

PROCEDURE FOR THE NOMINATION AND SUPERVISION OF FLIGHT EXAMINERS BY DAC **LUXEMBOURG**

Reference: DAC-LIC 401

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1 8 SEP. 2017

PROCEDURE FOR THE NOMINATION AND SUPERVISION OF FLIGHT EXAMINERS BY DAC **LUXEMBOURG**

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1 INTRODUCTION

1.1 PURPOSE OF THE DOCUMENT

This procedure is established to ensure compliance with Part-FCL Subpart K of Commission Regulation 1178/2011, as well as to establish the procedure for the supervision of examiners in accordance with ARA.FCL.205 and ARA.FCL.210.

1.2 TERMINOLOGY

Aeroplane required to be operated with a co-pilot: A type of aeroplane that is required to be operated with a co-pilot as specified in the flight manual or by the air operator certificate.

Category: Categorisation of aircraft according to specified basic characteristics, e.g. aeroplane, helicopter, glider, free balloon.

Conversion: The issue of a Part-FCL licence on the basis of a licence issued by a non-EASA State.

Co-pilot: a pilot operating other than as pilot-in-command, on an aircraft for which more than one pilot is required, but excluding a pilot who is on board the aircraft for the sole purpose of receiving flight instruction for a licence or rating.

Credit: Recognition of alternative means or prior qualifications.

Cross-Country: A flight between a point of departure and a point of arrival following a pre —planned route using standard navigation procedures.

Dual instruction time: Flight time or instrument ground time during which a person is receiving flight instruction from a properly authorised instructor.

Flight time: The total time from the moment an aircraft first moves for the purpose of taking off until the moment it finally comes to rest at the end of the flight.

Instrument time: Instrument flight time or instrument ground time.

Instrument flight time: Time during which a pilot is controlling an aircraft in flight solely by reference to instruments.

Instrument ground time: Time during which a pilot is receiving instruction in simulated instrument flight in Flight simulation training devices (FSTDs).

Multi-crew co-operation: The functioning of the flight crew as a team of co-operating members led by the pilot-in command.

Multi-pilot aeroplanes: Aeroplanes certificated for operation with a minimum crew of at least two pilots.



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Night: The period between the end of evening civil twilight and the beginning of morning civil twilight, or such other period between sunset and sunrise as may be prescribed by the appropriate Authority. **Other training devices:** Training aids other than flight simulators, flight training devices or flight and navigation procedures trainers which provide means for training where a complete flight deck environment is not necessary.

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Pilot-in-command under supervision: Co-pilot performing, under the supervision of the pilot-in-command, the duties and functions of a pilot-in-command, provided that the method of supervision employed is acceptable to the Authority.

Private pilot: A pilot who holds a licence which prohibits the piloting of aircraft in operations for which remuneration is given.

Professional pilot: A pilot who holds a licence which permits the piloting of aircraft in operations for which remuneration is given.

Proficiency checks: Demonstrations of skill to revalidate or renew ratings, and including such oral examination as the examiner may require.

Rating: An entry in a licence stating special conditions, privileges or limitations pertaining to that licence.

Renewal (of e.g. a rating or approval): The administrative action taken after a rating or approval has lapsed that renews the privileges of the rating or approval for a further specified period consequent upon the fulfilment of specified requirements.

Revalidation (of e.g. a rating or approval): The administrative action taken within the period of validity of a rating or approval that allows the holder to continue to exercise the privileges of a rating or approval for a further specified period consequent upon the fulfilment of specified requirements.

Route sector: A flight comprising take-off, departure, cruise of not less than 15 minutes, arrival, approach and landing phases.

Single-pilot aeroplanes: Aeroplanes certificated for operation by one pilot.

Skill tests: Demonstrations of skill for initial licence or rating issue, including such oral examination as the examiner may require.

Solo flight time: Flight time during which a student pilot is the sole occupant of an aircraft.

Student pilot-in-command (SPIC): Flight time during which the flight instructor will only observe the student acting as pilot-in-command and shall not influence or control the flight of the aircraft.

