

EASA IMPLEMENTING RULES SYMPOSIA 17 – 20 APRIL 2012 QUESTIONS AND ANSWERS

Note 1: The Civil Aviation Authority makes every endeavor to ensure the accuracy of this document but it does not accept liability for any errors or omissions.

Note 2: The information in these answers represents the CAA's interpretation of proposed legislation that is not yet final, and is therefore subject to change. Even if there are no further changes, it may be found in the future that EASA has a different interpretation and so the CAA's position may change following discussion and agreement with the Agency and other National Aviation Authorities.

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1 Introduction

Q. Once the EU Cover Regulation for *Air Operations* is in place is the United Kingdom's primary legislation still required?

A. Yes. The Air Navigation Order will still be required for operations not covered by the scope of the EASA Regulation and its Implementing Rules. The Air Navigation Order will be amended to reflect that a number of its Articles do not apply to those operations covered by the EASA Regulation.

Q. When will the amended Air Navigation Order be drafted, published and live?

A. The ANO amendment for operations has been drafted and consulted upon – see Information Notice 2011/067 dated July 2011. The Letter of Intent is with lawyers ahead of publication. The amendment will be timed to fit with the application of the EASA Regulation for Air Operations.

Q. With EASA, why do we still need the Air Navigation Order? Is there an overlap and what is the difference?

A. As mentioned above, the Air Navigation Order will still be needed for those operations not covered by the EASA Regulation. The amendment of the Air Navigation Order has been carefully prepared to ensure there is no overlap.

2 Helicopter Implementation Plan/Process

- Q.** A Complex Motor Powered Aircraft is defined as “>3175Kg, certified for >9 Passengers, minimum of two pilots”. Is it complex if the aircraft meets all or one or more of the criteria?
- A.** ‘Complex’ in relation to a helicopter means ‘certificated’ with any one, or more, of the conditions stated ie Or not And. The definition may be found in Article 3 of the EASA Basic Regulation (EC 216/2008).
- Q.** Do offshore operations include operations to motor yachts?
- A.** Yes. The definition (in Annex I) extends beyond the oil and gas sector. The draft Part CAT (Commercial Air Transport) and Part NCC (Non Commercial Complex) contain requirements for overwater operations.
- Q.** Does the format of the Operations Manual require significant changes or can an existing Operations Manual be tweaked?
- A.** The format of an EASA-compliant manual closely follows the JAR-OPS 3 format; however, some sections, such as A3, will need amending in light of regulation changes.
- Q.** Is the CAA going to produce a template/example for Section A3 of the Operations Manual?
- A.** Guidance is being produced, but an operator will need to ensure, and demonstrate, that the contents of A3 reflect the scale and scope of its operation.
- Q.** Will there be a self –assessment compliance document template or will operator need to produce their own? And will it be available in an electronic format?
- A.** A document will be produced and will be available in an electronic format.
- Q.** Will there be any cost to the operator for the issue of an EASA Implementing Rules Air Operator’s Certificate?
- A.** There is no CAA charge for the conversion of current Air Operator’s Certificates to the new format. Any variation (new type or region variation, for example) will continue to be processed and charged as now.
- Q.** Does the operator or the CAA determine if an operator is Complex or Non-Complex?
- A.** The Acceptable Means of Compliance is phrased: “an operator should be considered as complex when ...” and a number of considerations follow. The operator should make an initial determination and advise his assigned Inspector of the outcome, which may lead to discussion between the operator and the CAA. Air Operator’s Certificate conversion will not proceed until an agreement has been reached.
- Q.** If any operator meets any of the criteria for Complex operator, does that automatically make the operator a Complex operator?
- A.** The first criterion is size of workforce but other criteria, such as contracted activities, specific approvals, types of aircraft and the environment, are ‘on assessment’. (See draft Acceptable Means of Compliance to Part ORO (Organisation Requirements for Air Operations)).

