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Safety Recommendation:

The Director General of Mobility and Transport should consult with EASA in order to define common minimum aerobatic training requirements for pilots wishing to operate, for the purposes of aerobatic flight, aircraft categorised under Annex II of Regulation (EU) 216/2008.

Response:

January 2018

The Director of Directorate E: Aviation wrote to the Chief Inspector of Air Accidents on 23 January 2018, on behalf of the Director General for Mobility and Transport (DG MOVE) and provided the following response:

"Aircraft categorised under Annex II of Regulation (EU) 216/2008 do not fall into the competence of the European Commission and EASA and are exclusively regulated by the National Civil Aviation Authorities of the Member States in all aspects, including the minimum aerobatics training requirements for pilots. However, the Directorate-General of Mobility and Transport, following consultations with EASA, agrees that it might be useful to assist Member States in the development of more uniform regulatory requirements to complete formal training in the conduct of aerobatic flying in Annex II aircraft which could be based on the requirements contained in Regulation (EU) 1178/2011 FCL.800 Aerobatic Ratings. To this end, EASA will conduct a survey with the national authorities on the existing national rules and practices. Depending on the results of the survey further actions might be considered."

Response:

In a letter dated 1 October 2018 the European Commission responded further, as follows:

[...] refer to our letter dated 9 March 2018 reference Ares(2018)401874 containing our response as addressees of the Safety Recommendation of Union-wide Relevance

(SRUR):

IRLD2017012: The Director General of Mobility and Transport should consult with EASA in order to define common minimum aerobatics training requirements for pilots wishing to operate, for the purposes of aerobatic flight, aircraft categorised under Annex II of Regulation (EU) 216/2008.

In that letter we had informed the AAIU that, whereas aircraft categorised under Annex II of Regulation (EC) No 216/2008 do not fall into the competence of the European Commission and EASA and are exclusively regulated by the National Civil

Aviation Authorities of the Member States in all aspects, including the minimum aerobatics training requirements for pilots, the Directorate-General of Mobility and Transport (DG MOVE), following consultations with EASA, agreed on the usefulness of assisting Member States in the development of more uniform regulatory requirements to complete formal training in the conduct of aerobatic flying in Annex II aircraft. To this end, EASA has conducted a survey with the national authorities on the existing national rules and practices. We have been updating the AAIU in the past months on the action taken in cooperation with EASA.

The results of the survey and the available data show that, in terms of the number of accidents, with the exception of the unfortunate accident that led to the issuance of the safety recommendation, the vast majority of States have not reported or identified similar occurrences or a lack of aerobatics skills correlated to the absence of an aerobatic rating on Annex II aircraft. The survey also reveals that the provisions contained in Regulation (EU) 1178/2011 FCL.800 Aerobatic Ratings are used by many Member States as the minimum requirements to fly aerobatics. Only two Member States appear to have an absence of rules or developed practice to frame this activity and the activity of visiting pilots on their territory.

The analysis of the survey seems to indicate that there is no need for additional rulemaking activities. In order to assist Member States in the development of more uniform regulatory requirements to complete formal training in the conduct of aerobatic flying in Annex II aircraft, which could be based on the requirements contained in Regulation (EU) 1178/2011 FCL.800 Aerobatic Ratings, the Directorate-General of Mobility and Transport will send the results of the survey, anonymised, to all Member States.

AAIU Comment:

The AAIU considers this Safety Recommendation ‘Not accepted, closed’.