

Briefing Reference Number: MLT/EBR/02

Issue Date: 08 April 2013 Applicability Date: 08 April 2013

1. Introduction

1.1 The Regulations

Commission Regulation (EU) No 1178/2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Union and of the Council as amended by Regulation (EU) No 290/2012 becomes applicable in Malta from 08 April 2013.

1.1.1 Part- FCL.1015(c) in Subpart K – ‘Examiners’ states:

Holders of an examiner certificate shall not conduct skill tests, proficiency checks or assessments of competence of an applicant for which the competent authority is not the same that issued the examiner’s certificate, unless:

- (1) they have informed the competent authority of the applicant of their intention to conduct the skill test, proficiency check or assessment of competence and of the scope of their privileges as examiners.*
- (2) they have received a briefing from the competent authority of the applicant on the national administrative procedures, requirements for protection of personal data, liability, accident insurance and fees.*

1.1.2 Part-ARA.FCL.205 Monitoring of examiners states:

(a) the competent authority shall develop an oversight programme to monitor the conduct and performance of examiners taking into account:

- (1) the number of examiners it has certified; and*
- (2) the number of examiners certified by other competent authorities exercising their privileges within the territory where the competent authority exercises oversight.*

(b) The competent authority shall maintain a list of examiners it has certified and of examiners certified by other competent authorities exercising their privileges in its territory and to which the competent authority has provided a briefing in accordance with FCL.1015(c)(2). The list shall state the privileges of the examiner and be published and kept updated by the competent authority.

(c) The competent authority shall develop procedures to designate examiners for the conduct of skill tests.

1.1.3 Part-ARA. FCL.210 Information for examiners states:

The competent authority may provide examiners it has certified and examiners certified by other competent authorities exercising their privileges in their territory with safety criteria to be observed when skill tests and proficiency checks are conducted in an aircraft.

2. Purpose of this notice

This notice is designed to meet the requirements of Part-FCL.1015(c), which is the briefing that Transport Malta is required to give examiners not certified by Transport Malta.

The purpose of this notice is to provide information to examiners who are not certified by Transport Malta on:

- (i) How to register with Transport Malta that they have received the briefing. This is required before conducting skill tests, proficiency checks or assessment of competence for a holder or applicant of a Malta licence. Registration is free if sent with the first notification.
- (ii) How to notify Transport Malta when they intend to conduct a skill test, proficiency check or assessment of competence on the holder of or the applicant for a Malta licence.
- (iii) The authorisation they need to conduct a skill test or renewal proficiency check or assessment of competence and the acknowledgement they need to conduct a revalidation proficiency check or assessment of competence
- (iv) How they can receive a safety briefing when conducting in Malta skill tests , proficiency checks or assessments of competence in an aircraft.
- (v) The briefing on national administrative procedures, the requirements for the protection of personal data, liability, accident insurance and fees.

This notice **does not** purport to replace any of the examiner training or standardization required by the regulations or to issue any additional certification to the examiner.

This notice **does not** imply any permission or approval from Transport Malta for the use of any aircraft or simulator nor does it empower any examiner in any way to contravene the laws, rules or procedures which are in force in the jurisdiction where the test, check or assessment of competence is to take place.

3. Skill tests, proficiency checks and assessment of competence for the holder of or an applicant of a Malta Part-FCL licence, rating or certificate when the test is conducted outside Malta.

All examiners must ensure that they are familiar with the national administrative procedures, laws, regulations and requirements of the State where the test, proficiency check or assessment of competence is conducted.

4. How an examiner certified by another Member State shall notify Transport Malta when he/she intends to conduct a skill test, proficiency check or assessment of competence on the holder of or the applicant for a Malta licence, rating or certificate.

4.1 Contact details

Examiners shall send the notification details by email to cadpel.tm@transport.gov.mt

Notification details

4.2.1 Candidate Information

Candidate full name

Candidate licence number or Transport Malta Civil Aviation Directorate reference number

Candidate date of birth

4.2.2 Examiner Information

Examiner full name

Examiner date of birth

Examiner licence number and State of licence issue

Scope of the examiner's privileges as listed on the examiner certificate

Validity date of the examiner certificate

The examiner has to attach a scanned copy of the examiner certificate

Reference number given by Transport Malta when the examiner is registered with Transport Malta as having received this briefing.

Reference number of the examiner briefing last received.

