

Based on Article 16 (3), Article 86 (1), Article 87 (5), Article 96, Article 97 (2), Article 147 (2), Article 172 (2), Article 173 (2), Article 177 (1), Article 194 (2), Article 199 (5), Article 239, Article 249 (1), Article 265 of the Air Transport Law (“Official Gazette of RS”, No 73/10, 57/11, 93/12, 45/15, 66/15 – other law, 83/18 and 9/20),

Director of the Civil Aviation Directorate of the Republic of Serbia hereby adopts

## **REGULATION**

### **amending Regulation on air operations with balloons**

#### **Article 1**

In Regulation on air operations with balloons (“Official Gazette of RS”, No 3/21), in Article 1 after paragraph (2), paragraph (3) shall be added, worded as follows:

“This Regulations lays down the procedure for checking balloon pilot competence, conditions for the issue of a balloon pilot licence, conditions for endorsement of ratings on a balloon pilot licence, term for which the balloon pilot licence is issued, validity period of ratings endorsed on a balloon pilot licence, conditions for amending, suspension or revocation of balloon pilot licence, conditions for suspension or revocation of ratings endorsed on a balloon pilot licence, as well as the form of balloon pilot licence.”.

#### **Article 2**

Article 2 shall be amended as follows:

##### **“Article 2**

This Regulation shall transpose Commission Regulation (EU) 2018/395 of 13 March 2018 laying down detailed rules for the operation of balloons as well as for the flight crew licensing for balloons pursuant to Regulation (EU) 2018/1139 of the European Parliament and of the Council, amending Commission Implementing Regulation (EU) 2020/357 of 4 March 2020 as regards balloon pilot licences.

Commission Implementing Regulation (EU) 2018/395 is provided in Addendum 1, printed with this Regulation and forms an integral part thereof.

Besides the provisions of this Addendum 1, the following shall be applied:

1) Additional conditions for the application of Commission Implementing Regulation (EU) 2018/395 in the Republic of Serbia, as provided in Addendum 2, printed with this Regulation and forming an integral part thereof;

2) Acceptable Means of Compliance (AMC) laid down by European Union Aviation Safety Agency (EASA) and published on its website;

3) Alternative Means of Compliance (AltMoC) the application of which has been approved by the Directorate pursuant to the provisions of this Regulation.”.

#### **Article 3**

In Article 3, paragraph (1) point (1) shall be deleted.

In point (2) words: “Regulation on licences, training organisations and medical fitness of flight crew (“Official Gazette of RS”, No 60/19)” shall be replaced by words: “Regulation on licences, training organizations and medical fitness of flight crew and cabin crew (“Official Gazette of RS”, No 53/23)”.

In point (4) words: “(“Official Gazette of RS”, No 9/18, 56/18 and 12/19) shall be replaced by words: “(“Official Gazette of RS”, No 9/18, 56/18, 12/19, 3/21, 54/21, 117/21, 112/22 and 46/23)”.

In point (5) words: “(“Official Gazette of RS”, No 5/19 and 59/19)” shall be replaced by words: “(“Official Gazette of RS”, No 5/19, 59/19 and 123/21)”.

In point (6) words: “(“Official Gazette of RS” No 142/20)” shall be replaced by words: “(“Official Gazette of RS”, No 142/20, 10/22 and 84/22)”.

In point (7) words: “(“Official Gazette of RS”, No 142/20)” shall be replaced by words: “(“Official Gazette of RS, No 142/20 and 130/22)”.

#### **Article 4**

In Article 4 paragraph (2) after point (2) a new point shall be added, worded as follows:  
“(3) holders of balloon pilot licence who have attained the age of 65 shall not act as pilots of balloons engaged in commercial balloon operations;”

Previous point (3) shall become point (4).

#### **Article 5**

The title of Addendum 1 shall be replaced by the following:

#### **“COMMISSION REGULATION (EU) 2018/395 of 13 March 2018**

**laying down detailed rules for the operation of balloons as well as for the flight crew  
licensing for balloons pursuant to Regulation (EU) 2018/1139 of the European  
Parliament and of the Council”.**

#### **Article 6**

In Addendum 1, Article 1 paragraph (1) shall be amended as follows:

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

#### **Article 7**

In Addendum 1, Article 2, the initial sentence shall be amended as follows:

“For the purpose of this Regulation the following definitions shall be applied as well as the definitions from Article 2 of Commission Regulation (EU) No 1178/2011, unless the definitions have been defined differently in this Article:”.

After point (7) point (7a) shall be added, worded as follows:

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

Point (10) shall be amended to read:

“(10) “introductory flight” means any air operation with a balloon against remuneration or other valuable consideration consisting of an air tour of short duration for the purpose of attracting new trainees or new members, performed either by a training organisation referred

to in Article 10a of Commission Regulation (EU) No 117/2011 or by an organisation created with the aim of promoting aerial sport or leisure aviation;”.

Full stop at the end of point (12) shall be replaced by semicolon and points (13) to (15) shall be added to read:

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

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

(15) “conversion report” means a report on the basis of which a license may be converted in a Part-BFCL license.”.

## **Article 8**

In Addendum 1, the title of Article 3 and Article 3 shall be amended as follows:

### **“Article 3**

#### **Air operations**

1. Balloon operators shall operate the balloon in accordance with the requirements set out in Subpart BAS of Annex II.

However, the first subparagraph shall not apply to design or production organisations which comply with the provisions of Article 8 and 9, respectively, of Commission Regulation (EU) No 748/2012 and which operate the balloon, within the scope of their privileges, for the purposes of introduction or modification of balloon types.

2. Balloon operators shall engage in commercial operations only after having declared to the competent authority their capacity and means to discharge the responsibilities associated with the operation of the balloon.

The first subparagraph shall not apply to the following balloon operations:

(a) cost-shared operations by four individuals or less, including the pilot, provided that the direct costs of the flight of the balloon and a proportionate part of the annual costs incurred for the storage, insurance and maintenance of the balloons are shared by all those persons;

(b) competition flights or flying displays, provided that the remuneration or any other valuable consideration for such flights is limited to the recovery of the direct costs of the flight of the balloon and a proportionate part of the annual costs incurred for the storage, insurance and maintenance of the balloon and that any prizes gained do not exceed the value specified by the competent authority;

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

(d) training flights, performed by a training organisation having its principal place of business in a Member State and referred to in Regulation (EU) No 1178/2011.”.

## **Article 9**

In Addendum 1 after Article 3, Articles 3a-3d shall be added, as follows:

### **“Article 3a**

#### **Pilot licences and issuing of medical certificates**

1. Without prejudice to Commission Delegated Regulation (EU), pilots of aircraft referred to in Article 1, paragraph (1) of this Regulation shall comply with the technical requirements and the administrative procedures laid down in Annex III (Part-BFCL) to this Regulation and in Annex IV (Part-MED) to Regulation No 1178/2011.

