
STATUTORY INSTRUMENTS

2021 No. 1203

The Aviation Safety (Amendment) (No. 3) Regulations 2021

PART 3

Amendment of retained direct minor EU legislation

CHAPTER 1

Amendment of [Commission Regulation \(EC\) No 1178/2011](#)

Amendment of Annex 1 to [Commission Regulation \(EU\) No 1178/2011](#)

4.—(1) Annex 1 (Part-FCL) is amended as follows.

(2) In point FCL.010—

(a) after the definition of “Dual instruction time” insert—

““EBT operator” means an organisation that is holding an air operator certificate (AOC) in accordance with Annex III (Part-ORO) to [Regulation \(EU\) No 965/2012](#) and that has implemented an EBT programme approved by the CAA, in accordance with the provisions of that Regulation.

“EBT practical assessment” means a method for assessing performance that serves to verify the integrated performance of competencies and takes place in either a simulated or an operational environment.

“EBT programme” means a pilot assessment and training programme in accordance with point ORO.FC.231 (evidence-based training) of Annex III (Part-ORO) to [Regulation \(EU\) No 965/2012](#).”;

(b) after the definition of “Medical declaration” insert—

““Mixed EBT programme” means an operator’s recurrent training and checking programme provided for in point ORO.FC.230 of Annex III (Part-ORO) to [Regulation \(EU\) No 965/2012](#), a portion of which is dedicated to the application of EBT but which does not replace proficiency checks provided for in Appendix 9 to this Annex.”.

(3) In point FCL.015, after point (f) insert—

“(g) Training completed in aircraft or in FSTDs in accordance with Annex III (Part-ORO) to [Regulation \(EU\) No 965/2012](#) shall be taken into account for the purposes of the experience and revalidation requirements established in this Annex (Part-FCL).”.

(4) In point FCL.025(b), for point (3) substitute—

“(3) If an applicant for the ATPL theoretical knowledge examination, or for the issue of a commercial pilot licence (CPL), or an instrument rating (IR) has failed to pass one of the theoretical knowledge examination papers within four attempts, or has failed to pass all papers within either six sittings or within the period mentioned in point (b)(2), the applicant shall retake the complete set of theoretical knowledge examination papers in order to obtain the licence.”.

- (5) In point FCL.025(b), for point (4) substitute—

“(4) If an applicant for the issue of a light aircraft pilot licence (LAPL) or a private pilot licence (PPL) has failed to pass one of the theoretical knowledge examination papers within four attempts or has failed to pass all papers within the period mentioned in point (b)(2), he or she shall retake the complete set of theoretical knowledge examination papers in order to obtain the licence.”.

- (6) In point FCL.035(a), after point (3) insert—

“(4) All hours flown in aeroplanes or TMGs that are subject to a decision of the CAA taken in accordance with point (a) or (c) of Article 2(8) of Regulation (EU) 2018/1139 or that fall within the scope of Annex I to that Regulation shall be credited in full towards fulfilling the flight time requirements of point FCL.140.A(a)(1) and point FCL.740.A(b)(1) (ii) of this Annex, provided that the following conditions are met:

- (i) the aeroplane or TMG concerned is of the same category and class as the Part-FCL aircraft in respect of which the hours flown are to be credited;
- (ii) in case of training flights with an instructor, the aeroplane or TMG used is subject to an authorisation specified in point ORA.ATO.135 of Annex VII (Part-ORA) or point DTO.GEN.240 of Annex VIII (Part-DTO).”;

- (7) In point FCL.035(b)(5), for “FCL.720.A(b)(2)(i)” substitute “FCL.720.A.(a)(2)(ii)(A)”.

- (8) In point FCL.235, for point (a) substitute—

“(a) Through the completion of a skill test, applicants for a PPL shall demonstrate the ability to perform as PIC on the appropriate aircraft category the relevant procedures and manoeuvres with the competency appropriate to the privileges granted.”.

