

COMMISSION IMPLEMENTING REGULATION (EU) 2020/357
of 4 March 2020
amending Regulation (EU) 2018/395 as regards balloon pilot licences
(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to 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 ⁽¹⁾, and in particular Articles 23, 27 and 31 thereof,

Whereas:

- (1) The Commission is to adopt the necessary implementing rules for establishing the requirements for balloon pilot licences ('BPLs') in accordance with Regulation (EU) 2018/1139, where such aircraft meet the conditions specified in points (b)(i) and (ii) of Article 2(1) of that Regulation.
- (2) In light of the specific nature of flight crew licensing for balloons, dedicated licensing requirements that are laid down in stand-alone regulations are necessary. Those requirements should be based on the general rules for flight crew licensing that are laid down in Commission Regulation (EU) No 1178/2011 ⁽²⁾. However, they should be restructured and simplified in order to ensure that they are proportionate and founded on a risk-based approach, whilst ensuring that balloon pilots are and continue to be competent to carry out their activities and to discharge their responsibilities.
- (3) Pursuant to Article 12(2a)(3) of Regulation (EU) No 1178/2011, Member States may continue to apply national licensing rules that provide access to basic pilot privileges until 8 April 2020. Some Member States have reported to the Commission and the European Union Aviation Safety Agency ('EASA') that, in that context, continuation of those national licensing rules, whereby student pilots exercise limited privileges without supervision and obtain basic privileges on a step-by-step basis supports the promotion of aerial sports and recreational activities due to easy and more affordable access to flying. Promoting and enabling such easier access to general aviation is in line with the objectives of EASA's General Aviation Road Map that aims to create a more proportional, flexible and proactive regulatory system ⁽³⁾. For those reasons, Member States should be given the discretion to continue with those national licensing rules in accordance with the principles introduced in Regulation (EU) ⁽⁴⁾ for the purpose of issuing balloon pilot licences ('BPL'). However, Member States should inform the Commission and the EASA whenever they make use of such authorisations. The Member States should also monitor the use of such authorisations in order to maintain an acceptable level of aviation safety.

⁽¹⁾ OJ L 212, 22.8.2018, 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).

⁽³⁾ <https://www.easa.europa.eu/easa-and-you/general-aviation/general-aviation-road-map>

⁽⁴⁾ Commission Regulation (EU) 2019/430 of 18 March 2019 amending Regulation (EU) No 1178/2011 as regards the exercise of limited privileges without supervision before the issuance of a light aircraft pilot licence (OJ L 75 19.3.2019 p. 66).

- (4) In order to ensure a smooth transition, any certificates, authorisations and approvals issued to balloon pilots in accordance with Regulation (EU) No 1178/2011 prior to the date of application of this Regulation should continue to be valid. National balloon pilot licences issued prior to the date of application of this Regulation should be converted into licences issued in accordance with this Regulation, through conversion reports established by the competent authorities of Member States in consultation with the EASA.
- (5) Balloon pilot trainings that commenced in accordance with Annex I (Part-FCL) to Regulation (EU) No 1178/2011 prior to the date of application of this Regulation, should be fully credited because they provide equal or even broader scope of training requirements than those introduced by this Regulation. Training that commenced prior to the date of application of this Regulation in accordance with Annex 1 to the Chicago Convention should be credited on the basis of credit reports established by the Member States.
- (6) Existing training organisations should be given the appropriate time to adapt their training programmes, where necessary, in the context of the simplified training requirements.
- (7) Provisions of Commission Regulation (EU) 2018/395 ⁽⁵⁾ should be updated also as regards operations with balloons, to take account of lessons learned since the adoption of that regulation and to clarify certain aspects, such as the submission of declarations for commercial activities.
- (8) The measures provided for in this Regulation are based on Opinion No 01/2019 ⁽⁶⁾ of the EASA in accordance with points (b) and (c) of Article 75(2) and with Article 76(1) of Regulation (EU) 2018/1139.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the committee established by Article 127 of Regulation (EC) No 2018/1139,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) 2018/395 is amended as follows:

- (1) the title is replaced by the following:

‘Commission Regulation (EU) 2018/395 of 13 March 2018 laying down detailed rules for the operation of balloons as well as for the flight crew licensing for balloons pursuant to Regulation (EU) 2018/1139 of the European Parliament and of the Council’;

- (2) in Article 1, paragraph 1 is replaced by the following:

1. This Regulation lays down detailed rules for air operations with balloons as well as for issuing and maintaining pilot licences and associated ratings, privileges and certificates for balloons, where such aircraft meet the conditions laid down in points (b)(i) and (ii) of Article (2)(1) of Regulation (EU) 2018/1139 of the European Parliament and of the Council (*).

(*) 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 (OJ L 212, 22.8.2018, p. 1).;

⁽⁵⁾ Commission Regulation (EU) 2018/395 of 13 March 2018 laying down detailed rules for the operation of balloons pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 71, 14.3.2018, p. 10).

⁽⁶⁾ Easier access for GA pilots to IFR flying & Revision of the balloon and sailplane licensing requirements, (Opinion No 01/2019 (A) & (B), 19.02.2019), available at: <https://www.easa.europa.eu/document-library/opinions>

(3) Article 2 is amended as follows:

(a) the introductory sentence is replaced by the following:

‘For the purpose of this Regulation, the following definitions and, unless terms are defined otherwise in this Article, the definitions of Article 2 of Commission Regulation (EU) No 1178/2011 (*) apply:

(*) 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).;

(b) the following point (7a) is inserted:

‘(7a) “commercial operation” means any operation of a balloon, in return for remuneration or other valuable consideration, which is available for the public or, when not made available to the public, is performed under a contract between an operator and a customer, where the latter has no control over the operator;’;

(c) point (10) is replaced by the following:

‘(10) “introductory flight” means any air operation, against remuneration or other valuable consideration, that consists of an air tour of short duration for the purpose of attracting new trainees or new members, performed either by a training organisation referred to in Article 10a of Regulation (EU) No 1178/2011 or by an organisation established with the aim of promoting aerial sport or leisure aviation;’;

(d) point (12) is replaced by the following:

‘(12) “dry lease agreement” means an agreement between undertakings pursuant to which the balloon is operated under the responsibility of the lessee;’;

(e) the following points (13) to (15) are added:

‘(13) “national licence” means a pilot licence issued by a Member State in accordance with national legislation before the date of application of Annex III (Part-BFCL) to this Regulation or of Annex I (Part-FCL) to Regulation (EU) No 1178/2011;

(14) “Part-BFCL licence” means a flight crew licence which complies with the requirements of Annex III (Part-BFCL) to this Regulation;

(15) “conversion report” means a report on the basis of which a licence may be converted into a Part-BFCL licence.’;

(4) paragraph 2 of Article 3 is amended as follows:

(a) the first subparagraph is replaced by the following:

‘2. Operators of balloons shall engage in commercial operations only after having declared to the competent authority their capacity and means to discharge the responsibilities associated with the operation of the balloon.’;

(b) the second subparagraph is deleted;

(c) the third subparagraph is amended as follows:

(i) the introductory sentence is replaced by the following:

‘The first subparagraph shall not apply to the following operations with balloons;’;

(ii) points (c) and (d) are replaced by the following:

‘(c) introductory flights with four individuals or less, including the pilot, and flights for the purposes of parachute dropping, performed either by a training organisation referred to in Article 10a of Regulation (EU) No 1178/2011 that has its principal place of business in a Member State, or by an organisation created for the purposes of promoting aerial sport or leisure aviation, provided that the organisation operates the balloon on the basis of either ownership or a dry lease agreement and provided that the flight does not generate profits distributed outside the organisation and that such flights represent only a marginal activity of the organisation;