- Q.** Can a Non-Commercial Air Transport operator, operating complex aircraft have the Management System of a non-complex operator?
- A.** Requirements for Management Systems will apply to operators of Complex Motor Powered Aircraft when Part NCC (Non Commercial Complex) comes into effect. Consideration of whether a Management System needs to meet the Complex or non-Complex requirements is set out in AMC 1 to ORO.GEN.200(b).
- Q.** Will the CAA accept an operator managing risks to “as low as reasonably practicable” and not ‘an “Acceptable Level of Safety” and could this be justified in court?
- A.** The Regulation will require operators to take “actions to mitigate the risk” of aviation safety hazards. The draft Acceptable Means of Compliance requires safety mitigation to an ‘acceptable’ level, and ICAO and UKCAA guidance documents both use the term ‘as low as reasonably practicable’ (ALARP). A court would consider whether an operator had met the requirements and best practice. An ‘Acceptable Level of Safety’ (ALoS) is determined by the State as part of its high level State Safety Plan for its aviation sector.
- Q.** Can an operator of a State that has opted-out fly in States which have chosen to implement EASA Implementing Rules?
- A.** Yes, the Commission has produced a document advising Member States to apply a degree of flexibility during the transition period. During the transition, existing national arrangements will still be valid.
- Q.** Will there be any grandfather rights in respect of Minimum Equipment Lists ie should operators not submit amendments to Minimum Equipment Lists for the time being?
- A.** Minimum Equipment Lists need to be compliant with the current requirements and future requirements when these come into effect. Operators should continue to submit amendments to Minimum Equipment Lists when changes are required or necessary.
- Q.** Will an operator be able to convert to compliance with EASA Implementing Rules faster than timeline shown in the presentation?
- A.** Yes, this can/will be agreed with the assigned Inspector. However, an EASA Implementing Rules Air Operator’s Certificate cannot be issued until the end of the derogation period. In the meantime, an applicant operating helicopters will be issued a national Air Operator’s Certificate which will indicate that the operator is compliant with EASA Implementing Rules.
- Q.** Will the CAA no longer issue permissions to fly into heliports such as Battersea under PC2?
- A.** Battersea is a particular case where the landing/take off occurs at surface level beside a tidal river. PC 2 and 3 operations will be permissible under the requirements.
- Q.** Will Alternative means of compliance be published and submitted to EASA?
- A.** The CAA will evaluate all alternative means of compliance proposed by operators by analysing the documentation provided and, if considered necessary, conducting an inspection of the organisation. When the CAA finds that the alternative means of compliance are in accordance with the Implementing Rules, it will:
1. Notify the operator that the alternative means of compliance may be implemented and, if applicable, amend the approval or certificate of the operator accordingly; and
 2. Notify EASA of their content, including copies of all relevant documentation.
 3. Inform other Member States about alternative means of compliance that were accepted.

Q. Are camera operators and pipe and powerline surveyors considered to be technical crew?
A. No: technical crew members appear only in relation to Helicopter Emergency Medical Services, Helicopter Hoist Operations and Night Vision Imaging Systems operations, as covered in Part SPA (Specific Approvals).

Q. Will there be a need for a Specific Approval on Localiser Performance with Vertical Guidance (LPV) procedures?
A. There are no additional Specific Approvals planned for Annex V. If there is a future need it will be considered by EASA.

3 Aeroplane Implementation Plan/Process

Q. When is the earliest date an operator can start the transition process for the grant of an EASA Implementing Rules Air Operator's Certificate?
A. As soon as the requirements have been published in the Official Journal of the European Union and enter into force (estimated October 2012).

Q. Will an EASA Implementing Rules Air Operator's Certificate be issued before the end of the derogation period (estimated October 2014)?
A. No. The CAA will advise each aeroplane Air Operator's Certificate holder once they are fully compliant with the EASA Implementing Rules, but the actual Air Operator's Certificate document will only be issued at the end date of the derogation period, (two years after entry into force)

Q. Should transition to the EASA Implementing Rules be achieved early, is it possible that a stakeholder may find itself not in compliance with EU-OPS?

A. The requirements of EU-OPS and the EASA Implementing Rules are close and both offer an acceptable level of safety. The CAA will take a pragmatic view during this period. Should significant differences be discovered then the use of Exemptions (or similar) could be considered.

Q. With the EASA Implementing Rules requiring a change of title from *Quality Manager* to *Compliance Monitoring Manager*, is there not going to be a disconnect where the same person also holds the *Quality Manager* post defined by EASA Part M and EASA Part 145?

A. The CAA will take a pragmatic view on this and will accept that the same person may have different job titles in order to meet the requirements of different EASA Regulations.

Q. Should transition to the EASA Implementing Rules be achieved early, what criteria will the CAA use for the oversight of such stakeholders?

A. The CAA will continue to use the requirements of EU-OPS until the end of the derogation period, estimated October 2014. The CAA will take a pragmatic view where significant differences are observed.

Q. Can a new application be made for the grant of an EU-OPS Air Operator's Certificate during the derogation period?

A. Yes, although transition to the EASA Implementing Rules would still have to be made by the end of the derogation period. Applications made close to the end of the derogation period may have some small time restrictions placed upon them.

