**REGULATIONS**

 **COMMISSION REGULATION ( EU ) No 290 / 2012**

 **CR - EU No 290 / 2012 *of 30 March 2012***

Amending CR - EU No 1178 / 2011 laying down technical requirements and administrative procedures related to civil aviation Aircrew pursuant to CR - EC No 216 / 2008 of the

 EUROPEAN COMMISSION,

**European Parliament and of the Council -** Having regard to the Treaty on the Functioning of the European Union, Having regard to CR - EC No 216 / 2008 of the EuropeanParliament and of the Council of 20 February 2008 oncommon rules in the field of civil aviation and establishing aEuropean Aviation Safety Agency ( EASA ), and repealing Council Directive 91 / 670 / EEC, CR - EC No 1592 / 2002 andDirective 2004 / 36 / EC ( **1** ), and in particular Articles 7 ( 6 ), 8 ( 5 ), 10 ( 5 ) thereof,

 Whereas :

 **( 1 )** CR - EU No 1178 / 2011 ( **2** ) lays down detailed rules for certain pilots’ licences and for the conversion of national pilots’ licences and of national flight engineers’ licences into pilots’ licences, as well as the conditions for the acceptance of licences from third countries. Rules for pilots’ medical certificates, the conditions for the conversion of national medical certificates and the certification of aero-medical examiners are also set out in that Regulation. In addition, CR - EU No 1178 / 2011 includes provisions on medical fitness of the cabin crew.

 **( 2 )**  According to CR - EC No 216 / 2008, pilottraining organizations and aero-medical centres are tohold a certificate. The certificate is to be issued uponfulfillment of certain technical and administrative requirements. Rules on the administration and managementsystem of these organizations should therefore beprovided for.

**( 3 )** Flight simulation training devices used for pilot training, testing and checking are to be certified against a set of technical criteria. Those technical requirements and administrative procedures should therefore be provided for.

**( 4 )** According to CR - EC No 216 / 2008, cabin crew are to be continuously fit and competent to exercise their assigned safety duties. Those involved in commercial operations are to hold an attestation. Rules on cabin crew qualifications and related attestations should therefore be provided for.

**( 5 )** Oversight capabilities of competent authorities are not provided for in CR - EU No 1178 / 2011. This Regulation therefore amends CR - EU No 1178 / 2011 to include administration and management system of competent authorities and organizations. In accordance with CR - EC No 216 / 2008, rules on an information network between the Member States, the Commission and the Agency should also be included in CR - EU No 1178 / 2011.

**( 6 )** It is necessary to provide sufficient time for the aeronautical industry and Member State administrations to adapt to the new regulatory framework and to recognize under certain conditions the validity of certificates, including attestations of safety training, issued before this Regulation applies.

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 ( **1** ) OJ L 79, 13. 3. 2008, p. 1. 2

 ( **2** ) OJ L 311, 25. 11. 2011, p. 1.

**( 7 )** In order to ensure a smooth transition and a highuniform level of civil aviation safety in the Union, implementing measures should reflect the state of the art, including best practices, and scientific and technical progress in the field of aircrew training. Accordingly,

Regulation ( EEC ) No 3922 / 91 as well as technical requirements and administrative procedures agreed by the International Civil Aviation Organization (ICAO) & the Joint Aviation Authorities until 30 June 2009, and existing legislation pertaining to a specific national environment, should be considered.

**( 8 )** CR - EU No 1178 / 2011 should therefore be amended accordingly.

**( 9 )** The measures specified in Annex III to Regulation ( EEC ) No 3922 / 91 for the attestation of safety training of cabin crew are deleted in accordance with Article 69 ( 3 ) of CR - EC No 216 / 2008. The measures adopted by this Regulation are to be regarded as the corresponding measures.

**( 10 )** The *“ the Agency “* - European Aviation Safety Agency ( EASA ) prepared draft implementing rules and submitted them as an opinion to the Commission in accordance with

Article 19 ( 1 ) of CR - EC No 216 / 2008.

**( 11 )** The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 65 of CR - EC No 216 / 2008,

 *HAS ADOPTED THIS REGULATION :*

**Article 2**

1. This Regulation shall enter into force on the 20th day following its publication in the Official Journal of the European Union. It shall apply from 8 April 2012 ;

2. By way of derogation from the second subparagraph of paragraph 1, Member States may decide not to apply the following provisions :

( a ) Annexes **V** to **VII** until 8 April 2013 ;

( b ) point ORA. GEN. 200 ( a )( 3 ) of Annex **VII**  to FSTD qualification certificate holders not being an approved training organization and not holding an Air Operator Certificate until 8 April 2014 ;

( c ) Annexes **VI** and **VII**  to non - JAR - compliant Approved Training Organizations and Aeromedical Centres until 8 April 2014 ;

( d ) point CC. GEN. 030 of Annex **V** until 8 April 2015 ;

( e ) Annex **V** to Cabin Crew Members involved in commercial operations by helicopters until 8 April 2015 ;

( f ) Annexes **VI** and **VII** to Training Organizations providing training only for the Light Aircraft Pilot Licence, Private Pilot Licence, Balloon Pilot Licence or Sailplane Pilot Licence until 8 April 2015 ;

( g ) Annexes **VI** and **VII** to training organizations providing training for flight test ratings in accordance with point FCL. 820 of Annex I to CR - EU No 1178 / 2011 until 8 April 2015.