(d) training flights performed by a training organisation referred to in Article 10a of Regulation (EU) No 1178/2011 that has its principal place of business in a Member State.’;

(5) after Article 3, the following Articles 3a to 3d are inserted:

Article 3a

Pilot licences and medical certification

1. Without prejudice to Commission Delegated Regulation (EU) (*), pilots of aircraft referred to in Article 1(1) of this Regulation shall comply with the technical requirements and administrative procedures laid down in Annex III (Part-BFCL) to this Regulation and in Annex IV (Part-MED) to Regulation (EU) No 1178/2011.
2. As an exception to the privileges of the holders of licences as defined in Annex III (Part-BFCL) to this Regulation, holders of such licences may carry out flights referred to in Article 3(2)(a) to (d) without complying with point BFCL.215 of Annex III (Part-BFCL) to this Regulation.
3. A Member State may authorise student pilots who follow a balloon pilot licence (“BPL”) training course to exercise limited privileges without supervision before they meet all the requirements that are necessary for the issue of a BPL in accordance with Annex III (Part-BFCL), subject to all of the following conditions:
 - (a) the scope of the privileges granted 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) the privileges shall be limited to the following:
 - (i) the whole or part of the national territory of the authorising Member State;
 - (ii) balloons that are registered in the authorising Member State;
 - (c) the holder of such an authorisation who applies for the issue of a BPL shall receive credits for training conducted under the authorisation on the basis of a recommendation from an approved training organisation (“ATO”) or a declared training organisation (“DTO”);
 - (d) the Member State shall submit reports and safety risk assessments to the Commission and the European Union Aviation Safety Agency every 3 years;
 - (e) the Member State shall monitor the use of authorisations issued under this paragraph to ensure an acceptable level of aviation safety and take appropriate action in case of identifying an increased safety risk or any safety concerns.

Article 3b

Existing pilot licences and national medical certificates

1. Part-FCL licences for balloons and associated privileges, ratings and certificates issued by a Member State before the date of application of this Regulation shall be deemed to have been issued in accordance with this Regulation. Member States shall replace those licences with licences that comply with the format laid down in Annex VI (Part-ARA) to Regulation (EU) No 1178/2011 when they reissue licences for administrative reasons or upon a request of licence holders.
2. When a Member State reissues licences and associated privileges, ratings and certificates in accordance with paragraph 1 of this Article, the Member State shall, as applicable:
 - (a) transfer all privileges already endorsed in Part-FCL licences to the new licence format;
 - (b) convert the privileges for tethered flight or commercial operation associated with a Part-FCL licence into a tethered flight rating or a commercial operation rating in accordance with the provisions of Point BFCL.200 and BFCL.215 of Annex III (Part-BFCL) to this Regulation;
 - (c) endorse the expiry date of a flight instructor certificate associated with a Part-FCL licence into the pilot’s logbook or issue an equivalent document. After that date, those pilots shall exercise instructor privileges only if they comply with point BFCL.360 of Annex III (Part-BFCL) to this Regulation.
3. Holders of national licences for balloons issued by a Member State before the date of application of Annex III (Part-BFCL) to this Regulation shall be allowed to continue to exercise the privileges of their licences until 8 April 2021. By that date, Member States shall convert those licences into Part-BFCL licences and associated ratings, privileges and certificates in accordance with the elements laid down in a conversion report that complies with the requirements of Article 4(4) and (5) of Regulation (EU) No 1178/2011.

4. National pilot medical certificates associated with a licence as specified in paragraph 2 of this Article and issued by a Member State before the date of application of Annex III (Part-BFCL) to this Regulation shall remain valid until the date of their next revalidation or until 8 April 2021, whichever is the earliest. The revalidation of those medical certificates shall comply with the requirements of Annex IV (Part-MED) to Regulation (EU) No 1178/2011.

Article 3c

Credit for training that commenced prior to the date of application of this Regulation

1. In respect of issuing Part-BFCL licences and associated privileges, ratings or certificates in accordance with Annex III (Part-BFCL) to this Regulation, training that commenced prior to the date of application of this Regulation in accordance with Annex I (Part-FCL) to Regulation (EU) No 1178/2011 shall be deemed to comply with the requirements of this Regulation, provided that the BPL is issued by 8 April 2021 at the latest. In that case, the following shall apply:
 - (a) BPL training commenced on balloons representing the hot-air airship class, including the related testing, may be completed on those balloons;
 - (b) training hours completed in the hot-air balloon class in balloons other than group A of that balloon class shall be fully credited towards the requirement in point BFCL.130(b) of Annex III.
2. Training that commenced prior to the date of application of this Regulation or of Annex I (Part-FCL) to Regulation (EU) No 1178/2011, in accordance with Annex 1 to the Chicago Convention, shall be credited for the purposes of issuing Part-BFCL licences on the basis of a credit report established by the Member State in consultation with the European Union Aviation Safety Agency.
3. The credit report referred to in paragraph 2 shall describe the scope of the training, indicate for which requirements of Part-BFCL credit is given and, if applicable, which requirements applicants need to comply with in order to be issued with a Part-BFCL licence. It shall include copies of all the documents necessary to attest the scope of the training, as well as copies of the national regulations and procedures in accordance with which the training was initiated.

Article 3d

Training organisations

1. Training organisations for pilot licences referred to in Article 1(1) shall comply with the requirements of Article 10a of Regulation (EU) No 1178/2011.
2. Training organisations referred to in paragraph 1 of this Article which hold an approval issued in accordance with Annex VII (Part-ORA) to Regulation (EU) No 1178/2011 or have submitted a declaration in accordance with Annex VIII (Part-DTO) to Regulation (EU) No 1178/2011 before the date of application of this Regulation shall adapt their training programmes, where necessary, by 8 April 2021 at the latest.

(*) Commission Delegated Regulation (EU) of 4 March 2020 (not yet published in the Official Journal).;

- (6) Annex I (Part-DEF) is amended in accordance with Annex I to this Regulation;
- (7) Annex II (Part-BOP) is amended in accordance with Annex II to this Regulation;
- (8) Annex III (Part-BFCL) is added as set out in Annex III to this Regulation.

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*.

It shall apply from 8 April 2020.

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

Done at Brussels, 4 March 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

Annex I 'Definitions' (Part-DEF) to Regulation (EU) 2018/395 is amended as follows:

(1) the introductory sentence is replaced by the following:

'For the purpose of this Regulation, the following definitions and, unless terms are defined otherwise in this Annex, the definitions of Article 2 of Regulation (EU) No 1178/2011 as well as of point FCL.010 of Annex I (Part-FCL) to that Regulation, shall apply:';

(2) points 1 and 2 are replaced by the following:

1. "acceptable means of compliance (AMC)" means non-binding standards adopted by the Agency to illustrate means to establish compliance with Regulation (EU) 2018/1139 and its delegated and implementing acts;

2. "alternative means of compliance (AltMoC)" means those means that propose an alternative to an existing AMC or those that propose new means to establish compliance with Regulation (EU) 2018/1139 and its delegated and implementing acts for which no associated AMC have been adopted by the Agency;';

(3) the following point 11a is inserted:

'11a. "flight time" means the total time from the moment the basket leaves the ground for the purpose of taking off until the moment it finally comes to a rest at the end of the flight;';

(4) the following points 17a and 17b are inserted:

'17a. "class of balloons" means a categorisation of balloons taking into account the lifting means used to sustain flight;

17b. "proficiency check" means the demonstration of skill for the purpose of complying with the recency requirements as established in this Regulation, including oral examinations as may be required;';

(5) point 22 is replaced by the following:

'22. "group of balloons" means a categorisation of balloons, taking into account the size or capacity of the envelope;';

(6) the following points 23 to 26 are added:

'23. "skill test" means the demonstration of skill for the purpose of issuing a licence or rating, or extension of a privilege, including oral examinations as may be required;

24. "assessment of competence" means the demonstration of skill, knowledge and attitude for the initial issue, revalidation or renewal of an instructor or examiner certificate;

25. "solo flight" means a flight during which a student pilot is the sole occupant of the balloon;

26. "tethered flight" means a flight with a tether system that anchors the balloon to a fixed location during operation, with the exception of a tether which may be used as part of the take-off procedure.'

