



**COMMENT RESPONSE DOCUMENT (CRD)
TO NOTICE OF PROPOSED AMENDMENT (NPA) 2008-17B**

**for an Agency Opinion on a Commission Regulation establishing the Implementing
Rules for the licensing of pilots**

and

**a draft Decision of the Executive Director of the European Aviation Safety Agency on
Acceptable Means of Compliance and Guidance Material on the licensing of pilots**

“Implementing Rules for Pilot Licensing”

c.12 - Annex III, Annex IV

B. Draft Opinion Part-FCL - Requirements for the acceptance of licences issued by or on behalf of third countries

p. 159-161

comment 51

comment by: *Onno Bulk*

The proposed regulation on third country licensed pilot is an asinine idea. In my opinion, EASA should occupy itself with issues that involve safety of flight operations in European airspace and the promotion of aviation as a whole, and not with bureaucratic pencil pushing. Since the accident rate of FAA licensed pilots is on par with JAA pilots, I do not see any point in enacting this regulation. All you will achieve is that several hundred pilots will become unemployed. And I cannot believe that EASA would be willing to have that on its conscience. The cost to go along with this regulation is prohibitive for FAA and other third country licensed pilots. Of course things would be different if EASA would pay for the proposed training and exams. But of course this is most certainly not part of the proposal, right?

EASA should be more pragmatic in its approach. Like stated earlier, the USA and Europe have similar accident rates, so the JAA license is not any better than the FAA one. From friends in the industry who have coughed up the money and who have done the 14 exam JAA conversion, I was told that the material that was to be learned had for a large part no bearing on the execution of a flight, nor on airmanship. Their comments on the JAA theory exams: "garbage in one ear, pass exam, garbage out the other ear." (And these people are flying for major European airlines!!) Instead of making life more difficult for pilots, EASA should work to make conversion from the FAA license into JAA much easier. Personally I believe that it is smart to look at others that have a good track record, and to assimilate their success stories, no matter where it may come from. And since the USA always has been a great pioneer in this field, it would be smart to adopt things from them. (After all, most of the airplane types that people are flying are the same ones used in the US, they are even made in the US.

As an example of the unpragmatic European approach, I started flight training in Holand 17 years ago for the Dutch PPL (out of Rotterdam Airport). Since I did not have a radio license I was not allowed to use the radio, unlike in the USA, nor was I instructed in its use in case of an emergency. And thus I had no clue on how to operate it. One my first solo cross country flight (I had a total of maybe 20 hrs flight time), on a VFR non radio arrival into EHRD, I got lost because of haze (I had called EHRD Tower from EHSE airport to ask if it was okay to continue my flight to EHRD, and received an affirmative response). If I had been instructed in the use of the com radio (which was installed in the aircraft), I would have been able to get myself out of that situation fairly easily. But since the general attitude in Europe is that rules must be followed regardless if they are sensical or not, I ended up in a bad situation. Luckily, by randomly flipping all kinds of switches on the audio panel I was able to make the radio work (while flying right through the instrument approach end of an active runway - ILS 24 EHRD). It could have turned out far worse!! The Dutch approach to aviation seems to me symptomatic for the rest of Europe.

EASA should be in the business of promoting aviation, not discourage it.

Onno Bulk

	ATPL(A) FAA Citizen of The Netherlands
response	<i>Noted</i> The Agency acknowledges your opinion.
comment	223 comment by: CAA - The Netherlands Annex III 5. The period of acceptance of an <u>expired</u> licence shall not exceed one year, provided that the basic licence remains valid.
response	<i>Not accepted</i> The Agency does not understand the intent of your proposal. In relation to paragraph 5, please see reply to comment 5011 below.
comment	232 comment by: Kai Lendermann As far as the acceptance of third country issued ICAO pilot licenses is concerned, I would like to refer to the way it is currently handled (in Germany). Acceptance is granted under specified conditions, limited in time, and allows the candidate to fly airplanes registered by the state which issued the acceptance. Based on the acceptance and further conditions, a license may be issued which is then independant from the original license. In this context I find the first sentence not clear, as it refers to pilots operating an aircraft registered by a third state, according to ICAO rules and licensing. This is later not restricted to only commercial operations, but includes also PPL and IR. The conditions however stem from the original understanding of license acceptance (see above). I propose to restrict "in the case of pilots involved in the operation of aircraft registered in a third country and used by an operator" to commercial operations. Private operations should not depend on the state of registry, as long as the aircraft and pilot are operating and licensed according to ICAO rules. Another thought on the definition of "established or residing", which would be easier to define for companies. I personally know many pilots from third countries which reside in the community only temporarily (usually for their job), and do private flying according to ICAO, without having to go through an acceptance process, which originally was intended as a first step towards an independant (national or JAR-FCL) license, in case the person stays longer and wants access to more airplanes. Kind regards, Kai Lendermann
response	<i>Noted</i> Thank you for your input.

Based on the comments received, and after a dedicated assessment, the Agency has changed the scope of Annex III.
Please see amended text, as well as the text for the cover regulation, published with this CRD.

comment

500

comment by: *Peter Elsner*

Ladies and Gentlemen,

The operation of an aircraft registered in a third country with a pilot licence issued in compliance with the requirements of ICAO Annex 1 in a Member State should not be limited by the conditions proposed, both regarding additional examinations and regarding a limitation of one year.

These proposed conditions severely impair the possibility of international traffic and airplane operations without any evidence being provided that the safety of air operations would be improved.

Instead, the proposed conditions will lead to further unnecessary regulation and bureaucracy.

If the safety of air operations is the concern of EASA, this goal can be achieved much more easily and directly by appropriate controls of air operations by aircraft registered in a third country. The the case of safety-relevant findings, an immediate interdiction of flight could be imposed.

Therefore Annex III should be cancelled altogether in the proposed rulemaking.

Yours sincerely,

Peter Elsner

response

Noted

The Agency acknowledges your opinion.

Please see reply to comment 232 above.

comment

719

comment by: *Lothar KRINGS*

To whom it may concern

I refer to ANNEX III and ANNEX IV TO THE IMPLEMENTING REGULATION REQUIREMENTS FOR THE ACCEPTANCE OF LICENCES ISSUED BY OR ON BEHALF OF THIRD COUNTRIES

I have received my US PPL and Instrument Rating many years ago when I worked in the USA for some years. When I returned I continued flying US registered airplanes in many European countries. In these 16 years I have accumulated 1100+ hours as pilot in command including almost 300 hours of actual instrument flying. I landed at 70 different airports, and I made 400 safe takeoffs and landings at major IFR airports including Zurich, Berlin, to name a few. I have always been current with respect to flight experience and medical

certification. I have passed all biennial flight reviews without any problem and I was never involved in any incident or accident. I have always made myself familiar with national flying regulations before flying to a new country or even airport.

I appreciate very much that the EASA is coming up a common set of rules for all flying in Europe and tries to get rid of the national specifics.

I can understand that the EASA may be concerned whether pilots with a US license fully live up to the requirements of the FAA, because the FAA is far away and is therefore likely unable to verify compliance with the regulations. Therefore I would accept that the **EASA require pilots with a FAA license to demonstrate that they comply with all FAA regulations** (e.g. by mailing in a copy of the logbook including the relevant entries).

I would also accept to have to **demonstrate to the EASA that I have acquired knowledge of the relevant parts of PartOPS** (although also the FAA requires pilots to familiarize themselves with all local/national regulations).

However I **totally disagree with the concept of forcing me to get a EASA license and medical.**

I firmly believe that the US pilot certification system is NOT inferior to the European one. Moreover statistics prove that flight under FAA-conditions is not less safe. So why would the EASA not honor my certification if I demonstrate that I meet all the conditions set out by the FAA?

And what would the EASA say if the FAA (and other countries) required pilots with European licenses to obtain their licenses (because the European system is supposedly unsafe?).

I kindly ask you to reconsider your proposal in the light of my line or argumentation above

Best regards
Lothar Krings

response

Noted

Thank your for your input.

Based on the comments received, and after a dedicated assessment, the Agency has changed the text of Annex III.

Please see amended text, as well as the text for the cover regulation, published with this CRD.

Please note that the Agency's proposals are based on the system that was already established by JAR-FCL, and that it should not be understood as meaning that the system of other States is unsafe; it is different, and only through a bilateral agreement a full equivalence can be established.

comment

734

comment by: *Glass Cockpit Aviation Europe*

This is in regards to the flight of foreign aircraft within European airspace conducted by pilot holder of a foreign license corresponding to the aircraft registration nationality.

It is understood that the current EASA project intends to require that pilots residing in Europe and operating within European airspace will have to hold pilot licenses delivered by a European state.

In other words a pilot holder of an FAA license, currently allowed to fly a "N"ovember registered aircraft within the European airspace will NOT be able to continue his operations if he is residing in Europe but will be able to do so if residing outside of Europe.

Our comment intention is to warn that to base the validation of a pilot foreign license on a pilot residence is totally unrealistic and will prove impossible to verify.

As professional instructors, flying in Europe, we have witnessed the surge in the Faa Instrument rating demand associated with the "N"ovember registered aircraft growth. This is only due to the lack of accessibility of the European IR to the General aviation public.

The fleet of "November" registered aircraft currently in Europe, including some aircraft belonging to major air carrier and corporate corporation makes this EASA proposal unrealistic.

We have already encountered offers to pilots for Swiss and abroad residency facilities.

Should the EASA project be implemented, foreign pilots and foreign aircrafts will seek the many existing ways to avoid this over stringent regulation.

There is also a major concern for Private general aviation pilots, who, before enrolling in an FAA IFR training have, without exception, flown in IFR / IMC conditions illegally, having simple a transponder code and flight following service. These simply because the European rating is considered by them, out of reach.

Finally, we do advise the EASA to simply drop this part of the European licensing project and work with the FAA towards licenses harmonization rather than choosing an over protectionism which could prove extremely counterproductive for Europe in the future.

response

Noted

Thank your for your input.

Based on the comments received, and after a dedicated assessment, the Agency has changed the text of Annex III.

Please see amended text, as well as the text for the cover regulation, published with this CRD.

Please note that the Agency has been working in close cooperation with the FAA in the field of rulemaking, and has every intention to continue to do so.

comment

735

comment by: *Dr. Michael Schuette*

The way in which the provision is phrased will make it impossible for a properly FAA certified pilot to fly his N-registered aircraft into an EASA Member State without first having to go through an extremely cumbersome procedure, which is entirely unjustified. Flying without going through the procedure provided in

Section 3 of Annex III would appear to make such operation illegal.

The same would apply for the operation, under instrument rules, of a N-registered aircraft in an EASA member State by a duly FAA-certified pilot.

The requirement of having absolved 100 hours in instrument conditions by far exceeds the requirements even for obtaining an IR under EASA rules - thus, it is merely meant to discriminate against holders of a FAA licence, who have undergone a very thorough and practice-oriented training.

Rather than reserving the use of the IR to commercial flights, the EASA should encourage pilots to make their instrument rating, because it tremendously increases the safety on flights with PPL, since weather conditions might inadvertently change. PPL pilots (FAA rated) with an FAA instrument rating will fly with much more additional safety margin than "normal" EASA PPL pilots. The proposed rules, which do not only apply when a pilot wishes to have the licence converted but also when he only wishes to exercise the privileges of his FAA licence on a flight that transits the EASA States, are overly restrictive, discriminatory and unjustified.

response *Noted*

Thank you for your input.

Based on the comments received, and after a dedicated assessment, the Agency has changed the text of Annex III.

Please see amended text, as well as the text for the cover regulation, published with this CRD.

In relation to the issue of the IR, however, it needs to be said that it is widely known that the content of the training required by the FARs and the JARs is different, specifically on the level of the theoretical knowledge. The Agency considers that an equivalent level of knowledge and proficiency needs to be ensured for pilots flying under IFR in the European air space in order to ensure safety. It is further considered that the requirements that were included in JAR-FCL and have been included in the Agency's proposal are adequate to guarantee that. The Agency does not intend to fundamentally change these requirements without a dedicated assessment.

Please note also that the Agency is currently developing a parallel rulemaking task, FCL.008, on conditions to fly in IMC. This task is reviewing the requirements applicable to the IR for private pilots, and may propose changes to the current requirements. In that case, those changes in the requirements will also be taken into account in relation to the provisions in this Annex.

comment 798

comment by: *Uwe Nitsche*

CPL(A)/IR

The requirement for the CPL(A)/IR > 1000 hours in the draft specifies these hours to be in "Commercial Air Transport".

It is unclear why this has to be the case.

The requirement should be redefined to be "CPL(A)/IR >1000 hours in category of certification sought" as these hours may well have been flown in non "Commercial Air Transport" such as Aid agencies and Angel flights which are deemed non commercial transport.

