Commission Implementing Regulation (EU) 2020/359 of 4 March 2020 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 European Parliament and of the Council (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2020/359

of 4 March 2020

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 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 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 and 27 thereof,

Whereas:

(1) Commission Regulation (EU) No 1178/2011[(2)] lays down the requirements for pilots who are involved in the operation of aircraft as specified in points (b)(i) and (ii) of Article 2(1) of Regulation (EU) 2018/1139.

(2) In light of the specific nature of flight crew licensing for balloons and sailplanes, dedicated licensing requirements should be laid down in separate regulations, namely in Commission Regulation (EU) 2018/395[(3)] and Commission Implementing Regulation (EU) 2018/1976[(4)].

(3) At the same time, the licensing requirements for balloon and sailplane pilot licences laid down in Annex I (Part-FCL) to Regulation (EU) No 1178/2011 should be deleted and some requirements of Annex I (Part-FCL) that address cross-domain issues, such as crediting provisions between balloon or sailplane pilot licences and licences for other aircraft categories, should be revised in light of the new licensing requirements for balloon and sailplane pilots.

(4) The requirements of Annex IV (Part-MED) Annex VI (Part-ARA), Annex VII (Part-ORA) and Annex VIII (Part-DTO) to Regulation (EU) No 1178/2011 should continue to apply to balloon and sailplane flight crew licensing.

(5) In order to further improve aviation safety, pilots that are engaged in aerial sport and recreational activities should be encouraged to obtain privileges for flying in accordance with instrument flight rules ('IFR'). Therefore, the existing rules concerning IFR privileges should be adapted by introducing the basic instrument rating ('BIR') in Annex I (Part-FCL) to Regulation (EU) No 1178/2011. The BIR should be specifically tailored to the needs of pilots who are engaged in aerial sport and recreational flying activities as regards the content of their training and the scope of their privileges.

(6) With the introduction of the BIR, the en route instrument rating ('EIR') in point FCL.825 of Annex I (Part-FCL) to Regulation (EU) No 1178/2011 becomes redundant and therefore it should be deleted. However, the existing EIR holders should be entitled to continue to exercise their privileges and should receive credits from their EIR when they seek to obtain a BIR. It should also be possible to continue an on-going training for an EIR that commenced prior to the application of this Regulation and to complete it as training for a BIR.

(7) Technical update to Regulation (EU) No 1178/2011 should be made on basis of lessons learned in particular in the area of Performance Based Navigation (PBN), Upset Prevention and Recovery Training (UPRT) and instructor and examiner qualifications.

(8) The measures provided for in this Regulation are based on Opinion No 01/2019[(5)] of the European Union Aviation Safety Agency in accordance with point (b) of Article 75(2) and Article 76(1) of Regulation (EU) 2018/1139.

(9) The measures provided for in this Regulation are in accordance with the opinion of the committee established by Article 127 of Regulation (EU) 2018/1139,

HAS ADOPTED THIS REGULATION:

Article 1

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

(1) Article 1 is replaced by the following:

Article 1

Subject matter

1 This Regulation lays down detailed rules for:

a different ratings for pilot licences, the conditions for issuing, maintaining, amending, limiting, suspending or revoking pilot licences, the privileges and responsibilities of the holders of pilot licences, as well as the conditions for the conversion of existing national pilot licences and of national flight engineer licences into pilot licences;

b the certification of persons who are responsible for providing flight training or flight simulation training and for assessing pilots' skills;

c 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 mutually recognised medical certificates;

d the certification of aero-medical examiners, as well as the conditions under which general medical practitioners may act as aero-medical examiners;

e the periodical aero-medical assessment of cabin crew members, as well as the qualifications of persons who are responsible for that assessment;

f 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;

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

h the requirements for the certification of flight simulation training devices and for organisations that operate and use those devices;

i the requirements for the administration and management system to be fulfilled by the Member States, the European Union Aviation Safety Agency ('EASA') and organisations in relation to the rules referred to in points (a) to (h).

