

EASA FCL Partnership Group

IAOPA is trying to bring sense and order to some EASA FCL rules, as **Nick Wilcock** reports

Roughly twice a year in Köln, EASA hosts an 'unofficial' meeting with National Aviation Authorities (NAAs) and industry representatives at which flight crew licensing problems and policy clarification matters are debated. These are meetings of the FCL Partnership Group, at which I represent IAOPA Europe, and are chaired by Matthieu Burgers of the Netherlands CAA. Originally, EASA's objectives for the group included 'support of EASA activities in the respective NAAs and Organisations/Associations'; however, after I pointed out that we could not always guarantee to 'support' EASA activities, the objective was removed, to be replaced by the more general 'provide a common forum for NAAs and Industry' in the final terms of reference.

Far from being some vaguely pointless European Union banana curvature

specification committee, the worth of the FCL-PG is recognised by both NAAs and industry alike, as it is one of the few opportunities for full and frank exchanges of views between some 40

representatives and EASA FCL rulemakers to be aired. The commitment and enthusiasm of all members is increasingly evident as Europe moves towards adoption of EASA Part-FCL requirements.

Some weeks before each meeting, a request is made through IAOPA's Senior Vice President Martin Robinson for items to be included in IAOPA Europe's submission. The final list is then agreed with Martin before it is sent to EASA's Annette Ruge for inclusion in the meeting agenda.

The most recent FCL-PG meeting was held on 15/16 October 2012 and was, in my view, highly successful for IAOPA Europe. The most significant issues I submitted were:

The Aerobic Rating

I explained that AOPA and the BAeA had amended the basic aerobic certificate syllabus to align it with the part-FCL Aerobic Rating. I also provided the group with the UK's CAP 804 Part Q conversion report, which covers the credit available for existing aerobic pilots wishing to obtain the Aerobic Rating. However, we don't envisage much interest in the Aerobic Rating at this stage, due to the excessive prerequisites demanded by EASA and also because most 'affordable' aerobatic aircraft in the UK are probably Annex II aircraft, for which the Aerobic Rating won't be

required. Of course AOPA will continue to recommend most strongly that potential aerobatic pilots should take the basic aerobatic certificate, but it is not mandatory to do so. An additional disincentive for the Aerobic Rating is that it must be conducted at an ATO, thus incurring significant approval fees.

Aerobatic instructional requirements

Careful reading of the Aircrew Regulation reveals that the neither an aerobatic rating nor aerobatic instructional privileges are required for instruction given in aerobatic flight (as defined in FCL.010) where this is a mandatory requirement for certain licences/ratings (e.g. unusual attitude recoveries as part of the IR(A) course), except for instruction for the aerobatic rating. Other instruction in aerobatic flight (e.g. non-mandatory upset prevention and recovery training, air experience lessons involving aerobatic flight) requires the instructor only to hold an aerobatic rating, but does not require the instructor to hold aerobatic instructional privileges.

The CAA representative considered that where a flight includes any instruction, then the instructor must hold instructional privileges for everything he/she does during the flight. However, I pointed out that this is palpably untrue; an instructor is no more required to hold aerobatic instructional privileges to demonstrate 'looping the loop' than he/she is to hold instrument instructional privileges to demonstrate climbing to VMC on top!

EASA confirmed that the IAOPA Europe understanding is correct. However, they have a new rulemaking group looking at

Below: the new EASA Aerobic Rating... will anyone feel the need?



the topic of 'loss of control'; this will ultimately include requirements for instructors conducting upset prevention and recovery training in aeroplanes.

Licence conversions

Although the conversion from UK, JAR-FCL and national licences to Part-FCL licences during the transition period to Apr 2015 is comprehensively covered in CAP 804, certain national licences will continue to be issued after that time, for example, the NPPL (Microlight) which does not have a direct Part-FCL equivalent. Conversion requirements will be necessary for holders of such licences wishing to fly other aircraft categories, so I proposed that these requirements should be devolved to national competent authorities, due to the wide variation in such licences across the EU. Much to my surprise, this was accepted – so it will now be up to the CAA and the BMAA to agree conversion requirements from the NPPL (Microlight) to the LAPL (Aeroplanes) after April 2015.

SEP Class Rating revalidation

Although the requirements for the revalidation of SEP Class Ratings are generally the same under Part-FCL as they were under JAR-FCL, eagle-eyed readers will have noticed that the exemption from the '1 hr dual training flight' requirement under JAR-FCL read 'This flight may be replaced by any other proficiency check or skill test', whereas under Part-FCL the exemption reads 'Applicants shall be exempted from this flight if they have passed a class or type rating proficiency check or skill test in any other class or type of aeroplane.' Strict adherence to the Part-FCL requirement would mean, for example, that an A380 LPC conducted in a simulator would count, whereas an IMCR or even an IR(SPA) renewal proficiency check (yes, they're proficiency checks now, even for renewals!) would not. This seems to have come about as an intended consequence of the inclusion of balloons, sailplanes and airships in Part-FCL; all group members agreed that it wasn't acceptable as written, so I have formally proposed that the exemption shall be amended to read 'Applicants shall be exempted from this flight if they have passed any other skill test, proficiency check or assessment of competence in the same category of aeroplane.' EASA are now considering how to progress this further; however, if our members are not to be disadvantaged financially we need prompt action.