3. When a Member State makes use of the provisions of Paragraph 2, it shall notify the Commission and the Agency. This notification shall describe the duration and the reasons for such derogation as well as the programme for implementation containing actions envisaged and related timing.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

 Done at Brussels, 30 March 2012. For the Commission

 The President *Jose Manuel BARROSO*

 **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.  *( Text with EEA relevance )*

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, Having regard to CR - EC No  216 / 2008 of the EuropeanParliament and of the Council of 20 February 2008 oncommon rules in the field of civil aviation and establishing aEuropean Aviation Safety Agency ( EASA ), and repealing Council Directive 91 / 670 / EEC, CR - EC No 1592 / 2002 andDirective 2004 / 36 / EC ( **1** ), and in particular Articles 7 ( 6 ), 8 ( 5 ), 10 ( 5 ) thereof,

 Whereas :

( 1 ) CR - EC No 216 / 2008 aims at establishing and maintaining a high uniform level of civil aviation safety in Europe. That Regulation provides for the means of achieving that objective and other objectives in the field of civil aviation safety ;

( 2 ) Pilots involved in the operation of certain aircraft, as well as Flight Simulation Training Devices ( FSTD ), persons and organizations involved in training, testing or checking of those pilots, have to comply with the relevant essential requirements set out in Annex III to CR - EC No 216 / 2008. According to that Regulation pilots as well as persons and organizations involved in their training should be certified once they have been found to comply with essential requirements ;

( 3 ) Similarly, pilots should be issued with a medical certificate and aero-medical examiners, responsible for assessing the medical fitness of pilots, should be certified once they have been found to comply with the relevant essential requirements. However, CR - EC No 216 / 2008 envisages the possibility of general medical practitioners to act as aero-medical examiners under certain conditions and if permitted under national law ;

( 4 ) Cabin Crew involved in the operation of certain aircraft have to comply with the relevant essential requirements set out in Annex IV to CR - EC No 216 / 2008. According to that Regulation, cabin crew should be periodically assessed for medical fitness to safely exercise their assigned safety duties. Compliance must be shown by an appropriate assessment based on aero-medical best practice ;

( 5 ) CR - EC No 216 / 2008 requires the Commission to adopt the necessary implementing rules for establishing the conditions for certifying pilots as well as persons involved in their training, testing or checking, for the attestation of cabin crew members and for the assessment of their medical fitness ;

( 6 ) The requirements and procedures for the conversion of national pilot licences and national flight engineer licences into pilot licences should be laid down, to ensure that they are allowed to perform their activities under harmonized conditions ; flight test qualifications should also be converted in accordance with this Regulation ;

( 7 ) It should be possible for Member States to accept licences issued by third countries where a level of safety equivalent to that specified by CR - EC No 216 / 2008 can be guaranteed ; Conditions for the acceptance of licences issued by third countries should be laid down ;

( 8 ) In order to ensure that training commenced before the application of this Regulation may be taken into account for the purposes of obtaining pilots’ licences, the conditions for recognizing training already completed should be laid down ; the conditions for recognizing military licences should also be laid down ;

( 9 ) It is necessary to provide sufficient time for the aero­nautical industry and Member State administrations to adapt to the new regulatory framework, to allow Member States the time to issue specific types of pilot licences and medical certificates not covered by the “ JAR “, and to recognize under certain conditions the validity of licences and certificates issued, as well as aero-medical assessment performed, before this Regulation applies ;

( 10 ) Council Directive 91 / 670 / EEC of 16 December 1991 on mutual acceptance of personnel licences for the exercise of functions in civil aviation ( **1** ) is repealed in accordance with Article 69 ( 2 ) of CR - EC No 216 / 2008. The measures adopted by this Regulation are to be regarded as the corresponding measures ;

( 11 ) In order to ensure a smooth transition and a high uniform level of civil aviation safety in the Union, implementing measures should reflect the state of the art, including best practices, and scientific and technical progress in the field of pilot training and aircrew aero- medical fitness. Accordingly, technical requirements and administrative procedures agreed by the ICAO

(International Civil Aviation Organization ) and the Joint Aviation Authorities until 30 June 2009 as well as existing legislation pertaining to a specific national environment, should be considered

( 12 ) The Agency prepared draft implementing rules and submitted them as an opinion to the Commission in accordance with Article 19 ( 1 ) of CR - EC No 216 / 2008 ;

( 13 ) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 65 of CR - EC No 216 / 2008,

 *HAS ADOPTED THIS REGULATION :*

***Article 1.*** ***Subject matter***

 This Regulation lays down detailed rules for :

*( 1 )* *Different Ratings* for pilot’s licences, the conditions for issuing, maintaining, amending, limiting, suspending or revoking licences, the privileges and responsibilities of the holders of licences, the conditions for the conversion of existing national pilot’s licences and of national flight engineer’s licences into pilot’s licences, as well as the conditions for the acceptance of licences from third countries ;

*( 2 )* the certification of persons responsible for providing Flight Training or Flight Simulation Training and for assessing pilot’s skills ;

*( 3 )* different medical certificates for pilots, the conditions for issuing, maintaining, amending, limiting, suspending or revoking medical certificates, the privileges and responsibilities of the holders of medical certificates as well as the conditions for the conversion of national medical certificates into commonly recognized medical certificates ;

*( 4 )* the certification of Aero-medical Examiners, as well as the conditions under which general medical practitioners may act as Aero-medical Examiners ;

*( 5 )* the periodical aero-medical assessment of cabin crew members, as well as the qualification of persons responsible for this assessment ;

*( 6 )* the conditions for issuing, maintaining, amending, limiting, suspending or revoking cabin crew attestations, as well as the privileges and responsibilities of the holders of cabin crew attestations ;

*( 7 )* the conditions for issuing, maintaining, amending, limiting, suspending or revoking certificates of pilot training organizations and of aero-medical centres involved in the qualification and aero-medical assessment of civil aviation aircrew ;

*( 8 )* the requirements for the certification of flight simulation training devices and for organizations operating and using those devices ;

*( 9 )* the requirements for the administration and management system to be fulfilled by the Member States, the Agency and the organizations in relation with the rules referred to in points 1 to 8 .