2 Articles 11b and 11c of this Regulation as well as Annex IV (Part-MED), Annex VI (Part-ARA), Annex VII (Part-ORA) and Annex VIII (Part-DTO) to this Regulation shall apply to pilot licences for balloons and sailplanes.

(2) in Article 2, paragraph 19 is replaced by the following:

(19) ''Flight instructor (FI)'' means an instructor with the privileges to provide training in an aircraft in accordance with Subpart J of Annex I (Part-FCL) to this Regulation, Subpart FI of Annex III (Part-BFCL) to Regulation (EU) 2018/395[6], or Subpart FI of Annex III (Part-SFCL) to Implementing Regulation (EU) 2018/1976[7];;

(3) In article 4, paragraph 8, '8 April 2021' is replaced by '8 September 2021'.

(4) the following Article 4c is inserted:

Article 4c

Transitional measures for holders of an en route instrument rating

1 Up to and including 8 September 2022, holders of an en route instrument rating ('EIR') set out in point FCL.825 of Annex I (Part-FCL) shall:

a be entitled to continue to exercise the privileges of their EIR;

b receive revalidation or renewal of their EIR, in accordance with point FCL.825(g) of Commission Delegated Regulation (EU)[8];

c be entitled to receive full credit towards the training requirements in point FCL.835(c)(2)(i) and (ii) of Annex I (Part-FCL), when applying for the issue of a basic instrument rating (BIR) in accordance with point FCL.835 of Annex I (Part-FCL); and

d receive full credit as established for EIR holders in Annex I (Part-FCL).

2 As from 8 September 2021, training courses for an EIR referred to in paragraph 1, that have commenced prior to that date, can be continued and shall be regarded as training courses for a BIR. Based on an assessment of the applicant, the

approved training organisation responsible for the BIR training course shall determine the amount of EIR training to be credited towards the issue of the BIR.

3 Applicants for a BIR who hold an EIR or have passed the theoretical knowledge examination for an EIR in accordance with point FCL.825(d) prior to 8 September 2021 shall receive full credit towards the requirements for the theoretical knowledge instruction and examination for the BIR.;

(5) Article 11c is replaced by the following:

Article 11c

Transitional measures

Member States shall:

(a) by 8 April 2021 at the latest, transfer to EASA all records related to the oversight of organisations that provide training for pilot licences in accordance with Regulation (EU) 2018/395 and Implementing Regulation (EU) 2018/1976 and for which EASA is the competent authority in accordance with Article 78 of Regulation (EU) 2018/1139 of the European Parliament and of the Council[9];

(b) in coordination with EASA, conclude, certification processes initiated before 8 April 2020 and issue the certificate following which EASA assumes all its responsibilities as a competent authority for those certified organisations.;

(6) in Article 12, point (2a) is deleted;

(7) in Article 12(4), ‘20 June 2020’ is replaced by ‘20 June 2021’

(8) Annex I (Part-FCL) is amended in accordance with Annex I to this Regulation;

(9) Annex IV (Part-MED) is amended in accordance with Annex II to this Regulation;

(10) Annex VI (Part-ARA) is amended in accordance with Annex III to this Regulation;

(11) Annex VII (Part-ORA) is amended in accordance with Annex IV to this Regulation;

(12) Annex VIII (Part-DTO) is amended in accordance with Annex V to this Regulation.

Article 2

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

2 This Regulation shall apply from 8 April 2020.

3 By way of derogation from paragraph 2, the following provisions shall apply from 8 September 2021:

a points (1)(e), (4)(b), (5) to (7), (32), (34), (36)(d), (40)(a), (41); (42), (44), (46) to (48), (52)(f), (53)(a) to (53)(c) (53)(e), (53)(f), (54), (55), (56)(a) to (56)(c) and (57) of Annex I;

b point (b) of Annex II;

c point (10)(d)(ii) of Annex III.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/359. (See end of Document for details)*

4 By way of derogation from paragraph 2, Article 1 point (7) and points (49), (53)(d), (58)(b), (58)(d) and (58)(e) of Annex I shall apply from the day of entry into force of this Regulation.

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

Done at Brussels, 4 March 2020.

For the Commission

The President

Ursula VON DER LEYEN