



Council of the  
European Union

Brussels, 11 December 2017  
(OR. en)

15646/17

AVIATION 190

**COVER NOTE**

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From:	European Commission
date of receipt:	6 December 2017
To:	General Secretariat of the Council

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No. Cion doc.:	D051054/02
Subject:	COMMISSION REGULATION (EU) .../... of XXX 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

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Delegations will find attached document D051054/02.

Encl.: D051054/02



Brussels, **XXX**  
[...](2017) **XXX** draft

**COMMISSION REGULATION (EU) .../...**

**of XXX**

**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**

(Text with EEA relevance)

# COMMISSION REGULATION (EU) .../...

of **XXX**

## **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**

(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<sup>1</sup>, and in particular Articles 7(6), 8(5) and 10(5) thereof,

Whereas:

- (1) Commission Regulation (EU) No 1178/2011<sup>2</sup> lays down detailed rules for certain pilots' licences and for the conversion of national pilots' licences and of national flight engineers' licences into pilots' licences, as well as the conditions for the acceptance of licences from third countries. It also sets out rules for pilots' medical certificates, the conditions for the conversion of national medical certificates and the certification of aero-medical examiners and it includes provisions on medical fitness of the cabin crew.
- (2) The implementation of Regulation (EU) No 1178/2011 revealed that certain of its provisions contain editorial errors or are ambiguous. This leads to implementation problems and to problems in maintaining a uniform level of civil aviation safety in all Member States. Those provisions should therefore be clarified and corrected.
- (3) During standardisation visits conducted by the European Aviation Safety Agency ('the Agency') and meetings of the medical expert group hosted by the Agency, several loopholes were identified in Annex IV to Regulation (EU) No 1178/2011 that could potentially have safety implications and that should therefore be addressed.
- (4) Following the accident of the Germanwings Flight 9525, the Germanwings Task Force led by the Agency identified a number of safety risks and issued six recommendations to mitigate those risks<sup>3</sup>. Four of those recommendations, namely recommendation 2 'Mental health assessment of flight crew', recommendation 3 'Prevention of misuse of

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<sup>1</sup> OJ L 79, 19.3.2008, p. 1.

<sup>2</sup> Commission 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 311, 25.11.2011, p. 1).

<sup>3</sup> <http://ec.europa.eu/transport/sites/transport/files/modes/air/news/doc/2015-07-17-germanwings-report/germanwings-task-force-final-report.pdf>

alcohol and other psychoactive substances by the flight crew', recommendation 4 'Training, oversight and network of AMEs' and recommendation 5 'Creation of a European aero-medical data repository', concern amendments to the rules on aircrew medical certification of Regulation (EU) No 1178/2011. It is appropriate to now act upon those four recommendations.

- (5) The provisions of Regulation (EU) No 1178/2011 regarding medical requirements and aero-medical examination should be aligned with the relevant provisions of Commission Regulation (EU) No 2015/340<sup>4</sup>.
- ~~(6)~~ 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 licenses 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.
- (7) Regulation (EU) No 1178/2011 should therefore be amended accordingly.
- (8) The measures provided for in this Regulation are based on the opinion of the Agency in accordance with Articles 17(2)(b) and 19(1) of Regulation (EC) No 216/2008.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the committee established by Article 65 of Regulation (EC) No 216/2008,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

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

- (1) in Article 5, paragraphs 2 and 3 are replaced by the following:
  - "2. Member States shall replace pilots' medical certificates and aero-medical examiners' certificates with certificates complying with the format laid down in Annex VI by 8 April 2018 at the latest.
  3. Non-JAR-compliant pilot medical certificates and aero-medical examiners' certificates issued by a Member State before 8 April 2012 or, where the Member State concerned has taken a decision as referred to in Article 12(1b), before 8 April 2013 shall remain valid until the date of their next revalidation or until 8 April 2018, whichever is the earlier.";
- (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 8 April 2019 to pilots holding a licence and associated medical certificate issued by a third country involved in the non-

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<sup>4</sup> Commission Regulation (EU) 2015/340 of 20 February 2015 laying down technical requirements and administrative procedures relating to air traffic controllers' licences and certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, amending Commission Implementing Regulation (EU) No 923/2012 and repealing Commission Regulation (EU) No 805/2011 (OJ L 63, 6.3.2015, p. 1).

commercial operation of aircraft as specified in point (b) or (c) of Article 4(1) of Regulation (EC) No 216/2008. Member States shall make those decisions publicly available.";

- (3) Annex IV is amended in accordance with Annex I to this Regulation;
- (4) Annex VI is amended in accordance with Annex II 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*.

Article 1(4) shall apply from 1 January 2018.

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

Done at Brussels,

*For the Commission*  
*The President*  
*[...]*