

COMMISSION IMPLEMENTING REGULATION (EU) 2020/358
of 4 March 2020
amending Implementing Regulation (EU) 2018/1976 as regards sailplane 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 sailplane pilot licences 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 sailplanes, dedicated licensing requirements 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 sailplane pilots are and continue to be competent to carry out their activities and discharge their responsibilities. Corresponding editorial update should also be made to the sailplane operations rules to take account of the shift of licensing rules from Regulation (EU) No 1178/2011 to Commission Implementing Regulation (EU) 2018/1976 ⁽³⁾.
- (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 licencing rules, whereby student pilots are allowed to 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 objectives of EASA's General Aviation Road Map that aims to create a more proportional, flexible and proactive regulatory system ⁽⁴⁾. For those reasons, Member States should be given the discretion to continue with those national licensing rules in accordance with the principles introduced in Commission Implementing Regulation (EU) 2019/430 ⁽⁵⁾, for the purpose of issuing sailplane pilot licences ('SPL'). 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⁾ Commission Implementing Regulation (EU) 2018/1976 of 14 December 2018 laying down detailed rules for the operation of sailplanes pursuant to Regulation (EU) 2018/1139 of the European Parliament and of the Council (OJ L 326, 20.12.2018, p. 64).

⁽⁴⁾ <https://www.easa.europa.eu/easa-and-you/general-aviation/general-aviation-road-map>

⁽⁵⁾ Commission Implementing 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 sailplane pilots in accordance with Regulation (EU) No 1178/2011 prior to the date of application of this Regulation should continue to be valid. National sailplane 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) Sailplane 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) 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.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the committee established by Article 127 of Regulation (EU) 2018/1139,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2018/1976 is amended as follows:

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

‘Commission Implementing Regulation (EU) 2018/1976 of 14 December 2018 laying down detailed rules for the operation of sailplanes as well as for the flight crew licensing for sailplanes 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 sailplanes as well as for issuing and maintaining pilot licences and associated ratings, privileges and certificates for sailplanes, where such aircraft meet the conditions laid down in points (b)(i) and (ii) of Article 2(1) of Regulation (EU) 2018/1139.’;

- (3) Article 2 is amended as follows:

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

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

- (b) point (10) is replaced by the following:

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

- (c) the following points (11) to (13) are added:

‘(11) “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-SFCL) to this Regulation or of Annex I (Part-FCL) to Regulation (EU) No 1178/2011;

⁽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>

- (12) “Part-SFCL licence” means a flight crew licence which complies with the requirements of Annex III (Part-SFCL) to this Regulation;
- (13) “conversion report” means a report on the basis of which a licence may be converted into a Part-SFCL licence;”;
- (4) the following Articles 3a to 3d are inserted after Article 3:

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-SFCL) 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-SFCL) to this Regulation, holders of such licences may carry out flights referred to in points (a) to (d) of Article 3(2) without complying with point SFCL.115(a)(3) of Annex III (Part-SFCL) to this Regulation.
3. A Member State may authorise student pilots who follow a sailplane pilot licence (“SPL”) training course to exercise limited privileges without supervision before they meet all the requirements that are necessary for the issue of an SPL in accordance with Annex III (Part-SFCL) to this Regulation, 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; and
 - (ii) sailplanes that are registered in the authorising Member State;
 - (c) the holder of an authorisation who applies for the issue of an SPL shall receive credits for training conducted 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 (“EASA”) 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 sailplanes 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, the Member State shall, as applicable:
 - (a) transfer all privileges endorsed so far in Part-FCL licences to the new licence format;
 - (b) convert aerobatic ratings issued in accordance with point FCL.800 of Annex I (Part-FCL) to Regulation (EU) No 1178/2011 into advanced aerobatic privileges in accordance with point SFCL.200(c) of Annex III (Part-SFCL) 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 expiry date, pilots shall exercise instructor privileges only when they comply with point SFCL.360 of Annex III (Part-SFCL) to this Regulation.

3. Holders of national licences for sailplanes issued by a Member State before the date of application of Annex III (Part-SFCL) 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-SFCL 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-SFCL) 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 such 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-SFCL licences and associated privileges, ratings or certificates in accordance with Annex III (Part-SFCL) 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.

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-SFCL licences on the basis of a credit report established by the Member State in consultation with the EASA.

3. The credit report referred to in paragraph 2 shall describe the scope of the training, indicate for which requirements of Part-SFCL credit is given and, if applicable, which requirements applicants need to comply with in order to be issued with a Part-SFCL 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 obtaining the pilot licences referred to in Article 1(1) of this Regulation shall comply with the requirements of Article 10a of Regulation (EU) No 1178/2011.

2. Training organisations referred to in paragraph 1 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).;

- (5) Annex I (Part-DEF) is amended in accordance with Annex I to this Regulation;
- (6) Annex II (Part-SAO) is amended in accordance with Annex II to this Regulation
- (7) Annex III (Part-SFCL) 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) 2018/1976 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 Commission Regulation (EU) No 1178/2011 as well as of point FCL.010 of Annex I (Part-FCL) to that Regulation, shall apply:';

(2) point 13 is replaced by the following:

13. "night" means the period between the end of evening civil twilight and the beginning of morning civil twilight. Civil twilight ends in the evening when the centre of the sun's disc is six degrees below the horizon and begins in the morning when the centre of the sun's disc is six degrees below the horizon;'

(3) the following points 14 to 19 are added:

14. "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;

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

16. "flight time" means:

(a) for self-launch sailplanes and touring motor gliders, the total time from the moment an aircraft first moves for the purpose of taking off until the moment it finally comes to rest at the end of the flight;

(b) for sailplanes, the total time from the moment the sailplane commences the ground run in the process of taking off until the moment the sailplane finally comes to a rest at the end of flight;

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

18. "solo flight" means a flight during which a student pilot is the sole occupant of an aircraft;

19. "cross-country flight" means a flight outside the line of sight or distance defined by the competent authority from the field of departure using standard navigation procedures.'

ANNEX II

Annex II (Part-SAO) to Regulation (EU) 2018/1976 is amended as follows:

- (1) Point SAO.GEN.125 'Designation of the pilot-in-command' is replaced by the following:

Point SAO.GEN.125 Designation of the 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 to this Regulation.

ANNEX III

The following Annex III to Regulation (EU) 2018/1976 is added after Annex II:

‘ANNEX III

REQUIREMENTS FOR SAILPLANE FLIGHT CREW LICENSING

[PART-SFCL]

SUBPART GEN

GENERAL REQUIREMENTS**SFCL.001 Scope**

This Annex establishes the requirements for the issue of a sailplane pilot licence (‘SPL’) and associated privileges, ratings and certificates, and the conditions for their validity and use.

SFCL.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 an SPL or associated privileges, ratings or certificates.

SFCL.015 Application for and issue, revalidation and renewal of an SPL as well as associated privileges, ratings and certificates

- (a) The following shall be submitted to the competent authority in a form and manner established by that competent authority:
- (1) an application for:
 - (i) the issue of an SPL and associated ratings;
 - (ii) the extension of the privileges of an SPL, except for the privileges specified in points SFCL.115(a)(2) and (a)(3), SFCL.155, SFCL.200 and SFCL.215;
 - (iii) the issue of a sailplane flight instructor (‘FI(S)’) certificate;
 - (iv) the issue, revalidation and renewal of a sailplane flight examiner (‘FE(S)’) certificate;
 - (v) any amendments to the SPL and associated privileges, ratings and certificates, except for the privileges referred to in point (ii); and
 - (2) if mandated by the competent authority, a copy of the relevant logbook entries as specified in points SFCL.115(d), SFCL.155(b), SFCL.200(f) and SFCL.215(d).
- (b) An application as 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, except for obtaining the privileges as specified in paragraph (a)(1)(ii).
- (d) A person shall not hold at any time more than one SPL 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-SFCL), or Annex I (Part-FCL) to Regulation (EU) No 1178/2011 or Annex III (Part-BFCL) to Regulation (EU) 2018/395, as applicable.
- (f) An SPL 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 an SPL and associated ratings, privileges or certificates not later than six months after having successfully completed the skill test or assessment of competence.

SFCL.030 Practical skill test

Applicants for a skill test shall be recommended for the skill 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.

SFCL.035 Crediting of flight time

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

SFCL.045 Obligation to carry and present documents

- (a) When exercising the privileges of SPL licence, SPL holders shall carry all of the following:
- (1) a valid SPL;
 - (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 cross-country flights:
- (1) the documents as specified in paragraphs (a)(2) and (a)(3);
 - (2) evidence of the authorisation required by point SFCL.125(a).
- (c) SPL holders or student pilots shall without undue delay present the documents as specified in paragraph (a) for inspection upon request by an authorised representative of the competent authority.
- (d) By way of derogation from paragraphs (a) and (b), the documents specified therein may be retained at the aerodrome or operating site for flights that remain:
- (1) within the sight of the aerodrome or operating site; or
 - (2) within a distance from the aerodrome or operating site determined by the competent authority.

SFCL.050 Recording of flight time

SPL 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.

SFCL.065 Curtailment of privileges of SPL holders aged 70 years or older in commercial passenger sailplane operations

SPL holders who have attained the age of 70 years shall not act as pilots of sailplanes engaged in commercial passenger sailplane operations.

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

- (a) An SPL 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 an SPL 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-SAO) to this Regulation or with Annex IV (Part-MED) to Regulation (EU) No 1178/2011.

