



Brussels, **XXX**
[...] (2017) **XXX** draft

COMMISSION REGULATION (EU) No .../..

of **XXX**

**amending Commission Regulation (EU) No 1178/2011 as regards modular light aircraft
pilot licences**

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THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC⁽¹⁾, and in particular Article 7(6) thereof,

Whereas:

- (1) Subpart B of Annex I (Part-FCL) to Commission Regulation (EU) No 1178/2011⁽²⁾ lays down the requirements for obtaining the light aircraft pilot licence (LAPL), allowing its holders to operate a limited group of aircraft and for non-commercial purposes only. The LAPL was introduced to offer easy access to private flying.
- (2) Pursuant to Article 12(2a)(b) of said Regulation, some Member States still do not apply the requirements of Part-FCL, Subpart B and, instead, continue to apply national licensing rules which also provide for alleviations with regard to obtaining basic pilot privileges. Following a ‘modular training route’, applicants are able to obtain a basic licence with limited basic privileges and, by completing additional training modules, add additional privileges to their licence until they eventually obtain a licence equivalent to an LAPL pursuant to Part-FCL.
- (3) The Member States having incorporated this modular training concept in their national rules reported that the modular-training route supports the promotion of aerial sports and leisure pilot activities as the number of young pilots starting with pilot training increases: the individual training modules are more affordable than one full training course pursuant to Part-FCL.
- (4) While Part-FCL does not contain training courses comparable to the modular training routes of the Member States’ national rules, Article 4(7) of Commission Regulation (EU) No 1178/2011 allows Member States to authorise student pilots to fly without supervision under certain conditions, but it does not offer the possibility to obtain a basic licence after completion of a basic training module comparable to the arrangements in the national rules.
- (5) For those reasons, and in order to ensure that the positive effects of the modular training routes on the General Aviation industry are maintained, Article 4(7) of said Regulation should be amended accordingly to provide Member States with the option either to continue with or to introduce modular training in order to obtain an LAPL

⁽¹⁾ OJ L 79, 19.3.2008, p. 1.

⁽²⁾ Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 311, 25.11.2011, p. 1).

even after 8 April 2018 when the exemption from the requirement to fully implement Part-FCL expires pursuant to Article 12(2a)(b) of said Regulation. This amendment should address modular LAPL training for aeroplanes and helicopters only in order not to interfere with the ongoing revision of the sailplanes and balloons licensing requirements.

- (6) The new Article 4(7) allows Member States to introduce modular training by rearranging the LAPL flight training, as required by Part-FCL, Subpart B, in different training modules, tailored to the limited privileges of the licence issued after successful completion of those modules while all other requirements of Part-FCL, Subpart B fully apply. Additionally, the conditions for the holder of such a licence to gradually obtain a full LAPL pursuant to Part-FCL are established. In order to respect the concept of basic pilot privileges and the related training rearrangements made by a Member State, further limitations on the access to additional privileges and Part-FCL ratings are imposed.
- (7) Considering that each Member State is able to establish its own LAPL training modules and the related licence limitations, and that some Member States might not introduce modular training at all, the privileges of licences obtained after modular training and not yet fully complying with all Part-FCL LAPL requirements are limited to the territory of the Member State that issued such a licence. For the same reason, the holder of such a licence is not allowed to request a change of the competent authority.
- (8) The modular LAPL training is introduced for a limited period in order to assess how such a modular-training concept functions in the context of Part-FCL. For this reason, Member States inform the European Commission, EASA and the other Member States if and when they implement modular LAPL training. They also monitor the activities of holders of licences issued after modular LAPL training in order to maintain an acceptable level of aviation safety.
- (9) The measures provided for in this Regulation are based on Opinion No 08/2017 issued by the European Aviation Safety Agency pursuant to Article 19(1) of Regulation (EC) No 216/2008.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 65 of Regulation (EC) No 216/2008,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 1178/2011 is amended as follows:

1. Article 4, paragraph 7 of Regulation (EU) No 1178/2011 is replaced by the following:
 - (7) Until 8 April 2023, a Member State may issue licences for aeroplanes and helicopters as laid down in Subpart B of Annex I to this Regulation with specified limited privileges, subject to the following conditions:
 - (a) the scope of the privileges granted by such licences as well as any extension of these privileges shall be determined by the Member State and shall be based on a safety risk assessment carried out by the Member State, taking into account the extent of training necessary for the intended level of pilot competence to be achieved;

- (b) applicants for and holders of such licences shall comply with all requirements of Annex I to this Regulation, applicable to the LAPL for the relevant aircraft category except that the flight training and the skill test for the issuance of the licence may be tailored to the limited privileges of the licence, as determined by the Member State pursuant to subparagraph a;
- (c) the privileges of such licences shall exclude:
 - (i) exercising them outside the territory of the Member State that issued the licence;
 - (ii) obtaining ratings pursuant to Subpart I of Annex I to this Regulation;
 - (iii) receiving the credits pursuant to point FCL.210.A(b) and point FCL.210.H(b) of Annex I to this Regulation;
 - (iv) requesting a change of competent authority pursuant to point FCL.015(d) of Annex I to this Regulation;
 - (v) acting as pilot on flights referred to in Article 6(4a) of Regulation (EU) No 965/2012; and
 - (vi) carrying passengers before the pilot completes 40 hours of total flight time, including at least 20 hours of flight time as pilot-in-command, in the relevant aircraft category;
- (d) without prejudice to point FCL.140.A and point FCL.140.H of Annex I to this Regulation, the validity of such licences shall not exceed 8 April 2023;
- (e) holders of such licences shall be issued with an unrestricted licence pursuant to Subpart B of Annex I to this Regulation after:
 - (i) demonstrating to the competent authority that the flight training received fully covers the flight training required in Subpart B of Annex I to this Regulation for the relevant aircraft category;
 - (ii) complying with the recency requirements for the relevant aircraft category, as established in Subpart B of Annex I to this Regulation, when applying for the issuance of the LAPL; and
 - (iii) passing the skill test for the LAPL in the relevant aircraft category within a period of 6 months preceding the application for the issuance of the LAPL.
- (f) the Member State shall inform the European Commission, EASA and the other Member States of the specificities of such licences, including its safety risk assessment;
- (g) the Member State shall monitor the activities associated with such licences to ensure an acceptable level of aviation safety and take appropriate action in case of identifying an increased risk or any safety concerns; and
- (h) the Member State shall carry out a review of the safety aspects of the implementation of this paragraph and submit a report to the European Commission by 8 April 2021 at the latest.'

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President