Touring Motor Glider (TMG): A motor glider having a certificate of airworthiness issued or accepted by an EASA Member State having an integrally mounted, non-retractable engine and a non-retractable propeller plus those listed in. It shall be capable of taking off and climbing under its own power according to its flight manual.



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Type (of aircraft): All aircraft of the same basic design, including all modifications except those modifications which result in a change of handling, flight characteristics or flight crew complement.

1.3 REFERENCES

References	Titre	Date
01	Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council	Current version
02	Loi modifiée du 31 janvier 1948 relative à la réglementation de la navigation aérienne	As amended
03	Loi modifiée du 19 mai 1999 ayant pour objet a) de réglementer l'accès au marché de l'assistance en escale à l'aéroport de Luxembourg, b) de créer un cadre réglementaire dans le domaine de la sûreté de l'aviation civile, et c) d'instituer une Direction de l'Aviation Civile	As amended
04	Acceptable Means of Compliance and Guidance Material to Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council	As amended
05	JAA / EASA Flight Examiner Manual	Current version
06	Règlement grand-ducal du 28 juillet 2011 instituant la perception de taxes et de redevances relatives aux licences, qualifications et reconnaissance de licences du personnel de conduite d'aéronefs et du personnel d'entretien d'aéronefs	28/07/2011
07	Document DAC-LIC 401-1 List of DAC examiners – Please refer to the DAC website for the current version	Current version
08	Form DAC-LIC 401-2 Examiner assessment and reauthorisation form	Current version
09	Form DAC-LIC 401-3 Examiner Application form	Current version
10	Document DAC-LIC 401-4 Guidelines for practical examination fees	Current version
11	Document DAC-LIC 401-5 Checklist for examiners	Current version



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2 PROCEDURE FOR EXAMINERS

2.1 GENERALITIES

The Directorate of Civil Aviation of Luxembourg (DAC) designates and authorises as examiners suitably trained and qualified persons of integrity, experienced for their role on the relevant categories of aircraft to conduct skill tests and proficiency checks.

When evaluating the applicant's background, DAC will evaluate their personality, their character, and their cooperation with the DAC, which are of great importance for the examiner task. Another crucial point is that the examiner has the professional respect of the aviation community, by background and experience.

Applicants have to demonstrate that they have not been subject to any sanctions, including the suspension, limitation or revocation of any of their licences, ratings or certificates issued in accordance with Part-FCL for non-compliance with the Basic Regulation and its Implementing Rules during the last 3 years, through the introduction of a recent excerpt of their criminal record file, to be issued by their country of residence.

DAC Luxembourg publishes a list of all DAC examiners on its website, which is updated at any change by means of document DAC-LIC 401-1.

Pilots employed by AOCs, applying to conduct Operator Proficiency Checks in accordance with Air OPS / Air operations, may be issued an authorisation limited to OPCs within the AOC if they do not hold an FCL examiner certificate.

DAC only issues certificates for Licence Proficiency Checks to holders of Luxembourgish licences.

Examiner certificates and Senior examiner authorisations are endorsed on Part-FCL licences under section XII – Examiners, detailing the examiner privileges as well as the expiry date of the certificate or authorisation.

In accordance with FCL.1015(c), examiners not certified by DAC have to provide copies of their licence, examiner certificate and medical certificate, as well as the confirmation that they have received the DAC examiner information as published on the DAC website, with each skill test or proficiency check they conduct for holders of Luxembourgish licences.

For proficiency checks, it is not necessary to notify DAC in advance.

2.2 PRACTICAL AND THEORETICAL REQUIREMENTS

A candidate for an examiner certificate shall apply by using Form DAC-LIC 401-3.

2.2.1 Flight experience requirements

The minimum qualifications for examiners are set out in Subpart K of Annex I to Commission Regulation (EU) No 1178/2011, and the respective AMCs and Guidance Material.



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2.2.2 Examiner training

2.2.2.1 Theoretical instruction

Applicants for an examiner certificate shall undertake a standardisation course in accordance with FCL.1015, provided by DAC or by an ATO and approved by DAC, covering at least the following subjects:

- a) instruction on the applicable requirements of Part-FCL and its related publications and the applicable air operations requirements, the conduct of skill tests, proficiency checks and assessments of competence, and their documentation and reporting;
- b) a briefing on the national administrative procedures, requirements for protection of personal data, liability, accident insurance and fees;
- c) fundamentals of human performance and limitations relevant to the flight examination;
- d) fundamentals of evaluation relevant to the examinee's performance;
- e) compliance monitoring as related to the Aircrew Regulation;
- f) multi-crew cooperation (MCC), human performance and limitations, if applicable.

(For more detailed information, refer to AMC 1 and AMC 2 to FCL.1015 Examiner Standardisation)

2.2.2.2 Practical instruction

The examiner candidate will attend, as an observer, at least one flight test given by a designated examiner.

The examiner candidate then has to perform, under the supervision of a designated examiner, two skill tests, proficiency checks or assessments of competence for the licences, ratings or certificates for which he/she seeks the privilege to conduct tests and checks, 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. For an initial examiner certificate, this training is conducted in the aircraft if approval for testing or checking in the aircraft is required. If examiner privileges in FSTDs are required, practical instruction in the use of FSTDs for testing or checking must also be completed.

If examiner privileges are to include the conduct of proficiency checks for the revalidation or renewal of an instrument rating, practical instruction shall include the conduct of at least four instrument check profiles in the role of examiner, under the supervision of an examiner of the appropriate category on the applicable type. This training is conducted in the aircraft if approval for testing or checking in the aircraft is required. If examiner privileges in both FSTD and aircraft are required, at least one of the instrument check profiles shall be conducted in an FSTD.

For extension of an examiner certificate to further types (as required for TRE), further practical training on the new type is required, consisting of the conduct of at least one test or check



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profile in the role of examiner on the new type, under the supervision of an examiner of the appropriate category on the applicable type. A further examiner assessment on the new type is required, which is conducted by an inspector of the competent authority or a suitably authorised senior examiner.

For these assessments under supervision, the supervising examiner / inspector has to make an evaluation report using Form DAC-LIC 401-02 - FCL.1025 - Examiner assessment and reauthorisation report.

The check forms of the crew checked during the training described above shall be filled in and signed by both the examiner candidate, and the supervising examiner or inspector. Copies shall be added to the application file. The supervising examiner/ inspector shall add a note identifying themselves as such.

2.2.3 Examiner assessment of competence

The candidate shall demonstrate their competence to an inspector or a senior examiner specifically authorised to do so by the DAC through the conduct of a skill test, proficiency check or assessment of competence in the examiner role for which privileges are sought, 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.

For this assessment, the senior examiner has to make an evaluation report using Form DAC-LIC 401-02 - FCL.1025 - Examiner assessment and reauthorisation report.

The check forms of the crew checked during the assessment of competence shall be filled in and signed by both the examiner candidate, and the senior examiner /inspector. Copies shall be added to the application file. The senior examiner/ inspector shall add a note identifying themselves as such.

2.2.4 Examiner training done outside of Luxembourg

Examiner training may be done by another EASA Authority or an ATO authorised for that course by another Authority.

In order for these courses to be accepted, all relevant documents (ATO certificate, syllabus, FSTD certificates, if applicable, and examiner certificates) have to be submitted to DAC at least 6 weeks before the planned date of the course.

However, in order to be fully compliant with the national requirements, candidates having done their training abroad will have to perform an assessment of competence in accordance with 2.2.3, and take part in an examiner standardisation course organised by DAC Luxembourg, or by an ATO approved for this course by DAC Luxembourg.



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2.3 SENIOR EXAMINERS

In order for DAC to have the possibility to guarantee the supervision and monitoring of the DAC examiners in accordance with the requirements of the Aircrew Regulation, a number of senior examiners are nominated.

