

Commission Implementing Regulation (EU) 2020/2193 of 16 December 2020 amending Regulation (EU) No 1178/2011 as regards the requirements for flight crew competence and training methods, and as regards the reporting, analysis and follow-up of occurrences in civil aviation

COMMISSION IMPLEMENTING REGULATION (EU) 2020/2193

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amending Regulation (EU) No 1178/2011 as regards the requirements for flight crew competence and training methods, and as regards the reporting, analysis and follow-up of occurrences in civil aviation

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91⁽¹⁾, and in particular Articles 23(1), 27(1) and 72(5) thereof,

Whereas:

- (1) Commission Regulation (EU) No 1178/2011⁽²⁾ lays down the training, testing and checking requirements for pilot licensing.
- (2) The European Plan for Aviation Safety adopted by the European Union Aviation Safety Agency ('the Agency') pursuant to Article 6 of Regulation (EU) 2018/1139, identified that it is of key importance for aviation personnel to have the right competencies and that training methods need to be adapted to ensure that the personnel is able to cope with the new emerging technologies and the increasing complexity of the aviation system.
- (3) In 2013 the International Civil Aviation Organization (ICAO) published 'Manual of evidence-based training' (Doc 9995 AN/497), which contains the complete competency framework ('core competencies') with corresponding descriptions and related behavioural indicators to assess those competencies, encompassing what was previously known as technical and non-technical knowledge in pilot training, skills and attitudes. In that new approach, the training content is aligned with the actual competencies necessary to operate safely, effectively and efficiently in a commercial air transport environment.
- (4) The objective of evidence-based training (EBT) is to improve safety and to enhance the competencies of flight crews to safely operate the aircraft in all flight regimes and to be able to identify and manage unexpected situations. The EBT concept is designed to maximise learning and limit formal checking.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/2193. (See end of Document for details)

- (5) The alignment of Regulation (EU) No 1178/2011 with Regulation (EU) No 376/2014 of the European Parliament and of the Council⁽³⁾ as regards the reporting, analysis and follow-up of occurrences in civil aviation is expected to increase legal certainty, support the Agency standardisation inspections in the area of the occurrence reporting, and support the implementation of effective occurrence-reporting systems as part of safety management.
- (6) Regulation (EU) No 1178/2011 should therefore be amended accordingly.
- (7) The Agency has prepared draft implementing rules and submitted them with Opinion No 08/2019⁽⁴⁾ in accordance with points (b) and (c) of Article 75(2) and Article 76(1) of Regulation (EU) 2018/1139.
- (8) Negotiations between the Union and certain third countries are still ongoing, including on the conversion of pilot licences and associated medical certificates. In order to ensure that Member States may continue to recognise third country licences and medical certificates for an interim period in light of those negotiations, it is necessary to prolong the period during which Member States may decide not to apply the provisions of Regulation (EU) No 1178/2011 in their territory to pilots holding a licence and associated medical certificate issued by a third country involved in the non-commercial operation of certain aircraft.
- (9) Furthermore, the amendments to Appendix 1 of Regulation (EU) No 1178/2011, which were introduced by Commission Implementing Regulation (EU) 2018/1974⁽⁵⁾ and which will apply as of 31 January 2022, should be aligned with the amendments to that Appendix introduced by Commission Implementing Regulation (EU) 2020/359⁽⁶⁾.
- (10) The Regulation should also be amended to correct certain technical errors, which were contained in previous amendments, as well as provide clarification for certain provisions.
- (11) Amendments related to the basic instrument rating should become applicable on the same date as the related provisions of Regulation (EU) 2020/359, namely on 8 September 2021.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Committee established in accordance with Article 127 of Regulation (EU) 2018/1139,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU) No 1178/2011

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

- (1) in Article 12(4), ‘20 June 2021’ is replaced by ‘20 June 2022’;
- (2) Annexes I, VI and VII are amended in accordance with Annex I to this Regulation;
- (3) Annexes I and VI are corrected in accordance with Annex II to this Regulation.

Article 2

Date of entry into force and application

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

Point (1)(r) of Annex I and point (1)(a) of Annex II shall apply from 8 September 2021 and point (1)(p) of Annex I shall apply from 31 January 2022.