 ***Article 2. Definitions***

For the purposes of this Regulation, the following definitions shall apply :

( 1 ) ***“ Part - FCL licence “*** means a flight crew licence which complies with the requirements of **Annex I** ;

( 2 ) ***“ JAR “*** means joint aviation requirements adopted by the Joint Aviation Authorities as applicable on 30 June 2009 ;

( 3 ) ***“ Light aircraft pilot licence ( LAPL ) “*** means the leisure pilot licence referred to in Article 7 of Regulation ( EC ) No 216 / 2008 ;

( 4 ) ***“ JAR - compliant licence “*** means the pilot licence and attached Ratings, certificates, authorizations and / or qualifications, issued or recognized, in accordance with the national legislation reflecting JAR and procedures, by a Member State having implemented the relevant JAR and having being recommended for mutual recognition within the Joint Aviation Authorities’ system in relation to such JAR ;

( 5 ) ***“ Non - JAR - compliant licence “*** means the pilot licence issued or recognized by a Member State in accordance with national legislation and not having been recommended for mutual recognition in relation to the relevant JAR ;

( 6 ) ***“ Credit “***  means the recognition of prior experience or qualifications ;

( 7 ) ***“ Credit report “*** means a report on the basis of which prior experience or qualifications may be recognized ;

( 8 ) ***“ Conversion report*** “ means a report on the basis of which a licence may be converted into a Part - FCL licence ;

( 9 ) ***“ JAR - compliant pilots “*** medical certificate and aero-medical examiners *“ certificate “* means the certificate issued or recognized, in accordance with the national legislation reflecting JAR and procedures, by a Member State having implemented the relevant JAR and having been recommended for mutual recognition within the Joint Aviation Authorities’ system in relation to such JAR ;

( 10 ) ***“ Non - JAR - compliant pilots* “’** medical certificate and aero- medical examiners *“ certificate “* means the certificate issued or recognized by a Member State in accordance with national legislation and not having been recommended for mutual recognition in relation to the relevant JAR.

( 11 ) **“ Cabin Crew Member ”** *means* an appropriately qualified crew member, other than a flight crew or technical crew member, who is assigned by an Operator to perform duties related to the safety of passengers and flight during operations ;

( 12 ) **“ Aircrew ”** *means* Flight Crew and Cabin Crew ;

( 13 ) **“ JAR - compliant certificate, approval or organization ”** *means* the certificate or approval issued or recognized or the organization certified, approved, registered or recognized, in accordance with the national legislation reflecting JAR and procedures, by a Member State having implemented the relevant JAR and having been recommended for mutual recognition within the Joint Aviation Authorities’ system in relation to such JAR.

 ***Article 3.*** **Pilot Licensing and Medical Certification**

**1.** Without prejudice to Article 8 of this Regulation, pilots of aircraft referred to in Article *4 ( 1 )( b ) and ( c )* and Article 4 ( 5 ) of CR-EC No 216 / 2008 shall comply with the technical requirements and administrative procedures laid down in Annex **I** Part - FCL and Annex **IV** Part - MED *( to this Regulation ).*

**2.** Notwithstanding the privileges of the holders of licences as defined in Annex **I** Part - FCL *( to this Regulation ),* holders of pilot licences issued in accordance with Subpart B or C of Annex **I** Part - FCL may carry out flights referred to in Article 6 ( 4a ) of CR-EU No 965 / 2012. This is without prejudice to compliance with any additional requirements for the carriage of passengers or the development of commercial operations defined in Subparts B

or C of Annex **I** Part - FCL.

 ***Article 4.*** **Existing National Pilots’ Licences**

**1**. JAR - compliant licences issued or recognized by a Member State before this Regulation applies shall be deemed to have been issued in accordance with this Regulation. Member States shall replace these licences with licences complying with the format laid down in Part - ARA by 8 April 2018 at the latest ;

**2.** Non - JAR - compliant licences including any associated ratings, certificates, authorizations and / or qualifications issued or recognized by a Member State before the applicability of this Regulation shall be converted into Part - FCL licences by the Member State that issued the licence ;

**3.** Non - JAR - compliant licences shall be converted into Part- FCL licences and associated ratings or certificates in accordance with :

( a ) the provisions of Annex II ;  *or*

( b ) the elements laid down in a conversion report.

**4.** The conversion report shall :

( a ) be established by the Member State that issued the pilot licence in consultation with the European Aviation Safety Agency ( the Agency ) ;

( b ) describe the national requirements on the basis of which the pilot licences were issued

( c ) describe the scope of the privileges that were given to the pilots ;

( d ) indicate for which requirements in Annex I credit is to be given ;

( e ) indicate any limitations that need to be included on the Part - FCL licences and any requirements the pilot has to comply with in order to remove those limitations.

**5.** The conversion report shall include copies of all documents necessary to demonstrate the elements set out in points *( a ) to ( e )* of paragraph 4, including copies of the relevant national requirements and procedures. When developing the conversion report, Member States shall aim at allowing pilots to, as far as possible, maintain their current scope of activities ;

**6.** Notwithstanding Paragraphs 1 and 3, holders of a Class Rating Instructor Certificate or an Examiner Certificate who have privileges for single-pilot high performance complex aircraft shall have those privileges converted into a Type Rating Instructor Certificate or an Examiner Certificate for single - pilot aeroplanes.

