# Commission Implementing Regulation (EU) 2019/1747 of 15 October 2019 amending Regulation (EU) No 1178/2011 as regards requirements for certain flight crew licences and certificates, rules on training organisations and competent authorities (Text with EEA relevance)

## COMMISSION IMPLEMENTING REGULATION (EU) 2019/1747

of 15 October 2019

amending Regulation (EU) No 1178/2011 as regards requirements for certain flight crew licences and certificates, rules on training organisations and competent authorities

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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 23(1), Article 27(1) and Article 62(14) thereof,

Whereas:

(1) Commission Regulation (EU) No 1178/2011[(2)] lays down detailed rules for technical requirements and administrative procedures related to civil aviation aircrew.

(2) The implementation of Regulation (EU) No 1178/2011 revealed that certain requirements contained editorial errors or ambiguities. In addition, a number of deadlines or provisions, originally included to give Member States sufficient time to bring their national rules in line with Regulation (EU) No 1178/2011, have lapsed. This has led to problems with the implementation and clarity of the Union rules. Those requirements should be clarified and corrected. New definitions should be introduced to ensure that the terms are implemented in a uniform manner.

(3) In order to enhance the proportionality and transparency of the regulatory system for general aviation, the rules applicable to light aircraft pilots, private pilots, sailplane pilots and balloon pilots should be amended to provide for the expansion of privileges and to clarify the content of training and examinations. When providing for the expansion of privileges, sea ratings, recency requirements, requirements of the theoretical knowledge examinations and crediting requirements should be clarified.

(4) The requirements for the instrument rating for aeroplanes and helicopters should be amended to clarify the theoretical knowledge and flight instruction provisions, revalidation and renewal requirements.

(5) Amendments to class and type rating requirements should be made to clarify and ensure consistency with regard to variants, validity and renewal. Furthermore, amendments should be made to clarify the aerobatic rating, sailplane and banner towing ratings, night rating and mountain rating requirements.

(6) The implementation of the rules revealed that some of the requirements applicable to instructors and examiners are unclear. As a result, with regard to instructors, the requirements in relation to instructor certificates, prerequisites, assessment of competence, validity, privileges and conditions, training course content, revalidation and renewal should be amended. With regard to examiners, the requirements in relation to examiner certificates, standardisation, prerequisites, assessment of competence, validity, privileges and conditions, revalidation and renewal should be amended.

(7) Regulation (EU) 2018/1139 provides for the possibility to recognise training and experience on aircraft not subject to Regulation (EU) 2018/1139 (Annex I 'Aircraft referred to in point (d) of Article 2(3)') for the purpose of obtaining a Part-FCL licence. For this reason, relevant rules for training organisations and competent authorities should be amended to enable such recognition.

(8) The implementation of the rules relating to declared training organisations (DTOs)[(3)] revealed the need to clarify the applicable rules to ensure effective regulatory oversight of DTOs. The requirements should be amended to ensure that the possibility to train in a DTO should only be permitted if that DTO is located within the territory for which the Member States are responsible under the Chicago Convention.

(9) The implementation of the rules relating to the possibility to transfer Part-FCL licences and associated medical certificates revealed the need to clarify the responsibilities of the involved competent authorities and the timing of the transfer of the oversight responsibility. For this reason, the relevant rules should be amended.

(10) The measures provided for in this Regulation have been suggested in Opinion No 05/2017 issued by the European Union Aviation Safety Agency pursuant to points (b) and (c)of Article 75(2) and Article 76(1) of Regulation (EU) 2018/1139 and in the context of subsequent technical discussions.

