

CRD TO EASA NPA 2008-17b

Resulting Text Part FCL and Appendices (CRD b.2)

Page 2 - Subpart A, Paragraph No: FCL.010

Comment:

A number of terms contained within the draft IR are common to several areas of current European aviation legislation development work (e.g., Standardised European Rules of the Air (SERA), ATM and Aerodrome Regulations), and the definitions of a number of these are not consistent with those contained within other aviation documents. It is essential that the definitions of these terms are cross-checked to those used elsewhere within European-level aviation documentation to avoid inaccuracies and inconsistencies.

Those identified:

Aerobatic flight (note ICAO uses term acrobatic; however we support the term 'aerobatic'):

FCL: 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 or ratings other than the aerobatic rating.

SERA and ICAO Annex 2: means manoeuvres intentionally performed by an aircraft involving an abrupt change in its attitude, an abnormal attitude, or an abnormal variation in speed.

Aeroplane:

FCL: means an engine-driven fixed-wing aircraft heavier than air which is supported in flight by the dynamic reaction of the air against its wings.

SERA & ICAO Annex 2: means a power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight.

(Please note our other comment to add - "For the purposes of EASA-FCL this definition does not include touring motor gliders or powered sailplanes".)

Night (note – we strongly support the FCL definition and oppose that provided by SERA:

FCL: means the period between the end of evening civil twilight and the beginning of morning civil twilight, or such other period between sunset and sunrise as may be prescribed by the appropriate authority, as defined by the Member State.

SERA: means the hours between the end of evening civil twilight and the beginning of morning civil twilight. Civil twilight ends in the evening when the centre of the sun's disc is 6 degrees below the horizon and begins in the morning when the centre of the sun's disc is 6

degrees below the horizon.

Pilot In Command:

FCL: means the pilot designated as being in command and charged with the safe conduct of the flight.

SERA & ICAO Annex 2: means the pilot designated by the operator, or in the case of general aviation, the owner, as being in command and charged with the safe conduct of a flight.

Justification:

The avoidance of inconsistent or incomplete definitions of terms and phrases within EC, EASA and Single European Sky (SES) aviation documentation is essential and can be achieved through the creation of a single source of definitions (a 'European Civil Aviation Vocabulary').

ICAO Doc 9713 'International Civil Aviation Vocabulary' can be used as the template for such a 'vocabulary', which would incorporate non-ICAO EASA/SES definitions, with entries suitably annotated to show the applicable sources.

Consideration should also be given to incorporating terms which are not defined in ICAO Annexes or PANS or EU/EASA/Eurocontrol (including SES) documents but which are regularly used.

Page 2 - Subpart A, Paragraph No: FCL.010

Comment:

There needs to be a definition of 'sole reference to instruments' in respect of Instrument rating tests. We understand that some examiners interpret JAR-FCL as meaning that they do not have to have a means to prevent pilots from having visual external attitude reference during tests. In such circumstances the examiner would have no means to be certain that the pilot can fly on instruments alone. This is an unsafe practice which EASA-FCL should explicitly prohibit by clearly requiring flight by instruments alone.

Justification:

Flight Safety – to ensure that during an Instrument rating test the applicant demonstrates his ability to fly on instruments without reference to the external horizon. Consistency - AMC No 2 to FCL.1015 para 21 on page 552 of 611 clearly states that a suitable method of screening is used to simulate IMC. This should be applicable to all references throughout Part-FCL, therefore adding this to the definitions would ensure no misunderstanding.

Proposed Text :

Add the definition -

'Sole reference to instruments' means that the pilot is denied external visual reference by a suitable method of screening to simulate IMC. (i.e. screens, Instrument flying hood, etc.)

Page 2, 5 - Subpart A, Paragraph No: FCL.010

Comment:

From the definitions in FCL.010, a Touring Motor Glider is an 'aeroplane'. However in FCL 110.A, FCL 135A, FCL 140A, FCL.205A, FCL 805, FCL 815, FCL 915 and numerous other paragraphs a differentiation is made between Touring Motor Gliders and aeroplanes.

Justification:

The definition of aeroplane is not consistent with the use of the word within the text.

Proposed Text:

Change definition of 'aeroplane' to:

'Aeroplane' means an engine-driven fixed-wing aircraft heavier than air, which is supported in flight by the dynamic reaction of the air against its wings. For the purposes of EASA-FCL this definition does not include touring motor gliders or powered sailplanes.

Page 11 - Subpart A, Paragraph No: FCL.060 (b)(3)(i)

Comment:

Reference (a)(1) appears in error

Justification:

Doesn't make sense

Proposed Text:

Has complied with the requirements in **(b)(1)**

Page 14 - Subpart B, Paragraph No: FCL.125 (c) (2) & (3)

Comment:

In para (2) the word 'repeat' is used and in para (3) the word 'repeated' is used.