**7.** A Member State may authorize a student pilot to exercise limited privileges without supervision before he / she meets all the requirements necessary for the issuance of an LAPL under the following conditions :

( a ) the privileges shall be limited to its national territory or a part of it ;

( b ) the privileges shall be restricted to a limited geographical area and to single-engine piston aeroplanes with a maximum take-off mass not exceeding 2 000 kg, and shall not include the carriage of passengers ;

( c ) those authorizations shall be issued on the basis of an individual safety risk assessment carried out by an instructor following a concept safety risk assessment carried out by the Member State ;

 ( d ) the Member State shall submit periodical reports to the Commission and the Agency every 3 years.

**8.** Until 8 April 2019, a Member State may issue an authorization to a pilot to exercise specified limited privileges to fly aeroplanes under instrument flight rules before the pilot complies with all of the requirements necessary for the issue of an instrument rating in

accordance with this Regulation, subject to the following conditions :

( a ) the Member State shall only issue these authorizations when justified by a specific local need which cannot be met by the ratings established under this Regulation ;

( b ) the scope of the privileges granted by the authorization shall be based on a safety risk assessment carried out by the Member State, taking into account the extent of training necessary for the intended level of pilot competence to be achieved ;

( c ) the privileges of the authorization shall be limited to the airspace of the Member State’s national territory or parts of it ;

( d ) the authorization shall be issued to applicants having completed appropriate training with qualified instructors and demonstrated the required competencies to a qualified examiner, as determined by the Member State ;

( e ) the Member State shall inform the Commission, EASA and the other Member States of the specificities of this authorization, including its justification and safety risk assessment ;

( f ) the Member State shall monitor the activities associated with the authorization to ensure an acceptable level of safety and take appropriate action in case of identifying an increased risk or any safety concerns ;

( g ) the Member State shall carry out a review of the safety aspects of the implementation of the authorization and submit a report to the Commission by 8 April 2017 at the latest.

***Article 5.*** **Existing National Pilots Medical Certificates & Aero-medical Examiners**

 **Certificates**

1. JAR - compliant pilots’ medical certificates and aero-medical examiners’ certificates issued or recognized by a Member State before this Regulation applies shall be deemed to have been issued in accordance with this Regulation ;

2. Member States shall replace pilots’ medical certificates and aero-medical examiners’ certificates with certificates complying with the format laid down in Part-ARA by 8 April 2017 at the latest ;

3. Non - JAR - compliant pilot medical certificates and aero- medical examiners’ certificates issued by a Member State before this Regulation applies shall remain valid until the date of their next revalidation or until 8 April 2017, whichever is the earlier ;

4. The revalidation of the certificates referred to in Paragraphs 1 and 2 shall comply with the provisions of Annex IV.

***Article 6.*** **Conversion of Flight Test Qualifications**

1. Pilots who before this Regulation applies conducted category 1 and 2 flight tests as defined in the Annex to CR - EC No 1702 / 2003, or who provided instruction to flight test pilots, shall have their flight test qualifications converted into Flight Test Ratings in accordance with Annex I to this Regulation and, where applicable, Flight Test Instructor Certificates by the Member State that issued the flight test qualifications ;

2. This conversion shall be carried out in accordance with the elements established in a conversion report that complies with the requirements set out in Article 4 ( 4 ) and ( 5 ).

***Article 7.*** **Existing National Flight Engineers’ Licences**

1. In order to convert flight engineer licences, issued in accordance with Annex 1 to the Chicago Convention, into Part - FCL licences, holders shall apply to the Member State that issued the licences ;

2. Flight engineer licences shall be converted into Part - FCL licences in accordance with a conversion report that complies with the requirements set out in Article 4 ( 4 ) and ( 5 ) ;

3. When applying for the Airline Transport Pilot Licence ( ATPL ) for aeroplanes, the provisions on credit in FCL. 510. A ( c )( 2 ) of Annex I shall be complied with.

***Article 8.*** **Conditions for the Acceptance of Licences from Third Countries**

**1**. Without prejudice to Article 12 of CR - EC No 216 / 2008 and where there are no agreements concluded between the Union and a third country covering pilot licensing, Member States may accept third country licences, and associated medical certificates issued by or on behalf of third countries, in accordance with the provisions of Annex III to this Regulation ;

**2.** Applicants for Part - FCL licences already holding at least an equivalent licence, rating or certificate issued in accordance with Annex 1 to the Chicago Convention by a third country shall comply with all the requirements of Annex I to this Regulation, except that the requirements of course duration, number of lessons and specific training hours may be reduced ;

**3.** The credit given to the applicant shall be determined by the Member State to which the pilot applies on the basis of a recommendation from an approved training organization

**4.** Holders of an ATPL issued by or on behalf of a third country in accordance with Annex 1 to the Chicago Convention who have completed the experience requirements for the issue of an ATPL in the relevant aircraft category as set out in Subpart F of Annex I to this Regulation may be given full credit as regards the requirements to undergo a training course prior to undertaking the theoretical knowledge examinations and the Skill Test, provided that the third country licence contains a valid type rating for the aircraft to be used for the ATPL Skill Test ;

**5.** Aeroplane or helicopter type ratings may be issued to holders of Part - FCL licences that comply with the requirements for the issue of those ratings established by a third country. Such ratings will be restricted to aircraft registered in that third country. This restriction may be removed when the pilot complies with the requirements in point C. 1 of Annex III.

