

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 (Text with EEA relevance)

CHAPTER III

SUBSTANTIVE REQUIREMENTS

SECTION II

Aircrew

Article 20

Essential requirements

Pilots and cabin crew involved in the operation of aircraft referred to in point (b) of Article 2(1), other than unmanned aircraft, as well as flight simulation training devices, persons and organisations involved in the training, testing, checking or medical assessment of those pilots and cabin crew, shall comply with the essential requirements set out in Annex IV.

Article 21

Pilots

1 Pilots shall be required to hold a pilot licence and a pilot medical certificate appropriate to the operation to be performed, except for situations in which, as a result of the adoption of implementing acts referred to in point (c)(i) of Article 23(1), taking into account the objectives and principles set out in Articles 1 and 4, and in particular the nature and risk of the activity concerned, such licences or medical certificates are not required.

2 The pilot licence referred to in paragraph 1 of this Article shall be issued upon application, when the applicant has demonstrated that he or she complies with the implementing acts referred to in Article 23 adopted to ensure compliance with the essential requirements referred to in Article 20.

3 The pilot medical certificate referred to in paragraph 1 of this Article shall be issued upon application, when the applicant has demonstrated that he or she complies with the implementing acts referred to in Article 23 adopted to ensure compliance with the essential requirements referred to in Article 20.

Status: Point in time view as at 04/07/2018.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2018/1139 of the European Parliament and of the Council, SECTION II. (See end of Document for details)

4 The pilot licence and the pilot medical certificate referred to in paragraph 1 of this Article shall specify the privileges granted to the pilot.

The pilot licence and pilot medical certificate may be amended to add or remove privileges, in accordance with the implementing acts referred to in point (c) of Article 23(1).

5 The pilot licence or the pilot medical certificate referred to in paragraph 1 of this Article may be limited, suspended or revoked when the holder no longer complies with the rules and procedures for issuing and maintaining a licence or a medical certificate in accordance with the implementing acts referred to in point (c) of Article 23(1).

6 Training and experience on aircraft not subject to this Regulation may be recognised for the purpose of obtaining the pilot licence referred to in paragraph 1 of this Article, in accordance with the implementing acts referred to in point (c)(iv) of Article 23(1).

Article 22

Cabin crew

1 Cabin crew involved in commercial air transport operations shall be required to hold an attestation.

2 Taking into account the objectives and principles set out in Articles 1 and 4, and in particular the nature and risk of the activity concerned, cabin crew involved in operations other than commercial air transport may also be required to hold an attestation, in accordance with the implementing acts referred to in point (a) of Article 23(2).

3 The attestations referred to in paragraphs 1 and 2 of this Article shall be issued upon application, when the applicant has demonstrated that he or she complies with the implementing acts referred to in Article 23 adopted to ensure compliance with the essential requirements referred to in Article 20.

4 The attestations referred to in paragraphs 1 and 2 of this Article shall specify the privileges granted to the cabin crew. The attestations may be amended to add or remove privileges, in accordance with the implementing acts referred to in point (a) of Article 23(2).

5 The attestations referred to in paragraphs 1 and 2 of this Article may be limited, suspended or revoked when the holder no longer complies with the rules and procedures for issuing or maintaining such attestation, in accordance with the implementing acts referred to in point (a) of Article 23(2).

6 Before exercising their privileges, and at regular intervals thereafter, cabin crew shall be subject to a medical fitness assessment to ensure compliance with the essential requirements referred to in Article 20 on medical fitness, in accordance with the implementing acts referred to in point (b) of Article 23(2).

Article 23

Implementing acts as regards pilots and cabin crew

1 In order to ensure the uniform implementation of, and compliance with, the essential requirements referred to in Article 20 in respect of pilots who are involved in the operation of aircraft referred to in point (b) of Article 2(1), other than unmanned aircraft, the Commission

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shall, on the basis of the principles set out in Article 4 and with a view to achieving the objectives set out in Article 1, adopt implementing acts laying down detailed provisions concerning:

