). Without instructors, no new licence holders will be created in these institutions.

3. General aviation suffers from significant cost increase, increasing licence regulations, growing complexity and increasing bureaucracy.

**Future:**

The general aviation could hardly realize, react and correct the consequences of JAR FCL and has now to switch to EASA Licence.

Again new amendments will be established as:

1. **IHP** ( individual maintenance program )

Will create for same aircraft type, different individual maintenance schedules and rules. Is this the goal?

2. **New inspection procedures and intervals.** (former „Jahresnachprüfung“)

Was always linked to a month (Mai 2009). Will now be linked to a specific date (11.05.2009). Means one day behind the date, will cause an extraordinary inspection. Creates more complexity and higher costs.

3. **Camo**

Even the involved maintenance factories have no precise idea about the current status.

But we all expect more complexity and higher costs.

**4 4. Additional examination for all licence holders every 6 years.**

Despite a valid licence (after passing an examination prior of issuing this licence) in combination with a 60 minute trainingflight every 24 month with an FI, a regular examination every 72 month for all licence holders is planned.

The only understandable reason for implementation of this barrier is that there are serious doubts about the capability of current licence holders in terms of substantiated state of knowledge how to handle an aircraft. If this is the case all former involved parties as Minister of Transport, Landesluftfahrtbehörden, AOPA, ICAO, LBA, training centres, instructors and examiners have failed their job.

Additionally there is no manpower available to examine all licenceholders. Again this creates more complexity, more costs and less licence holders. Do we want this?

### **Conclusion:**

The General Aviation is confronted with the following situation :

1. Significant price increases for fuel, maintenance, insurance, spareparts and labourcosts brings general aviation already under big pressure.
2. Energy saving power plant technologies are still no sufficient alternative (e.g Thielert)
3. The number of active general aviation pilots is already decreasing the last years.

Elder pilots resign from flying and new candidates hesitate to start flying due to increasing costs and increasing complexity. New regulations and rules are more confusing rather than clarifying.

New licence regulations will lead to additional costs, complexity and less licence candidates.

All these activities will bring General Aviation under additional cost pressure and lead to a more and more minority community.

This will endanger all our Clubs, Training Centres and Federations. The less licence holders we have, the less Federations, Clubs, Training Centres, FI s, Examiners, etc. we need.

### **Is this what we want?**

I hope I explained my concerns as objective as possible.

At least we want all the same: Flying

The implementation of the EASA licences is a big challenge but a big responsibility as well.

The learnings from JAR implementation showed, that increasing complexity and additional monitoring will lead to less flying activities, less licence holders and higher uncertainties.

Please consider this for the roll out of EASA licences, otherwise a lot of active licence holders will definitely not make themselves as slaves of their ratings. They will definitely resign.

In case of questions, please don't hesitate to contact me.

response *Noted*

Thank you for your contribution.

comment 2969

comment by: *Polish Aviation Authority, Aviation Technical Department*

**General Comment**

Our opinion presented below concerns only problems connected with test flights performed to achieve information regarding flight characteristics, condition of aircraft and their elements and equipment.

Polish Aviation Authority has participated in works of the JAA Working Group that acted in years 2000 to 2002 as so called the Flight Test Working Group. Therefore we would like to express our satisfaction that proposals elaborated by that Group have been partly used in the published NPA.

We remember also, that the first proposal of that Group was to elaborate single separate Part of JAR regulations called JAR FT containing in one document all regulations concerning flight testing on all stages of the process from research and development flights, through certification flights, production flights and flights connected with replacement of equipment which have not influence on performance and flight characteristics, and also check flights during operating and maintenance. Our Authority has supported such an idea.

Now In Poland we have national regulations concerning flight testing based on propositions elaborated by the JAA Flight Test Working Group.

After joining the EU up to now we obtained already:

- 1) COMMISSION REGULATION (EC) No 375/2007 of 30 March 2007 amending Regulation (EC) No 1702/2003 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organizations. This Regulation implements new Subpart P – Permit to Fly.
- 2) 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
- 3) Recently we obtained **NPA 2008 – 17A** and **NPA 2008 – 20**.
- 4) The NPA 20 contains announcement of additional regulations on Part Management Systems (regarding Training Organizations) and the information in paragraph 22c, that „Flihg testing for other purposes (e.g. research) will not be affected by this NPA.

These regulations are applicable to activity of relatively small group of specialists. However, the regulations – as proposed in the NPA 2008 – 17A and NPA 2008 – 20 would be dispersed in several regulatory documents. Such a situation is not comfortable for use and should be avoided

response *Noted*

The Agency acknowledges your opinion.  
The general structure of the EASA requirements has been based on a careful assessment, and has received general agreement from stakeholders.

comment 2975

comment by: *Willi LUDWIG*

Ich bin im Besitz einer Motorseglerlizenz, die ich über einen Verein erworben habe. Ich hätte diese L. auch übereine Flugschule erreichen können . Es ist aus

meiner Sicht so , das ein Verein nicht nur aus Kostengründen sondern wegen der Ortsnähe wegen des Austausch von Meinungen auch bezüglich der Ausbildungsdauer die sich in der Regel über 2 Jahre hinzieht also 2X 4 Jahreszeiten letztendlich der Qualität der " Grundausbildung" und auch damit erreichten Sicherheit vorzuziehen ist.

Flugschulen eignen sich besonders Subpart H und I. General sollte sich die Easa im Klaren sein, das bedingt durch die stätige Verteuerung der allgemeinen Lebenskosten ,immer weniger Geld übrig bleibt. Die Vereinsstruktur bietet auch geringverdienern die Möglichkeit in den Flugsport einzusteigen. eine Verteuerung dieser Struktur spreizt die Kluft zwischen arm und reich.

response *Noted*

The Agency acknowledges your opinion.

comment *2983*

comment by: *Peter Hommes*

The General Aviations crisis - with the solitary exception of the ultralights in the frame of Annex II - is resulting from the increasing regulatory harassment and increasing costs (which result directly from over-regulation). These increased regulations are officially justified by a desire of increasing flight safety in this leisure activity, but prove to have no practical effect - at least on safety - except decreasing the number of pilots, decreasing the number of hours flown by pilots as a direct effect of the escalating costs, obstructing technical progress as a direct effect of the escalating costs for certifying parts and products, which induces the attitude to use and sell a product - once certified - as long, as possible, all this even decreasing the safety!

I welcome this initiative, which is likely to allow many Europeans pilots to benefit from the light regulatory frame light aviation is enjoying in many countries. The wish for an LSA equivalent in EU is a direct result of the wish for greater operational possibilities, which have become a simple reality because of the performances of modern ultralights. Realising these greater operational possibilities within the framework of present Annex II (which is technically absolutely possible) creates complex and extremely expensive aircrafts - the contrary of the simple and affordable aircrafts, ultralights wanted to be in the beginning. US-LSA shows a very reasonable way out of this situation.

To guarantee the success of this new regulation, I think that EASA showed pusillanimity in its approach of the future certification process, particularly when it comes to the ELA1 class, which is intended to encompass the greatest possible number of leisure aircraft.

It is only by setting up a self certification by the manufacturer that the costs of this process could be drastically reduced and thus support the creativity and the competition essential to the development of attracting leisure aviation. Comparing a self declaration system to a system based on Qualified Entities (QE), I am convinced that QE is far more expensive QE only provides a fictitious improvement of security

FAA-LSA is taking the security aspect into account, by stipulating technically simple and good-natured aircrafts, and by distinguishing two different cases of security/protection level needed:

S-LSA, quasi („QE") certified by the manufacturer for a serial production, which must not be modified.

E-LSA, built as an „Experimental", which can be modified.

Instead of setting up a heavy process of control involving many costly third parties, the Agency could have been satisfied with a survey control and probing system, reserving it's right to check the declarations of the manufacturers, or when failure to match the certification codes is suspected.

Thus, I estimate that the evolution suggested - even if it constitutes a certain lightening of their tasks for the existing manufacturers of certified aircrafts - will be insufficient to stop the decline of the leisure aviation as a whole.

This is more than certain when reviewing the currently published proposals related to licensing and maintenance procedures, which are practically as heavy as what prevailed before (national legislations). The promised innovation seems to be nothing else but a slightly modified reproduction of the stillborn child VLA, which has never had any positive effect on recreational aviation. So, I express my large disappointment about the way those promising new rules are developed.

General conclusion:

The proposed changes in the present NPA were not what the light aviation community asked for. The proposed amendments represent rather an attempt of resuscitation of the conventional light aviation than of a successful integration of the modern Ultralights in the European regulatory frame work. There is a serious risk, that the successful light aviation, represented by the modern Ultralights, will be killed by the present proposals.

The future of Annex II must not be related with the introduction of ELA, the way, it is proposed now. Within the Annex II, a lot of pilots fly, a lot of manufacturers work and a lot of employees earn a living. The Annex II has to be protected until ELA has proved that it can be as successful as the Annex II area. In such circumstances I express firmly my clear and determined choice that aircraft below 450kg MTOW (472,5Kg with recovery parachute) should remain outside of the scope of EASA, in Annex II. I am very satisfied with the current situation and have no wish whatsoever to see it change.

Concerning the aspect of the subclass LSA, whose purpose it is to facilitate the work of the European manufacturers already exporting in the USA, I am astonished about the technical framework introduced by the NPA. Actually, the American LSA class is strictly limited to a minimum stall speed without flaps to 45 kts and to a 120 kts maximum full power level speed. Also prohibited are the use of variable pitch propellers and retractable gears. If exonerating ELA 1 of these limitations, which justify the lightened regulation granted to this new class of aircraft by the FAA, the Agency does not achieve this goal.

Therefore, I hereby clearly claim to adopt the original definition of the FAA-LSA category without reservation.

Justification:

US-LSA has well been considered and created with a good know-how. It is principally useful.

It is better to accept a limitation of technical complexity, than a limitation of operational use of the aircrafts.

Accepting a limitation of technical complexity is the best argument for staying out of complex (over)regulation.  
 Technical complexity is expensive.

253 A. Explanatory Note - IV. Content of the draft opinion and of the draft decision - Overview of the proposals included in this NPA 5 - 6 Comment 14: Creation of a Certification Specification - Light Sport Aeroplane (CS-LSA)

Following the philosophy of a self declaration basis, certification has to be limited to the issue of a "special airworthiness certificate", according to FAA-LSA:

Eligibility. LSA are eligible for a special airworthiness certificate in the LSA category when the applicant provides a copy of the aircraft manufacturer's-

(1) Written operating instructions.

(2) Written maintenance and inspection procedures for the entire aircraft.

(3) Flight training supplement.

(4) Statement of compliance. This must contain:

(a) The identity of the aircraft by make and model, serial number, class, date of manufacture, and consensus standard used;

(b) A statement that the aircraft meets the provisions of the identified consensus standard;

(c) A statement that the aircraft conforms to the manufacturer's design data, using the manufacturer's quality assurance system that meets the identified consensus standard;

(d) A statement that the manufacturer will make available to any interested person the following documents that meet the identified consensus standard:

1 The aircraft's operating instructions;

2 The aircraft's maintenance and inspection procedures for the entire aircraft; and

3 The aircraft's flight training supplement; and

(e) A statement that the manufacturer will monitor and correct safety-of-flight issues through the issuance of safety directives and a continued airworthiness system that meets the identified consensus standard;

(f) A statement that at the request of the FAA, the manufacturer will provide unrestricted access to its facilities;

(g) In accordance with a production acceptance test procedure meeting the applicable consensus standard, a statement that the manufacturer-

1 Ground and flight tested the aircraft;

2 Found the aircraft performance acceptable; and

3 Determined the aircraft is in a condition for safe operation.

240 A. Explanatory Note - IV. Content of the draft opinion and of the draft decision - Further considerations on the European Light Aircraft Process - ELA: Who does what? 9 Comment 1

Page 9 - A. Explanatory Note - IV. Content of the draft opinion and of the draft decision - Further considerations on the European Light Aircraft Process - Design and Production Organization Approvals

Based on the explicit experience of the 3 years plus LSA operation in USA, and based upon the most recent operational experience of advanced microlights (mostly also sold as LSA in FAA world) in Europe, it can be clearly underlined, that even at this level of deregulation the level of safety achieved is so high, that it can hold with those as found for Part 23 aircraft.

There is no connection visible, that a self declaration of design and production quality system and correctness of results has any negative effect on the level of safety achieved in operation. Therefore, based on this explicit experience, any rising of requirements / requirement of approvals can not be argued with additional safety. As a fact, reducing the hurdles leads to a much more efficient market self control, than could be achieved by Agency control.

This is the background for the comments proposing solutions on how to go with the EASA DOA and POA approvals by accepting existing ASTM or DIN ISO qualifications of companies, without further explicit checking or re-auditing.

In all countries, where deregulated airplanes are flying already (LSA, homebuilt aircrafts, Annex II), it is clearly proven that deregulation in general is not a reason for less safety and can even improve safety.

241 A. Explanatory Note - IV. Content of the draft opinion and of the draft decision - Further considerations on the European Light Aircraft Process - Creation of a Certification Specification for Light Sport Aeroplanes 10 Comment 2

Page 10 - A. Explanatory Note - IV. Content of the draft opinion and of the draft decision - Further considerations on the European Light Aircraft Process - Creation of a Certification Specification for Light Sport Aeroplanes

Based on the explicit experience of the 3 years plus LSA operation in USA, and based upon the most recent operational experience of advanced microlights (mostly also sold as LSA in FAA world) in Europe, it can be clearly underlined, that even at this level of deregulation the level of safety achieved is so high, that it can hold with those as found for Part 23 aircraft.

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242 A. EXPLANATORY NOTE - Attachment 2 - Who does what - Initial and Continued Airworthiness - ELA 1 20 - 22 Comment 3

Page 22 A. EXPLANATORY NOTE - Attachment 2 - Who does what - Initial and Continued Airworthiness - ELA 1 - Organisational Approval

Based on the explicit experience of the 3 years plus LSA operation in USA, and based upon the most recent operational experience of advanced microlights (mostly also sold as LSA in FAA world) in Europe, it can be clearly underlined, that even at this level of deregulation the level of safety achieved is so high, that it can hold with those as found for Part 23 aircraft.



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243 B. Draft Rules - I. Amendments to Part-21 - Section A - Subpart B - 21A.14 Demonstration of of capability 26 - 27 Comment 4

Page 26/27 - B. Draft Rules - I. Amendments to Part-21 - Section A - Subpart B - 21A.14 Demonstration of capability

Based on the explicit experience of the 3 years plus LSA operation in USA, and based upon the most recent operational experience of advanced microlights (mostly also sold as LSA in FAA world) in Europe, it can be clearly underlined, that even at this level of deregulation the level of safety achieved is so high, that it can hold with those as found for Part 23 aircraft.

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244 B. Draft Rules - I. Amendments to Part-21 - Section A - Subpart B - 21A.14 Demonstration of of capability 26 - 27 Comment 5

Page 26/27 - B. Draft Rules - I. Amendments to Part-21 - Section A - Subpart B - 21A.14 Demonstration of capability

Negative. The proposal as presented here is in the suitable direction, but not reaching far enough.

Companies already delivering to FAA world LSA certified aircraft, which we can find in EASA world under ELA 1, in a lot of cases already have approved quality standards manifesting the design capabilities in equivalent, but not identical way as required by subpart J. Nevertheless these are fully sufficient to exercise the privileges as defined in Subpart J. So, when a valid approval exists following the appropriate ASTM standard, DIN EN ISO 9001 or 9100, this must be considered equivalent, as long as the company deals with ELA 1 products only.

Proposal:

A block (d) must be added, allowing to reach DOA privileges as defined in Subpart J, but limited to products coming within ELA 1, when deviating from the relevant paragraphs for the design assurance system (21A.239) on the basis of a valid approval following the appropriate ASTM standard (no self declaration, but valid positive audit of accepted organization), DIN EN ISO 9001 or DIN EN ISO 9100. The approval will be accepted without further auditing or checking.

245 B. Draft Rules - I. Amendments to Part-21 - Section A - Subpart G - 21A.139 Quality System 28 - 30 Comment 6

Page 28 - B. Draft Rules - I. Amendments to Part-21 - Section A - Subpart G - 21A.139 Quality System

Based on the explicit experience of the 3 years plus LSA operation in USA, and based upon the most recent operational experience of advanced microlights (mostly also sold as LSA in FAA world) in Europe, it can be clearly underlined, that even at this level of deregulation the level of safety achieved is so high, that it can hold with those as found for Part 23 aircraft.

There is no connection visible, that a self declaration of design and production quality system and correctness of results has any negative effect on the level of safety achieved in operation. Therefore, based on this explicit experience, any rising of requirements / requirement of approvals can not be argued with additional safety. As a fact, reducing the hurdles leads to a much more efficient market self control, than could be achieved by Agency control.

This is the background for the comments proposing solutions on how to go with the EASA DOA and POA approvals by accepting existing ASTM or DIN ISO qualifications of companies, without further explicit checking or re-auditing.

In all countries, where deregulated airplanes are flying already (LSA, homebuilt aircrafts, Annex II), it is clearly proven that deregulation in general is not a reason for less safety and can even improve safety.

246 B. Draft Rules - I. Amendments to Part-21 - Section A - Subpart G - 21A.139 Quality System 28 - 30 Comment 7

Page 28 - B. Draft Rules - I. Amendments to Part-21 - Section A - Subpart G - 21A.139 Quality System

Negative. The proposal as presented here is in the suitable direction, but not reaching far enough.

Companies already delivering to FAA world LSA certified aircraft, which we can find in EASA world under ELA 1, in a lot of cases already have approved quality standards manifesting the production capabilities in equivalent, but not identical way as required by subpart J. Nevertheless these are fully sufficient to exercise the privileges as defined in Subpart G. So, when a valid approval exists following ASTM F2279, DIN EN ISO 9001 or 9100, this must be considered equivalent, as long as the company deals with ELA 1 products only.

Proposal:

A block (d) must be added, allowing to reach POA privileges as defined in Subpart K, but limited to products coming within ELA 1, when deviating from the relevant paragraphs for the Quality System (21A.139 (a) (b) or (c)) on the basis of a valid approval following ASTM F2279 (no self declaration, but valid positive audit of accepted organization), DIN EN ISO 9001 or DIN EN ISO 9100. The approval will be accepted without further auditing or checking.

247 B. Draft Rules - I. Amendments to Part-21 - Section A - Subpart L - Combined Approval of Organisations Responsible for Design and Production of aircraft defined in Paragraph 21A.14(b) and (c) - 21A.359 Design Assurance System 31 - 32 Comment 8

Page 31/32 - B. Draft Rules - I. Amendments to Part-21 - Section A - Subpart L - Combined Approval of Organisations Responsible for Design and Production of aircraft defined in Paragraph 21A.14(b) and (c) - 21A.359 Design Assurance System

Based on the explicit experience of the 3 years plus LSA operation in USA, and based upon the most recent operational experience of advanced microlights (mostly also sold as LSA in FAA world) in Europe, it can be clearly underlined, that even at this level of deregulation the level of safety achieved is so high, that it can hold with those as found for Part 23 aircraft.

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This is the background for the comments proposing solutions on how to go with the EASA DOA and POA approvals by accepting existing ASTM or DIN ISO qualifications of companies, without further explicit checking or re-auditing.

In all countries, where deregulated airplanes are flying already (LSA, homebuilt aircrafts, Annex II), it is clearly proven that deregulation in general is not a reason for less safety and can even improve safety.

248 B. Draft Rules - I. Amendments to Part-21 - Section A - Subpart L - Combined Approval of Organisations Responsible for Design and Production of aircraft defined in Paragraph 21A.14(b) and (c) - 21A.359 Design Assurance System 31 - 32 Comment 9

Page 31/32 - B. Draft Rules - I. Amendments to Part-21 - Section A - Subpart L - Combined Approval of Organisations Responsible for Design and Production of aircraft defined in Paragraph 21A.14(b) and (c) - 21A.359 Design Assurance System

Negative. The proposal as presented here is in the suitable direction, but not reaching far enough.

Companies already delivering to FAA world LSA certified aircraft, which we can find in EASA world under ELA 1, in a lot of cases already have approved quality standards manifesting the design capabilities in equivalent, but not identical way as required by subpart L. Nevertheless these are fully sufficient to exercise the privileges as defined in Subpart L. So, when a valid approval exists following the appropriate ASTM standard, DIN EN ISO 9001 or 9100, this must be considered equivalent, as long as the company deals with ELA 1 products only.

Proposal:

A block (d) must be added, allowing to reach DOA privileges as defined in Subpart L within combined DOA/POA process limited to products coming within ELA 1 as alternative to (a) or (b) or (c) , when deviating from the relevant paragraphs for the design assurance system but having a valid approval following the appropriate ASTM standard (no self declaration, but valid positive audit of accepted organization), DIN EN ISO 9001 or DIN EN ISO 9100. The approval will be accepted without further auditing or checking.

249 B. Draft Rules - I. Amendments to Part-21 - Section A - Subpart L - Combined Approval of Organisations Responsible for Design and Production of aircraft defined in Paragraph 21A.14(b) and (c) - 21A.361 Production Organisational Review 32 Comment 10

Page 32 - B. Draft Rules - I. Amendments to Part-21 - Section A - Subpart L - Combined Approval of Organisations Responsible for Design and Production of aircraft defined in Paragraph 21A.14(b) and (c) - 21A.361 Production Organisational Review

Based on the explicit experience of the 3 years plus LSA operation in USA, and based upon the most recent operational experience of advanced microlights (mostly also sold as LSA in FAA world) in Europe, it can be clearly underlined, that even at this level of deregulation the level of safety achieved is so high, that it can hold with those as found for Part 23 aircraft.

There is no connection visible, that a self declaration of design and production quality system and correctness of results has any negative effect on the level of safety achieved in operation. Therefore, based on this explicit experience, any rising of requirements / requirement of approvals can not be argued with additional safety. As a fact, reducing the hurdles leads to a much more efficient

market self control, than could be achieved by Agency control.

This is the background for the comments proposing solutions on how to go with the EASA DOA and POA approvals by accepting existing ASTM or DIN ISO qualifications of companies, without further explicit checking or re-auditing.

In all countries, where deregulated airplanes are flying already (LSA, homebuilt aircrafts, Annex II), it is clearly proven that deregulation in general is not a reason for less safety and can even improve safety.

250 B. Draft Rules - I. Amendments to Part-21 - Section A - Subpart L - Combined Approval of Organisations Responsible for Design and Production of aircraft defined in Paragraph 21A.14(b) and (c) - 21A.361 Production Organisational Review 32 Comment 11

Page 32 - B. Draft Rules - I. Amendments to Part-21 - Section A - Subpart L - Combined Approval of Organisations Responsible for Design and Production of aircraft defined in Paragraph 21A.14(b) and (c) - 21A.361 Production Organisational Review

Negative. The proposal as presented here is in the suitable direction, but not reaching far enough.

Companies already delivering to FAA world LSA certified aircraft, which we can find in EASA world under ELA 1, in a lot of cases already have approved quality standards manifesting the production capabilities in equivalent, but not identical way as required by subpart L. Nevertheless these are fully sufficient to exercise the privileges as defined in Subpart L. So, when a valid approval exists following ASTM F2279, DIN EN ISO 9001 or 9100, this must be considered equivalent, as long as the company deals with ELA 1 products only.

Proposal:

A block (c) must be added, allowing to reach POA privileges as defined in Subpart L within combined DOA/POA process limited to products coming within ELA 1 as alternative to (a) or (b), when deviating from the relevant paragraphs for the Production Organizational Review on the basis of a valid approval following ASTM F2279 (no self declaration, but valid positive audit of accepted organization), DIN EN ISO 9001 or DIN EN ISO 9100. The approval will be accepted without further auditing or checking.

251 B. Draft Rules - II. New Certification Specifications for Light Sport Aeroplanes - Subpart A - General 42 Comment 12

Page 42 - B. Draft Rules - II. New Certification Specifications for Light Sport Aeroplanes - Subpart A - General

Based on the explicit experience of the 3 years plus LSA operation in USA, and based upon the most recent operational experience of advanced microlights (mostly also sold as LSA in FAA world) in Europe, it can be clearly underlined, that even at this level of deregulation the level of safety achieved is so high, that it can hold with those as found for Part 23 aircraft.

There is no connection visible, that a self declaration of design and production quality system and correctness of results has any negative effect on the level of safety achieved in operation. Therefore, based on this explicit experience, any rising of requirements / requirement of approvals can not be argued with additional safety. As a fact, reducing the hurdles leads to a much more efficient market self control, than could be achieved by Agency control.

This is the background for the comments proposing solutions on how to go with the EASA DOA and POA approvals by accepting existing ASTM or DIN ISO qualifications of companies, without further explicit checking or reauditing.

In all countries, where deregulated airplanes are flying already (LSA, homebuilt aircrafts, Annex II), it is clearly proven that deregulation in general is not a reason for less safety and can even improve safety.

252 B. Draft Rules - II. New Certification Specifications for Light Sport Aeroplanes - Subpart A - General - LSA 3 Aeroplane categories 42 Comment 13

Page 42 - B. Draft Rules - II. New Certification Specifications for Light Sport Aeroplanes - Subpart A - General - LSA 3 Aeroplane categories

Negative. A limitation to VFR day is considered as not acceptable, as the standard offers well suitable standards also for aerobatics, VFR night operation and soon IFR operation. There is no reason visible why this can not be accepted as well in EASA world, like in FAA world. Particularly the limitation to "non-aerobatic" use is not comprehensible. Just as aerobatics are defined as a "sport", an aeroplane category with the term "sport" in its name should not ignore this. It should be in responsibility of the design organization to define the aircraft as capable for aerobatics. This does not mean that every pilot can operate the aircraft in aerobatics, night VFR or IFR without more ado. This still requires the proper upgrade or license with endorsement. Also, requirements to equipment for operation at night and under IFR are also not overruled. So allowing principally the usage of the aircraft in these conditions, under the limitations of the ELA concept, does not pose a factual reduction in level of safety. This can be clearly verified through the 3 years plus LSA experience in USA.

response *Not accepted*

Thank you for your feedback, but this NPA contains no requirements for certification of aircraft.

comment 3044

comment by: PAL-V Europe

### **Comments on NPA 2008-17b**

#### **Introduction**

This NPA specifies requirements for the issue and maintenance of Flight Crew Licences. It is therefore important that all existing aircraft categories are addressed.

The Categories for which a LPL or PPL can be obtained is listed in this NPA as follows:

- Aeroplane
- Helicopter
- Sailplanes
- Powered Lift
- Airships
- Balloon

The gyroplane, also known as gyrocopter, autogyro and/or autogiro is nowhere mentioned in this NPA. Our proposal is to include it.

#### **MOTIVATION:**

In the past years various gyroplanes or gyrocopters have also entered the European aviation market. Most gyroplanes are still built and operated under the Ultralight Aircraft specifications (Annex II), but manufacturers have difficulties in keeping the MTOW within the Ultralight category specifications. It is a matter of time that gyroplanes will also be classified in other – non Ultralight categories. It is of great importance to include requirements for flight crew licensing of gyroplanes in Europe because otherwise this category of pilots cannot obtain a single European license.

response *Noted*

For the moment, the Agency is not aware of any gyroplanes that are not included in Annex II of the Basic Regulation, and therefore excluded from the scope of our rules.

It is possible that this will change in the future. In this case, a specific rulemaking task will need to be developed to integrate these aircraft into the EASA system.

comment 3086 comment by: *Richard Gahan*

Dear Sirs

Having read the proposed rules regarding ballooning and the new rules EASA are wanting to implement.

The UK rules regarding student training , pilot licensing and medicals have been very strict and have worked for the past 20 years with approval by the CAA.

I personally do not understand why the UK has to change one of the most stringent set of rules within Europe to meet the new EASA rules

The UK rules are working fine and should not need to be changed

Richard Gahan  
UK  
Pilot under Training

response *Noted*

The Agency acknowledges your opinion.

comment 3088 comment by: *Paulsen Thomas*

Attachment [#2](#)

Als Hobbysegelflieger fühle ich mich von diesem Verwaltungsmonster erschlagen.

Das Werk ist praxisfremd, insbesondere die Regelungen zur

- \* Fluglehrerausbildung und -erhaltung/verlängerung
- \* dem Medical
- \* Sicherheitsüberprüfung
- \* Sprachüberprüfung
- \* die oftmals vorgenommene "Gleichstellung von Hobbypiloten zur kommerziellen Luftfahrt
- \* der Ignoranz der Regelungen vor JAR-FCL

Ich schließe mich der Stellungnahme des Luftsportverbandes Rheinland-Pfalz e.V. vom 25.11.2008 an.

<<02b\_stellungnahme-mpa-2008-17.pdf>>

Bitte respektieren Sie in Ihrem Regelwerk den "mündigen Bürger", der auch ein Pilot ist und schädigen Sie nicht weiter den Luftsport.

Wir tragen seit Jahren Verantwortung für unser Hobby und unser tun.

Wir arbeiten eng mit der DFS zusammen, um gemeinsam im Luftraum um die

großen Verkehrsflughäfen fliegen zu können.

Mehr zu wollen als eigentlich notwendig ist, zeigt leider den Regulierungswahn einer Behörde.

Die Vorschusslorbeern mit den die EASA gestartet ist, sind bei einem großen Teil der Freizeitpiloten weitestgehend aufgebraucht.

Andere Länder, wie z.B. die USA schaffen Regelungen für die Luftfahrt, mit denen alle Beteiligten leben und fliegen können.

Welche Ziele verfolgen Sie wirklich mit dem EASA-Regelwerk?

Wollen Sie die Freizeitfliegerei abschaffen?

In der Hoffnung auf eine zügige und verständliche Antwort...

response *Noted*

The Agency acknowledges your opinion.

comment

3130

comment by: *Francois Besse*

The new rules (Basic LPL, LPL and PPL) is a mess.  
Very complicated, with a lot of burden.

The initial goal of the EASA was to "revitalise the general aviation world".  
The new rules are not going this way.

Exemples :

- safety : a Basic LPL is not allowed to land on another airfield than his depart airfield.

So, if he fly solo and there is a thunderstorm, or an accident (runway not usable) on his airfield, what he is supposed to do ? The french "brevet de base" is limited to 30 km radius but landing on another airfield, inside the 30 km radius, is possible IF the pilot has been trained by an FI to land on this second airfield.

That is Safety ! Not a rule written by non-flying writers in their room !

- a proficiency flight check every 6 years is a dream-killer for many leisure pilots.

We have allready the 1 hour flight with a FI every two years. Enough is enough. Autoregulation is a concept that EASA rulers do not know, just hypnotised by the "zero risk" syndrom.

In France, general aviation represent 40 fatalities each year (+6.500 with cars). Why the CE is not proposing a car driving proficiency check every 6 years to all car drivers ?

Those who write these rules are not pilots ! Do they know the energy one has to used to become a leisure pilot, with theorical knowledge, flight lessons, all this spread in monthes or years with the job, children, weather and so on. And a lot of money. The risk to not passing the proficiency check is a hard brake to new candidates weeling to fly. EASA rules should take in consideration the responsability of pilots, and instructors and not increase the checks.

Revitalisation is less regulation, more freedom. If you are FI in light aircraft, glider with mountain and aerobatic ratings, you will all the time fly just to be checked ! This is a flying motivation killer.

Too much regulation kill the regulation as there is nobody to regulate after a while !

It will be too late to understand this in a few years, but you are going to kill definitely the leisure aviation. Is it the goal to give space to a jet-set general aviation ?

Is it a professional way of doing applied to a leisure activity ?

If so, do not change the NPA. You are speeding in the good direction.

20 years ago, France had 5 or 6 light aircraft builders.

Today, only one, selling 5 to 10 units per year !

Ultralight activity, hopefully out of the EASA perimeter, is climbing hard in pilots and builders numbers.

Think about it !

The ELA concept is a good one but new less expensive aircrafts is NO use if there are not new pilots to train !

response *Noted*

The Agency acknowledges your opinion.

comment *3150*

comment by: *Susana Nogueira*

Delete as much as possible wath is not in ccordance with ICAO Annex 1 and delete in toto wath is not in accordance with Annex 1 and Basic Regulation

response *Noted*

The Agency acknowledges your opinion.

comment *3218*

comment by: *Susana Nogueira*

For training organizations take the FCL expresión FTO or TRTO.

With the proposed expression ATO is not possible to differentiate between FTO's and TRTO's

response *Noted*

The Agency considers that there is no need to differentiate in the rule. The different privileges of a training organisation will be included in the approval.

comment *3250*

comment by: *Baden-Württembergischer Luftfahrtverband*

### **Introduction**

The Baden-Württembergischer Luftfahrtverband (BWLV) is the association of the about 200 aviation clubs in the state Baden Württemberg in the south west of Germany. About 160 of these clubs instruct on aeroplanes, sailplanes, micro lights, balloons and parachutes.

The quite high number of clubs which are partially quite small are spread widely across the country and therefore most people interested in flying can find a club close by giving access to flying at very low cost. This is especially important so that also young people still at school interested in aviation have the possibility to start flying. This offering is only possible because all functions are executed by volunteers.



A big portion of general aviation activity is happening in the context of these clubs. Here pilots are under close observation and exchange lots of information. Aircraft belong to all members and are often not insured against loss. This leads to a quite rigid control between the members. This infrastructure therefore contributes a lot to the safety in aviation.

It is important to maintain this infrastructure and make sure it is supported by the regulations. This importance is also emphasized in the „*An Agenda for Sustainable Future in General and Business Aviation* COM(2007) 869”.

We want to note that we have focused our comments on the LPL space and here the fixed wing categories. Not commenting in other areas does not mean that we approve the proposal in these areas. We also have not put too much focus on the AMC and GM at this point in time. These will be more closely scrutinized when implementation draws closer.

We have structured our comments to the various paragraphs in up to four parts as appropriate:

Full reference to the passage (FCL.nnnn.XX (x)(n)(n))

**Wording in the NPA**

Here we repeat the passage from the NPA which we are specifically commenting

**Our proposal**

Here we specify how to change the wording of the NPA. This is either:

**Add:** for an addition of a passage

**Change:** changes in the original wording marked in red

**Delete:** delete a passage

**Issue with current wording**

A one sentence description of the problem

**Rationale**

A detailed reasoning why we think the change is needed or perhaps why we support the proposal in the NPA.

Our following general comments list issues and rationales which apply to many of the rules in this proposal. We therefore gather them here with detailed rationales and will then refer to them in our comments to the individual rules. This avoids repeating the rationales in multiple comments.

**General Comments**

**1. Support of non commercial aviation**

**Issue with current wording**

The in the NPA proposed regulation has provisions to support non commercial aviation like the basic LPL and LPL licenses but the insights of the „*An Agenda for Sustainable Future in General and Business Aviation* COM(2007) 869” have not been followed through in the regulation in regards .to the non commercial environment.

**Rationale**

The requirements especially in the LPL environment partially exceed the possibilities of the non profit individuals especially when we come to instructor and examiner certificates where the examiners and instructors are volunteers. Germany has a long and good experience in putting private pilot licensing

completely in the hands of non profit individuals (volunteers) and organizations (clubs and their associations) including the examiner level. This setup is endangered by the current proposal. And therefore also contradicts the above mentioned agenda. Critical issues are

- the strict limitation of remuneration,
- application for instructor and examiner certificates and maintaining currency of these privileges where we think the requirements are not proportional in all cases
- and crediting across multiple aircraft categories where the current proposal does not take into account the diversity in private piloting and at the same time ignores the similarity of the skill sets and thereby putting a too high burden on holders of multiple privileges.

The multitude of non commercial small clubs allows individuals interested in flying and especially young people to find a club in their vicinity and start flying at affordable cost. This is only possible with volunteers in all functions. This infrastructure has to be maintained and strengthened to achieve the goals of the above mentioned agenda. To achieve this goal the LPL community must be self contained and all functions up to the FIE accessible to holders of an LPL. Please also refer to our reasoning why it is so important to give young people access to flying in our comment Nr. 4285 to FCL.020(b)(2).

## **2. Crediting From Non Regulated Aircraft**

### **Issue with current wording**

Flight, instructor and examiner experience on Aircraft for which EASA regulation does not apply due to basic regulation Article 1 paragraph 2 and Article 4 paragraph 5 in conjunction with Annex II must be credited when applying for and maintaining licenses, ratings and certificates.

### **Rationale**

Although certain aircraft are currently excluded from the Regulation either by basic regulation Article 1 paragraph 2 or by Article 4 paragraph 5 in conjunction with Annex II they can not be ignored especially if the flying experience on them is equivalent to regulated aircraft. Police or military pilots fly identical aircraft as aircraft regulated by EASA. Many aircraft listed in Annex II specifically categories (a), (b), (c), (d), (e), (g), (h) have very similar characteristics as regulated aircraft. The 3 axis controlled aircraft of the category Annex II (e) requires the same skills as regulated aircraft of the same kind. Therefore it is mandatory to credit flight experience on these aircraft especially also against recency requirements for ratings and certificates for aircraft of similar kind. It is illogical and not justifiable that flight time on these aircraft are simply ignored just because they are not part of this regulation as though they do not exist. We do not follow the line of argument that the basic regulation prohibits crediting of flight time on non regulated aircraft.

By crediting flight time on micro lights to an extent that is technically acceptable more micro light pilots will attain an EASA regulated license which leads to increased safety and therefore supports the goals of the EASA regulation.

Regulations in Germany allow this type of crediting which has led to specific mixes of aircraft especially in the many flying clubs. This mix would no longer be appropriate if crediting rules change drastically and investments in certain aircraft would become worthless.

To account for national differences flexibility could be given to national authorities to specify the extent of crediting flight experience on national regulated aircraft.

## **3. Crediting Between Categories**

### **Issue with current wording**

Through out this proposed regulation crediting between comparable skill sets is not sufficient. This places an unnecessary burden on pilots applying for additional licenses, ratings and certificates and maintaining these privileges.

**Rationale**

The required skills to fly fixed wing aircraft controlled in 3 axis are extremely similar. There is hardly a difference between sailplanes, single engine piston or micro lights. The boundaries between these categories are artificial. A sailplane is in many cases more complex than a single engine piston airplane. This leads to the situation that increasingly more pilots have ratings in multiple categories. It is not justifiable that a pilot, instructor, examiner with flight time in multiple fixed wing categories has to fulfil the same requirement in one of the categories as a pilot, instructor or examiner with flight time only in a single category. Especially instructors and examiners often have certificates in multiple categories and the requirements add up quite dramatically. E.g. the licensing office in Karlsruhe has 39 examiners for fixed wing aircraft categories of which 15 examine on sailplanes and single engine piston. But in the non profit environment this does not mean that more is flown, instructed or examined. The time is divided between the different categories. Pilots, instructors and examiners should have the option to shift focus of there activities without too much penalty between these very similar categories. In our detailed comments we have pointed out many cases where crediting across multiple categories should be implemented but surely missed a few. Especially since FCL.035(a)(1) prohibits any crediting except when otherwise specified crediting has to be accounted for in many places.

**4. Remuneration**

**Issue with current wording**

Completely forbidding remuneration in non commercial operations is unrealistic and jeopardizes the goals of „*An Agenda for Sustainable Future in General and Business Aviation*“ see 1. above.

**Rationale**

Non commercial operations (clubs) have obligations against the communities they belong to. They have to be able to offer flight experience to residents of their communities but can not carry the costs in all cases. It is mandatory for the clubs to keep a good relationship with their surrounding community and must not isolate them selves by not allowing the community to participate in their hobby where ever possible especially by offering rides in their aircraft. Also internally clubs have various compensation schemes for the various contributors in the club. Instructors are usually included in these schemes. E.g. the club requires each member to contribute a certain number of working hours to the various services of the club. Instructors are credited against these required hours for their instruction activity. Others are compensated for required club duties with free flying time. So compensation can not be completely avoided in the non commercial operations. It would on the other hand be unproportional to require commercial requirements like a CPL license for these services.

**5. Regular proficiency check**

**Issue with current wording**

The proposal postulates that the regular proficiency checks required by the basic regulation needs to be executed by an examiner. The wording of the basic regulation does not state that these checks need to be done by examiners.

**Rationale**

The wording by the basic regulation

*„Compliance must be demonstrated by regular assessments, examinations, tests or checks. The frequency of examinations, tests or checks must be proportionate to the level of risk associated with the activity“*

lists multiple options of which “checks” are one. Checks are typically executed by instructors. Instructors check students before letting them solo, they check pilots on behalf of holders of aircraft or because a pilot requests a check. The scheme of regularly checking pilots by instructors is successfully implemented in the US. Many more examiners would be required and costs would go up as the required number of examiners could not be recruited from the non commercial flying community and costly commercial examiners would have to be hired.

## **6. Unclear notion „appropriate aircraft category“**

### **Issue with current wording**

The notion „the appropriate aircraft category“ is used through out the regulation and in most places it is either unclear what is meant or it is superfluous and therefore confusing and may lead to all kinds of interpretations.

### **Rationale**

The notion „the appropriate aircraft category“ implies that it is already clear what category is meant as otherwise the category would have to be specified. So using this notion leads to confusion because it suggests that more is meant than what is already clear based on other parts of the regulation e.g. FCL.035(1). We strongly recommend to remove this notion or to be more specific. In some places where the categories are mentioned in the same context

e.g. FCL.140.LAFI(1) (i) In the case of a LAFI for aeroplanes or helicopters, 45 hours of flight instruction in the appropriate aircraft category as LAFI, FI, TRI, CRI, IRI, SFI or as Examiner during the period of validity of the certificate “appropriate” should be replaced by “respective”. We have pointed out some of these occurrences in our comments to the specific regulations but not consistently.

## **7. Entry requirements for instructors and examiners**

### **Issue with current wording**

Entry requirements for instructors and examiners are too high and we loose many potential good instructors or examiners.

### **Rationale**

Many hours of flight time does not necessarily make a good instructor or examiner. Personality and intellectual properties are at least as important. By setting the entry requirements based on flight time as high as has been done in this NPA will exclude many people from these functions which would otherwise be excellent instructors and examiners. Many of our best instructors and examiners were not recruited due to there vast flying hours but because of their personality. We therefore strongly recommend lowering the entry requirements for these functions to have a better choice for good instructors and examiners. The important qualities like discipline, strategic and tactical thinking, educational skills, airmanship and a exemplary personality will not come from many hours of flight time. Many hours of flying are not even a proof for good flying skills. More emphasis should be on the skill tests to assess the flying skills. Excess requirements will be pointed out in our specific comments

but are not limited to the commented passages.

## 8. Relationship between LPL(S) and SPL

### Issue with current wording

LPL(S) and SPL have identical requirements. Instructors and examiners from the LPL level must also be permitted to conduct their respective function for SPL holders.

### Rationale

LPL(S) holders may be issued an SPL without the need for an instructor or examiner since no additional skills are required. Therefore SPL holders may exist without any instructors or examiners around for revalidations or renewals. Therefore the same instructors and examiners that are needed for issuing an LPL(S) must also be permitted to conduct instruction and examinations for the SPL. Technically there is no difference in instruction and examination for LPL(S) and SPL.

## 9. Inconsistent use of the term "Aeroplane"

### Issue with current wording

Through out the NPA the term "Aeroplane" is used with different meanings and leads to confusion.

### Rationale

The definition of "Aeroplane" in FCL.010 includes all fixed wing engine driven aircraft. In many passages of the NPA though it seems to be used sometimes according to definition and other times excluding touring motor gliders as we often find the combination "aeroplane or TMG". E.g. compare the use in FCL.110.BA/H(a) and in FCL.135.BA/H. In other passages the term "single engine piston aeroplane" is used for which a definition is missing. The terms "aeroplane", "single engine piston airopplane" (SEP) and "touring motor glider" (TMG) need to be defined more clearly and used consistently throughout the regulation. More details can be found in our comments 4283 and 4524.

response *Partially accepted*

1. The Agency tried to follow as much as possible the Commission communication you refer to. However, the Agency also had to take into account the principles established in the Basic Regulation, from which it could not deviate, the recommendations of the Commission included in the communication that accompanied the Basic Regulation's proposal, as well as the recommendations of the experts involved in the drafting. Two of the critical issues you mention, the limitation on remuneration for the LPL, as well as the need for examiner and instructor certificates are established by the Basic Regulation.

As for the crediting across categories of aircraft, and the conditions for the FIE, please see replies to dedicated comments in Subparts B and K.

2. Annex II aircraft are excluded from the scope of Community competence, and therefore the Agency can not regulate them directly. However, based on the comments received, the Agency has amended its initial proposal in this aspect. Please see amended text and the replies to the comments on related paragraphs.

3. Noted. Please see the replies to your dedicated comments.

4. Please see above. The Basic Regulation specifically excludes the LPL from receiving remuneration.

5. The text of Article 7(5) and 1.j of Annex III to the Basic Regulation establishes that only an examiner can assess the competence/skill of pilots. Therefore, only an examiner can conduct skill tests or proficiency checks. However, based on the comments received, the Agency has amended its initial proposal for mandatory proficiency checks for the LPL. Please see the amended text and the replies to the comments on related paragraphs.

6. Editorial accepted. The Agency will conduct an editorial review and replace the reference to 'appropriate' for 'respective'.

7. Noted. The Agency understands your comment. However, the pre-entry criteria established in JAR-FCL were based on flight experience, and the same happens in ICAO. Maybe in the future, when competency based training is further developed, there will be the opportunity to change this. However, at this time the Agency has the intention of following, for the most part, the JAR-FCL system. Please see also replies to your dedicated comments.

8. It is a general principle that an instructor can only exercise its functions in respect of a licence for which he has privileges. LPL(S) privileges do not include all the privileges for the SPL, and therefore, LPL(S) holder can not provide instruction for the SPL.

9. Noted. Please see replies to your comments 4283 and 4524.

comment

3278

comment by: DGAC FRANCE

There is no definition of "supervised solo flight".

The paragraph "FCL .020 : Student pilot " indicates that a student pilot shall not fly unless authorised to do so by a flight instructor ; it is therefore not necessary to precise that solo flight is supervised. It is always the case referring to § FCL 020.

Proposition :

Everywhere in the Part FCL

Change « supervised solo flight » by « **solo flight** »

response

Noted

The Agency considers that the term 'supervised solo flight' is clear enough and sees no reason to change the wording of Part-FCL, which is coming from JAR-FCL.

comment

3304

comment by: Javier CASTRILLON (EGU Spanish Delegate)

I support the comments sent by the European Gliding Union (EGU).

response

Noted

The Agency acknowledges the information provided.

comment 3308 comment by: *john daly*

This is a large, clumsy and unwieldy document. It is suggested that is broken down into 4 documents covering fixed wing, rotary wing, powered lift and lighter-than-air categories of aircraft.

response *Noted*

Thank you for your input. As already explained, this is not possible in Part-FCL, which will be a Regulation.

However, teh Agency is workign on an e-tool which will facilitate the grouping of requirements for users.

comment 3444 comment by: *Boeing*

General comment: Boeing Commercial Airplanes supports the 47 comments (comment IDs #2217 - #2398) submitted to this proposed NPA by the ad hoc Industry group [comprised of Airbus, Alteon Training, Bell Helicopters, Boeing, CAE, CTC Aviation Group, ECOGAS, Flight Safety International, IAAPS, IACA, IATA, Lufthansa Flight Training, and TUI Group Airlines]. In addition, we are also submitting separate comments that address our specific concerns

response *Noted*

The Agency acknowledges the information provided.

comment 3687 comment by: *Susana Nogueira*

The aim of this regulation should be ti stablish equilibrium between promoting the aviation bussienes and activity and an acceptable level of safety. It seems that proposal does not reach this equilibrium, the bussines aspecthas become a lot more important as the safety aspects.

response *Noted*

The Agency acknowledges your opinion, but cannot agree with it.

Safety aspects have been the major concern behind the proposals made.

comment 4228 comment by: *Bart Sebregts*

For ballooning in the Netherlands we had a specific rule on the number of pilots (2) for flying commercialy a balloon with more than 18 passengers, this was a rule which came form the GA.

For safety reasons I propose to introduce this rule again for the group of balloons named: large (bigger than 10.000m3). The skills of this co-pilot could be lower than the pilot in command, i.e. pilot privileged to a lower group of balloons and has the possibility to write this hours as training hours on such balloons to build up experience for later extension.

Knowing that there are balloons with 32 passengers and the risk of an accident with this amount of passengers I will advice you to take such a kind of (new) rule into consideration.

response	<i>Noted</i> Thank you for your feedback. However, your comment relates to operational rules, not to FCL. Please see replies to comments on NPA 2009-02.
comment	4330 <span style="float: right;">comment by: IGSA</span> <b>The IGSA (Irish Gliding and Soaring Association) represents glider pilots in Ireland. The IGSA is not making a detailed submission, but it does support the detailed submissions made by the EGU (European Gliding Union) of which the IGSA is a member.</b>
response	<i>Noted</i> The Agency acknowledges the information provided.
comment	4390 <span style="float: right;">comment by: DCA Malta</span> (1) Delete as much as possible what is not in accordance with ICAO Annex 1. In particular delete the Basic Leisure Pilot Licence as the level of training is too low.  (2) It would be best if the Language Proficiency test is harmonized. Also it is not clear whether there is mutual recognition of such tests.  (3) There should be a CQB also for the PPL and LPL to ensure harmonization.  (4) For single-pilot high performance aircraft the multi-pilot skill test format is more appropriate than the single-pilot class or type rating skill test.
response	<i>Noted</i> (1) Please see replies to comments on Subpart B and the amended text.  (2) At this stage, the Agency just transferred the requirements that were agreed in JAR-FCL. Further rulemaking on this issue may take place in the future. See also dedicated comments on FCL.055.  (3) The Agency has been working on the issue of the CQB. It is possible that in the future to CQB will be extended. For the moment, the scope remains the same as in the JAA.  (4) The Agency does not intend to change the system of JAR-FCL in this issue. See also dedicated comments on Appendix 9.
comment	4452 <span style="float: right;">comment by: ECA- European Cockpit Association</span> ECA recognises the size of the task that the Agency has done, not only to transpose the JAR-FCL regulation, but also creating the subparts not yet harmonised. ECA understands that the regulatory process was initiated with the intention of using existing JAR material, reason why ECA comments do not focus on the text material already existing under JAA regulation, but only on those parts that have changed or that may affect the system in any way by the new regulatory material. The absence of comments on the parts of the text coming from JAA should not be understood by any mean as if ECA agrees with



the content or meaning of the old JAR-FCL regulation. ECA did rise its concerns and disagreements on this text in JAA-LST meetings. As ECA intention has always been to collaborate in a positive manner with the regulator to increase safety, we understand this is not the time to undermine the good ending of the regulatory process to get a common FCL regulation, reason why ECA keeps these disagreements for future rulemaking proposals.

response *Noted*

Thank you for this feedback.

comment 4453 comment by: *ECA- European Cockpit Association*

Some Appendix 1 material is downgraded to AMCs and some Appendix 2 material is downgraded to GMs. ECA considers this as an exercise of deregulating, instead of leaving the requirements where they may well create an harmonised plain field for European Aviation. ECA cannot agree then on the text that has been transferred to non binding material.

response *Noted*

The Agency acknowledges your opinion.

It has been explained already several times that the nature of Section 1 of the JARs is not similar to that of a European Regulation.

The Agency considers that whenever section 1 material has been downgraded to AMC, this choice has been justified based on sound principles, such as proportionality.

comment 4455 comment by: *ECA- European Cockpit Association*

The use of terminology, e.g. "mass" is used when maybe "weight" should be used as in everyday operations we refer to maximum Take Off Weight (MTOW), Zero Fuel Weight (ZFW), Weight of Passengers, Cargo etc. Check consistency of the whole document of the NPA.

response *Noted*

Thank you for pointing this out, but this is a direct transposition of the technical text of JAR-FCL.

comment 4456 comment by: *ECA- European Cockpit Association*

There are some colloquialisms used, e.g. "idle leg - idle engine", this terminology should not be in a legislative document.

response *Noted*

Thank you for pointing this out, but this is a direct transposition of the technical text of JAR-FCL.

comment 4458 comment by: *ECA- European Cockpit Association*

Many of the experience requirements are listed as amount of hours flown. Where these experience requirements are used to mean minimum hours, the

amount expressed need to be preceded by the words, "at least", so the fact that they are minimum it is clearly stated in the document to avoid their use as if they were the usual, ideal, or best practice requirement. Its minimum safety requirement nature must lead to clear interpretation that they are not the safety best standards.

response *Noted*

The requirements for experience are coming in a large part from JAR-FCL. Whenever there was a mention in the text that the requirements should be understood as minimum requirements, it has been transposed into Part-FCL.

comment 4540

comment by: *Deutscher Aero Club*

The comments in this response to NPA17b represent the formal response of the European Gliding Union. EGU represents the national gliding organisations of 25 countries (Austria, Belgium, Croatia, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Lithuania, Luxembourg, The Netherlands, Norway, Poland, Serbia, Spain, Slovakia, Slovenia, Sweden, Switzerland & UK)

response *Noted*

The Agency acknowledges the information provided.

comment 4719

comment by: *Aero-Club of Switzerland*

The Swiss Gliding Federation (SFVS) participated actively on the comments of the European Gliding Union (EGU). SFVS supports the EGU comments on NPA 2008-17 b.

The Swiss Power Flying Union (MFVS), member of the EPFU, contributed to the statements made below.

The Swiss Ballooning Federation's contributions are specially marked.

response *Noted*

The Agency acknowledges the information provided.

comment 4720

comment by: *CAA Belgium*

We are aware that EU has standard formats to be adhered to in the rulemaking process. Nevertheless, we consider NPA 17 to include the possibility to comment on the general structure/accessibility. E.g. the removal of references to any corresponding AMC/GM/CS in the heading of the various paragraphs, as compared to the JARs, does not increase user-friendliness. If an Appendix or AMC/GM/CS exists for any given paragraph, this should be indicated in the heading to ease the use of the Part(s). Easing the accessibility will lessen the burden on the authorities, on EASA, on industry, and benefit the general harmonisation and transparency. As such, it should be a community interest to assure the ease of access to regulations.

response *Noted*

Reference to AMCs in the rule is not possible, since this would make the AMCs indirectly binding, which is not their purpose.

comment	<p>4721 <span style="float: right;">comment by: CAA Belgium</span></p> <p>We find it unfortunate that no further attempt has been made to harmonize the Language Proficiency Checking further. There is also no mentioning of any mutual recognition of LP tests. Is this supposed to be covered by general EU/EEA recognition, or not?</p>
response	<p><i>Noted</i></p> <p>At this stage, the Agency just transferred the requirements that were agreed in JAR-FCL. Further rulemaking on this issue may take place in the future.</p>
comment	<p>4722 <span style="float: right;">comment by: CAA Belgium</span></p> <p>The opening up for all who qualify to have the right to get an Examiner Certificate is very unfortunate, in particular when seen in conjunction with the requirements on the Authorities to train and monitor them. It might also make it more difficult to ensure that each examiner stays proficient as the volume of flight tests has to be divided among a higher number of examiners.</p> <p>We also face a much more complex set of problems if the examiner, no longer acting on behalf of any competent authority, fails a candidate, and the candidate then files an appeal against the authority. The examiner might be long gone out of our territory, with us being unable to reach him/her to get a statement within a reasonable amount of time.</p> <p>We find it unusual to have private persons, with a financial interest in the matter, enter new expiry dates for ratings in our ICAO pilots licenses. We are of the opinion that ICAO considers the examiner to be acting on behalf of the competent authority, as an integral part of the PEL system. On what basis is this new structure assuredly ICAO compliant?</p> <p>We are aware that this is based on Basic regulation 216/2008, but it is also part of NPA 17, and as such it can – and should - be commented on.</p>
response	<p><i>Noted</i></p> <p>Please see replies to comments on Subpart K, where this issue is specifically addressed.</p>
comment	<p>4723 <span style="float: right;">comment by: CAA Belgium</span></p> <p>The use of the phrases “Multi-Pilot” and “Multi-Crew” seems to be getting out of hand. It is important to point out that they do not have the same meaning. Multi Pilot is used 163 times in Part FCL, while Multi Crew can be found 68 times. We find the phrases Multi Pilot Operations, Multi Pilot Operating Environment, Multi Pilot Conditions, Multi Pilot Role, and Multi Pilot Crew. Part FCL defines an OML to be Operational Multi-Crew Limitation, but Part Medical defines OML as Operational <u>Multi-Pilot</u> Limitation.</p> <p>Looking for definitions, Multi-Crew Operations is not defined anywhere, but <u>Multi-Pilot</u> Operations is – but limited to Multi-Pilot <u>Helicopters</u> (GM to FCL.010)</p> <p>We find the MPL (in FCL.405) is restricted to “Aeroplanes required to be operated with a co-pilot”. Turning to FCL.505.A – restrictions of ATPL(A)</p>

	<p>privileges for former MPL holders, this suddenly changes to "restricted to multi-pilot operations", which is something quite different than "Aeroplanes required to be operated with a co-pilot"</p> <p>We are fully aware that much of this is just taken straight out of JAR-FCL, nonetheless that is not a reason to keep this.</p>
response	<p><i>Noted</i></p> <p>Last part of the comment:</p> <p>When developing the requirements for this Part-FCL, The Agency not only followed the requirements of JAR-FCL but has also taken into account Annex 1 to the Convention on International Civil Aviation (ICAO), Personnel Licencing.</p> <p>The text for the privilege of the holder of an MPL licence in FCL.405.A(a)(1): 'act as co-pilot in an aeroplane required to be operated with a co-pilot' is an exact copy of paragraph JAR-FCL 1.510 (a)(5) and Article 2.5.2.1 (c) of ICAO Annex 1. Here you can find exactly the same wording.</p> <p>The text of the restriction of the privileges for pilots previously holding an MPL in FCL.505.A, is the same text as in paragraph JAR-FCL 1.275 (b). In Article 2.6.2.2 of the ICAO Annex 1 is written 'the licence shall be limited to multi-crew operations ....'. Paragraph JAR-FCL 1.275 (b) and now also FCL.505.A. are more restrictive then ICAO.</p> <p>The Agency is aware of the confusion of the phrases 'multi pilot', 'multi pilot operations', 'multi pilot aircraft', 'multi crew' etc. The Agency will search the entire NPA-FCL for those phrases and will edit these phrases where needed.</p>
comment	<p>4724 <span style="float: right;">comment by: CAA Belgium</span></p> <p><a href="#">To ensure harmonisation across the EASA area, we suggest to move all syllabi from AMC to IR.</a></p>
response	<p><i>Not accepted</i></p> <p>The Agency considers that this would prove to be a disproportionate measure. It has been repeatedly stated that the Agency intends to ensure flexibility as much as possible without affecting safety.</p>
comment	<p>4725 <span style="float: right;">comment by: CAA Belgium</span></p> <p>Loosing the possibility to deny an applicant a pilot license based on his/her police records, we find unlogic, both from a <u>safety</u> point, but also in particular as the EU/EEA invests billions in increased <u>security</u> in the aviation area.</p>
response	<p><i>Noted</i></p> <p>The Agency is only competent to regulate safety, not security. The Basic Regulation gives no basis for including such criteria in the conditions to obtain a licence.</p> <p>It should be noted, however, that Member States can still apply their own internal security measures: they just cannot use security criteria as a condition for the issue of a licence based on safety concerns.</p>

comment	4726	comment by: CAA Belgium
	<p>We find it unclear exactly how EASA envisions the application of "Collective Oversight" to include foreign certificated examiners operating within (an)other states area(s). How are we supposed to perform the oversight when we have no input as to their whereabouts? If it is considered that examiners are no longer representatives of the national authorities, but are performing community services, and moving freely within the community, then the oversight should be done by the community.</p> <p>We are fully aware this is rooted in Basic regulation 216, but as this is also included in NPA 17 b, we find it imperative to use this opportunity to highlight the need for further clarifying how the necessary information flow will be controlled. If this control is not present then the regulation should await this control to be constructed, otherwise we undermine the whole regulatory credibility.</p>	
response	<p><i>Noted</i></p> <p>Please see replies to comments on Subpart K, where this issue is specifically addressed.</p>	
comment	4771	comment by: Chris Gowers
	<p>There are numerous formatting errors throughout the document where titles appear on one page and the text appears on the subsequent page.</p>	
response	<p><i>Noted</i></p> <p>Thank you for pointing this out. The Agency will conduct an editorial review of the document.</p>	
comment	5041	comment by: UK CAA
	<p><b>Paragraph:</b> General</p> <p><b>Comment:</b> The JAR-FSTD document incorporates all of FNPT, FTD &amp; FFS. Therefore where credits are given for use of an FSTD, the FTD should be given these credits as well as the FNPT.</p> <p><b>Justification:</b> It would be discrimination against the manufacturers and operators who have made and are using FTDs to prevent them from being used for training and testing in accordance with their qualification.</p>	
response	<p><i>Noted</i></p> <p>The crediting system for flight time in FSTDs has been established at JAA level, and takes into account the specific type of FSTD and the training involved.</p> <p>At this point, the Agency does not intend to make any major changes to this system.</p>	

However, a future rulemaking task will incorporate into the EASA system the recent amendments to the ICAO documentation on the qualification of FSTDs, and will re-evaluate the system of JAR-FCL as required.

comment 5168

comment by: JLS

I strongly object to the fact that as a holder of a UK CAA PPL, I and many others, under the current proposals will effectively have their licences removed for no good reason. It is hard enough to pursue aviation either as a career or a hobby as it is. To arbitrarily remove licence privileges from pilots on a purely bureaucratic basis with absolutely no benefits achieved other than an additional taxation method, in my belief, is extremely short sighted to say the least. It will prove detrimental to the whole of the aviation industry not just the GA community.

On the commercial side the removal of the privileges from all levels of National licences from BCPL to ATPL will add significant costs to simply allow many Instructors to remain where they are now. Considering the age group of the Instructors affected and the difficulty in making any sort of living from Instructing as it is, I believe this will cause a great number to simply be forced out of the industry. Arguably this would be against their Human rights as defined by Article 6 of the ICESCR, in that no one can be prevented from making their living. All of this for what purpose? Are these Instructors suddenly any less capable? Quite the opposite as they are likely to be truly career instructors as those not affected will almost certainly have eyes for the airlines and from my experience tend to move on just as they are getting to know what they are about. Once again it's purely bureaucratic but the effects on the industry could be devastating both financially but also to safety standards.

Furthermore this 'consultation' period is farcical. To issue these huge documents, decipherable only by the most dedicated and even then open to confusion due to the way they are written, and then give such short periods to respond (And 6-8 months is short considering the size and complexity of the documents) particularly when dealing with legislation is not our primary task, is simply paying lip service to consultation and no more.

I apologise that these comments have not been added to the relevant parts of this document but unfortunately the CRT doesn't seem to work properly when using Linux and Firefox despite having Flash and Java enabled. Come to that neither does the link to the webmaster required to report any problems

response *Noted*

The Agency acknowledges your opinion.

It was a decision of the European legislator to regulate licences on a common level.

Pilots currently holding a national qualification will not lose their privileges, but will see their national qualifications converted into Part-FCL qualifications. This was already mentioned in the explanatory Note to this NPA.

comment 5222

comment by: *President of ILY*

**STATEMENT TO THE EASA CONCERNING ACKNOWLEDGEMENT OF MILITARY FLIGHT TRAINING**

Ref: EASA NPA 2008-17b

Honorary members of the European Aviation Safety Agency

The Finnish Air Force Pilot's Union wishes that EASA will in the future maintain the formal acknowledgement of military aviation training and education.

We urge strongly that the following paragraphs and appendices of JAR-FCL 1.020 and JAR-FCL 1.005 will be maintained in the new EASA directives.

Without the official EASA acknowledgement of Military aviation skills and capabilities the Finnish general aviation would be losing a large number of trained persons in the future.

The training and attained skills which are recognized in the Finnish Air Force training system have been previously honoured in the JAA JAR-FCL applications and these skills have also been proven in the Finnish civil aviation community as tens of ex-air force pilots have continued their career in general and commercial aviation.

This fact and the future impact of ex-military pilots on the general aviation workforce in the future have been officially accepted by different government bodies in Finland. A joint government committee has during the years 1998 – 2000 made these findings.

The so called IRAKO workgroup has concluded that former military pilots should be recruited as instructors in order to guarantee a qualified instructor pool for the future needs of the Finnish general and commercial aviation. This requirement would be fulfilled with the acceptance of military training in regards to PPL/CPL/IR/FI/ME licence requirements.

On behalf of the Finnish Pilots Union

President

Major Harry M Karlsson

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Attachments on following page

JAR-FCL 1.020 Credit for military service

(See Appendix 1 to JAR-FCL 1.005)

Application for credit:

Military flight crew members applying for licences and ratings specified in JAR-FCL shall apply to the Authority of the State for which they serve(d)

The knowledge, experience and skill gained in military service will be credited towards the relevant requirements of JAR-FCL licences and ratings at the discretion of the Authority. The policy for the credit given shall be reported to the JAA. The privileges of such licences shall be restricted to aircraft registered

	<p>in the State of licence issue until the requirements set out in the Appendix 1 to JAR-FCL 1.005 are met.</p> <p>This has been enforced by the Finnish CAA in separate letters (proposals) to JAA</p> <p>These proposals have included the following licences and the abridging ground instruction:</p> <p>PPL licensing CPL licensing IR rating</p> <p>The total ground school required for CPL/IR licensing and rating is 100 hours of Ground school including tests in appropriate subjects.</p> <p>Flight instructor rating</p> <p>The Flight instructor qualification is automatically accepted, the instructor rating will be proposed by the FTO</p>
response	<p><i>Noted</i></p> <p>As was indicated in the Explanatory note, provisions on the conversion of military licences and qualifications into Part-FCL licences will be included in the licensing cover regulation.</p>
comment	<p>5228 <span style="float: right;">comment by: CAA Belgium</span></p> <p>There is no definition of "supervised solo flight ", The paragraph "FCL .020 : Student pilot " indicates that a student pilot shall not fly unless authorised to do so by a flight instructor ; it is therefore not necessary to precise that solo flight is supervised. It is always the case referring to § FCL 020. Everywhere in the Part FCL, change « supervised solo flight » by « <b>solo flight</b> »</p>
response	<p><i>Noted</i></p> <p>The Agency considers that the term 'supervised solo flight' is clear enough and sees no reason to change the wording of Part-FCL, which is coming from JAR-FCL.</p>
comment	<p>5314 <span style="float: right;">comment by: AEA</span></p> <p>Relevant text: general/ as applicable</p> <p><b>Comment:</b> NPA-2008-17b is not in compliance with the current Appendix 1 to EU-OPS 1.940 as there is no requirement within NPA-2008-17b which enables the endorsement of a limited type rating (which is in conformity with paragraph 2.1.4.1.1 of ICAO Annex 1) for a cruise relief co-pilot to operate in the role of co-pilot in cruise only and not below FL200.</p> <p><b>Proposal:</b> The minimum requirements for this limited type rating should be the type</p>



response	<p>training and skill test as described in Appendix 9 to Part FCL <b>except</b> for take-off and landing as pilot flying.</p> <p><i>Noted</i></p> <p>This issue will be assessed through a specific rulemaking task, which is already included in the Agency's rulemaking programme.</p>
comment	<p>5317 <span style="float: right;">comment by: <i>Chris Gowers</i></span></p> <p>The format of this document is similar to that of JAR FCL with the rules laid out in one area and AMCs and other material in others. This leads to a very user unfriendly document as it is easy to miss important information pertaining to a particular topic.</p> <p>It would be much better to include all the material relevant to a particular subject in the same place, included if necessary as annexes or appendices. This would also eliminate repetition of information which frequently occurs e.g. FCL.900(b) on page 45 is almost the same as AMC to FCL.900 Para 2 on page 394.</p>
response	<p><i>Noted</i></p> <p>The drafting of European legislation is subject to specific requirements.</p> <p>The Agency is working on a web-based tool which will work in a way similar to the one you describe, to help in the every day use of the regulation.</p>
comment	<p>5349 <span style="float: right;">comment by: <i>Axel Ockelmann + Manfred Poggensee Commercial Balloon Operators Germany</i></span></p> <p>There is not any clear definition in the basic regulation or the implementing rules, that says commercial ballooning is Commercial Air Transport. ICAO is defining Commercial Air Transport as international Transport. From our point of view commercial ballooning is a commercial operations other than CAT, which means a new category, because it is only partwise "aerial work";but not commercial air transport.</p> <p>The position of EASA-proposals did not consequently follow the rules ,if commercial ballooning is commercial air transport, why they are not defining a CPL for ballooning. It is too complicated?</p> <p>We are not asking for a CPL, because of the stronger requirements (Medical Class 1 and more), but following the rule: make the rules proportional to the scale and scope and risk of the operation, EASA has to find lower requirements to ask for pilot licences for balloons.</p> <p>Balloons are the simplest aircrafts ever and the pilots are doing pleasure-flights normally inside the dimension of 10-20 miles with a flighttime of 1-2 hours. Balloonpilots are not flying for up to 10-14 hours, or at night, or over timezones. So this commercial operation is rather different to the other commercial air transports.</p> <p>For the thechnical requirements we can see the EASA is finding differentiated requirements, why not also following that way for Licensing and Operations? Following that reduced way, there must be also differentiated requirements for Age, Flight- and Resttime, Medical (is actually Class 2, which is o.k.for us) etc.</p> <p>EASA regulations for examiners: We agree in the principle to stop violate the principle of right of access to a</p>

profession creating a licence for examiners.

If you ask examiners for prof checks for commercial licences and company prof checks to be instructors you may produce a problem for the commercial balloon scene because of the following reasons:

1. Only in Germany approx. at least 500 pilots with their 105-seize-balloons will become commercial. In the NPA 22f, page 118, you stated that there are 253 examiners (in complete Europe) and 5% more will be needed. We do not think that this number is realistic. What are you doing in case of a shortage of examiners with the consequence that companies can't work?

2. You stated in 22f: "Furthermore the examiner will have his/her personal privileges and the possibility of being remunerated by the "customers". Also this will lead to an additional number of examiners." (page 118)

We think, for balloons you are wrong. Examiner for pilots flying aircrafts which can fly almost independent from weather conditions are able to plan for their income. Examining balloon pilots is not a profitable job. Specially for the company checks examiner have to come to the companies place. So if you tighten up the conditions for balloon examiner you may cause a shortage.

3. The higher the group the worse the situation will become. In Germany there are not more that 5 examiner having the licences EASA requires for the group "large" if you downgrade this group to more than 6 000 m<sup>3</sup> (being instructor, having commercial privileges, flying continuously in that group). And ask for the competent authorities in Germany: There is no civil servant who fulfills the conditions mentioned above.

Examining is a sovereign task. So it is an economic risk for commercial ballooning that you transfer that thing to the free market estimating that a licence will be attractiv enough not to cause any problem.

What are you doing in case of a shortage? In your impact assessment in 22f we have not seen any analysys about that. Do we have overview anything?

We suggest: prof checks could be made also by examiner not having an instructors licence.

response

*Noted*

In relation to your comment on the commercial privileges for balloon pilots:

It was precisely because of the nature of the ballooning activity that the Agency decided not to have a CPL for balloons, but to give the possibility for the balloon licence privileges to be extended to cover commercial activities. As far as the Agency understands your comment, this is what you are defending.

As for the proposal for examiners, the Essential Requirements included in the Basic Regulation clearly require all examiners to comply with the requirements for instructors. Therefore, your proposal cannot be taken into consideration.

comment

5621

comment by: *Icelandic CAA*

This NPA proposes new arrangement of examiners where the central role of the competent authority is removed. The Icelandic CAA proposes that the current system as described in JAR-FCL 1.030/2.030 should be kept where the authority designates / authorises suitably qualified persons of integrity to conduct on it's behalf skill tests and proficiency checks. This approach is supported by ICAO.

	<p>In general we stress that this NPA should be fully consistent with Annex 1 including terminology and propose to avoid any differences. Another example of this is that this NPA states that instructors should hold a certificate, while in ICAO Annex 1 it's a rating and in JAR-FCL a rating or authorization.</p>	
response	<i>Noted</i>	<p>Please see replies to comments on Subpart K, where both the issues you raise are specifically addressed.</p>
comment	5668	comment by: <i>City Consult</i>
	<p>Attachment <a href="#">#3</a></p>	
response	<i>Noted</i>	<p>In relation to your comment on acceptance of licences, please see detailed replies in the related segment.</p> <p>As for your request of clarification concerning the conversion of current national licences issued in accordance with JAR-FCL, the Agency confirms that it intends to grandfather these licences. Please see the text of the cover regulation, published with this CRD.</p>
comment	5702	comment by: <i>FNAM (Fédération Nationale de l'Aviation Marchande)</i>
	<p>FCL.905.LAFI/FI/TRI/CRI/IRI/SFI/MCCI/STI/MI  FCL.910.LAFI/FI/TRI/CRI/IRI/SFI/MCCI/STI/MI  FCL.915.LAFI/FI/TRI/CRI/IRI/SFI/MCCI/STI/MI  FCL.930.LAFI/FI/TRI/CRI/IRI/SFI/MCCI/STI/MI  FCL.935.LAFI/FI/TRI/CRI/IRI/SFI/MCCI/STI/MI  FCL.940.LAFI/FI/TRI/CRI/IRI/SFI/MCCI/STI/MI</p> <p>All training courses should be postponed to AMC, for added flexibility and possible alternate means of compliance.</p>	
response	<i>Noted</i>	<p>Thank you for your feedback, but the Agency has decided to leave the main aspects included in the referred paragraphs in the rule. Please see amended text and replies to comments on the related segments.</p>
comment	5725	comment by: <i>FNAM (Fédération Nationale de l'Aviation Marchande)</i>
	<p>Transferring all appendices into AMCs would be a good way to keep flexibility and prepare arrival for future amendments.  We firmly suggest such a transfer of all Appendices to AMCs.  AMCs content, technical structure and revision process are more appropriate to fast moving fields.  Pragmatically, this would avoid to go through comitology process to amend / update Part-FCL in these specific areas.  This is particularly true for training syllabus.</p>	
response	<i>Noted</i>	

Thank you for your feedback, but based on the comments received the Agency has transferred only some of the Appendices to AMC. Please see amended text, and specific comments on each Appendix.

comment 5745 comment by: *Royal Danish Aeroclub*

**General comments**

From the Royal Danish Aeroclub we want to comment on the proposed regulations for Flight Crew Licensing. As a whole it seems good, but we could recommend a few changes/ improvements (see the following comments). In general, we strongly support the idea behind this proposal, and believe this is a very positive development in the right direction.

response *Noted*

Thank you for your positive feedback.

comment 5757 comment by: *Phil King*

The following comments are my personal comments but also reflect my view as a long time supporter of the sport of gliding and as a voluntary member of several local and national gliding organisations. I am currently a Regional Safety Officer and a member of the British Gliding Association Safety Committee.

response *Noted*

The Agency acknowledges the information provided.

comment 5828 comment by: *EFLEVA*

The comments logged here are from EFLEVA.

EFLEVA is the European Federation of Light, Experimental and Vintage Aircraft. This is a federation representing national associations in the areas of light, amateur build, vintage & classic aircraft from states, which are members of the European Civil Aviation Conference (ECAC). Twelve national associations from eleven countries currently form the federation.

response *Noted*

The Agency acknowledges the information provided.

comment 5832 comment by: *Professional Balloonists Netherlands*

Comment of the association of Professional Balloonists in the Netherlands (PBN)

1. What is PBN

PBN is the trade association of professional, commercial ballooning companies in the Netherlands. PBN has 43 members who are responsible for 75% of the commercial ballooning market.

2. Commercial Air Operations

- The European Commission has determined a definition (in the Basic

Regulation) of commercial air operations in Regulation (EC) No. 216/2008. This Basic Regulation is related to large aviation in our opinion. The word "balloon" prevents nor in the definitions nor in the whole further document. EASA prevents as if it has been the administrative intention of this document also to be used for balloons and its pilots. Against this we make a serious objection. The range of this document does not apply on balloons, sailplanes etc. Therefore the used definition of commercial air operations does not apply on commercial ballooning.

- The used definition of commercial operation means that there must be a compensation or valuable counter-payment if the operation is available for public; if the operation is not available for public, there must be a contract or agreement between the operator and a customer where the customer no has control concerning the operator. Compensation, valuable counter-payment and contract or agreement are therefore the key terms.

During the EASA meeting on February 17<sup>th</sup> of 2009 this definition regarding the interpretation apealed to contain the necessary breaches. By EASA it was indicated that it is difficult to find a closing formulated definition for ballooning. The national authorities would have to comply with this unclear definition. PBN makes against this a serious objection. Already now the national authorities cannot control the balloon operations (commercial or not), moreover there is a danger that the different national authorities will use several interpretations and will not controll the same way. This leads to inequality in law between the different European countries.

- Regarding ballooning there should be so-called grey areas. For us, there are no such areas. If the operator receives compensation, valuable counter-payment, has a contract or agreement, then we are dealing with a closing interpretation.

In 90% of the commercial balloon operations there will be a compensation, valuable couter-payment or there will be a contract.

The so-called grey areas are all related to using a balloon with publicity which is given by a sponsor to a pilot with LPL.

2 examples:

\* Sponsor A donates to LPL-pilot B a balloon with or without advertisement, with or without a contract. Pilot B is using that balloon for its pleisure during tournaments or he is flying it with of without passengers without payment. For pilot B however each flight is a commercial operation, because pilot B received a payment in 'nature' or goods. Pilot B did not have to buy the balloon himself. For example the balloon costs sponsor A 30000 euros and pilot B will fly it for five years, subsequently the compensation is 6000 euros each year. So that makes this a commercial operation.

\* LPL-pilot B buys a balloon with publicity of a sponsor or other balloon owner for the price of the market value. LPL-pilot B uses this balloon for its hobby or in games or with not-paying passengers. In this case there is a non-commercial operation for LPL-pilot B. The national authority therefore must look at the purchase value of the balloon. If the purchase value is equal, of even higher than the market value there is a non-commercial operation. If the purchase value is lower than the market value there is a commercial operation. The difference between the purchase value and market value is the compensation to LPL pilot B; and therefore there is a commercial operation.

With these 2 examples we think to have solved the difference in the interpretation possibilities for 99%.

Why is this important?

EASA proposes other requirements to organisations, companies and pilots involved in commercial air operations and commercial air transport than to those involved in non-commercial air operations and non-commercial air transport.

**3. AOC**

The requirement of AOC is presented by EASA to pilots and companies that are involved in commercial operations and commercial air transport. In the Netherlands this requirement has been abolished since 2007. PBN was against abolition of this requirement. The politics (the minister) and the national authority were in favour of this abolition because of the relaxing of controls and the reduction of administration. The minister believes that after abolition ballooning has not become unsafe; from the viewpoint of safety the AOC is not necessary according to the minister. It may be evident that the minister and the national authority are having second thoughts when the AOC will be required. If the AOC will be introduced again, it will be clear that PBN holds the minister to its promise of reduction of administration. Setting-up of the AOC cannot have a financial consequence for the commercial balloon companies.

response *Noted*

Thank you for your input.

Your comment refers mainly to operational aspects, which are not regulated in this NPA. Please see NPA 2009-02, on operational rules.

comment *5833*

comment by: *EFLEVA*

EFLEVA agrees with the concept of a Leisure Pilot Licence. However this should be titled "Light Aircraft Pilot Licence". EFLEVA also supports the basic LPL and full LPL, and the concept of a LAFI Certificate and FI Certificate open to PPL holders.

response *Noted*

Thank you for your positive feedback.

comment *5982*

comment by: *CFAC, ZHAW*

## **2 Credit for military service**

### **a) Starting point**

JAR-FCL had provisions for the crediting of military service defined under General Requirements.

JAR-FCL 1.020

Application for credit:

Military flight crew members applying for licences and ratings specified in JAR-FCL shall apply to the Authority of the State for which they serve(d).

The knowledge, experience and skill gained in military service will be credited towards the relevant requirements of JAR-FCL licences and ratings at the discretion of the Authority. The policy for the credit given shall be reported to the JAA. The privileges of such licences shall be restricted to aircraft registered in the State of licence issue until the requirements set out in the Appendix 1 to JAR-FCL 1.005 are met.

[Amdt.1, 01.06.00]

### **b) Considerations:**

We could not find in NPA17 provisions for the crediting of knowledge, experience and skill gained in military service.

**c) Proposal**

Crediting for knowledge, experience and skill gained in military service should be defined in the EASA provisions for licensing. We propose an inclusion of a text, similar to JAR-FCL 020 into EASA-FCL.

response *Noted*

As it was indicated in the Explanatory note, provisions on the conversion of military licences and qualifications into Part-FCL licences will be included in the licensing cover regulation.

comment

6051

comment by: PPL/IR Europe

**General Comments  
by PPL/IR Europe**

We support the FCL NPA, both in the way it has converted JAR-FCL into a suitable format and on the new measures that have been introduced, particularly the Leisure Pilots Licence.

Wherever possible, we have made comments in the form of draft alternative wordings to the NPA, because we think this is the most helpful and direct method.

However, there are 2 issues which we believe are a challenge to any stakeholder attempting to comment on the NPA. The first is that of the legal context of the Basic Regulations and Essential Requirements. We are not lawyers and do not have the time or resources to access specialised legal support. Our concern is that a response to some comments may be that "EASA has to do it this way because it's set out in the BRs/ERs". Clearly this argument is irrefutable, but we believe that EASA must evaluate each individual comment fairly and in good faith, to see whether an alternative solution to the NPA draft wording, in compliance with the BRs/ERs, is possible, rather than applying the "weapon" of EU law bluntly to suppress comments or alternative interpretations.

The second challenge is the volume of inter-related NPAs that have been published in a sequence with, in some cases, only relatively small windows of overlap between comment periods. This is not an issue for any of the NPA material which is stand-alone and independent within a single NPA. However, for some issues and topics, the full scope of EASA regulation cannot be evaluated without cross-referencing multiple NPAs, as well as the BRs and ERs. The challenge of exhaustively cross-referencing thousands of pages of NPAs, plus the relevant EU law, we believe to be a colossal one that may be beyond the scope of any stakeholder within the comment response time deadlines, and certainly beyond the scope of all the general aviation stakeholders. Equally, we recognise that EASA is operating to a strict time schedule which cannot realistically be altered.

Therefore, there appears to be a conflict in 3 priorities we believe EASA has

1. to conform to the EU timetable for EASA regulations
2. to fulfill its very broad scope, which necessitates a very large volume of complex material to be published in NPAs amounting to thousands of pages
3. to produce good regulations, that conform to the principles of proportionality

and effectiveness EASA has stated, and which are recognised by the stakeholder community as the result of a transparent and meaningful consultation process

Since neither the timetable or inherent complexity of aviation regulation can be changed, we believe there is one course of action which EASA must follow: that is to give stakeholder comments the "benefit of the doubt" wherever possible, and, in particular, to move prescriptive regulation from Implementing Rules to AMCs and GMs. This will ensure that the detailed evaluation and analysis of issues raised during the comments process does not have to be forced into an artificial timetable which can not possibly lead to the best solution. In this context, our overall concern with the FCL NPA is that too much of the prescriptive content of JAR-FCL as been included in IRs, rather than AMCs/GMs. We think this would be a grave mistake. Aviation practices and techniques evolve continually, and relatively subjective content is inherently not suited to the inflexible nature of Implementing Rules. JAR-FCL was written with both an Amendment process in place, and scope for individual JAR countries to deviate from these rules as they saw fit. European Law has no such flexibility - and therefore EASA must avoid "hard-wiring" the IRs wherever possible. We absolutely agree with EASA's view on this subject in Paras 34-36 of FCL 17a, but we do not feel FCL 17b has adhered sufficiently to this principle.

The temptation of a regulator receiving thousands of comments on a document such as this must be to look at them in a very binary way: to take a few on board, and to dismiss the majority as not being in compliance with various constraints and objectives that the regulator perceives it does not have any freedom over. However, the choice between IRs and AMCs is a very great degree of freedom EASA should apply, so that, at least in the future, it will be able to evolve and adapt FCL on the merit of individual issues, rather than the exigencies of the current process.

response

*Noted*

Thank you for your feedback.

The Agency has indeed tried to use non-binding standards as much as possible. However, as you will see throughout the document, in many instances the use of binding rules is necessary. The Agency believes that as aviation moves more and more towards competency based training, so will the balance between hard and soft law change.

comment

6176

comment by: *Belgium*

We think that the whole regulatory will be the end of the small aviation. If you want to keep flying it will cost you a lot of money. A lot of balloonpilots in Belgium fly a balloon, take some paying passengers to pay their costs otherwise they cannot fly a balloon. This is also commercial ballooning. If they want to keep doing this in the future they must invest a lot, bigger and more balloons, taking more risks to earn money!!  
Otherwise they can fly non commercial but then they will have to pay everyting by themselves so ballooning will become again something for the elite...

response

*Noted*

The Agency acknowledges your opinion.  
The definition of commercial operation has been established by the legislator in



the Basic Regulation, and the Agency needs to comply with it.

comment 6265 comment by: *Oxford Gliding Club*

These comments represent the views of Oxford Gliding Club, a UK club with approx 100 members, 8 club aircraft and 25 private aircraft.

response *Noted*

The Agency acknowledges the information provided.

comment 6327 comment by: *Ken Woods*

I am a fairly new pilot with 190 hours flying time. As such I feel that I am not in a position to provide comment on this document. However I have read all of the BGA responses and feel that the issues, concerns and proposals contained within the response makes sense from my perspective as a comparative novice who is still learning lots about all aspects of gliding.

response *Noted*

The Agency acknowledges the information provided.

comment 6404 comment by: *Sam Sexton*

What about fly Floatplanes and associated rules, No mention in this NPA. Also no mention on fly permit aircraft which could be Annex 2 or microlights. And don,t forget Annex2 and Microlights could be the same aircraft but defined differently in differenet countries. Also certain microlights could be a microlight if below 450 kgs but the same aircraft could be a annex 2 of flown above that weight. ??

response *Noted*

Annex II aircraft are exluded from the scope of EASA competence and are therefore regulated at national level.

comment 6420 comment by: *Light Aircraft Association of the Czech Republic*

Light Aircraft Association of the Czech Republic - LAA CR is association of pilots, builders, designers, manufacturers and operators of light aircraft with MTOM up to 450 kg. It has 6 400 members and registers 7 900 aircraft and 10 000 pilots.

LAA CR is a competent authority for Certification, Licencing and Operation of microlights in the Czech Republic. This covers paragliding, powered paragliding, hang gliding, gyroplanes, helicopters, weight shift and aerodynamically controlled microlight.

As is visible from scope of our activities we represent current AnnexII activities. However we are interested in EASA rulemaking process because it could have influence to our activities.

We will make just comments where we feel that there is relevance to our interests.

As we stated in our previous comments to other NPAs

LAA ČR thinks that proposed changes in the present EASA rulemaking process do not reflect what the light aviation community asked for. We asked for a stand-alone European LSA category (covering all basic four areas of aviation activity - Initial airworthiness, Maintenance, Licensing and Operations), compatible with LSA category in the United States. The proposed amendments represent more an attempt at resuscitation of the conventional light aviation than of a successful integration of the light sport aircraft with MTOM 600kg (based on modern microlights) in the European regulatory framework. There is a serious risk that the successful light aviation (represented by the modern microlights) will be killed by the present proposals.

At the same time the Annex II must be protected until this new proposed system will prove that it can be as successful as the Annex II system. Within the Annex II a lot of pilots fly, a lot of manufacturers work and a lot of employees earn living.

Typical example of such approach is not preparing transition procedures from microlight licences towards LPL licence. Also proposed LPL structure and qualification requirements do not reflect our experience from microlight flying.

Proposal:

We think that one solution could be that instead of basic LPL licence it could be created European LSA licence for pilots of aircraft falling into LSA limits - MTOM 600kg. For such licence the transition procedures from microlights could be defined in form of competency based test. This LSA licence should be very close to the existing microlight licenses in Czech Republic or Germany.

response *Noted*

Thank you for your input.

Concerning the issue of the LSA or ELA category, the Agency is currently studying this issue, and it is possible that in the future there will be a regulation specifically dedicated to these aircraft. But for the moment, the Agency is creating the LPL as a way to reply to stakeholders' requests for creating ways for easier access into aviation, and following the instructions of the European Legislator, as included in the Basic Regulation

comment 6499

comment by: *Austro Control GmbH*

Comment:  
Applicant ≠ Candidate

Proposed Text:  
Should be changed in **Candidates**

response *Not accepted*

The word applicant was used in JAR-FCL and it is a well established and understood term. The Agency sees no reason to change it.

comment 6514

comment by: *Light Aircraft Association UK*

These comments are made on behalf of the Light Aircraft Association, UK, which represents Light Aircraft pilots and owners in the UK.

The LAA strongly supports the concept of a Leisure Pilot Licence, (but preferably designated 'The Light Aircraft Pilot Licence'), the basic LPL and full

LPL as well as the concept of a LAFI Certificate and further, the concept of a FI Certificate open to PPL holders.

The LAA considers that these two licences achieve, to a certain extent, the building-up of a progressive training system.

- from Basic LPL to PPL via LPL, for example for younger pilots.
- from PPL to Basic LPL via LPL, for aging or medically restricted pilots.

The LAA would request clarification from the Agency of any additional requirements permitting the use of the new FCL system on Annex II aircraft.

The LAA recommends that the Agency adopts a new more logical and progressive numbering system for the NPA/Rule sections, as the proposed one is somehow confusing.

The LAA recommends that the Agency issues, when appropriate, guides for each individual licence.

response *Noted*

Thank you for your positive feedback.

A system like you describe it is already included in the NPA. See, for example, FCL.110.

Annex II aircraft are excluded from the scope of EASA competence and are therefore regulated at national level.

The numbering system of Part-FCL has been built to take into account that each subpart contains general requirements and specific requirements for aircraft category, and to make that more clear.

The Agency is working on a web-based tool which will allow easier day-to-day use of the regulations.

comment

6545

comment by: *Austro Control GmbH*

General remark concerning harmonised question bank for theory exams:

**Updates of the existing question bank must be centralised and taken over by EASA.**

response

*Noted*

The Agency has been working on the issue of the CQB.

comment

6631

comment by: *Croft Brown*

The comments in this response to NPA17b represent the response of Croft Brown, Bowland Forest Gliding Club. I have mainly copied the response from the British Gliding Association.

response

*Noted*

The Agency acknowledges the information provided.

comment	<p>6682 <span style="float: right;">comment by: <i>Direction de l'Aviation Civile Luxembourg</i></span></p> <p>Delete as much material as possible which is not in accordance with ICAO Annex 1, and delete everything that is not in accordance with Annex1 and Basic Regulation.</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your opinion.</p>
comment	<p>6684 <span style="float: right;">comment by: <i>Direction de l'Aviation Civile Luxembourg</i></span></p> <p>It is also our opinion that we should stick to JAR FCL1 as closely as possible, in order to avoid additional workload for the administrations. Considering the fact that it took us years to explain JAR FCL to the pilot community, so in order to remain credible, we should try to make a minimum of changes.</p> <p>For training organisations, the JAR FCL expressions FTO and TRTO should be retained.</p>
response	<p><i>Noted</i></p> <p>The Agency considers that there is no need to differentiate in the rule. The different privileges of a training organisation will be included in the approval.</p>
comment	<p>6709 <span style="float: right;">comment by: <i>Loch Lomond Seaplanes</i></span></p> <p>Appendix 3 to JAR-FCL 1.015 Appendix 3 to JAR-FCL 2.015 Validation of pilot licenses of non JAA</p> <p>There appears to be no scope within this document, or any other, to facilitate the validation of non JAA licenses within EASA.</p> <p>It is extremely important that the facility to issue validations of pilot licenses for non JAA states remains – they also need to be flexible.</p> <p>If flexible validations are not available, let me be clear, my Company will cease to exist and I will be bankrupt.</p> <p>I am the owner and Chief Pilot of Loch Lomond Seaplanes and have spent many years and a great amount of money reintroducing seaplane to the UK.</p> <p>Loch Lomond Seaplanes carries over 6,000 passengers per year to small communities on the Scottish West Coast – to the Highlands and Islands. In 2010 we plan to introduce, on behalf of the Scottish Government, the DHC6 Twin Otter with amphibious floats to many small communities who need the services for medical, government, business and tourist reasons.</p> <p>I currently employ 21 people and this will rise to 40 next year – this is a USD 20 million project.</p> <p>I need to employ highly experienced seaplane pilots. Large commercial seaplanes require pilots with thousands of hours of seaplane flying experience. My current pilots have between 2-8,000 seaplane hours. I would not consider employing anyone with any less experience and my insurance company would not allow it – seaplane flying is very, very different from land plane flying and</p>

there is very little in the way of skills transfer. Please note our Amphibious Cessna 208 Caravan costs more to buy than many used SAAB 340s.

I have approx. 500 hours of seaplane flying and I still consider myself an absolute novice despite over 15,000 hours on land planes of all types (from Piper Aztec to 747). I have been a CRE/CRI with a very large airline (Cathay Pacific Airways) in the past and trained and examined many pilots. Normally, pilots are very comfortable after 50 hours in a land plane, however, I would not let anyone with less than 1,000 hours seaplane flying, including experience in coastal conditions and with turbine experience fly my large seaplanes – neither would my insurer!!! Unfortunately, there is no experience at this level available in the UK, nor in Europe. In fact, worldwide there is a shortage.

It would be UNSAFE and fool hardy to put an inexperienced seaplane pilot in a large turbine seaplane. If we are unable to get validations I will have to close the company down – that is the stark reality. I would close the company down because I would not put inexperienced seaplane pilots in the aircraft and retire to my office and await the inevitable crash. Therefore, on safety grounds I am asking you to retain flexible validations.

The temporary nature of the licence validation is also a problem – just when you get an overseas pilot settled into the job and he is happy with the operation you need to get rid of him/her and hire a completely different and unknown guy/girl who you then have to spend months training – and after one 6-8 month season we start again. I need 6 new pilots this year due to expansion – initially, they don't want to do the JAA licenCe. The pilots want to know if they enjoy the job and the new country before they commit to that level of study.

I have pilots who joined me last summer who, during their heavy seasonal workload, have been studying for the JAA exams – with the requirements and structure of the exam process we estimate it will take almost 18 months to complete. An employee who is not working cannot be funded for that time.

Loch Lomond Seaplanes advertises for seaplane pilots every year in Flight International and we get almost no replies – the few replies we do get generally have no seaplane experience. The advertising is required by the UK government before the issue of work permits and visas and they are satisfied that we cannot fill the position from within Europe.

Commercial seaplanes operations are growing in Europe but it will be some time before we have the experienced pilots available and until such times validations will be required. Indeed Dornier, the aircraft manufacturer, is just about to begin manufacturing seaplanes – they need to know that if validations are not available then they can cross Europe off the sales map.

Around the world in areas such as the Maldives, Dubai etc seaplanes flourish and seaplane pilots come and go with simple validation procedures. It will be almost impossible to compete with these companies when trying to employ new pilots i.e. no JAA licences to study for.

I understand that large commercial seaplane operations are new to the UK and Europe but I really need a long term solution from the authority in this special case to keep my operation SAFE. I am not looking for unlimited validations. I am looking for renewable validations which of course can be reviewed each year – this will give us the opportunity to ensure our pilots get through the JAA

licensing procedure whilst working for the company.

No validations will mean :

I will have to close my company down  
 Many people will lose their jobs  
 Communities on the West Coast of Scotland will lose their services  
 Our introduction of the Twin Otter on behalf of the Scottish Government will not happen.  
 Commercial seaplane services will not be possible throughout Europe  
 Dornier will not sell aircraft in Europe

In summary:

This is a SAFETY issue  
 To fly large commercial seaplanes, particularly turbines, you need a great deal of seaplane experience  
 Land plane flying experience is of limited value  
 Insurance is not available for inexperienced pilots  
 This will impact on communities on the West Coast of Scotland  
 Seaplane operations cannot grow  
 The licensing process is too long and therefore validations are needed as a bridge  
 There are virtually no experienced large seaplane pilots in Europe with JAA licences

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- \* Voted by the Scots as Scotland's top "Must Do" activity 2008
- \* CBI Exemplar Innovation Company - 2008
- \* Scottish Thistle Award Winners 2007
- \* Tourism Innovation Development Award 2004

response

*Noted*

Please see replies to Annex III to the licensing regulation, where this issue is analysed in detail.

comment

6717

comment by: BHPA

The British Hang Gliding and Paragliding Association is the UK's nationally recognised governing body for all hang gliding and paragliding activities, including both unpowered and powered activities. It should be noted that our powered activities, including the use of microlights as tug aircraft for launching are a joint interest with the British Microlight Aircraft Association.

Whilst it is recognised that through EC 216/2008 Article 4 and Annex II hang glider, powered hang glider, paraglider, powered paraglider and microlight aerotow pilots and instructors are exempt from this NPA we are concerned that at sometime in the future something could occur to bring these people within

the remit of EASA's competencies without suitable consultations having been completed first. As there is more than one significant area of NPA 2008-17's proposals that would be extremely detrimental to our activities, were they to be simply made applicable to all aircraft, we are seeking a formal assurance that should there be any moves to bring our activities within EASA's competencies there will be a complete consultation exercise carried out to full NPA standards prior to the implementation of any legislation.

response *Noted*

You can be assured that if/when the scope of EASA Regulations will be extended to any Annex II aircraft there will be a specific rulemaking task to carefully consider the implications.

comment

6835

comment by: CAA Norway

GENERAL 1:

In NPA 17 b, EASA proposes some requirements that are below the standards of ICAO Annex 1. We find that this contradicts the general work being done by ICAO – and supported by Norway – to raise the global level of standards in general up to the level of the respective Annexes. The EASA member states – through their long-standing work for aviation safety – have a particular responsibility. More and more third countries around the world are adopting EASA standards or parts thereof. The signal we send by suddenly proposing several sub-ICAO standards are not beneficial to ICAO, nor to ourselves.

response *Noted*

Sub-ICAO licences have existed in several EU member States for a long time. The EASA proposals include all the ICAO pilot licences, and add a sub-ICAO licence, the LPL, as determined by the legislator in the Basic Regulation.

We do not consider this a contradiction with the work of ICAO.

Furthermore, it should be noted that ICAO standards only apply to international air traffic, and that having an ICAO sub-licence in Europe, to be used within EU air space, does not in any way affect ICAO standards or principles.

comment

6852

comment by: CAA Norway

GENERAL 2:

We are aware that EU has standard formats to be adhered to in the rulemaking process. Nevertheless, we consider NPA 17 to include the possibility to comment on the general structure/accessibility. E.g. the removal of references to any corresponding AMC/GM/CS in the heading of the various paragraphs, as compared to the JARs, does not increase user-friendliness. If an Appendix or AMC/GM/CS exists for any given paragraph, this should be indicated in the heading to ease the use of the Part(s). Easing the accessibility will lessen the burden on the authorities, on EASA, on industry, and benefit the general harmonisation and transparency. As such, it should be a community interest to assure the ease of access to regulations.

response *Noted*

Reference to AMCs in the rule is not possible, since this would make the AMCs indirectly binding, which is not their purpose.

comment	<p>6859 <span style="float: right;">comment by: CAA CZ</span></p> <p>The terms „Multi-pilot“ and „Multi-crew“ should be clearly defined or decided, that only the term „Multi-pilot“ will be used throughout the proposal.</p>
response	<p><i>Noted</i></p> <p>The Agency is aware of the confusion of the phrases ‘multi-pilot’, ‘multi-pilot operations’, ‘multi-pilot aircraft’, ‘multi-crew’ etc. The Agency will search the entire NPA-FCL for those phrases and will edit these phrases where needed.</p>
comment	<p>6887 <span style="float: right;">comment by: ECA- European Cockpit Association</span></p> <p><b><u>Incorporate ICAO Annexes:</u></b>  <b><u>I 2.4 (CPL):</u></b>  <b><u>2.3 (PPL):</u></b>  <b><u>2.6 (ATP):</u></b>  <b><u>2.7 (IR)</u></b>  <b><u>to IR of PART FCL.</u></b></p> <p>Justification:  <b>The structure is confusing and it is unclear whether they are IRs or not. This is not acceptable.</b>  Parts of ICAO Annex I 2.3 2.4 2.6 2.7 regulation material is downgraded. If this is maintained, the ICAO members will have to file non compliance with ICAO Regulation.</p>
response	<p><i>Noted</i></p> <p>It is not clear to the Agency to which standards you are referring.</p> <p>Moreover, it should be noted that the fact that an ICAO standard is incorporated in the EASA system as AMC and not rule material does not determine in itself the need to notify a difference to ICAO.</p>
comment	<p>6893 <span style="float: right;">comment by: CAA Norway</span></p> <p>GENERAL 3:  We find it unfortunate that no further attempt has been made to harmonize the Language Proficiency Checking further. There is also no mentioning of any mutual recognition of LP tests. Is this supposed to be covered by general EU/EEA recognition, or not?</p>
response	<p><i>Noted</i></p> <p>At this stage, the Agency just transferred the requirements that were agreed in JAR-FCL. Further rulemaking on this issue may take place in the future.</p> <p>Please refer also to comments on FCL.055.</p>
comment	<p>6896 <span style="float: right;">comment by: CAA Norway</span></p> <p>GENERAL 4:  The opening up for all who qualify to have the right to get an Examiner Certificate is very unfortunate, in particular when seen in conjunction with the</p>



requirements on the Authorities to train and monitor them. It might also make it more difficult to ensure that each examiner stays proficient as the volume of flight tests has to be divided among a higher number of examiners.

We also face a much more complex set of problems if the examiner, no longer acting on behalf of any competent authority, fails a candidate, and the candidate then files an appeal against the authority. The examiner might be long gone out of our territory, with us being unable to reach him/her to get a statement within a reasonable amount of time.

We find it unusual to have private persons, with a financial interest in the matter, enter new expiry dates for ratings in our ICAO pilots licenses. We are of the opinion that ICAO considers the examiner to be acting on behalf of the competent authority, as an integral part of the PEL system. On what basis is this new structure assuredly ICAO compliant?

We are aware that this is based on Basic regulation 216/2008, but it is also part of NPA 17, and as such it can – and should - be commented on.

response *Noted*

Please see replies to comments on Subpart K, where this issue is specifically addressed.

comment 6899

comment by: CAA Norway

General 5:

The use of the phrases "Multi-Pilot" and "Multi-Crew" seems to be getting out of hand. It is important to point out that they do not have the same meaning.

Multi Pilot is used 163 times in Part FCL, while Multi Crew can be found 68 times. We find the phrases Multi Pilot Operations, Multi Pilot Operating Environment, Multi Pilot Conditions, Multi Pilot Role, and Multi Pilot Crew. Part FCL defines an OML to be Operational Multi-Crew Limitation, but Part Medical defines OML as Operational Multi-Pilot Limitation.

Looking for definitions, Multi-Crew Operations is not defined anywhere, but Multi-Pilot Operations is – but limited to Multi-Pilot Helicopters (GM to FCL.010)

We find the MPL (in FCL.405) is restricted to "Aeroplanes required to be operated with a co-pilot". Turning to FCL.505.A – restrictions of ATPL(A) privileges for former MPL holders, this suddenly changes to "restricted to multi-pilot operations", which is something quite different than "Aeroplanes required to be operated with a co-pilot"

We are fully aware that much of this is just taken straight out of JAR-FCL, nonetheless that is not a reason to keep this.

response *Noted*

The Agency is aware of the confusion of the phrases 'multi pilot', 'multi pilot operations', 'multi pilot aircraft', 'multi crew' etc. The Agency will search the entire NPA-FCL for those phrases and will edit these phrases where needed.

Last part of comment:

When developing the requirements for this Part-FCL, the Agency not only followed the provisions of JAR-FCL but the Agency has also taken into account Annex 1 to the Convention on International Civil Aviation (ICAO),

## Personnel Licensing.

The text of the privilege of the holder of an MPL licence in FCL.405.A(a)(1): 'act as co-pilot in an aeroplane required to be operated with a co-pilot' is an exact copy of paragraph JAR-FCL 1.510 (a)(5) and Article 2.5.2.1 (c) of ICAO Annex 1. Here you can find exactly the same wording.

The text of the restriction of the privileges for pilot previously holding an MPL in FCL.505.A, is the same text as in paragraph JAR-FCL 1.275 (b). In Article 2.6.2.2 of the ICAO Annex 1 is written 'the licence shall be limited to multi-crew operations ....'. Paragraph JAR-FCL 1.275 (b) and now also FCL.505.A. are more restrictive than ICAO.

comment 6902 comment by: CAA Norway

## GENERAL 6:

It is assumed that Part FCL intends to cover the seaplane class, and that the relevant AMC will be included. It is important that this covers training, testing, cross-crediting of proficiency checks between Land and Sea, and maintains the possibility to do the initial PPL(A) and LPL(A) training on Sea.

response *Noted*

Please see replies to comments to FCL.725.A.

comment 6903 comment by: CAA Norway

## GENERAL 7:

To ensure harmonisation across the EASA area, we suggest to move all syllabi from AMC to IR.

response *Not accepted*

The Agency considers that this would prove to be an disproportionate measure. It has been repeatedly stated that the Agency intends to ensure flexibility as much as possible without affecting safety.

comment 6987 comment by: CAA CZ

Recommendation: „Basic“ licences and ratings „LAFI“ should be omitted in the Part FCL proposal. Training for LPL will be provided FI.

response *Noted*

Please refer to comments on Subpart J. The Agency has decided to maintain the LAFI.

comment 6997 comment by: CAA Norway

## GENERAL 8:

We wonder if the implementation of Part FCL will prohibit us from the possibility to deny an applicant a pilot license based on his/her police records, from a safety point of view, at the same time that the EU and EEA are investing billions of Euros in increased security in the aviation area?

response *Noted*

The Agency is only competent to regulate safety, not security. The Basic Regulation gives no basis for including such criteria in the conditions to obtain a licence.

It should be noted, however, that Member States can still apply their own internal security measures: they just cannot use security criteria as a condition for the issue of a licence based on safety concerns.

comment 7000 comment by: CAA Norway

GENERAL 9:

The Basic Leisure Pilots License is not mentioned in Basic regulation 216/08. As 216 only speaks of the Leisure Pilots Licence, we suggest to delete the Basic LPL entirely, as the level of training is so low that we consider it a flight safety concern. It is also sub-ICAO, and we should keep the number of differences as low as possible.

response *Noted*

Please refer to replies to comments on Subpart B.

comment 7001 comment by: CAA Norway

GENERAL 10:

We find it unclear exactly how EASA envisions the application of "Collective Oversight" to include foreign certificated examiners operating within (an)other states area(s). How are we supposed to perform the oversight when we have no input as to their whereabouts? If it is considered that examiners are no longer representatives of the national authorities, but are performing community services, and moving freely within the community, then the oversight should be done by the community.

We are fully aware this is rooted in Basic regulation 216, but as this is also included in NPA 17 b, we find it imperative to use this opportunity to highlight the need for further clarifying how the necessary information flow will be controlled. If this control is not present then the regulation should await this control to be constructed, otherwise we undermine the whole regulatory credibility.

response *Noted*

Please refer to replies to comments on Subpart K.

comment 7093 comment by: Bristow Academy

There seems to be an anomaly in that in the case of Subpart C (PPL etc), material appears in the Draft Opinion and the AMC appears in the Draft Decision.

However in the case of Subpart D (CPL) and E (MPL), material appears in the Opinion and not in the Decision. The material that would be as an "AMC" in the Decision actually appears in the Opinion as Appendices (appendix 2 covers TK and appendix 3 covers training courses, appendix 4 covers skill test etc.

In the case of Subpart F and G, information in the Decision is minimal.

response Cannot this be rationalised?  
*Noted*  
 This difference between the distribution of material between rule and AMC was the result of an assessment made taking into account the different risks involved in different activities, as it was mentioned in the explanatory note.  
 As a result of the comments, some material that was included in Appendices has been transferred to AMCs, but still most of the Appendices remain unchanged.

comment 7095 comment by: CFAC, ZHAW

Attachment [#4](#)

**Classification / Numbering of Subparts and Paragraphs**

**a) Starting point**

NPA 17 b uses essentially the same classification system found in JAR-FCL. Each of the subparts is classified with a letter, while paragraphs use number.

**b) Considerations**

There are two points we would like to make here:

1. ICAO and many European countries do not use a system with letters for the classification of legal text. ICAO Annex 1 also uses a classification system based on numbers.
2. In NPA 17 the letters used for the classification of the subparts in Part FCL are not identical with those from JAR-FCL (see fact sheet in **Attachment 2**). Inevitably this will cause some confusion, at least in the beginning.

<b>NPA 17 b</b>	<b>NPA 17 c</b>
The articles are numbered continually. No indication of the subpart in the paragraph number. AMC's are marked with numbers.	The article numbering starts again with each subpart. A letter indicating the Subpart is part of the paragraph number. AMC's are either marked with letters or have no marking at all.
<b>Example:</b> SUBPART A GENERAL REQUIREMENTS FCL.055 Language proficiency AMC No 1 to FCL.055 AMC No 2 to FCL.055	<b>Example:</b> Subpart B REQUIREMENTS MED.B.005 Cardiovascular System AMC A to MED.B.005 AMC B to MED.B.005

**c) Proposal**

To avoid any confusion between the subparts of JAR-FCL and those in EASA

Part-FCL, Arabic numerals should be used to label the subparts of EASA Part-FCL. This would also mean that numbering of the regulations could be standardised as follows:

<i>Example for FCL:</i>	<i>Example for MED:</i>
SUBPART 1 GENERAL REQUIREMENTS	Subpart 2 REQUIREMENTS
FCL.1.055 Language proficiency	MED.2.005 Cardiovascular System
AMC No 1 to FCL.1.055	AMC 1 to MED.2.005
AMC No 2 to FCL.1.055	AMC 2 to MED.2.005

response *Noted*

Thank you for your input.

The Agency will review the whole document for consistency. However, it is considered that making changes to the numbering system at this point would probably create confusion for stakeholders.

comment

7143

comment by: *Federal Ministry of Transport, Austria (BMVIT)*

1. Congratulations on the work already done by EASA together with the national experts. We highly appreciate the amount and quality of work that has gone into the draft.

2. Even given the quality of the draft that has already been achieved we must state that the structure of the text is very complicated indeed. After all, we expect every pilot to find and understand all the parts of the regulation that are relevant to him/her. We therefore suggest that when revising the text some effort should go into considerations on how to improve the overall structure and readability of the regulation. Another option could be the reduction of the number of licences offered (e.g.: do we really need the LPL for sailplanes?)

3. Editorial: The text contains numerous references to JAR-FCL not all of which may be intentional.

4. We are aware that the following problem can not be solved during the process of drafting this IR, but due to its importance and relevance we would like to state it nevertheless. We believe that **microlight/ultralight aircraft** (at least the fixed-wing designs) should be included into the scope of this regulation after the necessary amendment of the Basic Regulation. Especially when reading the parts of the draft concerning the LPL we come to the conclusion that the exclusion of this this category of aircraft from the EASA licensing framework may not be justified. We should take into account that microlights move all over Europe (and beyond): the benefit of uniform rules in this respect is in our view obvious. Another advantage of including microlights would be the removal of barriers that will exist for the individual pilot who wants to pilot both an SEP airplane and fixed-wing microlight. We therefore suggest that the scope of Annex II to the Basic Regulation be reduced accordingly and microlights be included into this IR.

response *Noted*

1. Thank you for your positive feedback.
2. The Agency acknowledges that the structure of Part-FCL is somewhat complex. However, due to the complexity and scope of the subject itself, it was not possible to further simplify it.
3. Thank you for pointing that out. The Agency has conducted an editorial review of the document to ensure that unwanted references to JAR-FCL are deleted.
4. The Agency takes note of your opinion.

comment

7236

comment by: DGAC FRANCE

### General Comments.

Although the content of this NPA is not totally innovative compared to the existing JAR FCL, it has been a very hard task to answer this NPA in due time. This is due to the fact that the Agency has opted **for several major changes at the same time:**

- changing in the structure of the regulation,
- adding of new categories of aircraft not regulated before by the JAA
- introducing some changes (and sometimes inconsistencies) even for domains yet covered by JAR FCL1 and FCL2, in particular concerning professional licences.

1. The main difficulty comes from the fact that EASA has chosen to review completely the structure of the regulation.

The comments to this new structure are due in next NPA 22. However we can already say that, although the intellectual interest of this new structure is well understood and accepted, we think that all the consequences of this new structure have not been taken into account in the process of consultation. The time needed by the stakeholders to understand this new structure to be in a position to make interesting comments should have been evaluated properly. More comments to this point will be made in NPA 22 and we hope these will be used by EASA for further "big NPA" for aerodromes or ATM/ANS.

2. The difficulty has even been increased by the fact that **the NPA have not been published in a logical order**. The RIA on the new structure and the Generic set of regulation AR and OR should have been published first so that the stakeholders can understand progressively the new concept.

3. In addition all the elements necessary to have a complete view of the FCL rules have not been published simultaneously. Because of the important links between the NPA 17 and NPA 22, and in spite of the delay obtained for the limit of comments to this NPA 17, it has been a hard task to find out all the elements necessary to understand fully the proposal. (In some cases, we found some contradictions.)

For that reason, **we cannot guarantee that all necessary comments to this NPA have been made**. And we hope that AESA will accept any additional comments on topic linked to this NPA that could be made in the comments to NPA 22. It has to be recalled that the RIA related to the NPA 17 have been included in NPA 22. For that reason they have not yet been commented.

The problem between the links between NPA will also occur with the comments

to NPA 22, where in some cases the definitions of concept appear only in the new NPA. That is why the additional delay to the comments of NPA 22 has been very welcome.

**4. For that reason, we strongly suggest to EASA to finalize the CRD document after analysing all the answers to NPA 22** that will certainly include comments that may affect also NPA 17, including the comments to the RIA related to NPA 17.

**5. An additional difficulty comes from the fact that the differences between the present regulations are not clearly emphasized.** It is necessary to read in detail the entire document to detect differences. All the stakeholders, especially non English speakers, had a lot of difficulty to undertake this task. A simple document emphasizing the actual modifications with JAR FCL should have been published with the NPA.

**6. Finally, in order to ensure a proper coherence of the complete set of regulation, and an adequate understanding and buy-in by the stakeholders, we suggest that EASA undertakes an additional NPA with the complete set of regulations on AR, OR , FCL before the publication of EASA opinion.** The additional period will be worth, taking into account the impact of this regulation. It is recalled that the main objective of EASA should be to write the best regulation as possible rather than to try to reach unrealistic deadlines.

The legislators have already accepted to adapt the target dates for the application of FCL regulation as the new version of the BR article 11 § 4 proposed by the Council reads : "Pending the entry into effect of the measures referred to in Articles 5(5), 7(6) and 9(4) and the expiry of any transition periods provided for by these measures, and without prejudice to Article 69(4), certificates which cannot be issued in accordance with this Regulation may be issued on the basis of the applicable national regulations."

This means that the objective to have at least 2 or 3 years between the entry into force of EASA regulation and the obligation of using this regulation for the certifications does no longer imply that EASA has to give its opinion to the Commission by the end of 2009. The only obligation of the Commission is to publish the regulation before April 2012 which gives more time to EASA to consult properly the stakeholders.

**7. DGAC deeply regrets that the "cover regulation" is not submitted to comments** in order to have a complete view on the impact of these provisions on the industry and on the persons. In the past, for regulation 2042/2003 the cover regulation has been submitted to comments. We even think that this is contrary to the basic regulation that indicates clearly that the complete opinion of EASA should be submitted to the consultation process. DGAC wishes that EASA will submit this regulation to comments.

**In addition to these general comments, we would like to insist on some points in the proposal.**

**1. We strongly support the proposal on formal acceptance of third country licences** set out in annexe 3 as it deemed to enhance and harmonise the level of safety on the territory of the Community and try to prevent people from escaping from rules.

However, the text as it is proposed is not entirely clear. The annex 3 is not linked to a legal basis clearly established. This will probably be done in the "cover regulation" but once again as it is not submitted to comments, we can

not check. In this cover regulation, provision should render mandatory to pilots to contact the competent European NAA in order to use the acceptance process described in Annex III. In addition, it should be written that the renewal of the acceptance shall not be allowed so that pilots established for a long period in Europe use European rules.

DGAC underlines once more that the cover regulation is not submitted to comments which renders the proposal difficult to fully understand.

## **2. Compliance to ICAO**

In many provisions of this NPA, non-compliance with ICAO provisions can be noticed. France could support deviation from annexe 1 provided such deviations are limited in number and specifically motivated by EASA. Otherwise, a safety impact assessment on such provisions should be launched by EASA before proposing it to the Commission.

## **3. Medical**

France disagrees that the medical limitations could be taken by AME, for we consider those decisions, which are in fact waivers, are the responsibility of the Authority, in conformity with the philosophy of regulation 216/2008. This provision will weaken the Authority, without guaranties to maintain the same level of safety.

In addition, it is contrary to an institutional principle: only Member states have the privilege to derogate or interpret the regulation under the control of the Commission.

## **4. Flight test**

The question of flight test pilots qualifications is of high importance. It concerns the continuation of historical very high level obtained in aircraft certification by manufacturing states. These states are few, mainly some European states and USA. A flight test pilot is not a normal pilot with a special type rating for a type of aircraft. It is a pilot who is able to test numerous different aircrafts, among them, not yet defined by a type. The proposal of NPA17 does not take into account this context. It could lead to weaken the leadership of Europe, and weaken Europe in its relationship with USA in this matter, by lowering the level asked to flight test pilots and to the schools specialised in this domain.

For France, this profession of flight tester is very particular – we have constructed throughout the years a system of licences which permits to guarantee a high level of competency of people in charge of flight tests, which is recognised throughout the world and has proven to be efficient, for the sake of European aeronautical industry.

We would really like that EASA accepts to consider that experience developed by manufacturing countries, among them France, is of special interest for this topic.

Therefore, we urge the EASA to propose particular provisions in the text proposed to the European commission in order to take into account these particularities.



As part of the EASA system, we suggest that a dedicated working group with competent stakeholders, including FAA, be settled to deal with this point particularly important for European aeronautical industry and related with several NPA. (17, 20, 22...).

#### 5. LPL

France is not opposed to the creation of a new licence LPL but it considers that a safety assessment should be seriously launched, taking into account that this licence will be below the standards set out by ICAO and will render possible to fly throughout the Community territory with privileges nearly the same as "normal" PPL.

In addition, in order to simplify regulation, the solution of merging LPL and Basic LPL in an intermediate licence should also be studied in order to have only 2 layers of private PL.

It is important to avoid too many administrative tasks such as approval of several training syllabus.

#### 6. Examiners

France is very attentive to the fact that the status of examiners has changed – by the break-up of the link between the Authority and the examiner. This link is very important for both safety and serious of the tests, and furthermore is a principle set out by ICAO and the JAR. This is a very concerning question. Thus, this link is essential for allowing examiners to issue licences on behalf of these authorities.

response

*Noted*

#### General comments

1. The Agency acknowledges your input. Since the publication of the NPA the issue of the structure of the proposed requirements has been debated in several forum, between EASA and interested parties. The new general structure is now understood and has found support from stakeholders.

2. and 3. This was due to the fact that the work for the several NPAs progressed differently. In order to address this, the comment period for the several NPAs was extended more than once, in order to allow stakeholders the chance to look at all the proposals.

4. The Agency will try as much as possible to do that, while having to comply with the tight deadlines that have been established by the Basic Regulation, and the planning that has been agreed with interested parties.

5. The Agency tried as much as possible to highlight in the explanatory note the most relevant differences. A comparison word-by-word with JAR-FCL was just not possible taking into account the amount of work involved and the deadlines to complete it.

6. This is not foreseen by the rulemaking procedure, and will not be possible taking into account the deadlines for the adoption of the implementing rules established by the Basic Regulation. However, stakeholders will have the opportunity to comment on the CRD.

7. A draft cover regulation will be published with the CRD and will be subject to comments by stakeholders.

Highlighted points:

1. Please refer to replies to detailed comments on this issue.
2. Noted.
3. Please refer to detailed comments on this issue in Part Medical.
4. The Agency has taken precisely this approach, and a dedicated group was created to review the comments related to flight test in all the relevant NPAs.
5. Please refer to the dedicated comments and amended text in Subpart B.
6. Please refer to the dedicated comments and amended text in Subpart K.

comment 7298 comment by: trevor sexton

All licenses must be valid for the life of the holder

To make them have validity periods is a tax on the holder and has no Safety benefits.

response *Noted*

The system for the validity of licences established in Part-FCL is identical to the one established in JAR-FCL. A licence remains valid as long as the ratings inserted therein and the medical certificate are also valid.

This is only different in the case of the LPL, where the licence remains valid as long as certain recency requirements are complied with, and the medical certificate remains also valid.

comment 7307 comment by: trevor sexton

Crossing borders / boundries

Some countries / NAAs allow annex 2 / microlights to fly in their airspace without any furthur involvement, whilst other countries /NAA put up restrictions of various form paperwork / tax,s etc.

Ie Belguim and the UK you have to have permission and pay a fee. Irleand you have to have a class 2 medical.

Italy and spain there is hight and airspace restrictions.

We need EASA to define..

response *Noted*

Please see reply to comment 579 above.

comment 7313 comment by: trevor sexton

FCL.140.A (2) strongly disagree

Reference the 6 yearly proficiency check..

Don't think this has been thought through properly by EASA. I.e. cost, this one rule alone will probably mean a considerably drop in pilot numbers as pilots give up fly altogether.

Reasons:-

Cost.

Examiners charge excessive fee for a proficiency check/General flight test(GFT).

-I was charged approx 200 euro just as a test fee.

- pilots would feel they would need to do several hours with an instructor prior to a test again additional cost.

-

- I fly microlights and annex 2 aircraft. To do this proficiency test I would have to join a flying club additional fees. Pay aero club rates for hire of their aircraft currently around 200 euros and hour with an instructor

- again the hire of the aircraft for the test itself. Which could take up to 2 hours with the additional costs.

- this will therefore require a RIA.

-

Suggest that the current bi-annual flight with an instructor is now made a test flight with any instructor (not just an examiner). Where the instructor can refuse to sign of the pilots log books etc if the instructor is unhappy with the pilots general flying.

Generally pilots us this 1 hour flight to freshen up on certain aspects of flying which they don't often do. EFATO, PFL,s Stalls etc etc.

Additionally there is some queries amongst instructors whether this flight can be split i.e. if I we fly to another airfield have a rest and then fly back as long as the total flight time is more than one hour. Seem certain NAA,s interpret this different and require a flight of 1 hour with no brakes/rests.

response *Noted*

The text of Article 7(5) and 1.j of Annex III to the Basic Regulation establishes that only an examiner can assess the competence/skill of pilots. Therefore, only an examiner can conduct skill tests or proficiency checks.

However, based on the comments received, the Agency has reconsidered its initial proposals related to the mandatory proficiency checks. Please see replies to the related comments and the amended text in Subpart B.

comment 7317

comment by: *Aircraft Owners and Pilots Association*

Attachment [#5](#)

Comments (attachment) from the Aircraft Owners and Pilots Association-United States

response *Noted*

Thank you for your input in relation to the acceptance of third country licences and the need for a bilateral agreement between Europe and the USA in this respect.

For more details on this issue, please see reply to comments on Annex III to the licensing regulation.

comment 7382

comment by: *Liz SPARROW*

pX of 647 - you have got to be kidding if you think you will get effective consultation on this basis.

Page 15/16: LPL(S) - Recency requirements should have as an option periodic check flights. This is a format which works very satisfactorily in UK gliding at present, and provides better safety assurance than annual hours requirement particularly with respect to launching and launch failures, and to flight phases approaching the stall

in all other respects, I support the proposals of the British Gliding Association

response *Noted*

The Agency acknowledges your opinion.

In relation to your comment on recency for LPL(S), please see replies to comments on FCL.140.S, and the resulting amended text.

comment

7420

comment by: *Holger Scheibel*

### **Kommentar zur NPA 2008-17b**

#### **Grundsätzliches:**

Der Aufbruch in ein für den Luftsport auch von Gesetzeseite her geeintes Europa wird eindeutig begrüßt.

Die EU Verordnung Nr 216/2008 als Basis für die Aufgaben der EASA erwähnt im Anhang III unter 1.c.2. „Die Häufigkeit von Prüfungen, Tests oder Kontrollen muss dem mit der Tätigkeit verbundenen Risiko angemessen sein.“

Diese Vorgabe der EU wird mit dem vorliegenden Entwurf leider sowohl für den LPL „Leisure pilot“ Ballon als auch für den ICAO konformen Balloon Pilot Licence nur unzureichend erfüllt.

Sie als Agentur schreiben selber in ihrem Vorwort: „ dass sie die strangulierenden Bestimmungen der JAR-FCL ausmerzen und den Luftsport fördern wollen“.

Die schriftlichen Ausführungen für unseren Ballonsport sind jedoch teilweise von geradezu gegensätzlicher Wirkung.

#### **Eckpunkte unserer Kritik sind:**

- **Im Detail unzureichende Ausführungen zu den Grenzen der Gewerblichkeit. Rechtssicherheit für die in der Bundesrepublik mit großem Erfolg gewachsene Struktur des Luftsportes darf nicht erst durch Prozesse und daraus folgende Ausführungsbestimmungen erreicht werden.**
- **Verringerter Ausbildungsumfang vor dem Hintergrund einer Überprüfung bei jeder dritten Verlängerung. Gerade diese Überprüfung führt nur zu einer erhöhten Kostenbelastung, ohne dass damit vorhergehende Versäumnisse behoben werden. Die Ausführungen zur theoretischen Ausbildung müssen dringend um die Art der Unterweisung und die Zeitumfänge erweitert werden. Solofahrten, vom Ansatz her ein positiver Gedanke, müssen auf Ballonen mit bis zu 4000m<sup>3</sup> Hüllenvolumen dringend überdacht werden. Für eine sichere Fahrtdurchführung unverzichtbarer Ballast müsste dazu vorher genauestens mit Unterbringung und Sicherung in den Flughandbüchern**

beschrieben werden.

- **Erhöhte Sprachanforderungen, verbunden mit zusätzlichen Überprüfungen von denen Ballonfahrer bisher begründet ausgenommen waren, führen zukünftig zu einer starken Einschränkung von grenzüberschreitenden Fahrten bzw. Fahrten im Ausland. Diese geschieht ohne jede praktische Notwendigkeit für den Ballonsport.**
- **Fehlende Transparenz und Durchgängigkeit im Gesetzeswerk führt gerade bei Freizeitpiloten zu unbeabsichtigtem Fehlverhalten. Beispiele dafür sind u.a. unterschiedliche Altersangaben für die Solofahrt und den Scheinerhalt oder für Ballongrößen mit 4000m<sup>3</sup> im Gegensatz zu ELA 1 klassifizierten Luftfahrzeugen mit 3400m<sup>3</sup>.**
- **Fortbestand der Schmälerung der Rechte von Piloten-/innen über 65 Jahre. Im Zeitalter einer stark gestiegenen Lebensarbeitszeit muss für die Gruppe mit commercial privileges eine Möglichkeit bestehen den Beruf unter Beachtung der Tauglichkeit bis zum gesetzlichen Rentenalter auszuüben. Nach britischem Vorbild könnte notfalls ein nicht ICAO konformer CPL-Balloon geschaffen werden.**

**Einen großen Fortschritt im Bereich der Tauglichkeitsklassen möchten wir bei aller Kritik nicht unerwähnt lassen.**

**Zukünftig soll auch im gewerblichen Bereich für Ballonfahrer die Tauglichkeitsklasse II genügen.**

response *Noted*

Thank you for providing your opinion. In relation to the specific points you mention:

- The definition of commercial operations is included in the Basic Regulation. In Part-FCL the privileges of each licence are clearly defined.
- Based on the comments received, the Agency has amended its initial proposals concerning mandatory proficiency checks. Please see replies to dedicated comments and amended text.
- As for the level of training, the Agency considers that the proposals are overall adequate.
- Language proficiency is an ICAO requirement. Please see replies to comments on FCL.055.
- The Agency acknowledges your opinion.
- Please see replies to comments on FCL.065, where this issue is specifically discussed.

comment 7431

comment by: *Adrian Giles*

I am a glider pilot.

I am worried that the suggested restrictions on not allowing gliders to fly in cloud, or close to it horizontally or vertically will have a serious detrimental

effect on the sport of gliding in the UK.

A glider pilot needs to repeatedly gain height if he is to remain airborne, and this will often require a climb in cloud to give him enough time in the air to reach the next thermal. If he can stay out of cloud then the restriction on not flying within 1000 feet of the base of the cloud will mean, in the UK, that he is restricted to such a narrow band of height that continuous soaring flight becomes almost impossible. Do not forget that clouds and thermals occur together, like fire and smoke!

The restrictions on horizontal separation will make it very difficult for pilots flying in lee wave, as holes in sheets of cloud can change size and shape very rapidly. In addition pilots in lee wave often have to fly close to wave clouds to stay in the area of lift.

Glider pilots generally like clouds, they are often formed by rising air!

I understand that this is being examined by the EASA FCL.008 group, and I hope that their recommendations will be able to be followed.

response *Noted*

Indeed, this issue is being studied in a separate rulemaking task, FCL.008. The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the qualifications to fly in IMC/cloud flying will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.

comment

7462

comment by: *A. Mertz*

Anrechnung von Flugzeiten auf Annex II Luftfahrzeugen

Flugzeiten auf Luftfahrzeugen, für die die EASA Regelungen nicht gelten (Annex II), sollten für den Erhalt und Erwerb der FCL-Lizenzen angerechnet werden können.

Dies gilt speziell auch Flugzeiten auf 3-achs gesteuerten Ultraleichtflugzeugen. Gegebenenfalls kann diese Anrechenbarkeit auf die LPL-Lizenzen und die zugehörigen Lehrberechtigungen beschränkt sein. Gerade die LPL-Lizenzen sollen ja die Bedürfnisse der Freizeitpiloten erfüllen. In einigen Ländern, darunter Holland und Deutschland, ist die Freizeitfliegerei stark in Vereinen organisiert. In diesen Vereinen hat ein Großteil der aktiven Mitglieder sowohl eine Motorflug, Ultraleicht und Segelflugglizenz (incl. TMG).