ANNEX II

Annex II 'Balloon Air Operations' (Part-BOP) to Regulation (EU) 2018/395 is amended as follows:

(1) in point BOP.BAS.010, paragraph (a) is replaced by the following:

'(a) An operator shall, when so requested by the competent authority which verifies continued compliance by the operator in accordance with point ARO.GEN.300(a)(2) of Annex II (Part-ARO) to Regulation (EU) No 965/2012, demonstrate compliance with the essential requirements set out in Annex V to Regulation (EU) 2018/1139 and with the requirements of this Regulation.';

(2) point BOP.BAS.020 is replaced by the following:

BOP.BAS.020 Immediate reaction to a safety problem

The operator shall implement:

(a) safety measures mandated by the competent authority in accordance with paragraph (c) of point ARO.GEN.135 of Annex II (Part-ARO) to Regulation (EU) No 965/2012; and

(b) airworthiness directives and other mandatory information issued by the Agency in accordance with paragraph (h) of Article 77(1) of Regulation (EU) 2018/1139.';

(3) point BOP.BAS.025 is replaced by the following:

BOP.BAS.025 Designation as pilot-in-command

The operator shall designate a pilot-in-command who is qualified to act as pilot-in-command in accordance with Annex III (Part-BFCL) to this Regulation.';

(4) in point BOP.BAS.300, paragraph (c) is replaced by the following:

'(c) Instruments and equipment not required by this Section, as well as any other equipment that is not required by this Annex but is carried on board a balloon during a flight, shall comply with the following two conditions:

(1) the information provided by those instruments or equipment shall not be used by the flight crew to comply with the essential requirements for airworthiness set out in Annex II to Regulation (EU) 2018/1139;

(2) the instruments and equipment shall not affect the airworthiness of the balloon, even in the case of failures or malfunction.';

(5) in point BOP.ADD.005, paragraph (a) is replaced by the following:

'(a) The operator shall be responsible for the operation of the balloon in accordance with the essential requirements set out in Annex V to Regulation (EU) 2018/1139, with the requirements of this Subpart and with its declaration.';

(6) in point BOP.ADD.015, paragraph (a) is replaced by the following:

'(a) For the purpose of determining compliance with the essential requirements set out in Annex V to Regulation (EU) 2018/1139 and with the requirements of this Regulation, the operator shall grant access to any person authorised by the competent authority at any time to any facility, balloon, document, records, data, procedures or any other material relevant to the operator's activity that falls within the scope of this Regulation, irrespective of whether or not the activity is contracted.';

(7) point BOP.ADD.035 is replaced by the following:

BOP.ADD.035 Contracted activities

When contracting any part of its activity that falls within the scope of this Regulation, the operator shall be responsible for ensuring that the contracted organisation carries out the activity in accordance with the essential requirements set out in Annex V to Regulation (EU) 2018/1139 and with the requirements of this Regulation. The operator shall also ensure that the competent authority is given access to the contracted organisation in order to determine that the operator complies with those requirements.';

(8) in point BOP.ADD.040, paragraph (a) is replaced by the following:

'(a) The operator shall appoint an accountable manager who has the authority to ensure that all activities that fall within the scope of this Regulation can be financed and carried out in accordance with the essential requirements set out in Annex V to Regulation (EU) 2018/1139 and with the requirements of this Regulation. The accountable manager shall be responsible for establishing and maintaining an effective management system.';

- (9) point BOP.ADD.045 is replaced by the following:

BOP.ADD.045 Facility requirements

The operator shall have facilities that are sufficient to allow the performance and management of all tasks and activities required to ensure compliance with the essential requirements set out in Annex V to Regulation (EU) 2018/1139 and with the requirements of this Regulation.;

- (10) in point BOP.ADD.100, paragraph (a) is replaced by the following:

(a) In the declaration referred to in the second subparagraph of Article 3(2), the operator shall confirm that it complies and will continue to comply with the essential requirements set out in Annex V to Regulation (EU) 2018/1139 and with the requirements of this Regulation.;

- (11) in point BOP.ADD.105, paragraph (a) is replaced by the following:

(a) The operator shall notify the competent authority without delay of any changes in circumstances affecting its compliance with the essential requirements set out in Annex V to Regulation (EU) 2018/1139 and with the requirements of this Regulation, as declared to the competent authority, and of any changes in respect of the information referred to in point BOP.ADD.100(b) and the list of AltMoCs referred to in point BOP.ADD.100(c), as included in or annexed to the declaration.;

- (12) in point BOP.ADD.115, paragraph (c) is replaced by the following:

(c) Where a balloon registered in a third country is subject to a dry lease agreement, the operator of such balloon shall ensure compliance with the essential requirements relating to continuing airworthiness set out in Annexes II and V to Regulation (EU) 2018/1139 and with the requirements of this Regulation.;

- (13) in point BOP.ADD.300, paragraph (c) is replaced by the following:

(c) All flight crew members shall hold a licence and ratings issued or accepted in accordance with Annex III to this Regulation and shall be appropriate to the duties assigned to them.;

- (14) in point BOP.ADD.300, paragraph (e) is replaced by the following:

(e) When engaging the services of flight crew members who work on a freelance or part-time basis, the operator shall verify that all of the following requirements are complied with:

- (1) the requirements of this Subpart;
- (2) Annex III to this Regulation, including the requirements on recent experience;
- (3) the flight and duty time limitations and rest requirements in accordance with the national law of the Member State where the operator has its principal place of business, taking into account all services rendered by the flight crew member to other operators.;

- (15) in point BOP.ADD.305, paragraph (b) is replaced by the following:

(b) The operator shall only designate a pilot to act as pilot-in-command if he or she:

- (1) is qualified to act as pilot-in-command in accordance with Annex III to this Regulation;
- (2) has the minimum level of experience specified in the operations manual; and
- (3) has adequate knowledge of the area to be flown.;

- (16) point BOP.ADD.310 is replaced by the following:

BOP.ADD.310 Provision of training and checking

All training and checking of flight crew members required pursuant to point BOP.ADD.315 shall be provided as follows:

- (a) in accordance with the training programmes and syllabi established by the operator in the operations manual;
- (b) by appropriately qualified persons and, as regards flight training and checking, by persons qualified in accordance with Annex III to this Regulation.;

(17) the Appendix is replaced by the following:

