CAA Responses to Secondary Legislation Scrutiny Committee ("SLSC") 28 October 2024

International standards

- *When were the relevant updates to the ICAO SARPs made, and for how long has the UK not been aligned with them?*
  Annex 6 Part 1
  AWO
  ICAO Annex 6 Part 1 tenth Edition 2016, Amendment 40-A (Adopted March 2016, Applicable November 2016)
  ICAO Annex 6 Part 1 eleventh Edition 2018 Amendment 44 (Adopted March 2020, Applicable November 2020)
  FUEL
  ICAO Annex Part 1 ninth Edition 2010 Amendment 36 (Adopted March 2012, Applicable November 2012)
  Annex 6 Part 2
  ICAO Annex 6 Part 2 tenth Edition 2018 Amendment 37 (Adopted March 2020, Applicable November 2020)
  Annex 6 Part 3
  ICAO Annex 6 Part 3 tenth Edition 2020 Amendment 23 (Adopted March 2020, Applicable November 2020),
- *What is the implementation window for complying with ICAO SARPs? This depends on the applicability dates of the ICAO Standards and the robustness/efficiency of a State's own rulemaking system. Typically, there is a maximum of 8 months between revisions to ICAO SARPs being adopted and their applicability date.*
- *Have any risks arisen from the period of misalignment, such as risks to safety or competitive disadvantage for UK aviation? No risks to safety due to existing regulations, however UK operators are currently at a competitive disadvantage compared to EU Member States as similar regulations have been implemented since October 2022*
- *Are there other ICAO SARPs with which the UK is not aligned? Yes, many. Any UK difference to an ICAO SARP is published in the Aeronautical Information Publication (AIP GEN 1.7)*

Risks

- *Please can you expand on the safety risks and/or benefits associated with take up of advanced fuel schemes? For example, the impact assessment says that this could lead to safety benefits associated with reduced fuel incidents, but could it also lead more emergency landings due to fuel shortages? I think this means an Individual Fuel Scheme. An individual fuel scheme is designed according to fully performance-based rules that allow for an increase in efficiency/flexibility in fuel planning and selection of aerodromes. The application of an individual fuel scheme depends on the maturity of the operators and the CAA's approval and has further potential to reduce fuel consumption. In addition, flight watch systems/flight monitoring for an individual fuel scheme is required and such operators have to ensure that they have communication capabilities to exchange timely information between the operations control centre (OCC) on the ground and the in-flight operating flight crew. A robust and solid operational safety risk assessment that supports the application of the individual fuel*

scheme is necessary. This process ensures that safety is maintained and emergency landings due to fuel shortages would not increase.

- *Para 5.1(b) of the EM says that some of the regulatory requirements regarding fuel reserve are being moved to guidance to give greater flexibility for operators. What is the policy rationale for this? Is there a risk that this could reduce compliance, and therefore impact safety? These changes relate only to Non-Commercial Operations (Part-NCO) and Specialised Operations (Part-SPO) to enable a more performance-based approach with regard to the Final Reserve Fuel (FRF). They introduce the concept of FRF to Part-NCO and provide for some risk management factors that should be considered to determine a reasonable FRF, replacing the current prescriptive values and simplifying pre-flight fuel calculations for these operations. The amended points NCO.OP.185 and SPO.OP.190 'In-flight fuel/energy management' reflect the ICAO Annex 6, Part II, Chapter 2.2.4.7 standards on in-flight fuel management.*
  High level regulatory requirements remain in place but the move of detail to Acceptable Means of Compliance supported by Guidance Material allows operators greater flexibility. Operators are required to follow Acceptable Means of Compliance as a means of meeting the high-level regulatory requirement but are permitted to proposed Alternative Means of Compliance to the regulatory requirements for acceptance by the CAA if this is considered appropriate.

- *Para 5.3 of the EM outlines that the requirement for those issuing or extending airworthiness review certificates to send them to the CAA within 10 days was unintentionally removed by the Aviation Safety (Amendment) (EU Exit) Regulations 2020. How did this come to light? What risks have arisen from this unintentional removal, for example has the CAA's regulatory oversight or passenger safety been compromised? CAA response to follow*
- *Para 11.2 of the EM states that the omissions and errors resulting from the 2023 Regulations could have caused confusion which could have safety consequences. How did the errors come to light? What kind of safety issues did or could this have caused? What was or could have been the expected impact of this? CAA response to follow*

