

Position Paper

11 January 2008

AEA Comment to ICAO State Letter Ref SP 59/4-07/47 (28.09.2007) regarding Extended Diversion Time Operations - (January 2008)

ICAO has issued a State Letter (ref SP/59/4-07/47) proposing to imposing additional requirements for extended diversion time operations by airplanes over 5700 kg including three and four engine airplanes.

In response to serious concerns expressed by the AEA (AEA Position Paper dated 27th February 2004), the JAA developed a Regulatory Impact Assessment (RIA) study, which did not identify any proven safety justification for the new requirements on three and four engined aircraft. Based on further analysis, EASA has decided in 2006 to put on hold its rulemaking for three and four engine airplanes and to limit rulemaking to extending ETOPS for twins beyond 180 minutes (EASA will only issue an Advanced NPA to collect further safety evidence to decide abandoning rulemaking on this issue). The review also identified that the vast majority of alternate aerodromes in severe climate areas have adequate facilities, and therefore the proposed requirement for passenger recovery plans seems to be an unnecessary administrative burden both on the airlines and the Authorities.

The AEA requests EASA and the EASA Member States to strongly disapprove paragraph 4.7 (Additional Requirements for Extended Diversion Time Operations by aeroplanes over 5700 kg) of this ICAO State Letter which does not take into account the EASA position, which has not been based on any acceptable regulatory impact assessment and which seems to be driven by commercial interest of an US airframe manufacturer. **ICAO should be requested to remove all Extended Diversion Time Operations requirements for three and four engine airplanes (para 4.7) and should be requested to delete the requirement for passenger recovery plans.**

The ICAO proposals are confusing and seem to fuse different issues with requirements without sound justifications:

- Extended Range Operations over 180 minutes
- Operations in Areas Designated by the State of the Operators as Extended Range Operations Areas
- Designated Aerodromes or areas where passenger recovery has to be developed
- Flight over areas with difficult search and rescue

The updated ETOPS requirements for twins above 180 minutes have mainly been developed in response to needs of US airlines flying twins on Pacific routes, where the 180 minutes threshold has been penalizing. The AEA is not opposed to ETOPS above 180 minutes, although in the current route network of European Airlines there is no real driver to go beyond 180 minutes from an adequate aerodrome.

The AEA is strongly opposed to extend ETOPS requirements to three and four engined aircraft when operated above 180 minutes. This could have far reaching consequences (hundred of millions Euros additional costs) for the operations of three and four engined aircraft, in particular for Europe-Asia flights as well as for flights over the Pacific. The closure, or downgrading of certain alternate aerodromes could, in the future worsen the situation

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Designated Area Concept for Extended Diversion Time Operations

ICAO introduces the possibility for the State of the Operator to introduce areas of extended diversion time operations, which would require aircraft to be approved for such operations regardless of the distance from an adequate aerodrome.

AEA comment:

The AEA is opposed to the designated area concept for extended diversion time operations. Many years of experience with ETOPS and non-ETOPS flights has not identified a need for such a new concept to be introduced. When an ETOPS flight has to divert, the importance is the time to the suitable aerodrome but not the area flown through. Such a concept could force airlines to apply for extended diversion time operations approval for their entire fleets in order to maintain fleet/route planning flexibility. This would be a huge cost burden (hundred of millions of Euros).

In the absence of clearly identified safety benefits and an impact assessment, the ICAO designated area concept proposals should be withdrawn.

Previous discussions in the JAA and with EASA, concluded that there is no intend within JAA Member States to designate such areas due to lacking justification.

Extended Diversion Time Operations for tri and quads
(called Long Range Operations (LROPS) in the JAA/EASA discussions)

For the first time is now proposed to extend ETOPS requirements to three and four engined aircrafts when operated above a threshold time established for such operations by the State of the operator.

AEA Comment:

The AEA is strongly opposed to this new concept for three and four engined aircraft, due to the lacking safety benefit and Regulatory Impact Assessment (RIA). Several decades of operations of those aircraft on longhaul flights have not identified any specific problems (accidents/incidents/future trends) related to diversions. While with twin extended range operations, the risk that the regulation was designed to mitigate was very clear (independent failure of both engines in flight), this is not the case for three and four engined aircraft. Similarly while the original ETOPS regulation provided a means to circumvent in defined circumstances, the then existing rules concerning the operations of two engined aircraft, there is no such current limitation for the operation of three and four engined aircraft. The proposed requirements on three and four engined aircraft are therefore unique in being applied in absence of either a need or safety target.

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Designated Areas for Extended Diversion Time Operations / Polar Operations

ICAO proposes that the State may identify and designate areas of the world where the diversion time is less than the threshold time, as areas for extended diversion time operations based on factors such as infrastructure, services, or the operating environment (hot or cold temperatures). In such areas the State may grant alleviation from certain elements of extended diversion time operations program except those elements that deal with flight dispatch requirements and operational principles. An example of such areas is polar areas. Maximum extended diversion time authorized should be within the system capability specified in the Flight Manual, and propulsion system reliability should be within established criteria.

AEA Comment:

The AEA is opposed to the designated area concept for extended range operations (see previous comment). The proposals seem to highlight the potential significant impact of such a new concept, although no proper safety justification has been provided. Therefore the ICAO proposed concept should be withdrawn.

Passenger Recovery Plans

For operational authorization, ICAO proposes to require the operator to develop a passenger recovery plan, in accordance with requirements of the State of the Operator, that addresses the safety and well being of passengers and crew at the diversion aerodrome. The plan should include the provisions to safely transfer the passengers and crew from that aerodrome. The operator is expected to maintain the accuracy and completeness of its recovery plan.

AEA Comment:

The AEA would not question the need to safeguard immediate physiological harm to passengers, which is an objective of any airline which is committed to safety. However, the requirement for a passenger recovery plan is believed to be an unnecessary administrative burden to airlines and Authorities. Such a requirement would be impossible to manage on a flight-planning (dispatch) basis. In the rare case of diversion, which is not equal to a catastrophic event (hull loss), the aeroplane will act as shelter until recovery. In addition, a review by the JAA and by AEA members identified that most airports used in today's operations (including aerodromes in severe climate areas) have adequate shelter for the passengers. It is not the role of safety regulations to deal with passenger comfort / consumer issues.

As part of their good practices, airlines have contingency planning in place on what to do in case of diversions or other incidents/accidents. However, this good practice is different from having to justify to the National Authority all detailed aspects of those plans (and its accurateness). In addition, special attention should be given to freighter aircraft, because they do not carry any revenue passengers.

Therefore, the proposal for passenger recovery plans should be withdrawn.

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All-Cargo Aircraft (Freighters)

Special attention should be given to operations with all-cargo aircraft, which do not operate in the same environment as passenger aircraft. In particular, taking into account that there are no revenue passengers on all-cargo aircraft, the requirement for a recovery plan is even more questionable than for passenger aircraft.

Flight Dispatch Procedures and Operator's Crew Training Programmes

For operational authorization, ICAO proposed to introduce additional requirements for operating practices, flight dispatch procedures and crew training.

AEA Comment:

The AEA questions the need for additional crew training for flights of three and four engined aircraft. Training of crew of such aircraft is already adequately covered by existing regulations such as for example EU-OPS-1 Subpart N & O for the EASA States.

The additional flight dispatch procedures for three and four engined aircraft would be extremely expensive for no added safety benefit.

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