Appendix

DECLARATION				
in accordance with Commission Regulation (EU) 2018/395				
Operator				
Name:				
Place where the operator has its principal place of business:				
Name and contact details of the accountable manager:				
Balloon operation				
Starting date of commercial operation and, where relevant, date of change to existing commercial operation.				
Information on balloon(s) used, commercial operation(s) and continuing airworthiness management: ⁽¹⁾				
Balloon type	Balloon registration	Main base	Type(s) of operation ⁽²⁾	Continuing airworthiness management organisation ⁽³⁾
Where applicable, list of the AltMoCs with references to the associated AMC (annex to this declaration):				
Statements				
<input type="checkbox"/> The operator complies, and will continue to comply, with the essential requirements set out in Annex V to Regulation (EU) 2018/1139 and with the requirements of Regulation (EU) 2018/395. In particular, the operator conducts its commercial operations in accordance with the following requirements of Subpart ADD of Annex II to Regulation (EU) 2018/395:				
<input type="checkbox"/> The management system documentation, including the operations manual, comply with the requirements of Subpart ADD and all flights will be carried out in accordance with the provisions of the operations manual as required by point BOP.ADD.005(b) of Subpart ADD.				
<input type="checkbox"/> All balloons operated either have a certificate of airworthiness issued in accordance with Regulation (EU) No 748/2012 or meet the specific airworthiness requirements applicable to balloons that are registered in a third country and are subject to a wet lease agreement or a dry lease agreement, as required by points BOP.ADD.110 and BOP.ADD.115(b) and (c) of Subpart ADD.				
<input type="checkbox"/> All flight crew members hold a licence and ratings issued or accepted in accordance with Annex III to Regulation (EU) 2018/395, as required by point BOP.ADD.300(c) of Subpart ADD.				
<input type="checkbox"/> The operator will notify the competent authority of any changes in circumstances affecting its compliance with the essential requirements set out in Annex V to Regulation (EU) 2018/1139 and with the requirements of Regulation (EU) 2018/395 as declared to the competent authority through this declaration and any changes to the information and lists of AltMoCs included in and annexed to this declaration, as required by point BOP.ADD.105(a) of Subpart ADD.				
<input type="checkbox"/> The operator confirms that all information included in this declaration, including its annexes, is complete and correct.				
Date, name and signature of the accountable manager'				
⁽¹⁾ Complete the table. If there is not enough space to list the information, it shall be listed in a separate annex. The annex shall be dated and signed. ⁽²⁾ "Type(s) of operation" refers to the type(s) of commercial operation conducted with the balloon. ⁽³⁾ Information about the organisation responsible for the continuing airworthiness management shall include the name of the organisation, the address and the approval reference.				

ANNEX III

ANNEX III

REQUIREMENTS FOR BALLOON FLIGHT CREW LICENSING**[PART-BFCL]**

SUBPART GEN

GENERAL REQUIREMENTS**BFCL.001 Scope**

This Annex establishes the requirements for the issue of a balloon pilot licence ("BPL") and associated privileges, ratings and certificates, and the conditions for their validity and use.

BFCL.005 Competent authority

For the purpose of this Annex, the competent authority shall be an authority designated by the Member State to which a person applies for the issue of a BPL or associated privileges, ratings or certificates.

BFCL.010 Classes and groups of balloons

For the purpose of this Annex, balloons shall be categorised in the following classes and groups:

- (a) "hot-air balloon" class:
 - (1) group A: envelope capacity up to 3 400 m³ (120 069 ft³);
 - (2) group B: envelope capacity between 3 401 m³ (120 070 ft³) and 6 000 m³ (211 888 ft³);
 - (3) group C: envelope capacity between 6 001 m³ (211 889 ft³) and 10 500 m³ (370 804 ft³);
 - (4) group D: envelope capacity of more than 10 500 m³ (370 804 ft³);
- (b) "gas balloon" class;
- (c) "mixed balloon" class;
- (d) "hot-air airship" class.

BFCL.015 Application for and issue, revalidation and renewal of a BPL as well as associated privileges, ratings and certificates

- (a) An application for the following shall be submitted to the competent authority in a form and manner established by that competent authority:
 - (1) the issue of a BPL and associated ratings;
 - (2) the extension of the privileges of a BPL;
 - (3) the issue of a flight instructor (for balloons) ("FI(B)") certificate;
 - (4) the issue, revalidation and renewal of a flight examiner (for balloons) ("FE(B)") certificate; and
 - (5) any amendments to the BPL and associated privileges, ratings certificates.
- (b) An application specified in paragraph (a) shall be accompanied by evidence that the applicant complies with the relevant requirements established in this Annex and in Annex IV (Part-MED) to Regulation (EU) No 1178/2011.
- (c) Any limitation or extension of the privileges granted by a licence, rating or certificate shall be endorsed on the licence or certificate by the competent authority.
- (d) A person shall not hold at any time more than one BPL issued in accordance with this Annex.
- (e) A licence holder shall submit applications as specified in paragraph (a) to the competent authority designated by the Member State in which any of his or her licences was issued in accordance with this Annex (Part-BFCL), or Annex I (Part-FCL) to Regulation (EU) No 1178/2011 or Annex III (Part-SFCL) to Implementing Regulation (EU) 2018/1976, as applicable.

- (f) A BPL holder may apply for a change of competent authority to the competent authority designated by another Member State but in such case the new competent authority shall be the same for all the licences held.
- (g) Applicants shall apply for the issue of a BPL and associated ratings, privileges or certificates not later than 6 months after having successfully completed the skill test or assessment of competence.

BFCL.030 Practical skill test

Except for the skill test for the commercial operation rating as specified in point BFCL.215, an applicant for a skill test shall be recommended for the test by the ATO or the DTO that is responsible for the training undertaken by the applicants, once the training is completed. The training records shall be made available to the examiner by the ATO or DTO.

BFCL.035 Crediting of flight time

Applicants for a BPL or an associated privilege, rating or certificate shall be fully credited with all solo, dual instruction or PIC flight time on balloons towards the requirement of a total flight time for the licence, privilege, rating or certificate.

BFCL.045 Obligation to carry and present documents

- (a) When exercising the privileges of BPL licence, BPL holders shall carry all of the following:
 - (1) a valid BPL;
 - (2) a valid medical certificate;
 - (3) a personal identification document containing his or her photo;
 - (4) sufficient logbook data to demonstrate compliance with the requirements of this Annex.
- (b) Student pilots shall carry on all solo flights:
 - (1) the documents as specified in paragraphs (a)(2) and (a)(3); and
 - (2) evidence of the authorisation required by point BFCL.125(a).
- (c) BPL holders or student pilots shall without undue delay present the documents as specified in paragraph (a) or (b) for inspection upon request by an authorised representative of the competent authority.

BFCL.050 Recording of flight time

BPL holders and student pilots shall keep a reliable record of the details of all flights flown in a form and manner established by the competent authority.

BFCL.065 Curtailment of privileges of BPL holders aged 70 years or older in commercial passenger ballooning

BPL holders who have attained the age of 70 years shall not act as pilots of a balloon engaged in commercial passenger balloon operations.

BFCL.070 Limitation, suspension or revocation of licences, privileges, ratings and certificates

- (a) A BPL as well as associated privileges, ratings and certificates issued in accordance with this Annex may be limited, suspended or revoked by the competent authority in accordance with the conditions and procedures laid down in Annex VI (Part-ARA) to Regulation (EU) No 1178/2011 if a BPL holder does not comply with the essential requirements set out in Annex IV to Regulation (EU) 2018/1139 or with the requirements of this Annex as well as of Annex II (Part-BOP) to this Regulation or of Annex IV (Part-MED) to Regulation (EU) No 1178/2011.
- (b) BPL holders shall immediately return the licence or certificate to the competent authority if their licence, privilege, rating or certificate has been limited, suspended or revoked..

