Commission Delegated Regulation (EU) 2020/723 of 4 March 2020 laying down detailed rules with regard to the acceptance of third-country certification of pilots and amending Regulation (EU) No 1178/2011

COMMISSION DELEGATED REGULATION (EU) 2020/723

of 4 March 2020

laying down detailed rules with regard to the acceptance of third-country certification of pilots and amending Regulation (EU) No 1178/2011

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 Article 68(3) thereof,

Whereas:

(1) With the adoption of Regulation (EU) 2018/1139 and in particular its Article 68, the Commission is now empowered to adopt delegated acts with regard to the acceptance of certificates and other documentation attesting compliance with civil aviation rules issued in accordance with the laws of a third country, whilst ensuring an equivalent level of safety to that provided for in Regulation (EU) 2018/1139.

(2) The main objective of this Regulation is to bring the current legal framework into line with Regulation (EU) 2018/1139 and therefore the content of Article 8, Annex III and related provisions of Commission Regulation (EU) No 1178/2011[(2)] concerning the acceptance of third country certificates should be transferred into a delegated act. Furthermore, those provisions should now also include rules on acceptance of third-country sailplanes and balloons certificates.

(3) Regulation (EU) No 1178/2011 lists conditions for the acceptance of licences from third countries. Under certain conditions, a pilot licence issued by a third country may currently be accepted by Member States or the holder of such a third country licence can obtain credit when applying for a licence in accordance with Regulation (EU) No 1178/2011. Such credit is currently determined based on a recommendation from an approved training organisation.

(4) The rules applicable to training organisations providing training for certain non-commercial pilot licences and ratings have been simplified and the declared training organisation (‘DTO’) has been introduced, pursuant to Commission Regulation (EU) 2018/1119[(3)]. Therefore, the rules concerning the acceptance of licences from third

Changes to legislation: Commission Delegated Regulation (EU) 2020/723 is up to date with all changes known to be in force on or before 11 June 2021. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

countries should be updated in order to permit DTOs to give credit to holders of third country licences who apply for a licence issued under the Union legal framework.

(5) Article 8 of Regulation (EU) No 1178/2011 as well Annex III to that Regulation, currently containing requirements for the acceptance of licences from third countries, should therefore be deleted,

HAS ADOPTED THIS REGULATION:

SECTION 1

GENERAL PROVISIONS

Article 1

Scope

This Regulation lays down the detailed rules for the conditions for the acceptance of pilot licences and associated ratings, privileges or certificates, as well as associated medical certificates issued in accordance with laws of third countries.

Article 2

Definitions

1 The definitions contained in Regulation (EU) No 1178/2011, Commission Regulation (EU) 2018/395[(4)] and Commission Implementing Regulation (EU) 2018/1976[(5)] shall apply for the purposes of this Regulation.

2 In addition, for the purposes of this Regulation, 'manufacturer flights' means the flights referred to in Article 6(3) of Commission Regulation (EU) No 965/2012[(6)].

Article 3

Acceptance of licences from third countries

Without prejudice to international agreements concluded between the Union and a third country in accordance with point (a) of Article 68(1) of Regulation (EU) 2018/1139, Member States may:

(a) in accordance with Section 2 of this Regulation accept pilot licences and associated ratings, privileges or certificates, as well as associated medical certificates issued in accordance with laws of third countries;

(b) in accordance with Article 3 of Regulation (EU) No 1178/2011, Article 3a of Regulation (EU) 2018/395 or Article 3a of Implementing Regulation (EU) 2018/1976, as applicable, issue equivalent licences to applicants who already hold an equivalent licence, rating, privilege or certificate issued in accordance with Annex 1 to the Convention on International Civil Aviation, signed on 7 December 1944 in Chicago ('the Chicago Convention') by a third country, provided that those applicants comply with the requirements of Section 3 and taking account of any credit based on

***Changes to legislation:** Commission Delegated Regulation (EU) 2020/723 is up to date with all changes known to be in force on or before 11 June 2021. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

a recommendation from an approved training organisation or a declared training organisation;

(c) give full credits as regards the requirements to undergo a training course prior to undertaking the theoretical knowledge examinations and the skill test to holders of an airline transport pilots licence ('ATPL') issued by or on behalf of a third country in accordance with Annex 1 to the Chicago Convention provided that those holders 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 Regulation (EU) No 1178/2011 and provided that the third country licence contains a valid type rating for the aircraft to be used for the ATPL skill test;

(d) issue aeroplane or helicopter type ratings to holders of licences issued in accordance with Regulation (EU) No 1178/2011 that comply with the requirements established by a third country for the issue of such ratings; those ratings shall be restricted to aircraft registered in that third country, but this restriction may be removed when the pilot complies with the requirements in Article 10 to this Regulation.

SECTION 2

VALIDATION OF LICENCES

Article 4

General provisions for validation of licences

1 A competent authority of a Member State may validate a pilot licence issued by a third country in compliance with the requirements of Annex 1 to the Chicago Convention.

2 For the purposes of the provisions set out in this Regulation, the competent authority of the Member State shall be the following:

a for pilots residing within the territory of the Union – a competent authority of the Member State of a place where a pilot resides or is established;

b for pilots not residing in the territory of the Union – a competent authority of the Member State where the operator for which they are flying or intend to fly has its principal place of business, or where the aircraft on which they are flying or intend to fly is registered.

3 The validation of a licence shall have a validity period, which does not exceed one year, and its privileges shall only be exercised as long as the licence remains valid.

The competent authority that validated the licence may extend the validity only once and only by a maximum of one year, if during the validity period the pilot has applied for a licence in accordance with Annex I (Part-FCL) to Regulation (EU) No 1178/2011 or is undergoing training for the issuance of such a licence. In that last case, the extension shall cover the period of time necessary for the licence to be issued in accordance with Annex I (Part-FCL) to Regulation (EU) No 1178/2011.

4 The holders of a licence validated by a Member State shall exercise their privileges in accordance with the requirements stated in Annex I (Part-FCL) to Regulation (EU) No 1178/2011.

Changes to legislation: *Commission Delegated Regulation (EU) 2020/723 is up to date with all changes known to be in force on or before 11 June 2021. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Article 5

Pilot licences for commercial air transport and other commercial activities

For the validation of pilot licences for commercial air transport and other commercial activities, the holders shall comply with the following requirements, as applicable, for the privileges sought:

(a) complete, as a skill test, the type or class rating revalidation requirements of Annex I (Part-FCL) to Regulation (EU) No 1178/2011, as relevant to the privileges of the licence held;

(b) demonstrate knowledge of the relevant parts of the operational requirements and Annex I (Part-FCL) to Regulation (EU) No 1178/2011;

(c) demonstrate language proficiency in accordance with Point FCL.055 of Annex I (Part-FCL) to Regulation (EU) No 1178/2011;

(d) hold a valid Class 1 medical certificate, issued in accordance with Annex IV (Part-MED) to Regulation (EU) No 1178/2011;

(e) in the case of aeroplanes, in addition to the requirements in points (a) to (d), comply with the experience requirements set out in table 1 in the Annex to this Regulation;

(f) in the case of helicopters, in addition to the requirements in points (a) to (d), comply with the experience requirements set out in table 2 in the Annex to this Regulation.

Article 6

Pilot licences for non-commercial activities with an instrument rating

For the validation of private pilot licences with an instrument rating, or Commercial Pilot Licences (‘CPL’) and Airline Transport Pilot Licences (‘ATPL’) with an instrument rating where the pilot intends only to exercise private pilot privileges, holders shall comply with all of the following requirements:

(a) complete the skill test for instrument rating and the type or class ratings relevant to the privileges of the licence held, in accordance with Appendix 7 and Appendix 9 of Annex I (Part-FCL) to Regulation (EU) No 1178/2011;

(b) demonstrate knowledge of Air Law, Aeronautical Weather Codes, Flight Planning and Performance (IR) and Human Performance;

(c) demonstrate language proficiency in accordance with FCL.055 of Annex I (Part-FCL) to Regulation (EU) No 1178/2011;

(d) hold at least a valid Class 2 medical certificate issued in accordance with Annex 1 to the Chicago Convention;

(e) have a minimum experience of at least 100 hours of instrument flight time as pilot in command (‘PIC’) in the relevant category of aircraft.

***Changes to legislation:** Commission Delegated Regulation (EU) 2020/723 is up to date with all changes known to be in force on or before 11 June 2021. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Article 7

Pilot licences for non-commercial activities without an instrument rating

For the validation of private pilot licences, or CPL and ATPL licences without an instrument rating where the pilot intends only to exercise private pilot privileges, holders shall comply with all of the following requirements:

(a) demonstrate knowledge of Air Law and Human Performance;

(b) pass the private pilot licence ('PPL') skill test as set out in point FCL.235 of Annex I (Part-FCL) to Regulation (EU) No 1178/2011;

(c) fulfil the relevant requirements of Subpart H of Annex I (Part-FCL) to Regulation (EU) No 1178/2011, for the issuance of a type or class rating as relevant to the privileges of the licence held;

(d) hold at least a Class 2 medical certificate issued in accordance with Annex 1 to the Chicago Convention;

(e) demonstrate language proficiency in accordance with FCL.055 of Annex I (Part-FCL) to Regulation (EU) No 1178/2011;

(f) have a minimum experience of at least 100 hours as pilot in the relevant category of aircraft.

Article 8

Validation of pilot licences for specific tasks of limited duration

1 Notwithstanding the provisions of the Articles above, in the case of manufacturer flights, a competent authority of a Member State may accept a licence issued in accordance with Annex 1 to the Chicago Convention by a third country for a maximum of 12 months for specific tasks of limited duration, such as instruction flights for initial entry into service, demonstration, ferry or test flights, provided that the applicant complies with the following requirements:

a holds an appropriate licence and medical certificate and associated ratings or qualifications issued in accordance with Annex 1 to the Chicago Convention;

b is employed, directly or indirectly, by an aircraft manufacturer or by an aviation authority.

In this case, the privileges of the holder shall be limited by the competent authority to performing flight instruction and testing for initial issue of type ratings, the supervision of initial line flying by the operators' pilots, delivery or ferry flights, initial line flying, flight demonstrations or test flights, as appropriate to the tasks foreseen under this paragraph.

2 By way of derogation from Articles 4 to 7, a competent authority of a Member States may, for competition flights or display flights of limited duration, validate a licence issued by a third country allowing the holder to exercise the privileges of a PPL as specified in Annex I (Part-FCL) to Regulation (EU) No 1178/2011, a Balloon Pilot Licence (BPL) as specified in Annex III (Part-BFCL) to Regulation (EU) 2018/395 or an Sailplane Pilot Licence (SPL) as specified in Annex III (Part-SFCL) to Implementing Regulation (EU) 2018/1976, provided that all of the following requirements are complied with: