



ECA Position on EASA Opinion FCL

On August 28 2010, EASA issued its Opinion on the Implementing Rules for Flight Crew Licensing (FCL). This EASA Opinion is now going through the EU Comitology process.

Pilot skills and training are under increasing pressure due to the growing competition in the aviation sector – in an increasingly challenging economic environment – combined with the projected traffic growth over the next decade(s).

Europe's future regulatory framework – which will directly shape the quality of our members' training and profession – cannot afford to ignore these pressures. It must be designed in a way that provides pilots, airlines, training organisations (inside and outside the EU), national/European regulators and oversight authorities with clear, legally binding and safety-oriented rules that all players adhere to. While well targeted flexibility will be key to success, it must be limited to cases where it is demonstrated to be necessary, rather than becoming a structural feature of what risks to result in a loose legal structure.

ECA's professional pilots have been involved in EASA's FCL-related rulemaking process right from the beginning – a process that was difficult and has not always been as efficient and transparent as would have been desirable.

Having been involved for years and assessing EASA's Opinion, ECA is concerned that we would assist to a downgrading of aviation safety, if these new rules are adopted as currently proposed. This in particular, as the Opinion does not stand on its own. Instead, it should be looked at in combination with the EASA Comment Response Document (CRD) on Authority and Organisation Requirements. When assessing these documents together it is clear that broad flexibility and the lack of an effective oversight structure are the main characteristics of the proposed rules.

Today, all pilot licenses are issued according to JAR FCL, a compilation of rules which are not perfect but have been implemented consistently by all European countries and were supposed to be the basis for the drafting of the new EASA rules. However, ECA regrets to note EASA's decision to deviate from its original mandate, which consisted in translating JAR FCL into EU law with the aim to harmonise the rules at EU level. In fact the EASA Opinion is a step back from the current JAR-FCL rules. When, in addition, the Authority and Organisation Requirements are implemented as currently proposed, it can lead to a degradation of training quantity and quality because many requirements are proposed to be part of legally non-binding Acceptable Means of Compliance (AMC).

It is therefore of the utmost importance to move requirements currently specified in AMC's into the legally binding Annexes of the Implementing Rule. AMC's are non-binding and can therefore be easily circumvented. This, combined with poor oversight on the implementation of the rules, related AMC's and Alternative Means of Compliance, risks resulting in different

levels of compliance and implementation and therefore de-harmonisation of licensing standards and aviation safety levels in the EU.

For all these reasons, ECA urges the Commission and the Member States to review the proposed rules and put forward clear, legally binding and safety-oriented rules, based on JAR-FCL.

Detailed ECA concerns:

- ECA welcomes EASA's decision to keep important parts in legally binding material. However, requirements for pilot training – currently part of AMC's – should be moved into the Implementing Rule and its Annexes:
 - Theoretical knowledge and skill test for Light Aircraft Pilot Licence (LAPL) and (Private Pilot Licence) (PPL) (+ SPL (sailplane) and BPL (balloon))
 - Theoretical knowledge and training course details for instructors
 - Theoretical knowledge for additional ratings (aerobatics, mountain, night, flight test, ...)
 - Theoretical knowledge for class and type ratings (the skill test is also included in Annexes)
 - Some clarifications and application and report forms
 - Detailed breakdown of theoretical knowledge and flying instruction for CPL and Airline Transport Pilot Licence (ATPL), and for the modular courses for Instrument Rating (IR)

- In the EASA Opinion, the Private Pilot Instructors do not need to have a Commercial Pilot Licence (CPL) and can be remunerated without having a CPL: this is a technical and safety problem because these instructors are not included in the Flight Time Limitation rules (ie they are not subject to those rules that govern fatigue and thus safety). ECA proposes to keep the current JAR-FCL requirement by ensuring an acceptable level of training is delivered by an instructor who holds at least a CPL. The EASA proposal on the contrary is non ICAO compliant (ICAO states that only holders of professional licences can be remunerated) and differs from JAR-FCL with no safety justification.

ECA proposed amendments:

Opinion Part-FCL - Subpart C: Private Pilot Licence (PPL), Sailplane Pilot Licence (SPL) and Balloon Pilot Licence (BPL) - Section 3 FCL.205.A PPL (A)

Amend to read:

~~(b) Notwithstanding the paragraph above, the holder of a PPL(A) with instructor or examiner privileges may receive remuneration for:~~
~~(1) the provision of flight instruction for the LAPL(A) or PPL(A);~~
~~(2) the conduct of skill tests and proficiency checks for these licences;~~
~~(3) the ratings and certificates attached to these licences.~~

Opinion Part-FCL - Subpart C: Private Pilot Licence (PPL), Sailplane Pilot Licence (SPL) and Balloon Pilot Licence (BPL) - Section 3 FCL.205.H PPL(H)

Amend to read:

~~(b) Notwithstanding the paragraph above, the holder of a PPL(H) with instructor or examiner privileges may receive remuneration for:~~

- ~~(1) the provision of flight instruction for the LAPL(H) or the PPL(H);~~
- ~~(2) the conduct of skill tests and proficiency checks for these licences;~~
- ~~(3) the ratings and certificates attached to these licences.~~

Opinion Part-FCL - Subpart C: Private Pilot Licence (PPL), Sailplane Pilot Licence (SPL) and Balloon Pilot Licence (BPL) - Section 3 FCL.205.A PPL(As);– Privileges

Amend to read:

~~(b) Notwithstanding the paragraph above, the holder of a PPL(As) with instructor or examiner privileges may receive remuneration for:~~

- ~~(1) the provision of flight instruction for the PPL(As);~~
- ~~(2) the conduct of skill tests and proficiency checks for this licence;~~
- ~~(3) the ratings or certificates attached to this licence.~~

Opinion Part-FCL - Subpart C: Private Pilot Licence (PPL), Sailplane Pilot Licence (SPL) and Balloon Pilot Licence (BPL) - Section 3 FCL.205.S SPL– Privileges

Amend to read:

~~(c) Notwithstanding (b)(2), the holder of an SPL with instructor or examiner privileges may receive remuneration for:~~

- ~~(1) the provision of flight instruction for the LAPL(S) or the SPL;~~
- ~~(2) the conduct of skill tests and proficiency checks for these licences;~~
- ~~(3) the ratings and certificates attached to these licences.~~

Opinion Part-FCL - Subpart C: Private Pilot Licence (PPL), Sailplane Pilot Licence (SPL) and Balloon Pilot Licence (BPL) - Section 3 FCL.205.B BPL– Privileges

Amend to read:

~~(c) Notwithstanding paragraph (b), the holder of a BPL with instructor or examiner privileges may receive remuneration for:~~

- ~~(1) the provision of flight instruction for the LAPL(B) or the BPL;~~
- ~~(2) the conduct of skill tests and proficiency checks for these licences;~~
- ~~(3) the ratings and certificates attached to these licences.~~

- Curtailment of privileges of licence holders aged 60 years or more: The EASA proposal, which imposes the age limit on all EU Member States, is in conflict with many national legislations on the retirement age, is a deviation of the JAR-FCL rules, and is not in line with ICAO. EASA recognizes this and actually calls on Member States to file ICAO differences. ECA has made a proposal that would allow existing national laws to remain unchanged, while being fully ICAO compliant. It is difficult to understand why EASA rejected that. We therefore urge the Commission and the Member States to reconsider this issue in line with ECA's proposal.

ECA proposed amendment:

Opinion Part-FCL - Subpart A: General Requirements - FCL.065 Curtailment of privileges of licence holders aged 60 years or more

Amend to read in FCL.065:

~~(a) Age 60–64. Aeroplanes and helicopters. The holder of a pilot licence who has attained the age of 60 years shall not act as a pilot of an aircraft engaged in commercial air transport operations except:~~

- ~~(1) as a member of a multi-pilot crew; and,~~

~~(2) provided that such holder is the only pilot in the flight crew who has attained age 60.~~

~~(b) Age 65. The holder of a pilot licence who has attained the age of 65 years shall not act as a pilot of an aircraft engaged in commercial air transport operations.~~

(b) The authority shall determine whether and under which conditions the holder of a pilot licence who has attained the age of 60 years can act as a pilot engaged in commercial air transport operations.

Amend to read in AMC to FCL.065:

Age 60–64. The holder of a pilot licence who has attained the age of 60 years should not act as a pilot of an aircraft engaged in commercial air transport operations except:

(1) as a member of a multipilot crew; and,

(2) provided that such holder is the only pilot in the flight crew who has attained age 60.

- In the EASA Opinion, Flight Instructors for Light Aircraft Pilot Licence (LAPL) (Balloon or Sailplane) have full credit towards the Type Rating Instructors (TRI) rating. Ballooning and sailplanes are completely different disciplines from piloting a multi engine airplane. Both from a technical and safety point of view, ECA firmly believes that training for a ballooning and sailplane licence must not be credited towards the TRI license.

ECA proposed amendment:

Opinion Part-FCL - Subpart J: Instructors - Section 5: Specific requirements for the class rating instructor - FCL.930.TRI - Training course

Amend to read:

(b) Applicants holding or having held an instructor certificate **in the same aircraft category** shall be fully credited towards the requirement of (a)(1).

Opinion Part-FCL - Subpart J: Instructors - Section 5: Specific requirements for the class rating instructor - FCL.930.CRI - Training course

Amend to read:

(b) Applicants holding or having held an instructor certificate **in the same aircraft category** shall be fully credited towards the requirement of (a)(1).

Opinion Part-FCL - Subpart J: Instructors - Section 6: Specific requirements for the instrument rating instructor - FCL.930.IRI - Training course

Amend to read:

(c) Applicants holding or having held an instructor certificate **in the same aircraft category** shall be fully credited towards the requirement of (a)(1).

- In the EASA Opinion, parts of the JAR regulation on MPL implementation are moved to Guidance Material. However, these are fundamental points on the MPL implementation. The wording comes from ICAO, and reflects what the NAA's must take into account prior to the approval of any MPL program. In order for MPL

programs to be implemented correctly and safely it is vital that these requirements are imposed nationally through legally binding requirements.

ECA proposed amendment:

Part-FCL - Appendix 5: Integrated MPL training course

Amend to read:

3. The general approach is to use the existing ATP(A) integrated training course as a reference and to implement progressively the MPL integrated training course and specifically the transfer from actual flight to simulated flight.

4. This transfer should be organised in a way that is similar to the approach used for ETOPS. Successive evolutions of the training syllabus introduce progressively a higher level of simulated flight and a reduction of actual flight. Change from one version to the next should only take place after enough experience has been gained and once its results, including those of airline operator conversion courses, have been analysed and taken into account.

Renumber rest of paragraphs

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9 November 2010