

PROPOSED AMENDMENT (PA)

NPA	N-FLYERS-2010-12-01
Reference	Draft Commission Regulation on personnel licensing
Foreign Registry Aircraft	
Conversion and Validation of Pilot Licences	
Language (E - F - Both)	E

Issue:

As currently written, the proposed regulation mandates the conversion of foreign ICAO Annex I licences, certificates and ratings even for pilots of aircraft referred to in Article 4(1)(c) for which safety oversight has not been delegated to a Member State.

This requirement seems incompatible with Article 33 of the Convention on International Civil Aviation unless oversight has been delegated in accordance with article 83bis of the Convention.

Objectives:

The objective of this change is twofold. First, it is to clearly spell out in the regulation that a Foreign Registered Aircraft for which control of personnel licensing has not been transferred to a Member State can be operated using a pilot licence issued or render valid by the state of registry of the aforementioned aircraft in accordance with article 33 of the convention. Second, it clarifies the possibilities of a pilot that is not a resident of a Member State and that is not working for an operator to convert or validate an ICAO Annex I licence, certificate or rating.

Justification for Change:

To be in compliance with international bilateral agreements and to clarify validation and conversion procedures for non-residents. These matters being considered by the sponsor as of the utmost importance they are included in the current document. The sponsor would also like to submit various comments regarding the current state of the **Draft Commission Regulation on personnel licensing**. These comments will be presented in another document.

Contact

All comments regarding this proposed amendment should be made to N-FLYERS
europa@november.aero.

PROPOSED AMENDMENT (PA)

Current Text:

Article 1

Objective and scope

This Regulation establishes common technical requirements for:

1. the licensing, training and testing of pilots involved in the operation of aircraft referred to in Article 4(1)(b) and (c) of the Basic Regulation;
2. the certification of personnel responsible for providing flight training or flight simulation training and for assessing a pilot's skill.
3. the licensing, training and testing of pilots of aircraft referred to in (a)(ii), (d) and (h) of Annex II to the Basic Regulation, when used in commercial air transport.

New Text:

Objective and scope

This Regulation establishes common technical requirements for:

1. the licensing, training and testing of pilots involved in the operation of aircraft referred to in Article 4(1)(b) of the Basic Regulation;
2. the certification of personnel responsible for providing flight training or flight simulation training and for assessing a pilot's skill.
3. the licensing, training and testing of pilots of aircraft referred to in (a)(ii), (d) and (h) of Annex II to the Basic Regulation, when used in commercial air transport.

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Current Text:

Article 3

Pilot licensing

Without prejudice to Article 7, pilots of aircraft referred to in Article 4(1)(b) and (c) and Article 4(5) of Regulation (EC) No 216/2008 shall comply with the technical requirements and administrative procedures laid down in Annex I.

New Text:

Article 3

Pilot licensing

Without prejudice to Article 7, pilots of aircraft referred to in Article 4(1)(b) and (c) and Article 4(5) of Regulation (EC) No 216/2008 shall comply with the technical requirements and administrative procedures laid down in Annex I.

However, for the operation of an aircraft registered in a third Country, pilot licences, certificates and ratings issued or rendered valid in accordance with ICAO Annex I by the state of registry are considered valid for operations of the Foreign Registered Aircraft inside the territory of the Member States unless the state of registry effectively transferred responsibilities, including oversight and control of personnel licensing to a Member State through an agreement as determined by paragraph (b) or Article 83 bis of the ICAO Convention.

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Proposed Amendment :

New definition

FCL.010 Definitions

'Flight Instruction' means training received from an Instructor in an aircraft or an aircraft simulator that a candidate could credit toward the issuance of a licence, certificate or rating to be obtained in accordance with this Regulation.;

Current Text:

FCL.900 Instructor certificates

(a) *General.* A person shall only carry out:

- (1) flight instruction in aircraft when he/she holds:

New Text:

FCL.900 Instructor certificates

(a) *General.* A person shall only carry out:

- (1) flight instruction under this Regulation in aircraft when he/she holds:

PROPOSED AMENDMENT (PA)

Current Text:

A. VALIDATION OF LICENCES

General

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

Pilots shall apply to the competent authority of the Member State where they reside or are established, or, if they are not residing in the territory of the Member States, where the operator for which they are flying or intend to fly has its principal place of business.

New Text:

A. VALIDATION OF LICENCES

General

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

Pilots shall apply to the competent authority of the Member State where they reside or are established, or, if they are not residing in the territory of the Member States, where the operator for which they are flying or intend to fly has its principal place of business, or if they are not flying for a commercial operator, where they intend to base the majority of their flying operations.