- (9) In point FCL.625—

- (a) in point (b), after point (3) insert—

“(4) Applicants for the revalidation of an IR shall receive full credits for the proficiency check as required in this Subpart when they complete EBT practical assessment in accordance with Appendix 10 to this Annex related to the IR at an EBT operator.”;

- (b) for point (c) substitute—

“(c) Renewal

If an IR has expired, in order to renew their privileges, applicants shall comply with all of the following:

(1) in order to determine whether refresher training is necessary for the applicant to reach the level of proficiency needed to pass the instrument element of the skill test in accordance with Appendix 9 to this Annex, they shall undergo an assessment at either of the following organisations:

- (a) an ATO;
- (b) an EBT operator that is specifically approved for such refresher training;
 - (2) if deemed necessary by the organisation providing the assessment in accordance with point (1), they shall complete refresher training at that organisation;
 - (3) after complying with point (1) and, where applicable, point (2), they shall pass a proficiency check in accordance with Appendix 9 to this Annex, or complete EBT practical assessment in accordance with Appendix 10 to this Annex, in the relevant aircraft category. That EBT practical assessment may be combined with the refresher training specified in point (2);

- (4) they shall hold the relevant class or type rating unless specified otherwise in this Annex.”.
- (c) In point (e), after “(c)(1)” insert “, (c)(2)”.
- (d) In point (f), for “points (c)(2) and (e)” substitute “point (c)(3)”.
- (10) Point FCL.625.A(a) is amended as follows—
- (a) for point (2), substitute—
- “(2) pass a proficiency check in accordance with Appendix 9 to this Annex, or complete EBT practical assessment in accordance with Appendix 10 to this Annex, if the IR revalidation is combined with the revalidation of a class or type rating.”;
- (b) for point (4), substitute—
- “(4) An FNPT II or an FFS representing the relevant class or type of aeroplane may be used for the revalidation pursuant to point (3), provided that at least each alternate proficiency check for the revalidation of an IR(A) is performed in an aeroplane.”.
- (11) For point FCL.740, substitute—

“FCL.740 Validity and renewal of class and type ratings

(a) Validity

- (1) The validity period of class and type ratings shall be 1 year, except for single-pilot single-engine class ratings for which the validity period shall be 2 years, unless otherwise determined in the OSD. If pilots choose to fulfil the revalidation requirement earlier than prescribed in points FCL.740.A, FCL.740.H, FCL.740.PL and FCL.740.A, the new validity period shall commence from the date of the proficiency check.
- (2) Applicants for the revalidation of a class or type rating shall receive full credits for the proficiency check as required in this Subpart when they complete EBT practical assessment in accordance with Appendix 10 to this Annex at an operator that has implemented EBT for the relevant class or type rating.

(b) Renewal

For the renewal of a class or type rating, applicants shall comply with all of the following:

- (1) in order to determine whether refresher training is necessary for the applicant to reach the level of proficiency to safely operate the aircraft, they shall undergo an assessment at one of the following:
- (i) at an ATO;
- (ii) at a DTO or at an ATO, if the expired rating concerned a non-high-performance single-engine piston class rating, a TMG class rating or a single-engine type rating for helicopters referred to in point DTO.GEN.110(a)(2)(c) of Annex VIII;
- (iii) at a DTO, at an ATO or with an instructor, if the rating expired no more than 3 years ago and the rating concerned a non-high-performance single-engine piston class rating or a TMG class rating;
- (iv) at an EBT operator that is specifically approved for such refresher training;
- (2) if deemed necessary by the organisation or the instructor providing the assessment in accordance with point (1), they shall complete refresher training at that organisation or with that instructor;
- (3) after complying with point (1) and, as applicable, point (2), they shall pass a proficiency check in accordance with Appendix 9 to this Annex or complete EBT

practical assessment in accordance with Appendix 10 to this Annex. That EBT practical assessment may be combined with the refresher training specified in point (2).

By way of derogation from points (b)(1), (b)(2) and (b)(3), pilots holding a flight test rating issued in accordance with point FCL.820 who were involved in the development, certification or production flight tests for an aircraft type and have completed either 50 hours of total flight time or 10 hours of flight time as PIC in test flights in that type during the year prior to the date of their application, shall be entitled to apply for the revalidation or renewal of the relevant type rating.

Applicants shall be exempted from the requirement in points (b)(1) and (b)(2) if they hold, and are entitled to exercise the privileges of, a valid rating for the same class or type of aircraft on a pilot licence issued by a third country in accordance with Annex 1 to the Chicago Convention.

