

## **Meeting with CAA and EASA 22nd January 2008 on the IMC Rating (IMCR)**

### **Present:**

**CAA:** Ben Alcott and 2-3 others

**EASA:** Eric Sivel

**Audience:** Around 15-20 people made up of 2 from GASCO, 1 from AOPA, various aviation press representatives, and others including Pat Lander (CAA head examiner)

### **Report:**

The CAA is entirely supportive of the IMCR. They made a strong case for it and put up various slides including one showing around 25,000 IMC Ratings have been issued to date to pilots of which 23,000 still have a valid medical, 10,000 of them are holders of only a PPL, and only one known CFIT accident having happened to an IMCR holder (1992). They added that of recent serious airprox data, few if any were done by IMCR holders. The caveats are that the CAA does not have utilisation data for the IMCR, and does not know how many of these ratings have lapsed. However, the unexpectedly large number of IMCR holders who are still flying suggests that thousands of valid ratings are spread among a population of pilots who have been flying for many years.

Mr Sivel reported they had strong objections from

- large operators (airlines)
- commercial pilots
- other member states, notably France and Germany

However none of the objections were based on anything other than a straight "there should be no flight in IMC without an IR" argument.

Mr Sivel received some passionate and emotive points from 2 or 3 audience members (along the lines of removal of the IMCR will cause deaths and EASA should not do anything to cause deaths) but he reported that he has had the same emotive representations from elsewhere in Europe, and that no progress is going to be made on this until the emotion and passion is taken out of the process and somebody comes up with data supporting the safety case. He made it clear that EASA supports the capability to fly in IMC without the full IR, and would not do anything to reduce safety – however this needs to be based on data and not emotive arguments which is all there has been to date.

He explained that there are two levels of committees. The first one is the one tasked with drawing up the basic details. This one has representatives nominated by EASA. The second one has 27 representatives; one for each EU member state and their voting rights are proportional to their ordinary population. While EASA has the power to force through something, if it is unpopular it will be rejected at the end through a process called "minority blocking" and this causes major problems because it cannot be resubmitted again for a long time. A majority of 60% is required. Therefore, EASA seeks consensus before finalising a proposal. The politics of this process is quite complex. In this case, the UK is obviously in favour but one needs to win over France, Germany and maybe a few others, and that will be sufficient.

Mr Sivel reported having received lots of input saying the current JAA PPL/IR is too heavy. EASA agrees with this and wishes to simplify the IR and work out a replacement for a suitable European IMC privilege. EASA is keen to preserve IMC privileges.

The IMCR is safe for a 4 year period. A question was asked on what happens if the 4 years runs out and still there is no way forward. Mr Sivel explained there is a process called "article 10/5" which involves issuing an "equivalent safety case" and the IMCR is clearly eligible for this, and EASA would support it. He fully expected the CAA to use this device if necessary at the 4 year point. This then sends the matter back to the committology stage. It could be again rejected by the voting majority however.

It was revealed at the meeting (by a member of the audience) that the EU Transport Commissioner Jacques Barrot supports the IMCR, on the record. This is a major step forward. Presumably he is French!

The LAPL is sub-ICAO (due to having a sub ICAO medical done by a GP) but a difference will be filed with ICAO. This will potentially allow it to be used in airspace outside the EU since ICAO members rarely object to sub ICAO pilot privileges provided a difference has been filed.

Any instrument add-on onto the LAPL will thus also be sub-ICAO but again a difference will be filed with ICAO. Such a rating could (depending on the detail) thus be a full IR for all practical purposes. Mr Sivel said that one of the difficulties with the IMCR within Europe is that the CAA never filed a difference on it.

Some additional points:

While EASA is taking over FAR-FCL whole initially, the potential timetable for changes to the licenses/ratings is surprisingly short, at under 1 year, depending as usual on the volume/intensity of industry input.

To instruct for any license or rating, and get paid for it, the instructor will need only to have that same license or rating, plus an instructor rating. This will end the UK practice (which was not echoed throughout Europe) of requiring a commercial license for any remunerated instruction and has been widely blamed for the instruction quality deficiencies on the UK PPL instruction scene. This should allow experienced PPLs (who obtain the instructor rating) to instruct. I did not get an idea of the timescale for this very welcome change though.

Unlike JAA whose committee structure generally resulted in the hardest common denominator being adopted, EASA is taking a more evidence based approach. However, it still needs to find a high degree of consensus.

On airspace changes throughout Europe: The known/unknown categorisation (much publicised during recent years) appears to have been shelved as it would breach ICAO too much. Airspace changes which retain the traditional existing structures are a possibility but there is very strong political resistance within the member states to any change, so any timetable for this is very long.

My overall impression of EASA was that of honesty and competence. This is very different from my impression from previous presentations by regulatory authorities: CAA, EASA and NATS. Mr Sivel also stated that EASA wishes to take special account of the "small people" like GA who would otherwise have no voice.

A file [easa-caa-20080122.pdf](#) accompanies this report; this contains the projector slides from the presentation. It was noted during the presentation that the printed copies handed out had evidently been printed while some additional editing was still going on, and the following scans therefore contain some hand-written markups according to what appeared on the projector.

23<sup>rd</sup> January 2008