Commission Implementing Regulation (EU) 2018/1974 of 14 December 2018 amending Regulation (EU) No 1178/2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EU) 2018/1139 of the European Parliament and of the Council (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1974

of 14 December 2018

amending Regulation (EU) No 1178/2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EU) 2018/1139 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 Regulation (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 thereof,

Whereas:

(1) Commission Regulation (EU) No 1178/2011[(2)] lays down technical requirements for the certification of flight simulation training devices, the certification of pilots involved in the operation of certain aircraft, and the certification of persons and organisations involved in the pilot training, testing and checking.

(2) Since the last decade, aeroplane upset or loss of control have been identified among the major risk factors that could lead to fatal accidents in commercial air transport operations and its prevention became a strategic priority in Europe[(3)] and at a global level. This included new training requirements to better prepare pilots for adverse situations of aircraft upset and loss of control.

(3) By Commission Regulation (EU) 2015/445[(4)], the existing training requirements for commercial pilots were updated to include upset prevention and recovery training (UPRT) as a mandatory constituent of the theoretical knowledge of pilots. Further detailed training elements and training objectives are needed to improve pilot competencies for both prevention of and recovery from aeroplane upsets that can lead to a loss of control and, eventually, to a fatal accident.

(4) UPRT needs to be integrated at various stages of a professional pilot's career and should be reflected in the privileges stated in the individual pilot licence. A well-developed and well-maintained competence of professional pilots in upset prevention and recovery should be ensured. UPRT should become a mandatory part of the multi-crew pilot licence (MPL) training course and the integrated training course for airline transport pilots for aeroplanes (ATP(A)) and a training course for a commercial pilot licence for aeroplanes (CPL(A)) as well as for class and type-ratings for single-pilot aeroplanes operated in multi-pilot operations, single-pilot non-high-performance complex, high-performance complex aeroplanes and multi-pilot aeroplanes ratings. In order to allow pilots to develop advanced competencies in upset prevention and recovery, the relevant training course should include related air exercises in an aeroplane.

(5) Further to the introduction of the new course related to the development of advanced pilot competencies in upset prevention and recovery, the requirements for instructor certificates should be revised in order to ensure that persons instructing on this course are appropriately qualified.

(6) This Regulation reflects the provisions adopted by the International Civil Aviation Organisation (ICAO) in 2014 on UPRT for multi-crew pilot licences and for multi-pilot aeroplane type ratings through the amendment to Annex 1 to the Chicago Convention on Personnel Licensing.

(7) It is in the interest of aviation safety that the new UPRT elements should be implemented as soon as possible. Transitional provisions should be put in place to allow training courses that have started before these UPRT-related amendments to the requirements on pilot training become effective, to be completed without any further adaptation. In this context, it should be considered that pilots flying for commercial air operators in accordance with Commission Regulation (EU) No 965/2012[(5)] need to undergo regular operator training which already today contains UPRT elements. Additionally, pilot training organisations should be given a transitional period to adapt their training programmes to comply with the new UPRT requirements. At the end of that transitional period, all relevant training courses should be conducted in accordance with the new UPRT requirements.

(8) Negotiations between the Union and certain third countries are currently 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) The European Union Aviation Safety Agency submitted draft implementing rules to the European Commission together with its Opinion No 06/2017.

(10) 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) after Article 4a, the following Article 4b is inserted:

Article 4b

Upset prevention and recovery training

1 Upset prevention and recovery training shall become a mandatory part of a training course for a multi-crew pilot licence (MPL), an integrated training course for airline transport pilots for aeroplanes (ATP(A)), a training course for a commercial pilot licence for aeroplanes (CPL(A)) and training courses for a class or type rating for:

a single-pilot aeroplanes operated in multi-pilot operations;

b single-pilot non-high-performance complex aeroplanes;

c single-pilot high-performance complex aeroplanes; or

d multi-pilot aeroplanes;

in accordance with Annex I (Part-FCL).

