

# **Evaluation report on the implementation of Aircrew Regulation (Regulation (EU) No 1178/2011), Part-FCL, Subpart K Examiners**

April 2018

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## 1. Introduction

Article 24.3 of Regulation (EC) No 216/2008<sup>1</sup> requires the European Aviation Safety Agency (EASA) to periodically monitor the application of the rules and assess the impact of their implementation.

For this reason, in 2016 EASA launched an evaluation on the rules of examiners in Annex I (Part-FCL) to Commission Regulation (EU) No 1178/2011. The objectives of the evaluation are: to assess the relevance, efficiency, effectiveness, coherence, and the EU added value<sup>2</sup> of existing provisions for examiners (Subpart K of Part-FCL), and to provide recommendations for regulatory improvements.

The evaluation is the first comprehensive assessment of the rules since they were put in place in 2011. The evaluation takes into account results from different sources:

- standardisation findings and recommendations;
- data collected from the EASA Member States' (MSs) competent authorities (CAs) and industry; and
- reviews of alternative means of compliance (AltMoC) related to the flight crew licensing (FCL) examiners rules.

The data collected was analysed and compared with the initial objectives and expected results of the FCL examiners rules at the time when the rules were prepared. In this regard, the evaluation makes a retrospective assessment of the achieved results of the rules versus the intended impacts. Consequently, the evaluation assesses how well the rules are working, taking into account earlier predictions made in the context of an impact assessment (NPA 2008-22).

Furthermore, the evaluation identifies some major problems and issues that stakeholders and authorities are facing with the implementation of the rules. It also formulates findings and conclusions as regards their effectiveness and efficiency.

The report has an informative character. It gives an overview of the major achievements and drawbacks in the implementation of the rules, while providing an opportunity to the stakeholders to voice their views on different aspects.

## 2. Methodology

The evaluation assessment is based on data collected from different sources:

- Survey launched to the 32 EASA MSs CAs

In April 2017 EASA launched a survey to the 32 EASA MSs CAs. The survey aimed to gain an understanding of the current situation regarding potential problems and inconsistencies that CAs could encounter when they apply the provisions in Subpart K Examiners, Part-FCL of the said Regulation. The survey was disseminated to the Aircrew Technical Body (TeB) members, alternates and observers, to the EASA MSs and to the National Standardisation

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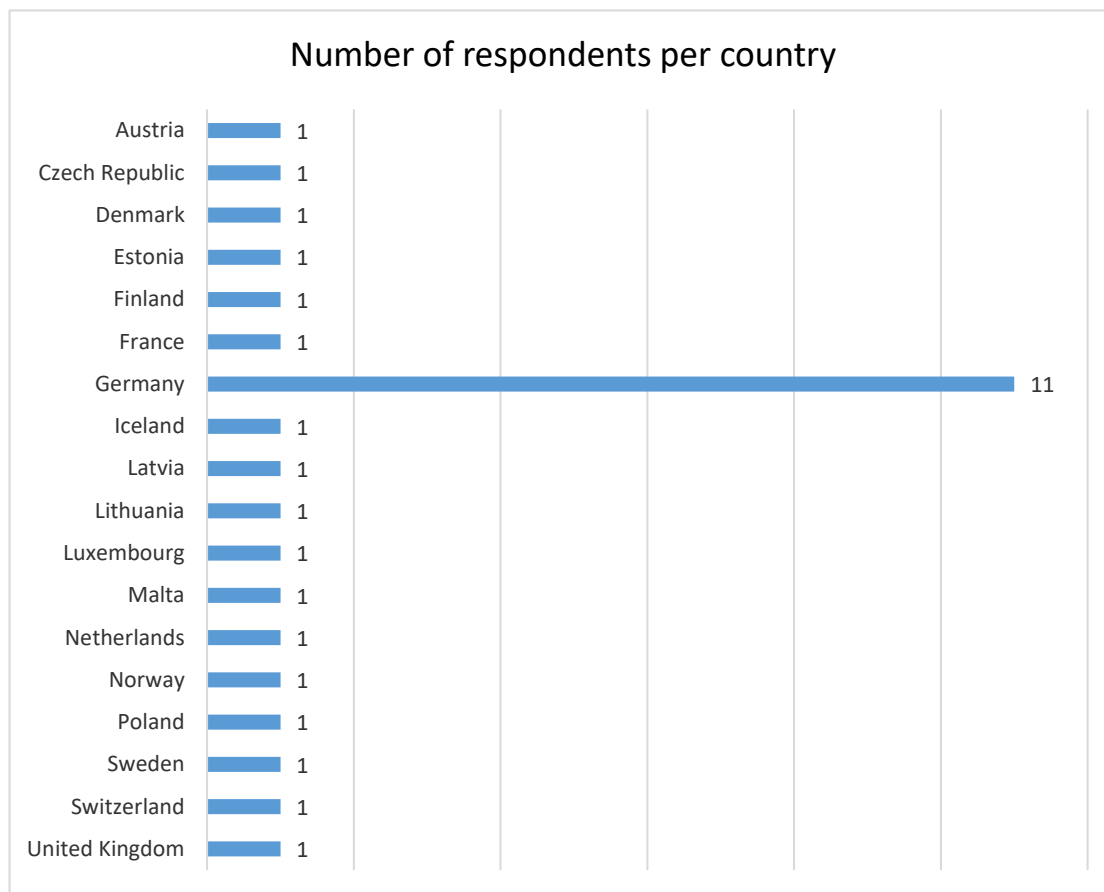
<sup>1</sup> Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1).