2. As an exception to the privileges of the holders of licences as defined in Annex III (Part-BFCL) to this Regulation, holders of such licences may carry out flights referred to in points a to d of Article 3, paragraph (2), without complying with point BFCL.215a (3) of Annex III (Part-BFCL) to this Regulation.

3. A Member State may authorise student pilots who follow a balloon pilot licence (‘BPL’) training course to exercise limited privileges without supervision before they meet all the requirements that are necessary for the issue of an SPL in accordance with Annex III (Part-BFCL) 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 a 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) balloons that are registered in the authorising Member States;

c) the holder of an authorization who applies for the issue of an BPL 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 acceptable level of aviation safety and take the appropriate action in case of identifying an increased safety risk or any safety concerns.

### **Article 3b**

#### **Existing pilot licences and national medical certificates**

1. Part-FCL licences for balloons and associated privileges, ratings and certificates issued by a Member State before the date of application of this Regulation, shall be deemed to have been issued in accordance with this Regulation. Member States shall replace those licences with licences that comply with the format laid down in Annex VI (Part-ARA) to Regulation (EU) No 1178/2011 when they reissue licences for administrative reasons or upon a request of licence holders.

2. When a Member State reissues licences and the associated privileges, ratings and certificates in accordance with paragraph (1), Member State shall, as applicable:

a) transfer all privileges already endorsed on Part-FCL licences to the new licence format;

b) convert the privileges for tethered flight or commercial operations associated with a Part-FCL licence into a tethered flight rating or commercial operation rating in accordance with the provisions of points BFCL.200 and BFCL.215 of Annex III (Part-BFCL) to this Regulation.

c) endorse the expiry date of a flight instructor certificate associated with a Part-FCL licence into the pilot’s logbook or issue an equivalent document. After that expiry date, pilots

shall exercise instructor privileges only when they comply with point BFCL.360 of Annex III (Part-BFCL) to this Regulation.

3. Holders of national licences for balloons issued by a Member State before the date of application of Annex III (Part-BFCL) to this Regulation may continue to exercise the privileges of their licences until 8 April 2021. Till that date, Member States must convert all the licences in Part-BFCL and associated privileges, rights and certificates pursuant to elements laid down in the conversion report which fulfills the requirements from Article 4, paragraphs (4) and (5) of Regulation (EU) No 1178/2011.

4. National pilot medical certificates associated with a licence as specified in paragraph 2 of this Article and issued by a Member State before the date of application of Annex III (Part-BFCL) to this Regulation shall remain valid until the date of their next revalidation or until 8 of 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-BFCL licences and associated privileges, ratings or certificates in accordance with Annex III (Part-BFCL) to this Regulation, training that commenced prior to the date of application of this Regulation in accordance with Annex I (Part-FCL) to Regulation (EU) No 1178/2011 shall be deemed to comply with the requirements of this Regulation provided BPL is issued no later than 8 April 2021. In that case, the following shall apply:

a) BPL training commenced on balloons representing the hot-air airship class, including the related testing, may be completed on those balloons;

b) training hours completed in the hot-air balloon class in balloons other than group A of that balloon class shall be fully credited towards the requirement in point BFCL.130(b) of Annex III.

2. Training that commenced prior to the date of application of this Regulation or Annex I (Part-FCL) to Regulation (EU) No 1178/2011, in accordance with Annex I to the Chicago Convention, shall be credited for the purpose of issuing of Part-BFCL licences on the basis of a credit report established by the Member State in consultation with the European Union Aviation Safety Agency.

3. The credit report referred to in paragraph (2) shall describe the scope of training, indicate for which requirements of Part-BFCL credit is given and, if applicable, which requirements applicants need to comply with in order to be issued with a Part-BFCL licence. It shall include copies of all the documents necessary to attest the scope of the training, as well as copies of the national regulations and procedures in accordance with which the training was initiated.

### **Article 3d**

#### **Training organizations**

1. Training organizations for obtaining the pilot licences referred to in Article 1, paragraph (1) of this Regulation shall comply with the requirements of Article 10a of Regulation (EU) No 1178/2011.

2. Training organizations referred to in paragraph (1) which hold approvals issued in accordance with Annex VII (Part-ORA) to Regulation (EU) No 1178/2011 or which have

submitted declarations 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.”.

### Article 10

In Addendum 1, Annex I, the initial sentence shall be amended as:

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

Point (1) and (2) shall be amended and worded as:

“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;”

After point (11) point (11a) shall be added, worded as:

“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;”.

After point (17) points (17a) and (17b) shall be added, worded as:

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

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

Point (22) shall be amended as follows:

“22. ‘group of balloons’ means a categorisation of balloons, taking into account the size or capacity of the envelope;”.

After point (22) point (23-26) shall be added worded as:

“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.”.

### Article 11

In Addendum 1, Annex II, the title of BOP.BAS.010 and point BOP.BAS.010 shall be amended as follows:

#### **“BOP.BAS.010 Demonstration of compliance**

(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.

(b) The operator shall use either of the following means to demonstrate such compliance:

- (1) acceptable means of compliance (AMC);
- (2) alternative means of compliance (AltMoC).”.

#### **Article 12**

In Addendum 1, Annex II, the title of point BOP.BAS.020 and point BOP. BAS.020 shall be amended as follows;

##### **“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.”

#### **Article 13**

In Addendum 1, Annex II, point BOP.BAS.025 shall be amended as follows:

“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.”

#### **Article 14**

In Addendum 1, Annex II, point BOP.BAS.300 paragraph (c) shall be amended as follows:

“(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.”.

#### **Article 15**

In Addendum 1, Annex II, point BOP.ADD.005, paragraph (a) shall be amended as follows:

“(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.”.

#### **Article 16**

In Addendum 1, Annex II, point BOP.ADD.015 paragraph (a) shall be amended as follows:

“(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.”.

### **Article 17**

In Addendum 1, Annex II, point BOP.ADD.035 shall be amended as follows:

“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.”.

### **Article 18**

In Addendum 1, Annex II, point BOP.ADD.040 paragraph (a) shall be amended as follows:

“(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.”.

### **Article 19**

In Addendum 1, Annex II, point BOP.ADD.045 shall be amended as follows:

“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.”.

### **Article 20**

In Addendum 1, Annex II, point BOP.ADD.100 paragraph (a) shall be amended as follows:

“(a) In the declaration referred to in Article 3(2)(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.”.

### **Article 21**

In Addendum 1, Annex II, point BOP.ADD.105 paragraph (a) shall be amended as follows:

“(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.”.

### **Article 22**

In Addendum 1, Annex II, point BOP.ADD.115 (c) shall be amended as follows:

“(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.”.



### **Article 23**

In Addendum 1, Annex II, point BOP.ADD.300 (c) shall be amended as follows:

“(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.”.

Paragraph (e) shall be amended as follows:

“(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.”.

### **Article 24**

In Addendum 1, Annex II, point BOP.ADD.305 (b) shall be amended as follows:

“(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.”.

