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<b>Title</b>	Qualifications for flying in Instrument Meteorological Conditions
<b>NPA Number</b>	NPA 2011-16

UK CAA (European.Affairs@caa.co.uk) has placed **10** unique comments on this NPA:

<b>419</b>	(General Comments)	0	<p><b>Page No:</b> All</p> <p><b>Paragraph No:</b> N/A</p> <p><b>Comment:</b> The NPA does not make any particular provision for aeroplanes that are towing gliders. It is common for the pilot of a tug aircraft to tow the glider into a position under a cloud. Whilst the glider pilot may fly into such a position with the Sailplane Cloud Rating, it appears that the pilot of the tug aeroplane would have to have an EIR, a modular IR or a standard IR.</p> <p><b>Proposed Text:</b> None.</p>
<b>412</b>	A. Explanatory Note - I. Introduction	4 - 5	<p><b>Page No:</b> 5</p> <p><b>Paragraph No:</b> A.I.7</p> <p><b>Comment:</b> The UK CAA welcomes the confirmation given in this paragraph that the text of Regulation 1178/2011 should be interpreted as providing for the retention of national licence privileges already obtained by individual pilots.</p> <p><b>Justification:</b> As is well known, UK-licensed pilots holding the UK Instrument Meteorological Conditions Rating (IMC Rating) have been very concerned that they should be able to continue to use those privileges. The UK CAA will seek further discussions with the Agency on the terms of this and the nature of the conversion report to be provided.</p> <p><b>Proposed Text:</b> None.</p>
<b>411</b>	A. Explanatory Note - II. Process and scope	5 - 6	<p><b>Page No:</b> 6 to 15</p> <p><b>Paragraph No:</b> Various</p> <p><b>Comment:</b> The UK CAA welcomes these proposals as a very positive development.</p> <p><b>Justification:</b> The proposals made should</p>

provide a proportionate, appropriate and tiered structure for the training and qualification of pilots to fly in IMC according to the needs of their activities. This should make the acquisition of these skills more affordable and so increase the numbers of pilots receiving training in flying on instruments, with consequent improvement in their flying skills and associated benefits to safety. These proposed rules would allow a more flexible and competency based route for pilots to obtain a full Instrument Rating, including for a professional licence. Finally, the En Route IR would provide a more affordable means for the private pilot to be able to access all classes of airspace, which will be more convenient, but would also enable private pilots to avoid routings that might take them closer to marginal weather conditions and other hazards.

**Proposed Text:** None.

**413** B. Draft 16 -  
Opinion and 22  
Decision - I.  
Draft  
Opinion

**Page No:** 16

**Paragraph No:** B.I. 1 - Subpart A, FCL.035(4)

**Comment:** The text seems to be corrupted/incorrect? Add the words "in another" between "IR" and "category".

**Justification:** "... and an IR category of aircraft when...." does not read correctly. We believe this part of the text should be the same as in the proposed FCL.035(3).

**Proposed Text:**

"(4) Notwithstanding (b)(3) above, ..... and examination for an IR in another category of aircraft....."

**427** B. Draft 16 -  
Opinion and 22  
Decision - I.  
Draft  
Opinion

**Page No:** 16

**Paragraph No:** B. I. 2) Subpart G

**Comment:** JAR-FCL 1.017 allowed for national ratings not included in JAR-FCL to be added to JAR-FCL licences and used in the airspace of those countries only, as follows:

JAR-FCL 1.017 Authorisations/Ratings for special purposes  
Authorisations/Ratings for special purposes associated with a licence (e.g. IMC flying, towing, aerobatics, dropping of parachutists, etc.) may be established by the Authority in accordance with the requirements of that JAA Member State for use solely within that Member State's airspace. The use of such an

authorisation/rating in another JAA Member State's airspace requires the prior agreement of the State(s) visited, except where a bilateral agreement exists.

Retaining a similar requirement in Part-FCL would satisfy the needs of UK pilots wishing to gain the UK IMC Rating in the future.

**Justification:** It is noted that that Article 4 of the Aircrew Regulation was amended at the EASA Committee to make provision for Member States to allow pilots to exercise limited privileges within the airspace of the Member State concerned before qualifying for a LAPL.

The UK IMC Rating may be regarded as an interim step towards obtaining the EIR or the modular IR. It is proposed therefore that by analogy a similar provision may be made for national ratings for flight under IFR to be exercised within the airspace of the relevant country only.

**Proposed Text:**

FCL.600 IR - General

(a) Except as provided in FCL.600(b) and FCL.825, operations under IFR of an aeroplane, helicopter, airship or powered-lift aircraft shall only be conducted by holders of a PPL, CPL, MPL and ATPL with an IR appropriate to the category of aircraft or when undergoing skill testing or dual instruction.

(b) In Member States where national legislation permits flight in accordance with IFR under specified circumstances, the holder of a pilot licence may fly under IFR in the airspace of that Member State only, provided that the pilot holds the national qualification of that Member State appropriate to the circumstances of the flight.