- (b) SPL 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 SPL

SAILPLANE PILOT LICENCE ('SPL')

SFCL.115 SPL – Privileges and conditions

- (a) Subject to compliance with point SFCL.150, the privileges of SPL holders are to act as PIC in sailplanes:
- (1) without remuneration in non-commercial operations;
 - (2) including the carriage of passengers only if they:
 - (i) comply with point SFCL.160(e); and
 - (ii) either:
 - (A) have completed, after the issue of the SPL, at least 10 hours of flight time or 30 launches or take-offs and landings as PIC on sailplanes and, additionally, one training flight during which holders shall demonstrate to an FI(S) the competence required for the carriage of passengers; or
 - (B) hold an FI(S) certificate in accordance with Subpart FI;
 - (3) in operations other than those specified in paragraph (1), only if they have:
 - (i) attained the age of 18 years;
 - (ii) completed, after the issue of the licence, 75 hours of flight time or 200 launches or take-offs and landings as PIC on sailplanes.
- (b) By way of derogation from paragraph (a), SPL holders who have instructor or examiner privileges may receive remuneration for:
- (1) the provision of flight instruction for the SPL;
 - (2) the conduct of skill tests and proficiency checks for the SPL;
 - (3) the training, testing and checking for the privileges, ratings and certificates attached to an SPL.
- (c) SPL holders shall exercise SPL privileges only if they comply with the applicable recency requirements and only if their medical certificate, appropriate to the privileges exercised, is valid.
- (d) The completion of the training flight as specified in paragraph (a)(2)(ii)(A) shall be entered in the logbook of the pilot and signed by the instructor who is responsible for the training flight.

SFCL.120 SPL – Minimum age

Applicants for an SPL shall be at least 16 years old.

SFCL.125 SPL – Student pilot

- (a) Student pilots shall not fly solo unless authorised to do so and supervised by an FI(S).
- (b) Student pilot shall be at least 14 years of age to be allowed on solo flights.

SFCL.130 SPL – Training course and experience requirements

- (a) Applicants for an SPL shall complete a training course at an ATO or a DTO. The course shall be tailored to the privileges sought and shall include:
- (1) theoretical knowledge as specified in point SFCL.135;

- (2) at least 15 hours of flight instruction in sailplanes, including at least:
- (i) 10 hours of dual flight instruction which shall include the dual flight instruction as specified in paragraphs (iv) (A) or (v)(A), as applicable;
 - (ii) two hours of supervised solo flight time;
 - (iii) 45 launches or take-offs and landings;
 - (iv) if privileges for sailplanes, excluding TMGs, are sought, at least seven hours of flight instruction in sailplanes, excluding TMGs, and including at least:
 - (A) three hours of dual flight instruction;
 - (B) either:
 - (a) one solo cross-country flight of at least 50 km (27 NM); or
 - (b) one dual cross-country flight of at least 100 km (55 NM) which, by way of derogation from paragraph (2)(iv), may be completed in a TMG;
 - (v) if privileges for TMGs are sought, at least six hours of flight instruction in TMGs, including at least:
 - (A) four hours of dual flight instruction;
 - (B) one solo cross-country flight of at least 150 km (80 NM) in a TMG, during which one full-stop landing at an aerodrome different from the aerodrome of departure shall be performed.
- (b) Applicants who hold a pilot licence for another category of aircraft, with the exception of balloons licence, shall be credited with 10 % of total flight time as PIC on such aircraft and up to a maximum of seven hours. The amount of credit given shall in any case:
- (1) not include the requirements of paragraphs (a)(2)(ii), (a)(2)(iv)(B) and (a)(2)(v)(B); and
 - (2) with regard to paragraph (a)(2)(iii), not exceed 10 launches or take-offs and landings.

SFCL.135 SPL – Theoretical knowledge examination

(a) Theoretical knowledge

Applicants for an SPL 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;
- (2) specific subjects concerning sailplanes:
 - (i) principles of flight;
 - (ii) operational procedures;
 - (iii) flight performance and planning;
 - (iv) aircraft general knowledge related to sailplanes;
 - (v) navigation.

(b) Responsibilities of the applicant

- (1) The applicant shall take the entire set of theoretical knowledge examinations for the SPL 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 shall be awarded to the applicant when achieving 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 SPL 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 extent and scope of the training needed shall be determined by the ATO or the DTO, based on the needs of the applicant.

(d) Validity period

The successful completion of the theoretical knowledge examinations 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).

SFCL.140 SPL – Crediting of theoretical knowledge

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

- (a) hold a licence in accordance with Annex I (Part-FCL) to Regulation (EU) No 1178/2011 or with Annex III (Part-BFCL) to Regulation (EU) 2018/395; 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 SFCL.135(d).

SFCL.145 SPL – Practical skill test

- (a) Applicants for an SPL shall demonstrate through the completion of a skill test the ability to perform, as PIC on sailplanes, the relevant procedures and manoeuvres with competency appropriate to the privileges sought.
- (b) Applicants shall complete the skill test in a sailplane, excluding TMGs, or a TMG, depending on the privileges sought and provided that the training course in accordance with point SFCL.130 included the necessary training elements for the relevant aircraft. An applicant who has completed a training course, including the necessary training elements for both sailplanes and TMGs, may complete 2 skill tests, 1 in a sailplane, excluding TMGs, and 1 in a TMG, in order to obtain privileges for both aircraft.
- (c) To take a skill test for the issue of an SPL the applicant shall first pass the required theoretical knowledge examinations.

- (d) Pass standards
 - (1) The skill test shall be divided into different sections, representing all the different phases of a sailplane 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.

SFCL.150 SPL – Sailplane and TMG privileges

- (a) If the skill test as specified in point SFCL.145 has been completed in a sailplane, excluding TMGs, the privileges of an SPL shall be limited to sailplanes, excluding TMGs.
- (b) In the case specified in paragraph (a), the privileges of an SPL shall be extended to TMGs upon application if a pilot has:
 - (1) completed at an ATO or a DTO the training elements specified in point SFCL.130(a)(2)(v);
 - (2) passed a skill test to demonstrate an adequate level of practical skill in a TMG. During this skill test, the applicant shall also demonstrate to the examiner an adequate level of theoretical knowledge for TMGs in the following subjects:
 - (i) principles of flight;
 - (ii) operational procedures;
 - (iii) flight performance and planning;
 - (iv) aircraft general knowledge; and
 - (v) navigation.
- (c) Holders of a licence issued in accordance with Annex I (Part-FCL) to Regulation (EU) No 1178/2011 shall receive full credit towards the requirements in paragraph (b) provided that they:
 - (1) hold a class rating for TMGs; or
 - (2) have TMG privileges and comply with the recency requirements in point FCL.140.A of Annex I (Part-FCL) to Regulation (EU) No 1178/2011.
- (d) If the skill test as specified in point SFCL.145 has been completed in a TMG, the privileges of the SPL shall be limited to TMGs.
- (e) In the case specified in paragraph (d), the privileges of the SPL shall be extended to sailplanes upon application if a pilot has:
 - (1) completed at an ATO or a DTO the training elements specified in point SFCL.130(a)(2)(iv) and at least 15 launches and landings in a sailplane, excluding TMGs; and
 - (2) passed a skill test to demonstrate an adequate level of practical skill in a sailplane, excluding TMGs. During this skill test, the pilot shall also demonstrate to the examiner an adequate level of theoretical knowledge for sailplanes, excluding TMGs, in the following subjects:
 - (i) principles of flight;
 - (ii) operational procedures;
 - (iii) flight performance and planning;

- (iv) aircraft general knowledge; and
 - (v) navigation.
- (f) The completion of the training as specified in paragraphs (b)(1) and (e)(1) shall be entered in the logbook of the pilot and signed by the head of training of the ATO or the DTO that is responsible for the training.

SFCL.155 SPL – Launching methods

- (a) SPL holders shall exercise their privileges only by using those launching methods for which they have completed a specific training either during the training course in accordance with point SFCL.130 or point SFCL.150(e)(1) or during additional training provided by an instructor after the issue of the SPL. This specific training shall consist of the following:
- (1) in the case of winch launch and car launch, a minimum of 10 launches in dual flight instruction, and five solo launches under supervision;
 - (2) in the case of aerotow or self-launch, a minimum of five launches in dual flight instruction, and five solo launches under supervision. In the case of self-launch, dual flight instruction may be conducted in TMGs;
 - (3) in the case of bungee launch, a minimum of three launches performed in dual flight instruction or solo under supervision; and
 - (4) in case of further launching methods, training as required by the competent authority.
- (b) The completion of the training as specified in paragraph (a) shall be entered in the logbook of the pilot and signed by the head of training of the ATO or the DTO or the instructor that is responsible for the training, as applicable.
- (c) In order to maintain the privileges for each launching method and in accordance with the requirements of paragraphs (a) and (b), SPL holders shall complete a minimum of five launches during the last two years, except for bungee launch, in which case they shall complete only two launches. In the case of self-launch, launches may be done in self-launch or through take-offs in TMGs or a combination of these.
- (d) If SPL holders do not comply with the requirement in paragraph (c), in order to renew their privileges they shall perform the additional number of launches flying dual or solo under the supervision of an instructor.

SFCL.160 SPL – Recency requirements

- (a) Sailplanes, excluding TMGs

SPL holders shall exercise SPL privileges, excluding TMGs, only if in the last 24 months before the planned flight they:

- (1) completed, on sailplanes, at least five hours of flight time as PIC or flying dual or solo under the supervision of an FI(S), including, on sailplanes, excluding TMGs, at least:
 - (i) 15 launches; and
 - (ii) two training flights with an FI(S); or
- (2) passed a proficiency check with an FE(S) on a sailplane, excluding TMGs; the proficiency check shall be based on the skill test for SPL.

- (b) TMGs

SPL holders shall exercise their TMG privileges only if in the last 24 months before the planned flight they:

- (1) completed at least 12 hours of flight time as PIC or flying dual or solo under the supervision of an FI(S), including, on TMGs, at least:
 - (i) six hours flight time;
 - (ii) 12 take-offs and landings; and
 - (iii) a training flight of at least one hour total flight time with an instructor; or

- (2) passed a proficiency check with an examiner; the proficiency check shall be based on the skill test as specified in point SFCL.150(b)(2).
- (c) SPL holders with privileges to fly on TMGs who also hold a licence including the privileges to fly on TMGs in accordance with the provisions of Annex I (Part-FCL) to Regulation (EU) No 1178/2011 shall be exempted from complying with paragraph (b).
- (d) The completion of the dual flights, the flights under supervision and the training flights as specified in paragraphs (a)(1) and (b)(1), as well as the proficiency checks as specified in paragraph (a)(2) and (b)(2) shall be entered in the logbook of the pilot and signed by the responsible FI(S) in the case of paragraphs (a)(1) and (b)(1), and by the responsible FE(S) in the case of paragraphs (a)(2) and (b)(2).
- (e) Carriage of passengers
SPL holders shall carry passengers only if in the preceding 90 days they have carried out as PIC, at least:
 - (1) three launches in sailplanes, excluding TMGs, if passengers are to be carried in sailplanes, excluding TMGs; or
 - (2) three take-offs and landings in TMGs, if passengers are to be carried in a TMG. For carrying passengers at night in a TMG, at least one of those take-offs and landings shall be carried out at night.

SUBPART ADD

ADDITIONAL RATINGS AND PRIVILEGES

SFCL.200 Aerobatic privileges

- (a) SPL holders shall only undertake aerobatic flights in sailplanes with any engine stopped, or, in the case of paragraph (d) and (e), with engine power, if they hold the appropriate aerobatic privileges in accordance with this point.
- (b) Basic aerobatic privileges:
 - (1) entitle its holder to undertake aerobatic flights limited to the following manoeuvres:
 - (i) 45-degree climbing and diving lines performed as aerobatic manoeuvres;
 - (ii) inside loops;
 - (iii) wingover;
 - (iv) lazy eight;
 - (v) spins;
 - (2) are included in the privileges of an SPL after a pilot has completed:
 - (i) after the issue of the SPL, at least 30 hours of flight time or 120 launches as PIC on sailplanes;
 - (ii) a training course at an ATO or a DTO, including:
 - (A) theoretical knowledge instruction appropriate for the privileges sought;
 - (B) aerobatic flight instruction on the manoeuvres specified in paragraph (1).
- (c) Advanced aerobatic privileges:
 - (1) entitle its holder to undertake aerobatic flights not limited to manoeuvres as specified in paragraph (b)(1);
 - (2) are included in the privileges of an SPL after a pilot has:
 - (i) complied with the requirements of paragraph (b)(2)(i);
 - (ii) completed a training course at an ATO or a DTO, including:
 - (A) theoretical knowledge instruction appropriate for the privileges sought;
 - (B) at least five hours or 20 flights of aerobatic flight instruction.

- (d) The basic or advanced aerobatic privileges shall include aerobatic flights in sailplanes with engine power, if a pilot has received a training in aerobatic flight in sailplanes with engine power during a training course in accordance with paragraphs (b)(2)(ii) or (c)(2)(ii), as applicable.
- (e) The privileges of an SPL shall include advanced aerobatic privileges for TMGs flown with engine power if a pilot also has or has had an aerobatic rating in accordance with point FCL.800 of Annex I (Part-FCL) to Regulation (EU) No 1178/2011, including privileges for aerobatic flight on TMGs.
- (f) The completion of the training course as specified in paragraphs (b)(2)(ii) and (c)(2)(ii) and, as applicable, the inclusion of training specified in paragraph (d), shall be entered in the logbook and signed by the head of training of the ATO or the DTO that is responsible for the training.

SFCL.205 Sailplane towing and banner towing rating

- (a) SPL holders who have privileges to fly TMGs shall tow sailplanes or banners only if they hold an appropriate sailplane towing or banner towing rating in accordance with this point.
- (b) Applicants for a sailplane towing rating shall have completed:
 - (1) at least 30 hours of flight time as PIC and 60 take-offs and landings in TMGs, after obtaining TMG privileges;
 - (2) a training course at an ATO or a DTO, including:
 - (i) theoretical knowledge instruction on sailplane towing operations and procedures;
 - (ii) at least 10 training flights towing a sailplane, including at least 5 dual training flights;
 - (iii) in the case of an SPL holder with privileges restricted to TMG in accordance with point SFCL.150(d), five familiarisation flights in a sailplane which is launched by an aircraft.
- (c) Applicants for a banner towing rating shall have completed:
 - (1) at least 100 hours of flight time and 200 take-offs and landings as PIC on TMGs, after obtaining TMG privileges;
 - (2) a training course at an ATO or a DTO, including:
 - (i) theoretical knowledge instruction on banner towing operations and procedures;
 - (ii) at least 10 instruction flights towing a banner, including at least five dual flights.
- (d) Applicants for a sailplane towing rating or a banner towing rating in accordance with this point who already hold a sailplane towing or banner towing rating in accordance with point FCL.805(b) of Annex I (Part-FCL) to Regulation (EU) No 1178/2011 or who have fulfilled all the requirements for the issue of that rating, as applicable, shall:
 - (1) receive full credit towards the requirements in paragraph (b) or (c) for obtaining the sailplane towing or the banner towing rating, as applicable, if their relevant towing rating as specified in paragraph (d) includes privileges for towing with TMGs; or
 - (2) have completed at least three dual instruction flights covering the full sailplane towing or banner towing training syllabus, as applicable, in TMGs.
- (e) The completion of the training course as specified in paragraphs (b)(2), (c)(2) and (d)(2) shall be entered in the logbook and signed by the head of training of the ATO or the DTO or the instructor who is responsible for the training, as applicable.
- (f) To exercise the privileges of the sailplane towing or banner towing rating, the holder of the rating shall complete a minimum of five tows during the last two years.
- (g) If a holder of the sailplane towing rating does not comply with the requirement in paragraph (f), before resuming the exercise of his or her privileges, he or she shall complete the missing tows with or under the supervision of an instructor.