- a the different categories of pilot licences and pilot medical certificates referred to in Article 21, as well as the different ratings for such pilot licences adequate for the different types of activities performed;
- b the privileges and responsibilities of the holders of pilot licences, ratings and pilot medical certificates;
- c the rules and procedures for issuing, maintaining, amending, limiting, suspending or revoking pilot licences, ratings and pilot medical certificates, including:
 - (i) the rules and procedures for situations in which such licences, ratings and medical certificates are not to be required;
 - (ii) the rules and procedures for the conversion of national pilot licences and national pilot medical certificates into the pilot licences and pilot medical certificates referred to in Article 21(1);
 - (iii) the rules and procedures for the conversion of national flight engineer licences into the pilot licences referred to in Article 21(1);
 - (iv) the rules and procedures for the recognition of training and experience on aircraft not subject to this Regulation for the purposes of obtaining pilot licences referred to in Article 21(1).

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 127(3).

When adopting those implementing acts, the Commission shall ensure compliance with the essential requirements referred to in Article 20 of this Regulation and shall take due account of the international standards and recommended practices, in particular those set out in Annex 1 to the Chicago Convention.

Those implementing acts shall include, where appropriate, provisions for the issuance of all types of pilot licenses and ratings required under Annex 1 to the Chicago Convention. Those implementing acts may also include provisions for the issuance of other types of pilot licences and ratings.

2 In order to ensure the uniform implementation of, and compliance with, the essential requirements referred to in Article 20 in respect of cabin crew who are involved in the operation of aircraft referred to in point (b) of Article 2(1), other than unmanned aircraft, the Commission shall, on the basis of the principles set out in Article 4 and with a view to achieving the objectives set out in Article 1, adopt implementing acts laying down detailed provisions concerning:

- a the rules and procedures for issuing, maintaining, amending, limiting, suspending or revoking cabin crew attestations and for the situations in which such attestations are to be required for cabin crew involved in operations other than commercial air transport;
- b the rules and procedures for the medical fitness assessment of cabin crew referred to in Article 22;
- c the privileges and responsibilities of the holders of cabin crew attestations referred to in Article 22.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 127(3).

Status: Point in time view as at 04/07/2018.

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Article 24

Training organisations and aero-medical centres

- 1 An approval shall be required in respect of aero-medical centres.
- 2 An approval shall be required in respect of pilot training organisations and cabin crew training organisations, except for situations in which, as a result of the adoption of implementing acts referred to in point (a) of Article 27(1), taking into account the objectives and principles set out in Articles 1 and 4, and in particular the nature and risk of the activity concerned, such approvals are not required.
- 3 The approvals referred to in paragraphs 1 and 2 of this Article shall be issued upon application, when the applicant has demonstrated that it complies with the implementing acts referred to in Article 27 adopted to ensure compliance with the essential requirements referred to in Article 20.
- 4 The approvals referred to in paragraphs 1 and 2 of this Article shall specify the privileges granted to the organisation. Those approvals may be amended to add or remove privileges, in accordance with the implementing acts referred to in point (a) of Article 27(1).
- 5 The approvals referred to in paragraphs 1 and 2 of this Article may be limited, suspended or revoked when the holder no longer complies with the rules and procedures for issuing and maintaining such approval, in accordance with the implementing acts referred to in point (a) of Article 27(1).
- 6 When as a result of the adoption of the implementing acts referred to in point (a) of Article 27(1), taking into account the objectives and principles set out in Articles 1 and 4, and in particular the nature and risk of the activity concerned, an approval referred to in paragraph 2 of this Article is not required in respect of a pilot training organisation or a cabin crew training organisation, implementing acts referred to in point (b) of Article 27(1) may still require the organisation concerned to declare its capability, and the availability to it of the means, to discharge its responsibilities associated with the activities that it performs in compliance with those implementing acts.

Article 25

Flight simulation training devices

- 1 A certificate shall be required in respect of each flight simulation training device used for the training of pilots, except for situations in which, as a result of the adoption of implementing acts referred to in point (a) of Article 27(1), taking into account the objectives and principles set out in Articles 1 and 4, and in particular the nature and risk of the activity concerned, such certificates are not required.
- 2 The certificate referred to in paragraph 1 of this Article shall be issued upon application, when the applicant has demonstrated that the applicant and the device comply with the implementing acts referred to in Article 27 adopted to ensure compliance with the essential requirements referred to in Article 20.
- 3 The certificate referred to in paragraph 1 of this Article shall specify the functionalities of the device. The certificate may be amended to reflect changes to those functionalities, in accordance with the implementing acts referred to in point (a) of Article 27(1).