- Q.** Can an existing EU-OPS Air Operator's Certificate be varied during the derogation period?
- A.** Yes.
- Q.** Will the differences/compliance checklist completed by the stakeholder have to be agreed by the assigned Flight Operations Inspector?
- A.** Yes.
- Q.** Will the differences/compliance checklist required for the transition to the EASA Implementing Rules be tailored for non-complex operators?
- A.** Unknown at this time. The format of the checklist has yet to be developed, but conceivably might be a single document for which non-applicable items are struck out by the stakeholder or alternatively, two separate checklists.
- Q.** Will the transition to the EASA Implementing Rules require Operations Manuals/Quality Manuals to be re-written?
- A.** Yes, where changes are required as a result of the new rules, current Operations Manuals will need to be amended.
- Q.** How is it possible to prepare for the transition when the supporting documentation to the Regulations, (Acceptable Means of Compliance and/or Guidance Material) has not been published?
- A.** The supporting documentation cannot be formally published until *after* the applicable Regulations have been implemented. Draft material can be found by looking at the Comment Response Documents to the applicable Notices of Proposed Amendment. These can be found on the EASA website. The final versions are expected to be very close to the text shown in the Comment Response Documents. This is principally why the UKCAA is using the derogation period of two years.
- Q.** If another Member State has accepted an alternative means of compliance, can this automatically be used by a UK stakeholder?
- A.** No, the **alternative** means of compliance would be specific to the stakeholder concerned. If another operator wished to use it, they would have to demonstrate that this alternative method gives equivalent safety for their operation.
- Q.** How can standardisation be achieved between the Member States?
- A.** EASA will conduct audits of National Aviation Authorities, such as the UK CAA, to ensure that all Regulations have been correctly and consistently applied. Selected experienced UK CAA personnel will form part of the EASA standardisation teams looking at other Member States' methodologies providing the UK CAA the opportunity to compare itself against other States.
- Q.** During the derogation period, will the changes impact any part of the *Safety Assessment of Foreign Aircraft* checks?
- A.** No. Safety Assessment of Foreign Aircraft checks are undertaken against ICAO requirements. It should be noted that EU-OPS and the EASA Implementing Rules have been written in compliance with ICAO requirements.
- Q.** Should the correct nomenclature for the new requirements not be *EASA OPS*?
- A.** The actual nomenclature has not been finalised, but is likely to mirror that shown in the (revised) Air Navigation Order. In the meantime, the CAA will continue to use the term, EASA Implementing Rules (IRs).

- Q.** As the activity within the derogation period is likely to be extremely busy, will the resources within the CAA be able to cope?
- A.** The CAA will manage its resources to ensure that the transition process runs as smoothly as possible. Stakeholders can assist this process by submitting their declaration of compliance from the Accountable Manager within a reasonable time period before the end of the derogation period.
- Q.** How much scope does the CAA have if it transpires that the introduction of an EASA Implementing Rule causes an 'unintended change' (unforeseen problem)?
- A.** The EASA Basic Regulation Article 14 describes 'flexibility provisions'. In the short-term, there will be some flexibility for the issuing of national exemptions. In the longer term, assuming other Member States are experiencing the same problems, further legal mechanisms exist.
- Q.** Do any of these changes apply to Isle of Man (M) registered aeroplanes?
- A.** The Isle of Man is not part of the EU for the purpose of aviation. Commercial air transport Implementing Rules covering the grant of AOCs to operators are only applicable to aeroplanes registered in an EASA Member State. A separate Regulation dealing with Third Country Operators is currently part of the rulemaking process.
- Q.** Do any of these changes apply to United Kingdom (G) registered aeroplanes operating on an Air Operator's Certificate issued under the Air Navigation Order for a stakeholder with its principal place of business outside of the European Union, such as the Channel Islands?
- A.** Yes. As the aeroplanes are registered in an EASA Member State, the EASA Implementing Rules are applicable. However, at the present time, legal restrictions prevent either the UK CAA or EASA issuing an EASA Implementing Rules Air Operator's Certificate to a stakeholder with its principal place of business outside of the European Union. On-going discussions with the Commission are taking place.
- Q.** Do any of these changes apply to United Kingdom (G) registered aeroplanes operating on an Air Operator's Certificate issued under the ANO for a Stakeholder with their principal place of business inside the United Kingdom?
- A.** At present, all such Air Operator's Certificate holders do not conduct Commercial Air Transport operations and are not at present affected by these changes. Should they wish to conduct Commercial Air Transport, then the EASA Implementing Rules will be applicable.
- Q.** Will 'stand alone' RVSM/MNPS Approvals still be issued for non-commercial operations?
- A.** Yes, although the format of these documents may change. It should be noted that the requirements of *Annex V/Part SPA* (Specific Approvals) of the Air Operations Regulation is still applicable to non-commercial operations.
- Q.** Will there be a charge for the change in Air Operator's Certificate documentation?
- A.** No, there will be no charge for a simple conversion from an EU-OPS Air Operator's Certificate to an EASA Implementing Rules Air Operator's Certificate.

- Q.** Must an Approved Training Organisation's Director of Quality (ie Quality Management Systems Manager) submit a "Form 4" for CAA endorsement/approval as the organisation's Compliance Monitoring Manager?
- A.** From the Aircrew Regulation perspective there is no requirement for a 'Director of Quality' in an Approved Training Organisation so no Form 4 would be required for this. However, if that Quality Management Systems Manager wishes to also be the Quality Manager/Compliance Monitoring Manager for an Air Operator's Certificate, then they will be required to conduct a 'Form 4' interview.