2 For training courses referred to in paragraph 1 that commence before 20 December 2019 at an approved training organisation (ATO), upset prevention and recovery training shall not be mandatory provided that:

a CPL(A), ATP(A) or MPL training course is otherwise completed in accordance with Annex I (Part-FCL) and the skill test is completed in compliance with points FCL.320 (CPL), FCL.620 (IR) or FCL.415.A (MPL) of Annex I (Part-FCL) by 20 December 2021 at the latest; or

b class or type rating training course for the aeroplanes is otherwise completed in accordance with Annex I (Part-FCL) and the skill test is completed in compliance with the second subparagraph of paragraph (c) of point FCL.725 of Annex I (Part-FCL) to this Regulation by 20 December 2021 at the latest.

For the purpose of paragraph 1, the competent authority may on its own assessment and pursuant to a recommendation from an ATO give credit for any upset prevention and recovery training completed before 20 December 2019 under national training requirements.;

(2) 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 this Regulation until 20 June 2020, to pilots holding a licence and associated medical certificate issued by a third country involved in the non-commercial operation of aircraft as specified in Article 2(1)(b), points (i) or (ii), of Regulation (EU) 2018/1139. Member States shall make those decisions publicly available.;

(3) Article 12, paragraph 8, is replaced by the following:

8. By way of derogation from paragraph 1, point FCL.315.A, the second sentence of paragraph (a) of point FCL.410.A and paragraph (c) of point FCL.725.A of Annex I (Part-FCL) shall apply from 20 December 2019.;

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2018/1974. (See end of Document for details)*

(4) Annex I to Regulation (EU) No 1178/2011 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*.

However:

(a) Article 1(1) shall apply from 20 December 2019.

(b) Article 1(4) shall apply from 20 December 2019.

(c) Notwithstanding point (b) above, points (2), (4), (5) and (12) of the Annex to this Regulation shall apply from 31 January 2022.

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

Done at Brussels, 14 December 2018.

For the Commission

Violeta BULC

Member of the Commission

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2018/1974. (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 introductory sentence is replaced by the following:

For the purposes of this Annex (Part-FCL), the following definitions shall apply:;

(b) a new definition of ‘Accessible’ is inserted before the definition of ‘Aerobatic flight’ as follows:

“Accessible” means that a device can be used by:
— the approved training organisation (ATO) under whose approval a training course for a class or type rating is being conducted; or
— the examiner conducting the assessment of competence, skill test or proficiency check for the purpose of assessing, testing or checking.;

(c) the definition of ‘Aerobatic flight’ is replaced by the following:

“Aerobatic flight” means an intentional manoeuvre involving an abrupt change in an aircraft's attitude, an abnormal attitude, or abnormal acceleration, not necessary for normal flight or for instruction for licences, certificates, or ratings other than the aerobatic rating.;

(d) After the definition of ‘Aeroplane required to be operated with a co-pilot’, a new definition of ‘Aeroplane upset prevention and recovery training’ is inserted as follows:

“Aeroplane upset prevention and recovery training” (UPRT) means training consisting of:
— aeroplane upset prevention training: a combination of theoretical knowledge and flying training with the aim of providing flight crew with the required competencies to prevent aeroplane upsets; and
— aeroplane upset recovery training: a combination of theoretical knowledge and flying training with the aim of providing flight crew with the required competencies to recover from aeroplane upsets.;

(e) After the definition of ‘Airship’, a new definition of ‘Available FSTD’ is inserted as follows:

‘Available FSTD’ means any flight simulation training device (FSTD) that is vacant for use of the FSTD operator or of the customer irrespective of any time considerations.;

(2) Point FCL.310 is replaced by the following:
FCL.310 CPL — Theoretical knowledge examinations

Applicants for the issue of a CPL shall demonstrate a level of knowledge appropriate to the privileges granted in the following subjects:

(a) air law;