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4 The certificate referred to in paragraph 1 of this Article may be limited, suspended or revoked when the holder or the device no longer complies with the rules and procedures for issuing and maintaining such certificate, in accordance with the implementing acts referred to in point (a) of Article 27(1).

5 Where the implementing acts referred to in Article 27 so provide, the organisation responsible for the operation of the flight simulation training device shall be required to declare the compliance of the device with the essential requirements referred in Article 20 and with the detailed specifications established in accordance with the implementing acts referred to in point (b) of Article 27(1).

Article 26

Instructors and examiners

1 Persons responsible for providing flight training, flight simulation training, or for assessing pilots' skills, as well as aero-medical examiners, shall be required to hold a certificate, except for situations in which, as a result of the adoption of implementing acts referred to in point (a) of Article 27(1), taking into account the objectives and principles set out in Articles 1 and 4, and in particular the nature and risk of the activity concerned, such certificates are not required.

2 Taking into account the objectives and principles set out in Articles 1 and 4, and in particular the nature and risk of the activity concerned, persons responsible for providing cabin crew training or for assessing cabin crew skills may be required to hold a certificate, in accordance with the implementing acts referred to in point (a) of Article 27(1).

3 The certificates referred to in paragraphs 1 and 2 of this Article shall be issued upon application, when the applicant has demonstrated that he or she complies with the implementing acts referred to in Article 27 adopted to ensure compliance with the essential requirements referred to in Article 20.

4 The certificates referred to in paragraphs 1 and 2 of this Article shall specify the privileges granted.

Those certificates may be amended to add or remove privileges, in accordance with the implementing acts referred to in point (a) of Article 27(1).

5 The certificates referred to in paragraphs 1 and 2 of this Article may be limited, suspended or revoked when the holder no longer complies with the rules and procedures for issuing and maintaining such certificates, in accordance with the implementing acts referred to in point (a) of Article 27(1).

Article 27

Implementing acts as regards training, testing, checking and medical assessment

1 In order to ensure the uniform application of and compliance with the essential requirements referred to in Article 20, for flight simulation training devices, and for persons and organisations involved in the training, testing, checking or medical assessment of pilots and cabin crew, the Commission shall, on the basis of the principles set out in Article 4 and with a view to achieving the objectives set out in Article 1, adopt implementing acts laying down detailed provisions concerning:

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- a the rules and procedures for issuing, maintaining, amending, limiting, suspending or revoking approvals and certificates referred to in Articles 24, 25, 26, and for the situations in which such approvals and certificates are or are not to be required;
- b the rules and procedures for the declarations by pilot training organisations, and cabin crew training organisations referred to in Article 24(6) and by operators of flight simulation training devices referred to in Article 25(5), and for the situations in which such declarations are to be required;
- c the privileges and responsibilities of the holders of approvals and certificates referred to in Articles 24, 25 and 26, and of the organisations making declarations in accordance with Articles 24(6) and 25(5).

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 127(3).

2 When adopting those implementing acts, the Commission shall ensure compliance with the essential requirements referred to in Article 20 and shall take due account of the international standards and recommended practices, in particular those set out in Annexes 1 and 6 to the Chicago Convention.

Article 28

Delegated powers

1 As regards pilots and cabin crew involved in the operation of aircraft referred to in point (b) of Article 2(1), other than unmanned aircraft, as well as flight simulation training devices, persons and organisations involved in the training, testing, checking or medical assessment of those pilots and cabin crew, the Commission is empowered to adopt delegated acts, in accordance with Article 128, to amend Annex IV, where necessary for reasons of technical, operational or scientific developments or safety evidence related to aircrew, in order and to the extent required to achieve the objectives set out in Article 1.

2 The rules referred to in paragraph 1 shall include, where appropriate, provisions for the issuance of all types of pilot licences and ratings required under the Chicago Convention. Those rules may also include provisions for the issuance of other types of licences and ratings.

Status:

Point in time view as at 04/07/2018.

Changes to legislation:

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