

EASA and instrument flying

EASA NPA 2011-16 'Qualifications for flying in Instrument Meteorological Conditions' explained by Nick Wilcock

As many will no doubt be aware, our friends in Köln have now released their long-awaited Notice of Proposed Amendment which refers to future qualifications for flight in IMC throughout Euroland. This NPA was based primarily upon the work of the FCL.008 group which was set up to develop future regulatory proposals.

The NPA can be viewed at www.easa.eu.int/rulemaking/docs/npa/2011/NPA%202011-16.pdf and runs to some 239 pages. However, the most important parts of the NPA are contained in pages 2-23. Pages 24-179 list the detailed 'learning objectives' for the theoretical knowledge element, pages 180-196 are the 'Acceptable Means of Compliance' and the remainder of the document is the 'Regulatory Impact Assessment'. So the parts which you will probably want to look at as a priority are pp2-23 and 180-196.

Overview

So, what's actually in this scintillating piece of work? Well, although three main instrument ratings are proposed, first and foremost, the NPA in its current state does not include a satisfactory solution for the future of the UK IMC Rating. AOPA will now step up efforts to propose an acceptable solution, not just for those who currently hold or have held IMCR privileges, but also for our future pilots. We consider that the safety benefits of the IMCR must be maintained in UK airspace, irrespective of any other proposals in the NPA. We are not alone in this opinion; both the LAA and PPL/IR agree and we expect to collaborate with our colleagues in these organisations to present a united front.

NPA Proposals

*The En-route Instrument Rating.

The privileges of this are limited to the conduct of flights by day under IFR or in IMC in the en-route phase of flight using any aeroplane for which the pilot holds a class or type rating. No IMC approach privileges are included; the EIR holder will be required to depart and arrive under VFR. To this end, on departure the aircraft must not be flown in IMC below 1000ft above the highest obstacle within 5nm and

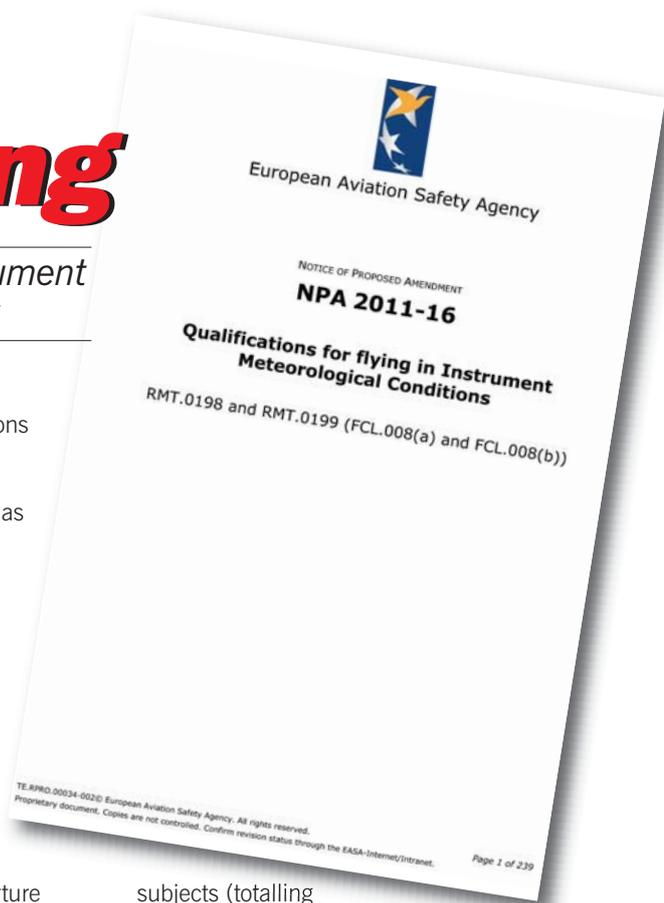
the met forecast at destination or alternate must be for VMC conditions to prevail for $ETA \pm 1$ hour. If no forecast is available for the destination aerodrome, the flight has to be planned to a 'nearby' aerodrome where the forecast indicates VMC within the same time frame. Obviously to obtain sufficient met forecasts to comply with these requirements may not always be straightforward and there is no definition of 'nearby' in the NPA. If the aerodromes associated with the proposed flight include departure and/or arrival procedures which require compliance with IFR, a VFR departure and/or arrival will instead need to be planned, together with points at which the flight rules will change from VFR to IFR and vice versa. Convenient waypoints may not always exist at which this can be achieved, so EIR holders may need to create their own (e.g. by using place/bearing/distance definitions) and to include them in the ATC flight plan. Additionally, close study of en-route NOTAMS will be needed to ensure that these 'transition points' can actually be

used on the day.

The EIR will therefore be of interest to those pilots who, for example, may wish to take off from one fair weather aerodrome and fly airways to another fair weather aerodrome. Simple enough in concept, but the practicalities of ensuring compliance with the restrictions of the rating might prove difficult at busy airports whose air traffickers expect inbound airways traffic to be able to comply with IFR to touchdown, for example. Actually being able to plan an IFR-to-VFR transition might also be tricky if radar cover is limited outside controlled airspace, particularly if this increases ATC workload. So, whilst the concept of the EIR is one thing, whether it will actually prove viable might be another.