Also an ICAO CPL(A)/IR holder may well have flown these hours in organisations such as Civil Air Patrols, Military organisations, Flight training

	<p>organisations etc. etc. The requirement for these hours to be flown solely in "Commercial Air Transport" would discriminate against these groups and should therefore be removed.</p>
response	<p><i>Noted</i></p> <p>Please see both rows applicable to CPL(A)/IR in the table. The distinction between privileges for commercial air transport or other operations is possible and already included. The hours required are the same, and the Agency sees no evidence of discrimination.</p>

comment	<p>800 comment by: <i>Uwe Nitsche</i></p> <p>Page 160 item 3) Private Pilot Instrument Rating.</p> <p>If the ICAO license holder is required to complete the full skills test, why is there a requirement for 100hours of IFR flight? This is not a requirements for JAA applicants so it is unclear why EASA would seek to discriminate against third country ICAO license holder. I propose that the requirements should be</p> <ul style="list-style-type: none"> -Holder of ICAO PPL/IFR rating -50 hours cross country as PIC (VFR or IFR) -15 hours of IFR Instruction received by ICAO certified instructor. <p>Alternatively I propose to accept the most prevalent license such as the FAA Private Pilot Instrument Rating with the only requirement to be:</p> <ul style="list-style-type: none"> - A written air law test OR - 50 hours flown cross country (VFR or IFR) in EASA member states airspace system (comment: It is unclear why after having flown in EASA airspace for several decades an FAA license holder would suddenly loose his or her competence on October of the year 2012 solely based on new rulings) At least grandfather rights should be implemented for pilots familiar with the airspace based on their logged hours. <p>In addition certain license holders will have completed their ICAO practical exam (such as the FAA Instrument Rating) within European Airspace. Any ICAO confoirming IR exams completed in EASA member states should be accepted for conversion without further exam requirements</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your input. Please see reply to comment 735 above.</p>

comment	<p>802 comment by: <i>Uwe Nitsche</i></p> <p>Page 159/160 REQUIREMENTS FOR THE ACCEPTANCE OF LICENCES ISSUED BY OR ON BEHALF OF THIRD COUNTRIES</p> <p>This section is completely missing the acceptance of ICAO instructor ratings. Personally I am a holder of both FAA CFI-A and CFII certificates which require a CPL before one can even begin the course. I propose acceptance criteria to be published as follows:</p> <p>CFI(A) and CFI(A)/IR</p>
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- 1) Same flight hours as EASA flight Instructor requirements to avoid discrimination against third country ICAO license holders
- 2) Air law written exam for EASA rules and regulations or alternatively
- 2) 100 Hours of IFR instruction within EASA airspace system for the CFI(A)/IR certificate or
- 100 Hours of Instruction within EASA airspace system for the CFI(A) certificate

If the applicant is already holder of an ICAO CPL(A), no flight test should be required. EASA could restrict this to certain ICAO nations after having examined those syllabi such as FAA conforming license holders.

response *Noted*

Thank you for your input.

When developing these proposals, the Agency had to follow closely the provisions of the Basic Regulation.

In accordance with Articles 7(2), (5) and (6)(e) and 12 of the Basic Regulation, instructor certificates issued by third countries can only be accepted in accordance with a bilateral agreement celebrated between the European Community and that third country.

In relation to the issue of requirements for instructors providing training for Part-FCL licences in ATOs located outside the territory of the Member States, please see also replies to related comments on Subpart J and the Explanatory Note to this CRD.

comment 1130

comment by: *CAA Belgium*

1) REMARK: Annex II seems to have disappeared between Annex I on page 3 and annex III on page 159.

2) In the title we read "the acceptance of licences". Acceptance is a general wording according Annex 1 and could be either validation or conversion of a licence.

Should this be clarified?

response *Noted*

Thank you for your input.

1. Annex II to the licensing cover regulation will be Part-Medical. This was indicated in the Explanatory Note to the NPA. Please see also reply to comment 1628 below.

2. Based on the comments received, the Agency has amended the text of Annex III. The text has been clarified, and validation and conversion are both foreseen.

comment 1298

comment by: *Ryanair*

Our experience has shown that it is very difficult for validated pilots to

successfully pass all the exams for the JAR ATPL within one year. Many are relatively elderly and have retired from overseas airlines. Many need to commute to their homelands which devours their free time which they need to study for the licence.

Further, having a pool of such pilots available to European airlines allows an efficient operation.

Proposal

5.The period of acceptance of a licence shall not normally exceed one year. Exceptions may be made at the discretion of the national Authority

response *Noted*

Please see reply to comment 5011 below.

comment

1419

comment by: *Bristow Helicopters*

1. A pilot licence issued in compliance with the requirements of ICAO Annex 1 by a third country may be accepted by the competent authority of a Member State in the case of pilots involved in the operation of aircraft ~~registered in a third country and~~ used by an operator for which any Member State ensures oversight,.....

Justification:

Acceptance of an ICAO Annex 1 third country licences under the validation system (for a limited period of 1 year) was allowed under JAR for aircraft registered in the Member State and used by an operator for which the Member State ensured oversight. EASA Annex III restricts this to aircraft registered in a third country, but for which a Member State ensures oversight. All that appears to have changed is the registration mark on the aircraft, oversight is still with a Member State. Why can Annex III not apply to aircraft registered in a Member State? In the helicopter industry, it is relatively common for an operator overseen by the competent authority of a Member State to operate EU registered helicopters outside the Community using a mix of EU National pilots (with EU licences) and third country National pilots (operating on a validation of an ICAO licence under the terms set out in JAR and replicated in EASA Annex III). It would be unusual for some third countries to allow aircraft registered in their country to be overseen by a Member State authority. Therefore this change in policy will have a potential impact on commercial operations.

response *Noted*

The Agency acknowledges your opinion.

Please see reply to comment 232 above.

comment

1628

comment by: *Helikopter Air Transport GmbH / Christophorus Flugrettungsverein*

STATEMENT

In the document there is the "ANNEX I TO IMPLEMENTING REGULATION PARTFCL" and then the "Annex III: TO THE IMPLEMENTING REGULATION REQUIREMENTS FOR THE ACCEPTANCE OF LICENCES ISSUED BY OR ON

BEHALF OF THIRD COUNTRIES".

PROPOSAL

Annex III and Annex IV are not integrated part of the Document "Annex I to Implementing Rules, Part FCL" and should be removed, put at the end of the FCL-Document or integrated with the correct numbering.

response *Noted*

As was mentioned in the Explanatory Note, the designation Annex III and Annex IV refer to the place this documents will have in relation to the cover regulation for pilot licensing.

- Annex I will be Part-FCL;
- Annex II will be Part-Medical;
- Annex III will contain requirements for the acceptance of foreign licences;
- Annex IV will contain requirements for the conversion of national licences into Part-FCL licences.

This will be clearer in the opinion.

comment 1780

comment by: REGA

STATEMENT

In the document there is the "ANNEX I TO IMPLEMENTING REGULATION PARTFCL" and then the "Annex III: TO THE IMPLEMENTING REGULATION REQUIREMENTS FOR THE ACCEPTANCE OF LICENCES ISSUED BY OR ON BEHALF OF THIRD COUNTRIES".

PROPOSAL

Annex III and Annex IV are not integrated part of the Document "Annex I to Implementing Rules, Part FCL" and should be removed, put at the end of the FCL-Document or integrated with the correct numbering.

response *Noted*

Please see reply to comment 1628 above.

comment 2267

comment by: ThomasDOVE

In my opinion this section would greatly reduce the safety of general aviation in Europe.

I have a JAA PPL and also an FAA PPL, plus an FAA Instrument Rating.

The reason I have an FAA Instrument Rating instead of a JAA IR is that the JAA IR is extremely hard to achieve for a private pilot, has an enormous cost, plus it has many things that are only really relevant to a commercial pilot.

Any pilot can be caught out by bad weather and having done the training and achieved an FAA Instrument Rating I am certain that I am much safer in marginal weather conditions than if I had not done this training. Having the rating and flying an N-reg airplane allows me to legally continue to stay current and safe when flying amongst other airplanes, including commercial.

If I was required to do a JAA IR then I would not do it - I cannot do so with my job, plus the cost is ludicrous for a private pilot - too much for me. The result would be that my instrument skills would rapidly fall away, reducing my safety if caught out in marginal weather (and potentially the safety of others around me).

response	<p>It is clear that if a PPL with an FAA IR was also required to pass the JAA IR then the result would be that the vast majority of pilots currently flying N-reg airplanes in Europe on an FAA IR would not do so.</p> <p>There would then be thousands of pilots, previously (in the main) well practiced in IR, whose IR skills lapse, compromising their safety and the safety of others.</p> <p>Therefore it seems that this proposal is positively detrimental to safety.</p> <p><i>Noted</i></p> <p>Thank you for providing your input. Please see reply to comment 735 above.</p>
comment	<p>2359 comment by: <i>AECA(SPAIN)</i></p> <p>Transfer of a rating contained in a licence issued by a non EASA state currently not covered by regulations. Annex III talks about acceptance of licences but not transfer of ratings.</p> <p>Transfer of ratings should be as per JAR FCL 2.240 (a)(6)(ii)</p> <p>Justification:</p> <p>It is not uncommon for operators to have ICAO licence holders who also have JAR licences working for them for short periods. Most do not have the type which they are to operate, on their JAR licence. The current rules under JAR allow for transfers of the rating from their ICAO licence to their JAR licence with ease. This requirement should not be a full conversion course.</p>
response	<p><i>Accepted</i></p> <p>Thank you for your input.</p> <p>Based on the inputs received, the Agency has amended the text to include the provisions on transfer of ratings that were part of JAR-FCL 1 and 2.</p> <p>Please see amended text to Annex III, as well as the text of the cover regulation published with this CRD.</p>
comment	<p>3113 comment by: <i>PPL/IR Europe</i></p> <p>Our comments in this section apply to non-commercial operators of aircraft registered in third-countries who are impacted by Article 4.1.c of the Basic Regulation, which states the Regulation shall apply to aircraft <i>"registered in a third country and used by an operator for which any Member State ensures oversight of operations or used into, within or out of the Community by an operator established or residing in the Community"</i></p> <p>Article 7 of the BR (Pilots) further states that <i>"The requirements of the second and third subparagraphs may be satisfied by the acceptance of licences and medical certificates issued by or on behalf of a third country as far as pilots involved in the operation of aircraft referred to in Article 4(1)(c) are concerned."</i></p> <p>Paragraphs 2 and 3 do not provide any acceptance method for - ATPLs with lower hours of experience, or no multi pilot aeroplane experience</p>

- CPL and CPL/IRs with less or no experience of commercial air transport to be granted non-commercial privileges. This is perverse and we believe it must be unintended. It means that an ICAO PPL holder can get acceptance for private operations, but some ICAO ATPL or CPL holders can't. In Europe, few private pilots qualify beyond the PPL level. In other ICAO countries, it is more common for a pilot, who is operationally a private pilot, to have improved their skills and safety by qualifying for a CPL or ATPL.

We believe the following changes should address this:

- the bottom row of the tables on pages 159 and 160, column 1, which currently read "*CPL(A)*" and "*CPL(H)*" respectively, should be amended to read "*ATPL(A), CPL(A)/IR, CPL(A)*" and "*ATPL(H) with or without IR privileges, CPL(H)/IR, CPL(H)*"

- the bottom row of the tables on pages 159 and 160, column 3, which currently reads "*Activities in aeroplanes (respectively, helicopters) other than commercial air transport*" should be amended to read "*Exercise of privileges to act as a paid crew member in aeroplanes (respectively, helicopters) in operations other than commercial air transport*"

These changes will permit holders of licenses more advanced than the CPL(A)/CPL(H), who lack the experience required for higher licence acceptance privileges, to at least have the same acceptance privileges as CPL(A)/CPL(H) holders. We believe this was the intent of the regulation, but the tables are not clear in this respect.

- the first line of para 3 should be amended to read "*In the case of private pilot licences with an instrument rating, or CPL and ATPL licences with an instrument rating where the holder intends only exercising private pilot privileges, the holder shall....*"

- the first line of para 4 should be amended to read "*In the case of private pilot licences, or CPL and ATPL licences without an instrument rating where the holder intends only exercising private pilot privileges, the holder shall....*"

These 4 changes should provide for 2 different cases: firstly, where an advanced licence holder who does not qualify for the CAT privileges wishes to fly as a paid pilot in private operations, and secondly, where an advanced licence holder wishes to fly wholly privately.

In Annex III, paras 3(b) & 4(a) the requirements for Private Pilots to "demonstrate knowledge" appear higher than those for Commercial pilots in para 2(b). We believe both para 3(b) and para 4(a) should read "*demonstrate that he has acquired knowledge of the relevant parts of Part-OPS and Part-FCL*", as it does for Commercial pilots. We cannot see any justification in requiring 3rd country Private Pilot licence holders to take more written examinations than required in CAT.

Paragraph 5 states that "*the period of acceptance of a licence shall not exceed one year, provided that the basic licence remains valid*".

Limiting Acceptance to one year seems very restrictive and unreasonable for private operations, relative to the Basic Regulation and Essential Requirements, which do not appear to contain any such time-limiting provision. The requirement for Acceptance under article 4.i.c is already a colossal and unprecedented step in ICAO history, and we do not understand why EASA should seek to compound its impact by an order of magnitude in imposing a 1 year limit.

There is a very great difference between the Acceptance for commercial air transport, and private operators subject to 4.i.c. In the commercial air transport case, ICAO licenced pilots from 3rd countries may be flying in EU-registered aircraft for EU AOC holders. In the 4.i.c case, the pilots will be operating aircraft on the register corresponding to their licence. Having passed an EASA FCL skills test, and complying with EASA FCL currency and revalidation requirements, it seems absurd and excessive to require those pilots to re-take skills tests and written tests on an annual basis. Clearly, the alternative is to acquire the full EASA qualification, but the Basic Regulation makes a provision for Acceptance, and stakeholders are entitled to expect a reasonable and fair remedy for this in EASA IRs.

Therefore, we believe Paragraph 5 should state *"the period of acceptance of a licence for privileges in commercial operations shall not exceed one year, provided that the basic licence remains valid. The period of acceptance of a licence for non-commercial operations shall only be limited by the validity of the basic licence."*

response *Partially accepted*

Your proposals for paragraphs 2, 3 and 4 are accepted and text will be amended accordingly.

In relation to paragraph 5, please see reply to comment 5011 below.

comment

3239

comment by: Gérard VOLAN

**Annex III to the implementing regulation
(p 159-161)**

Major concern: why not adopting a strategy to harmonize all the pilot licenses at world level within requirements ICAO annex 1 standards ?; there is nothing in any aviation world safety data basis which would plead against such an approach

-item 2: (e): the table shown does not consider the case of PPL (A)/IR which makes an unequal treatment with the same kind of table in annex IV (dedicated to national licenses recon version); This could be considered as a simple omission, because such a configuration is developed further in the text.