Justification:

This confuses the difference between a 'retest' and a 'repeat' as defined in the Appendices.

Proposed Text:

Para (2) – he/she shall **retest** only that section.

Para (3) – When the test needs to be **retested** in accordance...

Page 17 - Subpart B, Paragraph No: FCL 110H(a)

Comment:

The English used in the change is difficult to understand.

Justification:

Clarification

Proposed Text:

Replace paragraph (a) with:

(a) Applicants for the LAPL(H) shall complete 40 hours of flight instruction, 35 hours of which shall be flown in the type of helicopter that is to be used for the skill test. The flight instruction shall include:

Page 18 - Subpart B, Paragraph No: FCL 110H(b)

Comment:

Use of term 'flight experience'

Justification:

'Flight experience' is not defined in this document and it could be argued that flying as a passenger may be included as flight experience. Also, this terminology is not consistent with that used in para 210H (c) which refers to "flight time as pilot in command"

Proposed Text:

Replace "flight experience" wherever it occurs with 'experience as a pilot,' or 'flight time as a pilot' or 'flight time as pilot-in-command'

Page 18 - Subpart B, Paragraph No: FCL 135.H(a)

Comment:

The text does not state that the flying has to be done at an approved training organisation to a recognised syllabus. As a Type Rating will be required for any helicopter licence the training organisation and the course must be approved.

Justification:

Safety and clarification

Proposed Text :

Insert after- "has completed..." *"..at an approved training organisation"*

Page 24 - Subpart C, Paragraph No: FCL.235

Comment:

In para (c) (2) the word 'repeat ' is used and in para (c)(3) the word 'repeated' is used.

Justification:

This confuses the difference between a 'retest' and a 'repeat' as defined in the Appendices.

Proposed Text:

Para (c)(2) – he/she shall **retest** only that section.

Para (c)(3) – When the test needs to be **retested** in accordance...

Page 25 - Subpart C, Paragraph No: FCL 210H(a)(1)

Comment:

The removal of the requirement for 5 hours instrument flight has not been justified. If 5 hours is considered to be excessive, then a smaller number of mandatory instrument flying hours should be stipulated - but not zero.

Justification:

From the comments in the CRD and the correspondence from Borgmeier Matthais, the following is noted:

1. It is apparent that the work undertaken by national authorities and EHSAT/EHSIT has not been taken into consideration. (EHSAT/EHSIT have identified loss of control after inadvertent entry into IMC as a major accident factor). The CRD process did not request positive feedback to confirm existing rules; the minority that complained about this requirement should not dictate a rule change over the silent majority.
2. The comment that the 'JAR IF training was possibly of no benefit and may have contributed to accidents' is unsubstantiated and incorrect. EHSAT should be consulted to establish the facts from their statistics and this change must not be based on speculation.
3. If this existing JAR requirement of 5 hours IF training is to be removed, more research and a risk analysis should be undertaken. This should not be rushed in order to meet the Opinion deadline.

Proposed Text:

Re-instate the text to include the words -

".....including at least 5 hours of instrument dual instruction time."

Page 25 - Subpart C, Paragraph No: FCL 210H(b)

Comment:

The additional training specified for the LAPL(H) to convert to a PPL(H) has not taken into account that the LAPL(H) syllabus does not contain Ex 27 -Instrument flight and radio navigation aid instruction. (Note that the LAPL syllabus Ex 22 gives an option of GPS or VOR/NDB whereas the PPL syllabus requires VOR/NDB in addition to GPS). Therefore the LAPL holder has never been trained or tested in these disciplines.

Justification:

Clarification/Safety

Proposed Text:

Change the second sentence to -

“This training course shall include at least 5 hours of dual instruction, including VOR/NDB radio navigation aid training and basic instrument flight training. This training course shall also include at least 1 supervised cross-country of at least 185 km (100 NM), with full stop landings at 2 aerodromes different from the aerodrome of departure”.

Page 26 - Subpart C, Paragraph No: FCL 210H(b)

Comment:

It is not clear that when converting from a LAPL (H) to a PPL(H) the PPL(H) Skill Test must be passed on completion of the additional training. This is important because the PPL (H) skill test has additional items that are not in the LAPL skill test; (for example navigational elements and Instrument Flight).

Justification:

Clarification/Safety

Proposed Text:

Add paragraph “(d) *Complete the PPL (H) Skill test as specified in AMC to FCL 235*”.

Page 38 - Subpart G, Paragraph No: FCL.600

Comment:

This paragraph may be misinterpreted. It could be taken to mean that the holder of a LAPL can fly under IFR without an IR.