***Article 9.*** **Credit for Training Commenced prior to the Application of this**

 **Regulation**

**1.** In respect of issuing Part - FCL licences in accordance with Annex I, training commenced prior to the application of this Regulation in accordance with the Joint Aviation Authorities requirements and procedures, under the regulatory oversight of a Member State recommended for mutual recognition within the JAA system in relation to the relevant JAR, shall be given full credit provided that the training and testing were completed by 8 April 2016 at the latest ;

**2.** Training commenced prior to the application of this Regulation in accordance with Annex 1 to the Chicago Convention shall be given credit for the purposes of issuing Part - FCL licences on the basis of a credit report established by the Member State in consultation with the Agency ;

**3.** The credit report shall describe the scope of the training, indicate for which requirements of Part - FCL licences credit is given and, if applicable, which requirements applicants need to comply with in order to be issued with Part - FCL licences. It shall include copies of all documents necessary to demonstrate the scope of the training and of the national regulations and procedures in accordance with which the training was commenced.

 **Article 9 a. Type Rating Training and Operational Suitability Data**.

**1.** Where the Annexes to this Regulation make reference to the operational suitability data established in accordance with CR-EU No 748 / 2012, and that data is not available for the relevant type aircraft, the applicant for a type rating training course shall comply with the provisions of the Annexes of CR-EU No 1178 / 2011 only.

**2.** Type rating training courses approved before the approval of the minimum syllabus of pilot type rating training in the operational suitability data for the relevant type of aircraft in accordance with CR-EU No 748 / 2012 shall include the mandatory training elements not later than 18 December 2017 or within two years after the operational suitability data was approved, whichever is the latest.

***Article 10.*** **Credit for Pilot Licences obtained during Military Service**

**1**. In order for holders of military flight crew licences to obtain Part - FCL licences, they shall apply to the Member State where they served ;

**2.** The knowledge, experience and skill gained in military service shall be given credit for the purposes of the relevant requirements of Annex I in accordance with the elements of a credit report established by the Member State in consultation with the Agency ;

**3.** The credit report shall :

( a ) describe the national requirements on the basis of which the military licences, ratings, certificates, authorizations and / or qualifications were issued ;

( b ) describe the scope of the privileges that were given to the pilots ;

( c ) indicate for which requirements of Annex I credit is to be given ;

( d ) indicate any limitations that need to be included on the Part - FCL licences and indicate any requirements pilots have to comply with to remove those limitations ;

( e ) include copies of all documents necessary to demonstrate the elements above, accompanied by copies of the relevant national requirements and procedures.

 ***Article 10 a.*** **Pilot Training Organizations.**

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

**2.** Pilot training organizations holding JAR - compliant certificates issued or recognized by a Member State before this Regulation applies shall be deemed to hold a certificate issued in accordance with this Regulation. In such case the privileges of these organizations shall be

limited to the privileges included in the approval issued by the Member State. Without prejudice to Article 2, pilot training organizations shall adapt their management system, training programmes, procedures and manuals to be compliant with Annex VII Part - ORA by 8 April 2014 at the latest ;

**3.** JAR - compliant training organizations registered in a Member State before this Regulation applies shall be allowed to provide training for a JAR - compliant private pilot licence ( PPL ) ;

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

 ***Article 10 b.***  **Flight Simulation Training Devices.**

**1.** Flight simulation training devices ( FSTDs ) used for pilot training, testing and checking, with the exception of developmental training devices used for flight test training, shall comply with the technical requirements and administrative procedures laid down in Annexes VI and VII AIR - CREW and shall be qualified ;

**2.** JAR - compliant FSTD qualification certificates issued or recognized before this Regulation applies shall be deemed to have been issued in accordance with this Regulation ; sail

**3.** Member States shall replace the certificates referred to in paragraph 2 with qualification certificates complying with the format laid down in Annex VI Part - ARA by 8 April 2017 at the latest.

 ***Article 10 c.***  **Aero - medical Centres.**

**1.** Aero-medical centres shall comply with the technical requirements and administrative procedures laid down in Annexes VI and VII AIR - CREW and shall be certified ;

**2.** JAR - compliant aero-medical centre approvals issued or recognized by a Member State before this Regulation applies shall be deemed to have been issued in accordance with this

Regulation. Aero-medical centres shall adapt their management system, training programmes, procedures and manuals to be compliant with Annex VII Part - ORA by 8 April 2014 at the latest ;

1. Member States shall replace aero-medical centres’ approvals referred to in the first subparagraph of paragraph 2 with certificates complying with the format laid down in Annex VI Part - ARA by 8 April 2017 at the latest .

***Article 11.*** **Cabin Crew Medical Fitness**

**1.** Cabin crew members involved in the operation of aircraft referred to in Article 4 ( 1 )( b ) and ( c ) of CR - EC No 216 / 2008 shall comply with the technical requirements and administrative procedures laid down in Annex IV ;

**2.** The medical examinations or assessments of cabin crew members that were conducted in accordance with Council Regulation ( EEC ) No 3922 / 91 and which are still valid at the date of application of this Regulation shall be deemed to be valid according to this Regulation until the earlier of the following :

( a ) the end of the validity period determined by the competent authority in accordance with Regulation ( EEC ) No 3922 / 91 ; *or*

( b ) the end of the validity period provided for in point MED. C. 005 of Annex IV ;

The validity period shall be counted from the date of the last medical examination or assessment. By the end of the validity period any subsequent aero-medical re - assessment shall be conducted in accordance with Annex IV.