- (c) Pilots who leave an operator’s EBT programme after having failed to demonstrate an acceptable level of competence in accordance with that EBT programme shall not exercise the privileges of that type rating until they have complied with one of the following:
- (1) they have completed EBT practical assessment in accordance with Appendix 10 to this Annex; or
 - (2) they have passed a proficiency check in accordance with point FCL.625(c)(3) or point FCL.740(b)(3), as applicable. In such a case, point FCL.625(b)(4) and point FCL.740(a)(2) shall not apply.”
- (12) In point FCL.720.A—
- (a) in point (a), for the first paragraph substitute—

“Applicants for the initial issue of privileges to operate a single-pilot aeroplane in multi-pilot operations, either when applying for the issue of a class or type rating or when extending the privileges of a class or type rating already held to multi-pilot operation, shall meet the requirements in point (b)(4) and, before starting the relevant training course, point (b)(5).”;
 - (b) for point (a)(3), substitute—

“(3) Single-pilot high-performance complex aeroplanes

Applicants for the issue of a type rating for a complex single-pilot aeroplane classified as a high-performance aeroplane shall, in addition to meeting the requirements in point (2), comply with both of the following:

 - (i) they shall hold or have held a single- or multi-engine AR(A), as appropriate and as established in Subpart G;
 - (ii) for the issue of the first type rating, they shall, before starting the type rating training course, meet the requirements in point (b)(5).”;
 - (c) in point (b), for the opening paragraph, substitute—

“Applicants for the issue of the first type rating for a multi-pilot aeroplane shall be student pilots currently undergoing training on an MPL training course or shall, before starting the type rating training course, comply with the following requirements:”;
 - (d) for point (b)(5), substitute—

“(5) have completed the training course specified in point FCL.745.A unless they comply with any of the following:

 - (i) they completed, within the preceding 3 years, the training and checking in accordance with points ORO.FC.220 and ORO.FC.230 of Annex III (Part-ORO) to [Regulation \(EU\) No 965/2012](#);

(ii) they have completed the training specified in point FCL.915(e)(1)(ii).”.

(13) In point FCL.740.A(a), in point (1) for “to this Part” substitute “to this Annex, or complete EBT practical assessment in accordance with Appendix 10 to this Annex.”.

(14) For point FCL.905.TRI, substitute—

“FCL.905.TRI TRI –Privileges and conditions

(a) The privileges of a TRI are to instruct for:

- (1) the revalidation and renewal of an IR, provided the TRI holds a valid IR;
- (2) the issue of a TRI or SFI certificate, provided that the holder meets either of the following conditions:

(i) has at least 50 hours of instructional experience as a TRI or SFI in accordance with this Regulation or [Regulation \(EU\) No 965/2012](#);

(ii) has conducted the flight instruction syllabus of the relevant part of the TRI training course in accordance with point FCL.930.TRI(a)(3) to the satisfaction of the head of training of an ATO;

(3) in the case of the TRI for single-pilot aeroplanes:

(i) the issue, revalidation and renewal of type ratings for single-pilot high-performance complex aeroplanes provided that the applicant seeks privileges to operate in single-pilot operations.

The privileges of the TRI (SPA) may be extended to flight instruction for single-pilot high-performance complex aeroplane type ratings in multi-pilot operations, provided that the TRI meets either of the following conditions:

(A) holds or has held a TRI certificate for multi-pilot aeroplanes;

(B) has at least 500 hours on aeroplanes in multi-pilot operations and completed an MCCI training course in accordance with point FCL.930.MCCI;

(ii) the MPL course on the basic phase, provided that he or she has the privileges extended to multi-pilot operations and holds or has held an FI(A) or an IRI(A) certificate;

(4) in the case of the TRI for multi-pilot aeroplanes:

(i) the issue, revalidation and renewal of type ratings for:

(A) multi-pilot aeroplanes;

(B) single-pilot high-performance complex aeroplanes when the applicant seeks privileges to operate in multi-pilot operations;

(ii) MCC training;

(iii) the MPL course on the basic, intermediate and advanced phases, provided that, for the basic phase, he or she holds or has held an FI(A) or IRI(A) certificate;

(5) in the case of the TRI for helicopters:

(i) the issue, revalidation and renewal of helicopter type ratings;

(ii) MCC training, provided that he or she holds a multi-pilot helicopter type rating;

(iii) the extension of the single-engine IR(H) to multi-engine IR(H);

(6) in the case of the TRI for powered-lift aircraft:

(i) the issue, revalidation and renewal of powered-lift type ratings;

(ii) MCC training.