Item 3 (a): this drives back to the concern expressed about appendix 6, item 7 : why imposing a skill test while it was already performed by the applicant and approved by the third country authority?; for the mirrored situation, the FAA does not require that from European pilots; you just need to pass a limited scope skill exam and have an interview with the local FAA inspector, showing him your valid license in your native country.

Item 3 (f): first a more practical evaluation for IR experience should be given in number of IR approaches (+ holds and arcs) rather than in flight hours, Per FAR 61.57 , the minimum experience requirement is *6 approaches within 6 months (+ 1 hold and arc procedures)* and, under this condition, thousands and thousands of American pilots have the adequate training level not denied by safety records.

referring again to the numerous qualified European pilots , as described in comments to appendix 6 , item 7, imposing *100 hours* of experience would require , for a pilot recently qualified and making the minimum required FAR training program, assuming a practical basis of 3 approaches for 1 hour, nothing less than *25 years to comply with annex III/3 (f) requirement.*

this is clearly equivalent to a death sentence for private IR ratings, other than the small community of those originated from Europe.

-Item 4 : the same argument as developed at the end of comment on item 3 (a) applies here, thus finding an excess of conservatism in regards to what is required from a PPL (A) and in addition it will affect a much larger population than in 3 (f) above.

From the politics' prospect , there is a risk that 3rd countries authorities, facing such a level of burden to their compatriots are tempted to take reprisals against european pilots wishing flying in these counstries' skies.

response *Noted*

Thank you for providing your input.
Please see reply to comment 735 above.

comment

3396

comment by: *Richard DUMAS, PPL(A)*

L'ANNEXE III doit refléter les règles actuelles

Nonobstant les règlements de base (basic regulation) que l'ESEA a demandé à l'UE d'adopter et qu'il lui appartient alors de faire éventuellement amender, le maintien des règles actuelles s'impose.

1. D'une part, comme ce NPA n'offre toujours pas aux pilotes privés un accès raisonnable à l'IR, il n'a pas lieu de mettre fin pour l'instant à l'utilisation d'IR FAA par des pilotes privés ressortissant européens.

- Aucun élément de sécurité ne soutient une telle nouvelle restriction
- Au contraire, la corrélation notable qui existe en aviation générale entre la diffusion de qualifications de vols aux instruments et la sécurité mesurée par le nombre de mort par hdv tend plutôt montrer que l'utilisation d'IR FAA par les pilotes Européens a été un facteur de sécurité pour l'aviation générale en Europe.

2. Nonobstant tout argument de souveraineté, le texte aboutit à une disymétrie entre les pratiques de la FAA et le NPA de l'EASA qui n'est pas conforme aux usages de réciprocité entre états. Par exemple, un PPL FAA ne pourra pas louer un avion en Europe sans passer le test PPL EASA complet alors que la FAA exige d'un Européen uniquement une biennial fligh review (qui comprend le controle du niveau d'anglais).

3. Le texte n'est pas conforme à l'esprit des textes de l'OACI que les états Européens ont ratifiés et qui visent à la libre circulation aérienne

response *Noted*

Thank you for providing your input.
Please see reply to comment 735 above.

comment

3456

comment by: *Boeing*

Boeing Commercial Airplanes comments re: NPA 2008-17b

Page: 161
Paragraph: 6

Boeing suggests that the following changes be made:

Either change the wording of paragraph 6 to read as follows:

"6. ... in the case of introduction of **a** new aircraft types- **into an operator's fleet**. Member States may ..."

or reinstate the current App 3 to JAR-FCL 1.015.

JUSTIFICATION: An equivalent safety case can be made for introduction of all new types with an operator, not only newly certified, as the operator's pilots will not be qualified on the new type, even though a type approval has been issued previously. Under the current rule, App 3 to JAR-FCL 1.015 allows this.

response *Accepted*

Text will be amended accordingly.

comment

3480

comment by: *Susana Nogueira*

Validation seems no longer be possible?

response

Noted

Please see reply to comment 1130 above.

comment

3490

comment by: *FOCA Switzerland*

Annex III to the implementing regulation

General: Validation seems no longer be possible?

response

Noted

Please see reply to comment 1130 above.

comment

4027

comment by: *Steven Luys*

I am a European private pilot with a JAA PPL(A) license. I have a FAA instrument rating for which I almost entirely trained in European airspace, with a European instructor, and I now fly almost exclusively under IFR in the European airspace system on American registered airplanes. I believe that my private flying has become much safer due to the training, and I feel safer in the air when being controlled by ATC and fly according to well established IFR procedures. The reason that I did not choose to obtain a JAA instrument rating was purely based on its inflexibility, time consumption, cost and perceived theoretical redundancy. I am not bound to anything American other than the instrument rating itself would have costed 4 times the price according to JAA as compared to FAA. I am convinced that there is no safety case why such instrument rating should cost 4 times the price and should force me into a classroom for 30 Saturdays.

I strongly urge EASA to design a legislation that allows ICAO instrument rated private pilots to obtain a EASA Instrument Rating without going through major loss of time or cost. I don't mind to pick up some difference flight training (say 10hrs) and theoretical training (say instrument related airlaw) if needed, but

not redoing the whole exercise. Either crediting ICAO instrument time, or instrument training up to 40 hours of the required 50 hr IFR training is do-able. Or leave it to an instrument instructor, or examiner to decide how much extra training would be required.

Secondly, I strongly recommend making a private instrument rating more accessible to private pilots. Reason: IFR flying improves the safety of private flying. Please do not reason that instrument rated private pilot seek to take more risk. I am not. I don't go flying into icing clouds, I don't bust altitudes or disrupt traffic around busy airports. I don't fly if the ceiling is too low. I find flying above 4000 ft AGL in Europe very empty, for lack of private pilots (on IFR flight plans) and hence safer.

A EASA instrument rating can be made simpler by making the theoretical syllabus more simple, by dropping the mandatory class room sessions (people who can afford it have a busy working life), and by dropping the mandatory expensive FTO route, because FTOs tend to restrict the airplanes on which you can train to their own overcharged line-up. I trained with an independent instructor on a private owned aircraft and I got an extremely good service for a decent price.

response *Noted*

Thank you for providing your input.
Please see reply to comment 735 above.

comment

4355

comment by: *Xavier FERNANDEZ*

Respectfully:

I totally agree with this rule. It is fair that any pilot with years of experience, thousands of hours of flight and valid non-European licences could demonstrate his/her theoretical and practical skills in order to obtain a EU license, without having to spend months at an approved FTO. My personal case is briefly as follows: I am a Spanish Citizen with United States and Venezuelan (both ICAO) A.T.P. licenses, currently flying a corporate aircraft Dassault Falcon 900 registered in United States. I have approximately 6,900 hours of flying time. I succesfully approved Spanish ATP theoretical tests in 2000 but for job reasons I was unable to complete the flight portion before JAR took over, consequently I could not obtain the Spanish/JAR license. I am an European Citizen but two "third" countries gave me the opportunity to hold and exercise the privileges of an Airline Transport Pilot that I cannot exercise in Europe. That is why I support this proposed ammendment, only if the third country licenses are issued based on training and safety requirements equal or greater than those implemented by EASA and European Community States.

Thank You.

response *Noted*

Thank you for your positive feedback.

comment

4438

comment by: *Bond Offshore Helicopters*

1. A pilot licence issued in compliance with the requirements of ICAO Annex 1 by a third country may be accepted by the competent authority of a Member State in the case of pilots involved in the operation of aircraft ~~registered in a~~

~~third country and~~ used by an operator for which any Member State ensures oversight,.....

Justification:

Acceptance of an ICAO Annex 1 third country licences under the validation system (for a limited period of 1 year) was allowed under JAR for aircraft registered in the Member State and used by an operator for which the Member State ensured oversight. EASA Annex III restricts this to aircraft registered in a third country, but for which a Member State ensures oversight. All that appears to have changed is the registration mark on the aircraft, oversight is still with a Member State. Why can Annex III not apply to aircraft registered in a Member State? In the helicopter industry, it is relatively common for an operator overseen by the competent authority of a Member State to operate EU registered helicopters outside the Community using a mix of EU National pilots (with EU licences) and third country National pilots (operating on a validation of an ICAO licence under the terms set out in JAR and replicated in EASA Annex III). It would be unusual for some third countries to allow aircraft registered in their country to be overseen by a Member State authority. Therefore this change in policy will have a potential impact on commercial operations.

response *Noted*

Please see reply to comment 1419 above.

comment 4439

comment by: *Bond Offshore Helicopters*

Transfer of a rating contained in a licence issued by a non EASA state currently not covered by regulations.

Annex III talks about acceptance of licences but not transfer of ratings.

Transfer of ratings should be as per JAR FCL 2.240 (a)(6)(ii)

Justification:

It is not uncommon for operators to have ICAO licence holders who also have JAR licences working for them for short periods. Most do not have the type which they are to operate, on their JAR licence. The current rules under JAR allow for transfers of the rating from their ICAO licence to their JAR licence with ease. This requirement **should not** be a full conversion course.

response *Noted*

Please see reply to comment 2359 above.

comment 4680

comment by: *Héli-Union*

1. A pilot licence issued in compliance with the requirements of ICAO Annex 1 by a third country may be accepted by the competent authority of a Member State in the case of pilots involved in the operation of aircraft ~~registered in a third country and~~ used by an operator for which any Member State ensures oversight,.....

Justification:

Acceptance of an ICAO Annex 1 third country licences under the validation system (for a limited period of 1 year) was allowed under JAR for aircraft

registered in the Member State and used by an operator for which the Member State ensured oversight. EASA Annex III restricts this to aircraft registered in a third country, but for which a Member State ensures oversight. All that appears to have changed is the registration mark on the aircraft, oversight is still with a Member State. Why can Annex III not apply to aircraft registered in a Member State? In the helicopter industry, it is relatively common for an operator overseen by the competent authority of a Member State to operate EU registered helicopters outside the Community using a mix of EU National pilots (with EU licences) and third country National pilots (operating on a validation of an ICAO licence under the terms set out in JAR and replicated in EASA Annex III). It would be unusual for some third countries to allow aircraft registered in their country to be overseen by a Member State authority. Therefore this change in policy will have a potential impact on commercial operations.

response *Noted*

Please see reply to comment 1419 above.

comment

4681

comment by: *Héli-Union*

Transfer of a rating contained in a licence issued by a non EASA state currently not covered by regulations.
Annex III talks about acceptance of licences but not transfer of ratings.

Transfer of ratings should be as per JAR FCL 2.240 (a)(6)(ii)

Justification:

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response *Noted*

Please see reply to comment 2359 above.

comment

4790

comment by: *CAA Belgium*

Validation seems no longer be possible?

response *Noted*

Please see reply to comment 1130 above.

comment

4900

comment by: *HUTC*

1. A pilot licence issued in compliance with the requirements of ICAO Annex 1 by a third country may be accepted by the competent authority of a Member State in the case of pilots involved in the operation of aircraft ~~registered in a third country and~~ used by an operator for which any Member State ensures oversight,.....

Justification:

Acceptance of an ICAO Annex 1 third country licences under the validation system (for a limited period of 1 year) was allowed under JAR for aircraft registered in the Member State and used by an operator for which the Member State ensured oversight. EASA Annex III restricts this to aircraft registered in a third country, but for which a Member State ensures oversight. All that appears to have changed is the registration mark on the aircraft, oversight is still with a Member State. Why can Annex III not apply to aircraft registered in a Member State? In the helicopter industry, it is relatively common for an operator overseen by the competent authority of a Member State to operate EU registered helicopters outside the Community using a mix of EU National pilots (with EU licences) and third country National pilots (operating on a validation of an ICAO licence under the terms set out in JAR and replicated in EASA Annex III). It would be unusual for some third countries to allow aircraft registered in their country to be overseen by a Member State authority. Therefore this change in policy will have a potential impact on commercial operations.

response *Noted*

Please see reply to comment 1419 above.

comment 4901

comment by: HUTC

Transfer of a rating contained in a licence issued by a non EASA state currently not covered by regulations.
Annex III talks about acceptance of licences but not transfer of ratings.

Transfer of ratings should be as per JAR FCL 2.240 (a)(6)(ii)

Justification:

It is not uncommon for operators to have ICAO licence holders who also have JAR licences working for them for short periods. Most do not have the type which they are to operate, on their JAR licence. The current rules under JAR allow for transfers of the rating from their ICAO licence to their JAR licence with ease. This requirement **should not** be a full conversion course.

response *Noted*

Please see reply to comment 2359 above.

comment 5011

comment by: DGAC FRANCE

Annex III to the implementing regulation....

paragraph 5

Back to wording from JAR-FCL 1.015(b)(2) !

Acceptance principle brings implementation problems as written this open a back door for multiple (indefinitely) acceptance this against basic regulation which expect through article 4 1.c a better control of third country registered aircraft from "operators" established or residing in the community!

Additionally that brings problems in FCL 900 (a) (1) (i) !

Our duty is to make a clear implementing rule. That is not possible as far as commission through Basic Regulation does not explain clearly the rules of the game.

Except bilateral agreement, it must not be possible to open backdoors by implementing rules !

we propose the following modification :

5. The period of acceptance of the licence shall not exceed one year **from the date of acceptance**, provided that the basic licence remains valid.

response

Noted

Your proposal to just go back to the wording of JAR-FCL 1.015(b)(2) cannot be taken since it provides not enough legal certainty, by giving no common requirements on when the extension of the period can be accepted.

Nevertheless, the Agency sees the need to allow some possibility for extension of the validation.

Therefore, the Agency has amended the text to clarify that the validation can be extended just once by the same competent authority, if the pilot has applied, or is undergoing training for the issuance of a Part-FCL licence.

comment

5350

comment by: *Irv Lee (Higherplane Aviation Training Ltd)*

Annex III Paragraph 4(f) should be deleted for private pilots. It contains the requirement for a pilot to have 100 hours as pilot for acceptance of a PPL issued by a 3rd country.