SUBPART BPL

BALLOON PILOT LICENCE (“BPL”)**BFCL.115 BPL – Privileges and conditions**

- (a) The privileges of a BPL holder are to act as PIC in balloons:
- (1) without remuneration in non-commercial operations;
 - (2) in commercial operations if he or she holds a commercial operation rating in accordance with point BFCL.215 of Subpart ADD of this Annex.
- (b) By way of derogation from paragraph (a)(1), a BPL holder who has instructor or examiner privileges may receive remuneration for:
- (1) the provision of flight instruction for the BPL;
 - (2) the conduct of skill tests and proficiency checks for the BPL;
 - (3) the training, testing and checking for the privileges, ratings and certificates attached to a BPL.
- (c) BPL holders shall exercise BPL privileges only if they comply with the applicable recency requirements and only if their medical certificate, appropriate to the privileges exercised, is valid.

BFCL.120 BPL – Minimum age

Applicants for a BPL shall be at least 16 years of age.

BFCL.125 BPL – Student pilot

- (a) Student pilots shall not fly solo unless authorised to do so and supervised by a flight instructor for balloons (FI(B)).
- (b) Student pilots shall be at least 14 years of age to be allowed on solo flights.

BFCL.130 BPL – Training course and experience requirements

Applicants for a BPL shall complete a training course at an ATO or a DTO. The course shall be tailored to the privileges sought and shall include:

- (a) theoretical knowledge as specified in point BFCL.135(a);
- (b) at least 16 hours of flight instruction in either hot-air balloons that represent group A of that class, or gas balloons, including at least:
- (1) 12 hours of dual flight instruction;
 - (2) 10 inflations and 20 take-offs and landings; and
 - (3) One supervised solo flight with a flight time of at least 30 minutes.

BFCL.135 BPL – Theoretical knowledge examination

- (a) Theoretical knowledge

Applicants for a BPL shall demonstrate a level of theoretical knowledge that is appropriate to the privileges sought through examinations on the following:

- (1) common subjects:
 - (i) air law;
 - (ii) human performance;
 - (iii) meteorology;
 - (iv) communications; and
- (2) specific subjects concerning balloons:
 - (i) principles of flight;
 - (ii) operational procedures;

- (iii) flight performance and planning;
- (iv) aircraft general knowledge related to balloons; and
- (v) navigation.

(b) Responsibilities of the applicant

- (1) The applicant shall take the entire set of theoretical knowledge examinations for the BPL under the responsibility of the same Member State's competent authority.
- (2) The applicant shall take the theoretical knowledge examination only if recommended by the ATO or the DTO that is responsible for his or her training and once he or she has completed the appropriate elements of the training course of theoretical knowledge instruction to a satisfactory standard.
- (3) The recommendation by the ATO or the DTO shall be valid for 12 months. If the applicant has failed to take at least one theoretical knowledge examination paper within this validity period, the need for further training shall be determined by the ATO or the DTO, based on the needs of the applicant.

(c) Pass standards

- (1) A pass in a theoretical knowledge examination paper shall be awarded to the applicant if he or she has achieved at least 75 % of the marks allocated to that paper. No penalty marking shall be applied.
- (2) Unless otherwise specified in this Annex, an applicant is considered to have successfully completed the required theoretical knowledge examination for the BPL if he or she has passed all the required theoretical knowledge examination papers within a period of 18 months counted from the end of the calendar month when the applicant first attempted to take the examination.
- (3) If an applicant 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 paragraph (2), he or she shall retake the complete set of theoretical knowledge examination papers.
- (4) Before retaking the theoretical knowledge examinations, the applicant shall undertake further training at an ATO or a DTO. The ATO or the DTO shall determine the extent and scope of the training, based on the needs of the applicant.

(d) Validity period

The theoretical knowledge examination shall be valid for a period of 24 months counted from the day when the applicant successfully completed the theoretical knowledge examination, in accordance with paragraph (c)(2).

BFCL.140 BPL – Crediting of theoretical knowledge

Applicants for the issue of a BPL shall be credited towards the theoretical knowledge requirements for the common subjects as specified in point BFCL.135(a)(1) if they:

- (a) hold a licence in accordance with Annex I (Part-FCL) to Regulation (EU) No 1178/2011 or Annex III (Part-SFCL) to Implementing Regulation (EU) 2018/1976; or
- (b) have passed the theoretical knowledge examinations for a licence as specified in paragraph (a), as long as this is done within the validity period specified in point BFCL.135(d).

BFCL.145 BPL – Practical skill test

- (a) Applicants for a BPL shall demonstrate through the completion of a skill test the ability to perform, as PIC on a balloon, the relevant procedures and manoeuvres with competency appropriate to the privileges sought.
- (b) Applicants shall complete the skill test in the same class of balloons in which the training course has been completed in accordance with point BFCL.130 and, in case of hot-air balloons, in a balloon that represents group A of that class.
- (c) To take a skill test for the issue of a BPL, the applicant shall first pass the required theoretical knowledge examination.
- (d) Pass standards
 - (1) The skill test shall be divided into different sections, representing all the different phases of a balloon flight.
 - (2) Failure in any item of a section shall cause the applicant to fail the entire section. If the applicant fails in only one section, he or she shall repeat only that section. Failure in more than one section shall require the applicant to retake the entire test.

- (3) If the applicant needs to retake the test in accordance with paragraph (2) and fails in any section, including those sections that have been passed at a previous attempt, the applicant shall retake the entire test.
- (e) If the applicant fails to achieve a pass in all sections of the test within two attempts, he or she shall receive further practical training.

BFCL.150 BPL – Extension of privileges to another balloon class or group

- (a) The privileges of the BPL shall be limited to the class of balloon in which the skill test as specified in point BFCL.145 was taken, and, in the case of hot-air balloons, to group A of that class.
- (b) In the case of hot-air balloons, the privileges of the BPL shall be extended to another group within the hot-air balloon class upon application if a pilot has completed at least:
 - (1) two instruction flights with an FI(B) on a balloon of the relevant group;
 - (2) the following amount of hours of flight time as PIC on balloons:
 - (i) at least 100 hours, if privileges for group B balloons are sought;
 - (ii) at least 200 hours, if privileges for group C balloons are sought;
 - (iii) at least 300 hours, if privileges for group D balloons are sought.
- (c) Except for the mixed balloon class, the privileges of the BPL shall be extended to another balloon class, or, if privileges for the hot-air balloon class are sought, to group A of the hot-air balloon class, upon application if a pilot has completed in the relevant balloon class and group:
 - (1) a training course at an ATO or a DTO, including at least:
 - (i) five dual instructional flights; or
 - (ii) in the case of an extension from hot-air balloons to hot-air airships, five hours of dual instruction time; and
 - (2) a skill test during which the pilot has demonstrated to the FE(B) an adequate level of theoretical knowledge for the other class in the following subjects:
 - (i) principles of flight;
 - (ii) operational procedures;
 - (iii) flight performance and planning;
 - (iv) aircraft general knowledge with regard to the balloon class for which the extension of privileges is sought.
- (d) The completion of the training as specified in paragraphs (b)(1) and (c)(1) shall be entered in the logbook of the pilot and signed by:
 - (1) in the case of paragraph (b)(1), the instructor who is responsible for the instruction flights; and
 - (2) in the case of paragraph (c)(1), the head of training of the ATO or of the DTO that is responsible for the training.
- (e) A BPL holder shall exercise his or her privileges in the mixed balloon class only if he or she has privileges for both the hot-air balloon class and the gas balloon class.

BFCL.160 BPL – Recency requirements

- (a) A BPL holder shall only exercise the privileges of his or her licence if he or she has completed in the relevant balloon class:
 - (1) either:
 - (i) within the last 24 months before the planned flight, at least six hours of flight time as PIC, including 10 take-offs and landings, as PIC or flying dual or solo under the supervision of an FI(B); and
 - (ii) within the last 48 months before the planned flight, at least one training flight with an FI(B); or
 - (2) within the last 24 months before the planned flight, a proficiency check in accordance with point (c).

