

**INFORMATION for the FSTD Operating Industry:  
FSTD Qualification after 8<sup>th</sup> April 2012**

**Issue 3: September 2012**

Changes made at issue 3 are:-

*Section 1: Updated to reflect the current status.*

*Section 2: Updated to show the publication status of the regulatory material*

*Section 3, 4, 5, 6 & 7: Minor editorial clarifications*

## **1. Introduction**

On 8<sup>th</sup> April 2012, new regulations for the qualification of FSTDs operating within the European Regulatory structure became effective. These requirements have been incorporated in Commission Regulation, Civil Aviation Aircrew (EC Regulation 1178/20122 as amended) normally referred to as the “Aircrew Regulation”).

These regulations have changed the way in which the evaluations are organised for many of the FSTDs and their Operators previously overseen by the UK CAA. In some cases it has meant that the UK CAA will no longer be responsible for the ongoing qualification of some devices.

The purpose of this document is to provide information and guidance regarding the qualification of FSTDs under the new European Aircrew Regulation. This is based on the current published documents and is intended to help the understanding of the potential impact of the new regulations and the new processes for application, evaluation and oversight that has changed since April 2012.

## **2. The Regulations**

The Aircrew Regulation was published in November 2011 and amended in March 2012 to include the regulations associated with the qualification and operation of FSTDs.

The Aircrew Regulation consists of a number of “Articles” of which Articles 10 and 11 are the primary information related to the qualification of FSTDs. These articles refer to two Annexes to the regulation which contain technical requirements and administrative procedures which must be complied with for the issue of a qualification:-

Annex VI: Authority Requirements for Aircrew (Part ARA)

*Part ARA defines the administrative and procedural requirements to be complied with by the competent authorities (such as the UK CAA) for the conduct of evaluations and the issue of qualification certificates.*

Annex VII: Organisation Requirements for Aircrew (Part ORA)

*Part ORA defines the requirements to be complied with by the FSTD Operator for the qualification of FSTDs. This part includes the requirements for a management system and compliance monitoring system (i.e. the replacement for the current “quality system” requirements of JAR-FSTD A and H). This part also includes information explaining who the competent authority is.*

The full text of the Aircrew Regulation including the above Annexes material was published in April 2012 and the associated AMC (advisory) and GM (Guidance) material relating to the amended regulation soon after.

In addition, the detailed technical (objective and subjective) requirements for the qualification of FSTDs were published in two Certification Specifications (reference CS-FSTD A for aeroplanes and CS-FSTD H for helicopters) in July 2012.

### **3. What does this mean for the Technical Evaluation of FSTDs?**

#### **3.1 Existing Qualified Devices**

The Aircrew Regulation allows for qualifications issued in accordance with the JAR requirements prior to 8<sup>th</sup> April 2012 to remain valid. Ongoing technical evaluations thereafter will continue to use the original technical reference document (e.g. JAR-FSTD or even JAR-STD as applicable), but the issue of the qualification certificate and the Management System and Compliance Monitoring System (CMS) oversight will be carried out under the new regulations.

For re-validation of a qualification, it must be established that a management system/compliance monitoring system is in place (see section 4 below for more information).

#### **3.2 New Applications**

New applications (from 8<sup>th</sup> April 2012) will be required to meet the objective and subjective requirements of CS specification CS-FSTD A or H as applicable. In addition, for the FSTD Operator, it must be established that a management system / compliance monitoring system is in place (see section 4 below on "Quality System" for more information) before a qualification certificate can be issued.

#### **3.3 Changes to the technical requirements**

The objective and subjective requirements for the qualification of FSTDs within CS-FSTD A and H are based closely upon the current JAR-FSTD A and H standards so there are not expected to be any fundamental changes. There are likely to be changes in the detail due to the editorial change process and some rationalisation of requirements undertaken during the regulation development process. FSTD Operators should familiarise themselves with the requirements applicable to any new application.

### **4. What has happened to the Quality System Requirements?**

The "Quality System" requirements in the JAR-FSTD A and H standards have been integrated into Annex VI and VII of the Aircrew Regulation as requirements for a Management System and Compliance Monitoring System (CMS). The technical requirements for the management and compliance monitoring system are again broadly equivalent to those under the JAR system, although the terminology has changed. It is currently anticipated that a JAR standard quality system will meet almost all of the technical elements of the Management System and CMS requirements. One additional element identified in the new regulation is that part of the management system must in future include a consideration of aviation safety hazards and the management of associated risks (i.e. a Safety Management System; SMS). Operators should consider how this will be addressed.

