

EASA

TERMS OF REFERENCE

TOR No: MDM.032 Subgroup Licensing

Issue: Issue 1 **Date:** 4 January 2007

Regulatory reference:

- REGULATION (EC) No 1592/2002 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, as amended.
- COMMISSION REGULATION (EC) No 1702/2003 of 24 September 2003 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations, as amended.
- COMMISSION REGULATION (EC) No 2042/2003 of 20 November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks.

Reference documents:

- OPINION No 3/2004 OF THE EUROPEAN AVIATION SAFETY AGENCY for amending Regulation (EC) No 1592/2002 of the European Parliament and of the Council on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, to extend its scope to the regulation, 15 December 2004.
- Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, "Extending the tasks of the European Aviation Safety Agency – An Agenda for 2010", COM(2005)578 final, 15 November 2005.
- Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1592/2002 of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency (presented by the Commission), COM(2005)579 final, 16 November 2005.
- A-NPA No. 14-2006 and CRD (when available)

1. Subject:

Regulation of aircraft other than complex motor powered aircraft, used in non-commercial activities
Subgroup Licensing

2. Problem / Statement of issue and justification; reason for regulatory evolution (regulatory tasks):

In Opinion No 3/2004 the Agency recognised that the current JAR-FCL PPL may be too demanding for flying only simple aircraft in a simple air traffic environment and considered it appropriate to create an additional level of licence for these types of activities. As a consequence the Agency has proposed the creation of a new category of private pilot licence, a Recreational PPL, as an alternative to the existing JAR-FCL PPL that may be issued by assessment bodies. The holders of such a licence will not be authorised to fly complex motor-powered aircraft or to engage in commercial aviation. The related implementing rule, need to be developed.

Furthermore, during the consultation that took place for the preparation of this Opinion, the views expressed by stakeholders showed that there appeared to be several issues that also needed to be addressed. Above all, the majority of stakeholders feel that they are already over regulated and do not want to be faced with the same situation when the OPS and FCL regulatory framework is transferred to EASA. They consider that this is one of the reasons for the poor development of European general aviation. This has led many associations, sports aircraft, glider and Microlight aircraft, to express the will to be or to remain excluded from the scope of EASA. This clearly poses the problem of aircraft that are

almost identical in design and performance being regulated by different bodies which may create inequalities that would be unacceptable.

In the recitals of its legislative proposal COM (2005) 579 final, the Commission expressed the view that:
(5) Consideration should notably be given to aeroplanes and helicopters with a low maximum take-off mass and whose performance is increasing, can circulate all over the Community and are produced in an industrial manner, which therefore might be better regulated at Community level to provide for the necessary uniform level of safety and environmental protection.

The A-NPA 14-2006 was published on Aug. 16, 2006 and more than 4400 entities or individuals replied (which will be approx. 30000 comments). In the view of this the group had to revise the ToR and the time schedule. Based on this a subgroup has to be established.

3. Objective:

Propose new concept for regulation of aircraft other than complex motor powered aircraft, used in non-commercial activities and draft the associated NPAs.

4. Specific tasks and interface issues (Deliverables):

- Develop implementing rules and appropriate AMC and guidance material for the issue of recreational private pilot licence.
 - Draft the elements for an NPA for this new PPL aiming at initially below 2000 kg (MTOM to be refined depending of aircraft category) and addressing medical requirements in a first phase.
 - In a second phase adjust requirements based on weight criteria agreed by the legislator and define how medical requirements are assessed.

The subgroup shall report to the main group MDM.032, and shall liaise with the EASA FCL.001 working group and its subgroups, as set out in the TORs of FCL.001.

5. Working Methods (in addition to the applicable EASA procedures):

The work shall be carried out by a rulemaking group.

The initial meeting should be held in January 2007.

Meetings shall be held at the Agency in Cologne.

The group will be chaired by TBD.

6. Time scale, milestones:

Start of work in January 2007.

Elements for NPA for recreational private pilot licence rules shall be ready by July 2007.