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| Title: | Opinion and Instruction Document |
| Package Number | 0136 |
| Headline Purpose: | Implement training requirements for all-weather operations and for instrument and type rating training |
| Proposed action: | Amending UK Regulation (EU) No 1178/2011 to introduce training requirements for all-weather operations and for instrument and type rating training in helicopters |

Objective

The objective of this proposal is to modernise the United Kingdom's aviation regulatory framework applicable to all-weather operations (AWOs) and flight crew training to ensure the highest level of safety while enabling efficiency gains based on the latest technological advancements.

All Weather Operations

This proposal follows a performance- and risk-based approach. It sets the appropriate balance between performance-based and prescriptive principles depending on the type of air operations. The rules are not technology-dependent and may accommodate future changes.

It addresses all relevant disciplines and proposes to update the AWO-relevant rules in the domains of air operations, aircrew and aerodromes, in a coordinated manner. In this context, the proposal:

- allows for a better integration and use of new, advanced technology as well as new operational procedures to support AWOs;
- ensures the availability of aerodrome infrastructure (including meteorological equipment), information and procedures to support AWOs;
- allows for the use of enhanced flight vision systems (EFVS) to the maximum extent possible (e.g. EFVS to land) and includes 'light operational credits' for EFVS 200 operations, not requiring the use of specific low-visibility procedures (LVPs); and
- allows for safe helicopter flights under instrument flight rules (IFR), using of point-in-space (PinS) approaches and departures.

Flight Crew Training

This proposal would improve the existing mandatory crew training and checking requirements for air operators. It addresses initial and recurrent training and checking, the conditions for the operation on more than one aircraft type or variant, the acceptance of previous training and checking by non-commercial operators, and multi-pilot operations of single-pilot certified helicopters.

Annex I (Part-FCL) to UK Regulation (EU) No. 1178/2011 lays down the training, testing and checking requirements for pilot licences, including requirements for obtaining privileges to fly approaches in accordance with instrument flight rules (IFR) down to decision heights of less than 200 feet, and for instrument and type rating training in helicopters. The changes proposed by the CAA to crew training are expected to: increase safety in a cost-effective way while maintaining existing safety standards; reduce the regulatory burden; increase cost-effectiveness; improve harmonisation regarding AWOs (e.g., with the Federal Aviation Administration (FAA)); and transpose as far as feasible the Standards and Recommended Practices (SARPs) of the International Civil Aviation Organization (ICAO).

Background

The reason for amendment of this regulation is to reflect the latest International Civil Aviation Organization (ICAO) standards regarding all-weather operations. The amendments to UK Regulation (EU) No 965/2012 are designed to constitute a comprehensive framework for low-visibility IFR approaches, including for aspects related to pilot training. Therefore, the corresponding requirements for low-visibility IFR approaches in UK Regulation (EU) No 1178/2011 should be deleted or, where necessary, replaced by references to UK Regulation (EU) No 965/2012.

Due to the fact that single-engine helicopters are now being certified also for operation under IFR, the requirements for the helicopter instrument rating should be revised in order to be more relevant for the new types of helicopters and provide more flexibility as regards their use. The helicopter instrument rating and the related training should be designed to cover instrument flight in both single-engine and multi-engine helicopters, so that additional training to convert from a single-engine helicopter instrument rating to a multi-engine helicopter instrument rating would no longer be needed.

Until now only multi-engine helicopters have been used for helicopter flights under IFR, and the existing helicopter instrument ratings have been obtained in multi-engine helicopters. For this reason and considering the future use of single-engine helicopters under IFR, transitional provisions should be put in place to ensure that pilots currently holding helicopter instrument ratings can use the associated privilege in both single-engine and multi-engine helicopters.

Training organisations need to be given sufficient time to adapt their training programmes. Details of proposed transitional arrangements are set out below.

UK Regulation (EU) No 1178/2011 should also be amended to correct certain outdated or incorrect cross-references, as well as provide clarification for certain provisions.

The objective of the proposed amendments is to:

- be aligned with ICAO SARPs and ICAO documents;
- take into account stakeholders' expectations and operational needs;
- be based on common operational concepts and cross-domain systemic risk assessments;
- result in consistent rules across all domains;
- consider established industry standards;
- be harmonised with rule developments by the FAA/EASA and other major regulators, as far as possible.

The proposed insertion of Articles 4(d) and 4(e) into UK Regulation (EU) 1178/2011 and the amendment to Article 10 contain specific transitional provisions relating to the introduction of these changes to allow industry time to comply with the new requirements. In addition, the CAA proposes that the introduction of these changes be deferred for 12 months from the date of the SI in order to align with the timeframes for introduction of the Flight Operations and Aerodromes changes.