If a pilot demonstrates competency through tests, there is no need for 100 hours minimum for private purposes. As it stands now, specifying 100 hours as a minimum for acceptance means that a holder of a third country private licence could have 46 hours in total flying (45 for the licence and one hour post-licence experience), be a safe and competent pilot, yet be refused acceptance. A different pilot may have taken 99 hours of intensive training to gain the third country licence, and flown 1 hour post-licence to reach the 100 hours total. The pilot who demonstrated better learning ability would be excluded from acceptance due to the 100 hour minimum required.

Removing 4(f) would remove this anomaly and make the acceptance 'skill based' through the tests and examinations specified in the previous subparagraph.

response

Not accepted

The Agency understands your arguments.

However, the requirement for 100 hours of flight experience is coming from the text of JAR-FCL. The Agency sees no safety benefit in changing it at this point.

comment

5352

comment by: *Irv Lee (Higherplane Aviation Training Ltd)*

Annex III paragraph 5 should provide ways for acceptance of a third party private licence to be acceptable or re-accepted annually, OR provide a means for the pilot to apply for the equivalent EASA FCL licence within the period of acceptance. Suggestion that paragraph 5 is amended to add:

In the case of a third country licence used for private privileges, the holder of a licence which has been accepted under Annex III paragraph 4 who has passed the initial skills test for one of the EASA PPL, LPL or Basic LPL may apply for and be granted the relevant licence.

response *Noted*

Please see reply to comment 5011 above.

comment 5577

comment by: *Icelandic CAA*

Aircraft registered in a third country (ref. para. 1)

Paragraph 1 states that Operators in a member state can obtain a permission to operate aircraft registered in a third country with pilots licenced by that country (used by an operator for which any member states ensures oversight of operation or used into within or out of the community by an operator established or residing in the Community).

In our opinion this is not a licensing matter but should perhaps be in PART-OPS in the context of community operators. A basic principle in ICAO Annex 1 is that a licence is to be issued by the state of registry (ref. ICAO Annex 1 para. 1.2.1) if not rendered valid by the state of registry. It is proposed to delete paragraph 1.

Acceptance of licences issued by a third country

There is no clear text for rendering valid pilot licences issued by third countries to operate aircraft registered in member states - this is due to paragraph 1 which should rather be in PART-OPS. Reference is made to the text in ICAO Annex 1 para. 1.2.1, 1.2.2 and JAR-FCL 1.015/2.015

This is one of the basic elements of ICAO Annex 1 (see as well ICAO DOC 9734 section 3.7.2.1) and it is important to be able to use this process as before to keep flexibility. Such a process has to be used carefully and the conditions for the validation process have to be specified thoroughly ref. Appendix 1 to JAR-FCL 1.015. These conditions have been applied for many years under the JAA system and a solid experience has been required based on the conditions. This may, for example be particularly important when there is a lack of experienced captains on certain types of aircraft in Europe. In special cases it would not enhance flight safety to use pilots licensed only in the community and without the same level of experience. It is proposed to keep the current text in Appendix 1 to JAR-FCL 1.015.

Validation of pilot licences issued in a third country when aircraft registered in a member state is operated in that third country

The following text is in JAR-FCL 1.015, (b), (3) :

"The requirements stated in (1) and (2) above shall not apply where aircraft registered in a JAA Member State are leased to an operator in a non JAA state, provided that the state of the operator has accepted for the period of lease the responsibility for the technical and/or operational supervision of the aircraft in accordance with JAR-FCL 1.165."

We can not find similar text in Annex III to the implementing regulation. It is necessary to have a provision covering such cases to be able to solve licensing issues in context with Article 83bis agreements when leasing a/c registered in a member state to a third state out of the community.

The items above are supported by the Article 4 d), 6) in regulation 216/2008.
"This regulation shall not affect the rights of third countries as specified in international convention, in particular the Chicago Convention."

response *Noted*

Thank your for your input.
Based on the comments received, and after a dedicated assessment, the Agency has changed the text of Annex III.
Please see amended text, as well as the text for the cover regulation, published with this CRD.

comment

5615

comment by: *Peter Holy*

The phrase "residing in the Community" (page 159) makes the EU's attempt to cripple specifically its residents a laughing stock to the rest of the world. ICAO has developed over many years to support international aviation and this is a grossly unfair attack on EU residents. At the same time, pilots who are not living in the EU will be able to operate freely in, out, and around Europe, and this cannot ever be stopped because it would be a blatant breach of ICAO.

This proposal will simply cause corporate and other business jet owners/operators to get rid of any pilots who hold EU passports and have EU addresses. This will merely result in many highly experienced pilots losing their jobs because non EU resident replacements are so easy to find, from countries close to the EU.

The 1 year limit referred to on page 161

"The period of acceptance of a licence shall not exceed one year, provided that the basic licence remains valid."

is grossly inappropriate to private operations. The 3rd country licences should be accepted indefinitely.

Aviation is an international activity and there is no evidence that 3rd country licenses carry a reduced level of safety. ICAO has also recommended that each Member State validates each other's licences and this is an opportunity for EASA to do the decent thing and break away from traditional European restrictive, protectionist, nationalist and non-transparent practices which have dominated the aviation regulation scene for many years.

The current proposal grants absolutely zero long term privileges to an ICAO licenced pilot, completely regardless of his experience, and this does not make any sense. In this proposal, even a CPL/IR or ATPL carries zero privileges after the one year period and this is out of step with almost every country in the world which would at least offer permanent non-commercial privileges.

response

Noted

Thank you for providing your input.
Based on the comments received, and after a dedicated assessment, the Agency has changed the text of Annex III.
Please see amended text, as well as the text for the cover regulation, published with this CRD.

In relation to the issue of the limit of one year, please see also reply to comment 5011 above.

comment

6383

comment by: *Axel Schwarz*

response	<p>Procedures for the acceptance of class and type ratings are missing (e.g. for pilots holding a licence in accordance with part FCL and a non-EASA licence).</p> <p><i>Noted</i></p> <p>Please see reply to comment 2359 above.</p>
comment	<p>6456 comment by: DCAA</p> <p>Annex III item 5 Annex III Item5Add. This procedure can only be used once.</p>
response	<p><i>Noted</i></p> <p>Please see reply to comment 5011 above.</p>
comment	<p>6579 comment by: IAOPA Europe</p> <p>EASA wants to ensure oversight over all foreign license holders and aircraft operating from a European Base. 3rd country Licenses can only be accepted for one year maximum!</p> <p>This will kill all operations with 3rd country aircraft and so substantially damage European GA.</p> <p>European CAA have not been able to cope with STCs as the FAA has been, so these aircraft remained in the FAA register. Same with ratings: JAA and EASA have been unable to implement an IR for light aviation.</p> <p>Mutual recognition of licenses and ratings should be achieved after just a written exam in airlaw and a practical skill test!</p> <p>Instead of accepting the competition and to work for better regulation EASA intends to exclude the competition from FAA and other regulators.</p> <p>EASA should ensure oversight over 3rd country aircraft through a cooperation with third country CAAs. Bi- or multilateral reporting and enforcement systems should be implemented, ramp checks are conducted already today.</p> <p>The mandatory certification of an aircraft in a European register should only be the ultimate solution in case attempts to cooperate with other CAAs have failed. Problems with 3rd country aircraft are existing in the Airline world, but only to a very low degree in GA.</p> <p>A mutual recognition of GA licenses and STCs should be the aim between EASA and third country CAAs which have proven a high safety standard.</p>
response	<p><i>Noted</i></p> <p>Thank you for your input. Based on the comments received, and after a dedicated assessment, the Agency has changed the text of Annex III. Please see amended text, as well as the text for the cover regulation, published with this CRD.</p> <p>Please note also that implementing rules are general and need to provide legal certainty, and do not allow to establish differences in treatment based on the safety record of some foreign countries. The correct legal instrument to reflect</p>

such differences is a bilateral agreement, whereby a comparison between the system of a certain third country and the European system can be made, on the basis of which licences may be accepted without further formality.

comment 6582 comment by: IAOPA Europe

Why is for the PPL-IR acceptance an experience of 100hrs required? This can't be a safety requirement, because the pilots abilities are already controlled in a skill test.

The requirement for PIC time should be deleted or drastically reduced.

response Noted

Please see reply to comment 5350 above.

comment 6814 comment by: CAA CZ

Annex III, para 2 (c)

"...demonstrate knowledge of the relevant parts of Part OPS and Part FCL..."

Relevant parts of FCL and parts of OPS should be specified, as in JAR-FCL in AMC FCL 1/2.005 & 1/2.015.

response Noted

The Agency intends to develop applicable AMC defining the knowledge in a future rulemaking task (FCL.002).

At this point, since the OPS rules are still under development it is not possible to develop such a detailed list.

comment 7096 comment by: DGAC FRANCE

Annex III

Annex III as it is proposed is not entirely clear. The annex III is not linked to a legal basis clearly established. This will probably be done in the "cover regulation" but once again as it is not submitted to comments, we can not check. In this cover regulation, provision should render mandatory to pilots to contact any European NAA in order to use the acceptance process described in Annex III. In addition, it should be written that the renewal of the acceptance shall not be allowed so that pilots established for a long period in Europe use European rules.

Thus, it is not clear whether or not the Member state will have the possibility to renew the acceptance of the licence in paragraph 5 after the period of one year. It is better to say it explicitly if so. Furthermore, what is the exact signification of the second phrase in paragraph 5 : Does it mean that there is a necessary compliance with both regulations (part FCL and third country regulations).

response Noted

Please see reply to comment 5011 above.

The Agency will clarify in the text of Annex II that validation should be done by the competent authority of the Member State where the pilot is residing or

established.

The text of the cover regulation is included with this CRD.

comment 7552 comment by: *FlightSafety International*

To resolve the issue of instructor and examiner licencing,

On page 159 point 1 add, and for the use of instructors and examiners operating in a non member state. On page 161 point 5 add except for the use of an instructor or examienr operating outside a member state. The validation will be extended indefinately.

response *Noted*

Please see reply to comment 802 above.

comment 7616 comment by: *IAOPA*

IAOPA Comments to EASA NPA 2008-17b, FCL
February 27, 2009

The International Council of Aircraft Owner and Pilot Associations (IAOPA) appreciates the opportunity to comment on EASA Notice of Proposed Amendment 2008-17b. IAOPA represents the interests of more than 470,000 general aviation pilots and aircraft owners who are members of our 67 worldwide affiliates.

Regulation (EC) No 216/2008 (the Basic Regulations), Article 7, provides for "acceptance of licences and medical certificates issued by or on behalf of, a third country for pilots of third country aircraft that are being used by an operator established or residing in the Community". However, the provisions of Article 12 of that document make it clear that universal acceptance of a non-member State's certificates is not possible without a bilateral agreement. Further, the NPA (Annex III) suggests that a true act of acceptance is not really possible for a private pilot licence holder from outside the Community. This is because the Annex requires a complete skill test, an air law and human performance exam, fulfillment of EASA type and class rating experience requirements, a Class 2 ICAO medical certificate and at least 100 hrs time in the aircraft category for the privileges sought . These requirements do not constitute acceptance, rather they are a total re-testing, equivalent to the initial issuance of a pilot licence.

All of the above requirements indicate that the concept of acceptance in the spirit and intent of ICAO Annex 1 is not possible under the proposed rules. While ICAO provides no detailed guidance regarding this process, many States require just the presentation of a current pilot licence and medical certificate and, perhaps, a brief air law examination for the issuance of a new State certificate. Under the proposed rules a near-complete re-issuance of the PPL license will be required for third country pilots.

This acceptance process will impact thousands of pilots who either operate under a foreign pilot licence or will request acceptance of a foreign licence. Some estimates to accomplish this procedure exceed €1000 per person. States, such as Malta, do not issue their own licences, relying on other ICAO signatory States to issue them. This means that Maltese airmen must

effectively be completely re-tested for a private pilot certificate to be able to enjoy the piloting privileges they have enjoyed for many years.

Comments:

- If a State has issued a licence and medical in accordance with ICAO Annex 1 that licence should be sufficiently similar to the accepting State's requirements (EASA) to preclude the excessive procedures cited in Annex III.
- This will be a very expensive and time-consuming process. In fact, the requirements are so onerous as to discourage pilots from attempting acceptance (re-certification?). Furthermore, it is doubtful that sufficient flight training organizations and flight instructors exist to effectively recertify thousands of pilots affected by this proposal in a timely manner.
- The issue of validating a foreign private pilot's licence on a temporary basis to enable a pilot to act as pilot in command of a European State registered aircraft is apparently not mentioned in this NPA. If that is true the validation standards and process will be left up to the member States' aviation authorities which would seem to be at odds with the intent of the proposed extensive acceptance process.
- The only possible relief for this acceptance process appears to be a bilateral agreement between EASA States and non-EASA States. If every non-EASA State sought pilot licencing equivalence bilaterals the time and cost involved in generating and approving these agreements would be prohibitive. Therefore, the bilateral process for pilot licence acceptance is impractical, leaving only the time-consuming and expensive EASA proposed acceptance process.
- The regulatory impact assessment for the FCL proposal series, NPA 2008-22f, provides a large number of "statistics" regarding civil aviation in Europe to be used in justifying the actions taken in the various FCL NPA series. However, many of the numbers of airmen, aircraft, hours flown and accidents are based on unfounded statistical inference, extrapolations and outright estimates. Given the significant impact that this series of proposals will have on the general aviation community it is difficult to justify them on the basis of flawed statistics. IAOPA and other organizations have urged the European Commission to gather accurate and timely statistics regarding general aviation prior to significant regulatory actions are taken; this has apparently not yet been accomplished.

