

Commission Implementing Regulation (EU) 2020/2036 of 9 December 2020 amending Regulation (EU) No 965/2012 as regards the requirements for flight crew competence and training methods and postponing dates of application of certain measures in the context of the COVID-19 pandemic

COMMISSION IMPLEMENTING REGULATION (EU) 2020/2036

of 9 December 2020

amending Regulation (EU) No 965/2012 as regards the requirements for flight crew competence and training methods and postponing dates of application of certain measures in the context of the COVID-19 pandemic

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91<sup>(1)</sup>, and in particular Article 31 thereof,

Whereas:

- (1) Commission Regulation (EU) No 965/2012<sup>(2)</sup> lays down the requirements that aircraft operators need to comply with as regards the recurrent operational training and checking of their pilots.
- (2) The European Plan for Aviation Safety adopted by the European Union Aviation Safety Agency ('the Agency') pursuant to Article 6 of Regulation (EU) 2018/1139, identified that it is of key importance for aviation personnel to have the right competencies and that training methods need to be adapted to ensure that the personnel is able to cope with the new emerging technologies and the increasing complexity of the aviation system.
- (3) In 2013 the International Civil Aviation Organization (ICAO) published the 'Manual of evidence-based training' (Doc 9995 AN/497), which contains a competency framework ('core competencies') necessary to operate safely, effectively and efficiently in a commercial air transport environment and the corresponding descriptions and related behavioural indicators to assess those competencies. The evidence-based training ('EBT') competencies, encompass what was previously known in pilot training as technical and non-technical knowledge, skills and attitudes ('KSA').
- (4) The objective of EBT is to improve safety and to enhance the competencies of flight crews to safely operate the aircraft in all flight regimes and to be able to identify and manage unexpected situations. The EBT concept is designed to maximise learning and limit formal checking.

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**Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/2036, Introductory Text. (See end of Document for details)

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- (5) Commission Regulation (EU) No 965/2012 should therefore be amended in line with the ICAO Doc 9995 ‘Manual of evidence-based training’ in order to introduce requirements on the provision of training, checking and assessment of the EBT programme, and to allow authorities to approve the baseline EBT, which replaces previous checks, i.e. the Operator Proficiency Check (OPC) and the Licence Proficiency Check (LPC). This will allow a single approach to recurrent training at the operator.
- (6) The COVID-19 pandemic severely hampered the ability of Member States and the aviation industry to prepare for the application of a number of recently adopted Implementing Regulations in the field of aviation safety.
- (7) Commission Regulation (EU) No 965/2012 requires that cockpit voice recorders (CVR with the capability of recording 25 hours) are installed and used as of 1 January 2021. To avoid disproportionate financial burden for aircraft operators and manufacturers of aeroplanes whose delivery to operators was scheduled before 1 January 2021 but subsequently disrupted by the COVID-19 pandemic, the application of that requirement should be postponed.
- (8) The Agency has verified that the postponement of the application of the requirement referred to in recital 7 by a limited time is possible without having a detrimental effect on aviation safety.
- (9) The Agency has prepared draft implementing rules and submitted them with Opinion No 08/2019<sup>(3)</sup> in accordance with points (b) and (c) of Article 75(2) and with Article 76(1) of Regulation (EU) 2018/1139.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the committee established in accordance with Article 127 of Regulation (EU) 2018/1139,

HAS ADOPTED THIS REGULATION:

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**Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/2036, Introductory Text. (See end of Document for details)

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- (1) [OJ L 212, 22.8.2018, p. 1.](#)
- (2) Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council ([OJ L 296, 25.10.2012, p. 1.](#)).
- (3) <https://www.easa.europa.eu/document-library/opinions>

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