Many FSTDs are operated by Organisations that will also be Approved Training Organisations (ATO) - note that an ATO is the EASA equivalent of the former TRTO / FTO approval under the JAA system). It is to be anticipated that the CMS and SMS will be integrated into the overall Management System for such organisations. However, the regulations do allow for the operation of FSTDs by non-approved Organisations. If that is the case, then it still needs to be established that the Organisation has the appropriate Management System and CMS.

Oversight of the Management System and CMS will remain a requirement under the new regulations regardless of whether the FSTD Operator is an ATO or an independent Operator.

## 5. Administrative and Procedural Changes

Operators should be aware that major changes to the administrative process and other procedures will be evident. The changes will affect:-

- Who the FSTD Operator makes the application to, the form of the application and the associated charges
- Who will carry out the evaluation of the FSTD
- Who will issue the Qualification Certificate
- The validity period of the Qualification Certificate
- Who will carry out the assessment and oversight of the CMS

### 5.1 Application to the Competent Authority

The “Competent Authority” is responsible for the qualification and oversight of a FSTD. The regulations define who the “competent authority” will be. This means that even though the UK CAA has traditionally carried out evaluations of an Operator’s FSTD, it will not necessarily do so in the future. If a European qualification is required after 8<sup>th</sup> April 2012, the regulation defines who is responsible for the conduct of the evaluation and issue of the qualification.

**The UK CAA** will be the competent authority only for:

- FSTDs located in the UK and operated by companies who have their “principal place of business” in the UK or
- FSTDs in other EU Member states where the Operator has their principal place of business in the UK.

UK-based FSTD Operators meeting the above will apply to the UK CAA and will be subject to the UK scheme of charges. The evaluation for FSTDs located in the UK will be carried out by UK CAA Inspectors and the UK CAA will issue the qualification certificate.

For FSTDs in other EU member states for which the UK CAA is the competent authority, the UK CAA may carry out the evaluation (and the CMS oversight) or may ask the National Aviation Authority (NAA) of that member state to undertake some or all of the work on behalf of the UK CAA. The UK CAA will however issue the qualification certificate.

**EASA** will be Competent Authority for:-

- all FSTDs located outside EU Member States and
- FSTDs located in EU Member states (including the UK) but where the Operator’s principal place of business is in a non-EU country.

FSTD Operators who fall into this category will apply to EASA (and will be subject to the EASA scheme of charges). EASA is responsible for providing the evaluation team and will issue the qualification certificate. Application forms and procedures are available via the EASA web site.

EASA will be the competent authority therefore for a significant proportion of those devices previously qualified (and re-validated) by the UK CAA.

EASA has recognised that it may have insufficient resources to undertake its responsibilities and has established arrangements to use NAA staff under contract. Therefore it is likely that FSTDs previously under UK CAA oversight will continue to be evaluated by UK CAA staff for some period but EASA will be the competent authority responsible for the FSTD and for the issue of the qualification certificate.

## 5.2 The Principal Place of Business

Part-ARA defines principal place of business as follows:

'Principal place of business' means the head office or registered office of the organisation within which the principal financial functions and operational control of the activities referred to in this Regulation are exercised;

FSTD Operators are advised to review this definition as it relates to their business because it is fundamental to identifying the competent authority and following the correct procedures post April 2012.

## 5.3 The Qualification Certificate

The qualification certificate template has been expanded under the Aircrew Regulation to include additional capabilities previously only included in the evaluation report. This is seen as a positive development as it helps to ensure all operational data related to a specific FSTD is in one place.

Under the new regulations a qualification certificate is non-expiring. A certificate in the new format will be issued by the competent authority following the first evaluation (initial or recurrent) after 8<sup>th</sup> April 2012. Thereafter, the qualification certificate will only be re-issued under the following circumstances:-

- A change of location and/or FSTD Operator (after an appropriate evaluation)
- A change to the technical capabilities as a result of approval of a major change
- A change to any restrictions or limitations (adding, removal or change)

The ongoing validity of the device is maintained by an annual recurrent evaluation by the competent authority or under the extended validity scheme (self-evaluation and reporting), which has also been integrated into Annex VII (Part ORA), with similar criteria as existed under JAR-FSTD A and H.

## 6. **Transition to the new Regulations**

### 6.1 What has the UK CAA done to prepare for this change?

The UK CAA is preparing to implement the new regulations on September 17<sup>th</sup> 2012. A review of the new regulations has been undertaken to identify where changes to the previous procedures and documentation are required for the evaluation of FSTDs, the issue of qualification certificates and the oversight of the CMS.