- (b) In addition to the requirements in paragraph (a), in the case of a pilot who is qualified to fly more than one class of balloons, in order to exercise his or her privileges in the other balloon class or the other balloon classes, he or she shall have completed at least three hours of flight time, as PIC or flying dual or solo under the supervision of an FI(B), on each additional balloon class within the last 24 months.
- (c) A BPL holder who does not comply with the requirements in paragraph (a)(1) and, if applicable, (b), before resuming the exercise of his or her privileges, shall pass a proficiency check with an FE(B) in a balloon that represents the relevant class.
- (d) After complying with paragraph (a), (b) or (c), as applicable, a BPL holder with privileges to fly hot-air balloons shall exercise his or her privileges only on hot-air balloons that represent:
- (i) the same group of hot-air balloons in which the training flight as specified in paragraph (a)(1)(ii) or the proficiency check as specified in paragraph (c), as applicable, have been completed, or a group with a smaller envelope size; or
 - (ii) group A of hot-air balloons in cases where a pilot, in accordance with paragraph (b), has completed the training flight as specified in paragraph (a)(2) in a balloon class other than hot-air balloons.
- (e) The completion of the dual flights, the flights under supervision and the training flight as specified in paragraph (a)(1) and (b), as well as the proficiency check as specified in paragraph (c) shall be entered in the logbook of the pilot and signed by, in the case of paragraphs (a)(1) and (b), the responsible FI(B) and, in the case of paragraph (c), the responsible FE(B).
- (f) A BPL holder, that holds also the privileges for commercial operations as specified in point BFCL.215 of Subpart ADD of this Annex, shall be deemed to comply with the requirements of:
- (1) paragraph (a) and, if applicable, (b), in case he or she has completed a proficiency check in accordance with point BFCL.215(d)(2)(i) in the relevant balloon class or classes within the last 24 months; or
 - (2) paragraph (a)(1)(ii), in case he or she has completed the training flight as specified in point BFCL.215(d)(2)(ii) in the relevant balloon class.

In the case of the hot-air balloon class, limitations specified in paragraph (d), concerning the privileges to operate different classes of balloons, shall apply, depending on the balloon class used for complying with paragraphs (f)(1) or (f)(2).

SUBPART ADD

ADDITIONAL RATINGS

BFCL.200 Tethered hot-air balloon flight rating

- (a) A BPL holder shall undertake tethered flights with hot-air balloons only if he or she holds a tethered hot-air balloon flight rating in accordance with this point.
- (b) To apply for a tethered hot-air balloon flight rating, the applicant shall:
- (1) have privileges for the hot-air balloon class;
 - (2) first complete at least two tethered hot-air balloon instruction flights.
- (c) The completion of the tethered hot-air balloon training shall be entered in the logbook and signed by the FI(B) who is responsible for the training.
- (d) A pilot who holds a tethered hot-air balloon flight rating shall exercise his or her privileges only if he or she has completed at least one tethered hot-air balloon flight during the 48 months preceding the planned flight, or, if he or she has not performed such a flight, the pilot shall exercise his or her privileges if they have performed a tethered hot-air balloon flight flying dual or solo under the supervision of an FI(B). The completion of such dual or solo flight under supervision shall be entered in the pilots logbook and signed by the FI(B).

BFCL.210 Night rating

- (a) A BPL holder shall exercise the privileges of his or her licence in VFR conditions at night only if he or she holds a night rating in accordance with this point.

- (b) An applicant for a night rating shall have completed at least two instruction flights at night of at least one hour each.
- (c) The completion of the night rating training shall be entered in the logbook and signed by the FI(B) who is responsible for the training.

BFCL.215 Commercial operation rating

- (a) A BPL holder shall exercise the privileges of his or her licence during commercial operations with balloons only if he or she holds a commercial operation rating in accordance with this point.
- (b) An applicant for a commercial operation rating shall:
 - (1) have attained the age of 18 years;
 - (2) have completed 50 hours of flight time and 50 take-offs and landings as PIC on balloons;
 - (3) have the privileges for the class of balloon in which the privileges of the commercial operation rating will be exercised; and
 - (4) have passed a skill test on the relevant class of balloon during which he or she shall demonstrate to an FE(B) the competence required for commercial balloon operations.
- (c) The privileges of the commercial operation rating shall be limited to the class of balloon in which the skill test in accordance with paragraph (b)(3) has been completed. The privileges shall be extended upon application to another class of balloon if, in that other class, the applicant complies with paragraph (b)(3) and (b)(4).
- (d) A pilot who holds a commercial operation rating shall exercise the privileges of that rating in commercial passenger ballooning only if he or she has completed:
 - (1) within the 180 days preceding the planned flight:
 - (i) at least three flights as PIC in balloons, of which at least one shall be in a balloon of the relevant class; or
 - (ii) one flight as PIC in a balloon of the relevant class under the supervision of an FI(B) who is qualified in accordance with this point; and
 - (2) within the 24 months preceding the planned flight:
 - (i) a proficiency check, in a balloon of the relevant class, during which he or she shall demonstrate to an FE(B) the competence required for commercial passenger ballooning; or
 - (ii) a refresher course at an ATO or a DTO, tailored to the competence required for commercial balloon operations, including at least six hours of theoretical knowledge instruction and one training flight in a balloon of the relevant class with an FI(B) who is qualified for commercial balloon operations in accordance with this point.
- (e) To maintain the privileges of the commercial operation rating for all balloon classes, a pilot who holds a commercial operation rating with privileges extended to more than one class of balloons shall comply with the requirements in paragraph (d)(2) in at least one class of balloons.
- (f) A pilot who complies with paragraph (d) and holds a commercial operation rating for the hot-air balloon class shall exercise the privileges of that rating in the hot-air balloon class only on balloons that represent:
 - (i) the same group of the hot-air balloon in which the proficiency check as specified in paragraph (d)(2)(i) or the training flight as specified in paragraph (d)(2)(ii), have been completed; or
 - (ii) a hot-air balloon group with a smaller envelope size.
- (g) The completion of the flight under supervision as specified in paragraph (d)(1)(ii), the proficiency check as specified in paragraph (d)(2)(i) and the refresher training course as specified in paragraph (d)(2)(ii) shall be entered in the logbook of the pilot and shall be signed by the head of training of the ATO or the DTO, or the FI(B) or the FE(B) that is responsible for the training course, the supervision or the proficiency check, as applicable.
- (h) A pilot who has completed an operator proficiency check in accordance with point BOP.ADD.315 of Annex II (Part-BOP) to this Regulation shall be deemed to comply with paragraph (d)(2)(i).

*SUBPART FI***FLIGHT INSTRUCTORS***Section 1***General requirements****BFCL.300 Flight instructor certificates**

(a) General

An instructor shall only carry out flight instruction in a balloon if he or she:

(1) holds:

- (i) a BPL including the privileges, ratings and certificates for which flight instruction is to be provided; and
- (ii) a balloon flight instructor (FI(B)) certificate appropriate to the instruction carried out, and issued in accordance with this Subpart; and

(2) is entitled to act as PIC in the balloon during flight instruction.

(b) Instruction provided outside the territory of the Member States

(1) By way of derogation from subparagraph (a)(1), in the case of flight instruction provided during a training course approved in accordance with this Annex (Part-BFCL) outside the territory for which Member States are responsible under the Chicago Convention, the competent authority shall issue a flight instructor certificate to an applicant who holds a balloon pilot licence that is compliant with Annex 1 to the Chicago Convention, provided that the applicant:

- (i) holds at least a licence including, where relevant, privileges, ratings or certificates equivalent to those for which he or she is authorised to instruct;
- (ii) complies with the requirements established in this Subpart for the issue of the FI(B) certificate with the relevant instructional privileges; and
- (iii) demonstrates to the competent authority an adequate level of knowledge of European aviation safety rules to be able to exercise his or her instructional privileges in accordance with this Annex.

