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**Safety Recommendation:**

The European Aviation Safety Agency should provide guidance to Operators concerning successive instrument approaches to an aerodrome in IMC or night VMC where a landing cannot be made due to weather reasons and incorporate such guidance in Commission Regulation (EU) No 965/2012 accordingly.

**Response:**

- Response from EASA (7 April 2014)

"According to Commission Regulation (EU) 965/2012 on air operations, the operator is required to implement a hazard identification and risk mitigation process (ORO.GEN.200 Management System) that should effectively manage the issues raised in this recommendation.

Providing guidance to operators concerning successive instrument approaches would be challenging for all types of commercial air transport operations, all aircraft types, all cockpit layouts and Instruments, as well as multiple runway types all under varying weather conditions. There are so many factors to be considered that it would be more appropriate for each operator to define their own guidance tailored to suit the risks associated with their specific fleet and operations. This is the intent behind the afore-mentioned rule under paragraph ORO.GEN.200.

Furthermore, the operator has to address approaches in their standard operating procedures, as required by the air operations regulation. These procedures should be in compliance with all other provisions contained in the same regulation, including the rule which prohibits flight crew from continuing an approach operation below 1000 ft above aerodrome if the runway visual range is below the aerodrome operating minima (CAT.OP.MPA.30S- 'approach ban').

Therefore, the Agency does not believe that the action proposed in the recommendation would provide further mitigation benefits on top of the already existing regulations."

- AAIU Reply to EASA (1 July 2014)

"The AAIU notes EASA's concern that providing guidance to operators concerning successive instrument approaches would be challenging and "that it would be more appropriate for each operator to define their own guidance tailored to suit the risks associated with their specific fleet and operations".

In general CAT recognises the difficulty in conducting such multiple approaches safely and most operators have included restrictions in their operations manual. In the

case of the operator of the aircraft in this accident, no guidance was provided nor was such required by the then EU-OPS regulations.

The Investigation notes that ORO.GEN.200 and specifically CAT.OP.MPA.305 contain the requirement to consider the risks posed by a specific approach but that posed by successive instrument approaches are not included and therefore there is no mitigation of that risk.

In view of the response to this SR by EASA, the AAIU considers that CAT.OP.MPA.305 should be amended to require operators to specify restrictions in their operations manual on the number of successive instrument approaches that may be conducted during commercial air transport operations. Should EASA agree, the AAIU would consider that this would satisfy the intent of this Safety Recommendation."

- Response from EASA (12 December 2014)

"After review of the safety recommendation, the Agency has concluded that incorporating guidance concerning successive instrument approaches in Commission Regulation (EU) No 965/2012 (hereinafter referred to as the air operations regulation) would be challenging for all types of commercial air transport operations, all aircraft types, all cockpit layouts and instruments, as well as multiple runway types all under varying weather conditions. There are so many factors to be considered that it is more appropriate for each operator to define their own guidance tailored to suit the risks associated with their specific fleet and operations. ORO.GEN.200 of the air operations regulation requires operators to implement a hazard identification and risk mitigation process within the framework of their management system that should effectively manage the issue raised in this recommendation.

Furthermore, the operator has to address approaches in their standard operating procedures, as required by the air operations regulation. These procedures should be in compliance with all other provisions contained in the same regulation, including the rule which prohibits flight crew from continuing an approach operation below 1000 ft above the aerodrome if the runway visual range is below the aerodrome operating minima (CAT.OP.MPA.305 'approach ban').

In their assessment of the Agency's initial response, the AAIU further suggested that CAT.OP.MPA.305 should be amended to require operators to specify restrictions in their operations manual on the number of successive instrument approaches that may be conducted during commercial air transport operations.

The Agency has evaluated this more detailed proposal and has concluded that amending the provisions is not the optimal way forward, for reasons explained above. Nevertheless, the Agency has decided to publish a Safety Information Bulletin (SIB) to remind operators to include instrument approaches in difficult meteorological conditions among the risks to be considered within the framework of their management system, with emphasis on successive approaches and appropriate mitigating measures."

EASA further responded to the AAIU by letter dated 18 August 2015 advising as follows:

"The Agency evaluated the safety recommendation and concluded that incorporating guidance concerning successive instrument approaches into Commission Regulation (EU) No 965/2012 (hereinafter referred to as the air operations regulation) would be challenging for all types of commercial air transport operations.

Furthermore, the operator is required to address approaches in their standard operating procedures. These procedures should be in compliance with all other provisions contained in the air operations regulation, including the rule CAT.OP.MPA.305, which prohibits flight crew from continuing an approach below 1000 ft above the aerodrome if the runway visual range is below the aerodrome operating minima ('approach ban').

Nevertheless, the Agency proposed a draft Safety Information Bulletin (SIB) to remind operators to consider the risks associated with consecutive approaches within the framework of their management system (ORO.GEN.200 of the air operations regulation), with the option to restrict the number of consecutive approaches.

However, feedback from the external consultation process with industry and national aviation authorities indicated that the proposed SIB was not supported. The rationale provided by the stakeholders was that, requiring operators to specify restrictions on the number of successive instrument approaches, could be counterproductive in terms of safety. The majority of commenters supported the existing means to mitigate the risk through operators' risk assessment and procedures.

Consequently, the Agency has decided not to publish a SIB, considering that the existing requirement for each operator to define their own procedures tailored to suit the risks associated with their own specific fleet and operations, was the more realistic and effective mitigation mechanism.

**AAIU Comment:**

The AAIU considers that the status of this Safety Recommendation is 'Not Accepted, Closed'.