Justification:

Clarity

Proposed Text:

Holders of a pilot licence other than an LAPL wishing to operate an aeroplane, helicopter,

airship or powered-lift aircraft under IFR shall hold an instrument rating appropriate to the category of aircraft, except when they are pilots undergoing skill testing or dual instruction. Holders of an LAPL shall not operate an aircraft under IFR.

Page 38 - Subpart G, Paragraph No: FCL.605(b)

Comment:

EASA response to Comment 5457 is acknowledged. The UK CAA would like clarification that EASA is therefore promoting single pilot multi-engine instrument rated pilots to fly to minima below 200ft? If so, where is the guidance located for an operation that is currently not permitted.

Justification:

Just because it was in JAR-FCL does not mean the provision should remain in place if operations are not permitted.

Proposed Text:

In the case of a multi-pilot IR, ...

Page 39 - Subpart G, Paragraph No: FCL.620(a)

Comment:

The CAA-UK comment 5469 said -

Comment: Nowhere does it require the training or skill test to be conducted by sole reference to instruments

Justification: IRT must demonstrate instrument flying skills: this cannot be done if the applicant can see external visual references.

Proposed Text: Applicants for an IR shall pass a skill test flown by sole reference to instruments in accordance with.....

The Agency's response to 5469 was a partial acceptance of the comment. The Agency stated that Appendix 7 would be amended to include '**' and indicate within Appendix 7 those exercises that it should apply to. It would appear that this editorial change has not occurred.

Justification:

Appendix 7 does not match EASA response, which is - "The Agency sees however the need for this requirement and after consulting the Review group FCL.001 decided to change Appendix 7 and add in paragraph 10 starred (**) items in the different sections

where there shall be flown solely by reference to instruments”.

Proposed Text:

Add in the items identified in the Agency’s response to the comment.

Page 42 - Subpart H, Paragraph No: FCL 700(a)

Comment:

Helicopters always have type ratings (unlike the aeroplane class rating system) so therefore the LAPL(H) holder must have type ratings for the helicopter types he is to fly - especially as he may be flying the same types with (non-paying) passengers onboard, in the same airspace as the PPL (H) who does require type ratings.

Justification:

Safety

Proposed Text

Change to:

“Except in the case of the LAPL(A), LAPL(S), LAPL(B) and the BPL.....”

Page 42 - Subpart H, Paragraph No: FCL.700(c)

Comment:

It is still unclear that the requirements of this paragraph are also applicable to all EU institutions which conduct flight tests, in addition to those implied by the somewhat specific wording “design or production organisations”. For example, when Authorities’ (EASA or NAA) test pilots perform certification test flights in new single-seat aircraft types, flight test crews from the design or production organisation will not be on board, so, are these flights covered by the current wording?

Either the text should be amended to remove any ambiguity (see proposed text below), or it needs to make the organisational applicability of these requirements clearer. Ultimately, the requirement to hold a flight test rating is applicable to an individual (i.e. the test pilot) and not an organisation.

Justification:

Additional clarification of the intent is needed.

Proposed Text:

Without prejudice to (a) and (b), in the case of flights related to the introduction or modification of aircraft types, as well as instruction flights for the issue of a flight test rating,

when the requirements of this Subpart may not be complied with, pilots may hold a flight test rating issued in accordance with FCL.820.

Page 43 - Subpart H, Paragraph No: FCL 725(b)(2) and (3)

Comment:

The theoretical knowledge examination for the helicopter type ratings should be a written examination (as required currently by JAR-FCL 2) and not an oral examination as proposed in EASA-FCL. The reply given in the CRD to comments 394//5584 does not address the comments fully. The response from the Agency:

1. Refers to Single Engine Class Ratings and not Helicopter Type ratings.
2. Does not define the level of questioning that is required for the oral.
3. Does not define what a 'satisfactory level' is - i.e 50% / 75% / 100% correct?
4. There is no information in the Skill Test guidance at Appendix 9 page 174 or anywhere else in the EASA-FCL document setting how to perform an oral test for a helicopter type rating.
5. There is no method of recording the oral test as having been passed/failed or to make reference to it on the skill test form and therefore there is no auditable trail.
6. There is no guidance on the procedure to be taken if an oral test is failed, or on whether the other sections of the test can be conducted or how testing is to be conducted after retraining.
7. The statement of 'principle of proportionality' is contrary to JAR FCL 2 which acknowledges that helicopter types, especially Single Engine Turbine, have very varied levels of complexities in their engines, transmissions, rotor systems, airframes, performance, limitation, FADEC systems etc and therefore had required written tests, an established procedure that works well and does not require change.

Justification:

Safety. No requirement or justification to change from existing JAR methodology.

Proposed Text :

Para (b) 2 -

Insert: "*For all helicopter types and single pilot multi...*"

Or if this is only to be accepted for SET(H) -

Insert: "*For all turbine helicopter types and single pilot multi....*"

Para (b) 3 -

Delete: "aircraft", Insert: "aeroplane"

Page 43 - Subpart H, Paragraph No: FCL 725(d)

Comment:

Unclear use of English – specifically the word 'opposite'.