What legal powers are being used to achieve the change?

Articles 23(1) and 27(1) of UK Regulation (EU) 2018/1139 ("[the UK Basic Regulation](#)").

Further Considerations

Failure to make the changes would result in non-compliance with the amended ICAO SARPs set out in Annex 6, Parts I, II & III. In addition, some UK operators may be commercially disadvantaged.

Today the more demanding Part-FCL provisions for pilot training for multi-pilot helicopters apply also to multi-pilot operation in helicopters certified for single-pilot operation. As a result of that additional burden, almost all helicopter operations in such single-pilot certified helicopters are carried out in single-pilot operation, unless multi-pilot operation is mandated by operational requirements. Consequently, the safety benefit of flying with a co-pilot is lost. To avoid this outcome, the requirements and privileges for multi-pilot operation in helicopters should be revised in order to provide more flexibility. Appropriate requirements should be put in place to allow for safe multi-pilot operation in single-pilot helicopters.

Affected Law (and, if Applicable, UK AMC)

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| What is the existing UK legal framework which is relevant here? | UK Regulation (EU) No 1178/2011 |
| Identify the law that the CAA proposes be changed | UK Regulation (EU) No 1178/2011, in particular: <ul style="list-style-type: none"> - Article 10a - Annex I (Part-FCL) - Appendices 3, 6, 8 and 9 to Annex I (Part-FCL) |
| Are any consequential amendments needed to other pieces of law? | Yes UK Regulation (EU) No 139/2014 (Aerodromes) and UK Regulation (EU) No 965/2012 (Air Operations) The consequential changes proposed to these two regulations are set out in separate OIDs, and all three OIDs should be read together to understand the full extent of the legislative change required. No consequential changes are required to the ANO (unless amendments are needed to Schedule 13 to remove otiose criminal sanctions). |
| If the change proposed is to assimilated EU Implementing Rules made under the UK Basic Regulation, is there any UK Acceptable Means of Compliance (“ AMC ”), Guidance Material (“ GM ”) or Certification Specification (“ CS ”) that will be changed/newly adopted as a consequence? | Yes. Relevant AMC and GM to Part-FCL and Part-ARA will be required to support the regulation changes and will be developed accordingly. |
| Does this proposal relate to an international treaty or obligation (e.g. an ICAO SARP)? | Yes. ICAO issued SL 20.18 amendment 44 to Annex 6 Pt 1 The effective date of amendment 44 was 5 November 2020. It should be noted that Annex 6 Pt 1 is covered by UK Reg (EU) 965/2012 (Air Operations), and the amendment of UK Reg (EU) No 1178/2011 (UK Aircrew Reg) is to support the required training for operations conducted under UK Reg (EU) 965/2012 |

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| Is a consultation required? | <p>Yes. The content of the package was initially consulted on during UK membership of EASA as follows:</p> <p>EASA Task Force RMT.0379 and RMT.0599 NPA 2018-06 NPA 2019-09 NPA 2020-02 NPA 2019-08 CRD 2018-06(A) CRD 2018-06(C) CRD 2018-06(D) Opinion No 02/2021</p> <p>However, as a period of time has since passed and the CAA proposes a different approach in certain discrete areas, a further consultation was conducted.</p> |
| Has a consultation response document been published? | All Weather Operations and Fuel/Energy Planning and Management - Civil Aviation Authority - Citizen Space |
| Is an Impact Assessment under the Better Regulation Framework necessary | Impact Assessments have been prepared by the CAA and DfT, and can be found here: The Aviation Safety (Amendment) Regulations 2024 |
| When is it intended that these provisions should be brought into force? | 12 months from the date the SI is laid, subject to the specific transitional arrangements provided for in Articles 4(d), 4(e) and 10. |
| Has an SI "slot" been identified? | November 2024 |
| Will there be any criminal offences? | The Department for Transport is considering whether to seek a legislative opportunity to take powers for the Secretary of State to make a breach of requirements of assimilated EU legislation in the field of civil aviation an offence. If such powers are agreed by Parliament in the future, then consideration will be given to whether any additional criminal offences would be appropriate. |
| If so, is a Justice Impact Test required? | If the power to impose criminal sanctions is granted, the question of a Justice Impact Test will be considered by the CAA in collaboration with the Department for Transport |
| What is the intended extent of the provision? | The UK. |
| Are there any devolved issues? | No |
| Are any transitional provisions needed? | Specific transitional arrangements are detailed at Articles 4(d), 4(e) and 10 |