Q. Will EASA OPS two-year derogation be available to Non-Member State Approved Training Organisations located in the UK?

A. The UK CAA EASA OPS derogation will only apply to UK Air Operator's Certificate holders.

Q. What happens to CAP 737 CRM?

A. CAP 737 will be amended and become a reference only document for gaining knowledge associated with all matters CRM and will not be used for Acceptable Means of Compliance or Guidance Material. However, Standards Document 29, version 4, will be amended and offered to EASA as Acceptable Means of Compliance for both Part FCL and Part-ORO (Organisation Requirements for Air Operations). If these are accepted the document will no longer be needed as the material will be within Acceptable Means of Compliance. If it is not accepted the CAA will need to decide how to proceed, possibly going for an alternative means of compliance. In this case Document 29 will be offered to the UK.

Q. Until EASA OPS is implemented, how can a ground CRMI become qualified?

A. Until Part ORO (Organisation Requirements for Air Operations) is implemented the CAA accreditation scheme will remain in place. All qualified Crew Resource Management Instructor Examiners (CRMIEs) or Crew Resource Management Instructors (CRMIs) will be in a strong position to demonstrate they are suitably qualified when ORO takes over.

4 Licensing

Q. Is it correct that refresher training for a valid type rating can be completed under the Air Operator's Certificate and that if the rating lapses the training must be completed at an Approved Training Organisation?

A. No, FCL.740 (b) (1) applies to renewal only. There are no Licensing requirements for refresher training for a revalidation.

Q. The EASA Helicopter type rating list no longer appears to be on the EASA website. Is it still available?

A. Yes. It can now be found under the Certification section of the website <http://easa.europa.eu/certification/experts/typeratings-list-licence-endorsement-list.php>.

Q. Does the type rating list include differences training?

A. Yes, see <http://easa.europa.eu/certification/experts/typeratings-list-licence-endorsement-list.php>, Explanatory Notes, para 2.4, page 3.

Q. Must a simulator be used for Licence Skill Tests and Licence Proficiency Checks from 17th September 2012?

A. Yes if available, see Aircrew Regulation Appendix 9 A, General, para 6.

Q. If the only A109 Simulator is in Italy must it be used?

A. Yes, Aircrew Regulation Appendix 9 states 'Full flight simulators and other training devices, when available, shall be used, as established in this Part'. Subject to UK definition of 'available'.

- Q.** The CAA is producing a policy definition of 'available' in relation to the use of simulators. Is this policy to be published?
- A.** Yes, in the very near future, and will be published in CAP 804 and by Information Notice.
- Q.** Could the policy on simulator availability include a limitation of a two time zone difference?
- A.** The UKCAA will take this into account when finalising the policy.
- Q.** Does the requirement to use simulators apply to Police and Search and Rescue pilots?
- A.** This only applies to those JAR/EASA licences requiring training, skill test and proficiency check for Multi-Crew Pilot's Licence, Airline Transport Pilot's Licence, type and class ratings and proficiency check for Instrument Ratings. It is irrespective how the licence is used.
- Q.** Could the CAA submit a derogation to EASA so that simulators, where available, do not always need to be used for Licence Skill Tests and Licence Proficiency Checks?
- A.** This is not a likely route the UKCAA will take. We will first publish the policy and EASA have indicated they may publish this in Acceptable Means of Compliance or Guidance Material for other National Aviation Authorities to use. We believe this will resolve the issue. If, however, we find this does not then we will consider other avenues to influence a change.
- Q.** Are Approved Training Organisations standardised across the Member States?
- A.** The standardisation process is a matter for EASA. The UKCAA has no direct knowledge to be able to answer this question. This might be a question to ask of EASA Standardisation. This email is only to be used for reporting non-standardisation issues standardisation@easa.europa.eu.
- Q.** If a Type Rating Instructor course is completed at an Approved Training Organisation of a Member State will that be accepted in the UK for a UK licence?
- A.** Any JAR/EASA Approved course that is mutually recognised will be accepted by all Member States. Any Member States that do not have mutual recognition may not have those courses or licences recognised until such recognition is in place.
- Q.** Can the Licence Proficiency Check be completed with an examiner authorised by another Member State?
- A.** Yes, the examiner would need to comply with FCL.1015 (c).
- Q.** Can an Examiner of another Member State complete an Operator's Proficiency Check on a candidate under the current rules ie if the examiner has a valid company Operator's Proficiency Check and is designated by the Air Operator's Certificate?
- A.** The current EU-OPS and UK CAA rules apply for Operator Proficiency Checks. Non-UK examiners may conduct Operator Proficiency Checks providing the Air Operator's Certificate operator has satisfied the requirements laid down in their Operations Manuals and such processes have been agreed by their Flight Operations Inspector.

