



PRESS RELEASE

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1000+ Page Proposal for EU Air Operations Rules – Safety Agency Fails to Address Pilot Fatigue –

On 30/01/2009, the European Aviation Safety Agency (EASA) published a comprehensive set of draft Air Operations rules which will replace current "EU-OPS" rules by April 2012. Given the size and complexity of the proposal, the 4-months period for stakeholder consultation seems rather ambitious.

EASA's proposal fails to reflect the most recent scientific evidence on the need to change current EU Flight Time Limitation (FTL) rules to protect against pilot fatigue and associated safety risks. EASA does so despite being legally required to base its FTL rules on scientific knowledge.

The Agency's proposal follows the extension of its mandate to rulemaking on air operations, which are currently governed by the "EU-OPS" Regulation¹. While EASA had initially consulted a stakeholder expert group, the drafting has been carried out by the Agency itself. As a result, a first initial assessment of the proposal confirms several concerns held by ECA and other major stakeholders.

"EASA chose to depart from the traditional structure of air operation regulations, like EU-OPS and JAR-OPS. This will create a lot of confusion in the industry" says ECA Secretary General, Philip von Schöppenthau. "Crucially, many of today's legally binding rules seem to be downgraded from "hard law" to "soft law" with the aim of providing more flexibility. We still need to be convinced that this is actually in the interest of air safety."

Regarding the proposed Flight Time Limitation rules on pilot fatigue, ECA (representing 38.200 pilots from 36 European countries) notes with dismay the Agency's refusal to base its proposal on latest scientific evidence. A recent scientific study – mandated by EASA itself – shows that the current EU laws do not seem to offer appropriate protection against pilot fatigue and related safety risks, and therefore need to be changed.

"EASA's own Basic Regulation 216/2008 obliges the Agency to base its proposal for air operations rules on 'latest scientific and technical evidence'", stresses von Schöppenthau. "EASA had 4 months to assess the scientific FTL study and to take it into account in last week's EASA-OPS text. To disregard the study, and instead to announce a separate rule-making process for the study's results, is not what the EU legislator asked for. A separate rulemaking process will unnecessarily delay the prospect for a complete set of science-based FTL rules. In the interest of safety, air passengers deserve such rules now, as the information is available."

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ECA FTL section: <http://www.eurocockpit.be/content/view/414/252/>

¹ Regulation (EC) No 1899/2006 of 12 December 2006