The UK CAA applied for the necessary accreditation and was awarded a framework contract that enables the UK CAA to undertake FSTD evaluations and audits as allocated by EASA.

The UK CAA has provided information to EASA concerning the numbers and types of FSTDs previously qualified by the UK CAA to assist in the transition planning.

The UK CAA continues to provisionally plan evaluations for existing Operators upon request based upon the assumption that the client has made, or will make application to EASA and that EASA will allocate recurrent evaluations to the CAA where they previously undertook the task.

It must be noted however, as the competent authority, following receipt of the formal application, EASA may subsequently choose to carry out the work themselves or allocate another qualified entity. This initial planning has helped to reduce transition problems.

Notwithstanding the above, it must be understood that the UK CAA will not be able to undertake this work without formal allocation of the task from EASA.

## 6.2 What should FSTD Operators do?

FSTD Operators should use the EASA web site for information regarding the publication of the new regulations and the UK CAA web site for updates on the EASA transition.

FSTD Operators should ensure they understand the processes for application (see 6.3) and, in particular, to whom they need to make an application. FSTD Operators currently using the UK CAA as the qualifying authority and, who have multiple sites in more than one country, should carefully consider the requirements for “principal place of business”. This will help to establish the applicable competent authority for their FSTDs and therefore, for the assessment (if applicable) and oversight of the Management System and CMS.

FSTD Operators who have identified that EASA is their competent authority, **must make their application to EASA as early as possible** using the Form 129, which can be found on the EASA website, to ensure that their task is logged in the EASA system and should provide a copy of the form to the CAA by way of confirmation of the application. A link to the EASA form 129 is included in section 8 of this information notice. This will help EASA identify the number and scale of the tasks and/or outsource the work if necessary. When making such an application, if informal plans are being made with the UK CAA (see 6.1 above), this should be clearly identified on the application as it will help EASA in its allocation process.

For Operators of devices that remain under the UK CAA as the competent authority, revised application forms are available on the CAA web site and the existing processes of application and arrangement for initial or recurrent evaluation will nominally apply.

## 6.3 The Application Process to EASA

Applicants to EASA should note that the application process might include additional steps compared to the previous application processes to the CAA. After submission of the Form 129, EASA will (if requested by the applicant in section 6 on the Form 129) send the applicant a “quotation” for the work which must be accepted prior to commencement or allocation of the work by EASA. These additional steps will necessarily add some time to the process before the task can be allocated, so applicants should take this into account when making their applications. Applicants to EASA should also be aware that the fees and charges will be paid only to EASA, regardless of who is allocated the task, in accordance with their scheme of charges.

## 7. **Additional Options for Non-EU FSTD Operators:**

In some cases, a formal EASA qualification may not be necessary for the Operator’s needs. An example would be where the Operator has no requirement for training credits to be gained against EU Member State licenses and where its own Aviation Authority (“Authority”) uses the UK CAA qualification solely as the basis for the issue of a National Qualification to allow training of pilots licensed by that Authority.

If this is the case it may be possible, with the agreement of the Operator’s local Authority, for the UK CAA to evaluate the device(s) to the standards required by its Authority (which could be JAR-FSTD standards or EASA technical standards for example). At the end of such an evaluation, the UK CAA could issue an evaluation report and a “statement of compliance” against the required standards based upon which the Operator’s authority might issue the qualification.

Alternatively, it may be possible to undertake an evaluation and/or CMS assessment with the active participation of the Operator’s Authority if required.

The basis upon which the Operator's National Authority issues their qualification is its decision. If either of the above options could be a possible alternative to the full EASA process it is recommended that the FSTD Operator consults directly with its local Authority to examine whether the above options might be appropriate and acceptable.

## 8. Further information

EASA Web Site: <http://easa.europa.eu/home.php>

EASA Form 129: <http://easa.europa.eu/certification/application-forms.php>

(Note: you will need the form marked as "New Remit")

Here you will find the latest news on regulatory developments. FSTD elements can be found under "Certification Directorate" on the main page, and also under "Flight Standards") and requirement material can also be found separately under "Rulemaking". Additional contacts for EASA are also available on the web site.

UK CAA web site: [www.caa.co.uk/eupilotlicensing](http://www.caa.co.uk/eupilotlicensing)

Here you will find the current FSTD qualification processes which will be updated when the final implications of the new regulations have been identified. It is intended to post updates as further information becomes available on the FSTD "what's new" page.

Further individual queries to [fstdstandards@caa.co.uk](mailto:fstdstandards@caa.co.uk)

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