Justification:

Could be misunderstood.

Proposed Text:

An applicant who already holds a type rating for an aircraft type, with the privilege for either single-pilot or multi-pilot operations, shall be considered to have already fulfilled the theoretical requirements when applying to add the privilege for the other form of operation on the same aircraft type.

Page 44 - Subpart H, Paragraph No: FCL 720.A(b)

Comment:

The term 'non-complex' is used but is not defined. Does it mean "other than a complex motor powered aircraft"?

Justification:

Definition required or re-phrasing

Proposed Text:

"(b) Single-pilot high performance aeroplanes, other than complex motor powered aeroplanes"

Page 45 - Subpart H, Paragraph No: FCL.725.A (b)

Comment: Reinstate the word "for" in line 1

Justification: Editing error

Proposed Text (if applicable): "The training course *for* single pilot aeroplane-sea ratings..."

Page 45 - Subpart H, Paragraph No: FCL 725.A (b)

Comment:

Delete the words "...instruction course..." in line 3.

Justification:

For clarity.

Proposed Text:

The flight training [] for a class or type rating-sea for single pilot aeroplanes-sea shall include at least 8 hours of dual flight instruction.....

Page 46 - Subpart H, Paragraph No: FCL.740.A and AMC

Comment:

In common with JAR-FCL, EASA-FCL specifies a minimum number of hours or a skills test to maintain a licence rating. Under JAR-FCL the Member States generally accepted that the hours and/or skills test could be from any aircraft within the class rating. It is not clear whether an EASA class rating can be revalidated by flying an aircraft of the same class that is also within a category of Annex II to Regulation 216/2008. This must at least be made clear in the FCL regulation, and should be allowed.

Justification:

There will be many cases where a pilot with a current PPL(A) issued under national rules or JAR-FCL owns a kit-built, vintage, or ex-military aeroplane (all non-EASA due to Annex II). In order to fly the majority of type certificated aeroplanes in the future (and to train for further ratings) the pilot will need an EASA PPL or LAPL, and it is assumed that it is an objective of the Agency and the Commission that most, if not all, private pilots will convert to these EASA licences. It will be an unnecessary regulatory burden and cost to pilots who own Annex II Single-Pilot Single-Engine aeroplanes if they have to hire an EASA aircraft periodically to renew their Class ratings, when under current rules they renew at much less cost using their own aeroplanes.

(It is noted that the proposed AMC No.1 to FCL.740.H(a)(3) lists the helicopters that may be credited under a helicopter proficiency check and the list includes the Bell 47, which is an Annex II aircraft - having been first civil type certificated well before 1955).

Proposed Text:

Add to the relevant material referenced to FCL.740.A(b) for SEP renewal, so that the hours flown and tests conducted using single-engine piston aeroplanes within Annex II(a), (c), (d) and (h) of Regulation 216/2008 may be credited for renewal of the SEP rating on an EASA licence.

Page 46 - Subpart H, Paragraph No: FCL.740.A, FCL.740.H and associated AMC

Comment:

In common with JAR-FCL, EASA-FCL specifies a minimum number of hours or a skills test to maintain a licence rating. It is not clear whether an EASA Type rating or Instrument Rating can be revalidated by flying an aircraft of the same Type that is being used for non-military "State" purposes.

Article 1(2) of Regulation 216/2008 states that:

'2. This Regulation shall not apply to:

(a) products, parts, appliances, personnel and organisations referred to in paragraph 1(a) and (b) while carrying out military, customs, police, search and rescue, firefighting, coastguard or similar activities or services. The Member States shall undertake to ensure that such activities or services have due regard as far as practicable to the objectives of this Regulation;'

In order to comply with the final sentence of this paragraph of Article 1(2) of Regulation 216/2008 the CAA-UK intends to require (as it does now under existing regulations) that the pilots of civilian registered aircraft engaged in customs, police, search and rescue, firefighting, and coastguard and similar operations must have Air Transport or Commercial pilot's licences as appropriate to the kind of operations undertaken and the aircraft used. Currently, we require these pilots to hold JAR-FCL licences, which will become EASA licences in the future. In almost all cases, these kinds of operations are conducted using aircraft that are examples of types that are certificated by EASA and would be subject to all EASA Implementing Rules if they were engaged in conventional civil operations.

The question to be clarified is whether a pilot with a licence and type ratings issued under EASA-FCL can be given credit for flying hours and skills tests completed whilst flying aircraft of the same type that are being operated by customs, police, search and rescue, firefighting, and coastguard and similar services?