Ist die Anrechenbarkeit von z.B. Flugstunden auf 3-achsgesteuerten UL zum Erhalt der anderen Lizenzen nicht mehr möglich, so wird die Breite des Angebotes der verschiedenen Luftfahrzeugarten in den Vereinen abnehmen.

Sollte es aufgrund stark unterschiedlicher nationaler Regelungen nicht möglich sein, Flugzeiten auf 3-achsgesteuerten ULs EU-weit anrechenbar zu machen, wäre es u.U. ein guter Kompromiss, diese Entscheidung den nationalen Behörden zu überlassen, ähnlich wie bei der Ausstellung des Medicals durch den Hausarzt.

Flüge gegen Vergütung / Kostenteilung / Selbstkostenflüge

Das komplette Verbot von Flügen gegen Vergütung ohne CPL führt zu extremen Problemen in z.B. Flugsportvereinen, die einen großen ihrer Mitgliederwerbung über Passagierflüge (mit max. 4-sitzigen Luftfahrzeugen) zu Selbstkosten durchführen. Des weiteren wird es sehr schwierig, bei Segelflugwettbewerben die notwendige Anzahl von Schleppflugzeugen zu erhalten, wenn die externen Schleppiloten einen CPL benötigen.

Eine Übernahme der Selbstkosten (ohne Gewinnerzielungsabsicht) muss auch zukünftig möglich sein.

Eine mögliche Formulierung wäre: " ... without remuneration, but cost may be shared."

response *Not accepted*

Annex II aircraft are excluded from the scope of community competence, and therefore cannot be regulated in detail. However, based on the comments received the Agency has amended its initial proposal in relation to credits for the LPL licence. Please see replies to dedicated comments and amended text.

In relation to your comment on the need to hold a CPL when operating commercially, this is an ICAO requirement, that was already included in JAR-FCL, as well as the requirement for a PPL not to operate for remuneration.

comment 7479

comment by: *Bill Orson*

I would like to endorse the views of the British Gliding Association. In recent years there seems to have been several attempts to make the effectively self managed sport of gliding become more bureaucratised and costly despite its excellent safety record. I believe that anyone viewing at first hand the standards of responsibility at any gliding club would realise there are few if any significant problems to solve. I hope EASA will listen to the views of all the European associations on this topic Bill Orson

response *Noted*

The Agency has carefully reviewed all the comments made to this NPA.

comment 7489

comment by: *Tom Snoddy*

Please refer to the response provided by the British Gliding Association and consider this to represent the views of 8000 glider pilots in the U.K.

response *Noted*

The Agency acknowledges the information provided.

comment 7537

comment by: *Adam Spikings*

My response to this consultation is as a UK student glider pilot, aged 20, with five years experience of the sport.

My response is rather broad, and refers to general issues rather than particular points in the consultation. I do not feel I have the expertise to accurately disseminate the proposals and find the implications, and I think that these

sentiments are echoed by a significant fraction (if not the vast majority) of GA pilots, who are unlikely to respond to consultations as a result.

I would point EASA to our expert representatives in Europe Air Sports, who I believe have been and are working closely with EASA to draft these proposals. I hope that the working relationship continues well into the future. Their (EAS's) views are representative of Europe's entire sailplane pilot fraternity; I am unsure of the precise numbers of these but I know that they number at least 100,000 pilots; and that does not include pilots in other related sports.

Much of what is outlined in the licensing proposals is sound and well-received; however there are some major details which need to be addressed to remove some serious negative impacts the proposals would otherwise have on the sport of gliding in particular.

The development of a full Glider Pilot's License (the LPL, if my reading of the literature is correct) is welcomed, as it will provide a safe, appropriate and proportionate Europe-wide standard which will also allow pilots to fly on the continent without having to worry about complicated rating-compatibility issues.

The proposed medical requirements relating to the issue and maintenance of the LPL are sound, and I believe not dissimilar from those currently in issue. They should ensure that the people who are medically fit to fly can do so whilst screening out those who are not, allowing the public the widest possible access to aviation in a manner that has negligible risk to third parties.

However, care needs to be taken concerning the *implementation* of this standard to ensure that these medicals are easily available, particularly to younger (student) pilots and older (retired) pilots who are restricted with funding for their flying. Allowing any pilot's GP to conduct the full examination would lower the costs associated with obtaining the medical endorsement; the practicality of this is proven and it would be welcome to a very large number of glider pilots.

The BGA medical standards have in relevant areas been carried out by GPs for years, inducing massive savings for older and younger pilots who could not otherwise easily afford a medical. Medicals cost as little as £30 under the BGA system; I know of JAR class medicals costing £160 or more.

In addition to medicals, there are also some safety cases to be addressed.

Under the present proposals, gliders will have to maintain VFR at all times. There is a serious safety concern here. There is a fundamental difference between flying in cloud and flying near cloud:

Should sailplanes be restricted from approaching cloud, causing them to operate in a more restricted band with poorer conditions and under higher pilot workloads, the result will be a higher number of land-outs in crop fields. The safety concerns here should be obvious; many pilots have been killed and many more injured in field-landing accidents. Whilst the reasoning behind enforcing VFR flight for sailplanes is understood, the effect will be a decrease in flight safety. For the last half century, sailplanes have been cruising around close to clouds with few incidents.

More incidents result from pilots entering cloud and losing their orientation,



and subsequently control of the aircraft. The present advice given on cloud flying is to not do it unless you are highly experienced. For the majority, there is no need for a cloud flying endorsement to the LPL, however there is a minority that wants to retain this ability and their wishes should be supported. As for the conditions and training required for a cloud-flying endorsement, I do not have the experience to say; EASA will have to consult the experts at EAS.

However, it is a necessity that the standard LPL allows near-cloud flying, and that the training for it include the relevant lessons on flight safety when operating in non-VFR conditions near cloud, as per the current syllabus.

I understand that discussion between EASA and EAS on the cloud-flying issue is taking place, which I support wholeheartedly.

Another issue is that of the role of examiners.

I am unclear on the role that examiners are intended to play under the proposals. Presently their role is to ensure that instructing standards remain up to scratch, and beyond this high-level work they do little. I believe that under the new proposals, all pilots will have to conduct revalidation checks with an examiner.

I do not see this as necessary, and there are concerns about costs. Examiners are likely to have to become professional if these proposals are implemented due to the massive bump in demand. This will increase costs for pilots, as they will have to pay for these revalidation checks. As per the argument re. medicals, increased costs are apt to hit younger and older pilots with less money to spend quite harshly. The time would be better spent raising the quality of instruction provided by the volunteer instructors. In many cases, this means giving these instructors the opportunity to take more solo time to improve their currency; hence REDUCING the requirement for instructing hours may actually cause an increase in flight safety.

Moving away from direct safety issues, there is a growing use of SLMGs in training programs for gliders.

I do not hold any power license whatsoever so am not personally familiar with the current regulations, but I believe that to instruct on SLMGs an instructor must first hold a PPL or NPPL, and on top of that hold an MGIR rating (I believe that this is a BGA rating and there is an equivalent CAA rating).

The training programs will benefit from increased SLMG usage, as for example they allow pilots to practice landings repeatedly without having to pay the full cost of as many launches. Since this is one of the more dangerous phases of flight, improvement in currency and availability of practice here can only be welcomed!

Consider the requirements of conducting such training as an instructor. The LPL will teach all aspects of aircraft handling excepting engine management and related failures. It will teach all of the navigation required to take these aircraft away from the local aerodrome. It is not inconceivable that a conversion course or LPL license expansion/add-on for SLMG flying can be created. This expansion can be further updated, when a pilot obtains an instructor rating, to allow that instructor to utilize the SLMG resource more easily. If individual instructors can utilize these resources more easily, then they are more freely available to all pilots who can gain the safety advantage

from flying them regularly.

It should also be noted that technology is moving on; training sailplanes are now available with engines and – crucially – engine management systems, in some cases having the entire engine controlled by one single lever and one single switch. These aircraft are likely to increase in popularity over the next two decades – faster if the CAA institutes licensing that makes the ratings required to use them more accessible – and transitioning onto them is even easier than an LPL-to-SLMG conversion would be. Like a driving license for automatic and manual cars, there could be different grades of SLMG expansion covering ‘automatic’ and ‘manual’ engine management systems.

That concludes my response to this consultation. To summarise, my points are;

- EASA should ensure that the proposed medical requirements are financially accessible to the stakeholders.
- EASA should recognise the difference between in-cloud and near-cloud non-VFR flying, and the safety penalty associated with removing near-cloud non-VFR flying rights from gliders.
- Examiners should not be burdened with demands outside their capacity to manage; the interface should be through the volunteer instructor corps.
- EASA should pay particular attention to allowing instructors and pilots easy access to SLMGs, for the safety benefits they bring.

And lastly and most importantly;

- EASA should continue to work with Europe Air Sports and should take their expert opinions very seriously.

response *Noted*

Thank you for your input and positive feedback.  
In relation to the specific points you highlight:

- The Agency is not responsible for defining financial arrangements related to medical or any other certificates. What we have tried to ensure is that the requirements are proportionate to the risk involved in the different activities.
- It was already indicated in the Explanatory memorandum to Part-FCL, under Subpart I, number 48 (page 29), of NPA 2008-17a, that the issue of qualifications for flying in Instrument Meteorological Conditions (IMC) is currently being discussed in a separate Rulemaking task, FCL.008. The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the qualifications to fly in IMC/cloud flying will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.
- The Agency acknowledges your opinion in relation to the role of examiners.
- Our proposals include requirements for self-launching sailplanes. Please check Subparts B and C.
- The Agency intends to keep the good working relationship that it has developed with EAS.

comment	<p>7555 <span style="float: right;">comment by: <i>Needwood Forest Gliding Club</i></span></p> <p>We wish someone would spell-out why we should have LPL(s) and SPL.</p> <p>Given that there is a difference then instructors qualified as SPL should be able to instruct and for that instructing to count towards an LPL(s) qualification and visa-versa</p>
response	<p><i>Noted</i></p> <p>The main difference between the LPL(S) and the SPL is the medical certificate that is required.</p> <p>Please check Subpart J; an instructor holding an SPL can instruct for the LPL(S).</p>
comment	<p>7632 <span style="float: right;">comment by: <i>Cristian Olinescu</i></span></p> <p><b>1. Any European regulation in aviation must be fully consistent with ICAO Annex 1</b>, which reflects the responsibility of each EU Member as an ICAO Contracting State.</p> <p>Considering, the increasing number of European licence holders working outside Europe, it is in our and also industry interest that pilots licences remain compliant with ICAO Annex 1.</p> <p>2. The aim of the regulation should be to establish an equilibrium between promoting the aviation business and activity on one hand and an acceptable level of safety on the other. It seems that this proposal does not reaches this equilibrium as the business aspect has become a lot more important as the safety aspect.</p> <p><i>Proposal:</i> requirements should reflect, as much as possible ICAO Annex 1 SARPS.</p> <p><b>1. Any European regulation in aviation must be fully consistent with ICAO Annex 1</b>, which reflects the responsibility of each EU Member as an ICAO Contracting State.</p> <p>Considering, the increasing number of European licence holders working outside Europe, it is in our and their interest that their licence remains compliant with ICAO Annex 1.</p> <p>2. The aim of the regulation should be to establish an equilibrium between promoting the aviation business and activity on one hand and an acceptable level of safety on the other. It seems that this proposal does not reaches this equilibrium as the business aspect has become a lot more important as the safety aspect.</p> <p><i>Proposal:</i> requirements should reflect, as much as possible ICAO Annex 1 SARPS.</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your opinion.</p>

comment 7667

comment by: *Ballongflyg Upp & Ner AB*

Let me intruduce my self, My name is Casbàr Anderson and I'm running a Comercial passenger operation in Sweden since 1985. I did my first balloon flight in 1968 when I was 6 years. I did my first soloflight in 1974 in a balloon that was the biggest in the world at that time, the size was 3000 m3. I also have a flight school that train and educate staff from the Swedish CAA as well as other persons, I'm CEO and Flight manager for this.

We have been flying big hot air balloons on daily bases since 1993 and then I mean balloons bigger than 10.000 m3. We where the first in the World to fly this big balloons that takes 15 passengers or more on daily bases, and we do this over Stockholm that is the capital of Sweden. Our biggest balloon today carry 30 passengers plus the pilot and a crew member, that will be a total of 32 persons in the size of this balloon is 16.990 m3. We have had this balloon in our daily operation since 2002. Since 1996 we have been operating hot air balloons that carry 26 passengers so we have a long experience with these big balloons. I do NOT agree with the German operators that it shuld recuire 250 hours to be able to fly this size of balloon. Due to our experience it takes maximum aboute 60 hours from that you have recived your licence to you can operate this balloon. The pilot that shall learn to operate participate in the regular operation and learn from the experienced pilot, under survelience the training pilot flyes the balloon and after approx 60 hours and with a total of 75 hours the pilot can handle this big balloon without any problem. If we are talking aboute a experienced pilot with for example 150 hours this pilot will only need approx. 5 - 10 hours to get the knowlege to operate the balloon. In the end the flight manager in the company decides when he/she thinks that he/she will employ the pilot to be in comand for the companies balloons.

The area we are operating in have very small fields and we have the city and Baltic Sea from east and the lake Mälaren from the west. This is a very complicated area and most pilots that is not used to this area don't whant to fly here. But we have done this on daily bases with this big balloons for 15 years now. With this I will inform you that we are not operating in an area there it is easy to fly, so therefore we can do this. There is no other in Europe operating a balloon as big as our 16.990 m3, the biggest balloon outside Sweden that is in comercial passenger traffic is 11.326 m3 and that only for a few years and I don't believe they have any experience of balloons this size in Germany. There are no one in Europe that have so long experience of big balloons as we do in Sweden. In one evening we have 120 passengers in 5 balloons.

I agree in genneral with your conclusions in NPA No 2008-17b but I have just a few corrections that I would like to be done.

FCL.060

(a)

Here it is neccesery to take away Carrying passengers, because of the following.

It is not practical or possible to fly alone a balloon that can carry 32 persons because then it would be needed to have several tons with sand in the basket to compencate for the passengers that shuld have been there. It is not safe to fly a balloon that is to light loaded. And the difficulty to bring all that sand out to a lounchsite and carry and load this by hand before take off, at least 20 persons is needed to be able to unpack and inflate the balloon of this size. For the last 20 years we have done these kind of flights with passengers but not

paying passengers. On the otherhand I can't see any problems to do this with paying passengers as long as one pilot is on board that full fills the requirements. In my company we only have big passenger balloons, if this roule would be reality we would need to phurchase a samm balloon only for this purpose.

In Sweden we only have season 5 months each year and it is easy that we don't fly for 90 days.

I suggest that this can be done as PICUS, Pilot-in-command under supervision means a co-pilot performing, under supervision of the pilot-in-command, the duties and functions of a pilot-in-command.

I also think it shuld be possible to have a pilot with a BPL that flyes the balloon under supervision of the pilot in command to get the training and experience to operate the balloon by him self.

In Sweden we have tried this and the advanatge is several.

The Pilot under supervision participate in commercial operation and learn planning, passenger handelng, inflation, take of, planning in flight and landing. All this under supervision and I as a flight manager recives information from the pilot in command hove the pilot under supervision develops.

Due to our tests of this and our knowlege we now know that this system is a big advatage in several levels, but mainly because of better safety.

response *Noted*

Thank you for your positive feedback.

Please see replies to comments on FCL.060.

comment 7688

comment by: *Scandinavian Balloons*

Presentation: I run Scandinavian Balloons which is a company that has been operating balloons professionally since 1979.

I am used to reading this type of documentation, however for the everyday user I believe some clarification has to be made.

For fixed wing, helicopter etc there has been made a clear distinction for commercial pilot license. For balloon the difference is only found between LPL that cannot carry passengers and BPL which can. If there is a special commercial license for ballooning this should be specified, together with the special requirements for obtaining and maintain this.

Ballooning as such is the simplest form of flight. However it is maybe the most weather dependent as to in which weather it is possible to have a safe flight. Flight conditions vary greatly from one region to another. This makes general or total experience flying in a certain region even more important than currency of flight within a specific relatively short period of time.

There is not a great amount of new recruitment to the ballooning pilot core. I think there will be a general shortage of capable FE(B) (LAFI (B) especially in the breach of large balloons. It should not be made to difficult for an experienced pilot to obtain such a rating. even here experience and knowledge

	<p>should go before currency on the short term.</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your input.</p> <p>The possibility for the privileges of the balloon pilot licence to be extended to commercial activities is included in Subpart C.</p>
comment	<p>7726 <span style="float: right;">comment by: Svenska Ballongfederationen</span></p> <p>The following comments to this NPA are the official comments of Svenska Ballongfederationen (Swedish version of BBAC).</p> <p>Almost all Swedish balloonists are organized in Svenska Ballongfederationen, SBF for short. SBF is the national non-profit balloon organization. SBF has through its flight school and training organization performed the main part of training for balloon certificates for thirty-five years.</p> <p>We see a couple of problems with this NPA which we will address in the following parts. Our main concern is the roles of the instructor and examiner. All lot of what is written about examiners will not work in Sweden. One thing is that we need to be able to allow instructors to handle proficiency checks or an enormous work load will be put on the examiners. This will be dealt with mainly through the comments about Subpart K – Examiners Certificates. Our opinion is that large portions of the rules and regulations about examiners will have to be reworked in order to work in Sweden, or training will cease or become very difficult. We are more than happy to take part in further discussions about how this can be handled.</p> <p>We assume that grandfather’s rights will apply to groups, classes, certificates (commercial and non commercial), instructors, and examiners when these rules and regulations become valid.</p> <p>For further discussions about these matters please feel free to contact us at uu@ballong.org.</p>
response	<p><i>Noted</i></p> <p>Please see replies on Subparts J and K.</p> <p>Grandfathering rights and other appropriate transition measures will be provided, and included in the licensing cover regulation.</p>
comment	<p>7835 <span style="float: right;">comment by: Tim FREEGARDE</span></p> <p>A consistent deficiency throughout this proposal is the assumption that requirements must be codified in legislation and never left to the judgement of the Chief Flying Instructor - indeed, I have yet to find mention of the CFI in this document. We have many decades of safe and successful aviation in an environment in which much has been left to the discretion of our CFIs, thus allowing requirements to be tailored to the pilot's individuals and trustworthy pilots given more privileges where those with more dubious abilities were subjected to more scrutiny.</p> <p>Legislators are naturally loath to trust in another's professional judgement -</p>

unless the professional is a judge, of course. This should not mean, however, that their prejudices be permitted to hinder good practice in the activity over which they are legislating. Indeed, where there is good practice that is difficult to codify, then legislative neatness should defer, and talented legislators rise to the difficult challenge.

response *Noted*

In several points the requirements mention an assessment by the approved training organisation. Recognition of the role of the Head of Training and Chief Ground Instructor are contained in NPA 2008-22.

However, it needs to be mentioned that when developing rules for pilot licensing it is necessary to ensure a certain degree of legal certainty for applicants, which would not be compatible with leaving most decisions entirely to the discretion of training organisations. A balance must be reached between both elements: certainty in the rule, and consideration of individual cases by the training organisations.

comment *8030*

comment by: *FAA*

The FAA Certificated Flight Schools (14 CFR part 141) and Flight Training Centers (14 CFR part 142) along with Airline Training Centers (14 CFR part 121) and private instruction conducted by individual certificated flight instructors (14 CFR part 61) provide flight training conducted for a significant portion of EASA Member States' pilots. US training organizations received over 12,000 requests for training from EU Member State pilots in 2008; over 44,000 requests have been received since October 2004.

The EC regulation expanding EASA's competency requires EASA approvals for instructors, simulators, and training organizations located outside the EU. NPA 2008-17, *Implementing Rules for Pilot Licensing*, and NPA 2008-22, *Authority and Organization Requirements*, define the requirements for those approvals. Meeting these requirements could have a significant economic impact on US industry and may not be economically viable for some organizations. Taking up the training load will overburden the current European training system and could compromise safety.

Similarly, some of the proposed licensing acceptance and test pilot requirements could have pronounced negative impacts to both US manufacturers and European operators.

The FAA and EASA have a well established working relationship. However, much work remains to be done to address emerging issues in flight crew licensing and training. We must continue to work together to harmonize requirements where possible and to develop bilateral agreements that will ensure the safe and smooth transition to the new European requirements.

response *Noted*

The Agency acknowledges your feedback, and re-affirms its commitment to working with the FAA towards harmonisation of requirements and finding common solutions.

comment *8068*

comment by: *Frank-Peter Schmidt-Lademann*





Depending on the category of a flight crew member, the content of too many pages of not easy understandable rules and regulations should be known. Based on the complexity and the quantity of the rules and regulations, Flight Crew Members will frequently break rules. In the vast majority of all cases this will not happen because people "want" to break the rules but simply because they are not aware of or do not correctly remember the respective rule. Only rules and regulations which are always present in the brain when acting as Flight Crew Member are effective.

#### 2.2. Information Transfer

It is – unfortunately – usual, to expand the amount of rules and regulations nearly daily. Often is legal protection the reason for such an extension.

A typical, but not EASA-FCL example is accepting the terms and conditions while installing or downloading software. To clarify this I ask following question to every reader: You are in process of downloading a software (or information) and there are several pages of terms and conditions to be accepted. Are you really reading them all prior to accept it? If yes, do you really read them in detail for every single new case, which is not same but similar? So far I have not yet met the person who said twice yes.

In the recent past, I observed more and more same behaviour, when student pilots are tasked to read important documents such as the aircraft flight manual (AFM).

Some take less than 10 seconds per page, but these students have no idea, when asked a week later about basic information, which is well explained in the AFM. This is a very dangerous behaviour, which is a result of too expanded requirements and a constant overflow of information. To add more information and more detailed requirements as it happened already with JAR-FCL, with EASA-FCL is this bad behaviour increasing even more.

#### 2.3. Active participation in safety improvements

As soon as people are feeling to be part of the system and are feeling to be responsible, they start to support and to help to improve the system.

EASA-FCL is not "designed" to make Flight Crew Members feeling to be part of the system.

Much too much is written and full attention is required to follow the written regulation, than to judge on own responsibility.

As soon as Flight Crew Members acting on own responsibility, they would often go beyond minimum requirements, especially if properly trained. Various items are well written for the lawyers and to support court cases with the aim for easy defining who has violated against the rules and regulations, but as the incident already happen it is too late to avoid it.

If safety is first, the EASA-FCL should support to avoid incidents and accidents, it should improve to give guidelines and awareness to avoid mishaps as much as possible.

### **3. Discussion**

#### 3.1. Human Performance

Human performance should be taken in account, when the requirements for a specific Flight Crew Member get defined. JAR FCL was already too much expanded and complex and takes away a remarkable portion of the education and examination, subsequently less attention remains for all safety relevant areas to operate an aircraft safely.

EASA-FCL should be "redesigned", to cope with a structure and content, which does not require a large investment for learning and proceeding. Reducing extension and complexity of rules and regulations, exemptions and restrictions etc. should help to implement the core elements of EASA-FCL. Clearly defined and easy to understand rules would support an effective implementation and acceptance.

#### **3.2. New structure of EASA-FCL**

EASA-FCL should consist of:

- Aim of EASA-FCL
- The 10 basic rules, which are best supporting the aim
- Standards, if followed accordingly, compliance is given.
- Additional information and guidance material

This requirement is simple to say, but much more difficult to create.

Aim of EASA FCL

A short and clear definition of the aim is very helpful, to understand the why and how.

The 10 basic rules

If we are able to clearly identify the 10 basic rules, we can require from all flight crew members to keep them in mind for all their judgements and decisions.

### **Standards**

Standards are defining the normal way to cope with the 10 basic ground rules, however a certain deviation may be allowed. Applicants for special cases shall demonstrate that the proposed approach will achieve at least same level of safety. The standards shall not cover every special situation; this is required to remain comprehensive and readable. The AMC are more or less covering this, the way as it is used today, but the part with the Standards is still much too large.

Additional information shall be used for explanations and instructions, as an example to give advices to instructors and examiners. The GM is more or less on this track.

### 3.3. Information Transfer

If a newspaper would copy the layout and structure of the EASA-FCL, no one would ever read it.

Take the lesson learned by the written Medias, they start with attractive head lines. Most start with a scope showing the content of longer messages. Others insert a box explaining the content in a nut shell.

Sketches, Tables, diagrams are supporting the information transfer much better, than written definition, which is written for lawyers only. Present layout uses such form of presentation much to less.

A modular design of the EASA-FCL would allow, creating an (electronic) controlled extract, for each category of crew members. Such a solution would also support a change expansion for new categories much better, as the delta can easily be extracted

We have to reduce this huge amount of information as presented in the EASA-FCL.

As soon we have short but clear requirements, we can enforce that these requirements are studied sentence by sentence. We have to make sure, that every sentence of the core information is required and must be known and understood, every thing else has to be removed.

In a nut shell, balance of need to know and nice to know shall result in stream lined EASA-FCL which will be understood and followed.

### 3.4. Active participation in safety improvements

This is a very difficult area to develop improvements but if understood how to proceed will make it extreme efficient.

Training and recurrent training is a key of success, especially if kept attractive in all concerns.

## **4. Conclusion**

Safety first means check and analyse the planned change. I am of the opinion, that the portions of the human elements were not adequate considered. Human factors as learned for flight crew members are not considered to how Flight Crew Members should be able to cope efficiently with new rules and regulations. A complete change in the structure and in the principle to "sell" the content is

required. If the EASA-FCL does not convince the Flight Crew Members or will not be understandable to them, it will not achieve the possible level of safety. I questions very much, that present layout and wording would convince or be understandable to the Flight Crew Members. Neither will they be able to remember all the rules and conditions.

The form of presentation has to be changed in total, and it should take into account the knowhow of news paper and other communication system.

If all the above elements are considered, the human being and behaviour could be activated to support an effective implementation of EASA-FCL in a manner, as it was never seen in this environment before.

Finally today's electronic means of selective and modular presentation should be considered in the layout already, this would allow to achieve better implementing by even using less effort.

**MOTORFLUGGRUPPE PILATUS CH-6371 Stans Switzerland**

Hermann SPRING, Head of Training

response *Noted*

The Agency acknowledges your input.

However, it is necessary to mention that Part-FCL is intended to be an European Regulation, and not a manual for pilots. Not only European regulations have to comply with a specific drafting style, in this particular case also the content needed to comply with what was required by the European legislator.

Nevertheless, as it was already indicated in the Explanatory Note, the Agency is working on a web-based tool to facilitate the use of the requirements.

comment *8106* comment by: *Norwegian Air Sports Federation, Gliding Section*

In general, the Gliding Section of the Norwegian Air Sport Federation agrees with the comments submitted to NPA 2008-17b by the European Gliding Union (EGU).

Geir Raudsandmoen  
on behalf of the Gliding Section of the Norwegian Air Sport Federation

response *Noted*

The Agency acknowledges the information provided.

comment *8173* comment by: *Trevor Stuart*

I am submitting my comments via email since I find the CRT unusable – it should not be that difficult. I am an individual glider pilot with 35 years and 4,588 hours in gliders.

At present glider pilots are not required to operate within VMC. This facility has enabled the safe operation of our sport.

The nature of our sport requires us to use clouds to gain height before commencing a glide. We use cumulous cloud to climb in thermals and lenticular clouds to climb in wave. In many cases we need to be within 1000ft vertically and 1km horizontally of cloud. It is also necessary to be able to climb in thermals in cumulous cloud and necessary to descend through cloud

(e.g. after a wave climb).

In the summer we operate typically between 1500ft AGL and 3-5,000ft ASL. To remove 1,000ft of airspace below cloud would severely restrict our operation with no increase to safety. In fact safety would be compromised since we would be operating at lower levels, increasing the density of gliders and requiring us to operate at similar heights to light aviation. It also decreases safety because it would increase dramatically the chances of being forced to 'land-out'. The work-load for a pilot prior to an out-landing is very high. On days with a low cloud base (e.g. 3,000ft ASL) we would be constantly looking for places to land.

To qualify for many FAI badges requires flying in and close to cloud.

There is no formal qualification required for glider pilots to fly outside VMC (e.g. an IMC rating). The introduction of a similar rating for glider pilots would make more sense.

Would you please acknowledge this email.

response *Noted*

It was already indicated in the Explanatory memorandum to Part-FCL, under Subpart I, number 48 (page 29), of NPA 2008-17a, that the issue of qualifications for flying in Instrument Meteorological Conditions (IMC) is currently being discussed in a separate Rulemaking task, FCL.008.

The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the qualifications to fly in IMC / cloud flying will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.

comment 8174

comment by: *Stephen OTTNER*

I am concerned that a number of the elements in the proposals contained in NPA 2008 17a, b and c and their potential detrimental effect on gliding. Having read and studied the responses already submitted by the BGA (British Gliding Association) I find they encapsulate my concerns and support the BGA in this matter.

response *Noted*

The Agency acknowledges the information provided.

comment 8221

comment by: *A.Garside*

This is the most appalling consultation process I have ever tried to undertake as an individual. It has the potential to restrict the individuals human rights with regard to aviation activities on a scale never before seen with the subsequent real possibility of legal actions being taken against the authority. It is over complicated and has been designed to make it easier for the authority to analyse the results but extremely difficult for the participants to complete. It is unacceptable to remove rights from individuals that they currently enjoy on the basis of a rule change that now requires them to have a rating that previously did not exist. For example the case of glider towing, no rating is

required in the UK and if there is no acceptance of grandfather rights then pilots will be restricted simply by a rule change. The requirement to have 40 hours on type before towing gliders is ludicrous, has no basis in safety and takes no account as to how this can be achieved practically in a single seat tow plane like a Pawnee. If a club with say 20 pilots was to buy a new type of tow plane and every pilot at that club had to do 40 hours on the new type this would amount to 800 hours flying time. It would also cost each pilot at least £5000 min to do what is a voluntary task within a club environment. Many pilots in the UK enjoy aerobatics in both light aircraft and gliders which do not require a rating. Again it is not acceptable to now restrict this activity because they don't have a rating that didn't exist before. Here again grand father rights must be given. The restriction of gliders to VFR will present real and possibly dangerous problems for glider pilots. This regulation may have in theory existed in some European states (eg. gliders staying 1000 feet below cloud) but it was only in theory. How can a glider climb in wave if its not allowed to go near to the wave cloud to climb in the rising air associated with that cloud?

response *Noted*

The Agency acknowledges your opinion. However, we would like to point out that our proposals have been based on the work of experts, and contain requirements that have been considered essential for safety.

As for grandfather rights and other transition provisions, they will be included in the final proposal, as it was already indicated in the Explanatory Note.

In relation to your comment on sailplane flying, it was already indicated in the Explanatory memorandum to Part-FCL that the issue of qualifications for flying in Instrument Meteorological Conditions (IMC) is currently being discussed in a separate Rulemaking task, FCL.008.

comment

8311

comment by: *UK General Aviation Alliance*

The GA Alliance (GAA) is a group of organisations representing the interests of many in the UK General Aviation Industry (GA). It was formed in 2004 due to concerns about the fragmented representation of GA and the need for co-ordinated UK level responses to CAA and EU initiatives, the latter through Europe Air Sports.

The term General Aviation (GA) describes all aviation activity except airlines and military i.e. a civil aircraft operation other than a commercial air transport operation. The principal sectors of the GA industry include sport and recreational aviation (S&RA), personal transport for business and private purposes, flying training, corporate aviation, aerial work and a wide range of ancillary activities from maintenance to airport services. There are approximately 7,500 UK registered and certificated plus 1,000 USA registered GA powered aircraft in the UK (incl. approximately 1,000 helicopters), 2,300 microlights, 2,600 gliders, 740 balloons/airships, 62 gyroplanes plus 5,500 hang and paragliders and approximately 1,000 UK civil airliners. In addition parachuting activities are within the scope of CAA regulation as well as aeromodelling.

Members of the General Aviation Alliance include:

British Balloon and Airship Club (BBAC) British Gliding Association (BGA) British Hang Gliding and Para Gliding Association (BHPA) British Microlight Aircraft Association (BMAA) British Parachute Association (BPA) Helicopter Club of Great Britain (HCGB) Light Aircraft Association

(LAA) PPL/IR Europe – European Association of Instrument Rated Private Pilots Royal Aero Club of the United Kingdom (RAeC)  
 The General Aviation Alliance coordinates about 72,000 subscription paying members of these bodies.  
 In the United Kingdom aviation activities are diverse. Some activity is regulated by the UK Civil Aviation Authority, some such as gliding is self regulated, run by the British Gliding Association, and some is completely unregulated such as foot launched powered flying where no central organisation exists to regulate or self-regulate.  
 Despite the diversity of activities and the differences in regulatory oversight the flight safety record in the United Kingdom is excellent.  
 The member Associations of the GAA have much experience in the fields of training and regulation of aviation activity. It is with the background of this experience and expertise that member organisations have individually responded to this NPA adding the detail with which they are familiar. This response from the GAA seeks to confirm the general areas upon which all the member Associations have experience and are in agreement as representatives of our 72,000 members

response *Noted*

The Agency acknowledges the information provided.

**TITLE PAGE**

p. 1

comment 201

comment by: *Roland Henz*

Dear Sirs,

I will not comment the whole document but I will only give a general statement: for most pilots even with good english language proficieny it will be impossible to work through such a big document in non-native language. And the biggest portion of pilots are not able to read such a document. German is an official language in EASA, so there should also be an German translation available! It`s honourable that first time private persons are given the chance of participating in the creational phase of new rules, but in foreign language this will not work! Another point to mention is the planned proficiency check ervery 6 years for all holders of licenses even glider pilots. This will be a "milestone" in killing gliding activities in Europe, mainly in Germany! So far new regulations in Germany mostly have been an improvement for glider pilots since their license is valid for whole life. In case EASE really should insist in an official proficiency check with an official examiner every 6 years a big number of glider pilots will abandon gliding sports! I already know several pilots who decided to let their license get expired in this case! So please, please stop these plans! And additional to this note: I personally could agree to such planning as long as every driver of a car had to renew his drivers license every 6 years, accompanied by a mandatory medical investigation every 2 years....

Best regards  
 Roland Henz

response *Noted*

Thank you for your comment.

The issue of the translation of EASA NPAs has been discussed many times

between the Agency and its stakeholders. At this moment, the Agency does not have the possibility to translate these documents in all official languages.

Regarding your comment on the mandatory proficiency check for sailplane pilots, the Agency has amended its initial proposal based on the comments received. Please see the reply to comments in the respective sections.

comment 583

comment by: *trevor sexton*

In the document it states that these rules will replace JAR rules and as they are European law they would not be required to be written in national law.. ? Therefore can you confirm that the UK CAA will not need to spend a great deal of time and effort and **expense** rewriting these rules into the UK ANO. Im concerned that the UK CAA will re word the rules to their liking. The UK CAA being well know to Gold Plate european rules.

response

*Noted*

Community law is directly applicable in the legal order of Member States, and therefore should not be reworded or re-adopted.

However, in the EASA system Member States still need to develop some complementary rules, namely in what refers to administrative procedures for the implementation of the European rules, as well as rules on enforcement.

comment

585

comment by: *trevor sexton*

It seems that EASA through out this document won,t to get rid of pilots that fly in Europe on a foreign license even if this be an ICAO approved license.

EASA should look at why people are doing this.  
The conversion should be very simple..  
The FAA IR should be acceptable.

EASA can,t have it both ways.  
There is a number of JAR pilots flying in other countries look at the large number of Irish registered ( EI- airliners ) that are flying in Russia and South America and have never even been to Ireland. and probably being flown by pilots with FAA licenses.

response

*Noted*

Thank you for your comments.

Please see reply to comments on Annex III, on the acceptance of foreign licences.

comment

1152

comment by: *Nimbus2b*

Thank God Easa exists! Helps to prevent falling down any types of aircrafts on me. I do not like this bureaucratism, because with ALL OF THOSE regulations you do not stop or even detect people who want to e.g. kill other people with planes. So what are these new regualtions good for? Please answer to my emailadress.

Regards

response	<p>Andy Offer</p> <p><i>Noted</i></p> <p>The Agency acknowledges your comment.</p>
comment	<p>1352 <span style="float: right;">comment by: <i>David MARTIN</i></span></p> <p>The implimention of EEC wide standard rules will have benefits for all provided that the rules are adopted throughout Europe and qualifications in one member state are acknowledge and respected by other states.</p> <p>If this is to be the case then one cannot argue with the standardisation of training and licensing.</p> <p>I have been a glider pilot in the UK for over 30 years and for many if those years an instructor.</p> <p>I have flown numerous types and experienced several types of launch. Within the movement there are "guidelines" to ensure that pilots remain current and pilots are correctly briefed for new types.</p> <p>I have also flown, indeed much of my gliding has been carried out below the minumum requirement of VMC that will be required once licences become mandatory. I have little desire to fly airspace that is controlled airspace by radio and radar and IMC conditions,</p> <p>The freedom of the air is why I started gliding and will continue gliding, the ability and to fly in and around clouds part of the beauty of the sport. The proposals to end this are a gross infringement of mine and others liberty to pursue our hobby and to bring that enjoyment to others.</p> <p>Provides I remain clear of controlled airspace, I present few if any problems to pilots other than possibly to other glider pilots expreincing the same freedom.</p> <p>So far no evidence has been brought forwards to support the proposals to restrict this privilege.</p> <p>I implore the law makers to allow UK glider pilots this freedom.</p> <p>Indeed having flown in other European countries where this flying is illegal, this type of flying is often carried out. It is both difficult to police and enforce.</p> <p>Dave Martin</p>
response	<p><i>Noted</i></p> <p>Thank you for your positive feedback.</p> <p>In relation to your comment on condictions to fly in IMC, as it was already indicated in the Explanatory memorandum to Part-FCL, under Subpart I, number 48 (page 29), the issue of qualifications for flying in Instrument Meteorological Conditions (IMC) is currently being discussed in a separate Rulemaking task, FCL.008.</p> <p>The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the qualifications to fly in IMC/cloud flying will be taken into account</p>



by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.

comment 2104

comment by: *Andy Sanderson*

Yes, this is all very pretty, but if your aim is to prevent proper feedback to your proposals by making the interface so non-standard that people who are less than expert with computers will give up in frustration or disgust, then you will have succeeded.

Already, I discover I do not have time to learn or play with this application, in particular as there is (as far as I can tell) no reassurance on the site that my views will be listened to, or comments even read at all, so all I will say is that I will support anything the British Gliding Association has to say on these matters. If you receive this comment please add my name to those supporting the BGA.

If that means I am wasting my time by saying this, that would be sad, but I dare say predictable these days. Well done for hiding the machinery of Euro-interference behind this over-complicated and off-putting tool.

response *Noted*

The Agency has reviewed and answered all comments in this NPA.

comment 2557

comment by: *Marc Launer*

General Comment:

To follow common lean administration and jurisdictional rules I would ask the committee to add reference (scientific or statistical proof) to any regulation that is more stringent than the existing ones today. (e.g Recency requirements, language proficiency, ...)

This is a common procedure in any other area of rules and regulation in aviation (which I am an active part in) like RTCA, ARINC, SAE.

Not making the decision process and the basis for the regulation public to every citizen violates basic rules of regulation in my opinion.

response *Noted*

In order to develop its proposals, the Agency has followed its rulemaking procedure, that ensures transparency through consultation of stakeholders. Furthermore, the discussions and documents that served as a basis for the proposals were referenced in the explanatory note. In addition, a Regulatory Impact Assessment was published in the Agency's website, together with NPA 2008-22.

comment 2882

comment by: *richard benham*

With the additional proposals being put forward regarding a hot air balloon pilot license, I will seriously be giving time to giving up the sport as it will just not be worth the perceived hassle / cost / inconvenience.

I fly about 6-10 times per year in this country (UK) currently, due to having a young family and work commitments. A further restriction is caused by the poor weather and restrictions of air space imposed in this country by sensitive areas / air space.

With the proposed additional restrictions on training, currency, experience and the like, I will be forced out of my hobby/sport - I only have about 6-10 flights per year, so if I have got to travel around the country to find an examiner/instructor to have a recency flight, with the hope that the weather holds out, then this will eat into my available flying weekends. The availability of crew for my hobby will further restrict me being able to travel to a qualified instructor. These proposals add NO VALUE to me, to safety, to general aviation or to the sport of ballooning.

I don't need to go to a special medical person to get a medical - my GP is perfectly able to qualify me as being fit to fly. In addition, when I eventually reach 60, I'll be able to get my GP to confirm again that I'm medically fit - there's absolutely no factual proof that the "over-60's" are more likely to have an accident in a balloon with severe consequences - indeed some of my learned and experienced flying colleagues in the USA are >60 years of age

Please, before you kill off the sport of ballooning in the UK, which is already restricted by poor weather, increasing costs, decreasing landing opportunities and other issues, please give serious consideration to the comments added by myself and other balloonists !

response *Noted*

The Agency has carefully reviewed and considered all comments on this NPA.

Regarding your general comment on the proposals, the Agency cannot agree with you. Our proposals have been developed by experts, based on ICAO requirements, and we believe that they will contribute to safety in Europe.

Regarding your comment on the limitation of privileges for pilots aged 60, please see replies to comments on FCL.065.

comment 6778

comment by: *Dave Puleston*

No provision has been made for display flying activity, which is extremely prevalent in many countries and is carried out not only by Commercial Licence holders, but by PPLs, frequently flying aeroplanes which do not have ICAO Certificates of Airworthiness. The current UK regulation works well and allows a PPL to recover the costs of flying the aircraft to and from the display, in addition to the costs of operating it during the display. Removal of this privilege would effectively destroy the display flying industry, which is an exciting 'shop window' and encourages many to pursue a career in aviation. Furthermore, many of our historic 'warbirds' would have to be grounded as most are kept in the air solely by airshow income.

From the safety viewpoint, the UK Display Authorisation system is excellent and ensures that the competence of a pilot is assessed regularly, not only by the National Authority but by a network of Display Authorisation Evaluators who are active in the industry.

response *Noted*

Our proposals on licensing were based on ICAO and JAR-FCL, where no specific qualification exists for display flying. This is a very specific activity, which has been regulated in the different Member States in very different ways. It is possible that in the future specific rules will be developed, but in the meantime there is always the possibility for Member States to decide to use the flexibility provisions of Article 14 of the Basic Regulation.

The privileges of the PPL, as included in our proposals, follow ICAO Annex 1 and JAR-FCL, which already prevent a PPL to act for remuneration.

comment

7350

comment by: *Europe Air Sports, VP*

As explained in the General section of NPA 2008 -17 b our comments to this part will be restricted to the specific aeroplane issue and some balloon comments as the comments for the gliding community of the airports community of Europe Air Sports were delivered extensively by the European Gliding Union. Those comments are to be considered as genuine EAS comments.

To repeat, we believe that this document with the relevant chapters and sections for airports and recreational pilots are a major step forward in comparison to the previous FCL document but there is still room for improvements to the regulations and rules. That is why we contribute our comments which we trust EASA will use to modify and amend the IRs to make them a European success, acceptable by the aviation community, especially the 250 000 holders of national privileges and licenses.

Our thanks go to the EAS staff for shouldering the main load of work which resulted in this document.

response

*Noted*

Thank you for your positive feedback.

comment

7520

comment by: *Graham PHILPOT*

This document seems to be unnecessarily complicated and user "UNFRIENDLY" - very difficult to follow and find elements relevant to any particular category of flying eg balloons- therefore it is difficult to make sensible comment.

The requirements for different categories of flying should all be collected into sections eg helicopters, sailplanes etc

It seems to be aimed at dedicated administrators who have the time and are being paid to audit and comment on these type of documents - certainly not user friendly for leisure pilots wanting to check on proposed regulations for their sport

response

*Noted*

The Agency acknowledges your opinion. As it was already mentioned in the Explanatory Note to the NPA, the Agency has been working on a web based tool that will facilitate access to the Regulations.

comment

7579

comment by: *Leiter LTB LSVRP*

Ich bin mehr als 50 Jahre Pilot auf Segelflugzeugen, Motorseglern und Flugzeugen. Ein Kommentierungsverfahren, wie es hier angeboten wird,

begrüße ich ausdrücklich, weil die Agentur damit die meinung der Betroffenen und deren Erfahrungen erfragt.

Eigene Erfahrungen und viele Jahre Tätigkeit an verantwortlicher Stelle im Luftsport lassen mich dringend den Verzicht auf den Proficiency-Check fordern. Die derzeitigen Instrzumente, insbesondere der Übungsflug, sind hier auch wegen der kürzeren Abstände völlig ausreichend.

response *Noted*

Thank you for your feedback.

Regarding your comment on the mandatory proficiency check for sailplane pilots, the Agency has amended its initial proposal based on the comments received. Please see the reply to comments in the respective sections.

comment *8019*

comment by: *Hans VAN HOESEL*

We strongly ask you a lincensing situation which deals with the facts that recreational and commercial operate the same design of a simple aircraft, under exactly the same meteorological conditions, handle the same lines in the basket, in the same theatre and fly with the same wind into the same direction.

Only the dimensions of the basket and the size of the balloon require experience.

The interpretation of a commercial operation is more to the authorities of the Tax Revenue Service.

response *Noted*

Thank you for your feedback.

The Agency agrees that the characteristics of the aircraft are very important in defining the applicable rules. However, we cannot agree that the nature of the activity performed is not also relevant. Moreover, these two factors have been included in the Basic Regulation as criteria to regulating different activities, and the Agency is bound to follow what has been established by the European legislator.

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comment

*2682* comment by: *French Fédération Française Aéronautique groups the 580 French powered flying aer-clubs and their 43 000 private pilots*

FFA strongly recommends inserting a detailed table of contents and a quick reference access to the different and numerous implementing rules.

response *Noted*

Thank you for your comment. The Agency will try to take into account the comments in this section when developing the CRD and final opinion.

comment *3621*

comment by: *M Wilson-NetJets*

- Table of Contents is not inclusive. Navigation of the NPA in hard copy would have been easier if the various subparts and Sections were listed in the Table of Contents

Suggestion:

Include the Sub-Parts an Sections in the Table of Contents; print the appropriate Sub-Part or Section at the foot of each page of the NPA

response *Noted*

Thank you for your comment. The Agency will try to take into account the comments in this section when developing the CRD and final opinion.

comment

3677

comment by: *OAA Oxford*

Table of contents is not inclusive. Navigation would have been easier if the various subparts and sections were listed in the Table of Contents. Suggestion: include the subpart or section at the foot of each page

response *Noted*

Thank you for your comment. The Agency will try to take into account the comments in this section when developing the CRD and final opinion.

comment

6622

comment by: *CFAC, ZHAW*

## **Introduction, table of content and table of abbreviations**

### ***a) Starting point***

In its current version NPA 17 contains three parts: a, b and c. All parts shall have the same importance.

Part "a" must be qualified as a non binding introduction and a commentary without the status of an autonomous legal regulation. In contrast, parts "b" and "c" contain concrete rules for the regulation of aviation personnel licensing.

There is no explanation of the relation between the three parts nor is there a complete table of content or a complete list of abbreviations.

### ***b) Considerations***

The actual structure of NPA 17 is not clear. Users have problems to find the relevant parts and even if they find relevant passages they cannot be sure in the interpretation.

The scope of the regulations, their objectives and the the sources on which they are based are not clear.

The responsibility of a body such as EASA should be to coordinate the provisions for licensing at the highest level in Europe, however the document shall not be an extension of ICAO Annex 1.

### ***c) Proposal***

The final version of the NPA 17 part a should start with an introduction which clearly explains how the three parts a, b and c interact with each other. The part a is to reduce to the relevant passages.

Each individual parts NPA 17 b (later EASA Part-FCL) and NPA 17 c of the regulation (later EASA Part-Medical) shall always be preceded by:

- an introduction detailing the objective of each part,
- how each of the two parts relate to other regulations (identical to ICAO Annex 1, EU regulations etc.),
- the area of application,
- a complete list of abbreviations.

It would be helpful to add examples for better understanding complicated regulations.

At the end of NPA 17 should be added an index of the key words with the corresponding digits.

response *Noted*

Thank you for your comment. The Agency will try to take into account the comments in this section when developing the CRD and final opinion.

comment 7216

comment by: *ECOGAS*

Table of Contents is not inclusive. Navigation of the NPA in hard copy would have been easier if the various subparts and Sections were listed in the Table of Contents.

Suggestion: In future, include the Sub-Parts an Sections in the Table of Contents; print the appropriate Sub-Part or Section at the foot of each page of the NPA

response *Noted*

Thank you for your comment. The Agency will try to take into account the comments in this section when developing the CRD and final opinion.

comment 7573

comment by: *Atlantic Training Support*

Include the sub-parts and sections in the Table of contents; print the appropriate sub-part or Section at the foot of each page of the NPA

response *Noted*

Thank you for your comment. The Agency will try to take into account the comments in this section when developing the CRD and final opinion.

## B. PART-FCL

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comment 1159

comment by: *Reisenberger*

Gegen diese Implementierung sprechen viele Faktoren wie es die Praxis nach dem Erhalt der Pilotenlizenz aufzeigt. Wie kann ein Pilot, der jahrelange

Erfahrungen gesammelt hat, wiederum zu einer praktische Prüfung herangezogen werden, der die Praxis mehr kennt, als sein vermeindlicher Prüfer. Warum muss sich der Privatpilot dieser Prüfung unterstellen? Kein Berufspilot, kein Militärpilot oder anderer Pilot auf dieser Welt wird zu einer solcher Prüfung nach jahrelanger Praxis herangezogen! Das kann mit Gleichberechtigung aller Piloten dieser Welt, egal für was sie für eine Lizenz besitzen, nichts gemeinsam haben. Und spricht absolut gegen eine europäische Gleichstellung aller Piloten.

Warum muss ein Pilot, der andere ausbilden möchte, auf eine gewerbliche Flugschule um sich ausbilden zu lassen, wenn er es, wie es schon jahrzehntelang mit grossem Erfolg praktiziert wurde, in seinem Landesverband preisgünstiger das gleiche tun kann. Es fehlen jetzt schon ganze Fluglehrergenerationen nach Einführung von JAR/FCL! Warum hat man aus diesem Misstand nichts gelernt. Und wo bleibt das von allen Politikern hochgelobte Ehrenamt: hier in Form von Fluglehren für unsere Jugend und deren Zukunft. Unsere Fliegerei wird so in der Zukunft für niemanden mehr bezahlbar sein. Unser Sport ist Breitensport und gehört zur Jugend wie Fussball und andere allgemeine Sportarten. Für jedermann zugänglich und für jedermann bezahlbar. Und nicht nur für einige wenige bei deren das Geld keine Rolle spielt. Unsere Jugend hat das Recht und die Wahl, und das ist auch europäischer Standart, auf alle Sportarten. Nur sollen wir es ihnen auch bezahlbar machen. Jahrzehnte lang haben ehrenamtliche Männer und Frauen Fliegernachwuchs ausgebildet, die unserer Wirtschaft viele Innovationen zurückgegeben haben; denkt man nur z.B: an die Aka-Flieger!

Reinhard Reisenberger

response *Noted*

Thank you for providing your opinion.

comment 1162

comment by: *Reisenberger*

Warum muss ein so gründlich ausgebildeter Pilot, wie es bei uns in der BRD die Praxis ist, sein Können nochmals nach Jahren seiner aktiven fliegerischen Tätigkeit amtlich unter Beweis stellen? Nirgendwo in irgend einem Bereich, egal ob Sport oder Beruf, wird dieses Prozedere angewandt. Es macht ja auch keinen Sinn, es verursacht nur Kosten und Zeit, nebst Stress, der zu Lasten des Lizenzinhabers geht. Er muss ja jährlich seine Pflichtstunden und Pflichtstarts in seinem Flugbuch nachweisen und wird zudem alle 24 Monate durch einen FI/CRI darauf kontrolliert. Auch muss er in seinem Verein regelmässig alle 12 Monate sein Können durch eine FI zusätzlich unter Beweis stellen. Da die meisten Piloten (95%) in einem organisierten Verein tätig sind, wird diese Praxis fast bei jedem Piloten angewandt. Weiterhin hat jeder Lizenzinhaber die Möglichkeit sich in seinem Landesverband weiterzubilden (die Anzahl der Kursteilnehmer spricht für sich). Da der Sicherheitsaspekt aller Piloten sehr hoch angesiedelt ist wird diese Fortbildung von vielen Piloten genutzt.

Reinhard Reisenberger.

response *Noted*

Thank you for providing your opinion.

comment 3430

comment by: *Royal Danish Aeroclub*

In the NPA we do not see any description of how to get privileges to do cloud

	<p>flying with gliders.</p> <p>This is an important part of the air sports, and is possible in a number of European countries. Cloud flying with gliders should be covered with this regulation.</p> <p>(We have the impression that a working group has been formed for this task).</p>
response	<p><i>Noted</i></p> <p>It was already indicated in the Explanatory Memorandum to Part-FCL, under Subpart I, number 48 (page 29), of NPA 2008-17a, that the issue of cloud flying for sailplanes is being discussed in a separate Rulemaking task, FCL.008, that is dealing with qualifications for flying in Instrument Meteorological Conditions (IMC).</p> <p>The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the qualifications to fly in IMC/cloud flying will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.</p>
comment	<p>4176 <span style="float: right;">comment by: <i>Elmar KUEMMEL</i></span></p> <p>Ziel sollte sein, dass nur EINE Lizenz mit EINEM Ablaufdatum vorhanden ist.</p> <p>Statt einfacher wurde es für alle Piloten, vor allem die mit mehreren Lizenzen und Ratings so kompliziert, dass kaum jemand wirklich umfassend informieren kann. Da ist dann der "Auslegung nach der Meinung" Tür und Tor geöffnet.</p> <p>Ein Beispiel aus der Zeit nach 2003, das zeigt wie man es schlechter kaum noch machen kann.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion. Please see replies to comments on FCL.015, where this issue is discussed in further detail.</p>
comment	<p>4391 <span style="float: right;">comment by: <i>Marc von Köller</i></span></p> <p>There already exist excellent and proven aviation regulations in the world, like the regulations of the FAR. (U.S. Federal Aviation Regulations). Therefore the JAR-FCL should be designed similar like the FAR's.</p> <p>The U.S.A. is the most successful and qualified country in aviation business and safety. (Vice versa JAR-FCL has demonstrated over the past 6 years (and even longer) how badly regulations can be designed without having appropriate experience.</p> <p>E.g., the JAR-FCL should have only one license document in the shape and size like the U.S. license (like a credit card) indicating all licenses, ratings, allowances on</p> <ul style="list-style-type: none"> <li>- ONE PAPER and</li> <li>- VALID for your whole life</li> </ul> <p>Once a pilot hasn't flown a minimum amount of hours and landings in a class over the past 6 or 24 months (pending on the kind of rating and license), he is</p>



supposed to take lessons with a flight instructor till the instructor gives the pilot a valid endorsement.

At least the future JAC-FCL license should contain all ratings, and licenses in one document; no additional national individual licenses like micro light, glider, towing glider, etc.

Either a pilot owns the basic skills of flying an aircraft or he doesn't. But taking a bunch of different licenses (JAR-FCL, national) doesn't make sense and demonstrates how badly JAR-FCL has failed. In addition each license get invalid on an other date. I claim to keep them valid all your life and just require refreshment every 2 years with an instructor (no examiner anymore).

- Keep it simple and easy;
- also try to keep the cost for issuing new licenses low
- keep our European aviation administration small.

A gigantic huge European aviation administration (EU-EASA, national, regional, communities, cities), airports, etc.) doesn't contributes to higher safety standards, but makes everything more expensive violating the spirit of a safe and affordable general aviation in Europe.

I also miss similar standards for similar ratings and licenses comparable with the FAR regulations.

The FAR-regulations and requirements have to be the baseline for JAR-FCL otherwise JAR-FCL never will be accepted in the U.S.A. respective remaining world (e.g. requirements for CPL, IFR, ATPL, etc.)

In particular mutually acceptances between Europe and the U.S.A. won't be possible as long as the JAR-FCL don't match existing and successfully proven regulations applied since years in the U.S.A.

The fact that so many Europeans travel each year to the U.S., but vice versa almost no U.S. citizen travels to Europe for making his pilot license, should make EASA aware of the problems with the JAR-FCL.

A European pilot license should be issued by only one authority like the EASA in cologne (similar to the FAA in Oklahoma) and no other national authorities.

response

*Noted*

Thank you for your feedback.

When drafting its proposals for FCL, the Agency followed the principles established in the Basic Regulation, developed by the European legislator, and JAR-FCL, which has been long considered as the applicable standard in Europe.

comment

4457

comment by: *ECA- European Cockpit Association*

All medical requirements are missing. We understand that the rules are in Part Medical and are not intentionally repeated in Part FCL, but the way the text is then spread all around different documents makes it very non user-friendly. As a rule, it may be nice, but the end user will have a difficult task when trying to find/know all related requirements.

response

*Noted*

The Agency acknowledges your comment.

However, it is considered that having all the medical related requirements included in just one document will improve consistency of the regulation, and

in time prove to be more user friendly than the JAR-FCL system.

comment	7577	comment by: <i>Atlantic Training Support</i>
	aerobatic add 'or training for normal flight'	
response	<i>Noted</i>	
	The Agency can not really understand your comment. It is supposed that it related to FCL.800. Please see replies to comments on that paragraph.	

## B. DRAFT OPINION PART-FCL

p. 3

comment	2073	comment by: <i>Rolf Maier</i>
	<p>NPA 17b FCL Generelle Kommentare zu B u. a.</p> <p>Wer mit dem Gedanken spielt jeden Privatpiloten oder ehrenamtlichen Fluglehrer nach einer gewissen Zeit einer nochmaligen Prüfung durch einen staatlichen oder einen Privatprüfer mit staatlicher Genehmigung erneut ablegen zulassen der muß sich mit Verlaub sagen lassen, dass er bestrebt ist den Flugsport oder die Privatpiloten ganz einfach legal vom Himmel zu holen. Man sieht genau an diesen Bestrebungen dass hier Privatlobbyisten am Werk sind. Der Flugsport soll enorm verteuert werden. Obwohl die Politiker behaupten, dass sie den Sport fördern wollen sieht dies beim Flugsport nicht so aus. Hier käme das Antidiskriminierungsgesetz zum Tragen. Die Verbände haben all die Jahre gute Arbeit in der Ausbildung und Weiterbildung von Fluglehrern und Piloten geleistet ist dies in einem in Verwaltungswahnsinn gesteigertem Europa nicht mehr relevant. Will Europa das Rad neu erfinden? Oder braucht das europäische Parlament einen Erfolgsnachweis oder ein billiges auf Kosten ruhiger Vetreter der Luftfahrtverbände Erfolgserlebnis. Viele Politiker haben vergessen, dass Flieger ein gewisses Wählerpotential darstellen diese könnten schon eine Wal beeinflussen, dies sollten Politiker auch bedenken.</p> <p>Mein Antwort darauf ist Europa könnte auch mal etwas von Deutschland lernen und nicht immer umgekehrt und einige gute Gedanken übernehmen. Es soll alles so bleiben wie bisher. Wer seine Lizenzen erhalten will muß an den Weiterbildungskursen der Verbände teilnehmen die dies bestätigen und die Lizenz bis auf weiteres ihre Gültigkeit hat. Nur wer teilnimmt kann seine Lizenzen verlängern</p>	
response	<i>Noted</i>	
	Thank you for providing your opinion.	
comment	4368	comment by: <i>FOCA Switzerland</i>
	<p><b>General Comments to Part - FCL</b></p> <ul style="list-style-type: none"> <li>The opening up for all who qualify to have the right to get an Examiner Certificate is very unfortunate, in particular when seen in conjunction with the requirements on the Authorities to train and monitor them. It might also make it more difficult to ensure that each examiner stays proficient as the volume of flight tests has to be divided among a higher number of examiners.</li> </ul>	

- A skill test is primary a test of the applicant, but it is also, indirectly, a test of the quality of the approved training organisation. So far, no ICAO-State has a system like the one proposed in NPA 17.

We also face a much more complex set of problems if the examiner, no longer acting on behalf of any competent authority, fails a candidate, and the candidate then files an appeal against the authority. The examiner might be long gone out of our territory, with us being unable to reach him/her to get a statement within a reasonable amount of time.

We find it unusual to have private persons, with a financial interest in the matter, enter new expiry dates for ratings in our ICAO pilots licenses. We are of the opinion that ICAO considers the examiner to be acting on behalf of the competent authority, as an integral part of the PEL system. On what basis is this new structure ICAO compliant?

We are aware that this is based on Basic regulation 216/2008, but it is also part of NPA 17, and as such it can – and should - be commented on. The IR's must be written in such a way that the competent authority can refuse a person who is not suitable for becoming an examiner. The introduction of separate instructor and examiner certificates might result in a more complex bureaucracy with negative effects on aviation authorities.

- It is assumed that Part FCL intends to cover the seaplane class, and that the relevant AMC will be included. It is important that this covers training, testing, cross-crediting of proficiency checks between Land and Sea, and maintains the possibility to do the PPL training on Sea.
- To ensure harmonisation across the EASA area, we suggest to move all syllabi from AMC to IR.
- Loosing the possibility to deny an applicant a pilot license based on his/her police records, we find unlogic, both from a safety point, but also in particular as the EU/EEA invests billions in increased security in the aviation area.
- The Basic Leisure Pilots License is not mentioned in Basic regulation 216/08. As 216 only speaks of the Leisure Pilots Licence, we suggest to delete the Basic LPL entirely, as the level of training is so low that we consider it a flight safety concern.

response *Noted*

- Please see the replies to comments on the examiner's Subpart. The Agency is proposing some amendments, based on the comments received. In accordance with these new proposals, only examiners that are specifically authorised by the authority to do so will be able to endorse the pilot's licence directly.
- Please see replies to comments on the seaplane rating.
- Please see dedicated comments on each Appendix.
- The Agency was tasked by the legislator to develop requirements for pilot licensing based on safety, not security considerations. We consider that the criminal record of a person does not affect safety. Therefore, it is not included in the requirements to issue a pilot's licence. However, The Agency considers that this will not prevent Member States from acting on security concerns: they just cannot use them as a justification

- to refuse the issuance of a pilot licence.
- Please see replies to comments on Subpart B.

comment 4536 comment by: *Patrick Diewald*

Beim Abschnitt "flight times" sollten meiner Meinung nach die Flugzeiten auf aerodynamisch gesteuerten Ultraleichtflugzeugen mit aufgeführt werden und damit mit angerechnet werden. Auch diese Flugstunden sind wichtig und dokumentieren wichtige Flugerfahrung.

response *Noted*

Annex II aircraft, such as ultra-lights, are excluded from the scope of Community competence, and therefore cannot be regulated in detail. However, based on the comments received, the Agency has amended its initial proposals for the crediting of flight experience. Please see replies to dedicated comments and amended text.

comment 7356 comment by: *Europe Air Sports, VP*

It is unclear to EAS why the draft of Cover Regulation to the IR is not part of this NPA. Therefore the general direction of the application of the Annexes to the IRs can only be estimated but cannot be commented. We ask to make sure that stakeholders have sufficient time and opportunities to evaluate the Cover regulation because it is assumed that it will contain important binding rules, especially concerning the transition procedures.

response *Noted*

Thank you for your comment.

The draft cover regulation, which was drafted based on the input received in this NPA, is included in the CRD, and stakeholders will have 2 months to comment on it.

## B. Draft Opinion Part-FCL - Subpart A: General Requirements

p. 3

comment 179 comment by: *Aero-Club of Switzerland*

Add under "definitions" that the terms "pilot", "student", "commander" and so on cover female and male protagonists.

And: Please unify your licence descriptors:

LPL(A)

LPL(S)

LPL(B)

LPL(As)

Basic LPL(A) and so on...

PPL(A)

PPL(S) to replace the proposed SPL

PPL(B) to replace the proposed BPL

PPL(As)

Justification: The descriptors actually used are confusing.

Please add the definition of "commercial operations" of (EC) 216/2008 and give us hints how to use it.

Justification: Trying to understand (EC) 216/2008, art. 1, letter (i) nearly all flights performed have to be classified as "commercial operations".

Please add a definition of "supervised solo flight"!

Justification: We want to know where the FI is during a "supervised solo flight": On ground or also in the air with the student pilot, observing the work done.

Please add "class of helicopter" means a categorisation of single-pilot helicopters not requiring a type rating, in accordance with Operational Suitability Certificate in accordance with the respective Part-XX

response *Noted*

179.1 The Agency acknowledges your comment but does not agree with it as the terms "pilot", "student" and "commander" are gender-neutral. Whenever it was necessary in the text to address persons in those roles they were addressed with he/she.

179.2 The logic behind the naming system proposed was explained in the Explanatory Note to this NPA. After review of the comments received, and taking into account input received from stakeholders during the Agency's view that the naming system is now understood and accepted by the vast majority of stakeholders.

179.3 The Agency acknowledges your comment. Article 2 (i) of the Basic Regulation 216/2008 gives a detailed definition of "commercial operation" and it is not possible to duplicate definitions from the Basic Regulation 216/2008.

179.4 The Agency acknowledges your comment but does not agree with it. There is a definition of 'Solo Flight Time' in FCL 010 which states clearly that during such a flight the student pilot has to be the sole occupant of the aircraft. The FI therefore cannot be in the same aircraft in the air with the student pilot. If the FI was in a different airplane at the same time as the solo flight of the student pilot takes place a prudential supervision would not be possible as the FI would easily be distracted by the transaction of his own flight and so the FI has to be on the ground.

179.5 The Agency acknowledges your comment but does not agree with it. The Agency follows closely Subpart F of JAR-FCL 2 and has taken over the text from JAR-FCL 2.235. For Helicopters there are no Class Ratings only Type Ratings.

comment 1316

comment by: *George Knight*

**Recognition of existing licences.**

The document does not address adequately how the holders of existing national or JAR PPLs can convert to EASA licences.

The document totally fails to address how experience UK glider pilots and

instructor/examiners who do not have licences currently can obtain the EASA equivalents without undergoing the complete training courses.

response *Noted*

Please refer to NPA 2008-17a Explanatory notes item 45-46 where the transition measures are explained. It is stated there that transition measures for the entry into force of the new requirements will be established in the Licensing Cover Regulation, taking into account the time needed for preparing their implementation, as well as the possibility to grandfather existing certificates issued under sufficiently similar conditions. Your comments will be taken into consideration when this will be further elaborated.

comment

1923

comment by: *Aero-Club of Switzerland*

TMG not treated in all paragraphs where it is necessary! Please add the missing paragraphs.

Justification: TMG are important for the groups and for the individually flying pilots.

Flight experience in xx hours is not clearly defined in this NPA. Does it mean "total flight time" including Annex II aircraft, or "total flight time as PIC", and are the student solo flight time hours countable as PIC hours? .

Please clarify the flight experience on FCL.010 (Definitions)  
According to the information at our disposal, Crediting of hours flown on "Annex II" aircraft is not assured. This crediting must be regulated in simple and positive way in the near future.

Justification: From our perspective we see no reason not to accept hours flown on "Annex II" aircraft.

Please add definitions of what the Agency thinks "commercial air transport", "commercial operations", "non-commercial operations" and "remuneration" are.

Justification: With the definition of BR EC 216/2008 not much is clear for the members of an Aero-Club. A flight of mine with friends of mine will surely never be a "commercial operation", even if they pay me the lunch after the flight!

response *Noted*

1923.1 The Agency acknowledges your comment. The Touring Motor Glider was according to JAR-FCL a class of aeroplane and therefore is mentioned as a class of aeroplane under definitions in FCL 010. It is also mentioned as a class of single-engine single-pilot aeroplane on the List of Class and Type Ratings which is published in accordance with Part-21 on the EASA web page. Therefore it is treated as a clearly separated class of aeroplane and will for safety reasons remain a separate rating also for glider and leisure pilots, thus the Agency has ensured that TMGs are treated in a consistent manner.

1923.2 The Agency acknowledges your comment. Annex II aircraft are excluded from Community competence and therefore the Agency cannot regulate them. Article 4 of the Regulation (EC) 216/2008 defines Basic principles and applicability. According to point 4 and 5 of this article, the Implementing Rules affect only part of Annex II aircraft and only in commercial

operation. However, the Agency has amended the crediting provisions for the LPL and PPL licence to clarify this aspect. Please see replies to other comments on this issue in subparts B and C.

1923.3 The Agency acknowledges your comment. A definition given in the Regulation (EC) No 216/2008 of the European Parliament and of the Council cannot be amended by a definition in the Implementing Rules. However, a definition of CAT will be added to Part-OPS.

comment

2056

comment by: *Thomas SIEWERT*

Allgemeines

In Deutschland werden gegenwärtig einige Lizenzen (z. B. Segelflugglizenz) unbefristet erteilt. Solche „Altbestände“ müssten einer Besitzstandswahrung unterstellt werden. Ein Umschreiben auf die EASA-Lizenzen und damit eine Anwendung der EASA-Verlängerungsbestimmungen sollte nur auf Antrag des Lizenzinhabers durchgeführt werden können. Ansonsten werden „Altbestände“ weiter nach JAR- bzw. nationalen Regelungen verlängert.

Für NEU zu erwerbende Lizenzen könnten dann die angepassten EASA-Bestimmungen zur Anwendung kommen.

response

*Noted*

The Agency acknowledges your comment. Regulation (EC) No 216/2008 of the European Parliament and of the Council states in Article 2 Objectives in chapter 2. that among the objectives in the fields covered by this Regulation is c) to avoid duplication at national and European level. Your proposal would mean a duplication of national and European law for the same scope of application and is therefore rejected.

comment

2387

comment by: *Luftamt Nordbayern*

An verschiedenen Stellen der EU-Verordnung 216/2008 und in den NPA's ist von der "zuständigen Stelle" die Rede. Da der Vollzug der neuen EASA-Lizenzierungsvorschriften bei den EU-Mitgliedsstaaten liegen wird, sollte im weiteren Verlauf jeweils deutlich herausgestellt werden, dass mit der "zuständigen Stelle" die zuständige Luftfahrtbehörde nach dem jeweiligen "Mitgliedsstaatenrecht" gemeint ist und die Bestimmung der sachlich und örtlich zuständigen Stelle ausschließlich nach dem nationalen Mitgliedsstaatenrecht erfolgt.

Es soll insbesondere denkbar sein, dass ein Mitgliedsstaat die Zuständigkeit sachlich und örtlich auf mehrere verschiedene Behörden aufteilt. (z.B. in Deutschland für Berufspilotenlizenzen auf das Luftfahrtbundesamt und für Privatpilotenlizenzen auf die Luftfahrtbehörden der Bundesländer.)

Dies sollte in der Formulierung klargestellt werden und insbesondere statt "the authority" die Mehrzahl "authorities" verwendet werden.

**Vorschlag:**

"For the purpose of this Part, competent authority shall be the authorities designated by the Member State in which a person applies for the issuance of pilot licences or associated ratings or certificates. A Member State is free to designate several competent authorities and organise their responsibilities by its own measures."

response

*Not accepted*

NPA 2008-17b Draft Opinion and Decision Part-FCL states in FCL.001 Competent Authority that for the purpose of this Part, the competent authority shall be the authority designated by the Member State to whom a person applies for the issuance of pilot licences or associated ratings or certificates. NPA-22b Draft Opinion Part-AR states in AR.GEN.005 Scope that this Part establishes the requirements to be followed by the competent authorities in charge of the implementation and enforcement of the Basic Regulation and its implementing rules. Consequently a member state will be able to designate as many competent authorities as it wishes to as long as they comply with the requirements set up in Part-AR. An amendment to the proposed text therefore is not necessary.

comment 2407 comment by: *Aero-Club of Switzerland*

FCL.001: Writing for Switzerland: If FOCA is the competent authority, is it entitled to accept hours flown on "Annex II" aircraft registered in Switzerland and to accept the addition of these hours to the hours flown on aircraft falling under EC-jurisdiction?

response *Noted*

The Agency acknowledges your comment. Please refer to the response to comment no 1923 above.

comment 2830 comment by: *Aero-Club of Switzerland*

Cloud flying for glider pilots is missing. Please re-instate a cloud flying qualification for glider pilots which will maintain our privilege to fly in clouds or close to.

Justification: Cloud flying is a special gliding activity and is totally different from the flights under IFR of our motorized colleagues. We had no incidents or accidents during the last 20 years with cloud flying in Switzerland.

response *Noted*

Thank you for providing your opinion.

It was already indicated in NPA 2008-17a that the issue of cloud flying with sailplanes is currently being discussed in a separate Rulemaking task, FCL.008.

The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the Cloud Flying Rating will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.

comment 5456 comment by: *Belgian Gliding Federation*

General comment:

The Belgian Gliding Federation as a member of the EGU, which represents approximately 82,000 glider pilots throughout the EU, strongly supports the FCL proposal to introduce two EU glider pilot licences which are identical in the technical standards/requirements, with only a difference in medical standards and medical validation processes. The BGF supports the principles embodied in the LPL medical standards, which will enable a significant number of glider pilots to exercise their right to fly, or continue to fly, with absolutely minimal



risk to others. This principle is in accordance with the Commission's stated view, endorsed by the Transport Committee of the EU Parliament, of the need for proportionate regulation relative to risk."

response *Noted*

Thank you for providing your positive feedback.

comment 6322

comment by: *DSvU*

Danish Soaring Association is very much impressed by the effort laid down into this proposal. It shows to us, that EASA really are in favour of making an easier way to obtain the privileges of licenses for GA, and EASA hereby shows to authorities, that they believe in the industry's ability to take care of their own affairs. All though we have some comments to the proposal.

response *Noted*

Thank you for providing your opinion.

comment 6745

comment by: *Ives Lannoy*

Because of seasonal activity, i personally think it's not a good idea to have a minimum of flights within a period of 90 days especially when we want to keep ballooning a safe sport. In the winter period (15th october till easter) the weather circumstances in our region (belgium but i believe in the entire northern part of Europe) dont often allow a safe flight in good flying conditions for a hot air balloon. Therefore i think a period of 6 months or 180 days (or even 9 months) could be a better idea because then anyway the winter season and the season with more convenient flying conditions would overlap.

response *Noted*

Thank you for providing your opinion on the requirement for recent experience of balloon pilots in FCL.060.

The Agency has noticed that the proposal developed for recent experience on balloons has raised a lot of concerns. The following reasons were given by stakeholders:

- balloons are often not operational for several months due to insurance reasons
- weather related problems mainly in winter-time
- actual experience is not required/ballooning does not need it
- recent experience is only necessary for paying passengers
- recent experience is only necessary for BPL pilots but not for LPL

However, the Agency does not fully accept some of the reasons and explanations given by stakeholders why balloon pilots should be excluded from this general safety rule. The requirement in FCL.060 which is already in place for other aircraft categories in most of the Member States is an important safety element for commercial operations and for the carriage of passengers. This is the reason why the Agency will not exclude balloon pilots or a certain group of balloon pilots (the Agency cannot see a difference between the safety of a passenger carried by an LPL pilot and the safety of a passenger carried by a BPL pilot) from this requirement completely. There is no doubt that balloon pilots should have also a certain recent experience before flying with

passengers. Having no requirement in place at all would put passengers possibly in danger by allowing pilots to carry passengers although they have not flown a balloon for 23 months. Checking accident statistics it is clearly visible that actual training is an important element also (and especially) for safe balloon operations.

However, the Agency is aware that this requirement must be in line with the specific needs for balloon operations. Knowing that specific weather conditions can make it sometimes difficult to fulfill the standard requirement of three flights in the preceding 90 days (see FCL.060(b) for all the other aircraft categories) the Agency proposed already this specific requirement in (a) for balloon operations asking only for one flight in the preceding 90 days.

Reviewing now all the comments received it seems that the proposed flight could still cause some operational and organisational problems in specific cases. The main issue seems to be the difficulty to fulfill this requirement after a winter break if only balloons with a certain envelope size are available.

The Agency will take this specific operational needs into account and will change the proposals slightly. Please check the responses provided in the appropriate segment.

comment

8095

comment by: *Ingo Wiebelitz*

Ich möchte hier zu Beginn ein Schriftstück unseres Luftsportverband-Geschäftsführers Carl Otto Wessel einstellen, dass ALLE AN ZUKÜNFTIGEN REGULIERUNGEN UND GESETZEN BETEILIGTE PERSONEN ZUM NACHDENKEN ANREGEN SOLL!!!

### **Stellungnahme zum EASA-Regelwerk NPA 2008-17 b**

Vorausschicken muss ich, dass wir in Rheinland-Pfalz seit Einführung der JAR-FCL im Mai 2003 keinen einzigen Motorfluglehrer JAR-FCL bzw Motorsegler-Lehrer Grundausbildung für unsere Vereine haben rekrutieren können und dies voraussichtlich auch die nächsten 4 Jahre bis zur Einführung des EASA-Regelwerks nicht gelingen wird. Die Anforderungen und die Kosten sind zu hoch und nicht gerechtfertigt.

Wir haben zur Zeit zwar noch 135 JAR-FCL-Fluglehrer alter Ausbildung in unserer Organisation, verlieren aber wegen den hohen Anforderungen einer Verlängerung und dem älter werden der Personen seit 2003 jährlich fast 10 %. Man kann sich daher ausrechnen, wann die JAR-FCL (oder später gemäß dem neuen EASA-Regelwerk) die FCL-Ausbildung komplett im Ehrenamt eingestellt werden muss.

Vereinsmitglieder sämtlicher RP-Vereine haben weniger als 20 % gegenüber der Zeit vor 2003 einen PPL A JAR-FCL erworben; ein Scheinerwerb durch Grundausbildung Motorsegler erfolgte noch weniger.

Die Lücken, die hier entstanden sind, werden nicht mehr zu schließen sein und die Folgen gehen zu Lasten der Zukunft. Im Groben sind die EASA-Vorschläge zu sehr an die JAR-FCL angelehnt und werden dadurch nicht zu einer Verbesserung der zukünftigen Situation beitragen. Die von der EASA selbst geschilderte Erkenntnis, dass der Flugsport wieder gefördert werden müsse, geht mit diesem Regelwerk am Ziel vorbei.

Die Basisverordnung der EU Nr 216/2008 für die Aufgaben der EASA erwähnt im Anhang III unter 1.c.2. „Die Häufigkeit von Prüfungen, Tests oder

Kontrollen muss dem mit der Tätigkeit verbundenen Risiko angemessen sein.“ Diese Vorgabe der EU wird für den „Leisure pilot“ nicht erfüllt, sondern übermäßig ausgedehnt.

Die Agency spricht selbst in ihrem Vorwort: „ dass sie die strangulierenden Bestimmungen der JAR-FCL ausmerzen und den Luftsport fördern will“. Die schriftlichen Ausführungen für den Luftsport sind jedoch von gegensätzlicher Wirkung.

Ein in Sachen Sicherheitsüberprüfung am Flughafen Lübeck von Prof. Elmar Giumulla erstelltes Gutachten führt unter anderem aus, dass strangulierende Maßnahmen gegen europäische Grundrechte-Charta verstoßen. Aus dem angeblichen Sicherheitsaspekt wird ein weiterer Überprüfungsproporz im Freizeitpilotenbereich aufgebaut, der zwar bisher in manchen Ländern angewandt wurde, der aber gegenüber der bewährten deutschen Vereinsausbildung nur die Kosten erhöht.

Vor 10 Jahren begann eine Pressekampagne, wie gefährlich die „Hobbyfliegerei“ sei und was alles zur Sicherheit der Bürger getan werden müsse. Der Ausbildungszuschnitt der dann kreierte JAR-FCL lief eindeutig auf gewerbliche Flugschulen hinaus und diskreditierte die deutsche Vereinsausbildung, wo auf sozialem Ausgleich und Ehrenamtlichkeit der Wert lag. Die gewerbliche Ausbildung hat bis zum heutigen Tag jedoch das große Manko, dass dort erworbene Pilotenscheine meist die erste Erneuerung nach 5 Jahren nicht mehr erlebten, während den Vereinen die Lizenzinhaber in Mehrheit erhalten blieben.

Für den nicht gewerblich fliegenden Freizeitpiloten ist ein derart teures Nebensystem aufgebaut worden, wo jeder gezahlte € eben nicht in die Sicherheit –nämlich das aktive Fliegen- investiert werden kann, sondern in behördenähnlichen Strukturen versickert und damit jährlich zwischen 5 und 10 Flugstunden unterbleiben: Fliegertauglichkeit, Sicherheitsüberprüfung, Sprachtest, periodisches Überprüfungssystem. Die Vorteile einer freiwillig „überwachten“ ehrenamtlichen Vereinsumgebung werden ignoriert.

Ein modernes, auf Förderung und Wachstum des Luftsports gerichtetes Regelsystem muss sich am Autoführerschein für Erwerb und Erhalt orientieren. Nur dann kann sich auch erfolgreich eine Hinführung zum beruflichen Interesse für direkte und indirekte fliegerische Berufe entwickeln. Nachwuchsförderung, was sich alle Vereine auf die Fahnen geschrieben haben, wird durch ein kontraproduktives System boykottiert. Es ist eben nicht richtig, dass ein System, was sicherlich im gewerblichen Bereich seine Gültigkeit hat auch einfach dem Freizeitsport übergestülpt werden kann.

An sehr vielen Stellen in den europäischen Regelwerken soll die Eigenständigkeit und Verantwortlichkeit der Piloten gefördert werden und dennoch soll er geprüft/gecheckt werden mit dem Stundenflug, mit einer 6-jährigen Wiederholungsprüfung. Wie verantwortungsbewusst stuft man denn einen Freizeitpiloten überhaupt ein? Alles Hassadeure, Selbstmörder, Drogensüchtige? oder vernünftige Europäer.

Wie groß ist der Knackpunkt der globalen Ausbildung der Landesverbände? Das Lizenzwesen und Genehmigungen werden nach wie vor über nationale Behörden abgewickelt; nicht aber Flugschulen. Sind die dann direkt bei der EASA? Was bedeutet für uns dann die ständig wiederholte Vorgabe: „approved training organisation“ ?? Gleiche Vorgaben und Bedingungen, wie für die

### Ausbildung von Flugkapitänen??

Das vorgeschlagene Regelwerk lässt den Vorteil des preiswerteren Fliegens mit Ultraleicht (Gewicht kleiner 472,5 kg) einfach außen vor. Es mag zwar sein, dass sich zukünftig die untere Flugzeug-Gewichtsklasse bis 600 kg entwickelt, aber nach wie vor sind Kosten entscheidend und eine Flugstunde bleibt eine Flugstunde. Das kann keine Theoriekenntnis aufwiegen. Ein LPL-Schein muss die heutige Lizenz für Ultraleicht mit enthalten. Es gibt ja auch keine Unterscheidung zwischen einem Goggo- oder Porsche-Führerschein.

Das spätestens alle 9 Jahre geforderte Überprüfungssystem wird die Fliegerei nicht nur in gewaltigem Maße verteuern, sondern auch unsere jetzigen ehrenamtlichen Fluglehrer in ihrer Ausbildungstätigkeit zum Umdenken veranlassen. Verständlicher Weise kann nicht jeder Fluglehrer auch Prüfer werden, aber dieser Personenkreis wird sich zu einer direkten oder indirekten beruflichen Ausübung entwickeln. Es müssen sich also Fluglehrer ehrenamtlich in der Schulung einsetzen, während sein Kollege damit sein Geld verdient. Wie lange werden unsere Vereinsfluglehrer dies machen bzw werden wir bei diesem System überhaupt noch Nachwuchs finden? Aus meiner fliegerischen Vereinerfahrung heraus kann ich nur sagen, dass bei dieser Einführung sich der augenblickliche Abwärtstrend fortsetzen wird. Der französische Bereich hat ja seit Jahrzehnten diesen periodischen Überprüfungsapparat und der Segelflug ist in Frankreich in den letzten 20 Jahren auf ein Drittel geschmolzen. Soll das auch im restlichen Europa jetzt so weitergehen?

Es gibt heute in den Vereinen noch Alt-Lehrer JAR-FCL, aber die Masse benötigt einen Prüfercheckflug, da sie die geforderten Ausbildungsstunden innerhalb der 3 Jahre nicht erbringen kann. Da wird sich auch zukünftig nichts daran ändern. Wenn aber ein Fluglehrer jährlich 50 Stunden fliegt braucht er 40 Jahre, um die Vorraussetzung für Fluglehrerprüfer zu werden. Wer also sind diese zukünftigen „FIE“: sie können nur aus dem Bereich der gewerblichen Flugschulen kommen und überprüfen dann einen Ehrenamtlichen Fluglehrer. Wie lange geht das wohl gut?

Der 1-stündige Übungsflug ist im PPL- Bereich vollständig ausreichend.

Die Sprachprüfung ist fast schon ein Anachronismus, aufgeworfen durch gewerbliche Piloten, die sich nicht über die Probleme in ihrem Verkehrsflugzeug unterhalten konnten. Die Antwort auf solche Probleme bietet in der Zukunft beim Verkehrspiloten sein Display mit den Lotsenanweisungen, gegebenenfalls sogar in seine Landessprache übersetzt. Es muss doch wohl genügen, wenn sich der „Freizeitpilot“ mit der vorgeschriebenen Phrasologie (sprich Inhaber eines AZF oder BZF I ) mit der Flugsicherung verständlich machen kann. Man könnte eher noch verlangen, dass ein jeder Wachleiter, als teuer bezahlter Beschäftigter, in der Lage sein muss, die vier vorgeschriebenen Amtssprachen der EU zu beherrschen, damit er einem „Freizeitpiloten“ bei schlechtem Wetter helfen kann. In den skandinavischen Ländern beherrschen viele Personen das artverwandte Englisch. Bei den Spaniern, Franzosen, Italienern hapert es da bereits. Warum kommt heute schon so selten ein Pilot aus diesen Ländern nach Deutschland? Soll das mit der Sprachprüfung jetzt endgültig unterbunden werden?

Bei der Tauglichkeit zeigt das amerikanische System des Führerscheininhabers für den Segelflug und Motorsegelflug seit Jahrzehnten, dass es unproblematisch zu handhaben ist. Es gibt eine Unzahl mehr Fälle, wo ein Flugkapitän während des Fluges einen Herzinfarkt erhielt, als im Vergleich zu einem Segelflugpiloten. Das gleiche gilt sicherlich auch für den Motorflugpiloten bis 2 to. Der gravierende Unterschied ist, dass der eine gewerblich fliegen

muss und der andere dies in seiner Freizeit ausübt. Man müsste wesentlich mehr Angst auf der Strasse haben, dass der entgegenkommende Fahrer mit Tempo 100 km/h auch wirklich kerngesund ist, als dass diese Angst beim Fliegen mit Kleinflugzeugen eine Rolle spielen würde. Die Lobby dieses Pflichtsegmentes ist mehr von der Verdienstmöglichkeit geprägt, als dass es Auswirkungen auf die Sicherheit hätte. Diesen Eindruck gewinnt man um so mehr, wenn man in der Stellungnahme der Mediziner liest, dass ihnen die Obergrenze von 2 to zu hoch sei und sie lieber 1.000 kg vorschlagen würden (wissen diese Leute eigentlich wie schwer die Masse aller 4 sitzigen Flugzeuge ist oder wollen sie gerade dieses Segment oberhalb 1,0 to retten, wenn es weitere Vereinfachungen unterhalb geben sollte?)

Die Sicherheitsüberprüfung im deutschen System für Motorflieger ist so unnützlich und ineffektiv, dass sich eine weitere Diskussion erübrigt. Es zeigt deutlich, wie weit sich die Bürokratie durch blinden Aktionismus von den wahren Bedürfnissen der Bürger bereits entfernt hat.

Beim LAFI wird eine praktische Ausbildung von 15 Flugstunden gefordert und danach muss er noch eine ganze Weile unter Aufsicht ausbilden. Als Fluglehrerkandidat wird sich seltener ein 60 Jähriger melden, als vielmehr ein 20 bis 30 Jähriger, der innerhalb relativ kurzer Zeit die erforderlichen Gesamtflugstunden erflogen hat. Das heißt, er ist auf einem relativ hohen Niveau in der Flugpraxis. 15 Stunden jetzt noch zusätzlich als Ausbildung zu fordern ist einfach nur die Ausbildung verteuern ohne jeglichen Sicherheitsgewinn. Das Ergebnis wird wiederum die Fluglehrerausbildung für unsere Vereine negativ beeinflussen, weil es zukünftig kaum mehr Kandidaten geben wird.

Der FI ist wie bei JAR-FCL mit 30 praktischen Ausbildungsstunden übernommen, wo heute schon fest steht, dass diese Fluglehrer lediglich an einer gewerblichen Schule ausbilden werden, aber kein einziger ehrenamtlich in unseren Vereinen. Unsere noch in den Vereinen vorhandenen FI werden aussterben und es wird hier keinen Nachwuchs mehr geben.

Man muss sich allen Ernstes die Frage stellen, ob unter dem Deckmantel einer angeblichen Sicherheit, alles Mögliche an Kosten erhöhenden Maßnahmen eingeführt wird, damit endlich die lästige Kleinfliegerei freiwillig am Boden bleibt ohne dass man dies mit Verboten gesetzlich regeln musste.

Sehr geehrte Damen und Herren der EASA. Ich bitte sie, im Sinne des Deutschen Luftsports, und dazu zähle ich neben dem Segelflug auch den Motorflug, maßvoll und mit Feingefühl über Sicherheit, aber auch über Verhältnismäßigkeit nachzudenken! Die ehrenamtlich tätigen Personen im deutschen Luftsport wollen ihrem Hobby auch in Zukunft KOSTENGÜNSTIG nachgehen können.

response

*Noted*

8095.1 Thank you for providing your opinion.

8095.2 The Agency acknowledges your comment. NPA 2008-17b Draft Opinion and Decision Part-FCL states in FCL.001 Competent Authority that for the purpose of this Part, the competent authority shall be the authority designated by the Member State to whom a person applies for the issuance of pilot licences or associated ratings or certificates. NPA-22b Draft Opinion Part-AR states in AR.GEN.005 Scope that this Part establishes the requirements to be followed by the competent authorities in charge of the implementation and enforcement of the Basic Regulation and its implementing rules regarding

amongst others the issuance, continuation, change, limitation, suspension or revocation of organisation approvals and the oversight of persons and organisations exercising activities on the territory of the Member State. The Agency will only approve and perform oversight of Organisations which are situated outside the territory of the European Community and Norway, Iceland, Switzerland and Liechtenstein.

8095.3 The Agency acknowledges your comment. Article 4 of the Regulation (EC) 216/2008 defines Basic principles and applicability. According point 4 and 5 of this article, the Implementing Rules affect only part of Annex II aircraft and only in commercial operation and exclude Ultra-Light aircraft. Thus there are no uniform European regulations throughout the member states for ultra-light aircraft but only national regulations which differ from state to state. Therefore the flight hours on ultra-light aircraft were not taken into this NPA. Please also refer to the Response given to comment no 1923.

8095.4 The Agency acknowledges your comment.

8095.5 By drafting the Language Proficiency requirements in NPA 2008-17 the Agency followed closely Subpart A JAR-FCL 1.010 a) 4. and ICAO Annex 1 1.2.9 as required by the Commission. In accordance with the proposed text and the ICAO requirements pilots flying in VFR within the boundaries of their national language are not obliged to do an English test to obtain a Language Proficiency of a certain level but can communicate in the language normally used by the station on the ground.

8095.6, 8095.6, 8095.7, 8095.8 The Agency acknowledges your comment.

**B. Draft Opinion Part-FCL - Subpart A: General Requirements - FCL.001**  
**Competent authority**

p. 3

comment	590	comment by: <i>British Microlight Aircraft Association</i>
	Accepted	
response	<i>Noted</i>	
	Thank you for providing your opinion.	
comment	2192	comment by: <i>AECA(SPAIN)</i>
	Modify this paragraph to read: For the purpose of this part, ... a person applies for the issuance, <b>revalidation or renewal</b> of pilot licences or certificates.	
	Justification: This is the real content of this part and, of course, the complete Authority activity related with the pilot licences, e.gr. FCL 015(a).	
response	<i>Not accepted</i>	
	This paragraph needs to be read together with FCL.015(d), that establishes that the competent authority for revalidation or renewal is the one that issued the licence, except when the pilot has transferred his/her files to another authority.	
comment	2316	comment by: <i>Susana Nogueira</i>
	Modify this paragraph to read: For the purpose of this part, ... a person applies for the issuance,	

	<p><b>revalidation or renewal</b> of pilot licences or certificates.</p> <p>Justification: This is the real content of this part and, of course, the complete Authority activity related with the pilot licences, e.gr. FCL 015(a).</p>
response	<p><i>Not accepted</i></p> <p>Please refer to the response of comment no 2192.</p>
comment	<p>2619 <span style="float: right;">comment by: <i>Ian Hooker</i></span></p> <p>The definition of "class of balloons" does not seem to deal adequately with the Hot air airship. (And I see no reference anywhere to a gas airship). The definition distinguishes classes of balloons by the lifting medium, but a hot air airship is lifted by the same means as a HA balloon. When you refer then to the privileges of the balloon licence the HAB pilot would appear to enjoy the privileges of an airship pilot because he has a licence for that class-within the definition of a class of balloon already!</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment which seems to refer to FCL 010. Therefore, please also read comments and answers to this reference number. Concerning your comment please refer in FCL 010 to the definition of 'Airship', 'Balloon', 'Class of balloon' and 'Group of balloon'. The Agency thinks that with those definitions your concerns are covered and therefore does not intend to amend the proposed text.</p>
comment	<p>2710 <span style="float: right;">comment by: <i>BMVBS (German Ministry of Transport)</i></span></p> <p>It would appear to be more logical to start each subpart with the "scope" instead of a definition of the competent authority. As "competent authority" constitutes a definition it should be moved to FCL.010 "Definitions". There is no reason to put the competent authority in a more prominent place, as those who deal with the requirements will be anyway familiar with the concept of defining the competent authority for each subpart individually.</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment but does not agree with it in terms of consistency with other parts being already in force (e.g. Part-66).</p>
comment	<p>3030 <span style="float: right;">comment by: <i>Peter SCHMAUTZER</i></span></p> <p>In case of revocation of a licence competent authority is not defined. In this case competent authority should be the authority, which carries the records of the pilot.</p>
response	<p><i>Noted</i></p> <p>The competent authority for revocation of the licence will be the one that issued the licence, except when the pilot has requested a transfer of his/her files to another authority.</p> <p>Please see also paragraphs FCL.015 and FCL.070</p>

comment	<p>3105 <span style="float: right;">comment by: <i>Swiss Power Flight Union</i></span></p> <p>FCL.001: Writing for Switzerland: If FOCA is the competent authority, is it entitled to accept hours flown on "Annex II" aircraft registered in Switzerland and to accept the addition of these hours to the hours flown on aircraft falling under EC-jurisdiction?</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment. Annex II aircraft are excluded from Community competence and therefore the Agency cannot regulate them. Article 4 of the Regulation (EC) 216/2008 defines Basic principles and applicability. According point 4 and 5 of this article, the Implementing Rules affect only part of Annex II aircraft and only in commercial operation. However, the Agency has amended the crediting provisions for the LPL and PPL licence to clarify this aspect. Please see replies to other comments on this issue in subparts B and C.</p>
comment	<p>3923 <span style="float: right;">comment by: <i>Bayerisches Staatsministerium für Wirtschaft, Infrastruktur, Verkehr und Technologie</i></span></p> <p>An verschiedenen Stellen der EU-Verordnung 216/2008 und in den NPA's ist von der "zuständigen Stelle" die Rede. Da der Vollzug der neuen EASA-Lizenzierungsvorschriften bei den EU-Mitgliedsstaaten liegen wird, sollte im weiteren Verlauf jeweils deutlich herausgestellt werden, dass mit der "zuständigen Stelle" die zuständige Luftfahrtbehörde nach dem jeweiligen "Mitgliedsstaatenrecht" gemeint ist und die Bestimmung der sachlich und örtlich zuständigen Stelle ausschließlich nach dem nationalen Mitgliedsstaatenrecht erfolgt.</p> <p>Es soll insbesondere denkbar sein, dass ein Mitgliedsstaat die Zuständigkeit sachlich und örtlich auf mehrere verschiedene Behörden aufteilt. (z.B. in Deutschland für Berufspilotenlizenzen auf das Luftfahrtbundesamt und für Privatpilotenlizenzen auf die Luftfahrtbehörden der Bundesländer.)</p> <p>Dies sollte in der Formulierung klargestellt werden und insbesondere statt "the authority" die Mehrzahl "authorities" verwendet werden.</p> <p>Vorschlag:</p> <p>"For the purpose of this Part, competent authority shall be the authorities designated by the Member State in which a person applies for the issuance of pilot licences or associated ratings or certificates. A Member State is free to designate several competent authorities and organise their responsibilities by its own measures."</p>
response	<p><i>Not accepted</i></p> <p>NPA 2008-17b Draft Opinion and Decision Part-FCL states in FCL.001 Competent Authority that for the purpose of this Part, the competent authority shall be the authority designated by the Member State to whom a person applies for the issuance of pilot licences or associated ratings or certificates. NPA-22b Draft Opinion Part-AR states in AR.GEN.005 Scope that this Part establishes the requirements to be followed by the competent authorities in charge of the implementation and enforcement of the Basic Regulation and its implementing rules. Consequently a member state will be able to designate as many competent authorities as it wishes to as long as they comply with the requirements set up in Part-AR. An amendment to the proposed text therefore is not necessary.</p>



comment	6324 <span style="float: right;">comment by: DSvU</span>
	<p>It is a problem that private and commercial flying are in the same paper. It should be divided in subparts which one of them could be sailplane including powered sailplanes and balloons.</p> <p>However, it seems to us that persons with practical experience in instruction on sailplanes only in limited extent have had influence on regulations proposed for FI(S), FE(S), as we find the regulations in some cases are too restricted, and in other cases could need to be more restricted.</p>
response	Noted
	<p>The Agency acknowledges your comment. By drafting the implementing rules to the Basic Regulation concerning Flight Crew Licensing the Agency followed closely JAR-FCL 1. There already private and commercial flying were regulated together. As the majority of the stakeholders did not see any safety issue in keeping them together Part FCL was drafted as to be seen in NPA 2008-17.</p>
comment	6842 <span style="float: right;">comment by: Joachim J. Janezic (Institute for Aviation law)</span>
	<p>This rule reads as if only one authority per state should be allowed. In Austria the Aero Club has some responsibilities (issue and prolongation of glider-licenses) and is in the position to organise this task very inexpensive (much cheaper than Austro Control for PPL-holders). There must be a rule that allows this split of competencies in the future.</p>
response	Not accepted
	<p>The rule states that the competent authority is the authority designated by the Member State. This allows the State to designate more than one authority.</p> <p>It also does not prevent the possibility of an authority to allocate certain tasks to other qualified entities in accordance with national law, and if the requirements of the Basic Regulation are followed.</p>
comment	6917 <span style="float: right;">comment by: Austrian Aero Club</span>
	<p><b>FCL.001</b> Für den Fall eines Entzugs einer Lizenz ist die zuständige Behörde nicht definiert. In diesem Fall sollte die zuständige Behörde die Behörde sein, welche die Akten über den Piloten führt.</p>
response	Noted
	<p>Please refer to the response of comment no 3030.</p>
comment	7358 <span style="float: right;">comment by: Europe Air Sports, VP</span>
	<p>EAS agrees to to the statement of FCL.001 but would recommend to add the explanation that a member state can designate more than one Competent Authority. It also could be clarified in the AMCs.</p>
response	Noted
	<p>The Agency considers that the text is clear enough and does not need further</p>

guidance material.

Please see reply to comments 6842 and 7456.

comment 7456 comment by: *Royal Netherlands Aeronautical Association*

The wording of this part suggests that a Member State can only designate a single authority (the authority) that is responsible for the issuance of pilot licenses.

In the Netherlands, the KNVvL enjoys the delegated privilege to issue ICAO and non ICAO compliant licenses for all non-powered aircrafts. As such, this ruling must not prevent member states from designating multiple authorities that issue licenses, possibly each for a different category of aircraft.

The KNVvL recommends that the wording should read "shall be an authority" rather than "shall be the authority".

response *Accepted*

Editorial accepted. Text will be changed accordingly.

Please see also reply to comment 6842.

comment 7951 comment by: *Allan Reynolds*

I have flown a glider from Midland Gliding Club which is on the Welsh border since 1984 - some 25 years. I do so about once a week throughout the year. I fly in wave whenever I can. For example, I was at 11,200 ft QNH in December 2008 and at 8,200 ft QNH on 21 February 2009.

I understand from the notes to the sections A and B that it is proposed not to pursue the setting up of a sailplane instrument rating. This will, in effect, seriously curtail my wave flying, if not prevent it altogether. On an average day, the cloud tends to increase as the day goes on, caused by cloud overdevelopment. So at the end of a wave flight, the cloud can close in below me. I have full instrumentation and training so that I let myself down safely through the cloud. The present proposals will prevent me from doing this.

I propose that sailplanes be allowed to continue to fly in, and near to cloud, as at present.

response *Noted*

It was already indicated in the Explanatory Note to Part-FCL, under Subpart I, number 48 (page 29), of NPA 2008-17a, that the issue of qualifications for flying in Instrument Meteorological Conditions (IMC) is currently being discussed in a separate Rulemaking task, FCL.008.

The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the qualifications to fly in ImC/cloud flying will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.

comment 8199 comment by: *Klagenfurter Flugsport Club*

Für den Fall eines Entzugs einer Lizenz soll die Behörde zuständig sein, welche

	die Unterlagen über den jeweiligen Piloten führt.
response	<p><i>Noted</i></p> <p>The agency acknowledges your comment, please refer to the response to comment no 3030.</p>

**B. Draft Opinion Part-FCL - Subpart A: General Requirements - FCL.005**  
**Scope**

p. 3

comment	<p>410</p> <p>comment by: <i>Geschäftsführer Luftsportverband RP</i></p> <p><b>Stellungnahme zum EASA-Regelwerk NPA 2008-17 b</b></p> <p>Vorausschicken muss ich, dass wir in Rheinland-Pfalz seit Einführung der JAR-FCL im Mai 2003 keinen einzigen Motorfluglehrer JAR-FCL bzw Motorsegler-Lehrer Grundausbildung für unsere Vereine haben rekrutieren können und dies voraussichtlich auch die nächsten 4 Jahre bis zur Einführung des EASA-Regelwerks nicht gelingen wird. Die Anforderungen und die Kosten sind zu hoch und nicht gerechtfertigt.</p> <p>Wir haben zur Zeit zwar noch 135 JAR-FCL-Fluglehrer in unserer Organisation, verlieren aber wegen den Anforderungen einer Verlängerung seit 2003 jährlich fast 10 %. Man kann sich daher ausrechnen, wann die JAR-FCL (oder später gemäß dem neuen EASA-Regelwerk) die FCL-Ausbildung komplett eingestellt werden muss.</p> <p>Vereinsmitglieder sämtlicher RP-Vereine haben weniger als 10 % gegenüber der Zeit vor 2003 einen PPL A JAR-FCL erworben; ein Scheinerwerb durch Grundausbildung Motorsegler erfolgte noch weniger.</p> <p>Die Lücken, die hier entstanden sind, werden nicht mehr zu schließen sein und die Folgen gehen zu Lasten der Zukunft. Im Groben sind die EASA-Vorschläge zu sehr an die JAR-FCL angelehnt und werden dadurch nicht zu einer Verbesserung der zukünftigen Situation beitragen. Die von der EASA selbst geschilderte Erkenntnis, dass der Flugsport wieder gefördert werden müsse, geht mit diesem Regelwerk am Ziel vorbei.</p> <p>Die Basisverordnung der EU Nr 216/2008 für die Aufgaben der EASA erwähnt im Anhang III unter 1.c.2. „Die Häufigkeit von Prüfungen, Tests oder Kontrollen muss dem mit der Tätigkeit verbundenen Risiko angemessen sein.“ Diese Vorgabe der EU wird für den „Leisure pilot“ nicht erfüllt, sondern übermäßig ausgedehnt.</p> <p>Die Agency spricht selbst in ihrem Vorwort: „ dass sie die strangulierenden Bestimmungen der JAR-FCL ausmerzen und den Luftsport fördern will“. Die schriftlichen Ausführungen für den Luftsport sind jedoch von gegensätzlicher Wirkung.</p> <p>Ein in Sachen Sicherheitsüberprüfung am Flughafen Lübeck von Prof. Elmar Giumulla erstelltes Gutachten führt unter anderem aus, dass strangulierende Maßnahmen gegen europäische Grundrechte-Charta verstoßen. Aus dem angeblichen Sicherheitsaspekt wird ein weiterer Überprüfungsproporz im Freizeitpilotenbereich aufgebaut, der zwar bisher in manchen Ländern angewandt wurde, der aber gegenüber der bewährten deutschen Vereinsausbildung nur die Kosten erhöht.</p> <p>Vor 10 Jahren begann eine Pressekampagne, wie gefährlich die</p>
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„Hobbyfliegerei“ sei und was alles zur Sicherheit der Bürger getan werden müsse. Der Ausbildungszuschnitt der dann kreierte JAR-FCL lief eindeutig auf gewerbliche Flugschulen hinaus und diskreditierte die deutsche Vereinsausbildung, wo auf sozialem Ausgleich und Ehrenamtlichkeit der Wert lag. Die gewerbliche Ausbildung hat bis zum heutigen Tag jedoch das große Manko, dass dort erworbene Pilotenscheine meist die erste Erneuerung nach 5 Jahren nicht mehr erlebten, während den Vereinen die Lizenzinhaber in Mehrheit erhalten blieben.

Für den nicht gewerblich fliegenden Freizeitpiloten ist ein derart teures Nebensystem aufgebaut worden, wo jeder gezahlte € eben nicht in die Sicherheit –nämlich das aktive Fliegen– investiert werden kann, sondern in behördenähnlichen Strukturen versickert und damit jährlich zwischen 5 und 10 Flugstunden unterbleiben: Fliegertauglichkeit, Sicherheitsüberprüfung, Sprachtest, periodisches Überprüfungssystem. Die Vorteile einer freiwillig „überwachten“ ehrenamtlichen Vereinsumgebung werden ignoriert.

Ein modernes, auf Förderung und Wachstum des Luftsports gerichtetes Regelsystem muss sich am Autoführerschein für Erwerb und Erhalt orientieren. Nur dann kann sich auch erfolgreich eine Hinführung zum beruflichen Interesse für direkte und indirekte fliegerische Berufe entwickeln. Nachwuchsförderung, was sich alle Vereine auf die Fahnen geschrieben haben, wird durch ein kontraproduktives System boykottiert. Es ist eben nicht richtig, dass ein System, was sicherlich im gewerblichen Bereich seine Gültigkeit hat auch einfach dem Freizeitsport übergestülpt wird.

An sehr vielen Stellen in den europäischen Regelwerken soll die Eigenständigkeit und Verantwortlichkeit der Piloten gefördert werden und dennoch soll er geprüft/gecheckt werden mit dem Stundenflug, mit einer 6-jährigen Wiederholungsprüfung. Wie verantwortungsbewusst stuft man denn einen Freizeitpiloten überhaupt ein? Alles Hassadeure, Selbstmörder, Drogensüchtige? oder vernünftige Europäer.

response *Noted*

410.1 Thank you for providing your opinion.

410.2 The Agency acknowledges your comment. NPA 2008-17b Draft Opinion and Decision Part-FCL states in FCL.001 Competent Authority that for the purpose of this Part, the competent authority shall be the authority designated by the Member State to whom a person applies for the issuance of pilot licences or associated ratings or certificates. NPA-22b Draft Opinion Part-AR states in AR.GEN.005 Scope that this Part establishes the requirements to be followed by the competent authorities in charge of the implementation and enforcement of the Basic Regulation and its implementing rules regarding amongst others the issuance, continuation, change, limitation, suspension or revocation of organisation approvals and the oversight of persons and organisations exercising activities on the territory of the Member State. The Agency will only approve and perform oversight of Organisations which are situated outside the territory of the European Community and Norway, Iceland, Switzerland and Liechtenstein.

410.3 The Agency acknowledges your comment. Article 4 of the Regulation (EC) 216/2008 defines Basic principles and applicability. According point 4 and 5 of this article, the Implementing Rules affect only part of Annex II aircraft and only in commercial operation and exclude Ultra-Light aircraft. Therefore, the Agency cannot regulate these aircraft directly. However, please note that the initial proposals for crediting for the LP. have been amended. Please see

replies to comments on Subpart B and the amended text.

410.4 The Agency acknowledges your comment.

410.5 By drafting the Language Proficiency requirements in NPA 2008-17 the Agency followed closely Subpart A JAR-FCL 1.010 a) 4. and ICAO Annex 1 1.2.9 as required by the Commission. In accordance with the proposed text and the ICAO requirements pilots flying in VFR within the boundaries of their national language are not obliged to do an English test to obtain a Language Proficiency of a certain level but can communicate in the language normally used by the station on the ground.

410.6, 410.6, 410.7, 410.8 The Agency acknowledges your comment.

comment 426 comment by: Anton Kasel

All EASA Member States appropriate authorities will unconditional accept all limitations and/or extensions endorsed within the issued leisure / private pilot licences of another Member State authority.

This will prevent still existing differances between Member States ruling and interperations related to privileges assigned to the private pilot licences.

The current existing national private pilot licenses will not be applicable anymore within the EASA and should be converted to an appropriate EASA-licence (leisure /private)

response *Noted*

Thank you for your analysis.

It should just be noted that the expression EASA-licence should be understood as meaning a licence issued by a national competent authority of a member state of EASA in accordance with Part-FCL and Part-AR.

comment 433 comment by: Rod Wood

Whilst understanding what this part establishes, the presentation of the part for comment has been made in an overly complex manner by presenting every type of flying craft's license in one enormous volume making the task of commenting on a specific type of flying craft tedious and un-necessarily lengthy.

I am specifically commenting on helicopter FCL and I have found it to be hard to find all the relevant sections along with inevitable cross checking of comments made ealier that need to be cross referenced. I would propose that future presentations of this part for comment should be separated out into the specific types of flying craft each with their own volume within this part and with each section being preceded with the generic introductory paragraphs.

This would enable a far more rapid assessment of each paragraph and allow comment to be made without long searches which in turn would encourage more comment as it would be more user friendly.

In my comments there may be omissions - commenting on one part of the helicopter FCL at one paragraph and then not repeating the comment where there is a repition of the comment needed in another paragraph - for the reasons above.

response *Noted*

Thank you for providing your opinion.

comment 591 comment by: *British Microlight Aircraft Association*  
Accepted

response *Noted*  
Thank you for providing your positive feedback.

comment 837 comment by: *Luftsportverband Rheinland Pfalz*  
Allgemeine Anmerkung:  
Die wichtigste die Sicherheit fördernde Massnahme ist das praktische Fliegen. Jede teure Überprüfung kostet Geld, das für das eigentliche Fliegen nicht mehr zur Verfügung steht. Um die Sicherheit entsprechend der Zielsetzung dieses Dokumentes zu fördern müssen kostenrelevante Überprüfungen und Checkes auf ein vernünftiges Mass beschränkt werden.

response *Noted*  
Thank you for providing your opinion.

comment 935 comment by: *Ludwig Fellenberg*  
Sehr geehrte Damen und Herren,  
  
mit der Erfahrung aus 30 Jahren aktiver Tätigkeit als Segelfluglehrer möchte ich behaupten, daß ein Flug mit einem Prüfer im Abstand von sechs Jahren für einen Segelflugzeugführer keine zusätzliche Erhöhung der Flugsicherheit mehr mit sich bringt.  
  
Alle Piloten mit gültiger Lizenz, die ich in all den Jahren vorne, mit mir im Doppelsitzer fliegend, beobachten konnte, erfüllten immer die Bedingungen, die zur sicheren Durchführung des Fluges erforderlich waren.  
  
Der Flug mit einem Prüfer ist eine praxisfremde Forderung und deshalb abzulehnen.  
  
Generell muß man die Anforderungen an den Privatpiloten einmal mit den Anforderungen an den Autofahrer vergleichen. Bei diesem Vergleich wird deutlich, daß die Privatfliegerei trotz der entschieden geringeren Gefährdung der Allgemeinheit UNGLEICH stärker reglementiert wird.  
  
Gerade in der Fliegerei trifft man immer auf Menschen mit überdurchschnittlichem Verantwortungsbewußtsein. Dieses sollte durch einen möglichst hohen Grad an Eigenverantwortung und möglichst geringe Reglementierungen gefördert und honoriert werden.  
  
Freundliche Grüsse  
Ludwig Fellenberg

response *Noted*  
Thank you for providing your opinion.

comment	1001	comment by: <i>Christian Robl</i>
	Cost creating auxiliary conditions are to be rejected! Reason: Flying safety is gained through exercise! Additional costs (for bureaucracy) and additional bureaucracy for the private pilots will make flying less attractive.	
response	<i>Noted</i>	
	Thank you for providing your opinion.	
comment	1132	comment by: <i>Schäfer</i>
	Meine allgemeine Meinung zur Lizenzierung:  ich lehne jegliche kostenverursachende Nebenbedingungen ab, die durch praktisches Fliegen zu erlangende Sicherheit nicht ersetzen kann.	
response	<i>Noted</i>	
	Thank you for providing your opinion.	
comment	1188	comment by: <i>Karge</i>
	Alle kostenverursachende Nebenbedingungen sind zu streichen. Nur durch praktisches Fliegen entsteht mehr Sicherheit.	
response	<i>Noted</i>	
	Thank you for providing your opinion.	
comment	1189	comment by: <i>Karge</i>
	Alle kostenverursachende Nebenbedingungen sind zu streichen. Letztendlich wird mehr Sicherheit nur durch praktisches Fliegen erreicht.	
response	<i>Noted</i>	
	Thank you for providing your opinion.	
comment	1386	comment by: <i>Wilfried Müller</i>
	EASA should avoid restrictive or even air sports damaging conditions. If the demands are too high or too costly, the interest in persuading the goals of the applicants will diminish or disappear. They simply will give up. Example: During the course of this year only 4 (four!) FI for SEP according to FAR.FCL have been trained in the Republic of Germany. The demands by JAR.FCL are too high for club flight instructors and the investment will not pay off for them.	
	The conditions proposed by EASA are not inviting to become a FI either. With no change in your approach, the training of young FI`s for voluntarily work at our clubs will come to a "grinding" hold. That would be in medium terms the end of our sports.	
	EASA should strive to support air sports, i.e. do not invent further restrictive regulations, we got already too many of them. Simplify the existing ones, skip	

them wherever this is possible (e. g. medical for SPL, LPL via general practitioner). We need motivation to fly. Flying creates safety, not bureaucracy!

In other words, please skip all cost drivers in your proposal. As leisure pilots we do not need for example proficiency checks after 6 years of flying. We would like to continue with our bi annual flight checks by our club flight instructors. We do not need a second layer of examiners and a third layer of examiners for the second layer. That might all be good for the professional pilots, but is counterproductive within our club based air sports activity. The environment within our clubs is self supervised, literally all the work and also the responsibilities are done and taken by honorary club members, honorary club flight instructors and honorary working technical personnel.

Wilfried Müller 11-27-2008

response *Noted*

Thank you for providing your opinion.

comment 1470

comment by: *Stephan Johannes*

Sehr geehrte Damen und Herren,

bitte beachten Sie, dass bei aller notwendigen Regelfindung, der Luftsport und die Anforderungen an den Luftsport, in einem vernünftigen Kostenverhältnis reguliert werden sollte.

Der Luftsport hat einen enormen sozialen Aspekt, viele ehrenamtliche Helfer, Vorstände und Fluglehrer haben den Luftsport dorthin gebracht, wo wir heute stehen. Viele Berufszweige schöpfen aus den Luftsportvereinen qualifizierte Mitarbeiter und Piloten.

Wenn die Regelungen zu stark an die Verkehrsluftfahrt angeglichen werden, so wird der Luftsport in den Vereinen nachhaltig leiden. Sollte die Kostenschraube nach oben gedreht werden, so ist damit zu rechnen, dass weniger geflogen wird - und das ist ein ernsthafter Sicherheitsaspekt.

Daher meine Bitte, erarbeiten Sie ein europäisches Recht, dass es uns Luftsportlern ermöglicht auch in Zukunft zu kostengünstig zu fliegen.

Mit freundlichem Gruß

Stephan Johannes

response *Noted*

Thank you for providing your opinion.

comment 1667

comment by: *Sven Koch*

Stellungnahme zur Lizenzregelung  
Sämtliche kostenverursachende Nebenbedingungen sind abzulehnen.  
Sicherheit entsteht durch praktisches Fliegen.

response *Noted*



Thank you for providing your opinion.

comment	2166	comment by: <i>Oelschlaeger, Harald</i>
	Stellungnahme zur Lizenzregelung: Sämtliche kostenverursachende Nebenbedingungen sind abzulehnen. Sicherheit entsteht durch praktisches Fliegen und nicht durch überzogene Regelungen	
response	<i>Noted</i> Thank you for providing your opinion.	

comment	2193	comment by: <i>AECA(SPAIN)</i>
	Modify: This part establishes the requirements for the issue, <b>revalidation or renewal</b> of pilot licences...  Justification: as in comment 2192	
response	<i>Not accepted</i> Revalidation and renewal of licences are included in the expression "conditions for their validity and use".	

comment	2317	comment by: <i>Susana Nogueira</i>
	Modify: This part establishes the requirements for the issue, <b>revalidation or renewal</b> of pilot licences...  Justification: as in comment 2316	
response	<i>Noted</i> Please refer to response to comment no 2193.	

comment	3073	comment by: <i>Peter SCHMAUTZER</i>
	As anybody knows there has to be a regulation about the full recognition of American (FAA) licenses. At times where the acquiring of instrument licenses in Europe was prohibitive a lot of people acquired their flying privileges in the US. These licenses are meanwhile fully recognised by the EU-Member states. According to my legal opinion these recognitions stay valid - at least due to the principals of grandfather rights. The <u>grandfather rights</u> , which have been acquired in the FCL Implementation process, have also to be observed.  According to Art 7 (6) e Basic Regulation there has to be a regulation about recognition of foreign licenses, which in fact was not done.	
response	<i>Noted</i> Please see replies to comments and amended text for Annex III to the licensing cover regulation. In what relates to transition measures, please see text of licensing cover	

regulation.

comment 4068 comment by: Bernd Hein

Das Regelwerk stellt insgesamt eine Kostenexplosion dar, die dazu führt, dass weniger geflogen wird. Es wird zuviel Wert auf Flugstunden und weniger auf Flugbewegungen Wert gelegt. Sicherheit entsteht bei Start und Landung. Es sollten Starts mit einer definierten Aufgabenstellung sein, z.B. Durchstartübungen auf kurzen Plätzen, Sicherheits- und Außenlandungen, Ziellandeübungen, Langsamflug, Seitenwindlandungen, Umkehrkurven etc. unter Aufsicht eines FI sein, der diese Flüge bestätigt und damit Flugzeiten ersetzt.

Auch sollten erworbene Berechtigungen wie Kunstflug, F-Schlepp, Bannerschlepp berücksichtigt werden.

response *Noted*

4068.1 The Agency acknowledges your comment.

4068.2 As foreseen in NPA 2008-17a 45. Transition measures will be established in the Licensing Cover Regulation taking into account the possibility to grandfather existing certificates issued under sufficiently similar conditions. Please refer to NPA 2008-17b FCL 800 for Aerobatic rating and FCL 805 for Sailplane towing and Banner towing ratings.

comment 5173 comment by: Carsten Fuchs

Ganz allgemein möchte ich Sie bitten, die Gesetze *einfach* zu halten, und den beteiligten Menschen *Verantwortung zu übertragen und Augenmaß zuzugestehen*.

Unter einem "einfachen" Gesetz verstehe ich ein Regelwerk, dass den Betroffenen nachvollziehbar und klar die Regeln darlegt. Es geht mir dabei nicht darum, "Vorteile herauszuschinden", sondern vielmehr um die Erkenntnis, dass nicht die kompliziertesten Dinge, sondern oft die möglichst einfache Dinge die "besten" sind.

Dies gilt für Software-Programme, für Flugzeuge und z.B. ihre Triebwerke, (sogar für menschliche Beziehungen) und letztenendes auch für Gesetze.

Ein verständlicher Gesetzestext führt zur Nachvollziehbarkeit, zum Verständnis und zur Einsicht in seine Notwendigkeit, und damit zur seiner erfolgreichen Anwendung. Und letztenendes zur Erreichung des mit dem Gesetz beabsichtigten Ziels: Die Erhöhung bzw. Gewährleistung der Flugsicherheit.

Ein Beispiel von vielen dazu aus JAR-FCL: Warum ist für den Umstieg von einem SEP-Flugzeug mit Bugfahrwerk z.B. auf SEP Flugzeuge mit Spornrad lediglich eine Differenzschulung erforderlich, aber für den Umstieg auf Motorsegler eine Klassenberechtigung mit Prüfungsflug erforderlich?

Fachlich versteht das keiner so recht, aber viele SEP Inhaber, die sich prinzipiell für die Erweiterung ihrer Lizenz um TMG interessieren würden, resignieren lieber in Anbetracht einer vollständigen erneuerten Prüfung.

Mit "den beteiligten Menschen *Verantwortung zu übertragen und Augenmaß zuzugestehen*" möchte ich auf einen Weg hinaus, die o.g. "Einfachheit" zu erreichen: Kein Fluglehrer wird einen Flugschüler alleine fliegen lassen, wenn er noch nicht das Landen sicher beherrscht - genausowenig wird er ihn oder sie zur theoretischen oder praktischen Prüfung anmelden, wenn die fachlichen Anforderungen noch nicht erreicht werden. Dafür muß man keine

Mindeststundenzahlen für die Ausbildungen vorschreiben, denn im Idealfall regelt sich das über den Anforderungskatalog doch ganz von selbst!

Letztenendes ist es für die Flugsicherheit wichtig, dass die Piloten (egal welche Lizenz) **viel** praktisch Fliegen.

Die vielen kleinen Fehler und Unsicherheiten, die entstehen, wenn zu wenig geflogen wird, erlebe ich bei Schul- oder Übungsflügen oft genug, genauso wie Unkenntnisse der Gesetze (z.B. wissen bis heute allzu viele nicht richtig, wie ihr JAR-FCL oder nationaler Schein verlängert wird; oder was erforderlich ist wenn man von SEP ausgehend die TMG Klassenberechtigung erwerben möchte, usw.).

Weitere Details finden Sie in meinen weiteren Kommentaren.

Ich hoffe und wünsche mir, dass insb. für die allgemeine Luftfahrt ein Gesetz entsteht, dass die Fliegerei vereinfacht und fördert, und dadurch für alle sicher macht.

Und ganz herzlichen Dank für alles - das mit dem Kommentieren ist eine tolle Sache!

response *Noted*

5173.1 The Agency acknowledges your comment.

5173.2 The Agency acknowledges your comment but cannot agree with it. A mandatory exercise during the training for a TMG class rating is how to completely switch-off an engine and re-start it during the flight. This exercise makes it amongst other facts quite different from flying a SEP aircraft therefore the TMG is mentioned as a separate class on the List of Class and Type Ratings which is published on the EASA web page.

5173.3 The Agency acknowledges your comment.

comment 5356

comment by: reinhardKOHLHAAS

Alle neuen vorgesehenen Regelungen führen zu einer kostspieligen Überbürokratisierung und einer Ausdünnung der Personaldecke zu Lasten fliegerischer Praxis. Die Zahl privater Freizeit-Piloten wird sich drastisch reduzieren, weil fliegerisch Interessierte vor den bürokratischen Hürden kapitulieren. Die Kompliziertheit dieses Kommentierungs-Systems ist ein eindrucksvolles Beispiel dafür!

response *Noted*

Thank you for providing your opinion.

comment 6957

comment by: Austrian Aero Club

#### **FCL.005 Zweck**

Der Österreichische Aero Club meint, es muss eine Anerkennung von Amerikanischen (FAA) Lizenzen geben. Zu Zeiten, wo das Erlangen von Instrumentenflug Lizenzen in Europa fast unmöglich war, haben viele Piloten ihre Flugberechtigungen in den US erworben. Diese Lizenzen sind in der Zwischenzeit durch die EU-Mitgliedstaaten voll anerkannt. Diese Anerkennungen haben als „grandfather rights“ ihre Gültigkeit zu behalten.

Die Großvater-Rechte, welche im Zuge des FCL Implementierungsprozesses erlangt wurden, haben ebenso beachtet zu werden.

Entsprechend Art.7 (6) der Grundsatzverordnung hat es eine Regel über die Anerkennung von ausländischen Lizenzen zu geben. Diese Regelung ist

	ausständig.
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion. Please also refer to the response to the comment no 3073 in this chapter.</p>
comment	<p>7362 <span style="float: right;">comment by: <i>Esko RUOHTULA</i></span></p> <p>The scope of Part-FCL is not clear and needs clarification in order to make sure that privileges of licence holders are same irrespective which member state has issued the licence and in which member state the aircraft used is registered. Examples of questions unanswered are:</p> <p>1) Does this paragraph mean that Part-FCL licence is required also for flying annex 2 aircraft, e.g. ultralight aeroplanes?</p> <p>2) If Part-FCL licence is not required for flying ultralight airplane, do the privileges of LPL or PPL with SEP rating include flying ultralight aeroplanes?</p>
response	<p><i>Noted</i></p> <p>7362.1 The Agency acknowledges your comment. Article 4 of the Regulation (EC) 216/2008 defines Basic principles and applicability. According to point 4 and 5 of this article, the Implementing Rules affect only part of Annex II aircraft and only in commercial operation. Ultra light aeroplanes are not included in the scope and the licensing provisions for these aircraft have to be taken by the member states.</p> <p>7362.2 It is up to each member state to decide which licence would be necessary to allow pilots to fly ultra light aeroplanes.</p>
comment	<p>8132 <span style="float: right;">comment by: <i>Ursula Bodenheim</i></span></p> <p>Bisher gelehrte Phrasologie im Funk ist eindeutig und verständlich, deshalb sind regelmäßige Sprachprüfungen nicht erforderlich, wichtig ist, dass das gelernte regelmäßig angewendet wird, was man am Besten im praktischen Flugbetrieb durchführen kann. Dies wird aber durch teure regelmäßige Wiederholungsprüfungen erschwert.</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment but does not agree to it. By drafting the Language Proficiency requirements in NPA 2008-17 the Agency followed closely Subpart A JAR-FCL 1.010 a) 4. and ICAO Annex 1 1.2.9 as required by the Commission. In accordance with the proposed text and the ICAO requirements pilots flying in VFR within the boundaries of their national language are not obliged to do an English test to obtain a Language Proficiency of a certain level but can communicate in the language normally used by the station on the ground.</p>
comment	<p>8213 <span style="float: right;">comment by: <i>Klagenfurter Flugsport Club</i></span></p> <p>Die Anerkennung von Amerikanischen (FAA) Lizenzen muss bleiben. Zu Zeiten, wo das Erlangen von Instrumentenflug Lizenzen in Europa fast unmöglich war, haben viele Piloten ihre Flugberechtigungen in den US erworben. Diese Lizenzen sind in der Zwischenzeit durch die EU-Mitgliedstaaten voll anerkannt. Diese Anerkennungen haben als „grandfather rights“ ihre Gültigkeit zu</p>

behalten.  
Die soll auch für alle anderen bestehenden Berechtigungen erhalten bleiben können.  
Entsprechend Art.7 (6) der Grundsatzverordnung hat es eine Regel über die Anerkennung von ausländischen Lizenzen zu geben. Diese Regelung ist ausständig.

response *Noted*

Thank you for providing your opinion. Please also refer to the response to the comment no 3073 in this chapter.

**B. Draft Opinion Part-FCL - Subpart A: General Requirements - FCL.010**  
**Definitions**

p. 3-5

comment 38 comment by: *Padraic O'REILLY*

Definition of Gyroplane missing

an aircraft that is supported in flight by unpowered rotating horizontal wings (or blades); forward propulsion is provided by a conventional propeller

response *Not accepted*

Gyroplanes are included in Annex II of the Basic Regulation, and are excluded from the scope of Community competence.

Therefore, they are not regulated in this Part.

comment 42 comment by: *Stefan JAUDAS*

Definition of "TMG" and "powered sailplane" might turn out to be amgiguous. It should be taken into account that the distinction between sailplanes/ powered self-sustaining sailplanes/ powered self-launch sailplanes versus TMG for pilot licences is not matched by the technical definition per CS-22, which distinguishes between sailplanes (no engine) and powered sailplanes (sustaining, self-launch, TMG). This has caused some trouble when JAR-FCL was introduced in Germany.

Actually, there are TMG/ powered sailplane types which would qualify for either class. Examples:

- Stemme S10
- Schleicher ASK-14
- Technoflug Carat
- Technoflug Piccolo

These types are designed to be operated either way: Sustained motorised flight and sustained motorless flight. More of such hybrid types might be developped in the future.

Accordingly, such hybrids should be accessible both for holders of the appropriate sailplane ratings as well as for holders of a TMG rating.

response *Noted*

Thank you for providing your opinion.

The Agency is aware of the fact that it is very difficult for certain powered sailplanes to identify if these are Touring Motor Gliders (TMGs) or simply powered sailplanes. There might be a need for a clear distinction during the certification for each "type" of powered sailplane regarding the classification as TMG or not.

This can clearly not be provided by these Implementing Rules but the Agency will consider a process how to give advice in very specific cases if a certain "type" of powered sailplane should be considered as TMG or not.

At this stage the Agency will stay with the definition provided in FCL.010 as the wording provided is in line with the definition in JAR-FCL and will be an adequate and suitable definition in 99% of all the existing powered sailplanes to be classified as TMGs.

comment 43 comment by: *Stefan JAUDAS*

In order to avoid later uncertainty, it should be made clear that all sailplanes (engineless, sustaining and self-launching) belong to the same type and class concerning pilot's operating rights.

In order to avoid later uncertainty, it should be made clear that all TMG belong to the same type and class concerning pilot's operating rights.

response *Noted*

Thank you for providing your opinion.