Training for the EIR will require a minimum of 15 hours of instrument flight time, a 100 hour course of theoretical knowledge (much of which may be conducted using distance learning), theoretical knowledge exams in seven

subjects (totalling 150 questions for which a total of 3:50 is allowed) and a Skill Test. The theoretical knowledge and examination requirements for the EIR will be identical to those for the proposed 'new' IR and are about 60% of current theory requirements. The learning objectives are described in the NPA and are compared against current objectives; do note, however, that column



A.1 states the current requirement and column A.2 the proposed new requirement! A lot of work has gone into stripping away the more esoteric requirements of the current theory syllabus – for example *‘Calculate the apparent wander (apparent drift rate in degrees per hour) of an uncompensated gyro according to latitude’* and *‘Define biological control systems as neuro-hormonal processes that are highly self regulated in the normal environment’* are no longer included amongst the learning objectives, you’ll be pleased to know.

***The ‘new’ Instrument Rating.**

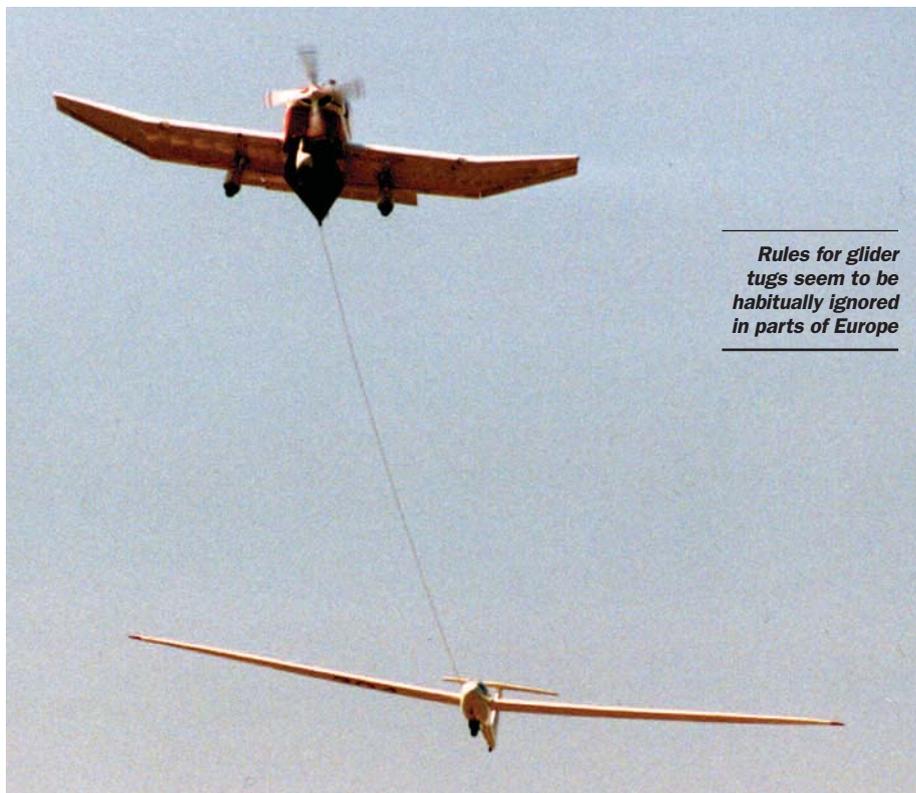
Although the rating privileges will remain the same as those of the current IR, the NPA proposes significant changes to the current IR training requirements, widely viewed as being excessively demanding for the average private pilot, many of whom have chosen instead to obtain IRs under the FAA system in order to fly N-registered aircraft in European IFR airspace. A minimum of 40 hours of instrument flight time will be required and credit may be given for previous instrument flight time as PIC (e.g. as the holder of an EIR). An absolute minimum of 25 hours of dual instrument flight instruction is required, so if full credit is given for the 15 hours of the EIR, then a minimum of only 10 further dual hours would be required for the ‘new’ IR. The EIR is seen as a first step towards the ‘new’ IR as it will allow IR applicants to build instrument flight time as PIC before taking the IR Skill Test. There will be no additional exams to take, although some of the topics removed from the theory syllabus

will be added to those required for High Performance Aircraft Type Ratings.

The ‘new’ IR should prove highly attractive to many private pilots, particularly for those who wish to complete the EIR first, then consolidate their IFR experience before completing the remainder of the IR requirements at a later date.