2.3.1 Senior examiners for airplanes, helicopters, balloons and sailplanes

A senior examiner specifically tasked by the competent authority to observe skill tests or proficiency checks for the revalidation of examiner certificates in the respective category shall:

- (1) hold valid and current examiner and instructor certificates appropriate to the privileges being given;
- (2) have at least 10 years of experience as an examiner holding a Part-FCL, JAR-FCL or national ICAO licence (for balloon and sailplane examiners only);
- (3) have conducted at least
 - For balloon pilot examiners: 10 skill tests or proficiency checks as a Part-FCL or national examiner.
 - For sailplane pilot examiners: 20 skill tests or proficiency checks as a Part-FCL or national examiner.
 - For airplane and helicopter examiners: 60 skill tests or proficiency checks as a Part-FCL or JAR-FCL examiner.

All senior examiner applicants are required to attend a senior examiner course arranged by DAC or by an ATO approved by DAC for this course. Content and duration shall be approved by the DAC and must include:

- 1. pre-course self-study;
- 2. legislation;
- 3. the role of the senior examiner;
- 4. national administrative requirements;
- 5. an assessment of an examiner or examiner candidate under the supervision of another senior examiner or a DAC inspector (using Form DAC-LIC 401-02 FCL.1025 Examiner assessment and reauthorisation report);
- 6. an assessment of their competences as senior examiner conducted by another senior examiner or a DAC inspector (using Form DAC-LIC 401-02 FCL.1025 Examiner assessment and reauthorisation report).

2.3.2 Validity and revalidation of a senior examiner authorisation

A candidate for a Senior Examiner authorisation shall apply by using Form DAC-LIC 401-3.

The validity of the senior examiner authorisation is 3 years. The authorisation may be revalidated if the applicant can provide evidence of having conducted at least one examiner



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assessment per year during the validity period of the authorisation for airplane and helicopter senior examiners, and at least one examiner assessment per validity period of the authorisation for balloon and sailplane senior examiners.

If the requirements above are not fulfilled or the senior examiner authorisation has expired, the candidate shall take part in a senior examiner course, and perform an assessment of competence under the supervision of another senior examiner or a designated DAC Inspector.

A senior examiner authorisation may only be revalidated or renewed if the holder's instructor and examiner certificates remain valid or are revalidated / renewed simultaneously.

2.4 Transfer of an examiner certificate to Luxembourg

If an examiner transfers their licence from another EASA Member State to Luxembourg, they must apply for reinstatement at DAC by submitting Form DAC-LIC 401-3. The examiner candidate shall submit an application for the requested examiner privileges, and perform an assessment of competence in accordance with article 2.2.3. One assessment shall be deemed sufficient to transfer all examiner privileges held by the candidate to the Luxembourgish licence.

For the transfer of a senior examiner authorisation, the candidate shall pass an assessment of competence in accordance with article 2.3.1.6.

2.5 **FEES**

DAC examiners are free to define the fees to be paid for their services. All examination fees are payable by the candidate directly to the examiner.

However, examiners are invited to set their prices in reference to the guidelines established in Document DAC-LIC 401-10.

2.6 LIABILITY

DAC Luxembourg does not provide liability or accident insurance during the conduct of tests or checks either for examiners authorised by DAC or for examiners not authorised by DAC. It is therefore the sole responsibility of the examiner to ensure that he/she is adequately insured against incident, accident or liability issues.

An aircraft operator must have third-party liability insurance, as required by the amended Regulation (EC) No 785/2004 on insurance requirements for air carriers and aircraft operators. Such insurance may cover an examiner for personal liability in case of accident; however, an examiner should always verify this carefully with the operator if he/she intends to rely on this insurance.

Furthermore, the examiner is fully responsible for the safety during the skill test, proficiency check or assessment of competence, either in an FSTD or when acting as PIC in an aircraft. There are two principal types of risk against which an examiner should consider insuring himself/herself. First, the direct involvement during flying tests might lead to an accident and



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a claim for damages for loss or injury resulting from the accident. Secondly, professional indemnity, for example a claim made against the examiner by an applicant for an inadequate examination, or breach of contract. Examiners are advised to seek professional advice concerning appropriate insurance covering their activities as certified examiners.

3 SUPERVISION AND MONITORING OF EXAMINERS

3.1 SUPERVISION AND MONITORING OF EXAMINERS DURING THE PERIOD OF VALIDITY

DAC Luxembourg is responsible to supervise the examiners and to guarantee the standardisation of the respective check flights. In order to do so, DAC Inspectors may conduct any assessment to ensure compliance with rules and regulations during the period of validity of the examiner certificate. The conditions below are considered as a minimum of supervision.