### **Article 25**

In Addendum 1, Annex II, point BOP.ADD.310 shall be amended as follows:

“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.”.

### **Article 26**

In Addendum 1, Annex II, Appendix (Declaration pursuant to Commission Regulation (EU) 2018/395) shall be replaced by a new Appendix provided in Addendum 1, printed with this Regulation and making an integral part thereof.

### **Article 27**

In Addendum 1, after Annex II, Annex III shall be added, worded as:

“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 m<sup>3</sup> (120 069 ft<sup>3</sup>);
  - (2) group B: envelope capacity between 3 401 m<sup>3</sup> (120 070 ft<sup>3</sup>) and 6 000 m<sup>3</sup> (211 888 ft<sup>3</sup>);
  - (3) group C: envelope capacity between 6 001 m<sup>3</sup> (211 889 ft<sup>3</sup>) and 10 500 m<sup>3</sup> (370 804 ft<sup>3</sup>);
  - (4) group D: envelope capacity of more than 10 500 m<sup>3</sup> (370 804 ft<sup>3</sup>);
- (b) 'gas balloon' class;
- (c) 'mixed balloon' class;
- (d) 'hot-air airship' class.

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

(a) An application for the following shall be submitted to the competent authority in a form and manner established by that competent authority:

- (1) the issue of a BPL and associated ratings;
- (2) the extension of the privileges of a BPL;
- (3) the issue of a flight instructor (for balloons) ('FI(B)') certificate;
- (4) the issue, revalidation and renewal of a flight examiner (for balloons) ('FE(B)') certificate; and

(5) any amendments to the BPL and associated privileges, ratings certificates.

(b) An application specified in paragraph (a) shall be accompanied by evidence that the applicant complies with the relevant requirements established in this Annex and in Annex IV (Part-MED) to Regulation (EU) No 1178/2011.

(c) Any limitation or extension of the privileges granted by a licence, rating or certificate shall be endorsed on the licence or certificate by the competent authority.

(d) A person shall not hold at any time more than one BPL issued in accordance with this Annex.

(e) A licence holder shall submit applications as specified in paragraph (a) to the competent authority designated by the Member State in which any of his or her licences was issued in accordance with this Annex (Part-BFCL), or Annex I (Part-FCL) to Regulation (EU) No 1178/2011 or Annex III (Part-SFCL) to Implementing Regulation (EU) 2018/1976, as applicable.

(f) A BPL holder may apply for a change of competent authority to the competent authority designated by another Member State but in such case the new competent authority shall be the same for all the licences held.

(g) Applicants shall apply for the issue of a BPL and associated ratings, privileges or certificates not later than 6 months after having successfully completed the skill test or assessment of competence.

### **BFCL.030 Practical skill test**

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

### **BFCL.035 Crediting of flight time**

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

### **BFCL.045 Obligation to carry and present documents**

(a) When exercising the privileges of BPL licence, BPL holders shall carry all of the following:

- (1) a valid BPL;
- (2) a valid medical certificate;
- (3) a personal identification document containing his or her photo;
- (4) sufficient logbook data to demonstrate compliance with the requirements of this Annex.

(b) Student pilots shall carry on all solo flights:

- (1) the documents as specified in paragraphs (a)(2) and (a)(3); and
- (2) evidence of the authorisation required by point BFCL.125(a).

(c) BPL holders or student pilots shall without undue delay present the documents as specified in paragraph (a) or (b) for inspection upon request by an authorised representative of the competent authority.

### **BFCL.050 Recording of flight time**

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

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

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

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

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

(b) BPL holders shall immediately return the licence or certificate to the competent authority if their licence, privilege, rating or certificate has been limited, suspended or revoked.

**SUBPART BPL**  
**BALLOON PILOT LICENCE ('BPL')**

**BFCL.115 BPL – Privileges and conditions**

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

**BFCL.120 BPL – Minimum age**

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

**BFCL.125 BPL – Student pilot**

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

**BFCL.130 BPL – Training course and experience requirements**

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

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

**BFCL.135 BPL – Theoretical knowledge examination**

(a) Theoretical knowledge

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

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

- (iv) aircraft general knowledge related to balloons; and
- (v) navigation.

(b) Responsibilities of the applicant

(1) The applicant shall take the entire set of theoretical knowledge examinations for the BPL under the responsibility of the same Member State's competent authority.

(2) The applicant shall take the theoretical knowledge examination only if recommended by the ATO or the DTO that is responsible for his or her training and once he or she has completed the appropriate elements of the training course of theoretical knowledge instruction to a satisfactory standard.

(3) The recommendation by the ATO or the DTO shall be valid for 12 months. If the applicant has failed to take at least one theoretical knowledge examination paper within this validity period, the need for further training shall be determined by the ATO or the DTO, based on the needs of the applicant.

(c) Pass standards

(1) A pass in a theoretical knowledge examination paper shall be awarded to the applicant if he or she has achieved at least 75 % of the marks allocated to that paper. No penalty marking shall be applied.

(2) Unless otherwise specified in this Annex, an applicant is considered to have successfully completed the required theoretical knowledge examination for the BPL if he or she has passed all the required theoretical knowledge examination papers within a period of 18 months counted from the end of the calendar month when the applicant first attempted to take the examination.

(3) If an applicant has failed to pass one of the theoretical knowledge examination papers within four attempts or has failed to pass all papers within the period mentioned in paragraph (2), he or she shall retake the complete set of theoretical knowledge examination papers.

(4) Before retaking the theoretical knowledge examinations, the applicant shall undertake further training at an ATO or a DTO. The ATO or the DTO shall determine the extent and scope of the training, based on the needs of the applicant.

(d) Validity period

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

**BFCL.140 BPL – Crediting of theoretical knowledge**

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

(a) hold a licence in accordance with Annex I (Part-FCL) to Regulation (EU) No 1178/2011 or Annex III (Part-SFCL) to Implementing Regulation (EU) 2018/1976; or

(b) have passed the theoretical knowledge examinations for a licence as specified in paragraph (a), as long as this is done within the validity period specified in point BFCL.135(d).

**BFCL.145 BPL – Practical skill test**

(a) Applicants for a BPL shall demonstrate through the completion of a skill test the ability to perform, as PIC on a balloon, the relevant procedures and manoeuvres with competency appropriate to the privileges sought.

(b) Applicants shall complete the skill test in the same class of balloons in which the training course has been completed in accordance with point BFCL.130 and, in case of hot-air balloons, in a balloon that represents group A of that class.

(c) To take a skill test for the issue of a BPL, the applicant shall first pass the required theoretical knowledge examination.

(d) Pass standards

(1) The skill test shall be divided into different sections, representing all the different phases of a balloon flight.

(2) Failure in any item of a section shall cause the applicant to fail the entire section. If the applicant fails in only one section, he or she shall repeat only that section. Failure in more than one section shall require the applicant to retake the entire test.

(3) If the applicant needs to retake the test in accordance with paragraph (2) and fails in any section, including those sections that have been passed at a previous attempt, the applicant shall retake the entire test.