- (b) The privileges of a TRI include privileges to conduct EBT practical assessment at an EBT operator, provided that the instructor complies with the requirements of Annex III (Part-ORO) to [Regulation \(EU\) No 965/2012](#) for EBT instructor standardisation at that EBT operator.”.
- (15) In point FCL.905.SFI, at the end, insert—
- “(e) The privileges of an SFI include privileges to conduct EBT practical assessment at an EBT operator, provided that the instructor complies with the requirements of Annex III (Part-ORO) to [Regulation \(EU\) No 965/2012](#) for EBT instructor standardisation at that EBT operator.”.
- (16) In point FCL.930.SFI, in point (a)—
- (a) at the end of point (2), for “.” substitute “; and”.
- (b) after point (2) insert—
- “(3) 25 hours of teaching and learning instruction.”.
- (17) In point FCL.1015, for point (a) substitute—
- “(a) An applicant for an examiner certificate shall undertake a standardisation course which is provided by the CAA or which is provided by an ATO and approved by the CAA.”.
- (18) In point FCL.1025(b), for points (1) and (2) and the words in point (3) starting at the beginning and ending with the word “shall”, substitute—
- “(1) before the expiry date of the certificate, have conducted at least six skill tests, proficiency checks, assessments of competence, or EBT evaluation phases during an EBT module referred to in point ORO.FC.231 of Annex III (Part-ORO) to [Regulation \(EU\) No 965/2012](#);
- (2) in the period of 12 months immediately preceding the expiry date of the certificate, have completed an examiner refresher course which is provided by the CAA or which is provided by an ATO and approved by the CAA;
- (3) one of the skill tests, proficiency checks, assessments of competence or EBT evaluation phases conducted in accordance with point (1) shall take place in the period of 12 months immediately preceding the expiry date of the examiner certificate and shall”.
- (19) In point FCL.1010.SFE(a)—
- (a) in point (1)(ii), before “an” insert “hold”;
- (b) in point (2)(ii), before “an” insert “hold”.
- (20) In Appendix 1, for points 1.1 to 1.4 substitute—
- “**1.1.** For the issue of an LAPL, the holder of an LAPL in another category of aircraft shall be fully credited towards requirements of theoretical knowledge on the common subjects established in point FCL.120(a).
- 1.2.** For the issue of an LAPL or a PPL, holders of a PPL, CPL or ATPL in another category of aircraft shall be credited towards requirements of theoretical knowledge on the common subjects established in point FCL.215(a). This credit shall also apply to applicants for an LAPL or a PPL who hold a BPL issued in accordance with Annex III (Part-BFCL) to Regulation (EU) 2018/395 or an SPL issued in accordance with Annex III (Part-SFCL) to Implementing Regulation (EU) 2018/1976, except that the subject ‘navigation’ shall not be credited.
- 1.3.** For the issue of a PPL, the holder of an LAPL in the same category of aircraft shall be fully credited towards the requirements of theoretical knowledge instruction and examination.

1.4. By way of derogation from point 1.2, for the issue of an LAPL(A), the holder of an SPL issued in accordance with Annex III (Part-SFCL) to Commission Implementing Regulation (EU) 2018/1976 with privileges to fly TMGs shall demonstrate an adequate level of theoretical knowledge for the single-engine piston aeroplane-land class in accordance with point FCL.135.A(a)(2).”.

(21) In Appendix 3, section A, point 9, for point (b) substitute—

“(b) 70 hours as PIC, of which up to 55 hours may be as SPIC. The instrument flight time as SPIC shall only be counted as PIC flight time to a maximum of 20 hours;”.