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Current Text:

Pilot licences for commercial air transport and other commercial activities

3. In the case of pilot licences for commercial air transport and other commercial activities, the holder shall comply with the following requirements:
- (a) complete, as a skill test, the type or class rating revalidation requirements of Part-FCL relevant to the privileges of the licence held;
 - (b) demonstrate that he/she has acquired knowledge of the relevant parts of Part-OPS and Part-FCL;
 - (c) demonstrate that he/she has acquired knowledge of English in accordance with FCL.055;
 - (d) hold a valid Class 1 medical certificate, issued in accordance with Part-Medical;
 - (e) in the case of aeroplanes, comply with the experience requirements set out in the following table:

New Text:

Pilot licences for commercial air transport and other commercial activities

3. In the case of pilot licences for commercial air transport and other commercial activities, the holder shall comply with the following requirements:
- (a) complete, as a skill test, the type or class rating revalidation requirements of Part-FCL relevant to the privileges of the licence held;
 - (b) demonstrate that he/she has acquired knowledge of the parts of Part-OPS and Part-FCL relevant to the scope of intended operations;
 - (c) demonstrate that he/she has acquired knowledge of English in accordance with FCL.055;
 - (d) hold a valid Class 1 medical certificate, issued in accordance with Part-Medical;
 - (e) in the case of aeroplanes, comply with the experience requirements set out in the following table:

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Current Text:

Pilot licences for non-commercial activities with an instrument rating

4. In the case of private pilot licences with an instrument rating, or CPL and ATPL licences with an instrument rating where the pilot intends only to exercise private pilot privileges, the holder shall comply with 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 to Part-FCL;
- (b) demonstrate that he/she has acquired knowledge of Air Law, Aeronautical Weather Codes, Flight Planning and Performance (IR), and Human Performance;
- (c) demonstrate that he/she has acquired knowledge of English in accordance with FCL.055;
- (d) hold at least a valid Class 2 medical certificate issued in accordance with Annex 1 to the Chicago Convention;
- (f) have a minimum experience of at least 100 hours of instrument flight time as pilot-in-command in the relevant category of aircraft.

Pilot licences for non-commercial activities without an instrument rating

5. In the case of private pilot licences, or CPL and ATPL licences without an instrument rating where the pilot intends only to exercise private pilot privileges, the holder shall comply with the following requirements:

- (a) demonstrate that he/she has acquired knowledge of Air Law and Human Performance;
- (b) pass the PPL skill test as set out in Part-FCL;
- (c) fulfil the relevant requirements of Part-FCL 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 that he/she has acquired language proficiency in accordance with FCL.055;

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

New Text:

Pilot licences for non-commercial activities with an instrument rating

4. In the case of private pilot licences with an instrument rating, or CPL and ATPL licences with an instrument rating where the pilot intends only to exercise private pilot privileges, the holder shall comply with 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 or those of a Private Pilot, in accordance with Appendix 7 and Appendix 9 to Part-FCL;
- (b) demonstrate that he/she has acquired knowledge of Air Law, Aeronautical Weather Codes, Flight Planning and Performance (IR), and Human Performance;
- (c) demonstrate that he/she has acquired knowledge of English in accordance with FCL.055;
- (d) hold at least a valid Class 2 medical certificate issued in accordance with Annex 1 to the Chicago Convention;
- ~~(f) have a minimum experience of at least 100 hours of instrument flight time as pilot-in-command in the relevant category of aircraft.~~

Pilot licences for non-commercial activities without an instrument rating

5. In the case of private pilot licences, or CPL and ATPL licences without an instrument rating where the pilot intends only to exercise private pilot privileges, the holder shall comply with the following requirements:

- (a) demonstrate that he/she has acquired knowledge of Air Law and Human Performance;
- (b) pass the PPL skill test as set out in Part-FCL;
- (c) fulfil the relevant requirements of Part-FCL for the issuance of a type or class rating as relevant to the privileges of the licence held or those of a Private Pilot;
- (d) hold at least a Class 2 medical certificate issued in accordance with Annex 1 to the Chicago Convention;
- (e) demonstrate that he/she has acquired language proficiency in accordance with FCL.055;

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

Current Text:

B. CONVERSION OF LICENCES

1. A PPL/BPL/SPL, a CPL or ATPL licence issued in compliance with the requirements of Annex 1 to the Chicago Convention by a third country may be converted into a Part-FCL PPL/BPL/SPL with a single-pilot class or type rating by the competent authority of a Member State.

The pilot shall apply to the competent authority of the Member State where he/she resides or is established.

New Text:

B. CONVERSION OF LICENCES

1. A PPL/BPL/SPL, a CPL or ATPL licence issued in compliance with the requirements of Annex 1 to the Chicago Convention by a third country may be converted into a Part-FCL PPL/BPL/SPL, a CPL or an ATPL with a single-pilot class or type rating by the competent authority of a Member State.

The pilot shall apply to the competent authority of the Member State where he/she resides or is established. If the pilot does not reside in a Member State, he/she should apply in any Member State.