(e) If the applicant fails to achieve a pass in all sections of the test within two attempts, he or she shall receive further practical training.

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

(a) The privileges of the BPL shall be limited to the class of balloon in which the skill test as specified in point BFCL.145 was taken, and, in the case of hot-air balloons, to group A of that class.

(b) In the case of hot-air balloons, the privileges of the BPL shall be extended to another group within the hot-air balloon class upon application if a pilot has completed at least:

(1) two instruction flights with an FI(B) on a balloon of the relevant group;

(2) the following amount of hours of flight time as PIC on balloons:

(i) at least 100 hours, if privileges for group B balloons are sought;

(ii) at least 200 hours, if privileges for group C balloons are sought;

(iii) at least 300 hours, if privileges for group D balloons are sought.

(c) Except for the mixed balloon class, the privileges of the BPL shall be extended to another balloon class, or, if privileges for the hot-air balloon class are sought, to group A of the hot-air balloon class, upon application if a pilot has completed in the relevant balloon class and group:

(1) a training course at an ATO or a DTO, including at least:

(i) five dual instructional flights; or

(ii) in the case of an extension from hot-air balloons to hot-air airships, five hours of dual instruction time; and

(2) a skill test during which the pilot has demonstrated to the FE(B) an adequate level of theoretical knowledge for the other class in the following subjects:

(i) principles of flight;

(ii) operational procedures;

(iii) flight performance and planning;

(iv) aircraft general knowledge with regard to the balloon class for which the extension of privileges is sought.

(d) The completion of the training as specified in paragraphs (b)(1) and (c)(1) shall be entered in the logbook of the pilot and signed by:

(1) in the case of paragraph (b)(1), the instructor who is responsible for the instruction flights; and

(2) in the case of paragraph (c)(1), the head of training of the ATO or of the DTO that is responsible for the training.

(e) A BPL holder shall exercise his or her privileges in the mixed balloon class only if he or she has privileges for both the hot-air balloon class and the gas balloon class.

### **BFCL.160 BPL – Recency requirements**

(a) A BPL holder shall only exercise the privileges of his or her licence if he or she has completed in the relevant balloon class:

(1) either:

(i) within the last 24 months before the planned flight, at least six hours of flight time as PIC, including 10 take-offs and landings, as PIC or flying dual or solo under the supervision of an FI(B); and

(ii) within the last 48 months before the planned flight, at least one training flight with an FI(B); or

(2) within the last 24 months before the planned flight, a proficiency check in accordance with point (c).

(b) In addition to the requirements in paragraph (a), in the case of a pilot who is qualified to fly more than one class of balloons, in order to exercise his or her privileges in the other balloon class or the other balloon classes, he or she shall have completed at least three hours of flight time, as PIC or flying dual or solo under the supervision of an FI(B), on each additional balloon class within the last 24 months.

(c) A BPL holder who does not comply with the requirements in paragraph (a)(1) and, if applicable, (b), before resuming the exercise of his or her privileges, shall pass a proficiency check with an FE(B) in a balloon that represents the relevant class.

(d) After complying with paragraph (a), (b) or (c), as applicable, a BPL holder with privileges to fly hot-air balloons shall exercise his or her privileges only on hot-air balloons that represent:

(i) the same group of hot-air balloons in which the training flight as specified in paragraph (a)(1)(ii) or the proficiency check as specified in paragraph (c), as applicable, have been completed, or a group with a smaller envelope size; or

(ii) group A of hot-air balloons in cases where a pilot, in accordance with paragraph (b), has completed the training flight as specified in paragraph (a)(2) in a balloon class other than hot-air balloons.

(e) The completion of the dual flights, the flights under supervision and the training flight as specified in paragraph (a)(1) and (b), as well as the proficiency check as specified in paragraph (c) shall be entered in the logbook of the pilot and signed by, in the case of paragraphs (a)(1) and (b), the responsible FI(B) and, in the case of paragraph (c), the responsible FE(B).

(f) A BPL holder, that holds also the privileges for commercial operations as specified in point BFCL.215 of Subpart ADD of this Annex, shall be deemed to comply with the requirements of:

(1) paragraph (a) and, if applicable, (b), in case he or she has completed a proficiency check in accordance with point BFCL.215(d)(2)(i) in the relevant balloon class or classes within the last 24 months; or

(2) paragraph (a)(1)(ii), in case he or she has completed the training flight as specified in point BFCL.215(d)(2)(ii) in the relevant balloon class.

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

SUBPART ADD  
**ADDITIONAL RATINGS**

**BFCL.200 Tethered hot-air balloon flight rating**

(a) A BPL holder shall undertake tethered flights with hot-air balloons only if he or she holds a tethered hot-air balloon flight rating in accordance with this point.

(b) To apply for a tethered hot-air balloon flight rating, the applicant shall:

- (1) have privileges for the hot-air balloon class;
- (2) first complete at least two tethered hot-air balloon instruction flights.

(c) The completion of the tethered hot-air balloon training shall be entered in the logbook and signed by the FI(B) who is responsible for the training.

(d) A pilot who holds a tethered hot-air balloon flight rating shall exercise his or her privileges only if he or she has completed at least one tethered hot-air balloon flight during the 48 months preceding the planned flight, or, if he or she has not performed such a flight, the pilot shall exercise his or her privileges if they have performed a tethered hot-air balloon flight flying dual or solo under the supervision of an FI(B). The completion of such dual or solo flight under supervision shall be entered in the pilots logbook and signed by the FI(B).

**BFCL.210 Night rating**

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

(b) An applicant for a night rating shall have completed at least two instruction flights at night of at least one hour each.

(c) The completion of the night rating training shall be entered in the logbook and signed by the FI(B) who is responsible for the training.

**BFCL.215 Commercial operation rating**

(a) A BPL holder shall exercise the privileges of his or her licence during commercial operations with balloons only if he or she holds a commercial operation rating in accordance with this point.

(b) An applicant for a commercial operation rating shall:

- (1) have attained the age of 18 years;
- (2) have completed 50 hours of flight time and 50 take-offs and landings as PIC on balloons;
- (3) have the privileges for the class of balloon in which the privileges of the commercial operation rating will be exercised; and
- (4) have passed a skill test on the relevant class of balloon during which he or she shall demonstrate to an FE(B) the competence required for commercial balloon operations.

(c) The privileges of the commercial operation rating shall be limited to the class of balloon in which the skill test in accordance with paragraph (b)(3) has been completed. The privileges shall be extended upon application to another class of balloon if, in that other class, the applicant complies with paragraph (b)(3) and (b)(4).

