Commission Regulation (EU) 2015/445 of 17 March 2015 amending Regulation (EU) No 1178/2011 as regards technical requirements and administrative procedures related to civil aviation aircrew (Text with EEA relevance)

COMMISSION REGULATION (EU) 2015/445

of 17 March 2015

amending Regulation (EU) No 1178/2011 as regards technical requirements and administrative procedures related to civil aviation aircrew

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC[(1)], and in particular Articles 7(6) and 8(5),

Whereas:

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

(2) Some Member States have found that certain requirements of Regulation (EU) No 1178/2011 place an undue and disproportionate administrative or economic burden on themselves or on stakeholders and have notified their intention to grant approval for derogations from certain requirements in accordance with Article 14(6) of Regulation (EC) No 216/2008.

(3) Those proposed approvals for derogations have been analysed by the European Aviation Safety Agency, which has resulted in a recommendation to the Commission on the compliance of the proposed approvals with the applicable conditions.

(4) Member States and general aviation stakeholders have also identified certain requirements which are considered disproportionate to the activities involved and the associated risks.

(5) A number of editorial errors leading to unintended implementation difficulties have also been identified in Regulation (EU) No 1178/2011.

(6) Therefore, the requirements set out in Regulation (EU) No 1178/2011 should be amended in order to introduce the derogations that have a clear rulemaking effect, to introduce certain alleviations for general aviation and to correct certain editorial errors.

(7) In addition, on the basis of feedback from Member States and stakeholders it has been found that the requirements of Annex VII of Regulation (EU) No 1178/2011 may be disproportionate to the activity and associated risk of training organisations providing

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) 2015/445. (See end of Document for details)*

training only for the light aircraft pilot licence, private pilot licence, balloon pilot licence and sailplane pilot licence.

(8) Member States and stakeholders agree that there is therefore a general need to allow more time to develop a more appropriate set of rules for general aviation activities which are better suited to the activities of this aviation sector without reducing safety standards.

(9) Moreover, to allow the necessary time to develop those rules, the date of application of the provisions of Annex VII to Regulation (EU) No 1178/2011 for training organisations providing training only for national licences that are eligible for conversion into Part-FCL light aircraft pilot licences, balloon pilot licences and sailplane pilot licences should be postponed to 8 April 2018.

(10) Regulation (EU) No 1178/2011 should therefore be amended accordingly.

(11) As Commission Regulation (EU) No 290/2012[(3)], which amends Regulation (EU) No 1178/2011, contains an autonomous provision on the date of application of the provisions of Annexes VI and VII to Regulation (EU) No 1178/2011, it should also be amended in order to ensure legal certainty and clarity.

(12) The measures provided for in this Regulation are in accordance with the Opinion of the European Aviation Safety Agency Committee established by Article 65 of Regulation (EC) No 216/2008,

HAS ADOPTED THIS REGULATION:

Article 1

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

(1) in Article 8, paragraph 1 is replaced by the following:

1. Without prejudice to Article 12 of Regulation (EC) No 216/2008 and where there are no agreements concluded between the Union and a third country covering pilot licensing, Member States may accept third country licences, ratings or certificates, and associated medical certificates issued by or on behalf of third countries, in accordance with the provisions of Annex III to this Regulation.;

(2) in Article 10a, paragraph 3 is replaced by the following:

3. JAR-compliant training organisations shall be allowed to provide training for a Part-FCL private pilot licence (PPL), for the associated ratings included in the registration and for a light aircraft pilot licence (LAPL) until 8 April 2018 without complying with the provisions of Annex VI and VII, provided that they were registered before 8 April 2015.;

(3) Article 12 is amended as follows:

(a) paragraph 2 is replaced by the following:

2. By way of derogation from paragraph 1, Member States may decide not to apply the following provisions of Annex I until 8 April 2015:

a the provisions related to pilot licences of powered-lift aircraft and airships;

b the provisions of point FCL.820;

c in the case of helicopters, the provisions of Section 8 of Subpart J;

d the provisions of Section 11 of Subpart J.;

(b) the following paragraph 2a is inserted:

2a. By way of derogation from paragraph 1, Member States may decide not to apply the following provisions of Annex I until 8 April 2018:

a the provisions related to pilot licences of sailplanes and balloons;

b the provisions of Subpart B;

c the provisions of points FCL.800, FCL.805, FCL.815;

d the provisions of Section 10 of Subpart J.;

(c) 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 8 April 2016 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 4(1)(b) or (c) of Regulation (EC) No 216/2008.;

(4) Annexes I, II, III, VI and VII are amended in accordance with the Annexes to this Regulation.

Article 2

In Commission Regulation (EU) No 290/2012, in Article 2, paragraph 2, point (f) is deleted.

Article 3

1 This Regulation shall enter into force on 8 April 2015.

2 By way of derogation from paragraph 1, the amendments to the provisions in FCL315.A, FCL.410.A, FCL.725.A of Annex I shall apply from 8 April 2018.

3 By way of derogation from paragraph 1, Member States may decide not to apply the provisions of Annexes VI and VII to a training organisation providing training only for a national licence that is eligible in accordance with Article 4(3) of Regulation (EU) No 1178/2011, for conversion into a Part-FCL light aircraft pilot licence (LAPL), sailplane pilot licence (SPL) or balloon pilot licence (BPL) until 8 April 2018.

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

Done at Brussels, 17 March 2015.

For the Commission

The President

Jean-Claude JUNCKER

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) 2015/445. (See end of Document for details)*

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ANNEX I

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

(1) FCL.065 is replaced by the following:

FCL.065 Curtailment of privileges of licence holders aged 60 years or more in commercial air transport

(a) Age 60-64. Aeroplanes and helicopters. The holder of a pilot licence who has attained the age of 60 years shall not act as a pilot of an aircraft engaged in commercial air transport except as a member of a multi-pilot crew.

(b) Age 65. Except in the case of a holder of a balloon or sailplane pilot licence, the holder of a pilot licence who has attained the age of 65 years shall not act as a pilot of an aircraft engaged in commercial air transport.

(c) Age 70. The holder of a balloon or sailplane pilot licence who has attained the age of 70 years shall not act as a pilot of a balloon or a sailplane engaged in commercial air transport.

(2) FCL.105.B is replaced by the following:

FCL.105.B LAPL(B) — Privileges

The privileges of the holder of an LAPL for balloons are to act as PIC on hot-air balloons or hot-air airships with a maximum of 3 400 m^3 envelope capacity or gas balloons with a maximum of 1 260 m^3 envelope capacity, carrying a maximum of 3 passengers, such that there are never more than 4 persons on board of the balloon.

(3) In FCL.210.A, point (a) is replaced by the following;

(a) Applicants for a PPL(A) shall have completed at least 45 hours of flight instruction in aeroplanes or TMGs, 5 of which may have been completed in an FSTD, including at least:

(1) 25 hours of dual flight instruction; and

(2) 10 hours of supervised solo flight time, including at least 5 hours of solo cross-country flight time with at least 1 cross-country flight of at least 270 km (150 NM), during which full stop landings at 2 aerodromes different from the aerodrome of departure shall be made.

(4) FCL.230.B is replaced by the following:

FCL.230.B BPL — Recency requirements

(a) Holders of a BPL shall only exercise the privileges of their licence when they have completed in one class of balloons in the last 24 months at least:

(1) 6 hours of flight time as PIC, including 10 take-offs and landings; and

(2) 1 training flight with an instructor in a balloon within the appropriate class;