414 B. Draft 16 -  
Opinion and 22  
Decision - I.  
Draft  
Opinion

**Page No:** 17,18,19

**Paragraph No:** Various

**Comment:** The UK CAA notes that Night Flying privileges are a pre-requisite for the Modular IR only, which means that the Cloud Flying Rating and the En Route Instrument rating will be available to pilots who suffer from colour vision problems. This is appropriate and the UK CAA would not support the night privileges being added as a prerequisite to the Cloud Rating or EIR as a result of this consultation.

**Justification:** The Cloud Flying Rating and the EIR should be available to pilots who cannot

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obtain night privileges.

**Proposed Text:** None.

**415** B. Draft 16 -  
Opinion and 22  
Decision - I.  
Draft  
Opinion

**Page No:** 17, 18, 19

**Paragraph No:** Various

**Comment:** It is not clear whether the training courses must be approved by the Competent Authority. The UK CAA believes that they should be approved and that the approval should include how credit will be given for any previous training and experience obtained before attending the ATO.

**Justification:** As the Modular IR and the EIR may be added to a professional licence, and the EIR/Cloud Rating training may give credit towards the Modular IR, the UK CAA considers that all of the courses must be approved by the Competent Authority and the course approvals held under the approvals of ATOs. For these various instrument ratings to be issued it will be appropriate to require the Head of Training of the ATO to sign a declaration that the pilot has complied with all of the requirements and has completed the course as approved by the Competent Authority.

**Proposed Text:**

FCL.825(c) - Training Course - Replace the first line with -

"Applicants for an EIR shall have completed, within a period of 24 months, an approved course including:"

And on page 19

FCL.830(b)(2) - Replace the first line with -

"(2) an approved training course at an ATO including:"

And on page 21

A.2.IR(A), (4) - Replace the first line with -

"4. The course shall be approved and shall comprise:"

**418** B. Draft 16 -  
Opinion and 22  
Decision - I.  
Draft  
Opinion

**Page No:** 18 and 19

**Paragraph No:** FCL.830

**Comment:** It should be made clear that the privileges of the cloud rating do not apply to TMGs

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**Justification:** The TMG rating may be added to the LAPL(S) and SPL and also to the LAPL(A), PPL(A), CPL(A), MPL(A) and ATPL(A). The TMG has the characteristics of a powered sailplane and of an aeroplane. The holder of an aeroplane with TMG rating will have to complete the 15 hours EIR course to obtain an EIR in order to fly a TMG in IMC. But the holder of a sailplane licence may fly in cloud after completing Sailplane Cloud Flying Rating which requires only 5 hours instruction. This would be inconsistent. The Sailplane Cloud Flying Rating is intended to meet the particular needs of sailplane pilots to fly close to and within cloud in soaring flight. This rating is not intended to facilitate continued straight and level powered flight within clouds, which is what the EIR provides for.

It is necessary to use TMGs to provide the instruction for the Cloud Rating, but it would be unusual to fly within cloud whilst doing this. The normal practice when giving instruction or practice in instrument flying is for the external view of the student to be blocked - by a hood, screens, or other means - while the aircraft is flying in VMC with the instructor looking out for other aircraft. Thus it is not necessary to have the cloud flying rating available for TMGs to enable instrument training to take place.

If the Cloud Flying Rating is not valid in TMGs it will prohibit any pilot who does not have an IR, Modular IR or EIR from flying a TMG within certain distances of clouds at particular altitude. However, this is no different from the current position in many countries.

**Proposed Text:**

In FCL.830 add

“(d) The privileges of the Sailplane Cloud rating shall not be exercised in a TMG”

416 B. Draft 16 -  
Opinion and 22  
Decision - I.  
Draft  
Opinion

**Page No:** 18 and 21

**Paragraph No:** Page 18, Para (c)(2)(i) and page 21, Para 1 and 6(b)

**Comment:** The Modular IR and EIR allow for part of the training to be conducted by IRI(A) or FI(A) who have no association with an ATO.

It is recommended that all references to training outside ATOs by IRIs and FIs be deleted.

**Justification:** The course must be finished at an ATO and the ATO will conduct an assessment of the final training required. There may be

problems with this in practice if ATOs frequently reject the training hours conducted by independent IRIs and FIs. Also, as almost all other training, including training for the standard IR, is carried out within ATOs, will there be many IRIs and FIs (in good current practice) who are not within ATOs?

**Proposed Text:**

Delete references to IRIs and FIs in the paragraphs referenced.

**417** B. Draft 180  
Opinion and -  
Decision - 196  
II. Draft  
Decision

**Page No:** 186 and 189

**Paragraph No:** Page 186 Para (10), (11) -  
Page 189 (h), (j)

**Comment:** It is noted that the proposal for the EIR includes some training in instrument approaches to be used in an emergency and the UK CAA agrees with this. However, this only appears to be required for initial training and it is not clear that competency is ever tested. It should be made clear in the Skill Test/Proficiency Check - Page 189 - that an instrument approach is required at each revalidation / renewal.

**Justification:** It is appropriate that applicants for the EIR receive some instrument approach instruction but this skill must be refreshed/tested at each renewal/revalidation.

**Proposed Text:**

Page 189. Include "Complete one emergency IFR approach"