(d) A pilot who holds a commercial operation rating shall exercise the privileges of that rating in commercial passenger ballooning only if he or she has completed:

- (1) within the 180 days preceding the planned flight:
  - (i) at least three flights as PIC in balloons, of which at least one shall be in a balloon of the relevant class; or



- (ii) one flight as PIC in a balloon of the relevant class under the supervision of an FI(B) who is qualified in accordance with this point; and
- (2) within the 24 months preceding the planned flight:
  - (i) a proficiency check, in a balloon of the relevant class, during which he or she shall demonstrate to an FE(B) the competence required for commercial passenger ballooning; or
  - (ii) a refresher course at an ATO or a DTO, tailored to the competence required for commercial balloon operations, including at least six hours of theoretical knowledge instruction and one training flight in a balloon of the relevant class with an FI(B) who is qualified for commercial balloon operations in accordance with this point.
- (e) To maintain the privileges of the commercial operation rating for all balloon classes, a pilot who holds a commercial operation rating with privileges extended to more than one class of balloons shall comply with the requirements in paragraph (d)(2) in at least one class of balloons.
- (f) A pilot who complies with paragraph (d) and holds a commercial operation rating for the hot-air balloon class shall exercise the privileges of that rating in the hot-air balloon class only on balloons that represent:
  - (i) the same group of the hot-air balloon in which the proficiency check as specified in paragraph (d)(2)(i) or the training flight as specified in paragraph (d)(2)(ii), have been completed; or
  - (ii) a hot-air balloon group with a smaller envelope size.
- (g) The completion of the flight under supervision as specified in paragraph (d)(1)(ii), the proficiency check as specified in paragraph (d)(2)(i) and the refresher training course as specified in paragraph (d)(2)(ii) shall be entered in the logbook of the pilot and shall be signed by the head of training of the ATO or the DTO, or the FI(B) or the FE(B) that is responsible for the training course, the supervision or the proficiency check, as applicable.
- (h) A pilot who has completed an operator proficiency check in accordance with point BOP.ADD.315 of Annex II (Part-BOP) to this Regulation shall be deemed to comply with paragraph (d)(2)(i).

SUBPART FI  
**FLIGHT INSTRUCTORS**  
 Section 1  
**General requirements**

**BFCL.300 Flight instructor certificates**

(a) General

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

- (1) holds:
  - (i) a BPL including the privileges, ratings and certificates for which flight instruction is to be provided; and
  - (ii) a balloon flight instructor (FI(B)) certificate appropriate to the instruction carried out, and issued in accordance with this Subpart; and
- (2) is entitled to act as PIC in the balloon during flight instruction.
- (b) Instruction provided outside the territory of the Member States
  - (1) By way of derogation from subparagraph (a)(1), in the case of flight instruction provided during a training course approved in accordance with this Annex (Part-BFCL) outside the territory for which Member States are responsible under the

Chicago Convention, the competent authority shall issue a flight instructor certificate to an applicant who holds a balloon pilot licence that is compliant with Annex 1 to the Chicago Convention, provided that the applicant:

- (i) holds at least a licence including, where relevant, privileges, ratings or certificates equivalent to those for which he or she is authorised to instruct;
  - (ii) complies with the requirements established in this Subpart for the issue of the FI(B) certificate with the relevant instructional privileges; and
  - (iii) demonstrates to the competent authority an adequate level of knowledge of European aviation safety rules to be able to exercise his or her instructional privileges in accordance with this Annex.
- (2) The certificate shall be limited to the provision of approved flight instruction:
- (i) outside the territory for which Member States are responsible under the Chicago Convention; and
  - (ii) to a student pilot who has sufficient knowledge of the language in which flight instruction is provided.

## Section 2

### **Flight instructor certificate for balloons – FI(B)**

#### **BFCL.315 FI(B) certificate – Privileges and conditions**

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

- (1) a BPL;
- (2) the extension of privileges to further classes and groups of balloons provided that the applicant has completed at least 15 hours of flight time as PIC in each relevant class;
- (3) a night rating or a tethered flight rating, provided that the applicant has received specific training in providing instruction for the relevant rating at an ATO or at a DTO; and
- (4) an FI(B) certificate, provided that the applicant has:
  - (i) completed at least 50 hours of flight instruction on balloons; and
  - (ii) in accordance with the procedures established for that purpose by the competent authority, conducted at least one hour of flight instruction for the FI(B) certificate under the supervision and to the satisfaction of an FI(B) who is qualified in accordance with this subparagraph and nominated by the head of training of the ATO or the DTO.

(b) The privileges listed in paragraph (a) shall include the privileges to conduct flight instruction for:

- (1) the issue of the relevant licence, privileges, ratings or certificate; and
- (2) the revalidation, renewal or compliance with the relevant recency requirements of this Annex, as applicable.

#### **BFCL.320 FI(B) – Prerequisites and requirements**

Applicants for an FI(B) certificate shall:

- (a) be at least 18 years of age;
- (b) comply with the requirements of subparagraphs (a)(1)(i) and (a)(2) of point BFCL.300;
- (c) have completed 75 hours of balloon flight time as PIC;

- (d) have completed an instructor training course in accordance with point BFCL.330 at an ATO or a DTO; and
- (e) have passed an assessment of competence in accordance with point BFCL.345.

#### **BFCL.325 FI(B) competencies and assessment**

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

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

#### **BFCL.330 FI(B) – Training course**

(a) Applicants for an FI(B) certificate shall first pass a specific pre-entry assessment at an ATO or a DTO within the 12 months preceding the start of the training course, to assess his or her ability to take the course.

(b) The FI(B) training course shall include at least:

- (1) the elements specified in point BFCL.325;
- (2) 25 hours of teaching and learning;
- (3) 12 hours of theoretical knowledge instruction, including progress tests; and
- (4) three hours of flight instruction, including three take-offs and landings.

(c) Applicants who already hold an instructor certificate in accordance with Annex III (Part-SFCL) to Implementing Regulation (EU) 2018/1976 or with Annex I (Part-FCL) to Regulation (EU) No 1178/2011 shall be fully credited towards the requirement in paragraph (b)(2).

#### **BFCL.345 FI(B) – Assessment of competence**

(a) Applicants for the issue of an FI(B) certificate shall pass an assessment of competence on a balloon to demonstrate to an examiner qualified in accordance with point BFCL.415(c) the ability to instruct a student pilot to the level required for the issue of a BPL.

(b) The assessment shall include:

- (1) the demonstration of the competencies described in point BFCL.325 during pre-flight, post-flight and theoretical knowledge instruction;
- (2) oral theoretical examinations on the ground, pre-flight and post-flight briefings, and in-flight demonstrations in the appropriate balloon class;
- (3) exercises adequate to evaluate the instructor's competencies.

