

October 6, 2010

Mr. Daniel Calleja Crespo
Director Air Transport
European Commission
Brussels,

Re: EASA Part – FCL Subpart K

Dear Daniel:

The EBAA, IBAC and NBAA are extremely concerned about EASA's opinion on Flight Crew Licensing (FCL) rules as after almost two years of advising EASA through the Working and Review groups, it seems our advice may not have been heard nor accepted. Indeed, in the final draft of part-FCL there is no provision for the conduct of Initial, Re-validation and Renewal of Class/Type ratings outside the Territories of Member States. Currently some 4000 such checks are conducted each year and, clearly provision must be made for the over 300 examiners outside the EU, holding ICAO licenses and appropriate Member State examiner approvals, to continue their work.

Without this, there will be a highly negative impact on the safety of Business Aviation operations since, of course, many European operators rely on simulator training conducted in Canada or the US. Moreover, because so many European business aircraft are manufactured in North America where the biggest Business Aviation fleets are located, to expect the relocation of such activity to Europe to comply with the new rules is completely unrealistic.

As mentioned above there are currently approximately 300 plus Examiners holding Examiner Authorities issued by a Member State NAA, conducting JAR-FCL Initial, Revalidation and Renewal Class/Type Ratings at training facilities outside of the Territories of the Member States (i.e. in North America).

Assuming this equates to approximately 2500 – 4000 check-ride per annum, removing these privileges will cause a massive impact on training and testing for Business/Corporate pilots needing to undertake the training/checking at a facility outside of the Territories of the Member States.

There is neither the hardware, in the form of simulators, nor examiners, to meet the shortfall which would occur should the examiner privileges out with the member States be withdrawn. Further, any tests and checks required for types where there are no simulators would need to be conducted in the aircraft which is a serious degradation of safety.

Training providers have invested significantly in European based assets and will continue where there is a business case. There is no case that would permit any assets to be introduced into Europe for many corporate types as the numbers of aircraft will not support the investment.

The industry has been supported since the inception of corporate aviation in the 1960s with simulator training providers and examiners in North America. While there has been a trend towards training facilities in Europe, the majority are still in North America. New aircraft developments from North American based manufacturers require the initial training assets to be located with the factory in order to support sales requirements. Additional assets are located where the market mandates.

Training providers have always, and will continue, to support European training requirements and the training providers consider the partnership with EASA extremely important for aviation safety. It is imperative the conditions to continue to support European aviation be included in Part FCL. There is no safety case to prevent type training, testing and checking from being conducted in North America and as demonstrated through existing operations, there is a significant safety case for ensuring the status quo is allowed in the initial issue of Part FCL.

We strongly recommend that EASA include in **Part-FCL, Subpart K, FCL.1000 Examiner Certificates**, the following clear statement of continuing privileges for Examiners outside Member States

- (c) *Privileges of Examiners outside the territory of the Member States;*
 - (1) *An Examiner holding a licence issued in accordance with ICAO Annex 1 and an Examiner Authority issued by a NAA of a Member State, may exercise the privileges of the authority to:*
 - a. *Conduct test and checks for the issue, renewal and revalidation of EASA Class/Type Ratings.*
 - b. *Conduct test and checks for the issue, renewal and revalidation of SFI authorizations.*
 - (2) *The authority will be restricted to conducting test or checks:*
 - a. *In training organizations located outside the territory of the Member States.*

Brian Humphries
EBAA CEO and President

Don Spruston
IBAC Director General



Ed Bolen
NBAA CEO and President

Cc: Mr. Eckard Seebom, Mr. Patrick Goudou, Members of Air Safety Committee.