(22) In Appendix 9, section B—

(i) for the table after point (5)(k) substitute—

	“(1)”	(2)	(3)	(4)	(5)					
	Type of operation									
Type of aircraft	SP	MP	SP → MP (initial)	MP → SP (initial)	SP + MP					
	Training	Testing/ checking	Training	Testing/ checking	Training, testing and checking (SE aeroplanes)	Training, testing and checking (ME aeroplanes)	SE aeroplanes	ME aeroplanes		
Initial issue										
All (except SP complex)	Sections 1-6	Sections 1-6	MCC CRM	Sections 1-6	MCC CRM	Sections 1-6	1.6, 4.5, 4.6, 5.2 and, if applicable, one approach from Section 3.B	1.5, Section 6 and, if applicable, one approach from Section 3.B		
SP complex	1-7	1-6	Human factors TEM Sections 1-7		Human factors TEM Section 7					
Revalidation										
All	n/a	Sections 1-6	n/a	Sections 1-6	n/a	n/a	n/a	n/a	MPO: Sections 1-7 (training) Section 1-6 (checking) SPO:	MPO: Sections 1-7 (training) Sections 1-6 (checking) SPO:

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	“(1)”		(2)		(3)		(4)		(5)	
									1.6, 4.5, 4.6, 5.2 and, if applicable, one approach from Section 3.B	1.6, Section 6 and, if applicable, one approach from Section 3.B
Renewal										
All	FCL.740	Sections 1-6	FCL.740	Sections 1-6	n/a	n/a	n/a	n/a	Training: FCL.740 Check: as for the revalidation	Training: FCL.740 Check: as for the revalidation”

(ii) In point 6(i), for “FCL.720.A(e)” substitute “FCL.720.A(c)”.

(23) After Appendix 9, insert—

“Appendix 10

Revalidation and renewal of type ratings, and revalidation and renewal of IRs when combined with the revalidation or renewal of type ratings – EBT practical assessment

A General

1. The revalidation and renewal of type ratings as well as the revalidation and renewal of IRs when combined with the revalidation or renewal of type ratings in accordance with this Appendix shall be completed only at EBT operators which comply with all of the following:

- (a) they have established an EBT programme relevant for the applicable type rating or the IR in accordance with point ORO.FC.231 of Annex III (Part-ORO) to [Regulation \(EU\) No 965/2012](#);
- (b) they have at least 3 years of experience in conducting a mixed EBT programme;
- (c) for each type rating within the EBT programme, the organisation has appointed an EBT manager. EBT managers shall comply with all of the following:
 - (i) they shall hold examiner privileges for the relevant type rating;
 - (ii) they shall have extensive experience in training as an instructor for the relevant type rating;
 - (iii) they shall either be the person nominated in accordance with point ORO.AOC.135(a) (2) of Annex III (Part-ORO) to [Regulation \(EU\) No 965/2012](#), or a deputy of that person.

2. The EBT manager responsible for the relevant type rating shall ensure that the applicant complies with all qualification, training and experience requirements of this Annex for the revalidation, or the renewal, of the relevant rating.

3. Applicants who wish to revalidate or renew a rating in accordance with this Appendix shall comply with all of the following:

- (a) they shall be enrolled in the operator's EBT programme;
- (b) in the case of revalidation of a rating, they shall complete the operator's EBT programme within the period of validity of the relevant rating;
- (c) in the case of renewal of a rating, they shall comply with procedures developed by the EBT operator in accordance with point ORO.FC.231(a)(5) of Annex III (Part-ORO) to [Regulation \(EU\) No 965/2012](#).

4. The revalidation or renewal of a rating in accordance with this Appendix shall comprise all of the following:

- (a) continuous EBT practical assessment within an EBT programme;
- (b) demonstration of an acceptable level of performance in all competencies;
- (c) the administrative action of licence revalidation or renewal for which the EBT manager responsible for the relevant type rating shall do all of the following:
 - (1) ensure that the requirements of point FCL.1030 are complied with;
 - (2) when acting in accordance with point FCL.1030(b)(2), endorse the applicant's licence with the new expiry date of the rating. That endorsement may be completed by another person on behalf of the EBT manager, if that person received a delegation from the EBT manager to do so in accordance with the procedures established in the EBT programme.

B Conduct of the EBT practical assessment

The EBT operator shall ensure that the EBT practical assessment shall be conducted in accordance with the operator's EBT programme.”.