 ***Article 11 a.* Cabin Crew Qualifications and Related Attestations.**

**1.** Cabin crew members involved in commercial operation of aircraft referred to in Article 4 ( 1 )( b ) and ( c ) of CR - EC No 216 / 2008 shall be qualified and hold the related attestation in accordance with the technical requirements and administrative procedures laid down in

Annexes V and VI ;

**2.** Cabin crew members holding, before this Regulation applies, an attestation of safety training issued in accordance with Regulation ( EEC ) No 3922 / 91 ( “ EU - OPS ” ) :

( a ) shall be deemed to be compliant with this Regulation if they comply with the applicable training, checking and recency requirements of EU - OPS ; *or*

( b ) if they do not comply with the applicable training, checking and recency requirements of EU - OPS, they shall complete all required training and checking before being deemed to be compliant with this Regulation ; *or*

( c ) if they have not operated in commercial operations by aeroplanes for more than 5 years, they shall complete the initial training course and shall pass the related examination as required in Annex V Part - CC before being deemed to be compliant with this Regulation.

**3.** The attestations of safety training issued in accordance with EU - OPS shall be replaced with cabin crew attestations complying with the format laid down in Annex VI Part - ARA by

8 April 2017 at the latest ;

**4.** Cabin crew members involved in commercial operations of helicopters on the date of application of this Regulation :

( a ) shall be deemed to be compliant with the initial training requirements of Annex V Part - CC if they comply with the applicable training, checking and recency provisions of the JAR’s for commercial air transportation by helicopters ; *or*

( b ) if they do not comply with the applicable training, checking and recency requirements of the JAR’s for commercial air transportation by helicopters, they shall complete all relevant training and checking required to operate on helicopter(s), except the initial training, before being deemed to be compliant with this Regulation ; *or*

( c ) if they have not operated in commercial operations by helicopters for more than 5 years, they shall complete the initial training course and shall pass the related examination as required in Annex V Part - CC before being deemed to be compliant with this Regulation ;

**5.** Without prejudice to Article 2, cabin crew attestations complying with the format laid down in Annex VI Part - ARA shall be issued to all cabin crew members involved in commercial

operations by helicopters by 8 April 2013 at the latest.

 ***Article 11 b.* Oversight Capabilities.**

**1.** Member States shall designate one or more entities as the competent authority within that Member State with the necessary powers and allocated responsibilities for the certification and oversight of persons and organizations subject to CR - EC No 216 / 2008 and its implementing rules ;

**2.** If a Member State designates more than one entity as competent authority :

( a ) the areas of competence of each competent authority shall be clearly defined in terms of responsibilities and geographic limitation ;

( b ) coordination shall be established between those entities to ensure effective oversight of all organizations and persons subject to CR - EC No  216 / 2008 and its implementing rules within their respective remits ;

**3.** Member States shall ensure that the competent authority(ies) has / have the necessary capability to ensure the oversight of all persons and organizations covered by their oversight programme, including sufficient resources to fulfill the requirements of this Regulation ;

**4.** Member States shall ensure that competent authority personnel do not perform oversight activities when there is evidence that this could result directly or indirectly in a conflict of interest, in particular when relating to family or financial interest ;

**5.** Personnel authorized by the competent authority to carry out certification and / or oversight tasks shall be empowered to perform at least the following tasks :

( a ) examine the records, data, procedures and any other material relevant to the execution of the certification and / or oversight task ;

( b ) take copies of or extracts from such records, data, procedures and other material ;

( c ) ask for an oral explanation on site ;

( d ) enter relevant premises, operating sites or means of transport ;

( e ) perform audits, investigations, assessments and inspections, including ramp inspections and unannounced inspections ; *and*

( f ) take or initiate enforcement measures as appropriate.

**6.** The tasks under paragraph 5 shall be carried out in compliance with the legal provisions of the relevant Member State.

 ***Article 11 c.* Transitional Measures.**

As regards organizations for which the Agency is the competent authority in accordance with Article 21 ( 1 )( b ) of CR - EC No 216 / 2008 :

( a ) Member States shall transfer to the Agency all records related to the oversight of such organizations by 8 April 2013 at the latest ;

( b ) certification processes initiated before 8 April 2012 by a Member State shall be finalized by that Member State in coordination with the Agency. The Agency shall assume all its responsibilities as competent authority concerning such organization after the issuance of the certificate by that Member State.

 ***Article 12.* Entry into Force and Application**

**1.** This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*. It shall apply from 8 April 2012 ;

**1 b.** By way of derogation from Paragraph 1, Member States may decide not to apply the provisions of Annexes I to IV until 8 April 2013 ;

**2.** By way of derogation from paragraph 1, Member States may decide not to apply the following provisions of Annex I until 8 April 2015 :

( a ) the provisions related to pilot licences of powered - lift aircraft, airships, balloons and sailplanes ;

( b ) the provisions of Subpart B ;

( c ) the provisions of points FCL. 800, FCL. 805, FCL. 815 and FCL. 820 ;

( d ) in the case of helicopters, the provisions of Section 8 of Subpart J ;

( e ) the provisions of Sections 10 and 11 of Subpart J.

**3.** By way of derogation from Paragraph 1, Member States may decide not to convert non-JAR - compliant aeroplane and helicopter licences that they have issued until 8 April 2014 ;

**4.** By way of derogation from Paragraph 1, Member States may decide not to apply the provisions of the Regulation to pilots holding a licence and associated medical certificate issued by a third country involved in the non-commercial operation of aircraft specified in Article *4 ( 1 )( b ) or ( c )* of CR-EC No 216 / 2008 until 8 April 2015 ;

**5.** By way of derogation from Paragraph 1, Member States may decide not to apply the provisions of Section 3 of Subpart B of Annex IV until 8 April 2015 ;

**6.** By way of derogation from Paragraph 1, Member States may decide not to apply the provisions of Subpart C of Annex IV until 8 April 2014 ;

**7.** When a Member State makes use of the provisions of Paragraphs 1 b to 6 it shall notify the Commission and the Agency. This notification shall describe the reasons for such derogation as well as the programme for implementation containing actions envisaged and related timing

**8.** New Annexes V, VI and VII, the text of which is set out in the Annex to this Regulation, are added. This Regulation shall be binding in its entirety and directly applicable in all Member States.

