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Safety Recommendation:

The Director-General for Mobility and Transport, European Commission should review the obligations of Member States to implement penalties, in accordance with the Standardisation Regulation (EU) No 628/2013, as a result of transgressions including Flight Time Limitations as provided for in Regulation (EC) No 216 /2008.

Response:

The Director General for Mobility and Transport, European Commission, advised the AAIU by letter dated 15 April 2014 that:

“DG MOVE's understanding of this recommendation on penalties and Flight Time Limitations (FTL) is that the Commission should be able, by means of standardisation inspections, to determine which Member States have imposed penalties in the area of FTL, as this review would demonstrate how the Member States, as a whole, have fulfilled their obligations to oversee and enforce the rules on aircrew fatigue.

It must be emphasised that the standardisation inspections aim at ensuring a consistent implementation of EU rules at national level in general, whereas both oversight and enforcement of specific cases are the responsibility of the national competent authorities, including the obligation to impose penalties as set out in Article 68 of the Basic Regulation (EC) No 216/2008.

Subpart Q of Regulation (EC) No 3922/1991 which is the currently applicable FTL framework has not been historically within the remit of EASA.

Moreover, in accordance with the current arrangements Member States have been able to maintain and adopt national provisions in some specified areas, as well as to maintain national variants in practically all FTL related issues.

EASA has only recently started to verify through standardisation inspections whether the national competent authorities have correctly carried out their oversight and enforcement functions. The adoption in January 2014 of revised flight time and rest requirements (Regulation (EU) No 83/2014) under the remit of the Basic Regulation will enable the Commission, as of February 2016 onwards, to review the implementation of the new FTL requirements by Member States, including the functioning of an adequate penalties system.

DG MOVE considers that the above safety recommendation is pertinent. The complete framework set out by Article 68 of the Basic Regulation and Regulation (EU) No 83/2014, as well as the foreseen activities described above give a positive response to the recommendation.”

AAIU Comment:

Note that the review by the European Commission will take place from February 2016 onwards.

