

CRD TO EASA NPA 2008-17b

Resulting Text Cover Regulation and Annexes (CRD b.1)

Page No: 3, 6 - Paragraph No: Articles 4(2), and 10 – Transition Arrangements

Comment:

The expectation was that the Opinions for Part-FCL, Part-MED, Part AR and Part OR would all be issued by February 2011, at which time the NAAs could begin to create procedures and re-train staff; and to encourage the industry to begin work on transition as well. This would be in preparation to start issuing EASA licences in April 2012, with a 3 year transition to issue all necessary EASA licences by April 2015. i.e 1 year to prepare, 3 years to implement.

In its current form the cover regulation for EASA-FCL implies that:

- NAAs must start issuing EASA licences (and stop issuing JAR licences) when the regulation comes into force - some time in 2011;
- NAAs must replace all ICAO non-JAR licences by April 2012;
- NAAs must replace non-ICAO licences with LAPL over the subsequent 3 years.

This is not achievable.

Justification:

- NAAs have no basis to issue EASA licences until Parts AR, OR and MED have all been enacted and complied with both within the NAAs and in the training industry - this cannot be completed before April 2012.
- Many JAR-FCL licences are re-issued or amended every working day. These will have to be EASA licences as soon as the regulation is in force. Until all the IRs are complete we cannot begin to change our processes to do this.
- In the UK there are 11,000 holders of ICAO licences who have not transferred to a JAR licence - it is not possible to convert 11,000 licences in accordance with Annex II to this proposed regulation within the timescale of less than 1 year.

Proposed Text:

The cover regulation should provide derogations or opt outs that allow:

- the continuation of JAR-FCL procedures until April 2012 and delay the obligation to issue EASA licences until April 2012;
- 3 years from April 2012 for the replacement of national (non-JAR) ICAO licences by EASA licences.

The regulation should also make clear that EASA aircraft that are within the scope of the LAPL can continue to be flown by pilots authorised or licensed under national regulations

until the final date for the LAPL to come into force. The same clear provision should be made in respect of the other licences and ratings with derogations set out in Article 10. - (Such a provision would be equivalent to that given in Article 2e of Regulation 1702/2003).

Page No: 4, 7 - Paragraph No: Article 4(3) and Annex II – Requirements for Conversion

Comment:

The conversion requirements set out in Annex II specify:

“- demonstrate knowledge of relevant parts of Part-OPS and Part-FCL”
What kind of evidence of knowledge is required?

Justification:

Requirement is not clear.

Proposed Text (if applicable):

“The applicant shall study the sections of Part-FCL relevant to their licence and the sections of Part- OPS applicable to the operations permitted by their licence. The applicant will then submit a signed declaration to the NAA that they have read and understood these sections of the Implementing Rules”

Page No: 4, 6, 7, Paragraph No: Article 4(3), Article 10 and Annex II - Requirements for Conversion

Comment:

Even though the Aerobatic rating can be delayed by 3 years, there should be a means to allow pilots that currently fly aerobatics to convert to an EASA-FCL aerobatic rating.

Justification:

There are many experienced and accomplished aerobatic pilots throughout Europe who have been flying regularly in countries where a rating has not been required before. Those pilots should be allowed a reasonable route to comply with these new requirements and obtain an aerobatic rating.

Proposed Text :

Add text to Annex II so that pilots who provide documentary evidence of experience in aerobatic competition or display flying to the competent authority of licence issue may be permitted by that competent authority to complete a satisfactory proficiency check in aerobatic manoeuvres with an appropriately qualified examiner as an alternative to complying with the flying training requirements of this paragraph FCL.800 (b)(2).

Page No: 5, 16 - Paragraph No: Article 7 and Annex III - Validations

Comment:

Article 7 and Annex III make provision for the temporary validation of non-EASA licences. It is stated that the maximum period is one year, which may be extended once to allow sufficient time for the pilot to obtain an EASA licence. The text does not make clear whether repeat validations are permitted.

Justification:

It has been a regular practice for many years for UK airlines to employ non-EU pilots on a seasonal basis and to apply for “block validations” to facilitate this. It has been routine for the CAA to grant validations lasting several months to individual pilots with ICAO (but non-EU) ATPLs and CPLs and to repeat those validations on application every year. It is also sometimes the case that a pilot will ask for a one year validation, and then another several years later. Is it intended to allow repeats or not?

Proposed Text (if applicable):

The text needs to be amended to specify whether repeat validations are allowed

Page No: 5, 16 - Paragraph No: Article 7 and Annex III - Validations

Comment:

Article 7 and Annex III make provision for the temporary validation of non-EASA licences. It is stated that the maximum period is one year, which may be extended once to allow sufficient time for the pilot to obtain an EASA licence. The text does not put any time limit on the extension that may be allowed to obtain an EASA licence. The text needs to be clarified in respect of pilots who have applied for, or are undergoing training for a licence. Is there a maximum period?

Justification:

A non-EU pilot could apply for a validation, then enrol with a school, take a one-hour lesson and apply for an extension on the basis that he has begun training for an EASA licence. The pilot could then say that he will complete the training as his income allows, but never take another lesson. The validation would then have no end date. NAAs have no means to monitor the rate of progress of students.

Proposed Text (if applicable):

The text needs to be amended to clarify whether the period to be allowed to obtain an EASA licence is indefinite or is subject to a maximum limit.

Page No: 5, 16 - Paragraph No: Article 7 and Annex III - Validations

Comment:

Article 7 and Annex III make provision for the temporary validation of non-EASA licences. Under the JAR arrangements a JAA Member State issued a validation that allowed a non-JAR licence holder to fly an aircraft registered in the State that issued the validation. Will validations issued under this EU legislation be similarly restricted to aircraft registered in the State that issues the validation, or will a validation issued by an EASA Member State (EU plus States with an arrangement with EASA) allow the licence holder to fly an aircraft registered in any EASA Member State? This must be made clear in the legislation.

Justification:

Clarification required

Page No: 6 - Paragraph No: Article 9(2) - Military Service

Comment:

The Article seems to assume that it will only be necessary to compare EASA-FCL and the military training once. Is it necessary for the conversion criteria to be reviewed and amended if there is a significant change to EASA-FCL or the military training scheme?

Justification:

If a substantial change is made to EASA-FCL to add more demanding requirements, or if the military training is changed, the report setting out the credit for military training may no longer be valid.

Proposed Text (if applicable):

'3. When the Agency notifies the competent authorities that an amendment to EASA-FCL may affect credit for military training, or when a military service advises the competent authority of a significant change to the military training courses, the report shall be reviewed, revised and submitted to the Agency for approval. Credit for military service shall not be given unless the report approved by the Agency is consistent with the military training and EASA-FCL.'