This is Briefing Reference: MLT/EBR/02

4.2.3 Test Information

Type of event – Skill Test / Proficiency Check / Assessment of Competence

Test Location

Class or type of aircraft

Date and time of test

FSTD Qualification Number (if applicable)

5. Definitions

'ATO' means 'Approved Training Organisation'

'NAA' means the competent authority of the Member State of Examiner Certificate issue or pilot licence issue (as appropriate) other than Transport Malta

'Member State' means EU Member State and European Third Country participating in accordance with Article 66 of Regulation (EU) 216/2008.

Appendix 1 Transport Malta Part-FCL Examiner Briefing

1. National Administrative Procedures

1.1 Conduct of skill tests

FCL.030 (b) states that: *“Except for the issue of an airline transport pilot licence, the applicant for a skill test shall be recommended for the test by the organisation/person responsible for the training, once the training is completed. The training records shall be made available to the examiner.*

Before conducting the skill test the examiner must ensure that the applicant has completed all the training required by Part-FCL and except for the ATPL skill test he/she has been recommended for the skill test by the organisation/person responsible for the training.

An examiner cannot conduct a skill test for the issue of a licence, rating or certificate for the holder of or an applicant for a Malta licence, unless he/she has been authorised in writing to conduct the test by Transport Malta.

1.2 Designation of Examiners for skill tests

1.2.1 PPL, CPL and IR Skill tests

Transport Malta normally designates examiners who are Transport Malta examiners or examiners certified by Transport Malta, or examiners employed by an ATO certified by Transport Malta to conduct the PPL, CPL and IR skill tests.

1.2.2 ATPL skill test

Transport Malta normally designates examiners who are Transport Malta examiners or examiners certified by Transport Malta, or examiners employed by an operator certified by Transport Malta to conduct the ATPL skill tests.

In the case of pilots not employed by an operator certified by Transport Malta the applicant has to nominate preferably 3 examiners (but at least one) for the skill test.

1.2.3 Type or Class rating skill test

Transport Malta normally designates examiners who are Transport Malta examiners or examiners certified by Transport Malta, or examiners employed by an ATO certified by Transport Malta to conduct the skill tests.

In the case of training conducted by an ATO not certified by Transport Malta the applicant/training organisation has to nominate an examiner for the skill test.

1.3 Issue, Revalidation and renewal of Examiner Certificates

All assessments of competence for the issue, revalidation and renewal of an examiner certificate can only be conducted by a Transport Malta inspector or by a Senior Examiner specifically authorised to conduct the assessment of competence by Transport Malta.

1.4 Revalidation of ratings and certificates

Examiners may conduct a proficiency check or assessment of competence for the revalidation of a rating or certificate once they have sent the notification **and received an acknowledgment** from Transport Malta. If the applicant passed successfully the proficiency check the examiner may endorse the new validity date in the licence.

1.5 Renewal of ratings and certificates

An examiner may only conduct proficiency checks for renewal of ratings and certificates after the applicant has completed the required refresher training and the examiner has been provided by a certificate or documented evidence from an ATO that the training has been completed. Where the ATO considered that no training was required the examiner must have proof by a statement from the ATO that no training was required.[See AMC1 FCL.740(b)(1)].

Examiners may only endorse the renewal of the rating in a pilot’s licence if they have been specifically authorised by Transport Malta. This authorisation is only issued after proof that the applicant completed the refresher training at an ATO, or a statement from the ATO that no training was required, is submitted to Transport Malta.

Examiners are not authorised to renew the rating in the licence if the rating has expired by more than 3 years or if the rating is not still included in Section XII of the licence.

Ratings and certificates which have expired by more than 3 years or have been removed from Section XII of the licence have to be renewed by Transport Malta.

1.6 Notification – for every event – when to notify

Examiners who are not certified by Transport Malta are required to send a notification (see paragraph 4.2 above) for every skill test, proficiency check or assessment of competence they intend to conduct on the holder of or an applicant for a Malta Part-FCL licence.

Notifications for CPL and IR skills tests conducted in Malta have to be sent at least 15 working days in advance, other notifications have to be sent at least 5 working days in advance.

1.7 Oversight of Examiners

Transport Malta reserves the right to observe any skill test, proficiency check or assessment of competence conducted on the holder of or an applicant for a Malta licence, rating or certificate.

Transport Malta will include in its oversight programme examiners not certified by Transport Malta, who conduct skill tests, proficiency checks or assessments of competence in Malta, to monitor their conduct and performance.

1.8 Conduct of the test, proficiency check or assessment of competence

Examiners shall comply with all the applicable regulations and requirements in particular FCL.1005 *Limitations of privileges in case of vested interests*, FCL.1015 *Examiner standardisation*, FCL.1030 *Conduct of skill tests, proficiency checks and assessments of competence*, and the applicable acceptable means of compliance and guidance material.

1.9 Resolution of disputes

Examiners must brief the holder of or an applicant for a Malta licence on the procedures of their certifying competent authority or the approved procedures in their ATO for investigating any complaint about the conduct of the test.

An applicant who wishes to dispute the conduct of the skill test, proficiency check or assessment of competence may refer the case in writing in the following sequence, to

- 1) the ATO where the event took place;
- 2) the NAA which issued the examiner certificate to review the case;
- 3) Transport Malta, if the candidate wishes to request Transport Malta to intervene

If the complaint is brought to the attention of Transport Malta, regarding the conduct of a skill test, proficiency check or assessment of competence conducted by an examiner not certified by Transport Malta, then Transport Malta shall refer the complaint to the NAA which issued the examiner certificate.

1.10 CAT II/III endorsements

An examiner shall not endorse the Cat II/III privileges in a Malta licence as these are considered to be operator and type specific and are therefore operational privileges.

1.11 Temporary Ratings

Examiners are not authorised to issue temporary ratings.

1.12 Documentation

All examiners who conduct a skill test, proficiency check or assessment of competence of the holder of or an applicant for a Malta licence shall send within 14 days send the following documentation:

- (1) The original skill test, proficiency check or assessment of competence report form.
- (2) A copy of the licence after the signed endorsement of the revalidation or renewal of a rating or certificate (if applicable)

(3) A report from the examiner detailing the reasons for any failure, partial pass or any special circumstance (if applicable)

(4) A copy of the simulator certificate (if applicable)

By post to:

The Personnel Licensing Section
Transport Malta Civil Aviation Directorate
Luqa Airport,
Luqa, LQA 3000
Malta

Alternatively the documents may be sent by email to: cadpel.tm@transport.gov.mt

1.13 Examiner Details published by Transport Malta

In accordance with Part-ARA.FCL.205 Transport Malta will publish the list of examiners certified by other competent authorities exercising their privileges in Malta and to whom Transport Malta has provided this briefing. The list shall state the privileges of the examiners.

For data protection purposes by sending the notification to Transport Malta the examiner is giving consent to Transport Malta to publish the name of the examiner, examiner certificate number, State that issued the certificate, examiner privileges and expiry date of the examiner certificate.

2. Data Protection

The candidate's personal data including his personal details are protected by the Malta Data Protection Act. Examiners shall also comply with the laws applicable where the test, check or assessment of competence took place.

All personal data must be secured and protected against manipulation, loss or access by unauthorised persons.

The result of and the remarks in an examiner report is also personal data and should be processed accordingly.

The Data Protection Act has nine Data Protection Principles with which the examiner is required to comply:

- (1st) personal data is processed fairly and lawfully;
- (2nd) personal data is always processed in accordance with good practice;
- (3rd) personal data is only collected for specific, explicitly stated and legitimate purposes;

- (4th) personal data is not processed for any purpose that is incompatible with that for which the information is collected;
- (5th) personal data that is processed is adequate and relevant in relation to the purposes of the processing;
- (6th) no more personal data is processed than is necessary having regard to the purposes of the processing;
- (7th) personal data that is processed is correct and, if necessary, up to date;
- (8th) all reasonable measures are taken to complete, correct, block or erase data to the extent that such data is incomplete or incorrect, having regard to the purposes for which they are processed;
- (9th) personal data is not kept for a period longer than necessary, having regard to the purposes for which they are processed;

Part-FCL.1030 (c) states: *“Examiners shall maintain records for 5 years with details of all skill tests, proficiency checks and assessment of competence performed and of their results.”*

Part-FCL.1030 (d) states: *“Upon request by the competent authority responsible for the examiner certificate, or the applicant’s licence, examiners shall submit all records and reports, and any information as required for oversight purposes.”*

3. Examiner Liability

Examiners are authorised under Subpart K of Part-FCL and Part-ARA of the Aircrew Regulation by their competent authority.

Examiners act as individual persons and are personally liable for their actions or omissions.

Examiners are not contracted by Transport Malta and are not employed by or agents of Transport Malta.

An examiner must not conduct a test, check or assessment of competence unless he satisfies the full requirements of the Aircrew Regulation and has the required authorisation from his competent authority and from Transport Malta where the latter is required.

An examiner has to comply with the procedures required by the Aircrew Regulation and by Transport Malta, as otherwise the outcome of the skill test, proficiency check or assessment of competence may not be accepted by Transport Malta.

An examiner must exercise standard professional skill, care and proper conduct expected of an examiner. An examiner who does not exercise these or is negligent as examiner or as pilot in command is personally liable in case of an accident for loss or injury.

An examiner who does not exercise professional skill, care or proper conduct is personally liable for any loss the applicant may suffer.

4. Accident Insurance

Examiners are advised to take professional advice on insurance to cover their activities; including insurance against any involvement in a flight, test or instruction, which might lead to an accident resulting in death, injury or loss and the resulting claim for damages.

Examiners should always check with the operator the cover of the operator’s third party insurance and how it covers them specifically as examiners if they wish to rely on it.

Examiners must be aware that although the aircraft may meet the minimum insurance requirements under EU law, the insurance may not cover any risk of accident to the examiner personally. Examiners must also be aware that the insurance policy may carry a significant ‘excess’ for which the examiner may be personally liable in the event of damage occurring during the test, check or assessment of competence.

When a test is conducted in a simulator, the examiner must be familiar with the insurance and liability requirements of the State in which the test is taking place and the organisation which operates the simulator.

Examiners are advised to seek professional advice on professional indemnity insurance including cover against claims by the applicant that the test, check or assessment of competence was not conducted properly.

5. Fees

Except where the examiner is directly employed by Transport Malta or specifically contracted by Transport Malta for a specific test, check or assessment of competence, in which case the fee will be established by Transport Malta; the fee will be that agreed between the examiner and the applicant.

6. Safety briefing when conducting in Malta skill tests, proficiency checks or assessment of competence in an aircraft.

6.1 Examiners conducting, in Malta, skill tests, proficiency checks or assessment of competence in an aircraft are before conducting the event required to receive a briefing (at their own expense) on the Malta airspace and local procedures by an

inspector of Transport Malta or with the agreement of Transport Malta by a Malta certified ATO.

6.2 Malta is a small island in the middle of the Mediterranean Sea. Examiners should be aware of and brief candidates on **ditching procedures**, especially when the event is conducted in a SE aircraft.

7. Queries

Any queries from examiners on this briefing should be sent by email for the attention of the Head of Personnel Licensing to cadpel.tm@transport.gov.mt



CIVIL AVIATION DIRECTORATE

Transport Malta, Luqa Airport, Luqa LQA 3290 Malta. Tel:+356 2555 5665 Fax:+356 2123 9278 info.tm@transport.gov.mt www.transport.gov.mt

Before conducting a skill test, proficiency check or assessment of competence for the applicant or holder of a Malta licence an examiner not certified by Transport Malta must be registered with Transport Malta that he/she has received the examiner briefing in this notice.

Registration is FREE if this form is accompanied with information (notification details) regarding the conduct of a skill test, proficiency check or assessment of competence.

CAD charges a processing fee of EUR 50 if there is no test/check/assessment to be conducted when the examiner applies for briefing registration. The examiner will be sent payment details if the information including the name of the applicant to be tested/checked/assessed and the date of the check is not sent with this form. The fee must be received before he/she is registered.

Note: Providing with intent false information for the purpose of procuring the issue, renewal or variation of a licence, certificate or approval is a criminal act under Article 61 of the Malta Air Navigation Order.

Fill in this registration page and send by email to cadpel.tm@transport.gov.mt

I (surname and name in BLOCK letter) _____

declare that I have received the Examiner Briefing Number **MLT/EBR/02.**

Date of Birth: (ddmmyyyy) _____

email: _____

telephone (preferably mobile - optional) _____ / _____

My examiner certificate is valid until (date) _____

My examiner privileges are: _____

A copy of my licence is attached. {Attach scanned copy of licence}

A copy of my passport/ID card is attached. {Attach scanned copy of passport/ID card}

A copy of my examiner certificate is attached. {Attach copy of the examiner certificate}

I hereby give my consent to Transport Malta to publish my name and examiner privileges in accordance with ARA.FCL.205(b)

Signature _____ **Date:** _____

For Office Use :-



Confirmation that examiner is registered in the Transport Malta database.

To be sent by email to examiner by a Transport Malta Licensing Officer.

Name of Examiner:

Examiner Certificate No:

Transport Malta has registered you as an examiner who has received the Transport Malta examiner briefing.

Your Transport Malta examiner briefing database reference is: .

You are required to quote this reference when submitting a notification to conduct a skill test, proficiency check or assessment of competence for the holder or an applicant for a Malta licence.

Name of TM Officer:

Date: