



## Editorial



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ECA President

**“Preconceived notions are the locks on the door to wisdom”**

Merry Browne

As pilots, we know from our training that human beings use preconceived ideas and beliefs to simplify a complex world. The classic example is the mistrust of people who are ‘not like us’ – commonly displayed as sexism, racism or homophobia. From the perspective of a safety professional, however, allowing preconceived ideas to interfere in our thinking can be a very dangerous human habit. For example, for the last 25 years, every time I have selected the landing gear down, it has come down. But I do not assume that this time it will be the same – I always check the ‘green lights’, which confirm that the gear has indeed come down.

As President of ECA for more than the last 5 years, I have lead an organisation which is focussed on aviation safety – indeed every time we write our name, we add “Piloting Safety”. As the only voice of professional pilots at European level, we also represent their views on all other issues which affect them – but the lion’s share of the work and effort is aimed at improving aviation safety. This month’s ‘Cockpit News’ is no exception:

- Helicopter crews have for too long experienced a much higher risk of accidents than their fixed wing counterparts. Sometimes they are willing to accept a challenging environment, for example in search and rescue operations to save peoples’ lives. But unavoidable risks aside, ECA helicopter pilot representatives are not willing to accept risks associated with inadequate or non-existent safety regulation. We call upon EASA and the Commission to act.
- The rules for determining which EU Member State collects the social security charges for each worker have been changed, and guidelines pub-

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## Search and Rescue: Saving...

## ... at the Risk of their Lives!

**Helicopter Search and Rescue (SAR) operations, by their very nature, carry risks not associated with other types of flying. SAR pilots often cope with an unusually hostile environment and minimum planning time, in order to save lives. However, what is not acceptable is the lack of sound safety regulations and clearly responsible authority, which makes the operations an unnecessarily risky business. That is why ECA strongly advocates for the establishment of European standards and rules in this area.**

For many years, SAR had usually been governed by the State, the military or the coast guard. However, the provision of SAR operations has changed in many countries and many SAR operations are now being operated by *civilian* contractors. Despite this shift, these operations are still considered as a “national” issue. As a consequence, they are not regulated at EU or global level. The only exception is the International Maritime Organisation (IMO), which regulates SAR at sea.

When in 2006, a civil SAR helicopter, operated in the Netherlands under a UK Air Operator’s Certificate, crashed, the Dutch Safety Board investigation report concluded that “In practice, however, the “civil SAR” did and still does find itself in a kind of vacuum, in which nobody appears fully and directly accountable for its use.” The report also argues that, given SAR is not anymore a national affair, it is time to regulate these operations at international level and explains that the UK Civil Aviation Authority expects the European Aviation Safety Agency (EASA) to seriously consider this issue.

More recently, at the Helicopter Association International Forum in January 2011, the US Federal Aviation Authority recognised that the statute of these operations is “vague” and “very confusing” and explained that the FAA will soon develop safety rules and guidance, considering “all contracted aircraft operations as civil aircraft operations”, unless exemptions are agreed by the FAA itself.

Whilst the US and some EU countries have already identified this important black hole in helicopter safety regulation, EASA continues to close their eyes and

reject ECA’s demands to have these operations regulated at EU level. Indeed, in its recent proposal for future rules on air operations, EASA reiterated its position, simply arguing that “Search and rescue and similar services remain the responsibility of the individual Member States.”



ECA disagrees that operations conducted by *civilian* operators, with *civilian* pilots and *civilian* aircraft should still be considered as State operations; and cannot understand how EASA continue to ignore an area where accidents rates are relatively high and operations involve several EU Member States. ECA therefore calls upon EASA, the Commission and Member States to follow the example of their US counterpart and to start drafting SAR safety regulations quickly. ■

## ‘Most Wanted’: Preventing Fatigue in the Cockpit

**Air crew fatigue has been on the US National Transportation Safety Board’s ‘Most Wanted List’ of transport safety improvements for many years. Triggered by the fatigue-related Colgan Air accident which killed 50 people in the US, in Feb. 2009, the Federal Aviation Authority eventually followed the NTSB’s call, proposing a new set of fatigue-prevention rules, in Sept. 2010, based on scientific evidence and best industry practice. Here in Europe, however, scientifically derived pilot fatigue rules have not made it on the ‘Most Wanted List’ of the EU Institutions – to the detriment of European passengers’ safety.**

lished for flight crew, without consulting the industry social partners. The new rules will not be straightforward for either the social security departments or employers to implement and may leave open loopholes for abuse. ECA is calling on the Commission to properly consult in order to improve the rules.

- Fatigue is an insidious problem, with those suffering from it being least likely to recognise it. ECA has spent years arguing for the regulations which limit the duty days and set minimum rest periods for pilots, to be based on the best scientific and medical knowledge available. This is a requirement from the International Civil Aviation Organisation, has been required by European legislation and is the only way to protect the passengers, crews and people who live under the flight path. ECA takes such a science-based approach, arguing that any social or commercial effects should be ignored as they are very much secondary to the need to protect the travelling public from harm.