- Q.** Can existing differences courses maintain grandfather rights to continue?
- A.** EASA has stated that existing courses based on currently published National Aviation Authority/Joint Operations Evaluation Board/Operations Evaluation Board or Operational Suitability Data will be grandfathered.
- Q.** Will the cost of initial licences, additional ratings and licensing services increase if licences are no longer renewed every five years?
- A.** The UKCAA is obligated to recover its costs of operating from the industry we regulate. . Please see Official Records Series 5, No 269, CAA Scheme of Charges.
- Q.** Operating under a Registered Facility Authorisation for the purposes of Safety and Emergency Procedures Class Rating Instruction. Is it now a requirement to apply as an Approved Training Organisation?
- A.** Registered Facilities may continue to provide training for the Private Pilots' Licences until 8 April 2015. From 8 April 2015 they must be an Approved Training Organisation to continue providing training for the Private Pilots' Licences. See CAA Quick Guide, page 14, www.caa.co.uk/default.aspx?catid=620&pagetype=90&pageid=13059.
- Q.** Must an Approved Training Organisation Director of Quality (ie QMS Manager) submit a "Form 4" for CAA endorsement/approval as the organisation's Compliance Monitoring Manager?
- A.** From the Aircrew Regulation perspective there is no requirement for a 'Director of Quality' in an Approved Training Organisation so no Form 4 would be required for this. However, if that QMS Manager wishes to also be the Quality Manager/Compliance Monitoring Manager for an Air Operator's Certificate, then they will be required to conduct a 'Form 4' interview.
- Q.** Request a link to any EASA document listing the intended dates of implementation of EASA RCAA by all Member State National Aviation Authorities.
- A.** Such a link is not available currently. EASA will be publishing a table containing this information; however, Member States have until 8 June to notify EASA of its opt-out. Once EASA has published the list the UKCAA will provide such a link on its website. EASA have published a news item on its website dated 11/5/12 of the Aircrew Derogation table.
- Q.** How do the various National Aviation Authorities intend to conduct TRE/SFE briefings?
- A.** This information is not available to the UK CAA. Operators must approach each National Aviation Authority directly to request their intended process. The UK CAA intend to provide a web based briefing that is required to be view by all non-UK authorised examiners wishing to conduct tests/check or assessments of competence on UK issued JAR/EASA licence holders.
- Q.** After 17 September 2012 will the same day service be available for a new Type Rating which would also be a JAA to EASA licence transfer?
- A.** It is our intention to provide the same day service for a new type rating combined with a JAR to EASA licence transfer. This will be subject to successful trials of the new IT solution but we are confident that this will be available.

- Q.** Why has the UK not adopted the full derogation period for Part FCL of the Aircrew Regulations?
- A.** The CAA's objective was to adopt the Aircrew Regulation on 8 April 2012 or as early as practicable because we have far more national licences to convert than any other State. While the rules allow a delay to the start date, they do not allow any delay to the end date. All non-JAR UK Airline Transport Pilots' Licences/Commercial Pilots' Licences must be converted to EASA Part-FCL licences by 8 April 2014 for the holders to continue to fly commercially - we believe there are 5,000 of these to convert. In addition, we expect 9,000 Private Pilots' Licences, 2,000 National Private Pilots' Licences and several thousand gliding certificates to convert by April 2015. Accordingly, we have chosen the earliest start date that we can. Due to logistical difficulties in being able to issue EASA licenses the UKCAA decided to delay implementation by a time sufficient to permit its IT solutions to be able to issue EASA licences. The 17th September has been selected as the date when we can issue EASA licences. In the Cover Regulation there are other transitional dates that are fixed and any unnecessary delay in implementation will compress the time available to meet these other transitional dates. This would create difficulty to complete this activity if the UK delayed implementation any further.
- Q.** Given the extremely short time between the Regulation be implemented (8 April 2012) and the end of the UK derogation for Part FCL (16th September 2012), can the UK apply for further derogation.
- A.** See answer above. The derogation to 16th September 2012 was to enable IT solutions to be developed for the issuing of EASA licences and ratings. Whilst it is theoretically possible to apply for a further derogation, currently there is no plan to request a further extension to the derogation.
- Q.** How can there be a 'level playing field' across the Member States when derogations periods are not standardised?
- A.** The Commission/EASA will publish the declared opt-out periods for each Member State. During the first year the Commission and EASA has requested that all Member States respect and cooperate with each other during the one year horizontal opt out. There may be issues that will need to be addressed and the UKCAA will work closely with the Commission, EASA and Member States to ensure a smooth transition results. However, because all JAR licences are deemed to be Part-FCL licences and all JAR courses are deemed to be approved for two years, there will be little change to existing training during the 2012/2013 period, so the differing dates should have little effect. Additionally, because of our early adoption, UK pilots will have the advantage of being able to obtain new Part-FCL licences before those of other countries. Most notably, the Light Aircraft Pilot's Licence (Helicopters) allows pilots who cannot get a Class 2 medical to fly helicopters for the first time. Also UK training schools will be able to become approved to provide training for Light Aircraft Pilots' Licences in advance of schools in many other countries.
- Q.** When will the procedures be published that describes how a UK AOC holder can become an Approved Training Organisation?
- A.** No date set, EASA have been requested to provide confirmation of applicability – response awaited. This will be published before the UK implementation date of the Aircrew Regulations (17 September 2012).
- Q.** How will the definition of 'Available' in respect of simulators be promulgated?
- A.** CAA Information Notice.
- Q.** Can stakeholders participate in the discussions pertaining to the definition of 'Available'?
- A.** There will not be a formal consultation process due to lack of available time, but feedback would be welcome.