Flight time in 'Annex II' aircraft

Considerable discussion ensued over this topic. Whereas the CAA is entirely happy for Part-FCL licences to include the operation of Annex II aircraft, other NAAs



are not certain that they will be able to accept such a ruling either for their own pilots or for visiting UK pilots of Annex II aircraft. We also discussed the situation regarding operation of Annex II microlight/ultralight aircraft. My opinion is that due recognition for flight time in microlight aircraft such as the Dynamic WT9, teamEurostar, Denny Kitfox, Ikarus C42 etc., where flown under SEP privileges should certainly be granted towards SEP revalidation requirements, provided (as is the current case with NPPL pilots holding both SSEA and Microlight Class Ratings) at least some flight time is also achieved in non-microlight/ultralight aircraft. However, flight time in powered parachutes and the like could not realistically be viewed as counting towards SEP revalidation. So, after some head scratching and discussion, I have now formally proposed the following to EASA:

a. Except as stated in para.b, flight time in Annex II aircraft which are not defined as 'microlight/ultralight aircraft', but which fall within the definition of existing Part-FCL Class Ratings, shall be accepted in full towards the training, revalidation and renewal requirements of the associated Class Rating.

b. Flight time in Annex II aircraft which are defined as microlight/ultralight aircraft, but which fall within the definition of existing Part-FCL Class Ratings and which are fitted with 3-axis control systems, shall be accepted towards the revalidation of the associated Class Rating, provided that the pilot has within the 12 months prior to the Rating expiry date (or, for the LAPL(A), prior to the date of flight) flown a minimum of 1 hr (as PIC or dual) in non-microlight/ultralight aircraft of that class.

*Microlight/ultralight aircraft are defined under Annex II as follows:

Aeroplanes, helicopters and powered parachutes having no more than two seats, a maximum take-off mass (MTOM), as recorded by the Member States, of no more than:

- (i) 300 kg for a land plane/helicopter, single-seater; or
- (ii) 450 kg for a land plane/helicopter, two-seater; or
- (iii) 330 kg for an amphibian or floatplane/helicopter single-seater; or
- (iv) 495 kg for an amphibian or floatplane/helicopter two-seater, provided that, where operating both as a floatplane/helicopter and as a land plane/helicopter, it falls below both MTOM limits, as appropriate;
- (v) 472.5 kg for a land plane, two-seater equipped with an airframe mounted total recovery parachute system;
- (vi) 315 kg for a land plane single-seater equipped with an airframe mounted total recovery parachute system;



Flight time on aircraft like the Kitfox should count towards SEP revalidation

and, for aeroplanes, having the stall speed or the minimum steady flight speed in landing configuration not exceeding 35 knots calibrated air speed (CAS).

Group members raised no objections to my proposal, so with luck we might one day succeed in satisfying the many complaints we receive from pilots of 'high end' microlights, who quite rightly point out that not only are their aircraft more efficient and environmentally-friendly ('umweltfreundlich' in Eurospeak) than many of the UK's fleet of ageing spamcans with their 60 year old combine harvester engine designs, but they comfortably outperform them.

LAPL licence structure and validity

Some readers may recall that the NPPL, when first introduced in 2002, included a 'rolling validity' requirement which required pilots to ensure that they had met the associated requirements before the date of the flight they were intending to make. This simply didn't work; as the CAA later stated in 2007: "the revalidation and renewal requirements, particularly in respect of the 'rolling revalidation' introduced by the CAA, have caused confusion. It is a different approach to revalidation than pilots are generally used to, and as a result there has been some concern that some pilots might find themselves inadvertently flying in breach of their licence conditions." So in 2008, fixed validity periods for NPPL Class Ratings were introduced and these have proved entirely satisfactory. The Europe Air Sports member of the FCL-PG mentioned that the regulation of sailplane flying in Germany already includes 'rolling validity' requirements and this has presented no problems to the pilots concerned. However, our experience in the UK was regrettably that a significant number of private pilots proved somewhat less meticulous in observing rules and regulations than do our more conscientious German friends. 'Rolling validity' should present little problem to diligent pilots; however, 'fixed validity' is rather more 'idiot proof' as pilots with a single calendar date to observe will have little excuse for passing that date without having met the requirements. Revalidation by experience, with the Examiner signing the Certificate of Revalidation in the field, should not increase costs when compared with pilots

'self-regulating' under 'rolling validity'. The general opinion of the group was that consideration should now be given to amending the LAPL licence structure to include restricted SEP Class and TMG Class ratings with fixed validity periods; I was asked to provide suitable recommendations to EASA and have since done so.

The positive reception given to my proposals should result in amendment to the EASA Aircrew Regulation and/or Acceptable Means of Compliance and Guidance Material. Hopefully this will be of benefit to all our members and help to revitalise our General Aviation industry.

It is hoped that the next EASA FCL-PG meeting will be held in January 2013. However, members of the group were given the rather unsettling news that Patrick Goudou, EASA's Executive Director, considers that the group should either be disbanded or amalgamated into some other EASA group, which would exclude industry participation. This was greeted with astonishment and veiled fury; the Chairman said that he would advise Goudou that the majority of the group wished for it to continue in its present format. However, after I called for anyone who didn't wish the group to continue to make themselves known, no-one did so. I then asked the Chairman to make it plain to Goudou that it was, in fact, the *unanimous* view of the group that it should continue meeting in Köln in its present format. Some group members declared that they would immediately inform the EASA Management Board of this unsatisfactory situation, so with any luck we should indeed meet again in January. If not, then an alternative venue at the Bundesministerium für Verkehr, Innovation und Technologie in Vienna has already been offered by the Austrian FCL-PG representative. And in any case, the schnitzels are rather better in Vienna than they are in Köln!

Most pilots would (I sincerely hope) prefer to read articles about aeroplanes and flying than about the crocodile infested swamp of EASA Part-FCL pilot licensing, but please rest assured that we at AOPA UK and IAOPA Europe are doing all that we can to resist the more inspired forms of Eurocratic lunacy being foisted upon us and I will continue to provide you with regular updates as and when I can. ■