



Council of the
European Union

Brussels, 1 December 2014
(OR. en)

16253/14

AVIATION 224

COVER NOTE

From:	European Commission
date of receipt:	28 November 2014
To:	General Secretariat of the Council
No. Cion doc.:	D035899/03
Subject:	COMMISSION REGULATION (EU) No .../.. of XXX amending Regulation (EU) No 1178/2011 as regards technical requirements and administrative procedures related to civil aviation aircrew

Delegations will find attached document D035899/03.

Encl.: D035899/03



Brussels, **XXX**
[...] (2014) **XXX** draft

COMMISSION REGULATION (EU) No .../..

of XXX

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) No .../..

of XXX

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/EC¹, and in particular Articles 7(6) and 8(5),

Whereas:

- (1) Commission Regulation (EU) No 1178/2011² 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.

¹ OJ L 79, 13.3.2008, p.1.

² Commission Regulation (EU) No 1178/2011 of 3 November 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 (OJ L 311, 25.11.2011, p.1).

- (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 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 290/2012³, 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.’

³ Commission Regulation (EU) No 290/2012 of 30 March 2012 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 (OJ L 100, 30.3.2012, p.1)

- (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
- (4) ‘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.’
- (5) 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), 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,

For the Commission
The President
[\[...\]](#)