Justification:

The CAA-UK and the UK services that perform customs, police, search and rescue, firefighting, and coastguard and similar operations using civilian registered aircraft require that the pilots hold Air Transport or Commercial pilot's licences - currently issued under JAR-FCL. In the future, these services will be employing pilots who hold ATPL and CPL issued under EASA-FCL. It is recommended that where the aircraft flown in "State service" are within the scope of Type Certificates issued by EASA, and are civil registered, the pilots should be entitled to take credit for flying hours on the aircraft in "State" service, and should be permitted to take their proficiency tests using those aircraft. If this is not permitted, then pilots employed in such operations will be disadvantaged compared with pilots with equivalent licences and ratings who are flying private and commercial operations with aircraft of the same type.

Proposed Text (if applicable):

Add to the relevant material referenced to FCL.740.A and H so that hours flown on civil-registered aircraft that are of a type that is certificated by EASA, may be credited for EASA

licences and ratings even if they are engaged in the services or activities specified in Article 1(2) of Regulation 216/2008.

In addition, the text should make clear that pilots are able to renew their EASA type ratings by completing skills tests on these EASA aircraft, even though they are engaged in the services or activities specified in Article 1(2) of Regulation 216/2008.

Page 46 - Subpart H, Paragraph No: FCL.740.A (a) (1)

Comment:

Revalidation of a class rating in any FSTD is not satisfactory. This should be a full flight simulator.

Justification:

Aeroplane types vary considerably across the class (eg ME piston classes). The fidelity of an FNPT representing a generic MEP aeroplane within the class is not sufficient in all cases to provide a legitimate check of proficiency.

Proposed Text :

“(1) pass a proficiency check in accordance with Appendix 9 to this Part in the relevant type or class of aeroplane or in a Full Flight Simulator (FFS) representing that type or class, within the three months immediately preceding the expiry date of the rating; and”

Page 46 - Subpart H, Paragraph No: FCL.740.A (b) (1) (ii) – third ‘bullet’ point.

Comment:

It is not necessary to insist that this is a single flight as the text implies; it could reasonably be made up of two or three flights.

Justification:

Many aeroplanes (typically aerobatic and some vintage types) are difficult to load with two occupants and enough fuel for a safe endurance of one hour or more. In these types it is acceptable for the pilot to undertake a short series of dual flights, totalling at least an hour, to meet this requirement.

Proposed Text:

“*At least one hour of dual flight instruction* with a Flight Instructor (FI) or Class Rating Instructor (CRI)...”

Page 46, 47 - Subpart H, Paragraph No: FCL.740.A (b) (1) (ii) – third ‘bullet’ point.

Comment:

The exemption from this training flight on the strength of a Proficiency Check should only be gained where the Proficiency Check is completed in a single pilot aircraft type.

Justification:

A proficiency check in a large, multi-pilot aeroplane, perhaps within an airline environment, does not have sufficient training relevance to negate the need for this training and oversight on a single pilot aeroplane.

Proposed Text:

“At least one hour of dual flight instruction with a Flight Instructor (FI) or Class Rating Instructor (CRI). Applicants shall be exempt from this requirement if they have passed a type or class rating proficiency check or skill test in any other type or class of *single pilot* aeroplane.”

Page 46, 48, 51 - Subpart H, Paragraph Nos: FCL.735.A (d); 735.H. (e) and FCL.735.As(d)**Comment:**

The crediting of experience for MCC in the referenced paragraphs is different and therefore it is different between aircraft categories. The crediting of theoretical knowledge requirements for MCC training should at least be consistent. The practical training may vary but this should also be reduced for those with multi-pilot experience or who have completed MCC training in another category of aircraft.

Justification:

The theoretical knowledge aspects of MCC should be the same across the aircraft categories. The practical training should be sufficient to address the differences of one category from another.

Proposed Text:

For all 3 categories (see paragraphs referred to above)

“An applicant having completed MCC training for any other category of aircraft will not be required to complete the theoretical knowledge instruction and exercise requirements in xxx (1), but shall complete not less than 5 hours of practical MCC training.”

Page 46, 50 - Subpart H, Paragraph No: FCL.740.A (a) (3) and FCL.740.PL (a) (3)**Comment:**

Delete paragraphs.

Justification:

This relaxation is inappropriate because the requirements for Operators Proficiency Checks in EU-OPS/Part OPS do not require any route flying.

Proposed Text:

Delete paragraphs

Page 47 - Subpart H, Paragraph No: FCL.720.H (a) (2) (ii)

Comment:

Combine sub-paragraphs (ii) & (iii) and allow 500 hours Multi-Pilot experience in either helicopters or aeroplanes. Delete label for subparagraph (iii)

Justification:

Having experience in formal multi-pilot operations is the key requirement here. It is not necessary to distinguish between Multi-Pilot operations in single pilot aeroplanes and in Multi-Pilot aeroplane types. 500 hours experience as pilot in a multi pilot operation on single or multi pilot aeroplanes is satisfactory.