Finally, the intent of the ICAO Convention on International Civil Aviation is clear with regard to licencing:

"Article 33

Recognition of certificates and licenses

"Certificates of airworthiness and certificates of competency and licenses issued or rendered valid by the contracting State in which the aircraft is registered, shall be recognized as valid by the other contracting States, provided that the requirements under which such certificates or licences were issued or rendered valid are equal to or above the minimum standards which may be established from time to time pursuant to this Convention."

The meaning and intent of the above article which has stood the test of time is clear: ICAO standards and recommended practices, agreed to by all signatory States, are designed to facilitate international air transportation among signatories. EASA is apparently ignoring this concept with its draconian acceptance process.

The real problem with these issues may lie with the basic regulations stated in EC 216/2008. However, the net effect on international civil aviation, regardless of root cause, is negative and corrosive. Bilateral agreements among States

and their supra-national organizations as an alternative to meeting the additional acceptance requirements proposed in this NPA are time consuming, unnecessary and serve to further weaken the utility of the ICAO Convention. The willful departure from the treaty that has bound civil aviation for more than 60 years has and will continue to vitiate an effective international accord.

IAOPA strongly opposes the foreign private pilot licence acceptance process proposed in this NPA. Rather, a valid third-country private pilot licence should be readily "accepted," by EU State authorities with few additional requirements. ---

response

Noted

Thank you for your input.

Please see reply to your comment 6579 above.

In addition, please note that the Agency is merely following the provisions of the Basic Regulation. Article 7 establishes that pilots of aircraft registered in a third country and used by an operator for which a Member State ensures oversight of operations or used into, within or out of the Community by an operator established or residing in the Community need to comply with the Essential Requirements of Annex III, and to hold either a licence issued in accordance with Part-FCL or a licence issued by a third country and accepted in accordance with specific implementing rules.

By adopting this article, the European legislator clearly indicated the will to impose requirements on these pilots, to allow better oversight and increase the protection of European citizens.

comment

7917

comment by: FAA

Comment: This Annex has been derived from Appendices 1, 2, and 3 to JAR-FCL 1.015 which defined the requirements for the validation and conversion of pilot licenses of Non-JAA States. The nomenclature has been changed in the process, however, and should be clarified.

Note: Since the term "Third Country" is not defined in Regulation (EC) No. 216/2008 or this NPA (FCL.010), it is assumed to mean a Non-EU Member State in this context.

The term "acceptance" is used in the Annex in place of the terms validation and conversion. However, the term "acceptance" is not included in the Definitions sections of Regulation (EC) No. 216/2008 or this NPA (FCL.010). Can it be assumed to be the action taken by an EU Member State, as an alternative to issuing a license under EASA FCL, to accept a license issued by another ICAO Contracting State as the equivalent of a license issued under EASA FCL?

Proposed change: Define the term "acceptance" in this context. Preferably, return to the usage of the terms validation and conversion.

Proposed change: Insert paragraph titles to clearly indicate their purposes.

Paragraph 2: Insert the title *Minimum Requirements for the Validation of Pilots Licenses for Commercial Air Transport and other Professional*

Activities

Paragraph 3: Insert the title *Minimum Requirements for the Validation of Private Pilots Licenses with Instrument Rating*

Paragraph 4: Insert the title *Conversion of a Private Pilot License issued by a Non-EU Member State.*

Paragraph 5: Insert the title *Period of Validation.*

Paragraph 6: Insert the title *Temporary Validation/Authorization of Non-EU Member State Pilot Licenses for Aircraft Manufacturer's.*

response *Noted*

Thank you for your input.

The term third country indeed means a non-EU Member State, and it is the term used in the Basic Regulation.

In relation to the definition of acceptance, please see the amended text of Appendix III and the proposed text for the cover regulation as published with this CRD, where this should be clearer.

As for your editorial suggestions, please see the revised text of Appendix III which should now be clearer.

comment

7925

comment by: *General Aviation Manufacturers Association / Hennig*

GAMA Comments to Annex III

GAMA is concerned that Annex III to the draft Implementing Regulations is silent about requirements for the acceptance of licenses issued by or on behalf of third countries as it relates to instructor licenses. There are flight training organizations across the world providing training toward European licenses, but where the company is located in a country that does not have a BASA with the European Community.

GAMA has reviewed the Basic Regulation and been unable to identify a reason not to include provisions in Annex III for instructor licenses. GAMA recommends that EASA recognize instructor licenses in a manner similar to which it intends to recognize "pilot licenses issued in compliance with the requirements of ICAO Annex 1 by a third country" provides for the ATPL and CPL.

GAMA also recommends that Annex III Paragraph 5 be amended to include an allowance for instructors to renew the recognition of their instructor licence "provided that the basic licence remains valid." This renewal process will allow EASA to provide active oversight of the instructor pilot on an annual basis and at the same time allow the instructor to provide training for European pilots compliant with an EASA curriculum.

In general, GAMA members have reviewed Annex III and recommends that EASA streamline the process for acceptance of licences issued by or on behalf of third countries including the following steps:

- There are no provisions for the validation of a Private Pilot Licence (PPL)

from outside the Community provided in Annex III, Annex III requires a complete skill test, an air law and human performance exam, fulfillment of EASA type and class rating experience requirements and a medical issued in accordance with Annex I. These requirements are contrary to the general spirit of ICAO Annex 1. While ICAO does not provide guidance on how to validate a licence, several States (e.g. the United States) just require the presentation of a current pilot and medical certificate and, in some cases, a brief air law examination for specific regulatory differences. However, EASA's proposed Annex III requirement involve a de facto re-certification of the PPL holder for visiting pilots. This will be a disincentive, and likely make it prohibitive, for non-Community pilots to fly in Europe for personal air transportation. GAMA recommends that EASA provide provisions in Annex III for private pilot licence validation and provide a streamlined process for the validation of the licence.

- GAMA recommends that EASA consider overall streamlining of the proposed procedures for outlined in Annex III for licence validation.

response *Noted*

Thank you for your input.

Based on the comments received, and after a dedicated assessment, the Agency has changed the text of Annex III.

Please see amended text, as well as the text for the cover regulation, published with this CRD.

comment 7928 comment by: *General Aviation Manufacturers Association / Hennig*

GAMA Comments to Annex III Provisions for Introduction of New Aircraft

GAMA appreciates EASA's recognition of the unique requirements for manufacturers to conduct flight operation in support of new aircraft being introduced in the Community.

GAMA recommends the retention of this allowance outlined in Annex III Paragraph 6 for recognition of non-Community licences issued in accordance with ICAO Annex 1.

We do, however, questions why the agency is taking a more conservative approach for the generic validation of licences issued in accordance with ICAO Annex 1 and would encourage the agency to explore broader allowance of this validation process.

response *Noted*

Thank you for your input. Please see reply to comment 7925 above.

comment 7935 comment by: *FAA*

Comment: Paragraph 1 places limits on the licenses that are accepted. This is a departure from Appendix 1 to JAR-FCL 1.015. Furthermore, the paragraph is not clear. It can be interpreted to mean that licenses will only be accepted for

1. Pilots involved in operations of aircraft that are registered in a third

country and are used by an operator whose *operations are overseen* by a Member State, or

2. Pilots involved in operations of aircraft that are registered in a third country and are used into, within, or out of the Community by an operator *established* or residing in the Community.

The FAA would like to know if this is the correct interpretation. Further, the term “operation overseen by a Member State” is unclear. Does this mean that a Member State is the State of the Operator or does it mean that operations take place in a Member State? The term “established in the Community” is also unclear. Does it mean that a Member State has certificated the operator? More specifically, will the licenses of pilots flying for Third Country Operators be accepted?

Proposed change: Edit the text for clarity. Paragraph 1 is one sentence long; the meaning would be clearer if it were broken into shorter sentences. In addition, provide an explanatory note to explain the meaning of the terms noted above and to explain the intent of the limitations imposed by this paragraph.

Alternatively, rewrite to reflect the text in Appendix 1 to JAR-FCL 1.015. The text in Appendices 1, 2, and 3 of JAR-FCL1.015 specifically addressed validation and conversion of licenses of Non-JAA [EU] Member States. Suggest the addition of following text to explicitly indicate that this text does not apply to third country operators piloting aircraft registered in third countries: Minimum requirements for the validation or conversion of pilot licenses of Non-EU Member States.

response

Noted

Thank you for your input.

Based on the comments received, and after a dedicated assessment, the Agency has changed the text of Annex III.

Please see amended text, as well as the text for the cover regulation, published with this CRD.

As for the sentences for which you request clarification, they are expressions used in the Basic Regulation.

The sentence ‘for which any Member State ensures oversight of operations’ includes:

- All operators whose principle place of business is located in the Member State territory (unless the Member State has transferred the oversight of operations to another State in accordance with an agreement, like an 83bis agreement).
- All operators for which the Member State has assumed the oversight of operations (for example, in accordance with an 83bis agreement).

The sentence ‘established or residing in the Community’ includes both private/commercial operators whose principle place of business is within the territory of the Community. For private pilots (GA pilots) this means their place of residence. For organisations, it means the place where their principle place of business is: the place of their head office or registered office within which the principal financial functions and operational control, including continued airworthiness management, of the Community operator are exercised.

comment	7943 comment by: FAA
	<p>Comment: Paragraph 5 places a one year limit on the validity of accepted licenses. No explanation for this limit is provided in the NPA. The FAA allows pilots certificates that are issued on the basis of a foreign license (14 CFR part 61.75) to remain in effect as long as the underlying foreign license remains valid.</p> <p>Proposed change: Add an explanatory note to explain the reason for the limitation.</p>
response	Noted
	This was already the system for validated licences in JAR-FCL 1.015 (b)(2). Please see also reply to comment 5011 above.
comment	7946 comment by: FAA
	<p>Comment: Paragraph 5 also indicates that “The <i>user</i> of a licence accepted by a Member State shall comply with the <i>requirements</i> stated in Part-FCL.” The meaning, however, is unclear. What is meant by the user of the license? The pilot? The Operator? Similarly, what is meant by the requirements stated in Part-FCL?</p> <p>Proposed change: Add an explanatory note to explain the terms.</p>
response	Noted
	<p>This sentence is a direct transposition of the last sentence of JAR-FCL 1.015(b)(2).</p> <p>It was included to ensure that the holder of a validated licence, when exercising his/her privileges, complies with the same requirements as the holder of a Part-FCL licence (e.g. the requirements for recent experience included in FCL.060).</p> <p>Please see amended text, where this has been clarified.</p>
comment	7947 comment by: FAA
	<p>Comment: Paragraph 6 was derived from Appendix 3 of JAR-FCL1.015. Appendix 3 clearly indicated that licenses may be validated to permit flights to demonstrate, operate, ferry or test an airplane <i>registered in a JAA Member State</i>. The italicized phrase has been omitted in the NPA. Paragraph 6 lists tasks of limited duration, “such as instruction flights for initial entry in service, demonstration, ferry or test flights.” Since the NPA text provides no limitations, can one assume that licenses will be accepted to perform these functions on all aircraft regardless of their registration, provided they meet the other requirements listed in the Paragraph 6? Specifically, will pilots with US licenses be permitted to perform this type of tasks on aircraft that are registered to EU Member States?</p> <p>Proposed change: Insert the phrase “registered in an EU Member State” to the text for clarity. US manufacturers’ ability to deliver aircraft in a timely manner to their European customers will be severely limited otherwise. This would have negative consequences for both the manufacturers and the European operators.</p>

response

Noted

Thank you for your input.

Based on the comments received, and after a dedicated assessment, the Agency has changed the text of Annex III.

Please see amended text, as well as the text for the cover regulation, published with this CRD.

comment

7948

comment by: *FAA*

Comment: Paragraph 6 includes test flights as an example of limited duration tasks for which licenses may be accepted. Are these test flights limited to the introduction of new aircraft types? If so, why limit the activity in this manner?

Proposed change: Edit text to permit the acceptance of pilots' licenses for all tests.

response

Noted

Thank you for your input.

Based on the comments received, and after a dedicated assessment, the Agency has changed the text of Annex III. This issue should be clearer now.

Please see amended text, as well as the text for the cover regulation, published with this CRD.

comment

8047

comment by: *Tomasz Gorzenski*

The Annex III is a total misunderstanding in my opinion. There is a difference between validation and acceptance. The Annex III seems to describe foreign license validation requirements, while acceptance should be limited to not more than verification of pilot licenses and medical certificate with foreign issuing authority. Otherwise it may be a violation of Article 32 and 33 of Chicago Convention. It may also violate the spirit of the Basic Regulation.

Anyway, the regulations and language of Annex III are very unclear.

Can a holder of ICAO ATPL(A) have his license validated (accepted if you wish) on PPL level if he/she is not interested in flying for hire?

The requirements in case of PPL are way too demanding, considering the short time of validation (max 1 year). It should be extended to the expiration date of original license/medical certificate. This is also not clear if the renewal of validation (acceptance) is possible. It should have been.

If EASA does not decrease the requirements for foreign license acceptance, not only they will be likely violating the Chicago Convention, but also will be a clear sign, that the real intention of EASA was to ban use of FRA (mostly U.S.) by EU pilots and operators. This is a pity that instead of putting a lot of needed effort to create a better, safer and more efficient system within the EU (which would make using FRA by EU operators a nonsense), the EASA tries to prevent pilots and operators from using the world's best, safest and most efficient aviation system in the world, by creating a bureaucratic burden exceeding any reasonable needs.

response

Noted

Thank you for your input.