 Done at Brussels, 3 November 2011. For the Commission

 The President *Jose Manuel BARROSO*

 **COMMISSION REGULATION ( EU ) No 70 / 2014**

 of ***27 January 2014***

amending Regulation ( EU ) No 1178 / 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation ( EC ) No 216 / 2008 of the The EUROPEAN COMMISSION,

 European Parliament and of the Council *( text with EEA relevance )*

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

Having regard to Regulation ( EC ) No 216 / 2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91 / 670 / EEC, Regulation (EC) No 1592 / 2002 and Directive 2004 / 36 / EC ( 1 ) and in particular Article 7(6), 8 ( 5 ) and 10 ( 5 ) thereof,

 Whereas :

**( 1 )** Commission Regulation (EU) No 1178 / 2011 ( 2 ) lays down detailed rules for certain pilots’ licences, the conversion of national licences and certificates, as well as the conditions for the acceptance of licences from third countries. In addition, Regulation (EU) No 1178/2011 includes provisions on the certification of approved training organizations and of operators of

flight simulation training devices used for pilot training, testing and checking.

**( 2 )** Article 5 of Regulation (EC) No 216 / 2008 dealing with airworthiness was extended to include the elements of operational suitability evaluation into the implementing rules for type -certification.

**( 3 )** The European Aviation Safety Agency ( the “ Agency “ ) found that it was necessary to amend Commission Regulation (EU) No 748 / 2012 ( 3 ) in order to allow the Agency to approve operational suitability data as part of the type - certification process.

 **( 4 )** The operational suitability data should include mandatory training elements for flight crew type rating training. Those elements should be the basis for developing type training courses.

**( 5 )**  The requirements related to the establishment of flightcrew type rating training courses refer to the operationalsuitability data, however where the operational suitabilitydata is not available there should be a general provisionas well as transitional measures.

**( 6 )** The Agency prepared draft implementing rules on the concept of operational suitability data and submitted them as an opinion ( 4 ) to the Commission in accordance with Article 19(1) of Regulation (EC) No 216 / 2008.

**( 7 )** Regulation (EU) No 1178 / 2011 should therefore be amended accordingly.

**( 8 )** The measures provided for in this Regulation are inaccordance with the opinion of the Committee established by Article 65 of Regulation (EC) No 216 / 2008,

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(1) OJ L 79, 19. 3. 2008, p. 1.

(2) OJ L 311, 25. 11. 2011, p. 1.

(3) OJ L 224, 21. 8. 2012, p. 1.

 **HAS ADOPTED THIS REGULATION :**

**Article 1**

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

*( 1 )* The following Article 9 a is inserted :

**“ Article 9 a “ Type Rating Training and Operational Suitability Data**.

**1.** Where the Annexes to this Regulation make reference to the operational suitability data established in accordance with CR-EU No 748 / 2012, and that data is not available for the relevant type aircraft, the applicant for a type rating training course shall comply with the provisions of the Annexes of CR-EU No 1178 / 2011 only.

**2.** Type rating training courses approved before the approval of the minimum syllabus of pilot type rating training in the operational suitability data for the relevant type of aircraft in accordance with CR-EU No 748 / 2012 shall include the mandatory training elements not later than 18 December 2017 or within two years after the operational suitability data was approved, whichever is the latest.

*( 2 )* Annex VII PART - ORA is amended in accordance with the Annex to this Regulation :

**Article 2.**

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

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

Done at Brussels, 27 January 2014.For the Commission

 The President Jose Manuel BARROSO

**COMMISSION REGULATION ( EU ) No 245 / 2014**

 of 13 March 2014

amending Commission Regulation ( EU ) No 1178 / 2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew

 ( Text with EEA relevance )

 **THE EUROPEAN COMMISSION,**

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

Having regard to Regulation ( EC ) No  216 / 2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91 / 670 / EEC, Regulation ( EC ) No 1592 / 2002 and Directive 2004 / 36 / EC (**1**), and in particular Articles 7( 5 ) and

7( 6 ),

*Whereas :*

**( 1 )** Commission Regulation ( EU ) No 1178 / 2011 ( 2 ) lays down the technical and administrative procedures related to civil aviation aircrew.

**( 2 )** Some Member States have found that certain requirements of Regulation ( EU )

No 1178 / 2011 place an undue and disproportionate administrative or economic burden on themselves or on stakeholders and have requested derogations from certain requirements in accordance with Article 14 ( 6 ) of Regulation ( EC ) No 216 / 2008.

**( 3 )** The derogation requests have been analyzed by the European Aviation Safety Agency, which in turn have resulted in a recommendation to the Commission to adopt certain derogations.

**( 4 )** A number of editorial errors leading to unintended implementation difficulties have also been identified in Commission Regulation ( EU ) No 1178 / 2011 by Member States.

**( 5 )** Therefore, the existing requirements should be amended in order to introduce the derogations that have a clear rulemaking effect and to correct editorial errors.

**( 6 )** Further, Commission Regulation ( EU ) No 1178 / 2011 contains in Annex I ( Part-FCL ) requirements for training and checking towards an instrument rating ( IR ). These requirements for the IR were based on the former JAR - FCL requirements, and a need for their review has been identified.