Proposed Text:

Subparagraph (ii):

“(ii) have at least 500 hours as a pilot engaged in multi pilot operations in multi-engine aeroplanes or helicopters.”

Page 49 - Subpart H, Paragraph No: FCL 740H (a) (3)

Comment:

The reference to the existence of the common group of helicopters in Appendix 11 has been removed without being replaced by the new reference. The existence of the ‘common group’ and the acknowledgement that the R22/R44 helicopter is excluded from this rule is no longer clear

Justification:

Clarity

Proposed Text:

Insert after single engine piston helicopters “*listed at AMC to FCL 740H(a)(3)*”

Page 49 - Subpart H, Paragraph No: FCL 740(H)(a)(3) and (4)

Comment:

The requirement not to always use the same helicopter type for every test has been amended and is not consistent in paragraphs (3) and not (4). It should be standardised.

Justification:

Clarity and conformity

Proposed Text :

In both paragraphs (3) and (4), the final sentence should state:

“The proficiency check shall be performed in a different helicopter type to that used for the most recent preceding proficiency check”

Page 54 - Subpart I, Paragraph No: FCL.810 (a) (1), (b) and (c)

Comment:

Replace “VFR” with “VMC”

Justification:

“VMC” is a better description of “VFR conditions”. Also, some States currently require that all night flights be declared to be IFR, even though the atmospheric conditions may be VMC.

Proposed Text:

“If the privileges are to be exercised in VMC at night, applicants shall have completed a training course at an approved training organisation. ...”

Page 58 - Subpart J, Paragraph No: - FCL.900(b)(1)

Comment:

Reduction in limit from 3 years to 1 year.

Justification:

This is not logical. The purpose of this provision is to allow start up situations. After the 1 year has expired, those instructors would lose the right to continue instructing as they would then no longer meet the 3 years experience required under the instructor certificate pre-requisites. This should be changed back to 3 years to prevent this.

Proposed Text:

Such a certificate shall be limited to the instruction flights necessary for the introduction of the new type of aircraft and its validity shall not, in any case, exceed **3** years

Page 61, 66 - Subpart J, Paragraph No: FCL.910.LAFI (a) FCL.910.FI (a)

Comment:

The reply given for comment in the CRD 6850 does not answer the comment for the following reasons:

1. It does not resolve the existing problem of the definition of 'supervision' or qualifications for the 'supervisory' FI in relation to an FI(R).
2. It relies on ATOs to decide on what constitutes supervision where presently no standardisation exists between ATOs - we know that some question the necessity for the supervising FI to be present at the airfield for this task.
3. It does not address the legal implications: if there were to be an accident involving an FI(R) and a student, the legal responsibilities of the supervisory FI could be scrutinised in a court of law. It is essential therefore that there is clear information on what is meant by the 'supervision' of an FI(R)

Justification:

Safety/Legality/Clarification

Proposed Text:

New AMC 910 Supervision of the Restricted Instructor

The supervising flight instructor shall be nominated by the Approved Training Organisation. The supervising instructor shall hold an unrestricted instructor rating with experience on the type or class of aircraft for which supervision is being given. The supervising instructor shall have knowledge and experience sufficient to instruct on the syllabus/exercise being taught by the Restricted Instructor and will have assessed the experience and capability of the individual he is supervising.

The supervising instructor must be present at the airfield during any instructional flights and be contactable without undue delay. Before flight training commences, the supervising instructor shall assess the day's programme as appropriate having considered the exercise(s) to be flown, student performance and progress, aircraft maintenance and serviceability, NOTAMS, the weather forecast, and any other factors likely to affect the planned activities. He/she shall be informed in advance of any intent to allow a student to undertake solo flying and will be available to observe, where appropriate, any briefings conducted or student solo flights authorised by the restricted instructor.

Page 64 - Subpart J, Paragraph No: FCL 940.LAFI (a)(1)(i)

Comment:

The use of '120 take offs' is not appropriate to helicopters for the following reasons

1. A 'take off' as defined in Ex 9 is only 'a lift into the hover' - therefore a 120 take offs and landings could be achieved in fewer than 120 flights.
2. The number of helicopter take offs in a flight are not recorded.
3. It is also an inappropriate requirement for an instructor currency as it bears no relation to the hours experience requirement.
4. It is an unnecessary deviation from JAR, especially given that this requirement relates to a new, less extensively trained, category of instructor.

Justification:

Clarification/conformity.

Proposed Text :

Delete 'or 120 take offs'.

Or, if the 120 take-offs is required for aeroplanes, add a separate paragraph for helicopters without "or 120 take-offs".