Based on the comments received, and after a dedicated assessment, the Agency has changed the text of Annex III.
Please see amended text, as well as the text for the cover regulation, published with this CRD.

comment 8228 comment by: AOPA Sweden

The european extra requirements of foreign pilots wanting to fly in europa are too extensive and should be revised. Especially the theorethical requirments are too hard. Also there is a requirement to make a language test also if the pilot already has an ICAO language proficiency. If the pilot already has a ICAO compliant language test, why should a new test be performed?

response *Noted*

The requirement is to demonstrate the knowledge of the English language in accordance to FCL.005.
If the pilot already holds a level 4 (operational level) language proficiency endorsement in English, he/she will not need to be retested on that.
Please see the amended text, where this has been clarified.

comment 8232 comment by: AOPA Sweden

The requirement on third country licence holders are in general too ambitious. A review should be made in order not to make the situation more open to pilots who did their training in other ICAO member states. A comparison should be done between the european requirements and the FAA rules. A pilot holding an ICAO PPL/CPL/ATPL with privileges for Single engine piston, should in general be credited for that after an instructor checkout and documented training on airspace structure and VFR regulations.

response *Noted*

Thank you for your input.
Based on the comments received, and after a dedicated assessment, the Agency has changed the text of Annex III.
Please see amended text, as well as the text for the cover regulation, published with this CRD.

Please note also that implementing rules are general and need to provide legal certainty, and do not allow establishing differences in treatment based on the safety record of some foreign countries. The correct legal instrument to reflect such differences is a bilateral agreement, whereby a comparison between the system of a certain third country and the European system can be made, on the basis of which licences may be accepted without further formality.

comment 8243 comment by: Dr. Egon. R. Sawizki

American Citizen in Germany (scenario)

How should a withdrawal of an FAA license and the usage of an own aircraft work for a US citizen who, for example, lives and works in Germany for a couple of years or travels on busines to Germany, and who not only owns a car or house, but also an aircraft? His business and common language is English. He only lands on English speaking airfields.

How can somebody expect of this person to D-register his aircraft, moreover if he moves back to the US after an unlimited period of time? His aircraft was duly imported and VAT paid in Germany. How shall it work that this person who holds an FAA license and operates his aircraft here on that basis has to also have European proof of his flying knowledge? Nobody can want or require that this pilot has to get the JAR (or lateron) EASA PPL in spite of flying for more than 20 years and having successfully received the CPL and IR in his home country (United States of America)? An additional hurdle would be that he would have to learn the German language.
If somebody now rents the aircraft from this US citizen because he has to fly to Italy for business, then he could only do so with an FAA license.

response *Noted*

Thank you for your input, but there seems to be a misunderstanding of the purpose of the Agency's proposals, since nothing in this NPA requires an aircraft to change its registry. The Basic Regulation does not cover requirements on registration of aircraft.

comment 8244

comment by: *Dr. Egon. R. Sawizki*

EASA-Argument "Safety"

It is by no means proof that somebody can actually safely fly an aircraft if he has an European license. In this regard we should compare the accidents statistics of Europe and the US. Then we could see (percentage wise) what continent produces more accidents. For sure, this will be here in the "Old World". If that is true, on what legal basis shall such an afore-mentioned proof be provided? Also, to what extent do you achieve a higher degree of safety? What equivalence exists here in connection with the "Safety" argument?

response *Noted*

Thank you for your input.
The requirements proposed by the Agency are based on JAR-FCL, which has for a long time been considered by European States as ensuring an adequate level of safety. That was why they were taken as the basis for the development of EASA implementing rules.

comment 8245

comment by: *Dr. Egon. R. Sawizki*

Trust

If pilots fly an N-reg. aircraft in Germany or in Europe, these aircraft often legally belong to trusts. How will EASA approach these UScompanies and insist that their aircraft shall be retreated to the US? A D-registration would certainly not be possible for this set-up. The EASA cannot qualify all aircraft from third party countries as "illegal"!

response *Noted*

Thank you for your input, but there seems to be a misunderstanding of the purpose of the Agency's proposals, since nothing in this NPA requires an aircraft to change its registry. The Basic Regulation does not cover requirements on registration of aircraft.

comment	<p>8246 comment by: <i>Dr. Egon. R. Sawizki</i></p> <p>Maintenance Program This is a marginal issue as is directly relates to own safety. That would also be viable for N-reg. aircraft and be in the pilots' and owners' interest.</p>
response	<p><i>Noted</i></p> <p>Thank you for your input. Please note, however, that this NPA does not contain any provisions on maintenance.</p>
comment	<p>8247 comment by: <i>Dr. Egon. R. Sawizki</i></p> <p>Request (Summary) All N-reg. aircraft in Europe should undergo a maintenance program subject to documentary verification by local authorities (that is how it was until now anyway). As a result, any "black sheep" would be eliminated. Exactly these pilots that fly around with their N-registered aircraft without proper maintenance, insurance and / or documentation harm the reputation of the qualified and sensible pilots that closely and on a regular basis monitor the technical condition of the aircraft and timely initiate repairs as required. All pilots in Germany or Europe who hold an FAA license should continue to be able to fly in their N-registered aircraft provided they can prove that they comply with the <i>Flight Reviews</i> and <i>IPCs</i>. A European license shall not be required for afore-mentioned reasons.</p>
response	<p><i>Noted</i></p> <p>Thank you for your input. Please note, however, that this NPA does not contain any provisions on maintenance.</p>
comment	<p>8255 comment by: <i>Wolfgang Lammingner</i></p> <p>EASA wants to ensure oversight over all foreign license holders and aircraft operating from a European Base.</p> <p>3rd country Licenses can only be accepted for one year maximum! This will kill all operations with 3rd country aircraft and so substantially damage European GA.</p> <p>European CAA have not been able to cope with STCs as the FAA has been, so these aircraft remained in the FAA register. Same with ratings: JAA and EASA have been unable to implement an IR for light aviation. Mutual recognition of licenses and ratings should be achieved after just a written exam in airlaw and a practical skill test!</p> <p>Instead of accepting the competition and to work for better regulation EASA intends to exclude the competition from FAA and other regulators. EASA should ensure oversight over 3rd country aircraft through a cooperation with third country CAAs. Bi- or multilateral reporting and enforcement systems should be implemented, ramp checks are conducted already today. The mandatory certification of an aircraft in a European register should only be the ultimate solution in case attempts to cooperate with other CAAs have failed. Problems with 3rd country aircraft are existing in the Airline world, but only within a few cases in the General Aviation. A mutual recognition of GA licenses and STCs</p>

should be the aim between EASA and third country CAAs which have proven a high safety standard.

So far EASA has not yet shown that it is able to cope with all the challenges of a very versatile GA industry as far as certification (cost, time and staff shortage problems) of aircraft and their components and licensing of pilots are concerned.

response

Noted

Thank you for your input.

Based on the comments received, and after a dedicated assessment, the Agency has changed the text of Annex III.

Please see amended text, as well as the text for the cover regulation, published with this CRD.

Please note also that implementing rules are general and need to provide legal certainty, and do not allow establishing differences in treatment based on the safety record of some foreign countries. The correct legal instrument to reflect such differences is a bilateral agreement, whereby a comparison between the system of a certain third country and the European system can be made, on the basis of which licences may be accepted without further formality.

B. Draft Opinion Part-FCL - Requirements for the conversion of national licences and ratings for aeroplanes and helicopters

p. 162

comment

2291

comment by: *CAA Finland*

Conversion tables from national ICAO Annex 1 licences Glider pilot licence (and add-on: Motor glider = TMG privilege/licence), Balloon pilot licence etc. are missing. Similar or easier approach as for PPL should be used:

GPL / (no experience requirement) / (no any further requirements) / SPL limited to the launch method included in the proficiency check

MGPL / (no experience requirement) / (no any further requirements) / SPL limited to powered sailplanes TMG.

BPL / (no experience requirement) / (no any further requirements) / BPL limited to the class and group of balloons in which the proficiency check was taken.

response

Noted

Thank you for providing your comment.

As was indicated in the explanatory note to this NPA, for the licences that you are mentioning, conversion shall be made on the basis of a conversion report made by the competent authority.

For further details please refer the text of the cover regulation published with this CRD.

comment

2572

comment by: *CAA Belgium*

Annex IV to IR

Question: is it possible that country A converts a national licence issued by country B into a FCL licence ?

response	<i>Noted</i>
	Thank you for providing this comment. The answer to your question is no. Please refer to the text of the cover regulation, as published with this CRD.
comment	3668 comment by: <i>M Wilson-NetJets</i>
	Annex IV <ul style="list-style-type: none"> • There is no provision to convert ATPL(A) < 500hrs at the time of transition to EASA FCL, to EASA license in order to continue employment. Such a situation will not be common, but it will affect some pilots' employment <p>Suggestion: Add a provision to convert ATPL(A) < 500hrs at the time of transition to EASA FCL to appropriate EASA license</p>
response	<i>Not accepted</i>
	Thank you for providing this comment. Please note that Annex IV to the Implementing Regulation was drafted on the basis of Appendix 1 to JAR-FCL 1.005 and Appendix 1 to JAR-FCL 2.005 where no such provisions existed. The reason behind was that a pilot was considered to always get the licence he or she needed to fulfil the duties of a member of a flight crew. In the case of a pilot having less than 500 hrs on MPA, this would mean that he or she only needed a CPL/IR with an ATP theory. Therefore, the Agency does not agree with your proposal.
comment	3820 comment by: <i>OAA Oxford</i>
	There is no provision to convert ATPL(A) < 500hrs at the time of transition to EASA FCL to an EASA licence in order to continue employment. Such situation will not be common, but may affect a pilots employment. Suggestion: add a provision to convert ATPL(A) <500hrs at the time of transition to EASA FCL to appropriate EASA licence.
response	<i>Not accepted</i>
	Thank you for providing this comment. Please refer to the response given to comment no 3668 in this segment.
comment	5004 comment by: <i>George Knight</i>
	This annex makes no provision for the conversion of the UK NPPL to a Part-FCL licence. Please rectify.
response	<i>Noted</i>
	Thank you for providing your comment. Please refer to the response given to comment no 2291 in this segment.
comment	6927 comment by: <i>Roger B. Coote</i>
	Bronze badge + Cross-Country Endorsement

	<p>BGA Glider Pilots' Licence NPPL SLMG</p> <p>These all establish standards for solo and cross-country flying (subject to meeting BGA currency and recency criteria)</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your comment. Please refer to the response given to comment no. 2291 in this segment.</p>
comment	<p>7629 comment by: <i>Irv Lee (Higherplane Aviation Training Ltd)</i></p> <p>In order to meet the expectations of ICAO obligations, EASA FCL should provide a means to convert any ICAO Private Pilot's Licence to an EASA PPL. I propose that this section (or another suitable section) includes a conversion to EASA PPL for any ICAO PPL holder (even if the licence has expired) by the following means:</p> <ol style="list-style-type: none"> 1. Hold current EASA Class 2 medical 2. Sufficient training or refresher training by a registered facility or FTO to be recommended as ready for an initial EASA PPL skills test 3. In the case where the licence is current AND the pilot has a total time of 100 hours or greater, passes in the Air Law, Human Performance, and Navigation ground examinations only, otherwise where the pilot has fewer than 100 hours or the licence has expired, passes in all ground examinations 4. Pass the EASA PPL initial skills test
response	<p><i>Noted</i></p> <p>Thank you for providing your comment. Please refer to the response given to comment no. 2291 in this segment.</p>
comment	<p>7937 comment by: <i>Atlantic Training Support</i></p> <p>Annex IV Add a provision to convert a National ATPL (from an EU Country) with less than 500 hours MP time (at the time of transition to EASA FCL) to an EASA ATPL</p>
response	<p><i>Not accepted</i></p> <p>Thank you for providing this comment. Please refer to the response given to comment no. 3668 in this segment.</p>
comment	<p>7984 comment by: <i>Federal Ministry of Transport, Austria (BMVIT)</i></p> <p>The terminology used in Annex IV could be confusing. The term "national licences" obviously is intended to mean "Non-JAR" licences. But from a legal point of view all JAR-FCL licences issued by Member States are also national licences based on national regulations because JAR-FCL had always to be implemented into the national law of the Member State. This problem could easily solved by a definition of the term national licence to the effect that "Non-JAR" licences are meant.</p> <p>We also think that the "equation" JAR-FCL-licence = Part-FCL should somewhere be included.</p>

response

Noted

Thank you for providing your comment. Please refer to the response given to comment no. 2291 in this segment.

comment

8004

comment by: *Tomasz Gorzenski*

If I understand correctly the Annex 4, it seems like EASA did not provide for conversion of foreign (non Member States) ICAO pilot licenses (from PPL to ATPL). at all.

Does the EASA believe that they have no value? This is ICAO and FAA (which maintains the world's largest, safe and most efficient civil aviation system in the world) we owe the high level of aviation safety today mostly to. This is very sad to observe how EASA, which has been lasting a small fraction of time of ICAO and FAA existence, have no respect for them, and other ICAO member states, by giving no value or credit to the skills and knowledge of pilots possessing licenses issued by those states (in accordance with ICAO standards) and wishing to convert them to the EASA ones. The national licenses of Member States are not better in any aspect than those issued by foreign, ICAO states.

Does the EASA believe that a 5,000 hours ICAO ATPL holder is worth less than a EU student pilot?

I would like to suggest that the EASA adapts the FAA regulations for conversion of foreign licenses.

response

Noted

Thank you for your comment. It seems that your comment refers to Annex III to the Implementing Regulation which deals with requirements for the acceptance of licences issued by or on behalf of third countries. Please refer to the responses to the comments to this Annex and the amended text.

comment

8181

comment by: *H.D.BAUER-HIMMELSBACH*

Die Ausgabe neuer Lizenzen sollte, wenn überhaupt erforderlich, immer erst mit dem Ablauf der Gültigkeit alter Lizenzen einhergehen. Damit würde ein zusätzlicher Aufwand für den Pilot und die Behörde vermieden. Allerdings verstehe ich ohnehin nicht, warum es wieder neue EU-Formate geben soll. Ich habe das Verständnis, dass mit Einführung der JAR-Flugscheinvordrucke, eine weltweite Vereinheitlichung der Ausweise für die Piloten eingeführt wurde. Jegliche zusätzliche Kosten hierfür lehne ich ab. Sie dienen nicht der Flugsicherheit.

response

Noted

Thank you for providing your opinion. Please mind that NPA 2008-17a states in paragraph 46 that it is the intention to establish a maximum period for licence and certificate holders to correct any finding that may derive from the change from the national rules to the Community rules. For further details, please refer to the text of the cover regulation, as published with this CRD.

