

**Draft Annex I, II and III
to draft Commission Implementing Regulation (EU) .../... [reference to amending
regulation] amending Commission Regulation (EU) 2018/395 laying down detailed rules
for the operation of balloons pursuant to Regulation (EC) No 216/2008 of the European
Parliament and of the Council**

ANNEX I

Annex I ‘Definitions’ (Part-DEF) to Commission 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 Commission 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, and 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 Commission 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

☐ 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:

☐ 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.

☐ 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.

☐ 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.

☐ 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.

☐ 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 (FI(B)) certificate;
 - (4) the issue, revalidation and renewal of a flight examiner (FE(B)) certificate; and
 - (5) any amendments to the BPL and associated privileges, ratings certificates.
- (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 Commission 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), Annex I (Part-FCL) to Commission Regulation (EU) No 1178/2011 or Annex III (Part-SFCL) to Commission Implementing Regulation (EU) 2018/1976, as applicable.
- (f) Without prejudice to (e), a BPL holder may request a change of competent authority. Such a request shall include a transfer of all licensing and medical records related to all licences held, as specified in paragraph (e), to the competent authority designated by another Member State.
- (g) An applicant 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, once the training is completed. The training records shall be made available to the examiner.

BFCL.035 Crediting of flight time

An applicant for a BPL or an associated privilege, rating or certificate shall be credited in full with all solo, dual instruction or PIC flight time on balloons towards the total flight time required for the licence, privilege, rating or certificate.

BFCL.045 Obligation to carry and present documents

- (a) When exercising the privileges of his or her licence, the BPL holder shall carry:
 - (1) a valid BPL;
 - (2) a valid medical certificate;
 - (3) a personal identification document containing his or her photo; and
 - (4) sufficient logbook data to demonstrate compliance with the requirements of this Annex.
- (b) A student pilot 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) A BPL holder or a student pilot 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

A balloon pilot 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

A BPL holder who has attained the age of 70 years shall not act as pilot of a balloon that is engaged in commercial passenger ballooning.

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 Commission Regulation (EU) No 1178/2011 when a balloon pilot 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 Commission Regulation (EU) No 1178/2011.

- (b) When a balloon pilot has his or her licence, privilege, rating or certificate limited, suspended or revoked, he or she shall immediately return the licence or certificate to the competent authority.

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; and
 - (2) in commercial operations when 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; and
 - (3) the training, testing and checking for the privileges, ratings and certificates attached to a BPL.
- (c) The exercise of the privileges granted by a BPL shall be dependent upon the compliance of the licence holder with the applicable recency requirements and upon the validity of the medical certificate appropriate to the privileges exercised.

BFCL.120 BPL — Minimum age

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

BFCL.125 BPL — Student pilot

- (a) A student pilot shall not fly solo unless authorised to do so and supervised by a flight instructor for balloons (FI(B)).
- (b) Before his or her first solo flight, the student pilot shall be at least 14 years of age.

BFCL.130 BPL — Training course and experience requirements

An applicant 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); and
- (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) 1 supervised solo flight with a flight time of at least 30 minutes.

BFCL.135 BPL — Theoretical knowledge examination

(a) Theoretical knowledge

An applicant 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 when recommended by the ATO or the DTO that is responsible for his or her training, 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 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 BPL when 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) above, 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 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 subparagraph (c)(2).

BFCL.140 BPL — Crediting of theoretical knowledge

An applicant 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) when he or she:

- (a) holds a licence in accordance with Annex I (Part-FCL) to Commission Regulation (EU) No 1178/2011 or Annex III (Part-SFCL) to Commission Implementing Regulation (EU) 2018/1976; or
- (b) has 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) An applicant 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) An applicant 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) Before a skill test for the issue of a BPL is taken, the applicant shall have passed 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) When the test needs to be retaken in accordance with subparagraph (d)(2), failure in any section, including those sections that have been passed at a previous attempt, shall require the applicant to retake the entire test.
- (e) Failure to achieve a pass in all sections of the test within two attempts shall require the applicant to 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 when a pilot has completed at least:
 - (1) 2 instruction flights with an FI(B) on a balloon of the relevant group; and
 - (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; and
 - (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 when a pilot has completed in the relevant balloon class and group, as applicable:
 - (1) a training course at an ATO or a DTO, including at least:
 - (i) 5 dual instructional flights; or
 - (ii) in the case of an extension from hot-air balloons to hot-air airships, 5 hours of dual instruction time; and
 - (2) a skill test during which the pilot has demonstrated to the FE(B) also 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; and
 - (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 when he or she has completed in the relevant balloon class:
 - (1) either:
 - (i) within the last 24 months, at least 6 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, at least 1 training flight with an FI(B); or
 - (2) within the last 24 months, a proficiency check in accordance with point (c).
- (b) In addition, 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 3 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, in a balloon that represents the relevant class, pass a proficiency check with an FE(B).
- (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)(2) 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 and flights under supervision as specified in paragraphs (a)(1) and (b), the training flight as specified in paragraph (a)(2), and 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 (a)(2), the responsible FI(B) and, in the case of paragraph (c), the responsible FE(B).

