

EASA

TERMS OF REFERENCE

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Regulatory reference:

- Regulation (EC) No. 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, as amended. - Articles 7, 13, 14(1).

Reference documents:

- Opinion No. 3/2004 of the European Aviation Safety Agency for amending Regulation (EC) No 1592/2002 of the European Parliament and of the Council on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, to extend its scope to the regulation of pilot licensing, air operations and third country aircraft, 15 December 2004 - draft Articles 7 and 15bis.
- Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, "Extending the tasks of the European Aviation Safety Agency – An Agenda for 2010", COM(2005)578 final, 15 November 2005.
- Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1592/2002 of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency (presented by the Commission), COM(2005)579 final, 16 November 2005 - draft Articles 6a, 6b(4) and (5), and 15a.
- Commission proposal "EU-OPS" (COM 2004/73 final) - Annex III to Regulation (EEC) No 3922/91.
- ICAO Annexes 1 and 6.
- JAR-FCL 1, 2 and 3.
- JAR-STD.
- JAR-OPS.
- JAA JIPs.

1. Subject: Extension of the Basic Regulation to Flight Crew Licensing.

2. Problem / Statement of issue and justification; reason for regulatory evolution (regulatory tasks):

On 15 November 2005 the European Commission adopted a proposal for the extension of the Scope of Regulation (EC) No. 1592 to air operations, pilot licensing and third country aircraft [COM(2005) 579 final], based on EASA's Opinion 3/2004, issued on 16 December 2004.

The main aspects of the proposal are:

- To establish in the form of essential requirements, high level safety objectives to be achieved by the regulation of pilot licensing.
- To require all pilots operating in the Community to hold a licence issued on the basis of common requirements covering their theoretical and practical knowledge, as well as their physical fitness.
- To require organisations, flight synthetic training devices and persons involved in the training, testing, checking and medical assessment of pilots to be certified on the basis of common rules.
- To allow assessment bodies to issue a new category of licence, the "recreational private pilot licence", tailored more closely to this category of airspace user, subject to appropriate verification of their ability to fulfil the related responsibilities.
- To give executive powers to the Commission to adopt the necessary implementing rules and to EASA to oversee organisations located in third countries and to certify flight synthetic training devices.

When adopting its proposal, the Commission recommended, as suggested by the Agency

itself, that common requirements to be specified in implementing rules be based as much as possible on existing JAA material such as JAR-FCL 1, 2 and 3 and JAR-STD and that they be tailored to the risks to be mitigated.

3. Objective:

To develop rules for the implementation of the extended Basic Regulation as regards pilot licensing. These implementing rules shall encompass requirements and acceptable means of compliance/guidance material for:

- The licensing, training and medical certification of pilots involved in commercial activities and non-commercial activities. For pilots of aeroplanes and helicopter, these rules should be based on JAR-FCL 1, 2 and 3, and JAR-STD. For pilots of other aircraft, such as balloons and gliders, which are not included in JAR-FCL, new requirements will have to be developed, on the basis of ICAO Annex 1 and also existing national regulations. When doing so, one of the main issues to be assessed should be the need for a commercial licence for these types of aircraft.
- Competent authorities, based on appropriate JAA JIP's and harmonised with similar provisions included in other implementing rules.

4. Specific tasks and interface issues (Deliverables):

Development of an opinion for a Commission implementing regulation on flight crew licensing including the following elements:

- A Part for general provisions applicable to all licences and qualifications, including the following Subparts:
 - Terminology: containing complementary definitions and terms applicable to the section personnel.
 - Licensing: containing provisions applicable to all licenses like application, acceptance of licenses, type ratings, authorisations, approvals or certificates, examination rules, time limits, changes, continued validity, license/certificate format. Based on Subpart A of JAR-FCL 1 + 2.
 - Medical Requirements: containing detailed requirements for pilots and for aero-medical centres. Based on JAR-FCL 3.
 - Training organisations: containing requirements applicable to all training organisations: FTO, TRTO and FSTD operators. Based on Subparts C-G of JAR-FCL 1 + 2, JAR-STD A+H.
- A Part for flight crew personnel, including the following Subparts:
 - General: containing requirement to hold a license, basic authority to act as a flight crew member, recent experience, credits, personal log book, language proficiency, student pilot, etc. Based on Subparts A + B of JAR-FCL 1 + 2.
 - Recreational private pilot licence (RPPL): containing requirements for the issuing of the RPPL for all kind of aircraft such as airplanes, helicopters, gyroplanes, powered lift aircraft, gliders, balloons and airships.
 - Private pilot licence (PPL): containing requirements for the issuing of the PPL for aeroplane and helicopter, powered lift aircraft, gliders, balloons and airships. Based on Subpart C of JAR-FCL 1 + 2.
 - Commercial Pilot Licence (CPL): Based on Subparts D + J of JAR-FCL 1 + 2.
 - Multi-crew Pilot Licence (MPL): Based on ICAO Annex 1 and JAA material (NPA FCL-31).
 - Airline transport pilot licence (ATPL): Based on Subparts G + J of JAR-FCL 1 + 2.
 - Instrument rating: Based on Subparts E + J of JAR-FCL 1 + 2.
 - Class and type rating: Based on Subpart F of JAR-FCL 1 + 2.
 - Operators training programme: containing requirements on CRM, conversion training and checking, difference and familiarisation training, recurrent training and checking, command course, route and aerodrome competence qualification and LVO training and qualifications. Based on Subparts N + E of JAR-OPS 1 + 3, Subpart E of draft JAR-OPS 0, Subpart N of draft JAR-OPS 2 + 4.
 - Instructor ratings: Based on Subpart H of JAR-FCL 1 + 2.
 - Examiners: Based on Subpart I of JAR-FCL 1 + 2.
- Appropriate requirements for competent authorities for both Parts, based on JAA JIP's and harmonised with similar provisions included in other implementing rules.

Development of the Executive Director decisions issuing the related AMC/GM material.

The issue of conversion of F/E licences and military pilot licences into civil pilot licences should be considered by the group.

Use shall be made of the input from task MDM.032, which includes the requirements applicable to non-complex aircraft engaged in non-commercial operations, including those related to the accreditation of assessment bodies.

Co-ordination with task OPS.001 shall be ensured when evaluating the need for a commercial licence for other aircraft than aeroplanes and helicopters.

No preliminary RIA was developed as it is assumed that the legislator will leave no choice than developing the necessary rules for implementing the extended regulation. It is therefore necessary to carefully evaluate the impact of the regulatory solutions envisaged when they are not based on accepted JAA material.

Due consideration shall be given to the conclusions reached during the legislative process relative to the extension of scope of the Basic Regulation so as to adjust the deliverables to the likely result of these negotiations.

5. Working Methods (in addition to the applicable EASA procedures):

The work shall be carried out by a rulemaking group.

The group may divide itself temporarily into sub-groups addressing:

- Licences for pilots of aircraft other than aeroplanes and helicopters;
- Transposition of JAR-FCL 1, 2 and 3, and JAR-STD; and
- Elaboration of requirement for competent authorities derived from existing JAA JIPs.

Meetings shall be held at EASA premises in Cologne.

6. Time scale, milestones:

NPA to be published by September 2007.

Opinion to be issued by May 2008.

Executive Director Decisions to be issued by October 2008.

These dates may be reviewed taking into account the legislative and comitology processes.