The Agency agrees with the statement that there are no specific types of sailplanes or powered sailplanes but simply one class of sailplanes and powered sailplanes.

Another class is the class of Touring Motor Gliders (TMG). As there are no specific types the licencing requirements treat them as one class. (e.g.: see the class rating TMG in subpart H).

The Agency will re-discuss this issue during the final review and might add an explanation in the AMC material.

comment 70 comment by: *Tassi Giannikopoulos*

I miss my aircraft, what I fly. The definition of gyroplanes. More and more people like to fly by gyroplanes. A Gyroplane means a plane with a propengin (piston) in the front or back installt and one autogyro rotory.

Regards

Ota

response *Not accepted*

Gyroplanes are included in Annex II of the Basic Regulation, and are excluded from the scope of Community competence.

Therefore, they are not regulated in this Part.

comment	<p>200</p> <p>FCL.010</p> <ul style="list-style-type: none"> <li>• Dual instruction time: In this definition the training in the simulator for other purposes than "instrument flight" is missing.</li> <li>• Instrument flight time: In this definition the flight simulator is missing</li> </ul>	comment by: CAA - The Netherlands
response	<p><i>Not accepted</i></p> <ul style="list-style-type: none"> <li>• Definition is coming from JAR-FCL.</li> <li>• Instrument flight time is to be done on an aircraft. When it is done in an FSTD it is instrument ground time. See related definition.</li> </ul>	

comment	<p>268</p> <p>Definition 'Touring Motor Glider (TMG)':</p> <p>Als <b>NEUEN Definitionstext</b> schlage ich vor:</p> <p>[deutsch]</p> <p>„Reisemotorsegler (Touring Motor Glider / TMG)' bedeutet eine spezielle Klasse von Motorseglern, welche gemäß ihres zugehörigen Flughandbuches</p> <ul style="list-style-type: none"> <li>- eigenstartfähig sind und mit eigener Leistung steigen können;</li> <li>- ohne äußere Hilfe rollen können und über eine Flügelbodenfreiheit von mindestens 0,40 m verfügen; und</li> <li>- unter eigener Leistung mit einer variablen Reisegeschwindigkeit von mindestens 1,8 mal der Überziehgeschwindigkeit (<math>V_{SO}</math>) reisen und dabei eine Flughöhe von 4000 ft MSL über 60 Minuten halten können.</li> </ul> <p>[English]]</p> <p>'Touring Motor Glider (TMG)' means a specific class of powered sailplane which shall be capable of</p> <ul style="list-style-type: none"> <li>- taking off and climbing under its own power;</li> <li>- taxiing without external help and having a free wing clearance of at least 0,40 m; and</li> <li>- cruising with variable cruising speeds of at least 1,8 x Stalling speed (<math>V_{SO}</math>) and maintain a flight altitude of 4000 ft MSL for 60 minutes thereby under its own power according to its flight manual.</li> </ul> <p><b>Begründung:</b></p> <p>Ziel der TMG-Definition ist es, Motorsegler in 2 Klassen einzuteilen, um sie flugbetrieblich respektive lizenztechnisch einerseits Motorflugzeugen und andererseits reinen Segelflugzeugen zuordnen zu können. Dabei wird unterschieden in sogenannte Touringmotorsegler und 'reine' Segelflugzeuge, die einen Hilfsantrieb als Selbststart- und/oder Heimkehrhilfe, jedoch keine nennenswerten 'Touring'-Eigenschaften haben.</p> <p>Die bisherige Definition zielt auf eine spezielle technische Gestaltung des Antriebs, um einen TMG zu beschreiben. Damit kann jedoch die Grundidee eines TMG, nämlich dass diese spezielle Art des Motorseglers in der Lage ist, zu beliebigen Orten 'im Kraftflug reisen" zu können, ähnlich eines</p>	comment by: Peter Montag
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Motorflugzeuges, nicht sinnvoll beschrieben werden.

Nahezu jeder heutige Touringmotorsegler hat jedoch die Möglichkeit in der Betriebsart Segelflug, seine ruhenden Propellerblätter aerodynamisch günstiger zu positionieren. Dafür gibt es eine Vielzahl von technischen Lösungen: Segelstellung (feathered), aus dem Hauptluftstrom wegklappen (retractable?), etc.

Die derzeitige Definition (bereits aus JAR-FCL1) grenzt aber beispielsweise diejenigen Motorsegler aus, die einen 'retractable propeller' haben. 'Retractable' ist eine ungenaue technische Bezeichnung mit einer Vielzahl von Interpretationsmöglichkeiten und führt im Ergebnis dazu, dass die heutigen leistungsfähigsten Touringmotorsegler aus der bisherigen TMG-Definition herausfallen. Dies sind z.B.

**Stemme S10** ([http://en.wikipedia.org/wiki/Stemme\\_S10](http://en.wikipedia.org/wiki/Stemme_S10); <http://www.stemme.de/daten/e/produkte/s10/perfs10.htm> ),

**AMS-Flight Carat** ([http://en.wikipedia.org/wiki/AMS\\_Carat](http://en.wikipedia.org/wiki/AMS_Carat); <http://www.ams-flight.si/> ),

**Technoflug Piccolo** ([http://de.wikipedia.org/wiki/Technoflug\\_Piccolo](http://de.wikipedia.org/wiki/Technoflug_Piccolo); <http://www.luftwandern.de/piccolo.htm>).

Die 3 genannten Touringmotorsegler haben zwar keine klappbare (retractable) Propellernabe (no retractable propeller hub), jedoch klappbare/faltbare Propellerblätter (but retractable Propeller blades).

Dies führte und führt derzeit dazu, dass viele Piloten o.g. TMG Schwierigkeiten bei der Verlängerung ihrer TMG- und SEP-Berechtigung haben wegen Nicht-Anerkennung solcher Motorsegler als TMG seitens einiger nationalen Behörden.

Auf damaliges Betreiben der Firma STEMME wurde als Ausweg bzw. Lösung die Sonderliste nach ‚Appendix 1 to JAR-FCL 1.215‘ bzw. in der BRD gemäß ‚Anlage M zur 1. DV LuftPersV‘ eingeführt, um die STEMME S10 zusätzlich als TMG zu klassifizieren. Andere TMG, z.B. die beiden o.g., wurden dabei ‚vergessen‘.

Auf der anderen Seite fallen unter die derzeitige TMG-Definition Motorsegler wie z.B. die Ka6/Stihl, K8B/Stihl oder L Spatz 55/Stihl, die gewiss keinerlei 'Touring'-Eigenschaften haben.

Es macht deshalb wenig Sinn, TMG über spezielle technische Eigenschaften des Antriebs zu definieren, weil dies nicht zwangsläufig etwas mit 'Touring'-Eigenschaft zu tun hat. Für zukünftige Motorsegler-Entwicklungen wird durch die bisherige Definition eine Einschränkung geschaffen, welche den technischen Fortschritt massiv behindert.

Die alte, bisherige Definition ist deshalb ein ungeeigneter Versuch, die gewollte Unterscheidung in 'TMG' und (reine) 'Segelflugzeuge/sailplane' zu beschreiben.

Aus diesem Grunde schlage ich vor, dass die TMG-Definition grundlegend geändert wird, und zwar weg von der Definition über eine technische Ausführung (Antrieb) hin zu einer Definition von wirklichen 'Touring'-Eigenschaften.

Wirkliche '**Touring'-Eigenschaften** sind:

1. Eigenstart.

2. Rollmöglichkeit ohne fremde, externe Hilfe: Das selbstständige Betreiben



des TMG vom Losrollen vor Start bis zum Stillstand nach Landung (OFF/ON-Block) ohne externe Hilfe auf jedem beliebigen Flugplatz ist möglich, d.h., auch ein Rollen (Taxiing) über Landebahn- und Rollwegmarkierungen (Schilder, Befeuerung) hinweg ist möglich. Dazu ist eine beidseitige und selbstständige Bodenfreiheit des Tragflügels von mindestens 0,40 m notwendig.

*[Anmerkung: Diese Bodenfreiheit grenzt bereits alle heutigen reinen Segelflugzeuge mit ihren Klapptriebwerken hinter dem Tragflügel aus!]*

3. Eine variable Reisegeschwindigkeit durch variables Gasgeben (power setting), die deutlich über der des besten Steigens liegt. Mit einer erzielbaren, nachgewiesenen Mindest-Reisefluggeschwindigkeit nach Flughandbuch von  $1,8 \times V_{S0}$  (Stallgeschwindigkeit) wird diese Eigenschaft erfüllt.

4. Reisen in einer Flughöhe von mindestens 4000 ft MSL mit einer konstanten Reisefluggeschwindigkeit über einen längeren Zeitraum. Mit einer ununterbrochenen Flugzeit von 60 Minuten bei einer Mindestreisefluggeschwindigkeit nach Punkt 3 in 4000 ft MSL wird diese Eigenschaft erfüllt.

Mit diesen Betriebseigenschaften wird ein Touringmotorsegler, mit dem man tatsächlich 'reisen/touren' kann, wesentlich besser beschrieben als mit der bisherigen Definition. Die vorgeschlagene neue Definition definiert genau diese Betriebseigenschaften und hemmt auch keinen technischen Fortschritt, weder bei der Entwicklung von TMG noch bei (reinen) Segelflugzeugen mit Hilfsantrieb.

Als abschließende Bemerkung, die in Zusammenhang mit der Definition des TMG sowie mit dem Erwerb eines PPL(A) [FCL.210.A (c)] sowie der Verlängerung der Berechtigung SEP und TMG [FCL.740.A (b) (1) (ii)] steht, möchte ich noch darauf hinweisen, dass viele moderne Segelflugzeuge mit eigenstartfähigem Hilfsantrieb anspruchsvoller zu fliegen sind als einfache SEP-Flugzeuge. Trotzdem wird teilweise von Behördenvertretern und reinen Motorflugzeug-Piloten (ohne Segelflugerfahrung) die Meinung vertreten, dass das Fliegen von einfachen Flugzeugen anspruchsvoller sei als von Segelflugzeugen. Dies ist ein Trugschluss - wie ich aus meiner Erfahrung auch als Fluglehrer beider Kategorien weiß. Nahezu jeder Segelflieger hat erheblich mehr Erfahrung in der Grenzflugsituation des Langsamflugs, insbesondere im überzogenen Flugzustand (Stall), einem der häufigsten Ursachen bei Flugunfällen.

Es ist also grundsätzlich kein fliegerisches Problem, wenn Segelflugpiloten ihre Berechtigungen SEP und TMG auch zum Teil mit Flügen auf reinen (motorlosen) Segelflugzeugen verlängern könnten. Vor Einführung der JAR-FCL1 war dies in der BRD mit bester Erfahrung möglich (2/3 der erforderlichen Flugstunden und Starts ersetzbar durch z.B. Segelflug). Es sollte bekannt sein, dass Landungen ohne Triebwerk bei Verkehrsflugzeugen von ATPL-Piloten, die auch Segelflieger waren, meistens besser und sicherer durchgeführt wurden als von ATPL-Piloten ohne Segelflugerfahrung!

response *Not accepted*

Thank you providing your comment and the proposal for a new definition for the Touring Motor Glider (TMG).

The Agency reviewed all the existing definitions for the Touring Motor Glider before drafting this definition in FCL.010. In order to have a clear distinction between the sailplane and powered sailplane not being a TMG and the TMG and not to "reinvent" the whole issue the Agency decided to stay as close as possible with the definition used in JAR-FCL.

As your proposal uses some very detailed specifications this new definition would be a major change to the agreed definition and cannot be introduced with these Implementing Rules. On the other hand such a definition in Part FCL must provide an easily understandable definition which is clearly not the case with the definition you propose.

The Agency understands the problem described but as it seems to be mainly based on the question why the flight time on these powered sailplane types (e.g. Stemme S 10/Carat/Piccolo) cannot be counted for the revalidation of the TMG or SEP class ratings, the Agency does not believe that this item is a major safety related issue.

The Agency will consider if there is a need to publish a list of TMGs in the future in order to clarify this issue in a standardised way. The definition will at this stage stay as it is.

See also the response provided to comment No. 42 in the same segment above.

comment

282

comment by: CAA Belgium

**Definitions should be identical to those of Annex 1** where possible. Unnecessary differences are to be avoided.

Following terms/items are used in the proposal text but have no definition. Definitions to be added:

Aircraft

FSTD

Glider

Sector

Revalidation of licence/rating

Renewal of licence/rating

SPIC (student pilot in command): to be restricted for instrument time only (see also 10b of Appendix 3 -p.82)

Approved training organisation: who can approve ?

Definitions to be completed:

Instrument flight time: to add ".....and without external reference points"

Pilot-in-command under supervision: to add "...with a method of supervision acceptable to the competent Authority".

*This addition to the PICUS definition is important as it appears that in real life, flight time as copilot is often credited as PICUS.*

*QUESTION: where in this proposal are the definitions of:*

*types of aircraft ?*

*classes of aircraft ?*

response

Partially accepted

Definition of aircraft added.

Definition of FSTD is included in the Basic Regulation - Article 3(k).

Definition of glider is not needed, since the expression sailplane is the one used

in the text. See definition of sailplane.

A definition of route sector is already included.

The concepts of revalidation and renewal and SPIC are clear from the requirements. Therefore, the Agency did not include these definitions in the Regulation, but included them in a GM to FCL.010. However, based on the comments received on this segment, the Agency has decided to include in FCL.010 all the definitions that were included in JAR-FCL 1.001/2.001.

Training organisation are approved by the competent authorities. This is defined in the requirements related to training organisations, in NPA 2008-22.

The definition of instrument flight time already states that the pilot should be acting "solely by reference to instruments". This includes that he/she shall not use external reference points.

The Agency considers that the addition proposed to the definition of PICUS is not necessary.

The Agency will publish a list of classes and types.

comment 296 comment by: *London Metropolitan University*  
page 4 Definition - "Group of Balloon" should read Group of Balloons"

response *Noted*  
Editorial accepted. Text will be changed.

comment 409 comment by: *Geschäftsführer Luftsportverband RP*  
Bei den Definitionen zur Flugzeit muss in einem modernen, auf die Zukunft ausgerichteten System auch die **dokumentierte** Flugzeit auf Ultraleicht mit aufgeführt sein, auch wenn diese Kategorie nicht unter die Aufsicht der EASA fällt. Eine praktische Flugstunde dient mehr der Sicherheit, als jegliche theoretische Überprüfung. Eine Ultraleichtflugstunde muss beim LPL Anrechnung finden.

Würde man die Flugzeiten aller Anhang II - Flugzeuge wegfällen lassen, so würde man unbeabsichtigt auch andere Piloten die Anrechnung von Flugzeugen beschneiden: Oldtimer-Segelflugzeugen, Militär- oder Polozeipiloten, etc

response *Noted*  
Thank you for providing your opinion.  
Your proposal to add an additional definition for the flight time on microlights cannot be taken into account as the Basic Regulation (EC 216/2008) clearly excludes Annex II aircraft from these licensing requirements.  
Regarding the issue of crediting please see the responses provided in the different segments containing crediting requirements.

comment 432 comment by: *A. Mertz*

	<p>The definition of "aeroplane" should be refined. With the current definition, microlights, powered sailplanes and TMGs are aeroplanes.</p> <p>A definition of "remuneration" should be added: The definition should allow to pay expense allowances and to share the cost.</p>
response	<p><i>Not accepted</i></p> <p>The definition of aeroplane included in the proposal is the one in ICAO Annex 1. The Agency considers it should be maintained.</p> <p>Aircraft included in Annex II, such as microlights, are excluded from the scope of the Basic Regulation, and therefore also of Part-FCL.</p> <p>The Agency considers that the definition of remuneration should be left to the legal and judicial system of each Member State</p>
comment	<p>592 <span style="float: right;">comment by: <i>British Microlight Aircraft Association</i></span></p> <p>Accepted</p>
response	<p><i>Noted</i></p> <p>Thank you for your feedback.</p>
comment	<p>919 <span style="float: right;">comment by: <i>Rory OCONOR</i></span></p> <p>i approve of the wording "powered sailplanes". These aircraft are primarily sailplanes with additional engines, rather than SEP used as sailplanes. Gliding techniques are the primary skills.</p>
response	<p><i>Noted</i></p> <p>Thank you for your feedback.</p>
comment	<p>933 <span style="float: right;">comment by: <i>Stefan JAUDAS</i></span></p> <p>It should be taken into account that there are classes of aircraft which are accessible to holders of different licences. Aircraft certification categories do not go hand in hand with pilot licence categories.</p> <p>For instance, there is no reason why a touring motorglider cannot safely be flown by glider pilots, private pilots or leisure pilots. The same applies the other way round, sailplane pilots can safely fly glider, gliders with sustainer engines and self-launch gliders, proper permission for the actually used launch method provided.</p> <p>Actually, this could also be extended to "ultralight" gliders and self-launch gliders like the APIS/ Bee/ Taurus series of ultralight gliders, respectively Sinus/ Virus/ Lambada "ultralight" TMG. As such "ultralights" are under national jurisdiction, the Nations should be given the opportunity to endorse and permit the flying of such national ultralights with FCL licences provided these ultralights require a comparable or lesser level of pilot skill than "proper" sailplanes and TMG. Accordingly, flights, flighttime and checkrides made on</p>

response	<p>such ultralights should be acceptable to show proficiency for the respective FCL licences. Obviously, this would be limited to 3-axis-controlled types of ultralights - CoG controlled ultralights would and should be out of bounds without the proper national permit.</p> <p><i>Noted</i></p> <p>Thank you for your feedback.</p> <p>It is true that TMG can be flown by holders of both sailplane and aeroplane licences. This is included in the Agency's proposals.</p> <p>As for microlights, they are excluded from the scope of the Basic Regulation, and therefore also of Part-FCL.</p>
comment	<p>936 <span style="float: right;">comment by: <i>Peter SCHMIDLEITNER</i></span></p> <p>The definition of "Flight time" for aeroplanes, touring motor gliders and powered-lift is not in agreement with</p> <p>Council Directive 2000/79/EC of 27 November 2000 where it says in ANNEX Clause 2: 3. "Block flying time" means the time between an aircraft first moving from its parking place for the purpose of taking off until it comes to rest on the designated parking position and until all engines are stopped.</p> <p>Therefore the definition should read: ... finally comes to rest at the end of the flight <b>and all engines are stopped</b>. Although Council Directive 2000/79/EC is directed at flight personnel in commercial aviation, for consistency the same definition of "flight time" should be applicable for all types of operation.</p>
response	<p><i>Not accepted</i></p> <p>The definition of block flight time is a different definition for different purposes.</p> <p>The definition of flight time included in this NPA is for licensing purposes, it is consistent with the definition included in JAR-FCL and in ICAO Annex 1 and should be kept.</p>
comment	<p>1002 <span style="float: right;">comment by: <i>Christian Robl</i></span></p> <p>Additions regarding "Flight time":</p> <ul style="list-style-type: none"> <li>- for ultralight planes, the total time from the moment an aircraft first moves for the purpose of taking off until the moment it finally comes to rest at the end of the flight.</li> <li>- documented flight time in an ultralight planes should be credited to a certain amount as flight time in motor gliders</li> <li>- documented flight time in a motor gliders should be credited to a certain amount as flight time in n ultralight planes</li> </ul>
response	<p><i>Not accepted</i></p> <p>Aircraft included in Annex II, such as ultralights, are excluded from the scope</p>

of the Basic Regulation, and therefore also of Part-FCL.

comment 1134 comment by: Schäfer

Hier müssen die dokumentierten Flugzeiten auf UL anrechenbar sein.

response *Not accepted*

Aircraft included in Annex II, such as ultralights, are excluded from the scope of the Basic Regulation, and therefore also of Part-FCL.

comment 1190 comment by: Karge

UL wurden vergessen!

response *Not accepted*

Aircraft included in Annex II, such as ultralights, are excluded from the scope of the Basic Regulation, and therefore also of Part-FCL.

comment 1212 comment by: Dieter Lenzkes

**FCL 010 Definitions, redaktioneller Kommentar**

'Powered sailplane' means an aircraft equipped with one or more engines having, with engines inoperative, the characteristics of a sailplane

'Touring Motor Glider (TMG)' means a specific class of powered sailplane having an integrally mounted, nonretractable engine and a nonretractable propeller

**Problem:**

Die Definition von 'Powered sailplane' ist so allgemein formuliert, dass sie auch den TMG einschließt. Diese Interpretation wird durch die Definition des TMG bestätigt, die den TMG als „...a specific class of powered sailplane ...“ kategorisiert.

In den folgenden Texten ist jedoch der Begriff „powered sailplane“ häufig nicht in diesem umfassenden Sinn verwendet. So wird z.B. in FCL 135.S (a) und FCL 225.S erst im 2. Satz klar, was im ersten Satz mit „...limited to ... powered sailplanes...“ gemeint ist. An anderen Stellen, wie z.B. in FCL 810 (c) (1) sowie in FCL 1005.FE (e) (2) ist dies jedoch nicht eindeutig klar. Dies führt zu Fehlinterpretationen und Verwirrung.

**Vorschlag für Präzisierung:**

Ergänze die Definition für „Powered Sailplane“ wie folgt.

'Powered sailplane' means an aircraft equipped with one or more engines having, with engines inoperative, the characteristics of a sailplane, excluding TMG's (see definition "Touring motor glider").

An allen Textstellen, wo der Begriff "powered Sailplane" im umfassenden Sinn gemeint ist, ergänze:

...powered sailplane including TMG ....

**Alternativer Vorschlag:**

Alternativ ist auch folgende Problemlösung denkbar:

Es wird ein neuer Sammelbegriff „motorglider (deutsch: Motorsegler) mit folgender Definition eingeführt:

**Motorglider** includes powered sailplanes and touring-motorglider (TMG).

Die Definitionen für powered sailplane (deutsch: Motorisiertes Segelflugzeug, oder Segelflugzeug mit Klapptriebwerk) und touring-motorglider (TMG) (deutsch: Touring-Motorsegler) könnten dann so ähnlich bleiben wie im Entwurf vorgeschlagen, mit folgenden Ergänzungen (unterstrichen):

**'Powered sailplane'** means an aircraft equipped with one or more retractable engines or propellers having, with engines inoperative, the characteristics of a sailplane.

**'Touring Motorglider (TMG)'** means a specific class of motorglider having an integrally mounted, nonretractable engine and/or a nonretractable propeller having, with engine inoperative, the characteristics similar to a sailplane

Es muss dann der gesamte Text der Bestimmungen daraufhin kontrolliert werden, ob jeweils der spezifische Begriff oder der Sammelbegriff gemeint ist. Z.B. in:

**FCL.010, definition of flight time**, first hyphen: **motorglider**. However, what is the difference to the 4<sup>th</sup> hyphen "sailplanes"?

**FCL.105.BA/H (a)** touring motorglider is o.k.

**FCL.140.A (a) (2)** touring motorglider is o.k.

**FCL.130.S (a) (2)** touring motorglider is o.k.

**FCL.140.S (a) and (b)** touring motorglider and powered sailplane is o.k.

**FCL.225.S** touring motorglider and powered sailplane is o.k.

**FCL.805** Replace 3x touring motorglider by motorglider.

**Begründung:** Es ist nicht auszuschließen, dass in Zukunft auch motorisierte Segelflugzeuge in der Lage sind leichte Segelflugzeuge und Ul.Gleiter (z.B. Banjo) zu schleppen. Die neuen Lizenzvorschriften sollten eine solche technische Entwicklung nicht behindern. Dies kann insbesondere für reine Segelflugvereine eine interessante Möglichkeit für einen kostengünstigen Betrieb sein

**FCL.915.LAFI (d):** Replace this paragraph by:

In the case of a LAFI for sailplanes and/or powered sailplanes, completed at least 100 hours of flight time as pilot in command and 200 launches as pilot in command on sailplanes and/or powered sailplanes. Additionally, in case the applicant wants to give instruction on touring-motorgliders, he shall complete at least 30 hours of flight time as pilot in command on TMG.

**Begründung:** Diese Korrektur ist zur Präzisierung notwendig wenn obiger Vorschlag für die Definitionen angenommen wird.

**FCL.915.FI (f)** touring motorglider is o.k.

ect.

**Problem:**

Der Begriff „sailplane“ ist eindeutig definiert. Darüber hinaus wird jedoch an mehreren Stellen des Entwurfs für ein Segelflugzeug auch der englische Begriff „glider“ benutzt, z.B. in Appendix 3, D, 13(c). Auch wenn im allgemeinen englischen Sprachgebrauch die Begriffe sailplane und glider die gleiche Bedeutung haben, darf im Bestimmungstext nur der definierte Begriff verwendet werden. Sonst führt dies zur Verwirrung und zu Fehlern bei den

Übersetzungen in die nationalen Sprachen. Definierte Begriffe müssen im Bestimmungstext auch konsequent verwendet werden.

**Vorschlag:**

Das ganze Dokument ist auf die Verwendung des isolierten Begriffes „glider“ zu überprüfen und dieser durch „sailplane“ zu ersetzen.

**Begründung:**

Begriffliche Konsistenz im gesamten Bestimmungstext.

response *Partially accepted*

Thank you for providing your comment.

The Agency has realised that the issue of "powered sailplanes" and "TMGs" has caused some irritation. In order to clarify this issue the Agency has checked the wording used for the whole NPA and will ensure that the TMG will be explicitly mentioned when the requirements are different from the ones for powered sailplanes.

If only the term "sailplanes and powered sailplanes" is used the TMG is automatically included based on the definition provided.

Regarding your different proposals to change the definition for the TMG the Agency does not agree (based on the fact that this definition has to be in line with the certification specifications/CS 22) and will keep the definition proposed. The TMG is clearly a powered sailplane and cannot be separated from the category of powered sailplanes the way you proposed. Please see also the responses provided to the comments No. 42 and No. 268.

Regarding your proposals to change the text in different paragraphs from TMG into Motorglider the Agency does not agree for the same reason.

Regarding your proposal to change FCL.915.LAFI(D) the Agency agrees and will add "and/or powered sailplanes".

The word "glider" is used once in the AMC material. This is clearly a mistake and will be changed.

comment 1232

comment by: *Aeromega*

Interpretation would be helped by defining the term "aircraft" as it is frequently used and can be read to mean aeroplane in some contexts.

response *Accepted*

See reply to comment 282.

comment 1288

comment by: *George Knight*

The definition of aerobatic is inconsistent with other parts of the document. Manoeuvres, which are a normal part of glider instruction and general flying practice to remain current, are inadvertently categorised as aerobatic. I.e.

- Steep stalls,
- Accelerated stalls,



- Practice and demonstration spinning and spiral dives.
- Pushovers to simulate failed winch launches

As drafted the rule would require instructors to have an aerobatic rating to teach the syllabus.

response *Accepted*

The definition has been changed accordingly.

comment 1289

comment by: *George Knight*

### **Cross-Country**

The definition is not appropriate to gliding where:

- The point of departure and arrival are frequently the same.
- The route is not always pre-planned - only the general area in which flight is to be conducted (e.g. Assigned Areas Tasks in competitions).
- Standard navigation procedures as applicable to powered aircraft are not usually used because gliders are not able to fly point-to-point in straight lines, they need to route via areas of lift.

A more usual gliding definition of cross-country flight is, 'out of glide range of the departure airfield'. Some sites define it as more than 5 nm from the departure airfield.

response *Not accepted*

The definition proposed is ICAO consistent, and the Agency considers that it is adequate also for sailplanes.

What you are describing can be included in the definition as it is proposed.

comment 1290

comment by: *George Knight*

### **Flight**

### **Time**

For aeroplanes the definition is incomplete and could be interpreted to exclude taxi time.

response *Not accepted*

The definition proposed is consistent with ICAO Annex 1 and it includes taxi time.

comment 1291

comment by: *George Knight*

### **Powered Sailplane**

The definition does not adequately distinguish between sailplanes able to take-off under their own power and those with self-sustaining engines that are unable to take-off under their own power.

response *Not accepted*

The Agency considers that the definition is adequate. It is also consistent with the definitions used for certification purposes.

comment	<p data-bbox="359 206 427 235">1308</p> <p data-bbox="986 206 1449 235" style="text-align: right;">comment by: <i>Bristow Helicopters</i></p> <p data-bbox="359 257 933 291">Change helicopter flight time definition to:</p> <p data-bbox="359 324 1449 421"><b>Helicopters, the total time from the moment the helicopter first moves under its own power for the purpose of taking off until it finally comes to rest at the end of the flight, and the rotor blades are stopped.</b></p> <p data-bbox="359 454 526 488">Justification:</p> <p data-bbox="359 521 1449 645">The current definition will impact adversely on flight time limitations by increasing flight time due to inclusion of the start up phase. It may also encourage crews to rush the start and system checks to save on flight time with potential impact on flight safety.</p>
response	<p data-bbox="359 672 534 705"><i>Not accepted</i></p> <p data-bbox="359 728 1449 824">The definitions included in this NPA are for licensing purposes. The definition as proposed follows the definition that existed in JAR-FCL 2, and is consistent with ICAO Annex 1.</p> <p data-bbox="359 857 1449 913">Definitions for FTL purposes may be different and proposals for them are included in NPA 2009-02.</p>
comment	<p data-bbox="359 985 427 1019">1322</p> <p data-bbox="1085 985 1449 1019" style="text-align: right;">comment by: <i>Anja Barfuß</i></p> <p data-bbox="359 1041 1449 1160">Co-Pilot: This description is easy to be misunderstood. Please refer to description above about AC required to be operated by co-pilot. If a clear differentiation to training for additional ratings is needed please refer to PIC and PICUS.</p> <p data-bbox="359 1193 1449 1294">PIC: Pilot responsible to operate the AC in order of the registered keeper. In case of training for license or rating the pilot with the valid licence or rating giving the instructions.</p> <p data-bbox="359 1328 1449 1429">PICUS: the word Co-Pilot seem to be misunderstanding in this context. It is not needed that a PICUS only fly AC required to be operated by co-pilot. Training for additional rating/licence is also needed for other class of AC.</p> <p data-bbox="359 1462 1449 1653">PIC Standby: It is common that AC and Gliders not required to be operated by co-pilot be operated with 2 pilots with valid licence or rating to be able to hand over responsibility in case of fatigue. We normally call the second pilot co-pilot, but if this definition is restricted to a special AC-class, it is needed to introduce a new definition. Both are part of the AC crew, and the PIC Standby can become PIC in any phase of the flight.</p> <p data-bbox="359 1686 1449 1910">Cross-Country: This definition covers not all cross-country flights. Especially for gliding it is normal procedure to fly cross-country without fixed planned routes, to be able to follow the best weather conditions. In Germany we use the Definition: 'Flights not in the visibility of the circuit'. For Solo-Training is following definition valid: 'Flights not in sight of the instructor' In this case the requirements according FCL045c2 as to be fulfilled. May I ask to add these two Definitions here?</p> <p data-bbox="359 1944 1449 2045">Dual instruction time: 1) Approx. 40% of flight training in our gliding club is performed in the way that the instructor stay on ground instructing the trainee by watching his manoeuvres and giving instructions via radio. I think this way</p>

of instructing gliding is very common and result from history because two seater training in gliding was established quite late in Germany. This way to train belongs for me to dual instruction time because it should not mixed up with the advanced training where the instructor sign a clearance and the trainee perform the compete training flight alone without instruction. If this is no Dual instruction it is needed to define a definition like: Supervised solo Instruction. 2) Please add for better understanding that it is dual instruction time when PIC and PICUS fly together. Because for extension of privileges of a licence to further class or ratings (see for example FCL135.BA/H a) dual instruction time is requested.

response *Noted*

Definition of co-pilot as proposed is consistent with ICAO Annex 1 and JAR-FCL.

In relation to the definition of cross-country, please see reply to comment 1289.

Dual instruction time:

The situation that you are describing seems to be not dual instruction, but a solo flight under supervision. the definition of Student pilot under supervision that was included in JAR-FCL has been added to this paragraph.

comment 1387

comment by: *Wilfried Müller*

Recorded flying time by Micro Lights (aerodynamically controlled) needs to be added.

Wilfried Müller 27-11-2008

response *Not accepted*

Aircraft included in Annex II, such as ultra-lights, are excluded from the scope of the Basic Regulation, and therefore also of Part-FCL.

comment 1433

comment by: *Nigel Roche*

Throughout the rest of this document it refers to FSTD but there is no entry in FCL010 Definitions for FSTD.

I would recommend in the interest of completeness and understanding an entry for FSTD is given.

response *Noted*

The definition of FSTD is included in the Basic Regulation - Article 3(k) - and therefore does not need to be included in Part-FCL.

comment 1439

comment by: *Nigel Roche*

May I ask why a hot air airship is classified as a balloon? Airships are to a degree manoeuvrable and powered where as balloons move with the air currents. Both have a means of keeping aloft, arguably a hot air airship will run out of fuel to burn to remain airborne, while the gas in the 'gas bag' will remain.

response *Noted*

Thank you for providing your opinion.

However, it should be clarified that an hot-air airship for the purpose of this Part (meaning for the licensing requirements) is defined as a class of balloons due to the fact that a lot of the main handling characteristics and the performance criteria are closer to the operation of a hot-air balloon than a gas airship. This is in line with the concept used for the certification of these two different categories of airships as they will be certified based on two different certification codes.

The Agency took also into account that some of the Member States have already licensing requirements in place which are aligned with the requirements for their balloon license. Some of them have already a kind of rating or extension on the basic balloon licence in place which is a similar system as the one proposed in this Part.

Considering that the licensing requirements for hot-air airships should be aligned with the requirements provided in Subpart C/D and H for the PPL(As) and CPL(As) would mean to initiate a new rulemaking task in order to further investigate the issue. At this stage the Agency will not introduce such a change.

comment 1462

comment by: *Volker ENGELMANN*

Add to Definitions:

**Commercial Flight:**

Commercial flights are flights done by legal companies or conceded individuals in order to make profit. Flights where "customers" pay primary costs for a flight (Rundflug/Selbstkostenflug), done by legalized non profit societys are non commercial flights.

Explanation: The right to fly an aircraft and to share the primary costs is an essential right of European Citizen with a Private Pilote License at present. In comparison it is also legal right to share fuel cost for cars without a special concession (e.G. as a Taxi Driver) in all European Countries.

It is not understandable, why a flight in a legalized non profit flying club, which is not done for the purpose of transportation, but for the purpose of allow other citizen to a short flight should require a Commercial Pilot License.

If this a.m. comment/definition will not be clearly stated in the documents, such flights are only allowed with commercial pilot license.

With my background of a

This will defenetly be the end of private general air traffic in all countries for "normal beings".

Only if it is a goal of the European Government to support commercial flying and to allow "professional Pilots" only to take passengers in order to "kill legalized non profit flying clubs" the a.m comment should be ignored.

response *Not accepted*

The definition of commercial operation is included in the Basic Regulation - Article 3(i) - and therefore does not need to be included in Part-FCL.

comment 1471

comment by: *Stephan Johannes*

	<p>Sehr geehrte Damen und Herren,</p> <p>bitte ergänzen Sie, dass Flugstunden auf dreiachsgesteuerten UL's mit angerechnet werden können.</p> <p>Mit freundlichem Gruß</p> <p>Stephan Johannes</p>
response	<p><i>Not accepted</i></p> <p>Aircraft included in Annex II, such as ultra-lights, are excluded from the scope of the Basic Regulation, and therefore also of Part-FCL.</p>
comment	<p>1496 <span style="float: right;">comment by: Volker ENGELMANN</span></p> <p>The definition of aeroplane includes the word aircraft which is not defined in that para. The definition of aeroplane must include 3-axis Microlights/ Ultralight Aircraft according Annex II. If this aircraft are not included they will not count for flight experience, flight hours etc. although their behavior are sometimes more similar to those in Annex I. Example: Hours for ATPL must include hours flown during military times on a state Airbus A 320. Police Helicopter hours must count for PPL H as well. High Performance Microlight hours, flown in other countries as LSA, must count for PPL A, LPL etc.</p>
response	<p><i>Noted</i></p> <p>Definition of aircraft has been added.</p> <p>As for ultra-lights, as other Annex II aircraft, they are excluded from the scope of the Basic Regulation, and therefore also of Part-FCL.</p> <p>However, in relation to your comment about crediting of flight time, please note that the Agency has amended some of its proposals in this respect. Please see replies to dedicated comments on Subpart B and the amended text.</p> <p>As for credit for military experience, as already mentioned in the NPA, dedicated provisions have been included in the cover regulation. Please see proposed text.</p>
comment	<p>1593 <span style="float: right;">comment by: Helikopter Air Transport GmbH / Christophorus Flugrettungsverein</span></p> <p><b>STATEMENT</b> A lot of important definitions are missing. E.g. pilot-in-command, commander, aircraft, cruise relief pilot a.s.o.</p> <p><b>PROPOSAL</b> Create an Appendix with all the relevant definitions and abbreviations.</p>
response	<p><i>Partially accepted</i></p> <p>Definitions of aircraft and pilot-in-command have been added to FCL.010.</p> <p>Cruise-relief pilot is a term used in OPS, but not in FCL. Therefore, there is no</p>

need to define it in Part-FCL.

The Agency considers that there is no need to have a separate Appendix with definitions.

comment 1666 comment by: *Sven Koch*

Dokumentierte Flugzeiten auf UL müssen angerechnet werden

response *Not accepted*

Aircraft included in Annex II, such as ultralights, are excluded from the scope of the Basic Regulation, and therefore also of Part-FCL.

comment 1740 comment by: *Regierung von Oberbayern-Luftamt Südbayern*

Nach der Definition für "Touring Motor Glider (TMG)" haben diese einen "non-retractable propeller". Bei dem Muster "Stemme S 10" handelt es sich jedoch um einen Motorsegler, obwohl dieser Typ einen einziehbaren Propeller hat. Nach der Definition des "powered sailplane" würde es sich jedoch rechtlich um ein Segelflugzeug handeln.

Wir regen daher an, ein AMC anzufügen, in dem für atypische Flugzeugmuster mit besonderen Flugeigenschaften wie die "Stemme S 10" festgelegt ist, in welche Luftfahrzeugklasse diese rechtlich einzuordnen sind.

response *Noted*

Thank you for providing your opinion.  
Please see the responses provided to the comments No. 42, No. 268 and No. 1212. The Agency will check if such a list could be published as an AMC.

comment 1741 comment by: *Don Macdonald*

Helicopters, the total flight time should be from the moment the helicopter moves under it's own power for the purpose of taking off until the Rotors are stopped at the end of the flight

response *Noted*

Please see reply to comment 1308 above.

comment 1765 comment by: *REGA*

**STATEMENT**

A lot of important definitions are missing. E.g. pilot-in-command, aircraft, cruise relief pilot a.s.o.

**PROPOSAL**

Create a new Appendix with all the relevant definitions and abbreviations.

response *Partially accepted*

See reply to comment 1593.

comment 1894 comment by: *French Army AVN. FTO*

	<p>Flight time :</p> <p>The French army aviation FTO estimates that the time of flight counts as soon as the helicopter moves itself as opposed to NPA 17 suggestion to count as soon as rotor blade turns.</p> <p>That FTO consideration guarantees the quality regarding the training requirements because every planned flight hour is actually performed. We state that this calculating mode provides quality enhancement to the training and as a matter of fact, to trainees.</p> <p>That is the reason why we request that our calculation be considered as meeting EASA requirements.</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 1308 above. The Agency does not intend to change the definition of JAR-FCL at this time.</p>
comment	<p>1910 <span style="float: right;">comment by: <i>Nigel Roche</i></span></p> <p>Throughout the FCL the term "commercial air transportation" is used in regard to privileges of licence. This term is not defined here and is being used for both CPL and ATPL.</p> <p>In JAR-FCL 1 a distinction was made, please see below</p> <p><b>JAR-FCL 1.150 Privileges and conditions</b>  (a) <i>Privileges</i>. Subject to any other conditions specified in JARs, the privileges of the holder of a CPL(A) are to:</p> <ol style="list-style-type: none"> <li>(1) exercise all the privileges of the holder of a PPL(A);</li> <li>(2) act as pilot-in-command or co-pilot of any aeroplane engaged in operations other than commercial air transportation;</li> <li>(3) act as pilot-in-command in commercial air transportation of any single-pilot aeroplane;</li> <li>(4) act as co-pilot in commercial air transportation.</li> </ol> <p><b>JAR-FCL 1.275 Privileges and conditions</b>  (a) <i>Privileges</i>. Subject to any other conditions specified in JARs, the privileges of the holder of an ATPL(A) are to:</p> <ol style="list-style-type: none"> <li>(1) exercise all the privileges of the holder of a PPL(A), a CPL(A) and an IR(A); and</li> <li>(2) act as pilot-in-command or co-pilot in aeroplanes engaged in air transportation.</li> </ol> <p>Although minor such a distinction assisted the explanation to prospective students that the CPL would enable them to be involved in commercial air transport or aerial work but not in air transport if they wished to become an airline captain.</p>
response	<p><i>Partially accepted</i></p> <p>Definition of commercial air transportation added.</p> <p>However, please note that the inconsistency you quote in JAR-FCL was solved in Amendment 7, which was the basis for this NPA.</p>
comment	<p>1932 <span style="float: right;">comment by: <i>SHA Guido Brun</i></span></p>

	<p>Flight time should remain true flight time as opposed to block time as the definitions go.</p> <p>Justification: Many aeroplane- and helicopter maintenance manuals are certified using flight time, not block time. Therefore these terms should not be mixed.</p>
response	<p><i>Not accepted</i></p> <p>The definition of block flight time is a different definition for different purposes.</p> <p>The definition of flight time included in this NPA is for licensing purposes, it is consistent with the definition included in JAR-FCL and in ICAO Annex 1 and should be kept.</p>
comment	<p>1933 <span style="float: right;">comment by: <i>SHA Guido Brun</i></span></p> <p>flight time for helicopters: the total time from the moment a helicopter first moves under its own power for the purpose of taking off until it finally comes to rest at the end of the flight, and the rotor blades are stopped.</p> <p>Justification: impacts adversely on flight time limitations, especially with piston powered helicopters which may need a long time to warm up the engine.</p> <p>Impact on safety as the hours credited are sometimes 25% higher than the actual flight time with no gain in experience.</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 1308 above.</p>
comment	<p>2115 <span style="float: right;">comment by: <i>Heliswiss AG, Belp</i></span></p> <p>A lot of important definitions are missing, e.g. pilot-in-command, aircraft, cruise relief pilot etc.</p> <p><b>PROPOSAL</b> Create a new Appendix with all the relevant definitions and abbreviations.</p>
response	<p><i>Partially accepted</i></p> <p>See reply to comment 1593.</p>
comment	<p>2122 <span style="float: right;">comment by: <i>British International Helicopters</i></span></p> <p>Change helicopter flight time definition to:</p> <p><b>Helicopters, the total time from the moment the helicopter first moves under its own power for the purpose of taking off until it finally comes to rest at the end of the flight, and the rotor blades are stopped.</b></p> <p>Justification:</p> <p>The current definition will impact adversely on flight time limitations by increasing flight time due to inclusion of the start up phase. It may also</p>



	encourage crews to rush the start and system checks to save on flight time with potential impact on flight safety.
response	<p><i>Noted</i></p> <p>Please see reply to comment 1308 above.</p>
comment	<p>2194 <span style="float: right;">comment by: <i>AECA(SPAIN)</i></span></p> <p>To include other definitions. Translate to this part all definitions contained in GM to FCL 010.</p> <p>Justification: Are definitions related with the content of the Regulation. Is not clear the reason to divide the definitions in two parts when all be refered to the same contents.</p>
response	<p><i>Accepted</i></p> <p>Based on the comments received on this segment, the Agency has decided to include in FCL.010 all the definitions that were included in JAR-FCL 1.001/2.001.</p>
comment	<p>2195 <span style="float: right;">comment by: <i>AECA(SPAIN)</i></span></p> <p>New definitions. Include definitios for the following subjects: <b>Aircraft group</b> (new concept (FCL 125(b)) not used in other licensing regulations). <b>Cruise relief co-pilot</b> (as in EU-OPS).</p> <p>If the proposal of my coment number 2194 is not accepted, include in this parte definitions for: <b>Revalidation</b> (as in JAR-FCL) <b>Renewal</b> (as in JAR-FCL).</p> <p>Justification: New terms in licensing regulation. For the last proposal: terms needing definition to clarify and avoid linguistic misinterpretations.</p>
response	<p><i>Noted</i></p> <p>Expression aircraft group in FCL.125 refers to group of balloons, which is defined in FCL.010.</p> <p>As for revalidation and renewal, please see reply to comment 2194 above.</p>
comment	<p>2318 <span style="float: right;">comment by: <i>Susana Nogueira</i></span></p> <p>Translate to this part all definitions contained in GM to FCL 010.</p> <p>Justification: Are definitions related with the content of the Regulation. Is not clear the reason to divide the definitions in two parts when all be refered to the same contents and all parts of the regulation.</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 2194 above.</p>

comment	<p>2319 <span style="float: right;">comment by: <i>Susana Nogueira</i></span></p> <p>Include definitios for the following subjects:  <b>Aircraft group</b> (new concept (FCL 125(b)) not used in other licensing regulations).  <b>Cruise relief co-pilot</b> (as in EU-OPS).</p> <p>If the proposal of my coment number 2316 is not accepted, include in this parte definitions for:  <b>Revalidation</b> (as in JAR-FCL)  <b>Renewal</b> (as in JAR-FCL).</p> <p>Justification:  New terms in licensing regulation.  For the last proposal: terms needing definition to clarify and avoid linguistic misinterpretations.</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 2195 above.</p>
comment	<p>2330 <span style="float: right;">comment by: <i>AECA(SPAIN)</i></span></p> <p>Change helicopter flight time definition to:</p> <p>Helicopters, <b>the total time from the moment in wich the helicopter first moves under its own power for the purpose of taking off until it</b> finally comes to rest at the end of the flight, and the rotor blades are stopped.</p> <p>Justification:</p> <p>The current definition will impact adversely on flight time limitations by increasing flight time due to inclusion of the start up phase. It may also encourage crews to rush the start and system checks to save on flight time with potential impact on flight safety.</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 1308 above.</p>
comment	<p>2372 <span style="float: right;">comment by: <i>Arnold Klapp</i></span></p> <p>Auch die dokumentierten Flugzeiten auf UL (aerodynamisch gesteuert) sollen angerechnet werden</p>
response	<p><i>Not accepted</i></p> <p>Aircraft included in Annex II, such as ultra-lights, are excluded from the scope of the Basic Regulation, and therefore also of Part-FCL.</p>
comment	<p>2431 <span style="float: right;">comment by: <i>Dr. Horst Schomann</i></span></p> <p>Problem 1: According to the definition an "aeroplane" covers a TMG also. But elsewhere in the document the "single-engine piston aeroplane" or "single-engine aircraft" is used and the TMG is separately mentioned. Though the</p>

"aeroplane" should be defined as is and it should be given some examples for participants inside this definition, e.g. single-engine aircraft, TMG.

Problem 2: Why the denotation „sailplane“ is used instead of „glider“, the normally used translation of „Segelflugzeug“? See e.g. "PONS Großwörterbuch für Experten und Universität" (PONS XL Dictionary for Experts and University German-English). You also use "touring motor glider" / TMG.

response *Noted*

Thank you for providing your comment.

The Agency is aware of the specific "definition problem" for the TMG. The comment is right that JAR-FCL introduced a specific class rating for the PPL(A) which is the TMG class rating. The Agency took over this system which means that a TMG class rating will be also available in the future. There is no need to change the definition of aeroplane or to provide certain examples because the definition of aeroplane included in the proposal is the one used already in ICAO Annex 1. The Agency considers it should be maintained without providing specific examples. The Agency will check the wording used for all the aeroplane sections of this Part in order to clarify when the TMG is included (to be added: "and/or TMG").

Regarding your second issue it should be highlighted that the wording "glider" (and the German translation "Segelflugzeug") is well known. The Agency is aware that this term is also used in the ICAO SARPS but as the certification specifications in Europe are already using the term "sailplane" (see CS-22) the Agency decided to use the same wording for consistency reasons.

comment 2458

comment by: *Irv Lee (Higherplane Aviation Training Ltd)*

Proposed Definition of 'Aerobatic flight' means *an intentional manoeuvre involving an abrupt change in an aircraft's attitude, an abnormal attitude, or abnormal acceleration, not necessary for normal flight.* Subpart I, FCL.800 means that a valid aerobatic rating has to be held by anyone involved in 'aerobatic flight' by this definition.

The proposed EASA definition of 'aerobatic flight' would mean that manoeuvres currently contained within the initial PPL or LPL syllabus will become defined as "aerobatic". Example of such manoeuvres are: Stalling and Recovery, Spiral Dive Recovery, Practising Engine Failure after Take Off, Practising Engine Failure and Forced Landings, and many more, some aircraft type dependent. None of these manoeuvres are 'necessary for normal flight' and would therefore be 'aerobatic'.

This will have serious cost consequences for Flight Instructors needing to obtain an EASA Aerobatic rating and maintain it to teach the full PPL and LPL syllabus. Examiners will need an EASA Aerobatic Rating to test for PPL and LPL.

Qualified pilots will need an EASA aerobatic rating to practice manoeuvres considered useful to their safety skills set.

There could be serious insurance implications where insurers redefine what they consider to be normal insurance risks.

There could be serious conflicts between EASA definitions and Manufacturers

	<p>definitions of what the aircraft is capable of. Please consider a redefinition of aerobatic as follows: "Aerobatic Flight includes manoeuvres such as loops, spins, rolls, bunts, stall turns, inverted flying and any similar manoeuvre, but never at any time includes any manoeuvre considered to be a normal part of an initial course syllabus for an EASA licence."</p>
response	<p><i>Partially accepted</i></p> <p>Definition of aerobatic flight has been changed.</p>
comment	<p>2711 <span style="float: right;">comment by: <i>BMVBS (German Ministry of Transport)</i></span></p> <p>Numerous definitions under this paragraph contain the word "aircraft". A definition of the word "aircraft" however is missing.</p> <p>The definition of the word "aeroplane" appears to comprise powered sailplanes and TMGs as well. One solution would be to add to the definition of aeroplane the term .... other than a powered sailplane or a touring motor glider.</p>
response	<p><i>Partially accepted</i></p> <p>Definition of aircraft has been added.</p>
comment	<p>2797 <span style="float: right;">comment by: <i>Frank Gesele</i></span></p> <p>Anerkennung von Flugstunden zur Verlängerung der Lizenz</p> <p>Problem: Stunden auf Annex II Flugzeugen werden nicht anerkannt</p> <p>Lösung: Stunden auf Annex II LFZgen werden explizit genauso anerkannt</p> <p>Begründung: Der Annex II wurde eingeführt um die Wartung bei Oldtimern und Experimentals handhabbar zu gestalten. Sinn ist also die Herausnahme aus den CAMO-Regelungen. Das ist gut und richtig !</p> <p>Im Flugbetrieb unterscheiden sich diese aber nicht von anerkanntem Fluggerät. Es werden viele Oldtimer und auch Experimentals betrieben und viele Piloten fliegen fast nur auf solchen Flugzeugen. Die in Übung Haltung ist damit genauso gewährleistet und deshalb sollten die Flugstunden darauf gleichberechtigt in die Stundenzahlen zur Scheinerhaltung einfließen</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 1496 above.</p>
comment	<p>2833 <span style="float: right;">comment by: <i>Dave Sawdon</i></span></p> <p>The definition of Aerobatic Flight does not permit stall, spin and spiral dive training by instructors who have not been approved as aerobatic instructors. It also does not permit practice of these manoeuvres by pilots without an aerobatic rating. Clearly this is an error which needs to be resolved, preferably with the addition of an exclusion to permit the items listed above.</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 2458 above.</p>

comment	<p>2841 <span style="float: right;">comment by: PPL/IR Europe</span></p> <p>'Aerobatic flight': it might be useful to include a clarification that manoeuvres necessary for flight training, as permitted by an aircraft's AFM, are exempt from the Aerobatic flight definition. The current definition, for example, might (by definition) preclude training in recovery from abnormal attitudes.</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 2458 above.</p>
comment	<p>2843 <span style="float: right;">comment by: PPL/IR Europe</span></p> <p>Definition of "Flight time under IFR" and "Instrument flight time".</p> <p>These are the conventional definitions and we have no comment on them. However, over the years, there has been some variation in when "IFR time" vs "actual instrument time" is required, and how pilots log such time. For example, some pilots may have only logged one or the other.</p> <p>We believe a common "exchange rate" between the two, applied by various NAAs, has been 4:1: ie. 1hr of "instrument flight time" can count as 4hrs of "flight time under IFR" and vice-versa.</p> <p>We believe it would be helpful and clarifying if this equivalency were to be formalised in the definitions.</p>
response	<p><i>Not accepted</i></p> <p>There is a difference between both concepts, and they should not be mixed.</p> <p>Instrument flight time does not necessarily have to be flown under IFR. Therefore, a fixed exchange rate between the two concepts does not make sense.</p>
comment	<p>2850 <span style="float: right;">comment by: Jeremy Hinton</span></p> <p>'Solo Flight Time' : might this definition apply to qualified as well as student pilots?</p>
response	<p><i>Noted</i></p> <p>Once a pilot is qualified, flight time is included under other categories.</p> <p>Therefore, the definition of solo flight time is only relevant for student pilots.</p>
comment	<p>2901 <span style="float: right;">comment by: AECA(SPAIN)</span></p> <p>Following terms/items are used in the proposal text but have no definition. Definitions to be added:</p> <ul style="list-style-type: none"> <li>Aircraft</li> <li>FSTD</li> <li>Glider</li> <li>Sector</li> <li>SPIC (student pilot in command): to be restricted for instrument time only (see</li> </ul>

	<p>also 10b of Appendix 3 -p.82) Approved training organisation:who can approve ?</p> <p>Definitions to be completed: Instrument flight time: to add ".....and without external reference points" Pilot-in-command under supervision: to add "...with a method of supervision acceptable to te competent Authority".</p> <p><i>This addition to the PICUS definition is important as it appears that in real life, flight time as copilot is often credited as PICUS.</i></p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 282 above.</p>
comment	<p>3029 <span style="float: right;">comment by: <i>Frank Schweppe</i></span></p> <p>Add a clear definition of 'commercial air transport', specifically which types of aircraft this concerns. I suggest that this category does not include any non-powered type of aircraft (i.e. balloons, gliders, parapentes, hang gliders etc.).</p> <p>text:</p> <ul style="list-style-type: none"> <li>- 'Commercial air transport' for the purpose of these rules does not include any form of flight with a non-powered aircraft (balloon, glider etc.).</li> <li>- 'commercial privileges' means the authorization to act as pilot in command for remuneration in any type of aircraft, which is not necessarily the same as piloting a craft involved in commercial air transport. I.e. a pilot flying certain classes/groups of non-powered craft with passengers for hire is exercising commercial privileges, but is not engaging in commercial air transport.</li> </ul>
response	<p><i>Partially accepted</i></p> <p>Definition of commercial air transportation has been added.</p>
comment	<p>3045 <span style="float: right;">comment by: <i>PAL-V Europe</i></span></p> <p><b>FCL.010 Definition</b></p> <p>Addition: "Gyroplane" : An aircraft that is supported in flight by unpowered rotating horizontal wings (or blades); forward propulsion is provided by a conventional propeller</p>
response	<p><i>Not accepted</i></p> <p>Thank you for providing your comment. However, the Agency will not add specific licensing requirements for pilots of gyroplanes because so far this class of aircraft falls clearly under the Annex II definition of the Basic Regulation.</p>
comment	<p>3103 <span style="float: right;">comment by: <i>Swiss Power Flight Union</i></span></p> <p>Add under "definitions" that the terms "pilot", "student", "commander" and so on cover female and male protagonists.</p> <p>And: Please unify your licence descriptors: LPL(A)</p>

LPL(S)  
LPL(B)  
LPL(As)  
LPL(H)

Basic LPL(A) and so on...

The same procedure for CPL and ATPL as required.

Justification: The descriptors actually used are confusing.

Please add the definition of "commercial operations" of (EC) 216/2008 and give us hints how to use it.

Justification: Trying to understand (EC) 216/2008, art. 1, letter (i) nearly all flights performed have to be classified as "commercial operations".

Please add a definition of "supervised solo flight"!

Justification: We want to know where the FI is during a "supervised solo flight": On ground or also in the air with the student pilot, observing the work done.

And: Take out all "commercial" of the PPL!

Justification: We think it is not a good idea to allow PPL holders to act against remuneration, looking at the definition of "commercial operations" in EC 216/2208, art. 3, letter (i). Create one licence not allowing any remuneration and one allowing it.

Add:

"Class of helicopter" means a categorisation of single-pilot helicopters not required a type rating, in accordance with the operational suitability certificate issued in accordance with Part-xx.

Change:

„Type of aircraft“ with „Type of aeroplane“ means all aeroplane of the same ....

Add:

"Type of helicopter" means all helicopters of the same basic design including all modifications thereto except those which result in change in handling or flight characteristics.

response

*Not accepted*

The Agency considers that the terms pilot, student etc. are gender-neutral.

Our licence descriptors are consistent. We do not understand your comment.

Definition of commercial operation is included in the Basic Regulation, so it does not have to be included in Part-FCL. It automatically applies.

When the instructor is on board the aircraft, then it is dual instruction time.

The definition of commercial operation is not relevant for the determination of the privileges associated to a licence.

As for your comment on the privileges of the PPL, please see replies to dedicated comment in Subpart C.

The concept of class does not exist for helicopters. This was the system in JAR-FCL, and the Agency does not intend to change it.

Definition of type of aircraft has been changed. Please see amended text. However, the Agency does not consider that there is the need for a different definition for aeroplanes and helicopters.

comment	3104	comment by: <i>Swiss Power Flight Union</i>
	Remark 1: TMG not treated in all paragraphs where it is necessary!	
	Remark 2: Crediting of hours flown on "Annex II" aircraft must be regulated!	
response	<i>Noted</i>	
	1. Noted. The Agency has amended the text in several places, as a result of dedicated comments. Please see amended text.	
	2. Noted. Please see reply to comment 1496 above.	
comment	3153	comment by: <i>Susana Nogueira</i>
	When a definition is to in Annex 1 should be identical. Unnecessary differences are to be avoided.	
response	<i>Noted</i>	
	The Agency followed Annex 1 and JAR-FCL as closely as possible.	
comment	3154	comment by: <i>Susana Nogueira</i>
	Following terms are used in proposal but not have definition: Aircraft FSTD Glider Sector Student pilot in command Approved training organization.	
response	<i>Noted</i>	
	Please see reply to comment 282 above.	
	The Agency considers that a definition of approved training organisation is not needed.	
comment	3155	comment by: <i>Susana Nogueira</i>
	Complete definition of 'Instrument flight time' adding: '...and without external reference points.'	
response	<i>Noted</i>	



Please see reply to comment 282 above.

comment 3156 comment by: *Susana Nogueira*

Complete definition of 'Pilot-in-command under supervision (PICUS)', adding: '*...with a method of supervision acceptable to the competent Authority*'

response *Not accepted*

Thank you for providing your opinion.

However, the Agency considers that the addition proposed to the definition of PICUS is not necessary.

comment 3228 comment by: *Susana Nogueira*

Insert definition of 'variant'.

response *Not accepted*

The Agency will publish a list of class and type ratings where this concept will be explained.

comment 3353 comment by: *DGAC FRANCE*

FCL.010 Definitions

A lot of definitions within this paragraph deviate from ICAO definitions. Except when there is a strong reason for that, we think the definitions must be in compliance with the annex 1 definitions to avoid creating difficulties to demonstrate in the future compliance with the SARP.

response *Noted*

The Agency followed Annex 1 and JAR-FCL as closely as possible.

comment 3376 comment by: *DGAC FRANCE*

FCL.010 Definitions

Comment:

The **Flight Simulation Training Device (FSTD)** definition is missing and in Part FCL we are referring many times to FSTD, which is the new regulation of CS -FSTD

Proposition, add this definition :

**Flight Simulation Training Device (FSTD).**

**A training device which is a Full Flight Simulator (FFS), a Flight Training Device (FTD), a Flight & Navigation Procedures Trainer (FNPT).**

response *Not accepted*

The definition of FSTD is included in Article 3 of the Basic Regulation; it automatically applies to Part-FCL.

comment

3511

comment by: *Luftfahrt-Bundesamt*

FCL.010:

Is it the intention of EASA to have different definitions for „Multi Pilot Aeroplane“ and „Multi Pilot Helicopter“ and what would be the reasons?

We consider the definition of a 'multi pilot helicopter' to be in conflict with the definition of a single pilot aircraft with regard to the licensing requirements. If a helicopter is defined as a 'single pilot helicopter' according to the certification specification, it cannot as well be defined as a 'multi pilot helicopter' due to another specification (e.g. AOC). There are very few 'multi pilot helicopters' by means of certification

The definition of a multi-pilot helicopter is very ambiguous despite EASA's intention laid down in the explanatory note in NPA 2008-17a, A, IV, No 43. Lots of helicopters that could be used in multi pilot operation might even be defined as single pilot helicopters according to the definition of single pilot helicopters given here. This ambiguity might lead to different readings by authorities, pilots, instructors and examiners in respect to licensing (see our comment on FCL.510.H), instruction and/or examination (see our comment on FCL.520.H). The missing of an unambiguous definition of a multi pilot helicopter and the missing of a definite list of multi pilot helicopters, respectively, allows for a broad variety of procedures, methods, and policies with regard to instructor ratings, IR ratings, skill tests etc. and thus is undermining the concept of a level playing field among the EU Member States. Please note our comments on FCL.510.H and 520.H

response

*Noted*

The definition of 'multi-pilot helicopter' follows the definition given in JAR-FCL 2.001.

It is intended to include not only helicopters that are certificated to operate with 2 pilots, but also helicopters that, even though certificated as single-pilot are operated with 2 pilots because of operational requirements.

comment

3536

comment by: *Swiss Power Flight Union*

Please add definitions of what the Agency thinks "commercial air transport", "commercial operations", "non-commercial operations" and "remuneration" are!

Justification: With the definition in the Basic Regulation nothing is clear, taking the necessary closer look at it in dealing with FCL.

response

*Partially accepted*

Definition of commercial air transport has been added.

As for the definition of commercial operation, it is included in the Basic Regulation - Article 3(i) - and automatically applies to Part-FCL. Non-commercial operation is any operation that is not a commercial operation.

As for the definition of remuneration, the Agency considers that it should be

left to the legal and judicial system of the Member States.

comment

3622

comment by: *M Wilson-NetJets*

FCL.010

- Appears to rule out abnormal attitude or spin recovering training from the syllabus for normal flight training, which clearly is not the intention

Suggestion:

aerobatic add ", or training for normal flight"

- The use of defined terms in the body of the document would be clearer if defined words were capitalised in the NPA text. For example, the use of the term "class" in the text does not make it clear that it is intended to be understood as "Class of Aircraft" in the definitions.

Suggestion:

Change all defined words so that they start with a capital letter in the body of the NPA text

- Missing definition for Normal Flight

Suggestion:

Add definition of "Normal Flight"

response

*Partially accepted*

Definition of aerobatic flight has been changed to make it more clear.

Please note the spin recovery training is not part of the normal flight training syllabus, except in the case of instructors.

comment

3679

comment by: *OAA Oxford*

Definition of aerobatic flight appears to rule out abnormal attitude or spin recovery training from the syllabus for normal flight training, which is clearly not the intention. Suggestion: add ", or training for normal flight" after "not necessary for normal flight"

response

*Noted*

Please see reply to comment 2458 above.

comment

3680

comment by: *OAA Oxford*

The use of defined terms in the body of the document would be clearer if defined words were capitalised in the NPA text. For example, the use of the term "class" in the text does not make it clear that it is intended to be understood as "Class of Aircraft" in the definitions. Suggestion: change all defined words so that they start with a capital letter in the body of the NPA text.

response	<p><i>Not accepted</i></p> <p>The Agency considers that this is not necessary.</p>
comment	<p>3681 <span style="float: right;">comment by: OAA Oxford</span></p> <p>Missing definition for normal flight. Suggestion: add definition of normal flight as follows: flight and flight manouvres that are required in order to fly any particular aircraft from point to point.</p>
response	<p><i>Noted</i></p> <p>The definition of aerobatic flight has been changed.</p> <p>The Agency considers that a definition of normal flight is not necessary.</p>
comment	<p>3752 <span style="float: right;">comment by: AECA helicopters.</span></p> <p>To include definition of "Mountain Operations".</p>
response	<p><i>Not accepted</i></p> <p>The circumstances where a mountain rating is required are clear from the text of FCL.815.</p> <p>A mountain rating is required only to conduct flights to and from surfaces designated by the Member State where they are located as requiring such a rating. The concept of mountain operations isn't even used in Part-FCL.</p>
comment	<p>3759 <span style="float: right;">comment by: DGAC FRANCE</span></p> <p>FCL 010 Definitions</p> <p>Comment :</p> <p>It must be stated in this regulation (Part FCL) that when the text refers to a licence, a rating or certificate, it means a <b>valid</b> licence, rating, or certificate.</p> <p>Otherwise, the whole NPA must be reviewed to specify explicitly "valid" everywhere.</p> <p>Proposition, add 3 definitions :</p> <p><u>- "licence" means "valid licence".</u></p> <p><u>- "rating" means "valid rating".</u></p> <p><u>- "certificate" means "valid certificate".</u></p>
response	<p><i>Not accepted</i></p> <p>The Agency considers that it is not necessary to make this precision. References to licences are of course to valid licences.</p> <p>When that is not the case, the requirement is "to hold or have held a licence".</p>
comment	<p>3811 <span style="float: right;">comment by: DGAC FRANCE</span></p> <p>FCL. 010 Definitions</p>

	<p>Comment : Acronym FSTD is used a lot of time</p> <p>Proposition : a definition (or cross reference) should be done.</p>
response	<p><i>Noted</i></p> <p>The definition of FSTD is included in the Basic Regulation - Article 3(k) - and therefore does not need to be included in Part-FCL.</p>
comment	<p>3812 <span style="float: right;">comment by: DGAC FRANCE</span></p> <p>FCL 010. Definition</p> <p>Comment :</p> <p>The word "variant" is used a lot of time. This word has a great impact on understanding on training ! It is used in Certification, OPS, FCL and Part 21 and the meaning is not harmonized ! Either a specific definition in each field for the purpose of the regulation, or a single definition would be better.</p> <p>Proposition : a definition (or cross reference) should be done.</p>
response	<p><i>Not accepted</i></p> <p>The definition of variant was not included in JAR-FCL. Furthermore, the Agency considers that the term is clear from the paragraph where it is mentioned. In addition, this will be part of the operational suitability data as defined in accordance with Part-21.</p>
comment	<p>3990 <span style="float: right;">comment by: Airbus</span></p> <p><b><u>Page 3 FCL.010:</u></b></p> <ul style="list-style-type: none"> <li>• <b>Comment:</b> BITD definition should be identical to the one from CS-FSTD(A) provided in NPA 2008-22d.</li> <li>• <b>Proposal:</b> Delete last sentence, which states: „ Each BITD shall comply with a specific BITD model and be a serial number unit.”</li> </ul>
response	<p><i>Accepted</i></p> <p>Text will be amended accordingly.</p>
comment	<p>3991 <span style="float: right;">comment by: Airbus</span></p> <p><b><u>Page 5 FCL.010 “Type of aircraft”:</u></b></p> <ul style="list-style-type: none"> <li>• <b>Comment:</b> definition is not appropriate. The determination whether an aircraft requires a type rating or is “same type” is made under Part 21.</li> <li>• <b>Proposal:</b> Amend the definition as follows to read something similar to definition of “Class of aeroplane”  “ Type of aircraft means an aircraft requiring a type rating as defined in the operational suitability certificate issued in accordance with Part 21”</li> </ul>
response	<p><i>Partially accepted</i></p>

The definition has been changed.

comment

4175

comment by: *Luftsportverband Rheinland Pfalz*

Flight time: Die Flugzeiten auf aerodynamisch gesteuerten Ultraleichtflugzeugen müssen in die Definition mit aufgenommen werden. Nur dann können diese Flugzeiten bei den Bedingungen für Verlängerungen, Lehrberechtigungen usw. anerkannt werden.

Bitte in die Definitionen aufnehmen:

- Non commercial operations:

Selbstkostenflüge bis zu maximal 4 Personen sind Non commercial operations.

Begründung:

Mit diesen Flügen wird vielen Bürgern, kostengünstig ermöglicht an einem sehr individuellen Erlebnis "Fliegen" teilzuhaben. Es wäre sehr schade und dem Luftsportgedanken abträglich, wenn solche kostengünstige Selbstkostenflüge nicht mehr möglich wären.

Diese Flüge fördern in der Bevölkerung auch die Akzeptanz für die gesamte Luftfahrt. Menschen, die der Luftfahrt verbunden sind, haben weniger Probleme mit Lärm oder anderen Beeinträchtigungen durch die gesamte Luftfahrt.

- Approved Training Organisation: Eine "approved training organisation" kann aus einem Zusammenschluß mehrere Untereinheiten bestehen. Die Ausbildung kann an mehreren Ausbildungsstätten (Flugplätzen) erfolgen. Die Verwaltung und Weiterbildung erfolgt zentral.

In Deutschland sind viele Landesverbände Flugschulen mit einer globalen Ausbildungsgenehmigung für das gesamte Bundesland. Diese Praxis hat die Ausbildung im Ehrenamt erleichtert, da hierdurch ein problemloser Austausch von Fluglehrern und Flugschülern von einem zum anderen Verein problemlos möglich war. Bürokratische Vorgänge entfielen, was sehr positiv für die Ausübung des Luftsportes ist. Die Flugschulen der Landesverbände mit der globalen Ausbildungsgenehmigung für das jeweilige Bundesland müssen daher in der Definition "Approved Training Organisation berücksichtigt, enthalten oder als eine Approved Training Organisation anerkannt sein.

response

*Noted*

Thank you for providing your opinion.

Regarding the flight time on micro-lights: see response to comment No. 409.

A definition of non-commercial operation will not be included as the definition of commercial operation is already included in the Basic Regulation - Article 3(i) - and automatically applies to Part-FCL. Non-commercial operation is any operation that is not a commercial operation.

As for the definition of remuneration, the Agency considers that it should be left to the legal and judicial system of the Member States.

The Agency has understood the system explained for the organisational structure of different small ATOs in your country. As these Implementing Rules will not specify the type of ATO nor does it contain any requirement how such a structure should look like the Agency would like to recommend to study the responses which will be provided to the comments received for Part OR (Organisational Requirements) contained in NPA 2008-22.

comment	<p>4182 <span style="float: right;">comment by: <i>SFG-Mendig</i></span></p> <p>Flugzeiten auf aerodynamisch gesteuerten Luftsportgeräten sollten als Flugzeiten auf Aeroplanes anrechnen.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion. See the response to comment No. 409 in the same segment above.</p>
comment	<p>4197 <span style="float: right;">comment by: <i>Deutscher Aero Club (DAeC)</i></span></p> <p>Comment: According to the definition, a Touring Motor Glider is a powered sailplane. The other types of powered sailplanes (which in JAR FCL are defined as Self Sustained Gliders and as Self Launching Gliders) are only defined by default, as being "non TMG" powered sailplanes. This leads to some ambiguities in the definition of privileges of the LPL(S) and SPL (See our comments on FCL.105.S, FCL.135.S, FCL 205.S and FCL.235.S) Therefore, DAeC believes that a clear definition of every type of powered sailplane should be included in the definitions.</p> <p>DAeC Proposal</p> <p>A powered sailplane is a glider equipped with an engine. There are three types of powered sailplanes:</p> <ul style="list-style-type: none"> <li>• Touring Motor gliders (TMG) which have an integrally mounted, non-retractable engine and non-retractable propeller ...</li> <li>• Self launched gliders which have a retractable engine or a retractable propeller and are capable of taking off and climbing under their own power. When the engine is inoperative, they have the characteristics of a pure sailplane.</li> <li>• Self Sustained gliders which must be launched like a pure sailplane not equipped with an engine, but can climb slowly to extend a flight once the engine or the propeller is deployed and started. When the engine is inoperative, they have the characteristics of a pure sailplane.</li> </ul>
response	<p><i>Not accepted</i></p> <p>Thank you for providing your opinion. Please see the responses provided to the comments No. 42, No. 268 and No. 1212. Your comment is right with the explanation of the three different "types" of powered sailplanes but the Agency does not believe that this distinction is necessary. The text will be reviewed in order to clarify when the TMG is included (when the term "powered sailplanes" is used) or when the TMG should be excluded.</p> <p>It should be highlighted that the Agency is of the opinion that following your proposal and introducing at this stage the two additional "types of powered sailplanes" ("self-launching powered sailplanes" and "self sustaining powered sailplanes") would even more complicate the wording of the Implementing Rules.</p>

comment 4283 comment by: *Baden-Württembergischer Luftfahrtverband*

FCL.010

**Wording in the NPA**

'**Aeroplane**' means an enginedriven fixedwing aircraft heavier than air, that is supported in flight by the dynamic reaction of the air against its wings.

**Issue with current wording**

It is not quite clear if this definition includes touring motor glider or not. In many passages of the NPA we find „aeroplane or TMG“ (e.g. FCL.110.BA/H(a) )indicating that TMG and aeroplanes are different. On the other hand in FCL.135.BA/H only „aeroplanes“ is mentioned although surely this paragraph also explains the requirement to extend the privileges to touring motor gliders. So here the word „aeroplane“ seems to include the touring motor glider.

In some passages the notion „single engine piston aeroplane“ is used (e.g. FCL.915.FI(c)(2). This notion seems to clearly stand for a class that does not include TMG. This should be added to the definitions in FCL.010. Then the three notions „aeroplane“, „single engine piston aeroplane“ (SEP) and „touring motor glider“ (TMG) should be clearly defined and used systematically. The combination „aeroplane or TMG“ used widely throughout the document is somewhat confusing.

response *Noted*

Thank you for providing your comment.

The Agency is aware of the specific "definition problem" for the TMG. JAR-FCL introduced a specific class rating for the PPL(A) which is the TMG class rating. The Agency took over this system which means that a TMG class rating will be also available in the future.

There is no need to change the definition of aeroplane or to provide certain examples (like SEP or TMG) because the definition of aeroplanes included in the proposal is the one used already in ICAO Annex 1. The Agency considers it should be maintained without providing specific examples. The Agency will check the wording used for all the aeroplane sections of this Part in order to clarify when the TMG is included (to be added: "and/or TMG") and to guarantee a consistent approach as requested in your comment.

comment 4284 comment by: *Baden-Württembergischer Luftfahrtverband*

FCL.010

**Wording in the NPA**

'**Powered sailplane**' means **an aircraft** equipped with one or more engines having, with engines inoperative, the characteristics of a sailplane.

**Our Proposal**

**Change:**

'Powered sailplane' means **a sailplane** equipped with one or more engines having, with engines inoperative, the characteristics of a sailplane

**Issue with current wording**

The relationship between sailplanes and powered sailplanes is not clear enough

**Rationale**

It should be completely clear that if the category ‚sailplanes‘ is mentioned in the following regulation the subclass powered sailplanes is always included



	except when explicitly excluded. The above proposed wording makes this relationship more clear.
response	<p><i>Not accepted</i></p> <p>The Agency considers that the definition proposed in the NPA is adequate.</p>
comment	<p>4398 <span style="float: right;">comment by: <i>Bond Offshore Helicopters</i></span></p> <p>Change helicopter flight time definition to:</p> <p>Helicopters, <b>the total time from the moment the helicopter first moves under its own power for the purpose of taking off until it</b> finally comes to rest at the end of the flight, and the rotor blades are stopped.</p> <p>Justification:</p> <p>The current definition will impact adversely on flight time limitations by increasing flight time due to inclusion of the start up phase. It may also encourage crews to rush the start and system checks to save on flight time with potential impact on flight safety.</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 1308 above.</p>
comment	<p>4459 <span style="float: right;">comment by: <i>ECA- European Cockpit Association</i></span></p> <p>References to PART-21 were found many times in the document without explanation of what Part-21 means exactly. Nowadays, Part 21 does not contain anything related to these cross-references, as the 21.039 WG has not finish the rulemaking task yet. Therefore, ECA cannot agree on a text that leaves to or refers to requirements that currently are not in the regulation, as this then means the requirement is none. Unless Part 21 is finish with clear cross-references, any license related requirement should stay in Part FCL.</p>
response	<p><i>Noted</i></p> <p>NPA 2009-01 was published during the consultation period for this NPA.</p> <p>After the revision of comments to NPA 2009-01, the Agency has revised the references related to the operational suitability data and to Part-21 made in Part-FCL to ensure that they are consistent and complete.</p>
comment	<p>4461 <span style="float: right;">comment by: <i>ECA- European Cockpit Association</i></span></p> <p>Add the following definitions:</p> <p><b>Conversion (of a licence):</b> The issue of a Part FCL licence on the basis of a licence issued by a third country.</p> <p><b>Private pilot:</b> A pilot who holds a licence which prohibits the piloting of aircraft in operations for which remuneration is given.</p> <p><b>Professional pilot:</b> A pilot who holds a licence which permits the piloting of aircraft in operations</p>

	<p>for which remuneration is given</p> <p>Justification: These are very important definitions, which are not defined in the rule anywhere else.</p> <p>There are some other definitions missing from JAR-FCL, that are really useful for clarifications, like SPIC. The proposal is to keep the rest of the definitions in JAR-FCL, as it helps interpretation of the rules. There is no safety reason to delete them.</p>
response	<p><i>Noted</i></p> <p>The Agency considers that definition of conversion is not necessary. It will be clear from the text of the transition measures and Annex III, and the provisions of the licensing cover Regulation.</p> <p>Definition of private pilot has been added. The definition of professional pilot should then be clear and does not need to be added. The privileges given by the different licences are clear enough.</p>
comment	<p>4494 <span style="float: right;">comment by: ECA- European Cockpit Association</span></p> <p>Delete word: 'Competency' means a combination of skills, <del>and</del> knowledge <del>and</del> attitude required to perform a task to the prescribed standard.</p> <p>Justification: When setting up requirements for a license, it must be very clearly defined what the meaning of key words . Either attitude is defined or there is a need to drop it. We can assess knowledge, we can test the skill, but without a definition of "attitude", how could we possibly establish the competency based on something not measurable or with no defined criteria. Attitude is not a licence issue. In order to assess the competency of a pilot, clear understanding of what is required to pass fail the evaluation is a must.</p>
response	<p><i>Not accepted</i></p> <p>The definition given in the NPA is consistent with ICAO Annex 1 and JAR-FCL.</p>
comment	<p>4524 <span style="float: right;">comment by: Baden-Württembergischer Luftfahrtverband</span></p> <p>FCL.010 <b>Wording in the NPA</b> 'Aeroplane' means an engine driven fixed wing aircraft heavier than air, that is supported in flight by the dynamic reaction of the air against its wings.</p> <p><b>Our Proposal</b> <b>Add:</b> 'Single Engine Piston Aeroplane (SEP)' means an aeroplane driven with a single engine of the type piston which is not a touring motor glider and not listed in Annex II of the basic regulation.</p> <p><b>Issue with current wording</b> The notion 'single Engine Piston Aeroplane' is used through out this NPA but the exact definition is missing.</p>

**Rationale**

In some passages the notion „single-engine piston aeroplane“ is used (e.g. FCL.105.BA/H(a) ). This notion seems to clearly stand for a class that does not include TMG. This should be added to the definitions in FCL.010. Then the three notions „aeroplane“, „single engine piston aeroplane“ (SEP) and „touring motor glider“ (TMG) should be clearly defined and used systematically. The combination „aeroplane or TMG“ used widely throughout the document is somewhat confusing. Aeroplane sometimes is used in the sense of the above definition for SEP sometimes it stands for all powered fixed wing aircraft.

response *Not accepted*

The Agency considers that the expression SEP is self-explanatory. A definition is not needed.

comment

4528

comment by: *Icelandic CAA*

Definitions for the following terms should be added and should reflect ICAO Annex 1.

- Aircraft
- Glider (vs. sailplane)
- Pilot-in-command
- Pilot-in-command under supervision (PICUS). *The definition should include that this is to be done in accordance with a method of supervision acceptable to the competent authority.*
- Rendering a licence valid

response *Noted*

Please see reply to comment 282 above.

comment

4544

comment by: *Deutscher Aero Club*

FCL.010 Definitions

Comment:

There is no definition of the proficiency check and of the skill test. Here Instead these definitions "are hidden" in GM to FCL.010 (page 170). Since these definitions are important we would prefer to have them transferred here. We also believe that instructors should be allowed to perform proficiency checks (see our comment on page 16).

EGU Proposal:

Transfer the definitions of skill tests and proficiency checks from the GM to FCL 010

response

*Accepted*

Based on the comments received on this segment, the Agency has decided to include in FCL.010 all the definitions that were included in JAR-FCL 1.001/2.001.

comment

4546

comment by: *Deutscher Aero Club*

FCL 010 - Definition of a TMG:

"A touring motor glider (TMG) means a specific class of powered sailplane having an integrally mounted, non retractable engine and non retractable propeller. ..."

Comment:

According to the definition, a Touring Motor Glider is a powered sailplane. The other types of powered sailplanes (which in JAR FCL are defined as Self Sustained Gliders and as Self Launching Gliders) are only defined by default, as being "non TMG" powered sailplanes. This leads to some ambiguities in the definition of privileges of the LPL(S) and SPL (See our comments on FCL.105.S, FCL.135.S, FCL 205.S and FCL.235.S) Therefore, EGU believes that a clear definition of every type of powered sailplane should be included in the definitions.

EGU Proposal

A powered sailplane is a glider equipped with an engine. There are three types of powered sailplanes:

- Touring Motor gliders (TMG) which have an integrally mounted, non-retractable engine and non-retractable propeller ...
- Self launched gliders which have a retractable engine and/or a retractable propeller and are capable of taking off and climbing under their own power. When the engine is inoperative, they have the characteristics of a pure sailplane.
- Self Sustained gliders which must be launched like a pure sailplane not equipped with an engine, but can climb slowly to extend a flight once the engine or the propeller is deployed and started. When the engine is inoperative, they have the characteristics of a pure sailplane.

response *Not accepted*

Thank you for providing your opinion.

Please see the response provided to comments No. 4197 and No. 4283 in the same segment above.

comment 4555

comment by: *Irish Aviation Authority*

***There is no definition for "FS = Flight Simulator" or "OTD = Other Training Devices" - see page 128 in Appendix 9.***

response *Partially accepted*

Definition of OTD has been added.

A FS is what is defined in the NPA as FFS. The Agency will conduct an editorial review of the NPA to ensure that there is consistency.

comment 4633

comment by: *CTC Aviation Services Ltd*

There is no definition of NTS -- Non Technical Skills.

The whole document contains many references to Threat and Error Management, Airmanship and Good Judgement, particularly within the Appendices defining training and skill test content, which also have no definitions.

Non Technical Skills with an associated Behaviour Marker System can be defined such that any training and assessment is not a matter of subjective or personal judgement, and includes all the other terminology as quoted above. Integration of NTS within all aspects of training has proven benefits and particularly in MCC which is defined without reference to NTS.

Action --- replace all terminology relating to non technical skills with the specifically defined term NTS.

Justification --- Consistency of interpretation within Licence training and to avoid subjective judgements which have the potential to damage individuals and destroy the benefits of such training to the Industry.

response *Noted*

The issue of non-technical skills will be further evaluated in a separate Rulemaking task, which is part of the EASA Rulemaking Inventory.

Your comment will be taken into account when developing this task.

comment 4639

comment by: *Héli-Union*

Change helicopter flight time definition to:

Helicopters, **the total time from the moment the helicopter first moves under its own power for the purpose of taking off until it** finally comes to rest at the end of the flight, and the rotor blades are stopped.

Justification:

The current definition will impact adversely on flight time limitations by increasing flight time due to inclusion of the start up phase. It may also encourage crews to rush the start and system checks to save on flight time with potential impact on flight safety.

response *Noted*

Please see reply to comment 1308 above.

comment 4714

comment by: *British Gliding Association*

*FCL 010 - Definition of a TMG:*

*"A touring motor glider (TMG) means a specific class of powered sailplane having an integrally mounted, non retractable engine and non retractable propeller. ..."*

Comment:

According to the NPA 17 definition, a Touring Motor Glider is a powered sailplane. The other types of powered sailplanes (which in JAR FCL are defined as Self Sustained Gliders and as Self Launching Gliders) are only defined by default, as being "non TMG" powered sailplanes. This leads to some ambiguities in the definition of privileges of the LPL(S) and SPL (See our comments on FCL.135.S, and FCL.225.S) The BGA is of the view that a clear definition of every type of powered sailplane should be included in the definitions.

**BGA Proposal**

A powered sailplane is a glider equipped with an engine. There are three types of powered sailplanes:

- *Touring Motor gliders (TMG)* which have an integrally mounted, non-retractable engine and non-retractable propeller ...
- *Self launched gliders* which have a retractable engine or a retractable propeller and are capable of taking off and climbing under their own power. When the engine is inoperative, they have the characteristics of a pure sailplane.
- *Self Sustained gliders* which must be launched like a pure sailplane not equipped with an engine, but which can climb slowly to extend a flight once the engine or the propeller is deployed and started. When the engine is inoperative, they have the characteristics of a pure sailplane.

response *Not accepted*

Thank you for providing your opinion.

Please see the response provided to comments No. 4197 and No. 4283 in the same segment above.

comment 4727

comment by: CAA Belgium

The definition of Aerobatic Flight being "*an intentional manoeuvre involving an abrupt change in an aircraft's attitude, an abnormal attitude, or abnormal acceleration, not necessary for normal flight.*" seems vague and open to interpretation. As an example: This could easily include the first 5 hrs of any PPL flight training program.

Suggestion:

Use the more traditional definition of "*...more than 60 degrees of bank, or more than 30 degrees of pitch-up or pitch-down...*"

response *Noted*

Please see reply to comment 2458 above.

comment 4832

comment by: HUTC

Change helicopter flight time definition to:

Helicopters, **the total time from the moment the helicopter first moves under its own power for the purpose of taking off until it finally comes to rest at the end of the flight, and the rotor blades are stopped.**

Justification:

The current definition will impact adversely on flight time limitations by increasing flight time due to inclusion of the start up phase. It may also encourage crews to rush the start and system checks to save on flight time with potential impact on flight safety.

response *Noted*

Please see reply to comment 1308 above.

comment	4869 <span style="float: right;">comment by: <i>Flight Training Europe</i></span>
	<p><u>Page 5, FCL.010</u></p> <p>The definition pilot-in-command under supervision (PICUS) should also apply to tests conducted during single-pilot operations. Add second part to definition as follows:</p> <p style="text-align: center;"><b>Pilot-in-command under supervision (PICUS) should also be applied to hours flown during a successful progress test on an approved single pilot course of training and to all successful single pilot skill tests/proficiency tests for licence, rating or certificate issue, revalidation or renewal.</b></p>
response	<i>Not accepted</i>
	The definition proposed in the NPA is consistent with ICAO Annex 1 and JAR-FCL.
comment	4870 <span style="float: right;">comment by: <i>Prof. Dr. Alexander Bubenik</i></span>
	Night should be defined as the period between sunset +30 minutes an sunrise -30 minutes. Based on the current german regulation this will extent the available operational time of the common "VFR-only pilot", without presenting any hazards.
response	<i>Not accepted</i>
	The definition proposed in the NPA is in accordance with ICAO Annex 1 and JAR-FCL, and allows enough flexibility to the authorities of Member States.
comment	5148 <span style="float: right;">comment by: <i>CAE</i></span>
	<p>FCL.010 FTD definition (page 4)</p> <p>NPA 22E, page 1-A1-11 section 1.3 indicates that visual systems are required for helicopter FTD's yet the definition in EASA part FCL.010 for FTD's states that visual systems are not required. Suggest changing the FCL.010 definition to indicate that a visual is required for helicopter FTD's Level II and III.</p>
response	<i>Accepted</i>
	Text will be changed accordingly.
comment	5177 <span style="float: right;">comment by: <i>Carsten Fuchs</i></span>
	<p>Leider sind "Ultraleicht-Flugzeuge" nicht Bestandteil der EASA-FCL, sollten aber hier bei "flight time" berücksichtigt werden:</p> <p>Bei "flight time" auf aeroplanes, tmg und powered-lift sollten Flugzeiten, die auf ULs erbracht wurden, mitzählen.</p> <p>Moderne ULs sind heute schneller, leistungsfähiger und anspruchsvoller als mancher Flugzeug oder Motorsegler. Flugerfahrung entsteht auf ULs also mindestens genauso sehr wie auf SEPs und TMGs. Da Flugzeiten hauptsächlich dem Nachweis von Flugerfahrung dienen, sollten</p>

	die Flugzeiten auf ULs also denen auf SEP und TMG hinzugerechnet werden dürfen.
response	<i>Noted</i> Please see reply to comment 1496 above.
comment	5229 <span style="float: right;">comment by: CAA Belgium</span> This <b>Flight Simulation Training Device (FSTD)</b> definition is missing and in Part FCL we are referring many times to FSTD, which is the new regulation of CS -FSTD <b>Flight Simulation Training Device (FSTD)</b> . A training device which is a Full Flight Simulator (FFS), a <b>Flight Training Device (FTD)</b> , a <b>Flight &amp; Navigation Procedures Trainer (FNPT)</b> .
response	<i>Noted</i> The definition of FSTD is included in the Basic Regulation - Article 3(k) - and therefore does not need to be included in Part-FCL.
comment	5230 <span style="float: right;">comment by: CAA Belgium</span> It must be stated in this regulation (Part FCL) that when the text refers to a licence, a rating or certificate, it means a <b>valid</b> licence, rating, or certificate. Otherwise, the whole NPA must be reviewed to specify explicitly "valid" every where. Add 3 definitions : - " <b>licence</b> " means " <b>valid licence</b> ", - " <b>rating</b> " means " <b>valid rating</b> ", - " <b>certificate</b> " means " <b>valid certificate</b> ".
response	<i>Noted</i> Please see reply to comment 3759 above.
comment	5231 <span style="float: right;">comment by: CAA Belgium</span> Acronym FSTD is used a lot of time; definition (or cross reference) should be done.
response	<i>Noted</i> The definition of FSTD is included in the Basic Regulation - Article 3(k) - and therefore does not need to be included in Part-FCL.
comment	5232 <span style="float: right;">comment by: CAA Belgium</span> Word variant is used a lot of time; definition (or cross reference) should be done. This word has a great impact on understanding on training ! It is used in Certification, OPS, FCL and Part 21 and the meaning is not harmonized! Either a specific definition in each field for the purpose of the regulation, or a single definition would be better.
response	<i>Noted</i>



Please see reply to comment 3812 above.

comment

5233

comment by: FOCA Switzerland

A/  
FCL.010

- A lot of definitions within this paragraph deviate from

ICAO definitions. Except when there is a strong reason for that, we think the definitions must be in compliance with the annex 1 definitions to avoid creating difficulties to demonstrate in the future compliance with the SARP.

- **Flight Simulation Training Device (FSTD)** definition is missing and in Part FCL we are referring many times to FSTD, which is the new regulation of CS -FSTD

**Flight Simulation Training Device (FSTD). A training device which is a Full Flight Simulator (FFS), a Flight Training Device (FTD), a Flight & Navigation Procedures Trainer (FNPT).**

- It must be stated in this regulation (Part FCL) that when the text refers to a licence, a rating or certificate, it means a **valid** licence, rating, or certificate .  
Otherwise, the whole NPA must be reviewed to specify explicitly "valid" every where.  
Add 3 definitions :  
- "licence" means "valid licence",  
- "rating" means "valid rating",  
- "certificate" means "valid certificate".

response

Noted

Please see replies to comments 3353, 3376 and 3759 above.

comment

5359

comment by: Aerovision

Agree - hot-air airship is classed as a balloon. However, what about small gas airships?

response

Noted

Thank you for providing this comment.  
Following this definition small gas airships are considered to be airships. To act as pilot-in-command of any gas airship the pilot has to comply with the requirements for PPL(As) or CPL(As).

comment

5405

comment by: CAA Belgium

Is it the intention of EASA to have different definitions for „Multi Pilot Aeroplane“ and „Multi Pilot Helicopter“ and what would be the reasons?  
We consider the definition of a 'multi pilot helicopter' to be in conflict with the

definition of a single pilot aircraft with regard to the licensing requirements. If a helicopter is defined as a 'single pilot helicopter' according to the certification specification, it cannot as well be defined as a 'multi pilot helicopter' due to another specification (e.g. AOC). There are very few 'multi pilot helicopters' by means of certification

The definition of a multi-pilot helicopter is very ambiguous despite EASA's intention laid down in the explanatory note in NPA 2008-17a, A, IV, No 43. Lots of helicopters that could be used in multi pilot operation might even be defined as single pilot helicopters according to the definition of single pilot helicopters given here. This ambiguity might lead to different readings by authorities, pilots, instructors and examiners in respect to licensing (see our comment on FCL.510.H), instruction and/or examination (see our comment on FCL.520.H). The missing of an unambiguous definition of a multi pilot helicopter and the missing of a definite list of multi pilot helicopters, respectively, allows for a broad variety of procedures, methods, and policies with regard to instructor ratings, IR ratings, skill tests etc. and thus is undermining the concept of a level playing field among the EU Member States. Please note our comments on FCL.510.H and 520.H

response *Noted*

Please see reply to comment 3511 above.

comment

5520

comment by: *Belgian Gliding Federation*

*FCL.010 Definitions*

Comment:

There is no definition of the proficiency check and of the skill test here. Instead these definitions "are hidden" in the GM to FCL.010 (page 170). As these definitions are important we would prefer to have them in the definitions chapter. We also believe that instructors should be allowed to perform proficiency checks.

**The BGF supports the EGU Proposal:**

**Transfer the definitions of skill tests and proficiency checks from the GM to FCL 010**

response *Noted*

Definitions have been transferred to FCL.010 as proposed.

comment

5532

comment by: *Belgian Gliding Federation*

*FCL 010 - Definition of a TMG:*

*"A touring motor glider (TMG) means a specific class of powered sailplane having an integrally mounted, non retractable engine and non retractable propeller. ..."*

Comment:

According to the definition, a Touring Motor Glider is a powered sailplane. The other types of powered sailplanes (which in JAR FCL are defined as Self Sustaining Sailplanes -SSS- and as Self Launching Sailplanes -SLS) are only defined by default, as being "non TMG" powered sailplanes. This leads to some ambiguities in the definition of privileges of the LPL(S) and SPL (See our comments on FCL.105.S, FCL.135.S, FCL 205.S and FCL.235.S) Therefore we

believes that a clear definition of every type of powered sailplane should be included in the definitions.

#### **BGF proposal**

**A powered sailplane is a sailplane equipped with an engine. There are three types of powered sailplanes:**

- **1) *Touring Motor gliders (TMG)* which have an integrally mounted, non-retractable engine and non-retractable propeller**
- **2) *Self launching Sailplanes* which have a retractable engine or a retractable propeller and are capable to take off and climb under their own power. When the engine is inoperative, they have the characteristics of a pure sailplane.**
- 
- **3) *Self Sustaining Sailplanes* which must be launched like a pure sailplane, but can climb slowly to extend a flight once the engine or the propeller is deployed and started. When the engine is inoperative, they have the characteristics of a pure sailplane.**

((For this category often the wording is used: "bring back home engine" in case no thermals are found anymore)

response *Not accepted*

Thank you for providing your opinion.

Please see the response provided to comments No. 4197 and No. 4283 in the same segment above.

comment 5541

comment by: CFAC, ZHAW

Attachment [#6](#)

#### **Supplementing the documents with a complete list of definitions**

##### ***a) Starting point***

In total there are three lists of definitions in NPA 17 b and c. The first list is published as *Subpart a General Requirements FCL.010 Definitions*. A second list can be found under *GN to FCL.010 B Definitions* and a third part is published as *NET.A.010 Definitions*. Each of the three lists is either incomplete or deviates substantially from the list of definitions found in ICAO Annex 1. For a comparison please consult Attachment 1.

The definition of the term *Competent Authority* in FCL 070 serves as a good example of the incompleteness of the document. The text in EASA FLC.070 does not clearly state whether the term refers to the state issuing the licence or the competent state for the establishment of the facts.

EASA FCL.001 merely defines that the Member States shall designate an Authority for the issuance of licences, ratings and certificates.

The list with definitions under EASA FCL.010 is of no help either as it does not provide a definition for "Competent Authority" either.

##### ***b) Considerations***

Inevitably the use of different definitions leads to uncertainty and possibly even conflict. Therefore, standardisation is both necessary and mandatory. As a rule, the definition of ICAO Annex 1, Chapter 1 may not be modified. However, where required, they may be formulated more precisely.

A concise overview of the definitions used in both EASA FCL and EASA MED

should be listed at the beginning of each of the respective regulations.

**c) Proposal for changes and amendments**

There should be a complete list of definitions for all relevant terms and the beginning of both EASA Part-FCL and EASA Part-Medical. The definitions used should correspond with those in ICAO Annex 1.

Please note the following attachment

response *Noted*

Based on the comments received on this segment, the Agency has decided to include in FCL.010 all the definitions that were included in JAR-FCL 1.001/2.001. This means the definitions that were included in the GM to FCL.010 have been transferred to the rule.

comment

5622

comment by: HCE Education

The definition of '*co-pilot*' should be changed to be in-line with the definition in JAR-FCL and also the specification for recording of flight time as co-pilot in AMC to FCL.050. The definition should be changed to:

*'Co-pilot' means a pilot operating other than as pilot-in-command, an aircraft on which more than one pilot is required under the type certification of the aircraft, or the regulations under which the flight is conducted, but excluding a pilot who is on board the aircraft for the sole purpose of receiving flight instruction for a licence or rating.*

As it is written in the proposal it is not clear under what circumstances more than one pilot shall be required for a pilot to be regarded as co-pilot.

response *Noted*

The Agency considers that the definition is adequate, since it includes all the cases when a co-pilot may be required (certification of aircraft or operational requirements).

comment

5624

comment by: CRM Advisory Panel to the United Kingdom Civil Aviation Authority

**Harmonisation and rationalisation of definitions and terminology**

To be effective, the implementing rules must convey a clear and unambiguous understanding of the required Non-technical Skills (NTS) training and competence standards for all Licence holders, Instructors and Examiners. However, the NPA contains and applies a plethora of different terms to describe the non-technical knowledge, skills and attitudes required. While some terms such as 'threat and error management' are well defined, others such as 'judgement' and 'airmanship' are not.

**Proposal:**

1. Adopt and define the single term '**Non-technical Skills (NTS)**', to describe the non-technical knowledge, skills and behaviours required for pilot licensing.

2. Refer to that term consistently within the Implementing Rules.
3. Introduce new definitions where required.

**Proposed New Definitions:**

1. Non-technical skills - Non-technical skills (NTS) refers to the skills and behaviours required for the safe, effective and efficient operation of the flight that are by definition not technical in nature, such as Teamwork, Decision Making and Threat and Error Management.

2. MCC – Multicrew cooperation (MCC), means the flight crew functioning as a co-operating team through the effective integration of technical and non-technical skills while being led by the pilot-in-command.

3. MCC Course – A Course designed to develop the effective integration and application of technical and non-technical skills in a multicrew environment.

4. Behavioural Marker System – a taxonomy or listing of the key non-technical skills associated with effective, safe, and efficient task performance decomposed into the major skill areas (e.g. Decision Making) with exemplar behaviours illustrating both good and poor performance.

response *Not accepted*

The issue of non-technical skills, and specifically their assessment, was never solved at JAR-FCL level. Before more detailed provisions are included in Part-FCL, the issue needs to be carefully assessed, and should be subject to further work, in a separate rulemaking task, which is already included in the Agency's rulemaking inventory.

comment 5630

comment by: HCE Education

The definition of '*Night*' should be changed not to include the text "*or such other period between sunset and sunrise as may be prescribed by the appropriate authority, as defined by the Member State*".

Part-FCL states several requirements where '*Night*' is used, e.g. FCL.060 (Recent experience), FCL.510.A (Experience for ATPL(A), FCL.810 (Night rating), etc. Part-OPS also has requirements related to flying at '*Night*', e.g. OPS.GEN.415, OPS.GEN.445, etc. However, the proposal to OPS.GEN.010 is different and defines '*Night*' as "*[...] the period between 30 minutes after sunset until 30 minutes before sunrise, determined at surface level*".

First of all it cannot be the intention that different Member States have different definitions for '*Night*', since this would have formal implication. It was only possible during the JAR-period, when JAR-FCL was national law in the respective Member States.

Second, the definition in the proposal to OPS.GEN.010 (Night = 30 minutes after sunset, etc.) must be heavily objected. In the northern part of the Nordic countries, the civil twilight can be as long as several weeks in the autumn and in the spring. This is due to the fact that every autumn and spring, there is a period for approximately two weeks when the sun is constantly below the

horizon but still above 6 degrees below the horizon (the definition of civil twilight). If the proposal for the OPS.GEN.010-definition would be implemented, it would e.g. make it illegal to fly VFR without a Night rating for about one month every year, although it is technically not night. Furthermore, one consequence with safety implications is that it would be possible during this time to train for a Night rating, although it is technically not night.

With consideration to the statements above, the definition of 'Night' in the proposals to both Part-FCL and Part-OPS should be changed to:

*'Night' means the period between the end of evening civil twilight and the beginning of morning civil twilight.*

response

*Accepted*

Your proposal to amend the definition of night in Part-FCL is accepted, and the text will be changed accordingly.

Your comment will be taken into account when reviewing the definitions in Part-OPS.

comment

5740

comment by: ENAC ITALY

Definition should be the same as ICAO Annex 1  
Definitions to add : Aircraft – Glider – Revalidation/renewal of licences and ratings – Cruise relief pilot

response

*Partially accepted*

Definitions of aircraft and revalidation and renewal have been added.

In the EASA system the term glider is not used, but sailplane. The definition of sailplane was included in the original proposal.

Regarding the definition of cruise-relief pilot, please see comment 1593 above.

comment

5777

comment by: Susana Nogueira

Include definition of FSTD

**Flight Simulation Training Device (FSTD):** A training device which is a Full Flight Simulator (FFS), a Flight Training Device (FTD) or a Flight & navigation procedures trainers (FNPT)

This definition is missing and the concept fully used in FCL part.

response

*Noted*

The definition of FSTD is included in the Basic Regulation - Article 3(k) - and therefore does not need to be included in Part-FCL.

comment

5796

comment by: ENAC TLP

Introduce new definitions or modify the existing ones to satisfy needs of agreement with ICAO Annex 1 or arising from application of Non-Technical

Skills, CRM and TEM and advancements in terminology after validation of methodology established by some projects founded by EC such as NOTECHS, JARTEL and ESSAI.

#### **FCL.010**

#### **Definitions**

#### **Page 4**

Modify (*italic*) or insert in alphabetical order the following:

Multi Crew Cooperation (MCC), means the functioning of the flight crew as a team of co-operating members *effectively integrating their technical and non-technical skills while being led by the pilot-in-command.*

MCC Course – A course designed to develop the effective integration and application of technical and non-technical skills in a multicrew environment.

Multi-pilot aircraft – *An aircraft certificated for operation with a minimum crew of at least two pilots... (delete until)... or required to be operated with a co-pilot as specified in the flight manual or by the air operator certificate or equivalent document.*

*Pilot-in-command – The pilot designated as being in command and charged with the safe conduct of the flight*

response *Not accepted*

Please see reply to comment 5624 above.

comment

5834

comment by: EFLEVA

EFLEVA considers that the definition of "night" should be the same for licensing and operation approvals.

The definition of "night" proposed here is supported.

However it is not the same as the definition in NPA 2009-02B page 25 item (49), the proposed operating rule that probably will take over if not changed

response *Noted*

Please see reply to comment 5630 above.

comment

5906

comment by: *Luftsport-Verband Bayern*

Category of Aircraft: Entspricht der Hinweis auf "Part 21" tatsächlich der Regelung "Certification Specifications For Normal, Utility, Aerobatic, and Commuter Category Aeroplanes CS23"?

response *Noted*

Thank you for providing your opinion.

Part 21 is an Annex to Commission Regulation No 1702/2003, containing the Implementing Rules on initial airworthiness.

This reference to Part-21 addresses the proposed requirements for operator suitability data for each type to be approved by the Agency. For more details please see NPA 2009-01

comment	5911	comment by: <i>Luftsport-Verband Bayern</i>
	Definition Cross-Country Flight: Ist unter einem Cross Country Flight auch ein Flug zu verstehen, dessen Start- und Zielflugplatz identisch sind aber über eine "Cross Country Strecke" führte. Dies ist vor allem für die Ausbildung von Bedeutung.	
response	<i>Noted</i>	
	The definition proposed is ICAO consistent, and the Agency considers that it is adequate also for sailplanes.	
	What you are describing can be included in the definition as it is proposed.	
comment	5914	comment by: <i>Luftsport-Verband Bayern</i>
	Definition Flight Times: Bei der Ausarbeitung von Regelungen zur Anerkennung von Lizenzen und Flugzeiten für bzw. auf Nicht-EASA-Luftfahrzeugen sind neben Annex II-, sonstigen ICAO- und ggf. Militär- und Staatsluftfahrzeugen auch Sportgeräte (Ultraleichtflugzeuge, Tragschrauber u.ä.) zu berücksichtigen.	
response	<i>Noted</i>	
	Thank you for providing your opinion. See the response to comment No. 409 in the same segment above.	
comment	5916	comment by: <i>Luftsport-Verband Bayern</i>
	Definition Touring Motor Glider: Die Stemme S 10 würde nach dieser Definition nicht weiterhin - wie bislang in Deutschland der Fall - als TMG zu klassifizieren sein.	
response	<i>Noted</i>	
	Thank you for providing your opinion. Please see the responses provided to the comments No. 42, No. 268 and No. 1212. The Agency will check if such a list could be published as an AMC to clarify such a case mentioned.	
comment	5995	comment by: <i>French Fédération Française Aéronautique groups the 580 French powered flying aer-clubs and their 43 000 private pilots</i>
	"Aerobatic flight" definition : As an aerobatic flight is not an "abnormal"flight, FFA and its aerobatic pilots propose to replace the definition by the following one :	
	<b>"Aerobatic flight"</b> , means an intentional manoeuvre involving fast variation of altitude or acceleration, high rate of roll, pitch, or yaw, and curves including inverted flight.	
response	<i>Not accepted</i>	



The Agency considers that the definition presented in the proposal is adequate. Furthermore, it does not refer to "abnormal flight".

comment 6473 comment by: *IAOPA Europe*

The definition of co-pilot refers to what is specified in either the flight manual or the air operator certificate. This does not take into account the situation for non-commercial activities where an AOC is not issued.

If a non-commercial operator wants to operate a single pilot aircraft with two pilots and the operator adapts the Operations Manual and training accordingly, he should also fall under the definition so that both pilots may log the time.

It is therefore suggested to ammend the text as follows:

*"...as specified in the flight manual, by the air operator certificate or in case of non-commercial operations with complex aircraft, in the Operations Manual."*

response *Not accepted*

The definition proposed by the Agency does not refer to any specific documentation. It just refers to an aircraft required to be operated by more than one pilot, without specifying through which document this is made. This was done with the intent to leave the definition open enough to include all the situations you mention.

Therefore, the Agency considers that it is not necessary to amend the definition of co-pilot.

comment 6523 comment by: *Light Aircraft Association UK*

The definition of 'night' is not consistent with that given in Part-OPS.GEN.010 (NPA 2009-02b). LAA recommends that the two definitions be the same.

response *Noted*

Please see reply to comment 5630 above.

comment 6632 comment by: *David PYE*

A powered sailplane is a glider equipped with an engine. There are three types of powered sailplanes:

-

Touring Motor gliders (TMG) which have an integrally mounted, non-retractable engine and non-retractable propeller ...

-

Self launched gliders which have a retractable engine or a retractable propeller and are capable of taking off and climbing under their own power. When the engine is inoperative, they have the characteristics of a pure sailplane.

-

Self Sustained gliders which must be launched like a pure sailplane not equipped with an engine, but which can climb slowly to extend a flight once

	the engine or the propeller is deployed and started. When the engine is inoperative, they have the characteristics of a pure sailplane.
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion. Please see the response provided to comments No. 4197 and No. 4283 in the same segment above.</p>
comment	<p>6726 <span style="float: right;">comment by: CAA CZ</span></p> <p>Use of FS and FFS symbols should be harmonized. Definitions (FCL.010) contain the definition of FFS but the Abbreviations (GM to FCL.010 C) contain only FS. In the penultimate sentence (FCL.510.A (b)) FFS is used (but according to JAR-FCL 1.280(a) there was originally FS) and in some provisions of NPA (e.g. FCL.905.SFI (c)) FS is used again .</p>
response	<p><i>Noted</i></p> <p>Accepted; The Agency will conduct an editorial review of the text to ensure consistency.</p>
comment	<p>6735 <span style="float: right;">comment by: ENAC TLP</span></p> <p><b>FCL.010 Definitions page 5</b></p> <p>To add: Multi-pilot operations An operation approved by the Authority requiring at least two pilots using multi-crew co-operation on single pilot certified aeroplanes or helicopters.</p> <p>Note: the definition has been transferred from GM definitions to add handy clarity to Multi pilot aircraft definition tha is preceeding in the text</p>
response	<p><i>Partially accepted</i></p> <p>The definition of multi-pilot operations in helicopters was transferred from the GM to FCL.010. It stays as it was in JAR-FCL 2. A definition of multi-pilot operations with aeroplanes has been added. Please see the amended text.</p>
comment	<p>6762 <span style="float: right;">comment by: Joachim J. Janezic (Institute for Aviation law)</span></p> <p>The definition of co-pilot (together with the rules regarding recording the flighttime and the recency requirements - especially regarding SPE) does not allow a second person aboard record the flight time in a SPA, even if this person takes some specific tasks aboard (e.g. radios, navigation etc...).</p> <p>Since aviation became more expensive in the last years it would be very welcome for pilots if the typical "cost sharing" while collecting flight-time (for example to get "higher" licenses/ratings) would be still possible.</p> <p>Even if the second person aboard is a FI (and is aboard for safety reasons,</p>

because the pilot in command "feels better" knowing that there is a competent person aboard in case of emergency) either the PIC or the FI is allowed to record the flight time.

Please consider the extension of the rules regarding co-pilots on MPA to "co-pilots" on SPA.

\*\*\*\*\*

The definition of night should be the same all over the FCL-region. There is no need for national "specialities" because we're talking about some minutes every day.

response *Noted*

Regarding the definition of co-pilot, the Agency follows closely the definition of ICAO Annex I and JAR-FCL, and has no intention of changing.

As for the definition of night, please see reply to comment 5630 above.

comment

6788

comment by: *European HF Advisory Group*

**FCL.010**  
**Definitions**  
**Page 4**

Modify (*italic*) or insert in alphabetical order the following:

Multi Crew Cooperation (MCC), means the functioning of the flight crew as a team of co-operating members *effectively integrating their technical and non-technical skills while being led by the pilot-in-command.*

MCC Course – A course designed to develop the effective integration and application of technical and non-technical skills in a multicrew environment.

response *Not accepted*

Please see reply to comment 5624 above.

comment

6860

comment by: *CAA CZ*

For standardisation of the theoretical examinations according to Part FCL, definitions of „*sitting*“ and „*attempt*“ should be added. Defining of these terms directly affects the validity and the validity period of the theoretical examinations. It is a standardisation issue. (see FCL.025 (b)(3) and JAR-FCL 1/2.490(c) and IEM.FCL 1/2.490)

response *Partially accepted*

The Agency considers that these terms are clear and do not require a definition. See also changes made to the text of FCL.025.

However, the Agency will include an explanation on these terms, based on the IEM to JAR-FCL 1.490/2.490 in a GM to FCL.025.

comment	6861	comment by: CAA CZ
	The definition of „The Multi-pilot Operations“ for aeroplanes is missing and should be added – see FCL.305.A (c), page 24, FCL.505.A, page 28 GM to FCL.010 contains the definition for helicopters only.	
response	Noted	
	Please see reply to comment 6735 above.	
comment	6934	comment by: Tim Wuehrmann
	The definition for 'Aeroplane' must include 'Touring Motor Glider (TMG)', because otherwise there will be as much confusion within the regulation as it is in JAR-FCL now. A TMG is no longer a powered sailplane. Due to nearly the same flight characteristics compared to single engine piston aircraft (SEP) and the fact that the TMG is used as a cost-saving alternative to get a PPL(A) (also as a compensation when removing the Basic LPL from this regulation), there is no reason to make a distinction between these definitions. Furthermore the notion 'single engine single pilot aeroplane' should also include TMG. Another option to point it out more clearly is to use the notions aeroplane, SEP and TMG systematically in every text passage.	
response	Noted	
	Thank you for providing your opinion. See response provided to comment No. 4283 in the same segment above.	
	The Agency will review the whole text in order to specify SEP and/or TMG if the used term "aeroplane" does not provide a sufficiently clear information or could cause any irritation.	
comment	7003	comment by: CAA Norway
	The definition of Aerobatic Flight being " <i>an intentional manoeuvre involving an abrupt change in an aircraft's attitude, an abnormal attitude, or abnormal acceleration, not necessary for normal flight.</i> " seems vague and open to interpretation. As an example: This could easily include the first 5 hrs of any PPL flight training program.	
	Suggestion: Use the more traditional definition of " <i>..more than 60 degrees of bank angle, or more than 30 degrees of pitch-up or pitch-down...</i> "	
response	Noted	
	Please see reply to comment 2458 above.	
comment	7043	comment by: UK CAA
	<b>Paragraph:</b> FCL.010 <b>Page No*:</b> 4 of 647 <b>Comment:</b>	

There are terms used throughout the Part FCL that describe 'Non Technical Skills' (NTS) but there is no definition of what this means. Terms such as 'airmanship', 'judgement', 'threat and error management' have their own definitions but they form part of the greater collective term of NTS. The term NTS should be referred to throughout the IRs.

**Justification:**

For the clear and unambiguous understanding of the NTS required for the training and checking the competence standards of all pilots.

**Proposed Text:****(if applicable)**

Add new definition;

*Non Technical Skills: Non-technical skills (NTS) refers to the skills and behaviours required for the safe, effective and efficient operation of the flight that are by definition not technical in nature, such as Teamwork, Decision Making and Threat and Error Management.*

response *Not accepted*

Please see reply to comment 5624 above.

comment

7053

comment by: UK CAA

**Paragraph:**

FCL.010

**Page No:**

4 of 647

**Comment:**

The definition of MCC needs to be enhanced in light of the comment on NTS

**Justification:**

Clarification of meaning.

**Proposed Text:****(if applicable)**

Multi-crew co-operation (MCC) means the flight crew functioning *as a co-operating team through the effective integration of technical and non-technical skills while being led by a pilot-in-command.*

response *Not accepted*

Please see reply to comment 5624 above.

comment

7058

comment by: UK CAA

**Paragraph:**

FCL.010

**Page No:**

3 of 647

**Comment:**

Application of Non-Technical Skills requires the use of a Behavioural Marker System and therefore there needs to be a definition of a Behavioural Marker System in part FCL.

**Justification:**

Clarification of meaning

**Proposed Text:****(if applicable)**

Add new definition;

*Behavioural Marker System: A taxonomy or listing of the key non-technical*

*skills associated with effective, safe, and efficient task performance decomposed into the major skill areas (Decision Making for example) that can be used to illustrate good and, if also required, ineffective performance.*

response *Not accepted*

Please see reply to comment 5624 above.

comment 7103 comment by: *CHC Europe EASA Ops Team - representing 550 pilots across Europe*

Change helicopter flight time definition to:

Helicopters, **the total time from the moment the helicopter first moves under its own power for the purpose of taking off until it finally comes to rest at the end of the flight, and the rotor blades are stopped.**

Justification:

The current definition will impact adversely on flight time limitations by increasing flight time due to inclusion of the start up phase. It may also encourage crews to rush the start and system checks to save on flight time with potential impact on flight safety.

response *Noted*

Please see reply to comment 1308 above.

comment 7120 comment by: *Finnish Aeronautical Association - Kai Mönkkönen*

Definition for 'Cloud flying' - related to special gliding sports activity - is missing and needs to be added. This is related to the other comments related to addition of cloud flying rating back to LPL(S) and SPL.

Justification:

Cloud flying activity of pure (unpowered) sailplanes is, and has been allowed in several European countries since 1930's. This NPA 2008-17 has somehow ignored this form of sports gliding activity completely and would then make F.A.I.-defined gliding sport certificates (like Gold-C badge and its Diamonds) impossible to be reached at all. Cloud flying activity of sailplanes is a special sports form related to altitude flights and shall be allowed to continue. It is not intended to powered sailplanes or TMG's that can be clearly be ruled out. Furthermore, possibility for cloud flying operations in certain areas in practice shall be left to national question of use of airspace.

Proposed text:

Add the definition of special gliding cloud flying, for example as the following:

'Cloud flying' means an intentional flying by an unpowered glider/sailplane in a separate cloud in flight solely by reference to instruments for gaining altitude in thermal conditions. Take-off and landing of the unpowered sailplane shall be made in VFR-conditions.

response *Noted*

Thank you for providing your opinion containing a proposal for a future Cloud Flying Rating and thhe definition for such an operation.

It was indicated in NPA 2008-17a that this issue is currently being discussed in a separate Rulemaking task, FCL.008.

The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the Cloud Flying Rating will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.

comment 7121 comment by: *Finnish Aeronautical Association - Kai Mönkkönen*

Definitions for the "proficiency check" and "skill test" are missing but such are required in various points.

Justification:

For correct understanding of the requirements these terms shall be defined. We suggest that:

- a skill test is an examination to be passed before issuing a licence
- a proficiency check is a test for revalidation of the licence

Proposed text:

Add the definitions for a skill test and for a proficiency check.

response *Partially accepted*

Definitions of skill test and proficiency check taken from JAR-FCL have been added.

comment 7123 comment by: *Finnish Aeronautical Association - Kai Mönkkönen*

Definition for a TMG

Justification:

According to the definition, a Touring Motor Glider is a powered sailplane. Other types of powered sailplanes (SSG's and SLG's) are only defined by default, as being "non TMG" powered sailplanes and this leads to ambiguities related to privileges of the LPL(S) and SPL. Definition of powered sailplanes as TMG, SSG and SLG should be clarified, preferably according to the comment made by the European Gliding Union (EGU).

Proposed text:

See comment and proposal made by the European Gliding Union (EGU).

response *Noted*

Thank you for providing your opinion.

Please see the response provided to comments No. 4197 and No. 4283 in the same segment above.

comment 7221 comment by: *ECOGAS*

The definition of 'aerobatic flight' seems to rule out abnormal attitude or spin recovering training from the syllabus for normal flight training, which clearly is not the intention.

Suggestion: Amend sub-para to read: 'Aerobatic flight' means an intentional manoeuvre involving an abrupt change in an aircraft's attitude, an abnormal attitude, or abnormal acceleration, not necessary for normal flight, **or training for normal flight**

response *Noted*

Please see reply to comment 2458 above.

comment 7222

comment by: ECOGAS

The use of defined terms in the body of the document would be clearer if defined words were capitalised in the NPA text. This would make it clear when, for example, the use of the term "class" in the text is intended to be understood as "Class of Aircraft" in the definitions, etc.

response *Not accepted*

The Agency considers that this is not necessary.

comment 7223

comment by: ECOGAS

Missing definition for Normal Flight

Suggestion: Add definition for Normal Flight

response *Not accepted*

The Agency considers that this definition is not necessary.

comment 7370

comment by: Europe Air Sports, VP

EAS recommend three minor changes where the second is more or less editorial.

We believe because the Part 21 and OSC is not part of this FCL implementing Rule the different classes of aeroplanes need to be defined in the respective section. In FCL.205 A the training for the PPL A is explained as training in aeroplanes without specifying the class or type. We recommend to have at least the previous class rating definitions in the Annex of the IR or in the AMC/GM

For clarity, we recommend to define the processes of revalidation and renewal in this paragraph

Third, the split definitions concerning the overall category of sailplanes could be combined in one definition of sailplanes with sub definitions for powered sailplanes.

response *Partially accepted*

Thank you for providing your opinion.

In relation to your first comment, the Agency will publish a list of class and type ratings.



In relation to your second comment, definitions of revalidation and renewal have been added.

In relation to your third comment the Agency believes that the differentiation between sailplanes and powered sailplanes as published is the best solution to clarify the issue. Please see also the response provided to comments No. 4197 and No. 4283 in the same segment above.

comment 7518 comment by: Cecilia Craig

A clearer definition of a Touring Motor Glider is needed.

response *Noted*

Thank you for providing your opinion.  
Please see the response provided to comments No. 42, No. 4197 and No. 4283 in the same segment above. The definition will be kept unchanged.

comment 7563 comment by: Andrew Sampson

There is ambiguity between definitions of TMG and Powered Sailplane. Note there are some powered sailplanes capable of self-launching whilst others require launching by towplane or winch , but once airborne can sustain flight with a retractable engine.

response *Noted*

Thank you for providing your opinion.  
Please see the response provided to comments No. 42, No. 4197 and No. 4283 in the same segment above. The Agency does not see the ambiguity mentioned as the definition provided clearly says that the TMG is a specific powered sailplane. Powered sailplanes which have to be launched to get airborne (self-sustaining powered sailplanes) are clearly excluded from the definition of being a TMG.

comment 7578 comment by: Atlantic Training Support

add a definition of 'normal flight'

response *Not accepted*

The Agency considers that this definition is not necessary.

comment 7628 comment by: Nadja Eisenmenger

Attachments [#7](#) [#8](#) [#9](#)

FCL 010 - Definition of a TMG:  
"A touring motor glider (TMG) means a specific class of powered sailplane having an integrally mounted, non retractable engine and non retractable propeller.  
..."

Sehr geehrte Damen und Herren

Meiner Meinung nach ist es nicht sinnvoll die Definition TMG über den fest

eingebauten Motor und den nicht klappbaren Propeller zu definieren. Segelflugzeuge mit Hilfsantrieb, die einen festen Motor und einen nicht klappbaren Propeller mit Segelstellung besitzen, werden damit als TMG eingeteilt obwohl die Nutzung in der Praxis die eines Segelflugzeuges ist. Das beste Beispiel ist hier die ASK14. Diese hat einen festen Motor und einen festen Propeller mit Segelstellung. Mit dem 26PS Zweitakter kann man nicht wirklich reisen. Allerdings sind die Segelflugeigenschaften hervorragend auch dadurch, dass das Basis Flugzeug eine Ka6 ist. Eine Landung ist nach Betriebshandbuch nur mit stehendem Motor zulässig. Ein Rollen ist nur sehr eingeschränkt möglich, da die ASK14 lediglich ein Zentralrad ohne Stützräder besitzt. Die ASK14 ist der Vorläufer der heutigen Klapptriebwerkler.  
[http://www.segelflug.de/vereine/wershofen/Verein/Chronik/Flugzeuge\\_alt/ask14\\_dkomi.html](http://www.segelflug.de/vereine/wershofen/Verein/Chronik/Flugzeuge_alt/ask14_dkomi.html)

Im Anhang sind zwei Dokumente vom LBA zum Thema ASK14 und ein weiteres Dokument vom Schweizer Bundesamt für Zivilluftfahrt BAZL dort auf der letzten Seite gibt es eine Liste bei der die ASK14 als Segelflugzeug mit Hilfsantrieb eingeteilt wird.

Neben diesem Einzelbeispiel, wie oben aufgeführt, sehe ich ein weiteres Problem für die Zukunft. So wie damals in den 80er Jahren die Bauvorschrift für Motorsegler ausgenutzt wurde und dadurch im Prinzip „Motorflugzeuge“ mit etwas größerer Spannweite wie Dimona oder G109 entstanden sind. Genauso wird es vielleicht irgendwann „Segelflugzeuge mit Klapptriebwerk“ geben, die ein Zwei- oder Drei-Bein Fahrwerk besitzen mit Verstellpropeller und dann bei 200Km/h Reisegeschwindigkeit eine Reichweite von 1000 km haben.

Meiner Meinung nach kann man das Thema TMG nur dadurch sinnvoll angehen, wenn man z.B. eine Liste hat in der die Flugzeuge eingeteilt werden. Diese Liste sollte nicht Bestandteil der NPA 2008-17b sein, damit Korrekturen ohne lange Verhandlungen direkt von z.B. der Zulassungsbehörde angepasst werden können. Die NPA 2008-17 sollte aber auf diese Liste verweisen. Hierbei muss allerdings berücksichtigt werden, dass es Motorsegler gibt die in beiden Kategorien sinnvoll eingesetzt werden können. z.B. Stemme S10 oder Carat. Diese Flugzeuge sind gute Reiseflugzeuge (Reichweite mit Motor > 500km) und hervorragende Segelflugzeuge siehe Weltrekord von Klaus Ohlmann mit Stemme S10, 2400km im Segelflug. Beide Motorsegler haben einen fest eingebauten Motor aber einen faltbaren Propeller also nach Definition kein TMG und können dann mit einem LPL(S) ohne TMG Eintrag geflogen werden.

Würde man eine Einteilung als reines Segelflugzeug mit Hilfsantrieb vornehmen, wäre es nicht ganz sauber denn ein Pilot mit TMG Eintrag kann seine Stunden nicht mit diesem Flugzeug erfliegen obwohl es dafür geeignet ist und obwohl er es heute auch so darf.

Wird jedoch die Stemme als TMG eingeteilt ist es auch nicht richtig, denn die Stemme S10 wird im wesentlichen als Segelflugzeug eingesetzt, denn was unterscheidet die Stemme S10 von einem NIMBUS 4DM wenn der Motor ausgeschaltet ist. Beides sind Doppelsitzer mit Spannweite >20m, einer Gleitzahl >50 und einem maximalem Abluggewicht von 850Kg.

Um dieses Problem der „Zwitter“ zu umgehen, könnte man in die Liste aufnehmen, dass es Motorsegler gibt die in beide Kategorien passen.

Die Österreicher haben meiner Meinung nach die beste Lösung gefunden, dort

wird mit der Berechtigung TMG die Erlaubnis erteilt den Motorsegler wie ein Motorflugzeug einzusetzen.

Mit dem Segelflugschein und Startart Hilfsmotorstart darf man alle Motorsegler fliegen. Der Motor darf eingesetzt werden, für das Starten, für die Suche nach Thermik dabei darf man auch mal ein kleineres Stück z.B. vom Flachland an die ersten Berge fliegen und abends darf der Motor als Heimkehrhilfe verwenden. Der Segelflug steht ganz klar im Vordergrund. Mit was für einem Motorsegler man das macht ist doch erst mal egal, Es macht auch Spaß mit einem E-Falke Thermik zu fliegen.

Mein Vorschlag wäre die Einteilung ganz wegzulassen und rein die Nutzung zu regulieren, denn Diese ist auch entscheidend. Die Regulierung über die Bauweise stimmt schon heute nicht mehr und wird in Zukunft für weitere Verwirrung sorgen. Es gibt schon eine Bauvorschrift für Motorsegler

Wenn die Regulierung über die Nutzung absolut keine Mehrheit finden kann, würde ich die Variante mit der Liste vorschlagen. Eventuell reicht eine Liste für die reinen TMG mit denen Segelflug tatsächlich mühsam ist wie z.B. Dimona, G109, und Taifun.

Vielen Dank und gutes Gelingen

Mit freundlichen Grüßen Nadja Eisenmenger aus Stuttgart

response *Noted*

Thank you for providing your opinion and especially for the detailed explanations and proposals.

However, the Agency does not consider to differentiate between TMG and other powered sailplanes on the basis of the way they are actually operated by the pilot (in this case the ASK 14 would have to be classified most of the time as powered sailplane not being a TMG). Such an approach would make it from the licensing side very complicated as the same "type" of powered sailplane could be flown with different licences depending on the way the aircraft is used. It would make it also very difficult for the pilots holding an LPL(S) or SPL with the launch method self-launch to decide if they are allowed to fly such an aircraft or not. Talking about the crediting for aeroplane licences it would be nearly impossible to provide credit on the TMG flight time.

The given examples show clearly that this has to be defined at a certain stage not to cause unsolvable problems for the pilots regarding these licensing requirements. At this stage the Agency is of the opinion that the definitions provided should cover 99% of all the existing TMG "types".

Please see also the response provided to comments No. 42, No. 4197 and No. 4283 in the same segment above.

Taking the attached documents into account the Agency will consider if such a list of TMGs could be published as an AMC at a certain stage or if another procedure could be initiated to clarify if a certain powered sailplane has to be categorised as TMG or not.

comment 7635

comment by: *Cristian Olinescu*

**Definitions should be identical to those of Annex 1.** Unnecessary differences are to be avoided.

Following terms/items are referred in the proposed text but have no definition. Definitions to be added:

- Aircraft
- FSTD
- Glider
- Sector
- Revalidation of licence/rating
- Renewal of licence/rating
- SPIC (student pilot in command): to be restricted for instrument time only ( see also 10b of Appendix 3 -p.82)
- Approved training organisation
- types of aircraft
- classes of aircraft
- variant

response *Noted*

Please see reply to comment 282 above.

In addition:

A definition of types of aircraft and class of aeroplane already exists in the NPA.

The Agency considers that a definition of variant is not needed, since the paragraph that refers to it is clear enough and variants will be defined in the operational suitability data approved by the Agency.

comment 7713

comment by: *Roger Hurley*

Some tidying of the definitions of what is a "powered glider" or "powered sailplane" is suggested. Any glider with an engine is a powered glider etc. Specifically, a TMG is also a powered glider/sailplane.

response *Noted*

Thank you for providing your comment.

The Agency agrees in general with your statement saying that "any glider with an engine is a powered glider". But this is not the definition provided in FCL.010. Here it says:

'Powered sailplane' means an aircraft equipped with one or more engines having, with engines inoperative, the characteristics of a sailplane.

This definition is definitely not the same as yours and should be seen in the context of other definitions for other aircraft categories already in place. Having this in mind and based on the fact that your comment does not contain a proposal or a justification the Agency does not see any need for a change.

Regarding the definition of the TMG please see also the response provided to comments No. 42, No. 4197 and No. 4283 in the same segment above.

comment 7877

comment by: *RSA*

**FCL.010 Definitions**

To avoid any future misunderstandings, the RSA proposes that definition of aeroplane be modified as follows:

*'Aeroplane' means an engine driven fixed wing aircraft heavier than air, including those listed in Annex II of the Basic Regulation, that is supported in flight by the dynamic reaction of the air against its wings.*

response *Not accepted*

The Agency considers that the definition of aeroplane is clear enough, and it is consistent with ICAO Annex 1.

Aircraft included in Annex II to the Basic Regulation are excluded from the scope of Community competence; therefore, they are excluded from Part-FCL.

comment

7881

comment by: RSA

Night

The definition of the "Night" in EASA FCL is different from the definition of EASA OPS

Could you please either give the reason or harmonise for consistency

response

*Noted*

Please see reply to comment 5630 above.

comment

7930

comment by: ADAC Luftrettung GmbH

In the document sometimes an FFS is referred to as FS or Simulator?

Please change the wording FS to FFS throughout the document.

[Justification: Consistency with current JAR rules, according to JAR FSTD(H) and NPA 2008-22e CS FSTD(H).200 (b) the correct wording is Full flight simulator = FFS. > e.g. in FCL.905.FI (h) (1) the phrase FFS has been used already!]

response

*Accepted*

The Agency will conduct an editorial review of the document to ensure consistency.

comment

7995

comment by: European Sailplane Manufacturers

The European sailplane manufacturers see a dangerous trend in this proposed regulation to divide the category of sailplanes.

In our opinion it should be clear that all aircraft fitting into the CS-22 category are sailplanes.

This would be:

- Touring Motor gliders (TMG) which have an integrally mounted, non-

retractable engine and  
non-retractable propeller ...

- Self launched gliders which have a retractable engine or a retractable propeller and are capable of taking off and climbing under their own power. When the engine is inoperative, they have the characteristics of a pure sailplane.
- Self Sustained gliders which must be launched like a pure sailplane not equipped with an engine, but can climb slowly to extend a flight once the engine or the propeller is deployed and started. When the engine is inoperative, they have the characteristics of a pure sailplane.
- And of course pure sailplanes without an engine.

It might be possible that a TMG can be also used like a small airplane (like a VLA or small CS-23 airplane) and that flying with a TMG might be a good way to get to the classic airplane licences, but

a sailplane is never an airplane (but both are aircraft).

If some specific privileges or procedures are going to become divided between TMG and other sailplane sub-categories the manufacturer will lose customers who often decided in favor of a motor-glider because of its inherent economic operation capabilities.

This will become a threat to this unique type of aircraft and according manufacturers.

response

*Noted*

Thank you for providing your opinion.

As similar comments are containing the same contents please refer also to the responses provided to comments No. 42, No. 4197 and No. 4283 in the same segment above.

The Agency does not understand your comment that the proposed differentiation between a sailplane, a powered sailplane and the specification which sailplane "type" has to be classified as TMG should cause "a dangerous trend".

The Agency agrees that all the mentioned aircraft (or "types" of powered sailplanes mentioned ("self-launching powered sailplane" and "self sustaining powered sailplane" and "TMG" and "pure" sailplanes) should be treated and classified as sailplanes according to CS 22.

As you will certainly agree TMGs are used most of the time differently as the other powered sailplanes which caused a certain acceptance from the aeroplane side (see introduction of a PPL(A) class rating TMG). As this Part covers purely the licensing requirements the Agency has tried to solve this "definition problem" of the TMG from a practical standpoint.

This means that flying a TMG will always require certain specific training (aeroplane related procedures without being an aeroplane/please see the related AMC) but will also provide a certain amount of crediting for the

aeroplane licences and ratings.

On the other hand it should also be pointed out that all the other powered sailplanes (not being a TMG by definition) are treated as sailplanes and can be flown with an LPL(S) or SPL.

Having this concept in mind and the overall aim to develop requirements which will ensure a high level of safety the Agency does not understand the mentioned concerns.

comment 8055 comment by: *Lasham gliding society*

there does not appear to be enough clarification between class of TMG, self launching sailplane and self sustainer (turbo). Suggest a clarification of each class and the licence requirements to fly them.

response *Noted*

Thank you for providing your opinion.  
Please see the response provided to comment No. 7713 in the same segment above.

comment 8261 comment by: *Paul Mc G*

The definition of 'night' is not consistent with that given in Part-OPS.GEN.010 (NPA 2009-02b). Is this a mistake and should the two definitions be the same.

response *Noted*

Please see reply to comment 5630 above.

comment 8264 comment by: *Paul Mc G*

A touring motor glider (TMG) is a specific class of powered sailplane having an integrally mounted, non retractable engine and non retractable propeller" apparently?

According to this NPA 17 definition, a Touring Motor Glider is a powered sailplane. There are other types of powered sailplanes in JAR FCL which are defined as Self Sustained Gliders SSG and as Self Launching Gliders SLG/SLMG which are only defined by default, as being "non TMG" powered sailplanes. This leads to a mess in defining the LPL(S) and SPL. Is a clear definition of every type of powered sailplane to be included in the final Definitions? Please restructure this in all cases where inconsistency exists or where confusion can be caused?

The BGA had a reasonable definition where the three types of powered sailplane as a glider equipped with an engine, were defined

Touring Motor Gliders (TMG) which have an integrally mounted, non-retractable engine and non-retractable propeller.

Self Launched Gliders with a retractable engine and/or retractable propeller and which are capable of taking off and climbing under their own power and which when the engine is off behave as a sailplane.

Self Sustaining Gliders which have to be launched as a sailplane but which can climb slowly to extend a flight once the engine or propeller is deployed. When the engine is inoperative, they behave as a sailplane.

response *Noted*

Thank you for providing your opinion containing the EGU proposal. Please see the response provided to comments No. 42, No. 4197 and No. 4283 in the same segment above. The Agency does not see the ambiguity mentioned as the definition provided clearly says that the TMG is a specific powered sailplane. Powered sailplanes which have to be launched to get airborne (self-sustaining powered sailplanes) are clearly excluded from the definition of being a TMG.

**B. Draft Opinion Part-FCL - Subpart A: General Requirements - FCL.015  
Application and issue of licences, ratings and certificates**

p. 5

comment 355

comment by: *Colm Farrell*

A person should be allowed to hold a leisure pilots licence in addition to another type of licence. This is due to the differing medical requirements. A pilot may wish to retain a higher class of licence while temporarily unfit to exercise its privileges, and at the same time to hold a leisure pilots licence as they will meet those medical requirements.

response *Noted*

The intention of the proposal is that the privileges of an LPL are included in a PPL, within the same aircraft category. Therefore, a pilot holding a PPL and an LPL medical certificate can exercise the privileges of the LPL without having to hold an extra licence.

comment 593

comment by: *British Microlight Aircraft Association*

Accepted

response *Noted*

Thank you for your feedback.

comment 662

comment by: *British Gliding Association*

**FCL.015 Application for issue of licences, ratings and certificates**

Comment:

Regulation (EC) 216/2008 recognises that qualified entities may deliver specific certification tasks for the competent authority. It is proposed that the text within FCL.015 should be amended to read;

**BGA Proposal**

(a) An application for the issue, revalidation or renewal of pilot licences and associated ratings and certificates shall be to the competent authority, **or to the appointed qualified entity**, in a manner established by this authority. The application shall be accompanied by evidence that the applicant complies with the requirements for the issue, revalidation or renewal of the licence or



	certificate as well as associated ratings or endorsements, established in this Part and Part Medical.
response	<p><i>Not accepted</i></p> <p>The Agency considers that the addition suggested is not necessary.</p> <p>Nothing in the definition of competent authority limits the right of a Member State to designate more than one competent authority, or the authority to allocate tasks to qualified entities, as long as the requirements of national law and the Basic Regulation are met.</p>
comment	<p>1008 <span style="float: right;">comment by: <i>George Rowden</i></span></p> <p>Comment: Under Regulation (EC) 216/2008 qualified organisations can act on behalf of the competent authority. It is therefore proposed that the text within FCL.015 should be amended as follows;  (a) An application for the issue, revalidation or renewal of pilot licences and associated ratings and certificates shall be to the competent authority, <b><u>or to the appointed qualified entity</u></b>, in a manner established by this authority. The application shall be accompanied by evidence that the applicant complies with the requirements for the issue, revalidation or renewal of the licence or certificate as well as associated ratings or endorsements, established in this Part and Part Medical.</p>
response	<p><i>Not accepted</i></p> <p>See reply to comment 662.</p>
comment	<p>1231 <span style="float: right;">comment by: <i>Aeromega</i></span></p> <p>Part (c) A person can surely hold several licences at a time - e.g. an ATPL (A) and a PPL (H)</p>
response	<p><i>Noted</i></p> <p>After carefully reviewing all the comments related to this issue [paragraph (c)] the Agency has decided to change its initial proposal.</p> <p>Based on the comments received stating that the system initially established by JAR-FCL should be maintained, the Agency has decided to change the requirement to state that a person shall not hold more than one licence <u>per category of aircraft</u>.</p> <p>As a clarification: what cannot be duplicated is the licence in the meaning of 'certificate': a document that contains certain privileges. This does not in any way prevent a person from holding multiple privileges, on multiple categories of aircraft.</p>
comment	<p>1254 <span style="float: right;">comment by: <i>Jürgen PHILIPP</i></span></p> <p>Problem:  Since FCL.015 (c) allows only one License at any one time, it is not clear how a holder of for a specific License can acquire and maintain a further license of a different kind of aircraft that is not covered by</p>

	<p>the first license.</p> <p><b>Solution:</b> It must be possible to hold more than one License in order to fly different types of aircraft.</p> <p><b>Justification:</b> By Experience PILOTS may hold more than one license at one time. For example a CPL, ATPL and a Sailplane Pilot License. In this NPA it remains at least unclear, how a Sailplane "qualification" can be included in the "higher ranking" Licenses.</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 1231 above.</p>
comment	<p>1293 <span style="float: right;">comment by: <i>George Knight</i></span></p> <p>(a) This should be extended to allow delegation to sporting bodies in the case of gliding as authorised by their national authority.</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 662.</p>
comment	<p>1477 <span style="float: right;">comment by: <i>Keith WHITE</i></span></p> <p>(c) seems to imply that a person cannot hold simultaneously, for example, an LPL and an SPL. This does not seem sensible.</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 1231 above.</p>
comment	<p>2199 <span style="float: right;">comment by: <i>AECA(SPAIN)</i></span></p> <p>Clarification for paragraph (c) ... <b>more than one licence...</b></p> <p>In this paragraph, if the word 'licence' means the document issued to the pilot by the Authority, the paragraph is right if we read ... <b>more than one licence document ...</b></p> <p>If the word 'licence' means the authorisation to act as pilot of an aircraft, as regulated in this IR, the paragraph is not right, because is possible to hold more one licence, e.gr. ATPL(A) + ATPL(H) + SPL + BPL ...</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 1231 above.</p>
comment	<p>2299 <span style="float: right;">comment by: <i>Czech Airlines</i></span></p> <p>FCL.015</p> <p>(a) ...shall be <b>submitted</b> to the competent authority...</p>
response	<p><i>Partially accepted</i></p>

Text will be changed to 'made to the competent authority' for consistency reasons with other EASA legislation.

comment 2320 comment by: *Susana Nogueira*

Clarification for paragraph (c) ... **more than one licence...**

In this paragraph, if the word 'licence' means the document issued to the pilot by the Authority, the paragraph is right if we read ... more than one licence **document** ...

If the word 'licence' means the authorisation to act as pilot of an aircraft, as regulated in this IR, the paragraph is not right, because is possible to hold more one licence, e.gr. ATPL(A) + ATPL(H) + SPL + BPL ...

response *Noted*

Please see reply to comment 1231 above.

comment 3078 comment by: *BMVBS (German Ministry of Transport)*

FCL.015 (a): There should be a provision or a set of eligibility criteria which is suitable to turn down applications for pilot training of those persons, who have been convicted for a crime or other severe offences, such as driving under the influence of drugs or alcohol. Furthermore, it should be clarified that it is still possible to refuse the licence due to the results of security background checks carried out in accordance with national law.

National codes, such as e.g. §24 of the German LuftVZO, may serve as a model. What is also lacking are appropriate provisions in support of a mechanism to inform the licensing authorities about any critical offences or violations which would oblige the authorities to act.

response *Not accepted*

There is nothing in the Essential Requirements or generally in the Basic Regulation that allows the existence of any such limitations in Part-FCL.

The requirements for the issuance of a licence should be related to safety, not to security considerations.

comment 3092 comment by: *Deutscher Aero Club (DAeC)*

Comment:

EU regulation 216/2008 already mentions that qualified entities may deliver specific certification tasks for the competent authority. For clarification of the wording it is proposed that the text within FCL.015 should be amended as proposed below.

Proposed wording:(a) An application for the issue, revalidation or renewal of pilot licences and associated ratings and certificates shall be to the competent authority, or to the appointed qualified entity, in a manner established by this authority. The application shall be accompanied by evidence that the applicant complies with the requirements for the issue, revalidation or renewal of the licence or certificate as well as associated ratings or endorsements, established in this Part and Part Medical.

response	<p><i>Not accepted</i></p> <p>See reply to comment 662.</p>
comment	<p>3316 <span style="float: right;">comment by: DGAC FRANCE</span></p> <p>FCL 015 paragraph (c)</p> <p>Comment :</p> <p>Endorse on a same document several categories with different level of licence depending of the category and various ratings attached to these different categories will be difficult to handle by the Authorities and confusing both for the pilots and for people in charge of the oversight.</p> <p>In addition the licence format proposed in the Part AR doesn't fit with this new rule. Sometimes, pilots hold a lot of ratings on different categories of aircraft, and in fact it will need more than one piece of paper to register theses ratings and their revalidation.</p> <p>Modification in the paragraph (c) :</p> <p>(c) A person shall not hold at any time more than one licence <b><u>for each category of aircraft</u></b> issued in accordance with this part.</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 1231 above.</p>
comment	<p>3401 <span style="float: right;">comment by: NACA</span></p> <p>1. <b><u>FCL.015 (c)</u></b></p> <p>1. Consequence of this article is the impossibility (for example) to hold a CPL(A/H) <u>and</u> be a glider pilot in your spare time. We can't imagine this was the original intention and it should therefore be reconsidered and amended.</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 1231 above.</p>
comment	<p>3419 <span style="float: right;">comment by: Royal Danish Aeroclub</span></p> <p>Royal Danish Aero club do strongly support the idea behind the proposed FCL. In the general aviation and in air sports we need to get better access to flying privileges.</p> <p>The general aviation and air sport do a valuable "screening" for talents for the commercial air transportation, flight engineers and flight controllers.</p> <p>All EU citizens with a right to fly a particular aircraft type, a right to exercise certain activity on ground or in the air should be guaranteed the right in the future, after converting the existing rights/licenses to new EASA licenses. This mean that conversion tables for converting ANY license or ANY right to a EASA license should be demanded and created before rights are made invalid over the years to come.</p>

It is important for the general aviation community and for EU and EASA to keep existing rights.

To get acceptance from the european citizens for the EASA-system, it is mandatory to secure existing rights for all – also in the future, without extra costs and extra / new examination involved.

Please remember – existing rights do represent a lot of time and money, and do create life quality to the holders.

response *Noted*

Thank for your positive feedback.

comment

3469

comment by: *Deutscher Aero Club (DAeC)*

The meaning of the sentence is not fully understood.

Does this mean that

(a) a pilot can only hold one EU licence and that if it is a 'higher' licence for a particular aircraft category (e.g. glider) – i.e. an SPL gives the privileges also of a LPL(S)? or

(b) a pilot can only hold one EU licence for a particular aircraft category (e.g. a SPL) and cannot have two licences (from different countries, for example for an SPL)? Or

(c) a pilot who holds for example an ATPL also has on the licence a rating, for example, for the LPL(S)?

DAeC assumes that this draft rule is intended to stop pilots holding a licence for the same aircraft category in more than one Member State. DAeC understands that this rule shall ensure a clear assignment of a pilot to the responsibility of the competent authority of only one member state. However, further clarification of the rule is necessary by e.g. the AMC material is necessary.

response *Noted*

Please see reply to comment 1231 above.

comment

3512

comment by: *Luftfahrt-Bundesamt*

FCL.015:

FCL.015.(c) The licence format according to Appendix III to Annex 1 Part Authority Requirements does not allow for the various entries that might be required in case of only one licence per person (various type ratings in various categories of aircraft, type specific IR ratings, FI rating, Mountain rating, CRI, TRI instructor on various types in various aircraft categories, proficiency in various languages on probably different levels, remarks, .. .). Realising the idea of only one licence per person would require a change in the licence format (i.e. the paper format) and the whole design of the licence would have to be reconsidered. Consequently, Appendix III to Annex 1 Part Authority Requirements would have to be re-written in total. Software required for printing licences (and probably the hardware as well) would have to be substituted.

The idea that one person shall not hold more than one licence acc. to PART-FCL is difficult to realise and causes impractical changes in the existing system of licensing in Germany.

	<p>Due to the fact that Germany is a Federal State, some categories of licences (e.g. for Balloons, PPL without IR) are issued by the authorities of the Federal States. Because a lot of Airman hold both, e. g. a commercial licence and a second one currently acc. to national law (e. g. for balloons, sailplanes etc.) the existing system must be changed. This causes extraordinary effort, the very small advantage of the change does not justify this at all</p> <p>Though appealing, the idea of only one licence per person should be skipped due to benefit- cost/effort considerations.</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 1231 above.</p>
comment	<p>3670 <span style="float: right;">comment by: <i>SHA Guido Brun</i></span></p> <p>Statement: in some contries no FTO offers theoretical instruction for technical knowledge for specific types of helicopters or licences. It should be possible to follow a complete theoretical course including the relevant examination in one country and transfer it to another without having to request a "change of competent authority" which is often very difficult or even impossible.</p> <p>Proposal: FCL.015 (e) Theoretical courses including a pass in the relevant examination attended at any EASA certified FTO shall be accepted by any EASA authority.</p>
response	<p><i>Not accepted</i></p> <p>The Agency considers that the addition proposed is not necessary.</p> <p>In the system created by the Basic Regulation, mutual recognition of certificates is automatic. Therefore, training conducted at an ATO shall be recognised by all Member States, as well as a certificate of completion of theoretical knowledge examinations.</p>
comment	<p>3813 <span style="float: right;">comment by: <i>DGAC FRANCE</i></span></p> <p>FCL.015 paragraph (a)</p> <p>Comment :</p> <p>The verb "done" is missing !</p> <p>Modification :</p> <p>(a) An application for the issue, revalidation or renewal of pilot licences and associated ratings and certificates shall be <b>done</b> to the competent authority in a manner established by this authority.. The application shall be.....Part-Medical.</p>
response	<p><i>Partially accepted</i></p> <p>See reply to comment 2299.</p>
comment	<p>4281 <span style="float: right;">comment by: <i>Nils Wedi</i></span></p>

Rule c) this is not clear, it is very common that a pilot will hold both a PPL aeroplanes and a SPL licence for example. Is this in conflict with this rule ? This has implications regarding the validity of the medical, is a class 2 medical valid for both SPL and PPL ? Please clarify.

response *Noted*

Please see reply to comment 1231 above.

comment 4548

comment by: *Deutscher Aero Club*

FCL.015 Para (a):  
 "An application for the issue, revalidation or renewal of pilot licences and associated ratings and certificates shall be to the competent authority. The application shall be..."

Comment:

One of the demands of the gliding movement was the possibility to empower national gliding bodies (Federations or National Aero Clubs) to issue and revalidate licences, ratings and certificates for instructors/examiners on behalf of the competent authority (the "Assessment Bodies" in the initial set up) Regulation (EC) 216/2008 recognises that qualified entities may deliver specific certification tasks for the competent authority. It is proposed that the text within FCL.015 should be amended to read as such.

EGU Proposal:

(a) Any application for the issue, revalidation or renewal of pilot licences and associated ratings and certificates shall be made to the competent authority, or to the appointed qualified entity, in a manner established by this authority. The application shall be accompanied by evidence that the applicant complies with the requirements for the issue, revalidation or renewal of the licence or certificate as well as associated ratings or endorsements, established in this Part and Part Medical.

response *Not accepted*

See reply to comment 662.

comment 4549

comment by: *Deutscher Aero Club*

FCL. 015 Para (c)  
 "A person shall not hold at any time more than one licence issued in accordance with this part"

Comment:

The meaning of the sentence is not fully understood. Does this mean that:

(a) a pilot can only hold one EU licence and that if it is a 'higher' licence for a particular aircraft category (e.g. glider) – i.e. an SPL gives the privileges also of a LPL(S)? or

(b) a pilot can only hold one EU licence for a particular aircraft category (e.g. a SPL) and cannot have two licences (from different countries, for example for an SPL)? Or

(c) a pilot who holds, for example, an ATPL also has on the licence a rating, for example, for the LPL(S)?

	<p>EGU assumes that this draft rule is intended to stop pilots holding a licence for the same aircraft category in more than one Member State. EGU understands that this rule shall ensure a clear assignment of a pilot to the responsibility of the competent authority of only one member state.</p> <p>EGU Proposal:</p> <p>EASA to clarify the interpretation of this statement, in the AMC / GM.</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 1231 above.</p>
comment	<p>4712 <span style="float: right;">comment by: <i>drvale</i></span></p> <p>I hold a perpetual UK CAA PPL(A) licence which entitles me to fly providing my medical is valid and meet current experience criteria. I believe it is an insidious tax to require me to renew my licence periodically as it serves no purpose whatsoever apart from raising revenue. The use of computerised current Medical and Flight Experience is the only information required to ensure a register is kept 'up to date'</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your opinion.</p> <p>However, the proposals made in the NPA follow the system created by JAR-FCL, as was established in the Terms of Reference for FCL.001.</p>
comment	<p>4993 <span style="float: right;">comment by: <i>FOCA Switzerland</i></span></p> <p>FCL.015 (c)</p> <p>The idea that one person shall hold not more than one licence will be difficult to handle by the Authorities and confusing both for the pilots and for people in charge of the oversight. Additionally it also has an impact on IT-systems and causes enormous changes. It also would lead to a change in the licence format (paper size) and the design of the licence need to be adjusted as well.</p> <p>Prposal</p> <p>(c) A person shall not hold at any time more than one licence <b>for each category of aircraft</b> issued in accordance with this part.</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 1231 above.</p>
comment	<p>5040 <span style="float: right;">comment by: <i>Dieter Zimmermann</i></span></p> <p>Zu FCL.015, Absatz (a): Die Worte "and Part-Medical" sind zu streichen. Begründung: Da ohne ein vorhandenes Medical ein Luftfahrzeug nicht geführt</p>



werden darf, erübrigt sich zwangsläufig eine relativ kostspielige Überprüfung durch die Behörde.

Zu FCL.015, Absatz (c):

Dies kann so nicht stehen bleiben. Es würde ja bedeuten, dass jemand der einen LPL(S) besitzt keinen ATPL erwerben kann.

Es muss eher so heißen: Jede Person darf von jeder Art von Lizenz jeweils nur ein Exemplar besitzen. Inhaber eines ATPL dürfen gleichzeitig keinen weiteren CPL besitzen.

Es muss z.B. sichergestellt sein, dass Inhaber eines PPL oder LPL(A), ausgestellt von einer Behörde im Land X, einen LPL(S) oder SPL durch eine andere Behörde im Land Y besitzen dürfen.

response *Noted*

Please see reply to comment 1231 above.

comment

5047

comment by: UK CAA

**Paragraph:**

FCL.015 (d)

**Page No:**

5

**Comment:**

Both licensing and medical records would need to be transferred if the pilot has requested a change of competent authority.

**Justification:**

Clarification.

**Proposed Text:**

**(if applicable)**

Amend to '...transfer of his **licensing and medical** records...'

response

*Accepted*

The Agency agrees that the proposal clarifies the intent of the text. Text will be changed accordingly.

comment

5055

comment by: UK CAA

**Paragraph:**

FCL.015 – Application and issue of licences, ratings and certificates

**Page No\*:**

6 of 647

**Comment:**

Paragraph (c) states that a person shall not hold at any time more than one licence. It is the intention to hold one licence with privileges for each category of aircraft, but the AR's allow for training in more than one Member State. What does this statement mean?

If, for example a Part-FCL PPL(H) holder issued by one State then goes to another State to obtain their Part FCL PPL(A),. Must the applicant firstly change their helicopter state of licence to the other JAA Member State so that the helicopter privileges are then reflected on that licence?

Also, by having only one licence you can get the situation whereby a pilot holds a non ICAO compliant licence (i.e LPL) and an ICAO compliant Part-FCL PPL in

the same licence. How would this be differentiated within the licence?

When a Part-FCL PPL holder upgrades to a higher licence in the same category, is the PPL then deleted from the higher licence?

Paragraph (d) states that an application for licence/rating amendment, revalidation or renewal shall be made to the competent authority but AR.FCL.220 allows rating revalidations to be delegated.

**Justification:**  
Clarification

response

*Noted*

Paragraph (c)

Noted. Please see reply to comment 1231 above.

The issue you raise is now solved by having a separate licence document per category of aircraft.

However, even with the original proposal of the Agency, in the example you give the pilot would not have to change licensing authorities since the rating done in one Member State is automatically recognised in another one. So the pilot could choose (and this is still true, even within the same category of aircraft):

- he/she could indeed change the licensing authority, and have his/her records transferred;
- or he/she could take the certificate of completion of the training in another MS, and use it as a basis to have the new privileges issued by the licensing authority.

As for your second question, related to having ICAO non-compliant and ICAO compliant privileges in the same licence document, this issue was considered by the Agency and a solution has been presented in Part-AR, in the licence form: there is an indication that the LPL privileges are not ICAO compliant.

As for your third question, since privileges of higher licences include the PPL ones, there is no need to keep the indication of the PPL in the licence.

Paragraph (d)

Accepted. Please see replies to comments on FCL.1030. Part-AR will be amended to reflect the possibility for specifically authorised examiners to endorse the revalidation / renewal directly.

In this case, the authority will need to specify how the application will be made.

comment

5234

comment by: *CAA Belgium*

FCL 015 (c)

Endorse on a same document several categories with different level of licence depending of the category and various ratings attached to these different categories will be difficult to handle by the Authorities and confusing both for the pilots and for people in charge of the oversight.

In addition the licence format proposed in the Part AR doesn't fit with this new rule. Sometimes, pilots hold a lot of ratings on different categories of aircraft, and in fact it will need more than one piece of paper to register these ratings and their revalidation.

(c) A person shall not hold at any time more than one licence **for each category of aircraft** issued in accordance with this part.

response *Noted*

Please see reply to comment 1231 above.

comment *5407*

comment by: *CAA Belgium*

FCL.015.(c) The licence format according to Appendix III to Annex 1 Part Authority Requirements does not allow for the various entries that might be required in case of only one licence per person (various type ratings in various categories of aircraft, type specific IR ratings, FI rating, Mountain rating, CRI, TRI instructor on various types in various aircraft categories, proficiency in various languages on probably different levels, remarks, ..). Realising the idea of only one licence per person would require a change in the licence format (i.e. the paper format) and the whole design of the licence would have to be reconsidered. Consequently, Appendix III to Annex 1 Part Authority Requirements would have to be re-written in total. Software required for printing licences (and probably the hardware as well) would have to be substituted.

The idea that one person shall not hold more than one licence acc. to PART-FCL is difficult to realise and causes impractical changes in the existing system of licensing.

Though appealing, the idea of only one licence per person should be skipped due to benefit- cost/effort considerations.

response *Noted*

Please see reply to comment 1231 above.

comment *5534*

comment by: *Belgian Gliding Federation*

*FCL.015 Para (a):*

*"An application for the issue, revalidation or renewal of pilot licences and associated ratings and certificates shall be to the competent authority. The application shall be..."*

Comment:

One of the demands of the gliding movement was the possibility to empower national gliding federations or National Aero Clubs to issue and revalidate licences, ratings and certificates for instructors/examiners on behalf of the competent authority (the so called "Assessment Bodies" in the initial set up) Regulation (EC) 216/2008 recognises that qualified entities may deliver specific certification tasks for the competent authority. There for we like to propose that the text within FCL.015 should be amended to read as such.

**The BGF seconds the EGU proposal:**

(a) Any application for the issue, revalidation or renewal of pilot licences and associated ratings and certificates shall be made to the competent authority, **or to the appointed qualified entity**, in a manner established by this authority. The application shall be accompanied by evidence that the applicant complies with the requirements for the issue, revalidation or renewal of the

	licence or certificate as well as associated ratings or endorsements, established in this Part and Part Medical.
response	<i>Not accepted</i> See reply to comment 662.
comment	5744 <span style="float: right;">comment by: ENAC ITALY</span> It should be specified what EASA exactly means by "a person shall not hold more than one licence issued in accordance with this Part"  We think that a pilot shall hold only one licence if he holds the same level of licence for more than one category of aircraft (i.e. ATPL (A) and ATPL (H)). In case he holds different levels of licence (i.e. ATPL (A) and PPL (H)) we think that, even in the same certificate, he holds two licences. In this second case, we think that it would be better to issue two different paper forms, in order to avoid confusion of validity and privileges.
response	<i>Noted</i> Please see reply to comment 1231 above.
comment	5776 <span style="float: right;">comment by: Phil King</span> Pilot licences, ratings, and certificates in the UK are issued by appointed qualified entities such as the British Gliding Association in addition to, or in the place of, the competent authority (the Civil Aviation Authority). This arrangement provides appropriate regulation at a more affordable cost. A state authority such as the CAA is inevitably much more expensive and less effective because it is remote from the activity it is trying to control. Experience shows that the BGA is able administer gliding in the UK and achieve safety levels as good as or better than are achieved by state authorities in other countries in Europe.  I support the BGA proposal that the following phrase be inserted: "or to the appointed qualified entity," so that paragraph (a) becomes: (a) An application for the issue, revalidation or renewal of pilot licences and associated ratings and certificates shall be to the competent authority, <u>or to the appointed qualified entity</u> , in a manner established by this authority. The application shall be accompanied by evidence that the applicant complies with the requirements for the issue, revalidation or renewal of the licence or certificate as well as associated ratings or endorsements, established in this Part and Part Medical.
response	<i>Not accepted</i> See reply to comment 662.
comment	5836 <span style="float: right;">comment by: EFLEVA</span> FCL 015(c) The paragraph, "A person shall not hold at any time more than one licence issued in accordance with this Part", means that it is not possible to hold a PPL

	and a SPL or BPL at the same time. Equally an ATPL can never fly sailplanes or balloons!
response	<i>Noted</i> Please see reply to comment 1231 above.
comment	5837 <span style="float: right;">comment by: EFLEVA</span> EFLEVA considers that a suitably approved QE should be given the privilege to handle licence applications.
response	<i>Noted</i> See reply to comment 662.
comment	5917 <span style="float: right;">comment by: Luftsport-Verband Bayern</span> Der Text kann dahingehend interpretiert werden, dass nur eine einzige Lizenz (und damit nur eine einzige lizenzführende Stelle) vorhanden sein darf. Wird in einem einheitlichen Dokument zB. der ATPL neben der Segelfluglizenz vermerkt? Ist es möglich in einem EASA-Land den ATPL zu führen und in einem anderen z.B. die Segelfluglizenz? Wie soll überwacht werden, dass es nur "eine" Lizenz gibt?
response	<i>Noted</i> Please see reply to comment 1231 above.
comment	6054 <span style="float: right;">comment by: Martyn Johnson</span> The text should be amended to read:  (a) An application for the issue, revalidation or renewal of pilot licences and associated ratings and certificates shall be to the competent authority, or to the appointed qualified entity, in a manner established by this authority. The application shall be accompanied by evidence that the applicant complies with the requirements for the issue, revalidation or renewal of the licence or certificate as well as associated ratings or endorsements, established in this Part and Part Medical.
response	<i>Not accepted</i> See reply to comment 662.
comment	6069 <span style="float: right;">comment by: CAA Finland</span> FCL.015(c), one licence: Comment: Please check, that there is no contradiction in terms when holding PPL(A) + CPL(H) + SPL. FCL.010 does not have definition for licence; is it a number of papers or number of privileges. In AR/OR that may be covered (I have not confirmed).

response	<i>Noted</i> Please see reply to comment 1231 above.
comment	<p>6354 <span style="float: right;">comment by: <i>peter Gray</i></span></p> <p>FCL.015 This section does not recognise the possibility of licence applications being made to a qualified entity (such as a national sporting governing body) who acts under delegation from the competent authority.</p> <p>Such a governing body is likely to be funded and run by the sporting movement and be in much closer touch with the sport than a national competent authority. It will be in the best position to monitor safety and trends and deal with them so long as they have the flexibility of operating under AMCs rather than (almost) irrevocable law.</p> <p>The agency's ambition to promote the leisure/sporting aviator will be greatly furthered if it includes as an objective the enhancement of the role of the qualified entity.</p>
response	<i>Noted</i> See reply to comment 662.
comment	<p>6475 <span style="float: right;">comment by: <i>IAOPA Europe</i></span></p> <p>The limitation to hold only one license might cause problems in some cases. Particularly because of language barriers and because the authority for different segments of aviation might be delegated to different entities (for instance one for gliding and another one for powered aircraft).</p> <p>For instance in the case where a pilot has taken a glider license (LPL) in one country and now wants to get a full PPL or CPL license for powered aircraft in another country.</p> <p>In this case transferring all license administration from the gliding authority in one country to the powered aircraft authority in another country offers no real benefits. Instead it causes problems because of language barriers and because an authority which specialises in one segment of aviation now must deal with another segment for which it is not competent.</p>
response	<i>Noted</i> Please see reply to comment 1231 above.
comment	<p>6528 <span style="float: right;">comment by: <i>Light Aircraft Association UK</i></span></p> <p>The LAA proposes that a Qualified Entity should be entitled to receive and process licence applications, as suitably approved by the Agency. The text of paragraph a) should therefore be modified to read "...shall be to the competent authority, or to the appointed qualified entity, in a manner..."</p>
response	<i>Not accepted</i> See reply to comment 662.

comment	<p data-bbox="359 235 430 280">6640</p> <p data-bbox="1077 235 1449 280" style="text-align: right;">comment by: <i>Croft Brown</i></p> <p data-bbox="359 291 1228 324">FCL.015 Application for issue of licences, ratings and certificates</p> <p data-bbox="359 324 502 358">Comment:</p> <p data-bbox="359 358 1449 459">Regulation (EC) 216/2008 recognises that qualified entities may deliver specific certification tasks for the competent authority. It is proposed that the text within FCL.015 should be amended as underlined below to read;</p> <p data-bbox="359 459 893 492">Croft Brown endorses the BGA Proposal</p> <p data-bbox="359 492 1449 728">(a) An application for the issue, revalidation or renewal of pilot licences and associated ratings and certificates shall be to the competent authority, or to the appointed qualified entity, in a manner established by this authority. The application shall be accompanied by evidence that the applicant complies with the requirements for the issue, revalidation or renewal of the licence or certificate as well as associated ratings or endorsements, established in this Part and Part Medical.</p>
response	<p data-bbox="359 728 542 772"><i>Not accepted</i></p> <p data-bbox="359 784 726 828">See reply to comment 662.</p>
comment	<p data-bbox="359 884 430 929">6727</p> <p data-bbox="1141 884 1449 929" style="text-align: right;">comment by: <i>CAA CZ</i></p> <p data-bbox="359 940 470 974">para (c)</p> <p data-bbox="359 974 1449 1176">To the sentence "A person shall not hold at any time more than one license issued in accordance with this Part" words "<b>for the category of aircraft</b>" should be added. If this will not be completed, the adjustment of existing template of the licence format will be needed (see NPA 2008-22b, Appendix III to Annex 1 Part Authority Requirements) in order to allow making a common licence for all licence levels and for all categories.</p>
response	<p data-bbox="359 1176 446 1220"><i>Noted</i></p> <p data-bbox="359 1232 925 1276">Please see reply to comment 1231 above.</p>
comment	<p data-bbox="359 1332 430 1377">6771</p> <p data-bbox="630 1332 1449 1377" style="text-align: right;">comment by: <i>Joachim J. Janezic (Institute for Aviation law)</i></p> <p data-bbox="359 1388 1449 1523">1. The revalidation or renewal should be done only by the endorsement. There should not be any possibility for national authorities to require an additional step of them (which normally causes fees gong up to some hundreds of Euros per year).</p> <p data-bbox="359 1545 1449 1724">2. In Austria there are (at the moment) 2 authorities: Austro Control (responsible for pilots of all classes who does not belong to the Aero Club) and the Aero Club (responsible for gliders for example). If there is only one license there should be rules about the sharing of responsibility between the two authorities. (e.g. the "higher" rating determines the competence).</p>
response	<p data-bbox="359 1724 446 1769"><i>Noted</i></p> <p data-bbox="359 1780 462 1825">Point 1.</p> <p data-bbox="359 1825 1449 1993">Revalidation is done by the endorsement. When you refer to an additional step, the Agency assumes that you are talking about the periodic re-issue of the licence. This re-issue is an administrative task, which also serves an oversight purpose. This was already required in JAR-FCL, and the Agency sees no benefit in changing the requirement at this time.</p>

Point 2.

The Agency agrees that there is a need to clarify this issue. Your comment will be taken into account when reviewing the replies to comments on NPA 2008-22.

In any case, each Member State is responsible for determining the competent authority(ies) in its territory, and this issue should ultimately be solved at a national level.

comment	<p>7127 <span style="float: right;">comment by: <i>Finnish Aeronautical Association - Kai Mönkkönen</i></span></p> <p>(a) The term "competent authority" only, is focusing only to the national authority ("CAA") to issue and revalidate licences, for example for gliding. That is clearly in contradiction with the possibility to empower national gliding bodies (Aviation Federations) to issue and revalidate licences etc. on behalf of the competent authority.</p> <p>Justification: Beside of the "competent authority" there should be also "a qualified entity".</p> <p>Proposed text: Correct the text of item (a) for example as the following: (a) Any application for the issue, revalidation or renewal of pilot licences and associated ratings shall be made to the competent authority, <i>or to the qualified entity</i>, in a manner..."</p>
response	<p><i>Not accepted</i></p> <p>See reply to comment 662.</p>
comment	<p>7376 <span style="float: right;">comment by: <i>David Chapman</i></span></p> <p>The competent authority should be able to appoint a qualified authority to manage licences, as long as it is seen that this authority complies with the regulations. The implementation method needs to provide costs proportionate to the sector of aviation in question.</p>
response	<p><i>Noted</i></p> <p>See reply to comment 662.</p>
comment	<p>7385 <span style="float: right;">comment by: <i>Europe Air Sports, VP</i></span></p> <p>It is strongly recommended to at least explain in the AMCs what is meant by "evidence" which must accompany the application for a license. Other wise the door is open for interpretation.</p>
response	<p><i>Noted</i></p> <p>The Agency considers that the requirement is clear enough.</p> <p>This means that the pilot has to prove that he/she complies with the requirements.</p>



comment	7638	comment by: <i>Cristian Olinescu</i>
	<p>FCL.015.(c)  The requirement that one person shall not hold more than one licence acc. to PART-FCL is very difficult to be implemented and may cause impractical changes in the existing system in many EU countries. Some categories of licences (e.g. for Balloons, gliders) are issued by the national airclub or associations. Because many pilots have both professional licence (e.g. CPL or ATPL) and also glider licence, for an example, the existing system must be changed. This causes extraordinary effort, the very small advantage of the change does not justify this at all  Proposal: the idea of only one licence per person should be deleted due to cost/effort considerations.</p>	
response	<p><i>Noted</i>  Please see reply to comment 1231 above.</p>	
comment	7717	comment by: <i>Roger Hurley</i>
	<p>L.015 Elsewhere, qualified entities also may issue, revalidate or renew.</p>	
response	<p><i>Noted</i>  See reply to comment 662.</p>	
comment	7809	comment by: <i>Graham Bishop</i>
	<p>FCL.015 Application for the issue, revalidation or renewal of pilots licences and associated ratings must be made to the competent authority or that designated such as the BGA. Such applications must be accompanied by evidence to substantiate any claim including medical evidence.</p>	
response	<p><i>Noted</i>  See reply to comment 662.</p>	
comment	7963	comment by: <i>HeliAir Ltd</i>
	<p>People may want to hold a SEPARATE Private License to their Profesional license. NOT just use the subordinate priveledges of their Profesional license. WHY can they not?</p>	
response	<p><i>Noted</i>  Please see reply to comment 1231 above.</p>	
comment	7972	comment by: <i>Federal Ministry of Transport, Austria (BMVIT)</i>
	<p>In (a) at the last words of the first sentence should read: "in a manner established <b>by national law</b> and this authority."   Justification: Every Member State has general administrative rules prescribed by its law which have to be followed by its authorities. We do not think that the competent authority should be authorised to change these rules.</p>	
response	<p><i>Not accepted</i></p>	

The Agency considers that the way the requirement is written cannot be interpreted as allowing the competent authority not to comply with its national administrative law.

comment 8000 comment by: *European Sailplane Manufacturers*

The European sailplane manufacturers know that quite a number of pilots today hold parallel licences of several European member states. FCL.015 (c) seems intended to permit such a situation.

Nevertheless situations could make it a better option to have parallel licences. Just think about a permanent visit to another state for bussiness reasons. Therefore this should not be forbidden.

For most pilots the new European licence will inherent mean that they have from now on a European licence and there will be only minimal desire to deal with two or more competent authorities. But it should be possible.

Additionally in respect of "simpler regulation for small aviation" it is already been discussed to allow Qualified Entities to fulfill the roles the national competent authorities.

This should from the beginning on been included in this proposed regulation. So it should read competent authority and qualified entity at the regarding places in the text.

response *Noted*

1.  
Please see reply to comment 1231 above.  
The reason why the existence of 'parallel licences' as you call them is not permitted is related to oversight concerns. This was the reason why the requirement was entered already in JAR-FCL.

2.  
Please see reply to comment 662.

comment 8088 comment by: *Norwegian Air Sports Federation, Gliding Section*

*FCL.015 Paragraph (a):*

*"An application for the issue, revalidation or renewal of pilot licences and associated ratings and certificates shall be to the competent authority..."*

Comment:

In the opinion of the Gliding Section of the Norwegian Air Sport Federation, the regulation should allow for an option where an approved Qualified Entity can issue, revalidate and renew pilot licenses and ratings.

**This a type of system has been in use in Norway for more than 30 years, where the Norwegian Air Sport Federation has issued and renewed Glider Pilots Licenses, with the approval of the Norwegian CAA.**

Such a system can be beneficial in keeping the cost and bureaucratic burden of licensing down.

In cases where the competent authority may have limited resources to monitor a segment of aviatio/air sports, management of licenses for this aviation segment by a Qualified Entity (e.g. a national air sports federation), will have a

	beneficial effect on safety monitoring.  Geir Raudsandmoen on behalf of the Gliding Section of the Norwegian Air Sport Federation.
response	<i>Noted</i>  See reply to comment 662.
comment	8124 <span style="float: right;">comment by: Konrad Polreich</span>  FCL.015 (a) Wording: The word "made" is missing analog to (d). 1 Sentence: ....certificates shall be <b>made</b> to the competent ....
response	<i>Accepted</i>  The wording has been changed.  See reply to comment 2299.
comment	8262 <span style="float: right;">comment by: Paul Mc G</span>  Each Nation State under the Agency should elect a Qualified Entity to process licence applications, as approved by the Agency, but what will be the powers and limitations of the agency and will there be one or is there to be confusion with many as usual?. Really one organisation should be lead in all aviation related activity such that operations are simplified!
response	<i>Noted</i>  See reply to comment 662.
comment	8265 <span style="float: right;">comment by: Paul Mc G</span>  Part-FCL - Subpart A: General Requirements - FCL.015 Application and issue of licences, ratings and certificates  Regulation (EC) 216/2008 recognises that qualified entities may deliver specific certification tasks for the competent authority. However no definition of such is offered?  Does this mean that an application for the issue, revalidation or renewal of a pilot licence and associated ratings and certificates shall be operated by a national competent authority, or some other appointed qualified entity, in a manner established by this authority? This could get complicated if several different dissimilar bodies are involved. One unitary body is surely needed to implement such operation? The same organisation could licence flying schools, protect airfields from improper action by government, local authorities municipalities etc. who want to build unneeded houses on every piece of flat land no matter how unsuitable and which then deny sports and transport location and safety is also compromised by these ineffective "governmental" bodies which pander to the worst local nuisances! Airfields must be protected as these new regulations are implemented.
response	<i>Noted</i>  See reply to comment 662.

**B. Draft Opinion Part-FCL - Subpart A: General Requirements - FCL.020**  
**Studen pilot**

p. 5

comment	85	comment by: FOCA Switzerland
	no objection	
response	<i>Noted</i>	
	Thank you for providing your positive feedback.	

comment	190	comment by: Aero-Club of Switzerland
	Looking at FCL.020 (b) (2) and at LPL FCL.100, the student pilot may fly solo with sailplanes and balloons at the age of 14, but has then to wait until reaching the age of 16 to apply for the LPL. Please reduce to 15 years of age.	
	Justification: It is not the age that primariliy counts, it is the actual level of training and the recency of flight experience.	
	For balloons, the Swiss Ballooning Federation considers 16 years of age to be correct.	
response	<i>Not accepted</i>	
	Thank you for providing your comment proposing to change the age to hold an LPL (in FCL.100) and to reduce the age for sailplane pilots to 15 and to keep the age for balloon pilots (16 years).	
	However, the Agency does not agree and will keep the proposed minimum age of 16 years to hold a LPL(S) or (B) in FCL.110. The age issue for sailplane pilots is mentioned in several comments. The majority of stakeholders (mainly from one Member State) are of the opinion that the proposed age of 16 is too low for a sailplane pilot and that it should be increased. Only a few comments ask for lowering this age limit.	
	Evaluating the minimum age requirements for sailplane pilots in Europe the Agency is of the opinion that 16 years of age should be a good and safe compromise (checking the accident statistic of countries which allow to fly solo with an age of 14 years and hold a licence with 16 the Agency could not identify any significant safety related problem) and will keep its proposal. The same age of 16 years is required for the Glider Pilot Licence mentioned in the ICAO requirements (see Annex 1 - 2.9.1.1.) and will be therefore also kept for the SPL.	

comment	202	comment by: CAA - The Netherlands
	FCL.020	
	<ul style="list-style-type: none"> <li>• (b) Powered lift is missing</li> <li>• How about the minimum age for aerobatic rating, sailplane towing, banner towing, night rating, mountain rating and flight test?</li> </ul>	

response	<p><i>Noted</i></p> <ul style="list-style-type: none"> <li>• This NPA does not include the requirements for the issuance of a powered-lift licence - only for the type rating. One of the requirements for the type rating is that the applicant has to hold an ATPL (A) or (H) - so the minimum age requirements for the ATPL applies. The Agency has included a task in its rulemaking programme to develop the requirements for a powered-lift licence. This task will assess the issue of the minimum age for the licence.</li> <li>• All those ratings can only be issued to pilots already holding a licence. This requirement is about the minimum age for the solo flight for the issuance of a licence.</li> </ul>
comment	<p>270 <span style="float: right;">comment by: <i>Rod Wood</i></span></p> <p>An additional sub para should be introduced stating the minimum age from which training flying may be recorded. I would propose 14 for aeroplanes and helicopters and 13 for sailplanes and ballons.</p>
response	<p><i>Not accepted</i></p> <p>The Agency does not consider that a minimum age to start training should be established.</p> <p>Only the age for first solo flight should be established.</p>
comment	<p>278 <span style="float: right;">comment by: <i>CAA Belgium</i></span></p> <p>According the proposal a student pilot only needs an authorisation from a FI to fly solo. No authorisation is required to take passengers. <b>Maybe a precise description of the privileges should be added.</b></p>
response	<p><i>Not accepted</i></p> <p>Please see the definition for solo flight. It excludes the carriage of passengers.</p> <p>Furthermore, only holders of a licence have the privilege to fly an aircraft and carry passengers. A student pilot only has the privilege to receive instruction.</p>
comment	<p>479 <span style="float: right;">comment by: <i>FOCA Switzerland</i></span></p> <p>FCL 020 Add text as per ICAO Annex 1, Para 2.2.3</p> <p>Medical fitness: <b>A contracting State shall not permit a student pilot to fly solo unless the student pilot holds a current Class 2 Medical Assessment.</b></p>
response	<p><i>Not accepted</i></p> <p>The requirement for a student pilot to hold a medical certificate before first solo flight is established in Part-Medical, paragraph MED.A.020 (a). There is no need to repeat it in Part-FCL.</p>
comment	<p>594 <span style="float: right;">comment by: <i>British Microlight Aircraft Association</i></span></p>

response	<p>Accepted</p> <hr/> <p><i>Noted</i></p> <p>Thank you for your positive feedback.</p>
comment	<p>838 <span style="float: right;">comment by: <i>Luftsportverband Rheinland Pfalz</i></span></p> <p>FCL. 20  Diese Formulierungen und insbesondere die Altersgrenzen sind zu begrüßen. In Deutschland werden viele erste Alleinflüge im Segelflug im Alter von 14 Jahren durchgeführt. Diese Praxis hat sich bewährt. In über 20 jähriger Fluglehrertätigkeit gab es in keinem Fall Probleme durch das Alter (14 Jahre) des Piloten. Im Gegenteil gerade in diesem Alter sind Jugendliche auf der Suche und gut für die Luftfahrt und die Fliegerei zu begeistern.  Bitte <u>keine</u> Änderungen.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your positive feedback.</p> <p>The Agency has proposed this requirement for the minimum age to fly solo (14 for sailplane pilots or balloon pilots) and in FCL.100 a minimum age of 16 for holding a LPL licence.  The proposal for this requirement is based on the fact that this minimum age is in a lot of Member States actually in place. Furthermore the Agency is not aware of any safety related problem indicating that the proposed minimum age for solo flights in sailplanes or balloons could create a specific hazard. In addition to this the Agency would like to highlight that the training syllabus for the LPL licences requires a lot more flight training (dual or under supervision) than the first solo flights. As this will take quite some time the Agency cannot see any contradiction between the proposed minimum age for the solo flight and the age for applying for the licence.</p>
comment	<p>932 <span style="float: right;">comment by: <i>Stefan JAUDAS</i></span></p> <p>14 years minimum age has proven to be a good practice for training glider pilots within a staunch, experienced and supporting club training environment in Germany.</p> <p>However, the minimum age for beginning practical flight instruction should also be defined.</p> <p>There would be no point for allowing 12-year olds to start flight training and then keep them in dual instruction until age 14. Actually, student pilots have occasionally been observed to turn "sour" if kept on dual instruction well past the point where they would otherwise have been ready to solo. This effect has been described as "over-trained".</p> <p>Current German legislation puts minimum age for receiving dual glider instruction at 14 years of age, with a possibility to petition the respective licence issuing body for an exemption which puts that age down to 13.5 years of age provided the petitioner has the parents' consent, is physically able to fly the aircraft during dual instruction and can demonstrate a above average past affiliation with glider flying, e.g. by being an active model pilot, having taken part to non-flying activities of his or her club for considerable time, having a</p>

response	<p>strong family tradition in glider flying, and such like. Such exemptions are being granted strictly on a case-by-case basis.</p> <p><i>Noted</i></p> <p>Thank you for your positive feedback.</p> <p>In relation to the issue of a minimum age to start instruction, please see the reply to comment 270.</p>
comment	<p>940 <span style="float: right;">comment by: <i>Sven</i></span></p> <p>The age of first solo flight is good for sailplanes (14 years). We have gained good experience in Germany.</p> <p>The security/risk of a solo flight by a 14 years old person is as high/low as that one of a 40 years old person. The FI has the same responsibility.</p>
response	<p><i>Noted</i></p> <p>Thank your for providing your positve feedback. Please also refer to the response to comment no 838 of this segment.</p>
comment	<p>942 <span style="float: right;">comment by: <i>Colin Field (UK Glider Pilot)</i></span></p> <p>I am a young pilot myself (19 years), and particularly through my involvement in the CCF, have seen many examples of what children aged 14 years old are capable of. Although there are many that I would consider mature enough to be pilot-in-charge of an glider, there are also many that I would see to be far too immature. And still, there are children who I would have said are mature enough, yet in a moment of stress or excitement, can quickly show some failings in this.</p> <p>It would be a very great risk to entrust even the most capable child of 14 years with solo control of an aircraft, especially considering the motivations of a child for learning how to fly a glider (which may be for 'bragging rights', or even for the parents' own benefit). Plus, control of a glider is arguably even more demanding than that of a powered aircraft, so there should be no distinction between the two.</p> <p>I know many young pilots who started flying aged 14 or less. By their own admission, on reflection after going solo at aged 16, they feel it would have been a real risk to send them solo at 14 that they would not have been ready for. There is no benefit what so ever in lowering the minimum age, only the risk of incredibly bad publicity in the event of an accident involving a child of that age.</p> <p>In the UK, the minimum age for solo has been 16 years for a number of decades, and so far this has caused very very few problems. I believe it should remain this way for the protection of livelihood of children and clubs alike.</p>
response	<p><i>Not accepted</i></p> <p>Thank you for providing your comment.</p> <p>However, the Agency does not agree and will keep the proposed minimum age of 14 years for the first solo flight on sailplanes or balloons. The age issue for</p>

sailplane pilots is mentioned in several comments. A certain amount of stakeholders is of the opinion that the proposed age of 14 is too low for a sailplane pilot and that it should be increased but there are also quite a few comments stating that the proposed age of 14 should be kept in any case.

Evaluating the minimum age requirements for sailplane pilots in Europe and analysing the accident statistics of countries in which such an age requirement is already in place the Agency is still of the opinion that a minimum of 14 years of age should not create any safety related problem and decided to keep this number.

comment

950

comment by: *Rüdiger Janß*

For many years in Germany it was normal to start the training for gliders with the age of 14 years. I (now 46 years old) personally started with 14 years and made my first solo flight with just 15 years.

Experience from my time at glider clubs show that young people at that age have enough responsibility and enough skills to solo at that age. They get much selfconfidence from flying alone and i never saw any case where a young person failed because his personallity (soft skills) wasnt developed enough. We should never forget the student is not alone, in Germany two instructors have to say yes, before he flys alone and usually in club flying it takes at least about a year before first solo flight, so the instructors have plenty of time to get an good idea about the person.

response

*Noted*

Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.

comment

1009

comment by: *George Rowden*

Comment: Some of the attached comments apply to FCL 100 and 200 but are included here to provide consistency of view.

The rules on minimum age do not show any consistency and are not based upon any evidence of maturity by the pilot. There is no objective evidence that a first flight in a modern two seat sailplane is any less demanding than a similar flight in a powered training aircraft. In some respects the sailplane is more demanding and less forgiving of error. In many countries the minimum age to fly sailplanes solo is 16 based on experience of problems with younger pilots. There is a need for EASA to review minimum ages and establish a coherent and common policy for all classes of aircraft.

If the proposals in NPA17c become law then any aspiring young pilot will have to spend a significant amount of money on a medical clearance. This must be unacceptable as it is a barrier to young people's involvement in flying. Evidence from the UK's Air Cadets gathered over many years proves that a health declaration signed by a parent is entirely adequate. Even severely disabled applicants are accepted although inevitably their training opportunities are limited. The risk of a young person suffering a disabling attack when airborne is almost zero, for the only diseases in young persons that are likely to cause an accident are epilepsy or juvenile onset Type 1 diabetes. Neither of these conditions is apparent on examination. The best way to safeguard young people's safety in a flying environment is to provide them with knowledgeable oversight and supervision within an Approved Training Organisation until experience and maturity is gained. This is what happens in Germany and explains the good safety record of young people there.



I propose that that common minimum ages be established for all classes of aircraft with 16 years for first solo in a sailplane.

All young pilots have to remain under the supervision of an Approved Training Organisation until the age of 18 years, at which point their Licences can be validated.

No person under the age of 18 should be permitted to carry passengers.

The medical requirements for young people below the age of responsibility be via a simple health declaration signed by parents or guardian and endorsed [if required by 216/2008] by a GMP with access to the young person's records.

It is noted that there are no references in the NPA to any maximum ages for non professional pilots. As the risk of a disabling cardio-vascular event increases rapidly with age in older pilots, and such events are difficult to predict, even via examination, a maximum age for instructors needs to be considered. This is particularly important for instructors when flying with inexperienced students who would be unable to take over control in the event the instructor took ill. This problem is significantly less serious when the student is experienced and receiving advanced training. In the UK, the BGA adopted a policy of restricting instructors over the age of 70 years from flying with early students, but allowed experienced older instructors to continue training at an advanced level, contributing to overall club safety.

There is increasing evidence that aviation insurance companies are imposing their own age related limitations which, in the absence of any regulation may prove to be needlessly severe.

It is therefore proposed that the UK BGA policy in relation to older instructors is incorporated into the document

response *Not accepted*

1009.1 The Agency acknowledges your comment and thanks you for providing your opinion. However, the Agency does not agree and will keep the proposed minimum age of 16 years to hold an LPL(S) or (B) in FCL. 110. Please also refer to the response to comment no 190.

1009.2 The Agency acknowledges your comment. The regulation (EC) No 216/2008 of the European Parliament and of the Council regulates in Article 7 2. that a person may only act as a pilot if he or she holds a licence and a medical certificate appropriate to the operation to be performed. The same article defines that such a medical certificate may be issued by aero-medical examiners, by aero-medical centres or if so permitted by national law by a general medical practitioner. Therefore it is not possible to accept a health declaration signed by a parent as proposed by you to replace a medical certificate.

1009.3 The Agency acknowledges your comment but the Agency does not agree with your proposal. When drafting this document the Agency followed closely the relevant parts of JAR-FCL 1 and of Annex 1 to the Convention on International Civil Aviation (ICAO). None of those regulations defines a maximum age for non professional pilots.

comment

1050

comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**Comment:**

A student pilot shall be at least 15 years of age. At age 14, you have not reached the maturity for flying. From a legal point of view you have no legal responsibility for your actions.

	<b>Proposal:</b> (2) in the case of sailplanes and balloons, 15 years of age.
response	<i>Not accepted</i>  The Agency acknowledges your comment but does not agree with it. Please refer to the response to comment no 190 of this segment.
comment	1294 <span style="float: right;">comment by: <i>George Knight</i></span>  The proposed age for solo flight in a glider is too low. I propose: <ul style="list-style-type: none"> <li>• 15 to start training for a licence.</li> <li>• 16 for supervised solo.</li> <li>• 17 minimum to hold a licence.</li> </ul>
response	<i>Not accepted</i>  The Agency acknowledges your comment but does not agree with it. Please refer to the response to comment no 190 of this segment.
comment	1301 <span style="float: right;">comment by: <i>Juergen WILKEN</i></span>  Das Alter des Flugschülers beim ersten Alleinflug im Segelflug sollte bei 14 Jahren belassen werden. Begründung: Viele Flugschüler sind mit 14 Jahren geistig und körperlich in der Lage, den ersten Alleinflug durchzuführen. Die Fluglehrer entscheiden darüber und übernehmen nach wie vor die Verantwortung. Diese Praxis hat sich seit Jahrzehnten bewährt und nicht zu erhöhten Risiken geführt. Der Abstand zwischen Beginn der Ausbildung und dem Alleinflug wird dadurch zu lang. Die Jugendlichen werden in ihrer Begeisterung für den Flugsport nicht unnötig gebremst.
response	<i>Noted</i>  Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.
comment	1388 <span style="float: right;">comment by: <i>Wilfried Müller</i></span>  We have made good experience with young students (14 Years for gliding, 16 Years for power flying) for many decades. Our records for this group of pilots are excellent. They want to fly and are eager to learn. It is a pleasure for the FI to instruct them and make them good pilots. Please, do not change this system.  Wilfried Müller 27-11-2008
response	<i>Noted</i>  Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.

comment	<p>1472 <span style="float: right;">comment by: <i>Stephan Johannes</i></span></p> <p>Sehr geehrte Damen und Herren,</p> <p>das ist eine sehr gute Regelung. Es hat sich außerordentlich bewährt, dass Segelflieger mit 14 die Ausbildung beginnen können und damit auch alleine fliegen können. Der soziale Aspekt dabei, darf nicht vernachlässigt werden.</p> <p>Mit freundlichem Gruß</p> <p>Stephan Johannes</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.</p>
comment	<p>1478 <span style="float: right;">comment by: <i>Keith WHITE</i></span></p> <p>020 (b) (2) suggests a minimum age of 14 for solo flight of a sailplane. In part C para 200 (b) an age of 16 is proposed, which is the age currently permitted in the UK. 14 should be changed to at least 16. Further, I cannot help but think that gliding is a more hazardous activity than driving a car [certainly insurers seem to think so], for which the minimum age is 17 in the UK. <b>Consider raising the minimum solo age to 17.</b></p>
response	<p><i>Not accepted</i></p> <p>Thank you for providing your comment.</p> <p>However, the Agency does not agree and will keep the proposed minimum age of 14 years for the first solo flight on sailplanes or balloons. The age issue for sailplane pilots is mentioned in several comments. A certain amount of stakeholders is of the opinion that the proposed age of 14 is too low for a sailplane pilot and that it should be increased but there are also quite a few comments stating that the proposed age of 14 should be kept in any case.</p> <p>Evaluating the minimum age requirements for sailplane pilots in Europe and analysing the accident statistics of countries in which such an age requirement is already in place the Agency is still of the opinion that a minimum of 14 years of age should not create any safety related problem and decided to keep this number.</p>
comment	<p>1493 <span style="float: right;">comment by: <i>Klaus-Dieter Schoenborn</i></span></p> <p>FCL.020(b2) states that a student pilot shall be at least 14 years of age before his first solo flight. This is an adoption of the german rule and we welcome it.</p> <p>Safety impact: We do not see an impact on safety. It is a practised rule in Germany and accident records do not show an increased risk for young pilots, at least to our knowledge.</p> <p>Social impact: We try to get young people to fly as soon as possible. Many clubs today are</p>

overaging and struggle to keep their activities alive with less and less active members. It is the fascination of aviation that keeps young people starting to get interested in our club activities and we would like to encourage them by offering flight activities at a young age.

Environmental impact:  
We do not see any impact.

response *Noted*

Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.

comment

1515

comment by: *A. Mertz*

The minimum age for sailplane solo flights of 14 years is chosen adequately.

Especially, with sailplanes, there have been good experience in Germany for more than 30 years. By my personal experience (more than 20 years of flight instruction) there is no increased number of accidents or critical situations caused by these young pilots.

In contrary, the 14 year old pilots mostly behave more careful than pilots aged around 18-20.

With a number of cooperation projects with schools, I can quote the unanimous statement of the involved schoolteachers that solo flights with 14 have a distinctive positive impact on education and character of the pupils.

response *Noted*

Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.

comment

1592

comment by: *Geschäftsführer Luftsportverband RP*

Die vorgeschlagenen Altersangaben für den 1. Alleinflug eines Flugschülers sind zu begrüßen. Es ist auch eine jahrzehntelange Praxis in Deutschland. Bei fliegerischen Anfängen in solch einem Alter haben sich statistisch die wenigsten Unfälle oder Zwischenfälle ereignet.

Eine frühe Heranführung der Jugend an die praktische Fliegerei kann nur begrüßt werden.

response *Noted*

Thank you for providing this positive feedback.

comment

1638

comment by: *Neil RATHBONE*

As a gliding instructor I believe that 14 years of age is too young as the pilot may lack the confidence, maturity, and sense of PIC authority necessary to deal with unexpected situations. In particular, such instances as in-flight conflicts with other aircraft, or persuasive suggestions from other, more senior, pilots, or even parents and peers, encouraging them to go beyond their limitations.

	<p>I do not see that flying solo at 14 has any benefits and feel that it should be harmonised with power flying at 16 years.</p>
response	<p><i>Not accepted</i></p> <p>Thank you for providing your comment.</p> <p>However, the Agency does not agree and will keep the proposed minimum age of 14 years for the first solo flight on sailplanes or balloons. The age issue for sailplane pilots is mentioned in several comments. A certain amount of stakeholders is of the opinion that the proposed age of 14 is too low for a sailplane pilot and that it should be increased but there are also quite a few comments stating that the proposed age of 14 should be kept in any case.</p> <p>Evaluating the minimum age requirements for sailplane pilots in Europe and analysing the accident statistics of countries in which such an age requirement is already in place the Agency is still of the opinion that a minimum of 14 years of age should not create any safety related problem and decided to keep this number.</p>
comment	<p>1668 <span style="float: right;">comment by: <i>Sven Koch</i></span></p> <p>Für Flugzeuge: 16 Jahre Für Segelflug: 14 Jahre</p>
response	<p><i>Noted</i></p> <p>Thank you for providing this comment.</p> <p>However, it seems to be only a German translation of some elements contained in FCL.020.</p>
comment	<p>1764 <span style="float: right;">comment by: <i>Rudolf Goebel</i></span></p> <p>Obwohl die Regelung des Mindestalters für Ausbildung zum Segelflugzeugführer mit 14 Jahren eine deutsche Regel ist, ist sie dennoch sinnvoll. Meine 35-jährige Erfahrung als Segelfluglehrer im Vereinsbetrieb hat gezeigt, dass Jugendliche mit 14 Jahren durchaus geeignet sind, die Segelflugausbildung zu beginnen Sie werden so früh an den Verein mit seinen charakterbildenden Eigenschaften ( Verantwortungsbewusstsein für sich und andere, Teamgeist, gesunde Selbsteinschätzung, Ausdauer und Durchhaltevermögen usw. ) gebunden und anderen entwicklungsschädlichen Einflüssen wie Disco, Strassengang, Alkohol und Rauschgift usw. weitgehend ferngehalten. Ausserdem sind keine erhöhten Unfallzahlen mit diesen Jugendlichen zu verzeichnen. Rudolf Goebel, JAR 6734000155, FI</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.</p>
comment	<p>1831 <span style="float: right;">comment by: <i>Stefan Harries</i></span></p> <p><b>Die Möglichkeit zum Ersten Alleinflug ab dem 14. Lebensjahr hat sich</b></p>

**bewährt und sollte beibehalten werden.**

**Begründung:**

Durch die Einbindung den Flugplatzalltag lernen die Jugendlichen bereits mit 14 eine große Verantwortung zu übernehmen und damit umzugehen. Der Lernfortschritt ist erfahrungsgemäß in diesem Alter am schnellsten. Es gibt keinen statistischen Beweis, dass ein erster Alleinflug mit 14 Jahren ein erhöhtes Unfallrisiko hervorruft. Außerdem würde die Motivation darunter leiden, wenn der Zeitraum zwischen Ausbildungsbeginn und erstem Alleinflug unnötig lang ist. Der Segelflugsport leidet ohnehin an dem Problem, dass er gegenüber anderen Sportvereinen weniger Jugendliche vorzuweisen hat. Da man diese Sportart eben erst ab 14 Jahren beginnen kann. Durch eine Änderung dieser Richtlinie würde das Problem noch verschärft werden.

response *Noted*

Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.

comment *1917*

comment by: *Peter Bohne*

**Alleinflugalter:**

Der erste Alleinflug mit 14 Jahren ist ein seit Jahrzehnten bewährtes Mittel (nach Bestätigung der Alleinflugreife durch 2 Fluglehrer) um Jugendliche in der Persönlichkeitsentwicklung zu fördern (Selbstbestätigung) und sie zu verantwortungsvollen und zielorientierten Handeln zu erziehen. Gerade in der beginnenden Pubertät ist es sehr wichtig den Jugendlichen Ziele bieten zu können, für die sich ein ehrenamtliches Engagement in einem Verein lohnt. Eventuell wäre es sogar sinnvoll den Erhalt des Luftfahrerscheines bereits mit 16 Jahren zu ermöglichen. Danach sollte der PPL-C Neuling, wie es in Deutschland beim PKW-Führerschein gängige Praxis ist, 1 Jahr lang bereits selbstständig Überlandflüge planen und durchführen können (nur im Doppelsitzer) wenn auf dem hinteren Sitz ein Scheininhaber (kein Fluglehrer) sitzt. Dies dürfte die Sicherheit für die Scheinneulinge deutlich erhöhen. Flüge im Einsitzer weiterhin nur mit Flugauftrag des Fluglehrers. Mit 17 Jahren wie bisher Luftfahrerschein PPI-C Segelflug.

response *Noted*

Thank you for providing your positive feedback. Please also refer to the response to comment no 838. With regards to your proposal for the issue of a licence at the age of 16 please refer to FCL.100 and FCL.200 of NPA 2008-17a where the 16 years are already mentioned. The implementation of an extra trial period is thus not necessary.

comment *1928*

comment by: *SHA Guido Brun*

(3) in the case of aeroplanes, helicopters and airships, shall have at least a valid medical class 2.

**Justification:**

legal and insurance policy aspect, student pilot flying solo is PIC.

response *Noted*

Please see reply to comment 479 above.

comment	<p>1964 <span style="float: right;">comment by: <i>Rüdiger Braun</i></span></p> <p>Die Segelflugschüleranzahl nimmt immer mehr ab. Daher führen wir in unserem Verein Projektstage mit Schulen durch. Die Schüler, die mit dem Segelflug anfangen, sind meistens zwischen 14 und 15 Jahren alt. Das Anfangsalter von 14 Jahren für Segelflieger ist sinnvoll, sichert unseren Nachwuchs im Verein und holt die Jugendlichen von der Straße. Das Unfallrisiko im Segelflug wird reduziert, durch frühe Gewöhnung an sicheres Fliegen.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.</p>
comment	<p>1978 <span style="float: right;">comment by: <i>Volker Reichl</i></span></p> <p>Cost impact: none</p> <p>Environmental impact: none</p> <p>Social impact: Due to the starting age of 14 in Germany, there has been achieved a continuing way of showing to young people a way to enter the aviation world, which leads to an broad aviation community. Furthermore young people around age 14 are especially susceptible to personality-related education. The aviation education contains a very high level of responsibility and awareness for the person itself and the environment. Changing the starting age would mean to throw away a chance of education without augmentation of the risk - which is shown by the accident figures in germany.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.</p>
comment	<p>2000 <span style="float: right;">comment by: <i>Felix.Reichl</i></span></p> <p>age for 1st solo should remain 14years. This halps the glider clubs to improve the flight training and to improve flight safety due to early learning of flight procedures</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.</p>
comment	<p>2009 <span style="float: right;">comment by: <i>Lukas Grams</i></span></p> <p>Das Mindestalter für den ersten Alleinflug in Segelflugzeugen ist in Absatz (b) auf 14 festgelegt. Diese Grenze sollte so beibehalten werden. Die Erfahrung zeigt, dass die meisten Jugendliche auch in diesem jungen Alter sehr wohl in der Lage sind, ein Segelflugzeug sicher und verantwortungsbewusst zu fliegen. Es mag zwar vereinzelt Ausnahmen geben, aber nach Absatz (a) ist ja sowieso ein expliziter Flugauftrag von einem FI</p>

	<p>gefordert. Der Fluglehrer wird wie nach momentaner Rechtslage weiterhin entscheiden, ob und wann ein Flugschüler reif genug ist und erst dann den Flugauftrag geben. Außerdem wird der erste Alleinflug von mindestens zwei Fluglehrern nach eingehender Beratung beschlossen.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.</p>
comment	<p>2021 <span style="float: right;">comment by: Ray Partridge</span></p> <p>Maximum age for instructor. Do not waste all the valuable experience gained by the 'old hands'. To lose this experience would be to reduce safety. Adopt the BGA proposal.</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your opinion.</p> <p>However, it should be noted that Part-FCL does not contain any requirement restricting the age of instructors. The restriction of privileges established in FCL.065 only applies to commercial air transport.</p>
comment	<p>2054 <span style="float: right;">comment by: Verein für Luftfahrt Mönchengladbach e.V.</span></p> <p>In the gliding division of our Club we made very good experience with young students. The German law accepts at present even students who are 13 years if a doctor confirms that the student is even adult as a usual 14 year old child.</p> <p>We think that this is a good rule and we would appreciate if this was again part of this regulation.</p> <p>In Germany there were only very few accidents with student pilots in the last decades. We think there is no justification to lift the age of a student pilot out of this point of few. On the other hand to take responsibility to handle a glider at this young age supports the student in his personality development.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.</p>
comment	<p>2110 <span style="float: right;">comment by: Th. Engel</span></p> <p>Aufgrund der bisher gemachten Erfahrungen gibt es keinen vernünftigen Grund diese deutsche Regelung zu ändern und das Alter für den ersten Alleinflug heraufzusetzen. Der Förderung der Jugend sollte hier der Vorrang eingeräumt werden.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.</p>
comment	<p>2200 <span style="float: right;">comment by: AECA(SPAIN)</span></p>



	<p>Complete the paragraph including (c) before his first solo flight shall be holder of a valid medical certificate adequated to the licence pretended</p> <p>Justification: Safety and FCL compliance.</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 479 above.</p>
comment	<p>2201 <span style="float: right;">comment by: <i>AECA(SPAIN)</i></span></p> <p>Basic Regulation, Annex III, paragraph 1.a.1: 'a person undetaking training to fly an aircraft must be sufficiently <b>mature educationally</b>, phisically, and mentally to acquire, retain and demostrate the relevant theopretical knowledge and pactical skill'.</p> <p>The bolded phrase are not covered in this paragraph and for us is very important.</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 2322 below.</p>
comment	<p>2321 <span style="float: right;">comment by: <i>Susana Nogueira</i></span></p> <p>Add a new line to this paragraph (c) before his first solo flight shall be holder of a valid medical certificate adequated to the licence pretended</p> <p>Justification: Safety and FCL Medical compliance.</p>
response	<p><i>Not accepted</i></p> <p>Please see reply to comment 479 above.</p>
comment	<p>2322 <span style="float: right;">comment by: <i>Susana Nogueira</i></span></p> <p>In Basic Regulation, Annex III, paragraph 1.a.1, we read: 'a person undetaking training to fly an aircraft must be sufficiently <b>mature educationally</b>, phisically, and mentally to acquire, retain and demostrate the relevant theopretical knowledge and pactical skill'.</p> <p>The bolded phrase are not covered in this paragraph and for us is very important. Include a requirement for educational knowledges.</p>
response	<p><i>Not accepted</i></p> <p>The Agency considers that the paragraph of the Essential requirements you mention is adequately covered by the pre-requisites and requirements to undertake a training course (in Part-FCL) and the requirement for training organisations to ensure that students meet the pre-requisites for training (in Part-OR).</p>
comment	<p>2415 <span style="float: right;">comment by: <i>Tjeerd Mulder</i></span></p>

Gliding is a sport and people that are successful in a sport have started young. Can you imagine a football player that started playing when he/she was 16 years old ? (Ok, maybe playing golf is an exception)

To me the advantage of being able to give young people a useful freetime occupation is more important than the minor risks involved in having a 15 year old flying a sailplane alone (only very few will fly solo with 14 years when they start flying with 14 years).

Therefore I strongly support the NPA proposal of 14 years for sailplane student pilots.

response *Noted*

Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.

comment

2552

comment by: *Dieter Lenzkes*

Attachment [#10](#)

Kommentar zu FCL.020(b)(2) in Verbindung mit FCL.100

Ich unterstütze ausdrücklich den Beginn der Segelflugausbildung im Alter von 14 Jahren und den Abschluss der Ausbildung ab 16 Jahren. Mit dieser Praxis gibt es bisher weder schlechte Erfahrungen, noch erhöhte Unfallzahlen in dieser Altersgruppe oder danach. Das Gegenteil ist eher der Fall. Es ist bekannt, dass sich bei Jugendlichen in der Pubertät gerade in diesem Alter das Risikobewusstsein ausbildet. Diesen Prozess kann man also durch eine verantwortungsbewusste Segelflugausbildung positiv beeinflussen. In einem weiter fortgeschrittenen Alter, wenn dieser pubertäre Prozess abgeschlossen ist, ist das nicht mehr in diesem Maße möglich. Dies beweisen u.A. auch die Unfallstatistiken aus dem Strassenverkehr. Hier beginnt die Ausbildung mit 17 oder 18. Die Altersgruppe bis 25 hat einen deutlich überproportionalen Anteil am Unfallgeschehen. s.a. Anlage

Weiterhin möchte ich noch Folgendes zu bedenken geben. Im Alter um 14 Jahre kristallisiert sich bei vielen das spätere Berufsziel heraus. Die Erfahrung zeigt, dass viele die mit 14 eine Segelflugausbildung begonnen haben ihren späteren Beruf im Bereich der Luftfahrt finden, überproportional mehr als in anderen Berufszweigen. Bei einem späteren Ausbildungsbeginn würde zumindest ein Teil dieses Potentials für die Luftfahrt verloren gehen.

response *Noted*

Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.

comment

2636

comment by: *Günter Lorenz*

Alleinflugalter Segelflug mit 14 sollte erhalten bleiben. In unserem Verein LSG Hersbruck haben wir beste Erfahrung gemacht. Keinerlei Sicherheitsvorfälle. Hohe Lernfähigkeit, hohe Anerkennung in der Schule steigert Selbstbewusstsein u. Persönlichkeitsentwicklung. Da bei diesem Sport speziell Drogen u. Alkohol verboten sind, geringeres Gefahrenpotential in diesem sensiblen Alter. Fluglehrer haben gleichen Verantwortung wie bei 16 jährigen, jedoch kein höheres Risiko.

response	<i>Noted</i> Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.
comment	2683 comment by: <i>French Fédération Française Aéronautique groups the 580 French powered flying aer-clubs and their 43 000 private pilots</i> FCL020 (b), (1) Aeroplane : For consistency, a minimum age of 16 is appropriate, but years of experience show that an age of 15 could be also acceptable.
response	<i>Not accepted</i> Thank you for providing your comment.  However, the Agency does not agree and will keep the proposed minimum age of 14 years for the first solo flight on sailplanes or balloons. The age issue for sailplane pilots is mentioned in several comments. A certain amount of stakeholders is of the opinion that the proposed age of 14 is too low for a sailplane pilot and that it should be increased but there are also quite a few comments stating that the proposed age of 14 should be kept in any case.  Evaluating the minimum age requirements for sailplane pilots in Europe and analysing the accident statistics of countries in which such an age requirement is already in place the Agency is still of the opinion that a minimum of 14 years of age should not create any safety related problem and decided to keep this number.
comment	2825 comment by: <i>Michael Moch</i> Fully agree to this rule. We have made very good experiences in respect to compliance and flight safety with young student pilots. This also makes the general aviation attractive for the youth and ensures growth for the flying clubs.
response	<i>Noted</i> Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.
comment	2999 comment by: <i>Cary Crawley</i> Please clarify the definition of "Solo".Is it (a) The student Pilot completely alone in the aircraft? or (b) The Student pilot in the aircraft without an Instructor or a suitably qualified pilot?
response	<i>Noted</i> FCL.010 Definition provides a clarification: 'Solo flight time' means flight time during which a student pilot is the sole occupant of an aircraft.
comment	3046 comment by: <i>PAL-V Europe</i>

**FCL.020 Student pilot**Addition to (1): **gyroplanes**response *Not accepted*

Thank you for providing your comment. However, the Agency will not add specific licensing requirements for pilots of gyroplanes because so far this class of aircraft falls clearly under the Annex II definition of the Basic Regulation.

comment

3098

comment by: *Deutscher Aero Club (DAeC)*

DAeC strongly supports the proposed ages for first solo flights, in particular, an age of 14 for first solo flights for sailplanes and balloons. In many European countries, young people are successfully educated and trained in air sport clubs to fulfil the skills and knowledge for flying. It is highly supportive for the development of the sport activity gliding, to allow solo flying at an age, when young people are interested and enthusiastic for the adventure of flying. In those member states which allow solo flying in sailplanes at an age of 14, no adverse observations were made concerning accident rates with young people over the last 90 years.

RIA:

Social impact:

Recruitment of pupils at an age of 14 allows a strong development of the gliding movement as at this age the interest for training in technical sports as flying is highly expressed. The education of young people represent a fundamental block to introduce and attach them to the field of aviation, in particular, to search their professional live in the respective businesses. In addition, these young people are important members for the gliding clubs as they represent multiplier for the sport and the clubs even though they leave them. They often return into the sport after a period of establishment of job and family and represent therefore an important pool of members and supporters of the gliding movement.

response *Noted*

Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.

comment

3116

comment by: *Bernhard Büdke*

Diese Regelung sollte bestehen bleiben, und zwar zur Förderung der Jugend. Bei Jugendlichen ist keine erhöhte Unfallzahl zu verzeichnen und wir haben im Verein langjährige gute Erfahrungen mit Jugendlichen.

Jugendlich lernen durch die Segelfliegerei früh Verantwortung zu übernehmen und sind nachweislich früher selbständig als eine Vergleichsgruppe. Die Begeisterung für die Fliegerei im Jugendalter ist zukunftsentscheidend, sowohl für jeden einzelnen als auch für die Gesamtheit der Bevölkerung. Sie wird gestärkt durch den aktiven Sport in der Gruppe.

response *Noted*

Thank you for providing your positive feedback. Please also refer to the

response to comment no 838 of this segment.

comment 3121 comment by: *Axel Anschau*

Das ist in Deutschland schon immer so und es fördert das der jugendliche Nachwuchs behutsam und gründlich ausgebildet werden kann. In anderen EU-Ländern findet die Ausbildung zwar später statt aber meist in 3-4 Wochen Lehrgängen und somit unter Zeitdruck. In Deutschland hat man 3 Jahre Zeit eine gründliche Ausbildung bis zum Luftfahrerschein zu betreiben was sich dann auch in den geringen Unfallzahlen niederschlägt.

response *Noted*

Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.

comment 3358 comment by: *Luftsportvereinigung Schwarzwald-Baar*

This is a comment on FCL.020, (b):  
That is a positiv regulation for sports aviation, and it is nervertheless safe. This show years of experience in instructing young people.

response *Noted*

Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.

comment 3399 comment by: *Technische Universität Darmstadt*

A Student pilot is not able to solo at the age of 14 (sailplane), if he is allowed to start with the training at the age of 16. see Subpart C FCL 200 page 18

response *Noted*

Please note that FCL.200 establishes the minimum age to apply for a licence, not to start training.

comment 3537 comment by: *Swiss Power Flight Union*

Looking at FCL.020 (b) (2) and at LPL FCL.100, the student pilot may fly solo with sailplanes and balloons at the age of 14, but has then to wait until reaching the age of 16 to apply for the LPL. Why does one have to wait two years?

response *Not accepted*

Thank you for providing your comment.

However, the Agency does not agree and will keep the proposed minimum age of 14 years for the first solo flight on sailplanes or balloons. The age issue for sailplane pilots is mentioned in several comments. A certain amount of stakeholders is of the opinion that the proposed age of 14 is too low for a sailplane pilot and that it should be increased but there are also quite a few comments stating that the proposed age of 14 should be kept in any case.

Evaluating the minimum age requirements for sailplane pilots in Europe and

analysing the accident statistics of countries in which such an age requirement is already in place the Agency is still of the opinion that a minimum of 14 years of age should not create any safety related problem and decided to keep this number.

comment

3672

comment by: *Technische Universität Darmstadt*

As an instructor for glider pilots since more than 20 years I had students at the age of 13 to 60, I appreciate to have the age for solo flights in a glider at 14 years of age. The reasons are:

1. Young people learn motor abilities much faster than elder people. They learn to controll the aircraft in a much easier way and so they become much better trained pilots over the years.
2. The disadvantage of young recent carelessness is controlled by a long period (2 years) of practice under supervision of the instructor during the time between first solo and application of the licence at the age of 16.
3. Recruitment of the glider clubs is much easier if students starts early because this is the age when young people decide for some sports.
4. In Germany there is long tradition (almost 80 years) in starting pilots training on sailplans at an early age. This would have been changed if bad experiences were made.
5. Even soaring itself is invented as a sport by young high school students almost 100 years ago when they first used the Wasserkuppe for their flighths with homebuilt gliders.
6. A lot of young very famos pilots start their career as glider pilots at the age of 14.
7. We fly in a closely airspace near Frankfurt International Airport with lots of regulations and there no reports of undisciplined young student pilots. They kow and follow the rules.

response

*Noted*

Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.

comment

3721

comment by: *Klaus HARTMANN*

Im FCL.100 LPL Minimum age wird ein Mindestalter von 16 Jahren gefordert, im FCL.020 das Mindestalter für den ersten solo flight für Segelflug und Ballon 14 Jahre. Daraus muß gefolgert werden, dass es sich bei der Altersangabe im FCL.100 nicht um das Mindestalter für den Ausbildungsbeginn handeln kann.

Daher sollte :

1. Außer dem Mindestalter für den 1. solo flight auch das Mindestalter für den Beginn der Ausbildung definiert werden.
2. Klargestellt werden, wofür das Mindestalter in FCL.100 gefordert wird. Z.B. Zulassung zum entsprechenden skill test oder theoretical knowledge examination oder Aushändigung der Lizenz oder was sonst damit gemeint ist.

response *Not accepted*

Thank you for providing your comment.

However, the Agency does not agree and will keep the proposed minimum age of 14 years for the first solo flight on sailplanes or balloons. The age issue for sailplane pilots is mentioned in several comments. A certain amount of stakeholders is of the opinion that the proposed age of 14 is too low for a sailplane pilot and that it should be increased but there are also quite a few comments stating that the proposed age of 14 should be kept in any case.

Evaluating the minimum age requirements for sailplane pilots in Europe and analysing the accident statistics of countries in which such an age requirement is already in place the Agency is still of the opinion that a minimum of 14 years of age should not create any safety related problem and decided to keep this number.

comment 3902

comment by: *DCA Malta*

Replace 'authorised' by 'authorised and supervised'

response *Accepted*

Text will be changed as proposed.

comment 3903

comment by: *DCA Malta*

Add text to the effect as required by ICAO Annex 1, para 2.2.3:

A contracting State shall not permit a student pilot to fly solo unless the student pilot holds a current Class 2 Medical Assessment

response *Noted*

Please see reply to comment 479 above.

comment 4070

comment by: *Bernd Hein*

Ein zweiter Fluglehrer muß schriftlich bestätigen, dass die Alleinflugreife gegeben ist.

response *Not accepted*

The Agency considers that there is no safety benefit to justify the requirement for a counter-signature of another instructor.

comment 4185

comment by: *Bart Sebregts*

Before the first solo a student must also pass his theoretical tests and his medical examination both with good results.

response *Noted*

The requirement to hold an adequate medical certificate is included in paragraph MED.A.020(a), in Part Medical.

In relation to your suggestion of requiring the student pilot to already have

passed the theoretical knowledge examinations, this has never been a requirement; it depends on how the actual training programme is structured, and it is a decision under the responsibility of management system of the training organisation.

comment 4280 comment by: *Graham Morris*

Regarding (b)(2), I much approve and welcome the ability of, subject to an instructors discretion, of send pupils solo at age 14.

response *Noted*

Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.

comment 4285 comment by: *Baden-Württembergischer Luftfahrtverband*

FCL.020(b)(2)

**Wording in the NPA**

(2) in the case of sailplanes and balloons, 14 years of age

**Our proposal**

We fully support and emphasize the importance of the option of solo flights at the age of 14 for applicants of sailplane licenses.

**Rationale**

Germany has always had this entry age with excellent experience. Giving young people responsibility at this age is an extremely valuable experience for them and they are capable to handle this challenge. It is extremely important to get young people involved at this age so that they do not drift off into drugs, computer games or other unreal worlds. Only 2 years older directions are set and usually school education and getting into a job does not leave the time anymore to start up such a challenging activity. Between the age of 13 and 14 young people gain the physical constitution to fly sailplanes. It would be frustrating to extend dual flying too long.

The recent successful splashdown of an Airbus in the Hudson river was performed by an airline pilot with sailplane background. More Airline pilots will start their career in sailplanes if they have access to sailplane flying at young age and at affordable cost.

response *Noted*

Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.

comment 4553 comment by: *Deutscher Aero Club*

FCL.020 Para (b):

"Before his first solo flight, a student shall be at least:

(1)...

(2) in the case of sailplane and balloons, 14 years of age

Comment:

EGU strongly supports the proposed minimum age for first solo flights in a sailplane. It is important for the development of our sport that young people



	<p>can be successfully educated and trained in such a way that they can fly solo at the age of 14. Several member states have allowed solo flying at this age for many decades and there has been no adverse safety case with this practice.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.</p>
comment	<p>4872 <span style="float: right;">comment by: Prof. Dr. Alexander Bubenik</span></p> <p>It's not clear to me what the minimum student pilot age for TMG (<u>16</u>) and powered sailplanes (<u>14</u>) is supposed to be. You'll find my suggestions in brackets - taking off a powered sailplanes by self launching should be considered as a launch method for sailplanes (according to FCL.130.S)!</p>
response	<p><i>Noted</i></p> <p>In relation to powered sailplanes the minimum age is 14 - they are sailplanes and therefore included in (b)(2).</p> <p>In relation to TMGs, the LPL(S) and the SPL cannot be initially obtained in a TMG. The first privileges are to fly sailplanes, and then those can be extended to TMGs.</p>
comment	<p>5050 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph:</b>  <b>FCL.020 (a)</b>  <b>Page No: 5</b>  <b>Comment:</b>  These are the requirements that an applicant will refer to prior to going solo and it would be useful to include here the fact that a valid medical certificate is required before flying solo.  <b>Justification:</b>  Clarity for applicant.  <b>Proposed Text:</b>  <b>(if applicable)</b>  Amend to 'A student pilot shall not fly solo <b>unless s/he holds a valid medical certificate and</b> unless authorised to do so by a flight instructor.</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 479 above.</p>
comment	<p>5061 <span style="float: right;">comment by: Lenny Cant</span></p> <p>I believe the minimum age for solo flights for a hot air balloon is too low. I believe it should be the same as airships being a minimum of 16 years old. Why would we want someone at 14 in the airspace? When learning to drive a car is mostly being started at the age of 18 in Europe, I honestly believe that 16 would be a good start for balloonists doing solo flights. Younger is irresponsible in my opinion. Everything needs to have its age.</p>
response	<p><i>Not accepted</i></p>

Thank you for providing your comment.

However, the Agency does not agree and will keep the proposed minimum age of 14 years for the first solo flight on sailplanes or balloons. The age issue for sailplane pilots is mentioned in several comments. A certain amount of stakeholders is of the opinion that the proposed age of 14 is too low for a sailplane pilot and that it should be increased but there are also quite a few comments stating that the proposed age of 14 should be kept in any case.

Evaluating the minimum age requirements for sailplane pilots in Europe and analysing the accident statistics of countries in which such an age requirement is already in place the Agency is still of the opinion that a minimum of 14 years of age should not create any safety related problem and decided to keep this number.

comment 5147 comment by: Werner LADNER

(b)(1),(2) In accordance with my 30 years experience as pilot and flight instructor I am sure the age of student pilot (1) in case of aeroplanes, 16 years, and (2) in case of sailplanes, 14 years, will be ok. This was implemented in Germany for over 50 years with no more risk in safety by young persons.

response *Noted*

Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.

comment 5152 comment by: Pilar Munoz

This is a good rule. To be able to fly solo at age 14 increases the fact that young people feel attracted for this sport and does not necessarily affect the safety, as it can be seen by statistics.

response *Noted*

Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.

comment 5227 comment by: Herbert Schütz

Das Eintrittsalter für Schüler im Segelflug mit 14 Jahren sollte unbedingt beibehalten werden. Es hat sich seit vielen Jahren bewährt und ermöglicht interessierten Jugendlichen früh die Ausübung eines anspruchsvollen und die Verantwortung für sich und andere stärkenden Sports, der für viele später in einen verwandten Beruf mündet.

response *Noted*

Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.

comment 5320 comment by: Guy GEERAERTS

*Concerning FCL.020 (b) (2):*

I think there's no need to allow a child (!) of 14 to fly solo in a balloon. That's

asking for accidents! Even in calm weather there's a possibility of dangerous situations in approach or landing. The risk is even far greater than for an airplane where landings always take place on an airfield. In ballooning, you'll never know exactly where to end up. It takes "adult" judgment to react in abnormal situations. So I think for balloons you should even think about a higher minimum age than for aeroplanes! I think a **minimum age of 18 for solo flight** in a balloon is reasonable.

response *Not accepted*

Thank you for providing your comment.

However, the Agency does not agree and will keep the proposed minimum age of 14 years for the first solo flight on sailplanes or balloons. The age issue for sailplane pilots is mentioned in several comments. A certain amount of stakeholders is of the opinion that the proposed age of 14 is too low for a sailplane pilot and that it should be increased but there are also quite a few comments stating that the proposed age of 14 should be kept in any case.

Evaluating the minimum age requirements for sailplane pilots in Europe and analysing the accident statistics of countries in which such an age requirement is already in place the Agency is still of the opinion that a minimum of 14 years of age should not create any safety related problem and decided to keep this number.

comment 5353

comment by: CAA Belgium

**Comment:**

A student pilot shall be at least 15 years of age. At age 14, you have not reached the maturity for flying. From a legal point of view you have no legal responsibility for your actions.

**Proposal:**

(2) in the case of sailplanes and balloons, 15 years of age.

response *Not accepted*

Thank you for providing your comment.

However, the Agency does not agree and will keep the proposed minimum age of 14 years for the first solo flight on sailplanes or balloons. The age issue for sailplane pilots is mentioned in several comments. A certain amount of stakeholders is of the opinion that the proposed age of 14 is too low for a sailplane pilot and that it should be increased but there are also quite a few comments stating that the proposed age of 14 should be kept in any case.

Evaluating the minimum age requirements for sailplane pilots in Europe and analysing the accident statistics of countries in which such an age requirement is already in place the Agency is still of the opinion that a minimum of 14 years of age should not create any safety related problem and decided to keep this number.

comment 5361

comment by: Aerovision

Agree - 14 years for balloon solo.

response *Noted*

Thank you for providing your positive feedback.

comment 5537 comment by: *Belgian Gliding Federation*

*FCL.020 Para (b):*

*"Before his first solo flight, a student shall be at least:*

*(1)...*

*(2) in the case of sailplane and balloons, 14 years of age*

Comment:

The BGF strongly supports the proposed minimum age for first solo flights in a sailplane. It is important for the development of our sport that young people can be successfully educated and trained in such a way that they can fly solo at the age of 14. Several member states have allowed solo flying at this age for many decades and there has been no adverse safety case with this practice.

response *Noted*

Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.

comment 5631 comment by: *Andre KUBASIK*

Die Praxis, Flugschüler ab einem Alter von 14 Jahren zu erlauben, hat sich in Deutschland seit langer Zeit sehr gut bewährt und sollte auf jeden Fall beibehalten werden.

Nach meiner Einschätzung, dürfte gerade das frühe Erlernen des Segelfliegens zu einer größeren Flugsicherheit von Piloten auch lange nach dem Erwerb der Lizenz führen.

response *Noted*

Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.

comment 5710 comment by: *Christoph Talle*

es wird begrüßt, dass Segelflugschüler mit 14 Jahren alleine fliegen dürfen. In Deutschland wurden bisher sehr gute Erfahrungen damit gemacht.

response *Noted*

Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.

comment 5918 comment by: *Luftsport-Verband Bayern*

Das in dem Entwurf vorgesehene Alter für Soloflüge von Flugschülern wird begrüßt. In Deutschland wurden jahrzehnte lang gute Erfahrungen mit dem frühen Einstiegsalter, speziell im Segelflug, gemacht.

response *Noted*

Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.

comment	<p>6074 <span style="float: right;">comment by: CAA Finland</span></p> <p>FCL.020 Student pilot / privileges: For use of radiotelephone there is a need for R/T rating/certificate. Proposed new text, that does not fully cover Internattional Telecommunication Union requirements:</p> <p>(a) A student pilot shall not <b>use R/T and</b> fly solo unless authorised to do so by a flight instructor.</p>
response	<p><i>Not accepted</i></p> <p>The requirements to use R/T are not regulated by ICAO or EASA. The requirements are defined at Member State level.</p>
comment	<p>6252 <span style="float: right;">comment by: Swedish Soaring Federation</span></p> <p><i>FCL.020 Para (b): "Before his first solo flight, a student shall be at least: (1)... (2) in the case of sailplane and balloons, 14 years of age</i></p> <p>Comment: Swedish Soaring Federation supports the proposed minimum age for first solo flights in a sailplane. It is very important that young people can be trained in such a way that they can fly solo at the age of 14.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.</p>
comment	<p>6259 <span style="float: right;">comment by: Olaf Wischhusen</span></p> <p>I fully agree on this proposal because:</p> <ul style="list-style-type: none"> <li>- there is a high number of young student pilots in germany, this does not lead to any drawback concerning security</li> <li>- there are long experiences in young people education and social integration</li> <li>- it allows an early start in air sports</li> <li>- experiences don't show any higher risk concerning security and numbers of accidents with young student pilots</li> </ul>
response	<p><i>Noted</i></p> <p>Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.</p>
comment	<p>6285 <span style="float: right;">comment by: Jürgen PHILIPP</span></p> <p>Glide Pilot age of 14 is considered acceptable, should not be lower than 14</p> <p>Experience has shown that young Student Pilots in DEU Gliding Clubs are closely supervised and progress generally very well.</p>

	<p>The opportunity to start with training at 14 plays an important role in the effort to attract young citizens to aviation.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.</p>
comment	<p>6334 <span style="float: right;">comment by: <i>Johann Friedrich</i></span></p> <p>Page 5 of 647</p> <p><b>FCL.020 Student pilot</b></p> <p>(a) A student pilot shall not fly solo unless authorised to do so by a flight instructor.</p> <p><del>(b) Before his first solo flight, a student pilot shall be at least:</del></p> <p><del>(1) in the case of aeroplanes, helicopters and airships, 16 years of age;</del></p> <p><del>(2) in the case of sailplanes and balloons, 14 years of age.</del></p> <p><b>Comment:</b> Delete (b) completely  <b>Reason:</b> FCL.020 (b) violates the principle of subsidiarity: it - unnecessarily - restricts the authority of flight instructors and interferes with their responsibilities.</p>
response	<p><i>Not accepted</i></p> <p>Thank you for providing your comment.</p> <p>However, the Agency does not agree and will keep the proposed minimum age of 14 years for the first solo flight on sailplanes or balloons. The age issue for sailplane pilots is mentioned in several comments. A certain amount of stakeholders is of the opinion that the proposed age of 14 is too low for a sailplane pilot and that it should be increased but there are also quite a few comments stating that the proposed age of 14 should be kept in any case.</p> <p>Evaluating the minimum age requirements for sailplane pilots in Europe and analysing the accident statistics of countries in which such an age requirement is already in place the Agency is still of the opinion that a minimum of 14 years of age should not create any safety related problem and decided to keep this number.</p>
comment	<p>6469 <span style="float: right;">comment by: <i>Austro Control GmbH</i></span></p> <p>Comment: A student pilot should also be supervised by a flight instructor during solo flights.</p> <p>Proposed Text: (a) A student pilot shall not fly solo unless authorised to do so <b>and supervised</b> by a flight instructor.</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 3902 above.</p>

comment	6507 <span style="float: right;">comment by: <i>Michael GREINER</i></span>
	<p>Dear Sirs and Madams,</p> <p>The lower limit of age (14 years) for student pilots in case of sailplanes is appreciated. There have never been indications of safety problems in West Germany, where it has been allowed to start with soaring with the age of fourteen.</p> <p>Kind regards, Michael Greiner</p>
response	<i>Noted</i>
	Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.
comment	6530 <span style="float: right;">comment by: <i>Light Aircraft Association UK</i></span>
	<p>Paragraph b)1). For consistency across Europe, a minimum age of 16 is appropriate (being the highest of the ages currently accepted in Europe); however an age of 15 could be also acceptable as it is used in a number of member states without any apparent reduction in safety levels.</p>
response	<i>Not accepted</i>
	<p>Thank you for providing your comment.</p> <p>However, the Agency does not agree and will keep the proposed minimum age of 14 years for the first solo flight on sailplanes or balloons. The age issue for sailplane pilots is mentioned in several comments. A certain amount of stakeholders is of the opinion that the proposed age of 14 is too low for a sailplane pilot and that it should be increased but there are also quite a few comments stating that the proposed age of 14 should be kept in any case.</p> <p>Evaluating the minimum age requirements for sailplane pilots in Europe and analysing the accident statistics of countries in which such an age requirement is already in place the Agency is still of the opinion that a minimum of 14 years of age should not create any safety related problem and decided to keep this number.</p>
comment	6569 <span style="float: right;">comment by: <i>Kevin Van Dessel</i></span>
	<p>I find the minimum age to fly solo in a balloon to young. Flying a balloon takes a big responsibility. Someone with the age of 14 is to young to understand this responsibility. I would suggest to set the minimum age to 18 years, which is the age a person is recognized to be adult and also the minimum age to drive a car.</p>
response	<i>Not accepted</i>
	<p>Thank you for providing your comment.</p> <p>However, the Agency does not agree and will keep the proposed minimum age of 14 years for the first solo flight on sailplanes or balloons. The age issue for sailplane pilots is mentioned in several comments. A certain amount of stakeholders is of the opinion that the proposed age of 14 is too low for a</p>

sailplane pilot and that it should be increased but there are also quite a few comments stating that the proposed age of 14 should be kept in any case.

Evaluating the minimum age requirements for sailplane pilots in Europe and analysing the accident statistics of countries in which such an age requirement is already in place the Agency is still of the opinion that a minimum of 14 years of age should not create any safety related problem and decided to keep this number.

comment 6761 comment by: Colin Troise

There does not seem to be any logic in allowing a person of 14 to be in sole charge of an aircraft (LPL), as is the case when performing a solo flight, but then denying them the right to hold an LPL licence until they are 16 (see FCL.100). Either they are capable of flying solo, or they are not.

response *Noted*

Thank you for providing your opinion.

The Agency has proposed this requirement for the minimum age to fly solo (14 for sailplane pilots or balloon pilots) and in FCL.100 a minimum age of 16 for holding a LPL licence.

The proposal for this requirement is based on the fact that this minimum age is in a lot of Member States actually in place. Furthermore the Agency is not aware of any safety related problem indicating that the proposed minimum age for solo flights in sailplanes or balloons could create a specific hazard. In addition to this the Agency would like to highlight that the training syllabus for the LPL licences requires a lot more flight training (dual or under supervision) than the first solo flights. As this will take quite some time the Agency cannot see any contradiction between the proposed minimum age for the solo flight and the age for applying for the licence.

comment 6867 comment by: CAA CZ

para (a)

The sentence should be completed in a sense that a student shall not only be authorised by an instructor to fly solo, but also **supervised**.

response *Noted*

Please see reply to comment 3902 above.

comment 7005 comment by: CAA Norway

Should also require the student pilot to hold a valid class 2 medical certificate. If using the radio, the student should also be holder of a Flight Radiotelephony Certificate (ITU)

response *Not accepted*

The requirements to use R/T are not regulated by ICAO or EASA. The requirements are defined at Member State level.

comment 7007 comment by: CAA Norway



## FCL.020(a)

This para states that all solo flights shall be authorised by a flight instructor. Later, many places in Part FCL, the phrase “..supervised solo..” is used. This phrase is known to have caused confusion, such as e.g. to whether the instructor is supposed to have visual contact with the student pilot at all times, etc. To avoid this confusion, and make the text of Part FCL more “streamlined”, we suggest to include the phrase in FCL.020, as this is a general requirement anyway, applicable to all solo flights:

## Suggestion:

Change text to: “ A student pilot shall not fly solo unless authorised to do so and supervised by a flight instructor.”

Then change all references elsewhere in Part FCL to “..supervised solo..”

response *Noted*

Please see reply to comment 3902 above.

comment 7314

comment by: *cmueller*

I agree with proposal (b) (2)

My Experience (SPL/FI, TMG) in air-sports/gliding shows that it is good to keep the age for solo flights of student pilots at 14 years. A good training in our clubs has the result, that young people

- can get early in contact with our sport
- learn to keep the consequences of their decisions and be responsible on their acting
- are able to fly save
- get in contact with technical aspects of the gliders (responsibility for material)
- learn to act in a social environment (in a club at least four men should be there to let one person fly e.g. winch launch)

response *Noted*

Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.

comment 7324

comment by: *Irish Aviation Authority*

FCL.020(b)(2) Delete "14" and insert "16". Reason: There is no logical reason to differentiate on the minimum age for solo flight between sailplanes /balloons and aeroplanes/helis. Previously, aeromedical opinion at the IAA expressed the opinion that the minimum age for receiving pre-solo flight instruction should **NOT** be less than 15 years. Accordingly, I suggest the addition of subparagraph (c) as follows " A student pilot shall be a minimum of 15Years of age to receive dual flight instruction". Without this clause, there would be nothing in law to prevent pre-solo dual instruction being given to an 8-year old child.

response *Not accepted*

Thank you for providing your comment.

However, the Agency does not agree and will keep the proposed minimum age of 14 years for the first solo flight on sailplanes or balloons. The age issue for sailplane pilots is mentioned in several comments. A certain amount of

stakeholders is of the opinion that the proposed age of 14 is too low for a sailplane pilot and that it should be increased but there are also quite a few comments stating that the proposed age of 14 should be kept in any case.

Evaluating the minimum age requirements for sailplane pilots in Europe and analysing the accident statistics of countries in which such an age requirement is already in place the Agency is still of the opinion that a minimum of 14 years of age should not create any safety related problem and decided to keep this number.

comment	7332	comment by: <i>Stampa Hartwig</i>
	A student pilot for his first solo flight shall be at least 14 years of age, because the experiences in safety and social integration of the youth in Germany are very good for decades. Leading the youth as early as possible to a fascinating sport. No higher accident rates with the younger students than with others.	
response	<i>Noted</i>	
	Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.	
comment	7348	comment by: <i>Chris Bärthl</i>
	Diese Regel hat sich in Deutschland sehr gut bewährt. Im Sinne der Jugendförderung erscheint es mir wichtig, dass dies auch so beibehalten wird.	
response	<i>Noted</i>	
	Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.	
comment	7388	comment by: <i>Europe Air Sports, VP</i>
	FCL.020 is fully supported because it correspond to the practise in many member states without any negative effects on Flight Safety.	
response	<i>Noted</i>	
	Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.	
comment	7400	comment by: <i>DAeC - LV Berlin</i>
	As a German FI-Gld for more than 35 years, I sent you a comment, strongly advocating to maintain the minumum age for soloing at 14 for gliding students. I am not sure whether my comment has arrived.	
response	<i>Noted</i>	
	Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.	
comment	7422	comment by: <i>Holger Scheibel</i>

**1. Außer dem Mindestalter für den 1. solo flight muss auch das Mindestalter für den Beginn der Ausbildung definiert werden.**  
**2. Muss Klargestellt werden, wofür das Mindestalter in FCL.100 gefordert wird.**

response *Not accepted*

The agency acknowledges your comment but does not agree with it. The Agency does not consider that a minimum age to start training should be established. Therefore only the age for the first solo flight is defined.

comment 7475

comment by: *Philipp REHBEIN*

FCL.020 (b) (2) (min. req. age for sailplane students 14 years) has been good practice in Germany for decades. It has proven to not be any kind of safety hazard and contributes widely to the public acceptance of leisure aviation in general and encourages young people to engage in aviation early, inducing benefits for the whole industry.

response *Noted*

Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.

comment 7562

comment by: *Reinhard Heineking*

Die in in FCL.020 festgelegten Mindestalter für Flugschüler Motorflugzeug und Segelflugzeug sind gut festgesetzt, denn Sie haben sich in er Praxis bewährt. Es hat keine besonderen negativen Effekte (z.B. erhöhte Unfallzahlen..) bei jungen Flugschülern gegeben.

Ein(e) motvierte(r) Jugendliche(r), der sich früh z.B. im Alter von 13 Jahren beginnt für den Segelflug zu interessieren, kann am 14. Geburtstag mit der Ausbildung beginnen. Wenn er/sie dann zu Saisonbeginn intensiv am Flugbetrieb teilnimmt, was i.d.R der Fall ist, stellt sich normalerweise im Rahmen des Spätsommers der Fortschritt zu Alleinflugreife ein. Selbstverständlich haben die Auszubildenden Lehrer den Stand des Flugschülers bzw. -schülerin genau unter Kontrolle und werden den Alleinflug nur beauftragen , wenn sie es für richtig halten.

Es wäre sehr demotivierend für den/die Flugschüler(in), wenn dan eine gesetzliche Regelung diesen Alleinflug um ein halbes bis ganzes Jahr verzögern würde. Diese Demotivation könnte schlimmstenfalls zum Abbruch der Ausbildung führen, da sich die Interessen woanders hin verlagern könnten.

Dies gilt anlaog für Motorflugschüler.

Daher plädiere ich dafür die vorgeschlagene Regelung gem FCL.020 auf jeden Fall beizubehalten.

Reinhard Heineking JARFCL FI PPL(A), TMG, GPL

response *Noted*

Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.

comment 7639

comment by: *Cristian Olinescu*

A student pilot shall be at least 15 years of age. At age 14, you have not reached the maturity for flying. From a legal point of view you have no legal responsibility for your actions.

Proposal:

(2) in the case of sailplanes and balloons, minimum age should be 15 years .

response *Not accepted*

Thank you for providing your comment.

However, the Agency does not agree and will keep the proposed minimum age of 14 years for the first solo flight on sailplanes or balloons. The age issue for sailplane pilots is mentioned in several comments. A certain amount of stakeholders is of the opinion that the proposed age of 14 is too low for a sailplane pilot and that it should be increased but there are also quite a few comments stating that the proposed age of 14 should be kept in any case.

Evaluating the minimum age requirements for sailplane pilots in Europe and analysing the accident statistics of countries in which such an age requirement is already in place the Agency is still of the opinion that a minimum of 14 years of age should not create any safety related problem and decided to keep this number.

comment 7745

comment by: *Christophe Saeys*

14 years is too young to be flying balloons solo. Gliders land on the aerodrome, in a known environment. i  
Balloons land in unknown places by surprise. A 14-year old cannot always correctly judge the consequences of choosing a landing spot.

response *Not accepted*

Thank you for providing your comment.

However, the Agency does not agree and will keep the proposed minimum age of 14 years for the first solo flight on sailplanes or balloons. The age issue for sailplane pilots is mentioned in several comments. A certain amount of stakeholders is of the opinion that the proposed age of 14 is too low for a sailplane pilot and that it should be increased but there are also quite a few comments stating that the proposed age of 14 should be kept in any case.

Evaluating the minimum age requirements for sailplane pilots in Europe and analysing the accident statistics of countries in which such an age requirement is already in place the Agency is still of the opinion that a minimum of 14 years of age should not create any safety related problem and decided to keep this number.

comment 7788

comment by: *Oliver Garlt*

Allgemein:

Ich unterstütze die Einführung eines dualen Lizenzsystems (LPL und PPL bzw. SPL), um eine gute Zugänglichkeit zum Luftsport zu gewährleisten.

Ich befürworte die Altergrenze von 14 Jahren für den ersten Alleinflug. Sie stellt keine Gefahr für die Flugsicherheit dar: Es gibt keine erhöhten Unfallzahlen mit Jugendlichen. Diese Altersgrenze hat sich in Deutschland über

	viele Jahre bewährt. Die Vereine besitzen große Erfahrungen in der Ausbildung junger Menschen.
response	<p><i>Noted</i></p> <p>Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.</p>
comment	<p>7884 <span style="float: right;">comment by: RSA</span></p> <p><b>FCL.020 Student Pilot</b></p> <p>FCL.020 (b) (1)  The RSA does not agree that the minimum age for a student pilot before his first solo flight in an aeroplane, helicopter or airship, should be 16 years of age. The current age in at least one community country is 15 years. The RSA is not aware of any evidence that this results in any form of safety hazard, and certainly no evidence that an increase to 16 years will cause any change. Also there is a disparity with the rule for sailplanes and balloons, in section FCL.020 (b) (2) where the minimum is set at 14 years. The RSA considers that the minimum age for aeroplanes, helicopters or airships should be not more than 15 years</p>
response	<p><i>Not accepted</i></p> <p>The minimum age for solo flight with aeroplanes and helicopters was set at 16 already in JAR-FCL.</p> <p>The Agency considers that there are no safety reasons to change this requirement.</p>
comment	<p>7949 <span style="float: right;">comment by: Ingo Wiebelitz</span></p> <p>FCL.020</p> <p>Volle Zustimmung! In Deutschland sind gerade was den Segelflug betrifft, sehr gute Erfahrungen gemacht worden: Heranführen an den Flugsport von jungen Menschen. Gute und sichere Ausbildung. Wenig Unfälle! Sinnvolle Freizeit! Hohe Einsatzbereitschaft der Fluglehrer im Ehrenamt! Äusserst positive Einstellung junger Menschen zu besonderen Werten!</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.</p>
comment	<p>7952 <span style="float: right;">comment by: Wolfgang Lammingner</span></p> <p>it is suggestive, to keep the minimum age of student pilot for sailplanes/balloons at 14 years.</p> <p>There is no additional risk if the student pilot is well trained by his FI before.</p> <p>It is very helpfull to get young people interested and involved in aviation topics by training skill and responsibility for flying an airplane.</p>
response	<p><i>Noted</i></p>

Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.

comment 8005 comment by: *European Sailplane Manufacturers*

It is noted and appreciated that the long and successful experience of being allowed to start gliding at 14 years in some member states will be continued.

These very young pilots have shown to become very motivated and proficient aviators and it is of utmost importance to attract young people at an age where they can be really motivated.

The sailplane manufacturers support this paragraph 100%.

response *Noted*

Thank you for providing your positive feedback. Please also refer to the response to comment no 838 of this segment.

comment 8014 comment by: *Claudia Buengen*

I am strongly opposed to a minimum solo age. A minimum entry or "starting to fly" age is much more sensible. In Germany you can currently start gliding at 14, and you go solo when you're ready. In the UK you can start gliding pretty much whenever you want, but you can't go solo until you're 16. This often leads to one of two scenarios:

1. The student starts training too early, is ready to go solo when they are 14 or 15 and they then get thoroughly bored and lose interest because they are not allowed to go solo until some totally arbitrary date.
2. the student starts training before they are 16, their 16th birthday arrives and everyone in the club pesters them about when they will finally go solo. I know of several cases where 16-year olds stopped flying simply because they felt they weren't ready to go solo yet, but they didn't want to explain that to all the well-meaning fellow club members who kept asking them why they weren't solo yet.

My suggestion:

DO NOT set a minimum solo age.

Set a minimum training start age. Whether that is 14, 15 or 16 is fairly irrelevant - the system in Germany with an entry age of 14 seems to work just fine, on the other hand in the UK there may be more issues around child protection laws at that age.

response *Not accepted*

Thank you for providing your comment.

However, the Agency does not agree and will keep the proposed minimum age of 14 years for the first solo flight on sailplanes or balloons. The age issue for sailplane pilots is mentioned in several comments. A certain amount of stakeholders is of the opinion that the proposed age of 14 is too low for a sailplane pilot and that it should be increased but there are also quite a few comments stating that the proposed age of 14 should be kept in any case.

Evaluating the minimum age requirements for sailplane pilots in Europe and

analysing the accident statistics of countries in which such an age requirement is already in place the Agency is still of the opinion that a minimum of 14 years of age should not create any safety related problem and decided to keep this number.

comment 8263 comment by: Paul Mc G

Para b)1). For safety and consistency across Europe, a minimum age of 16 is appropriate, this being the highest of the ages currently accepted in Europe and certainly no lower. Actually, 17 the age where driving a car is usually permitted and some are suggesting moving this to 18! Observation not comment, as it is possible to become too exclusive?

response *Not accepted*

Thank you for providing your comment.

However, the Agency does not agree and will keep the proposed minimum age of 14 years for the first solo flight on sailplanes or balloons. The age issue for sailplane pilots is mentioned in several comments. A certain amount of stakeholders is of the opinion that the proposed age of 14 is too low for a sailplane pilot and that it should be increased but there are also quite a few comments stating that the proposed age of 14 should be kept in any case.

Evaluating the minimum age requirements for sailplane pilots in Europe and analysing the accident statistics of countries in which such an age requirement is already in place the Agency is still of the opinion that a minimum of 14 years of age should not create any safety related problem and decided to keep this number.

**B. Draft Opinion Part-FCL - Subpart A: General Requirements - FCL.025  
Theoretical knowledge examinations for the issue of licences**

p. 5-6

comment 203 comment by: Bernhard Blasen

ad (1) examinations in every member state should be allowed. Business requirements and profession needs cause longer stays in different countries. In a united Europa it should be possible to take every exam or proficiency check in every member state!

It is without a security risk, if different nations take examinations and checks following the same rules and standards.

response *Noted*

The text as proposed by the Agency does not prevent applicants from taking exams in all the Member States. It also does not prevent applicants from taking the theoretical knowledge training in more than one Member State. What the paragraph wants to guarantee is that the applicant completes the theoretical knowledge exam under the control of just one Member State, i.e. that all the examination papers are taken in just one Member State. This is to ensure consistency of the exam, and adequate oversight by the competent authority.

This was already the system established in JAR-FCL 1.485 (a), and the Agency sees no benefit in changing it now, since free movement and freedom to

choose where to take the training and the examination are guaranteed, as referred above.

However, after reviewing the comments on this issue, the Agency will review the text to clarify that

- what is meant is just the theoretical knowledge exams for a specific licence or rating;
- that what is relevant is that the exam is passed under the responsibility of one Member State, and not necessarily in its territory.

comment 248 comment by: Rod Wood

FCL 025 (c) (1) (ii)

A variation to the validity period of 36 months should be introduced. Add:- "except that for a commercial pilot licence holder actively using the privileges of the licence the validity period of the exams may be extended to 7 years for the purpose of extending the licence to include an IR".

The enormous cost of getting the IR is out of most self sponsored pilots' reach within the three year period. If the pilot is in active pilot employment he is continually using and improving his knowledge therefore allowing the longer period of validity and a more realistic period within which to get the IR without the penalty of retakes.

response *Not accepted*

The proposed duration is coming from JAR-FCL, and derives from a safety assesment.

The Agency does not intend to change this requirement, unless a new assessment is made. This will need to be subject to a specific rulemaking task.

comment 279 comment by: CAA Belgium

(c) validity period

in order to avoid confusion we suggest to take identical validity periods for (i) and (ii).

response *Not accepted*

No confusion could be identified in the proposed text.

comment 356 comment by: Colm Farrell

A pilots licence should be issued for a period of 10 years, as is the case with drivers licences and passports. Even at this, there is only a need for 10 yearly renewals if they contain photographic ID. If no photographic ID is included, then they should be valid for life.

response *Noted*

This paragraph does not deal with the validity of the licence, but with the validity of the theoretical knowledge examination results for the issuance of a licence.



comment	<p>455 <span style="float: right;">comment by: <i>Peer Ketterle</i></span></p> <p>I'm a JAR-FCL-PPL(a) holder.</p> <p>Why should all applicants take the entire set of examinations in one member state? Is there any good reason for this? Please just delete this passage, it merely serves as a hinderance for people living in multiple countries.</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 203 above.</p>
comment	<p>460 <span style="float: right;">comment by: <i>London Metropolitan University</i></span></p> <p>FCL.025 para b (2) There is confliction between the 18 month period to pass exams and FCL.515.A para (b) 025 states that "the applicant must pass all exams within a period of 18 months from the end of the calender month when the applicant first attempted an examination" 515.A para (b) states "Applicants shall complete at least the following hours of theoretical training within a period of 18 months" This means that, in theory, an Applicant could do all his TK training and then take another 18 months to pass all the exams, maybe even with a break between studies and taking examinations. To avoid this confliction I suggest the following amendment to FCL.025 para (b) 2. " Except when otherwise determined in this Part, an applicant has successfully complete the required theoretical knowledge training and passed all of the required subjects for the appropriate pilot licence or rating within a period of 24 months counted from the end of the calender month when the applicant was first enrolled on the appropriate course" FCL.515.A (b) can then be changed to read "complete at least the following hours of theoretical knowledge instruction in accordance with FCL.025 para (b) 2. "  The reason for making it 24 months and not 18 months is to make sure that full time and, especially, distance learning students have plenty of time to complete the training and exams within that period. It is a fact that distance learning students do take longer to study and the 24 month period should be more than adequate to study and pass all the exams within that period.  If this proposal is agreed then changes will need to be made in the AMC's - I have noticed that there are references to FCL.025(b) on page 196, 321 and there may be more references as well.</p>
response	<p><i>Not accepted</i></p> <p>No confliction was identified. The proposed rule allows 18 months for completion of the theoretical training and, additionally, 18 months for the completion of theoretical examinations.</p>
comment	<p>461 <span style="float: right;">comment by: <i>London Metropolitan University</i></span></p> <p>FCL 025 para (b) (3) at the end after the word "applicant" add "This period shall not be less than</p>

	<p>10% of the hours of the course taken."</p> <p>This will ensure that an applicant has done enough further training prior to re-taking the examinations.</p>
response	<p><i>Not accepted</i></p> <p>A requirement in terms of percentage is not appropriate. It is up to the approved training organisation to assess the amount of further training needed.</p>
comment	<p>595 <span style="float: right;">comment by: <i>British Microlight Aircraft Association</i></span></p> <p>(a) Responsibilities of the applicant</p> <p>(1) Strongly disagree. As all examinations have approved content and are conducted by approved persons there is no logical reason for this restriction. There must be an opportunity for student pilots to take exams in more than one Member State to allow for the circumstance when a person may move home or workplace part way through their training program.</p> <p>(2) Disagree. This condition may lead to the imposition of additional training for the commercial benefit of the training school. Diligent student pilots who self-study may be forced to pay for unnecessary ground training periods just in order to achieve a recommendation. The decision as to whether to attempt an examination should be left to the student pilot.</p> <p>(b) Pass standards</p> <p>(1) Agree (2) Accepted (3) Disagree that if the exams have not been passed within the period that further training at an approved organisation need be required to be carried out or that such training need be agreed with the competent authority. The student pilot may have been unable to complete the examinations in the required time period due to personal circumstances not because they have failed examinations. The student pilot should be allowed to attempt the examinations without further required training or reference to the competent authority.</p> <p>(c) Validity period</p> <p>(1) Accepted</p>
response	<p><i>Noted</i></p> <p>(a)(1) Please see reply to comment 203 above.</p> <p>(a)(2) This was already the system established in JAR-FCL 1.485 (b), and the Agency sees no benefit in changing it now. It is the responsibility of the ATO to verify that the pilot has sufficient knowledge of the syllabus before he/she takes the examination. The Agency considers that this is an essential element to ensure the safety and consistency of the system.</p> <p>(b) (1) and (2) Thank you for your feedback.</p>

(b)(3)  
Again, this was already the system in JAR-FCL 1.485(b). The new wording proposed by the Agency ensures that the further training required is defined taking into account the concrete needs to the applicant. The Agency considers that this is an essential element to ensure the safety and consistency of the system.

(c)(1)  
Thank you for your feedback.

comment 852 comment by: Heliswiss AG, Belp

FCL.025 (1) To take the entire sets of theoretical knowledge examinations in one country is ok. It is important, however to point out that the theoretical examinations may be done in another country than the practical training and examination. This is not the case now (we had different cases where examinations in other countries were not accepted). When standards are the same, splitting of theoretical knowledge and practical training should not be a problem.

response *Noted*

Please see reply to comment 203 above. This is indeed the case.

comment 1107 comment by: Swedish Transport Agency, Civil Aviation Department  
(Transportstyrelsen, Luftfartsavdelningen)

**Comment:** This text does not consider the ATPL(H)/VFR license. The validity of an ATPL(H)/VFR theoretical knowledge examination should not in any way be connected to an instrument rating.

**Proposal:** Add a subparagraph with the following text (or include a text that excludes ATPL(H)/VFR from the text above):

The completion of the airline transport pilot license theoretical knowledge examinations for ATPL(H)/VFR will remain valid for an unlimited time from the date of the first issuance of a CPL(H).

response *Accepted*

FCL.025(c)(2) will be amended to include the case of an ATPL with IR theory for helicopters.

Please see reply to comment 3352 below.

comment 1114 comment by: KLSPublishing

025 (a) (1) This violates the idea of creating licenses for the entire area of all member states. It is by the way impracticable. Think for example of the case someone must move from one country to the next because of his or her job arrangement. Or somebody starts the education during vacation in a foreign member country and wants to finish it in his home country.

(b) There should be an additional option to apply for the examination by the student pilot itself without the necessity of an approval by an FTO. Otherwise highly trained experts must spend time and pay thousands of Euros for

response	<p>unnecessary and often in their view sub-optimal "education".</p> <p><i>Noted</i></p> <p>Please see replies to comments 203 and 595 above.</p>
comment	<p>1118 <span style="float: right;">comment by: <i>KLSPublishing</i></span></p> <p>025 (c) (1) The name 'leisure pilot license' is discriminating and should therefore be changed. There is also no 'leisure drivers license' or 'leisure motorcycle license'. There is also not 'private drivers license'.</p> <p>I therefore suggest for all the names here to get completely rid of the pre-word and make use of the name 'pilot license class 1,2,3,4'.</p>
response	<p><i>Noted</i></p> <p>A leisure pilot licence is required by the Basic Regulation. However, EASA will propose different names for those licences in the implementing rules.</p> <p>Please see further explanations in the explanatory note to this CRD.</p>
comment	<p>1311 <span style="float: right;">comment by: <i>Bristow Helicopters</i></span></p> <p>Extend the theoretical knowledge validity period for issue of an IR to 7 years, proposed amendment below:</p> <p>(1)(ii) for the issue of a commercial pilot licence <del>or instrument rating</del>, for a period of 36 months, <b>or for the issue of an instrument rating for a period of 7 years;</b></p> <p>Justification: If aiming for a career in multi-pilot IFR operations, many pilots will complete the ATP/IR theory exams as part of their initial CPLH training. Due to the high cost of helicopter training and IR course availability, they may not be able to progress to an IR(H) within the 3 year theoretical knowledge acceptance period and will therefore need to pass the IR theory exams again. In my view this is unnecessary since the IR course covers the practical elements of IR theory during the ground instruction and briefings associated with the course. In addition, ATP theory is considered valid for 7 years, and IR theory is valid for 7 years where the IR has not been renewed for that period.</p>
response	<p><i>Not accepted</i></p> <p>The proposed duration is coming from JAR-FCL, and derives from a safety assesment.</p> <p>The Agency does not intend to change this requirement, unless a new assessment is made. This will need to be subject to a specific rulemaking task.</p>
comment	<p>1451 <span style="float: right;">comment by: <i>Nigel Roche</i></span></p> <p>From (b) (3) Before retaking the examinations, the applicant shall undertake further training</p>

at an approved training organisation. The extent and scope of the training needed shall be agreed **between the training organisation and the competent authority**, based on the needs of the applicant.

Why does it require the "competent authority" to be involved? during the period of the JAR system retraining has been determined by the Organisation's Head of Training as advised by the Chief Ground Instructor. The extent of the retraining will be determined by the extent of the failure and the student's abilities.

As I understood it EASA accepted that we the FTOs (ATOs) knew about training whereas EASA did not have such knowledge but controlled the regulatory frame work in which we the FTOs (ATOs) are to operate - the same can be said of the NAAs.

I would suggest that this is re written as per:-

The extent and scope of the remedial training needed shall be determined by the training organisation's Head of Training or his Chief Ground Instructor, based on the needs of the applicant.

response *Accepted*

The Agency agrees with the point you raise. Indeed, this should be under the responsibility of the training organisation.

The text will be amended to say that the amount of training shall be determined by the training organisation.

comment

1456

comment by: *Nigel Roche*

(c) *Validity period*

(1) The successful completion of the theoretical knowledge examinations will be valid:

(iii) the periods in (i) and (ii) shall be counted from the **day** when the pilot successfully completes the theoretical knowledge examination, in accordance with (b)(2).

Counting the 36 month time period from the day on which the exam is past will disadvantage those students who are receiving their results via post especially if they have overseas addresses.

I do not know about other NAAs but the UK CAA does not according to its own regulation send out the results until ten working days after the Friday of the week in which the exams fall. This post is sent second class, thus a mainland UK student who has had a final pass in the first exam of the first day of an exam round will not receive his/her results for a minimum of 14 days after the exam has been sat. This will increase to one month for those who are overseas and receive surface mail.

I would suggest altering this to read:

(iii) the periods in (i) and (ii) shall be counted from the **first day of the following month from** when the pilot successfully completes the theoretical knowledge examination, in accordance with (b)(2).

response *Not accepted*

There is no sufficient justification for changing a rule, especially as it is already applied satisfactorily.

comment 1526 comment by: Danish Balloon Organisation

**FCL.025 (b) (2):**

We suggest that the period of 18 months be replaced with a period of 24 months.

