

BBAC statement on information from the EASA Committee meeting on 8th & 9th July 2014: potential fast-track changes to the Aircrew Regulation

From Ian Hooker, BBAC Chairman, 11th July 2014

The BBAC, through the Flying and Training Committees, has been working for the last five years, preparing for the transition to EASA rules for aircrew ("Part FCL licences"), medicals, training and instructors (ATO: Approved Training Organisation). The BBAC has spent many thousands of man-hours preparing for these regulations, at a considerable cost to the Club, as well as particular voluntary contributions from various officers.

During this period, we have applied constant pressure on EASA both via the front door and back door. This has included working with CAA / DfT at all levels, Phil Dunnington's direct relationship with the Head of CAA, attendance at AeroExpo, inviting key members of CAA to ballooning events, working with Europe Airports, being a founder member of fledgling Europe Balloon Federation. Don Cameron also visited EASA.

Whilst we have worked towards the deadline of 2015 for licences, medicals and ATO implementation, (including Dave Court's relentless hours of work on manuals and the ATO), we have not implemented this any sooner than necessary, given that EASA had fixed a deadline of April 2015 for the new licensing regime and until now had insisted that the deadline would not move.

Recently, we were invited to contribute the BBAC's opinion on EASA's new proposal, in line with the new EASA road map for GA for potential fast-track changes to the Aircrew Regulation, to be debated at the EASA Committee meeting in Brussels on 8th and 9th July.

We have just been informed of some of the outcomes of the EASA Committee meeting and can give initial (provisional) comment on the consequences for UK balloon pilots:

1) Extension of transition period:

UK licensing and current medical regime is expected to continue until 8th April 2018, (rather than the current 8th April 2015 deadline), with possibly a further year (until 8th April 2019) for the conversion of national licences only. If implemented, there would then not be a requirement to convert to Part FCL licensing and medicals before those dates.

We believe that Part-FCL licences will be still available starting in the very near future, to run in parallel with the UK licences. Some pilots may still wish obtain a Part-FCL licence for their own reasons (BBAC will publish guidance). We still await the release of form SRG1104B from the CAA, to enable applications for Part-FCL balloon licences.

2) Training under ATO and only with ATO instructors:

the same 3 year extension to the original deadline is expected and probably a simplification of the requirements. If implemented, the BBAC would freeze (not operate) its ATO until 1-2 years before the new cut off date. On that basis, students would train under the UK system [PPL(B) / CPL(B)] until 8th April 2018 Pilots wanting the Part-FCL [BPL and LAPL(B)] licences will train for the UK licences and then convert.

3) FCL065(b), the so called “Age 65 cut off” for commercial air transport balloon pilots:

This upper age limit will very likely be either abolished (based solely on medical fitness) or changed to age 70. In either case, it would not come into force until either April 2017 (when Part-CAT(B) of the Air Operations regulation is expected to come into force), or 2018 if it remains directly linked to the Aircrew Regulation (Part-FCL). This would be a major success for the UK led initiative, which has been strongly supported by the BBAC and UK CAA and by several, but not all, of the other major ballooning countries.

These are the outlines of the proposals and our provisional reactions and we will confirm this information as soon as we have received more official details from the CAA staff who were present at the meeting.

However, there will now be a fast-track EASA consultation prior to a vote on all initiatives at the October 2014 EASA Committee meeting, in Brussels. Please note that no legal certainty will be available until after that meeting.

Not all BBAC members will benefit from these developments, but the vast majority will. Accordingly it has to be our policy to welcome this postponement despite the waste of effort, time and money that this process has so far involved. We realise that this late change of mind in EASA will have cost some of our members a great deal of time and money in obtaining Part-FCL medicals and undertaking instructor flights etc.

But for the majority of us this is potentially good news and gives hope for a better ballooning future. We can anticipate that whatever final solution comes in 2018-19 will be simpler and cheaper than that with which we would have had to live from 8th April 2015.