(11) 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) in Article 1, paragraph (3) is replaced by the following:

(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;;

(2) in Article 2, points (4), (9), (10) and (13) are deleted;

(3) in Article 4, paragraph 1 is deleted;

(4) in Article 4, paragraph 6 is replaced by the following:

6. Notwithstanding paragraph 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.;

(5) Article 5 is deleted;

(6) in Article 9, paragraph 1 is replaced by the following:

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 JARs and procedures, under the regulatory oversight of a Member State recommended for mutual recognition within the Joint Aviation Authorities' system in relation to the relevant JARs, shall be given full credit provided that the training and testing were completed by 8 April 2016 at the latest and a Part-FCL licence is issued by 1 April 2020 at the latest.;

(7) Article 10a is amended as follows:

(a) paragraph 1 is replaced by the following:

1. Organisations shall, in accordance with Article 24(2) of Regulation (EU) 2018/1139, be entitled to provide training to pilots involved in the operation of aircraft referred to in points (b)(i) and (ii) of Article (2)(1) of Regulation (EU) 2018/1139 only where those organisations have been issued by the competent authority with an approval confirming that they comply with the essential requirements set out in Annex IV to Regulation (EU) 2018/1139 and with the requirements of Annex VII to this Regulation.

However, having regard to Article 24(6) of Regulation (EU) 2018/1139, organisations having their principal place of business in a Member State shall be entitled to provide the training referred to in point DTO.GEN.110 of Annex VIII to this Regulation without such approval inside the territory for which Member States are responsible under the Chicago Convention where they have made a declaration to the competent authority in accordance with the requirements laid down in point DTO.GEN.115 of that Annex and, where so required pursuant to point DTO.GEN.230(c) of that Annex, the competent authority has approved the training programme.;

(b) paragraphs 2, 3 and 4 are deleted;

(8) in Article 10b, paragraphs 2 and 3 are deleted;

(9) in Article 10c, paragraphs 2 and 3 are deleted;

(10) in Article 11, paragraph 2 is deleted;

(11) in Article 11a, paragraphs 2 and 3 are deleted;

(12) in Article 12, paragraphs 1b, 2, 3, 5 and 6 are deleted;

(13) in Article 12, paragraph 7, is replaced by the following:

7. When a Member State makes use of the requirements of paragraphs 2a and 4, 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.;

(14) Annex I (Part-FCL), Annex VI (Part-ARA) and Annex VIII (Part-DTO) are 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*.

However points (57), (58), (59) and (66) of the Annex to this Regulation shall apply from 21 December 2019.

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

Done at Brussels, 15 October 2019.

*For the Commission*

*The President*

Jean-Claude JUNCKER

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/1747. (See end of Document for details)*

ANNEX

Annex I to Regulation (EU) No 1178/2011 (Part-FCL) is amended as follows:

(1) point FCL.010 is amended as follows:

(a) the following definition is inserted after 'Angular operation':

"Assessment of competence" means the demonstration of skills, knowledge and attitude for the initial issue, revalidation or renewal of an instructor or examiner certificate.

(b) the following definition is inserted after 'Flight and Navigation Procedures Trainer':

"Flown solely by reference to instruments" means that the pilots fly the aircraft without any external visual references, in simulated or actual instrument meteorological conditions (IMC).;

(c) the following definition is inserted after 'Linear operation':

"Line flying under supervision" (LIFUS) means line flying after an approved zero flight time type rating training course or the line flying required by an operational suitability data (OSD) report.;

(d) the following definition is inserted after 'Night':

"OSD" means the operational suitability data established in accordance with Annex I (Part-21) to Regulation (EU) No 748/2012.;

(e) the following definition is inserted after 'Type of aircraft':

"Type rating and licence endorsement list" means a list published by the Agency based on the result of the OSD evaluation and containing classes of aeroplanes and types of aircraft for the purpose of flight crew licensing.;

(f) the definition of 'night' is replaced by the following:

"Night" means the period between the end of evening civil twilight and the beginning of morning civil twilight or such other period between sunset and sunrise as may be prescribed by the appropriate authority.;

(g) the definition of 'other training devices (OTD)' is replaced by the following:

"Other training devices" (OTD) means training aids other than FSTDs which provide means for training where a complete flight deck environment is not necessary.;

(h) the definition of 'proficiency check' is replaced by the following:

"Proficiency check" means the demonstration of skill to revalidate or renew ratings or privileges, and including such oral examination as may be required.;

(2) point FCL.025 is amended as follows:

(a) point (a)(1) is replaced by the following: