

Position Paper

11 October 2010

AEA high-level position paper on EASA Flight Crew Licensing (FCL)

Background:

The European Aviation Safety Agency (EASA) has issued on 28th August 2010 its final Opinion Nr 04/2010 with the proposed EASA Implementing Rules for Flight Crew Licensing (FCL). This EASA Opinion is now being discussed under the EU comitology procedure (EASA Committee) with a right of scrutiny by the European Parliament with the aim to enact the EASA proposal into EU law. The EASA Committee will have a first discussion on 13-14 October 2010. The new EASA FCL rules should enter into force on 8th April 2012.

Issue:

The AEA believe that the EASA Opinion, in its current format, includes a number of major flaws. The result is legislation that not only increases the costs of operation in European airlines against their global competitors but also has no identifiable increase in safety. The rulemaking procedure has lacked transparency, consistency and lacks safety criteria as a basis for some EASA decisions. In several aspects the EASA Opinion has failed to take into account the extensive operational expertise of the airlines and National Aviation Authorities (NAAs):

- The rulemaking process was strongly biased in favour of throughput time, not the optimal quality of the final product based on SME knowledge.
- The final opinion did not reflect agreed proposals made in consensus during the EASA FCL rulemaking group meetings
- The final opinion did not reflect the changes which were agreed between the industry and the EASA Rulemaking Director (Mr. Kneepkens)
- EASA's adherence to JAR-FCL was inconsistent and often not logical.
 - EASA changed JAR-FCL articles without any safety case or argument
 - On the other hand, proposals from the EASA FCL rulemaking group and from the comments, including safety cases or arguments to improve JAR-FCL were discarded using the argument that "we agreed to stick to JAR-FCL"
 - EASA used harmonization as a basis for changes between different areas in aviation without a written safety case (i.e. helicopters and aeroplanes) or argument. The impact of these changes has not been considered or discussed with experts in this field, therefore introducing increased costs and possible safety impairments.

As such the EASA Opinion is therefore not in line with the guidelines adopted by the EASA Management Board in September 2009 for EASA to build its rules on JAR-FCL unless justified on safety grounds.

Key AEA concerns:

- **Cruise Relief Co-Pilots (CRCP):** the use of a restricted license was possible under current JAR-FCL and EU-OPS. A level playing field does exist. In the final opinion the use of CRCP's as we operate with them today will not be possible anymore. The result will be a decrease in safety due to lower exposure (number of take off's and landings for basic crew) and a significant increase in training costs. The

- Adria Airways
- Aegean Airlines
- AeroSvit
- airBaltic
- Air France
- Air Malta
- Alitalia
- Austrian
- bmi
- British Airways
- brussels airlines
- Cargolux
- Croatia Airlines
- Cyprus Airways
- Czech Airlines
- DHL
- Finnair
- Iberia
- Icelandair
- Jat Airways
- KLM
- LOT
- Lufthansa
- Luxair
- Malev
- Montenegro Airlines
- Olympic Air
- SAS Scandinavian Airlines
- SWISS
- TAP Portugal
- TAROM
- TNT Airways
- Turkish Airlines
- Ukraine International Airlines
- Virgin Atlantic Airways

discussion about a possible solution is structurally avoided by EASA and postponed into a future rulemaking task therefore creating a discrepancy between current JAR-FCL/EU-OPS and the final opinion. It will also create a vacuum between the implementation of the EASA FCL opinion versus a possible future implementation of rules with respect to CRCP's. This can easily be solved adding a few notes to the skill test appendix or transferring the appendix 9 into AMC's and accepting alternative AMC on this topic.

- Synthetic Flight Instructor (SFI) without medical license: current day modus operandi is that TRI's (TRE's) losing their medical, either temporarily or permanent revert to SFI (SFE) status and thus are still be able to use their invaluable skill set for most of their instructor (examiner) job. In the final opinion this possibility is lost. A significant number of experienced and seasoned instructors will not be able anymore to transfer their knowledge to new pilots. Only a small adaptation is needed to solve this problem and stay in line with current JAR-FCL.
- Appendices to AMC's: a lot of detailed curriculum information is written into the hard law thus blocking innovation within the training community. By putting those rules into AMC's, new methods and innovations might be implemented in a quicker way and thus improving safety. The argument of EASA that new training method's are still under development is correct but those will be added next to existing ones and they might not be within financial reach for smaller companies. Other, smaller, innovations might therefore never become available for smaller companies due to the length of the process used to change 'hard law'.
- Type Rating Instructor (TRI) revalidation requirements: by harmonizing within the opinion between helicopters and airplanes (not between Member States!) contrary to current JAR-FCL requirements and without any safety case, EASA is introducing harmonization as a goal, with unwanted side effects. A helicopter cannot be compared with an airplane just as an airplane cannot be compared to balloons etc. Requirements can and should differ between different areas in aviation. EASA is introducing a possible decreased safety level and an increase in costs at the same time.

AEA position on EASA FCL:

In the interest of flight safety, efficiency and global competitiveness, the EU citizens and EU aviation industry needs a better product for the EASA Flight Crew Licensing rules. The AEA therefore calls on the EU Member States (EASA Committee) to reject the EASA Opinion on FCL and to instruct EASA to properly address those outstanding concerns before enacting the EASA FCL into EU law.

In addition, the AEA calls on the European Parliament to block the EASA FCL Opinion through its right of scrutiny for EASA implementing rules.

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Background:

AEA high-level letter to the European Commission on EASA FCL
 AEA's detailed concerns and comments with regard to the EASA Opinion on FCL