***The Sailplane Cloud Rating.** The main purpose behind the SCR is to extend the operating range of sailplane pilots

NPA. Briefly, with 100 hrs of instrument flight time as PIC, the holder of a Part-FCL licence who also holds a third country IR(A) will be credited in full towards the training course requirements. Nevertheless, such an applicant will have to pass the IR skill test and to *‘demonstrate the appropriate knowledge of Air Law, Meteorology, Flight Performance and Planning and Human Performance’*. However, compliance with this



Rules for glider tugs seem to be habitually ignored in parts of Europe



An FAA IR holder can be credited in full for the hours but must pass a skills test and some form of test in four subjects

under certain weather conditions. As described in the Regulatory Impact Assessment section of the NPA, ICAO Rules of the Air mean that, when operating under VMC, sailplane pilots in Europe are typically limited to operate up to 3000ft amsl unless the cloud base is above 4000ft amsl due, as you’re all no doubt well aware, to the requirement to remain 1000 ft clear of cloud if the cloudbase is above 3000ft amsl. This is of particular significance in areas of high elevation and consequently the aim of the SCR is to enable sailplanes, powered sailplanes and TMGs to be operated in IMC. However, it should be noted that no solution has been proposed for tug pilots at high elevation gliding sites needing to tow sailplanes up to the base of cloud; if the launch site has an elevation of 1900 ft and the cloudbase is at 3100 ft, to remain in VMC a tug pilot would need to release at 200 ft agl. It would seem that this rule is habitually ignored in certain parts of Europe....

Problems

***Conversion of ‘third country’ IRs.**

The good news first! The thorny issue of the conversion of ‘third country’ IRs such as the FAA IR is also mentioned in the

demonstration of knowledge requirement does not necessarily mean sitting written exams and could, in my opinion, be adequately assessed during the pre-flight preparation and conduct of the IR Skill Test. This would certainly be a very suitable area for comment when responding to the NPA!

***UK IMCR.** As I mentioned earlier, the NPA certainly does not resolve the UK IMCR situation in its present state. However, it is not just the UK IMCR which needs to be resolved, but also IMC requirements in some other member states. For example, at the Köln workshop, a French conferee made an entirely valid point concerning the lack of any current regulation enabling France to issue an instrument rating for pilots who wish to fly under IFR in French airspace without the need to speak ICAO Level 6 English. Although the European Commission originally held the view that EASA should only develop regulations which would apply throughout all member states, the Commission has recently relaxed this policy in other areas. Matthew Baldwin, the Director of Air Transport at the European Commission's Directorate General for Mobility and Transport has

already accepted both the need for Single European Rules of the Air to be sufficiently flexible in order to take account of local conditions (such as geography or typical weather) and also the need for some member states to authorise an exemption from the limiting EU-OPS1 rule concerning the commercial operation of single-engine aeroplanes at night or under instrument meteorological conditions, due to their national need to maintain such operations. Additionally, EASA recently amended Article 4 of the Basic Regulation to include a new paragraph which enables a member state to authorise pilots to exercise limited privileges within its national territory or part of it; the Commission subsequently raised no objection to this amendment. It is clear, therefore, that the Commission's recent acceptance of the need for flexibility should now enable the Agency to follow the Commission's example and to reconsider its earlier position regarding national qualifications restricted to national airspace. Adoption of a more flexible approach to such national requirements would very simply solve the national needs of many member states which are not otherwise covered in NPA 2011-16. These include (but are not limited to):

- IFR operations conducted within national airspace using the national language of a member state.
- Exemption from normal VMC

requirements for sailplane towing operations at sites with significant elevation.

- The UK IMC rating.
- The Polish IMC Certificate.

A 'European solution' to such European problems would be far more likely to succeed than any UK-specific solution to the UK IMC problem and we intend to table such a proposal. I described one such potential proposal at the workshop, based upon existing JAR-FCL requirements; Jean-Marc Cluzeau, EASA's Head of Rulemaking (Flight Standard Department) appeared quite receptive. So please watch this space!

Although much improved from earlier drafts, the EIR is in no way a satisfactory solution to the UK IMCR problem. It does at least have the potential to supplement the UK IMCR and will also be of benefit to some pilots who wish to fly 'airways', but only on nice days.

Comment Response. To respond to NPA 2011-16, the best option is to use the EASA Comment Response Tool, although for those who prefer, other options are available. For those unfamiliar with the CRT, see

<http://hub.easa.europa.eu/crt/> and follow the associated guidance. When responding, it is preferable to confine your response to specific areas, by stating clearly the following:

- The topic upon which you are commenting
- The justification for your comment
- Your proposed solution or amendment

General comments of objection, or even support, are not particularly helpful if we are to achieve a satisfactory result. The comment response period ends on 23 Dec

2011; EASA has requested that comments are received sooner rather than later – so please don't save up your comments as a last minute Christmas gift for EASA.

And finally... Yes, I know that many of us have

strongly held views about EASA, the European Commission, the 1993 Maastricht Treaty and the 2009 Treaty of Lisbon and the EU in general, but the fact is that we're now stuck with EASA and its policies. NPA 2011-16 does propose many significant benefits, but does not yet provide a total solution from the UK's viewpoint. Both AOPA(UK) and IAOPA will be making corporate responses to the NPA; however, individual AOPA members are strongly encouraged to submit their own. ■

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