#### **BFCL.360 FI(B) certificate – Recency requirements**

(a) An FI(B) certificate holder shall only exercise the privileges of his or her certificate if he or she has completed:

- (1) within the last three years before the planned exercise of those privileges:

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

SUBPART FE  
**FLIGHT EXAMINERS**  
 Section 1  
**General requirements**

**BFCL.400 Balloon flight examiner certificates**

(a) General

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

- (1) holds:
  - (i) a BPL including privileges, ratings and certificates for which he or she is authorised to conduct skill tests, proficiency checks or assessments of competence, and the privileges to instruct for them;
  - (ii) an FE(B) certificate including privileges appropriate to the skill test, proficiency check or assessment of competence conducted, issued in accordance with this Subpart;
- (2) is entitled to act as PIC in a balloon during the skill test, proficiency check or assessment of competence.
- (b) Examinations conducted outside the territory of the Member States
  - (1) By way of derogation from paragraph (a)(1), in the case of skill tests and proficiency checks performed outside the territory for which Member States are responsible under the Chicago Convention, the competent authority shall issue an examiner certificate to an applicant who holds a balloon pilot licence that is compliant with Annex 1 to the Chicago Convention, provided that the applicant:
    - (i) holds at least a licence including, where relevant, privileges, ratings, or certificates equivalent to those for which he or she is authorised to conduct skill tests or proficiency checks;
    - (ii) complies with the requirements established in this Subpart for the issue of the relevant examiner certificate;

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

#### **BFCL.405 Limitation of privileges in case of vested interests**

A balloon examiner shall not conduct:

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

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

(a) When conducting skill tests, proficiency checks and assessments of competence, a balloon examiner shall do all of the following:

- (1) ensure that communication with the applicant can be established without language barriers;
- (2) verify that the applicant complies with all the qualification, training and experience requirements of this Annex for the issue, revalidation or renewal of the licence, privileges, rating or certificate for which the skill test, proficiency check or assessment of competence is taken; and
- (3) make the applicant aware of the consequences of providing incomplete, inaccurate or false information related to his or her training and flight experience.

(b) After completion of the skill test, proficiency check or assessment of competence, the balloon examiner shall:

- (1) inform the applicant of the results of the skill test, proficiency check or assessment of competence;
- (2) in the event of a pass in an assessment of competence for the revalidation or renewal, endorse the new expiry date on the applicant's licence or certificate, if specifically authorised for that purpose by the competent authority that is responsible for the applicant's licence;
- (3) provide the applicant with a signed report of the skill test, proficiency check or assessment of competence and submit without undue delay copies of the report to the competent authority that is responsible for the applicant's licence, and to the competent authority that issued the examiner certificate. The report shall include:
  - (i) a declaration that the balloon examiner has received information from the applicant regarding his or her experience and instruction, and found that experience and instruction comply with the applicable requirements of this Annex;
  - (ii) confirmation that all the required manoeuvres and exercises have been completed, as well as information on the verbal theoretical knowledge

examination, when applicable. If an item has been failed, the examiner shall record the reasons for this assessment;

(iii) the results of the skill test, proficiency check or assessment of competence;

(iv) a declaration that the balloon examiner has reviewed and applied the national procedures and requirements of the applicant's competent authority if the competent authority that is responsible for the applicant's licence is not the one that issued the examiner's certificate;

(v) a copy of the balloon examiner certificate containing the scope of his or her privileges as balloon examiner in the case of skill tests, proficiency checks or assessments of competence of an applicant whose competent authority is not the one that issued the examiner's certificate.

(c) The balloon examiner shall maintain the records for five years with details of all skill tests, proficiency checks and assessments of competence performed and their results.

(d) Upon request by the competent authority that is responsible for the balloon examiner certificate, or the competent authority that is responsible for the applicant's licence, the balloon examiner shall submit all records and reports, and any other information, as required, for oversight activities.

## Section 2

### **Flight examiner certificate for balloons – FE(B)**

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

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

(a) skill tests and proficiency checks for the BPL and skill tests for the extension of the privileges to another balloon class, provided that the applicant has completed 250 hours of flight time as pilot on balloons, including 50 hours of flight instruction covering the full syllabus of a BPL training course;

(b) skill tests and proficiency checks for the commercial operation rating as specified in point BFCL.215, provided that the applicant complies with the experience requirements set out in paragraph (a) and has received specific training during an examiner standardisation course in accordance with point BFCL.430;

(c) assessments of competence for the issue of an FI(B) certificate, provided that the applicant has:

(1) completed 350 hours of flight time as pilot on balloons, including 5 hours of instruction to an applicant for the FI(B) certificate;

(2) received specific training during an examiner standardisation course in accordance with point BFCL.430.

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

Applicants for an FE(B) certificate shall:

(a) comply with the requirements of subparagraphs (a)(1)(i) and (2) of point BFCL.400;

(b) have completed the FE(B) standardisation course in accordance with point BFCL.430;

(c) have completed an assessment of competence in accordance with point BFCL.445;

(d) demonstrate relevant background related to the privileges of the FE(B) certificate; and

(e) demonstrate that he or she has not been subject to any sanctions, including the suspension, limitation or revocation of any of his or her licences, ratings or certificates issued in accordance with this Annex, with Annex I (Part-FCL) to Regulation (EU) No 1178/2011, or with Annex III (Part-SFCL) to Implementing Regulation (EU) 2018/1976, for non-compliance with Regulation (EU) 2018/1139 and its delegated and implementing acts during the last three years.

#### **BFCL.430 FE(B) certificate – Standardisation course**

(a) Applicants for an FE(B) certificate shall take a standardisation course which is provided either by the competent authority or by an ATO or a DTO and approved by that competent authority.

(b) The standardisation course shall be tailored to the balloon flight examiner privileges sought and shall consist of theoretical and practical instruction, including, at least:

- (1) the conduct of at least one skill test, proficiency check or assessment of competence for the BPL or associated ratings or certificates;
- (2) instruction on the applicable requirements of this Annex and the applicable air operations requirements, the conduct of skill tests, proficiency checks and assessments of competence, and their documentation and reporting;
- (3) a briefing on the following:
  - (i) national administrative procedures;
  - (ii) requirements for the protection of personal data;
  - (iii) examiner's liability;
  - (iv) examiner's accident insurance;
  - (v) national fees; and
  - (vi) information on how to access the information contained in points (i) to (v) when conducting skill tests, proficiency checks or assessments of competence of an applicant whose competent authority is not the one that issued the examiner certificate.

(c) An FE(B) certificate holder shall not conduct skill tests, proficiency checks or assessments of competence of an applicant whose competent authority is not the one that issued the examiner certificate, unless he or she has reviewed the latest available information containing the relevant national procedures of the applicant's competent authority.

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

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

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

(a) An FE(B) certificate shall be valid for five years.

(b) An FE(B) certificate shall be revalidated if its holder has:

- (1) during the validity period of the FE(B) certificate, completed an examiner refresher course which is provided either by the competent authority or by an ATO or a DTO and approved by that competent authority, during which the holder shall

receive theoretical knowledge instruction for refreshing and updating the knowledge relevant for balloon examiners; and

(2) within the last 24 months preceding the end of the validity period of the certificate, conducted one skill test, proficiency check or assessment of competence under the supervision and to the satisfaction of an inspector from the competent authority or an examiner specifically authorised to do so by the competent authority that is responsible for the FE(B) certificate.

