

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

UK CAA (UK CAA, European.Affairs@caa.co.uk) has placed 4 reactions on this NPA:

NPA Pag (s)	Reaction to	Reaction	Attachments
0	(general reactions)	<p><b>Page No:</b> 5</p> <p><b>Paragraph No:</b> 11 - referring to FCL.055</p> <p><b>Comment:</b> EASA has clarified that language proficiency in English is required for the IR(A), whether obtained by the “normal” route or through the Competency Based scheme. It is pointed out in the explanatory notes that language proficiency is not required for the EIR; but the EIR allows flight in all classes of airspace, including Class A throughout the EASA States. The UK CAA believes that competency in English must be required for flights in controlled airspace.</p> <p><b>Justification:</b> Safety risk. For flights in controlled airspace throughout the EU, pilots must have proficiency in English. There was discussion at the Working Group about allowing other languages only within the airspace of countries where those languages are spoken, but no conclusion was reached. The rules as proposed would allow any language to be used in controlled airspace throughout the EU, which was not discussed and should not be permitted.</p> <p><b>Proposed Text:</b> Revised text for FCL.055(d)  “(d) Specific requirements for holders of an instrument rating (IR) <u>or En-Route Instrument Rating</u>. Without prejudice to the paragraphs above, holders of an IR <u>or EIR</u> shall have demonstrated the ability to use the English language at a level that allows them to:  .....  .....”</p>	
0	(general reactions)	<p><b>Page No:</b> 5, 212</p> <p><b>Paragraph No:</b> 12 – referring to FCL.610, Comment 517 referring to FCL.600 IR</p> <p><b>Comment:</b> The UK CAA notes with regret that the Agency has not taken up the proposed amendment to ‘FCL.600 IR – General’ which would have allowed any Member State, where</p>	

national legislation permits flight in IFR under specified circumstances, to provide a pilot qualification appropriate to the national circumstances, airspace and flight conditions, with use restricted to the airspace of that Member State only. The Agency has commented that once EU regulations are applicable, Member States cannot apply additional requirements (less or more restrictive) to newly issued Part-FCL licences and ratings.

As the Agency knows the UK CAA has a long-standing national practice which provides for an IMC rating subject to specified training requirements and restricted conditions. The CAA recognises that existing holders of such ratings can have their licences converted before April 2014 under the terms of the Aircrew Regulation, grandfathering their existing rating and its privileges.

**Justification:** The UK CAA would like to continue the national practice of making such ratings available to holders of FCL licences, of any nationality, after that date. The UK CAA considers that this would be in line with Principle 4.2 of the "European General Aviation Safety Strategy" which states:

'Accept flexibility for continuation of specific local activities under NAA responsibility when they have not proven harmful to safety, to fair competition or to free circulation.' This principle was endorsed by the EASA MB and at the meeting of the Board on 11 December its importance was specifically attested to by a number of Board Members. The UK evidence clearly shows that this national practice has not been harmful to safety and by making it available to all FCL licence holders of any nationality UK considers its continuation would not be harmful to fair competition or to free circulation".

The UK CAA recognises that the 'Principle' cited above was only developed during the development of the Agency's CRD to NPA 2011-16 (B) and so would have been difficult to take into account. However the CAA suggests it should now be considered in developing the Agency's Opinion or subsequently by the European Commission in drawing up its formal proposals. The UK CAA stands ready to discuss with both the Agency and the Commission how recognition should be given to this principle, so that the UK IMCR activity can be maintained beyond April 2014.

0	(general reactions)	<p><b>Page No:</b> 7, 12, 974, 984</p> <p><b>Paragraph No:</b> Expl Note 13, Expl Note 18, AMC 1 FCL.825(c)(2)(iv)(v)(c), GM2 App6</p> <p><b>Comment:</b> Record keeping: Explanatory Notes at para 13 and 18 refer to the training records being kept for the standard 5 years but the resulting text, AMC1 FCL.825(c)(2)(iv)(v)(c) on page 974 requires the APPLICANT to pass his training records to the ATO as well as imposing on the initial (non-ATO FI) the requirement to keep them for 3 years. This is repeated in GM2 App 6 on page 984.</p> <p><b>Justification:</b> The text needs to be consistent.</p> <p><b>Proposed Text:</b> AMC1 FCL.825(c)(2)(iv)(v)(c) and GM2 App 6 should specify 5 years</p>	
0	(general reactions)	<p><b>Page No:</b> 780</p> <p><b>Paragraph No:</b> Proposed FCL.035(4)</p> <p><b>Comment:</b> The meaning of this text is not clear.</p> <p>1) The final line refers to FCL.720(b)(2) - there is no such paragraph. Is this a reference to FCL.720.A(b)(2)? Or is it a reference to the "720" paragraph for the additional category of aircraft that credit is claimed for? Or does it refer to the new 725 paragraph? The text in the explanatory note referring to High Performance Aeroplanes does not seem to be reflected in the text of the requirements</p> <p>2) It is not understood how the authorities will manage the cross credit being different for the "normal" IR and the Competency-Based IR, when the privileges of the two ratings are the same. The UK CAA were expecting that the CB IR would simply be shown as "IR(A)" on the licence and so once the IR has been obtained, the route by which the pilot qualified will not be relevant to any additional certificate or licence obtained later.</p> <p>3) It is not understood how much credit is intended to be given for the EIR and CB IR.</p> <p><b>Justification:</b> Lack of clarity. It is believed that</p>	

the discussions of the working group concluded that ATPL exams or full IR exams can be used for the EIR, but EIR exams will not give credit for higher exams.

**Proposed Text:** Change to read:

“(4) Notwithstanding (b)(3) above, the holder of an EIR shall only be credited in full towards the requirements for theoretical knowledge instruction and examination for an IR in another category of aircraft when also having passed the theoretical knowledge examinations for the IR in any category or the theoretical knowledge examinations for the Competency Based IR(A).”