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All UK MEPs

Dear MEP,

AIR SAFETY GROUP - EU FLIGHT TIME LIMITATIONS (FTL) FOR PILOTS

Recently, many of you will have either voted for or against the adoption of the European Aviation Safety Agency (EASA) Flight Time Limitations (FTL) scheme for pilots of commercial aircraft within the EU. We accept that this was a very complex issue, outwith your normal areas of expertise and that you would have received some outside guidance.

However, it has come to light that you may have been misinformed about certain aspects of the EASA scheme which, in turn, may have influenced your decision. Regrettably, this will mean that your constituents in the UK will experience considerably reduced safety margins when they fly with UK crews, all of whom will become subject to the EASA scheme. The Air Safety Group has been against the adoption of the EASA scheme in its present form from the outset and we continue to press for better scientific research and understanding before any new scheme is introduced. We will list those aspects in which we believe you may have been misled:

1. 'Wide Acceptance in Government and Scientific circles of the EASA scheme'. This is not the case. While the UK Government & Ministers appear not to comment directly, they do seem to base their decision wholly on a single piece advice from the Civil Aviation Authority – which, arguably, is suspect. However, the House of Commons Transport Select Committee, the EU Transport Committee, the European Transport Safety Council (ETSC) and UK's Parliamentary Advisory Council for Transport Safety (PACTS) do not support the EASA scheme in its present form. The ETSC position paper can be found here - http://etsc.eu/documents/ETSC_position_FTL.pdf and the UK Transport Committee's deliberations are available on Hansard.

Additionally, the EASA scheme ignores many of the recommendations of the Moebus Committee – the very scientists that EASA tasked initially to provide scientific advice for the formulation of the new FTL scheme. Furthermore, EASA received 55,000 adverse comments from EU pilots on its intended scheme – a response, the like of which, has never been seen before. To the incisive observer, this should set off many alarm bells – because pilots are not normally prone to such demonstrative actions, especially in the parliamentary affairs of the EU.

2. 'Standardisation of the EU's Many Different FTL Schemes is Better for the UK'. Certainly, we would welcome the benefits that a standard scheme of EU FTLs might bring - BUT

NOT if that scheme patently lowers the current safety standards in the UK - and also in some other major EU States. We would suggest that, presently, the very large majority of UK citizens (MEPs included) fly on UK-registered aircraft and therefore, do so with higher safety standards than those embodied in the EASA scheme. Unwittingly therefore, it appears that many British MEPs have voted for the enforced lowering of the UK's standards of aviation safety. We would be interested to know how those MEPs will continue to justify their decision to their constituents - or even to themselves.

3. **'The EU Scheme will Improve Pilot Safety'.** There have been statements that show that some MEPs were led to believe that the EASA scheme will actually 'be more protective', particularly with regard to the requirements of in-flight rest, rest to compensate time zone crossing, 'reduced rest' and accommodation during airport stand-by. Again this is misinformation – just one example (we could provide many more):

For a duty comprising a 2 sector flight (out and back) starting at 0700hrs – which describes a significant proportion of commercial flights - the EU rules would allow a maximum Flight Duty Period (FDP) of **14 hours**. However, the present UK scheme (CAP 371) only allows a FDP of **12 hrs 15 minutes**. We fail to see how anyone can possibly suggest that the EU rules, which allow a 15% increase in duty time, are 'more protective'.