SFCL.210 TMG night rating

- (a) SPL holders with privileges to fly TMGs shall only exercise their TMG privileges in VFR conditions at night if they hold a TMG night rating in accordance with this point.
- (b) Applicants for a TMG night rating shall first complete a training course at an ATO or a DTO. The course shall comprise:
 - (1) theoretical knowledge instruction in flying in visual flight rules (VFR) conditions at night;
 - (2) at least five hours of flight time in TMGs at night, including at least three hours of dual instruction, including at least:
 - (i) One hour of cross-country navigation with at least 1 dual cross-country flight of at least 50 km (27 NM);
 - (ii) Five solo take-offs; and
 - (iii) Five solo full-stop landings.
- (c) To complete the training at night, an SPL holder shall first complete the basic instrument flight training necessary for the issue of a private pilot licence (PPL) in accordance with the provisions of Annex I (Part-FCL) to Regulation (EU) No 1178/2011.
- (d) Applicants for a TMG night rating in accordance with this point shall receive full credit towards the requirements of paragraphs (b) and (c) if they hold a night rating in accordance with point FCL.810 of Annex I (Part-FCL) to Regulation (EU) No 1178/2011 or if they have fulfilled all the requirements for the issue of that rating.

SFCL.215 Sailplane cloud flying privileges

- (a) SPL holders shall operate a sailplane within cloud only if:
 - (1) any engine is stopped; and
 - (2) they have sailplane cloud flying privileges in accordance with this point.
- (b) The privileges of an SPL shall include sailplane cloud flying privileges if a pilot has completed at least:
 - (1) 30 hours as PIC in sailplanes after the issue of the licence;
 - (2) a training course at an ATO or a DTO, including:
 - (i) theoretical knowledge instruction;
 - (ii) at least two hours of dual flight instruction in sailplanes with any engine stopped, controlling the aircraft solely by reference to instruments. However, a maximum of 50 % of the dual flight instruction may be completed in TMGs flown with engine power, provided that these training flights are conducted in VMC.
- (c) In order to obtain sailplane cloud flying privileges, an SPL holder who also holds a basic instrument rating (BIR) or an IR(A) in accordance with Annex I (Part-FCL) to Regulation (EU) No 1178/2011 or who has fulfilled all the requirements for the issue of one of these ratings, shall:
 - (1) be credited towards the requirement of paragraph (b)(2)(i);
 - (2) by way of derogation from paragraph (b)(2)(ii), complete at least one hour of dual flight instruction in a sailplane, controlling it solely by reference to instruments.
- (d) The completion of the training course as specified in paragraphs (b)(2) or (c)(2), as applicable, shall be entered in the logbook and signed by the head of training of the ATO or the DTO that is responsible for the training.
- (e) SPL holders shall exercise their sailplane cloud flying privileges only if in the last two years before the planned cloud flight they have completed at least one hour of flight time, or five flights, as PIC exercising cloud flying privileges in sailplanes.

- (f) If SPL holders with sailplane cloud flying privileges do not comply with the requirements in paragraph (e) and they wish to resume the exercise of their sailplane cloud flying privileges they shall:
- (1) pass a proficiency check with an FE(S); or
 - (2) perform the additional flight time or flights required in paragraph (e) with an FI(S).
- (g) SPL holders with sailplane cloud flying privileges who also hold a BIR or an IR(A) in accordance with Annex I (Part-FCL) to Regulation (EU) No 1178/2011 shall be fully credited towards the requirements of paragraph (e).

SUBPART FI

FLIGHT INSTRUCTORS

Section 1

General requirements

SFCL.300 Flight instructor certificate

(a) General

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

(1) holds:

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

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

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

(1) By way of derogation from paragraph (a)(1), in the case of flight instruction provided during a training course approved in accordance with this Annex (Part-SFCL) 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 sailplane 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(S) certificate with the relevant instructional privileges;
- (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 flight instruction:

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

Section 2

Flight instructor certificate for sailplanes – FI(S)

SFCL.315 FI(S) certificate – Privileges and conditions

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

- (1) an SPL;

- (2) additional sailplane privileges in accordance with point SFCL.150(e);
 - (3) launching methods in accordance with point SFCL.155, provided that the applicant has completed as PIC:
 - (i) in the case of aerotow launch, at least 30 launches; or
 - (ii) in the case of winch launch, at least 50 launches;
 - (4) additional TMG privileges in accordance with point SFCL.150(b), provided that the applicant has:
 - (i) completed at least 30 hours of flight time as PIC on TMGs;
 - (ii) completed the training as specified in point SFCL.330(b)(2);
 - (iii) demonstrated the ability to instruct on TMGs to an FI(S) who is qualified in accordance with paragraph (7) and nominated by the head of training of the ATO or the DTO;
 - (5) basic aerobatic, advanced aerobatic or sailplane cloud flying privileges or the sailplane towing or the banner towing rating, provided that the applicant:
 - (i) in the case of instruction for basic aerobatic or advanced aerobatic privileges, holds advanced aerobatic privileges in accordance with point SFCL.200(c);
 - (ii) has demonstrated the ability to instruct for the relevant privileges or rating to an FI(S) who is qualified in accordance with paragraph (a)(7) and nominated by the head of training of an ATO or a DTO;
 - (6) TMG flight at night, provided that the applicant:
 - (i) complies with the night experience requirement in point SFCL.160(e)(2);
 - (ii) has demonstrated the ability to instruct on TMGs at night to an FI(S) who is qualified in accordance with paragraph (7) and nominated by the head of training of an ATO or a DTO;
 - (7) an FI(S) certificate, provided that the applicant has:
 - (i) completed at least 50 hours or 150 launches of flight instruction in sailplanes;
 - (ii) in accordance with the procedures established for that purpose by the competent authority, demonstrated the ability to instruct for the FI(S) certificate to an FI(S) who is qualified in accordance with this paragraph and nominated by the head of training of an ATO or a 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.

SFCL.320 FI(S) certificate – Prerequisites and requirements

Applicants for an FI(S) certificate shall:

- (a) be at least 18 years of age;
- (b) comply with the requirements of point (a)(1)(i) and paragraph (2) of point SFCL.300;
- (c) have completed 100 hours of flight time and 200 launches as PIC on sailplanes;
- (d) have completed an instructor training course in accordance with point SFCL.330 at an ATO or a DTO; and
- (e) have passed an assessment of competence in accordance with point SFCL.345.

SFCL.325 FI(S) competencies and assessment

Applicants for an FI(S) 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.

SFCL.330 FI(S) – Training course

- (a) Applicants for an FI(S) certificate shall first pass a specific pre-entry assessment at an ATO or a DTO, which shall take place within the 12 months preceding the start of the training course, to assess their ability to undertake the course.
- (b) The FI(S) training course shall include:
 - (1) on sailplanes, excluding TMGs:
 - (i) the elements specified in point SFCL.325;
 - (ii) 25 hours of teaching and learning;
 - (iii) 30 hours of theoretical knowledge instruction, including progress tests;
 - (iv) at least six hours, of which a maximum of three hours may be completed in TMGs, or 20 launches of flight instruction;
 - (2) additionally, if the privileges of the FI(S) certificate will include the privileges as specified in point SFCL.315(a)(4) and (a)(6), at least six hours of dual flight instruction on TMGs.
- (c) Applicants who already hold an instructor certificate in accordance with Annex III (Part-BFCL) to Regulation (EU) 2018/395 or with Annex I (Part-FCL) to Regulation (EU) No 1178/2011 shall be fully credited towards the requirement in paragraph (b)(1)(ii).
- (d) When applying for an FI(S) certificate, a pilot who holds or has held an FI(A), (H) or (As) shall be credited with 18 hours towards the requirements in paragraph (b)(1)(iii).

SFCL.345 FI(S) – Assessment of competence

- (a) Applicants for the issue of an FI(S) certificate shall pass an assessment of competence to demonstrate to an examiner qualified in accordance with point SFCL.415(c) the ability to instruct a student pilot to the level required for the issue of an SPL.
- (b) The assessment shall include:
 - (1) the demonstration of the competencies described in point SFCL.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 sailplanes;
 - (3) exercises adequate to evaluate the instructor's competencies.

- (c) The assessment of competence for the initial issue of an FI(S) certificate shall be conducted in sailplanes, excluding TMGs.

SFCL.350 FI(S) – Restricted privileges

- (a) An FI(S) shall have his or her privileges limited to conducting flight instruction under the supervision of an unrestricted FI(S) nominated by the ATO or the DTO for this purpose, in the following cases:
- (1) for the issue of an SPL;
 - (2) for extending the privileges of an SPL to additional sailplane or TMG privileges in accordance with point SFCL.150;
 - (3) for extending the privileges of an SPL to additional launching methods in accordance with point SFCL.155; and
 - (4) for basic aerobatic, advanced aerobatic or sailplane cloud flying privileges or for the sailplane towing or banner towing rating.
- (b) Whilst conducting training under supervision, in accordance with paragraph (a), the FI(S) shall not have the privilege to authorise a student pilot to conduct his or her first solo flight or first solo cross-country flight.
- (c) The limitations in (a) and (b) shall be removed from the FI(S) certificate after the FI(S) has completed at least 15 hours or 50 launches of flight instruction covering all phases of a sailplane flight. In the case of a restricted FI(S) who complied with point SFCL.330(b)(2), 5 out of those 15 hours may be completed in TMGs, and 15 out of those 50 launches may be replaced by take-offs and landings in TMGs.