- Q.** With regard to the definition of 'Available', how will EASA ensure standardisation across Member States?
- A.** EASA may ask to see the UK definition of 'Available' and may publish the results as an Acceptable Means of Compliance.
- Q.** Will 'Available or 'Unavailable' take into account the differences between variants of smaller aeroplanes (business jets), the location of the simulator (eg Australia), slot times, travel times and roster disruption?
- A.** Yes. The precise details have yet to be determined, but simulators may be deemed to be 'Unavailable' should any of the factors listed here be significant. The CAA will take a pragmatic view.
- Q.** Will a simulator be deemed to be 'Unavailable' because of the costs associated with their use? Is not the cost of using a simulator disproportionate to the expected safety benefits?
- A.** No, the cost of using a simulator is not a factor that would affect its 'Availability'. EASA believes the use of simulators encourages better training. During the consultation phase, there were few comments from stakeholders that supported the views of the questioner.
- Q.** What is the process for changing a JAR Licence to an EASA Licence?
- A.** Licences will be replaced whenever any licensing action is required (eg change of address etc).
- Q.** Will there be a fee?
- A.** Yes, see Official Record Series 5 No 269.
- Q.** How long will the process take?
- A.** It expected that no delay to normal licence activity is envisaged.
- Q.** What is the process for changing a UK licence to an EASA licence? Will there be a fee?
- A.** The process will vary dependant on how the UK licence was obtained. Some examinations may be required. Yes to a fee, see Official Record Series 5 No 269.
- Q.** Can an EASA examiner continue to sign a UK licence?
- A.** Yes, but the examiner will need to be briefed by the CAA if the examiner is not authorised by the UK CAA.
- Q.** Can a UK examiner continue to sign an EASA licence?
- A.** The examiner will require a briefing given by the host country if the licence holder's issuing State is not the UK.
- Q.** With the introduction of examiner briefings, what format will the UK adopt?
- A.** It is expected that an IT solution will be in place before 17 September 2012.

- Q.** Will the new requirement include UK Examiners?
A. Only non-UK examiners will require the briefing.
- Q.** Will there be a fee?
A. Not initially but a charge is expected to be introduced in the 2013/14 Scheme of Charges.
- Q.** What will operators within the EU need to do if they currently employ pilots with non EASA licences (eg Canada)?
A. They will need to gain an EASA Part Med certificate and a validation from the appropriate National Aviation Authority. The validation will be limited to one year and can only be obtained once and extended once. The extension will only be granted to allow a reasonable time for an EASA licence to be obtained provided training has commenced.
- Q.** As the new EASA licence is non-expiring, what will happen when the rating page is full?
A. It is expected that blank certificate of revalidation pages will be provided.
- Q.** Will Crew Resource Management accreditation still be required for activities under the Aircrew Regulations?
A. No, the qualification will automatically require these skills to be obtained.
- Q.** Will Crew Resource Management accreditation be required for non EASA licence holders (eg FAA) who wish to become examiners?
A. Crew Resource Management accreditation is not required but the applicant will be required to demonstrate competence in non technical skills
- Q.** Will it still be possible to conduct Crew Resource Management training by persons who do not hold a pilot's licence?
A. The Crew Resource Management Instructor (Ground) will still continue under Part ORO (Organisation Requirements for Air Operations).
- Q.** Will there be 'grandfather' rights for Instructors/Examiners?
A. Yes
- Q.** What is the status of Standards Doc 24A?
A. The content will be transferred to Standards Doc 24.
- Q.** How do CAA Standards Docs fit in with the EASA concepts of AMC etc?
A. They will be kept in place for a period of time as they continue to show how to comply with a particular requirement and cover UK administrative processes. They may be incorporated into AMC material in the future or be transferred to the new CAP 804. It is our intention to withdraw all Standards Documents in due course.
- Q.** What is the status of CAP 804?
A. CAP 804 is a UK guidance document and is not European law.