Impact and review

- *Para 9.7 of the EM says the current costs to Government will remain. What are these costs? Please refer to Graeme/Jack DfT*
- *Is there a requirement to undertake a post-implementation review of the Regulations? If so, will you undertake this in addition to the more frequent ALPS reviews which take place? A PIR is planned 5 years from when the regulations come into force. The following is the text from the AWO IA: The IA concludes that a medium-level of evidence and resourcing is appropriate for conducting the PIR. This seems appropriate and in line with RPC proportionality guidance. The IA usefully sets out initial key objectives, research questions and evidence collection plans. The plan would be improved by providing more details, such as on how benefits will be measured.*

Consultation and engagement

- *When was the EASA consultation discussed in para 7.2 of the EM undertaken?*

This relates to the consultation on all weather operations and fuel/energy planning and management. These were undertaken when still a member of EASA. The information in relation to this is contained in the OID document attached here for reference.

All interested parties were consulted through the following Notices of Proposed Amendment from EASA ("NPA")

For All Weather Operations
(a) NPA 2018-06 (A) that contained general information on AWOs and the regulatory impact assessment – from 13/7/2018-15/11/2018;
(b) NPA 2018-06 (C)4 that contained the draft proposal for AWOs with aeroplanes operated under NCC and CAT – included in above consultation;
(c) NPA 2018-06 (D) that contained the draft proposal related to aerodromes – included in above consultattion;
(d) NPA 2019-09 that contained the draft proposal for AWOs under SPO and AWOs with helicopters - from 12/9/19-15/11/19
(e) NPA 2020-02 that contained the draft proposal for AWOs under NCO - from 7/2/20 – 9/3/20;
(f) NPA 2019-08 that contained the draft proposal for the review of flight crew training and checking requirement – from 14/6/09-15/10/09.

Time lines are set out here in this opinion document also attached. easa_opinion_no_02-2021.pdf

For Fuel-Planning

All interested parties were consulted through NPAs 2016-06 (A), (B) & (C)3 :

(a) NPA 2016-06 (A) contained the draft proposal for aeroplanes of Annex I (Definitions), Annex II (Part-ARO), Annex III (Part-ORO), and Annex IV (Part-CAT) to Regulation (EU) No 965/20124 (the 'Air OPS Regulation') consulted 15/7/16 – 15/11/16;
(b) NPA 2016-06 (B) contained the draft proposal for helicopters of Annex I (Definitions), Annex IV (Part-CAT), Annex V (Part-SPA), Annex VI (Part-NCC), Annex VII (Part-NCO), and Annex VIII (Part-SPO) to the Air OPS Regulation consulted 15/7/16 – 15/11/16;
(c) NPA 2016-06 (C) contained the draft proposal for aeroplanes and helicopters of Part-NCC, Part-NCO, and Part-SPO of the Air OPS Regulation consulted 15/7/16 – 15/11/16.

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- *Can you provide a link to the CAA consultation response document referred to in para 7.4 of the EM? The CRD will be published on the CAA website in preparation for the SI being made.*

- *When will the CAA publish its guidance on the changes? More generally, how are you ensuring the aviation sector is aware of the changes The consultation documents on these changes and the subsequent CAA responses were widely publicised to the aviation community. A CAA Skywise will be issued alerting stakeholders that changes have been made in the Air Operations Regulation and that the associated Acceptable Means of Compliance (AMC) & Guidance Material (GM) has been published by the CAA. It is intended that this AMC & GM will be published as soon as the SI is made. Such Regulatory changes are also discussed at the relevant Flight Operations Liaison Groups, for Large, Medium and Business Aircraft operators and at the Helicopter Offshore and Onshore Liaison Groups. Operators are also aware that similar provisions have been in place in EU Member States since 2022.*

Clarification

- *Para 7.3(d) of the EM says that the CAA does not consider that the UK should adopt point in space operation for helicopters at this time. But para 5.1(f) says that the instrument allows for helicopter flights under instrument flight rules, using point in space approaches and departures. Can you please explain this apparent contradiction? The UK CAA has elected not to adopt Part-SPA Subpart N: Helicopter Point-in-Space Approaches and Departures with Reduced VFR Minima (PINS-VFR). This amendment, introduced by EASA in 2023, allows the use of reduced VFR minima for the VFR segment of a PINS approach under certain circumstances. The decision not to adopt does not preclude the use of PINS approaches for helicopter flights, merely the use of reduced VFR minima. This decision was taken to maintain safety as the use of PINS approaches by UK Operators is very immature. As experience is gained of such operations further consideration will be given to the introduction of a similar amendment.*