BELOW IS THE MESSAGE TRANSMITTED BY TONY RAPSON, CAA HEAD OF GENERAL AVIATION AT 14:30 TODAY, FRIDAY 11th JULY 2014

Dear Colleague,

You may not be aware but following EASA’s announcement back in April that they wanted to take a ‘New Approach to General Aviation’ and deliver ‘Simpler, Lighter, Better rules for General Aviation’ there has been significant work going on at EASA and the European Commission to deliver on this commitment which the UK and particularly the GA Unit have been actively supporting.

Following on from the Workshop held in Cologne in May, on Wednesday 9th July 2014 I attended the EASA Committee as part of the UK delegation to consider the proposal to amend Commission Regulation (EU) No 1178/2011(Aircrew) and Commission Regulation No 965/2012 (Air Operations). This proposal has a number of aspects to it affecting flight training, the key elements of which I have set out below.

This meeting was the initial consideration of the proposal which will be further amended and presented for a vote in October 2014. **It is only after a positive vote in October that these changes will be binding and, subject to any implementation dates, we will be able to use them.**

However, both EASA and the Commission were very clear that the support for the proposals indicated at Wednesday's meeting should be used to inform the industry on the direction of travel that the Commission, EASA and the Member States intend to achieve. My recommendation is that you work on the assumption that the changes indicated below will be agreed and plan accordingly. You should however keep in the back of your minds that it is possible that these changes will not be approved, which apart from leaving us all with a significant implementation problem, will also mean that the first attempt to make EASA rules more proportionate for GA will have failed!

There was very strong support for the deferment to allow RTFs to continue training for the PPL without ATO approval from 8 April 2015 to 8 April 2018 to permit time to do detailed work on alternative options for private pilot training outside of ATOs. Assuming the deferment is agreed, and alternative options are not subsequently agreed, RTFs would have to transition to ATOs by 8 April 2018 at the latest. The discussions on the alternative options have not yet started so we do not know what private training outside of ATOs may look like and what restrictions and conditions, if any, may be applied.

If this change is agreed in October, then an RTF that may continue to train for the PPL as above would also be permitted to train for the LAPL without the need to become an ATO. It is also worth noting that the proposal contains a deferment to 8 April 2018 for the requirement to hold a LAPL, BPL and SPL and additional ratings such as the Aerobatic and Towing Ratings.

Balloon and Gliding organisations would be permitted to operate under current national arrangements as they are now. If no alternative options are approved then they would have to complete the process to become ATOs by 8 April 2018. (We will need to discuss with the BBAC what this means for their ATO and with the BGA what this means for their current ATO application).

As the deferment only applies to RTFs registered prior to 17 September 2012, new entrant training organisations before 8 April 2018 would have to comply with the current regulation and become an ATO until such time as (and if) an alternative option is agreed.

At the moment the current rules continue to apply, so RTFs can still submit applications to become ATOs if they wish and they will be processed in accordance with the current regulations. Alternatively RTFs can choose not to submit an application now but wait until the outcome of the vote in October before deciding whether or not to proceed with their ATO application. To enable any organisation wishing to continue towards approval, the GA Unit is currently working on a further revised and simplified template manual and guidance document for ATO approval.

There was support, although not universal, for raising the age limit for commercial balloon and sailplane pilots who wish to undertake commercial air transport from 65 to 70 years of age. Given the less than complete support the Commission stated that the limit of 70 was what they saw as the sensible compromise when taking into

account all the views they had received from the Member States. The Commission were pressed by the UK, and a number of other States, on the upper age limit of 70 and they agreed (at some unspecified time in the future) that they were still open to evidence being presented to permit an increase (or removal) of the upper age limit. At the moment I believe that it would be sensible for organisations affected to plan on the upper age limit being increased from 65 to 70.

Whilst the significant amount of effort put in by many organisations to comply with the current regulations is of significant concern – a concern that many states expressed at the meeting – that should not stop us all doing everything we can to make the GA Rules more proportionate. Our future goal is of course to make sure that we are certain the rules are right for GA when they are first agreed so that we are not in the position of having to unpick them at such a late stage in the process again.

Just to stress one last time – these proposals will only happen when and if they receive a positive vote in October.

Yours
Tony Rapson