5 Cabin Crew

Q. Will independence of examiners only be applicable to Initial training or all cabin crew training?

A. It is only required under the Aircrew Regulation in respect of Initial training.

Q. What is the definition of a gap analysis to determine the contents of Initial training when accepting an attestation? Will an audit of the issuing organisation be required?

A. A gap analysis is to determine the content of previous training and to identify where further training may be required. An audit of an issuing organisation is not required for the acceptance of attestations.

Q. Will attestations be required to carry the branding of the issuing organisation?

A. No, with or without branding is acceptable.

Q. Will the list of aircraft types on which a cabin crew member is qualified be required to be documented on the attestation?

A. This information may be obtained from the individual's list of aircraft type qualifications.

Q. What changes will be required to the format of the Operations Manual?

A. The format of Operations Manuals remains unchanged. However, operators will need to review the contents of Operations Manuals in order to determine compliance with the IR's.

Q. How will an operator be able to establish that a cabin crew member has exercised the privileges of an attestation in the last five years?

A. This information can be obtained from the individual's list of aircraft type qualifications.

Q. Does the list of aircraft types on which a cabin crew member is qualified have to be provided to the individual or can it be held as part of a centralised record management system?

A. The list of aircraft type qualifications is to be provided to the cabin crew member.

Q. What type of media should be used for the attestation document?

A. A material that readily identifies alteration or amendment.

Q. How can compliance be achieved for practical operation of the flight deck door for different aircraft types? For example, if the door is of a generic type, but the keypad differs between types how should this be trained?

A. Operators should determine the contents of training and submit to the UKCAA for approval.

- Q.** What is defined as “independence” when referring to examiners?
A. “Independence” refers to there being no conflict of interest.
- Q.** Is there a defined duration for Initial security training in order to meet Department for Transport requirements?
A. This would be a question for the Department for Transport to answer.
- Q.** Will Aircraft Type training be required to be completed before undertaking Operation Conversion training?
A. No, this can be combined
- Q.** When will Operations Manuals have to comply with the requirements of the Implementing Rules?
A. Training Manuals will be required to be compliant by the end of the derogation period which is April 2013. For Cabin Safety Procedures Manuals the end of the derogation period is likely to be October 2014

6 Flight Time Limitations (FTL)

- Q.** Why has EASA started with the specific rules for HEMS when it would make more sense to start with higher level requirements?
A. The order of the rulemaking tasks on FTL is EASA’s decision. EASA is aware that the next three rulemaking tasks contain overlapping areas. The UKCAA will raise these concerns with EASA and are committed to working with them on all the FTL rulemaking tasks.
- Q.** How can Safety Management System methodology be incorporated into FTL without the need to change the FTL scheme and hence incur an additional fee?
A. Any change in methodology would be incorporated into the Safety Management System primarily through documented responsibilities of post holders and rostering/crewing staff. There would be no need to amend the FTL scheme to comply with these requirements.
- Q.** If mitigation was required for FTL hazards identified as part of safety management, how could this be achieved without changing the FTL scheme?
A. Stakeholders would be encouraged to introduce documented ‘soft rules’ to supplement the ‘scheme rules to demonstrably manage their fatigue risks’.
- Q.** Are there clear definitions of *Air Taxi* and *Night Freight*?
A. Air taxi operation is defined in the EASA proposals as “for the purpose of flight time and duty time limitations, non-scheduled on demand commercial operations with an aeroplane with a passenger seating configuration of 19 or less”. There currently is not a clear definition of Night Freight or Sole Night Cargo. The CAA has commented on the lack of a definition for this area in its response to the EASA Comment Response Document on NPA 2010-14. The rulemaking tasks in respect of FTL Certification Specifications 2, 3 and 4 continue with EASA and they are aware that they may need to add further definitions to the section 1 material.

7 Medical

Q. Are there any plans for Technical Crew to have medicals?

A. There are no medical regulatory oversight / standards for technical crew and we do not expect that the position will change in the foreseeable future. There were proposals for this in the original Notice of Proposed Amendment, but these were dropped. Hence ORO.CC.110 specifically refers to the requirements of Part-MED, whereas there is no such reference in ORO.TC.105. Similarly, there is no material in Part-MED relating to technical crew. GM-1 gives guidance on how the requirement for medical assessment specified in ORO.TC.105 can be fulfilled and it would be appropriate for an organisation to consult/contract with an appropriate medical practitioner - likely to be an AME or Occupational Physician / occupational health service provider.

Q. Is it likely that there will be a change to the single pilot over 60 rule as this still seems to be permitted in some other States?

A. The age rules for pilots who reach age 60 and 65 have been enacted in the legislation which is now in force and this aspect must be implemented by all countries by 8 April 2013. The UK implementation date is 1 July 2012. However, the new rules are the same as those currently specified in the licence privileges set out in Schedule 7 of the Air Navigation Order; so there will be no change in the UK.