3.2 RECORD-KEEPING

In accordance with FCL.1030(c), examiners are required to keep the records of all examinations they have conducted for at least 5 years. DAC judges that this requirement is fulfilled if the examiner can provide at least the following documents: Copy of the checkform, mass and balance, weather briefing, and flight plan (as applicable). Records may be kept in paper or electronic format. If kept in electronic format, data shall be backed up at least every 24 hours after a new entry has been made.

For examiners exclusively working for a specific Luxembourgish-certified AOC with an ATO, the above-specified records shall be checked during AOC or ATO audits or inspections.

For all other examiners, DAC will request that they present their records to the Licencing Office. All examiner records shall be checked at least once during a 36 months cycle.

Record-keeping inspections are tracked through an excel document controlled by the Head of Licencing or another specifically designated inspector of the Licencing Office.

3.3 FLIGHT EXAMINER CERTIFICATION AND RE-AUTHORISATION

Flight examiners shall be supervised, monitored and recommended by Senior examiners for certification and re-authorisation, or for any other activity requested by the Authority.

Examiners are re-authorised in accordance with FCL.1025:

An examiner certificate shall be <u>revalidated</u> when the holder has, during the validity period of the certificate:

- (1) conducted at least 2 skill tests, proficiency checks or assessments of competence every year;
- (2) attended an examiner refresher seminar provided by DAC or by an ATO and approved by DAC, during the last year of the validity period.



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- (3) One of the skill tests or proficiency checks completed during the last year of the validity period in accordance with (1) shall be assessed by a DAC inspector or by a senior examiner.
- (4) When the applicant for the revalidation holds privileges for more than one category of examiner, combined revalidation of all examiner privileges may be achieved when the applicant complies with the requirements above for one of the categories of examiner certificate held.

<u>Renewal</u>. If the certificate has expired, applicants shall comply with the requirements of FCL.1025(b)(2) and FCL.1020 before they can resume the exercise of the privileges.

An examiner certificate shall only be revalidated or renewed if the applicant demonstrates continued compliance with the requirements in FCL.1010 and FCL.1030.

3.4 DISCIPLINARY MEASURES

The examiner certificate may be limited, suspended or revoked at any time by DAC in cases where the holder requests termination or limitation of the certificate, no longer meets the requirements, severely or repeatedly violates rules or instructions, gives rise to doubts about his/her integrity, or gives rise to doubts about his/her ability to conduct checks in a safe and orderly manner.

The holder shall immediately notify any changes, which may have an effect on this certificate, to DAC.

If it should be discovered that a Flight Examiner repeatedly does not complete the required paperwork in accordance with the DAC procedures, they will be asked to explain themselves to a senior examiner or DAC Inspector. Any paperwork not compliant with the current rules and regulations will be redone.

If further non-compliance to the procedures should be discovered, or if there is evidence that the Flight Examiner in question does not perform in accordance with the current legislation and the guidelines listed above, or if there is suspicion of fraudulent activities, the examiner will be invited to a hearing before the Licensing Commission in accordance with Procedure DAC - LIC 002, after which the examiner certificate may be limited, suspended or revoked.

4 EXAMINATION PROCEDURE

(Refer also to Procedures DAC-LIC 111 and FCL.1030 for details on the procedures to be followed for practical examinations)

4.1 ORGANISATION OF CHECK FLIGHTS

The candidate is free to contact any examiner in order to arrange a date for a check flight in view of a revalidation of renewal of a rating. However, if so requested, the DAC Licencing Office can recommend an examiner.



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For skill tests, DAC will issue a convocation specifying the examiner and their contact details. It is the candidate's responsibility to provide an aircraft for the check flight.

If there has been no manual endorsement, the flight examiner is requested to hand in the original hardcopy of the examination reports as well as all related documents to DAC within 48 hours of the check, in order not to delay the issuance of the new licence.

