



Terms of reference

for a rulemaking task

Regular update of Regulations (EU) Nos 1178/2011 and 965/2012 regarding pilot training and licensing and the related oversight

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| Applicability | | Process map | |
|-------------------------------------|--|---|--------------------------------|
| Affected regulations and decisions: | Regulation (EU) No 1178/2011, as amended; Regulation (EU) No 965/2012, as amended; and related AMC & GM of the associated ED Decisions | Concept paper: | No |
| Affected stakeholders: | Pilots; operators; approved training organisations; competent authorities | Rulemaking group: | No |
| Driver/origin: | Efficiency/proportionality; safety | RIA type: | None |
| Reference: | N/A | Technical consultation during drafting of the NPAs: | TBD |
| | | Publication dates of the NPAs: | TBD |
| | | Duration of NPAs' consultation: | TBD |
| | | Review group: | TBD |
| | | Focused consultation: | TBD |
| | | Publication dates of the opinions: | Once every year, as applicable |
| | | Publication dates of the decisions: | Once every year, as applicable |



1. Issue and reasoning for regulatory change

Regarding pilot training and licensing, the European Aviation Safety Agency (hereinafter referred to as the 'Agency') is continuously facing a number of rulemaking issues that qualify as amendments to Regulation (EU) No 1178/2011¹ (the 'Aircrew Regulation'), to ORO.FC in Part-ORO of Regulation (EU) No 965/2012² (the 'Air Operations Regulation'), and to the associated Agency decisions (acceptable means of compliance (AMC)/guidance material (GM)). Furthermore, pilot training and licensing is subject to oversight procedures by the competent authorities and, therefore, may require amendments to the corresponding authority requirements of the Aircrew or the Air Operations Regulation and the associated Agency decisions (AMC/GM). The miscellaneous issues that may be addressed by this systematic rulemaking task will vary in nature: some may be directly driven by safety, while others may be primarily driven by other factors such as ensuring that the regulatory framework promotes a competitive environment or reducing complexity.

In order to increase the efficiency of the rulemaking process, the Agency decided to decrease the administrative burden that individual rulemaking tasks have on stakeholders by grouping (emerging) rulemaking issues that are considered to be of a non-controversial nature and may directly lead to Agency decisions and opinions, albeit following at least consultation with the Agency's advisory bodies. This concept was reintroduced in the revised MB Decision No 18-2015³ (see Article 3.5. on 'systematic rulemaking projects'). This process concept applies to all the deliverables of this rulemaking task.

The Agency intends to review on a yearly basis or, whenever deemed necessary, on a more frequent basis the availability of such eligible rulemaking issues and may propose amendments to those requirements that are within the scope of these Terms of Reference (ToR).

2. Objectives

The general objectives of the European Union in the field of civil aviation are defined in Article 2 of Regulation (EC) No 216/2008⁴ (the 'Basic Regulation').

In addition to the general objectives above, the specific objectives of this proposal are:

- to ensure that (emerging) miscellaneous issues, such as internal and external rulemaking proposals and editorial issues, of a non-controversial nature where there is sufficient consensus related to initial pilot training and licensing or recurrent pilot training, testing and checking are addressed; and
- to continuously improve the regulatory framework by reducing complexity and promoting a competitive environment.

¹ Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 311, 25.11.2011, p. 1).

² Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1).

³ MB Decision N° 18-2015 of 15 December 2015 replacing Decision 01/2012 concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications, acceptable means of compliance and guidance material ('Rulemaking Procedure').

⁴ Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1).



3. Activities

In order to reflect the state of the art and best practices, this rulemaking task is intended to regularly propose amendments to the following packages, whilst taking into account the objectives of Chapter 2 above:

- amendments to pilot training and licensing requirements of the Aircrew Regulation, to ORO.FC of Part-ORO of the Air Operations Regulation, and to the associated Agency decisions (AMC/GM);
- amendments to the corresponding authority requirements of the Aircrew or the Air Operations Regulations and to the associated Agency decisions (AMC/GM) which are affected by the proposed amendments to the said pilot training and licensing requirements.

4. Process and consultation

Due to the generic nature of this rulemaking task, these ToR remain open without an end date. Each individually proposed amendment package should, however, provide the specific planning and intended date for the issuing of the respective Agency decisions (AMC/GM) or opinions (implementing rules (IRs)).

Consequently, the Agency may:

- select those rulemaking issues which meet the criteria of the above-mentioned objectives;
- consult the affected stakeholders using an appropriate method as prescribed in the latest MB Decision No 18-2015 on the Rulemaking Procedure, proposing amendments to the affected IRs or AMC/GM as mentioned above;
- publish an opinion or a decision in accordance with the latest MB Decision No 18-2015.

5. Deliverables

- Notices of proposed amendments (NPAs), as appropriate;
- An opinion or a decision, as appropriate.



6. Annex I: Reference documents

6.1. Affected regulations

- Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 311, 25.11.2011, p. 1)
- Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1)

6.2. Affected decisions

- Decision N° 2011/016/R of the Executive Director of the European Aviation Safety Agency of 15 December 2011 on Acceptable Means of Compliance and Guidance Material to Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council ('Acceptable Means of Compliance and Guidance Material to Part-FCL')
- Decision N° 2012/006/Directorate R of the Executive Director of the Agency of 19th April 2012 on Acceptable Means of Compliance and Guidance Material to Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council ('Acceptable Means of Compliance and Guidance Material to Part-ARA')
- Decision N° 2012/007/Directorate R of the Executive Director of the Agency of 19th April 2012 on Acceptable Means of Compliance and Guidance Material to Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council ('Acceptable Means of Compliance and Guidance Material to Part-ORA')

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

6.3. Reference documents

- Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1)