- (f) A BPL holder, including 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 in:
- (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)(2), 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 as specified in paragraph (d) 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 only undertake tethered flights with hot-air balloons when he or she holds a tethered hot-air balloon flight rating in accordance with this point.
- (b) An applicant for a tethered hot-air balloon flight rating shall have:
 - (1) privileges for the hot-air balloon class; and
 - (2) completed at least 2 tethered hot-air balloon instruction flights.
- (c) The completion of the additional 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 only exercise his or her privileges when he or she has completed at least 1 tethered hot-air balloon flight during the last 48 months.
- (e) When a pilot does not comply with the requirement in paragraph (d), he or she shall perform the required hot-air balloon tethered flight, flying dual or solo under the supervision of an FI(B), in order to fulfil the requirement in paragraph (d).

BFCL.210 Night rating

- (a) A BPL holder shall only exercise the privileges of his or her licence in VFR conditions at night when he or she holds a night rating in accordance with this point.
- (b) An applicant for a night rating shall have completed at least 2 instruction flights at night of at least 1 hour each.
- (b) The completion of the 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 only exercise the privileges of his or her licence during commercial operations with balloons when 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 when, 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 when he or she has completed:
 - (1) within the preceding 180 days:
 - (i) at least 3 flights as PIC in balloons, of which at least 1 shall be in a balloon of the relevant class; or
 - (ii) 1 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 preceding 24 months:
 - (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 6 hours of theoretical knowledge instruction and 1 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) When complying with paragraph (d), a pilot who holds a commercial operation rating with privileges extended to more than one class of balloons may comply with the requirements in paragraph (d)(2) in one class of balloons for maintaining the privileges of the commercial operation rating for all other balloon classes.
 - (f) After complying with paragraph (d), a pilot who 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), as applicable, 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, 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 when 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 issued by a third country in accordance 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;
 - (i) 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 of the Member States; 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 the applicant with point BFCL.320 and with the following conditions, an FI(B) certificate shall be issued upon application 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) night rating;
 - (4) tethered flight rating; and
 - (5) an FI(B) certificate, provided that the applicant has:
 - (i) completed at least 50 hours of flight instruction on balloons; and
 - (ii) conducted at least 1 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

An applicant 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

An applicant 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) An applicant for an FI(B) certificate shall have passed a specific pre-entry assessment at an ATO or a DTO within the 12 months preceding the start of the 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) at least 3 hours of flight instruction, including 3 take-offs and landings.
- (c) An applicant who already holds an instructor certificate in accordance with Annex III (Part-SFCL) to Commission Implementing Regulation (EU) 2018/1976 or with Annex I (Part-FCL) to Commission Regulation (EU) No 1178/2011 shall receive full credit for the requirement in paragraph (b)(2).

BFCL.345 FI(B) — Assessment of competence

- (a) An applicant for the issue of an FI(B) certificate shall pass an assessment of competence on a balloon to demonstrate to an examiner who is 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 when he or she has completed:
 - (1) within the last 3 years:
 - (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 9 years, 1 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)(5) 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 credited in full towards the requirement in paragraph (a)(1)(ii).
- (c) An FE(B) certificate holder who, for the purpose of revalidation of his or her FE(B) certificate, within the last 3 years complies with the requirements in point BFCL.460(b), may exercise the privileges of his or her FI(B) certificate when complying only with paragraph (a)(1).
- (d) When the 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.
- (e) An FI(B) certificate holder who does not comply with the requirements in paragraph (a) shall comply with the requirements of paragraph (a)(1)(i) and of point BFCL.345 before he or she can resume to exercise the privileges of the FI(B) certificate.

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 when 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) holds an FE(B) certificate including privileges appropriate to the skill test, proficiency check or assessment of competence conducted, issued in accordance with this Subpart; and
- (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 of the Member States, a competent authority shall issue an examiner certificate to an applicant who holds a balloon pilot licence issued by a third country in accordance 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; and
 - (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 of the Member States; 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 5 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; and
- (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; and
 - (2) received specific training during an examiner standardisation course in accordance with point BFCL.430.

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

An applicant 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 Commission Regulation (EU) No 1178/2011, or with Annex III (Part-SFCL) to Commission Implementing Regulation (EU) 2018/1976, for non-compliance with Regulation (EU) 2018/1139 and its delegated and implementing acts during the last 3 years.

BFCL.430 FE(B) certificate — Standardisation course

- (a) An applicant 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 1 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 competence 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 5 years.
- (b) An FE(B) certificate shall be revalidated when 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 Commission Regulation (EU) No 1178/2011 or with Annex III (Part-SFCL) to Commission 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).