Justification: The balloon flying season in our country is quite short and because theoretical knowledge is best acquired when combined with practical flying training a period of 24 months would be preferable.

response *Not accepted*

The period of 18 months referred to here is for theoretical examinations only.

comment 1669 comment by: Sven Koch

Anmeldung nur über Flugschule  
Bestehen mit 75 % richtige Antworten  
Abschluss innerhalb 18 Monate nach 1.  
Prüfungsversuch  
Komplette Wiederholungsprüfung, wenn 4 Mal ein Fach nicht bestanden bzw  
nach 6. Versuch insgesamt  
Gültigkeit der Theorieprüfung für LPL, PPL, SPL beträgt 24 Monate

response *Noted*

Your comment seems to be actually a translation of the proposed text.

comment 1742 comment by: Don Macdonald

1(ii)---for the issue of a commercial pilot licence for a period of 36 months or for the issue of an Instrument Rating for a period of 7 years.

response *Not accepted*

There is no sufficient justification for changing to 7 years for a mere IR theory only

comment 1931 comment by: SHA Guido Brun

(c) (1) (ii) for the issue of a commercial pilot licence, for a period of 36 months;  
(iii) for the issue of an instrument rating, for a period of 7 years;  
(iv) the periods in (i), (ii) and (iii) shall be counted from the end of the month when the pilot successfully completes the theoretical knowledge examination, in accordance with (b)(2)

Justification:

like the ATPL, the IR theory should be a "frozen" part of a licence, remaining valid for many years until the holder gets the job and the required training to complete the licence.

response	<p>"End of the month" should be a standard application to all validity issues.</p> <p><i>Not accepted</i></p> <p>There is no sufficient justification for changing a rule, especially as it is already applied satisfactorily.</p>
comment	<p>1939 <span style="float: right;">comment by: Markus Hitter / JAR-Contra</span></p> <p><b>Deutsch:</b> (english below)</p> <p>(a)(1) kann so verstanden werden, dass ein Pilot lebenslang alle Prüfungen in einem Mitgliedsstaat ablegen muss. Dies wäre eine unnötige Einschränkung der Freizügigkeit innerhalb der Europäischen Union und ist voraussehbar in vielen Fällen nicht durchführbar. Eine bessere Formulierung würde unserer Meinung nach wie folgt lauten:</p> <p><i>Bewerber sollen alle theoretischen Prüfungen für eine Lizenz oder eine Berechtigung in einem Mitgliedsstaat ablegen.</i></p> <p>- - -</p> <p>(b)(1) bezieht sich auf einen "Prüfungsbogen". Dieser Prüfungsbogen ist jedoch an keiner Stelle beschrieben. Vergleicht man diese NPA mit der derzeit gültigen JAR-FCL 1, wurden offensichtlich die Teile JAR-FCL 1.475 und 1.480 ausgelassen. Ein ähnlicher Wortlaut sollte in die zukünftige JAR-FCL übernommen werden.</p> <p>Wir begrüßen das Konzept einer zentralen Fragendatenbank, die veröffentlicht wird und aus der die Flugschulen (approved training organisations) für Prüfungen auswählen können. Ebenso begrüßen wir das Konzept von Multiple-Choice Fragen, da diese eindeutig zu beantworten sind. Weiterhin ist unserer Meinung nach Wert darauf zu legen, dass die Flugschulen die Fragen zumindest in der nationalen Amtssprache oder in Englisch vorlegen, sowie Änderungen bei der Übernahme aus der Datenbank untersagt sind. Gerade Letzteres hat beim deutschen Luftfahrt-Bundesamt offensichtlich statt gefunden: <a href="http://www.pilotundflugzeug.de/artikel/2008-12-12/LBA_JAR_Theoriefragen">http://www.pilotundflugzeug.de/artikel/2008-12-12/LBA_JAR_Theoriefragen</a></p> <p>- - - - -</p> <p><b>English:</b></p> <p>(a)(1) can be understood as if a pilot has to take all theoretical examinations in his life in one member state. This would be an unnecessary reduction of the principle of the freedom of movement in the European Community and foreseeable in many cases impossible to achieve. In our opinion, a better wording would be:</p> <p><i>applicants shall take the entire set of theoretical examinations for one license or one rating in one Member State.</i></p> <p>- - -</p> <p>(b)(1) refers to an "examination paper". However, a description of this paper is nowhere to be found. If you compare this NPA with the currently valid JAR-FCL 1, obviously parts JAR-FCL 1.475 and 1.480 were left out. A similar wording should be added to the future JAR-FCL.</p>

We appreciate the concept of JAR-FCL 1 of a Central Question Bank (CQB), which is published and from where approved training organisations can choose from. Also, we appreciate the concept of Multiple-Choice questions, because they can be answered unambiguously. Furthermore, training organisations should offer at least tests in their national language or in english. Changing questions, while copying them out of the CQB or translating them should be forbidden. Such changes were, while JAR-FCL 1 is in force, obviously observed at the german Luftfahrt-Bundesamt (LBA): [http://www.pilotundflugzeug.de/artikel/2008-12-12/LBA\\_JAR\\_Theoriefragen](http://www.pilotundflugzeug.de/artikel/2008-12-12/LBA_JAR_Theoriefragen)

response

*Noted*

(a)(1)

Please see reply to comment 203 above.

(b)(1)

The text of this paragraph is a direct transcription of JAR-FCL 1.490 (a). The Agency considers that it is sufficiently clear.

As for the elements of JAR-FCL 1.475 and 1.480 that were not transcribed in Part-FCL, they were included in Part-AR, since they are requirements directed at the competent authority. Please see NPA 2008-22.

comment

2087

comment by: *Stefan JAUDAS*

FCL.025(a)(1)

Since the goal of this regulation is to provide a standard valid throughout the EU, this part seems to be contrary to European harmonisation.

On top of this, it is ambiguous, although the rationale is understood to be to prevent raising picking and examination hopping. It could be interpreted to the effect that once a pilot has an initial licence from a specific Member State, e.g. a glider pilot licence or a recreational pilot licence, all subsequent licences right up to air traffic pilot must be obtained by this pilot in the Member State where he or she obtained his or her initial or first licence. Obviously, this would be hyper-bureaucratic nonsense, especially since pilots need to be mobile to follow their profession.

Should be dropped altogether or at least read somewhat like "Applicants shall take the entire set of examinations for a specific licence or a specific rating in one Member State".

response

*Accepted*

Editorial accepted.

Please see reply to comment 203 above.

comment

2100

comment by: *Joachim Grohme*

Hier ist unklar, was "entire set of examinations" bedeutet. Es sollte hinzugefügt werden, dass hier das "set of examinations" für eine einzelne Lizenz, ein einzelnes Zertifikat oder eine einzelnes Rating gemeint ist. Im Sinne der europäischen Freizügigkeit ist es wünschenswert, dass Piloten die Schulung für weitere Lizenzen, Zertifikate und/oder Ratings auch in einem anderen Mitgliedsstaat durchführen können. Eine lebenslange Bindung der theoretischen Prüfungen an einen einzigen Mitgliedsstaat sollte auf jeden Fall



	vermieden werden.
response	<p><i>Noted</i></p> <p>Please see reply to comment 203 above.</p>
comment	<p>2123 <span style="float: right;">comment by: <i>British International Helicopters</i></span></p> <p>Extend the theoretical knowledge validity period for issue of an IR to 7 years, proposed amendment below:</p> <p>(1)(ii) for the issue of a commercial pilot licence <del>or instrument rating</del>, for a period of 36 months, <b>or for the issue of an instrument rating for a period of 7 years;</b></p> <p>Justification: If aiming for a career in multi-pilot IFR operations, many pilots will complete the ATP/IR theory exams as part of their initial CPLH training. Due to the high cost of helicopter training and IR course availability, they may not be able to progress to an IR(H) within the 3 year theoretical knowledge acceptance period and will therefore need to pass the IR theory exams again. In my view this is unnecessary since the IR course covers the practical elements of IR theory during the ground instruction and briefings associated with the course. In addition, ATP theory is considered valid for 7 years, and IR theory is valid for 7 years where the IR has not been renewed for that period.</p>
response	<p><i>Not accepted</i></p> <p>There is no sufficient justification for changing to 7 years for a mere IR theory only.</p>
comment	<p>2202 <span style="float: right;">comment by: <i>AECA(SPAIN)</i></span></p> <p>Paragraph (a). The content of paragraph (2) is not applicants responsibility, really is a responsibility of the approved training organisation.</p>
response	<p><i>Not accepted</i></p> <p>Present wording already implies a responsibility for the approved training organisation to issue a recommendation once completed the training course to a satisfactory standard.</p> <p>However, it is included in this paragraph because it directly affects the applicant and his/her responsibilities.</p>
comment	<p>2203 <span style="float: right;">comment by: <i>AECA(SPAIN)</i></span></p> <p>Paragraph (a) To Include paragraph (c) of JAR-FCL 1.485</p>
response	<p><i>Not accepted</i></p> <p>These provisions are in the proposed Part AR.</p>
comment	<p>2323 <span style="float: right;">comment by: <i>Susana Nogueira</i></span></p>

	<p>Paragraph (a). The rule contained in subparagraph (2) is not applicants responsibility, really is a responsibility of the approved training organisation.</p>
response	<p><i>Not accepted</i></p> <p>Please see reply to comment 2202 above.</p>
comment	<p>2324 <span style="float: right;">comment by: <i>Susana Nogueira</i></span></p> <p>Paragraph (a) Include paragraph (c) of JAR-FCL 1.485, about the student responsibilities.,</p>
response	<p><i>Not accepted</i></p> <p>These provisions are in the proposed Part AR.</p>
comment	<p>2331 <span style="float: right;">comment by: <i>AECA(SPAIN)</i></span></p> <p>Extend the theoretical knowledge validity period for issue of an IR to 7 years, proposed amendment below:</p> <p>(1)(ii) for the issue of a commercial pilot licence <del>or instrument rating</del>, for a period of 36 months, <b>or for the issue of an instrument rating for a period of 7 years;</b></p> <p>Justification: If aiming for a career in multi-pilot IFR operations, many pilots will complete the ATP/IR theory exams as part of their initial CPLH training. Due to the high cost of helicopter training and IR course availability, they may not be able to progress to an IR(H) within the 3 years theoretical knowledge acceptance period and will therefore need to pass the IR theory exams again. In our point of view this is not necessary since the IR course covers the practical elements of IR theory during the ground instruction and briefings associated with the course. In addition, ATP theory is considered valid for 7 years, and IR theory is valid for 7 years where the IR has not been renewed for that period.</p>
response	<p><i>Not accepted</i></p> <p>There is no sufficient justification for changing to 7 years for a mere IR theory only</p>
comment	<p>2646 <span style="float: right;">comment by: <i>Prutech Innovation Services Ltd.</i></span></p> <p><b>FCL.025(a)(2):</b> This section should be deleted in total. It describes an unnecessary and restrictive practice that cannot reasonably be justified.</p> <p>On-line, CD-based and self-taught (or partially self-studied) courses are available up to university post-graduate degree level at this stage of the 21st century (and even were in the last century) which are widely accepted, so it would be facile to argue they are unsuitable for leisure aviation.</p> <p>Theoretical knowledge can be acquired in very many ways and there should be no restriction placed on the candidate pilot. What is important is only that the candidate should be properly examined and the depth of his/her understanding should be tested solely by the examination. Training organisations (and/or</p>

NAAAs) should not be able to boost their own incomes by making it difficult or impossible for a candidate who has acquired his/her knowledge elsewhere to enter the examinations - and it would be intolerable for the European Commission and EASA to support such practices.

The difference in cost between self-studied courses and ATO-run courses, in terms of course cost and especially in terms of travel time and cost to often remote airfields, can be huge. It would be a totally disproportionate requirement to insist on this purely process-based requirement just to qualify for an already expensive leisure pilot qualification.

response *Not accepted*

Training in an approved training organisation ensures the required standards and level of qualification in the FCL system.

Please see also reply to comment 595 above.

comment 2649 comment by: Prutech Innovation Services Ltd.

FCL.025(b)(3): The second paragraph should be deleted for the same reasons as argued in respect of FCL.025(a)(2).

response *Not accepted*

Training in an approved training organisation ensures the required standards and level of qualification in the FCL system.

Please see also reply to comment 595 above.

comment 2650 comment by: Prutech Innovation Services Ltd.

**FCL.025(c)(i):** The period should be extended to 36 months for a PPL, as in practice it can place a candidate pilot under great pressure to qualify in time if personal and/or business problems/distractions occur during the current 24 months, bearing in mind the limited windows of good weather that exist for this category, compared with heavier aircraft. Family illnesses an/or business collapse can be reasons for loss of many flying opportunities and continuous bad weather on top of this can be sufficient to beat many good pilots.

At the least, an exception should be made for sub-600kg microlight pilots, who are the most affected by moderate/strong winds and/or other bad weather. Easing of the pressure to fly in borderline conditions in order to qualify within the 24 month period could also be considered a step towards safety.

response *Not accepted*

Your proposal would need to be assessed for a future rule amendment. You may wish to make a proposal accordingly.

comment 2651 comment by: Prutech Innovation Services Ltd.

**FCL.025(a):** A more open and less restrictive approach to theoretical knowledge examination than that described in this section should be introduced, notwithstanding previous JAA practices.

**Comments:** *The limitation of the examinations to a single Member State*

*and/or the control proposed to be given to approved training organisations over how candidates acquire their theoretical knowledge may well be disproportionate to any objective that could be put forward and have minimal if any implications for safety. This means they may well not be legally valid or may be subject to legal challenge. In that respect, a judge would note that it is open to the examining authority to pose any questions they wish in any format or manner they wish to completely test an applicant's theoretical knowledge no matter how acquired (and this part of the qualification addresses theoretical knowledge only!)*

response *Noted*

Please see reply to comment 203 above.

comment

2851

comment by: *Jeremy Hinton*

Section (a)(2): Examinations should not be undertaken frivolously, but is the requirement to be recommended by the approved training organisation strictly necessary for written exams?

response *Noted*

Training in an approved training organisation ensures the required standards and level of qualification in the FCL system.

Please see also reply to comment 595 above.

comment

2852

comment by: *Jeremy Hinton*

Section (b)(3) - re-taking of examinations: Again a query as to the necessity for an approved training organisation for preparation and recommendation for written exams.

response *Not accepted*

Training in an approved training organisation ensures the required standards and level of qualification in the FCL system.

Please see also reply to comment 595 above.

comment

3031

comment by: *Peter SCHMAUTZER*

Generally there is to say, that all periods of time in the draft are very casuistic and hardly to learn by heart. A good example are the FAR's where all periods are in any sense connected to each other and easy to learn.

For example the validity period of theoretical knowledge examination can uniformly be 36 months or three years and the validation period for airline transport licences can be omitted because if somebody has the theoretical knowledge examination he should have the possibility to make the skill test any time because prerequisite is always a CPL-Licence with valid instrument rating.

response *Not accepted*

The present periods of time established by JAR-FCL and were derived from an assessment. New periods would need to be fully assessed. You may wish to

make a proposal for a future rule amendment.

comment 3157 comment by: *Susana Nogueira*

(c) validity period

Take identical validity periods por items (i) and (ii).

Justification:  
To avoid confusions.

response *Not accepted*

No confusion could be identified in the proposed text.

comment 3352 comment by: *DGAC FRANCE*

FCL. 025 paragraph (c)

Comment :

The case of an ATPL (H) – VFR has not been taken in account.

Modification, add a paragraph (3) in the § FCL 0.25 (c) *validity period* :

**(3) Helicopter only - Provided that the applicant holds a CPL (H), the completion of the airline transport pilot licence helicopter theoretical knowledge examination will remain valid for a period of 7 years from the last validity date of a helicopter type rating for the issuance of an airline transport pilot licence helicopter .**

response *Accepted*

The text will be amended as proposed.

comment 3402 comment by: *NACA*

**FCL.025 (b) (3)**

1. It takes a few times of very careful reading of this article to fully understand its meaning and implications. We suggest to state more clearly that:

§ There is a maximum of 4 attempts per examination paper within the period mentioned in (2).

§ There is a total maximum of 6 attempts for all examination papers within the period mentioned in (2).

response *Not accepted*

The Agency considers that the text is clear.

comment 3465 comment by: *Deutscher Aero Club (DAeC)*

We believe that it should be possible to take the set of examinations for e.g. PPL (A) in one Member State and the CPL in another Member State some years

	<p>later.</p> <p>Clarification required. If the draft rule means that the set of examinations have to be taken in one Member State is for one category or aircraft / licence, then its OK. If it means that the examinations for different categories or aircraft / licence have to taken in one (always the same) Member State then this is not acceptable. Reason – free movement.</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 203 above.</p>
comment	<p>3466 <span style="float: right;">comment by: <i>Deutscher Aero Club (DAeC)</i></span></p> <p>This paragraph is not fully understood. Clarification is needed concerning the meaning of "examination paper" or "subject". Definitions of these terms are required. DAeC understands the term "examination paper" as the written test of one subject e.g. meteorology. The term "subject" means in our understanding a topic of the syllabus e.g. meteorology. In the given form the wording is not clear to avoid differing interpretation.</p>
response	<p><i>Partially accepted</i></p> <p>The terms "examination paper" and "subject" are correctly understood by all commenters having expressed the same opinion. However, "subject" in sub para (b)(2) will be changed into "examination paper".</p>
comment	<p>3731 <span style="float: right;">comment by: <i>Luftfahrt-Bundesamt</i></span></p> <p>FCL.025 For the time being there is no time limit between the end of a theoretical training course and the first attempt of an examination. In order to prevent the candidates from trying to extend the period between the end of the theoretical knowledge course and the first attempt for the theoretical knowledge examination excessively we suggest to incorporate the following issues into the requirements of FCL.025. (b) (2): The <b>end of theoretical knowledge course</b> is defined by the date at which the Head of Training gives his statement of course completion and applies for assignation of an examination date for his candidate(s). The <b>beginning</b> (of the 18 Month lasting) <b>theoretical examination period</b> is defined by the date at which the authority assigns for the first examination sitting.</p> <p>Regarding FCL.025 (b) (3), "six attempts" should read "six examination <u>sittings</u>" otherwise the sentence will not be understandable. Remark: The term "sitting" has been defined in the JAA requirements and has a different meaning as the term "attempt" which has also be defined in JAA requirements.</p>
response	<p><i>Accepted</i></p> <p>The text will be amended as follows: <b>"The recommendation by the</b></p>

**approved training organisation shall be valid for 12 months. If the applicant has failed to attempt at least one theoretical knowledge examination within this period of validity, the need for any further training shall be determined by an approved training organisation, based on the needs of the applicant."**

"Six attempts" will be replaced by "six sittings".

comment 4048 comment by: *Max Heinz Katzschke*

(a)(1) könnte so ausgelegt werden, dass ein Pilot sein Leben lang alle Prüfungen in dem Staat ablegen muss, in dem er erstmalig eine Prüfung abgelegt hat. Diese Einschränkung entspricht nicht den Lebensumständen, da vielfältige Anforderungen und Qulifizierungen besonders im Beruf immer öfter zu einem Wechsel des Wohnsitzes oder Lebensmittelpunktes führen. Deshalb muss es ermöglicht werden Erweiterungen oder periodisch verlangte Nachweise der theoretischen und praktischen Fähigkeiten in einem beliebigen Land der Europäischen Union ablegen zu können. Nur so ist die in der Wirtschaft notwendige Beweglichkeit der Menschen zu gewährleisten.

(b)(1) Hier fehlen offensichtlich Regelungen, die in JAR\_FCL1.475 und .480 vorhanden waren. Ähnliche Texte sollten in die zukünftige Regelung übernommen werden.

Ich begrüße das Schaffen einer zentralen Fragen-Datenbank, die veröffentlicht und in die Landessprachen der EU-Länder übersetzt allen Flugschulen und Prüfern zur Verfügung steht. Dabei ist auf eine autorisierte Übersetzung, die nicht (auch nicht in einzelnen Ländern) verändert werden kann, Wert zu legen.

response *Noted*

(a)(1)  
Please see reply to comment 203 above

(b)(1)  
Some elements of JAR-FCL 1.475 and 1.480 were not transcribed in Part-FCL, they were included in Part-AR, since they are requirements directed at the competent authority. Please see NPA 2008-22.

comment 4071 comment by: *Bernd Hein*

Anmeldung muß auch über einen Ausbildungsleiter/FI möglich sein.

response *Partially accepted*

Any person who is entitled by the approved training organisation to recommend the students will be able to recommend the student.

comment 4183 comment by: *SFG-Mendig*

Ein Autoführerschein ist grundsätzlich zunächst auch unbefristet gültig, die zeitliche Befristung von Pilotenlizenzen ist analog dazu nicht nachvollziehbar und sollte aufgehoben werden. Dadurch können erhebliche Verwaltungsgebühren gespart werden, ohne an Sicherheit zu verlieren. Hinsichtlich des tatsächlichen verantwortlichen Fliegens gibt es eine Reihe anderer Bedingungen, die auch aus Sicherheitsgründen erfüllt sein müssen (currency, Nachweis von Standards über Übungsflüge u.s.w.), dies muss naber

	nicht mit der Gültigkeit einer Lizenz verbunden sein.
response	<p><i>Not accepted</i></p> <p>Please see reply to comment 356 above.</p>
comment	<p>4399 <span style="float: right;">comment by: <i>Bond Offshore Helicopters</i></span></p> <p>Extend the theoretical knowledge validity period for issue of an IR to 7 years, proposed amendment below:</p> <p>(1)(ii) for the issue of a commercial pilot licence <del>or instrument rating</del>, for a period of 36 months, <b>or for the issue of an instrument rating for a period of 7 years;</b></p> <p>Justification: If aiming for a career in multi-pilot IFR operations, many pilots will complete the ATP/IR theory exams as part of their initial CPLH training. Due to the high cost of helicopter training and IR course availability, they may not be able to progress to an IR(H) within the 3 year theoretical knowledge acceptance period and will therefore need to pass the IR theory exams again. In our view this is unnecessary since the IR course covers the practical elements of IR theory during the ground instruction and briefings associated with the course. In addition, ATP theory is considered valid for 7 years, and IR theory is valid for 7 years where the IR has not been renewed for that period.</p>
response	<p><i>Not accepted</i></p> <p>There is no sufficient justification for changing to 7 years for a mere IR theory only</p>
comment	<p>4454 <span style="float: right;">comment by: <i>AOPA Switzerland</i></span></p> <p>It should be possible for candidates to get tested in more than only one Member State. Especially language problems are as such that a candidate living in a foreign country is not able to get tested in the national language. However, the possibility of splitting the examination to two different Member States is subject to an approval of the licence issuing Civil Aviation Authority.</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 203 above.</p>
comment	<p>4470 <span style="float: right;">comment by: <i>ECA- European Cockpit Association</i></span></p> <p>Delet and change text:</p> <p>(ii) for the issue of a commercial pilot licence or instrument rating, for a period of <del>36</del> 24 months;</p> <p>Justification: FCL.025 c) it is strange that a pilot with a CPL license must be checked every year, including theoretical examination (included within the proficiency check there is oral examination), and a person that only has a pass on the exams, the requirement allows him/her to get a license 3 years later. This should be changed. by changing one 1 year, the requirement is the same as for the holder of a license, and the safety standard, is more appropriate. At</p>



	<p>the same time this is an incentive for the ATO's to structure the course in such a way to link the theoretical and the flying phases. This way, everything is integrated and instructed in a continuous way. Same as in i) above, in which the period matches the validity period of the license</p>
response	<p><i>Noted</i></p> <p>The proposed figure derives from an assesment. You may wish to make a proposal for a rule amendment for a new assesment to be made.</p>
comment	<p>4471 <span style="float: right;">comment by: <i>ECA- European Cockpit Association</i></span></p> <p>025.c)2. Provided that the applicant holds an instrument rating, the completion of the airline transport pilot licence theoretical knowledge examinations will remain valid for a period of 7 years from the last validity date of the instrument rating entered in the <del>commercial pilot</del> licence for the issuance of an airline transport pilot licence.</p> <p>Justification There is no need to hold a CPL for the IR. Sometimes the applicant has only a PPL. While getting its CPL, he/she may have valid IR entered in the PPL license, and this could undermine his/her possibility of getting an ATPL later on.</p>
response	<p><i>Accepted</i></p> <p>Text will be changed accordingly.</p>
comment	<p>4556 <span style="float: right;">comment by: <i>Deutscher Aero Club</i></span></p> <p>FCL 025 Para (a) (1) "Applicants shall take the entire set of examination in one Member state"</p> <p>Comment: Clarification required: - if this means that the set of examinations for one category or aircraft / licence have to be taken in one Member State, then it is acceptable. - if it means that the examinations for different categories or aircraft / licence have to be taken in one (always the same) Member State, then this is not acceptable.</p> <p>EGU Proposal: EASA to clarify the interpretation of this statement, in the AMC / GM.</p>
response	<p><i>Partially accepted</i></p> <p>Please see reply to comment 203 above.</p>
comment	<p>4557 <span style="float: right;">comment by: <i>Deutscher Aero Club</i></span></p> <p>FCL 025 Para (b) (2) (3)</p> <p>Comment: This paragraph is not fully understood. A clear definition of the meaning of "examination paper" or "subject" is needed in order to avoid</p>

	<p>misinterpretations. EGU understands the term "examination paper" as the written test of one subject e.g. meteorology. The term "subject" means in our understanding a topic of the syllabus e.g. meteorology.</p> <p>EGU Proposal: EASA to clarify the definitions or interpretation of 'examination' and 'subject(s)' in the AMC / GM.</p>
response	<p><i>Partially accepted</i></p> <p>The terms "examination paper" and "subject" are correctly understood by all commenters having expressed the same opinion. However, "subject" in sub para (b)(2) will be changed into "examination paper."</p>
comment	<p>4581 <span style="float: right;">comment by: <i>Icelandic CAA</i></span></p> <p>For simplification it is proposed to define the validity period for theory as 36 months for both paragraph (c)(1)(i) and (c)(1)(ii).</p>
response	<p><i>Not accepted</i></p> <p>The time periods defined are coming from JAR-FCL, and were based on an assessment. The Agency does not consider it appropriate to change them for just simplification reasons.</p>
comment	<p>4640 <span style="float: right;">comment by: <i>Héli-Union</i></span></p> <p>Extend the theoretical knowledge validity period for issue of an IR to 7 years, proposed amendment below:</p> <p>(1)(ii) for the issue of a commercial pilot licence <del>or instrument rating</del>, for a period of 36 months, <b>or for the issue of an instrument rating for a period of 7 years;</b></p> <p>Justification: If aiming for a career in multi-pilot IFR operations, many pilots will complete the ATP/IR theory exams as part of their initial CPLH training. Due to the high cost of helicopter training and IR course availability, they may not be able to progress to an IR(H) within the 3 year theoretical knowledge acceptance period and will therefore need to pass the IR theory exams again. In our view this is unnecessary since the IR course covers the practical elements of IR theory during the ground instruction and briefings associated with the course. In addition, ATP theory is considered valid for 7 years, and IR theory is valid for 7 years where the IR has not been renewed for that period.</p>
response	<p><i>Not accepted</i></p> <p>There is no sufficient justification for changing to 7 years for a mere IR theory only</p>
comment	<p>4827 <span style="float: right;">comment by: <i>Royal Danish Aeroclub</i></span></p> <p><b>FCL.025 (b) (2):</b> 18 months is an odd number and should be changed to 24 months.</p>

response *Not accepted*

The time periods defined are coming from JAR-FCL, and were based on an assessment. The Agency does not consider it appropriate to change them without further careful assessment. This would have to be subject to a specific rulemaking task.

comment

4833

comment by: HUTC

Extend the theoretical knowledge validity period for issue of an IR to 7 years, proposed amendment below:

(1)(ii) for the issue of a commercial pilot licence ~~or instrument rating~~, for a period of 36 months, **or for the issue of an instrument rating for a period of 7 years;**

Justification:

If aiming for a career in multi-pilot IFR operations, many pilots will complete the ATP/IR theory exams as part of their initial CPLH training. Due to the high cost of helicopter training and IR course availability, they may not be able to progress to an IR(H) within the 3 year theoretical knowledge acceptance period and will therefore need to pass the IR theory exams again. In our view this is unnecessary since the IR course covers the practical elements of IR theory during the ground instruction and briefings associated with the course. In addition, ATP theory is considered valid for 7 years, and IR theory is valid for 7 years where the IR has not been renewed for that period.

response

*Not accepted*

There is no sufficient justification for changing to 7 years for a mere IR theory only

comment

4892

comment by: Prof. Dr. Alexander Bubenik

FCL.025 (a) (1) Applicants shall ..... one member State, except for justified individual reasons.

As a justified individual reason should be considered a move, relocation for education, apprenticeship, occupation or similar circumstances.

response

*Noted*

Please see reply to comment 203 above.

comment

4947

comment by: FOCA Switzerland

FCL.025

This text does not consider the ATPL(H)/VFR license. The validity of an ATPL(H)/VFR theoretical knowledge examination should not in any way be connected to an instrument rating.

Proposal

Add new subparagraph with the following text (or include a text that excludes ATPL(H)/VFR from the text above:

	<p>The completion of the airline transport pilot license theoretical knowledge examinations for ATPL(H)/VFR will remain valid for an unlimited time from the date of the first issuance of a CPLH).</p>
response	<p><i>Partially accepted</i></p> <p>The text will be amended to take into account the case of the ATPL(H)/VFR.</p> <p>Please see reply to comment 3352 above.</p>
comment	<p>4995 <span style="float: right;">comment by: FOCA Switzerland</span></p> <p>FCL.025</p> <p>For the time being there is no time limit between the end of a theoretical training course and the first attempt of an examination. In order to prevent the candidates to extend the period between the end of the theoretical knowledge course and the first attempt for the theoretical knowledge examination excessively, the requirement of FCL.025 (b)(2) needs a clarification.</p> <p>Proposal</p> <p>The end of theoretical knowledge course is defined by the date at which the HT gives his statement of course completion and applies for an an examination date for the candidate.</p> <p>The beginning (of the 18 months) lasting theoretical examination period is defined by the date at which the authority assigns for the first examination sitting.</p>
response	<p><i>Accepted</i></p> <p>The text will be amended as follows: <b>"The recommendation by the approved training organisation shall be valid for 12 months. If the applicant has failed to attempt at least one theoretical knowledge examination within this period of validity, the need for any further training shall be determined by an approved training organisation, based on the needs of the applicant."</b></p>
comment	<p>5056 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph:</b> FCL.025 (a) (1) Theoretical Knowledge examinations for the issue of licences</p> <p><b>Page No*:</b> 6 of 647</p> <p><b>Comment:</b> The requirement does not state that the applicant is required to complete theoretical knowledge training in one Member State</p> <p><b>Justification:</b> JAR-FCL1.065/2.065 was specific in allowing theoretical knowledge training and examinations</p> <p><b>Proposed Text:</b> <b>(if applicable)</b> Applicants shall undertake theoretical knowledge training and take the entire set of examinations in one Member State.</p>
response	<p><i>Not accepted</i></p>

The Agency does not consider that it is necessary that the applicant undertakes the whole theoretical knowledge training in just one Member State.

Please see reply to comment 203 above.

comment 5057 comment by: UK CAA

**Paragraph:**

FCL.025

**Page No:**

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**Comment:**

Proposal agreed. Navigation must not become a common subject.

response *Noted*

Thank you for your comment.

comment 5063 comment by: Lenny Cant

(a) (2)

How will this be arranged in reality? In Belgium we don't have any balloon school or official balloon course holder.

response *Noted*

The implementation of the rule is competence of each Member State.

The Agency considers that the new rules will probably cause new training organisations to be formed in the Member States. In any case, if in a certain Member there are no any schools providing a certain type of training, nothing prevents an applicant from going to a training organisation in another Member State.

comment 5064 comment by: Lenny Cant

(b) (3)

I think applicants should be forbidden to participate any longer if they have failed the cyclus as you described in this paragraph. In Belgium we currently have a system that applicants can only participate 4 times for their theoretical tests. If they don't pass they are not able to become a balloon pilot anymore. I believe this is a good rule because becoming a balloon pilot takes some serious effort. If you are unable to succeed the theoretical course I believe that tell something about the skills and understanding of the theoretical part. We must keep in consideration that the pilot needs to be able to get everything he has learned also out in reality and be able to understand the air law.

response *Not accepted*

Thank you for your comment. It cannot be taken to change the present rules. However, you may propose future amendments accordingly.

comment 5135 comment by: Orlando Flight Training

Para (a) (1) states "Applicants shall take the entire set of examinations in one Member State"

Whilst I am sure the wording of this is not intended to mean that all examinations must take place within the boundaries of the state, it could be interpreted that way at a later date.

I would like to see the wordign in the order of "Applicants shall take teh entire set of examinations under the administration of one state"

If examinations cannot be delivered outside of the state in exam centers approved and run by the state, schools like us will not be commercially viable.

I am sure the wording is there to ensure students sit all 14 exams under one authority, but it could be taken differently.

response *Accepted*

Please see reply to comment 203 above.

comment 5162

comment by: *Klaus Melchinger*

(a)(1) kann so verstanden werden, dass ein Pilot lebenslang alle Prüfungen in einem Mitgliedsstaat ablegen muss.

Dies wäre eine unnötige Einschränkung der Freizügigkeit innerhalb der Europäischen Union und ist voraussehbar in vielen Fällen nicht durchführbar.

Eine bessere Formulierung würde wäre:

Bewerber sollen alle theoretischen Prüfungen für eine Lizenz oder eine Berechtigung in einem Mitgliedsstaat ablegen.

(b)(1) bezieht sich auf einen "Prüfungsbogen".

Dieser Prüfungsbogen ist jedoch an keiner Stelle beschrieben.

Vergleicht man diese NPA mit der derzeit gültigen JAR-FCL 1, wurden offensichtlich die Teile JAR-FCL 1.475 und 1.480 ausgelassen.

Ein ähnlicher Wortlaut sollte in die zukünftige JAR-FCL übernommen werden.

Das Konzept einer zentralen, öffentlichen Fragendatenbank, aus der die Flugschulen (approved training organisations) für Prüfungen auswählen können, wird begrüsst. Ebenso begrüsst wird das Konzept von Multiple-Choice Fragen, da diese eindeutig zu beantworten sind.

Weiterhin ist Wert darauf zu legen, dass die Flugschulen die Fragen zumindest in der nationalen Amtssprache oder in Englisch vorlegen, sowie Änderungen bei der Übernahme aus der Datenbank untersagt sind.

Gerade Letzteres hat beim deutschen Luftfahrt-Bundesamt offensichtlich statt gefunden:

[http://www.pilotundflugzeug.de/artikel/2008-12-12/LBA\\_JAR\\_Theoriefragen](http://www.pilotundflugzeug.de/artikel/2008-12-12/LBA_JAR_Theoriefragen)

response *Noted*

(a)(1)

Please see reply to comment 203 above

(b)(1)

Some elements of JAR-FCL 1.475 and 1.480 were not transcribed in Part-FCL, they were included in Part-AR, since they are requirements directed at the competent authority. Please see NPA 2008-22.

comment 5236

comment by: *CAA Belgium*

FCL 025 (c) add a new paragraph

	<p>The case of an ATPL (H) – VFR has not been taken in account  (c) Validity period  (2) Provide that...  <b>(3) Helicopter only - Provided that the applicant holds a CPL (H), the completion of the airline transport pilot licence helicopter theoretical knowledge examination will remain valid for a period of 7 years from the last validity date of a helicopter type rating for the issuance of an airline transport pilot licence helicopter .</b></p>
response	<p><i>Accepted</i></p> <p>The text will be amended as proposed.</p>
comment	<p>5322 <span style="float: right;">comment by: <i>Guy GEERAERTS</i></span></p> <p><i>Concerning FCL.025 (b):</i>  I don't see anywhere in this document how the theoretical exams should be made up. I don't know how this is done in other countries, but in Belgium all exams and questions are of the multiple choice type. As a professor in master education (engineer grade) I can assure you this is the worst way to test knowledge. It might be a part of an exam eventually, but should never be the only type of questions. With multiple choice questions only, it's possible that people succeed without really knowing what they should know, while others fail but should have succeeded if they were allowed to argument their answers. So I think it should be <b>obligatory to include open questions in all exams.</b></p>
response	<p><i>Noted</i></p> <p>Those requirements are proposed in Part AR.</p>
comment	<p>5746 <span style="float: right;">comment by: <i>Christoph Talle</i></span></p> <p>Klarstellung nötig, dass hiermit gemeint ist, dass die Prüfung für eine Lizenz vollständig in einem Mitgliedsstaat erworben werden muss, aber eine andere Lizenz in einem anderen Mitgliedsstaat erworben werden kann. Bsp. LPL(S) in Deutschland, später PPL(A) in Frankreich. Piloten sind mobil!</p>
response	<p><i>Noted</i></p> <p>Please see see reply to comment 203 above.</p>
comment	<p>5754 <span style="float: right;">comment by: <i>Royal Danish Aeroclub</i></span></p> <p>We do not see any reason for applicants to take the entire set of examinations in one Member State.</p> <p>We suggest to delete FCL.25 (a) (1).</p>
response	<p><i>Noted</i></p> <p>Please see see reply to comment 203 above.</p>
comment	<p>5850 <span style="float: right;">comment by: <i>Professional Balloonists Netherlands</i></span></p> <p><b>- FCL.025 Validity period</b>  <b><u>FCL.025 (c) - 1 - ii</u></b></p>

	<p>The theoretical examination remains 24 months valid in case of issuing of LPL or BPL. At the present this period is 36 months in the Netherlands. The proposal is a period of 12 months shorter, therefore a deterioration for the Netherlands. We object to the 24 months. We do not have negative experiences with the 36 months.</p>	
response	<p><i>Not accepted</i></p> <p>The present periods of time were derived from an assessment. New periods would need to be fully assessed. You may wish to make a proposal for a future rule amendment.</p>	
comment	5919	comment by: <i>Luftsport-Verband Bayern</i>
	<p>Im PPL-Bereich wäre es - vor allem im Bereich der Vereinsausbildung - ebenfalls wünschenswert den im CPL-Bereich zur Verfügung stehenden Zeitraum von 36 Monaten ausschöpfen zu können.</p>	
response	<p><i>Not accepted</i></p> <p>The present periods of time were derived from an assessment. New periods would need to be fully assessed. You may wish to make a proposal for a future rule amendment.</p>	
comment	6080	comment by: <i>CAA Finland</i>
	<p>FCL.025(b)(3), re-exam:  Comment: This may be in AR/OR (I have not checked): Ref Part 66/147: Penalty of cheating: 6 months</p>	
response	<p><i>Noted</i></p> <p>Requirements for cheating penalties are indeed in the proposed Part AR.</p>	
comment	6085	comment by: <i>CAA Finland</i>
	<p>FCL.025(c)(2), validity period ATPL exam:  Time limit before issuance of IR rating is not mentioned. Possibility: ATPL theory remains valid forever if the applicant does not have IR or CPL. Proposed new text:</p> <p>(2) The completion of the airline transport pilot licence theoretical knowledge examinations will remain valid for a period of 36 months. Provided that the applicant holds an instrument rating, airline transport pilot licence theoretical knowledge examinations will remain valid for 7 years from the last validity date of the instrument rating entered in the commercial pilot licence for the issuance of an airline transport pilot licence.</p>	
response	<p><i>Not accepted</i></p> <p>In order to get an ATPL, a PPL holder shall first get a CPL licence. To this aim, he is limited to 36 months.  The rule for the validity date of the ATPL theory will then apply.</p>	
comment	6244	comment by: <i>Axel Schwarz</i>



(c)(2) requires the instrument rating to be entered in a CPL. Since the ATPL theory examination may also be taken by holders of a PPL, the requirement should read "instrument rating entered in the PPL or CPL" or only "entered in the licence".

response

Noted

Please see reply to comment 4471 above.

comment

6336

comment by: Johann Friedrich

### **FCL.025 Theoretical knowledge examinations for the issue of licences**

(a) Responsibilities of the applicant

~~(1) Applicants shall take the entire set of examinations in one Member State.~~

**Comment:** Delete (a 1) completely

**Reason:** FCL.025 (a 1) unnecessarily restricts freedom of movement between Member States

(b) Pass standards

(1) A pass in an examination paper will be awarded to an applicant achieving at least 75% of the marks allocated to that paper. There is no penalty marking.

~~(2) except when otherwise determined in this Part, an applicant has successfully completed the required theoretical knowledge examination for the appropriate pilot licence or rating when he/she has passed all of the required subjects within a period of 18 months counted from the end of the calendar month when the applicant first attempted an examination.~~

~~(3) If an applicant has failed to pass one of the examination papers within 4 attempts, or has failed to pass all papers within either six attempts or the period mentioned in paragraph (2);~~

~~he/she shall retake the complete set of examination papers.~~

Before retaking the examinations, the applicant shall undertake further training at an

approved training organisation. The extent and scope of the training needed shall be

~~agreed between the training organisation and the competent authority,~~ based on the needs of the applicant.

**Comment:** Delete FCL.025 (b 2) completely and amend (b 3) as follows:

"Before retaking the examinations, the applicant shall undertake further training at an approved training organisation. The extent and scope of the training needed shall be based on the needs of the applicant."

**Reason:** FCL.025 (b 2 and b 3) violate the principle of subsidiarity: they - unnecessarily - restrict the authority of training organizations and interfere with their responsibilities.

(c) Validity period

~~(1) The successful completion of the theoretical knowledge examinations will be valid:~~

~~(i) for the issue of a leisure pilot licence, a private pilot licence, a sailplane pilot licence or~~

~~a balloon pilot licence, for a period of 24 months;~~

~~(ii) for the issue of a commercial pilot licence or instrument rating, for a period of 36~~

~~months;~~

~~(iii) the periods in (i) and (ii) shall be counted from the day when the pilot successfully completes the theoretical knowledge examination, in accordance with (b)(2).~~

~~(2) Provided that the applicant holds an instrument rating, the completion of~~

	<p><del>the airline transport pilot licence theoretical knowledge examinations will remain valid for a period of 7 years</del>  <del>from the last validity date of the instrument rating entered in the commercial pilot licence for the issuance of an airline transport pilot licence.</del>  <b>Comment:</b> Delete FCL.025 (c) completely  <b>Reason:</b> FCL.025 (c) violates the principles of adequacy and subsidiarity by considering pilots not to take responsibility for their continuous flight training and further education. All pilots do this for the sake of own and others safety and wellbeing.</p>
response	<p><i>Noted</i></p> <p>(a)(1) Please see reply to comment 203 above.</p> <p>(b)(3) Please see reply to comment 1451 above.</p> <p>(c) It is considered necessary to set a validity date for theoretical examinations.</p>
comment	<p>6470 <span style="float: right;">comment by: <i>Austro Control GmbH</i></span></p> <p>Comment: To avoid "licence shopping" the supervision of training examination and licensing should remain within one authority.</p> <p>Proposed Text: (1) Applicants shall take the entire set of examinations in one Member State <b>at the competent authority.</b></p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 203 above.</p> <p>Exams shall be taken under the respsnibility of the competent authority, as established in Part-AR. This does not mean that it needs to be 'at' the competent aughtority.</p>
comment	<p>6478 <span style="float: right;">comment by: <i>IAOPA Europe</i></span></p> <p>The wording: <i>"Applicants shall take the entire set of examinations in one Member State"</i> is confusing.</p> <p>It is assumed that it is the intention to make it possible for a pilot to take the exams for gliding privileges in one Member State and take the exams for powered aircraft in another memberstate.</p> <p>Also it is assumed that it is the intention to make it possible for a pilot to take all exams for a LPL in one Member State and have a license issued in that Member State, and then afterwards to undergo training for another category of</p>

	aircraft and still get credit for the common exams taken in the previous Member State.  Therefore the proposed text would be as follows:  <i>"Applicants shall take the entire set of examinations for the initial certificate or a particular extension to a certificate in one Member State"</i>
response	<i>Noted</i>  Please see reply to comment 203 above.
comment	6871 <span style="float: right;">comment by: CAA CZ</span>  para (b)(3) Part FCL does not specify the deadline to which an applicant may apply for theoretical exams (eventually start them) after completing the theoretical course. The wording as proposed allows to complete the theoretical course and apply for the exam for example after 20 years.
response	<i>Accepted</i>  The text will be amended as follows: <b>"The recommendation by the approved training organisation shall be valid for 12 months. If the applicant has failed to attempt at least one theoretical knowledge examination within this period of validity, the need for any further training shall be determined by an approved training organisation, based on the needs of the applicant."</b>
comment	6872 <span style="float: right;">comment by: CAA CZ</span>  para (b)(3) The "six attempts " in the first sentence should be changed to "six sittings " (according to JAR-FCL 1/2.490 (c)).
response	<i>Accepted</i>  The text will be amended accordingly.
comment	6918 <span style="float: right;">comment by: Austrian Aero Club</span>  <b>FCL.025 (c) Gültigkeitsdauer</b> Der Österreichische Aero Club stellt hiezu fest, dass alle Zeitperioden im Entwurf sehr kompliziert und kaum auswendig zu lernen sind. Ein gutes Beispiel sind die FAR´s, wo alle Perioden in jeder Hinsicht miteinander verbunden sind und leicht zu erlernen sind. Zum Beispiel kann die Gültigkeitsdauer der Prüfung der theoretischen Kenntnisse einheitlich 36 Monate oder drei Jahre betragen.
response	<i>Not accepted</i>  The present periods of time were derived from an assessment. New periods would need to be fully assessed. You may wish to make a proposal for a future rule amendment.
comment	7006 <span style="float: right;">comment by: UK CAA</span>

	<p><b>Paragraph:</b> FCL.025</p> <p><b>Page No:</b> 6 of 647</p> <p><b>Comment:</b> Theoretical Knowledge exams – Pass standards, point 3, it says a candidate must pass all papers within six attempts.</p> <p>Currently candidates are to pass in 18 months, six sittings and four attempts.</p> <p><b>Justification:</b> Clarification of this statement.</p>
response	<p><i>Accepted</i></p> <p>"Six attempts" will be changed into "six sittings".</p>
comment	<p>7387 <span style="float: right;">comment by: Peter van Harten</span></p> <p>At the present the validity of the theoretical knowledge (after passing exam) is in the Netherlands 36 months. In the proposals of EASA this will be reduced with 12 months. I suggest to keep the 36 months as in Holland.</p>
response	<p><i>Not accepted</i></p> <p>The present periods of time were derived from an assessment. New periods would need to be fully assessed. You may wish to make a proposal for a future rule amendment.</p>
comment	<p>7402 <span style="float: right;">comment by: Europe Air Sports, VP</span></p> <p>It is proposed to change FCL.025 (1) to read as follows: Applicants shall take the complete examination towards the initial issue of a license for a category of aircraft in one member state.</p> <p>It is well understood that the training process and the testing should take place ideally in the same ATO. But it seems not to be in line with the general European principle if a pilot who acquired his PPL A in Denmark and wants to learn gliding while he is a resident in France, had to return to Denmark for testing after receiving training in southern France. If a CPL pilot from Spain moves to Austria it must be possible to receive training and testing for a balloon and the license in Austria.</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 203 above.</p>
comment	<p>7466 <span style="float: right;">comment by: Royal Netherlands Aeronautical Association</span></p> <p>The wording "applicants shall take the entire set of examinations in one Member state".</p> <p>The meaning of the wording "the entire set" is ambiguous, as this wording may suggest that - once for example the theoretical part for LPL is taken in a particular Member State - the theoretical exams for licenses that build on top of lower licenses must also be taken in the same Member State. This would be against fair trade and restricts pilots in their ability to follow training of</p>

	<p>additional licenses in different Member States.</p> <p>We therefore suggest a different wording:</p> <p>Applicants shall take all theoretical examinations required to obtain a particular license in one Member State.</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 203 above.</p>

comment	<p>7772 <span style="float: right;">comment by: <i>European Microlight Federation</i></span></p> <p>(a) Responsibilities of the applicant  (1) Strongly disagree. Students must be able to take exams in more than one Member State.  (2) Disagree. The student pilot must be able to decide when he/she is ready to attempt the examination.</p> <p>(b) Pass standards  (3) Disagree. The student pilot should be allowed to attempt the examinations when he/she feels ready to do so..</p>
response	<p><i>Partially accepted</i></p> <p>Please see reply to comment 595 above.</p>

comment	<p>7821 <span style="float: right;">comment by: <i>Danish Powerflying Union</i></span></p> <p><b>NPA-2008-17B</b>  <b>Page 6</b>  <b>FCL.025</b>  <b>Theoretical knowledge examinations for the issue of licences</b>  (a) <i>Responsibilities of the applicant</i>  (1) Applicants shall take the entire set of examinations in one Member State</p> <p>We suggest FCL.025 (a) (1) to be deleted.</p> <p>Justification  We cannot find a reasonable argument for why the applicant shall take the entire set of examinations in one Member State.</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 203 above.</p>

comment	<p>7824 <span style="float: right;">comment by: <i>Danish Powerflying Union</i></span></p> <p><b>NPA-2008-17B</b>  <b>Page 6</b>  <b>FCL.025</b>  <b>Theoretical knowledge examinations for the issue of licences</b>  (c) Validity period  1 (i) for the issue of a leisure pilot licence, a private pilot licence, a sailplane pilot licence or a balloon pilot licence, for a period of 24 months;</p>
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	<p>We suggest the wording to be following:</p> <p>(c) Validity period 1 (i) for the issue of a leisure pilot licence, a private pilot licence, a sailplane pilot licence or a balloon pilot licence, for a period of <b>36 months</b>;</p> <p>Justification: To comply with the education system we have today.</p>
response	<p><i>Not accepted</i></p> <p>The present periods of time were derived from an assessment. New periods would need to be fully assessed. You may wish to make a proposal for a future rule amendment.</p>
comment	<p>7886 <span style="float: right;">comment by: RSA</span></p> <p><b>FCL.025 Theoretical Knowledge Examinations for the Issue of Licences</b></p> <p>FCL.025 (c) (1) (i) The RSA does not agree that the validity of the theoretical examination pass should be limited to 24 months, while that for commercial pilots and instrument rating is set at 36 months. The RSA considers that the figure for the two types of licence should be the same and 36 months to be an appropriate value. The RSA is aware of no evidence that the loss of theoretical knowledge in private pilots, over time, is more rapid than that of professionals. Conversely it is possible to imagine that the more complex curriculum and stringent requirements for professionals would lead to a more rapid loss of theoretical knowledge and could potentially cause a greater hazard.</p>
response	<p><i>Not accepted</i></p> <p>The present periods of time were derived from an assessment. New periods would need to be fully assessed. You may wish to make a proposal for a future rule amendment.</p>
comment	<p>8009 <span style="float: right;">comment by: European Sailplane Manufacturers</span></p> <p>The sailplane manufacturers disagree with FCL.025 (1). It is happening regularly that a pilot needs more than one year to complete a glider license. If he switched member states in this time or if he would like to do some part of this experience outside his home state this should be possible.</p> <p>If this cannot be made then why the hassle to create an European license at all?</p> <p>Safety will not be improved....</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 203 above.</p>
comment	<p>8200 <span style="float: right;">comment by: Klagenfurter Flugsport Club</span></p>

	(c) Wir stellen dazu fest, dass alle Zeitperioden im Entwurf sehr kompliziert, unübersichtlich und kaum zu merken sind. Ein gutes Beispiel sind die FAR's, wo alle Perioden in jeder Hinsicht miteinander verbunden und übersichtlich sind.
response	<i>Noted</i>  The present periods of time were derived from an assessment. New periods would need to be fully assessed. You may wish to make a proposal for a future rule amendment.
comment	8222 <span style="float: right;">comment by: AOPA Sweden</span>  Theoretical tests should not be limited to be taken within one member state. Through internet testing and test made outside the union this limitation provides unnecessary limitations and increases in costs
response	<i>Noted</i>  Please see reply to comment 203 above.

**B. Draft Opinion Part-FCL - Subpart A: General Requirements - FCL.030**  
**Practical skill test**

p. 6

comment	596 <span style="float: right;">comment by: British Microlight Aircraft Association</span>  (a) Accepted Accepted. Although there should be a method of appeal for a student pilot who believes that the training school is withholding the recommendation for commercial or other non safety related purposes
response	<i>Noted</i>  Thank you for your positive feedback. It is considered that this issue has to be solved under Member States national law. A training organisation will have to comply with the administrative and judicial system of each Member State.
comment	1103 <span style="float: right;">comment by: Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</span>  <b>Comment:</b> This wording gives the impression, and perhaps the possibility, that the applicant might take a skill test without a valid theoretical knowledge examination. This ought to be changed so that it is required to have a valid theoretical knowledge examination before taking a skill test. Otherwise it might happen that you fail your knowledge examination after completing a skill test, and you end up with not having a valid theoretical knowledge examination and only a skill test.  <b>Proposal:</b> Before a skill test is taken, with the purpose of obtaining a license, rating or certificate, the applicant shall have passed the required theoretical knowledge examination for the license, rating or certificate that is sought.
response	<i>Not accepted</i>

In the case of integrated courses this should not be required - the applicant may pass the skill test before finishing the theoretical knowledge examinations.

comment 1457 comment by: Nigel Roche

(a) Before a skill test for the issue of a licence, rating or certificate is taken, the applicant shall have passed the required theoretical knowledge examination, except in the case of applicants undergoing a course of integrated flying training.

In any case, the theoretical knowledge instruction shall always have been completed before the skill tests are taken.

In my opinion the statements I have highlighted in yellow and blue contradict each other.

I suggest:

(a) Before a skill test for the issue of a licence, rating or certificate is taken, the applicant shall have passed the required theoretical knowledge examination.

Is sufficient as: a modular course student has to have a PPL as an entry prerequisite and complete his/her theory before undertaking the skills test. The integrated student who is ab-initio enters and learns to fly in conjunction with the theory does not take a PPL but has to pass the theory before undertaking the skills test.

response Noted

There is a difference between completing the theoretical knowledge instruction and passing the examinations.  
There is no contradiction between the 2 requirements.

comment 1479 comment by: Keith WHITE

030 (a) gliding training is largely skill based, with the student pilot undertaking his own theoretical studies. It seems unnecessary to insist that the theoretical examination [and instruction, if any] must be undertaken before the skill test. In the case of gliding, permit the skill test to be undertaken first, with a limitation as above on the time frame in which the theoretical examination must be passed. In this case there might also need to be limitations on the flying which may be done until the theoretical test is passed [e.g. local flying only].

response Noted

Please note that the skill test can only be taken before passing the theoretical knowledge examination in the case of integrated courses - and even in this case you need to have completed the theoretical knowledge instruction.

comment 1670 comment by: Sven Koch

Theorieprüfung muss komplett abgeschlossen sein vor Anmeldung zur praktischen Prüfung



response	<p><i>Not accepted</i></p> <p>In the case of integrated courses, the skill test could be taken before all theoretical exams are passed, but the theoretical instruction must be completed.</p>
comment	<p>2260 <span style="float: right;">comment by: <i>Mike Grierson</i></span></p> <p>The tolerances for a PPL Skill Test are essentially the same as the tolerances for a CPL Skill Test. The test format is largely the same. The difference is measured in the Standard achieved which is quite different due to the amount of training received. As a result, the PPL Skill Test determines if a pilot has achieved a SAFE standard to fly without supervision and to carry passengers. This minimum SAFE standard cannot be lowered, It is not possible to achieve it using reduced level courses such as the LPL and LPL Basic. There are no statistic to indicate that either of these proposed licences are achievable without lowering safety standards.</p>
response	<p><i>Noted</i></p> <p>Thank you for your feedback.</p>
comment	<p>2652 <span style="float: right;">comment by: <i>Prutech Innovation Services Ltd.</i></span></p> <p><b>FCL.030(b):</b> This section should be deleted, as it cannot be objectively justified. The skill test should be self-standing and the examiner should ask questions as necessary to satisfy him/herself regarding the candidate. Furthermore, there is no reason to have different rules for an ATPL.</p>
response	<p><i>Noted</i></p> <p>The training organisation is responsible for assessing if the student has reached a level of competence that will allow a pass in the skill test.</p> <p>The reason for the difference in the case of the ATPL is that at the end of the course the applicant is issued with a CPL licence, then has to comply with experience requirements before he can apply for the ATPL. So when the pilot applies for the skill test for the ATPL he/she is no longer under the responsibility fo the training organisation.</p>
comment	<p>4472 <span style="float: right;">comment by: <i>ECA- European Cockpit Association</i></span></p> <p>Include new letter c): c)Upon completion of a skill test or proficiency check for the issue, revalidation or renewal of a licence or rating, the applicant shall, without delay, forward the relevant documentation to the competent authority.</p> <p>Justification: There is no provision for the treatment and forward of the documentation in this paragraph, nor in the AR</p>
response	<p><i>Not accepted</i></p> <p>This is considered to be an obligation for the examiner, as specified in FCL.1030(b)(3).</p>

comment	<p>4954 <span style="float: right;">comment by: FOCA Switzerland</span></p> <p>FCL.030</p> <p>This wording gives the impression, and perhaps the possibility, that the applicant might take a skill test without a valid theoretical examination.</p> <p>Proposal</p> <p>Before a skill test is taken, with the purpose of obtaining a license, rating or certificate, the applicant shall have passed the required theoretical knowledge examination for the license, rating or certificate that is sought.</p>
response	<p><i>Not accepted</i></p> <p>Only applicants from integrated courses have the possibility to take the skill test prior to passing all theoretical exams. In all cases the theoretical knowledge instruction must be completed prior to taking the skill test.</p>
comment	<p>5059 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph:</b> FCL.030 <b>Page No:</b> 6 of 647 <b>Comment:</b> Only Aviation Law should be required prior to being allowed to undertake solo training flights.</p>
response	<p><i>Not accepted</i></p> <p>Please note that the requirement refers to what has to be achieved before the skill test, not the first solo flight.</p>
comment	<p>5354 <span style="float: right;">comment by: CAA Belgium</span></p> <p><b>Comment:</b> This wording gives the impression, and perhaps the possibility, that the applicant might take a skill test without a valid theoretical knowledge examination. This ought to be changed so that it is required to have a valid theoretical knowledge examination before taking a skill test. Otherwise it might happen that you fail your knowledge examination after completing a skill test, and you end up with not having a valid theoretical knowledge examination and only a skill test.</p> <p><b>Proposal:</b> Before a skill test is taken, with the purpose of obtaining a license, rating or certificate, the applicant shall have passed the required theoretical knowledge examination for the license, rating or certificate that is sought.</p>
response	<p><i>Not accepted</i></p> <p>Only applicants from integrated courses have the possibility to take the skill test prior to passing all theoretical exams. In all cases the theoretical knowledge instruction must be completed prior to taking the skill test.</p>
comment	<p>6093 <span style="float: right;">comment by: CAA Finland</span></p> <p>FCL.030(a):</p>

	<p>The validity period of a skill test for the issue of a licence (or proficiency check for renewal) is not defined. Proposed new paragraph:</p> <p>The successful completion of the skill test or proficiency check will be valid for the issue or re-issue of a pilot licence for a period of 6 months.</p>
response	<p><i>Not accepted</i></p> <p>It is not considered necessary to establish a validity period for the skill test. The only where case where there could be a significant delay between the date of the skill test and the date of the issuance of the licence would be if the applicant is undergoing an integrated course. In this this case, the responsibility would be with the training organisation.</p>
comment	<p>6100 <span style="float: right;">comment by: CAA Finland</span></p> <p>FCL.030(a): This may be covered in AR/OR (I have not checked): The validity period for a rating: Shall be counted from the date of skill test; not from the issue of a licence. Proposed new paragraph:</p> <p>The validity period of a rating shall be counted from the date when one section of the skill test was passed.</p>
response	<p><i>Noted</i></p> <p>See FCL.740 regarding validity periods for class and type ratings, FCL.625 for validity period for IR, and FCL.940 for validity for instructor certificates.</p>
comment	<p>7423 <span style="float: right;">comment by: Holger Scheibel</span></p> <p>Art und Umfang der hier unter a) Abs 2 geforderten Theoretischen Ausbildung muss festgeschrieben werden. Ohne feststehende Regelungen ist eine Bandbreite von echter Ausbildung bis zum Selbststudium gegeben.</p>
response	<p><i>Not accepted</i></p> <p>The theoretical syllabi are described in quite some detail. The theoretical training has to be an approved course. This ensures training of a standard appropriate to the complexity of the license in question.</p>
comment	<p>7774 <span style="float: right;">comment by: European Microlight Federation</span></p> <p>(a) Accepted (b) Accepted. Although there should be a method of appeal for a student pilot who believes that the training school is withholding the recommendation for commercial or other non safety related purposes</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 596 above.</p>
comment	<p>7850 <span style="float: right;">comment by: Ken Moules</span></p>

I am not particularly familiar with the training and testing regimes either current or proposed.

I will limit my comment to navigation skills. Having gained a JAR PPL after some 900hrs of gliding, including a lot of cross country and competition flying, I was rather suprised at the relatively low levels of skill required to gain a PPL. I am suprised that we do not have more infringements from new pilots learning the ground to map/ map to ground skills.

In particular I found the use of GPS in gliding a great way to reduce the in flight workload and to improve situational awarenes (as long as it works!). I had no instruction what-so-ever on the use of GPS for my PPL. In fact my instructor was not particularly sure how to use the unit fitted! GPS is now common place and adequate training and testing is important.

response *Noted*

The Agency acknowledges your opinion. However, it is considered that the fact that we do not have more infringements indicates the training level is sufficient.

comment 8012

comment by: *European Sailplane Manufacturers*

The wording in the head line is "practical skill test".  
We suppose this is typically the flight(s) with the inspector which will directly result into issuance of the licence.

It would be accepted that before this flight(s) all theoretical tests have to be completed.

Nevertheless the wording of this FCL.030 does not make this 100% clear.

response *Not accepted*

Only applicants from integrated courses have the possibility to take the skill test prior to passing all theoretical exams. In all cases the theoretical knowledge instruction must be completed prior to taking the skill test.

**B. Draft Opinion Part-FCL - Subpart A: General Requirements - FCL.035  
Crediting of flight time and theoretical knowledge**

p. 6-7

comment 597

comment by: *British Microlight Aircraft Association*

**Specific detail needs to be developed to cater for credits from ICAO compliant and National non-ICAO compliant qualifications held and part completed training**

response *Noted*

Specific provisions for the conversion of national qualifications into Part-FCL qualifications have been developed on the basis of JAR-FCL provisions and are included in Annex IV to the licensing regulation (page 162 of NPA 2008-17).

comment 891

comment by: *ERA*

FCL.035 Crediting of Flight time and theoretical knowledge.

In the *JAR-FCL 1.050 article (a) Crediting of flight time*, a graduate of an airline transport pilot integrated flying training course is entitled to be credited with up to 50 hours of student pilot-in-command instrument time. Article FCL.035 does state any equivalent credit time. ERA are requesting this credit be re-introduced to Article FCL.035.

FCL.035 (a)(3)(ii). Whilst the JAR-FCL article 1.050 and the IR-FCL.035 are almost identical, there is an extra condition in JAR-FCL article 1.050 that states "method should be approved by authority". ERA would like to understand why that condition has been removed from the FCL.035?

response *Partially accepted*

Thank you for providing this comment. The provision of JAR-FCL 1.050(a)(2)(ii) was initially not included in Part-FCL because the Agency considered that it was not necessary, since it was a repetition of general principles: the graduate of a certain course should obviously be credited with the flight time done in that course toward the related licence.

After intense discussions with stake-holders the Agency decided to refer to JAR-FCL for combined integrated CPL/IR and ATPL courses and therefore your proposal will be taken into consideration when drafting the final text.

Concerning your comment on FCL.035(a)(3)(ii) please refer to AMC to FCL.050 2.5.

comment 955

comment by: *CAA Belgium*

(b)(1) seems not to be correct: as it is possible to pass the ATPL(H) without the IR(H) part no credit should be given for this part to all applicants having passed the ATPL-theoretical examination.

(b)(3) to insert "*or an applicant having passed the IR theoretical knowledge examination*" after "The holder of an instrument rating".

response *Accepted*

The text will be amended accordingly.

comment

1105

comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**Comment:** The text should be changed so that a pilot with a valid IR theoretical examination should be credited towards the knowledge instruction and examination for an IR in another category of aircraft. The actual courses do not differ from each other, and in the classrooms there might be both airplane and helicopter students together. They have the exact same theoretical knowledge examination and should be credited accordingly.

**Proposal:** The holder of a valid theoretical knowledge examination for instrument rating shall be fully credited towards the requirements for the theoretical knowledge instruction and examination for an instrument rating in another category of aircraft.

response *Accepted*

Please see reply to comment 955 above.

comment	<p>1458 <span style="float: right;">comment by: Nigel Roche</span></p> <p><i>(3) Flight time as copilot</i>  (I) Except where otherwise determined in this Part, the holder of a pilot licence, when acting as copilot, is entitled to be credited with all of the copilot time towards the total flight time required for a higher grade of pilot licence.</p> <p>(ii) The holder of a pilot licence, when acting as copilot under supervision, shall be entitled to be credited in full with this flight time towards the total flight time required for a higher grade of pilot licence.</p> <p>As these two statements are basically the same I feel it would be a lot clearer to read if the information was combined into one statement.</p> <p>I suggest</p> <p><i>(3) Flight time as copilot</i>  Except where otherwise determined in this Part, the holder of a pilot licence, when acting as copilot or copilot under supervision, shall be entitled to be credited in full with this flight time towards the total flight time required for a higher grade of pilot licence.</p>
response	<p><i>Accepted</i></p> <p>The text will be amended as proposed, and the 2 paragraphs merged.</p>
comment	<p>1548 <span style="float: right;">comment by: Regierung von Oberbayern-Luftamt Südbayern</span></p> <p>In der Praxis bereitet immer wieder die Frage Schwierigkeiten, ob Ausbildungsflüge, die im Nicht-EASA-Ausland absolviert wurden, ohne dass die Ausbildung dort zu Ende geführt wurde, auf die anschließende Ausbildung in einem EASA-Mitgliedsstaat angerechnet werden können (Bsp.: ein Flugschüler beginnt mit der Ausbildung in den USA und absolviert dort bereits einige Flugstunden).</p> <p>Dies sollte klar geregelt werden. Entweder sollten diese Stunden voll angerechnet werden, zu einem genau definierten Teil oder gar nicht. Bisher konnte man sich in diesen Fällen allenfalls mit (unbefriedigenden) Analogien behelfen und musste sich dem Vorwurf aussetzen, dies werde in den EASA-Staaten unterschiedlich gehandhabt.</p> <p>Dies betrifft in gleicher Weise die Frage, inwieweit die bei der theoretischen Ausbildung im Nicht-EASA-Ausland erworbenen Kenntnisse angerechnet werden können.</p> <p>Auch wäre genau zu regeln, welche Unterlagen der Antragsteller vorzulegen hat (z. B. behördlich beglaubigte Urkunden), um die (erfolgreiche) Durchführung eines Ausbildungsteils im Nicht-EASA-Ausland nachzuweisen. In der Praxis bereitet es immer wieder Schwierigkeiten, wenn Antragsteller "Urkunden" ausländischer (z. B. aus USA) Flugschulen vorlegen, deren inhaltliche Richtigkeit von Seite der nationalen Luftfahrtbehörde nicht überprüft werden kann.</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 3042 below.</p>

comment	<p>1550 <span style="float: right;">comment by: <i>Nigel Roche</i></span></p> <p>(4) last line "in accordance with Appendix 1 to this Part"</p> <p>May I suggest the insertion of hyper or smart links into the electronic book to enable the user to jump to the correct appendix etc or for the final version give the appropriate page number such as "see page 72 of 647"</p>
response	<p><i>Noted</i></p> <p>Thank you for your suggestion. The Agency intends to offer the possibility of selecting rules according to certain criteria through a specific web-based system in the future, which is consistent with your proposal.</p>
comment	<p>1671 <span style="float: right;">comment by: <i>Sven Koch</i></span></p> <p>Volle Flugzeitanerkennung in gleicher Flugzeugklasse Theorieanerkennung jeder höherwertigen Lizenz nach unten</p>
response	<p><i>Noted</i></p> <p>This seems to be a summary of what is already in the proposed Part-FCL.</p>
comment	<p>2002 <span style="float: right;">comment by: <i>Nigel Roche</i></span></p> <p>(b) <i>Crediting of theoretical knowledge</i> Paragraphs (1), (2), (3) and (4) does not reflect the theory credits given in appendix 1</p> <p>Appendix 1 does not reflect the commonality of the CPL and IR syllabus as per <a href="http://www.jaa.nl/licensing/jar-fcl/jar-fcl_Aug2008_frame.html">http://www.jaa.nl/licensing/jar-fcl/jar-fcl_Aug2008_frame.html</a> to which we the ATOs are working.</p> <p>Suggestion review the commonality between the CPL and IR syllabuses ( Met, HPL and Instruments) and give a cross credit from CPL to IR and vice versa.</p> <p>Please see Appendix 1</p>
response	<p><i>Noted</i></p> <p>FCL.035 (b) and Appendix 1 are complementary, and therefore there is no need to repeat in FCL.035 what is already said in the Appendix. Both FCL.035 and Appendix 1 were based on existing provisions of JAR-FCL. At this point, the Agency sees no evidence that a revision is needed.</p> <p>However, it should be noted that the Agency has planned a further rulemaking task, FCL.002, which will look specifically into theoretical knowledge requirements, and where a revision of these provisions could possibly be discussed.</p>
comment	<p>2204 <span style="float: right;">comment by: <i>AECA(SPAIN)</i></span></p> <p>Paragraph (a), Add a new sub-paragraph (4) To include the pilots flying as 'other' pilot required in OPS 940 for aeroplanes</p>

	<p>certificated for one pilot in commercial air transportation under IFR.</p> <p>This flight time must be considered as 'multi-pilot operations' to comply with flight time required for a higher grade of pilot licence.</p>
response	<p><i>Not accepted</i></p> <p>Any legally required time for co-pilot will be credited.</p>
comment	<p>2325 <span style="float: right;">comment by: <i>Susana Nogueira</i></span></p> <p>Paragraph (a), Add a new sub-paragraph (4) Add a reference for the pilots flying as '<b>other</b>' pilot required in OPS 940 for aeroplanes certificated for one pilot operating in commercial air transportation under IFR.</p> <p>This flight time must be considered as 'multi-pilot operations' to comply with flight time required for a higher grade of pilot licence.</p>
response	<p><i>Not accepted</i></p> <p>Any legally required time for co-pilot will be credited.</p>
comment	<p>2408 <span style="float: right;">comment by: <i>Aero-Club of Switzerland</i></span></p> <p>FCL.035 (b): Please add: "This is valid also for flight time flown on corresponding "Annex II" aircraft.</p> <p>Justification: We do not find any reason to not include hours flown on "Annex II" aircraft in the "total hours flown". It is experience that counts!</p>
response	<p><i>Accepted</i></p> <p>Annex II aircraft are excluded from EASA competence, and therefore the Agency cannot regulate them directly.</p> <p>However, the specific provisions on crediting of flight time for the LPL have been amended to allow the consideration of previous experience in all types of aircraft. Please see new text for those paragraphs.</p>
comment	<p>2668 <span style="float: right;">comment by: <i>Luftamt Nordbayern</i></span></p> <p>Hier fehlt eine Regelung über die Anrechenbarkeit von Ausbildungsflügen die in Ländern außerhalb des Geltungsbereichs der EASA Vorschriften absolviert wurden, ohne dass die Ausbildung dort zu Ende geführt wurde. Sollen solche Flugstunden ganz oder teilweise ebenfalls anrechenbar sein, wenn sie in der gleichen "category of aircraft" erfolgt sind? Auch sollte geregelt werden, inwieweit theoretischen Ausbildungsteile aus dem Non-EU Ausland angerechnet werden können.</p> <p>Dies sollte explizit geregelt werden, um eine einheitliche Verwaltungspraxis im europäischen Raum zu gewährleisten und diesbezüglichen "Lizenztourismus" zu vermeiden.</p>
response	<p><i>Noted</i></p>



Please see reply to comment 3042 below.

comment 3002 comment by: Cary Crawley

How many students can be instructed in paralell or simultaneously? Do they all log the same flight and instructional time?

response Noted

This depends on the training and the aircraft in question. Any student should log the time that he:she is flying.

comment 3003 comment by: Cary Crawley

For the purposes of Hot Air Ballooning, please define "Co-Pilot"?

response Noted

Please see definition of co-pilot in FCL.010.

comment 3032 comment by: Peter SCHMAUTZER

There is in principal no objection against a crediting of flight time and theoretical knowledge. In the NPA Nr. 2008-17A, page 20, § 6. is stated, that this provision does not comply with the ICAO Regulation Annex 1. In principle is to say, that according to the basic regulation (EC) No. 216/2008 all specific regulation of Part-FCL have to have strictly adhere to the ICAO Regulation. According to my opinion there is no room to deviate from ICAO Regulations at all. This belongs also to further proposed deviations from ICAO.

response Noted

Thank you for your feedback.

This issue was specifically addressed in the NPA because the difference with ICAO Annex 1 was coming from the text of JAR-FCL.

Please see reply to coment 4475 below.

comment 3042 comment by: PPL/IR Europe

We are aware of the EU Basic Regulation and Essential Requirements on pilot licensing. Our understanding is that these preclude EASA FCL from providing a means of converting ICAO pilot licenses to EASA ones, except by bilateral treaty.

However, we do not believe this EU law forces EASA to, in effect, give zero credit (other than flight experience) to ICAO licence holders seeking to qualify for EASA licences. The current FCL document is written in such a way that an ICAO ATPL with thousands of hours of airline experience would have to go through exactly the same Flight and Theoretical Knowledge training process for an EASA qualification as an ab-initio teenage school-leaver. We do not believe this makes any rational sense, that it is in the general interest of the stakeholder community, or that there is no alternative to the current form of the FCL draft under EU law.

As a stakeholder representing GA interests, we do not have the expertise in EU law to argue this point in a legalistic manner. However, we do not believe we should have to. Our view is that EASA is responsible to its stakeholders to seek whatever Implementing Rule solutions are possible within the relevant EU law which will serve stakeholders' interests, and not to use the Basic Regulation and Essential Requirements as a bludgeon to claim "there is no alternative", unless such alternatives have been fully explored in good faith.

Although we realise it would be most helpful to use the CRT to provide suggestions in the form of changes and direct edits to the NPA, we can not do so in a way which is exhaustively cross-referenced through the NPA. Therefore, our comment is that, aside from the direct conversion of licences by bilateral treaty, FCL should provide a mechanism whereby ICAO licence holders can train towards EASA qualifications by more competency-based means. The spirit and intent of this request would be captured by the following addition to FCL.035:

*(c) ICAO Licence holders seeking to qualify for EASA Licences and Ratings  
Holders of an ICAO qualification training for its EASA equivalent must pass the Theoretical Knowledge and Flight tests and meet the flight time requirements required by this Part in full. However,*

*(i) Theoretical Knowledge*

*A holder of an ICAO license may undertake Theoretical Knowledge training as determined necessary by the Head of Training of an approved training organisation, rather than a full approved course, in order to take EASA examinations for which they already hold an equivalent ICAO qualification*

*(ii) Flight Training*

*A holder of an ICAO license may undertake Flight Training as determined necessary by the Head of Training of an approved training organisation, rather than a full approved course, in order to take EASA flight tests for which they already hold an equivalent ICAO qualification. This training shall include a minimum of 10 flight hours, or the minimum total flight training specified in this Part, whichever is the lower.*

We recognise that this particular wording may not be possible, or that FCL.035 may not be the right place for this. However, we would request that EASA should change the FCL NPA to include this practical effect of this comment in whichever means possible.

response

*Not accepted*

The Agency acknowledges the purpose of your comment.

However, the solution you propose is too open. It leaves too much to the discretion of the training organisation, which does not ensure an adequate level of legal certainty for applicants. Moreover, it could be used as a way to circumvent the requirements of Part-FCL in a way that would jeopardize the implementation of the safety objectives of the Basic Regulation and proper oversight by the competent authorities.

Please note, however, that the Agency has amended its initial proposals in relation to the acceptance of third country licences. Please see replies to comments on Annex III and the amended text.

comment

3221

comment by: *Susana Nogueira*

	<p>(a) Crediting of flight time</p> <p>When, for operational reasons, a single pilot turboprop need to have a crew of two pilots, in wich manner will be credited this flight time?</p>
response	<p><i>Noted</i></p> <p>One as pilot-in-command, the other as co-pilot. Nothing in the rule precludes this for single-pilot certificated aircraft. See also definition of co-pilot in FCL.010.</p>
comment	<p>3351 <span style="float: right;">comment by: DGAC FRANCE</span></p> <p>FCL. 035 paragraph (b) <i>Crediting of theoretical knowledge</i></p> <p>Comment : The ATPL (H) doesn't include the instrument rating</p> <p>Modification in the paragraph (1) of the FCL.035 (b) :</p> <p>(1) An applicant having passed the theoretical knowledge examination for an airline transport pilot licence shall be credited with the theoretical knowledge requirements for the leisure pilot licence, the private pilot licence, the commercial pilote licence <b><u>in the same category and, in the case of aeroplane, the instrument rating.</u></b> <del>and the instrument rating in the same category of aircraft.</del></p>
response	<p><i>Accepted</i></p> <p>The text will be amended accordingly.</p>
comment	<p>3429 <span style="float: right;">comment by: Royal Danish Aeroclub</span></p> <p>Crediting of flight time</p> <p>Aircraft in Annex II, i.e. vintage aircraft, millitary og police aircraft, ultralight aircraft should count in crediting of flight time.</p> <p>We suggest the text in FCL.035(a)(1) to read as following: Unless otherwise specified in this Part, flight time to be credited for a licence, rating or certificate shall have been flown in the same category (or similar category) of aircraft for which the licence or rating is sought. Flight time on aircraft not covered by the basic regulation (Annex II) do count as following:</p> <p>Flight time on ultralight aircraft &lt; 450 kg MTOW = 60% of flight time for LPL(A) og PPL(A). Flight time on vintage aircraft &gt; 450 kg MWOT = 80% of flight time for LPL(A) or PPL(A).</p> <p>Many Annex II aircrafts are as complicated as simple smaller aircrafts and do generate a substantial flying experiance, despite the airworthiness is not covered by the basic regulation.</p> <p>It is important that license holders are not losing rights (flight time) because change to EASA regulation.</p> <p>Ultra light and vintage aircrafts can generate valuable flight training and flight</p>

response	<p>routine for the general aviation and the air sports pilots.</p> <p><i>Noted</i></p> <p>Please see reply to comment 2408 above.</p>
comment	<p>3445 <span style="float: right;">comment by: Boeing</span></p> <p><b>Boeing Commercial Airplanes comment re: NPA 2008-17b</b> Page: 6 Paragraph: FCL.035 (b) - <i>Crediting of theoretical knowledge</i> and Page 28 Paragraph: FCL.510A (c) - <i>Crediting</i></p> <p>Boeing suggests that the following changes be made: Add a new subparagraph that states: <i>"For holders of an ICAO accepted ATPL and type rating, credit shall be given consistent with experience."</i></p> <p>-----</p> <p><b>JUSTIFICATION:</b> This will allow transition from an ICAO to an EASA license without repeating costly and unnecessary training.</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 3042 above.</p>
comment	<p>3538 <span style="float: right;">comment by: Swiss Power Flight Union</span></p> <p>FCL.035 (b): Please add: "This is valid also for flight time flown on corresponding "Annex II" aircraft.</p> <p>Justification: We do not find any reason to not include hours flown on "Annex II" aircraft in the "total hours flown". It is experience that counts!</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 2408 above.</p>
comment	<p>3743 <span style="float: right;">comment by: AECA helicopters.</span></p> <p>Paragraph a),</p> <p>Add a new subparagraph (4)</p> <p>To include the pilots flying as "other" pilot required in OPS for aircrafts certificated for one pilot in commercial air transportation under IFR.</p> <p>This flight time must be considered as "multi-pilot operations" to comply with flight time required for a higher grade of pilot licence.</p>
response	<p><i>Not accepted</i></p> <p>Any legally required time for co-pilot will be credited.</p>

comment	<p>3761 <span style="float: right;">comment by: <i>DGAC FRANCE</i></span></p> <p>FCL .035. (a) (3) <i>Flight time as co-pilot</i></p> <p>paragraphs (i) and (ii)</p> <p>Comment : These two paragraphs are not clear, we don't understand really which co-pilot flight time can be credited and for what.</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 1458 above.</p>
comment	<p>3924 <span style="float: right;">comment by: <i>Bayerisches Staatsministerium für Wirtschaft, Infrastruktur, Verkehr und Technologie</i></span></p> <p>In der Praxis bereitet immer wieder die Frage Schwierigkeiten, ob Ausbildungsflüge, die im Nicht-EASA-Ausland absolviert wurden, ohne dass die Ausbildung dort zu Ende geführt wurde, auf die anschließende Ausbildung in einem EASA-Mitgliedsstaat angerechnet werden können (Bsp.: ein Flugschüler beginnt mit der Ausbildung in den USA und absolviert dort bereits einige Flugstunden).</p> <p>Dies sollte klar geregelt werden. Entweder sollten diese Stunden voll angerechnet werden, zu einem genau definierten Teil oder gar nicht. Bisher konnte man sich in diesen Fällen allenfalls mit (unbefriedigenden) Analogien behelfen und musste sich dem Vorwurf aussetzen, dies werde in den EASA-Staaten unterschiedlich gehandhabt.</p> <p>Dies betrifft in gleicher Weise die Frage, inwieweit die bei der theoretischen Ausbildung im Nicht-EASA-Ausland erworbenen Kenntnisse angerechnet werden können.</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 1548 above.</p>
comment	<p>4025 <span style="float: right;">comment by: <i>Steven Luys</i></span></p> <p>I am a European private pilot with a JAA PPL(A) license. I have a FAA instrument rating for which I almost entirely trained in European airspace, with a European instructor, and I now fly almost exclusively under IFR in the European airspace system on American registered airplanes. I believe that my private flying has become much safer due to the instrument training, and I feel safer in the air when being controlled by ATC and fly according to well established IFR procedures. The reason that I did not choose to obtain a JAA instrument rating was purely based on its inflexibility, time consumption, cost and perceived theoretical redundancy. I am not bound to anything American other than the instrument rating itself would have costed 4 times the price according to JAA as compared to FAA. I am convinced that there is no safety case why such instrument rating should cost 4 times the price and should force me into a classroom for 30 Saturdays, being a busy business &amp; familyman.</p> <p>I strongly urge EASA to design a legislation that allows ICAO instrument rated private pilots to obtain a EASA Instrument Rating without going through major</p>

loss of time or cost. I don't mind to pick up some difference flight training (say 10hrs) and theoretical training (say instrument related airlaw) if needed, but not redoing the whole exercise. Either crediting ICAO instrument time, or instrument training up to 40 hours of the required 50 hr IFR training is do-able. Or leave it to an instrument instructor, or examiner to decide how much extra training would be required.

Secondly, I strongly recommend making a private instrument rating more accessible to private pilots. Reason: IFR flying improves the safety of private flying. Please do not reason that instrument rated private pilot seek to take more risk. I am not. I don't go flying into icing clouds, I don't bust altitudes or disrupt traffic around busy airports. I don't fly if the ceiling is too low. I find flying above 4000 ft AGL in Europe very empty, for lack of private pilots (on IFR flight plans) and hence safer.

A EASA instrument rating can be made simpler by making the theoretical syllabus more simple, by dropping the mandatory class room sessions (people who can afford it have a busy working life), and by dropping the mandatory expensive FTO route, because FTOs tend to restrict the airplanes on which you can train to their own overcharged line-up. I trained with an independent instructor on a private owned aircraft and I got an extremely good service for a decent price.

response *Partially accepted*

A rulemaking task has already started (FCL.008) with the aim of studying the conditions for private pilots to be IR rated and propose some amendments of the rule, if necessary.

In addition, please see reply to comment 3042 above.

comment

4181

comment by: *SFG-Mendig*

Flugzeiten auf Aeroplanes sollten zu einem gewissen Anteil als Flugzeiten auf Helicoptern angerechnet werden und umgekehrt.

response

*Noted*

Such provisions already exist in the specific requirements for each licence.

comment

4286

comment by: *Baden-Württembergischer Luftfahrtverband*

FCL.035(a)(1)

**Wording in the NPA**

(1) Unless otherwise specified in this Part, flight time to be credited for a licence, rating or certificate shall have been flown in the same category of aircraft for which the licence or rating is sought.

**Our proposal**

We have no specific proposal here but just want to mention the issues

**Issue with current wording**

This wording is very rigid especially in the case of fixed wing aircraft categories.

**Rationale**

As explained in detail in general comment 3250 Nr. 3 significantly more flight

	<p>time crediting needs to be implemented than proposed in this NPA. This rigid rule makes it necessary to specify crediting options in many places in this regulation as can be seen in our detailed comments on the various passages of this regulation.</p>
response	<p><i>Noted</i></p> <p>The comment is not understood, since there is only one fixed wing category (see definition of category of aircraft in FCL.010).</p>
comment	<p>4475 <span style="float: right;">comment by: ECA- European Cockpit Association</span></p> <p>Replace full with 50%, delete paragraph ii)</p> <p>FCL.035 a)3):</p> <ul style="list-style-type: none"> <li>(i) Except where otherwise determined in this Part, the holder of a pilot licence, when acting as copilot, is entitled to be credited with <del>a#50%</del> 50% of the copilot time towards the total flight time required for a higher grade of pilot licence.</li> <li>(ii) <del>(ii) The holder of a pilot licence, when acting as copilot under supervision, shall be entitled to be credited in full with this flight time towards the total flight time required for a higher grade of pilot licence.</del></li> </ul> <p>Justifications: This is not compliance with ICAO, as Annex 1 gives credits only for the 50% of the hours. That's why many airlines ask for 3000 hours to become captain, instead of 1500 for the ATPL. It should be changed to comply with ICAO. Reg.</p> <p>216/2008 requires to comply with ICAO requirements, so any text in the IR or AMC that contravenes ICAO should be changed or deleted.</p>
response	<p><i>Not accepted</i></p> <p>This issue was highlighted in the NPA because this difference with ICAO Annex 1 was coming from JAR-FCL, and the Agency wanted to have feedback from stakeholders.</p> <p>Taking into account the comments received, and also that the text of ICAO Annex 1, paragraph 2.1.9.2 also states that:</p> <p>'The Contracting State may authorize that flight time be credited in full towards the total flight time required if the aircraft is equipped to be operated by a co-pilot and the aircraft is operated in a multi-crew operation.'</p> <p>The Agency considers that Part-FCL is therefore compliant with ICAO Annex 1, and has decided not to amend the text.</p>
comment	<p>4500 <span style="float: right;">comment by: Bristow Academy</span></p> <p>There are examination centers administered by the UK CAA outside Member States, for example in Kuala Lumpur, Dubai, Florida. The centre in Florida will be administered by CAA International Ltd. in April 2009</p> <p>Suggested re wording of:</p>

	<p>FCL.025 (a) (1) Applicants shall take the entire set of examinations <del>in</del> <b><i>under the administration of</i></b> one Member State</p>
response	<p><i>Partially accepted</i></p> <p>Please see replies to comments to FCL.025 and the new amended text.</p>
comment	<p>4558 <span style="float: right;">comment by: <i>Deutscher Aero Club</i></span></p> <p>FCL.035 Crediting of flight time Para (a): "Unless otherwise specified in this Part, flight time to be credited for a licence, rating, or certificate shall have been flown in the same category of aircraft for which the licence or rating is sought"</p> <p>EGU Comment Although the wording does not specifically exclude flight time on Annex II aircraft, provision should also be made to count flight experience gained on Annex II or third country aircraft for the purpose of issue, renewal, revalidation of licences. This could be done by using a long-lasting conversion system set up by Member States.</p> <p>For example, Annex II aircraft include state aircraft (e.g. B737. Learjet, Citation service for member of parliament), Police or Rescue Helicopter, military aircraft. It would be absurd if a pilot of police helicopters had to fly extra hours on a non-state aircraft to qualify for the LPL (H), PPL (H) or CPL (H). Other examples are historic aircraft, microlight aeroplanes etc. Third country aircraft: flight hours on e.g. N-registered aircraft.</p> <p>In gliding, there is a specific issue with the fact that, in various EU countries, many sailplanes and powered sailplanes remain in Annex II. Since these gliders have been designed under JAR 22 or similar design codes, there are no notable differences in practical and theoretical skills required by their pilots. Therefore, hours flown on such sailplanes and powered sailplanes should be credited for a SPL or LPL(S) licence and their revalidation. There is no safety case to exclude experience in Annex II sailplanes for the purposes of EU sailplane licences, and to exclude such experience will give rise to considerable discontent and annoyance in the EU glider pilot population. EU glider pilots fly sailplanes which are both within the scope of EASA and outside the scope of EASA without differentiation in practical terms. To force a pilot, who mainly flies Annex II sailplanes but wants to maintain an EU licence for sailplanes within the scope of EASA, to fly additional hours just to renew his EU licence is unnecessary from a safety point of view. Explicit provision (e.g. in AMC) for such time credits would be welcome.</p> <p>EGU Proposal: Add to FCL 035 (a) 1) Hours flown on Annex II sailplanes and powered sailplanes may be credited for a SPL or PPL(S) licence.</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 2408 above.</p>



comment	4958	comment by: FOCA Switzerland
	FCL.035	
	The text should be changed so that a pilot with a valid IR theoretical examination should be credited towards the knowledge instruction and examination for an IR in another category of aircraft.	
	Proposal	
	The holder of a valid theoretical knowledge examination for instrument rating shall be fully credited towards the requirements for the theoretical knowledge instruction and examination for an instrument rating in another category of aircraft.	
response	Noted	
	Please see reply to comment 955 above.	
comment	5237	comment by: CAA Belgium
	FCL 035 (b)	
	The ATPL (H) doesn't include the instrument rating	
	(b) Crediting of theoretical knowledge	
	(1) An applicant having passed .....the commercial pilot licence <b>in the same category</b> and, <b>in the case of aeroplane</b> , the instrument rating.	
response	Partially accepted	
	The text will be amended accordingly.	
comment	5238	comment by: CAA Belgium
	FCL .035 (a)(3) (i) and (ii)	
	These two paragraphs are not clear, we don't understand really which co-pilot flight time can be credited and for what.	
response	Noted	
	Please see reply to comment 1458 above.	
comment	5351	comment by: BMVBS (German Ministry of Transport)
	It should be clarified to what extent and under what conditions flight time accumulated outside the EASA system may be credited, or, if this is not intended, the crediting of such flight time should be specifically excluded. Otherwise each national State will possibly adopt its own unique practice, which may vary quite a bit and potentially erode a uniform safety level.	
response	Noted	
	Please see reply to comments 2408 and 3042 above.	
comment	5355	comment by: CAA Belgium
	<b>Comment:</b> The text should be changed so that a pilot with a valid IR	

theoretical examination should be credited towards the knowledge instruction and examination for an IR in another category of aircraft. The actual courses do not differ from each other, and in the classrooms there might be both airplane and helicopter students together. They have the exact same theoretical knowledge examination and should be credited accordingly.

**Proposal:** The holder of a valid theoretical knowledge examination for instrument rating shall be fully credited towards the requirements for the theoretical knowledge instruction and examination for an instrument rating in another category of aircraft.

response *Noted*

Please see reply to comment 955 above.

comment

5480

comment by: *Sally Woolrich*

No mention is made of what will be required from glider pilots to be grandfathered in to being granted an LPL. Bronze + XC? Silver? This needs stating.

response

*Noted*

The present NPA provides the requirements for the future European licences. Rules regarding conversion of current national licences by the Member States towards those European licences will be set in the cover Regulation, for which Part FCL will be an Annex.

The Explanatory note to this NPA already included some proposals in relation to this issue.

comment

5544

comment by: *Belgian Gliding Federation*

*FCL.035 Crediting of flight time Para (a):*

*“Unless otherwise specified in this Part, flight time to be credited for a licence, rating, or certificate shall have been flown in the same category of aircraft for which the licence or rating is sought”*

**BGF Comment:**

Although the wording does not specifically exclude flight time on Annex II aircraft, provision should also be made to count flight experience gained on Annex II or third country aircraft for the purpose of issue, renewal, revalidation of licences. This could be done by using a long-lasting conversion system set up by Member States.

In gliding, there is a specific issue with the fact that, in various EU countries, a number of sailplanes and powered sailplanes remain in Annex II. Since these gliders have been designed under JAR 22 or similar design codes, there are no notable differences in practical and theoretical skills required by their pilots. Therefore, hours flown on such sailplanes and powered sailplanes should be credited for a SPL or LPL(S) licence and their revalidation. There is no safety case to exclude experience in Annex II sailplanes for the purposes of EU sailplane licences, and to exclude such experience will give rise to considerable discontent and annoyance in the EU glider pilot population. EU glider pilots fly sailplanes which are both within the scope of EASA and outside the scope of EASA without differentiation in practical terms. To force a pilot, who mainly

flies Annex II sailplanes but wants to maintain an EU licence for sailplanes within the scope of EASA, to fly additional hours just to renew his EU licence is unnecessary from a safety point of view. Explicit provision (e.g. in AMC) for such time credits would be welcome.

**Proposal:**

**Add to FCL 035 (a) 1)**

**Hours flown on Annex II sailplanes and powered sailplanes may be credited for a SPL or LPL(S) licence.**

response *Noted*

Please see reply to comment 2408 above.

comment

5663

comment by: *Bristow Academy*

Para (c) (1) (ii) should read:

for the issue of a CPL, for a period of 36 months and for the instrument rating, a period of 7 years.

Some new pilots will struggle to fund the enormous cost of the IR in the 3 year period. There was never this requirement prior to JARs and was not a safety or other issue.

Para (c) (2) should read:

".....will remain valid ~~for a period of 7 years~~ indefinitely ~~from the last validity date of the instrument rating~~ provided the instrument rating entered in the CPL has remained continuously valid for the issuance....."

response *Noted*

Please see reply to comments to paragraph FCL.025.

The Agency has decided not to change these periods of validity coming from JAR-FCL.

comment

5683

comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

FCL.035 does not maintain disposals of former JAR FCL.1-050 (2)(ii)(8)(ii).

There are neither explanation nor any safety assessment leading to this modification. We request disposals of above articles to be re-introduced:

eg:

(2') A graduate of an airline transport pilot integrated flying training course is entitled to be credited with up to 50 hours of student pilot-in-command instrument time towards the pilot-in-command time required for the issue of the airline transport pilot licence, commercial pilot licence and a multiengine type or class rating.

(2'') A graduate of a CPL/IR integrated flying training course is entitled to be credited with up to 50 hours of the student pilot-in-command instrument time towards the pilot-in-command time required for the issue of the commercial pilot licence and a multi engine type or class rating.

response *Noted*

Please see reply to comment 891 above.

comment	5944	comment by: Paul Winner
	<p>There are several examination centers administered by the UK CAA outside member States, for example Florida, Dubai and Kuala Lumpur. The center in Florida will be administered by CAA International from April 1st 2009.</p> <p>Suggested re wording of:</p> <p>FCL.025 (a)(1)</p> <p>Applicants shall take the entire set of examinations <b><i>under the administration of</i></b> one member state.</p>	
response	<p><i>Noted</i></p> <p>Please see reply to comment 4500 above.</p>	
comment	5973	comment by: ENAC TLP
	<p>We propose to delete last verse of the paragraph: it's not possible the complete and full credit of the theoretical knowledge for the issue of the licence in another category of aircraft. Some subjects partially differ one from another (Aircraft general knowledge, flight performance, performance, operational procedures, principles of flight)</p>	
response	<p><i>Noted</i></p> <p>This is true, and that is why full credit is only established in a few cases. The Agency cannot really understand your proposal.</p>	
comment	6027	comment by: Finnish Aviation Academy
	<p><b>FCL.035      Crediting of flight time and theoretical knowledge</b></p> <p><i>(a) Crediting of flight time</i></p> <p>(2) An applicant for a licence, rating or certificate shall be credited in full with all solo, dual instruction, <b>instruction in FSTD for IR- or typerating</b> or pilot-in-command flight time towards the total flight time required for the licence, rating or certificate.</p>	
response	<p><i>Not accepted</i></p> <p>FCL.035 contains provisions for crediting of flight time only. Specific credits are dealt with in the relevant subparts.</p>	
comment	6245	comment by: Axel Schwarz
	<p>A definition for "co-pilot under supervision" is missing. Include in FCL.010 or explain here.</p>	
response	<p><i>Noted</i></p> <p>Please see reply to comment 1458 above.</p>	
comment	6549	comment by: Luftfahrtbehörde Schleswig-Holstein Landesbetrieb

	<i>Straßenbau und Verkehr</i>
	Es wird eine Regelung über die Anerkennung / Nichtanerkennung von bereits in Nicht-EASA-Staaten abgeleisteten Prüfungsbestandteilen (Flugstunden; theoretische Prüfung) vermisst.
response	<i>Noted</i> Please see reply to comment 3042 above.
comment	6776 <span style="float: right;">comment by: <i>Joachim J. Janezic (Institute for Aviation law)</i></span> There should be a recognition of flight time spent on TMG and SEP in both directions. Most of license holders have got a SEP/TMG-rating. They should not be required to have two prof-checks in the future.
response	<i>Noted</i> The crediting between TMG and SEP is clarified in the specific paragraphs along the text.
comment	6873 <span style="float: right;">comment by: <i>CAA CZ</i></span> para (a)(3) It is not clear how will be credited the flight time of pilots who fly on SPA, but in multi-crew operation according to the requirements of Part OPS (see the definition of co-pilot in FCL.010).
response	<i>Not accepted</i> Any legally required time for co-pilot will be credited. the definition in FCL.010 does not exclude flight time as co-pilot in SPA.
comment	6920 <span style="float: right;">comment by: <i>Austrian Aero Club</i></span> <b>FCL.035</b> Grundsätzlich gibt es keinen Einwand gegen die Anrechnung von Flugzeiten und theoretischen Kenntnissen. In der NPA Nr. 2008-17A, Seite 20, § 6. wird festgestellt, dass diese Möglichkeit nicht mit den ICAO Regeln Annex 1. übereinstimmt. Grundsätzlich ist zu sagen, dass nach der Grundsatzverordnung (EC) No 216/2008 alle spezifischen Regeln des Part-FCL strikt die ICAO-Regeln zu befolgen haben. Der Österreichische Aero Club ist der Ansicht, dass es keinen Spielraum gibt, um überhaupt von den ICAO-Regeln abzuweichen. Dies bezieht sich auch auf weitere vorgeschlagene Abweichungen von der ICAO.
response	<i>Noted</i> Please see reply to comment 4775 above.
comment	7008 <span style="float: right;">comment by: <i>CAA Norway</i></span> FCL.035(b)(1) This para gives credit for theoretical examinations, specifying that an exam for ATPL theory gives credit towards the LPL, PPL, CPL and IR in the same category of aircraft. This will be wrong for the ATPL(H), as this no longer covers IR theory.

	Suggestion: Specify that ATPL(H) does not give credit towards the IR(H). This could be done by adding at the end "...same category of aircraft, <u>except for the IR(H)</u> "	
response	<i>Partially accepted</i>	The text will be amended accordingly.
comment	7178	comment by: <i>DGAC FRANCE</i> FCL 035 (b) and appendix 1 - paragraph 1.1.2  Comment : According to FCL.035(b)(4), Appendix 1 deals with crediting towards the requirements for theoretical knowledge instruction and examination for a licence in another category of aircraft. It is not the content of paragraph 1.1.2.  Modification :  <b>Transfer paragraph 1.1.2 from appendix 1 to the FCL 035(b).</b>
response	<i>Partially accepted</i>	Paragraph 1.1.2 deals with crediting of theoretical knowledge instruction and examination. The text will be clarified accordingly.
comment	7360	comment by: <i>Finnish Aviation Academy</i> <b>FCL.035      Crediting of flight time and theoretical knowledge</b>  <i>(a) Crediting of flight time</i>  (2) An applicant for a licence, rating or certificate shall be credited in full with all solo, dual instruction, <b>instruction in FSTD for IR- or typerating</b> or pilot-in-command flight time towards the total flight time required for the licence, rating or certificate.  <i>Also FNPT should be approved because FNPT is used for IR-training</i>
response	<i>Not accepted</i>	FCL.035 contains provisions for crediting of flight time only. Specific credits are dealt with in the relevant subparts.
comment	7410	comment by: <i>Europe Air Sports, VP</i> Provisions and procedures should be established to cross credit hours flown in aircraft not under EASA competence, meaning aircraft operated according to national rules in Annex II of the Basic Regulation.
response	<i>Noted</i>	Please see reply to comment 2408 above.
comment	8201	comment by: <i>Klagenfurter Flugsport Club</i>

Grundsätzlich gibt es keinen Einwand gegen die Anrechnung von Flugzeiten und theoretischen Kenntnissen. In der NPA Nr. 2008-17A, Seite 20, § 6. wird festgestellt, dass diese Möglichkeit nicht mit den ICAO Regeln Annex 1. übereinstimmt. Grundsätzlich ist zu sagen, dass nach der Grundsatzverordnung (EC) No 216/2008 alle spezifischen Regeln des Part-FCL strikt die ICAO-Regeln zu befolgen haben. Wir sind der Ansicht, dass es keinen Spielraum gibt, um überhaupt von den ICAO-Regeln abzuweichen, wie auch weitere vorgeschlagene Abweichungen von der ICAO.

response *Noted*

Please see reply to comment 4475 above.

**B. Draft Opinion Part-FCL - Subpart A: General Requirements - FCL.040  
Exercise of the privileges of licences**

p. 7

comment 598 comment by: *British Microlight Aircraft Association*

Accepted

response *Noted*

Thank you for providing your positive feedback.

comment 1065 comment by: *Swedish Transport Agency, Civil Aviation Department  
(Transportstyrelsen, Luftfartsavdelningen)*

**Comment:**

Since a "certificate" can be endorsed in the licence, it should be included in the text.

**Proposal:**

The exercise of the privileges granted by a licence shall be dependent on the validity of the ratings and certificate contained therein, if applicable, and of the medical certificate.

response *Not accepted*

The expression 'certificate' relates to instructor and examiner privileges. The exercise of the privileges of the licence is not limited by the validity of instructor or examiner certificate privileges.

Therefore, the Agency considers that the text should not be amended.

comment 1115 comment by: *KLSPublishing*

040 should be  
and of the medical certificate, if applicable.

for licenses without medical requirement.

response *Not accepted*

The Agency acknowledges your comment but does not agree with it. Article 7, 2. of the Regulation (EC) No 216/2008 of the European Parliament and of the Council defines that except when under training, a person may only act as a pilot if he or she holds a licence and a medical certificate appropriate to the

operation to be performed. No one can hold a licence without a medical certificate. Only for certain Certificates such as for example the Synthetic Flight Instructor it is not necessary to hold a valid Medical. For this please refer to NPA 2008-17b FCL.915.SFI.

comment 1317 comment by: *George Knight*

... dependent on the validity of ratings **and certificates** ...

response *Not accepted*

Please see reply to coment 1065 above.

comment 1672 comment by: *Sven Koch*

Nur innerhalb Gültigkeit der ratings und Tauglichkeitszeugnis

response *Not accepted*

The Agency acknowledges your comment but does not think it is necessary to change the text as your proposal is already covered by the existing draft.

comment 2088 comment by: *Stefan JAUDAS*

FCL.040

It should be made clear that a successfully passed examination is equivalent to meeting all requirements to the respective rating.

response *Noted*

The Agency acknowledges your comment but does not agree with it as a successfully passed examination is only part of the applicable requirements. Please refer to NPA 2008-22b AR.FCL.200 (a) which states that the authority shall verify upon the receipt of an application for the issue, revalidation, renewal or change of a licence, rating or certificate whether the applicant meets the applicable requirements.

comment 2089 comment by: *Stefan JAUDAS*

FCL.040

There should be a regulation that the examiner taking the final test or examination for a pilot licence or rating can and must issue a preliminary licence or rating upon successful completion of the final test or examination. Such preliminary licence or rating must be valid from the date of issue, i.e. the date of that final test or examination and must be equivalent to the regular licence.

Modern licences of the plastic card type take some time to be made. Without such a provisional licence all pilots would have to wait until the "final" licence has been manufactured. The pilot would also have to wait out any bureaucratic delay produced in the process. Experience (e.g. with passports or ID papers) shows that the combination of both can cause significant delays.

Hence, a provisional licence would automatically eliminate any hardships to



	<p>pilots on that account.</p> <p>Actually, this is already standard practice with passports, ID papers, driving licences, etc.</p> <p>The Authority issuing the pilot licence or rating must be required to provide the final document before the provisional one expires.</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment but does not agree with it. Your proposal affects AR.FCL.200 of NPA 2008-22b where it is clearly stated that the competent authority shall issue a licence. FCL.1030 Obligations for examiners defines in (2) that in the case of proficiency checks for revalidation or renewal the examiner shall endorse the pilot's licence or certificate with the new expiry date of the rating or certificate and (3) states that the examiner shall submit without delay copies of the report to the competent authority which has issued the applicants licence. In AR.FCL.215 of NPA 2008-22b c) is regulated that the competent authority may develop procedures to allow privileges to be exercised by the licence or certificate holder for a maximum period of 4 weeks after successful completion of the applicable examination(s), pending the endorsement on the licence or certificate.</p>
comment	<p>comment by: <i>Industry Group (Airbus, Alteon Training, Bell Helicopters, Boeing, CAE, CTC Aviation Group, ECOGAS, Flight Safety International, IAAPS (International Association of Aviation Personnel Schools), IACA, IATA, KLM Luchtvaartschool, Lufthansa Flight Training, TUI Group Airlines)</i></p> <p>2393</p> <p>Comment: A validation for a limited period of pilot's license, ratings or certificates issued in a third country for specific tasks should be possible. Specific tasks: training for new aircraft, manufacturer's support, test flights, ferry flights</p> <p>Proposal: See appendix 3 of JAR-FCL 1.015</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment. Please refer to Annex III to the Implementing Regulation which regulates this point.</p>
comment	<p>5053</p> <p>comment by: <i>UK CAA</i></p> <p><b>Paragraph:</b> FCL.040</p> <p><b>Page No:</b> 7 of 647</p> <p><b>Comment:</b> There is no reference to a standard re-issue or renewal period for licences; but NPA 2008-22b has a standard licence format (Appendix III, page 35) which includes the statement "Re-issue takes place every 5 years from the date of initial issue shown in item II." Also FCL.015 mentions "renewal of licence", although there is no provision about when renewal would occur. If all the licences are meant to be lifetime ones, then 2008-22b requires amendment; if re-issue/renewal every 5 years is intended for all or any licences then an</p>

	<p>additional requirement is needed in FCL.040, perhaps along the lines of existing Part 66.A.40. If different periods of re-issue/renewal are intended for different licences then this would also need to be specified either in this general section or in the relevant subpart.</p> <p><b>Justification:</b> Clarity is needed. NPA 2008-17 should be internally consistent and consistent with NPA 2008-22.</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment but does not agree with it. The agency thinks that all your constraints are covered with NPA 2008-22b, AR.FCL.220 where all conditions for reissue are sufficiently described. Please also refer to GM to FCL.010 in NPA 2008-17b page 170 where a definition of renewal and revalidation is given.</p>
comment	<p>5304 <span style="float: right;">comment by: AEA</span></p> <p><b>Relevant Text:</b> The exercise of the privileges granted by a licence shall be dependent on the validity of the ratings contained therein, if applicable, and of the medical certificate.</p> <p><b>Comment:</b> A validation for a limited period of pilot's license, ratings or certificates issued in a third country for specific tasks should be possible. Specific tasks: training for new aircraft, manufacturer's support, test flights, ferry flights.</p> <p><b>Proposal:</b> See appendix 3 of JAR-FCL 1.015</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment. Please refer to Annex II to the Implementing Regulation which regulates this point.</p>
comment	<p>6856 <span style="float: right;">comment by: Esko RUOHTULA</span></p> <p>Part-FCL should contain all requirements for receiving and maintaining pilot licences and ratings and what licence, ratings and class of medical certificate is needed for different operations. Only how to get and maintain a medical certificate should be regulated in Part-MED. I repeat below the comment I have made on MED.A.020:</p> <p>1) According to MED.A.005 the requirements concerning what level of a medical certificate a pilot licence holder shall have, when utilizing the privileges of his licence and ratings, are not within the scope of the Part MED. <b>Therefore I propose that the requirements in MED.A.020 are transferred to Part FCL.</b></p> <p>2) The requirements for applicants of pilot licences as proposed are correct, but regardless whether the requirements in draft MED.A.020 remain in Part MED or are transferred to Part FCL <b>I propose following changes:</b></p> <p><b>The requirement "...holders of a xxx pilot licence shall hold a valid medical certificate" should be removed from subparagraphs (b), (c),</b></p>

**(d) and (f)**

This requirement, if left in, means that a pilot may never let his medical certificate lapse. If he lets it happen, for instance due to flu just when he should go to an AME, he is not complying with the requirements of Part-Med, and according to draft FCL.070 his licence shall be suspended or revoked by the competent authority. After a week or so he recovers from the flu, gets a medical certificate and apparently has to reapply for the pilot licence. I fail to understand the logic behind.

**3)**

The requirement, what level of valid medical certificate a pilot licence holder shall have when flying, should be based on the type of operation, not on the type of the licence. The licence is actually a diploma of a certain level of education, training, passed examinations and experience. The licence alone does not give any privileges, e.g. class-, type- or instrument ratings and a medical certificate are required in order to be able to fly. If a pilot lets any of his ratings lapse, it should have no effect on his licence. A pilot's education, training and experience do not disappear when a rating lapses. E.g. if a holder of an ATPL only has a single engine piston rating valid, he still has his ATPL licence but his privileges are according to SEP rating.

Similarly, if a holder of a CPL or ATPL is not flying commercially for any reason, he has no need for class 1 medical certificate. Because keeping a class 2 medical certificate is cheaper, a holder of CPL or ATPL may want to let his class 1 medical certificate lapse and take a class 2 medical certificate instead. This should be allowed and have no effect on his licence or ratings, only his privileges are effected.

In order avoid differing interpretations by national authorities, Part-FCL or Part-MED should include unambiguous requirements or statements what level of medical certificate is required for different operations. The wording for PPL, CPL and ATPL could be something as follows:

**In order to utilize privileges of his/her licence, a holder of a PPL, CPL or ATPL shall have a valid medical certificate as follows:**

<b>Operation</b>	<b>Medical Certificate</b>
<b>Private operations, including flying as a flight instructor or an flight examiner:</b>	<b>Class 2</b>
<b>Skill test or proficiency check as an examiner, including proficiency checks and skill tests when the examiner receives remuneration:</b>	<b>Class 2</b>
<b>Commercial operations:</b>	<b>Class 1</b>

Reason for allowing skill- and proficiency checks to be carried out by an examiner with a level 2 medical certificate is, that as the examiner is acting for an authority, a skill test or proficiency check is not commercial operation.

An other reason is, that the medical requirements should reflect the required safety of operation. No paying passengers or freight is carried on a skill test or a proficiency check, and the pilot(s) checked should be fully competent. Consequently an examiner with class 2 medical certificate does not mean

	unacceptable increase of risk.
response	<p><i>Not accepted</i></p> <p>The Agency considers that the definition of which medical certificate is necessary for which licence should remain in Part-Medical, and does not need to be repeated in Part-FCL.</p>

<b>B. Draft Opinion Part-FCL - Subpart A: General Requirements - FCL.045</b> <b>Obligation to carry and present documents</b>	p. 7
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comment	<p>129 <span style="float: right;">comment by: <i>Robert Corbin</i></span></p> <p>FCL.045 (b) This condition should be dropped for the following reasons:  1) it is a back door regulation to ensure that all national governments should issue identity cards. In the UK we do not have identity cards.  2) It does not contribute to flight safety. Carrying a licence FCL.045(a) should be sufficient in the event of a crash as the carrying of the pilots licence should be sufficient to identify the body.</p>
response	<p><i>Not accepted</i></p> <p>Response:  1) This is not within the scope of the Agency  2) To adhere to the principles of ICAO and of the Agency with regards to maintaining the possibility for Ramp inspections etc, it is an absolute necessity that all licensed flight crew members carry their original licenses and necessary identification papers whenever performing their duties on an aircraft. This includes the GA and airports segments as well.</p>
comment	<p>249 <span style="float: right;">comment by: <i>Rod Wood</i></span></p> <p>FCL.045 (b)</p> <p>The requirement to carry photographic evidence should be removed and the licence should include a page containing the individual's photograph. This would obviate the need to carry yet another document. Not all member states have i/d cards and this is a more logical solution.</p>
response	<p><i>Not accepted</i></p> <p>The proposed license format is fully compliant with ICAO, and also with the current format in JAR-FCL, to maintain ease of use and commonality with the format in use today.</p> <p>In addition, changing the license format imposes a large cost for all Member States, which would be carried over to the license holders. The Agency considers that to impose such costs on the license holders, when the license format already is ICAO compliant, would be an undue burden.</p>
comment	<p>280 <span style="float: right;">comment by: <i>CAA Belgium</i></span></p> <p>To be added  (c) (3) a pilot or student pilot shall present his/her flight time record to the competent Authority when applying for the issue and renewal of a licence and</p>

	a rating.
response	<p><i>Not accepted</i></p> <p>This is already covered in NPA 22b, Part Authority Requirements, in AR.FCL.200 -"Procedure for issue and revalidation of a license, rating or certificate".</p> <p>In that paragraph there is an obligation on the applicant for the issue, renewal or revalidation of a license or rating, to supply supporting documentation with the application. Respectively, there is a corresponding obligation on the Authority to establish that the applicant really meets the requirements.</p>
comment	<p>298 <span style="float: right;">comment by: E.Lockhart</span></p> <p>This is a ridiculous requirement for the purposes of recreational flying.</p> <p>As a gliding instructor I am in and out of different aircraft (gliders, TMGs and tugs) all day. The requirement to carry my licence and medical with me on each flight in no way improves flight safety or security; I foresee many pilots accidentally losing their documents. I do not have any form of photo I.D.</p> <p>It is completely unnecessary for a pilot to have to prove his/her identity, medical status and license priveleges to a club or rental organisation on a daily basis. In these circumstances, all that is required is for the club/rental organisation to have a current record of the pilot's status on file, supported by production of the relevant documents after every renewal or re-validation.</p> <p>If a pilot is the owner of his/her own aircraft, the airfield can be the holder of the relevant records.</p> <p>I propose that the requirement to carry the (valuable) actual documents only be necessary for flights that are intended to land at an airfield other than the point of departure.</p> <p>I see no purpose to the requirement to carry photo I.D. The medical &amp; financial requirements alone should prove identity; any person that can falsify these details would have little trouble fabricating an I.D.</p>
response	<p><i>Not accepted</i></p> <p>To adhere to the principles of ICAO and of the Agency with regards to maintaining the possibility for Ramp inspections etc, it is an absolute neccessity that all licensed flight crew members carry their original licenses whenever performing their duties on an aircraft. This includes the GA and airports segments as well.</p> <p>Arguing the physical impracticality of carrying the necessary documents onboard is in the view of the Agency not a valid argument, as a substantial number of flight crew members in Europa are already carrying their licenses and identity papers with them.</p> <p>Arguing that a flight is planned to originate and end at the same airfield is also not seen as a valid argument by the Agency, as the landing site might have to be changed due to unforeseen events, e.g. weather, obstruction on runway, etc.</p>

Carrying the license and identity papers along will help the pilot prove his/her identity and privileges on the spot, should the need arise, and will assist the Competent Authorities to dispose of their obligation to perform the necessary oversight within their Member State.

comment 353 comment by: *Colm Farrell*

The requirement to carry a photo identifying document is outdated in a modern world. The Pilots Licence itself should contain an identifying photograph of the licence holder.

response *Not accepted*

See response to Comment #249

comment 364 comment by: *Chris Gowers*

Suggest inclusion of a photograph in the license to be countersigned by a senior pilot in the company or training organisation.

response *Not accepted*

See response to Comment #249

comment 599 comment by: *British Microlight Aircraft Association*

(a) Disagree. There is no need for a private pilot on an internal flight to carry a licence or medical document. It cannot be inspected in flight. The pilot can be required to produce evidence of holding a licence and medical certificate if requested to do so by an authorised person within a reasonable time. Documents will get damaged and lost if this is made a requirement.

(b) Disagree. There is no need for a private pilot on an internal flight to carry personal identification. It cannot be inspected in flight. The pilot can be required to produce personal identification if requested to do so by an authorised person within a reasonable time. Documents will get damaged and lost if this is made a requirement.

Accepted

response *Not accepted*

See response to Comment #298

comment 788 comment by: *Stefan JAUDAS*

Sailplane operations and flight training in general frequently involve many flights during a day on a given aircraft, with frequent change in pilot, student pilot and/ or flight instructor. For many reasons it is impractical to carry the required papers on one's person under these conditions.

The wording should be changed to the effect, that the documents required under FCL.045 and related FCL paragraphs can be presented (!) by the pilot or student pilot when exercising the privileges of the licence.

This would obviously involve to actually carry the required documents during cross-country flights, where the pilot might land at any suitable airfield.

	But for flights in the immediate vicinity of the airfield of take-off and landing without any perceptible possibility of having to land elsewhere (as opposed to a cross-country flight) it should be enough be able to present these papers on request, e.g. from a document case or car booth. Nobody checking these documents according to FCL.045 will be able to do so while the aircraft is airborne, anyway.	
response	<i>Not accepted</i> See response to Comment #298	
comment	1116 english: shall or must ?	comment by: <i>KLSPublishing</i>
response	<i>Not accepted</i> The use of "Shall" in regulatory text is well established, both in the ICAO Annexes, and in the JARs	
comment	1185 While flying traffic pattern on his/her home airfield, documents can be kept on the ground. In summer time, when most of the gliding training (e.g. winch launching) is done, the license / medical document should be kept on the ground in order to avoid damage through perspiration. This is not a joke, but reality. We have operated this way for many years successfully und we would like to continue this way. Please keep some flexibility in the rules. Wilfried Mueller 11-20-2008	comment by: <i>Wilfried Müller</i>
response	<i>Not accepted</i> See response to Comment #298	
comment	1217 Documents carrying in flight - can be impractical in balloons and there is a genuine risk that originals will get damaged as secure document carrying space in a wicker basket is limited, or in the case of individual balloons, there is no basket at all. Baskets carrying documents also means that in the event of a catastrophic accident all documentation and records may be lost. The purpose for carrying documents also intrigues me - please could you explain. In other situations - such as when requested to show documents by the police - a period of 24 hours grace is given. Could a similar situation be introduced, or perhaps consider allowing the carrying of up to date copies rather than originals?	comment by: <i>Julia DEAN</i>
response	<i>Not accepted</i> See response to Comment #298	
comment	1238	comment by: <i>David MARTIN</i>

response	<p>The requirement for instructors to carry these documents is excessive.</p> <p><i>Not accepted</i></p> <p>See response to Comment #298</p>
comment	<p>1319 <span style="float: right;">comment by: <i>George Knight</i></span></p> <p>(a) A valid licence and medical certificate shall always be carried by the pilot... This is a pointless bureaucratic proposal for recreational flying in gliders and micro lights - particularly since most flights start and end at the point of departure. It is not a current requirement in the UK for flights planned to start and end at the same airfield. It should also be noted that many small aircraft do not have a secure place (i.e. where objects are unable to move about) to store documents. The rule should provide the following exception: "If the flight is intended to begin and end at the same aerodrome and does not include passage over the territory of any country other than the country of departure, the documents may be kept at that aerodrome instead of being carried in the aircraft."</p> <p>(b) This is unreasonable for sporting flights especially in the UK where there is no legal requirement to possess personal identification containing a photograph. This rule seeks to extend existing UK law outside EASA's area of competence. This paragraph should contain the following exemption. <i>"If the flight is a recreational flight and does not include passage over the territory of any country other than the country of departure photo ID is not required unless required by the law of that country. If the flight is intended to begin and end at the same airfield the documents (if required by the state may be kept at that aerodrome."</i></p>
response	<p><i>Not accepted</i></p> <p>See response to Comment #298</p>
comment	<p>1459 <span style="float: right;">comment by: <i>Nigel Roche</i></span></p> <p>(c) <i>Presentation of flight time record</i></p> <p>(2) A student pilot shall carry with him on all solo cross-country flights evidence of the authorisation required by FCL.020(a).</p> <p>To ensure that a student does not take the only proof of his being authorized to fly solo I would suggest that the statement is altered to read:</p> <p>(2) A student pilot shall carry with him on all solo cross-country flights a copy of his/her F.I's authorisation as required by FCL.020(a).</p>
response	<p><i>Not accepted</i></p> <p>It is well established in aviation standards and regulations that whenever a license, certificate, rating, authorisation, or other proof of privilege(s) held, is to be presented, this shall be the original document(s).</p>
comment	<p>1473 <span style="float: right;">comment by: <i>Stephan Johannes</i></span></p> <p>Sehr geehrte Damen und Herren,</p>



es hat sich in Deutschland bewährt, dass im reinen Platzbetrieb, die Papiere am Start verbleiben können. Das hat im Vereinsbetrieb und in der Ausbildung Vorteile. Es geht dabei nur um wenige Handgriffe, beim Aus- und Einräumen des Flugzeuges, aber bei wechselnden Flugzeugen und Piloten, ist der Aufwand im Platzrundenverkehr ungerechtfertigt.

Natürlich ist es notwendig, wenn Flüge außerhalb der Platzrunde durchgeführt werden, dass die Papiere im Luftfahrzeug mitgeführt werden müssen.

Mit freundlichem Gruß

Stephan Johannes

response *Not accepted*

See response to Comment #298

comment

1480

comment by: *Keith WHITE*

(a)/(b) Is it necessary for a glider pilot flying locally to carry these documents? There is no requirement at the moment in the BGA rules for these to be carried on any flight. **I suggest that glider pilots be exempted from this ruling.**

response *Not accepted*

See response to Comment #298

comment

1498

comment by: *Klaus-Dieter Schoenborn*

FCL.045(c1): This leaves some room for interpretation. Flight time records may be kept in form of personal data loggers or electronically on computers, instead in form of written booklets.

If this is the intention, I would welcome it.

FCL.045(c1): The term "without undue delay" could leave the potential to keep records on a file server that is accessible via the internet, rather than having to carry all documents.

If this is the intention, I would welcome it.

response *Noted*

This is discussed via the comments to paragraph FCL.050 - Recording of flight time

comment

1551

comment by: *Nigel Roche*

b) would not be necessary if the licence included a certified photograph of the licence holder.

If this has already been rejected because of the associated implementing costs to NAAs. may I suggest that in the interest of security:

1. That EASA either specifies which documents are acceptable, such as: Airport or ATO photo pass, where EASA through the NAA's quality audits can be

	<p>assured that there is a record of to whom these are issued, or a passport.</p> <p>Or</p> <p>2. EASA dictates to the NAAs a type of card and it becomes compulsory for all Pilots to submit a certified likeness to the NAA and purchase an accepted photo ID card from their NAA.</p>
response	<p><i>Not accepted</i></p> <p>See response to Comment #249</p>
comment	<p>1552 <span style="float: right;">comment by: <i>Nigel Roche</i></span></p> <p>(C) (2) A student pilot shall carry with him on all solo cross-country flights evidence of the authorisation required by FCL.020(a)</p> <p>I would suggest that the form of evidence is specified:</p> <p>(C) (2) On all solo cross-country flights, student pilots shall carry with them a copy of their F.I's authorisation as required by FCL.020(a)</p>
response	<p><i>Not accepted</i></p> <p>The Agency is of the opinion that this text, and the text in FCL.020(a), is clear and specific, and not in need of any elaboration or further clarification</p>
comment	<p>1587 <span style="float: right;">comment by: <i>jim white</i></span></p> <p>In sport flying of gliders it is simply not practicable to carry all the paperwork specified in this and other regulations: licence, medical, RT licence, log book, certificate of airworthiness etc.</p> <p>This is especially ridiculous for short instructional flights and flight in open cockpit gliders.</p> <p>The proposal should be modified to allow presentation of documents without undue delay.</p>
response	<p><i>Not accepted</i></p> <p>See response to Comment #298</p>
comment	<p>1673 <span style="float: right;">comment by: <i>Sven Koch</i></span></p> <p>Gültige Lizenz + Tauglichkeit, Personalausweis, Flugbuch. Flugschüler: Flugauftrag bei Solo-Überland</p>
response	<p><i>Noted</i></p> <p>It is unclear to us exactly what this comment contributes. It seems to be just a reproduction of the requirements in the NPA.</p>
comment	<p>1761 <span style="float: right;">comment by: <i>Klaus BLOMMEN</i></span></p>

When you are flight-instructor for gliders, TMG or VLA on small airports, and you don't fly cross-country, the documents should be stowed in the hangar, tower e.g. During a normal day we change the aircraft several times. It is not convenient to move the documents with each aircraft-change.

Regards!  
Klaus Blommen

response *Not accepted*

See response to Comment #298

comment 2079

comment by: Markus Hitter / JAR-Contra

**Deutsch:** (english below)

Für die Sicherheit im Luftverkehr ist es völlig unerheblich, ob ein Pilot seine Lizenz mit sich führt oder an einem anderen Ort aufbewahrt. Eine solche Pflicht führt nur dazu, dass ein Pilot gegen das Gesetz verstösst, sollte er dies einmal nicht tun. Typische Gründe für ein nicht-mitführen der Lizenz sind z.B. Platzrundenbetrieb oder ein unerwarteter Einsatz als Pilot.

Im Sinne der angestrebten Reduzierung der Regeln sollte FCL.045 stark gekürzt werden. Wir schlagen folgenden Text vor:

*FCL.045 Obligation to carry and present documents*

*(a) The pilot shall always carry a personal identification document containing his/her photo.*

*(b) A pilot or student pilot shall without undue delay present his/her licence and flight time record and, if applicable, his/her medical certificate and authorisation required by FCL.020(a) for inspection upon request by an authorised representative of the competent authority.*

- - -

**English:**

For aviation safety it's totally irrelevant whether a pilot carries his licence with him or stores this paper somewhere else. Such an obligation solely leads to a pilot infringing law in case he doesn't. Typical reasons to not carry licences are local flights and/or unexpected commitments as a pilot.

With the aimed reduction of rules in mind, FCL.045 should be shortened considerably. We propose the following text:

*FCL.045 Obligation to carry and present documents*

*(a) The pilot shall always carry a personal identification document containing his/her photo.*

*(b) A pilot or student pilot shall without undue delay present his/her licence and flight time record and, if applicable, his/her medical certificate and authorisation required by FCL.020(a) for inspection upon request by an authorised representative of the competent authority.*

response *Not accepted*

See response to Comment #298

comment 2099

comment by: Joachim Grohme

Für die Sicherheit im Luftverkehr ist es unerheblich, ob ein Pilot seine Lizenzen

mit sich führt oder an einem anderen Ort aufbewahrt. Während die meisten Piloten aus praktischen Erwägungen die Papiere auf Reisen ohnehin mitführen werden, führt eine solche Pflicht nur dazu, dass ein Pilot, ohne das Risiko der Luftverkehrs zu erhöhen, sich strafbar macht oder den Versicherungsschutz riskiert, sollte er dies einmal, z.B. im Platzrundenbetrieb, nicht tun. Weiterhin ist es nicht praktikabel, die Aufzeichnungen über Flüge stets aktuell zu halten, diese werden in der Regel von Mitarbeitern der Flugplätze erfasst und können nur mit einigen Stunden bis Tagen Verzögerung in die persönlichen Papiere übernommen werden können.  
Mit Ausnahme der persönlichen Identifizierung sollte diese Anforderung ersatzlos gestrichen werden.

response *Not accepted*

See response to Comment #298

comment

2293

comment by: *Matthias BRAEUNINGER*

The obligation to carry one's medical certificate increases the risk of undue legal consequences if said document is forgotten. I propose the following text (changed paragraphs only):

(a) A valid licence shall always be carried by the pilot when exercising the privileges of the licence. A pilot or a student pilot shall without undue delay present his/her medical certificate upon request by an authorised representative of the competent authority.

response *Not accepted*

See response to Comment #298

comment

2605

comment by: *CAA Belgium*

(c)(2)

Delete the words "*cross-country*".

Reason: is needed for every solo flight and is not foreseen in FCL 020(a).

response *Accepted*

The text will be amended accordingly. In addition, the numbering will be changed from (c)(2) to (d) to reflect the heading.

comment

2869

comment by: *Jeremy Hinton*

Part (a) and (b). OK, but ***Why?*** What problem does this solve?.

An alternative would be to demand that in the event of an incident or request by an authorised person, these documents need to be shown within a certain period. Essentially as Part (c).

response *Not accepted*

See response to Comment #298

comment

2902

comment by: *AECA(SPAIN)*

To be added

	(c) (3) a pilot or student pilot shall present his/her flight time record to the competent Authority when applying for the issue and renewal of a licence and a rating.
response	<i>Not accepted</i> See response to Comment #280
comment	3140 <span style="float: right;">comment by: FOCA Switzerland</span> FCL.045 (c)(2) Para shall be changed for a new letter (d) with this text.  (d) a student pilot shall carry with him on all solo flights evidence on the authorisation required by FCL020 (a)
response	<i>Accepted</i> See response to Comment #2605
comment	3158 <span style="float: right;">comment by: Susana Nogueira</span> To be added (c)(3) a pilot or student pilot shall present his/her flight time record to the competent Authority when applying for the issue and renewal of a licence or a rating
response	<i>Not accepted</i> See response to Comment #280
comment	3220 <span style="float: right;">comment by: Susana Nogueira</span> (c)(2) go to a new paragraph (d) A student pilot shall carry with him...  Justification: Not related with headline of paragraph (c)
response	<i>Accepted</i> See response to Comment #2605
comment	3762 <span style="float: right;">comment by: DGAC FRANCE</span> FCL 045  Comment :  The paragraph (c) (2) should be transfered in a new paragraph because it is different from the "presentation of time record". All the solo flights, not only the cross-country solo flights, are concerned by this requirement. Modification : (c) <i>presentation of flight time record</i> (1) a pilot or a student pilot shall without undue delay present his/her flight

time record for inspection upon request by an authorised representative of the competent authority.

~~(2) a student pilot shall carry with him on all solo cross-country flights evidence of the authorisation required by FCL020 (a).~~

**(d) a student pilot shall carry with him on all solo flights evidence of the authorisation required by FCL020 (a).**

response *Accepted*

See response to Comment #2605

comment

3976

comment by: *Helmut PRANG*

In (a) it appears unreasonable to carry licence and medical certificate in all instances.

Especially in sailplane training operations not leaving the traffic circuit of the aerodrome it has been well-proven practice to keep licence and certificate "at hand", meaning that those papers have to be readily available for inspection at the aerodrome, e.g. in the car, parked on the parking lot.

Such practice would facilitate training operations and minimise the risk of loss.

response *Not accepted*

See response to Comment #298

comment

4047

comment by: *Peter Hecker*

While flying traffic pattern on his/her home airfield, documents can be kept on the ground. In summer time, when most of the gliding training (e.g. winch launching) is done, the license / medical document should be kept on the ground in order to avoid damage through perspiration. This is not a joke, but reality.

We have operated this way for years successfully and we would like to continue this way. Please keep some flexibility in the rules.

response *Not accepted*

See response to Comment #298

comment

4049

comment by: *Max Heinz Katzschke*

Für die Sicherheit von Flügen ist es nicht notwendig die Lizenz mit sich zu führen; zum Beispiel bei Schulungsflügen mit Start und Ziel auf dem gleichen Platz ohne Zwischenlandung ist dies ein unnötiger Aufwand, wenn der Lizenzinhaber seine Erlaubnisse an einem sicheren Ort verwahrt.