SFCL.360 FI(S) certificate – Recency requirements

- (a) An FI(S) certificate holder shall only exercise the privileges of his or her certificate if before the planned exercise of those privileges he or she has:
- (1) within the last three years, completed:
 - (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 sailplane instructors; and
 - (ii) when providing flight instruction as FI(S), at least:
 - (A) 30 hours; or
 - (B) 60 launches or take-offs and landings; and
 - (2) within the last nine years and in accordance with the procedures established for that purpose by the competent authority, demonstrated the ability to instruct on sailplanes to an FI(S) who is qualified in accordance with point SFCL.315(a)(7) and nominated by the head of training of an ATO or a DTO.
- (b) The hours flown as an FE(S) during skill tests, proficiency checks and assessments of competence shall be fully credited towards the requirement in paragraph (a)(1)(ii).
- (c) If the FI(S) certificate holder has failed to complete the instruction flight under supervision to the satisfaction of the FI(S) in accordance with paragraph (a)(2), he or she shall not exercise the privileges of the FI(S) certificate until he or she has successfully completed an assessment of competence in accordance with point SFCL.345.
- (d) To resume the exercise of the privileges of the FI(S) certificate, an FI(S) certificate holder who does not comply with all the requirements in paragraph (a) shall comply with the requirements of paragraph (a)(1)(i) and of point SFCL.345.

SUBPART FE

FLIGHT EXAMINERS

Section 1

General requirements**SFCL.400 Sailplane 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) an SPL 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(S) 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 sailplane 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 skills 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 sailplane 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 Union aviation safety rules to be able to exercise the examiner privileges in accordance with this Annex.

(2) The certificate referred to in paragraph (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.

SFCL.405 Limitation of privileges in case of vested interests

A sailplane 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.

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

- (a) When conducting skill tests, proficiency checks and assessments of competence, a sailplane 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;
 - (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 sailplane 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 sailplane 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 of those categories has been failed, the examiner shall record the reasons for this assessment;
 - (iii) the result of the skill test, proficiency check or assessment of competence;
 - (iv) a declaration that the sailplane 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 sailplane examiner certificate containing the scope of his or her privileges as sailplane 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 sailplane 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 sailplane examiner certificate, or the competent authority that is responsible for the applicant's licence, the sailplane examiner shall submit all records and reports, and any other information, as required, for oversight activities.

*Section 2***Flight examiner certificate for sailplanes – FE(S)****SFCL.415 FE(S) certificate – Privileges and conditions**

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

- (a) skill tests and proficiency checks for the SPL, provided that the applicant has completed, on sailplanes, excluding TMGs, 300 hours of flight time as a pilot, including 150 hours or 300 launches of flight instruction;

- (b) skill tests for the extension of the SPL privileges to TMG in accordance with point SFCL.150(e), provided that the applicant has completed 300 hours of flight time on sailplanes, including 50 hours of flight instruction in TMGs;
- (c) assessments of competence for the issue of FI(S) certificates on sailplanes, provided that the applicant has:
 - (1) completed at least 500 hours of flight time as pilot on sailplanes, including, if the privileges of the FE(S) certificate will be exercised in:
 - (i) sailplanes, excluding TMGs, at least 10 hours or 30 launches instructing the applicant for an FI(S) certificate in sailplanes, excluding TMGs;
 - (ii) TMGs, at least 10 hours or 30 take-offs and landings instructing the applicant for an FI(S) certificate in TMGs;
 - (2) received specific training during an examiner standardisation course in accordance with point SFCL.430.

SFCL.420 FE(S) certificate – Prerequisites and requirements

Applicants for an FE(S) certificate shall:

- (a) comply with the requirements of point (a)(1)(i) and paragraph (a)(2) of point SFCL.400;
- (b) have completed the FE(S) standardisation course in accordance with point SFCL.430;
- (c) have completed an assessment of competence in accordance with point SFCL.445;
- (d) demonstrate relevant background related to the privileges of the FE(S) certificate; and
- (e) demonstrate that they have 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-BFCL) to Regulation (EC) No 2018/395, for non-compliance with Regulation (EU) 2018/1139 and its delegated and implementing acts during the last three years.

SFCL.430 FE(S) certificate – Standardisation course

- (a) Applicants for an FE(S) 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 sailplane flight examiner privileges sought and shall consist of theoretical and practical instruction, including, at least:
 - (1) the conduct of two skill tests, proficiency checks or assessments of competence for the SPL 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(S) 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.

SFCL.445 FE(S) certificate – Assessment of competence

An applicant for the initial issue of an FE(S) certificate shall demonstrate his or her competence as an FE(S), 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(S) 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.

SFCL.460 FE(S) certificate – Validity, revalidation and renewal

- (a) An FE(S) certificate shall be valid for five years.
- (b) An FE(S) certificate shall be revalidated if its holder has:
- (1) during the validity period of the FE(S) 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 sailplane examiners;
 - (2) within the last 24 months preceding the end of the validity period of the certificate, demonstrated the ability to conduct skill tests, proficiency checks or assessments of competence to an inspector from the competent authority or an examiner specifically authorised to do so by the competent authority that is responsible for the FE(S) certificate.
- (c) An FE(S) 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-BFCL) to Regulation (EU) 2018/395 may achieve combined revalidation of all examiner certificates held, in agreement with the competent authority.
- (d) If an FE(S) certificate has expired, its holder shall comply with the requirements of paragraph (b)(1) and of point SFCL.445 before he or she can resume the exercise of the privileges of the FE(S) certificate.
- (e) An FE(S) certificate shall only be revalidated or renewed if the applicant demonstrates continued compliance with the requirements of point SFCL.410 as well as with the requirements of point SFCL.420(d) and (e).'
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