

Issued: 11 August 2016

Applications for Exemption From the Part-FCL Base Training Requirements of the MPL Advanced Phase Base Training Minima

This Information Notice contains information that is for guidance and/or awareness.

Recipients are asked to ensure that this Information Notice is copied to all members of their staff who may have an interest in the information (including any 'in-house' or contracted maintenance organisations and relevant outside contractors).

Applicability:	
Aerodromes:	Not primarily affected
Air Traffic:	Not primarily affected
Airspace:	Not primarily affected
Airworthiness:	Not primarily affected
Flight Operations:	AOC holders, Approved Training Organisations
Licensed/Unlicensed Personnel:	Student Pilots, Licensed Pilots, Instructors, Examiners

1 Introduction

- 1.1 This Information Notice (IN) concerns organisations providing training for issue of the multi-crew pilot licence (MPL) and the associated requirement for base training to include a minimum of twelve take-offs and landings before student pilots may be assessed as competent to proceed to line flying under supervision. Following presentation of Industry concerns, this IN outlines what progress is being made and how requests may now be made for temporary approval to apply International Civil Aviation Organisation (ICAO), Annex 1 provisions to reduce the minimum required number of take-offs and landings to six.

2 Background

- 2.1 Industry testimony and supporting data indicate that student pilot operating competency during MPL base training, indicated by completion of three consecutive take-offs and landing sequences requiring no instructor intervention or assistance, is often being demonstrated within the minimum of twelve take-offs and landings specified currently under Commission Regulation (EU) No. 1178/2011 (known as the Aircrew Regulation) Annex 1 (Part-FCL). Industry has therefore expressed concern that associated unnecessary costs may be undermining the commercial viability of what has proved to be an otherwise effective means of delivering pilots who are well-prepared for work in contemporary multi-crew transport aircraft in an airline operating environment. Further testimony suggests that the requirement for twelve take-offs and landings may lead to sub-optimal performance in some candidates due to the

onset of fatigue effects towards the end of such training sorties. The case has therefore been made to permit reduction in the minimum required base training take-offs and landings and the CAA has now presented that case to the European Aviation Safety Agency (EASA).

2.2 ICAO Requirements

In presenting the case to EASA for timely change, it was necessary to acknowledge that attempting to argue for criteria lower than those set by ICAO would leave EASA licences 'sub ICAO' and that this would be undesirable. Current ICAO MPL training minima are given by PANS Training 9868 Chapter 3 paragraph 3.3.4. This states that base training must be to competency and in any event involve no fewer than twelve take-offs and landings. Paragraph 3.3.5 permits reduction to no fewer than six take-offs and landings, provided that an applicant Approved Training Organisation (ATO) can demonstrate to the satisfaction of its Licensing Authority that:

- a) the reduction will not negatively affect students' skills acquisition; and
- b) a system is in place to ensure corrective action can be taken if post-training evaluation indicates a need for it.

- 2.3 EASA is now considering the case for adjustment in line with ICAO criteria. An EASA Opinion is anticipated towards the end of 2016. Early indications are that a subsequent vote by EASA Member States, expected in early 2017, is likely to be supportive. If accepted by the European Commission, change to the Aircrew Regulation should then follow in the second half of 2017. However, EASA have stressed that this timescale is merely an estimate and should not be used for planning purposes.

3 Immediate Measures Open to MPL Training Organisations and Sponsoring Airlines

- 3.1 EASA's generally supportive view of the proposal for change, indicating that rule change is likely to follow, has enabled both it and the UK's Department for Transport (DfT) to confirm that they will consider applications from MPL training organisations for exemptions from the Part-FCL minimum base training take-offs and landings requirements as a temporary, short term means of accommodating industry's concerns.
- 3.2 Regulation (EC) No. 216/2008 (as amended) Article 14(4) permits Member States to grant exemptions from the substantive requirements laid down in the Aircrew Regulation ((EU) No. 1178/2011) "in the event of unforeseen urgent operational circumstances or operational needs of a limited duration, provided the level of safety is not adversely affected." Such applications will rely on the second basis, given that rule change is likely and the exemption request reflects the likely operating cost impact of further delays, pending that change.
- 3.3 If an application submitted to the CAA enables the Authority to provide a positive recommendation to DfT, the applicant organisation will be able to act in reliance upon the exemption applied for provided the UK Secretary of State for Transport signs to approve the application for forwarding to the European institutions, on DfT recommendation. The application is then considered by EASA and forwarded to the EU Commission for their final decision. If they approve and adopt the change, then an applicant may continue to act in reliance on the exemption; if not, the UK will be obliged to withdraw the exemption and the applicant will be expected to revert to its pre-exemption modus operandi without delay.
- 3.4 Under Article 14(5) of the Basic Regulation (216/2008), EASA's recommendation to the EU Commission under Article 18(6) will be strongly influenced by whether it is convinced that the overall safety objectives of the Regulation are being complied with effectively and whether other community laws are being adhered to. To succeed with such an application therefore, an applicant must present a strong accompanying safety case, explaining why it believes that such a reduction in MPL base training minima will not adversely affect safety. This will provide