(2) The certificate shall be limited to the provision of approved flight instruction:

- (i) outside the territory for which Member States are responsible under the Chicago Convention; and
- (ii) to a student pilot who has sufficient knowledge of the language in which flight instruction is provided.

*Section 2***Flight instructor certificate for balloons – FI(B)****BFCL.315 FI(B) certificate – Privileges and conditions**

(a) Subject to compliance of applicants with point BFCL.320 and with the following conditions, an FI(B) certificate shall be issued with privileges to conduct flight instruction for:

(1) a BPL;

(2) the extension of privileges to further classes and groups of balloons provided that the applicant has completed at least 15 hours of flight time as PIC in each relevant class;

(3) a night rating or a tethered flight rating, provided that the applicant has received specific training in providing instruction for the relevant rating at an ATO or at a DTO; and

(4) an FI(B) certificate, provided that the applicant has:

- (i) completed at least 50 hours of flight instruction on balloons; and
- (ii) in accordance with the procedures established for that purpose by the competent authority, conducted at least one hour of flight instruction for the FI(B) certificate under the supervision and to the satisfaction of an FI(B) who is qualified in accordance with this subparagraph and nominated by the head of training of the ATO or the DTO.

- (b) The privileges listed in paragraph (a) shall include the privileges to conduct flight instruction for:
- (1) the issue of the relevant licence, privileges, ratings or certificate; and
 - (2) the revalidation, renewal or compliance with the relevant recency requirements of this Annex, as applicable.

BFCL.320 FI(B) – Prerequisites and requirements

Applicants for an FI(B) certificate shall:

- (a) be at least 18 years of age;
- (b) comply with the requirements of subparagraphs (a)(1)(i) and (a)(2) of point BFCL.300;
- (c) have completed 75 hours of balloon flight time as PIC;
- (d) have completed an instructor training course in accordance with point BFCL.330 at an ATO or a DTO; and
- (e) have passed an assessment of competence in accordance with point BFCL.345.

BFCL.325 FI(B) competencies and assessment

Applicants for an FI(B) certificate shall be trained to achieve the following competencies:

- (a) prepare resources;
- (b) create a climate conducive to learning;
- (c) present knowledge;
- (d) integrate threat and error management (TEM) and crew resource management (CRM);
- (e) manage time to achieve training objectives;
- (f) facilitate learning;
- (g) assess trainee performance;
- (h) monitor and review progress;
- (i) evaluate training sessions; and
- (j) report outcome.

BFCL.330 FI(B) – Training course

- (a) Applicants for an FI(B) certificate shall first pass a specific pre-entry assessment at an ATO or a DTO within the 12 months preceding the start of the training course, to assess his or her ability to take the course.
- (b) The FI(B) training course shall include at least:
 - (1) the elements specified in point BFCL.325;
 - (2) 25 hours of teaching and learning;
 - (3) 12 hours of theoretical knowledge instruction, including progress tests; and
 - (4) three hours of flight instruction, including three take-offs and landings.
- (c) Applicants who already hold an instructor certificate in accordance with Annex III (Part-SFCL) to Implementing Regulation (EU) 2018/1976 or with Annex I (Part-FCL) to Regulation (EU) No 1178/2011 shall be fully credited towards the requirement in paragraph (b)(2).

BFCL.345 FI(B) – Assessment of competence

- (a) Applicants for the issue of an FI(B) certificate shall pass an assessment of competence on a balloon to demonstrate to an examiner qualified in accordance with point BFCL.415(c) the ability to instruct a student pilot to the level required for the issue of a BPL.
- (b) The assessment shall include:
 - (1) the demonstration of the competencies described in point BFCL.325 during pre-flight, post-flight and theoretical knowledge instruction;

- (2) oral theoretical examinations on the ground, pre-flight and post-flight briefings, and in-flight demonstrations in the appropriate balloon class;
- (3) exercises adequate to evaluate the instructor's competencies.

BFCL.360 FI(B) certificate – Recency requirements

- (a) An FI(B) certificate holder shall only exercise the privileges of his or her certificate if he or she has completed:
 - (1) within the last three years before the planned exercise of those privileges:
 - (i) instructor refresher training at an ATO, a DTO, or a competent authority during which the holder shall receive theoretical knowledge instruction for refreshing and updating the knowledge relevant for balloon instructors;
 - (ii) at least 6 hours of flight instruction in balloons as FI(B); and
 - (2) within the last nine years and in accordance with the procedures established for that purpose by the competent authority, one instruction flight on a balloon as FI(B) under the supervision and to the satisfaction of an FI(B) who is qualified in accordance with point BFCL.315(a)(4) and nominated by the head of training of an ATO or a DTO.
- (b) The hours flown as an FE(B) during skill tests, proficiency checks or assessments of competence shall be fully credited towards the requirement in paragraph (a)(1)(ii).
- (c) If an FI(B) certificate holder has failed to complete the instruction flight under supervision to the satisfaction of the FI(B) in accordance with paragraph (a)(2), he or she shall not exercise the privileges of the FI(B) certificate until he or she has successfully completed an assessment of competence in accordance with point BFCL.345.
- (d) To resume the exercise of the privileges of the FI(B) certificate, an FI(B) certificate holder who does not comply with all the requirements of paragraph (a) shall comply with the requirement of paragraph (a)(1)(i) and of point BFCL.345.

SUBPART FE

FLIGHT EXAMINERS

Section 1

General requirements

BFCL.400 Balloon flight examiner certificates

(a) General

An examiner shall only carry out skill tests, proficiency checks or assessments of competence in accordance with this Annex if he or she:

(1) holds:

- (i) a BPL including privileges, ratings and certificates for which he or she is authorised to conduct skill tests, proficiency checks or assessments of competence, and the privileges to instruct for them;
- (ii) an FE(B) certificate including privileges appropriate to the skill test, proficiency check or assessment of competence conducted, issued in accordance with this Subpart;

(2) is entitled to act as PIC in a balloon during the skill test, proficiency check or assessment of competence.

(b) Examinations conducted outside the territory of the Member States

- (1) By way of derogation from paragraph (a)(1), in the case of skill tests and proficiency checks performed outside the territory for which Member States are responsible under the Chicago Convention, the competent authority shall issue an examiner certificate to an applicant who holds a balloon pilot licence that is compliant with Annex 1 to the Chicago Convention, provided that the applicant:
 - (i) holds at least a licence including, where relevant, privileges, ratings, or certificates equivalent to those for which he or she is authorised to conduct skill tests or proficiency checks;

- (ii) complies with the requirements established in this Subpart for the issue of the relevant examiner certificate;
 - (iii) demonstrates to the competent authority an adequate level of knowledge of European aviation safety rules to be able to exercise examiner privileges in accordance with this Annex.
- (2) The certificate referred to in subparagraph (1) shall be limited to performing skill tests and proficiency checks:
- (i) outside the territory for which Member States are responsible under the Chicago Convention; and
 - (ii) to a pilot who has sufficient knowledge of the language in which the test/check is provided.

BFCL.405 Limitation of privileges in case of vested interests

A balloon examiner shall not conduct:

- (a) a skill test or assessment of competence of an applicant for the issue of a licence, rating or certificate to whom he or she has provided more than 50 % of the required flight instruction for the licence, rating or certificate for which the skill test or assessment of competence is taken; or
- (b) a skill test, proficiency check or assessment of competence whenever he or she feels that his or her objectivity may be affected.