(c) An FE(B) certificate holder who also holds one or more examiner certificates for other aircraft categories in accordance with Annex I (Part-FCL) to Regulation (EU) No 1178/2011 or with Annex III (Part-SFCL) to Implementing Regulation (EU) 2018/1976 may achieve combined revalidation of all examiner certificates held, in agreement with the competent authority.

(d) If an FE(B) certificate has expired, its holder shall comply with the requirements of paragraph (b)(1) and of point BFCL.445 before he or she can resume the exercise of the privileges of the FE(B) certificate.

(e) An FE(B) certificate shall only be revalidated or renewed if the applicant demonstrates continued compliance with the requirements of point BFCL.410 as well as with the requirements of point BFCL.420(d) and (e).”.

#### **Article 28**

After Addendum 1, a new Addendum 2 is added, worded as:

**“Addendum 2.**



#### **Additional conditions for the application of Commission Regulation (EU) 2018/395 in the Republic of Serbia**

##### **1. Additional condition for the application of Article 3b of Commission Regulation (EU) 2018/395**

Part-BFCL balloon pilot licence shall be issued in the following format:



Cover page

ДИРЕКТОРАТ ЦИВИЛНОГ ВАЗДУХОПЛОВСТВА РЕПУБЛИКЕ СРБИЈЕ		CIVIL AVIATION DIRECTORATE OF THE REPUBLIC OF SERBIA
<b>ДОЗВОЛА ЛЕТАЧКОГ ОСОБЉА</b> <b>FLIGHT CREW LICENCE</b>		
		
Издата у складу са Делом-BFCL <i>Issued in accordance with Part-BFCL</i>		
Ова дозвола испуњава ICAO стандарде, осим за LAPL и BIR права или ако је уз њу приложено LAPL лекарско уверење <i>This licence complies with ICAO standards, except          for the LAPL and BIR privileges or when          accompanied by an LAPL medical certificate</i>		
EASA Образац 141 Издање 2 EASA Form 141 Issue 2		

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I	Држава издавања <i>State of issue</i>	Република Србија <i>Republic of Serbia</i>
III	Број дозволе <i>Licence number</i>	SRB.BFCL.
IV	Презиме и име имаоца <i>Last and first name of holder</i>	
IVa	Датум рођења <i>Date of birth</i>	
XIV	Место рођења <i>Place of birth</i>	
V	Адреса имаоца Улица, град, област, поштански број <i>Address of holder Street, town, area, postal code</i>	
VI	Држављанство <i>Nationality</i>	
VII	Потпис имаоца <i>Signature of holder</i>	
VIII	Надлежни орган издавалац дозволе <i>Issuing competent authority</i>	ДЦВ Републике Србије <i>CAD of the Republic of Serbia</i>
X	Потпис овлашћеног лица и датум <i>Signature of issuing officer and date</i>	
XI	Жиг или печат надлежног органа - издаваоца дозволе <i>Seal or stamp of issuing competent authority</i>	

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II	Назив дозволе, датум првог издавања и код државе <i>Title of licence, date of initial issue and country code</i>		
	BPL		SRB
IX	<b>Важење:</b> Права из дозволе могу да се користе само ако имацац има важеће лекарско уверење за захтевано право. <i>Validity: The privileges of the licence shall be exercised only if the holder has a valid medical certificate for the required privilege.</i>		
	Документ који садржи фотографију мора да се носи у сврху идентификације имаоца дозволе. <i>A document containing a photo shall be carried for the purposes of identification of the licence holder.</i>		
XII	<b>Права радио-телефоније:</b> Имацац ове дозволе је доказао оспособљеност за рад са уграђеном R/T опремом на ваздухоплову на ..... (навести језик(-е)). <i>Radiotelephony privileges: The holder of this licence has demonstrated competence to operate R/T equipment onboard aircraft in ..... (specify the language(s)).</i>		
XIII	<b>Напомене:</b> <i>Remarks:</i> Знање језика: (језик(-ци)/ниво/датум важења) <i>Language Proficiency:</i> (language(s)/level/validity date)		

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XII Овлашћења, сертификати и права <i>Ratings, certificates and privileges</i> Овлашћења која се продужавају <i>Ratings to be revalidated</i>	
Класа/Тип/IR <i>Class/Type/IR</i>	Напомене и ограничења <i>Remarks and restrictions</i>
Инструктори/ <i>Instructors</i>	
Испитивачи/ <i>Examiners:</i>	

BPL holder whose licence is issued in the Republic of Serbia in accordance with Annex III to Commission Regulation (EU) 2018/395 or Annex I to Commission Regulation (EU) No 1178/2011 who obtained BPL in any of EU Member States, may continue to exercise privileges of licence issued in the Republic of Serbia until the legal recognition of the said licence by EU Member State.

Recommenda**tion** for a skill test from BFCL.030 shall be valid for six months from the day the applicant finished practical, additional or tactical training.

In case the applicant fails to take the skill test within the period of six months, he or she shall be obliged to complete the additional training designated by ATO or DTO, as required by the level of applicant's competence, prior to taking the skill test.


Prior to commencement of balloon pilot training, ATO, or DTO, shall apply for a student pilot authorization to the Directorate.

In case a student pilot is a minor, ATO or DTO application for the issue of authorization shall be accompanied by a verified written consent, from both parents or guardians, for a student to undergo the training.

The student pilot shall carry the student pilot authorization during the training.

Upon issuing the student pilot authorization, it shall be valid for three years.

The student pilot authorization is issued in the following form:

ДИРЕКТОРАТ ЦИВИЛНОГ ВАЗДУХОПЛОВСТВА РЕПУБЛИКЕ СРБИЈЕ		CIVIL AVIATION DIRECTORATE OF THE REPUBLIC OF SERBIA
<b>АУТОРИЗАЦИЈА ПИЛОТА УЧЕНИКА (БАЛОН)</b> <i>Student Pilot Authorization (Balloon)</i>		
<div style="border: 1px solid black; width: 150px; height: 20px; margin: 0 auto;"></div> Број ауторизације <i>Authorization No.</i>		
У складу са Законом о ваздушном саобраћају и Правилником о обављању ваздушног саобраћаја балонима, Директорат цивилног ваздухопловства Републике Србије овлашћује <i>Pursuant to the Air Transport Law and the Regulation on Performing Air Operations by Balloons, the Civil Aviation Directorate of the Republic of Serbia hereby authorizes</i>		
_____ Име, име родитеља/старатеља, презиме <i>Name, name of parent/guardian, surname</i>	<div style="border: 1px solid black; width: 200px; height: 20px; margin: 0 auto;"></div> ЈМБГ/Број пасоша <i>ID/Passport No.</i>	
<b>да користи права пилота ученика</b> <i>to exercise privileges of student pilot</i>		
Датум издавања: <i>Date of issue:</i>	Важи до: <i>Valid until:</i>	
Потпис имаоца <i>Signature of holder</i>	м.п. <i>s.p.</i>	Потпис овлашћеног лица <i>Signature of issuing officer</i>

## 5. Additional conditions for the application of BFCL.070 of Commission Regulation (EU) 2018/395

Besides the cases laid down in point BFCL.070, the Directorate shall suspend or revoke FE(B) certificate in the following cases:

- 1) FE(B) certificate holder has been penalized for a violation within the field of aviation;
- 2) the decision on partial or complete suspension of exercising BPL examiner privileges has been made;
- 3) it has been established that FE(B) certificate holder failed to adhere to standards set forth by this Regulation and to Flight Examiner Manual during the exam, qualification check or assessment of competence;
- 4) FE(B) certificate holder has been charged with a criminal offense affecting aviation safety;
- 5) FE(B) certificate holder is responsible for any kind of non-compliance that discredits him or her for performing the examiner tasks.