Ausreichend erscheint mir eine Regelung, dass er bei Erfordernis die Lizenz in einer angemessenen Frist (zum Beispiel vor dem nächsten Start) dem Kontrollberechtigten vorweisen kann.

response *Not accepted*

See response to Comment #298

comment

4060

comment by: *Graham Morris*

	<p>I have no doubt that the carriage of the suggested documents is eminently sensible and appropriate for commercial pilots. However, I fail to see what will be achieved in recreational aviation other than frequent loss of documentation. In general, I suggest that a minimum of documentation should be carried and as a matter of practicality, copies rather than originals.</p>	
response	<p><i>Not accepted</i></p> <p>See response to Comment #298</p>	
comment	4761	comment by: CAA Belgium
	<p>(c) (2) has to be changed into new para (d)</p>	
response	<p><i>Accepted</i></p> <p>See response to Comment #2605</p>	
comment	5167	comment by: Klaus Melchinger
	<p>Für die Sicherheit im Luftverkehr ist es völlig unerheblich, ob ein Pilot seine Lizenz mit sich führt oder an einem anderen Ort aufbewahrt. Eine solche Pflicht führt nur dazu, dass ein Pilot gegen das Gesetz verstösst, sollte er dies einmal nicht tun. Typische Gründe für ein nicht-Mitführen der Lizenz sind z.B. Platzrundenbetrieb oder ein unerwarteter Einsatz als Pilot. EASA CRT application - Comments <a href="http://hub.easa.europa.eu/crt/comments/list-bycid/id_44">http://hub.easa.europa.eu/crt/comments/list-bycid/id_44</a></p> <p>Im Sinne der angestrebten Reduzierung der Regeln sollte FCL.045 stark gekürzt werden. Folgender Textvorschlag:  FCL.045 Obligation to carry and present documents  (a) The pilot shall always carry a personal identification document containing his/her photo.  (b) A pilot or student pilot shall without undue delay present his/her licence and flight time record and, if applicable, his/her medical certificate and authorisation required by FCL.020(a) for inspection upon request by an authorised representative of the competent authority.</p>	
response	<p><i>Not accepted</i></p> <p>See response to Comment #298</p>	
comment	5239	comment by: CAA Belgium
	<p><b>(c)</b>  <del><b>(2) a student pilot shall carry with him on all solo cross-country flights evidence on the authorisation required by FCL020 (a)</b></del></p> <p><b>(d) a student pilot shall carry with him on all solo flights evidence on the authorisation required by FCL020 (a)</b></p>	
response	<p><i>Accepted</i></p> <p>See response to Comment #2605</p>	

comment	<p>5482 <span style="float: right;">comment by: <i>Sally Woolrich</i></span></p>
	<p>Is the documentation to be carried on his/her person or in the aircraft? In a glider room is tight and finding somewhere comfortable to put the documentation could be an issue. However it's hard to imagine a glider with no room whatsoever to carry the required documentation.</p>
response	<p><i>Not accepted</i></p> <p>See response to Comment #298</p>
comment	<p>5604 <span style="float: right;">comment by: <i>David Trowse</i></span></p>
	<p>Please provide exemption for the need to carry documents where flights are intended to start and end at the same airfield.</p>
response	<p><i>Not accepted</i></p> <p>See response to Comment #298</p>
comment	<p>5613 <span style="float: right;">comment by: <i>HCE Education</i></span></p>
	<p>The statement in (c)(1) "[...] upon request by an authorised representative of the competent authority" should be changed to "[...] upon request by the competent authority".</p> <p>As the regulation is written in the proposal (and also in JAR-FCL) it could be interpreted as requiring a pilot to carry his flight time record during flight. This is however presumably not the intention and is also not required in any regulation. It is neither possible to carry the flight time record if the record is kept in a computerised format.</p> <p>The request from the competent authority will in all probability be by means of a formal mail and the regulation should reflect that fact. The only contact a pilot normally has with "an authorised representative of the competent authority" is during a ramp check or equivalent and the regulation should not give the perception that presentation of the flight time record is required at that time.</p>
response	<p><i>Not accepted</i></p> <p>Like the commentator observes, there is no obligation to carry the flight time records during flight. This paragraph merely states that it shall be presented without undue delay, if requested so by an authorised representative of the competent authority.</p> <p>Some Member States, in particular smaller ones, makes use of such authorised representatives in various roles, e.g. as flight inspectors, flight examiners, etc. The Agency considers it to be important for the continued use of such solutions that the text remain as proposed in the NPA. The change suggested in the comment could have serious implications for some competent authorities, preventing them from the use of such authorised representatives.</p>
comment	<p>5666 <span style="float: right;">comment by: <i>Bristow Academy</i></span></p>
	<p>FCL.045 add</p>



(d) Paragraphs (a) and (b) shall not apply when the flight or series of flights departs and terminates at the same place in which case the required documents shall be available at the point of departure.

The reason:

The JAA licence is contained in a bulky wallet and is not credit card size as is a FAA licence, for example.

response *Not accepted*

See response to Comment #298

comment

6106

comment by: CAA Finland

FCL.045(c)(2):

Contradiction: FCL.020(a) requires always approval from the instructor. This paragraph only for cross-country. New proposal:

(2) A student pilot shall carry with him on all solo ~~cross-country~~ flights evidence of the authorisation required by FCL.020(a).

response *Accepted*

See response to Comment #2605

comment

6280

comment by: Oxford Gliding Club

As a training club, OGC carries out many winch launch training flights. In many cases these may be short, circuit only flights. While recognising the need for cross-country pilots to carry documentation, it seems that carrying ID, medical certificates and licences would be excessive for what will be only a 5 minute circuit.

In addition, in the UK there is no recognised 'personal identification document'.

response *Not accepted*

See response to Comment #298

comment

6314

comment by: peter Gray

FCL. 045 "(a) A valid licence and a valid medical certificate shall always be carried by the pilot when exercising the privileges of the licence.

(b) The pilot shall also carry a personal identification document containing his/her photo."

"A student pilot shall carry with him on all solo crosscountry flights evidence of the authorisation required by FCL.020(a)."

Why?

There's little enough room in a glider cockpit at the best of times without carrying around clutter which would be best kept clean and safe somewhere else.

What contribution does this section make to flight safety?

There is an increasing trend for insurance companies to refuse payment when

any aspect of the law is infringed. Where the infringement has no relevance to the accident whatsoever, as would be in this case, such an approach is tantamount to fraudulent. By including such trivia in the law the agency gives the insurance companies and lawyers a bigger stick with which to beat the populace. EASA is supposed to be making life easier for pilots across Europe.

response *Not accepted*

See response to Comment #298

comment

6531

comment by: *Light Aircraft Association UK*

The requirement to carry a licence and medical certificate at all times is anachronistic if it is intended that these should be paper copies. AMC should be introduced to note that the pilot's licence and medical certificate could be carried in electronic form (perhaps in a format to be agreed with the Agency/CA, e.g. pdf format). In addition, a derogation should be introduced that allows such documentation not to be carried in the aircraft if the point of departure is the same as the point of arrival (to cover the case of local pleasure flights).

response *Not accepted*

See response to Comment #298

comment

6770

comment by: *Colin Troise*

Although it may be necessary to carry some means of identification in order to produce this to persons having suitable need to see it, it should not be necessary to carry the formal documents mentioned in this rule.

For instance, in the UK it is not necessary to carry one's driving licence whilst in charge of a vehicle (although for purely administrative purposes, it is advisable).

**Proposal: Delete paragraph (a) and renumber.**

response *Not accepted*

See response to Comment #298

comment

6874

comment by: *CAA CZ*

Letter (c)(1) should be changed to (c) and (c)(2) should be changed to (d). The letter (c)(2) is not related to recording of flight time but recording of authorisation for conduction of the solo flight.

response *Accepted*

See response to Comment #2605

comment

7564

comment by: *Andrew Sampson*

The only personal identification document I possess which carries my photograph, is my passport. It would be inappropriate and inadvisable to carry it everytime I fly. I suggest any proposed licence incorporates a

photograph and this is the document carried. In the UK we are not obliged to carry ID at all times - although largely a political matter I do not feel it is appropriate for us to be obliged to carry ID for this purpose.

response *Not accepted*

See response to Comment #298

comment 7779

comment by: *Tim FREEGARDE*

FCL045

The obligation to carry certificates and identification is unnecessary for local flights (eg circuit practice) that return to the airfield of departure. There is no difficulty establishing the identity of a pilot or aircraft, and adequate records are maintained by airfields of departures and landings. An exclusion should therefore be inserted, so that 'except for local flights returning to the airfield of departure and remaining within 10nm of the airfield,...'

response *Not accepted*

See response to Comment #298

comment 8144

comment by: *William Treacy*

There should be a photograph on the Licence from a practical point of view as it will also make security easier for everybody.

response *Not accepted*

See response to Comment #249

comment 8266

comment by: *Paul Mc G*

The requirement to carry a licence and medical certificate at all times is a little odd but understandable on longer flights but dangerous as loss could so easily occur. However many countries cannot process credit card electronic forms so paper copies will be required.

Could an allowance be made such that documentation need not be carried in aircraft if the point of departure is the same as the point of arrival as in the case of local flights. This would be most helpful to gliders involved in circuit practice with typical flights of 4 minutes in winter thermals!!! Otherwise this seems silly, instead of a sensible proposal!

response *Not accepted*

See response to Comment #298

**B. Draft Opinion Part-FCL - Subpart A: General Requirements - FCL.050  
Recording of flight time**

p. 7

comment 281

comment by: *CAA Belgium*

In order to avoid confusion a standardized model of flight time record should be imposed.

response	<i>Partially accepted</i>	
	Standardisation and harmonisation are important cornerstones for the Agency. The description of the logbook format given in AMC to FCL.050 supports this standardisation, and is also in line with the logbook format already in JAR-FCL. However, FCL.050 will be amended, to further ensure harmonisation. This will both ensure commonality, but still maintains the possibility for NAAs to approve alternative AMCs for different categories of aircraft and/or special types of operations.	
comment	600	comment by: <i>British Microlight Aircraft Association</i>
	Accepted	
response	<i>Noted</i>	
	Thank you for your support.	
comment	957	comment by: <i>CAA Belgium</i>
	<b>If our objective is a standardization of the licensing processes in all the Member States of the community, a obligatory common logbook is an absolute necessity.</b>	
response	<i>Partially accepted</i>	
	See response to Comment #281	
comment	1320	comment by: <i>George Knight</i>
	There is no justification for this for solo sporting flight in a glider.	
response	<i>Not accepted</i>	
	To enable the Competent Authorities to maintain the oversight within their Member State, it is a necessity that all flights are recorded, according to a system set by the Authority.	
comment	1497	comment by: <i>Volker ENGELMANN</i>
	Needs clarification: Is a print out of a computer based flight log a reliable record of flight time? In my Opinion yes, if signed by the pilot.	
response	<i>Not accepted</i>	
	There are many uncertainties regarding the integrity of computer-based logbooks. It is possible that this will be considered again at a later stage, when technology has had time to mature and develop further. For the time being the proposal is to maintain the system of recording of flight time as set up in JAR-FCL.	
comment	1674	comment by: <i>Sven Koch</i>
	Glaubwürdige, korrekte Aufzeichnung	

response	<p><i>Noted</i></p> <p>Thank you for your support</p>
comment	<p>2090 <span style="float: right;">comment by: <i>Stefan JAUDAS</i></span></p> <p>FCL.050</p> <p>The AMC template seems to be overdone for basic LPL, LPL, LPL(S) or SPL.</p> <p>The number of details to be recorded should be kept to the absolute minimum. For VFR flights, this would be:</p> <ul style="list-style-type: none"> <li>• Date of Flight</li> <li>• Time (UTC) of take-off or off-block, as applicable</li> <li>• Time (UTC) of landing or on-block, as applicable</li> <li>• Location of take-off</li> <li>• Location of landing</li> <li>• Category of aircraft, alternatively type of aircraft</li> <li>• Special data as required and applicable, e.g. type of launch for gliders (winch, aero-tow, etc.), eligibility of flight towards special ratings if not obvious from other data recorded (e.g. aerobatic, towing, ...), etc.</li> <li>• Name of instructor for student pilot or expired licence non-solo flights.</li> </ul> <p>Please specify the acceptable media (beyond the traditional paper pilot's log in booklet form) which would constitute a "reliable record". Especially concerning electronic records or hardware records (print-outs collected in a folder) based on electronic records.</p>
response	<p><i>Not accepted</i></p> <p>Regarding the details to be recorded, the Agency wishes to enhance standardisation as much as possible. In the proposal of the comment, there is no logging of actual aircraft registration, making the oversight by the Competent Authority more or less impossible.</p> <p>Regarding electronic record, see response to Comment #1497</p>
comment	<p>2903 <span style="float: right;">comment by: <i>AECA (SPAIN)</i></span></p> <p>If our objective is a standardization of the licensing processes in all the Member States of the community, a common logbook is absolute necessary.</p>
response	<p><i>Partially accepted</i></p> <p>See response to Comment #281</p>
comment	<p>3159 <span style="float: right;">comment by: <i>Susana Nogueira</i></span></p> <p>Modify and add</p> <p>(a) The pilot shall keep ...</p> <p>(b) Details of flights flown under commercial air transport may be recorded in a computerised format maintained by the operator. For other types of flight, the pilot shall record the details of the flights flown in the logbook format included in the AMC to FCKL 050</p>

	Justification: The objective is the standarization of the licensing process in all Member States. This include the log-book format.
response	<i>Partially accepted</i>  See response to Comment #281
comment	4083 <span style="float: right;">comment by: <i>SFVHE</i></span>  Die Möglichkeit zur elektronischen Aufzeichnung, z. B. in speziellen Programmen oder geeigneten Excel-Tabellen sollte ausdrücklich erwähnt werden.
response	<i>Not accepted</i>  See response to Comment #1497
comment	4489 <span style="float: right;">comment by: <i>ECA- European Cockpit Association</i></span>  Add the following text (comming from AMC to FCL0.50  2. The record of the flights flown should contain at least the following information: 2.1 Personal details Name and address of the pilot; 2.2 For each flight: a. Name of Pilotincommand; b. Date of flight; c. Place and time of departure and arrival; d. Type, including make, model and variant, and registration of the aircraft; e. Indication if the aircraft is single engine or multi engine; f. Total time of flight; g. Accumulated total time of flight; 2.3 For each flight simulator or FNPT session: a. Type and qualification number of the training device; b. Synthetic training device instruction; c. Date; d. Total time of session; e. Accumulated total time; 2.4 Details on pilot function, namely pilotincommand, including solo, student pilot in command and pilot in command under supervision time, copilot, dual, flight instructor or flight examiner; 2.5 Operational conditions, namely if the operation takes place at night, or is conducted under instrument flight rules. 3. Logging of time 3.1. Pilot in command flight time a. The holder of a licence may log as pilotincommand time all of the flight time during which he is the pilotincommand. b. The applicant for or the holder of a pilot licence may log as pilotincommand time all solo flight time and flight time as student pilotincommand provided that such SPIC time is countersigned by the instructor. The holder of an instructor certificate may log as pilotincommand all flight time during which he acts as an instructor in an aircraft.. d. The holder of an examiner's certificate may log as pilotincommand all flight time during which he occupies a pilot's seat and acts as an examiner in an aircraft.

e. A copilot acting as pilot in command under supervision on an aircraft on which more than one pilot is required under the type certification of the aircraft or as required by Part OPS provided such pilot in command time under supervision is countersigned by the pilot in command.

f. If the holder of a licence carries out a number of flights upon the same day returning on each occasion to the same place of departure and the interval between successive flights does not exceed thirty minutes, such series of flights may be recorded as a single entry.

3.2. Copilot flight time. The holder of a pilot licence occupying a pilot seat as copilot may log all flight time as copilot flight time on an aircraft on which more than one pilot is required under the type certification of the aircraft, or the regulations under which the flight is conducted.

3.3. Cruise relief copilot flight time. A cruise relief copilot pilot may log all flight time as copilot when occupying a pilot's seat.

3.4. Instruction time. A summary of all time logged by an applicant for a licence or rating as flight instruction, instrument flight instruction, instrument ground time, etc. may be logged if certified by the appropriately rated and/or authorised instructor from whom it was received.

3.5. PICUS (Pilot in command under supervision). Provided that the method of supervision is acceptable to the Authority, a copilot may log as PIC flight time flown as PICUS, when all of the duties and functions of PIC on that flight were carried out, such that the intervention of the PIC in the interest of safety was not required.

4. Format of the record.

Details of flights flown under commercial air transport may be recorded in a computerised format maintained by the operator. In this case an operator should make the records of all flights operated by the pilot, including differences and familiarisation training, available on request to the flight crew member concerned.

For other types of flight, the pilot should record the details of the flights flown in the following logbook format in AMC to FCL 0.050.

Justification:

The intention of the JAR was to harmonise the log of flight time in a common, shared and understandable format to every Authority. ECA cannot agree that the whole rule is moved into AMC. Otherwise, we may end up not having the flight logs harmonized, so cross credits, oversight and inspections among different countries may become really difficult.

response *Partially accepted*

See response to Comment #281

comment 4567

comment by: *Deutscher Aero Club*

Attachment [#11](#)

AMC material for FCL.050 Recording of flight time

Comment: The proposed format of the log book is not appropriate for gliding, due to an overload of details not related to this activity.

EGU proposes to allow a reduced log book format in the AMC adapted to the specific requirements for gliding and/or ballooning to ensure flexibility for the different activities.

EGU proposal:

	See attachment
response	<p><i>Partially accepted</i></p> <p>See response to Comment #281</p>
comment	<p>4717 <span style="float: right;">comment by: <i>British Gliding Association</i></span></p> <p><i>AMC material for FCL.050 Recording of flight time</i></p> <p>Comment: The proposed format of the log book is not appropriate for gliding and incorporates far too much detail.</p> <p><b><u>BGA proposal:</u></b> That the log book information recorded for each flight should be limited to: serial number of flight, date, Glider type, place of launch, type of launch, crew capacity, flight time, comments.</p>
response	<p><i>Partially accepted</i></p> <p>See response to Comment #281</p>
comment	<p>5550 <span style="float: right;">comment by: <i>Belgian Gliding Federation</i></span></p> <p>Attachment <a href="#">#12</a></p> <p><i>AMC material for FCL.050 Recording of flight time</i></p> <p>Comment: The proposed format of the log book is not appropriate for gliding, due to an overload of details not related to this activity, and missing some items we like to log.</p> <p>The BGF proposes to allow a reduced log book format in the AMC adapted to the specific requirements for gliding and/or ballooning to ensure flexibility for the different activities.</p> <p><b><u>Proposal:</u></b> <b>See a model in attachment adapted to the gliding sport</b></p>
response	<p><i>Partially accepted</i></p> <p>See response to Comment #281</p>
comment	<p>5920 <span style="float: right;">comment by: <i>Luftsport-Verband Bayern</i></span></p> <p>Mit dieser Bestimmung wird auch eine elektronische Dokumentation der Flugzeiten zugelassen, falls diese zuverlässig ist. Welche Anforderungen sind an die Zuverlässigkeit zu stellen - reicht z.B. ein regelmäßiger Ausdruck des elektronischen Flugbuches aus oder müssen zertifizierte Erfassungssysteme verwendet werden?</p>
response	<p><i>Not accepted</i></p> <p>See response to Comment #1497</p>
comment	<p>5975 <span style="float: right;">comment by: <i>ENAC TLP</i></span></p>



	A common logbook should be provided and regulated in its lay out and way of compilation.
response	<i>Partially accepted</i> See response to Comment #281
comment	6634 <span style="float: right;">comment by: David PYE</span> the log book information recorded for each flight should be limited to: serial number of flight, date, Glider type, place of launch, type of launch, crew capacity, flight time, comments
response	<i>Partially accepted</i> See response to Comment #281
comment	6875 <span style="float: right;">comment by: CAA CZ</span> It should be added that the logbook should be kept <b>separately for each category of aircraft, which the pilot flies</b> making the record of flight time meaningful for the purposes of inspection, definiteness in crediting and for acceptance of flying hours by the Authority.
response	<i>Partially accepted</i> The text in the AMC to FCL.050 - "Instructions for use", item 1, contains the sentence " <i>Pilots who fly regularly aeroplanes and helicopters or other aircraft types are recommended to maintain separate logbooks for each type of flying.</i> " This sentence was taken over from JAR/FCL.  It will be amended for clarity, as an editorial, to read " <i>Pilots who fly regularly aeroplanes and helicopters or other aircraft <del>types</del> categories are recommended to maintain separate logbooks for each <del>type of flying</del> aircraft category.</i> "
comment	7226 <span style="float: right;">comment by: A.Garside</span> The proposal for the log book requirements are far too complicated, onlt the serila number of the flight, date, type of A/C, place of launch, type of launch and crew capacity is required.
response	<i>Partially accepted</i> See response to Comment #281
comment	7341 <span style="float: right;">comment by: Roger STARLING</span> FCL.050 It is clear that the authors have no experience of winch launched gliding which is characterised by large numbers of short flights. All that needs recording is date, launch location, duration, glider type and registration, time, crew capacity and comments. There is no advantage in requiring more data to be maintained.
response	<i>Partially accepted</i>

See response to Comment #281

comment 7377 comment by: *David Chapman*

Too much detail is being requested for flight logs. Can it be shown to be needed for some safety benefit?

response *Partially accepted*

See response to Comment #281

comment 7521 comment by: *Cecilia Craig*

Due to the nature of gliding frequently, a flight may only last 5 minutes. It is not necessary to record many details about these flights. The number of the flight, the time, the date, the names of pilots, the glider type, the type of launch, the place of launch and any comments are all that is needed.

response *Partially accepted*

See response to Comment #281

comment 7523 comment by: *Mike Armstrong*

P7 of 647

Having looked at the detail and format of logbook requirements on P173, the specification is excessively regimented and contains detailed information not appropriate to sailplanes. Surely a much more basic format and specification could be considered for sailplane pilots, instructors and examiners.

response *Partially accepted*

See response to Comment #281

comment 7785 comment by: *Tim FREEGARDE*

FCL050

A sufficient record should constitute the serial number of the flight, the date, glider type, place and type of launch, crew capacity and flight duration.

response *Partially accepted*

See response to Comment #281

comment 7803 comment by: *Dick Dixon*

I believe the amount of information required to be recorded in the glider pilot's log book is far too complicated.

In my view all that should be required is:

Serial No of flight.

Date

Glider Type

Place of Launch

Type of Launch

	<p>Crew Capacity Flight Time Comments.</p> <p>This has been sufficient so far in recording my 8,500 glider flights over 4,600 hours.</p>
response	<p><i>Partially accepted</i></p> <p>See response to Comment #281</p>
comment	<p>7967 <span style="float: right;">comment by: <i>HeliAir Ltd</i></span></p> <p>Why should someone be forced to do this unnecessary beaurocratic action? They should ONLY HAVE to log those flights required to qualify for ratings and priveledges - 30 short flights per day all over ones ranch makes it an impractical burden - pointless also..</p> <p>Perhaps there is a case for logging commercial flights - but not private ones.. !</p>
response	<p><i>Not accepted</i></p> <p>See response to Comment #1320.</p>
comment	<p>8235 <span style="float: right;">comment by: <i>AOPA Sweden</i></span></p> <p>Flights performed in ultralight aircraft should also be allowed to be logged for the use of LPL/PPL/CPL and also credited for accordingly. Many high performance ultralight aircraft are giving good pilot experience as any normal category aircraft. This fact should also be reflected in the rules(AMC and definition of flight times)</p>
response	<p><i>Not accepted</i></p> <p>Basic Regulation 216/2008 clearly states that ultralight aircraft are part of Annex II, and as such they are excluded from the Agencys competency.</p>
comment	<p>8267 <span style="float: right;">comment by: <i>Paul Mc G</i></span></p> <p>The proposed format of the log book is not appropriate for gliding and incorporates far too much detail. However, it would be sensible to have one log book format for all flying. I agree with your idea and simply wonder if it might be possible to simplify the proposed new system? Actually just how physically big is the log book going to be?? Will it fit in the small storage pockets in LAA and BMAA and BGA aircraft?</p> <p>The BGA proposal, which could apply for VLA, gliders and microlights (depending on definition!) that the log book information recorded for each flight should be limited to: serial number of flight, date, Glider type, place of launch, type of launch, crew capacity, flight time, comments, would be almost acceptable, but should landing point if different be added? That was a question rather than a comment as I am unsure on this one, as your proposals have much merit but size and weight and space are factors too. I am prepared to defer my questions on this as I can see merit in your ideas even if practicality seems to have been partly forgotten?</p>
response	<p><i>Partially accepted</i></p>

See response to Comment #281

**B. Draft Opinion Part-FCL - Subpart A: General Requirements - FCL.055**  
**Language proficiency**

p. 7-9

comment	<p>132 <span style="float: right;">comment by: <i>Bernhard Blasen</i></span></p> <p>Language proficiency are not necessary for pilots flying gliders or powered gliders (TMG) as they normally fly under conditions where usage of radio is not mandatory.</p> <p>The intervals for those language proficiency checks are too short. Somebody being able to speak english at any level is not likely to forget about it within 3 years.</p>
response	<p><i>Partially accepted</i></p> <p>Thank you for providing your opinion.</p> <p>When drafting the text the Agency followed closely the provisions and recommendations of ICAO Annex 1, as well as JAR-FCL. However, taking into account the comments received, the Agency has decided to amend its proposals in the following manner:</p> <ul style="list-style-type: none"> <li>- In relation to the scope of application of the language proficiency requirement, the text will be amended to exclude sailplane and balloon pilots.</li> <li>- With reference to the intervals for those checks that are necessary for certain levels of language proficiency the Agency initially followed the recommendation of ICAO Annex 1. However, the comments received in this regard prove that there is a need of reconsideration of those intervals. Therefore, based on the proposals received (see comment 1785 below) the Agency has decided to amend its initial proposal to a 4 year interval for Level 4. For level 5, the 6 year interval remains unchanged.</li> </ul>
comment	<p>140 <span style="float: right;">comment by: <i>GFD-OES</i></span></p> <p>(c) ...in accordance with table 1 <b>below</b>...</p>
response	<p><i>Accepted</i></p> <p>Thank you for communicating this editorial, we will take it into consideration for the final text.</p>
comment	<p>166 <span style="float: right;">comment by: <i>Pete Morris</i></span></p> <p>What evidence is there to support the need to demonstrate language proficiency at these frequent intervals?</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion. Please also refer to the response given to the comment 132 of this segment.</p>
comment	<p>209 <span style="float: right;">comment by: <i>CAA - The Netherlands</i></span></p>

	<p>FCL.055</p> <p>(d)(1) Addition of the words in italic: " understand all the information to accomplishment of <i>all phases of a flight, including flight preparation</i>; "</p> <p>Explanation: the word accomplishment has several meanings; one of them is to finalize the flight (then the flight preparation is missed).</p> <p>Under (d)(3) the phrase 'all phases of a flight, including flight preparation' is used</p>
response	<p><i>Accepted</i></p> <p>Thank you for providing this comment. The Agency accepts the proposed text as it considers for clarification the terminology used in FCL.055 (d) (1) should be identical to FCL.055 (d)(3).</p>
comment	<p>411 <span style="float: right;">comment by: <i>Geschäftsführer Luftsportverband RP</i></span></p> <p>Die Sprachprüfung ist fast schon ein Anachronismus, aufgeworfen durch gewerbliche Piloten, die sich nicht über die Probleme in ihrem Verkehrsflugzeug unterhalten konnten. Die Antwort auf solche Probleme bietet in der Zukunft beim Verkehrspiloten sein Display mit den Lotsenanweisungen, gegebenenfalls sogar in seine Landessprache übersetzt. Es muss doch wohl genügen, wenn sich der Pilot/Pilotin mit der vorgeschriebenen Phrasologie und <b>ausgestattet mit einem AZF bzw BZF 1</b> mit der Flugsicherung verständlich machen kann. Man könnte eher noch verlangen, dass ein jeder Wachleiter, als teuer bezahlter Beschäftigter, in der Lage sein muss, die vier vorgeschriebenen Amtssprachen der EU zu beherrschen, damit er einem „Freizeitpiloten" bei schlechtem Wetter helfen kann. In den skandinavischen Ländern beherrschen viele Personen das artverwandte Englisch. Bei den Spaniern, Franzosen, Italienern hapert es da bereits. Warum kommt heute schon so selten ein Sport-Pilot aus diesen Ländern nach Deutschland? Soll das mit der Sprachprüfung jetzt endgültig unterbunden werden?</p> <p>Zusätzliche Kosten -und das wird die Sprachprüfung bringen- gehen eben nicht in die praktischen Flugstunden ein (was der Sicherheit dient), sondern reduzieren das Budget des Piloten.</p> <p>Es gibt keine Statistik über Unfälle im nicht-gewerblichen Bereich, wo eine mangelnde Sprachkenntnis Ursache gewesen wäre, während im gewerblichen Verkehr sehr wohl Unfälle darauf zurück zuführen sind. Urlaubsfliegen im Nicht-gewerblichen Bereich z.B. nach Spanien, Frankreich, Italien werden verhindert: Jugendförderungen wie z.B. Deutsch-Französische Fluglager werden unterbunden.</p> <p>Ein Pilot mit LPL, PPL, SPL bzw LAFI fliegt auch im Ausland nach Sicht unter eigener Verantwortung und muss von Sprachprüfung und Wiederholungen ausgenommen werden.</p> <p>Es dient zusätzlich der Sicherheit, wenn ein Pilot, der knapp außerhalb eines Luftraum D fliegt, sich auf der zuständigen Frequenz meldet und sein Flugvorhaben mitteilt. Benötigt er für diesen Funkkontakt eine Sprachprüfung, so wird er sich nicht auf dieser Frequenz melden. und der Lotse hat keine Ahnung über diesen Flugweg.</p>
response	<p><i>Noted</i></p>

Thank you for providing your opinion. Please also refer to the response given to the comment 132 of this segment.

comment 463 comment by: *London Metropolitan University*

FCL.055 para (a)

I am a little concerned that the endorsement on the licence can be in english or another language.

I thought the whole point of ICAO introducing the language proficiency endorsement on a licence was to ensure that english was the common language.

Perhaps it could be stated that for all licences other than the LPL, which restricts the movement of a pilot to within a certain area, all other licences should have an English language proficiency endorsement.

response *Noted*

Thank you for providing your opinion. This paragraph is in compliance with paragraph 1.2.9.1 of Annex 1 to the Convention on International Civil Aviation (ICAO). And - as already indicated in JAR-FCL 1.010 (4.) - these provisions refer to ICAO Annex 10, Volume II, Chapter 5, whereby the language used for radiotelephony communications may be the language normally used by the station on the ground or English. In practise, therefore, there will be situations whereby a licence holder will only need to speak the language normally used by the station on the ground.

comment 464 comment by: *London Metropolitan University*

FCL.055 para (c) line 2 spelling error: change "bellow" to " below"

response *Noted*

Thank you for providing this comment, please refer to the response given to comment no 140.

comment 480 comment by: *FOCA Switzerland*

FCL.055 Aggravation of ICAO Annex 1, para 1.2.9 Language proficiency:

Proposals:

General:

**Annex 1: Para 1.2.9 Use ICAO-text instead EASA-text**

**(a) For glider and free balloon pilots only recommendation to have language endorsement.**

**(b) Language endorsement shall have a date of expiry.**

**(c) (1) 4 years for VFR: Synchronisation with SEP-revalidation (every 2nd check with language combined)**

**(d)(3) to be deleted: Not feasible to check properly, no sense as requirement.**

**(e) Applicable not only for IR but also for VFR**

Table on page 8 not taken correctly from ICAO-basis. (Refer to AMC # 1 FCL.055.

response *Noted*

Thank you for providing your opinion.

For a) please refer to the response to comment no 132, for b) please refer to the response of comment no 3904, for c) please refer to the response of comment no 132. For d) Please note that the Agency will not delete (d)(3) as it was taken over from Appendix 1 to JAR-FCL 1.200. For the editorials for the table on page 8 please refer to the response given to comment no 1094. All referenced comments are in this segment.

comment 601 comment by: *British Microlight Aircraft Association*  
Accepted

response *Noted*  
Thank you for your positive feedback.

comment 839 comment by: *Luftsportverband Rheinland Pfalz*

FCL 055 c

Language proficiency: Mit den hier aufgeführten Sprachprüfungen werden die bisherigen Anforderungen des deutschen BZF I und AZF, die sich ausschließlich auf die Luftfahrtphrasologie bezogen erheblich ausgeweitet. Sicher werden mit zunehmender Akzeptanz von Englisch als Weltsprache mehr, vor allem junge Menschen die Sprachprüfung problemlos bestehen. Bevölkerungsschichten, die die englische Sprache nicht oder nur sehr eingeschränkt beherrschen wird der Zugang zu Flügen ins europäische Ausland verbaut. Nicht notwendig und nachvollziehbar sind die Wiederholungsprüfungen. Bei regelmäßiger Übung bleibt die einmal erworbene Sprachkompetenz erhalten. Die Ansprüche für Flüge ins Ausland sind auf die bisherigen Anforderungen des BZF I und AZF zu beschränken.

Für die Piloten von Segelflugzeugen und Motorseglern (TMG) ist eine language proficiency unnötig, da sie nur sehr selten im Ausland fliegen. Eine einmal erworbenen Sprachkompetenz geht in der Regel nicht verloren. Die hier angegebenen Tests verteuern das Fliegen und erschweren den Länderüberschreitenden Flugsport.

(c) bitte ersatzlos streichen oder zumindest die Prüfungsintervalle verlängern

response *Noted*  
The Agency acknowledges your comment. Please refer to the responses given to comment no 132 and 1785 of this segment which cover your request.

comment 860 comment by: *Alexander Cilliox*

(c): die Sprachprüfung wird sicherlich viele Piloten von Flügen im Ausland abhalten.

Das Fliegen an den entsprechend ausländischen Plätzen garantiert eine in Übunghaltung der Piloten in der englischen Phrasologie/ Sprache.

Die Prüfung der Sprachkenntnisse sollte auch durch den Nachweis von 5 Starts innerhalb der letzten 3 Jahre im "Ausland" als Nachweis ersetzt werden können.

zudem fordert die Basic Regulation 216/2008 in Annex III, 1f keine Kenntnisse der englischen Umgangssprache !

response	<i>Noted</i>  Thank you for providing your opinion. When drafting the text the Agency closely followed the provisions of ICAO Annex 1 and JAR-FCL. Please also refer to the response given to the comment 132 of this segment.
comment	951 <span style="float: right;">comment by: <i>Rüdiger Janß</i></span>  As far as i know this part is also regulated from ICAO so its doubled. I see now sence in seperate regulations here.
response	<i>Noted</i>  The Agency acknowledges your comment. Please note that the Convention on international Civil Aviation with all its Annexes has to be transferred to either European Regulations or national rules in every member state before they get applicable. Therefore the whole Annex 1 to the Convention has to be covered by PART FCL.
comment	1094 <span style="float: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></span>  <b>Comment:</b> The text in the table is wrong. Compare with the table in AMC No 1 to FCL.055 (page 185). Also the levels are missing.  <b>Proposal:</b> Correct the text according to AMC No 1 to FCL.055
response	<i>Accepted</i>  Table will be amended in compliance with ICAO Annex 1
comment	1117 <span style="float: right;">comment by: <i>KLSPublishing</i></span>  055 (a) Should be widely simplified or better removed. One suggestion could be to prove one's language capabilities once as part of the examination.  english the radio telephone (there is no telephone, better: radio communication)
response	<i>Noted</i>  1117.1 The Agency acknowledges your comment. Please refer also to the response given to comment no 132 of this segment. In AMC No 2 to FCL.055 (2.) the possibility to combine the Language Proficiency assessment with a skill test or a proficiency check is given. 1117.2 Wording: Please note that the Agency has taken over the wording from ICAO Annex 1 and does not intend to change it.
comment	1138 <span style="float: right;">comment by: <i>Schäfer</i></span>  Die mit dem Erwerb des AZF oder BZF 1 nachgewiesene Sprachkompetenz ist für Hobbyflieger absolut ausreichend und genügt auf Grund der vorgeschriebenen Phrasologie für eine sichere Kommunikation mit der Flugsicherung. Eine Wiederholprüfung macht sicherlich für die gewerbliche



Fliegerei Sinn, bei der eine aus verschiedenen Sprachräumen zusammengestellte Besatzung Probleme im hochkomplexen Cockpitmanagement auch umgangssprachlich lösen kann.

response *Noted*

Thank you for providing your opinion. When drafting the text the Agency closely followed the provisions of ICAO Annex 1 and JAR-FCL. Please also refer to the response given to the comment 132 of this segment.

comment *1164*

comment by: *Thomas Reusch*

Nachweis der Sprachkompetenz ist mit dem Nachweis von BZF I oder AZF hinreichend erbracht. Wiederholungen kosten nur Geld und sind abzulehnen.

response *Noted*

Thank you for providing your opinion. When drafting the text the Agency closely followed the provisions of ICAO Annex 1 and JAR-FCL. Please also refer to the response given to the comment 132 of this segment.

comment *1191*

comment by: *Karge*

Sprachkompetenz für LPL,SPL, PPL (alles Luftsport) ist mit BZF I /II oder AZF ausreichend nachgewiesen.  
Wiederholungsnachweise sind unnütze Kosten und erhöhen die Sicherheit nicht.

response *Noted*

Thank you for providing your opinion. When drafting the text the Agency closely followed the provisions of ICAO Annex 1 and JAR-FCL. Please also refer to the response given to the comment 132 of this segment.

comment *1209*

comment by: *Stephan Johannes*

Sehr geehrte Damen und Herren,

ich bin seit 24 Jahren Segelflieger und fliege nicht nur in Deutschland, sondern gelegentlich auch im Ausland. Bei meinen Auslandsurlaubeu wurde der Funkverkehr an den Segelfluggeländen ausschließlich in Landessprache durchgeführt. Dazu bekamen alle Piloten ein spezielles Briefing, bei dem die notwendige Phrasologie trainiert wurde. Damit konnte jeder Pilot den Platzverkehr ausreichend gut bewerkstelligen. Die Piloten, die in spezielle Lufträume einfliegen wollten, bzw. die zum Beispiel ein Wellenflugfester öffnen wollten, die nutzten die Phrasologie die über das BZF1 geschult wurden. Die unsicheren Piloten meideten diese Lufträume.

Ich bin der Meinung, dass im Sinne der Vereinfachung der Vorschriften, das BZF1 als Voraussetzung für das Fliegen im Ausland bestehen bleiben sollte, für das Fliegen an einem Segelfluggelände ein Briefing für die landesspezifische Abwicklung des Funksprechverkehrs, nachgewiesen durch einen Fluglehrer, absolut ausreichen sollte.

Wenn z.B. ein Brite in Deutschland segelfliegen möchte, so wird er an den klassischen Segelfluggeländen, selbst mit einem reinen Englisch, wenig Erfolg

haben. Per Gesetz wird diesem Briten auch nicht auferlegt, dass er umgangssprachliches Deutsch sprechen muss.

Ich bitte Sie daher Maß zu halten und die Abwicklung des Funksprechverkehrs im europäischen Inland und Ausland auf die Basis des bestehenden BZF1 zu stellen.

Einen Nachweis der englischen Funksprechkenntnisse im Zuge eines regelmäßig stattfindenden Checkfluges, kann durchaus eine Qualitätssicherung darstellen. Diesen Nachweis sollte dann aber auch jeder Fluglehrer bestätigen dürfen.

Die Argumentation, dass Luftraumverletzungen durch mangelnde Englischkenntnisse entstehen, glaube ich nicht. Luftraumverletzungen, wie z.B. das Übersteigen der maximalen Höhe, sind meist bewusst durchgeführte Handlungen und damit meist vorsätzlich. Dann befinden wir uns im Bereich der Kriminalität und um die zu verhindern sollten diese neuen europäischen Regelungen sicher nicht dienen.

Mit freundlichem Gruß  
Stephan Johannes

response *Noted*

Thank you for providing your opinion. Please also refer to the response given to the comment 132 of this segment.

comment 1303

comment by: *Vincent Lambercy*

What about native language ? I'm personally a native french speaker, and use it when flying VFR and sometimes IFR where it does not induces safety problems. I agree to get somehow checked about proficiency in English, but don't see the point of being checked in my mother thongue.

response *Noted*

Thank you for providing your opinion. Please also refer to the response given to the comment 132 of this segment.

comment 1321

comment by: *George Knight*

Currently in the UK glider pilots may operate on four dedicated sporting glider channels in the air band without the need for an aviation radiotelephony operator's licence. Such pilots may not use the radio to communicate with an air traffic controller. This paragraph should recognise this exception and such pilots should not need to demonstrate language proficiency.

response *Noted*

Thank you for providing your opinion. Please also refer to the responses given to the comments no 132 463 of this segment.

comment 1327

comment by: *Anja Barfuß*

I do not see that the described procedure is adequate to maintain FCL055c. The problems in communication what should be stopped with this regulation

will not be limited by defining level according table 1.

Reasons:

- 1) Objective Test to decide between 'operational level' (...sometimes interfere...), 'extended level' (...rarely interface..) and 'expert level' (...never Interface...) are not likely, because this criteria are very soft and depend on individual ratings. Even Native Speaker can be misunderstood due to local variations or speed of articulation. It depends on who is communicating with whom.
- 2) Tests of such coverage of Pilots, especially all private pilots, exceed every amount of Budget realistic compared to the purpose. Further on the question of needed man power is open.
- 3) Probably the biggest effort according this rule is needed by pilots, needing the licence quite seldom. For example private pilots on holiday calling a couple of days a year 'Downwind' in France.
- 4) Flying is international business. Regulations as described here are not covering problems with non-European like Chinese, Russian and other. Compared to this it is disproportional to have so strict rules for European private pilots.
- 5) More important than test is to send pilots with real communication problems to adequate trainings. It makes no sense to test pilots of lower level more often, because it will not lift the level.
- 6) The needed level depends on the needed usage of the skill. Under some circumstances it rise safety if a pilot even on a rare level is willing to communicate in English.

Proposal:

Local Language Radio License:

Required: The owner is able to understand and use aeronautical phrases and procedures in his language

Evidence: by test when becoming a pilot

Valid: infinite if not cancelled

Checks: Within the normal checks needed for the respective pilot license

Can be used for: a) Frequencies with no other languages spoken b) Frequencies where this language is supported by the coordinator (e.g. tower) who could translate and coordinate between English and this language on his frequency

English Radio License operational level:

Required: English pronunciation, stress, rhythm and intonation according common use. Some times regional misunderstandings possible. Can use aeronautical phrases and procedures.

Evidence: by test when becoming a pilot

Valid: infinite if not cancelled, additional training could be requested

Checks: Within the normal checks needed for the respective pilot license

Can be used for: a) Flight Information Frequencies b) Frequencies used in uncontrolled airspace (class G, E and F) c) emergency d) Airspace D CTR, if Aerodrome is cleared for this lower level due to relaxed traffic

English Radio License extended level:

Required: English pronunciation, stress, rhythm and intonation fluently according common use. Regional misunderstandings not expected. Experienced in aeronautical phrases and procedures.

Evidence: by test when becoming a pilot

Valid: linked with an adequate training within the last 3 years or a test within

	<p>the last 3 years or regularly intensive use of the skill Checks: checks of documentation for training, tests or regularly use Can be used for: all class of airspace</p> <p>Expert level To be skipped, because no one is perfect</p>
response	<p><i>Not accepted</i></p> <p>The Agency acknowledges your comment but does not agree with your proposal. When drafting the text of NPA 2008-17 the Agency followed closely the provisions of ICAO Annex 1. Please also refer to the response to comment no 132 of this segment.</p>
comment	<p>1389 <span style="float: right;">comment by: <i>Wilfried Müller</i></span></p> <p>In order to communicate properly with ATC, the phraseology of the ATC is without any doubt of outmost importance. My radio licence (German BZF 1) entitles me to communicate with ATC in English. The radio licence I obtained after a comprehensive test at the German Telecommunication Board together with the ATC (Deutsche Flugsicherung DFS).</p> <p>ICAO has insisted on further language proficiency tests. I do not understand that EASA takes the ICAO demand one to one into the FCL.055 regulations. I consider this, as a European citizen, discrimination for most of us. We are flying in Europe and therefore do not need this periodically check. And it does not really improve safety in air traffic either. By the way, the ATC is <u>not</u> interested whether I am knowledgeable in Shakespeare's drama.</p> <p>So, here my suggestion:</p> <p>Phraseology and ATC procedures in English have to be trained, followed by an examination to obtain the radio license. The radio license will be recorded in the pilot license (SPL, LPL, PPL, i.e. all licenses for air sports).</p> <p>In a bi annual flight check, the pilot shall approach ATC in English in order to proof his phraseology and ATC procedure capabilities.</p> <p>Please, keep it simple!</p> <p>Wilfried Müller 11-27-2008</p>
response	<p><i>Not accepted</i></p> <p>The Agency acknowledges your comment but does not agree with your proposal. Please note that the Convention on international Civil Aviation with all its Annexes has to be transferred to either European Regulations or national rules in every member state before they get applicable. Therefore the whole Annex 1 to the Convention has to be covered by PART FCL and therefore when drafting the text of NPA 2008-17 the Agency followed closely the provisions of ICAO Annex 1. Please also refer to the response to comment no 132 of this segment.</p>
comment	<p>1410 <span style="float: right;">comment by: <i>Jochen Schwab</i></span></p>

To reduce costs and unnecessary efforts for LPL/PPL holders performing VFR flights only the language check should be obtainable in combination with the required training flights and proficiency checks. This check is adequate for this licence group. There are no evidences that VFR pilots caused increased accident rates because of insufficient English knowledge.

**Recommendation:**

To obtain a language endorsement for VFR LPL/PPL pilots the training flights and proficiency checks including the preparation should be carried out in English.

response *Not accepted*

The Agency acknowledges your comment. Please refer to the response given to comment no 132 of this segment.

comment

1424

comment by: *Aero Club Oppenheim e. V.*

Sollte nur für Lizenzen von Berufspiloten gelten.  
Die Phraseologie sollte genügen, Smalltalk im Funk ist eher selten.

Innereuropäischer Flugverkehr im LPL + PPL wird abgewürgt.  
Sprachkompetenz für LPL,SPL, PPL (alles Luftsport) ist mit BZF I oder AZF ausreichend nachgewiesen.

Die Befähigung wurde damit meines Erachtens ausreichend nachgewiesen.  
Einen Wiederholungsnachweis sollte überflüssig sein. Die dafür anfallenden Kosten sollten lieber in die aktive Fliegerei investiert werden können.

response *Noted*

Thank you for providing your opinion. Please also refer to the response given to the comment 132 of this segment.

comment

1460

comment by: *Bernd SIEWERT*

Die vorgeschlagene Überprüfung der Sprachkenntnisse für Privatpiloten in Abständen von 3 Jahren bitte ich kritisch zu überprüfen.

Die jetzige Regel besagt, daß einmal das BZF I ausgehändigt die Berechtigung zum Flugfunk in englischer Sprache unbeschränkt gegeben ist.

Diese Regelung hat Gültigkeit seit Zeiten, in denen Englisch als Pflichtsprache in Schulen frühestens ab Jahrgangsstufe 5 vorgegeben war.

Mittlerweile wird Englisch ab der Jahrgangsstufe 1 gelehrt, aufgrund der sich immer stärker vernetzenden Welt (siehe EU) gehört Englisch zum Sprachschatz immer mehr Menschen. Englisch im Lebenslauf als Fremdsprache anzugeben mutet mittlerweile schon fast als 'nicht erwähnenswert' an.

Vor diesem Hintergrund die Barriere der zu zertifizierenden Sprachüberprüfung in so kurzen Abständen vorzuschlagen, geht an der (sprachlichen) Wirklichkeit unserer Zeit vorbei.

Damit einher gehen lediglich ein Aufbau von Bürokratismus (Regelung was abzuprüfen ist, wer abprüfen darf, welche Standards der Abprüfende zu erfüllen hat, Nachweispflicht der Prüfung);

übdies werden weitere Hemmnisse in der Ausübung des privaten Flugsports aufgebaut, was so sicherlich nicht gewollt sein kann.

Als zeitgemäßer Vorschlag bietet sich an, einen sprachlichen Befähigungsnachweis im Rahmen der Verlängerung der Fluglizenz dahingehend zu erbringen, daß der FI im Zuge des Überprüfungsflugs für Inhaber des BZF I gleichzeitig eine Kontrolle der englischen Flugfunkfähigkeit durchführt, dokumentiert und bescheinigt.

Diese Vorgehensweise ist auch dahingehend zu befürworten, da die Sprachfähigkeiten unter Echtbedingungen im Luftfahrzeug unter Beweis gestellt werden müssen, nicht unter 'künstlichen' Bedingungen im Zuge eines Sprachkurses.

Für diejenigen Piloten, die zwar das BZF I einst erwarben, mittlerweile aber die Fähigkeiten eingebüßt haben, soll der FI die Flugfunkberechtigung in englischer Sprache aberkennen, die Anerkennung kann durch erfolgreichen Nachweis der Fähigkeiten in der vorgeschlagenen Form wieder erfolgen.

Im Zweifel steht es den Luftämtern jederzeit frei, diesen Befähigungsnachweis amtlich zu überprüfen.

If You would appreciate to have this comment in English language, it would be no problem for me to do so, but it is, of course, easier for me to comment a legal issue in the wording I'm more familiar with...

response *Not accepted*

The Agency acknowledges your comment but does not agree with your proposal. Please note that the Convention on international Civil Aviation with all its Annexes has to be transferred to either European Regulations or national rules in every member state before they get applicable. Therefore the whole Annex 1 to the Convention has to be covered by PART FCL and therefore when drafting the text of NPA 2008-17 the Agency followed closely the provisions of ICAO Annex 1. Please also refer to the response to comment no 132 of this segment.

comment 1468

comment by: *Aero-Club of Switzerland*

Please remove the Language Proficiency topic from the Licensing and put it under the Air Operations regulations.

Justification: That is where it belongs, Language Proficiency has not much to do with "flying", much more however with "Air Operations/Flight Operations." Special remark for gliding in Switzerland: In a small country with different languages close together, only the English language is practicable for contacting ATC. But the radio communication around the gliderfields is in German or French or Italian. An integration of the English R/T license into the LPL (S) formation is too burdensome for gliding. For this reason glider pilots undergo an R/T training and examination when they have the need to contact ATC.

response *Not accepted*

The Agency acknowledges your comment but does not agree with your proposal. Please note that the Convention on international Civil Aviation with all its Annexes has to be transferred to either European Regulations or national rules in every member state before they get applicable. Therefore the whole Annex 1 to the Convention has to be covered by PART FCL and therefore when drafting the text of NPA 2008-17 the Agency followed closely the provisions of ICAO Annex 1. Please also refer to the response to comment no 132 of this segment.

comment	<p>1499 <span style="float: right;">comment by: Volker ENGELMANN</span></p>
	<p>Add following comment:          Language Proficiency can be evaluated by all Flight Instructors holding a valid language proficiency endorsement as well as by civil or military ATC or GCI (Ground Control Intercept) controllers holding a valid language proficiency endorsement.</p> <p>Reason: The practical use during a simulated or live flight is effective and fully follows the respective goal of the proficiency check. Especially ATC and Military agencies require and provide a high level of english knowledge and are the major users of this requirement.          Flight Instructors and Controllers no the need to communicate in a common language best.          No special authorised Check Team is needed in order to keep costs and administration low.</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment but does not agree with your proposal. Please note that the Convention on international Civil Aviation with all its Annexes has to be transferred to either European Regulations or national rules in every member state before they get applicable. Therefore the whole Annex 1 to the Convention has to be covered by PART FCL and therefore when drafting the text of NPA 2008-17 the Agency followed closely the provisions of ICAO Annex 1. Please also refer to the response to comment no 132 of this segment as well as AMC No 1 and 2 to FCL.055.</p>
comment	<p>1675 <span style="float: right;">comment by: Sven Koch</span></p>
	<p>Für jeden Kontakt mit Flugkontrolle entweder in Englisch oder Muttersprache Gilt für alle Lizenzen und bezieht sich nicht nur auf Phraseologie, sondern auch gewöhnlichen Sprachgebrauch.          Innereuropäischer Flugverkehr im LPL + PPL wird abgewürgt.          Sprachkompetenz für LPL,SPL, PPL (alles Luftsport) ist mit BZF I oder AZF ausreichend nachgewiesen.          Wiederholungsnachweise sind unnütze Kosten, was an Geld für praktisches Fliegen fehlt.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion. Please refer to the response given to comment no 132 of this segment.</p>
comment	<p>1783 <span style="float: right;">comment by: Klaus-Dieter Schoenborn</span></p>
	<p>FCL0.55 (c1) states that the language proficiency shall be demonstrated every 3 years if the level is operational and 6 years if the level is extended. The method of testing is established by the competent authority.</p> <p>We welcome a regular language proficiency check for non domestic flights, but we recommend a clear definition of the procedure to demonstrate the level of language proficiency.</p> <p>For private pilots, please consider a check period of 6 years. This period would allow for a coincident check of flight proficiency and language proficiency by the flight examiner. This may require additional qualification for the flight</p>

	examiner, but it would simplify the procedure. Flight examiners should be entitled to test the applicant at least for an operational level.
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment but does not agree with your proposal. Please note that the Convention on international Civil Aviation with all its Annexes has to be transferred to either European Regulations or national rules in every member state before they get applicable. Therefore the whole Annex 1 to the Convention has to be covered by PART FCL and therefore when drafting the text of NPA 2008-17 the Agency followed closely the provisions of ICAO Annex 1. Please also refer to the responses to comments no 132 and 1785 of this segment as well as AMC No 1 and 2 to FCL.055.</p>
comment	<p>1785 <span style="float: right;">comment by: <i>Matthias SIEBER</i></span></p> <p>Der Zeitraum von 3 Jahren weicht von den übrigen Verlängerungsintervallen ab. Somit hat man ein zusätzliches Intervall zu überwachen um die Lizenz nicht zu verlieren. Der Wiederholungszeitraum sollte meiner Ansicht nach alle 4 Jahre stattfinden (bei jeder zweiten Verlängerung der Lizenz/ Berechtigung)</p> <p>Die Wiederholungsüberprüfung sollte auch im Rahmen eines Übungsfluges mit entspr. qualifiziertem FI abgenommen/verlängert werden können</p>
response	<p><i>Partially accepted</i></p> <p>Thank you for providing your opinion.</p> <p>With reference to the intervals for those checks that are necessary for certain levels of language proficiency the Agency initially followed the recommendation of ICAO Annex 1. However, the comments received in this regard prove that there is a need of reconsideration of those intervals. Therefore, based on the proposals received (see comment 1785 below) the Agency has decided to amend its initial proposal to a 4 year interval for Level 4. For level 5, the 6 year interval remains unchanged.</p>
comment	<p>1786 <span style="float: right;">comment by: <i>Sebastian Grill</i></span></p> <p>die Üblichen Zeiträume für Verlängerungen sind 2 Jahre, so daß auch diese Verlängerung angepasst werden sollte z.b. alle 4, 6, 8 Jahre</p>
response	<p><i>Noted</i></p> <p>With reference to the intervals for those checks that are necessary for certain levels of language proficiency the Agency followed closely the recommendations of ICAO Annex 1. However, the number of comments received in this regard prove that there is a need of reconsideration of those intervals. Therefore your input will be taken into account when drafting the final text. Please also refer to the response given to comment no 1785 in this segment.</p>
comment	<p>1787 <span style="float: right;">comment by: <i>Dr. Gerhard Herbst</i></span></p> <p>Die Einführung eines neuen Dreijahresintervalls, zur Überprüfung der Sprachfertigkeiten, erschwert die Aktualhaltung der Lizenzen. Die Gefahr, dass eine Lizenz stillschweigend ausläuft (...?) wird provoziert.</p>



	<p>Besser wäre es das überprüfungsintervall an jede zweite Verlängerung der Lizenz zu koppeln, also <b>alle vier Jahr</b>. Dies vermindert die Gefahr mit nicht gültigen Lizenzen sich in die Luft zu begeben.</p> <p>Die Entbürokratisierungsbemühungen der EU wird durch die zusätzliche Einführung einer zusätzlichen Frist konterkariert.</p>
response	<p><i>Noted</i></p> <p>With reference to the intervals for those checks that are necessary for certain levels of language proficiency the Agency followed closely the recommendations of ICAO Annex 1. However, the number of comments received in this regard prove that there is a need of reconsideration of those intervals. Therefore your input will be taken into account when drafting the final text.</p>
comment	<p>1803 <span style="float: right;">comment by: <i>Georg Schott</i></span></p> <p>Die Regelung sieht für operational level eine Überprüfung nach 3 Jahren und für extended level eine Überprüfung nach 6 Jahren vor. Zumindest für den operational level solle man hier den Intervall auf 4 Jahre verlängern. Dadurch wird kein zusätzlicher 3-jahres-Intervall eingeführt und die Überprüfung könnte bei jeder 2. Scheinverlängerung (entspricht 4 Jahresintervall) erfolgen. Aus Kostengründen wäre es auch sinnvoll, wenn diese Sprachüberprüfung von einem FI im Rahmen der regulären Übungsflüge mit abgenommen werden könnte. Das spart Zeit und Geld und erfordert keine zusätzlichen Verwaltungsaufwand.</p>
response	<p><i>Noted</i></p> <p>With reference to the intervals for those checks that are necessary for certain levels of language proficiency the Agency followed closely the recommendations of ICAO Annex 1. However, the number of comments received in this regard prove that there is a need of reconsideration of those intervals. Therefore your input will be taken into account when drafting the final text.</p>
comment	<p>1810 <span style="float: right;">comment by: <i>Dr. Schreck</i></span></p> <p>Zeitraum weicht von allen anderen relevanten ab, wie z.B. für Scheinverlängerung. Daher wäre es besser, dies anzupassen. Vorschlag: Verlängerungsintervall von 4 oder besser 6 Jahren. Verlängerung sollte auch von Fluglehrer bei Vorbereitung zum Übungsflug abgenommen werden können.</p>
response	<p><i>Noted</i></p> <p>With reference to the intervals for those checks that are necessary for certain levels of language proficiency the Agency followed closely the recommendations of ICAO Annex 1. However, the number of comments received in this regard prove that there is a need of reconsideration of those intervals. Therefore your input will be taken into account when drafting the final text.</p>
comment	<p>1814 <span style="float: right;">comment by: <i>Bruha Oliver</i></span></p>

Zu viele Zeiträume in Bezug auf Verlängerungen sind meiner Ansicht nach nicht sinnvoll. Die Verlängerung für das BZF 1 sollte also an die anderen Verlängerungen also alle 4 Jahre angeglichen werden.

response *Noted*

With reference to the intervals for those checks that are necessary for certain levels of language proficiency the Agency followed closely the recommendations of ICAO Annex 1. However, the number of comments received in this regard prove that there is a need of reconsideration of those intervals. Therefore your input will be taken into account when drafting the final text.

comment

1843

comment by: *Reinhard Weihermueller*

soll alle 4 Jahre stattfinden,  
soll auch vom Fluglehrer abgenommen werden können

response *Noted*

With reference to the intervals for those checks that are necessary for certain levels of language proficiency the Agency followed closely the recommendations of ICAO Annex 1. However, the number of comments received in this regard prove that there is a need of reconsideration of those intervals. Therefore your input will be taken into account when drafting the final text.

comment

1869

comment by: *Markus Malcharek*

Zeitraum weicht von allen anderen relevanten ab, wie z.B. für Scheinverlängerung. Daher wäre es besser, dies anzupassen. Vorschlag: Verlängerungsintervall von 4 oder besser 6 Jahren. Verlängerung sollte auch von Fluglehrer bei Vorbereitung zum Übungsflug abgenommen werden können.

response *Noted*

With reference to the intervals for those checks that are necessary for certain levels of language proficiency the Agency followed closely the recommendations of ICAO Annex 1. However, the number of comments received in this regard prove that there is a need of reconsideration of those intervals. Therefore your input will be taken into account when drafting the final text.

comment

1965

comment by: *D.Hahn, class I AME*

Regarding med.A.055

LPL validity over 5 years between age 45 and 60 seems to long. This is the age when often coronary heart disease, overweight, hypertension and refraction anomaly starts off.  
I would recommend every three years between age 50 and 60.

response *Noted*

Thank you for providing this comment. However, it was placed in the wrong segment. We kindly ask you to refer to the responses given to similar

comments in Part Med.

comment

1966

comment by: Dr. Tobias MOCK

*English version of the German comment: see below*

Mir stellt sich bei dieser Regelung (und auch bei einigen weiteren) die Frage, ob es gerecht ist, Inhabern eines Funksprechzeugnisses in der beschriebenen Weise die bereits gewährten Rechte zu beschneiden.

Der Staat hat bisher mit der Erteilung des Funksprechzeugnisses eine Langzeitprognose abgegeben, ob der Bewerber jetzt und in Zukunft in der Lage sein wird, den Funksprechverkehr auszuüben.

Wenn sich die Staatengemeinschaft eine solche Prognose nicht zutraut, dann muss sie in der Tat diese "Charakterschwäche" ausgleichen, indem sie die von ihr erteilten Berechtigungen in mehr oder weniger kurzen Abständen widerruft und neu prüft.

Wenn jedoch einmal eine zeitlich unbeschränkte Erlaubnis erteilt worden ist, dann sollte sich der Bürger auch darauf verlassen können, hat er doch Zeit, Aufwand und Geld in der entsprechenden gerechtfertigten Erwartung investiert. Sprich: Wenn die Staatengemeinschaft für neue Funksprechzeugnisse partout ihr eigenes Urteilsvermögen in Frage stellen will, dann soll sie das tun. Bewerber auf diese neuen Funksprechzeugnisse können sich darauf einstellen und im Wissen darum entscheiden, ob sie das in Kauf nehmen wollen oder eben nicht. Bestehende Lizenzen dagegen sollten - so fände ich es gerecht - ihre Gültigkeit ohne erneute Prüfungen behalten, denn ihre Inhaber hatten zum Zeitpunkt des Erwerbs diese Wahlmöglichkeit nicht.

Wünschenswert wäre außerdem eine Aussage dazu, wer die sprachliche Eignung prüfen soll, und in welchem Rahmen dies geschehen soll. Sinnvoll wäre hier möglicherweise die pragmatische und relativ unbürokratische Lösung, die derzeit in Deutschland vorgesehen ist: Integration in den Übungsflug mit Fluglehrer. Bei komplexeren Organisationsstrukturen kann hier sonst leicht ein erheblicher organisatorischer und finanzieller Aufwand entstehen, was ich für kontraproduktiv halten würde. Denn ich bin überzeugt, dass nur eins das Fliegen sicher bleiben lässt: die Piloten in der Luft zu halten! Und das wird nur gelingen, wenn man ihnen ein wenig Freude am Fliegen erhält und ihnen nicht zu viel Geld für die Erfüllung behördlicher Auflagen abnimmt.

Montesquieu hat es schön gesagt: "Wenn es nicht nötig ist, ein Gesetz zu erlassen, dann ist es nötig, kein Gesetz zu erlassen." Besteht denn heutzutage wirklich die Gefahr, dass jemand sein Englisch vergisst? Tatsächlich waren im Fernsehen Mitschnitte des Flugfunks asiatischer Verkehrsflugzeug-Besatzungen zu hören, die schlicht unverständlich waren. Aber wird sich das ändern, wenn man eine regelmäßige Sprachprüfung für europäische Privatpiloten einführt? Ist es nicht wahrscheinlicher, dass die gezeigten Berufspiloten die Phraseologie nie wirklich beherrscht haben? Und trotzdem ein Funksprechzeugnis hatten und weiter irgendwoher bekommen werden? Ich selbst bin mir sicher: wenn mein Englisch für den Flugfunk eines Tages nicht mehr ausreicht, dann wird dem eine derart schwerwiegende medizinische Störung zugrundeliegen, dass an das Fliegen ohnehin nicht mehr zu denken sein wird (wobei ich hoffe, dass mir das erspart bleibt...). Letztlich erschließt sich mir der Sinn einer regelmäßigen Nachprüfung in Englisch also auch für Neuerwerber von Funksprechzeugnissen nicht.

*The idea of restricting the rights of persons who bear a valid flight radiotheophone operator's certificate in the proposed manner conflicts with my sense of justice. Issuing this certificate, the state has made a long-term prediction that it considers the certificate's bearer to be able to execute inflight*

radio communication now and in future.

If the community of states does not dare to make such a prediction, then indeed it has to compensate for this "weakness of character" by periodically revoking the certificate and rechecking the bearer's abilities.

But: if a certificate has been issued without a date of expiry, then the citizen should be able to rely on its validity, for he has spent time, effort and money, legitimately expecting the promised unlimited validity of the certificate.

To put it another way: If the community of states wants to question its own ability to judge, then it will probably have to do so - for newly issued certificates. Applicants for these certificates will be aware of the restrictions and, based on that knowledge, will decide whether they are willing to spend the mentioned time, effort and money or not. Existing Certificates, on the other hand, should keep their validity without further examinations, as their bearers have never had that choice.

Additionally, I would favor a statement as to who will check language proficiency and in which setting the assessment is going to take place. I consider the present German regulation reasonable, because it is both pragmatic and unbureaucratic: integration into the biannual training flight with a flight instructor. If the organisational structures were more complex, higher expenses might arise, which I consider counterproductive, as I am convinced that there is only one way to keep aviation safe: by keeping the pilots up in the skies! And that will only be achieved by preserving their enjoyment of flying instead of using up their resources for the fulfillment of governmental requirements.

As Montesquieu has put it: "If it is not necessary to make a law, it is necessary not to make a law". In today's world, is it really likely that someone unlearns his English? Indeed, television reports have presented recordings of Asian flight crews whose radio telecommunication was indeed unintelligible. But will that change with the introduction of periodical language proficiency checks among European private pilots? Is it not more probable that the commercial pilots shown in the TV reports have never really had command of the English radiocommunication phraseology? And that they kept a radio telephony certificate nonetheless and will still be able to obtain one via some obscure channels? As far as I am concerned, I am sure: if one day my language proficiency will no longer be sufficient for inflight radio communication, then there will be some underlying medical condition that will be severe enough to prevent me from any attempt of occupying an airplane's front seat (though of course I hope that this will never be the case...). So all in all, I do not see the necessity of periodical reevaluation of a pilot's command of the English language after appropriate primary certification - not even for those who do not yet have a status quo to preserve.

response

Noted

The Agency acknowledges your comment. Please refer to the response to comment no 132 of this segment and to AMC No 1 and 2 to FCL.055.

comment

2041

comment by: Thomas SIEWERT

FCL.055 Language proficiency

(c) Hier wird unter (1) ein Verlängerungsintervall von drei Jahren gefordert.

Bei allen anderen Verlängerungen (z.B. Klassenberechtigung, andere Lizenzverlängerungen) beträgt das Verlängerungsintervall zwei Jahre.

Damit wird zusätzlich Verwirrung geschaffen. Neben den unterschiedlichen Gültigkeitszeiträumen z. B. des Medicals soll der Lizenzinhaber nun noch ein weiteres, abweichendes Verlängerungsintervall berücksichtigen.

Darüber hinaus sollte es für Fluglehrer möglich sein, im Rahmen eines Übungsfluges die "language proficiency" mit abzunehmen. Dies setzt voraus, dass die hierfür erforderliche Qualifikation mit vernünftigem Zeit- und Kostenaufwand erlangt werden kann.

Alternativvorschlag:

(c) (1) re-evaluation für das sog. „operational level" alle VIER Jahre, z. B. zusammen mit jeder zweiten Verlängerung der Berechtigung (so war es auch i. V. m. den „ICAO-Sprachanforderungen" angedacht).

(2) für die „extended level" wäre ein Wiederholungszeitraum von acht Jahren wohl ausreichend.

response *Noted*

With reference to the intervals for those checks that are necessary for certain levels of language proficiency the Agency followed closely the recommendations of ICAO Annex 1. However, the number of comments received in this regard prove that there is a need of reconsideration of those intervals. Therefore your input will be taken into account when drafting the final text.

comment 2074

comment by: *Markus Hitter / JAR-Contra*

As pointed out in comment no. 184 to NPA 2008-17a, we consider the requirement of plain english in aviation to be not helpful for aviation safety. At the same time we recognize this requirement is imposed by ICAO.

However, all LPL licenses are not ICAO compliant anyways, so there is no need to put the severe burden of regular language proficiency checks on holders of those licenses. We put high value in the neutrality of treatment of european citizens, including european aviation license holders.

**We propose** to move the requirement of knowledge of plain english and the requirement of regularly reoccurring language proficiency checks out of the reach of LPL license requirements. For LPL license holders, requiring a single initial test of his knowledge of aviation phraseology is fully sufficient, like it was sufficient for all pilots for many decades.

response *Not accepted*

Thank you for providing your opinion. When drafting the text the Agency closely followed the provisions of ICAO Annex 1 and JAR-FCL. Please also refer to the response given to the comment 132 of this segment.

comment 2091

comment by: *Stefan JAUDAS*

It should be clarified that the scope and objective of language skills must be piloting, i.e. communication between pilots and ground as pertaining to aircraft operations. The way FCL.055 is set up and phrased there is the distinct danger of becoming over-bureaucratic when implemented by well-meaning but overly zealous Mamber States.

Particularly concerning English language skills, standardised 3rd party language tests (e.g. TOEFL) should be permitted to be used as an acceptable means for showing general proficiency.

response *Noted*

Thank you for providing your opinion. Please refer to the response of comment no 132 of this segment and to AMC 1 and 2 to FCL.055 for the assessment methods. If an authority deems it necessary to accept other assessment methods it can create additional AMC material.

comment 2101

comment by: *Joachim Grohme*

Wiederholte Prüfungen der Sprachkenntnisse werden ohne Zweifel die Freizügigkeit, ins europäische Ausland zu fliegen, einschränken. Während die diesbezügliche Forderung der ICAO bekannt ist, stellt gleichzeitig die Nutzung der Sprache bereits einen Nachweis dar, dass Sprachkenntnisse vorhanden sind.

Daher sollte eine Nachprüfung der Sprachkenntnisse nur für solche Piloten gefordert werden, die in den letzten 24 Monaten weniger als 10 Flugbewegungen auf einem Flugplatz, der die entsprechende Sprache verwendet, durchgeführt haben.

Weiterhin möchten wir darauf hinweisen, dass die Basic Regulation 216/2008 in Annex III, 1f keine Kenntnisse der englischen Umgangssprache fordert. Dies ist im Einklang mit den Bedingungen der Praxis.

response *Noted*

Thank you for providing your opinion. When drafting the text the Agency closely followed the provisions of ICAO Annex 1 and JAR-FCL. Please also refer to the response given to the comment 132 of this segment.

comment 2167

comment by: *Oelschlaeger, Harald*

Gilt für alle Lizenzen und bezieht sich nicht nur auf die Phraseologie sondern auch auf den gewöhnlichen Sprachgebrauch.

Innereuropäischer Flugverkehr im LPL und PPL wird dadurch unmöglich gemacht.

Sprachkenntnisse für LPL, Spl, PPL (alles Luftsport) ist mit dem BZF 1 oder AZF ausreichend nachgewiesen. Die habe ich in den letzten Jahren mehrfach im europäischen Ausland erlebt.

Wiederholungsnachweise sind nur unnütze Kosten, diese sollten für Flüge ins Ausland eingesetzt werden. Dabei lernt man am meisten.

response *Noted*

Thank you for providing your opinion. Please also refer to the response given to the comment 132 of this segment.

comment 2300

comment by: *Matthias Dangel*

Der **Überprüfungszeitraum weicht** eigenartigerweise von den üblichen Verlängerungsintervallen (**Lizenzverlängerung**) ab.

Der Intervall sollte der Lizenzverlängerung angepasst werden was eine Reduzierung des bürokratischen Aufwands und der Kosten für **Privatpersonen! im Luftsport!** mit sich bringt. Des weiteren ist erfahrungsgemäß nicht zu erwarten das sich innerhalb von 2 Jahren (Lizenzintervall) eine entscheidende Abweichung der Sprachfertigkeiten ergibt.

Sinnvoll wäre es bei jeder zweiten Verlängerung, üblicherweise alle **4 Jahre** im Sinne der Kosten- und Bürokratieminimierung, im Rahmen eines

vorgeschriebenen Übungsfluges mit entsprechend qualifiziertem Fluglehrer, eine Abnahme bzw. Verlängerung durchzuführen die vom prüfenden Fluglehrer erteilt werden kann.

**Entsprechend qualifizierte Fluglehrer sind ja auch in der Lage Flugschüler für eine ordentliche Sprechfunkkommunikation auszubilden, die Bestandteil der theoretischen Prüfung zum Lizenzerwerb ist ( BZF I ).**

response *Noted*

With reference to the intervals for those checks that are necessary for certain levels of language proficiency the Agency followed closely the recommendations of ICAO Annex 1. However, the number of comments received in this regard prove that there is a need of reconsideration of those intervals. Therefore your input will be taken into account when drafting the final text. Please refer to the response given to comment no 1785 in this segment.

comment

2373

comment by: *Arnold Klapp*

Diese Anforderungen gelten für alle Lizenzen und betreffen nicht nur die Phraseologie sondern auch den normalen Sprachgebrauch.

Damit wird der innereuropäische Flugverkehr mit LPL und PPL praktisch unmöglich gemacht.

Meines Erachtens ist die Sprachkompetenz mit BZF 1 und AZF ausreichend nachgewiesen.

Wir fliegen in Europa, daher sind periodische Wiederholungen nicht erforderlich. Sie dienen nicht wirklich der Sicherheit und es entstehen nur unnütze Kosten.

response *Noted*

Thank you for providing your opinion. Please also refer to the response given to the comment 132 of this segment.

comment

2403

comment by: *Volkmar Kynast*

Die bisherige Regelung hat über viele Jahre gezeigt, dass der Inhaber eines Funksprechzeugnisses mit dem Ablegen der Prüfung seine ausreichenden Englischkenntnisse nachgewiesen hat. Er beherrscht die für die Lenkung des Luftverkehrs notwendige Phraseologie. Bitte übernehmen Sie nicht den von der ICAO geforderten Sprachtest.

Anmerkung: Der Pilot muss meiner Meinung nach nicht in der Lage sein, einen Sonnenuntergang „mit blumigen Worten“ zu beschreiben.

response *Noted*

Thank you for providing your opinion. Please also refer to the response given to the comment 132 of this segment.

comment

2432

comment by: *Dr. Horst Schomann*

Problem: Re-evaluation of language proficiency every 3 / 6 years.

Proposed solution: Limit the recurrent re-evaluation to pilots/personnel in

	<p>commercial occupation.</p> <p>Justification: To my experience the German regulation with BZF 2 for communication in German and BZF 1 / AZF in English language works quite well in the application in the general aviation. The effort and cost of regular re-evaluations appears to be in mismatch to the benefit which may be gained. To my knowledge the main reason of this requirement is misunderstandings between pilots of different nationalities in the cockpit of airliners.</p>
response	<p><i>Noted</i></p> <p>With reference to the intervals for those checks that are necessary for certain levels of language proficiency the Agency followed closely the recommendations of ICAO Annex 1. However, the number of comments received in this regard prove that there is a need of reconsideration of those intervals. Therefore your input will be taken into account when drafting the final text. Please also refer to the responses to the comments no 132 and 1785 in this segment.</p>
comment	<p>2470 <span style="float: right;">comment by: <i>mfb-bb</i></span></p> <p><b>Language Proficiency Check :</b>  <b>Vorschlag</b> Kombination von Übungsflügen mit FI mit den language proficiency checks, dazu Standardisierung der FI durch Seminare mit Lernzielkontrolle</p> <p>ICAO requires language proficiency checks.  It would be practicable to combine the language proficiency checks with the training flights for private pilots or with the proficiency checks of commercial pilots.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion. Please also refer to the response to comment no 132 of this segment and to AMC 1 and 2 of FCL.055.</p>
comment	<p>2555 <span style="float: right;">comment by: <i>Marc Launer</i></span></p> <p>I would like the committee to respond to the reasons or making the requirements for radio lizenzing more stringent.</p> <p>To my knowledge there is no statistical evidence nor scientific proof that there is a problem with language proficiency or proof that such a regulation would improve any proficiency since that proficiency is tested anyway while acquiring a licence at first.</p> <p>There is no proof that a language proficiency decreases over time. An adequate test when acquiring at first in some countries will resolve that problem.</p> <p>This problem is only derived from commercial aviation.</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment. Please note that when drafting NPA 2008-17 the Agency followed closely the provisions given in JAR-FCL and ICAO Annex 1. As language proficiency is an ICAO requirement the Agency had to transpose it into the regulation. Please also refer to the answer given to comment no 132 of this segment.</p>



comment	<p>2684 comment by: <i>French Fédération Française Aéronautique groups the 580 French powered flying aer-clubs and their 43 000 private pilots</i></p> <p>FFA disagrees with this requirement applicable to all instrument rated pilots. For FFA, the English language proficiency should not be required for pilots holding a PPL licence with an instrument rating when flying within their national airspace only.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion. When drafting the text the Agency closely followed the provisions of ICAO Annex 1 and JAR-FCL. Please also refer to the response given to the comment 132 of this segment. Please keep in mind that every pilot flying in IFR may be at any time obliged to use English when communicating with other aircraft.</p>
comment	<p>2738 comment by: <i>Claudia Steinbach</i></p> <p>Dear Sir or Madam, the second sentence in FCL.055 sounds like accepting different aviation languages in the united(??) EU. Here the agency has a great business to master. For me it appears that the unification of EU ended with the EURO, which was as we all know a currency reform with net losses. I looking for the time to have an acceptable english communication in smaller airports in france.</p> <p>Proposal: Initiate that big deal to unify EU concerning language</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion. When drafting the text the Agency closely followed the provisions of ICAO Annex 1 and JAR-FCL. Please also refer to the response given to the comment 132 of this segment.</p>
comment	<p>2890 comment by: <i>Herbert Sigloch</i></p> <p>No periodic re-evaluation for LPL, SPL and PPL. Most of these pilots don't fly to foreign countries, but will be unnecessarily prevented from continuing flying by such a periodic examen. Pilots who intend to fly abroad are able to practice and improve their English right before the travel in their own responsibility.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion. Please also refer to the response given to the comment 132 of this segment.</p>
comment	<p>2976 comment by: <i>Willi LUDWIG</i></p> <p>Ich bin überhaupt nicht der Meinung das das BZF 1 ein Vorlesen des Texte notwendig ist. Phraseologie ist in Ordnung und muß auch für das BZF1 ausreichen , solange kein Luftraum C benötigt wird. Natürlich ist immer besser auch besser , aber wenn Sie mal sehen wieviel Aufwand damit verbunden ist ;diese Doktrin des Überstüben der Englischen Sprache völlig unverhältnismaßig ja mehrnoch es hat den Geschmack von Stasi, Fußfesselmenalität. Desweiteren ist dies auch anachronistisch , ich sehe mich als Europäer und will mich wegen dieser gänzlich überzogenen Forderung nicht einsperren lassen.</p>

Ich bin der Meinung das auf Kontollierten Plätzen die Fluglotzen die gängigen europäischen Amtsprachen bezüglich des Flugbetriebs lernen sollten. Eine größte Vertrautheit hätte dies zur Folge und würde ein innereuropäischer Flugverkehr verbessern. Dies fördert den Tourismus.  
Also weg mit dem kranken Verbesseren wollen, Besinnung aufs Wesentliche. Der Willkür ständiger Wiederholungsnachweise ist für den Probanden nur Stress und Geldverschwendung ,es wird mit den ständigen immer unfreier.

response *Noted*

Thank you for providing your opinion. Please also refer to the response given to the comment 132 of this segment.

comment *3033*

comment by: *Peter SCHMAUTZER*

In order to avoid costs the instructor or examiner can do the proficiency endorsement together with the revalidation of class and type ratings.

response *Noted*

The Agency acknowledges your comment. Please refer to the response to comment no 132 of this segment and to AMC 1 and 2 to FCL.055 where different assessment methods are defined.

comment *3041*

comment by: *BMVBS (German Ministry of Transport)*

FCL.055(c): The use of the word "shall" turns the ICAO recommendation on intervalls 3 (level 4) and 6 (level 5) years into hard law. ICAO, at the time of drafting the provisions, had downgraded this provision from a standard intentionally to leave some room for states to consider individual administrative aspects and to make the system as unbureaucratic as possible. It is, therefore, suggested to allow for 4 and 8 years respectively for all pilots who don't hold an IR. The advantage would be that language prof. checks could be combined with other checks, which typically occur every 24 month. Those who perform IR checks every 12 month can easily adjust to the 3 and 6 years intervalls. In those cases the language check could be combined with every 3rd (6th) IR check.

FCL.055 (e) ....demonstration of language proficiency shall be done through a method of assessment....

Does the word "assessment" leave enough room for the authority to categorize a person as an expert without a face to face test, e.g. native speakers, or people who had lived in a foreign country for a number of years and aquired a "native alike" competence?

response *Noted*

With reference to the intervals for those checks that are necessary for certain levels of language proficiency the Agency followed closely the recommendations of ICAO Annex 1. However, the number of comments received in this regard prove that there is a need of reconsideration of those intervals. Therefore your input will be taken into account when drafting the final text. Please also refer to the response given to comment no 1785 in this segment.

For the assessment method please refer to AMC 1 and 2 to FCL.055.

comment	<p>3094 <span style="float: right;">comment by: <i>Deutscher Aero Club (DAeC)</i></span></p> <p>(a) <span style="float: right;">General,</span></p> <p>Comment:          Although DAeC understands, that the basic regulation 216/2008 (Annex III , 1.f) requires that a pilot has to demonstrate language proficiency, it does not agree with this requirement. Language proficiency is only a recommendation by ICAO for gliding and therefore, this rule creates an unnecessary burden and barrier for glider pilots.          The LPL and SPL should not have a requirement for language which is an RT matter not a pilot licence matter in gliding.</p> <p>Justification:          The major amount of gliding in Europe is executed in airspace where communication with Air traffic control is not needed.          The revalidation of the language proficiency endorsement would create unnecessary cost burden for the affected pilots and the language competence is satisfactory proven by an RT licence for the entry into respective airspaces.          Comment          The German Aero Club on considers a general language proficiency endorsement inappropriate for two reasons: a) language proficiency applies to a radio-telephony (R/T) licence, which is not mentioned, and b) an R/T licence is only required when radio communications with Air Traffic Services (ATS) are involved. For this reason glider pilots undergo R/T training and examination when they have the need to contact ATS, at an appropriate moment in their career as a glider pilot. Making R/T training a part of the LPL(S) or SPL will, because of its complexity, unduly delay the access to the LPL(S) or SPL. Furthermore cost plays an important role, obviously the more when a glider pilot, because of the airspace he flies in, has no need to contact ATS.</p> <p>Proposed text          "Pilots who contact Air Traffic Services shall possess a radio-telephony licence in the language(s) available by the ground station(s) involved, in conformity with Annex 1 of ICAO. For pilots who fly VFR only this licence shall encompass radio procedures as used in VFR flight only."</p>
response	<p><i>Not accepted</i></p> <p>The Agency acknowledges your comment. Please refer to the response given to comment no 132 of this segment.</p>
comment	<p>3095 <span style="float: right;">comment by: <i>Deutscher Aero Club (DAeC)</i></span></p> <p>(b)</p> <p>Comment          The German Aero Club supports the requirement of language proficiency tests as long as languages, other than the native languages are concerned. These language tests shall be in conformity with ICAO Annex 1. Language proficiency shall, however, be a part of the training for the R/T licence. A language test in other than native languages may be required at certain intervals after the R/T licence has been obtained, in conformity with ICAO Annex 1.</p> <p>Proposed text          "The applicant for an R/T licence shall undergo language training as a part of his training for the licence. A language test in other than native languages may</p>

	<p>be required at certain intervals after the R/T licence has been obtained, in conformity with ICAO Annex 1. Reference</p>
response	<p><i>Not accepted</i></p> <p>The Agency acknowledges your comment but does not agree with your proposal. Please note that the Convention on international Civil Aviation with all its Annexes has to be transferred to either European Regulations or national rules in every member state before they get applicable. Therefore the whole Annex 1 to the Convention has to be covered by PART FCL and therefore when drafting the text of NPA 2008-17 the Agency followed closely the provisions of ICAO Annex 1. Please also refer to the response to comment no 132 of this segment and to AMC 1 and 2 to FCL.055 where radio telephony and English language proficiency are covered. Please also refer to the response given to comment no 1785 in this segment.</p>
comment	<p>3096 <span style="float: right;">comment by: <i>Deutscher Aero Club (DAeC)</i></span></p> <p>(c)</p> <p>Comment The German Aero Club considers an interval of 6 years sufficient to maintain an acceptable level of language proficiency for holders of an ICAO type R/T licence for VFR flight only, at the same time saving time and cost. Moreover ICAO specifies that language proficiency checks are not required at all under certain circumstances.</p> <p>Proposed text.</p> <p>"In the case of R/T licences for VFR flight only a language proficiency check shall be undergone in principle at intervals of 6 years, as specified by ICAO."</p>
response	<p><i>Noted</i></p> <p>With reference to the intervals for those checks that are necessary for certain levels of language proficiency the Agency followed closely the recommendations of ICAO Annex 1. However, the number of comments received in this regard prove that there is a need of reconsideration of those intervals. Therefore your input will be taken into account when drafting the final text.</p>
comment	<p>3097 <span style="float: right;">comment by: <i>Deutscher Aero Club (DAeC)</i></span></p> <p>FCL.055 (d) and (e) are not applicable to VFR flight.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing this comment. Please refer to the response given to comment no 132 of this segment.</p>
comment	<p>3219 <span style="float: right;">comment by: <i>Susana Nogueira</i></span></p> <p>(b) The applicant for a language proficiency endorsement shall demonstrate <b>at least</b> an operational...</p>

response	<p>Justification: not only level operational (4) is valid.</p> <p><i>Accepted</i></p> <p>Text will be amended as proposed.</p>
comment	<p>3350 <span style="float: right;">comment by: DGAC FRANCE</span></p> <p>FCL 055 (a)</p> <p>Comment :</p> <p>First : Language proficiency is not required for gliders and balloons pilots in ICAO annex 1, it is only recommended, so gliders and balloons pilots exercising non commercial activities should be excluded from that requirement.  Second : English language is not mention, as such, in the annex 1 of ICAO and in the annex III of the basic regulation (paragraph1f). As a consequence, it should be deleted.</p> <p>Modification :</p> <p>(a) General. Pilots, <b><u>except gliders and balloons pilots not exercising commercial activities</u></b>, required to use the radio telephone shall not exercise the privileges of their licences and ratings unless they have a language proficiency endorsement on their licence in <del>either English or</del> the language used for air traffic control communications involved in the flight.</p>
response	<p><i>Partially accepted</i></p> <p>3350.1 The Agency acknowledges your comment. Please also refer to the responses given to comment no 132 and 1094 for the editorials for the table on page 8.</p> <p>3350.2 Please note that when drafting NPA 2008-17 the Agency followed closely Subpart A of JAR-FCL 1 and has taken over the text from JAR-FCL 1.010 and Appendix 1 to JAR-FCL 1.010. This paragraph is also in compliance with paragraph 1.2.9.1 of Annex 1 to the Convention on International Civil Aviation (ICAO). And - as already indicated in JAR-FCL 1.010 (4.) - these provisions refer to ICAO Annex 10, Volume II, Chapter 5, whereby the language used for radiotelephony communications may be the language normally used by the station on the ground <b>or</b> English. In practise, therefore, there will be situations whereby a licence holder will only need to speak the language normally used by the station on the ground.</p>
comment	<p>3403 <span style="float: right;">comment by: NACA</span></p> <p><b>FCL.055 (e)</b></p> <ol style="list-style-type: none"> <li>1. To make absolutely certain that <u>all</u> pilots of <u>all</u> nationalities are up to the <u>same</u> language proficiency standards the method of assessment should <u>not</u> be left to a national authority.</li> <li>2. It should be a common european responsibility where EASA provides an assessment method acceptable to all authorities.</li> </ol>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment. Please note that the Agency will take any kind of standardisation measures to ensure that there will be a</p>

uniform level of language proficiency all over Europe. Please also refer to the response given to comment no 132 of this segment.

comment 3425 comment by: *Susana Nogueira*

(a) Replace the actual text of the draft by ICAO text, in Annex 1.

response *Not accepted*

When the Agency drafted NPA 2008-17 it closely followed the provisions of JAR-FCL and ICAO Annex 1. The text you referenced was drafted with reference to Appendix 1 to ICAO Annex 1 (1.General). The Agency does not consider that your proposal would add any safety related advancement and therefore does not agree with it.

Please also refer to the response given to comment no 132 of this segment.

comment 3427 comment by: *Susana Nogueira*

New paragraph (d) The proficiency language endorsement period of validity shall be indicated in the licence.

Renumbering paragraphs (d) and (e) as (e) and (f)

response *Not accepted*

When the Agency drafted NPA 2008-17 it closely followed the provisions of JAR-FCL and ICAO Annex 1. The text you referenced was drafted with reference to Appendix 1 to ICAO Annex 1 (1.General). The Agency does not consider that your proposal would add any safety related advancement and therefore does not agree with it.

comment 3627 comment by: *Diether Memmert*

FCL.055

Language proficiency

Die verlangte Sprachprüfung für „Freizeitpiloten“ (recreational aviation) ist absolut überzogen. Auf diesem Sektor hatte sich schon die JAR-Group völlig vergaloppiert.

Es muss doch wohl genügen, wenn der Pilot (d.h. Inhaber eines AZF oder BZF I ) die vorgeschriebene Phrasologie mit der Flugsicherung beherrscht, da andere Erfordernisse äußerst selten auftreten. Vor allem ist nicht zu sehen, wo bei diesen Ereignissen Sicherheitserfordernisse gegenüber Dritten tangiert werden und nur auf diese kommt es ausschließlich an.

Bei diesen wenigen Ereignissen könnte man eher noch verlangen, dass ein jeder Wachleiter in der Lage sein muß, die vier vorgeschriebenen Amtssprachen der EU zu beherrschen, damit er eventuell einem „Freizeitpiloten“ bei schlechtem Wetter helfen kann.

Meine Aussage gilt speziell für Segelflugpiloten, incl. TMG.

Genauso reicht eine ausschließliche Überprüfung der Phrasologie alle 10 Jahre.

Siehe REGULATION (EC) No 216/2008, AnnexIII, Article 7, 1f:

... *A pilot must have demonstrated language proficiency to a degree appropriate to the functions exercised.... ...iii) the ability to communicate with ... air navigation services during all phases of flight...*

**ÄNDERUNGEN**

**Neufassung von (a)(b) auf jeden Fall für SPL, LPL(S), aber wohl auch**

	<p><b>für LPL(A) und PPL(A)</b> Ergänzung von (c): (3) Überprüfung der Phrasologie alle 10 Jahre Überarbeitung der AMCs</p> <p>Dipl.-Ing. TU Diether Memmert, Segelfluggpilot seit 1953 mit &gt;8500 Flugstunden</p>
response	<p><i>Not accepted</i></p> <p>The Agency acknowledges your comment. Please refer to the response given to comment no 132 in this segment.</p>
comment	<p>3732 <span style="float: right;">comment by: <i>Luftfahrt-Bundesamt</i></span></p> <p>FCL.055 In FCL.055 (b), 1st sentence, insert „at least“ between „demonstrate“ and „an operational level“</p> <p>In FCL.055 (c), correct the spelling error (bellow should read 'below').</p> <p>Because the description of the assessment criteria is not consistent with the ICAO requirements the table given in FCL.055 (e) needs reworking. Apparently by error, one single text has been copied and pasted into every part of the table.</p>
response	<p><i>Partially accepted</i></p> <p>For "operational level" please refer to the response given to comment 3219 in this segment. The editorial you point out will be corrected. For the correction to the table for the language proficiency rating scale please refer to the response given to comment no 1094 in this segment.</p>
comment	<p>3763 <span style="float: right;">comment by: <i>DGAC FRANCE</i></span></p> <p>FCL 055 (b)</p> <p>Comment :</p> <p>The operational level is the level 4 in the ICAO scale, an applicant can have an higher level.</p> <p>Modification :</p> <p>(b) An applicant for a language proficiency endorsement shall demonstrate <b>at least</b> an operational level of language proficiency both in the use of phraseologies and plain language. To do so : .....</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment. Please refer to the response given to comment no 3219 in this segment.</p>
comment	<p>3904 <span style="float: right;">comment by: <i>DCA Malta</i></span></p> <p>(a) After 'language proficiency endorsement' add 'and the date of validity of this endorsement'</p>

response

*Accepted*

Thank you for providing this comment. Text will be amended. Please also refer to the response to comment no 4575.

comment

4046

comment by: *Peter Hecker*

In order to communicate properly with ATC, the phraseology of the ATC is without any doubt of utmost importance. My radio licence (German BZF 1) entitles me to communicate with ATC in English. The radio licence I obtained after a comprehensive test at the German Telecommunication Board together with the ATC (Deutsche Flugsicherung DFS).

ICAO has insisted on further language proficiency tests. I do not understand that EASA takes the ICAO demand one to one into the FCL.055 regulations. I consider this, a European citizen, discrimination for most of us. And it does not really improve safety in air traffic either. By the way, the ATC is not interested whether I am knowledgeable in Shakespeare's drama.

So, here my suggestion:

Phraseology and ATC procedures in English have to be trained, followed by an examination to obtain the radio license.

The radio license will be recorded in the pilot license (SPL, LPL etc).

In a bi annual flight check, the pilot shall approach ATC in English in order to proof his phraseology and ATC procedure capabilities.

response

*Noted*

Thank you for providing your opinion. Please refer to the responses given to comments no 132, 480 and 951 in this segment.

comment

4072

comment by: *Bernd Hein*

Hier müssen Altrechte gewahrt bleiben, die mit BZF I oder AZF erworben wurden. Mit diesen Prüfungen wurden die englischen Sprachkenntnisse bewiesen.

response

*Noted*

The Agency acknowledges your comment. For transition measures please refer to NPA 2008-17a Explanatory notes item 45.-46. The transition measures will be established in the Cover Regulation.

comment

4082

comment by: *SFVHE*

Sprachprüfungen mögen im gewerblichen Verkehr sicherlich ihre Berechtigung haben. Für den Freizeitbereich halte ich sie für völlig überzogen. Die Sprechfunkzeugnisse, z. B. BZF 1 werden ohnehin nur nach Prüfung ausgestellt. Die dort bewiesenen Sprachkenntnisse sind für den Funkverkehr mehr als ausreichend. Wiederholungsprüfungen sind nur Kostentreiber.

response

*Noted*

Thank you for providing your opinion. Please also refer to the response given to the comment 132 of this segment.



comment	4113 <span style="float: right;">comment by: <i>Elmar KUEMMEL</i></span>
	<p>FCL.055 Teil C:</p> <p>Dieser Teil produziert massiv Bürokratie und zusätzliche Kosten. Wenn bei einer Prüfung entsprechende Sprachfertigkeiten nachgewiesen wurden, ist nicht ersichtlich, warum diese nach einer bestimmten Frist verlorengehen sollten.</p> <p>Die etwas verkryptete und teilweise nicht nachvollziehbare Flugverkehrsphrasologie kann auf keinen Fall nachhaltig bei den Piloten abrufbereit gehalten werden.</p> <p>Es ist jetzt schon nachweisbar, dass der Aufbau solcher Hürden zum einen dem europäischen Gedanken (und damit evtl. sogar verfassungsrechtlich zu prüfen sind) widersprechen und den "grenzüberschreitenden" Flugverkehr im Freizeitbereich quasi torpedieren. Ein Blick auf die Statistiken sollten eigentlich jedem die Augen öffnen.</p> <p>Mein Vorschlag: Diesen Passus ersatzlos streichen. Er wird rein garnichts zu einer Verbesserung beitragen.</p>
response	<i>Noted</i>
	Thank you for providing your opinion. Please also refer to the response given to the comment 132 of this segment.
comment	4184 <span style="float: right;">comment by: <i>SFG-Mendig</i></span>
	<p>Sprachkenntnisse werden im Rahmen der BZF I oder AZF-Prüfung nachgewiesen. Durch das Tätigwerden als verantwortlicher Luftfahrzeugführer erfolgt die Anwendung der erworbenen Sprachkenntnisse, ein darüber hinausgehender Kenntnisnachweis ist unangemessen und muss unterbleiben. Ggf. zu Trennen wären Vorgaben für Multi-Crew-Cockpits mit Besatzungsangehörigen unterschiedlicher Muttersprache, hierfür könnten alternative Vorgaben gelten.</p>
response	<i>Noted</i>
	Thank you for providing your opinion. Please also refer to the response given to the comment 132 of this segment.
comment	4559 <span style="float: right;">comment by: <i>Klaus Schneider-Zapp</i></span>
	<p>It is certainly not necessary to impose language proficiency checks on native speakers, e.g. for Germans when communicating in German. Proficiency checks are not necessary for pilots which are only flying on uncontrolled airfields and not in airspaces A, B, C, or D, because the communication is not complex enough. Furthermore, a pilot who proved his language proficiency is unlikely to forget it within 3 or 6 years. If proficiency checks are kept at all, the intervals should be increased significantly.</p>
response	<i>Noted</i>
	The Agency acknowledges your comment. Please refer to the responses to comments no 132 and 1785 of this segment.

comment	<p>4561 <span style="float: right;">comment by: <i>Patrick Diewald</i></span></p>
	<p>Eine Sprachprüfung in der gewerblichen Luftfahrt halte ich für zwingend erforderlich. Es ist schon erschreckend, wie mangelhaft die Englischkenntnisse einiger Verkehrspiloten sind. Ich habe diesbezüglich eine Fernsehreportage auf RTL gesehen (Stern TV). Verkehrspiloten tragen Verantwortung für mehrere Hundert Menschen und sollten daher stets in der Lage sein, die Anweisungen und Aussagen der ATC zu 100% zu verstehen.</p> <p>Für den Luftsportbereich (und damit für Hobbypiloten wie mich selbst) finde ich diese Language proficiency jedoch vollkommen überzogen. Ich bin der Meinung, dass die jetzigen Anforderungen mit dem BZF I vollkommen ausreichen. Die Phrasologie (und Verfahren), die wir Piloten hier beherrschen müssen, reichen für sicheres Fliegen vollkommen aus.</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment. Please refer to the response given to comment no 132 in this segment.</p>
comment	<p>4570 <span style="float: right;">comment by: <i>Deutscher Aero Club</i></span></p>
	<p>FCL.055 Language proficiency Para, (a) general</p> <p>Comment</p> <p>The European Gliding Union considers a general language proficiency endorsement inappropriate for two reasons: (a) language proficiency applies to a radio-telephony (R/T) licence, which is not mentioned, and (b) an R/T licence is only required when radio communications with Air Traffic Services (ATS) are involved. For this reason, glider pilots undergo R/T training and examination when they have the need to contact ATS, at an appropriate moment in their career as a glider pilot. Making R/T training a part of the basic LPL(S) or SPL training will, because of its complexity, unduly delay the access to the LPL(S) or SPL licence. Furthermore, cost plays an important role, obviously the more when a glider pilot, because of the airspace he flies in, has no need to contact ATS.</p> <p>EGU Proposed text:</p> <p>"Pilots who contact Air Traffic Services during flight shall possess a radio-telephony licence in the language(s) available by the ground station(s) involved, in conformity with Annex 1 of ICAO. For pilots who fly VFR only, this licence shall encompass radio procedures as used in VFR flight only."</p>
response	<p><i>Not accepted</i></p> <p>The Agency acknowledges your comment. Please refer to the response given to comment no 480 in this segment. The Agency will not implement a Radio Telephony licence as it is not required by ICAO Annex 1.</p>
comment	<p>4571 <span style="float: right;">comment by: <i>Deutscher Aero Club</i></span></p>
	<p>FCL.055 Language proficiency, para (b)</p> <p>Comment</p> <p>The European Gliding Union supports the requirement for language proficiency tests, as long as languages, other than the native languages are concerned. These language tests shall be in conformity with ICAO Annex 1. Language</p>

proficiency shall, however, be a part of the training for the R/T licence. A language test in other than native languages may be required at certain intervals after the R/T licence has been obtained, in conformity with ICAO Annex 1.

EGU Proposed text:

"The applicant for an R/T licence shall undergo language training as a part of his training for the R/T licence. A language test in a language other than the pilot's native language may be required at certain intervals after the R/T licence has been obtained, in conformity with ICAO Annex 1."

response *Not accepted*

Thank you for providing your opinion. When drafting the text the Agency closely followed the provisions of ICAO Annex 1 and JAR-FCL and your proposal does not comply with those regulations. Please also refer to the response given to the comment 132 of this segment.

comment

4572

comment by: *Deutscher Aero Club*

FCL.055 Language proficiency, para (c)

Comment

The European Gliding Union considers an interval of 6 years sufficient to maintain an acceptable level of language proficiency for holders of an ICAO type R/T licence for VFR flight only, at the same time saving time and cost. Moreover ICAO specifies that language proficiency checks are not required at all under certain circumstances.

EGU Proposed text.

"In the case of R/T licences for VFR flight only, a language proficiency check shall be undergone in principle at intervals of 6 years, as specified by ICAO."

response *Noted*

The Agency acknowledges your comment. Please refer to the response given to comment no 1785 in this segment.

comment

4575

comment by: *Irish Aviation Authority*

FCL.055 is not in line with ICAO Annex 1, 1.2.9.4 or Appendix 1. ICAO does not limit Language Proficiency to Pilots required to use the radio telephone.

Does the wording mean that the level of proficiency should or should not be included in the endorsement on the licence?

response *Noted*

4575.1 Thank you for providing this comment. Please refer to the response given to comment no 132 in this segment.

4575.2 Thank you for providing this comment. It will be taken into consideration when the final text will be redrafted. Please also refer to the response to comment no 3904.

comment

4576

comment by: *ECA- European Cockpit Association*

## Replace Words:

(a) Pilots required to use the radio telephone shall not exercise the privileges of their licences and ratings unless they have a language proficiency endorsement on their licence in either English or the language used for ~~air traffic control~~ **radio** communications involved in the flight.

## Justification:

The text, as it is written, does not reflect ICAO requirements, as it doesn't differentiate between ATC or any other communications. Following ICAO provisions, any person involved in radio communications should have the language proficiency. Pilots communicating with others than ATC should have the LPR, as it states the ICAO text copied below. So the rule cannot be restricted to ATC only, as it will leave a field where people can use the radios without complying with ICAO.

## ICAO text:

1.2.9.1 Aeroplane, airship, helicopter and powered-lift pilots and those flight navigators who are required to use the radio telephone aboard an aircraft shall demonstrate the ability to speak and understand the language used for radiotelephony communications.

*Note.— Pursuant to Article 42 of the Convention on International Civil Aviation, paragraph 1.2.9.1 does not apply to personnel whose licences are originally issued prior to 5 March 2004 but, in any case, does apply to personnel whose licences remain valid after 5 March 2008.*

1.2.9.2 Air traffic controllers and aeronautical station operators shall demonstrate the ability to speak and understand the language used for radiotelephony communications.

response *Not accepted*

The Agency acknowledges your comment. The Agency considers that the change in the text you proposed is not a surplus in safety. Please also refer to the responses given to comments no 132 and 4575 of this segment.

comment

4578

comment by: ECA- European Cockpit Association

inset new paragraph e) (and rename current e) into d))

**New e) Where the language assessment referred to above meets the requirements stated in d), it may be used for the purpose of extending the radiotelephony privileges in English.**

## Justification:

There is no safety justification for not allowing the use of a combined assessment whenever it fulfills both requirements.

response *Not accepted*

The Agency acknowledges your comment. Please refer to AMC 1 and 2 to FCL.055 which cover your input.

comment

4591

comment by: Irish Aviation Authority

Table 1 in paragraph (e) is not the same as the ICAO Proficiency Scale, nor the same as the table on pages 185 & 186 of AMC No 1 to FCL.055 which is the

	same as the ICAO Scale.
response	<p><i>Noted</i></p> <p>Thank you for providing this comment. Please refer to the response given to comment no 1094.</p>
comment	<p>4728 <span style="float: right;">comment by: CAA Belgium</span></p> <p>FCL.055(a) The Language Proficiency endorsement should include level of proficiency, and, if not level 6, the expiry date. This will enable pilots to provide documentation of having the required level of proficiency, and that this is still valid.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing this comment. Please refer to the response given to comment no 3904 in this segment.</p>
comment	<p>4762 <span style="float: right;">comment by: CAA Belgium</span></p> <p>(a) ICAO-Text shall replace existing EASA-text (b) Language endorsement shall demonstrate at least date of expiry Table on page 8 not correctly taken from ICAO basis. Refer AMC # 1 FCL.055</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your comment. Concerning the table please refer to the response given to comment no 1094, concerning the expiry date please refer to the response to comment no 3904 and concerning the text changes please see response to comment no 4575.</p>
comment	<p>4813 <span style="float: right;">comment by: Royal Danish Aeroclub</span></p> <p>Communication is not equal radio communication. A general demand for R/T license is not necessary.</p> <p>There should only be obligation for pilots to have a valid R/T license in areas with obligation to use radio communication.</p> <p>We do support the minimum level of language skills suggested.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion.</p>
comment	<p>4826 <span style="float: right;">comment by: AOPA Switzerland</span></p> <p>We consider the proposed period of validity of the language proficiency too restrictive. So we propose the following:</p> <p><u>Operational Level:</u> VFR 4 years IFR 3 years</p>

	<p><u>Extended Level:</u> VFR 8 years IFR 6 years</p> <p><u>Expert Level</u> No revalidation needed for VFR and IFR.</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment. Please refer to the response given to comment no 1785.</p>
comment	<p>4915 <span style="float: right;">comment by: <i>Icelandic CAA</i></span></p> <p>Text in fields in table FCL 0.55 (e) is not correct. Ref. AMC No.1 to JAR-FCL 1.010 and corresponding ICAO Annex 1 table.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing this comment. Please refer to the response to comment no 1094.</p>
comment	<p>4918 <span style="float: right;">comment by: <i>Prof. Dr. Alexander Bubenik</i></span></p> <p>VFR only Pilots (e.g. LPL) holding a radio telephony licence (comparable to the German BZF I and AZF) should not be required to take an additional exam. They have already demonstrated their language proficiency adequately!</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment. Please also refer to the response given to comment no 132.</p>
comment	<p>5012 <span style="float: right;">comment by: <i>George Knight</i></span></p> <p>(a) In the UK a sailplane pilot is permitted to use radio channels dedicated to sporting gliding use without a radio licence.</p> <p>Propose the wording be changed to allow this to continue.</p> <p>"</p> <p>(a) <i>General</i>. Pilots required to use the radio telephone <b>in accordance with the privileges of a Flight Radio Telephony Licence</b> shall not exercise the privileges of their licences and ratings unless they have a language proficiency endorsement on their licence in either English or the language used for air traffic control communications involved in the flight."</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment. Please also refer to the responses to the comments 132 and 4575.</p>
comment	<p>5073 <span style="float: right;">comment by: <i>Dieter Zimmermann</i></span></p> <p>Zu FCL.055:</p>

Es hat sich über Jahrzehnte gezeigt, dass wiederholende Sprachtests überflüssig sind. Absatz (c) ist ersatzlos zu streichen.

Es hat sich aber ebenfalls gezeigt, dass bei Personen mit Englisch als Muttersprache Aussprache und Dialekt zu wünschen übrig lassen.

Es ist vordringliche Aufgabe der Agentur bei internationalen Regelungen hier korrigierend auf die entsprechenden Gremien einzuwirken, zumal bekannt ist, dass bei den momentanen Regelungen wirtschaftliche Interessen eine Rolle spielen.

response *Noted*

The Agency acknowledges your comment. Please also refer to the response given to comment no 132.

comment 5170

comment by: Klaus Melchinger

As pointed out in my comment no. 5170 to NPA 2008-17a, I consider the requirement of plain english in aviation to be not helpful for aviation safety.

At the same time I recognize this requirement is imposed by ICAO. However, all private licenses are not ICAO compliant anyways, so there is no need to put the severe burden of regular language proficiency checks on holders of those licenses.

I put high value in the neutrality of treatment of european citizens, including european aviation license holders.

I propose to move the requirement of knowledge of plain english and the requirement of regularly reoccurring language proficiency checks out of the reach of private license requirements.

For private license holders, requiring a single initial test of his knowledge of aviation phraseology is fully sufficient, like it was sufficient for all (private) pilots for many decades.

response *Noted*

The Agency acknowledges your comment. Please also refer to the response given to comment no 132.

comment 5181

comment by: Carsten Fuchs

Dies sollte entweder komplett gestrichen oder zumindest auf kommerzielle Lizenzen beschränkt werden.

Die Wiederholungsprüfungen sollten komplett gestrichen werden.

Begründung:

Das Nachweisen ausreichender Sprachfertigkeiten ist bereits Bestandteil der BZF 1 und AZF Ausbildungen und Prüfung.

Wiederholungsprüfungen kosten Zeit und Geld, während der Grad der Beherrschung einer (Fremd-)Sprache kaum über die Lebenszeit eines Menschen schwankt, insb. nicht bzgl. Flug-Phraseologie (feste Sprechgruppen).

Damit sind die Whd.prüfungen nur eine weitere unnötige Erschwernis.

Alternativ-Vorschlag:

FCL.055 ganz streichen, dafür die AZF Prüfung (evtl. auch BZF 1) um einen

geeigneten Prüfungsteil erweitern, mit dem der Bewerber einen weiteren Nachweis seiner Sprachbeherrschung erbringt. Das könnte z.B. ein 5-minütiger mündlicher Vortrag des Bewerbers über ein beliebiges Thema aus der Luftfahrt sein.

(Anschließende Befragung ("interview") durch die Prüfer könnte man optional anhängen, aber mit dem *Reden* sollte ja schon der Nachweis erbracht sein.)

response *Not accepted*

The Agency acknowledges your comment. Please also refer to the response given to comment no 132 and to AMC 1 and 2 to FCL.055.

comment

5241

comment by: CAA Belgium

FCL 055 (a)

English language is not mention, as such, in the annex 1 of ICAO and in the annex 3 of the basic regulation (§1f). As a consequence, it should be deleted.

(a) General. Pilots required to use the radio telephone shall not exercise the privileges of their licences and ratings unless they have a language proficiency endorsement on their licence in ~~either English or~~ the language used for air traffic control communications involved in the flight.

response *Not accepted*

The Agency acknowledges your comment. Please refer to the responses given to comments no 132 and 3350 in this segment.

comment

5242

comment by: CAA Belgium

FCL.055 (a)

Language proficiency is not required for gliders and balloons pilots in ICAO annex 1, it is only recommended, so gliders and balloons pilots exercising non commercial activities should be excluded from that requirement.

(a) General. Pilots, **except gliders and balloons pilots not exercising commercial activities**, required to use the radio telephone.....

response *Not accepted*

The Agency acknowledges your comment. Please refer to the response given to comment no 4575 in this segment.

comment

5243

comment by: CAA Belgium

FCL 055 (b)

The operational level is the level 4 in the ICAO scale, an applicant can have an higher level.

(b) An applicant for a language proficiency endorsement shall demonstrate **at least** an operational level of language proficiency both in the use of phraseologies and plain language. ....

response *Noted*

Thank you for providing this comment. Please refer to the response given to comment no 3219 in this segment.



comment	<p>5408 <span style="float: right;">comment by: CAA Belgium</span></p> <p>FCL.055 In FCL.055 (b), 1st sentence, insert „at least“ between „demonstrate“ and „an operational level“</p> <p>In FCL.055 (c), correct the spelling error (bellow should read 'below').</p> <p>Because the description of the assessment criteria is not consistent with the ICAO requirements the table given in FCL.055 (e) needs reworking. Apparently by error, one single text has been copied and pasted into every part of the table.</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment. For 5408.1 please refer to the response to comment no 3219 in this segment. The spelling error mentioned in 5408.2 will be corrected. For 5408.3 please refer to the response to comment no 1094 in this segment.</p>
comment	<p>5552 <span style="float: right;">comment by: Belgian Gliding Federation</span></p> <p><i>FCL.055 Language proficiency Para, (a) general</i></p> <p><b>Comment</b> The BGF considers a general language proficiency endorsement inappropriate for two reasons: (a) language proficiency applies to a radio-telephony (R/T) licence, which is not mentioned, and (b) an R/T licence is only required when radio communications with Air Traffic Services (ATS) are involved. For this reason, glider pilots undergo R/T training and examination when they have the need to contact ATS, at an appropriate moment in their career as a glider pilot. Making R/T training a part of the basic LPL(S) or SPL training will, because of its complexity, unduly delay the access to the LPL(S) or SPL licence. Furthermore, cost plays an important role, obviously the more when a glider pilot, because of the airspace he flies in, has no need to contact ATS.</p> <p><b><u>Proposed change of the text:</u></b> <b>“Pilots who contact Air Traffic Services during flight shall possess a radio-telephony licence in the language(s) available by the ground station(s) involved, in conformity with Annex 1 of ICAO. For pilots who fly VFR only, this licence shall encompass radio procedures as used in VFR flight only.”</b></p>
response	<p><i>Not accepted</i></p> <p>The Agency acknowledges your comment. Please refer also to the responses to the comments no 132 and 480 in this segment.</p>
comment	<p>5555 <span style="float: right;">comment by: Belgian Gliding Federation</span></p> <p><i>FCL.055 Language proficiency, para (b)</i></p> <p><b>Comment</b></p>

The BGF accepts a language proficiency tests, as long as languages, other than the native languages are concerned. These language tests shall be in conformity with ICAO Annex 1. Language proficiency shall, however, be a part of the training for the R/T licence. A language test in other than native languages may be required at certain intervals after the R/T licence has been obtained, in conformity with ICAO Annex 1.

**Proposed text:**

**"The applicant for an R/T licence shall undergo language training as a part of his training for the R/T licence. A language test in a language other than the pilot's native language may be required at certain intervals after the R/T licence has been obtained, in conformity with ICAO Annex 1."**

response *Not accepted*

The Agency acknowledges your comment. For detailed information please refer to the responses to comments no 132 and 3350 in this segment.

comment

5557

comment by: *Belgian Gliding Federation*

*FCL.055 Language proficiency, para (c)*

Comment

The BGF considers an interval of 6 years sufficient to maintain an acceptable level of language proficiency for holders of an ICAO type R/T licence for VFR flight only, at the same time saving time and cost. Moreover ICAO specifies that language proficiency checks are not required at all under certain circumstances.

**Proposed text.**

**"In the case of R/T licences for VFR flight only, a language proficiency check shall be undergone in principle at intervals of 6 years, as specified by ICAO."**

response *Noted*

The Agency acknowledges your comment. Please refer to the response given to comment 1785 in this segment.

comment

5587

comment by: *Alan Harris*

Comment:

In the *ICAO Manual on the Implementation Of ICAO Language Proficiency Requirements* there is a repeated emphasis on the need for language proficiency testing to be carried out by "language testing professionals" .

Quote from Ch. 6 - "With careers and possibly lives at stake administrations should turn to language teaching professionals .....".

AMC No. 1 to FCL.055 appears to have reversed the priorities expressed in the ICAO document. The text in para. 8 reads - "They (assessors) should be either aviation specialists (i.e. current or former flight crew members or air traffic controllers), or language specialists with additional aviation related training."

The ICAO document does not allow this interpretation. There, the assessor is to be an experienced language teacher/tester, possibly assisted (especially in the planning stage of the tests), by an "aeronautical subject matter expert".

This ICAO proposal is well founded. I am probably one of very few people who have had a career both in aviation and in language teaching/testing. I can only support the opinion expressed in the ICAO document that language, its acquisition and the evaluation of linguistic competence are extremely complex matters.

There are organisations which have a great deal of competence and experience in language testing (TOEFL, University of Cambridge Local Examinations Syndicate, TELC GmbH and others). They seem to have been dismissed because the better known of their tests, like TOEFL, are not appropriate for the aviation English test. While this may be true it has been overlooked that they also provide testing services in the area of *English for Special Purposes* (ESP) including Technical English, Business English, English for Finance, Legal English, English for the Hotel and Catering industry and so on. In all of these tests the testing is led and carried out by the language testing professionals assisted in the preparation and provision of material by subject matter experts. Standardized, objective, and quality controlled testing can only be achieved in this way.

EASA and the national administrations would be well advised to make use of this "know how".

It would be no great problem for one of these organisations to develop an aviation English testing service of the same standard.

Furthermore TELC, for example, already administers the examinations based on the EU's **European Common Frame of Reference** for language learning and is working towards providing a languages testing service for the whole of Europe. It already has partners in some twenty countries. Fifteen of these are subject to EASA supervision.

If the aviation English test is to fulfill its aims, it must be carried out professionally. Aircrew and air traffic controllers, perhaps with a very few exceptions, are not professional for this purpose and can not easily become so.

Proposal:

That the principles expressed in Ch. 6 (and elsewhere) of the **ICAO Manual on the Implementation Of ICAO Language Proficiency Requirement** be adopted in the AMC for FCL.055.

response *Noted*

Thank you for providing your comment. Since it was the aim of the Agency to draft the implementing rules in accordance with JAR-FCL and ICAO Annex 1 it happened in some places that priority was given to the JAR-FCL text. As every memberstate is required to fulfill anyway also its obligations to ICAO the Agency considers it not necessary to correct the existing text in this place.

comment 5749

comment by: *Christoph Talle*

	The language proficiency is made by ICAO. LPL is based below ICAO standard, so there is no need to make a language proficiency for this licence.	
response	<i>Noted</i>	
	The Agency acknowledges your comment. Please also refer to the answer given to comment no 132 in this segment.	
comment	5921	comment by: <i>Luftsport-Verband Bayern</i>
	Die Zeiträume für die Erneuerung der Anerkennung der Language proficiency sollte unbedingt so gewählt werden, dass keine zusätzliche Prüfung erforderlich wird zu den lizenzrechtlichen Überprüfungen und Checks.	
response	<i>Noted</i>	
	The Agency acknowledges your comment. Please also refer to the response to comment no 1785 in this segment.	
comment	5922	comment by: <i>Luftsport-Verband Bayern</i>
	Innerhalb des einheitlich europäisch geregelten IR und den hierzu erforderlichen Englischkenntnissen ist es angebracht einheitliche europäische Standards für die durchzuführenden Tests darzustellen und diese nicht den nationalen Behörden zu überlassen. (Regelung über AMC)	
response	<i>Noted</i>	
	The Agency acknowledges your comment. Please note that the Agency will take any kind of standardisation measures to ensure that there will be a uniform level of language proficiency all over Europe. Please also refer to the response given to comment no 132 of this segment.	
comment	6271	comment by: <i>DCAA</i>
	FCL.055 (b): Add. (6) use correct standard phraseology.	
	Comment: One of the important items in radio communication and to avoid misunderstandings are to use the correct standard phraseology.	
response	<i>Not accepted</i>	
	The Agency acknowledges your comment. FCL.055 (b) mentions already that the applicant for a language proficiency endorsement shall demonstrate an operational level of language proficiency both in the use of phraseologies and plain language. The obligation to use standard phraseology is regulated in Annex 2 (Rules of the Air) to the Convention on International Civil Aviation and this Annex is for the time being still mandated by national legislation in the member states.	
comment	6338	comment by: <i>Johann Friedrich</i>
	<b>FCL.055 Language proficiency</b> (a) General. Pilots required to use the radio telephone shall not exercise the privileges of their licences and ratings unless they have a language proficiency endorsement	

on their licence in either English or the language used for air traffic control communications involved in the flight.

(b) The applicant for a language proficiency endorsement shall demonstrate an operational level of language proficiency both in the use of phraseologies and plain language. To do so, the applicant shall demonstrate the ability to:

- (1) communicate effectively in voiceonly and in faceto face situations;
- (2) communicate on common and workrelated topics with accuracy and clarity;
- (3) use appropriate communicative strategies, to exchange messages and to recognize and resolve misunderstandings in a general or workrelated context;
- (4) handle successfully the linguistic challenges presented by a complication or unexpected turn of events that occurs within the context of a routine work situation or communicative task with which they are otherwise familiar; and
- (5) use a dialect or accent which is intelligible to the aeronautical community.

~~(c) Except for pilots that have demonstrated language proficiency at an expert level, in accordance with table 1 below, the language proficiency endorsement shall be reevaluated every:~~

~~(1) 3 years if the level demonstrated is operational level in accordance with table 1 below; or~~

~~(2) 6 years if the level demonstrated is extended level in accordance with table 1 below.~~

~~(d) Specific requirements for holders of an instrument rating (IR). Without prejudice to the paragraphs above, holders of an IR shall have demonstrated the ability to use the English language at a level that allows them to:~~

~~(1) understand all the information relevant to the accomplishment of a flight;~~

~~(2) use radio telephony in all phases of flight, including emergency situations;~~

~~(3) communicate with other crew members during all phases of flight, including flight preparation.~~

~~(e) The demonstration of language proficiency and of the use of English for holders of an IR shall be~~

~~done through a method of assessment established by the competent authority.~~

~~Operational level Extended level Expert level~~

**Comment:** Delete FCL.055 (c, d and e including Table 1 Language proficiency levels) completely

**Reason:** FCL.055 (c, d and e) violate the principles of adequacy and subsidiarity by considering pilots not to take responsibility for keeping their language proficiency up-to-date. All pilots do this for the sake of their own safety and that of others. Language proficiency does not decrease with age, on the contrary!

response *Not accepted*

The Agency acknowledges your comment. Please refer to the response to the comment no 132 in this segment.

comment	<p>6363 <span style="float: right;">comment by: <i>peter Gray</i></span></p> <p>FCL.055 Language.</p> <p>I am English and English is my mother tongue and I hold a UK RT licence. Are you seriously telling me I need to take a test to prove I can speak English?</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment. Please refer to AMC No 1 and 2 to FCL.055.</p>
comment	<p>6481 <span style="float: right;">comment by: <i>IAOPA Europe</i></span></p> <p>According to ICAO language proficiency requirements, pilots flying abroad that are required to use radio must be able to communicate in English also on "common" and not just work related topics. This is a hurdle that cannot be taken by many Private Pilots flying purely VFR and not having an academic language background. Consequently they will be limited to flying in the area of their national language.</p> <p>This is a severe limitation of personal freedom in aviation whereas a significant increase in safety cannot be expected. Sailplane pilots that are sharing the same airspace according to the same Visual Flight Rules and use the same aerodromes do not have to fulfill these language requirements.</p> <p>For the LPL EASA remains in many respects below ICAO standards, as long as safety is not compromised and an economic or operational benefit is expected.</p> <p>Consequently it should also be evaluated if the ICAO language proficiency requirements could safely be lowered for LPL-VFR pilots.</p> <p>In Germany good experience was made with English radio telephony licenses, for which an applicant had to demonstrate to examiners that he or she is able to:</p> <ul style="list-style-type: none"> <li>• translate texts of an Aeronautical Information Publication (AIP) from English into the National Language</li> <li>• conduct an approach to and a departure from a towered airport using aeronautical phraseology</li> <li>• emit emergency calls.</li> </ul> <p>A europeanwide radio telephony license based on a similar principle should be limited to VFR operations only and good for life-time!</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion. Please refer to the response to comment no 132 in this segment.</p>
comment	<p>6510 <span style="float: right;">comment by: <i>Michael GREINER</i></span></p> <p>Dear Sirs and Madams,</p> <p>Introducing a time limited certificate for the allowance to use the radio, is – for</p>

glider pilots – an unnecessary bureaucratic burden. It does not increase safety, but may very well be another small brick in the wall repelling leisure glider pilots from staying with their hobby.

Most glider pilots fly in their own country, and at the moment do not own more than the allowance to use the radio in their mother language. The standard glider pilot starts from his local airfield, where he knows how to communicate. He usually rather avoids control zones due to his quickly changing intentions (Thermals!). He rather lands out, than lands on a controlled airfield. Every glider pilot, who has not lost his brains, knows that he has no ability to quickly clear the runway with own power, so he will only land on such airfields, where traffic is infrequent enough. This also ensures stress-free communication with the local information.

I would suggest to provide a language proficiency approval for glider pilots for their mother language that does not need to be re-evaluated.

This could be formulated in a sub-paragraph as follows:

“Holders of LPL(S) or SPL may exercise the privileges of these licences, when they have *once* demonstrated language proficiency in their mother language at operational level and this language is used for air traffic control communications involved in the flight.”

Kind regards,  
Michael Greiner

response *Not accepted*

The Agency acknowledges your comment. Please also refer to the response given to comment no 132 in this segment where your constraints are adressed.

comment

6533

comment by: *Light Aircraft Association UK*

Paragraph d). We have certain reservations with this requirement which appears to be applicable to all instrument rated pilots.

The English language proficiency should not be mandatory for pilots holding a PPL licence with an instrument rating when flying within their national airspace only. Experience indicates that without exception Italian, French and German pilots flying in their own airspace, continue to speak their native tongue to ATC, albeit by default!

response *Noted*

The Agency acknowledges your comment. Please refer to the responses given to comments no 132 and 2684 in this segment.

comment

6779

comment by: *Joachim J. Janezic (Institute for Aviation law)*

There should be clear rules in recognising "official language tests" (for example Cambridge Certificates of various levels). There shouldn't be any variation possible between the national CAAs to recognise or not recognise such certificates.

response *Noted*

Thank you for providing this comment. Please refer to the response given to

comment no 132 in this segment and to AMC No 1 and 2 to FCL.055.

comment	6876	comment by: CAA CZ
	<p>FCL.055 (d) and (e) Table 1          For the designation of knowledge levels of English also the numbering additionally to the verbal indication should be used (4 – Operational, 5 – Extended, 6 – Expert Level), in accordance with ICAO Annex 1.</p>	
response	<p><i>Not accepted</i></p> <p>The Agency acknowledges your comment. For the part of your comment dealing with FCL.055 (d) please mind that “without prejudice to the paragraphs above” makes chapter (b) – operational level - also valid for IR holders. For the mentioned chapter (b) please also refer to the response given to comment no 4575 in this segment.          With reference to the part of your comment dealing with FCL.055 (e) please refer to the response given to comment 1094 in this segment.</p>	
comment	6878	comment by: CAA CZ
	<p>para (b)          A statement should be added that in addition to the level of knowledge of the language the <b>expiry date</b> has to be indicated in the licence, according to FCL.055(c).</p>	
response	<p><i>Noted</i></p> <p>Thank you for providing this comment. Please refer also to the response given to comment no 3904 in this segment.</p>	
comment	6923	comment by: Austrian Aero Club
	<p><b>FCL.055</b>          Um Kosten zu sparen kann der Lehrer oder Prüfer die Bestätigung der Sprachkenntnisse zusammen mit der Verlängerung der Klassen- und Musterberechtigungen durchführen.</p>	
response	<p><i>Noted</i></p> <p>Thank you for providing this comment. For further details on the opinion of the Agency on this matter please refer to AMC No 1 and 2 to FCL.055.</p>	
comment	7004	comment by: UK CAA
	<p><b>Paragraph:</b>          FCL.055  <b>Page No*:</b>          7 of 647  <b>Comment:</b>          (a) gives the requirement for language proficiency to be endorsed on the licence. AMC No 1 to FCL.055 and NPA22 state that on the licence specification, both the level and the validity should be included.  <b>Justification:</b>          This requires clarification. The CAA does not believe that the ICAO requirements include the level or validity on the licence. This is only an ICAO</p>	



	recommendation.
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment. For further details on the opinion of the Agency on this matter please refer to the response to comment no 3904 in this segment.</p>
comment	<p>7009 <span style="float: right;">comment by: CAA Norway</span></p> <p>FCL.055(a) The Language Proficiency endorsement should include level of proficiency, and, if not level 6, the expiry date.</p> <p>This will enable pilots to provide documentation of having the required level of proficiency, and that this is still valid.</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment. For further details on the opinion of the Agency on this matter please refer to the response to comment no 3904 in this segment.</p>
comment	<p>7131 <span style="float: right;">comment by: Finnish Aeronautical Association - Kai Mönkkönen</span></p> <p>(a) According to item (a) General, language proficiency is integrally connected to the direct use of a LPL(S) or SPL for gliding. There is, however, not any mention about a R/T licence.</p> <p>Justification: The need for a language proficiency should not be an overall general requirement but connected to the R/T licence and the need to have such for a flight. As a general requirement for a LPL(S) or SPL it makes basic training more complex compared with the actual need. Still, for further phase of gliding career, if a person continues the hobby as a glider pilot further, an additional training for R/T-licence before flights during which contact to ATS is required, is justified. These phases should be taken into account and separated from each others.</p> <p>Proposed text: We support the item (a) to be modified to read for example as the following: "Pilots who contact Air Traffic Services during flight shall possess a radio-telephony licence in the language(s) available by the ground station(s) involved, in conformity with Annex 1 of ICAO. For pilots who fly VFR only, this licence shall encompass radio procedures as used in VFR flight only."</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment. For further details on the opinion of the Agency on this matter please refer to the response to comment no 132 in this segment.</p>
comment	<p>7133 <span style="float: right;">comment by: Finnish Aeronautical Association - Kai Mönkkönen</span></p> <p>(b)</p>

Requirements for language proficiency tests according to the precise requirements as set in item (b) of FCL.055 are applicable as long as languages other than the native languages are concerned. These tests should be in conformity with Annex 1 of ICAO.

**Justification:**

For native speakers special testing on all the items listed under item (b) is not justified.