Please note that JAR-FCL licences were based on national regulations which implemented the Joint Aviation requirements. The recognition of those licences outside the national boundaries of the state of licence issue was based on a mutual agreement between the members of the JAA and the provisions of

ICAO Annex 1. This will be different for Part-FCL licences as Part-FCL will be legally binding in all EASA Member States which are all EU Member States plus Norway, Iceland, Switzerland and Liechtenstein.

comment 8194 comment by: *Alteon Training*

Request that consideration be given to Appendix 3 to JAR-FCL1.015 (Validation of Pilot Licences of non-JAA States). This is in the context of allowing Manufacturer's pilots to provide flight instruction following delivery of new aircraft to a JAA customer.

response *Noted*

Thank you for your comment. Please refer to the response given to comment no. 8004 in this segment.

comment 8195 comment by: *Alteon Training*

Request that consideration be given to Appendix 1 to JAR-FCL 1.300 (Non JAR licence holders to instruct in a TRTO outside a JAA member State). This is in the context of providing TRTO training to customers in TRTO satellite facilities outside JAA Member States.

response *Noted*

Thank you for your comment. Please refer to the response given to comment no. 8004 in this segment.

B. Draft Opinion Part-FCL - Requirements for the conversion of national licences and ratings for aeroplanes and helicopters - A. Aeroplanes - 1 p. 162-163
Pilot licences

comment 8 comment by: *Dirk Wenzig*

Sehr geehrte Damen und Herren,
 wie wird bei der Conversion ein ICAO ATPL (A) D eingestuft?
 Mit freundlichen Grüßen,
 D. Wenzig

response *Noted*

Thank you for providing your comment.
 As described in the explanatory note to this NPA, national aeroplane and helicopter licences compliant with ICAO Annex I will be converted according to Annex IV to the Implementing Regulation.
 For other categories of aircraft, the licences will be converted on the basis of a conversion report developed by the competent authority.

comment 307 comment by: *rod little*

Why does a ppl(A) need to be able to use radio nav aids or does this include the use of GPS

response	<p><i>Noted</i></p> <p>Thank you for providing this comment. This part of the table was already mentioned in JAR-FCL and the use of radio-navigation aids is part of the training syllabus for PPL(A), therefore it was taken into consideration for Annex IV as well.</p>
comment	<p>431 comment by: <i>E.I.S. Aircraft</i></p> <p>There are no provisions for conversion of other national licences than the ones mentioned in the tables, which would leave out e.g. military licences. This does not seem to fulfill the intention stated in NPA 2008-17a #47, whereas Annex IV shall also "...apply after the end of the transition period for the conversion of pilot licences issued by Member States in accordance with national rules for aircraft that are currently in Annex II to the Basic Regulation."</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your comment. Please refer to the response given to comment no. 8 in this segment.</p>
comment	<p>556 comment by: <i>Thomas Endriss</i></p> <p>Comment with respects to conversion of national licenses:</p> <p>The implementation of JAR-FCL has proven that not all countries apply the same methods, conversion requirements, etc. This has created a lot of uncertainty amongst the Pilot population concerning which way to follow and therefore as a consequence led many Private Pilots (PPL) to the decision to stay with the status quo, i.e. the ICAO License.</p> <p>A common EASA-wide license will certainly be highly appreciated in the pilot community. However there should be a focus on a conversion procedure without too much administrative efforts and costs involved. Individual countries' peculiarities, like the german CVFR licence should be regarded as fulfilled when the pilot can demonstrate the proper techniques involved with those peculiarities. Any requirement for a further checkride, additional training, etc. would rather preclude pilots to convert their licenses into an EASA one.</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment.</p> <p>556.1 Please refer to the response given to comment no. 8 in this segment.</p> <p>556.2 The CVFR module in Germany apparently covers the delta that was identified between the former national regulations and JAR-FCL 1. The competent authority will have to define how this will be dealt with in the future. Please refer also to Subpart B, Leisure Pilot Licence.</p> <p>556.3 Concerning the part of your comment dealing with pilots who eventually would not convert their licences, please mind that at the latest after the 8th April 2012 (Article 70) every pilot who wants to fly an aircraft in the EU has to comply with the provisions given in the Regulation (EC) No 216/2008. So there will be no circumnavigating of a conversion of national licences.</p>
comment	<p>706 comment by: <i>FOCA Switzerland</i></p>

Annex IV to the implementing regulation

Clarification:

In the table reference is made to the requirements for the conversion of national licences and ratings.

Since there is no distinction between "National ICAO-licences" and JAR-FCL-licences, it is not clear if there will be a different procedure for the replacement of such licences.

Secondly, as Glider and Balloon licences will be replaced in future by EASA-licences, there is also the need to have procedures and tables indicating the respective requirements.

response *Noted*

Thank you for providing your comment. Please refer to the response given to comment no. 8 in this segment.

comment

720

comment by: *Lothar KRINGS*

To whom it may concern

I refer to ANNEX III and ANNEX IV TO THE IMPLEMENTING REGULATION REQUIREMENTS FOR THE ACCEPTANCE OF LICENCES ISSUED BY OR ON BEHALF OF THIRD COUNTRIES

I have received my US PPL and Instrument Rating many years ago when I worked in the USA for some years. When I returned I continued flying US registered airplanes in many European countries. In these 16 years I have accumulated 1100+ hours as pilot in command including almost 300 hours of actual instrument flying. I landed at 70 different airports, and I made 400 safe takeoffs and landings at major IFR airports including Zurich, Berlin, to name a few. I have always been current with respect to flight experience and medical certification. I have passed all biennial flight reviews without any problem and I was never involved in any incident or accident. I have always made myself familiar with national flying regulations before flying to a new country or even airport.

I appreciate very much that the EASA is coming up a common set of rules for all flying in Europe and tries to get rid of the national specifics.

I can understand that the EASA may be concerned whether pilots with a US license fully live up to the requirements of the FAA, because the FAA is far away and is therefore likely unable to verify compliance with the regulations. Therefore I would accept that the **EASA require pilots with a FAA license to demonstrate that they comply with all FAA regulations** (e.g. by mailing in a copy of the logbook including the relevant entries).

I would also accept to have to **demonstrate to the EASA that I have acquired knowledge of the relevant parts of PartOPS** (although also the FAA requires pilots to familiarize themselves with all local/national regulations).

However I **totally disagree with the concept of forcing me to get a EASA**

license and medical.

I firmly believe that the US pilot certification system is NOT inferior to the European one. Moreover statistics prove that flight under FAA-conditions is not less safe. So why would the EASA not honor my certification if I demonstrate that I meet all the conditions set out by the FAA?

And what would the EASA say if the FAA (and other countries) required pilots with European licenses to obtain their licenses (because the European system is supposedly unsafe?).

I kindly ask you to reconsider your proposal in the light of my line or argumentation above

Best regards
Lothar Krings

response *Noted*

The Agency acknowledges your comment and thanks you for your positive feedback. Your comment seems to refer solely to Annex III to the Implementing Regulation which deals with the requirements for the acceptance of licences issued by or on behalf of third countries. Therefore, please refer to the responses to the comments to this part and to the amended text.

comment

1131

comment by: *CAA Belgium*

(c) should be "demonstrate language proficiency ENGLISH".

Total flight experience is lacking on row (d) of the table.

response

Not accepted

1131.1 The Agency acknowledges your comment. Please note that according to ICAO Annex 1 it is only necessary to prove language proficiency in the language used for air traffic control and as the table is also valid for PPL the reference to FCL.055 will be kept.

1131.2 The total flight experience in line (d) was kept out on purpose. A CPL/IR holder who passed his exams right before the 8th April 2012, which will be the case in certain countries such as Hungary and Slovak Republic, will have just 200 hours and no possibility to fly 500 MP hours before the conversion. This will be different from JAR-FCL where such a pilot was not obliged to convert his or her licence and could continue to fly on the national licence until the relevant number of flight hours were obtained.

comment

2282

comment by: *CAA Finland*

Conversion table box (3)(g) and (i)
Wording "demonstrate knowledge" has been interpreted in very large scale. More definite text would be:

pass from CPL theoretical knowledge examination subjects:

- flight planning; and
- flight performance

as required....

response *Not accepted*

The Agency acknowledges your comment. This was already the text of JAR-FCL, and if the need to pass theoretical knowledge examinations was not mentioned, it was to give the possibility for the applicant to demonstrate knowledge in other ways.

The addition to the text you propose would be a significant change to the common practise in many JAA countries and will therefore not be taken into consideration when drafting the final text.

The Agency does not intend to change this at this time, without a dedicated assessment.

comment

2284

comment by: *CAA Finland*

Ann IV A 1 line 1(b):

Wording "demonstrate knowledge" has been interpreted in very large scale. More definite text would be:

(b) Pass a written open book exam conducted by the Authority on Part-OPS and Part-FCL. The number of questions shall be:

- 50 questions for ATPL
- 40 questions for CPL
- 30 questions for PPL
- If a licence holder has licences for several categories of aircraft on different levels, he/she shall take the highest exam.
- If a licence holder has licences for several categories of aircraft on same level, he/she may choose on which category to have.

response

Not accepted

Please see reply to comment 2282 above.

comment

3136

comment by: *Jim Ellis*

Existing National 'lifetime' licences should be converted to EASA licences also on a lifetime basis. It would be unreasonable for those presently having lifetime licences to lose that benefit upon conversion.

response

Noted

The Agency acknowledges your comment. Please refer to the response given to comment no. 8 in this segment. Please note that there will be no exemptions on the provisions of the Regulation (EC) 216/2008 due to grandfather rights. All pilots will have to stick to the same rules, those ones having their licences since a long time and those ones who got them under the provisions of Part-FCL for the first time.

comment

5008

comment by: *George Knight*

This annex makes no provision for the conversion of UK sailplane, SLMG and TMG pilots and instructors to EASA Part-FCL licences. There are several thousand pilots who will be impacted. There will not be, when the regulations come into force, any qualified resources to examine all the existing pilots; indeed there will be no examiners.

There should be provision to convert the bulk of the experienced sailplane

	pilots and instructors to EASA licences without them needing to undergo further training and examinations.	
response	<i>Noted</i>	
	Thank you for providing your comment. Please refer to the response given to comment no. 8 in this segment.	
comment	5878	comment by: <i>EFLEVA</i>
	NPA 2008-17a Part A.IV paragraphs 47 & 48 notes that a national recreational pilots license could be translated to the LPL. However EFLEVA notes that no details of this provision are given here.	
response	<i>Noted</i>	
	Thank you for providing your comment. Please refer to the response given to comment no. 8 in this segment.	
comment	5881	comment by: <i>EFLEVA</i>
	EFLEVA do not understand the requirement for a PPL holder with more than 70 flight hours to demonstrate the use of radio navigation aids.	
response	<i>Noted</i>	
	Thank you for providing this comment. This part of the table was already mentioned in JAR-FCL and the use of radio-navigation aids is part of the training syllabus for PPL(A), therefore it was taken into consideration for Annex IV as well.	
comment	6229	comment by: <i>French Fédération Française Aéronautique groups the 580 French powered flying aer-clubs and their 43 000 private pilots</i>
	Annex IV A, 1, PPL(A) conversion. FFA disagrees with the requirement applicable to PPL holders with more than 70 flight hours who should demonstrate the use of radio-navigation aids. In France, as in many European countries, use of radio-navigation aids is included in PPL(A) flight training for decades, so, FFA considers this requirement useless and proposes to replace, if really necessary, this requirement by a self declaration of the PPL(A).	
response	<i>Noted</i>	
	Thank you for providing this comment. This part of the table was already mentioned in JAR-FCL and the use of radio-navigation aids is part of the training syllabus for PPL(A), therefore it was taken into consideration for Annex IV as well. Please note that the table states "demonstrate the use of radio navigation aids" so the pilot will have to provide evidence that he or she fulfils this further requirement in a way that satisfies the competent authority.	
comment	6623	comment by: <i>Light Aircraft Association UK</i>
	No description is given as to the route by which a national recreational pilots' licence (e.g. UK NPPL) could be translated to the LPL, as discussed in NPA 2008-17a Part A.IV paras 47 & 48.	

response	<p><i>Noted</i></p> <p>Thank you for providing this comment. Please refer to NPA 2008-17a paragraph 48, which describes the procedures NAAs would apply to convert licences for other categories of licences as defined in paragraphs 46 and 47. Such a conversion could be made on the basis of a conversion report developed by the national authorities.</p> <p>Please see also the proposed text of the cover regulation, as published with this CRD.</p>
comment	<p>6815 comment by: CAA CZ</p> <p>para A(1)(b) "...demonstrate knowledge of the relevant parts of Part OPS and Part FCL..." Relevant parts of FCL and parts of OPS should be specified, as in JAR-FCL in AMC FCL 1/2.005 & 1/2.015.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing this comment. Actually the Agency understands the necessity of the proposed amendment. It will be taken into account by a future rule-making task.</p>
comment	<p>7112 comment by: Finnish Aeronautical Association - Kai Mönkkönen</p> <p>We propose that National licenses valid for operating a TMG are converted into LPL(S) licenses with TMG extension, or LPL(A) licenses, by the same requirements as national PPL licenses are converted to EASA PPL licences.</p> <p>Justification: TMG is for practical purposes similar to LPL.</p> <p>Proposed text: Add a table row for conversion of National TMG : ≥ 70h on TMG and demonstrate the use of radio navigation aids</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment. Please refer to the response given to comment no. 8 in this segment.</p>
comment	<p>7336 comment by: ECOGAS</p> <p>Issue: There is no provision to convert ATPL(A) < 500hrs at the time of transition to EASA FCL, to EASA license in order to continue employment. Such a situation will not be common, but it will affect some pilots' employment.</p> <p>Suggestion: Add a provision to convert ATPL(A) < 500hrs at the time of transition to EASA FCL to appropriate EASA license.</p>
response	<p><i>Not accepted</i></p> <p>Thank you for providing this comment. Please note that Annex IV to the Implementing Regulation was drafted on the basis of Appendix 1 to JAR-FCL</p>