4. **'UK Long-Haul Flights rules are Less Protective than the EASA Scheme'.** Once again, the facts of the scheme do not bear this out. We have heard how some MEPs are under the impression that "*under the current UK regime (CAP371) it is possible to operate a return flight from Scotland to the Canary Islands with two pilots... and that the EU rules will change this.*" Unfortunately, the truth of the matter is stated above in Para 3. Even more worrying is the fact that, under EU rules, it may even be possible to fly from Dublin to New York, have a 'split duty rest' of 6 hours and then fly back from New York to Dublin with **the same** 2-pilot crew. Categorically, we believe this is not safe, especially as there could be no planned rest for the pilots, who must remain at the controls and awake throughout the flight.
5. **'Night Duties are Safer under the EASA scheme'.** While EASA have reduced their permitted night duty to 11 hours, this ignores the unanimous recommendation of all the eminent scientists and medical experts to place the limit at **10 hours** duty for over-night operations. EASA does not justify their decision in this case and the perception is that this was driven by 'other external factors'. Furthermore, within the EASA scheme **as it is written**, if the crew is informed of a delayed reporting time (of less than four hours), then it is possible for them to undergo a **13 hour night FDP starting at say, 1700 hours** local time – a full 3 hours more than recommended by human factors specialists and fatigue scientists. We fail to understand how this can be justified.
6. **'The New EASA Scheme will Prevent Abuse of 'Home Base' rules'.** It is true that, in the past in the EU, some abuses of the definition of 'Home Base' have been occurring and EASA scheme intends to prevent this from happening. Taken at face value, this looks a good idea. However, the way the EASA rules are written, they can be misinterpreted - as is presently the case - in that the 'Home Base' can be changed every 7 days with only ONE extended 72 hours rest period being taken. This is in spite of the comment in the new scheme that the Home Base must be allocated with a "HIGH DEGREE OF PERMANENCE". But there is no definition of what this means. What does this mean? Seven days, one month, twelve months - and who decides? No-one knows! Undoubtedly, a certain Irish airline employing 70% contract pilots, with no union representation, (and who operate out of any of 50 different EU bases), will continue to interpret this to their economic advantage.
7. **'EASA will Continuously Review the new FTL Scheme'.** Apparently, some MEPs set great store by the fact that EASA will conduct a continuous review the new scheme, so that they can monitor its progress and address any short-comings.

Of course, it would be common-sense to monitor any new scheme after its introduction but surely, the time to address any major issues is BEFORE the scheme is put into effect? This approach has been advocated consistently by safety organisations, flight crews, scientists and aircrew unions and we wonder what special dispensations that EASA possesses which allow it to ignore common-sense and 'best-practice' – and why the EU Parliament should condone such behaviour?

Also, where there exists a lack of precise physiological knowledge (as in many areas of FTL 'science'), then a reasonable person would impose a regime that is *as least as stringent* as the most restrictive scheme that is recognised as global 'best-practice' (i.e. CAP371). This regime would remain in place *until* any proposed rule-changes are validated as safe. In order to validate and verify the change effectively, a reasonable person would undertake in-depth, objective and *in vivo* scientific research to prove the verity, or otherwise, of any such proposed rule-changes and then publish that research in peer-reviewed scientific journals. Only once accepted, would the FTL scheme be allowed to extend or relax any duty times/restrictions from the 'global gold-standard' within the limits set by the research. Sadly, EASA has done the exact opposite.

Ultimately, as we have previously said, this EASA scheme will reduce the safety of the vast majority of UK air travellers and we believe that many MEPs were incorrectly advised before they voted in the EU Parliament. We also believe that the decision to reject this scheme, taken by the Transport Committees of both the UK and the EU, was absolutely correct. Therefore, we hope that you should take decisive action to ensure that the Transport Committees' decisions are upheld and that the EASA scheme be amended or delayed forthwith - by any legitimate means at your disposal. To do otherwise would be to play 'Russian roulette' with the lives of airline passengers – which includes yourselves and your families. Should you wish to discuss any area in more detail, please do not hesitate to contact us.

Yours sincerely,

(Original signed)

Captain Chris Seal

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Squadron Leader, Royal Air Force (Rtd)

Chairman, Air Safety Group

Courtesy Electronic Copies to:

Mrs Louise Ellman MP, Chair of House of Commons Transport Select Committee.

Mr Mathew Baldwin, EU Minister for Transport.

Mr Brian Simpson MEP, EU Transport Select Committee.

Mrs Jacqueline Foster MEP, Conservative EU Spokesman for Transport.

Mr David Davies, Executive Director, Parliamentary Advisory Council for Transport Safety (PACTS).

Mr Antonio Avenoso, Executive Director, European Transport Safety Council (ETSC)

Dr Robert Hunter, British Air-Line Pilots' Association.

Senior First Officer Jon Horne, European Cockpit Association.

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