**Proposed text:**

Replace the present wording of item (b) to read for example as the following:

"The applicant for an R/T licence shall undergo language training as a part of his training for the R/T licence. A language test in a language other than the pilot's native language may be required at certain intervals after the R/T licence has been obtained, in conformity with ICAO Annex 1."

response *Not accepted*

The Agency acknowledges your comment. FCL.055 (b) mentions that the applicant for a language proficiency endorsement shall demonstrate an operational level of language proficiency both in the use of phraseologies and plain language. Native speakers will easily cover the plain language part but will have to pass an exam in phraseologies. As there are no provisions for a R/T licences in ICAO Annex 1 and JAR-FCL - you will only find them in national regulations as an outcome of international telecommunication agreements - FCL has to cover radio telephony and language proficiency. Please also refer to the response given to comment no 132 in this segment.

comment 7136 comment by: *Finnish Aeronautical Association - Kai Mönkkönen*

(c)

To maintain ICAO type R/T -licence an interval of 6 years is well sufficient to keep acceptable level of language proficiency for VFR-flights.

**Justification:**

More stringend and shorter periods causing more cost effects and time loss is not justified. We must refer to the ICAO where language proficiency checks are not required at all under certain cases.

**Proposed text:**

Modify the requirements set in item (c) to include the following:

"In the case of R/T licences for VFR flight only, a language proficiency check shall be undergone in principle at intervals of 6 years, as specified by ICAO."

response *Noted*

Thank you for providing this comment. Please refer to the response to the comment no 1785 in this segment.

comment 7424 comment by: *Europe Air Sports, VP*

For aeroplanes operated by LAPL or plain PPL A pilots the language requirements are too stringent and do not improve safety. Both pilots operate aircraft in VMC, operate mostly from airfields without ATC control where the operator of the airfield is not and cannot be obliged to learn English. Neither

the level of proficiency nor the repetition period of the testing are appropriate. For glider and balloon pilots there is even less justification for a language proficiency check

The pilot must be able to communicate with the groundstation during take-off and landing phase and that is done using normally the local, the national language. Depending on the Member State, even operation without ground control communication is often permitted on certain airfields.

As long as a pilot stays with his aeroplane in his own country, he can use his mother tongue language and therefore does not need an endorsement in the license. What he might need is a R/T certificate which allows him/her to communicate with a ground station using a standard phraseology. When operating in a different country, English would be helpful in case the flight is taking/off or landing at an airport with ATC control. But most of the small airfields for sports aviation are operated locally by the owner or operator who will only speak the local language. It is certainly part of the pilot's flight preparation for flights outside the own country to check the language spoken at the destination. If he his not capable to make him understood he can not fly to that destination.

EAS is proposing again, that the use of English as R/T language should only be mandatory for pilots holding a PPL A plus the Instrument Rating or any professional license. For all other operations of aeroplanes, gliders or balloons standard R/T training should be part of the theoretical training resulting in an R/T qualification or equivalent.

response *Noted*

The Agency acknowledges your comment. Please refer to the responses given to comment no 132 in this segment concerning the obligation to hold a licence with a language proficiency endorsement and to the response to comment no 1785 in this segment for the revalidation period.

comment 7427

comment by: *Holger Scheibel*

Erhöhte Sprachanforderungen, verbunden mit zusätzlichen Überprüfungen von denen Ballonfahrer bisher begründet ausgenommen waren, führen zukünftig zu einer starken Einschränkung von grenzüberschreitenden Fahrten bzw. Fahrten im Ausland.

Diese Einschränkung geschieht ohne jede praktische Notwendigkeit für den Ballonsport.

Sprachkompetenz im Bereich LPL-B bzw. BPL ist mit BZF I oder AZF ausreichend nachgewiesen.

Überprüfungen bedeuten nur Kosten ohne einen gerechtfertigten Gegenwert . Dieses Geld fehlt anschließend für praktische Ballonfahrten.

response *Noted*

The Agency acknowledges your comment. Please refer to the responses to the comments 132 and 4575.

comment 7451

comment by: *Ann Herdewyn*

Concerning ballooning: there should be a difference between ballooningpilots who are flying in uncontrolled airspace and those who wish to fly in CTR's or other controlled airspaces!

	<p>The first group never has to take any contact with a control tower, the second group should do so.</p> <p>Every three or six year an evaluation for the first group is not relevant.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion. Please refer to the responses to the comments no 132, 1785 and 4575 of this segment.</p>
comment	<p>7477 <span style="float: right;">comment by: <i>Luc Herdewijn</i></span></p> <p>As a sportballoonpilot, I do not fly in controlled airspace, I never have contact with controltowers etc. Evaluating my English skills every 3 or 6 year is therefor only an administrative and expensive matter, and has no influence in my acting as pilot, nor in safety.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion. Please refer to the responses to the comments no 132, 1785 and 4575 of this segment.</p>
comment	<p>7728 <span style="float: right;">comment by: <i>Chris Heptonstall</i></span></p> <p>FCL.140.B LPL(B) Recency requirements  (a) ballooning being primarily safety dependent on landings, it would seem that the number of landings to maintain recency would be more relevant than time in the air. There are occasions where xcircumstances would dictate and early banding decision thus incurring a minimum flight time, although a launch/landing procedure has taken place. It would be preferable that a shorter "hours of flight time" be sustituted for "flights not less than XXXX (e.g. 20 mins)  (2) 6 yearly proficiency tests with an examiner would put additonal strain on the already stretched PPL(B) examiner availability, could an instructor not undertake this?</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion.</p> <p>However, it seems that the comment should have been addressed to another segment as this paragraph is dealing with the language proficiency only.</p> <p>Regarding your first issue the Agency carefully reviewed the comments received and agrees partially. The amount of hours required will be lowered to 6 but the amount of take-offs will be raised slightly to 10. In the opinion of the Agency a certain minimum time has to be kept in order not to allow the licence holder to do 10 flights of 5 minutes each. With an average of 30 minutes as required now (10 flights - and 6 hours) in flight procedures (e.g. gas-management) have also to be practiced.</p> <p>Based on the comments received the Agency decided to delete the proposed proficiency check and to require a biennial training flight with an instructor. By definition the proficiency checks cannot be conducted by an instructor.</p>
comment	<p>7775 <span style="float: right;">comment by: <i>European Microlight Federation</i></span></p>

	(a) The EMF disagrees with the association of the language proficiency requirements with the pilot licence rather than the R/T licence. Many pilots fly in areas where a radio is neither necessary nor useful. Rather than prohibiting pilots from using their licence as a result of language proficiency shortfalls they should be prohibited from using their radios.
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment. Please refer to the response given to comment no 132 in this segment.</p>
comment	<p>7888 <span style="float: right;">comment by: RSA</span></p> <p>FCL055 Language Proficiency</p> <p>FCL.055 (c) (1) and (2)</p> <p>The RSA considers that the requirements to reevaluation of language proficiency unreasonably strict. The RSA considers that re-evaluation is only necessary if a pilot has not actively used his language skills in an aeronautical situation on a continuing basis.</p> <p>The RSA proposes that the text of FCL.055 (c) (1) and (2) be amended as follows :</p> <p><i>(c) Except for pilots that have demonstrated language proficiency at an expert level, in accordance with table 1 below, or who have not successfully completed at least four flights in airspace requiring that language skill in the 12 months preceding the review date , the language proficiency endorsement shall be re-evaluated every :</i></p> <p>The RSA considers that blanket re-evaluation is unnecessary for pilots who actively use their skill and will impose unreasonable additional expense on the pilots and additional unnecessary workloads on the language testing centres</p>
response	<p><i>Not accepted</i></p> <p>The Agency acknowledges your comment but does not agree with it as your proposal is not in line with the provisions in Annex 1 to the Convention on International Civil Aviation and JAR-FCL.</p>
comment	<p>7983 <span style="float: right;">comment by: Dr. Christoph Larisch</span></p> <p>Sprachbeherrschung in der geforderten Form ist für Segelflug und TMG auf Grund der üblichen Betriebsbedingungen nicht erforderlich.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion. Please refer to the responses given to the comments no 132 and 4575 in this segment.</p>
comment	<p>8021 <span style="float: right;">comment by: European Sailplane Manufacturers</span></p> <p>The European sailplane manufacturers strongly disagree and do not accept this FCL.055 rule.</p> <p>The majority of gliding is done by people of one state flying there and not performing international flight.</p>

In such a case obviously a language proficiency in another language is simply not needed.

In case of flying in another country gliding is typically been performed outside controlled airspace or at least outside typical ATC environment.

Very often this results either in communication in the mother tongue or in the foreign language using phrases typical for gliding.

In these cases a language proficiency test is also not useful as the phrases used are normally outside "normal layman language".

So the proposed regulation will be only useful for the vast minority using international ATC - this might be 1 or 2 % of all glider pilots.

On the other side these tests and the control tests and the according administration will cost time and money and finally meotivation.

We do not need this!

It is OK for larger aircraft and also for the flight-plan-like flying done outside the gliding community but for holders of a gliding licence it should be only asked on a voluntary basis.

response *Noted*

Thank you for providing your opinion. Please refer to the responses given to the comments no 132 and 4575 in this segment.

comment *8110*

comment by: *Wolfgang Lammingner*

According to ICAO language proficiency requirements, pilots flying abroad that are required to use radio must be able to communicate in English also on "common" and not just work related topics. This is a hurdle that cannot be taken by many private Pilots flying purely VFR and not having an academic language background.

Consequently they will be limited to flying in the area of their national language. This is a severe limitation of personal freedom in aviation whereas a significant increase in safety cannot be expected. Sailplane pilots that are sharing the same airspace according to the same Visual Flight Rules and use the same aerodromes do not have to fulfill these language requirements.

For the LPL EASA remains in many respects below ICAO standards, as long as safety is not compromised and an economic or operational benefit is expected.

Consequently it should also be evaluated if the ICAO language proficiency requirements could safely be lowered for LPL-VFR pilots.

In Germany good experience was made with English radio telephony licenses, for which an applicant had to demonstrate to examiners that he or she is able to:

- translate texts of an Aeronautical Information Publication (AIP) from English into the National Language
- conduct an approach to and a departure from a towered airport using aeronautical phraseology
- emit emergency calls

response *Noted*

Thank you for providing your opinion. Please refer to the response to comment no 132 in this segment.

comment 8182 comment by: *H.D.BAUER-HIMMELSBACH*

Die Einführung von Sprachprüfungen nach einem früheren Lizenzerwerb (z.B. AZF) lehne ich ab. Persönlich bin ich gerade erst die letzten Jahre verstärkt "grenzüberschreitend" geflogen, da mit der Rücknahme der Grenzbürokratie (Schengen) und der Erweiterung der fliegerischen Möglichkeiten in Richtung Osten dies an Reiz gewonnen hat. Mein AZF ist fast so alt wie mein PPL-A und ich habe es nun schon ein wenig genossen, mich durch den Luftraum von Prag leiten zu lassen oder in Ungarn zu fliegen. Die Controller sprechen dort ein besseres Englisch als mancher Lotse in Frankreich oder Spanien und es gibt keinerlei sprachliche Probleme (auch nicht für mich alten AZF'ler). Ich sehe in den beabsichtigten Sprachwiederholungsprüfungen nur unnütze Kosten und empfinde diese als Schikane.

response *Noted*

Thank you for providing your opinion. Please refer to the response to comment no 132 in this segment.

comment 8202 comment by: *Klagenfurter Flugsport Club*

Um Kosten zu sparen kann der Lehrer oder Prüfer die Bestätigung der Sprachkenntnisse zusammen mit der Verlängerung der Klassen- und Musterberechtigungen durchführen.

response *Noted*

Thank you for providing this comment. For further details on the opinion of the Agency on this matter please refer to AMC No 1 and 2 to FCL.055.

comment 8223 comment by: *AOPA Sweden*

In large parts of Sweden there is no coverage of ATC or AIS radio. In this airspace class G there is also no need to carry a communication radio onboard the aircraft. It is not reasonable nor enhances flight safety to have a language requirement for pilots operating in airspace which fails to have any sort of radio communication possibilities.

response *Noted*

Thank you for providing your opinion. Please refer to the response to comment no 132 in this segment.

comment 8268 comment by: *Paul Mc G*

Para d). Some people will express reservations with this. Are you intending to link requirements for all pilots to that applicable to instrument rated pilots? You might have a good idea and although some people will say that English Language proficiency should not be mandatory for pilots holding a PPL licence with an instrument rating when flying within their national airspace only, it would produce improved safety, with some problems for non linguists.

At the risk of upsetting some organisations of which I am a member, French

controllers do have a statistically higher incident rate because of the insistence of speaking the national tongue. FOR SAFETY YOU ARE CORRECT IN THAT ALL AIRCRAFT IN CONTROLLED SPACE should be communicating only in English. Actually all FRTOL users should be using only English in aviation communications for safety reasons alone and it should be good English!!

Italian, French and German and other pilots flying in their own airspace, continue to speak their native tongue to ATC, but other pilots listening to conversations may not understand and if all pilots and ATC spoke in English, I should expect to see there would be a statistically significant safety gain. There are other countries where radio communication skills are simply appalling and much needs be done to correct this, additionally!

response *Noted*

Thank you for providing your opinion. Please refer to the response to comment no 132 in this segment.

**B. Draft Opinion Part-FCL - Subpart A: General Requirements - FCL.060**  
**Recent experience**

p. 9

comment

12

comment by: *bucci franz*

The pilot over 60 years should have different (FTL)flight time limitation.

response

*Noted*

The Agency acknowledges your comment. However, please note that when Part-FCL does not include provision on FTL. FTL are related to operation requirements, and therefore included in operational rules. Please see NPA 2009-02.

comment

44

comment by: *Stefan JAUDAS*

In order to avoid later uncertainty, it should be made clear that all sailplanes (engineless, sustaining and self-launching) belong to the same type and class concerning pilot's operating rights.

In order to avoid later uncertainty, it should be made clear that all TMG belong to the same type and class concerning pilot's operating rights.

response

*Noted*

Thank you for providing your opinion.

The comment is right when stating that there are no specific types of sailplanes but only one class of sailplanes and powered sailplanes. From the licensing standpoint this means that these aircraft (sailplanes and powered sailplanes) can be flown with a LPL(S) or a SPL.

A specific case is the TMG. There are as well no types of TMGs but only one class which means that the TMG might be flown e.g. with a PPL/CPPL (A) with a class rating TMG or with an LPL(S) or SPL but only if the privileges are extended to TMG (see FCL.135.S).

The Agency will consider to develop an additional AMC clarifying this issue.



comment	<p>236 <span style="float: right;">comment by: Paul SPELLWARD</span></p> <p>FCL.060 (a) Balloons. This recency restriction seems too harsh for LPL(B) and BPL (non-commerical) flights. It will lead to problems for leisure / private pilots over the period October to March, at least in northern Europe. I would propose that it is applied only to BPL (commercial) flights and CAT (if carriage of paid passengers in balloons gets defined as CAT).</p>
response	<p><i>Not accepted</i></p> <p>Thank you for providing this comment on the issue of the recent experience for balloon pilots. Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment below.</p>
comment	<p>354 <span style="float: right;">comment by: Colm Farrell</span></p> <p>The 90 day provision should make provision that a pilot who is also licenced to fly the category of aircraft being flow, and who has access to all the primary controls, is not considered a passenger for this paragraph. This allows a pilot outside 90 days currency to carry an experienced pilot with them while they regain currency.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion. The proposed text was taken over from JAR-FCL and the Agency has no intention to change it. Please mind that a qualified Flight Instructor who acts as an instructor may accompany the pilot while doing his or her three take-offs and landings before carrying passengers.</p>
comment	<p>577 <span style="float: right;">comment by: trevor sexton</span></p> <p>FCL060 (b) carrying passengers.</p> <p>Does another pilot count as a passenger. The reason being that in europe there is a large number of Group owned aircraft. groups would be unhappy to let a pilot that is out of check go fly 3 circuits to meet the requirments of (B) (1 and 2) on his own but with a another pilot by his side...</p> <p>For Safety reasons we would like to see the wording changed to allow for a Safety Pilot.</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment. Please refer to the response given to comment no 354 in this segment.</p>
comment	<p>582 <span style="float: right;">comment by: trevor sexton</span></p> <p>In this document you define an Aeroplane as anything upto 2000kgs. Ie from 0 to 2000kgs So anything that takes to the air could be defined as an Aeroplane. therefore a microlight would come under these rules.</p>

	<p>There has been a problem with the way various NAA,s define this across europe and we would like EASA to make a ruling.. Does hour i fly in a microlight cover these recency requirments. Some NAA,s allow cross crediting of hours while others don,t. Differences in aircraft types as one aircraft in one country could be a microlight whilst in another the same type could be a VLA. Some NAA,s allow cross crediting and allow 50% of hours flown on a microlight to count. Microlights come in various forms and weight catergories. A 3 axis is and looks like a standard aeroplane whilst a flexwing is a completely different type.</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment. However, it has to be that the proposals contained in NPA 2008-17 are not meant to be applicable to micro-light aircraft. In fact, these aircraft are excluded from the applicability of the Basic Regulation, in accordance with Article 4/4 and paragraph (e) of Annex II thereof.</p>
comment	<p>602 <span style="float: right;">comment by: <i>British Microlight Aircraft Association</i></span></p> <p>(b) Requirement change. (2) (i) change requirement from "<i>in an aircraft of the same type or class or an FFS representing that type or class;</i>" to "<i>in an aircraft of the same Category or an FFS representing that Category of aircraft;</i>"</p> <p>Wording (4) Recommend line 3 wording "<i>only one of the types</i>" is changed to "<i>just one of the types</i>" and at line 4 recommend "<i>all the relevant types</i>" be changed to "<i>each of the relevant types</i>" for clarity.</p> <p>Correction Additionally on line 5 "<i>6 months</i>" should be "<i>12months</i>".</p>
response	<p><i>Partially accepted</i></p> <p>602.1 The Agency acknowledges your comment. The Agency follows closely Subpart A of JAR-FCL and has taken over the text from JAR-FCL 1.026. 602.2 Accepted: Text will be amended accordingly. 602.3 Please note that your proposal to take 12 instead of 6 months will not be considered by the Agency as in Appendix 1 to JAR-OPS 3.005 (d)(19) the six months were fixed.</p>
comment	<p>1052 <span style="float: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></span></p> <p><b>Comment:</b></p> <ol style="list-style-type: none"> <li>1. The word "co-pilot" should be changed to "pilot" since it's valid for all kind of relief pilots.</li> <li>2. There is no definition of "cruise relief pilot".</li> </ol> <p><b>Proposal:</b></p> <ol style="list-style-type: none"> <li>1. Delete the word "co-pilot" and add "pilot".</li> <li>(3) as cruise relief pilot unless he/she:       <ol style="list-style-type: none"> <li>(i) has carried out in the preceding 90 days at least 3 sectors as a cruise relief pilot on the same type or class of aircraft; or</li> </ol> </li> </ol>

	2. Add a definition of "relief pilot" for Part FCL.
response	<p><i>Partially accepted</i></p> <p>Thank you for providing your comment. Please mind that in OPS there were only special provisions for the cruise relief co-pilot - all other pilots have to fulfil the normal recent experience requirements. However, you are right there is a definition needed which will be drafted and added to the relevant section in the final text.</p>
comment	<p>1095 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p><b>Comment:</b> It is important to include one filling in the text because it is an essential part of flying balloon. Make it clear that it has to be done on a balloon of the relevant class and group.</p> <p><b>Proposal:</b> <i>Balloons.</i> A pilot shall not operate a balloon in commercial air transport or carrying passengers unless he/she has completed in the preceding 90 days at least one filling, take-off, approach and landing as a pilot flying in a balloon of the relevant class and group.</p>
response	<p><i>Partially accepted</i></p> <p>The Agency acknowledges your comment. Please see the response provided to comment no. 1527 in the same segment above.</p> <p>The Agency will change the requirement and ask for 3 flights on balloons within the last 180 days. Additionally it will be required to perform one of these flights on a balloon of the relevant class and group.</p> <p>As the filling is a normal procedure step for such a flight the Agency does not see a need to specifically mention this in FCL.060.</p>
comment	<p>1119 comment by: <i>KLSPublishing</i></p> <p>060 (b) (2) (ii) should be removed. Either the NFQ is part of the PPL and allows me to carry passengers or it is part of IFR. In my opinion the license structure could be improved.</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment. When drafting this text the Agency followed closely the provisions of JAR-FCL. This paragraph adds a recency requirement for the exercise of the privilege to fly at night. This is not in contradiction with the requirement to be issued with a night qualification, included in Subpart I.</p>
comment	<p>1220 comment by: <i>Julia DEAN</i></p> <p>Recency The recency requirement for leisure or sport ( ie non-commercial) balloon pilots is a new piece of regulation that does not currently exist for sport or leisure pilots.</p>

This is an example for the awkwardness of not having a commercial balloon pilots licence.

In some parts of EASA land the weather and ground conditions make balloon flying a very difficult sport to do in the winter, the weather may be suitable but the ground conditions may result in wet equipment that then risks deterioration.

The recency requirements are very sensible for a 'paying passenger' operation - but this is not allowed under the LPL -

Please consider removing the recency requirement from at least the LPL Balloons and the standard BPL

response *Not accepted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment below.

comment 1245

comment by: *Aeromega*

The currency requirement for carrying passengers should clarify whether a student under instruction is a passenger and possibly include an exemption for flight instruction. As night instruction is usually only possible during winter months, instructors have to meet this requirement and become current each year. The cost of this often outweighs the revenue that can be generated from night ratings. This leads to fewer night rated instructors and less experienced pilots. An instructor should by definition be a CPL.

response *Noted*

Thank you for providing your opinion. When drafting the text of NPA 2008-17 the Agency closely followed the provisions of the relevant JARs. The Agency does not consider your proposal as a surplus for safety and therefore does not agree with it.

comment 1500

comment by: *Klaus-Dieter Schoenborn*

FCL.060(b1) We welcome that regulation. It is the rule in Germany and it is common practise before carrying passengers to conduct 3 take-offs, approaches and landings in the preceeding 90 days.

response *Noted*

Thank your for your positive feedback.

comment 1527

comment by: *Danish Balloon Organisation*

**FCL.060 (a):**

We suggest the wording "carrying **paying** passengers".

Justification: This would allow a balloon pilot to fly with another pilot in order to refresh his skills after a long winter without flying.

response *Not accepted*

Thank you for providing your opinion.

The Agency has noticed that the proposal developed for recent experience on balloons has raised a lot of concerns. The following reasons/proposals were mentioned by stakeholders:

- balloons are often not operational for several months due to insurance reasons
- weather related problems mainly in winter-time
- actual experience is not required / ballooning does not need it
- recent experience is only necessary for paying passengers
- recent experience is only necessary for BPL pilots but not for LPL

However, the Agency does not fully accept some of the reasons and explanations given by stakeholders why balloon pilots should be excluded from this general safety rule. The requirement in FCL.060 which is already in place for other aircraft categories in most of the Member States is an important safety element for commercial operations and for the carriage of passengers. This is the reason why the Agency will not exclude balloon pilots or a certain group of balloon pilots (the Agency cannot see a difference between the safety of a passenger carried by an LPL pilot and the safety of a passenger carried by a BPL pilot) from this requirement completely. There is no doubt that balloon pilots should have also a certain recent experience before flying with passengers. Having no requirement in place at all would put passengers possibly in danger by allowing pilots to carry passengers although they have not flown a balloon for 23 months. Checking accident statistics it is clearly visible that actual training is an important element also (and especially) for safe balloon operations.

However, the Agency is aware that this requirement must be in line with the specific needs for balloon operations. Knowing that specific weather conditions can make it sometimes very difficult to fulfill the standard requirement of three flights in the preceding 90 days (see FCL.060(b) for all the other aircraft categories) the Agency already proposed this specific requirement in (a) for balloon operations asking only for one flight in the preceding 90 days.

Reviewing now all the comments received it seems that the proposed flight could still cause some operational and organisational problems. The main issue seems to be the difficulty to fulfill this requirement after a winter break if only balloons with a certain envelope size are available.

Based on all the comments proposing an extension of the time period (120, 150 or 180 days) the Agency has concluded to extend the given time period to 180 days but to raise also the amount of flights from one to three flights. The comments received proposing to require this experience for each class and group of balloons will be taken into account in so far as one of the three flights should be performed in the relevant class and group used for the flight.

Additionally the Agency will introduce a specific requirement for the case that a pilot is not able to fulfill this 180-days requirement taking into account the minimum load of a huge passenger balloon. This additional paragraph will ask for a training flight under the supervision of an instructor as an alternative option in order to fulfil the recency requirement. During these training flights the supervising instructor will be the pilot in command.

The text will be changed accordingly.

comment	<p>1595 <span style="float: right;">comment by: <i>Helikopter Air Transport GmbH / Christophorus Flugrettungsverein</i></span></p>
	<p><b>STATEMENT</b></p> <ul style="list-style-type: none"> <li>• The function of the cruise relief pilot is not defined.</li> <li>• Only the cruise relief co-pilot is mentioned.</li> </ul> <p><b>PROPOSAL</b> Define the function of the cruise relief pilot.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion. Please refer to the response given to comment 1052 in this segment.</p>
comment	<p>1629 <span style="float: right;">comment by: <i>Nigel Roche</i></span></p> <p>I am having difficulty reconciling this order without being able to view EASA Ops to find the requirements.</p> <p>I appreciate that the closing date for NPA2008-17b has been extended but, the release date for EASA Ops has also been delayed until January. I would suggest that the closing date for these NPA 2008-17b is aligned with EASA OPs document to ensure that should there be any further delays NPA2008 - 17b remains open to enable us to have the time to give due consideration to the impact on NPA 2008 - 17b if any.</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment. Please note that when drafting the text the Agency did its utmost to regroup all requirements for recent experience in one part and thus the requirement for recent experience is contained in total in Part FCL and no more recent requirements can be found elsewhere.</p>
comment	<p>1632 <span style="float: right;">comment by: <i>Nigel Roche</i></span></p> <p>(2) as pilot-in-command at night unless he/she: (i) has carried out in the preceding 90 days at least 1 takeoff, approach and landing at night as a pilot flying in an aircraft of the same type or class or an FFS representing that type or class; or (ii) holds a valid instrument rating.</p> <p>As various orders for example those shown below detail the night rating then surely it should be mentioned here that the pilot must hold a valid night rating.</p> <p>FCL.305.As CPL(As) Privileges to act in commercial air transport The holder of a CPL(As) shall only act as pilotincommand in commercial air transport provided that: (a) For operations under IFR, he/she has a minimum of 500 hours total flight time on airships. These hours shall include at least 100 hours under IFR, and: (1) 700 hours as copilot within an established multipilot crew system prescribed in the Operations Manual of an operator; or (2) 250 hours as pilotincommand.</p>

- (b) For operations under VMC at night, he/she has:  
 (1) a valid instrument rating; or  
 (2) 300 hours total flight time on airships, including 100 hours as pilot in command and 10 hours as pilot flying at night.

FCL.810 Night rating

FCL.610 IR Prerequisites

Applicants for an IR shall:

(a) hold:

- (1) a PPL with a night rating in the appropriate aircraft category; or  
 (2) a CPL, with a night rating in the appropriate aircraft category; or  
 (3) an ATPL in another category of aircraft;  
 (b) have completed at least 50 hours crosscountry

response *Not accepted*

The Agency acknowledges your comment. Please note that the validity period of a rating is not affected by FCL.060 which is exclusively dealing with recent experience for valid ratings when exercised in commercial operation or in carrying passengers. The night rating is valid forever as it was already in JAR-FCL and the Agency does not intend to change this.

comment 1634

comment by: *Nigel Roche*

(3) as cruise relief copilot unless he/she:

(i) has carried out in the preceding 90 days at least 3 sectors as a cruise relief pilot on the same type or class of aircraft; or

(ii) has carried out recency and refresher flying skill training in an FFS at intervals not exceeding 90 days. This refresher training may be combined with the training prescribed in MS.OPS.3.075 1 .

I would suggest that the way this has been written in (1) that A Captain of First Officer could not be used as cruise relief pilots by thier airline unless they have undertaken cruise relief pilot training or acted as cruise relief pilots for three sectors in the preceeding 90 days.

A Capt and Co-Pilot could fuffill the requirements in (b) (1) and/or (2) with base training without meeting (3).

I would suggest that (1) is reworded:

(i) has qualified as PIC or Co-pilot as per (b) (1) (2) or has carried out in the preceding 90 days at least 3 sectors as a cruise relief pilot on the same type or class of aircraft; or

response *Partially accepted*

Thank you for providing your comment. Text has been amended accordingly.

comment 1676

comment by: *Sven Koch*

90 Tage 3 Starts/Landungen  
 Nachtflug: 90 Tage 1 Nachtflug

response	<p><i>Noted</i></p> <p>Thank you for providing your comment. However, it seems only to be a German translation of the main element described in this requirement.</p>
comment	<p>1766 <span style="float: right;">comment by: <i>REGA</i></span></p> <p><b>STATEMENT</b></p> <ul style="list-style-type: none"> <li>• The function of the cruise relief pilot is not defined.</li> <li>• Only the cruise relief co-pilot is mentioned.</li> </ul> <p><b>PROPOSAL</b> Define the function of the cruise relief pilot.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion. Please refer to the response given to comment 1052 in this segment.</p>
comment	<p>1908 <span style="float: right;">comment by: <i>Bob Berben</i></span></p> <p>The 90 days rule is a very bad idea specifically for ballooning. Do not compare ballooning with fixed wing or helicopter. For the vast majority ballooning in most parts of Europe is a strict seasonal activity ( usually from spring untill the end of October ). With this rule you force balloonists in winter to take risks when the 90 days period is approaching it's end and the weather conditions are marginal or not good at all. People will fly to avoid all the hassle of making afterwards a solo flight or in company of another pilot. Not only for the extra cost but for the problem of operational unfeasibility. Most of the balloons are too big for solo flights, even with ballast, and small balloons are seldom available, certainly in countries where ballooning is completely an individual activity without clubs or associations and renting is not possible. Or you will force a few pilots flying together making a lot of risky touch and go's. I know in Germany this rule exists already a long time, but that is not a reason to implement it for EASA, because generally this rule is not followed in Germany neither. Common practise is lying in the logbooks or flying at high risk. If you implement this rule you will see the incident/accident rate going up. I propose to increase the period up to 180 days for a pilot with low experience ( let's say 200 hours ) and withdraw this rule for pilots with more than 200 hours experience in the same class.</p>
response	<p><i>Partially accepted</i></p> <p>Thank you for providing this comment on the issue of the recent experience for balloon pilots. Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.</p>
comment	<p>2068 <span style="float: right;">comment by: <i>Markus Hitter / JAR-Contra</i></span></p> <p>It's unclear what's to be achieved with this 90 day period. One pilot is either safe to fly an aircraft or he's not. For his ability to operate safely it doesn't make a difference whether there's a passenger on the backseat or not. It would</p>



be more sensible to slightly adjust the measures in the individual licenses' rules (FCL.140xx) to ensure safe operations under all circumstances, making this 90 day period just obsolete.

However, instead of increasing safety with such a 90 day period, there are quite some situations where this enforced period actually would encourage pilots to take unneeded risks:

1) In most european states sailplane pilots typically pause flying during the winter, making them all falling out of this 90 day period. To compensate for this lack of training, most flying clubs established a custom to do first flights in the spring double-seated with two pilots, both of them holding a valid license. This custom is well received and very likely enhances safety, but would be prohibited by this 90 day rule.

2) If a pilot actually wants to carry passengers but fell out of this 90 day period for some reason, his only option is to exercise three starts. As those passengers are already waiting at the airfield's Café, those starts are done very hastily, not only to reduce passenger's wait times. Undoubtly, hasty starts done alone are much more risky than well planned operations with passengers in the cabin.

3) Many people will hold a whole bunch of licenses (aeroplane, sailplane, instructors, ratings, ...) and each of these licenses comes with several individual recency requirements. Being faced with a dozen or more recency requirements one such pilot has to track at any time, many of them will be tempted to just give up and ignore all those recency rules. In our opinion, reducing the sheer number of rules is strongly advised.

**We propose** removing the term "or carrying passengers" throughout FCL.060, leaving FCL.060 for commercial aviation only. Instead, FCL.140 should be adjusted as proposed there. Please consider removing FCL.060 entirely, but we can't comment on commercial aviation.

response *Not accepted*

The Agency acknowledges your comment. When drafting NPA 2008-17 the Agency followed closely JAR-FCL and OPS. To simplify the requirement all recency regulations were put to Part FCL. For safety reasons the Agency does not intend to delete this requirement.

comment

2105

comment by: *Dream Ballooning*

*Balloons.* A pilot shall not operate a balloon in commercial air transport or carrying passengers unless he/she has completed in the preceding 90 days at least one takeoff, approach and landing as a pilot flying in a balloon

This is due to the weather not always possible, it can be dangerous if the weather conditions for exemple in wintertime for a longer period bad are. The period must be longer, (6 months ?)

response *Partially accepted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation)

in the same segment above.

comment 2116 comment by: *Heliswiss AG, Belp*

**STATEMENT**

- The function of the cruise relief pilot is not defined.
- Only the cruise relief co-pilot is mentioned.

**PROPOSAL**

Define the function of the cruise relief pilot.

**STATEMENT**

There is only a MPL for airplane defined.

**PROPOSAL**

On the base of the MPL(A) establish a MPL(H).

It shall be possible to operate in multi-crew environment independently from the ATP(H)-training and licence. CPL(H) rated pilots shall be able to act as a copilot or a pilot-in-command in a multi-pilot operation. (See also cmt# 374)

response *Noted*

Thank you for providing your opinion.

2116.1 Please refer to the response given to comment 1052 in this segment.

2116.2 This part of your comment seems to be related to Subpart E Multi-Crew Pilot licence. Please note that when drafting the text the Agency closely followed the provisions of JAR-FCL and ICAO Annex 1. As there isn't any MPL for helicopter pilots in those regulations the Agency does not intend to create such a licence.

comment 2206 comment by: *AECA(SPAIN)*

Delete all paragraph.

Justification: Is an operational rule.

response *Noted*

The Agency acknowledges your comment. Please refer to the response given to comment no 1629 in this segment.

comment 2296 comment by: *Industry Group (Airbus, Alteon Training, Bell Helicopters, Boeing, CAE, CTC Aviation Group, ECOGAS, Flight Safety International, IAAPS (International Association of Aviation Personnel Schools), IACA, IATA, KLM Luchtvaartschool, Lufthansa Flight Training, TUI Group Airlines)*

FCL 060 (b)

Comment:FCL Rule should allow credit for operation of more than one type (mixed fleet flying) in accordance with current EU OPS 1.980.

proposal: add § (4) to read: "When a pilot has the privilege to operate more than one type of aeoplane with similar handling and operations characteristics, as defined in accordance with Part 21 Subpart C OSC, the 3 take off,

approaches and landing required in (1) may be performed in only one of the types.

Rationale: such credit is allowed under '4) for helicopters, and is currently used by many operators for aeroplanes under the current EU OPS.

response *Not accepted*

The Agency acknowledges your comment. When drafting the text the Agency followed closely the provisions of JAR-FCL and OPS. For safety reasons the Agency does not intend to change the wording of the text in this case.

comment

2326

comment by: *Susana Nogueira*

Delete all paragraph.

Justification: Is an operational rule.

response

*Not accepted*

Thank your for providing your opinion.  
See response to comment No. 1629.

comment

2430

comment by: *Tjeerd Mulder*

FCL.060 (b)1

An exception for the 90 day rule should at least be made for double seated sailplanes with full dual controls where the passenger holds a valid LPL(S) or SPL.

Reason:

many pilots make holidays in winter in the southern hemisphere to fly there, often with double seated sailplanes. In winter there is no possibility to fly at home so the 90 days will allready have passed when they arrive at there holiday destination. The rule does not add any safety for these cases, so an exception should be added.

response

*Not accepted*

The Agency acknowledges your comment. When drafting the text the Agency followed closely the provisions of JAR-FCL and OPS. For safety reasons the Agency does not intend to change the wording of the text in this case.

comment

2510

comment by: *Andrew Kaye*

The 90 day rule as I am familiar with from my fixed Wing flying should not be implemented in Ballooning. It is impractical to expect a balloonist to fly a larger 3 or 4 man balloon solo, it would be more appropriate to make it a rule that the pilot has a check flight with an instructor if he has not flown in the proceeding 90 days, so that help is on hand should he get into difficulty. Solo flying of larger balloons would not be recommended on any mass basis.

response

*Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in

the same segment above.

comment 2514 comment by: *Andrew Kaye*

Requiring a balloon pilot to fly a larger balloon solo when his is lacking in recent experience is dangerous. It would be more appropriate to require a pilot who has not flown for the proceeding 90 days to fly with a qualified instructor or examiner before taking passengers.

response *Partially accepted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots. However, it seems that this is only an addition (mentioning the examiner also) to your comment No. 2510.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment 2529 comment by: *Eleanor Fearon*

Concerning balloons. It is quite common for pilots not to fly for 90 days plus over the winter months, often not for want of trying! This would be restrictive since it would mean locating a pilot who was current (who had not been affected by the poor weather spell!) or flying solo (not desirable if you only have access to a larger balloon). Perhaps this could be a restriction for commercial flying only and not carrying passengers.

response *Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment 2537 comment by: *Tony KNIGHT*

The 90 day ruling may be acceptable to most forms of flight, but hot air ballooning to most of those that are not commercial pilots is a seasonal event. It is also a 'sport' that many struggle to afford and therefore do not fly regularly.

I feel that this ruling is only relevant to public transport (paying passengers). Even this is not entirely necessary as hot air ballooning is SO different from other categories of flying, no passenger can ask a balloon to take them anywhere specific as we go where the wind takes us. Therefore the term 'Public Transport' is really a nonsense.

My opinion is that hot air ballooning is closer related to a fun fair ride than it is to flying a 747!

response *Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment	2585	comment by: <i>len vaughan</i>
	please apply this to bpl only	
response	<i>Not accepted</i>	
	<p>Thank you for providing this comment on the issue of the recent experience for balloon pilots. Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.</p> <p>It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried by an LPL pilot and the safety of a passenger carried by a BPL pilot.</p>	
comment	2589	comment by: <i>len vaughan</i>
	this is not required for lpl, flying solo does not improve safety	
response	<i>Noted</i>	
	<p>Thank you for providing this comment on the issue of the recent experience for balloon pilots. Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.</p>	
comment	2617	comment by: <i>Tim DUDMAN</i>
	<p>It is quite common for balloon pilots not to fly in the winter months when conditions are not suitable. Would changing the requirement to not fly with PAYING passengers if you have not flown within 90 days be more sensible as many balloons are not a suitable size to be flown solo?</p>	
response	<i>Not accepted</i>	
	<p>Thank you for providing this comment on the issue of the recent experience for balloon pilots. Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.</p>	
comment	2622	comment by: <i>Ian Hooker</i>
	<p>The recency requirement for balloons is not practicable or wise. Three things are important in this.</p> <ol style="list-style-type: none"> <li>1. A balloon can be flown safely only when correctly loaded. This means not only that it must not be overloaded, but as well that it must not be <b>underloaded</b>. (a balloon can be flown when underloaded but only within even more restricted weather limitations).</li> <li>2. Balloons are flown by a single crew. Therefore, unless there is a supervising pilot on board any other person must be classed as a passenger. Even with a supervising pilot aboard most balloons carrying 2 people will be significantly underloaded in normal flying conditions.</li> <li>3. Balloon flying is concentrated in summer months- many pilots do not attempt to fly over a period of 4-6 months in winter. (This has been increasingly noticable with the effects of climate change).</li> </ol>	

The NPA, as drafted, will require many pilots to make a flight at the beginning of their flying season either solo, or with another pilot who has him/herself already qualified as recent. Either way, and most probably because these are flights are likely to be solo flights, there is an increased risk of flights being made in unsafe conditions.

It would be preferable for this paragraph to be amended to read no flights with "paying passengers"

In relation to the LPL this will mean that they can fly with a normal load of guests as at present.

For the BPL it will mean that they can fly with volunteers, as at present, but not with those who have paid.(also as at present).

response *Not accepted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment 2634

comment by: *Martin Axon*

**REGENCY FCL 060 Page 9 (a)**

This requirement should apply to the BPL license only. It is not necessary for a pilots flying under an LPL.

response *Not accepted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment 2641

comment by: *Martin Rowlands*

The "90 day recency requirement before flying passengers" is not practical for LPL holders in the UK where most private balloons are packed away at the end of October until the beginning of April. This could result in LPL holders having to fly solo, or all needing to find another pilot to fly with in the Spring. Neither option may be ideal or practical.

response *Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment 2659

comment by: *Derry MOORE*

1) 90 days may not be enough for balloonists with due regard to long term bad weather potential.

2) I assume this applies only to BPL?

response *Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried by an LPL pilot and the safety of a passenger carried by a BPL pilot.

comment 2663 comment by: *barry birch*

In the section LPL and BPL it is listed as a requirement to fly solo or with another pilot if you have not flown for 90 days. Can this apply to BPL only as they may well have commercial requirements for recency and therefore it is right that their flying is 'current' and safe with regard to passenger carrying. It seems unnecessary to apply this to LPL although they should be aware to keep their flying current and safe. Barry Birch (member BBAC).

response *Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried by an LPL pilot and the safety of a passenger carried by a BPL pilot.

comment 2680 comment by: *Derry MOORE*

Re 'or carrying passengers', many pilots will not fly for 90 days; consider winter months of possible non flying weather. Should apply only to commercial operational pilots.

response *Not accepted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment 2690 comment by: *ANDREW BAIRD*

I have held my PPL balloon licence since 1992 and have flown 350 hours in my 90,000 cu ft balloon, carrying no more than 3 passengers.  
I do not fly my balloon during the winter months, mainly due to the problems often encountered with recovering the balloon from a wet muddy field.  
I feel that it would be very impractical to have to fly solo or take another pilot as passenger during my first flight of the summer season.

response *Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in

the same segment above.

comment 2698 comment by: David BAKER

**(a) I believe it is better if the recency requirement applied to "paying passengers" rather than "passengers".**

response *Not accepted*

Thank you for providing your opinion. As the Agency considers the safety of any passenger to be of the utmost importance, it has no intention to change the text as you proposed.

Please also refer to the response given to comment no 1527 in this segment.

comment 2724 comment by: ray LESLIE

an lpl holder is not entitled to carry paying passengers, therefore it doesn't make sense to impose the 90day rule on them.  
it makes more sense to apply the proposed currency restrictions to BPL holders only.

response *Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried by an LPL pilot and the safety of a passenger carried by a BPL pilot.

comment 2727 comment by: Huw PARKER

Surely different constraints should be applied to the LPL when compared with a BPL. Do these recency requirements only apply to BPL holders? Why are both license holder being treated the same?

response *Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried by an LPL pilot and the safety of a passenger carried by a BPL pilot.

comment 2733 comment by: R I M Kerr

This has not been found necessary for private pilots of balloons.

response *Noted*



Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried by an LPL pilot and the safety of a passenger carried by a BPL pilot.

comment

2764

comment by: *David COURT*

Written here this will apply to both the LPL(B) and BPL.

It is common in some countries to be unable to fly for 90 days during the winter. If the recent experience rule applies to both LPL and BPL it will mean pilots flying solo after a 90 day period without flying.

It would actually be safer for two pilots to fly together for the first flight after 90 days even if they are both not "recent" or to take an experienced member of ground crew as a second set of eyes in the basket. It is also safer to fly a balloon with a normal loading rather than solo for the first flight after a long break without flying.

My concern is that technically the second pilot is a "passenger" so should not be carried although his presence would aid safety. Could an AMC be written to allow a second pilot to fly as a "safety pilot" when flying to comply with FCL 060.

response

*Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment

2806

comment by: *Richard Plume*

It is very common in UK for balloon pilots not to fly for 90 days or more over the winter, as our weather is so poor at this time. For LPL, there is no need for a solo or flight with another pilot if he has not flown for 90 days, again you are introducing rules where there is no evidence of any requirement to be met. We do not have a safety problem after our winter break in UK. This should apply ONLY to the BPL, not to the LPL.

response

*Not accepted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried by an LPL pilot and the safety of a passenger carried by a BPL pilot.

comment	2809	comment by: BBAC
	recency requirements should apply to BPL only	
response	<i>Not accepted</i>	
	<p>Thank you for providing this comment on the issue of the recent experience for balloon pilots. Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.</p> <p>It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried by an LPL pilot and the safety of a passenger carried by a BPL pilot. No justification is provided for this proposal.</p>	
comment	2813	comment by: CRBBAC
	section FCL.60 a should apply only to paying passengers/BPL licence holders	
response	<i>Not accepted</i>	
	<p>Thank you for providing this comment on the issue of the recent experience for balloon pilots. Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.</p> <p>It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried by an LPL pilot and the safety of a passenger carried by a BPL pilot.</p>	
comment	2848	comment by: Richard Allan
	FCL 060 a	
	Applies to BPL and LPL	
	As written this will require me and many pilots who do not fly in the winter to fly a solo flight to maintain validity. Should there be either a very bad winter or another epidemic of Foot and Mouth there would be real problems in finding "safety pilots".	
response	<i>Noted</i>	
	<p>Thank you for providing this comment on the issue of the recent experience for balloon pilots. Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.</p>	
comment	2858	comment by: Roy Battersby
	I can understand your concerns re 90 days with paying passengers but it is unnecessary for sport balloonists who take people who are aware of the risks.	
response	<i>Noted</i>	
	Thank you for providing this comment on the issue of the recent experience for	

balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment 2860 comment by: *Jeremy Hinton*

Section (a) - balloon LPL recency requirement. Some level of recency is justifiable. Legislation is justified for air transport operations. Depending on the conditions, it does not seem necessary to exclude passengers on private flights. Normally these would be experienced crewpersons. Indeed it might encourage or demand solo operation of an aircraft which is larger than ideal for solo flights. This restriction is not needed for LPL.

response *Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried by an LPL pilot and the safety of a passenger carried by a BPL pilot.

comment 2861 comment by: *Jeremy Hinton*

Section (a)(2) Night flying recency requirements. This may be unnecessarily onerous, especially in the case of airships. Where frequent night flying takes place, there is obviously no problem. Where the intention is to take off during the hours of darkness and land in daylight, this requirement is onerous. It may rule out some long duration flights and records.

response *Noted*

Thank you for your comment.

However, the Agency does not understand why the particular requirement for flights during night with airships cannot be fulfilled before carrying passengers by night. The statement that this requirement could "rule out some long duration flights and records" cannot be accepted as during these flights certainly no passenger must be carried. If during an airship flight by night passengers should be carried it does not impose a high burden on the licence holder if he/she has to complete some solo-night circuits before.

comment 2867 comment by: *richard benham*

This part of the proposal will mean the end of ballooning as a sport hobby to me. I have a young family, and don't fly sometimes from the middle of September until March or April due to favourable weather vs. my work and family commitments meaning that I can only fly at the weekends. The number of days in the period above, say 224 days, where I could actually fly, is nowhere near 224 (there would be only 64 weekend days, take away from this >50% due to poor weather would leave 30-odd days, then take away family and work commitment and I'd be left with 5 or 6 days):

By the time suitable weather, crew availability, family and work commitments are taken into account, I am probably restricted to a handful of weekend

day slots. Thus it would be much better, as is the case for me currently, if I was able to have my "refresher" flight, with a local pilot who HAS flown in the period.

The document doesn't explicitly say that this will apply to BPL - if it did, it would make my survival in this hobby a lot more favourable

**R.Benham**

response *Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried by an LPL pilot and the safety of a passenger carried by a BPL pilot.

comment 2889

comment by: Robert WORSMAN

I do not agree with the rule forbidding passengers if 90 day recency is not met. I live in Scotland and it is not uncommon for recency to go beyond 90 due to weather conditions.

This is for private flying. It should not apply to LBL or BPL. It could apply to the carrying of paying passengers on commercial flights.

I propose that it is more dangerous to fly alone with no possible assistance than it is to carry a passenger that may be able to assist in an emergency. A passenger is an extra set of eyes and from that sense always makes a flight safer.

Ballooning is much safer than driving a car or cycling a bike. Recency tests don't apply to them and should not apply to ballooning. This is an infringement of civil liberties.

Carrying a passenger doesn't make the flight more dangerous, the flight is safer than being on the road.

Flying in Scotland is a rare opportunity. This rule will deny many flights with trainee pilots. This will result in trainees going overseas to learn to fly in gentle air conditions. They will return as pilots but will be very inexperienced with the local weather conditions. It will INCREASE the risks to ballooning in Scotland. It will make the sport more DANGEROUS than safe!!

It will also make it very, very difficult to continue ballooning in Scotland. It is an ill constructed rule with has not respected ALL the nations in the EU and it appears to have not considered flying in Scotland at all.

response *Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment 2929

comment by: Robert WORSMAN

I make comments here for the BPL requirement (same as the LPL). I do not want a LPL, I want to fly as a private pilot in countries outside the EU. The comments are applicable to private flying with out commercial passengers:

When inadequate or badly introduced rules are introduced people will find a way to circumvent them.

The current UK PPL (b) rule for recency should remain the proficiency check should be scrapped.

Flying a balloon is safer than driving a car. There is no recency check to drive a car. DO NOT IMPOSE IT on ballooning.

Flying a balloon is safer than riding a cycle. There is no recency check to cycle a bike DO NOT IMPOSE IT on ballooning.

Flying a balloon is safer than being a pedestrian. There is no recency check to be a pedestrian DO NOT IMPOSE IT on ballooning.

Please use some COMMON SENSE!

This rule will kill the sport of ballooning - or just leave it open to the very very rich. I regard it as a direct infringement on my civil liberties.

Because it will be so impossible to exercise I believe the rule will lead to a change from fully licensed and insured pilots to the current mess on the roads with drivers having no license and no insurance - I think you will only encourage anarchy.

response *Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that this requirement does not contain any recency check at all.

comment 2930

comment by: *Robert WORSMAN*

I do not agree with the rule forbidding passengers if 90 day recency is not met.

I live in Scotland and it is not uncommon for recency to go beyond 90 due to weather conditions.

This is for private flying. This recency rule should not apply to LBL or BPL. It could apply to the carrying of paying passengers on commercial flights.

I propose that it is more dangerous to fly alone with no possible assistance than it is to carry a passenger that may be able to assist in an emergency. A passenger is an extra set of eyes and from that sense always makes a flight safer.

Ballooning is much safer than driving a car or cycling a bike. Recency tests don't apply to them and should not apply to ballooning. This is an infringement of civil liberties.

Carrying a passenger doesnt make the flight more dangerous, the flight is safer than being on the road.

	<p>Flying in Scotland is a rare opportunity. This rule will deny many flights with trainee pilots. This will result in trainees going overseas to learn to fly in gentle air conditions. They will return as pilots but will be very inexperienced with the local weather conditions. It will INCREASE the risks to ballooning in Scotland. It will make the sport more DANGEROUS than safe!!</p> <p>It will also make it very, very difficult to continue ballooning in Scotland. It is an ill constructed rule with has not respected ALL the nations in the EU and it appears to have not considered flying in Scotland at all</p>
response	<p><i>Noted</i></p> <p>This seems to be only a copy of your comment No. 2889. See response for 2889.</p>
comment	<p>2943 <span style="float: right;">comment by: <i>RG Carrell</i></span></p> <p>Re (a) balloons It is not a good idea to encourage balloon pilots to undertake solo flights to regain recency. Passengers in the private category assist and make the operation safer.</p> <p>The clause is not clear. I presume it is intended that the pilot should be able to fly with a second pilot, but this is not made clear in clause (a). How else other than solo?</p> <p>It is also not a good idea to encourage pilots to fly in unsuitable conditions, to retain recency. (It is not as easy to find suitable conditions as in fixed-wing operations.)</p> <p>Suggest this limitation is applied to BPL only.</p>
response	<p><i>Not accepted</i></p> <p>Thank you for providing this comment on the issue of the recent experience for balloon pilots. Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.</p> <p>It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried by an LPL pilot and the safety of a passenger carried by a BPL pilot. No justification is provided by your comment why the LPL pilot should be excluded.</p>
comment	<p>2947 <span style="float: right;">comment by: <i>FEDERATION FRANCAISE D'AEROSTATION</i></span></p> <p><b>FCL060 : Expérience récente = 1 ascension dans les 90 jours. Balloons</b> Cette exigence n'est pas adaptée à la pratique du ballon qui est une activité saisonnière dans la plus part des pays Européens. En général les vols ont lieu d'avril à octobre à l'exception des régions montagneuses où l'on vole régulièrement en hiver. Dans ces conditions il est difficile de justifier en début de saison d'une ascension dans les 90 jours. Nous proposons de maintenir cette valeur mais de rajouter <b><i>ou 12 heures et 12 ascensions dans les 12 derniers mois.</i></b></p>
response	<p><i>Not accepted</i></p>

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment 2957 comment by: *tobydavis*

Regarding balloons- many pilots do not fly over the winter in the uk so this recency rule would be difficult to adhere to. It would make sense for commercial operations but not for the small scale leisure balloon pilot.

response *Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.  
It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried by an LPL pilot and the safety of a passenger carried by a BPL pilot with commercial privilege.

comment 2989 comment by: *Julia WILKINSON*

(a)  
Why can't this apply to BPL only?

response *Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.  
  
It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried by an LPL pilot and the safety of a passenger carried by a BPL pilot. No justification is provided by your comment why the LPL pilot should be excluded.

comment 2992 comment by: *Julia WILKINSON*

(a)  
Why not make the recency requirement apply to 'paying passengers'? This is presumably why this new law is introduced, to increase safety for commercial operations? A private pilot does not need to fly passengers so urgently as a commercial pilot does.

response *Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment 2997 comment by: *lotus Balloons*

This need only apply to BPL

response

*Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried by an LPL pilot and the safety of a passenger carried by a BPL pilot. No justification is provided by your comment why the LPL pilot should be excluded.

comment

3010

comment by: *Richard ALLEN*

It would seem more sensible to adjust paragraph (a) to read "commercial air transport or carrying fare paying passengers".

response

*Not accepted*

Thank you for providing your opinion. As the Agency considers the safety of any passenger to be of the utmost importance, it has no intention to change the text as you proposed.

Please also refer to the response given to comment no 1527 in this segment.

comment

3024

comment by: *Frank Schweppe*

The recency rule for the Balloon Pilot's Licence (BPL) states that at least one flight as P1 must have been undertaken within 90 days before a flight to be able to engage in commercial transport or flying with passengers.

As it is often impractical to fly a balloon, with the exception of very small models up to about 2000 cubic metres, entirely solo (a balloon has a minimum landing mass as well as a maximum take-off mass, meaning a balloon over a certain size needs to be flown with either a substantial amount of ballast or with several people on board to maintain minimum landing mass; and for ground handling, i.e. deflation immediately after landing, having a second person on board can be an important factor) it would be advisable to define 'passengers' as 'paying passengers' .

Proposed text:

A Pilot shall not operate a balloon in commercial air transport or carrying paying passengers unless he/she has completed in the preceding 90 days at least one take off approach and landing as a pilot flying in a balloon.

response

*Not accepted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger and a paying passenger. No justification is provided by your comment why the non-paying passenger should not have the same safety level (training level of his/her pilot).

comment

3034

comment by: *Peter SCHMAUTZER*



	<p>The here-regulated periods of time are so that they hardly could be learned by heart. It would be easier when the period of time is not 90 days, but 3 months in (b) (1), than the pilot in command has within the preceding three month to do three take offs and landings.</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment. However, the Agency follows closely Subpart A of JAR-FCL where those 90 days already appeared.</p>
comment	<p>3047 <span style="float: right;">comment by: <i>PAL-V Europe</i></span></p> <p><b>FCL.060 Recent experience</b></p> <p>Addition to (b): <b>gyroplanes</b></p>
response	<p><i>Not accepted</i></p> <p>Thank you for providing your comment. However, the Agency will not add specific licensing requirements for pilots of gyroplanes because so far this class of aircraft falls clearly under the Annex II definition of the Basic Regulation.</p>
comment	<p>3054 <span style="float: right;">comment by: <i>Peter Kenington</i></span></p> <p>FCL.060 part (a): It is quite common for private pilots resident in countries with poor winter weather not to be able to fly for a number of months over the winter period. If, for example, such a pilot has a full-time job (and not as a commercial balloon pilot), then he/she is effectively restricted to weekend flying (due to the late sunrise and early sunset times in winter). In northern European countries, which typically have poor winter flying conditions, there is a good chance that there will be few or no flying opportunities at weekends for many months, thereby forcing pilots to undertake a solo at the start of the season. This is discriminatory against pilots in such countries. Perhaps the simplest way around this is to exempt the LPL from this requirement. Alternatively, the 'carrying passengers' aspect could be dropped as the 'commercial air transport' aspect could be defined to cover paying passengers (who could reasonably expect such recency). A further alternative could be to exempt smaller sizes of balloon from this requirement, such as those below 105,000 cu. ft.; such smaller balloons are rarely used for the carrying of commercial passengers.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing this comment on the issue of the recent experience for balloon pilots.</p> <p>Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.</p> <p>It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried by an LPL pilot and the safety of a passenger carried by a BPL pilot. No justification is provided by your comment why the LPL pilot or the operation of balloons up to a certain size should be excluded.</p>
comment	<p>3066 <span style="float: right;">comment by: <i>Peter Kenington</i></span></p>

	<p>FCL 060(a): This requirement should be restricted to pilots taking <i>paying</i> passengers and not to general non-commercial flights (e.g. with friends or family). To introduce a recency requirement is discriminatory against pilots in northern European countries as there are often few (if any) opportunities to fly over winter (due to poor weather) which coincide with weekends (for the majority of non-commercial pilots who have full time jobs).</p>
response	<p><i>Noted</i></p> <p>Thank you for providing this comment on the issue of the recent experience for balloon pilots.</p> <p>Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.</p> <p>It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried by an LPL pilot and the safety of a passenger carried by a BPL pilot. No justification is provided by your comment why the LPL pilot or the operation of balloons up to a certain size should be excluded.</p>
comment	<p>3081 <span style="float: right;">comment by: <i>Profballoon Vzw</i></span></p> <p>In Belgium, even Europe in General, it is mostly impossible in autumn and wintertime for a balloon pilot to have flyable conditions for a balloon flight within 90 days after the last flight. If the end of the 90 days period is approaching, the chances are real that pilots will push their limits and make a flight in questionable weather conditions. This may result in more accidents during this period of time.</p> <p>Another scenario is that pilots will make a flight only in their logbook to keep their license alive: nobody is a winner in this situation.</p> <p>Looking at a period of 6 months would be way more near to reality.</p> <p>Balloons are more depending on weather conditions than planes or helicopters. A lot of balloons only have Insurance for 6 months, because of the poor chances of making a flight due to weather conditions (April through October), so a problem is also occurring here.</p> <p>Isn't it possible to cancel this rule for pilots with a certain minimum hours of flight a year?</p>
response	<p><i>Noted</i></p> <p>Thank you for providing this comment on the issue of the recent experience for balloon pilots.</p> <p>Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.</p>
comment	<p>3090 <span style="float: right;">comment by: <i>Rory Worsman</i></span></p> <p>I do not agree with the 90 day recency for LPL or BPL. I do not believe any consideration has been made to people living in the northern part of the EU where weather systems can prevent flying for 90 days - assuming that flying is private LPL and BPL and there is no commercial activity.</p> <p>Flying in Scotland is not frequent due to weather conditions. Adapting this rule will kill off ballooning in Scotland. I believe all EU legislation should be fair and equitable to all the nations in the EU. Because this legislation has not</p>

considered all nations I find it very offensive. I believe it has only considered flying balloons in a few european countries.

I believe that by preventing a passenger on a private flight from flying under 'recent experience' rules will make flying more dangerous. An passenger is normally always a source of assistance when required as is always an extra pair of eyes.

Not having a CPL but only a BPL is a fundamental flaw to these proposed rules. I will take a BPL license but will never carry commercial passengers. I want a license that is valid for flight outside the EU.

If there is logic to these rules it is flawed - they have not been clearly and logically thought through - they appear rushed, is there a time limit they are being rushed through for?

response *Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that the issue of "not having a CPL" is not understood as this is a general rule for all balloon pilots.

Your request to hold a licence which is valid also for flights outside the EU is already included as the BPL licence will be an ICAO licence.

comment 3109

comment by: *Rory Worsman*

I make these comments for BPL also:

I do not agree with the 90 day recency for LPL or BPL. I do not believe any consideration has been made to people living in the northern part of the EU where weather systems can prevent flying for 90 days - assuming that flying is private LPL and BPL and there is no commercial activity.

Flying in Scotland is not frequent due to weather conditions. Adapting this rule will kill off ballooning in Scotland. I believe all EU legislation should be fair and equitable to all the nations in the EU. Because this legislation has not considered all nations I find it very offensive. I believe it has only considered flying balloons in a few european countries.

I believe that by preventing a passenger on a private flight from flying under 'recent experience' rules will make flying more dangerous. An passenger is normally always a source of assistance when required and is always an extra pair of eyes.

Not having a CPL but only a BPL is a fundamental flaw to these proposed rules. I will take a BPL license but will never carry commercial passengers. I want a license that is valid for flight outside the EU.

If there is logic to these rules it is flawed - they have not been clearly and logically thought through - they appear rushed, is there a time limit they are being rushed through for?

response	<p><i>Noted</i></p> <p>This seems to be only a copy of your comment No. 3090. See the response for 3090.</p>	
comment	3141	comment by: <i>FOCA Switzerland</i>
	<p>FCL.060 Recent experience</p> <p>It is important to include one filling in the text because it's an essential part of flying balloon. Make it clear that it has to be done on a balloon of the relevant class and group.</p> <p>Proposal</p> <p><i>Balloons</i> A pilot shall not operate a balloon in commercial air transport or carrying passengers unless he/she has completed in the preceding 90 days at least one filling, take-off, approach and landing as a pilot flying in a balloon of the relevant class and group.</p>	
response	<p><i>Partially accepted</i></p> <p>Thank you for providing your opinion. See response for comment No. 1095 (Swedish CAA).</p>	
comment	3171	comment by: <i>Derek Maltby</i>
	<p>We think this should only apply to those flying on an AOC for reward (BPL) and not LPL as well. When the weather is bad over the winter, it is possible to not fly for long periods in excess of 90 days. if there needs to be a limit, please can we consider a six month period, i.e. 180 days before a solo flight or flight with another pilot is required?</p>	
response	<p><i>Partially accepted</i></p> <p>Thank you for providing this comment on the issue of the recent experience for balloon pilots. Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.</p> <p>It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried by an LPL pilot and the safety of a passenger carried by a BPL pilot. No justification is provided by your comment why the LPL pilot should be excluded.</p>	
comment	3180	comment by: <i>Derek Maltby</i>
	<p>This should be changed to 180 days to allow for bad winters/weather when long periods without flight are possible.</p>	
response	<p><i>Partially accepted</i></p> <p>Thank you for providing this comment on the issue of the recent experience for balloon pilots. Please see the response to comment No. 1527 (Danish Balloon Organisation)</p>	

in the same segment above.

comment

3185

comment by: *Richard Sargeant*

I object to some aspects of this proposal. Balloons are unlike any other type of aircraft in that they are subject to minimum landing mass requirements, as detailed by the manufacturers. This means that many normal balloons cannot be flown "solo". Put this together with the fact only the very largest of balloons require more than one pilot (flight crew). The proposal means that as a typical hobby pilot that slips out of currency I cannot fly my 2-3 man balloon along with another qualified pilot and thus regain my recency, because that accompanying balloon pilot is actually a passenger. I therefore have to find an examiner (!) or a one-person balloon to regain recency!

The proposal should be amended such that non-paying passengers that are suitably licensed can accompany a pilot seeking to regain recency.

I totally agree that fare-paying "ride" passengers should be protected by the recency proposal as described, but it is nonsense that my wife (a qualified balloon pilot) may not accompany me should I slip out of currency!

response

*Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried by an LPL pilot and the safety of a passenger carried by a BPL pilot. No justification is provided by your comment why the LPL pilot should be excluded.

comment

3188

comment by: *Stephen LAW*

Living in the UK our flight season - due to the weather - is realistically March to October (If we're lucky), as a Pilot Under Training for the Leisure Pilot License, and as a member of a local student ballooning club this would make the running of the club, and quite possibly all flights very difficult.

While I accept it is advisable to fly with another pilot after a long break, 90 days for a leisure pilot is a very short time. I however agree that should I decide to take my licence further to a Balloon Pilot Licence and fly professionally or with paying passengers, then this rule is perhaps necessary. But not for leisure pilots.

response

*Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried by an LPL pilot and the safety of a passenger carried by a BPL pilot. No justification is provided by your

comment why the LPL pilot should be excluded.

comment 3375 comment by: DGAC FRANCE

FCL .060 (b) (1) and (3) (i)

Editorial and consistency

Add FTD 2/3 in both sentences:

(b) (1) ..... in an aircraft **of some type or class or a FS , FTD 2/3** representing that type

and (3) (i) ..... in an aircraft **of some type or class or a FS , FTD 2/3** representing that type

response *Not accepted*

The Agency acknowledges your comment. When drafting NPA 2008-17 the Agency followed closely the provisions of JAR-FCL 1.026 which did not contain the possibility to do the take-offs and landings in a FTD 2/3. The Agency does not consider the proposed changes as a surplus in safety and therefore does not intend to change the text.

comment 3386 comment by: Peter MEECHAM

Should only be necessary to apply this to BPLs.

response *Not accepted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried by an LPL pilot and the safety of a passenger carried by a BPL pilot. No justification is provided by your comment why the LPL pilot should be excluded.

comment 3404 comment by: NACA

**FCL.060 (b) (2)**

1. The first line should read: "*as pilot-in-command at night under IFR unless he/she:*"

**FCL.060 (b) (2) (ii)**

1. This is only valid for flights at night under IFR. The obligation to hold a valid instrument rating is not required for flights at night under VFR. Suggest to amend this article and/or to refer to FCL.305 H

**FCL.060 (b) (4)**

	1. The definition of a "non-complex helicopter" should be added to this Part.
response	<p><i>Not accepted</i></p> <p>3404.1 Thank you for providing your comment. However, it has to be reminded that FCL.060 (b)(2) is dealing with night flying under VFR.</p> <p>3404.2 Please refer to Regulation (EC) No 216/2008 Article 3 (j) which gives a definition of complex helicopters.</p>
comment	<p>3441 <span style="float: right;">comment by: <i>Nina Bates</i></span></p> <p>Whilst I appreciate the relevance of this recommendation to a pilot who is flying commercially I do not understand the logic behind including this in the Leisure Pilot Licence. Those holding Leisure Pilot Licences fly in their leisure time, which restricts their opportunities to fly to when they are not working. Similarly many people do not fly during the winter months due to the inclement weather in the United Kingdom.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing this comment on the issue of the recent experience for balloon pilots.</p> <p>Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.</p> <p>It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried by an LPL pilot and the safety of a passenger carried by a BPL pilot. No justification is provided by your comment why the LPL pilot should be excluded.</p>
comment	<p>3514 <span style="float: right;">comment by: <i>Graham CANNON</i></span></p> <p>Comment on a)</p> <p>This should be the procedure for a BPL only</p>
response	<p><i>Not accepted</i></p> <p>Thank you for providing this comment on the issue of the recent experience for balloon pilots.</p> <p>Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.</p> <p>It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried by an LPL pilot and the safety of a passenger carried by a BPL pilot. No justification is provided by your comment why the LPL pilot should be excluded.</p>
comment	<p>3567 <span style="float: right;">comment by: <i>Francesca WORSMAN</i></span></p> <p>(a) I do NOT agree with this rule. It is much safer to fly with a passenger than to fly solo. Flying a balloon is a very safe sport. The passenger can always assist and is an extra set of eyes in the basket.</p> <p>This should be the case for both LPL and BPL licenses. I do not object to a</p>

restriction on the number of passengers carried for a commercial balloon flight.

This rule discriminates against those that live in countries where climatic conditions prevent flying for periods greater than 90 days. It certainly discriminates against Scotland. It will kill the sport of Ballooning in Scotland and infringes on our civil liberties. A proposal must be fair to all countries in the EU and not those just centred around France and Germany.

It must consider weather conditions in all countries.

I do not fly commercially but do fly outside the EU so require a BPL license. The rule should not discriminate against me so must not exist for BPL or LPL.

response *Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that this is a general rule. The Agency can not see a difference between the safety of a passenger carried by an LPL pilot and the safety of a passenger carried by a BPL pilot ("paying passenger"). No justification is provided by your comment why the LPL pilot should be excluded.

comment 3631

comment by: *Peter van Harten*

I herewith would like to comment on the period of 90 days, because of meteorologic conditions it may occur that it is not possible to fly a balloon at night that period. I would consider to extend that period to 12 months.

response *Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above. It should be highlighted that there is no specific recent experience requirement for balloon flights as night. For these flights the pilots have to comply with the same requirements as for the flights during day.

comment 3664

comment by: *Sarah Bettin*

There is no differentiation here between the LPL(B) and the BPL. The recency requirement should apply to "paying passengers" rather than just "passengers".

response *Not accepted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried by an LPL pilot and the safety of a passenger carried by a BPL pilot ("paying passenger"). No



justification is provided by your comment why the LPL pilot should be excluded.

comment 3992

comment by: Airbus

**Page 9 FCL 060**

- **Comment:** Under the EU-OPS there was a possibility via EU-OPS 1.980 to consider that when flying more than one type of variant, credit could be granted between aeroplane types for recent experience specified under EU-OPS 1.970. In the new FCL.0060 this is not proposed for aeroplanes, however there are some similar considerations under FCL.060 (b)(4) for helicopters. Airbus requests that equivalent provisions be embedded into FCL 060, so that operators flying more than one type can benefit from credit demonstrated and documented in existing JOEB reports.
- **Proposal:** Insert new § (b)(5) to read:  
*(b)(5) When a pilot has the privilege to operate more than one type of aeroplane with similar handling and operational characteristics, credit may be given to reduce the recent experience requirements as defined by the Operational Suitability Certificate in accordance with Part 21.*

response *Noted*

The Agency acknowledges your comment. Please refer to the response given to comment no 2296 in this segment.

comment 4051

comment by: Sebe Kruijer, Holland

Comment for FCL.060 (a). This is a heavy rule to follow in Europe, and specially in Holland. During wintertime it is very risky to fly a hot air balloon. Mostly too much wind, too much rain. And also landing is rather difficult, the farmers don't like any vehicles on the land when it is wet. Vehicles then make very deep tracks in the lands.

The balloon season in Holland is from April to October and with this rule pilots would have to make at 2 or 3 flights in mostly unsafe circumstances which I think is not the reason for this rule.

response *Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that the Agency does not agree with the statements given that balloon flights between November and March would take place "in mostly unsafe circumstances" and that it is generally "very risky to fly a hot-air balloon" during winter time. This is - as a general statement - definitely not true as it is proven that you will have in Central Europe every winter several days with a very stable weather situation (low wind speed on the ground - no thermal activity) which will allow to perform some safe balloon flights. But the Agency agrees that there are only a few days with conditions like that especially in specific Member States.

However, with this change of the requirement you will not be forced to "make 2 or 3 flights in mostly unsafe circumstances".

Other arguments like insurance systems, surface conditions for the retrieve vehicles or simply the fact that the transport of passengers is mainly performed in spring, summer and autumn are known as being the key issues for this topic.

comment 4057

comment by: Cary Crawley

Due to the practical expediencies of operating a balloon in a maritime climate in Winter-amongst others,this clause might create some difficulty.It might be very wise and desireable to suggest such a restriction on pilots exercising the privileges of the B.P.L whilst conducting the particular privileges of the "C" or Commercial Exemption however for sporting arrangements,for example instruction there is no clear precedent that this rule will achieve anything positive in it's currently proposed form. In practice,a pliot might merely make a take-off and landing "Hop" in the same field prior to allowing their passengers to board-I am not sure what this activity would contribute to passenger safety-though may create some compromises of Fight Manual statements relating to "minimum take off weights."What is more probable is that this rule will be very hard one with which it is to establish compliance and I suspect that many of the pilots in less monitored areas will merely falsify their records and "Fly a Pen".My opinion is that this is a situation and ethos we should not encourage.The U.K.requires three seperate flights-at least-three seperate take-offs and landings-within the preceding 90 days for pilots engaged in commercial activity.This might be abused in some cases but due to the clearly stated ,audited and monitored set of established commercialy orientated regulations-fraud is much more difficult -as it usually requires a demand for the greater complicity of others than the pilot.

response *Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment 4187

comment by: Bart Sebregts

For ballooning a recency period of 90 days is not practical due to the seasons and the weather conditions in Europe. Better will be a period of 150 days.

response *Partially accepted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment 4369

comment by: Montgolfier Ballooning bvba

I believe FCL.060 a) does not really take into account the peculiarities of hot-air balloons, and is merely based on the needs useful for other aircrafts. In particular for balloons there are 2 important notes to make:  
1) Inherent to ballooning, there's a certain 'ballooning-season'. In this time

period, typically from April till October, most balloon flights are made because of the favourable meteorological conditions. During the winter period ballooning activity is close to zero which makes it rather difficult to comply with the 90 day-rule.

2) For other aircraft like planes and helicopters, the 90 day rule is useful because flying these aircraft require formal operational procedures which should be current for each pilot flying. Flying balloons require much less operational procedures. For ballooning it's more important to have the feeling in the hands..once this feeling is acquired by the balloon pilot this 'feeling' is not lost in a few months.

I believe it's more useful to set a minimum on the required number of flights on a per year basis. E.g. Minimal 24 flights per year for a CPL Balloon and 12 flights for a LPL.

Jurgen Dobbelaere  
CPL Balloon & PPL(A)

response *Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that the Agency does not agree with the statements given that "for other aircraft like planes and helicopters the 90 day rule is useful" but in the case of a balloon pilot "this 'feeling' is not lost in a few months". It is a proven fact that missing actual training or experience is definitely a cause for accidents also in balloon operations. A balloon pilot not having operated a balloon for 7 months is not as fit and safe as the pilot who has performed some flight in the recent months. The "feeling" will not get lost totally but certain mistakes will happen more often if the pilot has a low level of actual flight time.

comment 4588

comment by: *ECA- European Cockpit Association*

Editorial, delete word:

b)4)When a pilot has the privilege to operate more than one type of noncomplex helicopter with similar handling and operations characteristics, as defined in accordance with Part21, the 3 takeoffs, approaches and landings required in (1) may be performed in only one of the types, provided that the pilot has completed at least 2 hours of flight in ~~the~~ all the relevant types of helicopter, during the preceding 6 months.

response *Noted*

Thank you for providing this comment. It will be taken into consideration when drafting the final text. Please refer to the response given to comment no 602 in this segment.

comment 4698

comment by: *ECA- European Cockpit Association*

In the case of commercial air transport, the 90day period prescribed in subparagraphs (b)(1) and (2) above may be extended up to a maximum of 120 days, as long as the pilot undertakes line flying under the supervision of a

~~type rating instructor or examiner or a person appropriately qualified to provide line training in accordance with PartMS.~~

Justification:

ECA has to oppose to this change in the old JAR-FCL with no safety justification. There is not such line training, but supervision. Training, under 216 (BR) must be done by an instructor, which could be either FI or FE, but not a person which is only entitle to make supervision. We are flying with passengers during line flying under supervision. Do you want to call it training with passengers?

Also, in Part MS issued there is no provision about this requirements. Please clarify or delete the additional text.

response *Accepted*

The Agency acknowledges your comment. When drafting the text the Agency included all relevant provisions from different former regulations in Part-FCL to avoid any duplication or misinterpretation. The deletion you requested would be in line with EU-Ops 1.970 and therefore the final text will be changed accordingly.

comment

4763

comment by: *CAA Belgium*

(a) 90 days rule for balloons to be reviewed

response

*Partially accepted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment

4931

comment by: *Hugh STEWART*

This should be applied only to BPL with their additional responsibilities in relation to paying passengers. While it is a prudent action to take a qualified pilot on the first flight following a period of no flying, I do not feel this needs to be legislated.

response

*Not accepted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried by an LPL pilot and the safety of a passenger carried by a BPL pilot. No justification is provided by your comment why the LPL pilot should be excluded.

comment

4938

comment by: *Graham PHILPOT*

a)

The requirement should only apply to the BPL and apply to 'Commercial' flights those with fare paying passengers

response

*Not accepted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried by an LPL pilot and the safety of a passenger carried by a BPL pilot. No justification is provided by your comment why the LPL pilot should be excluded.

comment

4946

comment by: *Graham PHILPOT*

a) As stated previously I believe this should only apply to 'Commercial' flights with 'fare paying passengers'.

response

*Noted*

The Agency acknowledges your comment. Please refer to the responses given to comments no 1527 and 2698 in this segment.

comment

5060

comment by: *UK CAA***Paragraph:**

FCL.060

**Page No:**

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**Comment:**

The requirement that a Pilot shall not operate a balloon in commercial air transport or carrying passengers unless he/she has completed in the preceding 90 days at least one take off approach and landing as a pilot flying in a balloon is insufficient.

**Justification:**

Commercial flying requires much greater recency than, say, LPL leisure flying. For the LPL(B) in particular this could be a problem in countries where ballooning is (by necessity) seasonal. For commercial flying, a minimum of 3 flights in the previous 90 days should be required.

response

*Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment

5065

comment by: *Lenny Cant*

(a)

The 90 day rule is unrealistic. When you operate in a country which doesn't always have good weather it might be possible that you just aren't able to do flights in 90 days because of the weather. With this rule you might create a stronger unsafety because maybe certain pilots will start flying in bad weather conditions in order to comply with this rule. The last flight I did in Belgium at this moment was on December 7th 2008. If there would be some bad weather,

no passengers or I would go on holiday for some weeks I would have to do an extra check? I think that's simply unrealistic. 90 days is just too short. I think something about 150 days is more realistic although I think the rule is useless because you might create more incidents.

response *Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment 5072

comment by: *Lindsay Sadler*

Can it be confirmed that this will only apply to BPL only and NOT LPL.

response *Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried by an LPL pilot and the safety of a passenger carried by a BPL pilot. No justification is provided by your comment why the LPL pilot should be excluded.

comment 5082

comment by: *Ciers Gino*

90 days rule for balloons. 90 days is too short, it should be at least 180 days. It happens a lot that balloon pilots can not fly for ex. 4 -5 months during winter time due to bad weather conditions (in Belgium, end of October till early April). With the implementation of this rule, pilots would try to fly during winter time in bad weather conditions, only to keep their licence. And flying a balloon in bad weather conditions is dangerous!  
Personally, I only fly every nice day from the beginning of April until the end of October. Also our passengers want to fly with nice warm and calm weather... not in autumn or winter...

response *Partially accepted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that the Agency does not agree with the statements given that balloon pilots "cannot fly for ex. 4-5 months". This is - as a general statement related to the weather situations only - definitely not true as it is proven that you will have in Central Europe every winter several days with a very stable weather situation (low wind speed on the ground - no thermal activity) which would allow to perform some safe balloon flights.

Other arguments like insurance systems, surface conditions for the retrieve vehicles or simply the fact that the transport of passengers is mainly performed in spring, summer and autumn are known as being the key issues

for this topic.

comment 5164 comment by: *air events ballooning*

A balloon is a different type of aircraft than every other type . Its structure implicates extremely good weather conditions ie less wind, no rain, good visibility.

But there is MORE:

A balloon, as a construction of 20 - 30 mr height, must be landed ánd packed in DRY conditions, to maintain the ideal condition of the BALLOONFABRIC.

This means that by safety reasons the winter season is a very quiet season. Most of the flights are flown from may to august.

An alternative can exist in extending the period from 90 to 180 days.

response *Partially accepted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment 5174 comment by: *Klaus Melchinger*

It's unclear what's to be achieved with this 90 day period.

One pilot is either safe to fly an aircraft or he's not!

For his ability to operate an aircraft safely, it doesn't make a difference wether there's a passenger on the backseat or not.

It would be more sensible to slightly adjust the measures in the individual licenses' rules (FCL.140xx) to ensure safe operations under all circumstances, making this 90 day period just obsolete.

However, instead of increasing safety with such a 90 day period, there are quite some situations where this enforced period actually would encourage pilots to take unneeded risks:

1) In most european states sailplane pilots typically pause flying during the winter, making them all falling out of this 90 day period.

To compensate for this lack of training, most flying clubs established a custom to do first flights in the spring double-seated with two pilots, both of them holding a valid license. This custom is well received and very likely enhances safety, but would be prohibited by this 90 day rule.

2) If a pilot actually wants to carry passengers but fell out of this 90 day period for some reason, his only option is to exercise three starts. As those passengers are already waiting at the airfield's Café, those starts are done very hastily, not only to reduce passenger's wait times. Undoubtly, hasty starts done alone are much more risky than well planned operations with passengers in the cabin.

3) Many people will hold a whole bunch of licenses (aeroplane, sailplane, instructors, ratings, ...) and each of these licenses comes with several individual recency requirements.

Being faced with a dozen or more recency requirements one such pilot has to track at any time, many of them will be tempted to just give up and ignore all those recency rules. In our opinion, reducing the sheer number of rules is strongly advised.

It is proposed removing the term "or carrying passengers" throughout

	FCL.060, leaving FCL.060 for commercial aviation only. Instead, FCL.140 should be adjusted as proposed there. Please consider removing FCL.060 entirely, but I won't comment on commercial aviation.
response	<i>Noted</i>  The Agency acknowledges your comment. Please refer to the response given to comment no 2068 in this segment.
comment	5245 <span style="float: right;">comment by: CAA Belgium</span>  FCL .060 (b) (1) and (3) (i) Editorial and consistency To add, FTD 2/3 in both sentences : (b) (1) ..... » in an aircraft of some type or class or a FS, <b>FTD 2/3</b> representing that type and (3) (i) ....» in an aircraft of some type or class or a FS, <b>FTD 2/3</b> representing that type
response	<i>Noted</i>  The Agency acknowledges your comment. Please refer to the response given to comment no 3375 in this segment.
comment	5246 <span style="float: right;">comment by: AEPA (Spanish Balloon Pilots Association)</span>  AEPA (Spanish Balloon Association) we thing 90 days it's a short time for the companies who are stoping in winter. It's not able to fly with another pilot in the first flight of the season. It can give a wrong opinion to the passengers. We ask you to apply to BPL a longer "break" of 120 to 150 days.
response	<i>Partially accepted</i>  Thank you for providing this comment on the issue of the recent experience for balloon pilots. Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.  It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried by an LPL pilot and the safety of a passenger carried by a BPL pilot. No justification is provided by your comment why the LPL pilot should be excluded.
comment	5270 <span style="float: right;">comment by: Rita Marshall</span>  This should not apply to LPL pilots as due to the poor weather in the UK some pilots don't fly or insure their balloons in the winter months and routinely fly with another pilot, but the 2 pilots should be able to fly a guest passenger on these flights.
response	<i>Noted</i>  Thank you for providing this comment on the issue of the recent experience for balloon pilots. Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.



It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried by an LPL pilot and the safety of a passenger carried by a BPL pilot. No justification is provided by your comment why the LPL pilot should be excluded.

comment 5324 comment by: Guy GEERAERTS

*Concerning FCL.060 (a) :*

Ballooning is strongly weather dependent, so there aren't many flights made during winter. In fact a lot of pilots and ballooning companies take their balloons out of insurance during the months november until march. Doing so, they have 5 consecutive months during wich they don't/can't fly. If a pilot has enough experience (let's say more than 300 hours), he won't loose his skills in that period. I think it should be better to ask for **at least one flight in the preceding 6 months** (to overcome the winter season problem). It should be reasonable however to add a **minimum number of 20 flights in the last year**: for a commercial pilot this shouldn't be a problem at all.

response *Partially accepted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment 5397 comment by: Axel Ockelmann + Manfred Poggensee Commercial Balloon Operators Germany

Remove in a) or carrying passengers

**Reason:**

It is difficult and dangerous to fly a balloon solo bigger than 3 000 m<sup>3</sup>. Most of the commercial balloons are bigger than 3 000 m<sup>3</sup>.

To meet this regulation an operator has to declare the balloon for the "90-days-flight" temporary private, so that the pilot can privately with passengers. This could become (acc. to ops) a complicated burocratic step. It is easier to remove "or carrying passengers".

response *Not accepted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that this is a general rule. The Agency cannot see a difference between he safety of a passenger carried "privately" by a BPL pilot and the safety of a passenger carried commercially by a BPL pilot.

comment 5515 comment by: R Gyselynck

The recency requirement should only apply to BPL holders not LPL holders

response *Not accepted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried by an LPL pilot and the safety of a passenger carried by a BPL pilot. No justification is provided by your comment why the LPL pilot should be excluded.

comment

5525

comment by: *R Gyselynck*

This recency requirement should only apply in the case of 'paying passengers'

response

*Not accepted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried by an LPL pilot and the safety of a passenger carried by a BPL pilot. No justification is provided by your comment why the LPL pilot carrying non-paying passengers should be excluded.

comment

5570

comment by: *Wilco Air BV*

**Comment on FCL.060 "recent experience" page 9 of 647**

(A) Balloons

Comment: "preceding 90 days": this is not practical nor necessary for balloon pilots. Balloons are in the winter periode not always used within 90 days. There is no prove of more accidents/incidents in the spring periode (which is after a periode of more than 90 days without flying), so there seems to be no reason for this restricting rule, although we agree that some recent practise is desirable.

Therefore we suggest to make the lengthen the suggested periode to a periode of "180 days".

response

*Partially accepted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried by an LPL pilot and the safety of a passenger carried by a BPL pilot. No justification is provided by your comment why the LPL pilot should be excluded.

comment

5648

comment by: *Robert Harris 7699*

	<p>Due to the poor UK winter weather (very wet and windy) private pilots in particular may not fly in a 90 day period. I therefore believe that this section should apply to paying passengers only and therefore should be applicable to the BPL only</p>
response	<p><i>Not accepted</i></p> <p>Thank you for providing this comment on the issue of the recent experience for balloon pilots. Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.</p> <p>It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried by an LPL pilot and the safety of a passenger carried by a BPL pilot. No justification is provided by your comment why the LPL pilot should be excluded.</p>

comment	<p>5659 <span style="float: right;">comment by: <i>Peter VAN DEN NOORTGATE</i></span></p>
	<p>Avoiding a recent experience gap of more than 90 days is very difficult and a dangerous rule for balloonists. Especially, for those balloonists which are operating in the north-western member states where the autumn and winter seasons (i.e., October through March or approx.180 days) have unfavourable meteorological conditions to perform safe flights. Balloonist that are approaching the deadline of this 90-days period will take unnecessary risks flying in marginal conditions to avoid a check- or solo flight prior to the next passenger flight. You can't expect balloonists from wet and windy countries to go abroad to fly in the Alps or southern countries where freezing or warm weather is given much more stable flying conditions. This could imply an additional mountain rating which would, for the rest of the year, be an overkill on the pilot license.</p> <p>Also many balloonists are private owner of their balloon (clubs are outside Germany almost non-existent) and do not insure their aircraft in winter season to lower the operational costs. Keeping up with this the 90-day rule would mean a financial loss to keep the aircraft insured for just one or a couple of flights. Insurers do often not allow to suspend a policy for less than 6 months. Due to this constraint, there is a drive balloonist will have to share a balloon and equipment with which they are not familiar and take unnecessary safety risks.</p> <p>Considering the two reasons I gave above, I believe that imposing this rule might increase the number of incidents due to the unavoidable pressure on pilots to fulfil this rule.</p> <p>Anyhow I don't see the safety benefits of such a 90-day rule for balloonists that have already many flight hours (&gt;200hrs) in their group/class. Comparing to other disciplines of flying (airplanes &amp; helicopters) ballooning is less technical &amp; complex, mostly performed outside controlled airspace and therefore less dependent on regular practice or rehearsals.</p> <p>I propose the inactivity period should be doubled (i.e., extended to 180 days) for pilots that have more than 200 hrs of experience in the same class.</p>
response	<p><i>Partially accepted</i></p>

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that the Agency does not agree with the statements given about "wet and windy countries". This general statement related to the weather situations are definitely not the reason for such a break in balloon operations as it is proven that you will have in Central Europe every winter several days with a very stable weather situation (low wind speed on the ground - no thermal activity) which would allow to perform some safe balloon flights.

Other arguments like insurance systems, surface conditions for the retrieve vehicles or simply the fact that the transport of passengers is mainly performed in spring, summer and autumn are known as being the key issues for this topic.

comment 5676 comment by: *Jeff Roberts*

Due to the nature of the weather affecting balloonists in certain countries it would be difficult to maintain this requirement without having to fly overseas. Perhaps this requirement would be better if applied to the BPL rather than the LPL where paying passengers are not permitted under the terms of the licence.

response *Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried by an LPL pilot and the safety of a passenger carried by a BPL pilot. No justification is provided by your comment why the LPL pilot should be excluded.

comment 5753 comment by: *Christoph Talle*

There must be clearness that (b) (2) is additional to (b)(1). otherwise a pilot can think that he don't need 3 take-offs/landings, when he wants to fly at night.

response *Accepted*

Thank you for providing your comment, it will be taken into consideration when drafting the final text.

comment 5762 comment by: *Peter Holland*

FCL.060 (b) (4) Recent experience - reads:  
"When a pilot has the privilege to operate more than one type of noncomplex helicopter with similar handling and operations characteristics, as defined in accordance with Part21, the 3 takeoffs, approaches and landings required in (1) may be performed in only one of the types, provided that the pilot has completed at least 2 hours of flight in the all the relevant types of helicopter,

	<p>during the preceding 6 months."</p> <p>Should the wording be ...at least 2 hours of flight in "all the relevant types" meaning each and every one, or .."the relevant type" meaning that specific type or ...."the relevant types" meaning the types collectively, i.e. 2 hours flight in that group of types?</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your comment. Please refer to the response given to comment no 602 in this segment. The referenced article will be clarified in the final text.</p>
comment	<p>5809 <span style="float: right;">comment by: AA Brown BBAC # 3448</span></p> <p>FCL060 Recent experience (a) Balloons</p> <p>I believe there should be a recency requirement for a BPL wishing to operate under the privileges of a commercial exemption and I believe this is what you have tried to say in this paragraph.</p> <p>Perhaps, if this is the case, it should be written to clarify this point ie. "<b>A pilot wishing to operate under the privileges of a commercial exemption to their BPL</b> shall not operate a balloon in commercial air transport or carrying passengers....." etc</p> <p>In effect this removes the recency requirement for LPL's and BPL's without commercial exemption. For them the currency requirements I believe are sufficient. Why should we prevent a pilot wishing to fly members of his family or friends ninety <b>one</b> days after his previous flight?</p>
response	<p><i>Not accepted</i></p> <p>Thank you for providing this comment on the issue of the recent experience for balloon pilots.</p> <p>Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.</p> <p>It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried privately by an LPL pilot and the safety of a passenger carried against remuneration by a BPL pilot with the commercial privilege. No justification is provided by your comment why the LPL or BPL pilot not holding the commercial privilege should be excluded.</p>
comment	<p>5858 <span style="float: right;">comment by: Professional Balloonists Netherlands</span></p> <p><b>- FCL.060 recent experience</b></p> <p><u>FCL.060 (a)</u></p> <p>A pilot can do no commercial air transport or passengers flight if not at least 1 takeoff, approach and landing with a balloon in the past 90 days is done.</p> <p>Observation: Commercial operators are using the winter time to go on vacation. This can be from November till March, a five months period. If we consider a term of six weeks holiday; so there are only 3,5 months available to make at least one flight. In countries like the Netherlands, U.K., Sweden it may occur that there will be no good weather in that period. Our proposal is to extend that period with at least six weeks (the holiday time).</p>

response *Partially accepted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that the Agency does not accept an argument like "commercial operators are using the winter time to go on vacation" as a reason for not implementing a safety related requirement. Additionally, it should be mentioned that the weather situation cannot be the reason for another three months break in balloon operations as it is obvious that you will have in Central Europe every winter several days with a very stable weather situation (low wind speed on the ground - no thermal activity) which would allow to perform some safe balloon flights.

Other arguments mentioned by stakeholders like insurance systems, surface conditions for the retrieve vehicles or simply the fact that the transport of passengers is mainly performed in spring, summer and autumn are known as being the key issues for this topic.

Taking all this into account the Agency nevertheless is of the opinion that a certain level of training/experience should be maintained if passengers will be carried.

comment 5877

comment by: *Belgium*

Ballooning is a seasonal activity especially in Belgium. We have winters with a lot of bad weather. With this rule you force balloonpilots to fly in the winter period. We are sure that pilots will take risks and that they will fly in bad weather conditions.

This rule will decrease the safety!! We suggest to increase the period up to 180 days or to withdraw this rule for experienced pilots.

response *Partially accepted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment 6014

comment by: *British Airways*

Where a pilot operates a common aeroplane type(Mixed Fleet Flying) the recency requirements for this rule should allow any aircraft in the group to qualify for recency. Para 4 allows such credit for helicopters this should be allowed for aircraft.

Add to FCL.060 para b(5):

'When a pilot has the privilege to operate more than one type of aeroplane with similar handling characteristics, as defined in accordance with Part 21 Subpart C OSC, the 3 take off, approaches and landings required in (1) may be performed in either type.

response *Noted*

The Agency acknowledges your comment. Please refer to the response given to

comment no 2296 in this segment.

comment 6109 comment by: CAA Finland

FCL.060(a):

Time limit 90 days too restrictive as flying is typically season-type. New text proposal:

A pilot shall not operate a balloon in commercial air transport or carrying passengers unless he/she has completed in the preceding **6 months** at least **three** takeoff, approach and landing as a pilot flying in a balloon.

response *Accepted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment 6110 comment by: CAA Finland

FCL.060(b)(2)(i), night experience:

(b)(1) already asks for experience on type or class. For night flying the type or class is not so relevant. Proposed new text:

has carried out in the preceding 90 days at least 1 takeoff, approach and landing at night as a pilot flying in an aircraft ~~of the same type or class~~ or an FFS ~~representing that type or class~~;

response *Not accepted*

The Agency acknowledges your comment. Please refer to the comments to FCL.810. The proposed changes to the text in this article make it necessary to keep the text in FCL.060.

comment 6227 comment by: paulbonner

The weather in the UK doesn't always give a pilot a chance to fly in a 90 day window. This should be extended to at least 120 days.

response *Partially accepted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment 6234 comment by: Bald ballooning

(a) Because a Balloon is such a simple aircraft the 90 days rule seem silly. Please take into account that there are no 'complex systems' onboard a balloon

response *Noted*

Thank you for providing this comment on the issue of the recent experience for

balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that the Agency does agree with the statement that "there are no complex systems on board a balloon" (some of the fast-deflation systems could be categorised as partly complex) but this cannot be an argument to exclude the balloon pilots from this safety rule. It is a proven fact that missing actual training or experience is definitely a cause for accidents also in balloon operations. A balloon pilot not having operated a balloon for 8 months is not as fit and safe as the pilot who has performed some flight in the recent months.

comment

6246

comment by: *Axel Schwarz*

The current OPS 1 - requirement reads (OPS 1.970 (a)(1)): "not be assigned to operate an aeroplane as part of the minimum certificated crew...". Incorporating the same wording here ("A pilot shall not operate an aircraft in commercial air transport or carrying passengers as part of the minimum certificated crew:") would enable pilots to regain the recent experience as pilot flying on single-pilot aeroplanes (i.e. supernumary to the minimum certificated crew) without compromising safety.

response

*Noted*

The Agency acknowledges your comment. The function of a second pilot in a Single-Pilot aeroplane is only admitted when this second pilot is fulfilling the duties of an instructor or examiner or when acting as co-pilot. In this context please note that according to the provisions of FCL.010 Definitions a co-pilot means a pilot operating other than as pilot-in-command an aircraft for which more than one pilot is required, but excluding a pilot who is on board the aircraft for the sole purpose of receiving flight instruction for a licence or rating. Required can be by operational requirements or by certification requirements.

comment

6248

comment by: *Tom Bourgoy*

i think the 90 day regulation is stupid because balloon pilots will have to fly under bad conditions during wintertime. This regulation will force pilots to make bad decisions just to hold there license. To do that or to ly in the logbook.

My advise is to show an experience of at least 15 flights, based on each year.

response

*Not accepted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment

6370

comment by: *peter Gray*

FCL.060

Will the agency allow qualified entities, instructional agencies or club level instructors to impose more stringent limits to suit local circumstances? 90 days is a long time!



response	<i>Noted</i>
	Thank you for providing your opinion. The Agency will not get involved in any internal requirements that for example a club wants to impose on its members.
comment	6450 <span style="float: right;">comment by: <i>Volker Loeschhorn</i></span>
	a. Balloons: As drafted now it is okay that the experience of the different balloons is valid for the others. Another proposal was to request an experience of 2 flight within the last 180 days.
response	<i>Partially accepted</i>
	Thank you for providing this comment on the issue of the recent experience for balloon pilots. Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.
comment	6477 <span style="float: right;">comment by: <i>Austro Control GmbH</i></span>
	Comment: Specific requirements for commercial air transport are covered in IR OPS.  Proposed Text: <b>Delete (c)</b>
response	<i>Noted</i>
	The Agency acknowledges your comment. Please refer to the response given to comment no 1629 in this segment.
comment	6512 <span style="float: right;">comment by: <i>Kevin Ison</i></span>
	This should apply to commercial pilots flying paying passengers only, and should not include club or syndicate pilots.  This should apply to pilots taking paying passengers only.
response	<i>Not accepted</i>
	Thank you for providing your opinion. It is assumed that this comment is referring to the issue of the recent experience for balloon pilots. (No reference was provided).  Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.  It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried privately by an LPL pilot and the safety of a passenger carried against remuneration by a BPL pilot with the commercial privilege. No justification is provided by your comment why the LPL or BPL pilot not holding the commercial privilege should be excluded.
comment	6571 <span style="float: right;">comment by: <i>Kevin Van Dessel</i></span>
	Flying a balloon is weather dependant. In the summer months commercial

pilots fly daily or at least weekly. In the winter period a lot of pilots don't fly for several months depending on the weather. With the proposed 90 day rule pilots will be forced to fly even in bad weather. This will decrease safety and increase the number of accidents. I suggest pilots need to make a certain number of flights during 12 months (for example 20) to maintain their license.

response *Not accepted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment 6646

comment by: *Lubbock Edward*

I am a private balloon pilot and do not carry passengers for hire or reward. Because ballooning is a hobby for me, it is quite often the case that during the winter months when it is inadvisable to fly in the UK because of inclement weather conditions, I presently exceed the proposed 90 day rule. It appears from the wording of the proposals that in future, because I do not fly alone, I will be subject to this suggested new ruling. I can see some sense in this rule being applied to commercially operating pilots - but no sense in applying it to the occasional sports balloonists. If it is implemented to apply to me then I suspect that I, like other pilots in my situation, I will choose a winter's day when the weather is still and bright and hop across a large field. That will prove nothing about my flying ability but will satisfy the proposed requirements. The rule, if implemented, is easily circumnavigated and it has no substance in respect of any aspects of my flying abilities. This one has not been adequately thought through. In my own defence, as with other leisure pilots in my situation, the first flight of any 'new' flying season in the UK is always undertaken with at least 2 licensed pilots in the basket.

response *Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment 6780

comment by: *Colin Troise*

Proposal:

The requirement for 3 take-offs and landings in the previous 90 days should be substitutable by authorisation by a suitably qualified instructor after a satisfactory check-flight or check-flights.

response *Not accepted*

Thank you for providing this comment. The Agency agrees that, specifically in the case of single-pilot operations this should be explicitly mentioned.  
The text of the GM will be amended to indicate that the recency requirements may be completed also as PIC under the supervision of an instructor.

comment 6793

comment by: *Joachim J. Janezic (Institute for Aviation law)*

There shall be a rule that FI who have not carried out the prescribed procedures but observed them from the right seat and ready to intervene at any time get those flights credited.

There must be a rule that pilots who are out of the 90-days-range and get back flying for the first time are allowed to take a FI or FE with them (even if this FI/FE does not teach them in this situation, are just aboard for safety reasons and therefore have to be treated as a pax).

response *Noted*

Please see reply to comment 6780 above.

comment

6832

comment by: *European Balloon Corporation*

I understand as private helicopter pilot that for some types of aircrafts it is necessary to fly regularly to keep his abilities. The 90 days rule does not fit for a balloon for different reason :

1. As ballooning is a weather depending activity, it is mostly flown in the summer from april till end october every year in most european country with a few exceptions (for ex Portugal where the weather is most year nice or Switzerland for mountain flying) . During the winter, it is so hard to get suitable weather for ballooning, with stable conditions and even than, the landings places are ususally in such bad conditions that every landing in the mud is really bad news for the equipment.

2. If this rules comes in forces : it will push the limits to fly at any cost in the winter, even if the weather is not perfectly suitable. As instructor, I do not agree with this as it will decrease the level of safety of the flights

3. The solo flight with an other pilot is not very practical as most balloon sizes are not made for this kind of flight

4. I have the feeling that some people would lie in their logbook which is not good at all as it does not give a real image of what is flown

5. As far as I know there was no accident or incident in belgium due to the fact that a pilot has not been flying in the 90 days.

6. As examiner I can confirm that once you get a good level of experience , even if you do not practice for a pretty long period (8 - 9 months), you do not lose this ability

If you really wants to changes the rules ; it would be logical to agreed a 6.5 months which would give the chance to the pilots to fly during the ballooning season and not during a marginal weather period which is winter.

Off course some flights are organised in Europe during winter in the Alps. Mountain flying is a speciality and once more pushing non mountain experience pilot to fly in the Alps will just increase the level of high risk flight.

Common sense should applied.

Benoit Siméons

Helicopter pilot - airship pilot

Commercial hot air balloonist - instructor - examiner

	Gas pilot
response	<p><i>Partially accepted</i></p> <p>Thank you for providing this comment on the issue of the recent experience for balloon pilots. Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.</p>
comment	<p>6889 <span style="float: right;">comment by: <i>peter DE BOCK</i></span></p> <p>I think the 90 days rule in ballooning is not good. Ballooning and even commercial ballooning is seasonal activity. A lot of pilots and commercial operators have no activity in the low season due to cost saving and practical reasons. Of course the first flight after a long no flying period is more stressful. But, i think, experienced balloon pilots will have no problem with it. I can accept this rule for unexperienced pilots (less than 150 h). The implement of this rule will cause a lot of bad weather decisions and flights in unacceptable ballooning weather. Or lying in the logbooks is another solution. This rule has no influence on safety for experienced pilots!</p>
response	<p><i>Noted</i></p> <p>Thank you for providing this comment on the issue of the recent experience for balloon pilots. Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.</p>
comment	<p>6926 <span style="float: right;">comment by: <i>Austrian Aero Club</i></span></p> <p><b>FCL.060 Fortlaufende Flugerfahrung</b> Die hier geregelten Zeitperioden sind so, dass sie nur mühevoll auswendig gelernt werden können. Es wäre einfacher, wenn die Zeitperiode in (b) (1) nicht 90 Tage, sondern drei Monate beträgt. Dann hat der verantwortliche Pilot innerhalb der drei vorangegangenen Monate drei Starts und Landungen durchzuführen.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing this comment. Please refer to the response given to comment no 3034 in this segment.</p>
comment	<p>7021 <span style="float: right;">comment by: <i>Danny Bertels</i></span></p> <p>As experienced pilot I can not find a good reason why flying ones in 90 days. Ballooning is a seasonal activity. Practically it is not possible to fly for a lot of pilots in the wintertime. Commercial operators are even down in winter time, due to cost effective reasons. Where should they find the time and money to let their pilots fly every 90 days in the low season?? Flight experience is very important, but there should be another way to maintain this.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing this comment on the issue of the recent experience for balloon pilots.</p>

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment 7083 comment by: *Filip Audenaert*

I think this is a big issue. For ballooning it is very difficult to keep flying in the winter. This is a job/sport that depends for 100% on the weather. If the weather is for exemple very bad during one winter there will be a lot of pilots that will take risks to keep their license.

What i propose is to take it from 90 days up to 160 days so every pilot can do hes flight on good weather.

If it will stays 90 days you will see that there will happen much more accidents and this is the issue that EASA not wants ands also the balloonists.

response *Partially accepted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment 7111 comment by: *Professionele Ballonvaarders Nederland*

**FCL.060 (a) page 9 Recent experience**

Very Good. : when one is honest to him or herself he/she must admit that these first flights after a period without flights are more risk full. Since the rules on liability have changed dramatically in 2005 and are virtually unlimited, we all benefit from the safest possible standard in the long run. Of course the length of this period is always a discussion but in my view very necessary in any region where seasons cause a longer period of non flying. Doing one flight with crew or second pilot is not such a hard burden. Many companies start the season with a crew flight already and therefore it would be good to allow them to fly at this flight as well. Flying a 77 balloon while your regular size is above 210.000 cu.ft does not make much sense. Doing this training flight with al larger balloon and your own crew does make a lot more sense because than you train at a comparative level.

90 days is very good. but please make it possible to fly larger balloons witch in not the case wit h only 2 pilots.

response *Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment 7114 comment by: *Finnish Aeronautical Association - Kai Mönkkönen*

Demand to fly solo with balloon if you haven't fly in 90 days is irrelevant. It might be even dangerous to handle balloon in landing spot as the only person in balloon

Proposed text:

... commercial air transport or carrying paying passengers ...

response

*Not accepted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

Additionally it should be mentioned that the Agency does not agree with your statement that "it might be even dangerous to handle balloon in landing spot as the only person. Please be aware tha the future training syllabus will contain also a solo flight.

comment

7220

comment by: *Klaus HARTMANN*

(a) *Balloons*. Diese, der Sicherheit dienende Regelung verkehrt sich ins Gegenteil, je größer der Ballon ist, wenn ein Pilot eine solo-Fahrt unternimmt, um anschließend wieder mit Passagieren fahren zu können. Da im Gegensatz zu anderen Luftfahrzeugen eine sichere Führung des Ballons an eine gewisse Mindestmasse gebunden ist, müssten je nach Ballongröße entsprechende Mengen Ballast eingeladen und für Fahrt und Landung aufwendig gesichert werden. Ein Ballon mit 8500m<sup>3</sup> für 13 Personen müßte mit mindestens 600kg Ballast beladen werden um die vorgeschriebene Mindestlandemasse nicht zu unterschreiten. Je nach Außentemperatur wären aber eher 1000kg Ballast für das Erreichen einer günstige Hüllentemperatur erforderlich.

Daher wird vorgeschlagen, dass statt einer solo-Fahrt auch eine Fahrt mit einem Fluglehrer durchgeführt werden kann, der die entsprechenden Voraussetzungen erfüllt. Somit könnten dann auch weitere Passagiere zur Beladung im Korb mitgenommen werden.

response

*Partially accepted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment

7230

comment by: *JOSEP LLADO-COSTA*

I understand that 90 days is too short time mainly because of the winter stop. I think is better a 5 months period. This will allow the pilots to do their first flight in better conditions after winter stop, and without the hurry of having to fly before this period expires. No pilot is losing much capacity after 5 months and is better they have the time to prepare well this first flight.

response

*Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment

7311

comment by: *Gerrit Dekimpe*

I think that The 90 days rule is a bad idea for ballooning. ballooning is not thesame as fixed wing or helicopter. ballooning in Europe is a seasonal activity from april untill the end of september . With this rule i think that many

balloonists in winter will take risks when the 90 days period is approaching it's end and the weather conditions are not good at all. People will fly to avoid all the hassle of making afterwards a solo flight or in company of another pilot. Not only for the extra cost but for the problem of operational unfeasibility. Most of the balloons are too big for solo flights, even with ballast, and small balloons are seldom available, certainly in countries where ballooning is completely an individual activity without clubs or associations and renting is not possible. Or you will force a few pilots flying together making a lot of risky touch and go's.

I know in Germany this rule exists already a long time, but that is not a reason to implement it for EASA, because generally this rule is not followed in Germany neither. Common practise is lying in the logbooks or flying at high risk.

If you implement this rule you will see the incident/accident rate going up. I propose to increase the period up to 180 days for a pilot with low experience ( let's say 200 hours ) and withdraw this rule for pilots with more than 200 hours experience in the same class.

response *Partially accepted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment 7318

comment by: *pearl balloon sprl*

FCL 065.

We are not agree that EASA impose to "old" pilot (60 years and more) to stop commercial flight (pilot in chief).

It is a discrimination, the risk is not the health of pilot but his capacity to avoid problems during the balloon flight.

With the actual medical licence, the system is very good, a doctor can stop a pilot if the risk is present and medical check at 60 years (and more) is well done.

The medical evolution show that people live more long time and health is better checked.

A "old" pilot have probably better reactions that a young pilot.

Do you thing that the pilot who landed on the river in NY with a passengers airplane is too old (more of 65 years)? Do you thing that a young pilot can make the same and save passengers?

OLD = experience

A young pilot can have same trouble during flight that a old one, the proposal is not objective.

response *Noted*

The Agency acknowledges your comment. It seems to be related to FCL.065 Curtailment of privileges of licence holders aged 60 years or more. Please note that when drafting the text the Agency followed closely the relevant parts of JAR-FCL and the provisions of ICAO Annex 1.

comment 7347

comment by: *heavenballooning*

I'm not agree with the 90 days rules.

When we have a bad winter, everybody go to a refresh training.

	<p>maybe it's better give a exceptional for the months in winter( december, januari, februari)</p>
response	<p><i>Noted</i></p> <p>Thank you for providing this comment on the issue of the recent experience for balloon pilots. Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.</p>
comment	<p>7349 <span style="float: right;">comment by: <i>Jäger</i></span></p> <p>Hallo und guten Tag sehr geehrte Damen und Herren Als Luftsportbegeisterte und ehemaliger DDR-Bürger haben wir die Change der Wende genutzt und mit großen Aufwand und sehr viel Freude uns einen eigenen Ballon angeschafft. Unser Ziel ist nicht die Gewinnerzielung sondern die Freude am Ballonfahren mit Freunden und Ballonsportbegeisterten. Mein Vorschlag ist die prinzipielle Beibehaltung der derzeitigen Regelung, das bei Ballons bis zu einer Größe von 3+1 keine geschäftliche Nutzung vorliegt. Die geplante Regelung würde bei uns praktisch den Bestandsschutz aufheben. Für Ihr Verständnis recht herzlichen Dank!</p> <p>Dietmar Jäger Heißluftballonpilot geb. 30.06.1951</p>
response	<p><i>Noted</i></p> <p>Thank you for providing this comment.</p> <p>However, you are not commenting on the content of this paragraph (recent experience) but on the general issue of carrying passengers against remuneration (here: cost-sharing).</p> <p>Following the definition of the Basic Regulation a balloon pilot carrying passengers against remuneration has to hold a BPL with the commercial privilege. If a certain activity (like mentioned in your comment: cost-sharing flights) must be seen as commercial activity or not cannot be defined in this regulation.</p>
comment	<p>7374 <span style="float: right;">comment by: <i>Ann Herdewyn</i></span></p> <p>My remark is concerning on flying hot air balloons. Making at least one balloonflight in 90 days is often not possible, especially not in the winter-period. Due to bad weather and/or due to the bad conditions of the fields (wet, mud) so there is a rather big chance to make damage or to the balloon, or to the fields we are launching from or landing in. In the past, there were periods in which it was prohibited to fly a balloon in Belgium due to big diseases.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing this comment on the issue of the recent experience for balloon pilots. Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.</p>



comment	<p data-bbox="351 201 430 235">7428</p> <p data-bbox="1037 201 1450 235" style="text-align: right;">comment by: <i>Jaime Stewart</i></p> <p data-bbox="351 257 1450 414">This recommendation is appropriate for BPL, but not for LPL, whose holders are in any case not permitted to make commercial flights. It may be that this is what has been intended. If so, it would be much clearer if it were a) not listed in the general section which applies to both LPL and BPL and b) stated "paying passengers" rather than simply "passengers".</p> <p data-bbox="351 448 1450 907">If the intention is to include LPL, the trouble, as in my previous comments on currency, lies with the weather conditions inherent in the UK, which leaves most pilots generally restricted to flying in a "season" running from approximately - if we are lucky - late March to mid-October. Thus anyone who has been unable to fly in the winter months falls into this category. Forcing them to do a solo flight in marginal weather conditions just to keep up with legal requirements, a situation this proposal could easily foster, is likely to increase risk of accident, rather than lessen it. Accidents happen, as we learn in our Human Performance Limitation examinations, because of the cumulative effect of numerous small occurrences. Insisting pilots fly, merely for bureaucratic purposes, creates the very stresses that can lead to danger in the air. In addition to this, it is a common sense and frequently implemented practice that any LPL pilot who is feeling "rusty" at the beginning of the season will share his first flight with another pilot; legislation is unnecessary.</p>
response	<p data-bbox="351 918 430 952"><i>Noted</i></p> <p data-bbox="351 974 1450 1108">Thank you for providing this comment on the issue of the recent experience for balloon pilots. Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.</p> <p data-bbox="351 1142 1450 1310">It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried privately by an LPL pilot and the safety of a passenger carried against remuneration by a BPL pilot with the commercial privilege. No justification is provided by your comment why the LPL or BPL pilot not holding the commercial privilege should be excluded</p>
comment	<p data-bbox="351 1355 430 1388">7450</p> <p data-bbox="1085 1355 1450 1388" style="text-align: right;">comment by: <i>Don Brown</i></p> <p data-bbox="351 1444 1450 1646">For the Independent Private Balloon pilot flying in the unpredictable UK weather it is not uncommon for periods of no flying to exceed 90 days especially during winter months and where opportunities are restricted to weekends due to daylight hours. Although it would be desirable and eminently sensible to fly with another pilot for the first flight after a long period of non flying, it does not seem reasonable to restrict us by not carrying passengers.</p> <p data-bbox="351 1668 1450 1736" style="color: blue;">For most private sport or hobby balloon pilots one of the main reasons for flying is to be able to share the experience with friends and family.</p> <p data-bbox="351 1758 1450 1803" style="color: blue;">I suggest that this proposal should NOT be applied to LPL pilots</p>
response	<p data-bbox="351 1859 526 1892"><i>Not accepted</i></p> <p data-bbox="351 1915 1450 2004">Thank you for providing this comment on the issue of the recent experience for balloon pilots. Please see the response to comment No. 1527 (Danish Balloon Organisation) in</p>

the same segment above.

It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried privately by an LPL pilot and the safety of a passenger carried against remuneration by a BPL pilot with the commercial privilege. No justification is provided by your comment why the LPL or BPL pilot not holding the commercial privilege should be excluded

comment 7473

comment by: *Nevill Arms BC*

For Leisure pilots who have full time jobs not associated with ballooning, suitable weather conditions in the UK and flying opportunities, particularly in the winter months, may be separated by greater than 90 days. This proposed amendment may result in pressure to fly in unsuitable conditions. Whilst sensible to fly with another pilot after such a period, the proposed amendment is most appropriate to BPL licence holders only.

response *Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried privately by an LPL pilot and the safety of a passenger carried against remuneration by a BPL pilot with the commercial privilege. No justification is provided by your comment why the LPL or BPL pilot not holding the commercial privilege should be excluded.

comment 7480

comment by: *Luc Herdewijn*

In the past, I had some periods of 90 days or more in which I could not fly a balloon. This due to the weatherconditions or the bad conditions of the places where we launch or land.  
A minimum of 1 flight in only 90 days is therefor not realistic.

response *Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment 7558

comment by: *Royal Netherlands Aeronautical Association*

For part (a):

This ruling does not take into account that seasonal weather conditions may force ballooning pilots to exceed the 90 day period and that large balloons are impractical to fly without passengers.

We suggest to use a larger time window (120 days or more).

response *Partially accepted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment 7596 comment by: *David Maine*

Leisure Pilots often do not fly over the winter period due to the shorter days limiting flying opportunities to the weekends when the weather can still limit the number of opportunities to fly. This proposal may therefore create pressure on pilots to fly in weather conditions which would normally be considered unsuitable.

response *Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment 7605 comment by: *nigel carr*

should rule (a) not be worded better to state pilots Carrying fare paying passengers to avoid any confusion with private leisure flights

response *Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried privately by an LPL pilot and the safety of a passenger carried against remuneration by a BPL pilot with the commercial privilege. No justification is provided by your comment why the LPL or BPL pilot not holding the commercial privilege should be excluded.

comment 7689 comment by: *Ballongflyg Upp & Ner AB*

FCL.060 (a)  
Here it is necessary to at least remove Carrying passengers.

**Reason:**

It is not practical or possible to fly alone a balloon that can carry 32 persons because then it would be needed to have several tons with sand in the basket to compensate for the passengers that should have been there. It is not safe to fly a balloon that is too light loaded. And the difficulty to bring all that sand out to a launchsite and carry and load this by hand before take off, at least 20 persons is needed to be able to unpack and inflate the balloon of this size. For the last 20 years we have done these kind of flights with passengers but not paying passengers. On the otherhand I can't see any problems to do this with paying passengers as long as one pilot is on board that full fills the requirements. In my company we only have big passenger balloons, if this rule would be reality we would need to purchase a same balloon only for this purpose.

In Sweden we only have season 5 months each year and it is easy that we don't fly for 90 days.

**I suggest:**

I suggest that this can be done as PICUS, Pilot-in-command under supervision means a co-pilot performing, under supervision of the pilot-in-command, the duties and functions of a pilot-in-command.

This should be possible to do even with paying passengers.

I also think it should be possible to have a pilot with a BPL that flies the balloon under supervision of the pilot in command to get the training and experience to operate the balloon by him self.

In Sweden we have tried this and the advantage is several.

The Pilot under supervision participate in commercial operation and learn planning, passenger handling, inflation, take off, planning in flight and landing. All this under supervision and I as a flight manager receive information from the pilot in command how the pilot under supervision develops.

Due to our tests of this and our knowledge we now know that this system is a big advantage in several levels, but mainly because of better safety, due to the fact that the pilot becomes a better pilot during this conditions than if he just flies by him self in a small balloon.

It is not practical to do 3 flights with an instructor in a big balloon and carrying all this sand.

response *Not accepted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment 7694

comment by: BBAC 6824

A pilot should be able to carry passengers without having flown in the previous 90 days. It is not unusual for a pilot not to fly over the winter months but this does not make him less safe when resuming flying the next season. Perhaps 'paying passengers' might be more realistic - if any qualification is necessary at all.

response *Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that the Agency does not agree with the statement that the mentioned winter break "does not make him less safe". This is not true and can therefore not be an argument to exclude the balloon pilots from this safety rule. It is a proven fact that missing actual training or experience is definitely a cause for accidents also in balloon operations. A balloon pilot not having

operated a balloon for some months is not as fit and safe as the pilot who has performed some flight in the recent months.

comment 7737 comment by: *Anglian Countryside Balloons Ltd*

(a) *Balloons*. This should only apply to BPL and not to private license. During the winter very little flying is possible in Britain and so licenses will lapse.

response *Not accepted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried privately by an LPL pilot and the safety of a passenger carried against remuneration by a BPL pilot with the commercial privilege. No justification is provided by your comment why the LPL or BPL pilot not holding the commercial privilege should be excluded.

comment 7746 comment by: *Christophe Saeys*

90 days is much too short; many pilots choose not to fly their balloons during winter months: landing places are wet and dirty, passengers don't like the cold, winds are too strong and many balloons are not even insured during winter months. Proposal: 5 months.

response *Partially accepted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment 7756 comment by: *Chris Smart*

I can see no value in the need for a recency requirement to maintain an LPL(B). I do understand that for commercial flying the rules must be more stringent because a service is being provided, but for LPL(B) flights no such service is implied.

response *Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried privately by an LPL pilot and the safety of a passenger carried against remuneration by a BPL pilot with the commercial privilege. No justification is provided by your comment why the LPL or BPL pilot not holding the commercial privilege should be excluded.

comment	<p data-bbox="359 201 430 235">7856</p> <p data-bbox="853 201 1449 235">comment by: Svenska Ballongfederationen</p> <p data-bbox="359 257 726 291">FCL.060 Recent experience</p> <p data-bbox="359 324 1449 481">(a) Having the pilot make solo flights to make up for this lack of recent experience has nothing to do with flight safety and creates problems with ensuring that minimum flight and landing weight is reached. The safe way is to fly with a normal amount of non paying passengers. Therefore we assume that the word paying is missing from the first sentence.</p> <p data-bbox="359 515 1449 638">This means that (a) should read: Balloons. A pilot shall not operate a balloon in commercial air transport or carrying paying passengers unless he/she has completed in the preceding 90 days at least one takeoff, approach and landing as a pilot flying in a balloon.</p>
response	<p data-bbox="359 701 534 734"><i>Not accepted</i></p> <p data-bbox="359 757 1449 884">Thank you for providing this comment on the issue of the recent experience for balloon pilots. Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.</p>
comment	<p data-bbox="359 947 430 981">7976</p> <p data-bbox="1021 947 1449 981">comment by: Tim FREEGARDE</p> <p data-bbox="359 1003 422 1037">L060</p> <p data-bbox="359 1037 1449 1294">The 90 day rule highlights a lack of distinction between qualified and unqualified passengers: it is certainly sensible that a pilot should not fly unsuspecting, non-pilot passengers if he/she has not carried out the three take-offs and landings within the preceding three months; but it might be considered quite sensible to fly with an experienced co-pilot. It could be argued that the pilot would be even wiser to fly with a qualified instructor, but in practice the availability of instructors may make this desirable option unnecessarily stringent.</p> <p data-bbox="359 1328 1449 1877">The use of an experienced, but not instructor-rated, pilot for this purpose prompts questions as to the role of this second pilot and of additional qualifications, if any - but these questions are also prompted elsewhere in this document. For example, the BGA's proposed permitted limitations for page 23 of NPA2008-17c includes a category of 'Safety Pilot' as a temporary solution during recovery from illness and co-pilot (principally for commercial pilots) when the risk of incapacity is greater than normal but not high enough to merit grounding. It is clear that there will be medical conditions for which the possibility of a safety pilot or co-pilot could allow people to fly who otherwise would be prevented from doing so; this would surely be a desirable aim, consistent with the general aim of promoting aviation across the community. Yet the safety pilot would require some skills, beyond those of a basic pilot but short of a full instructor, to allow him/her to monitor and assess the situation and smoothly take control - possibly at a critical stage of flight - if appropriate. Such skills are not dissimilar to those of a UK gliding Basic Instructor, which seem under the NPA to have been rolled principally into the passenger carrying category (see comment to FCL105.S).</p> <p data-bbox="359 1910 1449 2038">It would make great sense for suitably approved pilots - perhaps at the nomination, on a flight-by-flight basis, of an examiner or CFI (verbal nomination should suffice), or simply on the basis of experience and currency (eg 75 hours total, 10 take offs and landings within 90 days) - to be permitted</p>

to act as a 'safety pilot' to accompany pilots regaining currency after more than 90 days, to act as a 'safety pilot' for medically limited pilots, and to give 'air experience' flights. A pilot accompanied by a safety pilot should log the flight as P1, but the safety pilot have the priviledge to take over control if required.

response *Noted*

Thank you for providing your opinion. The function of a second pilot in a Single-Pilot aeroplane is only admitted when this second pilot is fulfilling the duties of an instructor or examiner except when operational rules require a co-pilot. In this context please note that according to the provisions of FCL.010 Definitions a co-pilot means a pilot operating other than as pilot-in-command an aircraft for which more than one pilot is required, but excluding a pilot who is on board the aircraft for the sole purpose of receiving flight instruction for a licence or rating. The Agency has no intention to give any of such privileges to a pilot other than an instructor or examiner and therefore will not take your proposal into consideration.

comment 7994

comment by: *Dragon Balloon Co.*

In my view the "or carrying passengers" should be removed as this is unreasonable. If this is not possible the period should be 180 days

response *Partially accepted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment 7999

comment by: *Olivier CUENOT*

***There is certainly a difference to do between LPL and BPL.***

response *Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried privately by an LPL pilot and the safety of a passenger carried against remuneration by a BPL pilot with the commercial privilege. No justification is provided by your comment why the LPL or BPL pilot not holding the commercial privilege should be excluded.

comment 8013

comment by: *Rupert STANLEY*

This is 90 day proposal is rather widely drafted and would apply to all pilots, I would suggest this should only apply to commercial pilots, ie those flying fare paying passengers and that private pilots flying friends etc should not suffer this restriction.

response *Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried privately by an LPL pilot and the safety of a passenger carried against remuneration by a BPL pilot with the commercial privilege. No justification is provided by your comment why the LPL or BPL pilot not holding the commercial privilege should be excluded.

comment 8026 comment by: *European Sailplane Manufacturers*

It must be clear that 3 flights in any types of sailplane within the last 90 days qualify to carry passengers.  
(It must make no difference if it was a pure / powered sailplane and/or an Annex II sailplane.)

response *Noted*

Thank you for providing your comment.

The Agency agrees that for fulfilling the recency requirement flights on any "type of sailplane" will be counted as there is only a class of sailplanes and no type distinction.

Please see also the response provided to comment No. 44 in the same segment above.

comment 8031 comment by: *Hans VAN HOESEL*

Flying a balloon without passengers is in many cases a dangerous activity (according to the size of the balloon). In order to keep the ability of dividing attention to the well being of passengers and conducting the flight, it must be extremely supported to fly WITH passengers.

response *Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.  
Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

comment 8081 comment by: *Scandinavian Balloons*

FCL.060 Recent experience  
(a) Balloons. A pilot shall not operate a balloon in commercial air transport or carrying passengers unless he/she has completed in the preceding 90 days at least one takeoff, approach and landing as a pilot flying in a balloon.

Unlike other flights weather conditions can easily make it impossible to make a safe flight. We can not just schedule a flight for a certain day to keep our currency. A pilot should be able to make a commercial flight or carry passengers. Lack of currency can perhaps be compensated by taking on a



	copilot or supervising pilot that is familiar with the flying requisites of the area.
response	<p><i>Noted</i></p> <p>Thank you for providing this comment on the issue of the recent experience for balloon pilots. Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.</p>
comment	<p>8086 <span style="float: right;">comment by: <i>George Ibbotson</i></span></p> <p>This experience clause should not apply to LPL holders. They cannot fly passengers for payment and so any passengers they do fly will be members of their family or retrieve crew. Most LPL holders will not fly their balloon in the winter so the first flight of the year would have to be a solo flight. To insist that the first flight of the year should be a solo flight is not required to maintain safety.</p>
response	<p><i>Not accepted</i></p> <p>Thank you for providing this comment on the issue of the recent experience for balloon pilots. Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.</p> <p>It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried privately by an LPL pilot and the safety of a passenger carried against remuneration by a BPL pilot with the commercial privilege. No justification is provided by your comment why the LPL or BPL pilot not holding the commercial privilege should be excluded.</p>
comment	<p>8090 <span style="float: right;">comment by: <i>Hoogstraats Balloon Team bvba</i></span></p> <p>Ballooning is a weather and seasonal activity. For the safety of the passengers, we choose not to flight if the weather is doubtful. In the winter the weather is changeable, it's likely that there will be periods of more than 90 days without a single flight. The 90 day rule is in this case not a good option. There will be taken unnecessary risks to prevent this period of inactivity.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing this comment on the issue of the recent experience for balloon pilots. Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.</p>
comment	<p>8103 <span style="float: right;">comment by: <i>HeliAir Ltd</i></span></p> <p>"..... 2 hours flight in ALL the relevant types of helicopter within the preceding 6 months." why ALL the types? Surely just the type to be flown?</p> <p>and</p> <p>6 months - is a 'bit over the top' 12 months perhaps?</p>
response	<p><i>Noted</i></p>

Thank you for providing your comment. Please refer to the responses given to comment no 602 in this segment.

comment 8129 comment by: Gareth Davies

This should not really apply to the LPL. Many balloon pilots in the UK choose not to fly over the winter months, and in some years it is impossible to fly a balloon for more than 90 days due to the weather. This recency requirement should therefore not apply to balloons, and certainly not for the LPL.

response *Not accepted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried privately by an LPL pilot and the safety of a passenger carried against remuneration by a BPL pilot with the commercial privilege. No justification is provided by your comment why the LPL or BPL pilot not holding the commercial privilege should be excluded.

comment 8138 comment by: AOC holder. High Adventure Balloon Flights

(a) Balloons

The wisdom of this proposal is understood and is of particular relevance to pilots who do not regularly fly during the winter months. The general proficiency of a BPL (Commercial) pilot should, however, allow the flying of passengers on a flight to re-establish recency – just not ‘paying’ passengers: ie not to operate a commercial air transport flight.

response *Noted*

Thank you for providing this comment on the issue of the recent experience for balloon pilots.

Please see the response to comment No. 1527 (Danish Balloon Organisation) in the same segment above.

It should be added that this is a general rule. The Agency cannot see a difference between the safety of a passenger carried privately by an LPL pilot and the safety of a passenger carried against remuneration by a BPL pilot with the commercial privilege. No justification is provided by your comment why the BPL pilot holding the commercial privilege should be excluded in a certain way as the BPL has not necessarily more actual training as an active LPL holder.

comment 8203 comment by: Klagenfurter Flugsport Club

Die hier geregelten Zeitperioden sind so, dass sie nur mühevoll erfasst werden können. Es wäre einfacher, wenn die Zeitperiode in (b) (1) nicht 90 Tage, sondern drei Monate beträgt. Dann hat der verantwortliche Pilot innerhalb der drei vorangegangenen Monate drei Starts und Landungen durchzuführen.

response *Noted*

Thank your for providing this comment. Please refer to the response given to comment no 3034.

**B. Draft Opinion Part-FCL - Subpart A: General Requirements - FCL.065  
Curtailement of privileges of licence holders aged 60 years or more**

p. 9-10

comment 9 comment by: *roberto avidano*

i do not agree whit implementation of the maximun age to 64 years, in any case ,for commercial line pilot  
i can consider this limit for other than passenger\cargo transportation

response *Noted*

This comment cannot be answered. It remains unclear whether the commenter considers the age limit for commercial pilots as too high or too low.

comment 11 comment by: *Alitalia*

I am favourable to extend the age for a commercial pilot to 65 years old according to the rules reported in paragraph FCL.065

response *Noted*

Thank you for your positive comment

comment 13 comment by: *Massimo GISMONDI*

65 years of age for pilot retirement - I'd like to inform You that I agree with this new rule.

response *Noted*

Thank you for your positive comment

comment 204 comment by: *Bernhard Blasen*

Fixed age restrictions make no sense. There are younger people being less fit than older people. It should be the decision of the AMEs to decide about the ability to fly.

response *Not accepted*

See response to Comment #365

comment 237 comment by: *Paul SPELLWARD*

I note that it is not yet established whether balloons will fall into CAT. I would strongly urge EASA not to restrict privileges of LPL(B) and BPL (including commerical privileges) for pilots over 60. Surely, as long as a valid medical certificate is held, there can be no grounds for concerns on passenger safety. I assume this proposed curtailement is motivated by airline pilots who retire at 60 - and some of whom then continue flying very safely as balloon pilots!! I have

no personal interest here for another 15 years, but I see the potential for massive damage to the industry and sport of ballooning if we lose our most experienced pilots, instructors and examiners, many who are already over 60 today!!!

response *Not accepted*

After careful consideration of the comments received on this issue, the Agency has decided to keep the text as proposed.

Please note that the age limitation applies only to Commercial Air Transport operations. ICAO does not differentiate between various categories of aircraft in its definition of Commercial Air Transport operations in ICAO Annex 1. All pilots are free to conduct all operations, except Commercial Air Transport operations, without any age limitation, e.g. aerial work, flight instruction, etc.

The essence of the age rule is to ensure the safety for passengers in Commercial Air Transport. The category of the aircraft used for CAT should not be of importance regarding the level of passenger safety.

comment 250

comment by: *Rod Wood*

This paragraph should be re-thought as there are at least two states permitting single pilot over 60 operations. The general state of health since the introduction of the over 60 rule has meant an extension of longevity of life and the limit should be 65 for single pilot operations in recognition of this. By all means introduce additional medical requirements through EASA Part Med.

response *Not accepted*

See response to Comment #365

comment 365

comment by: *REGA*

#### **STATEMENT**

- Most of the commercial or/and rescue VFR helicopter transportes were flown as a single pilot operation: a multi-crew operation to extend the curtailment of privileges aren't an option.
- Some public retirement systems (i.e. Switzerland) base and calculate on a retirement age of 65 year. An earlier retirement means an unfunded time period.
- The FAA (U.S.A) plans seriously to prolonge the curtailment of pilot's privileges to an age of 65.

#### **PROPOSAL**

- Extend the curtailment of privileges of licence holder, regarding pilot's age, to **65** years.

response *Not accepted*

The age limitation for Commercial Air Transport operations origins in ICAO Annex 1 and JAR-FCL. This rule has been in force since the adoption of JAR-FCL, and this NPA does not change anything.

We wish to remind that the age limitation only applies to Commercial Air Transport operations. All pilots are free to conduct all other operations without any age limitation, e.g. aerial work, flight instruction, etc.

comment 481 comment by: FOCA Switzerland

FCL.065 ICAO-study in progress.

Rule is too restrictive since in our county pension scheme starts from 65th anniversary only.

Proposal:

**Single pilot commercial air transport and aerial work shall be allowed until the age of 65 on national territory only.**

response Not accepted

See response to Comment #365

comment 541 comment by: Paul-Charles POUSTIS

There is absolutely no safety reason to oppose to the implementation of FCL.065

The sooner, the better.

« L'expérience d'un pilote de ligne compte. C'est une marge de sécurité en plus. Les compagnies aériennes étrangères ont démontré que l'expérience d'un commandant de bord en bonne santé lui permet de voler au-delà des 60 ans sans nuire à la sécurité des passagers ».

« les connaissances accumulées grâce aux expériences antérieures (également connue sous le nom d'intelligence cristallisée) permettent à ces pilotes expérimentés de conserver pendant longtemps des compétences optimales ».

response Noted

Thank you for your positive comment

comment 568 comment by: Antonio Pilone

Sono un pilota di elicotteri da molti anni impiegato nel servizio di eliambulanza. Alla pagina 9 (FCL065) del documento in oggetto viene estesa la possibilità di volare a piloti in attività commerciale fino a 64 anni solo se in equipaggio multi crew. Tale provvedimento molto positivo agevola esclusivamente i piloti di linea di aeroplani e discrimina fortemente i piloti di elicotteri. In Italia l'impiego commerciale degli elicotteri ad esclusione del volo notturno o ifr viene fatto esclusivamente con equipaggio single pilot. Inoltre in Italia i piloti che fanno lavoro aereo, protezione civile o corporate possono volare single pilot fino a 65 anni pur trasportando passeggeri. In questo modo verrebbe penalizzato solo il settore HEMS assimilato a volo commerciale che assorbe il 90 % dell'attività elicotteristica italiana dove .gli equipaggi sono tutti single pilot.

Penso pertanto che l'estensione dell'età a 64 anni per i piloti di elicottero debba essere estesa anche a piloti che volano single pilot in considerazione anche che

gli elicotteri e il tipo di attività da essi effettuato non sono assolutamente assimilabili a quello degli aeroplani di linea.

response *Not accepted*

See response to Comment #365

comment 603 comment by: *British Microlight Aircraft Association*

**Disagree. A commercial licence holder should be entitled to exercise the commercial privileges of his licence until the age of 65 years without further requirements if he is able to qualify for a Class 1 Medical Certificate.**

A commercial licence holder who has reached the age of 65 years should be entitled to exercise the commercial privileges of his licence as co-pilot for as long as he is able to qualify for a Class 1 Medical Certificate.

response *Not accepted*

See response to Comment #365

comment 853 comment by: *Heliswiss AG, Belp*

To retire a pilot in a small helicopter operation at the age of 60 because he may not longer be engaged in CAT operations does not make any sense. We operate helicopters in CAT with 5 passenger seats at the most. The pilot undergoes a strict medical examination every 6 months and all the retirement schedules are made for a retirement age of 65. It will be unaffordable for most helicopter operators to retire their pilots at the age of 60. Furthermore, no gain of safety is evident because a biannual medical check should make sure that the pilot is in a fit to fly condition.

#### **STATEMENT**

- Most of the commercial or/and rescue VFR helicopter transports are flown as a single pilot operation: a multi-crew operation to extend the curtailment of privileges is not an option.
- All retirement schemes in Switzerland are based on a retirement age of 65 years. An earlier retirement means an unfunded time period.
- The FAA (U.S.A) plans seriously to prolong the curtailment of pilot's privileges to an age of 65.

#### **PROPOSAL**

Extend the curtailment of privileges of licence holder, regarding pilot's age, to 65 years.

response *Not accepted*

See response to Comment #365

comment 1218 comment by: *Julia DEAN*

The new requirement for pilots over the age of 60 who operate commercially is a very restrictive and discriminatory piece of legislation that could have grave detrimental affect on commercial pilots being able to earn a living.

There seems to be minimal to no evidence that balloon pilots over the age of 60 are involved in more incidents than pilots under the age of 60. Where is the evidence that this is necessary?

The medical requirement is the same for all pilots, where does the need to introduce an arbitrary additional pilot requirement come from - especially for balloons?

There are exceptions and variations to licence requirements across different aircraft - balloon pilots over the age of 60 should be allowed to fly paying passengers without an additional pilot in the basket.

As I write there is no guidance as to whether this will affect instructors or examiners - if it was to do so it will cause great difficulty and the balloon fraternity stands to lose a vast amount of very valuable experience.

response *Not accepted*

See response to Comment #237

comment

1233

comment by: *Aeromega*

The restriction to 60 for a single pilot, operating commercially is discriminatory, unjustifiable, outdated and possibly a restrictive practice under European legislation. It also removes some of the most experienced pilots from the industry. The limit should be 65 albeit with increased medical requirements for those over 60.

response *Not accepted*

See response to Comment #365

comment

1235

comment by: *ENAC*

No age limits are established for flight test personnel. At the moment in many countries 60 years is the limit for test pilots and 65 for flight test engineers. The age limit is likely to be a controversial issue, if a common policy is not established.

response *Noted*

Noted. FCL.065 is introducing such harmonisation for Commercial Air Transport operations.

comment

1440

comment by: *Anja Barfuß*

This regulation is maybe established in professional air traffic with mainly aircraft that are required to be operated with co-pilot. If the definition of commercial operation will be expanded to the field of also non professional pilots who mainly operate aircraft without co-pilot this regulation could cause unfairness. Because no relaxation possible for pilots between 60-64 for lots of small AC, TMG and glider. I think that following points should be accounted in this regulation:

- - The risks due to age is covered by the valid medical. In times of rising

- human ages such fix numbers are no real criteria for the level of fitness.
- - These rules refer to professionals who need to be protected in the hard environment of air traffic business. This is not comparable to work load voluntaries will be forced with
  - - There is a difference precaution needed between two different commercial situations. On one side the is a bigger group of passengers who do have no influence on the choose of the flight crew. There we need such a rule sharing the risk. On the other side in a small AC the passenger knows the pilot and can decide if he wants to fly with him. For this the valid licence and medical should be enough.

Proposal:

Restrict this rule for professional relationship (or with remuneration) of the pilot and not to all commercial operation of the AC. Or exclude AC up to 2000kg, TMG and glider.

response *Not accepted*

See response to Comment #237

comment

1596

comment by: *Helikopter Air Transport GmbH / Christophorus Flugrettungsverein*

### 1. STATEMENT

- Most of the commercial or/and rescue VFR helicopter transports were flown as a single pilot operation: a multi-crew operation to extend the curtailment of privileges is not an economical option.
- Some public retirement systems (i.e. Austria) base and calculate at this time on a retirement age of 65 year. An earlier retirement means an unfunded time period. There is an attempt in certain countries to extend the retirement age again.
- There will be no social background for helicopter pilots that could not fly by means of single pilot operation after they aged 60 rule, which has also an influence to the annuity payment of those helicopter pilots
- The FAA (U.S.A) plans seriously to prolong the curtailment of pilot's privileges to an age of 65.
- The ICAO Annex 1 defines the "aged 60" only for international air services and international services:
  - o 2.1.10 Curtailment of privileges of pilots who have attained their 60th birthday
  - o 2.1.10.1 A Contracting State, having issued pilot licences, shall not permit the holders thereof to act as pilot-in-command of an aircraft engaged in scheduled international air services or non-scheduled international air transport operations for remuneration or hire if the licence holders have attained their 60th birthday.
  - o 2.1.10.2 Recommendation.- A Contracting State, having issued pilot licences, should not permit the holders thereof to act as co-pilot of an aircraft engaged in scheduled international air services or non-scheduled international air transport operations for remuneration or hire if the licence holders have attained their 60th birthday.

### 2. PROPOSAL

#### Variant 1

Extend the curtailment of privileges of licence holder, regarding pilot's age, to 65 years.

#### 2.1 PROPOSED TEXT



Variant 1

Ammend the point (a) by:

(3) In an single pilot HEMS operation with a maximum radius of not being more than basic mission rang around the HEMS base. No cross border missions, not more than one patient on board.

**3. SCALE OF THE ISSUE (Aviation sectors affected (number of aircraft, organizations, persons))**

Affected are all operators of helicopters which operate aircraft that need to be flown by single pilots especially HEMS operators

**4. IMPACT**

**4.1. SAFETY IMPACT**

No known negative impact on safety.

**4.2. OTHER IMPACTS (Environmental, social, harmonization, aviation requirements outside EASA scope, issues of equity & fairness)**

The proposed changes would allow pilots in all affected countries to fly until aged 65 and have equal chances in Europe regarding their job opportunities.

response *Not accepted*

See response to Comment #365

comment

1929

comment by: *SHA Guido Brun*

delete article.

Justification:

most contries know a retirement age of 65 years and the respective pension plans only cover retirement after 65.

Safety is no issue, as these pilots still need to get a class 1 medical every 6 months.

Please don't ground all completely healthy SP helicopter pilots after their 60th birthday!

response *Not accepted*

See response to Comment #365

comment

2508

comment by: *british balloon and airship club*

If you have a valid medical certificate age should preclude you from exercising the privileges of the licence. I believe this is against EEC law to discriminate on age like this.

response *Not accepted*

See response to Comment #365

comment

2515

comment by: *Andrew Kaye*

If a pilot passes the relevant medical requirements to meet his licence age should not be an issue and is a form of discrimination.

In the UK many experienced pilots are over the age of 60 and the student or younger pilot can gain a lot of knowledge from these pilots, in fact passengers are often likely to be more safe flying with such a pilot than a newly qualified inexperienced pilot.

It is impractical and uneconomical for there to be 2 pilots on a commercial flight.

This age limitation should be removed for ballooning as long as medical requirements are maintained.

response *Not accepted*

See response to Comment #237

comment

2531

comment by: *Eleanor Fearon*

If a person can pass a medical they should be fit to fly regardless of their age. The effects of ageing are very specific to the individual. For balloon operations a second pilot is not financially viable and the person in question would therefore lose their job.

response *Not accepted*

See response to Comment #237

comment

2532

comment by: *John Albury*

With reference to balloons, this proposal does not take into account the fact that if the pilot aged 60 years or over has successfully passed a strict medical as laid down then he should be competent & fit to fly. There is no medical evidence that a balloon pilot over 60 years of age is less competent to fly if he has passed the medical examination.

To have 2 pilots on a balloon is just not financially viable as 2 pilots would have to be reimbursed & 1 less passenger would be able to be carried due to weight restrictions.

Also, I believe that any age restriction in this situation would contravene equality laws & therefore would be most likely to be taken to a European Court of Law by any balloon pilot over 60 years of age who loses his licence privileges and hence employment even when fit to fly after completion of his annual medical examination.

response *Not accepted*

See response to Comment #237

comment

2534

comment by: *Lindsay MUIR*

There is no justification to curtail the ability of a balloon pilot to fly passengers as a single pilot from the age of 60. This age discrimination is irrational and arbitrary and not based on medical facts. It appears not to be a medical decision but an operational one only based on bringing the regulation in line with those laid down by ICAO.

While I understand that the aim of EASA is to bring rules in line with ICAO regulations. However, it must be remembered that the ICAO regulations were written for Aeroplanes. It must be born in mind that a balloon is technically much simpler than an aeroplane, its flight characteristics are vastly different and it travels a lot more slowly. If an aeroplane hits the roof of a house the outcome is almost certain to be fatal. This is just not the case with a balloon: the house may be damaged but the probability is that everyone will walk away from the accident. A balloon pilot has a lot more time to make decisions than a pilot of an aeroplane or helicopter pilot. There is no evidence to show that a balloon pilot over 60 is less able to fly a balloon than one under 60. This can quite clearly be seen from the safety records in the UK and in Australia where both countries have a great deal of experience in the regulation of passenger balloon flights and also have medical records to back up the facts that age has no bearing on balloon safety. The health care systems of European nations ensure that serious disease does not remain undiagnosed or untreated and so must become known to the pilot and their GMP. Indeed, the low frequency of denials suggests that most pilots who become unfit cease flying and do not seek revalidation.

In 2008 there were roughly 125 active commercial balloon pilots carrying out passenger transport flight in the UK. By 2012 roughly 25% of these will be over 60 and therefore, if the proposed rule changes become law, these pilots will no longer be able to earn a living. This will have a substantial economic effect on the balloon ride industry and the affected pilots. There will almost certainly not be enough pilots to replace them.

response *Not accepted*

See response to Comment #237

comment 2543

comment by: *Tony KNIGHT*

This ruling is really a nonsense and surely must be in contravention of discrimination laws. I am only 50 years old, but two of my instructors when I learnt to fly were well past 65 and had a wealth of knowledge and experience.

There are also no medical grounds for this if a pilot has been passed fit to fly. It would seem that this has not been thought through and has been added by someone who knows absolutely nothing about hot air balloons. EASA really need to have relevant advice before formulating rules, not just advice.

As the best and most experienced balloon pilots are around or over this age, this ruling if it is made law would certainly kill the sport in the UK. Is that the intention of EASA? It is sheer madness to get rid of experience. Learn by history. Didn't this happened when dictators have killed off their most experienced generals to quell opposition, then they lose the wars.

If EASA kill ballooning as a good, safe regulated sport, do they think that nonesence rules will stop people doing what they want to do. It is illegal to drive in the UK without car insurance, but the more expensive driving legally becomes, the more people drive illegally.

I would implore you to keep our sport safe and legal and commission some good advice on most of these rulings. Maybe from senior members of the BBAC as they've been doing it for long enough to know a thing or two.

response	<i>Not accepted</i> See response to Comment #237	
comment	2575	comment by: <i>John Fenton</i>
	<p>This is ageism. If a pilot can pass a medical he should be allowed to continue to fly as pilot in command without a second pilot. To employ a second pilot would be an uneconomical financial burden with no benefit.</p> <p>Projected retirement age for a male is 65. If this rule should be implemented it will leave lots of pilots with a pensions shortfall. There is no evidence that pilots over 60 are statistically unsafe.</p> <p>John Fenton Safety Officer BBAC</p>	
response	<i>Not accepted</i> See response to Comment #365	
comment	2590	comment by: <i>len vaughan</i>
	if a pilot can pass a medical then they should be allowed to fly in CAT balloons	
response	<i>Not accepted</i> See response to Comment #237	
comment	2615	comment by: <i>Christopher Wilkinson</i>
	<p>This is entirely unreasonable. There are many good pilots who are perfectly fit and well and who undergo strict medicals on an annual basis, over the age of 60. A small balloon operation carrying no more than 6 passengers at any one time would be unable to operate on a viable commercial basis if a second pilot was required. Equally, there is no reason why just because someone is aged 65 they should, effectively, have to give up their business, despite being perfectly fit and active. This does not make sense and must surely breach age discrimination laws.</p>	
response	<i>Not accepted</i> See response to Comment #237	
comment	2673	comment by: <i>Peter Dalby</i>
	<p>The curtailment of privileges of licence holders over the age of 60 makes no sense whatsoever. If the licence holder is fit enough to pass the required medical and at the time period specified for that age, whether it is every 6 months or every year, then the pilot should be allowed to act as pilot in command.</p> <p>This decision, if allowed, is age discrimination of the worse kind, is not based on medical evidence, and therefore not related to air safety.</p>	
response	<i>Not accepted</i> See response to Comment #365	

comment	2681	comment by: <i>Derry MOORE</i>
	I am 84 years old and to date I am able to obtain a Class 2 Medical; so why can I not fly CAT?	
response	<i>Not accepted</i>	
	See response to Comment #365	
comment	2689	comment by: <i>Malcolm White</i>
	As a UK AOC holder flying hot air balloon passengers in the UK and Ireland, we strongly disagree with the age limitations proposed in this section. We have three CPL pilots, one just 60 and two in their mid 50's. All are extremely fit and pass their annual Class 2 medicals each year. Should these rules be imposed, we would be in a position where we would have to close down our business in 5 or 6 years time, as it is neither cost-effective, or practical, to half our capability by having two pilots on each flight.	
	Surely the result of the above medical examination is proof of their capability to fly in a safe manner and not some arbitrary age limit?	
	Similarly, the curtailment of commercial privileges at age 64 should also be gauged by not meeting Class 2 medical standards and not by a fixed age.	
	Malcolm White Chief Pilot Irish Balloon Flights (BL203) Co. Meath, Ireland	
response	<i>Not accepted</i>	
	See response to Comment #237	
comment	2694	comment by: <i>David Usill</i>
	A pilot who is passed fit should be allowed to fly passengers. The commercial viability of some companies will be in doubt if two pilots are required.	
response	<i>Not accepted</i>	
	See response to Comment #365	
comment	2700	comment by: <i>David BAKER</i>
	<i>There is no medical evidence or safety evidence that I am aware of to support these age limits. If a pilot can pass a medical they should be allowed to fly passengers. The age limits surely must contravene equality laws and I can see if this is implemented numerous complaints to the European Parliament regarding blatant age discrimination.</i>	
response	<i>Not accepted</i>	
	See response to Comment #365	

comment	2705	comment by: <i>barry hammond</i>
	When a Commercial Pilot reaches the age of 60 i can not see why it should stop the persons ability to fly commercially if they meet the medical criteria.	
response	<i>Not accepted</i>	
	See response to Comment #365	
comment	2715	comment by: <i>Kenneth Scott</i>
	The piloting of balloons is a new sport and many of the CPL and examiners/instructors are nearing or over 60yrs. There is no medical evidence to support those older pilots are at more risk than younger pilots. I am sure this must also contravine some equality law at some point. Flying a balloon is not the same as flying a fixed wing aircraft, the speed is much much slower and therefore less of a risk	
response	<i>Not accepted</i>	
	See response to Comment #237	
comment	2730	comment by: <i>Huw PARKER</i>
	This is very ageist and suggests that pilots reaching the age of 60 become incompetent. If a pilot can pass the appropriate medical standard and continues to demonstrate the necessary skill why should they be penalised. Perhaps they could be subject to reduced currency rules such as a proficiency check every 2-3 years.	
response	<i>Not accepted</i>	
	See response to Comment #365	
comment	2734	comment by: <i>R I M Kerr</i>
	Experience increases with age. AS LONG AS A PILOT IS MEDICALLY FIT there is no justification for age limits.	
response	<i>Not accepted</i>	
	See response to Comment #365	
comment	2749	comment by: <i>Jamie Campbell</i>
	Why is this necessary? Current medical testing surely insures that any additional risks associated with older pilots are already picked up.	
response	<i>Not accepted</i>	
	See response to Comment #365	
comment	2766	comment by: <i>David COURT</i>
	If age limits are to be specified they would be better in the AMC section where they can be altered more easily in the future to reflect national retirement ages	

	<p>and general health of the pilot population.</p> <p>For single pilot commercial aircraft (a) will effectively mean compulsory early retirement at an age below national retirement ages in Europe. How does this fit with EU requirements for diversity and equality.</p> <p>The age limits should not be less than national retirement ages provided a pilot can meet the required medical standard.</p>
response	<p><i>Not accepted</i></p> <p>See response to Comment #365</p>
comment	<p>2810 <span style="float: right;">comment by: <i>BBAC</i></span></p> <p>no arbitrary age limit required. If pilot can pass a medical, he/she should be OK to fly passengers</p>
response	<p><i>Not accepted</i></p> <p>See response to Comment #365</p>
comment	<p>2814 <span style="float: right;">comment by: <i>Richard Plume</i></span></p> <p>I cannot understand why this rule has been introduced, it is simply unnecessary and inappropriate. To discriminate on age grounds alone is illogical and possibly illegal. There are many people of 40 or 50 who are not medically fit to be in charge of a balloon, and similarly there are many people of 70 or 75 who are more than medically fit. The decision on who is fit to fly should be left to the medical profession, not to administrators and rule makers.</p>
response	<p><i>Not accepted</i></p> <p>See response to Comment #237</p>
comment	<p>2853 <span style="float: right;">comment by: <i>Jeremy Hinton</i></span></p> <p>Is these upper age limits necessary, particularly for balloon operations? Is there evidence that more experienced or older pilots present an increased hazard? The flight itself is not strenuous, although the preparation might be. Less able pilots would naturally exclude themselves without a requirement for age discrimination. If the reasoning behind the proposal is medical, then the flight medical requirements should cover it without additional legislation.</p>
response	<p><i>Not accepted</i></p> <p>See response to Comment #237</p>
comment	<p>2857 <span style="float: right;">comment by: <i>Richard Allan</i></span></p> <p>FCL 095 b Applies to BPL and LPL</p> <p>I do not believe that there is any reason to limit the flying for those aged 65</p>

	and over. If they can pass the medical what is the problem?
response	<i>Not accepted</i> See response to Comment #237
comment	2859 <span style="float: right;">comment by: Roy Battersby</span> Surely these limits contravene age discrimination law? These concerns are covered by the medical checks. Either one is fit to fly or not.
response	<i>Not accepted</i> See response to Comment #365
comment	2876 <span style="float: right;">comment by: richard benham</span> <i>IF someone can demonstrate with factual evidence that people over a certain age have historically had more incidents then I will accept this argument - however there is no such evidence ! <b>If any pilot can pass a medical, then they surely are proven fit to fly and not open to any more health risks than any other pilot.</b> People can have sudden and unexplained health issues at any age and so to discriminate against the elder and most experienced pilot is out of order. Having a 2nd pilot in a basket will restrict space and increase costs in an operation yet further. Can anyone justify that putting such a clause in place does not discriminate against an age of a person, especially with no facts to show that the age group is more likely to have an accident (proven in flight history) and counter-argued with the medical.</i>
response	<i>Not accepted</i> See response to Comment #237
comment	2887 <span style="float: right;">comment by: British School of Ballooning</span> If a Commercial Balloon Pilot passes his medical he should be allowed to fly Public Transport balloons until 70, most of us would probably not want to fly after 65 commercially but we should at least have the option with a valid medical.  If a balloon pilot after 60 has to fly with another fully qualified pilot on board, this exercise would be completely uneconomical for the company employing the pilot.  Graeme Scaife Chief Pilot British School of Ballooning.
response	<i>Not accepted</i> See response to Comment #237
comment	2931 <span style="float: right;">comment by: Robert WORSMAN</span> There is no medical evidence to support this. This is an ageist policy. If a pilot



passes a medical then he is fit to fly. If he is fit to fly he should be allowed to carry passengers.

Ballooning is a safe sport. It should follow the same logic as driving a car. Car drivers over 60 are not banned from taking passengers, nor are PCV (bus) or HGV drivers.

It would not make commercial sense to fly with two pilots in a hot air balloon. I presume this is just a careless mistake when drawing up these rules and transposing something sensible that applies to a Boeing 777 carrying 300+ passengers to a hot air balloon carrying a couple. Rather ridiculous!

You should also be aware that many instructors and examiners are over 60. You will eliminate all these safety critical people from being able to instruct and exam.

This is not equality. There is no proof that a fit over 60 pilot is more dangerous (if dangerous can be applied to ballooning) than a freshly qualified pilot. You are denying the most experienced pilots the opportunity to earn a living. Definitely an infringement on their civil liberties. These rules have not been carefully drawn up. The consultation process has been hidden. The process has been rushed. It is undemocratic.

response *Not accepted*

See response to Comment #237

comment

2945

comment by: *RG Carrell*

I see no reason for second pilot requirements at 60 years for commercial balloon operations.

Especially in smaller balloons.

This is what the medical is for.

response *Not accepted*

See response to Comment #237

comment

2948

comment by: *FEDERATION FRANCAISE D'AEROSTATION*

**FCL065 : limite d'âge de 60 ans.**

**Balloons**

En France un certain nombre de pilotes exercent une activité de transport aérien en complément de leur retraite. La limitation d'âge à 60 ans fera disparaître un certain nombre d'entreprises. D'autre part les clubs permettent d'accéder à l'aérostation de loisirs en proposant des baptêmes de l'air. Si les baptêmes de l'air sont considérés comme activité de transport il y a des risques que les pilotes de plus de 60 ans ne puissent plus voler alors qu'ils représentent l'encadrement majoritaire des clubs. Puisque le renouvellement de licence est soumis à un examen médical, nous ne comprenons pas qu'il y ait une limite d'âge. Eventuellement nous accepterions d'avoir un **contrôle médical renforcé au-delà de 60 ans pour exercer une activité de transport en ballon contre rémunération**. Le pilotage d'un ballon ne peut se comparer au pilotage des autres aéronefs qui nécessitent des capacités spécifiques en particulier, rapidité de prises de décisions, réflexes, etc.....qui peuvent diminuer avec l'âge. Ceci n'est pas vital en ballon au regard de sa

	faible vitesse d'évolution et sa grande inertie.
response	<i>Not accepted</i> See response to Comment #237
comment	2956 <span style="float: right;">comment by: <i>tobydavis</i></span> There is no medical evidence to support this age limit. surely if a pilot has passed an authorised medical then they are fit to fly.
response	<i>Not accepted</i> See response to Comment #365
comment	2993 <span style="float: right;">comment by: <i>Julia WILKINSON</i></span> Again, what evidence is there that suggests pilots over the age of 60 are incapable of flying passengers safely? This is outrageous ageism and surely illegal to impose? It suggests that anyone over 60 isn't capable of being in charge of any other passengers - for example, they shouldn't even be able to drive a car with passengers either. Can you imagine the outrage if this was suggested? If a pilot can pass a medical they can fly passengers safely.
response	<i>Not accepted</i> See response to Comment #365
comment	3000 <span style="float: right;">comment by: <i>lotus Balloons</i></span> If a 60 year old pilot can satisfy the medical requirements he should be accepted as fit to fly, and that should not preclude them from flying with passengers.  This is particularly pertinent when it comes to instruction. It is generally considered that the best instructors are the most experienced pilots and a large number of these instructors are over 60. It takes many years to build a level of experience in Balloons. Unlike most other forms of flying, each extra year of flying may only add 50 flying hours or 50 take offs and landings to a pilots store of knowledge. Age is almost essential to be a good instructor.  Commercial Air Transport (CAT) needs to be clarified.
response	<i>Not accepted</i> See response to Comment #237
comment	3005 <span style="float: right;">comment by: <i>Cary Crawley</i></span> I would request further information on the justification of this rule and wish to refer to the following examples: (a)In March of 2008 the U.S.House of Congress passed H.R.433 "Fair treatment of Experienced Pilots Act" This,I believe raised the retirement age for P.I. to 65 years of age on commercial flag carrying airlines,at least for flights within the U.S.A. (b) Sources at the F.A.A.inform me that "corporate"pilots of large aircraft can fly P.I.without any restriction reference to age(Providing they can satisfy appropriate medical

requirements.).However pilots at age 75 years or over may be required by insurers to pay a triple premium. (c) F.A.A. C.P.L.balloons holders can work as P.I.indefinitely as long as they pass their Bi-annual flight reweiw exam and remain current. PLEASE NOTE-There are no requirements for holders of the F.A.A. C.P.L. Balloons certificate to also hold any aviation medical certification.However the main insurers of ballooning in the U.S.A. do require pilots over the age of 70 years,be they private or commercial,to hold a class 3 medical-which is renewable at further two yearly intervals.Holders of F.A.A.C.P.L.Balloons have no upper age restriction or limitation.

response *Not accepted*

See response to Comment #237

comment 3008

comment by: *Richard ALLEN*

I have not found or read any medical evidence that suggests that the safety of a flight is diminished once the pilot reaches the age of 60 or 65. If an individual can pass the required medical, there is no reason that they should be prevented from engaging in flying CAT. In flying balloons, a second pilot is not a sensible financial option. This could therefore be discriminating against pilots who are 60 or over, i.e. in contravention of equality laws.

response *Not accepted*

See response to Comment #237

comment 3028

comment by: *Frank Schweppe*

FCL 065 (a) and (b) restrict the age at which a pilot can act as pilot in command or (b) as a pilot in commercial air transport operations. It is unclear whether balloon flights with passengers or carrying advertising on the envelope are considered 'commercial air transport operations'. If not, this should be clearly stated somewhere.

Balloon pilots who pass a class 2 medical are quite capable of acting as a PIC in a balloon carrying passengers, no matter their age. Due to the characteristics of the craft, sudden incapacity of the pilot does not automatically result in a serious accident (there have been some examples where a pilot was ejected from the basket during a hard impact and a passenger has subsequently taken control and landed the balloon, admittedly with less precision than a trained pilot, but well enough to prevent fatalities). See under Definitions.

response *Not accepted*

See response to Comment #237

comment 3068

comment by: *Peter Kenington*

There is no medical evidence to support the age restrictions proposed. So long as a pilot has passes the relevant medical, he/she should be safe to fly. To introduce such restrictions is certainly age-discriminatory and may therefore contravene the individual's human rights. The same issues apply to examiners and instructors.

response *Not accepted*

See response to Comment #365

comment	3087	comment by: Felice Lacerra
	<p>Age to maintain capability for single pilot in HEMS operation should be 64 years also for single pilot in hems operation without the presence of other pilot under 60. Most of the elicopters company working in Italy with Hems pourpose are working single pilot.</p>	
response	<p><i>Not accepted</i></p> <p>See response to Comment #365</p>	

comment	3110	comment by: Rory Worsman
	<p>For LPL and BPL:</p> <p>This is an ageist policy and is against all out human rights I strongly oppose it. There is no medical evidence to support it Ballooning is a very safe sport and should follow the same current legislation for driving a car. Coach, bus and car drivers can operate over the age of 65.</p> <p>A newly tested pilot will be much more dangerous than any pilot over the age of 60. This rule is badly thought out and is just not applicable to ballooning.</p> <p>Where will you find examiners younger than 60? Not many around and there will be even less once all the EASA rules have forced them to quit the sport!</p> <p>EASA is trying to make one rule fit all types of aircraft. This is very simplistic and not at all realistic. It will deneigh me my human rights. The logic would be that all the rules that apply to driving a HGV for a commercial living should apply to car drivers.</p>	
response	<p><i>Not accepted</i></p> <p>See response to Comment #237</p>	

comment	3181	comment by: Derek Maltby
	<p>If a medical certificate exists for the category of balloon, then that should suffice. the age of the individual should not matter.</p>	
response	<p><i>Not accepted</i></p> <p>See response to Comment #237</p>	

comment	3187	comment by: Richard Sargeant
	<p>I object vehemently to the age limits for commercial pilots proposed in both paras (a) and (b). Flying a hot-air balloon is a far less onerous and stressful activity than flying other types of aircraft. Speeds are a fraction of those with powered aircraft, operations are never carried out at night or in IFR conditions and the number of passengers on each flight is far fewer. There is absolutely no evidence of which I am aware that indicates that balloon pilots over 65</p>	

represent a greater risk to themselves, passengers or third parties, indeed I suspect that the general level of experience accumulated by older pilots would result in lower incident rates were such a study to be made.

This proposal is also a severe problem for those of us that are currently instructors or examiners since it seems these will be regarded as "commercial" captivities, even if done on a purely hobby basis.

Of course it is important that passengers not be exposed unnecessarily to risks at the hands of unfit pilots, but for older pilots those risks should be individually managed and perhaps checked more frequently using periodic medical checks.

A blanket ban is draconian, unfair, possibly infringes the individuals' personal rights and liberties and is a very blunt instrument to apply to try to maintain flight safety standards.

response *Not accepted*

See response to Comment #237

comment 3189

comment by: *Stephen LAW*

I disagree with this requirement for balloon pilots, this will disadvantage a large number of experienced and very competent Leisure Balloon Pilots, and feel the age should be higher.

response *Not accepted*

See response to Comment #237

comment 3256

comment by: *Matthias Heine*

Das schließt die Beförderung von Fluggästen für den Verein aus. In vielen Vereinen wird eine Vielzahl der Gastflüge von Piloten 60+ durchgeführt. In der Segelflugsparthe des Aeroclub Hildesheim ca. 85% aller Gastflüge. Da für viele am Luftsport Interessierte ein Gastflug ein Einstieg in die Fliegerei bedeutet, würde dies die Existenz des Vereins gefährden wenn diese Gastflüge nicht mehr durchgeführt werden könnten.

response *Not accepted*

See response to Comment #237

comment 3312

comment by: *john daly*

The arbitrary and senseless "Age 60" rule still seems to be in. What possible justification can there be to unilaterally prevent otherwise fit individuals from continuing to fly on single-pilot CAT operations beyond the age of 60?

response *Not accepted*

See response to Comment #365

comment 3389

comment by: *Peter MEECHAM*

	Age should not be a limit providing the pilot has a current medical certificate. Many older pilots are fitter than younger ones and have no medical problems.
response	<i>Not accepted</i> See response to Comment #365
comment	3442 <span style="float: right;">comment by: <i>Nina Bates</i></span>  This clause appears farcical. A pilot who is fulfilling every other criteria required to fly, including passing medical examinations to prove fitness, is to be prohibited from the sport simply because of their age? Would this ridiculous situation also apply to Instructors and Examiners? Older pilots have a wealth of experience and knowledge to call on, they should not be discriminated against on the basis of their date of birth.
response	<i>Not accepted</i> See response to Comment #365
comment	3524 <span style="float: right;">comment by: <i>Graham CANNON</i></span>  Age limits probably infringe equality laws. If a pilot passes the medical he should be allowed to fly
response	<i>Not accepted</i> See response to Comment #365
comment	3573 <span style="float: right;">comment by: <i>Axel Ockelmann + Manfred Poggensee Commercial Balloon Operators Germany</i></span>  <b>FCL.065 (b)</b>  <b>Generally:</b> Following the rule: make the rules proportional to the scale and scope and risk of the operation EASA should organize a medical risk analysis and, the result out of it, this paragraph should be differentiated.  EASA has already consider the less strain asking only for a class 2 medical for commercial balloon pilots. The strain for a pilot carrying passengers in an airplane is always higher than flying a balloon carrying passengers.  Moreover ICAO gives only a restriction in age for international CAT. It is really a difference if an airline pilot flies 8 hours from the US to Europe with different time zones than a balloon pilot flies 1 hour from Cologne to Pulheim.  Balloons are always a 1-pilot-aircraft and there is no restriction of the amount of passengers.  ADD a) (3) as a flight crew for Balloons  ADD b) ....engaged in commercial air transport operations, <i>except as a flight crew for balloons.</i>
response	<i>Not accepted</i>

See response to Comment #237

comment	3635	comment by: Peter van Harten
	I herewith comment on the age term of 60-65. ICAO says that this rule applies on INTERNATIONAL flights, so flight to and from another country involved. However balloonflights within its country of departure are not to be seen as international flights, and therefore this rule should not apply.	
response	Not accepted	
	See response to Comment #237	

comment	3667	comment by: Sarah Bettin
	The current UK system of having to pass a medical is sufficient. There is no medical evidence or safety evidence to support this age related restriction. If you pass a medical and are fit to fly this should be satisfactory at any age.	
response	Not accepted	
	See response to Comment #365	

comment	3669	comment by: Sarah Bettin
	If a pilot aged 65 or over has passed a medical and is fit to fly then they should be able to continue to fly. There is no evidence, safety or medical, to support this age limit.	
response	Not accepted	
	See response to Comment #365	

comment	3720	comment by: Klaus HARTMANN
	Für den Ballonpiloten mit BPL und commercial privileges sollte es ermöglicht werden über das Alter von 60 Jahren hinaus seine commercial privileges ausüben zu können. Dafür sprechen gegenüber anderen Luftfahrzeugarten folgende Gründe:	
	<ol style="list-style-type: none"> <li>1. Die Bewegungen des Ballons sind relativ langsam und voraussehbar, was keine hohen Anforderungen an die Reaktionsfähigkeit stellt.</li> <li>2. Es treten keine Beschleunigungen und Drehungen auf und daher auch keine falschen Lageillusionen; durch den stabilen Luftfahrzeug-Schwerpunkt ist seine Lage stabil, der Korb hängt immer unten.</li> <li>3. Die geringen Steuerungsmöglichkeiten und wenigen Steuerelemente bedürfen nicht besonders großer Konzentrationsfähigkeiten.</li> <li>4. Durch die geringe Instrumentierung und die freie Sicht nach allen Seiten ist die ständige Kontrolle des Luftfahrzeugs und seiner Umgebung einfach zu erhalten.</li> <li>5. &lt;![endif]--&gt; &lt;![endif]--&gt;Ballonfahrten, speziell mit Heißluftballonen, sind in der Regel von nur kurzer Dauer, so dass Ermüdungserscheinungen nicht zu erwarten sind.</li> </ol>	
	Daher sollte das Höchstalter für die commercial privileges auf Ballonen auf mindestens 65 Jahre erhöht werden. Im Alter über 60 oder über 65 könnte	

response	<p>eine Einschränkung auf bestimmte Ballongrößen in Betracht gezogen werden.</p> <p><i>Not accepted</i></p> <p>See response to Comment #237</p>
comment	<p>3824 <span style="float: right;">comment by: Robert Cross - BBAC</span></p> <p>WEhy should this be the case? This is age discrimination and has nothing to do with the health or ability of the pilot.</p>
response	<p><i>Not accepted</i></p> <p>See response to Comment #365</p>
comment	<p>3826 <span style="float: right;">comment by: David COURT</span></p> <p>ICAO state that these age limits apply to international commercial air transport. As EASA are following ICAO please insert the word INTERNATIONAL.</p>
response	<p><i>Not accepted</i></p> <p>See response to Comment #365</p>
comment	<p>4029 <span style="float: right;">comment by: v.d. BroekBallon v.o.f.</span></p> <p>Why this age limitation as there are no known records of older balloon pilots haven accidents due to there age. Most accidents happen with young inexperienced pilots taken to moths risk.</p> <p>As long as the pilot, regardless of age, has his medical certificate there should be no reason not to fly in commercial balloon operations.</p> <p>A balloon should not be compared with a big airliner. It is a very slow moving aircraft with little stress involved.</p> <p>Many commercial balloon companies are small operators, typical one or two pilots, flying one to four commercial balloons for sponsors combined with passensers operations. If this role is implemented many older commercial balloon companies, with very good safety records due to there experiance, are without income at once. Is there an European fund to compensate these companies?</p> <p>Proposal:</p> <p>As long as the pilot passes the medical he or she should be able to fly without limitations.</p>
response	<p><i>Not accepted</i></p> <p>See response to Comment #237</p>
comment	<p>4052 <span style="float: right;">comment by: Sebe Kruijer, Holland</span></p> <p>I want to reject this article. The reason is that most Balloon pilots have a</p>



small company to fly their balloons. That is the case in Holland. And therefore they depend on flying commercial with the hot air balloons to get an income. With this rule, these companies AND pilots are doomed to be out of business by 60.

That is unacceptable. Here in Holland the retirement age is 65 and soon it will be 67. Therefore the holder of a commercial pilot licence should at least be able to get his income from flying hot air balloons UNTILL his of her retirement at 67.

With this rule in place, all commercial balloon pilots are FORCED to find another job or business at the age of 60. That is totally UNACCEPTABLE.

And personally I so no reason what so ever why a person would not be able to fly a hot air balloon commercially AFTER the age of 67.

If there would be a reason, then it might be the health. And the health is under severe control of a yearly medical update. That should be enough, because that is why there is a medical. And if needed, after the age of 67, this medical check might even take place every 6 months.

response *Not accepted*

See response to Comment #237

comment

4061

comment by: *Graham Morris*

It appears that this would prevent pilots over 60 operating as Sailplane CPL's. Why should this restriction be applied, assuming that is the CPL in question has an appropriate medical?

response *Not accepted*

See response to Comment #237

comment

4117

comment by: *Elmar KUEMMEL*

Dieser Absatz sollte sich nicht auf den Freizeitbereich ausdehnen, in der Form, dass die Mitnahme eines Passagiers in einem Motorsegler, Segelflugzeug oder UL als kommerzielle Luftfahrt angesehen wird, weder aus luftrechtlicher noch versicherungstechnischer Hinsicht.

Es gibt keine Nachweise, dass in diesem Bereich eine erhöhte Unfallgefahr gegeben ist.

Ich finde den Artikel, zumindest aus der Sicht der Bundesdeutschen Verfassung als rechtlich unverantwortbar.

response *Not accepted*

See response to Comment #237

comment

4130

comment by: *Max Heinz Katzschke*

(a)(b) **Dies behindert die Nachwuchsgewinnung für die gesamte Luftfahrt!** Denn Jugendliche werden zu einem großen Teil durch Events im Rahmen schulischer Projektstage an Fiegerclubs, **also an Wochentagen**, für Berufe der Luftfahrt gewonnen; diese Events werden in der Mehrzahl von Piloten durchgeführt, die **nicht mehr im Arbeitsprozess gebunden sind** -

**also von der Generation 65+ !!!**

Weiterhin zeigt sich rein statistisch, dass der Gesundheitszustand bis ins höhere Alter im 21. Jahrhundert bedeutend besser ist als früher.

Außerdem haben Piloten außerhalb des Arbeitslebens oft mehr Ruhe, weniger Stress und insbesondere eine sehr verantwortungsvolle Einstellung zur Beachtung der "Human Factors".

FCL.065 sollte ersatzlos gestrichen werden.

response *Not accepted*

See response to Comment #365

comment 4156

comment by: *Medical Officer BBAC*

If a pilot passes a medical examination there should be no reason for that person not to be able to carry out commercial air transport operations. These pilots would still be within the 1% rule deemed as an acceptable risk.

response *Not accepted*

See response to Comment #237

comment 4218

comment by: *Bart Sebregts*

In my opinion it will be better to have no restriction on age other than a medical restriction. Pilots above 60 are having medical examination every 6 months, which must be sufficient. When necessary the AME can raise the frequency of medical examinations.

response *Not accepted*

See response to Comment #365

comment 4377

comment by: *Bob Berben*

Could you be clear about the status of carrying paying passengers in balloon operations, and the relating age limit for privileges specifically for ballooning.

response *Not accepted*

See response to Comment #237

comment 4729

comment by: *CAA Belgium*

As all of this para is only applicable to pilots engaged in commercial air transport, this should be reflected in the heading. We have experienced that there is some uncertainty regarding the 60-65 rule in other operations, e.g. aerial work. Amending the heading to read "Curtailment of privileges of license holders aged 60 years or more in commercial air transport operations" might ease the understanding. It will also more correctly reflect the contents and scope of the para.

response *Accepted*

Accepted. The text will be amended accordingly

comment	<p>4756 <span style="float: right;">comment by: ECA- European Cockpit Association</span></p> <p>Delete and add word in FCL.065  <del>(a) Age 60–64. The holder of a pilot licence who has attained the age of 60 years shall not act as a pilot of an aircraft engaged in commercial air transport operations except:</del>  <del>(1) as a member of a multipilot crew; and,</del>  <del>(2) provided that such holder is the only pilot in the flight crew who has attained age 60.</del>  <b>(b<sub>a</sub>) Age 65. The holder of a pilot licence who has attained the age of 65 years shall not act as a pilot of an aircraft engaged in commercial air transport operations.</b></p> <p><b><u>(b) The authority shall determine whether and under which conditions the holder of a pilot licence who has attained the age of 60 years can act as a pilot engaged in commercial air transport operations.</u></b></p> <p><b><u>AMC to FCL O65</u></b>  <b><u>Age 60–64. The holder of a pilot licence who has attained the age of 60 years should not act as a pilot of an aircraft engaged in commercial air transport operations except:</u></b>  <b><u>(1) as a member of a multipilot crew; and,</u></b>  <b><u>(2) provided that such holder is the only pilot in the flight crew who has attained age 60.</u></b></p> <p>Justification:</p> <p>ECA recognises that in various EU member states there are at present different age limits for flight crews licences. This situation is possible due to the non binding JAR rules. The transfer of JAR rules to EASA rules would otherwise make the age limit binding for all EU member states.</p> <p>ECA urges EASA to allow each member state to retain its own age limit for pilot licensing.</p>
response	<p><i>Not accepted</i></p> <p>See response to Comment #365</p>

comment	<p>4950 <span style="float: right;">comment by: Graham PHILPOT</span></p> <p>This appears to be a <u>discrimination on basis of age – Infringing Human Rights</u>. If a pilot passes the required medical they should be allowed to continue flying unsupervised, there is no medical evidence for age related limits. This appears to be an imposition from fixed wing commercial air transport.</p>
response	<p><i>Not accepted</i></p> <p>See response to Comment #365</p>

comment	<p>4951 <span style="float: right;">comment by: Graham PHILPOT</span></p> <p>b0 This appears to be a <u>discrimination on basis of age – Infringing Human Rights</u>. If a pilot passes the required medical they should be allowed to continue flying unsupervised, there is no medical evidence for age related limits. This appears to be an imposition from fixed wing commercial air transport.</p>
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response	<p><i>Not accepted</i></p> <p>See response to Comment #365</p>
comment	<p>4952 <span style="float: right;">comment by: <i>Hugh STEWART</i></span></p> <p>I do not think this is reasonable. It is not supported by medical evidence and makes it possibly commercially unviable for operators if two pilots are required for such flights where a pilot is 60-64 years of age. If the pilot is able to satisfactorily pass a medical - perhaps to a higher level than one given to pilots under 65 years of age, then they should be able to continue to be able to pilot commercial balloon flights.</p> <p>A further concern is whether such a regulation would be in breach of European human rights and age discrimination laws.</p>
response	<p><i>Not accepted</i></p> <p>See response to Comment #237</p>
comment	<p>4977 <span style="float: right;">comment by: <i>BALLONFLYVERNE ApS</i></span></p> <p>I'm running the first and only commercial operating compagny based in Denmark.</p> <p>Becoming 63 years of age this year, I can see that I will be discriminated and not allowed to fly commercial if that restriction will be <b>implemented</b>.</p> <p>In these days when people get older and older in Europa and also more and more fit &amp; healthy I find it WRONG to have such a rule.</p> <p>In Sweden (I'm a swede, but live in DK) there are several very competent ballonpilot as well, that are tretened to close there compagnies, nevertheless they also could fly, as me, for another 5-8 years or even more. Of course, I know o lot of people that are old, long before they get the age of 60 and also remember some that have become that ill so they died from it.</p> <p><u>On the other hand</u> there are more and more "old" people going strong and work long after 65..! The very best example in Dk is the owner and daily leader of the shipping compagny "MAERSK", having the largest fleet of container-ships in the world. "Maersk McKinnley-Moller". He is 95+ and still going strong.</p> <p>My opinion is that "age" is that relative, that it's a very <u>BAD parameter</u>.</p> <p><b>The only things that matters in my opinion is :</b></p> <ol style="list-style-type: none"> <li><b>1. to pass the yearly medical examination (or perhaps ½-yearly for 60+)</b></li> <li><b>2. pass a yearly PFT</b></li> <li><b>3. pass the yearly "Audit"-check from CAA</b></li> </ol>
response	<p><i>Not accepted</i></p> <p>See response to Comment #237</p>
comment	<p>5068 <span style="float: right;">comment by: <i>Lenny Cant</i></span></p> <p>(a) Why create this 60/65 year limit? I think it's in big contrast with the plans to make new pilots able to start doin' soloflights from age 14. I do agree when</p>

there's a more tight medical ruling for the 'older' pilots but it's unfair that they would need to stop flying commercially because of their age. If their medical is ok, why would they need to be forbidden to fly? So I believe in more difficult medical tests and maybe extra check flights but certainly not a general no.

response *Not accepted*

See response to Comment #365

comment 5087

comment by: *Ciers Gino*

age limitations **for balloon-pilots**. Your proposition is 60 years, for a balloon this should be at least 65 years, with final limitations for.ex at 70 years. 'Old' balloonist have a lot of experience and do not take any (weather condition) risks. For the moment we have several balloon pilots in Belgium who are +65 and fly a lot with balloons without any problem our accidents! A balloon is not as complex and technical as an aircraft!

As the medical requirements for +50 balloonists are quite impressive in Belgium it is not a problem to make commercial flights until the age of 65 or older.

response *Not accepted*

See response to Comment #237

comment 5115

comment by: *Hans Peter Lossmann*

I think there is a different between pilots in commercial and sport doing with ballons or gliders. The sportpilot don't have to fly to earn money because he has other income.

The problem we have with ballons because you can't fly the normal balloon alone. So you have to find peopel to go with you. In a normal balloon you need 2 ore 3 persons.

They pay for the transportation only the money for the cost you need to get in the air. This is not commercial !

If we are commercial pilot in this case we can't fly balloon any more above age 65.

Two reasons not to limit the age for pilots: the pilot has no MUST to fly and on the other side he has a lot of expirience in flying. Also he has to go every year to make a medical.

response *Not accepted*

See response to Comment #237

comment 5244

comment by: *Herbert Schütz*

Warum soll ein Pilot älter als 60 Jahre nicht gewerblich fliegen dürfen, wenn er ein nicht eingeschränktes Medical hat?

Im Zusammenhang mit der Definition von gewerblicher Fliegerei kann das für viele Vereine ein Problem darstellen, da u.U. Gastflüge auch so gesehen werden könnten. Da häufig Gastflüge von den erfahrenen (und oft älteren) Piloten durchgeführt werden, könnte es schwieriger werden, auf diesem Wege neue Mitglieder zu gewinnen.

response *Not accepted*

See response to Comment #365

comment	5254	comment by: <i>AEPA (Spanish Balloon Pilots Association)</i>
	<p>AEPA (Spanish Balloon Association) We expect that a pilot with Medical certificate Class 2 is allowed to fly so long the medical checks are aprobed. To fly with a second pilot it's not profitable for an operator: It's not justified to allow a younger pilot to fly if he had the same medical certificate than the older.</p>	
response	<p><i>Not accepted</i></p> <p>See response to Comment #237</p>	

comment	5259	comment by: <i>AEPA (Spanish Balloon Pilots Association)</i>
	<p>AEPA (Spanish Balloon Association) Our opinion above the age of 65 to end to fly commercial is opposed to your rule because we thing it's the same case of age 60-64, if pilot have Med. Cert. Cass 2 aprobed.</p>	
response	<p><i>Not accepted</i></p> <p>See response to Comment #237</p>	

comment	5300	comment by: <i>Lindsay Sadler</i>
	<p>If a pilot is fit to pass an EASA medical then he/she should be fit to fly. There are some very experienced, fully fit pilots who would have to stop work if this age limit is applied. Surely the medical should be the governing factor (you may even find pilots under this age who are not fit!).</p>	
response	<p><i>Not accepted</i></p> <p>See response to Comment #365</p>	

comment	5302	comment by: <i>T. Wahle</i>
	<p>Comment on FCL 065; OLDER THAN 60 EARS  A company, consisting of one person, should be obliged to stop with his company. The age to go on a pension is in Germany 67. in the Netherlands in the future the same. The average age is in the Netherland for men 80 and for women 83. Health, mental and fysical constitution and so the medical examination should be the criterium to stop flying balloons, with paying or not paying passengers.  What's the difference between a BPL'er of 70 years with 5 paying passengers and a LPL ér with 3 "non paying" passengers.  Why not every half year a medical examination for BPL and LPL and a BPL'er should carry not more than 5 passengers.</p>	
response	<p><i>Not accepted</i></p> <p>See response to Comment #237</p>	

comment	5325	comment by: <i>Guy GEERAERTS</i>
	<p>We don't live in the '60s anymore where people were "old" at the age of 60.</p>	

People live longer than 50 years ago, and stay active even at 70 and older. In a lot of industry and government jobs, people retire at the age of 65, and there is evidence to raise that age to 70!

Pilots should not be excluded or allowed to fly based on age but on capacities (mental and physical). And certainly when landing a balloon experience is more important than age.

**I don't think there should be any restriction in age at all.**

By the way: commercial or not has nothing to do with this matter. Most risks in ballooning occur when landing, and then it doesn't matter if the flight is commercial or not.

I believe the only thing that matters is whether or not the pilot is "fit" to fly. This can be evaluated during the medical check.

response *Not accepted*

See response to Comment #237

comment 5531

comment by: R Gyselynck

There is no medical evidence to support an age 60/65 limit for balloon pilots flying passengers and consequently this proposal as well as being inequitable is probably contrary to equality legislation. If pilots can pass a medical they should be able to fly passengers. The idea of a second pilot in a balloon is non-viable and risible. Please confirm this idea is not intended to apply to balloon instructors or examiners in any case. Please also confirm that balloon passenger rides are not Commercial Air Transport.

response *Not accepted*

See response to Comment #237

comment 5571

comment by: Wilco Air BV

**Comment on FCL.065 "age 60-64" page 9 of 647**

We do not agree with an age limit of 60 years for any limitations in operations, of course providing that the medical test has been passed successfully. Older pilots do have more experience! There is no proof of more accidents/incidents in balloons caused by older pilots, so there is no reason for this rule.

We suggest to omit the age limit, and leave the decision for flying to the medical experts. As long as there is no medical restriction, the pilot should be able to operate as P1 as normal, without a discriminating age-limit.

response *Not accepted*

See response to Comment #237

comment 5635

comment by: Lars Karlqvist

The proposal that pilots over age 60 shall not be allowed to act as commercial pilots is probably inherited from other type of aircraft operation e.g fixed wing. Balloons does not require the same type of pilot skills as fixed wing or helicopter for example fast reaction and coordination but rather good judgement and experience. Analysing the weather is one of the most crucial skills. I suggest the age limit is set to 65 and exception beyond that age can be

	issued by medical experts for each individual.
response	<i>Not accepted</i> See response to Comment #237
comment	5645 <span style="float: right;">comment by: Klaus Melchinger</span> Fixed age restrictions make no sense at all and it's a discrimination too! There are younger people being less fit than elder people!!
response	<i>Not accepted</i> See response to Comment #365
comment	5658 <span style="float: right;">comment by: Peter VAN DEN NOORTGATE</span> Throughout the NPA 2008-17 (a and b) it is not set very clear what is really meant with commercial air transport. This term should be accompanied with objective criteria to define if certain aerial ops are commercial or not. Member states are likely to fill in or interpret the term "commercial air transport" differently. Therefore the age restriction rule (FCL.065) may affect pilots in a different way. In ballooning one can seldom speak of air transport, let's stand commercial air transport. Ballooning is mainly for sport, promotion/publicity, pleasure or incentives (whether you pay for this fun or not). It is not intended to move/transport people or goods from one point to another on request or by schedule. That also explains why there is no full CPL for balloons within this EASA proposal. The fact Belgian balloonist operate in companies (and are virtually commercial) originates from a Belgian tax law decision in 1992 in which sponsored (passenger) balloon rides could no longer exercised by a non-profitable organisation (i.e., an aero club which did it to keep their balloons payable). This has gradually killed sport ballooning in Belgium since 1993. Anyhow I don't see the relation between the age of the balloonist and the safety risk that would mean if he/she is older than 60 years and that that would be different if flying in a commercial scope or not. I can understand that the reaction time to incidents or fitness of a pilot is important for commercial airlines carrying large numbers of passengers (=higher responsibility). But I can't see this important for a balloonist that flies in low (mainly uncontrolled) airspace, at very low windspeeds (<15kts), with less than 8 passengers and who can pose its balloon almost anywhere safely when a problem (i.e., medical incident) would arise. Prohibiting balloonist, at the age of 60 or older, to fly in a commercial context shall entirely kill ballooning in Belgium. Mainly because we are also not allowed by an economic/tax law to do it in a non-professional/non-profitable context (i.e., no passenger rides in an aero club on request of a sponsor). Considering the above remarks, I propose that the 'being over 60 years age' rule should not be applied to a BPL (with or without a commercial privilege) as long as you: (1) stay below a certain number of passengers per flight. (2) stay below a certain envelope volume (SMALL class). (3) keep under a given number of remunerated flights (example max 40 flights) per calendar year. (4) Being medically declared fit and healthy. And (5) are without flying incidents or air law infringements.
response	<i>Not accepted</i> See response to Comment #237



comment	5672	comment by: <i>barry birch</i>
	<p>This is unclear and should follow the ICAO guidelines which apply the 65 year restriction to International Commercial Transport of passengers. Balloon pilots who carry passengers for example should be allowed to continue flying until they fail their medical. B.Birch (member of BBAC)</p>	
response	<p><i>Not accepted</i></p> <p>See response to Comment #237</p>	
comment	5680	comment by: <i>ECA- European Cockpit Association</i>
	<p>JAR FCL allowed a number of national variants to this rule. The rule was therefore not applied in all countries the same way. The draft opinion will represent a significant change for crews in countries with different rules on issues like pensions, employment etc which have not been properly assessed. This change has not undergone and been reflected in the necessary Regulatory Impact Assessment. Before adopting an ImplementingRule binding in all Member States a Regulatory Impact Assessment shall be carried out.</p>	
response	<p><i>Not accepted</i></p> <p>See response to Comment #365</p>	
comment	5716	comment by: <i>Jeff Roberts</i>
	<p>I can see no reason why there should be an age limit of 60 on commercial air transport pilot, what data is being used to support this requirement?</p>	
response	<p><i>Not accepted</i></p> <p>See response to Comment #365</p>	
comment	5791	comment by: <i>Peter Holland</i>
	<p>FCL.065 Curtailment of Privileges aged 60 or more</p> <p>In this modern era of greater physical and mental fitness and extended life expectancy thanks to vastly improved medical care, diet and lifestyles, is this still relevant? Should it not be opened up to medical certification being the primary requirement, even if it must be more demanding above the age of 60?</p>	
response	<p><i>Not accepted</i></p> <p>See response to Comment #365</p>	
comment	5864	comment by: <i>Professional Balloonists Netherlands</i>
	<p><b>- FCL.065 Curtailment or privileges or licence holders aged 60 years or more</b>  <b>FCL.065 (a)</b>  A pilot can do no commercial air transport do when he is 60-64 years except if he is a member of multi-pilot a crew and he is the single one of the age of 60-64 years. If the pilot exceeds 65 years no more commercial air transport can be done.</p>	

Observation: This requirement comes from the ICAO - annex 1.

However:

\* ICAO is talking about International Commercial Air Transport. So National Commercial Air Transport could be done !

\* The ICAO definition concerns scheduled international air services (line services) and non-scheduled international air transport (charters), with this is meant the transport by using airplanes. The ICAO-rules are related therefore to large aviation and not to ballooning.

\* In several countries now a (commercial) pilot can fly whenever committed to a valid medical. Age is of indifference.

\* The introduction of an age limit for both commercial and non-commercial balloon operations is not acceptable. EASA stands for safety in aviation: there is absolutely no perceptible proof or argument that only age of a balloon pilot obstructs the safety. And there is absolutely no relation between incidents, accidents and the fact that a balloon pilot is 60 years or over.

\* The duration of an balloonflight is much shorter than for example international scheduled and non-scheduled flights from airplanes. The physical load for the pilot is much less. This rule do not consider this.

Also national authorities are disagreeing, stated to the fact that they are issuing licences for pilots upto even 70 years of age. The requirements which are made now are the pilots experience and a valid medical, class 2. No more, no less. PBN is satisfied with this.

\* In several countries the pensionable age is becoming higher. Moreover the elderly become more fitter and are willing to a frequently longer workperiod (by teacher economy and consultant of the Dutch premier J.P. Balkenende in the newspaper Telegraaf of February 14<sup>th</sup> 2009). What EASA is presenting now, is in direct objection with these developments and facts; but also an out-of-date conception.

\* The proposal of EASA leads to unemployment for pilots in balloon companies. In present time there are pilots and balloon companies who have a bright future and they will lose. If this proposal is taken over by the European Commission, there will have to be compensation for those who will lose their job or company due to this rule. In our association we have some pilots and organisations on which this applies. After 2012 these pilots and companies have to give up. This is not acceptable.

Proposal: FCL.065 (a) adaption so that it does not apply on commercial ballooning or that it is not applicable to national commercial ballooning.

response

*Not accepted*

See response to Comment #237

comment

6031

comment by: AA Brown BBAC # 3448

FLC.065 Curtailment of privileges of licence holders aged 60 years or more.

Having flown with British Airways throughout my entire career I had planned in retirement to continue as an All Groups Commercial Pilot holding an AOC for as long as possible, subject only to my ability to hold a JAA Class Two Medical. My retirement plans had been made on the basis of the current UK requirements where there is no upper age limit. This would dramatically affect me financially and have serious implications for my employees were it to be implemented.

I am presently 63 years old and have been flying passengers commercially in the largest group of balloons for the past 18 years. We all understand the

term racism - this is ageism! If I am able and capable of continuing to fly commercially then my age is irrelevant, particularly in this form of aviation. I have already operated for two years beyond the age of your proposed requirement for a second pilot above the age of 60.

I am not aware of any medical or safety statistics that show that a pilot holding a JAA Class Two Medical over the age of 60 is at any greater risk of becoming incapacitated than a younger pilot. It is a well known fact that we are all living much longer which should entitle us to work longer as well if that is our wish. I am both an Instructor and an Examiner and there are implications for both of these activities which would be affected by this proposed regulation. It is not commercially viable or necessary to pay two pilots to operate a balloon passenger flight.

response *Not accepted*

See response to Comment #237

comment

6113

comment by: *CAA Finland*

FCL.065(a), 60-64 years:

Comment: The health and average age has increased according to my understanding. Is there any practical reason for this limit? Nominal age for retirement typically is between 60-67 so in small aircraft single-pilot sight-seeing VFR-flight operator (one man, one aircraft) has to quit before he/she gets pension.

response *Not accepted*

See response to Comment #365

comment

6117

comment by: *CAA Finland*

FCL.065(a)(2):

Risk for double incapacitation due hidden healthy problems is very low. The crew planning is hard to arrange. (a)(2) should be deleted (if my other comment of removing limitation 60-64 totally is acceptable).

response *Not accepted*

Not accepted, as the other proposal mentioned was not accepted.

comment

6136

comment by: *Belgium*

Why an age limitation of 60 years? The age of retirement is 65. These pilots have a lot of experience so if the pilot is in a healthy condition we don't see a problem even when he is older than 60 or 65!

response *Not accepted*

See response to Comment #365

comment

6172

comment by: *Gasballon*

Sehr geehrte Herren,

der Plan Ballonfahrten mit Passagierbeförderung gegen Entgelt ab 2012 für Piloten ab 60 oder 65 Jahren zu verbieten ist purer Unsinn, wenn diese beim Medical belegen können, daß sie in der Lage sind sicher Ballone zu führen. Ein Ballon ist kein Flieger und fährt oft nur 1 - 2 Stunden. Außerdem habe ich als Pilot keine körperliche Belastung. Mit 65 Jahren sind die meisten doch noch fitter als die meisten Jungen. Die meiste Arbeit hat man beim Ballonfahren doch nur am Boden. In der Luft ist das auch für 70-Jährige kein Problem einen Ballon sicher zu fahren und zu landen.

Es muß für Ballonfahrer eine Ausnahme gemacht werden, da dies den Ballonsport sonst massiv schädigt.

Oder will Ihre Organisation Schaden anrichten im immer schwerer werdenden Luftsport ?

MfG  
Wolfgang Oberloher

response *Not accepted*

See response to Comment #237

comment 6235

comment by: *paulbonner*

I don't believe there is any medical evidence to support this ruling. Perhaps a more regular medical would be a better way forward. I believe there are equality Laws that prevent an age limit being set for anything.

response *Not accepted*

See response to Comment #365

comment 6239

comment by: *Bald ballooning*

(a) For balloons this should only depend on a valid medicalexam.

response *Not accepted*

See response to Comment #237

comment 6250

comment by: *Vermeire Jacky*

What's the motivation to limit the pilot's age with commercial privileges to 60 years, if it is for CAT, or for commercial operations other than CAT.

Actually average age increases and general health is improved and aviation medical knowledge is better controlled than before.

I am actually 67 years old and commercial balloon pilot since 35 years, with a total of 4500 hrs. Since my 60 years I made 700 flights, so an average of 100 hours per year, which is much more than most of the younger pilots.

Please implement only one criteria for commercial privileges : the medical check and not an arbitrary age limit.

response *Not accepted*

See response to Comment #237

comment 6341

comment by: *Johann Friedrich*

**FCL.065 Curtailment of privileges of licence holders aged 60 years or more**

~~(a) Age 60-64. The holder of a pilot licence who has attained the age of 60 years shall not act as a pilot of an aircraft engaged in commercial air transport operations except:~~

~~(1) as a member of a multipilot crew; and,~~

~~(2) provided that such holder is the only pilot in the flight crew who has attained age 60.~~

~~(b) Age 65. The holder of a pilot licence who has attained the age of 65 years shall not act as a pilot of an aircraft engaged in commercial air transport operations.~~

**Comment:** Delete FCL.065 completely

**Reason:** FCL.065 violates the principles of adequacy, subsidiarity and non-discrimination:

Flight proficiency of pilots and safety of their flight operations generally increase with the accumulated number of their flying hours as long as they have a valid medical. Age is no criteria.

FCL.065 restricts the authority of airlines to employ senior pilots and interferes with their responsibilities regarding safe flight operations.

FCL.065 tends to discriminate competent senior pilots in commercial air transport operations.

response *Not accepted*

See response to Comment #365

comment 6482

comment by: *IAOPA Europe*

The age limit of 60 and 65 years should be removed. Since this restriction was originally established the general health situation and life expectancy has improved dramatically. This should be reflected also in EASA-FCL. The age limit should be subject only to the medical condition of the pilot.

response *Not accepted*

See response to Comment #365

comment 6548

comment by: *Kevin Ison*

This will contravene age equality laws.  
A medical test should be sufficient. There is no evidence to support age limits.  
A second pilot would be too costly.

response *Not accepted*

See response to Comment #365

comment 6573

comment by: *Kevin Van Dessel*

I believe age has no influence on safety, only the medical condition of the pilot does. Therefore this rule should be dismissed. At this moment pilots in Belgium have a medical examination every 6, 2, 1 or ½ year depending on their age. So it's the doctor that has to judge if someone of 60 years or older still has the capability to fly a balloon safely.

response	<i>Not accepted</i> See response to Comment #237
comment	6713 <span style="float: right;">comment by: <i>Lubbock Edward</i></span> FCL 065 I have a vested interest in that I am approaching my 65th birthday. If the definition of flying passengers in a balloon is defined as a commercial activity, then my days as a pilot with the priveleges I know enjoy are rapidly coming to an end. In the UK - as I suspect in other EU contries, there are many pilots who exceed 65 years, have many years of experience, no medical problem affecting their ability to fly a balloon and who have an excellent safety record. The proposal is ageist and contravenes the laws on equality. It goes against all the statistical evidence of abilities to function in everyday tasks once one reaches 65. If my General Practioner, or in extreme circumstances if required, a doctor at an AeMC deems me to be fit, why must I stop doing something that I have been doing for years? This proposal is incorrect in so many ways and should be removed.
response	<i>Not accepted</i> See response to Comment #237
comment	6724 <span style="float: right;">comment by: <i>Tom Donnelly</i></span> There is no medical evidence or safety evidence to support these age limit proposals. Any pilot who can pass an aviation medical should be able to fly with passengers aboard the balloon.
response	<i>Not accepted</i> See response to Comment #237
comment	6744 <span style="float: right;">comment by: <i>UK CAA</i></span> <b>Paragraph:</b> FCL.065 <b>Page No:</b> 9 of 647 <b>Comment:</b> If flying passengers in balloons is deemed to be Commercial Air Transport then the proposed age limits will apply to balloon pilots.  The CAA supports fully the application of the age restrictions to aeroplanes and helicopters, however EASA is asked to consider whether the restrictions are proportionate for commercial balloon flights. <b>Justification:</b> There are currently no age restrictions for the UK CPL(B). It is estimated that over 50% of current UK CPL(B) holders will be over 60 by 2012.
response	<i>Not accepted</i> See response to Comment #237
comment	6781 <span style="float: right;">comment by: <i>Colin Troise</i></span>

response	<p>FCL.065 is blatantly discriminatory to older pilots. The requirement should be based on fitness for the task, not purely on age.</p> <p><i>Not accepted</i></p> <p>See response to Comment #365</p>
comment	<p>6785 <span style="float: right;">comment by: <i>Joachim J. Janezic (Institute for Aviation law)</i></span></p> <p>Especially in the filed of HEMS-operations (Helicopter Emergency Medical Service) there is the problem that these flights are operated on Single Pilot Helicopters so that there is no second flight crew member.</p> <p>Rules in the national social security system (and here: in the retirment-systems) does not allow such crew members to retire at the age 60.</p> <p>Since the change in national security systems is not possible (these systems goes in the other direction: prolongation of work due to the lack of pension-fundings) there must be a rule (maybe in the medical regulations) that these pilots who worked all their life for the society shall not be unemployed for legal reasons.</p> <p>There are no studies that HEMS-crew members &gt; 60 years old have a higher risk than younger pilots.</p>
response	<p><i>Not accepted</i></p> <p>See response to Comment #365</p>
comment	<p>6787 <span style="float: right;">comment by: <i>Ives Lannoy</i></span></p> <p>I personnaly dont understand why someone of the age of 60 is no longer allowed to fly a commercial balloon when his medical tests are all right. I am flying commercial balloons since i was 26 and it s my job doing this as an independant. On a more general level everyone is talking about moving the retirement barrier above 65 and who knows maybe 68 or 70 in some ten or twenty years. Why is it not possible to foresee these things already on this moment in the new reglementations. Off course always in the context of a perfect medical testing program.</p>
response	<p><i>Not accepted</i></p> <p>See response to Comment #237</p>
comment	<p>6841 <span style="float: right;">comment by: <i>European Balloon Corporation</i></span></p> <p>I do not see any reason for this rule</p> <p>Every pilot has to go trough a medical check. Some people can keep their ability late, some not , only a doctor could take a correct decision on this matter. As far as I can see in the ballooning world most old pilots are ususally quite experienced and even more carefull than young pilots. Let's the medical team do its job.</p> <p>Benoit Siméons Helicopter pilot - airship pilot</p>

	Commercial hot air balloonist - instructor - examiner Gas pilot
response	<i>Not accepted</i> See response to Comment #237
comment	6905 <span style="float: right;">comment by: <i>peter DE BOCK</i></span> I think most people above 60 years are well experienced balloon pilots. I can not find any reason those man or women should stop taking paying passengers in a balloon. A good following of their medical status is very important of course. The work load of a balloon flight is approximately one hour from take off to landing. I can not find a good defenition of "carrying paying passengers"??
response	<i>Not accepted</i> See response to Comment #237
comment	7010 <span style="float: right;">comment by: <i>CAA Norway</i></span> FCL.065 As all of this para is <u>only</u> applicable to pilots engaged in commercial air transport, this should be reflected in the heading. We have experienced that there is some uncertainty regarding the 60-65 rule in other operations, e.g. aerial work. Amending the heading to read "Curtailment of privileges of license holders aged 60 years or more <u>in commercial air transport operations</u> " might ease the understanding. It will also more correctly reflect the contents and scope of the para.
response	<i>Accepted</i> Accepted, The text will be amended accordingly. (See also #4729)
comment	7013 <span style="float: right;">comment by: <i>Danny Bertels</i></span> Flying a balloon is a experienced based activity, so I can not find any good reason why a good healthy pilot can not take paying passengers after the age of 60. Anyway, what is a paying passenger? This rule means that the air will be crowded with "old" LPL pilots with only a small medical licence. Will this be safer??
response	<i>Not accepted</i> See response to Comment #237
comment	7057 <span style="float: right;">comment by: <i>claire WATERS</i></span> Age should not be a restrictive factor on ability to pilot an aircraft, the matter should be judged on medical grounds of each individual
response	<i>Not accepted</i> See response to Comment #365



comment	7089 <span style="float: right;">comment by: <i>Filip Audenaert</i></span>
	<p>I now that this one is based on the ICAO but it is not relevant. What will you do with experience ?  The latest accident that went wright is the river landing on the Hudson river done by a 68 year commercial pilot.  So this is irrelevant.  Please let the pilots do commercial works up to they fail in their medicals.  And 2 pilots on a balloon doesnt work.  I did some flying on a 400 with a copilot and in the end you will get argues about landing places and where.  So i propose to let them do commercial work up to the pilot fails in the medical exams.</p>
response	<p><i>Not accepted</i></p> <p>See response to Comment #237</p>
comment	7272 <span style="float: right;">comment by: <i>JOSEP LLADO-COSTA</i></span>
	<p>There are already a number of pilots in this age that I understand they fly safely. I don't think is any statistics that is against this conclusion.The medical test should be the limit for a pilot to continue.  Ballooning is a sport that can be done with safety if you have good health until very late of your life. Don't close this possibility to retired or aged people that can have this sport. It is not necessary, if you fly reasonably, in good conditions a very high fast reaction during a flight and this can be compensated with the experience. Maybe should not be allowed to have a student license after 65 years old.</p>
response	<p><i>Not accepted</i></p> <p>See response to Comment #237</p>
comment	7327 <span style="float: right;">comment by: <i>Volker Loeschhorn</i></span>
	<p>People today are generally fitter than people in the same age in former days. In Germany we discuss that generally people should work two year longer till the age of 67. Why pilots should stop so early? Are there any statistics that satisfactorily shows problems with pilots over 60 years flying balloons? My proposal: increase to 70 years.</p>
response	<p><i>Not accepted</i></p> <p>See response to Comment #237</p>
comment	7346 <span style="float: right;">comment by: <i>Gerrit Dekimpe</i></span>
	<p>Is there a difference between a pilot of an airplane or a balloonpilot in this case ? because of what a age limit ? Safety ? Our medical make sure we are ok for flying</p>
response	<p><i>Not accepted</i></p> <p>See response to Comment #237</p>

comment	7354	comment by: <i>heavenballooning</i>
	<p>i'm not agree with 60 years of older rules.  When the pilot is in medical perfect condition, stay's a perfect pilot.  mayby do every 6 months a profcheck, with a instructor.</p>	
response	<p><i>Not accepted</i></p> <p>See response to Comment #365</p>	
comment	7368	comment by: <i>Irish Aviation Authority</i>
	<p>Amend subparagraph (2) to include:-  "(a)(3) and that the other other pilot does not have an Operational Multi-crew Limitation (OML) on his Medical Certificate."  (Note: This is normal procedure. an "over-60" pilot may not fly with another "over-60" or an OML endorsed Medical Certificate pilot of any age.)</p>	
response	<p><i>Not accepted</i></p> <p>This is already covered in NPA 17c. Part MED.A.045 (c)(1) prevents the holder of an OML to operate a multi-pilot aircraft together with a pilot of more than 60 years of age, or who also holds an OML.</p>	
comment	7392	comment by: <i>Peter van Harten</i>
	<p>The reason to suggest this proposal by EASA is hard to find. When EASA says it is coming from ICAO, it has not been the idea of ICAO long ago, to also use this rule for balloonists. Two comments of me on this rule:  1. Balloonist are not operating INTERNATIONAL  2. Balloonist are not flying in LARGE AIRCRAFT, and only for the big aviation the 60-years rule should apply.</p>	
response	<p><i>Not accepted</i></p> <p>See response to Comment #237</p>	
comment	7434	comment by: <i>Jaime Stewart</i>
	<p>This suggestion is a clear case of discrimination on the grounds of age alone, and should thus not be countenanced for a moment. It is astonishingly inappropriate. It is possible that some pilots may find themselves unfit for flying passengers at 65 - just as some might find themselves so at 35. If a pilot can pass the requisite medical tests then he must be permitted to fly passengers, regardless of his or her age. Distinguishing fitness for the task is the purpose of medical certification.</p>	
response	<p><i>Not accepted</i></p> <p>See response to Comment #365</p>	
comment	7436	comment by: <i>Holger Scheibel</i>
	<p><b>Im Zeitalter einer stark steigenden Lebensarbeitszeit muss es für den Ballonpiloten mit BPL und commercial privileges ermöglicht werden über das Alter von 65 Jahren bis zum gesetzlichen Rentenalter hinaus seine commercial privileges ausüben zu können. Dafür sprechen</b></p>	

gegenüber anderen Luftfahrzeugarten folgende Gründe:

Die Frage ob eine Person dieser Altersgruppe grundsätzlich tauglich ist beantwortet das Medical

Es gibt keine signifikant erhöhten Unfallraten dieser Altersgruppe.

Die Bewegungen des Ballons sind relativ langsam und voraussehbar, was keine hohen Anforderungen an die Reaktionsfähigkeit stellt.

Es treten keine Beschleunigungen und Drehungen auf und daher auch keine falschen Lageillusionen; durch den stabilen Luftfahrzeug-Schwerpunkt ist seine Lage stabil, der Korb hängt immer unten.

Die geringen Steuerungsmöglichkeiten und wenigen Steuerelemente bedürfen nicht besonders großer Konzentrationsfähigkeiten.

Durch die geringe Instrumentierung und die freie Sicht nach allen Seiten ist die ständige Kontrolle des Luftfahrzeugs und seiner Umgebung einfach zu erhalten.

response *Not accepted*

See response to Comment #237

comment

7437

comment by: *Ann Herdewyn*

Concerning balloons: A pilot of 60 year or older should get often (e.g. every year or half year) a medical examination.  
But, the age is NOT a reason to limit their ballooningactivities if they are healthy and fully able to handle the balloon.

The split between commercial ballooningflights and non-commercial ballooninflight in this case is irrelevant.

response *Not accepted*

See response to Comment #237

comment

7453

comment by: *Don Brown*

On what grounds is this proposal made? Ballooning is a sport which can be enjoyed at any age, and access to it must not be subject to irrational & arbitrary restrictions. To enforce such an age bar would have a direct impact on some of the most experienced pilots in the sport including many instructors & examiners the very people who will be in increasing demand to cope with some of the other proposals in this document.

This proposal would appear to constitute direct age discrimination.

response *Not accepted*

See response to Comment #237

comment

7481

comment by: *Luc Herdewijn*

	<p>As ballooning pilot, I have two comments on this matter:</p> <ul style="list-style-type: none"> <li>- I don't agree with the difference between commercial/non-commercial activities</li> <li>- If a pilot is negative evaluated during a medical examination, he should not fly if the examiner is convinced of the fact that he can't steer in full responsibility the balloon. However, age has nothing to do with that.</li> </ul>
response	<p><i>Not accepted</i></p> <p>See response to Comment #237</p>

comment	<p>7494 <span style="float: right;">comment by: <i>Tom McCormack, Irish Ballooning Association</i></span></p> <p>I totally oppose the proposal to penalise commercial pilots when they reach their 60th year with the requirement to have a second pilot on Commercial Air Transport flights.</p> <p>I have been flying hot air balloons for over thirty years and have always passed my Class II medical. I am an extremely active individual who regularly attends a gym, participates in hill walking, plays tennis, cycles and goes swimming. I now fly for a commercial balloon rides operator and this year will celebrate my 60<sup>th</sup> birthday.</p> <p>I am appalled that the criteria for competence will be based on age.</p> <p>If someone passes the strict Class II medical examination they are fit to fly.</p> <p>I therefore believe that this proposal as it stands is absurd.</p>
response	<p><i>Not accepted</i></p> <p>See response to Comment #237</p>

comment	<p>7556 <span style="float: right;">comment by: <i>Royal Netherlands Aeronautical Association</i></span></p> <p>This ruling would be catastrophic to the ballooning community. In the Netherlands, many ballooning pilots operate using a national CPL. A significant part enjoys this privilege and is above the age of 60 years. This part of our community would feel discriminated on the base of their age.</p> <p>For ballooning, we suggest to use medical fitness as criterium in stead.</p>
response	<p><i>Not accepted</i></p> <p>See response to Comment #237</p>

comment	<p>7598 <span style="float: right;">comment by: <i>Aero-Club of Switzerland</i></span></p> <p>The Swiss Ballooning Federation thinks that ballooning licences shall in any case be valid after the age of 65 as not the same skills are required, comparing ballooning with flying.</p> <p>Justificatons:</p> <ol style="list-style-type: none"> <li>1) Not the same kind of quick reactions are required.</li> <li>2) Center of gravity and position of a balloon are stable. No</li> </ol>
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acceleration/deceleration occurs.  
 3) Due to the low level of technicity of the instrument panel and the free vision control of the balloon can always be maintained relatively easy.  
 4) The balloonists airworthiness will be assured by the medical checks and the hours flown.

Remark: If the regular medical checks show satisfactory results there should be no age limitation.

response *Not accepted*

See response to Comment #237

comment

7630

comment by: *Europe Air Sports, VP*

EAS proposes to slightly amend FCL.065 a/b to replace "aircraft" by "aeroplane".

Those curtailment should only apply to aeroplanes and not to free balloons which travel much slower, operate fairly simple and are by far not as complex and fast as aeroplanes.

response *Not accepted*

See response to Comment #237

comment

7636

comment by: *nigel carr*

this could be described as ageism if a pilot passes the medical and all rules he should not be discriminated based on his age

response *Not accepted*

See response to Comment #365

comment

7692

comment by: *Ballongflyg Upp & Ner AB*

FCL.065.

I asume this is not relevant for balloons with paying passengers because we are not Commercial air transport because we do not have a engine, we don't fly between airports and we don't cross any boarders. We only fly local in a area often not bigger than 25 km in diameter.

Ballooning is very local!

I belive that you shuld be allowed to fly as long you pas the medical test, so if you can fly shall not be a age reason but a fysical reason.

response *Not accepted*

See response to Comment #237

comment

7765

comment by: *Anglian Countryside Balloons Ltd*

There is no justification medically for this age limit restriction. If a pilot can pass the relevant medical examination then he/she is fit for flight. Commercial

balloon flights fly for about one hour. This is not a long duration for any pilot over 60 years. There are many 60 plus pilots flying commercial balloons without incident.

response *Not accepted*

See response to Comment #237

comment

7794

comment by: *COUSIN Dominique*

**FCL.065**

**Add (a) (3) exetp for a pilot of hot air balloons**

**add (b) exetp for a pilot of hot air balloons**

In France, we have no hot air balloon in multi-pilot.

No medical reason, and no reason of safety justify such a measure.

The cost of the second pilot harms in the financial survival of the company

Hot air ballons transport companies are little societies.

No French company uses balloons superior to 19 passengers.

There is a big difference between a hot air ballon pilot of 10 passengers during one hour on a course of 20 km, and to pilot a big carrier of more than 300 passengers during 10 at 12 hours on routes of several thousand Km.

response *Not accepted*

See response to Comment #237

comment

7858

comment by: *Svenska Ballongfederationen*

FCL.065 Curtailment of privileges of licence holders aged 60 years or more

Our opinion is that in the case of balloons there should not be an age limit. To achieve flight safety the important thing is that the pilot is considered to be in good shape and fulfils medical requirements. This means that as long as the pilot passes the medical he/she should be allowed to fly and act as pilot in command. Even though reaction time may become slightly longer with increasing age this small difference in reaction time is most likely instead made up for in experience. In any case the reaction time of the pilot is really small compared to the reaction time of the balloon itself so this is really not an issue.

response *Not accepted*

See response to Comment #237

comment

7913

comment by: *Graham HALLETT*

<![endif]-->

This restriction would appear to be too onerous in many cases and must surely be a victim of unintended consequences following the proposed definition of Commercial Air Transport in the NPA on OPS (2009-02). The original definition of Commercial Air Transport is derived from the ICAO definitions which only apply to aeroplanes and helicopters in International operations. In that context, it could be argued that it is not unreasonable to place such a

restriction on, for example, the pilot of a two crew trans-Atlantic airliner.

However, by extending the definition of CAT in the OPS NPA to include all aircraft carrying passengers for hire or remuneration, this age restriction now appears to also apply to hot-air balloons operating short local flights. Thus, we would have the situation where a normal, local, balloon flight with a couple of passengers could be undertaken by a pilot of any age, but if the same flight was undertaken with the passengers paying for the flight, the pilot would have to be under 60.

Seen in this way, this difference must surely seem entirely uncalled for. Either a pilot is competent to carry out the flight, or he is not. Indeed, it is not clear on what basis this age restriction is required. If it were a medical reason, then it should be in the medical section, with some limitation on the validity of the licence based on medical grounds. This would then, quite rightly, apply to pilots irrespective of the nature of the operations on which they were engaged.

If it is not on medical grounds, then it must be seen as an entirely arbitrary discriminatory decision, with no reason to be maintained.

I would also point out the practical and economic reasons which would mean that the age limit would effectively be applied at 60 and not 65. In the case of balloons, they are essentially single pilot operations. If a pilot under 60 has to accompany a pilot of between 60 and 64, there is clearly no need for the pilot aged over 60, the flight may just as easily be operated only with the under 60 pilot.

A further problem would now also appear to arise with flight examiners. Examiners are required to hold the licence on which they are examining. Many of the most able and experienced existing examiners are (or will be by the time of introduction of these regulations) over 60. They will therefore be excluded from carrying out flight tests required by this and the OPS NPA for CAT operations. However, such flight tests are generally carried out without passengers and indeed, for balloons there is little difference between CAT operations and non-CAT flying of passengers. In this case therefore, this age restriction seems an unnecessary imposition.

Although I have here pointed out the problems as they affect balloons, they of course will also affect other forms of light aviation, but I will leave comment on that to other commentators more knowledgeable in those fields.

Having identified this problem, a solution needs to be found. One method would be to work on the definition of CAT within the OPS NPA, to find an appropriate form of words which sought to exclude balloons (and other aviation sectors) from this and other unintended consequences of the definition. There are other instances throughout the various NPAs which cause problems for aircraft suddenly brought within the definition of CAT.

Alternatively (since I suspect EASA will not wish to alter the CAT definition), the phraseology of the proposed rule should be altered to exclude certain aircraft types. For example, there could be added a third paragraph:

(c) Notwithstanding paragraphs (a) and (b) above, this restriction shall not apply to Commercial Air Transport Operations undertaken in balloons.

(Or some similar phraseology).

response

*Not accepted*

See response to Comment #237

comment	7919 <span style="float: right;">comment by: <i>Professionele Ballonvaarders Nederland</i></span>
	<p><b><u>Recency FCL 060 (a) Page 9</u></b></p> <p><b>the proposal</b> to limit the age of 60 for commercial balloon pilots.</p> <p>From our point of view there is absolutely no need for changing the present ICAO based rules for that, with much higher possible ages for P1 commercial balloon pilots.</p> <p>These ICAO rules exclude national transport in witch ballooning counts. In the general statement of these new rules all these possibilities are suddenly banded.</p> <p>In general:</p> <p>A) there is no proven relation between incidents/accidents (safety) and the age of the balloon pilot.</p> <ul style="list-style-type: none"> <li>- The European Committee and national governments are raising the age of retirement. Easa is acting contrarily. People are increasingly fit nowadays.</li> <li>- A more frequent medical examination as with car driving would be far more acceptable, and suitable with present developments in society.</li> <li>- Some of our members have reached the age of 60 years. They fly well and have a healthy business. If these Easa-rules are implanted; these people are instantly getting unemployed and without income. This is not acceptable. We consider in that case a financial claim to EASA, the national aviation or political authorities. ( e.g. who will compensate this loss of income en commercial damage to already made investments.)</li> <li>- And last but not least ; <i>ballooning is a very low speed and low impact</i> form of aviation. The comparison with 747 planes, and other 250 Kts + types of aviation, and intensions to press all forms of aviation thru the same regulations does not stand the test of any reason. If EASA is looking for a reason to make exclusions to one type of aviation, this might be a good one.!</li> </ul> <p>B ) Did we miss it, or are there no transition-rules? It is not reasonable, that because of new rules, people lose their commercial licence, income, job overnight.!</p> <p>Our proposition : exclude ballooning from this rule, make all forms of FCL ( BPL and LPL ) with a medical class 2, ( not with GMP's) and recheck the medical every year as with car driving above age 65. ( witch is practised in Holland now.)</p>
response	<p><i>Not accepted</i></p> <p>See response to Comment #237</p>

comment	7987 <span style="float: right;">comment by: <i>Olivier CUENOT</i></span>
	<p>There is no medical reason, and no reason of safety justify such a measure for hot air balloon company.</p> <p>The cost of the second pilot is not possible for such company.</p>
response	<p><i>Not accepted</i></p>



See response to Comment #237

comment	7989	comment by: <i>Dragon Balloon Co.</i>
	An age of 60 years limit for fit and tested competent pilot is unreasonable for a Hot Air Balloon company and would cause a significant proportion of current pilots to retire. This in turn would cause many small companies to close. If there must be an age limit I suggest it is 75 years.	
response	<i>Not accepted</i>	
	See response to Comment #237	

comment	8003	comment by: <i>Federal Ministry of Transport, Austria (BMVIT)</i>
	<p>1. Being aware that this rule has always been part of JAR-FCL we still believe that this rule is by nature <b>operational</b> and should therefore be placed into the OPS-framework.</p> <p>2. Some Member States like Austria have allowed pilots over 60 to conduct commercial operations nationally. Being very supportive of the content of the rule we should still be aware of possible negative consequences for pilots aged 60 or more who will not be in a position to retire when this rule is introduced. This concerns also "Non-JAR-licences" pilots. To mitigate this problem a <b>transitional regime</b> for such pilots should be considered, e.g. by stating that Member States may allow such pilots to be commercial pilots nationally for several years.</p>	
response	<i>Not accepted</i>	
	See response to Comment #365	

comment	8040	comment by: <i>Hans VAN HOESEL</i>
	<p>There is no medical evidence nor safety evidence to support any age limit of a balloon pilot. If he/she passes a medical they should be allowed passengers. There is another argument to skip any age limit: discrimination on age.</p> <p>In several EU countries the pension age will lift to over 65 years. for commercial pilots it is a must to fly longer in order to earn their income.</p>	
response	<i>Not accepted</i>	
	See response to Comment #237	

comment	8085	comment by: <i>Scandinavian Balloons</i>
	instead of an age limit for commercial flight with balloon extra medical checkups should be made. I know of several pilots over 60 years of age that I would rather fly with than others of age 20!	
response	<i>Not accepted</i>	
	See response to Comment #237	

comment	8113	comment by: <i>Wolfgang Lammingner</i>
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The age limit of 60 and 65 years should be removed. Since this restriction was originally established the general health situation and life expectancy has improved dramatically.

This should be reflected also in EASA-FCL. The age limit should be subject only to the medical condition of the pilot.

response *Not accepted*

See response to Comment #365

comment

8123

comment by: *Karsten Funk*

Guten Tag, es ist nicht notwendig die Einsatzzeit eines Ballonfahrers altersmäßig zu beschränken.

hierfür gibt es mehrere Gründe:

-zum ersten gibt es aus der Unfallstatistik Ballone keine Fälle, die eine Häufung von Unfällen mit zunehmendem Alter belegen. Auch nicht vor der einföhrung der neuen LuftPersV am 01.05.2003

-zum zweiten sind die Anforderungen an einen Ballonfahrer wesentlich geringer als an einen Flächenflieger.

Die Fahrzeit bei Heißluftballonen ist bedingt durch die Thermik, auf 1,5 bis 2 Stunden pro Tag begrenzt

Es gibt pro Tag nur 2 mal ( morgrns und abends die Möglichkeit eine Fahrt durchzuführen.

Ballonfahrten werden nicht im Internationalen Verkehr durchgeführt.

Daher ergibt sich für einen Ballonfahrer nur eine sehr geringe zeitliche Belastung durch die Tätigkeit. Anders als bei einem Flächen oder Helipilot.

Desweiteren werden Fahrten nicht über große Wasserflächen durchgeführt, und so ergibt sich im Falle eines Unwohlseins immer die Möglichkeit die Fahrt vorzeitig abubrechen und zu landen

Dieses ist natürlich bei einem 18 stündigen interkontinentalen Flug unmöglich.

Desweiteren belegen Statistiken das die Lebensdauer der Menschen kontinuierlich ansteigt, und somit ist es nicht statthaft bei dem geringen Risiko einer Ballonfaghrt diese Altersmäßig zu limitieren.

Beste Grüße und Glück ab

Karsten Funk

response *Not accepted*

See response to Comment #237

comment

8139

comment by: *AOC holder. High Adventure Balloon Flights*

I am **outraged** at this proposal which will take away my livelihood by the need to have a second pilot in the basket when I reach 60 years old. Paying this unnecessary individual will take the profit from the business and make it completely unviable. Furthermore it will also deprive me of the income from the fare paying passenger who would otherwise have occupied the basket space. I am not aware of any safety or medical evidence which supports the view that at 60 years old I will suddenly become a danger and liability to safe

flight and can give several examples of commercial balloon pilots of 65 or 70+ who continue to pass medicals and fly safely. One component of safety is experience – not a ballooning example but the calm and professional way Capt. Sulemberger ditched in the River Hudson sums this up. I think the proposal is also questionable on human rights and equality grounds and it cannot be allowed to be implemented.

response *Not accepted*

See response to Comment #237

comment

8145

comment by: *William Treacy*

Discriminates against those over 65 years of age, it's renewal should be based on ability. This will also remove a lot of experienced pilots from the Examiner pool, especially in the case of Balloon pilots.

response *Not accepted*

See response to Comment #237

comment

8171

comment by: *F Mortera*

**5. About the curtailment of privileges of pilots aged 60 years or more**

**FCL.065 (page 9)**

I know this is an ICAO indication for Commercial Air Transport, also our Rules in Spain indicates this fact. But as we know, it is not clear enough that carrying passengers in balloon rides could be considered "literally" commercial air transport.

There are some principal factors that could help to make a better distinction:

- Not only the means used in CAT, but also the purposes of CAT with planes (or helicopters) and balloons are very different.
- The balloon rides are not made in controlled air space most often (this also could be taken as a restriction for those with 60 or more years instead of a prohibition)
- Balloons are out of those aircrafts considered for CAT for EASA

So, we can think about privileges extensions or restrictions once the pilot is 60 or 65 for commercial balloon rides, involving the organization: skill tests, verifications...

Also we can [try to find a better definition than CAT for balloons, e.g.: Commercial Balloon Rides \(CBR\), Commercial Balloon Transport \(CBT\)... to support a most appropriate criterion, also convergent with the details of ICAO for CAT](#)

response *Not accepted*

See response to Comment #237

comment	<p>8190 <span style="float: right;">comment by: <i>Philippe HAMAIN</i></span></p> <p>The age limit (60 or 65) for commercial activities (CATand COM) is not adapted .In France , people are able to work until they are 70. I think there should be no age limits except for medical reasons. I add this limit age must not apply to instructors and examiners (they are not so numerous and they can convey their experience acquired for 20 or 30 years)</p>
response	<p><i>Not accepted</i></p> <p>See response to Comment #365</p>
comment	<p>8252 <span style="float: right;">comment by: <i>Limited liability company Air Altitude With the liking of the winds</i></span></p> <p><u>LPL and BPL</u> A pilot should not exploit a balloon in the transport of passengers except so il/elle finished in the 90 previous days at least a takeoff and a landing in his balloon.</p>
response	<p><i>Noted</i></p> <p>This is already covered in FCL.060(a)</p>
comment	<p>8253 <span style="float: right;">comment by: <i>Limited liability company Air Altitude With the liking of the winds</i></span></p> <p><b><u>Is not acceptable and contrary with the laws on the equality</u></b></p> <p>Indeed, The pilot, who pays his annual medical visit by the aeronautical doctor approved by the authorities, recognized suited will be: <b>Obligatorily authorized to fly with paying passengers on all type of volume of balloons.</b> <b>Idem for the instructors and inspectors</b></p> <p><u>2nd pilot on board: Cannot be considered:</u></p> <p><b><u>This situation would be financially nonviable and would put in danger the companies.</u></b></p>
response	<p><i>Not accepted</i></p> <p>See response to Comment #237</p>
comment	<p>8254 <span style="float: right;">comment by: <i>Regina STEINMANN</i></span></p> <p>Sehr geehrte Damen und Herren, ich wende mich an Sie wegen des Themas, (schließlich wird jeder irgend einmal 65), Piloten über 65 sollen ab 2012 nicht mehr für Entgelt fahren dürfen, das kann man für Streckenpiloten die regelmäßig nach Flugplänen, die eingehalten werden und müssen 8-10 Std und vielen Zeitzeonen vielleicht noch nachvollziehen, für Ballonpiloten im Unternehmen jedoch überhaupt nicht, ein alterunabhängiger verantwortungsbewusster Ballonpilot ist nur bei optimalen Wetterverhältnissen in der Luft das nur zu Tagesrandzeiten Bzw. außerhalb der thermischen Phasen und max. 1-2 Std. in der Luft bei einem Gesamtaufwand Vorbereitung, Abschluss, zur Fahrt von 3-max 4 Std., desweiteren kommt man</p>

pro Fahrt auf eine Distanz je nach Windgeschwindigkeit zwischen Luftlinie 5-max 80 km. Ein 65+er ist heutzutage genau so fit wie junge Leute, desweiteren wird das ja laufend durch die Fliegerärztliche Tauglichkeitsprüfung nachgewiesen. Wir haben ein kleines Unternehmen und schaffen im Jahr Wetterbedingt 45-max .75 Einsätze. Wir haben Festkosten wie ein Linienverkehr und schaffen es gerade mal Unkosten zu decken. Mein Vorschlag wäre: Ballonpiloten wie Ballone gehören total von der allgemeinen Linien Luftfahrt abgekoppelt, denn sie haben überhaupt nichts gemein. Da ist so und so einiges ungereimt. UL z.B können auf Strecke planen und fliegen unterliegen der jedoch nicht. Vielleicht können Sie mit meinem kleinen Vorschlag gerecht für die Balloner 65 + planen und nur wegen des Pseudo-Alters diskriminierende Regeln auszuschließen. Der verantwortlichen Sicherheit tut das nur gut.

response *Not accepted*

See response to Comment #237

comment

8257

comment by: Jackie MAGNANI

These new proposals would have a serious effect on someone like myself who is involved in this sport purely for pleasure as a hobby, not for financial gain or business purposes.

I think about recency will make things difficult as we often don't fly over the winter months

response *Not accepted*

The requirements for recent experience are meant to cater for the safety of the passengers. The Agency is of the opinion that the passengers should have the same level of protection regardless of which category of aircraft is used.

**B. Draft Opinion Part-FCL - Subpart A: General Requirements - FCL.070  
Revocation, suspension and limitation of licences, ratings and certificates**

p. 10

comment

604

comment by: British Microlight Aircraft Association

Accepted

response

*Noted*

Thank you for your positive feedback.

comment

1356

comment by: Regierung von Oberbayern-Luftamt Südbayern

Der Kommentar gilt mit gleichem Inhalt und Umfang für AR.FCL.250.

Die beiden Vorschriften sehen nur in eng begrenztem Umfang die Möglichkeit vor, das befristete Ruhen einer Lizenz anzuordnen bzw. eine Lizenz zu widerrufen.

Bereits bei der Anmeldung zur Ausbildung als Flugschüler stellt sich die Frage, ob der Bewerber als charakterlich zuverlässig zum Führen eines Luftfahrzeugs

angesehen werden kann. Die NPA`s enthalten - abgesehen vom Erfordernis eines Tauglichkeitszeugnisses - keine Vorschrift, welche Voraussetzungen ein Bewerber mitbringen muss, um überhaupt als Flugschüler zugelassen zu werden. Um die charakterliche Zuverlässigkeit eines Bewerbers beurteilen zu können, ist es erforderlich, dass der zuständigen nationalen Behörde mit der Schülermeldung durch die Flugschule ein Führungszeugnis (über etwaige Vorstrafen) sowie ein Auszug aus dem Straßenverkehrsregister (über erhebliche Ordnungswidrigkeiten im Straßenverkehr) vorgelegt wird. Diese sind vom Flugschüler vor Aufnahme der Ausbildung selbst zu beschaffen. Die Behörde kann dann prüfen, ob ernsthafte Zweifel bestehen, ob der Schüler beim Umgang mit dem Luftfahrzeug die jeweiligen bereichsspezifischen Regeln und Zielsetzungen des Luftverkehrs beachten wird.

So wie ein Pilot regelmäßig seine gesundheitliche Tauglichkeit der Behörde nachweisen muss, muss es auch eine Verpflichtung für Piloten (Inhaber aller Lizenzen) geben, regelmäßig (z. B. alle zwei Jahre) einen aktuellen Verkehrszentralregisterauszug/ein aktuelles Führungszeugnis der lizenzführenden Behörde vorzulegen, damit das Fortbestehen seiner charakterlichen Zuverlässigkeit überprüft werden kann.

In der Praxis handelt es sich hier um Fälle, in denen sich charakterliche Mängel aus der Begehung von (erheblichen) Straftaten oder auch von (wiederholten erheblichen) Ordnungswidrigkeiten etwa des Straßenverkehrs (z. B. Trunkenheitsfahrten, aber auch wiederholte erhebliche Geschwindigkeitsüberschreitungen) oder des Waffenrechts ergeben. Hier kommt es auf eine individuelle Einzelfallbetrachtung an. Ein konkreter Bezug der (Straf-)Tat zum Luftverkehr ist nicht erforderlich, um einen (angehenden) Luftfahrer im Einzelfall als unzuverlässig beurteilen zu können. In der Verwaltungspraxis wurden in der Vergangenheit bereits Luftfahrer wegen unterschiedlichster Straftaten "gegründet" (z. B. Hehlerei mit gestohlenen Flugzeugteilen, erhebliche Vermögensstraftaten, Gewaltdelikte, Drogendelikte unter Einsatz eines Luftfahrzeugs usw.). Auch wurden in mehreren Fällen Piloten, die durch erhebliche Ordnungswidrigkeiten im Straßenverkehr aufgefallen waren, nach einer von uns angeordneten medizinisch-psychologischen Untersuchung in einem flugmedizinischen Zentrum für medizinisch untauglich und unzuverlässig erklärt und das vorübergehende Ruhen der Lizenz angeordnet.

Vorgenannte Fälle könnten künftig nicht mehr erfasst werden, da die neuen Vorschriften - soweit hier ersichtlich - keine Regelung enthalten, wie die Lizenzierungsbehörde die entsprechenden Informationen überhaupt erhält und welche Konsequenzen sie daraus ziehen kann. Vielmehr beschränken sich die Vorschriften FCL.070 und AR.FCL.250 im Wesentlichen auf Fälle des Fälschens von Dokumenten oder des Fliegens unter Alkohol- oder Drogeneinfluss. Die Praxis hat jedoch gezeigt, dass z. B. die Begehung erheblicher Verstöße im Straßenverkehr ein deutliches Indiz dafür sein kann, dass der Pilot es generell mit der Einhaltung von Normen (auch des Luftverkehrs) nicht allzu genau nimmt.

Hier sollte dringend eine gesetzliche Möglichkeit geschaffen werden, derartige Piloten und Bewerber bereits aus dem (Luft-)Verkehr zu ziehen, BEVOR sie Verstöße gegen luftrechtliche Vorschriften begangen haben.

Nähere Ausführungen finden sich in unserer Kommentierung zu AR.FCL.250.

response

*Noted*

Thank you, for providing your opinion. Please note that when drafting this part of the text the Agency considered the following regulations.

1. Regulation (EC) No 216/2008 Article 3 Definitions, paragraph (a) where it is defined that continuing oversight shall mean the tasks to be conducted to verify that the conditions under which a certificate has been granted continue to be fulfilled at any time during its period of validity, as well as the taking of any safeguard measure.
2. Regulation (EC) No 216/2008 Article 4 Basic principles and applicability, paragraph (2.) where it is defined that personnel involved in the operations of aircraft referred to in paragraph 1(b), (c) or (d) shall comply with this Regulation.
3. Regulation (EC) No 216/2008 Article 7 Pilots (6.), paragraph (b) where it is stated that measures designed to amend non-essential elements of this Article shall be adopted. Those measures shall amongst others in particular specify the conditions for suspending or revoking licences.
4. JAR-FCL 1.010 (c) Appeals, Enforcement, where already enforcement actions were regulated but with a reference to national legislation.

Hence the Agency decided to define revocation, suspension and limitation of licences, ratings and certificates in FCL.070 as it was already to be found in JAR-FCL. Due to the provisions in Regulation (EC) No 216/2008 mentioned above, the reference to national legislation had to be replaced by requirements for the competent authorities. As we received numerous comments on those provisions they will be reconsidered in the relevant paragraphs. Please refer to the responses given to comments to AR.GEN.350 and AR.FCL.250.

comment

2103

comment by: *Joachim Grohme*

Hier könnte die Formulierung verbessert werden indem klar gestellt wird, dass verschiedene Lizenzen und Zertifikate unabhängig voneinander behandelt werden. Es macht z.B. keinen Sinn, eine Segelflugglizenz SPL an die competent authority zurück zu schicken, wenn gerade ein für die Nutzung der Lizenz zusätzlich erforderliches Zertifikat abgelaufen ist.

response

*Noted*

Thank you for providing your opinion. Please refer to the response given to comment no 3765 and there especially to 3765.2.

comment

2207

comment by: *AECA(SPAIN)*

Paragraph (a)

Delete **Part-OPS** in line 3.

Part-OPs is not related with this regulation.

response

*Not accepted*

The Agency considers that compliance with operational rules needs to be taken into account as a criteria for suspension, revocation or limitation of a pilot's licence.

However, taking into account the comments recieved, the text will be amended to refer to applicable operational rules.

comment

2327

comment by: *Susana Nogueira*

	<p>Paragraph (a)</p> <p>Delete <b>Part-OPS</b> in line 3.</p> <p>Part-OPs is not related with this regulation.</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 2207 above.</p>

comment	<p>3035 <span style="float: right;">comment by: <i>Peter SCHMAUTZER</i></span></p> <p>It should be stated clearly that competent authority is the authority at which the records of the pilots are kept.</p>
response	<p><i>Noted</i></p> <p>The Agency considers that this is clear when the text of FCL.001 is read in conjunction with FCL.015.</p>

comment	<p>3077 <span style="float: right;">comment by: <i>BMVBS (German Ministry of Transport)</i></span></p> <p>FCL.070: Obviously a crucial building block is missing in the set of proposed regulations, which could undermine well established safety and security standards. If it was concluded that the problem lies with the basic regulation, because necessary provisions are already lacking at that level, an amendment of the basic regulation would be warranted.</p> <p>Under current national regulations a person has to pass a number of additional eligibility criteria before he is allowed to commence training in order to acquire a pilot licence. Such person has to be free of any criminal record or driving violations e.g. due to alcohol abuse. In Germany an additional background check verifies the persons trustworthiness in terms of security issues.</p> <p>The set of regulations at hand do not consider these essential pre-requisites in any way, neither at the moment when a person applies for pilot training, nor as a criteria for the revocation of a licence. It appears odd that a person who lost his drivers licence due to drunk driving would still be allowed to keep his pilot licence and could continue to fly under the new system until he becomes conspicuous for drunk operation of an airplane.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion. Please refer to the response given to comment no 1356 in this segment.</p>

comment	<p>3115 <span style="float: right;">comment by: <i>Luftamt Nordbayern</i></span></p> <p>Diese Kommentierung gilt auch für AR.FCL.250</p> <p>Nach Auffassung des Luftamtes Nordbayern ist der Katalog im Bezug auf die luftverkehrsrechtliche Zuverlässigkeit und charakterlichen Eignung für Luftfahrer zu knapp ausgeprägt (vgl. NPA 22b FCL 250). Strafrechtliche Verfehlungen bzw. Verstöße gegen Verkehrsvorschriften fehlen hier vollständig.</p>
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Eine charakterliche Ungeeignetheit praktisch ausschließlich bei Verstößen im Zusammenhang mit der Lizenz und dem Führen von Luftfahrzeugen anzunehmen, ist erheblich zu kurz gegriffen.

Ungeeignet wäre nach dem Entwurf ein Pilot z.B erst, wenn er die Rechte aus der Lizenz unter Alkohol- oder Drogeneinfluss ausübt. Selbst wenn ein Pilot konkret als alkohol- oder drogenabhängig bekannt und bereits die Fahrerlaubnis aufgrund diesbezüglicher Verstöße entzogen wäre, dürfte dieser Pilot noch fliegen. Die Luftfahrtbehörde müsste abwarten, bis ein Flug unter Alkohol- oder Drogeneinfluss tatsächlich stattgefunden hat bzw. aufgedeckt wurde. Angesichts des hohen Gefahrenpotentials im Luftverkehr ist es unvertretbar, derartige Risiken einzugehen. Es sollte daher unbedingt ein dem § 24c LuftVZO vergleichbares Instrument geschaffen werden für den Fall, dass sich Zweifel an der Zuverlässigkeit und der charakterlichen Eignung ergeben (z.B. durch Trunkenheitsfahrten im Straßenverkehr).

Um das von der EASA für ihren Entwurf ins Auge gefasste hohe Sicherheitsniveau erreichen zu können, muss der Katalog der für fehlende luftverkehrsrechtliche Zuverlässigkeit und charakterlichen Eignung in Frage kommenden Umstände deutlich ausgeweitet werden und auch entsprechende Informationspflichten geschaffen werden. Hier könnte § 24 Abs.2 LuftVZO als Vorbild dienen. Außerdem sollten gleichzeitig Instrumente geschaffen werden, um zu gewährleisten, daß die Luftfahrtbehörde über unten genannte Verurteilungen / Verfehlungen informiert wird.

**Vorschlag bei NPA 22b FCL 250:**

"Die erforderliche Zuverlässigkeit besitzen Bewerber um eine Lizenz in der Regel nicht,

1. die rechtskräftig verurteilt worden sind

a) wegen eines Verbrechens, wenn seit dem Eintritt der Rechtskraft der letzten Verurteilung

zehn Jahre noch nicht verstrichen sind,

b) wegen sonstiger vorsätzlicher Straftaten zu einer Freiheitsstrafe oder Jugendstrafe von

mindestens einem Jahr, wenn seit dem Eintritt der Rechtskraft der letzten Verurteilung

fünf Jahre noch nicht verstrichen sind,

2. die erheblich oder wiederholt gegen verkehrsrechtliche Vorschriften verstoßen haben, wenn diese Verstöße für die Beurteilung der Zuverlässigkeit von Personen im Umgang mit Luftfahrzeugen von Bedeutung sind,

3. die regelmäßig Alkohol, Rauschmittel oder Medikamente missbrauchen,

4. wenn sonstige Tatsachen vorliegen, die den Bewerber als unzuverlässig erscheinen lassen, die beabsichtigte Tätigkeit als Luftfahrtpersonal auszuüben

response *Noted*

Thank you for providing your opinion. Please refer to the response given to comment no 1356 in this segment.

comment 3142

comment by: FOCA Switzerland

FCL.070

**Needs more clarification and shall be reflecting the precise information**

	<b>as given in AR.FCL.250.</b>
response	<p><i>Noted</i></p> <p>Thank you for providing your comment. Please mind that when drafting the text the Agency wanted to avoid any duplication of requirements in different parts therefore the details will not be repeated in this part.</p>
comment	<p>3222 <span style="float: right;">comment by: <i>Susana Nogueira</i></span></p> <p>Remove this paragraph to the Authority requirements Part.</p> <p>Justifications: is an activity referred exclusively to the Authority.</p>
response	<p><i>Not accepted</i></p> <p>This affects the pilot, and needs to be included in Part-FCL, even though the more detailed requirements are included in Part-AR.</p>
comment	<p>3765 <span style="float: right;">comment by: <i>DGAC FRANCE</i></span></p> <p>FCL 070 (a)</p> <p>Comment :</p> <p>Paragraph (a) should be (and is) in Part AR 250. It is the duty of the authority to suspend, limit or revoke a licence or certificate. It is not necessary to duplicate this paragraph.</p> <p>Modification :</p> <p><b>Delete this paragraph (a) and add :</b></p> <p><b>(b) <u>When a pilot has his licence or certificate suspended or revoked, he</u> shall immediately return the licence or certificate to the competent authority.</b></p>
response	<p><i>Partially accepted</i></p> <p>3765.1 Not accepted. Please refer to the response given to comment no 3222 above.</p> <p>3765.2 Accepted. Text will be changed accordingly.</p>
comment	<p>3925 <span style="float: right;">comment by: <i>Bayerisches Staatsministerium für Wirtschaft, Infrastruktur, Verkehr und Technologie</i></span></p> <p>Diese Kommentierung gilt auch für AR.FCL.250</p> <p>Der Katalog ist im Bezug auf die erforderliche luftverkehrsrechtliche Zuverlässigkeit und charakterlichen Eignung der Luftfahrer nicht ausreichend (vgl. NPA 22b FCL 250). Strafrechtliche Verfehlungen bzw. Verstöße gegen Verkehrsvorschriften fehlen hier vollständig. Eine charakterliche Ungeeignetheit praktisch ausschließlich bei Verstößen im Zusammenhang mit der Lizenz und dem Führen von Luftfahrzeugen anzunehmen, ist erheblich zu kurz gegriffen.</p> <p>Ungeeignet wäre nach dem Entwurf ein Pilot z.B erst, wenn er die Rechte aus der Lizenz unter Alkohol- oder Drogeneinfluss ausübt. Selbst wenn ein Pilot konkret als alkohol- oder drogenabhängig bekannt und bereits die Fahrerlaubnis aufgrund diesbezüglicher Verstöße entzogen wäre, dürfte dieser Pilot noch fliegen. Die Luftfahrtbehörde müsste abwarten, bis ein Flug unter Alkohol- oder Drogeneinfluss tatsächlich stattgefunden hat bzw. aufgedeckt</p>

wurde. Angesichts des hohen Gefahrenpotentials im Luftverkehr ist es unvermeidbar, derartige Risiken einzugehen. Es sollte daher unbedingt ein dem § 24c LuftVZO vergleichbares Instrument geschaffen werden für den Fall, dass sich Zweifel an der Zuverlässigkeit und der charakterlichen Eignung ergeben (z.B. durch Trunkenheitsfahrten im Straßenverkehr).

Um das von der EASA für ihren Entwurf ins Auge gefasste hohe Sicherheitsniveau erreichen zu können, muss der Katalog der für fehlende luftverkehrsrechtliche Zuverlässigkeit und charakterlichen Eignung in Frage kommenden Umstände deutlich ausgeweitet werden und auch entsprechende Informationspflichten geschaffen werden. Hier könnte § 24 Abs.2 LuftVZO als Vorbild dienen. Außerdem sollten gleichzeitig Instrumente geschaffen werden, um zu gewährleisten, daß die Luftfahrtbehörde über unten genannte Verurteilungen/Verfehlungen informiert wird.

Vorschlag bei NPA 22b FCL 250:

"Die erforderliche Zuverlässigkeit besitzen Bewerber um eine Lizenz in der Regel nicht,

1. die rechtskräftig verurteilt worden sind

a) wegen eines Verbrechens, wenn seit dem Eintritt der Rechtskraft der letzten Verurteilung zehn Jahre noch nicht verstrichen sind,

b) wegen sonstiger vorsätzlicher Straftaten zu einer Freiheitsstrafe oder Jugendstrafe von mindestens einem Jahr, wenn seit dem Eintritt der Rechtskraft der letzten Verurteilung fünf Jahre noch nicht verstrichen sind,

2. die erheblich oder wiederholt gegen verkehrsrechtliche Vorschriften verstoßen haben, wenn diese Verstöße für die Beurteilung der Zuverlässigkeit von Personen im Umgang mit Luftfahrzeugen von Bedeutung sind,

3. die regelmäßig Alkohol, Rauschmittel oder Medikamente missbrauchen,

4. wenn sonstige Tatsachen vorliegen, die den Bewerber als unzuverlässig erscheinen lassen, die beabsichtigte Tätigkeit als Luftfahrtpersonal auszuüben."

response *Noted*

Thank you for providing your opinion. Please refer to the response given to comment no 1356 in this segment.

comment 4730

comment by: CAA Belgium

FCL.070(a)

Stating that ratings and certificates shall be limited, suspended or revoked whenever a pilot does not comply seems a bit hard, and leaves the authority no options. Limiting the compliance to Parts FCL, Medical & OPS also seems limiting. It is assumed that the reference to "... the conditions and procedures laid down in Part Authority Requirements" points to Part AR.GEN.350 and Part AR.FCL.250. If so, these paras requires compliance not only with Parts FCL, Medical & OPS, but with the applicable requirements of the Basic regulation and its implementing rules (AR.GEN.350), and also authorises legal action to be taken in cases of falsification of relevant documents, non-compliance with applicable requirements, etc (AR.FCL.250) , i.e. a very much wider scope than indicated in FCL.070.

response *Noted*

Thank you for providing your opinion. Please refer to the response given to comment no 1356 in this segment.

comment	<p>4757 <span style="float: right;">comment by: ECA- European Cockpit Association</span></p> <p>Add Words, Request for clarification:  <b>(b)</b> [describe precisely under which circumstances licenses may be limited or suspended or revoked]</p> <p>Justification:  This paragraph is incomplete, as it doesn't say under which criteria the license may be revoked, suspended, etc. There are some national laws regarding the penalties for non compliance with the rule and the facts needed to apply a given sanction. These rules should be the same in the area covered by the regulation. The same fact can not result in a suspension in one Member State and a revocation in another.</p> <p>ECA does not agree on the content of AR.GEN. 350 c)1) and AR.FCL.250 and will make comments on the respective NPA.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion. Please refer to the response given to comment no 1356 in this segment.</p>
comment	<p>4764 <span style="float: right;">comment by: CAA Belgium</span></p> <p>(a) should be brought in line with AR.FCL.250 (expect comment from Norway)</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion. Please refer to the response given to comment no 1356 in this segment.</p>
comment	<p>5028 <span style="float: right;">comment by: Icelandic CAA</span></p> <p>Revocation, suspension or limitation of licence should not be directly linked to the provisions of Part-OPS as specified in the text. It is important to keep the licensing requirements independent from the OPS requirements where possible.</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 2207 above.</p>
comment	<p>5248 <span style="float: right;">comment by: CAA Belgium</span></p> <p>FCL 070 (a)  Paragraph (a) should be (and is) in Part AR 250. It is the duty of the authority to suspend, limit or revoke a licence or certificate. It is not necessary to duplicate this paragraph.</p> <p><b>Delete this paragraph (a)</b>  and add :  (b)  <b><i>When a pilot has his licence or certificate suspended or revoked, he shall immediately return the licence or certificate to the competent authority.</i></b></p>
response	<p><i>Noted</i></p>

Thank you for providing this comment. Please refer to the responses given to comments no 3222 and 3765 in this segment.

comment	6273	comment by: DCAA
	Delete reference to PART-OPS.	
	Cemnets: PAR-FCL is dealing with all pilots also pilots not flying in accordance with PART-OPS.	
response	Noted	
	Please see reply to comment 2207 above.	

comment	6553	comment by: Luftfahrtbehörde Schleswig-Holstein Landesbetrieb Straßenbau und Verkehr
	Die angeführten Voraussetzungen zum Lizenzentzug greifen zu kurz. Um das erforderliche Sicherheitsniveau zu halten, ist eine Regelung erforderlich, die die Entziehung der Lizenz ermöglicht, wenn der Bewerber aufgrund strafrechtlicher Verfehlungen, verkehrswidrigem Verhalten, Drogenmissbrauchs oder anderer Gründe unzuverlässig erscheint. Eine mit der deutschen Regelung des § 24 Abs. 2 Luftverkehrs-Zulassungs-Ordnung vergleichbare Formulierung könnte genutzt werden.	
	Vorschlag:	
	(a)	
	[...] oder wenn der Bewerber nicht zuverlässig ist. Die erforderliche Zuverlässigkeit besitzen Bewerber um eine Lizenz in der Regel nicht,	
	1. die rechtskräftig verurteilt worden sind	
	a) wegen eines Verbrechens, wenn seit dem Eintritt der Rechtskraft der letzten Verurteilung zehn Jahre noch nicht verstrichen sind,	
	b) wegen sonstiger vorsätzlicher Straftaten zu einer Freiheitsstrafe oder Jugendstrafe von mindestens einem Jahr, wenn seit dem Eintritt der Rechtskraft der letzten Verurteilung fünf Jahre noch nicht verstrichen sind,	
	2. die erheblich oder wiederholt gegen verkehrsrechtliche Vorschriften verstoßen haben, wenn diese Verstöße für die Beurteilung der Zuverlässigkeit von Personen im Umgang mit Luftfahrzeugen von Bedeutung sind,	
	3. die regelmäßig Alkohol, Rauschmittel oder Medikamente missbrauchen.	
response	Noted	
	Thank you for providing your opinion. Please refer to the response given to comment no 1356 in this segment.	

comment	6748	comment by: Viehmann, Regierungspräsidium Kassel
	Diese Kommentierung gilt auch für AR.FCL.250	
	Der Katalog ist im Bezug auf die erforderliche luftverkehrsrechtliche Zuverlässigkeit und charakterlichen Eignung der Luftfahrer nicht ausreichend (vgl. NPA 22b FCL 250). Strafrechtliche Verfehlungen bzw. Verstöße gegen	

Verkehrsvorschriften fehlen hier vollständig.  
 Ungeeignet wäre nach dem Entwurf ein Pilot z. B. erst, wenn er die Rechte aus der Lizenz unter Alkohol- oder Drogeneinfluss ausübt. Die Luftfahrtbehörde müsste abwarten, bis ein Flug unter Alkohol- oder Drogeneinfluss tatsächlich stattgefunden hat bzw. aufgedeckt wurde. Angesichts des hohen Gefahrenpotentials im Luftverkehr ist es unvertretbar, derartige Risiken einzugehen. Es sollte daher unbedingt ein dem § 24c LuftVZO vergleichbares Instrument geschaffen werden für den Fall, dass sich Zweifel an der Zuverlässigkeit und der charakterlichen Eignung ergeben (z.B. durch Trunkenheitsfahrten im Straßenverkehr).

Um das von der EASA für ihren Entwurf ins Auge gefasste hohe Sicherheitsniveau erreichen zu können, muss der Katalog der für fehlende luftverkehrsrechtliche Zuverlässigkeit und charakterlichen Eignung in Frage kommenden Umstände deutlich ausgeweitet werden und auch entsprechende Informationspflichten geschaffen werden. Hier könnte § 24 Abs.2 LuftVZO als Vorbild dienen. Außerdem sollten gleichzeitig Instrumente geschaffen werden, um zu gewährleisten, daß die Luftfahrtbehörde über unten genannte Verurteilungen/Verfehlungen informiert wird.

Vorschlag bei NPA 22b FCL 250:

"Die erforderliche Zuverlässigkeit besitzen Bewerber um eine Lizenz in der Regel nicht,  
 1. die rechtskräftig verurteilt worden sind a) wegen eines Verbrechens, wenn seit dem Eintritt der Rechtskraft der letzten Verurteilung zehn Jahre noch nicht verstrichen sind, b) wegen sonstiger vorsätzlicher Straftaten zu einer Freiheitsstrafe oder Jugendstrafe von mindestens einem Jahr, wenn seit dem Eintritt der Rechtskraft der letzten Verurteilung fünf Jahre noch nicht verstrichen sind,  
 2. die erheblich oder wiederholt gegen verkehrsrechtliche Vorschriften verstoßen haben, wenn diese Verstöße für die Beurteilung der Zuverlässigkeit von Personen im Umgang mit Luftfahrzeugen von Bedeutung sind,  
 3. die regelmäßig Alkohol, Rauschmittel oder Medikamente missbrauchen,  
 4. wenn sonstige Tatsachen vorliegen, die den Bewerber als unzuverlässig erscheinen lassen, die beabsichtigte Tätigkeit als Luftfahrtpersonal auszuüben."

response *Noted*

Thank you for providing your opinion. Please refer to the response given to comment no 1356 in this segment.

comment 6930

comment by: *Austrian Aero Club*

**FCL.070 Entzug, Aussetzung und Einschränkung von Lizenzen, Berechtigungen und Zertifikaten**

Es sollte klar festgestellt werden, dass die zuständige Behörde jene ist, bei der die Akten des Piloten geführt werden.

response *Noted*

Thank you for providing your comment. Please refer to the response given to comment no 3035 in this segment.

comment	<p data-bbox="351 235 430 280">7012</p> <p data-bbox="1069 235 1450 280" style="text-align: right;">comment by: CAA Norway</p> <p data-bbox="351 291 510 324"><b>FCL.070(a)</b></p> <p data-bbox="351 324 1450 683">Stating that ratings and certificates shall be limited, suspended or revoked whenever a pilot does not comply seems a bit hard, and leaves the authority no options. Limiting the compliance to Parts FCL, Medical &amp; OPS also seems limiting. It is assumed that the reference to “.. the conditions and procedures laid down in Part Authority Requirements” points to Part AR.GEN.350 and Part AR.FCL.250. If so, these paras requires compliance not only with Parts FCL, Medical &amp; OPS, but with the applicable requirements of the Basic regulation and its implementing rules (AR.GEN.350), and also authorises legal action to be taken in cases of falsification of relevant documents, non-compliance with applicable requirements, etc (AR.FCL.250) , i.e. a very much wider scope than indicated in FCL.070.</p>
response	<p data-bbox="351 694 446 739"><i>Noted</i></p> <p data-bbox="351 750 1450 828">Thank you for providing your opinion. Please refer to the response given to comment no 1356 in this segment.</p>
comment	<p data-bbox="351 873 430 918">7891</p> <p data-bbox="1181 873 1450 918" style="text-align: right;">comment by: RSA</p> <p data-bbox="351 929 1450 1008"><b>FCL.070 Revocation, Suspension and Limitation of Licences, Ratings and Certificates</b></p> <p data-bbox="351 1019 510 1064"><b>FCL.070 (a)</b></p> <p data-bbox="351 1064 1450 1198">The document Part-OPS has recently been published by EASA but the content of which is uge and today we have not been able to evaluate if failing to comply with the requirements of Part -OPS is a justifiable reason for suspension or revocation of a licence.</p> <p data-bbox="351 1198 1450 1321">The RSA objects to the inclusion of Part-OPS as a reason for revocation or suspension in FCL.070 (a) until after the full completion of the EASA consultation process on Part-OPS. It's inclusion in FCL.070 (a) should be part of the Part-OPS consultation process</p>
response	<p data-bbox="351 1332 446 1377"><i>Noted</i></p> <p data-bbox="351 1388 925 1433">Please see reply to comment 2207 above.</p>
comment	<p data-bbox="351 1478 430 1523">8204</p> <p data-bbox="861 1478 1450 1534" style="text-align: right;">comment by: Klagenfurter Flugsport Club</p> <p data-bbox="351 1545 1450 1612">Es sollte klar festgestellt werden, dass die zuständige Behörde jene ist, bei der die Akten des Piloten geführt werden.</p>
response	<p data-bbox="351 1624 446 1668"><i>Noted</i></p> <p data-bbox="351 1680 1450 1758">Thank you for providing your comment. Please refer to the response given to comment no 3035 in this segment.</p>

**Appendix A - Attachments**

 [7813 EASA 12-6-08 EASA FCL NPA Comments.pdf](#)


Attachment #1 to comment [#1763](#)

 [02b\\_stellungnahme-npa-2008-17.pdf](#)

Attachment #2 to comment [#3088](#)

 [AOPA Malta Response NPA FCL.pdf](#)

Attachment #3 to comment [#5668](#)

 [Fact sheet Numbering Structure1.pdf](#)

Attachment #4 to comment [#7095](#)

 [AOPA EASA FCL Comments.pdf](#)

Attachment #5 to comment [#7317](#)

 [Attachment 1 Definition Comparison.pdf](#)

Attachment #6 to comment [#5541](#)

 [Brief lba\\_ask14\\_juli\\_2004.pdf](#)

Attachment #7 to comment [#7628](#)

 [Brief lba\\_ask14\\_juli\\_2007.pdf](#)

Attachment #8 to comment [#7628](#)

 [Richtlinie 318.14.180 D.pdf](#)

Attachment #9 to comment [#7628](#)

 [Auszüge aus Quarks - Pubertät.pdf](#)

Attachment #10 to comment [#2552](#)

 [Model logbook PPA.pdf](#)

Attachment #11 to comment [#4567](#)

 [Model logbook SPL-LPL\(S\).pdf](#)

Attachment #12 to comment [#5550](#)