Page 64 - Subpart J, Paragraph No: FCL.940.LAFI (b)

Comment:

The removal of paragraph (b) means that the LAPL FI need never have his skills assessed for competence - unlike all the other instructor categories, for whom periodic assessment is required. The same safety protection should be given to the LAPL student as to the PPL students by providing the means for examiners to ensure that a LAPL FI maintains an acceptable level of skill. The JAR amendment that introduced the requirement for the first revalidation to be an 'assessment of competence' was based on safety and experience. This has worked well and should not be disregarded for the LAFI.

Justification:

This is a degradation of the safety measures put in place by JAR FCL.

Proposed Text:

Insert: '*(b) For the first and at least every second subsequent revalidation in the case of an LAPL FI(H) or FI(H) or third revalidation in the case of FI(As), (S) and (B) the holder shall pass an assessment of competence proficiency check in accordance with FCL.935.'*

Page 67 - Subpart J, Paragraph No: FCL.930.FI (b)

Comment:

JAR-FCL allowed for up to 5 hrs of mutual flying. with another trainee FI on the course. This not present in the text of EASA-FCL. Of the 30hrs specified, 25hrs is defined as dual on the course. No guidance is given for the conduct of the remaining 5hrs.

Justification:

Open to misinterpretation. EASA-FCL should specify what will be done in the remaining 5 hours.

Page 69 - Subpart J, Paragraph No: FCL.905.TRI(b)

Comment:

The 3 year experience requirement prior to being able to instruct other applicant TRIs is not logical and this restriction was not in place under JAR-FCL. There are a significant number of comments on this topic and it should be re-considered by EASA Rulemaking.

Justification:

There is no safety case to deny a TRI who undertakes a 'teach the teacher' course followed by an assessment of competence (as we have now in the UK) from being denied these privileges. The 3 year requirement will interrupt the supply of instructors and examiner to the market and does not guarantee competence in the role.

Proposed Text:

'(b) the issue of a TRI certificate, provided that the holder has 3 years of experience as a TRI or has attended a 'teach the teacher' course at an approved training organization followed by an assessment of competence in accordance with FCL.935.'

Page No 73 - Subpart J, Paragraph No: FCL.905.CRI

Comment:

The CAA-UK previously made comment 5880 to point out that FCL.905.CRI does not allow credit for training/experience in FSTDs. The Agency's response to comment 5880 is noted. This response says that there will be a future rulemaking work programme on the use of FSTD that may propose a change to this requirement. However, we consider that clarification must be provided now to allow the use of simulators whilst the rulemaking 'work programme' is being processed.

Justification:

Some provision must be put in place to permit the use of simulators to avoid pilots being forced to undertake additional training and checking in aircraft.

Proposed Text:

Include simulator experience as applicable when considering pre-requisites, training course, skill test, and revalidation/renewal criteria in the same way as the TRI requirements.

Page 78 - Subpart J, Paragraph No: FCL.940.SFI (a) (2)**Comment:**

The SFI is a multi-pilot certificate only and therefore it would be appropriate to replace the words seminar with refresher training to keep consistent with TRI.

Justification:

The benefits for refresher training will be equal to both TRI and SFI and will encourage mixed refresher training that will provide improved distillation of ideas from within the same multi-pilot environment.

Proposed Text:

'(2) receive instructor refresher training as a SFI at an approved training organisation.'

Page 84 - Subpart K, Paragraph No: FCL.1000(b)(1)**Comment:**

Reduction in limit from 3 years to 1 year.

Justification:

This is not logical. The purpose of this provision is to allow start up situations. After the 1 year has expired, those examiners would lose the right to continue instructing as they would then no longer meet the 3 years experience required under the instructor certificate pre-requisites. This should be changed back to 3 years to prevent this.

Proposed Text:

'Such a certificate shall be limited to the instruction flights necessary for the introduction of the new type of aircraft and its validity shall not, in any case, exceed **3** years.'

Page 84 - Subpart K, Paragraph No: FCL 1005(a)(i)

Comment:

There has been a change from examiners giving no instruction to their applicants to allowing them to give 50% of course training

Justification:

If an examiner gives 50% of the training it is considered he will not meet the requirements of 1005(b) and remain 'objective'. The FCL.001 review group agreed on 25% as a maximum. This was considered an appropriate level to ensure 1005(b) could be complied with. EASA's response to comment 234 confirms that the text should be changed to 25% so this may be a typographical error. In addition, it is considered that the examiner should not instruct the student during the last 25% of the course.

Proposed Text:

'(1) to whom they have provided more than 25% of the required flight instruction, or have provided any instruction in the final 25% of the training for the licence, rating or certificate for which the skill test or assessment of competence is being taken;'

Page 84 - Subpart K, Paragraph No: FCL 1005 (b)

Comment:

This rule as written serves no purpose. It says an examiner will not conduct a test when he/she feels that objectivity is affected; it does not allow for others such as the Agency, or NAAs to consider that the objectivity of the examiner has been affected.

Justification:

The proposed rule is not enforceable. By limiting the number of checks on an examiner can perform on any one person would at least ensure that there would be an occasional independent check of the pilot.

Proposed Text:

'An examiner shall not conduct more than 3 consecutive tests or proficiency checks on an applicant without the permission of the Authority.'

Page 91 - Subpart K, Paragraph No: FCL 1010.CRE(b)

Comment:

An FI certificate for the appropriate class or type should also be acceptable

Justification:

FI is a higher qualification than CR1

Proposed Text:

'(b) hold a CRI or FI certificate for the applicable class or type;'

Page 102 - Appendix 3, B, ATP Modular Course, para 8(f)**Comment:**

The requirement for 5 hours in a 4 seat piston aeroplane with retractable gear and VP prop has been added to the Integrated CPL/IR but not to the Integrated ATP. This may be because VLJ time would be equally acceptable. However, the CPL Skills test must be carried out on a 4-seat, VP, retractable gear aircraft (App 4)

Justification:

Safety/consistency

Proposed Text:

A paragraph similar to 8(f) on page 103 should be added to the ATP course, after paragraph 9(e) on page 101.

Page 105 - Appendix 3, E, CPL Modular para 3(b)**Comment:**

The term "prerequisites" might be taken to mean that only the total time requirement applies. e.g. For Multi-engine rating the prerequisite is 70 hours pilot in command, it does not imply having completed MEP training.

Justification:

Clarity

Proposed Text:

3(b) "have completed the *training and experience requirements* for the issue of a class or type rating for multi engine aeroplanes in accordance with Subpart H,"

Page 106 - Appendix 3 CPL Modular para 12(d)**Comment:**

In another UK comment we have suggested a change to Appendix 3 CPL Modular para 3(b):

i.e. '3(b) "*have completed the training and experience requirements for the issue of a class or type rating for multi engine aeroplanes in accordance with Subpart H,*" .

If that change is accepted by the Agency there is no need to specify 6 hours multi engine

time, because the requirement to complete multi engine training is required prior to commencing the CPL course.

Justification:

Simplification

Proposed Text:

Delete paragraph 12 (d)

Page 138 - Appendix 7 - IR Skill Test - para 4

Comment:

The EASA response to UK CAA comment 6116 suggests a misunderstanding and has not answered the comment appropriately. The comment was not about the UK IMC rating and so the response provided which refers to FCL.008 is not applicable.

Justification:

The IR provides privileges to fly in IFR (in IMC or VMC). As the privileges do not dictate the weather conditions it must be accepted that the pilot undergoing an IR skill test must demonstrate they can complete the exercises without external visual reference. The revalidation and renewal of a type rating which includes the IR clearly states that Section 3B must be flown by sole reference to instruments (Appendix 9 B. 5 (c) in addition AMC No 2 to FCL.1015 para 21 also refers to flying by sole reference to instruments, therefore alignment should occur.

Proposed Text:

See UK CAA comment relating to FCL.620(a) which would resolve this issue.

Page 148 - Appendix 9 A. Para 6

Comment:

This paragraph appears to require 120 mins flight time for every LPC/LST. This is not appropriate and would be unworkable.

Justification:

LST's in light aircraft are completed in much less than 120 minutes. The previous text relating to duration of tests and checks in AMC No 2 to FCL.1015 has been deleted and has been included in GM No 1 to FCL.1015. It is not appropriate to have 120 minutes for all tests/checks. It would be better if the duration content returned to AMC.

Proposed Text:

Delete 'The duration of the test/check shall be at least 120 minutes'

Page 153 - Appendix 9 B. SPA Skill Test

Comment:

Section 1 Item 1.6 Take-off Procedure – the Mandatory ‘M’ is showing as deleted.

Justification:

This must be a typo as the take-off must be an assessed item for the test or check. This was an error in JAR-FCL as well.

Proposed Text:

Include ‘M’

Page 177 - Appendix 9 C. Helicopter LPC/LST

Comment:

Loss of control during inadvertent IMC has been identified as a major contributing factor in helicopter accidents. ‘Recovery from Unusual Attitudes’ is in the PPL(H) and CPL (H) syllabus and the CPL Skill Test. However, it is not listed as an item to be trained for or tested in the helicopter type rating training syllabus or Licence Skill Test; it is not in the annual License Proficiency Check either. The 180 degree turn with sole reference to instruments which is listed does not resolve disorientation and therefore ‘recovery from unusual attitudes’ should be included in the LST/LPC.

Justification:

Safety.

Proposed Text:

Add to Appendix 9 C Helicopter Skill Test/Proficiency Check Section 2
‘2.5.2. Recovery from unusual attitudes with sole reference to instruments.’