**( 7 )** Therefore, additional requirements for the qualification to fly in instrument meteorological conditions and specific requirements for sailplane cloud flying operations should be introduced.

**( 8 )** In order to ensure that instrument training or experience gained before the application of this Regulation may be taken into account for the purpose of obtaining these ratings, the conditions for crediting this training, or the instrument experience gained should be laid down.

**( 9 )** It should be possible for Member States to give credit for the instrument experience of a third-country rating holder if a level of safety equivalent to that specified by Regulation (EC) No 216 / 2008 can be guaranteed. Conditions for recognizing this experience should also be laid down.

( 1 ) OJ L 143, 30. 4. 2004, p. 76.

( 2 ) OJ L 311, 25. 11. 2011, p. 1.

**( 10 )** In order to ensure a smooth transition and a high uniform level of civil aviation safety in the European Union, implementing measures should reflect the state of the art, including best practices, and scientific and technical progress in the field of pilot training. Accordingly, technical requirements and administrative procedures agreed by the International Civil Aviation

Organization ( ICAO ) and the already developed requirements in Annex I Part - FCL to Regulation ( EU ) No  1178 / 2011 as well as the existing national legislation, pertaining to a specific national environment, should be considered and reflected by this set of rules taking into account the specific needs of General Aviation pilots in Europe.

**( 11 )** The Agency prepared draft Implementing Rules and submitted them as an Opinion to the Commission in accordance with Article 19 ( 1 ) of Regulation ( EC ) No 216 / 2008.

**( 12 )** Member States that have established a national system for authorizing pilots to fly in Instrument Meteorological Conditions ( IMC ) with limited privileges restricted to the national airspace of the Member State, and that can provide evidence that the system is safe and that there is a specific local need, should be allowed to continue to issue such authorizations for a limited period, subject to the fulfillment of certain conditions.

**( 13 )** Commission Regulation ( EU ) 965 / 2012 (**1**) allows certain flights such as cost-sharing flights and introductory flights to be performed in accordance with the rules applicable to non-commercial operations of non-complex aircraft. T here is, therefore, a need to ensure that the privileges of pilots established in CR-EU 1178 / 2011 are consistent with this approach.

**( 14 )** Therefore, it should be allowed to have flights of those categories identified in CR-EU 965 / 2012 to be piloted by PPL, SPL, BPL or LAPL holders.

**( 15 )**  The measures provided for in this Regulation are in accordance with the Opinion of the EASA Committee established by Article 65 of CR - EC No 216 / 2008.

**( 16 )** CR-EU No  1178 / 2011 should therefore be amended accordingly,

 *HAS ADOPTED this REGULATION* :

***Article 1.***

CR - EU No 1178 / 2011 is amended as follows :

 *( 1 ) Article 3 is replaced by the following :*

**Article 3.** Pilot licensing and medical certification.

1. Without prejudice to Article 8 of this Regulation, pilots of aircraft referred to in Article 4 ( 1 )( b ) and ( c ) and Article 4 ( 5 ) of CR-EC No 216 / 2008 shall comply with the technical requirements and administrative procedures laid down in Annex I and Annex IV to this Regulation.

2. Notwithstanding the privileges of the holders of licences as defined in Annex I Part - FCL to this Regulation, holders of pilot licences issued in accordance with Subpart B or C of Annex I to this Regulation may carry out flights referred to in Article 6 ( 4a ) of CR-EU

No 965 / 2012. This is without prejudice to compliance with any additional requirements for the carriage of passengers or the development of commercial operations defined in Subparts B

or C of Annex I to this Regulation.

  *(2) In Article 4, the following paragraph 8 is added :*

8. Until 8 April 2019, a Member State may issue an authorization to a pilot to exercise specified limited privileges to fly aeroplanes under instrument flight rules before the pilot complies with all of the requirements necessary for the issue of an instrument rating in

accordance with this Regulation, subject to the following conditions :

( a ) the Member State shall only issue these authorizations when justified by a specific local need which cannot be met by the ratings established under this Regulation ;

( b ) the scope of the privileges granted by the authorization shall be based on a safety risk assessment carried out by the Member State, taking into account the extent of training necessary for the intended level of pilot competence to be achieved ;

( c ) the privileges of the authorization shall be limited to the airspace of the Member State’s national territory or parts of it ;

( d ) the authorization shall be issued to applicants having completed appropriate training with qualified instructors and demonstrated the required competencies to a qualified examiner, as determined by the Member State ;

( e ) the Member State shall inform the Commission, EASA and the other Member States of the specificities of this authorization, including its justification and safety risk assessment ;

( f ) the Member State shall monitor the activities associated with the authorization to ensure an acceptable level of safety and take appropriate action in case of identifying an increased risk or any safety concerns ;

( g ) the Member State shall carry out a review of the safety aspects of the implementation of the authorization and submit a report to the Commission by 8 April 2017 at the latest.

 *(3) In Article 12, paragraph 4 is replaced by the following :*

4. By way of derogation from Paragraph 1, Member States may decide not to apply the provisions of the Regulation to pilots holding a licence and associated medical certificate issued by a third country involved in the non-commercial operation of aircraft specified in Article 4 ( 1 )( b ) or ( c ) of CR-EC No 216 / 2008 until 8 April 2015.

*(4) Annexes I, II, III and VI are amended in accordance with the Annexes to this Regulation.*

***Article 2.***

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

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

 Done at Brussels, 13 March 2014. For the Commission

 The President Jose Manuel BARROSO