BFCL.410 Conduct of skill tests, proficiency checks and assessments of competence

- (a) When conducting skill tests, proficiency checks and assessments of competence, a balloon examiner shall do all of the following:
 - (1) ensure that communication with the applicant can be established without language barriers;
 - (2) verify that the applicant complies with all the qualification, training and experience requirements of this Annex for the issue, revalidation or renewal of the licence, privileges, rating or certificate for which the skill test, proficiency check or assessment of competence is taken; and
 - (3) make the applicant aware of the consequences of providing incomplete, inaccurate or false information related to his or her training and flight experience.
- (b) After completion of the skill test, proficiency check or assessment of competence, the balloon examiner shall:
 - (1) inform the applicant of the results of the skill test, proficiency check or assessment of competence;
 - (2) in the event of a pass in an assessment of competence for the revalidation or renewal, endorse the new expiry date on the applicant's licence or certificate, if specifically authorised for that purpose by the competent authority that is responsible for the applicant's licence;
 - (3) provide the applicant with a signed report of the skill test, proficiency check or assessment of competence and submit without undue delay copies of the report to the competent authority that is responsible for the applicant's licence, and to the competent authority that issued the examiner certificate. The report shall include:
 - (i) a declaration that the balloon examiner has received information from the applicant regarding his or her experience and instruction, and found that experience and instruction comply with the applicable requirements of this Annex;
 - (ii) confirmation that all the required manoeuvres and exercises have been completed, as well as information on the verbal theoretical knowledge examination, when applicable. If an item has been failed, the examiner shall record the reasons for this assessment;
 - (iii) the results of the skill test, proficiency check or assessment of competence;
 - (iv) a declaration that the balloon examiner has reviewed and applied the national procedures and requirements of the applicant's competent authority if the competent authority that is responsible for the applicant's licence is not the one that issued the examiner's certificate;
 - (v) a copy of the balloon examiner certificate containing the scope of his or her privileges as balloon examiner in the case of skill tests, proficiency checks or assessments of competence of an applicant whose competent authority is not the one that issued the examiner's certificate.

- (c) The balloon examiner shall maintain the records for five years with details of all skill tests, proficiency checks and assessments of competence performed and their results.
- (d) Upon request by the competent authority that is responsible for the balloon examiner certificate, or the competent authority that is responsible for the applicant's licence, the balloon examiner shall submit all records and reports, and any other information, as required, for oversight activities.

Section 2

Flight examiner certificate for balloons – FE(B)

BFCL.415 FE(B) certificate – Privileges and conditions

Subject to compliance of the applicant with point BFCL.420 and with the following conditions, an FE(B) certificate shall be issued upon application with privileges to conduct:

- (a) skill tests and proficiency checks for the BPL and skill tests for the extension of the privileges to another balloon class, provided that the applicant has completed 250 hours of flight time as pilot on balloons, including 50 hours of flight instruction covering the full syllabus of a BPL training course;
- (b) skill tests and proficiency checks for the commercial operation rating as specified in point BFCL.215, provided that the applicant complies with the experience requirements set out in paragraph (a) and has received specific training during an examiner standardisation course in accordance with point BFCL.430;
- (c) assessments of competence for the issue of an FI(B) certificate, provided that the applicant has:
 - (1) completed 350 hours of flight time as pilot on balloons, including 5 hours of instruction to an applicant for the FI(B) certificate;
 - (2) received specific training during an examiner standardisation course in accordance with point BFCL.430.

BFCL.420 FE(B) certificate – Prerequisites and requirements

Applicants for an FE(B) certificate shall:

- (a) comply with the requirements of subparagraphs (a)(1)(i) and (2) of point BFCL.400;
- (b) have completed the FE(B) standardisation course in accordance with point BFCL.430;
- (c) have completed an assessment of competence in accordance with point BFCL.445;
- (d) demonstrate relevant background related to the privileges of the FE(B) certificate; and
- (e) demonstrate that he or she has not been subject to any sanctions, including the suspension, limitation or revocation of any of his or her licences, ratings or certificates issued in accordance with this Annex, with Annex I (Part-FCL) to Regulation (EU) No 1178/2011, or with Annex III (Part-SFCL) to Implementing Regulation (EU) 2018/1976, for non-compliance with Regulation (EU) 2018/1139 and its delegated and implementing acts during the last three years.

BFCL.430 FE(B) certificate – Standardisation course

- (a) Applicants for an FE(B) certificate shall take a standardisation course which is provided either by the competent authority or by an ATO or a DTO and approved by that competent authority.
- (b) The standardisation course shall be tailored to the balloon flight examiner privileges sought and shall consist of theoretical and practical instruction, including, at least:
 - (1) the conduct of at least one skill test, proficiency check or assessment of competence for the BPL or associated ratings or certificates;
 - (2) instruction on the applicable requirements of this Annex and the applicable air operations requirements, the conduct of skill tests, proficiency checks and assessments of competence, and their documentation and reporting;
 - (3) a briefing on the following:
 - (i) national administrative procedures;
 - (ii) requirements for the protection of personal data;

- (iii) examiner's liability;
 - (iv) examiner's accident insurance;
 - (v) national fees; and
 - (vi) information on how to access the information contained in points (i) to (v) when conducting skill tests, proficiency checks or assessments of competence of an applicant whose competent authority is not the one that issued the examiner certificate.
- (c) An FE(B) certificate holder shall not conduct skill tests, proficiency checks or assessments of competence of an applicant whose competent authority is not the one that issued the examiner certificate, unless he or she has reviewed the latest available information containing the relevant national procedures of the applicant's competent authority.

BFCL.445 FE(B) certificate – Assessment of competence

An applicant for the initial issue of an FE(B) certificate shall demonstrate his or her competences as an FE(B) to an inspector from the competent authority or to a senior examiner specifically authorised to do so by the competent authority that is responsible for the FE(B) certificate. During the assessment of competence, the applicant shall conduct a skill test, proficiency check or assessment of competence, including briefing, conduct of the skill test, proficiency check or assessment of competence, and assessment of the person to whom the test, check or assessment is given, debriefing and recording documentation.

BFCL.460 FE(B) certificate – Validity, revalidation and renewal

- (a) An FE(B) certificate shall be valid for five years.
 - (b) An FE(B) certificate shall be revalidated if its holder has:
 - (1) during the validity period of the FE(B) certificate, completed an examiner refresher course which is provided either by the competent authority or by an ATO or a DTO and approved by that competent authority, during which the holder shall receive theoretical knowledge instruction for refreshing and updating the knowledge relevant for balloon examiners; and
 - (2) within the last 24 months preceding the end of the validity period of the certificate, conducted one skill test, proficiency check or assessment of competence under the supervision and to the satisfaction of an inspector from the competent authority or an examiner specifically authorised to do so by the competent authority that is responsible for the FE(B) certificate.
 - (c) An FE(B) certificate holder who also holds one or more examiner certificates for other aircraft categories in accordance with Annex I (Part-FCL) to Regulation (EU) No 1178/2011 or with Annex III (Part-SFCL) to Implementing Regulation (EU) 2018/1976 may achieve combined revalidation of all examiner certificates held, in agreement with the competent authority.
 - (d) If an FE(B) certificate has expired, its holder shall comply with the requirements of paragraph (b)(1) and of point BFCL.445 before he or she can resume the exercise of the privileges of the FE(B) certificate.
 - (e) An FE(B) certificate shall only be revalidated or renewed if the applicant demonstrates continued compliance with the requirements of point BFCL.410 as well as with the requirements of point BFCL.420(d) and (e).'
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