ECA has taken principled and safety driven positions on all these topics. I challenge anyone who doubts this: examine our words and public demands, ignore the 'preconceived notions' and 'unlock your wisdom'! ■

This is the conclusion to be drawn, when analysing the EU's equivalent to the FAA proposal: the European Aviation Safety Agency's proposal for air crew fatigue rules, published in December 2010. In a nutshell, this proposal disregards decades of scientific and medical evidence on the safety risks related to pilot fatigue – including EASA's own scientific report carried out by 10 renowned fatigue experts. Instead, it proposes rules that seem to be designed primarily with the objective of avoiding costs to the airlines.

This failure to integrate scientific knowledge has already claimed a first victim: The European passengers' basic right to a safe flight. When boarding a European airplane, passengers must be able to trust in the EU legislator that they are protected by adequate safety legislation that does not ignore scientific evidence.

This trust will inevitably be deceived. At least if EASA's proposed rules are not fundamentally changed. As they stand now, EU citizens will not only be pro-

ected by less stringent safety legislation than their US counterparts. But passengers in Europe will also see state-of-the-art safety standards currently in place in several EU countries – such as Spain, the UK and others – disappear. They will be replaced by a significantly lower EU-wide EASA standard, leading to wide-spread safety regression rather than an upward harmonisation across Europe.

EASA has a unique opportunity to develop a solid, science-based and safety-oriented FTL law. Its recent proposal, however, risks putting the EU at the bottom end of international safety regulators.

The Colgan Air accident is a sad reminder that fatigue kills. The EU Institutions should act and put safe, science-based fatigue rules on their 'Most Wanted List' – in the interest of Europe's travelling public. ■

For more information see: <http://www.eurocockpit.be/pages/flight-time-limitations>



## Where Should Pilots Pay Social Security?

**The EU Commission recently issued guidelines and a proposal for Regulation to facilitate the implementation for pilots of new European laws on Social Security. Social security rules are important as they can prevent or encourage Social Dumping. ECA calls on the Commission to closely work with all stakeholders towards a fair system of coordination of social security which ensures the protection of rights of pilots and the sustainability of the national social security systems.**

When it comes to the application of social security rules for pilots, the European Member States identified problems such as the use of letter box offices (false registered offices in countries where no real activity exists), the abuses by agencies employing or supplying pilots, employment in more than one country or the situation of "fake" self employed pilots.

In order to resolve these issues, the EU proposes that pilots pay social security in their country of residence if they have at least 25% of their activity in that country. This could be measured in many ways. In case of doubt, the number of take-off and landings in the country of residence will be used to determine the 25%. If the pilot does not have 25% of activity in their country of residence, the Commission now proposes to consider that the law of the *home base* should apply.

These rules were adopted without consulting the concerned parties despite being obliged to consult social partners when taking decisions having social im-

pact on the sector. The rules on social security will certainly have a social impact: If the system allows that two crewmembers working from the same airport do not pay social security in the same country, there will not be a level playing field and the deficit in the collection of revenue could endanger the survival of the local social security system. This could be the case in France, where the pension fund for pilots depends on the contributions made by the crew members. Furthermore, if moving pilots from base to base on a constant basis allows a company to avoid paying local social security, this will result in forced mobility, reducing the pilots living and working conditions.

Our association doubts that the measures proposed by the EU will be suitable for the industry. We are concerned that the new measures will not reduce abuses and prevent social dumping. It is necessary that the Commission works closely with the social partners to develop rules on social security that protect pilots' rights and ensures the sustainability of national social security systems. ■

### Next Meetings

- 17-18 Feb.:** EASA FCL Partnership Group, Cologne, DE
- 17 Feb.:** EASA Safety Advisory Committee, Cologne, DE
- 22-23 Feb.:** ECA Security Forum, Paris, FR
- 23-24 Feb.:** [ECA Aviation Safety Day](#), Brussels, BE
- 8-9 March:** ECA Security Working Group, Brussels, BE
- 8-10 March:** ATC Global 2011, Amsterdam, NL
- 9-10 March:** SAGAS Meeting, Brussels, BE
- 10 March:** EASA Advisory Board Meeting, Cologne, DE
- 10-11 March:** ECA Air Traffic Management & Airports Working Group, Brussels, BE
- 10 March:** EU Aviation Platform, Brussels, BE
- 15 March:** ECA Trans-National Airlines Working Group, Brussels, BE
- 16 March:** ECA Industrial Working Group, Brussels, BE

The **European Cockpit Association** is the association of Flight Crew Unions from European States. Based in Brussels, ECA has 38 Member Associations, representing over **38.600** pilots from 38 countries. For more information: [www.eurocockpit.be](http://www.eurocockpit.be).

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