1.005 and Appendix 1 to JAR-FCL 2.005 where no such provisions existed. The reason behind was that a pilot was considered to always get the licence he or she **needed** to fulfil the duties of a member of a flight crew. In the case of a pilot having less than 500 hrs on MPA, this would mean that he or she only needed a CPL/IR with an ATP theory. Therefore, the Agency does not agree with your proposal.

comment 7767 comment by: CAA Finland

Box (3)(c) and (3)(d)(i):

This requirement has been interpreted during JAR-time very differently. For harmonisation new text proposal:

Pass the following subjects of an ATPL theoretical knowledge examination:

- flight planning and flight monitoring
 - performance aeroplanes
- as required by Appendix 2 to Part-FCL

response *Not accepted*

Thank you for providing your opinion. Please refer to comment no. 2282 in this segment.

comment 7769 comment by: CAA Finland

Ann IV 1 PPL box (3)(k):

"demonstrate" is unclear wording alone. Amended text proposal:

demonstrate **during a skill test or proficiency check** the use of radio navigation aids.

response *Not accepted*

Thank you for providing your opinion. Please refer to comment no. 2282 in this segment.

comment 7771 comment by: CAA Finland

Ann IV A 1 (a):

All pilots should have a proficiency check (or skill test) with an examiner certified by this regulation. Harmonization with helicopters B 1. Amended text proposal:

(a) ~~for ATPL(A) and CPL(A)~~, complete as a proficiency check the revalidation requirements of Part-FCL for type/class and instrument rating, relevant to the privileges of the licence held;

response *Not accepted*

Thank you for providing this comment. When drafting the text, the Agency followed closely the provisions of JAR-FCL. The addition to the text of Appendix 1 to JAR-FCL 1.005 you proposed would be a significant change to the common practice in many JAA countries, which would mean an unjustifiable burden for both the NAAs and the pilots.

The Agency does not intend to change the text of JAR-FCL at this time, without a dedicated assessment.

comment	7773	comment by: CAA Finland
	<p>Conversion tables: Conversion from national privileges towards MCCI, STI, LPL, SPL and BPL are missing.</p> <p>For helicopters STI(H) conversion table exists > make a copy of that.</p>	
response	<i>Partially accepted</i>	
	<p>The Agency acknowledges your comment. Please mind that when drafting the text of NPA 2008-17, the Agency closely followed the provisions of JAR-FCL. For this part of the text Appendix 1 to JAR-FCL 1.005 and Appendix 1 to JAR-FCL 2.005 were taken over. In those provisions MCCI, LPL and SPL were not covered and it is not the intention of the Agency to add such provisions. However, there is a gap for the STI (A) which will be covered in the amended text.</p>	

comment	7970	comment by: Europe Air Sports, VP
	<p>It is understood that any valid PPL A in a Member State which was issued in accordance with JAR FCL will be converted into an EASA FCL PPL A.</p> <p>The table covers the conversion of licenses which were issued not in compliance with JAR FCL.</p>	
response	<i>Noted</i>	
	<p>Thank you for providing your comment. The Agency confirms your assumptions. For further details please refer also to the response given to comment no. 8 in this segment.</p>	

comment	8294	comment by: Paul Mc G
	<p>No description is given as to the route by which a national recreational pilots' licence (e.g. UK NPPL) could be translated to the LPL, as discussed in NPA 2008-17a Part A.IV paragraphs 47 - 48. Please clarify the routes of change?? If you know this? Or is this a work in progress?</p>	
response	<i>Noted</i>	
	<p>The Agency acknowledges your comment. Please refer to the response given to comment no. 6623 in this segment.</p>	

B. Draft Opinion Part-FCL - Requirements for the conversion of national licences and ratings for aeroplanes and helicopters - A. Aeroplanes - 2 Instructor certificates

p. 164

comment	2285	comment by: CAA Finland
	<p>Table 2 column 3: As there is a similar requirement already for licence conversion, further requirements should be removed.</p>	

response	<p><i>Accepted</i></p> <p>Thank you for providing this comment. The final text will be amended accordingly as the Agency is of the opinion that every instructor anyway has to comply with this requirement for the licence.</p>
comment	<p>6299 comment by: <i>French Fédération Française Aéronautique groups the 580 French powered flying aer-clubs and their 43 000 private pilots</i></p> <p>Annex IV, A.2 Instructor certificates conversion. FFA disagrees with the requirement applicable to Flight Instructor FI who should demonstrate knowledge of the relevant parts of Part FCL and Part OPS, (column (3) "Any further requirements"). FFA considers that, if strictly necessary, a FI self declaration would be sufficient to attest that they know the distinctive feature of EU Part-FCL, because all current French FIs have been learnt with the very close JAR-FCL and JAR-OPS, so they are able to learn the differences. Consequently, the FFA propose to delete the proposed text in column (3).</p>
response	<p><i>Accepted</i></p> <p>The Agency acknowledges your comment. Please refer to the response given to comment no 2285 in this segment.</p>

<p>B. Draft Opinion Part-FCL - Requirements for the conversion of national licences and ratings for aeroplanes and helicopters - B. Helicopters - 1 Pilot licences</p>	<p>p. 164-167</p>
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comment	<p>1993 comment by: <i>Gendarmerie Nationale</i></p> <p><u>Requirements for the conversion of national licences and ratings Helicopters</u></p> <p>Page 165; last line:</p> <p>National licence held:</p> <p>* "CPL/IR(H) and passed an ICAO ATPL(H) theory test in the Member State of licence"</p> <p>Replacement Part FCL licence and conditions (where applicable):</p> <p>*"CPL/IR(H)with ATPL(H)theory credit,provided that the ICAO ATPL(H) theory test is assessed as being at PartFCL ATPL level"</p> <p>REMARK:</p> <p>* Who will assess that the ICAO ATPL(H) is at PartFCL level? Will it be the national aviation authority of the member state that has issued the theory test or the EASA?</p> <p>If so some "JAA" states will be judged at PartFCL level while others won't? On what basis?</p> <p>A few pages before (page 162 last line) the same requirements for the conversion of national licences and ratings for aeroplanes does not require any assesment of PartFCL level:</p>
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	<p>Replacement Part FCL licence and conditions (where applicable):</p> <p>* "CPL/IR(A) with ATPL"</p> <p><u>PROPOSAL:</u> Replacement Part FCL licence and conditions for Helicopter licences should be the same as those for aeroplane licences. Thank You</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment. Please note that according to NPA 2008-17a Explanatory Note also the JAA NPA 34 was taken into account when drafting the text. Already in this document the text was changed and therefore it will be kept as it is. Furthermore, please note that the competent authority will assess whether the test was at FCL level. Please keep in mind that the Agency is doing standardisation visits to Member States to ensure a uniform level of safety in all member states.</p>
comment	<p>2286 comment by: CAA Finland</p> <p>Ann IV B conversion table box (4)(j):</p> <p>Wrong reference. Instead if (h) should be (i)</p>
response	<p><i>Accepted</i></p> <p>Thank you for this comment. Text will be amended as proposed.</p>
comment	<p>2287 comment by: CAA Finland</p> <p>Ann IV B conversion table box (4)(l):</p> <p>Wrong reference. Instead if (j) should be (k)</p>
response	<p><i>Accepted</i></p> <p>Thank you for this comment. Text will be amended as proposed.</p>
comment	<p>2571 comment by: CAA Belgium</p> <p>Row g: there is an * in column (1) but there is no explanation for. See JAR-FCL. Row j: column (4) : replace (4)(h) by (4)(i) Row l: column (4) : replace (4)(j) by (4)(k)</p> <p>Reason: mistakes taken over from JAR's</p>
response	<p><i>Accepted</i></p> <p>Thank you for your comment. Your inputs will be taken into consideration when drafting the final text. For details please refer to the responses to the comments no 6816, 2286 and 2287.</p>
comment	<p>6816 comment by: CAA CZ</p>

The star relating to note under the table in column (1) line (g) should be removed and added to column (3) line (h) item (i) (as well as in Annex IV A. 1 (3)(e)(i) for aeroplanes and according to Appendix 1 to JAR-FCL 2.005).

Furthermore, this note under the table is missing:

* CPL holders already holding a type rating for a multi-pilot helicopter are not required to have passed an examination for ATPL(H) theoretical knowledge whilst they continue to operate that same helicopter type, but will not be given ATPL(H) theory credit for a Part-FCL licence. If they require another type rating for a different multipilot helicopter, they must comply with column (3), row (h) (i) of the above table.

response *Accepted*

Thank you for providing your comment. This editorial was already wrong in NPA 34 for JAR-FCL 1 and will be corrected when drafting the final text.

comment *7778*

comment by: *CAA Finland*

Conversion table (3)(j) and (l):

Wording "demonstrate knowledge" has been interpreted in very large scale. More definite text would be:

pass from CPL theoretical knowledge examination subjects:

- flight planning; and
- flight performance

as required....

response *Not accepted*

The Agency acknowledges your comment. This was already the text of JAR-FCL, and if the need to pass theoretical knowledge examinations was not mentioned, it was to give the possibility for the applicant to demonstrate knowledge in other ways.

The addition to the text you propose would be a significant change to the common practice in many JAA countries and will therefore not be taken into consideration when drafting the final text.

The Agency does not intend to change this at this time, without a dedicated assessment.

comment *7780*

comment by: *CAA Finland*

Ann IV B 1 line 1(b):

Wording "demonstrate knowledge" has been interpreted in very large scale. More definite text would be:

(b) Pass a written open book exam conducted by the Authority on Part-OPS and Part-FCL. The number of questions shall be:

- 50 questions for ATPL
- 40 questions for CPL
- 30 questions for PPL
- If a licence holder has licences for several categories of aircraft on different levels, he/she shall take the highest exam.
- If a licence holder has licences for several categories of aircraft on same level, he/she may choose on which category to have.

response *Not accepted*

Thank you for providing this comment. When drafting the text, the Agency followed closely the provisions of JAR-FCL. The addition to the text of Appendix 1 to JAR-FCL 1.005 you proposed would be a significant change to the common practice in many JAA countries and will therefore not be taken into consideration when drafting the final text.

comment 7782

comment by: *CAA Finland*

Ann IV B conversion table box (3)(e) and (g):
This requirement has been interpreted during JAR-time very differently. For harmonisation new text proposal:

Pass the following subjects of an ATPL theoretical knowledge examination:

- flight planning and flight monitoring
 - performance aeroplanes
- as required by Appendix 2 to Part-FCL

response *Not accepted*

Please see reply to comment 7778 above.

comment 7784

comment by: *CAA Finland*

Ann IV B box (1)(h) or (3)(h)(i):
Star is missing, ref (1)(g)

Explanation of star is only after aeroplanes and shall be inserted after helicopter table or have a cross-reference.

response *Accepted*

Thank you for providing this comment. Please refer to the response given to comment no 6816 in this segment.

comment 7787

comment by: *CAA Finland*

Ann IV B box (3)(p):
"demonstrate" is unclear wording alone. Amended text proposal:

demonstrate **during a skill test or proficiency check** the use of radio navigation aids.

response *Not accepted*

Thank you for providing this comment. When drafting the text, the Agency followed closely the provisions of JAR-FCL. The addition to the text of Appendix 1 to JAR-FCL 1.005 you proposed would be a significant change to the common practice in many JAA countries and will therefore not be taken into consideration when drafting the final text.

comment	<p>1087 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p>Comment: Editorial. Change "rating" to "certificate".</p> <p>Proposal: [...] into a Part-FCL certificate provided [...]</p>
response	<p><i>Accepted</i></p> <p>Thank you for providing this comment. The final text will be amended accordingly.</p>

comment	<p>3528 comment by: <i>OAA Oxford</i></p> <p>Annex 3 and IV: any further requirements column requires applicant to demonstrate knowledge of the relevant parts of Part Ops and Part FCL. There is no specified mechanism for demonstrating this knowledge. Recommend removal or self certification of required knowledge</p>
response	<p><i>Accepted</i></p> <p>Thank you for providing this comment. The final text will be amended accordingly as the Agency is of the opinion that every instructor anyway has to comply with this requirement for the licence.</p>

comment	<p>5380 comment by: <i>CAA Belgium</i></p> <p>Comment: Editorial. Change "rating" to "certificate".</p> <p>Proposal: [...] into a Part-FCL certificate provided [...]</p>
response	<p><i>Accepted</i></p> <p>The Agency acknowledges your comment. Please refer to the response given to comment no 1087 in this segment.</p>

comment	<p>7790 comment by: <i>CAA Finland</i></p> <p>Table 2 column 3: As there is a similar requirement already for licence conversion, further requirements should be removed.</p>
response	<p><i>Accepted</i></p> <p>Thank you for your comment. Please refer to the response given to the comment no 3528 in this segment.</p>

comment	7792 comment by: <i>CAA Finland</i>
	Conversion tables: Conversion from national privileges towards MCCI is missing.
response	<i>Noted</i>
	Thank you for providing your comment. As also in JAR-FCL no such provisions were mentioned the Agency does not intend to include it into the text.