The suspension of FE(B) certificate may last no longer than six months from the day of delivering the decision on suspension.

The Directorate shall publish the suspension of FE(B) certificate on its official website.

In case it is established, after the decision on suspension of FE(B) certificate, that there are reasons the holder of FE(B) certificate can no longer perform the examiner tasks, the Directorate shall make a decision on FE(B) certificate revocation.

In case the decision or revocation of FE(B) certificate or the decision or revocation of suspension is not made by the Directorate within the period of six months from delivering the decision on suspension, the suspension shall be considered void.

**6. Additional condition for the application of BFCL.135(a) of Commission Regulation (EU) 2018/395**

The applicant shall choose whether he or she will take BPL theoretical knowledge examination in Serbian or in English.

**7. Additional condition for the application of BFCL.135(b)(3) of Commission Regulation (EU) 2018/395**

The validity period of 12 months as referred to in point BFCL.135(b)(3) shall be counted from the day the applicant completed theoretical examination at ATO or DTO.

**8. Additional conditions for the application of point BFCL.145, BFCL.150, BFCL.160 and BFCL.345 of Commission Regulation (EU) 2018/395**

When approving BPL skill test in accordance with point BFCL.145 or extension of BPL privileges in accordance with point BFCL.150, as well as when approving assessment of competence for FI(B) in accordance with point BFCL.345, the Directorate shall appoint the examiner for conducting the skill test, that is the assessment of competence, from the list of certified examiners.

In case of proficiency check in accordance with BFCL.160, the applicant shall choose the examiner from the list of certified examiners.

Standards and guidelines for best practice from Flight Examiner Manual which are adopted by the European Union Aviation Safety Agency and which are available online, shall be applied when conducting practical skill test, proficiency check and assessment of competence.

**9. Additional condition for the application of Subpart ADD (Additional privileges) of Commission Regulation (EU) 2018/395**

BPL holders who apply for the exam with an aim to obtain radiotelephony privileges or who apply for the English language proficiency test, shall comply with provisions of Regulation on licences, training organisations and medical fitness of flight and cabin crew ("Official Gazette of RS", No 53/23), and point FCL.055 of Annex I to Commission Regulation (EU) No 1178/2011, as well as the additional conditions for the application of that point set forth by the same regulation.

**10. Additional condition for the application of BFCL.315 and BFCL.415 of Commission Regulation (EU) 2018/395**

The Directorate shall issue FI(B) certificate in a form of endorsement of that privilege on BPL, whereas it shall issue FE(B) certificate as a separate document."

**Article 29**

Balloon pilot licences issued or accepted based on Regulation on licences, training organisations and medical fitness of flight crew ("Official Gazette of RS", No 60/19) shall remain in force no later than 24 months after commencement of the application of this Regulation, provided that BPL holder meets recency requirements laid down in BFCL.160 of this Regulation.

All licences from paragraph (1) shall be issued in a form set forth by this Regulation upon expiry of validity period of 24 months.

The approved certificate for providing training to a balloon student pilot, as well as declarations on capability of declared organizations for BPL training, issued or accepted based

on Regulation from paragraph (1), shall remain in force upon the start of application of this Regulation.

Approved training organisations (ATO) and declared training organisations (DTO) shall be obliged to submit for the approval, to the Directorate, training programs for BPL licence and the appropriate ratings, privileges and certificates, when those programs differ from the programs laid down by Regulation from paragraph (1), within the period of six months from the start of application of this Regulation.

Procedures that have not been completed until the application of this Regulation, shall be completed in accordance with the provisions from paragraph (1).

### **Article 30**

This Regulation shall be in force on the eighth day from the day of its publishing in the “Official Gazette of the Republic of Serbia”, and it shall be applied from 1 October 2023.

No 5/1-01-0012/2023-0001

In Belgrade, 19 July 2023

Director

**Mirjana Cizmarov**

*Appendix*

<b>DECLARATION</b> In accordance with Commission Regulation (EU) 2018/395				
<b>Operator</b> Name: Place where the operator has its principal place of business: Name and contact details of the accountable manager:				
<b>Ballon operation</b> 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: <sup>(1)</sup>				
Balloon type	Balloon registration	Main base	Type(s) of operation <sup>(2)</sup>	Continuing airworthiness management organisation <sup>(3)</sup>
Where applicable, list of the AltMoCs with references to the associated AMC (annex to this declaration):				
<b>Statements</b> <input type="checkbox"/> The operator complies, and will continue to comply, with the essential requirements set out in Annex V to Regulation (EU) 2018/1139 and with the requirements of Regulation (EU) 2018/395. In particular, the operator conducts its commercial operations in accordance with the following requirements of Subpart ADD of Annex II to Regulation (EU) 2018/395:				
<input type="checkbox"/> The management system documentation, including the operations manual, comply with the requirements of Subpart ADD and all flights will be carried out in accordance with the provisions of the operations manual as required by point BOP.ADD.005(b) of Subpart ADD.				
<input type="checkbox"/> All balloons operated either have the 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, as required by points BOP.ADD.110 and BOP.ADD.115(b) and (c) of Subpart ADD.				
<input type="checkbox"/> All flight crew members hold a licence and ratings issued or accepted in accordance with Annex III to Regulation (EU) 2018/395, as required by point BOP.ADD.300(c) of Subpart ADD.				

<input type="checkbox"/> The operator will notify the competent authority of any changes in circumstances affecting its compliance with the essential requirements set out in Annex V to Regulation (EU) 2018/1139 and with the requirements of Regulation (EU) 2018/395 as declared to the competent authority through this declaration and any changes to the information and lists of AltMoCs included in and annexed to this declaration, as required by point BOP.ADD.105(a) of Subpart ADD.
<input type="checkbox"/> The operator confirms that all information included in this declaration, including its annexes, is complete and correct.
Date, name and signature of the accountable manager

<sup>(1)</sup> 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.  
<sup>(2)</sup> ‘Type(s) of operation’ refers to the type(s) of commercial operation conducted with the balloon.  
<sup>(3)</sup> Information about the organisation responsible for the continuing airworthiness management shall include the name of the organisation, the address and the approval reference.