There are discussions going on about age limits at both the ICAO and Agency level, but there is no EASA rulemaking task as yet.

Experience indicates that the period from initial proposal for a rulemaking activity to enactment as legislation is typically at least five years. There are proposals for faster rulemaking processes for simple, non-controversial changes to the regulations, but it is not certain that a change of age limits would be categorised as such.

Q. With regard to the Operational Multi-Crew Limitation on medical certificates, what does *fully qualified* mean?

A. Fully qualified means that an individual pilot has the type rating on his/her licence.

Q. Are there any circumstances during flying training, when individual pilots can be excluded from the consideration pertinent to Operational Multi-Crew Limitation/over 60 limitations?

A. Yes. Where a trainee does not have the type on his licence or when a trainer/checker is not part of the operating crew. In both cases, such individuals may be excluded from the Operational Multi-Crew Limitation/over 60 considerations.

For an aircraft to leave the ground and proceed to its intended destination there will be a minimum acceptable number of pilots which satisfies all of the requirements/regulations that apply to that flight.

This will first be determined by the airworthiness certification - and the licensing rules will be consistent with this. It will either be a single or a two pilot aircraft for any flight regardless of purpose or length. Then the operating rules will define the minimum number of pilots for the kind of operation (Commercial Air Transport) and for the particular flight - short haul, long-haul, London-Australia - and there will also be flight time limitations; these various rules may demand a larger crew than the Airworthiness/Licensing requirements.

If the flight is short-haul and it is a multi-pilot aeroplane the minimum crew will be two pilots - only one of whom may be over 59 or have an Operational Multi-Crew Limitation.

If it is a London-Australia flight and any applicable rule requires four pilots for the aircraft to embark on that flight then it is a minimum four pilot crew and only one may be over 59.

To summarise: if the Operations/FTL rules require three or four pilots for a long-haul flight, then that is the mandatory minimum crew for that flight, regardless of whether it could fly with only two pilots on a different flight. If the aircraft could not legally embark on the flight with only two pilots, then the minimum crew is not two pilots, it is whatever is required for the flight.

Q. What about 'heavy' crews (3/4 'man' operations)?

A. The UKCAA intends to produce a template giving guidance on what is acceptable. In principle there should be no reason why two pilots with an Operational Multi-Crew Limitation should not form part of a 'heavy' crew, so long as the requirements of MED.B.001(d)(1) are met at all times; in practice it is difficult to see how this would be achieved with a three-man crew.

Q. As the CAA has publically stated that they disagreed with the EASA decision regarding Operational Multi-Crew Limitations, will they be actively seeking to change the regulation?

A. Other Member States have not raised significant issues regarding the rule. It is unlikely that the UK CAA would be successful in challenging the regulation without evidence of support from other States. Operators are therefore encouraged to seek active support from recognised trade associations and operators from other EASA States.

Q. Do the Operational Multi-Crew Limitation/over 60 limitations also apply to non-commercial operations?

A. Yes. The rule appears within Part MED of the Aircrew Regulation, and hence is applicable to all holders of a Class 1 medical certificate with an Operational Multi-Crew Limitation. Over 59/64 rule applies to commercial flights only.

Q. How will the increase in demand for Aeromedical Examiners as a result of the change to cabin crew medical requirements be met?

A. It is likely that the increase in demand for Aeromedical Examiners will drive a corresponding increase in personnel qualified to conduct medical examinations. However, operators may choose to make arrangements with local Aeromedical Examiners or Occupational Health Medical Practitioners/Providers in advance to ensure that their operational requirements can be met. Names and contact details of current Aeromedical Examiners are available on the website at <http://www.caa.co.uk/application.aspx?catid=49&pagetype=65&appid=21>. Details of Occupational Health Medical Practitioners able to conduct cabin crew medical examinations will be published on the website in due course.

Q. Is a medical report required before undertaking initial training?

A. A medical report is only required before being first assigned to cabin crew duties on an aircraft.

8 Airworthiness

Q. It was suggested that the requirement for a pilot to sign off the pre-flight inspections was no longer in the EASA OPS rules. Is it not in the in the cover regulation?

A. Section 6 of Annex IV of the Basic Regulation requires that before each flight or consistent series of consecutive flights, the aircraft must be inspected, through a pre-flight check, to determine whether it is fit for the intended flight. The detail of who can complete the per-flight check is found in Commission Regulation (EC) No 2042/2003, M.A 201. As stated in the presentation, the Basic Regulation provides the pointer; the detail is in the relevant Regulation.

Q. Is the Pre-Flight Check as defined in the Flight Manual the same as the Daily Check?

A. The pre-flight check is defined as “that before each flight or consistent series of consecutive flights, the aircraft must be inspected, through a pre-flight check, to determine whether it is fit for the intended flight” and is normally described in the Flight Manual. Any check that is more than this, either in content or when it is done is not the pre-flight check.