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

Done at Brussels, 16 December 2020.

For the Commission

The President

Ursula VON DER LEYEN

ANNEX I

Annexes I, VI and VII of Regulation (EU) No 1178/2011 are amended as follows:

- (1) Annex I (Part-FCL) is amended as follows:
 - (a) in point FCL.010, the following definitions are inserted:
 - (i) “Evidence based training (EBT) operator” means an organisation that is holding an air operator certificate (AOC) in accordance with Annex III (Part-ORO) to Regulation (EU) No 965/2012 and that has implemented an EBT programme approved by the competent authority, in accordance with the provisions of that Regulation.’;
 - (ii) “EBT practical assessment” means a method for assessing performance that serves to verify the integrated performance of competencies. It takes place in either a simulated or an operational environment.’;
 - (iii) “EBT programme” means a pilot assessment and training programme in accordance with point ORO.FC.231 of Annex III (Part-ORO) to Regulation (EU) No 965/2012.’;
 - (iv) “Mixed EBT programme” means an operator’s recurrent training and checking programme provided for in point ORO.FC.230 of Annex III (Part-ORO) to Regulation (EU) No 965/2012, a portion of which is dedicated to the application of EBT but which does not replace proficiency checks provided for in Appendix 9 to this Annex.’;
 - (b) in point FCL.015, the following point (g) is added:
 - (g) Training completed in aircraft or in FSTDs in accordance with Annex III (Part-ORO) to Regulation (EU) No 965/2012 shall be taken into account for the experience and revalidation requirements established in this Annex (Part-FCL).;
 - (c) in point FCL.035(a), the following point (4) is added:
 - (4) All hours flown in aeroplanes or TMGs that are subject to a decision of a Member State taken in accordance with points (a) or (c) of Article 2(8) of Regulation (EU) 2018/1139 or that fall within the scope of Annex I to that Regulation shall be credited in full towards fulfilling the flight time requirements of point FCL.140.A(a)(1) and point FCL.740.A(b)(1)(ii) of this Annex, provided that the following conditions are met:
 - (i) the aeroplane or TMG concerned is of the same category and class as the Part-FCL aircraft in respect of which the hours flown are to be credited;
 - (ii) in case of training flights with an instructor, the aeroplane or TMG used is subject to an authorisation specified in point ORA.ATO.135 of Annex VII (Part-ORA) or point DTO.GEN.240 of Annex VIII (Part-DTO).;
 - (d) in point FCL.235, point (a) is replaced by the following:

- (a) Through the completion of a skill test, applicants for a PPL shall demonstrate the ability to perform as PIC on the appropriate aircraft category the relevant procedures and manoeuvres with the competency appropriate to the privileges granted.;
- (e) point FCL.625 is amended as follows:
 - (i) in point (b), the following point (4) is added:
 - (4) Applicants for the revalidation of an IR shall receive full credits for the proficiency check as required in this Subpart when they complete EBT practical assessment in accordance with Appendix 10 related to the IR at an EBT operator.;
 - (ii) point (c) is replaced by the following:
 - (c) **Renewal**

If an IR has expired, in order to renew their privileges, applicants shall comply with all of the following:

 - (1) in order to determine whether refresher training is necessary for the applicant to reach the level of proficiency needed to pass the instrument element of the skill test in accordance with Appendix 9, they shall undergo an assessment at either of the following organisations:
 - (i) at an ATO;
 - (ii) at an EBT operator that is specifically approved for such refresher training;
 - (2) if deemed necessary by the organisation providing the assessment in accordance with point (1), they shall complete refresher training at that organisation;
 - (3) after complying with point (1) and, as applicable, point (2), they shall pass a proficiency check in accordance with Appendix 9 or complete EBT practical assessment in accordance with Appendix 10 in the relevant aircraft category. That EBT practical assessment may be combined with the refresher training specified in point (2);
 - (4) they shall hold the relevant class or type rating unless specified otherwise in this Annex.;
 - (iii) points (e) and (f) are replaced by the following:
 - (e) Holders of a valid IR on a pilot licence issued by a third country in accordance with Annex 1 to the Chicago Convention shall be exempted from complying with the requirements in points (c)(1), (c)(2) and (d) when