For airline (AOC holders) examiners, DAC requires that the airline guarantee that all paperwork is checked for accuracy, before addressing the check-forms to the Authority. Incomplete or incorrect documentation will be returned to the airline for completion or correction.

Examiners shall not conduct:

- (a) skill tests or assessments of competence of applicants for the issue of a licence, rating or certificate:
- (1) to whom they have provided more than 25 % of the required flight instruction for the licence, rating or certificate for which the skill test or assessment of competence is being taken; or
- (2) when they have been responsible for the recommendation for the skill test, in accordance with FCL.030(b);
- (b) skill tests, proficiency checks or assessments of competence whenever they feel that their objectivity may be affected.

As per GM1 FCL.1005(b) Limitation of privileges in case of vested interests, examples of a situation where the examiner should consider if his/her objectivity is affected are when the applicant is a relative or a friend of the examiner, or when they are linked by economic interests or political affiliations, etc.

The examiner is responsible for ensuring the validity of his/her certificate and determining whether he/she is fit and has the required ratings to conduct a given check flight.

5 FLIGHT EXAMINATION PROCEDURE FOR EXAMINERS

5.1 Applicable regulations

The examination will be performed in line with Part-FCL and its associated AMCs and Guidance Material and in order to guarantee a maximum standardisation between the examiners, the procedures as per the currently valid JAR or EASA Flight Examiner manual are fully applicable.

While on duty, examiners are authorised to conduct spot checks of pilots' documents, for example at the OPS rooms of training organisations.



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5.2 EXAMINATION PASSED

In case the examination result is "passed", the examiner has to complete the official forms applicable for the respective examination and address them to the DAC Licensing Office within 2 working days.

The DAC Licensing Office will check the documents and, if no manual endorsement has been performed, or is not permitted for the respective kind of check flight, a new licence will be sent to the candidate within 5 working days.

The examiner makes an entry in the candidate's logbook as follows:

Example:
Proficiency check /skill test passed. Class / type:
Variant(s):
Aircraft Registration:
Location:
Date:
Examiner licence number and signature.

5.3 EXAMINATION PARTIALLY PASSED

If the examination result is a "partial pass", the examiner will not inform the DAC Licensing Office, but will contact the instructor who recommended the candidate and discuss a retraining before a new check flight with the same examiner. After the re-examination, the examiner will, however, make a note on the check form of the partially failed subjects. This applies no matter if the second examination is passed or failed.

The examiner does not make an entry in the candidate's logbook.

5.4 Examination failed

If the examiner decides that the exam is "failed", the check-form has to be filled in accordingly and sent to the DAC Licensing Office within the given delay as per 5.2, indicating the reasons for the failure.

The DAC Licensing Office will take record and inform the training facility or the instructor who recommended the candidate (if applicable). A completely new application including notification and recommendation as per 4.1. has to be submitted and a new exam has to be organised with a different examiner. The examiner does not make an entry in the candidate's logbook in case of failure.

The report of a failed flight examination must be sent to DAC by the examiner and shall not be given to the candidate.



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If the failed examination takes place during the validity period of the respective rating, the pilot cannot use his/her failed privileges until a new check flight has been successfully passed. In this case, the repeated check flight shall be treated as a renewal.

5.5 Manual endorsement on licences

Only examiners who have been specifically authorised accordingly by DAC Luxembourg may manually endorse Luxembourgish licences in case of a passed revalidation proficiency check.

First issues of licences or ratings, as well as renewals and all checks concerning instructor or examiner certificates may NOT be manually endorsed.

Examiners not certified by DAC Luxembourg may NOT endorse any Luxembourgish licences.

In case of manual endorsement, a copy of both sides of the endorsed licence has to be added to the revalidation file to be introduced to DAC.

If an examiner performs the instructor flight required to revalidate a SEP(A) land class rating or a TMG rating using flight experience, he/she may also endorse the licence.

In case of cross crediting for the revalidation of an IR, the examiner shall verify that the requirements of Appendix 8 to the Aircrew Regulation are met, and a respective excerpt of the candidate's logbook must be added to the file.

For further details concerning manual endorsement procedures, please refer to the dedicated Procedure DAC-LIC 102.