<sup>2</sup> These are standard evaluation criteria, according to the EC Better Regulation Guidelines (<https://ec.europa.eu/info/sites/info/files/better-regulation-guidelines.pdf>).

Coordinators/FCL Focal Points. The data in the report presents the aggregated results of the survey.

The survey was responded to by 28 CAs from 18 European Union (EU) countries, including 11 CAs from German federal states.

*Figure 1: Number of CAs that participated in the survey*

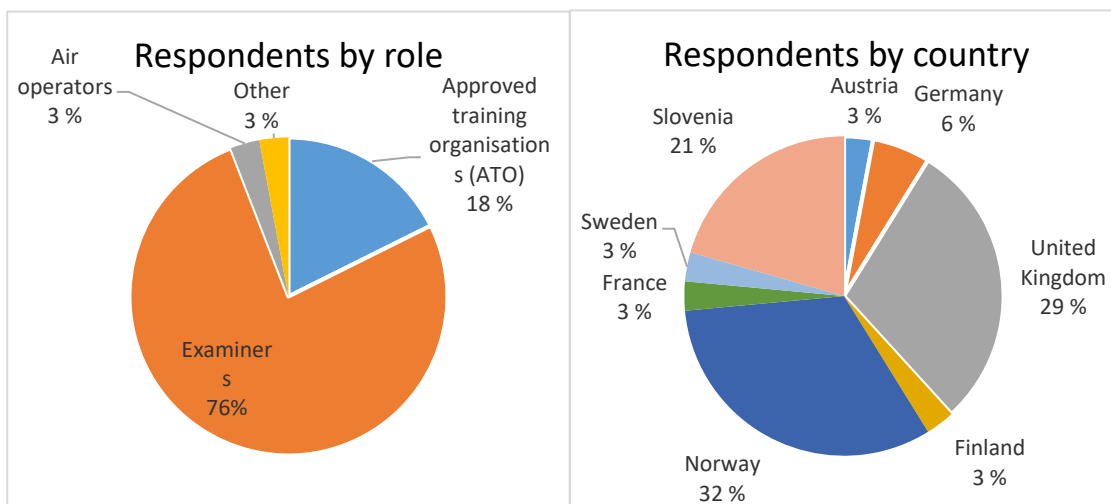


#### — Survey launched to the industry

In parallel to the survey above, there was a separate survey, addressed to airlines, approved training organisations (ATOs), instructors, examiners, airline associations, etc. The objective of the survey was the same as for the CAs. The survey was disseminated through the Flight Standards Technical Committee (FS.TeC) and the Stakeholders' Advisory Body (SAB), ATOs, helicopter operators, etc. The data in the report presents the aggregated results of the survey.

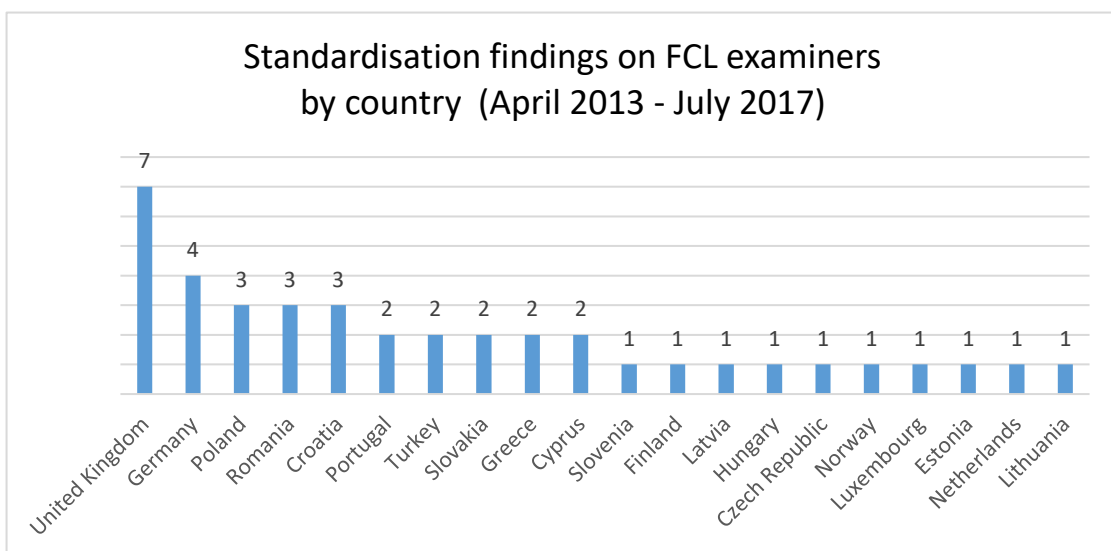
The survey was responded to by 34 industry respondents from 8 EASA MSs.

Figure 2: Respondents by role and country (total number of respondents: 34)



- Analysis of the standardisation findings and AtIMoC, regarding the FCL examiners rules since the rules have been in place in 2013

Figure 3: Number of standardisation findings per country (2013-2017)



#### **Limitations in the methodology and reliability of the data used in the evaluation**

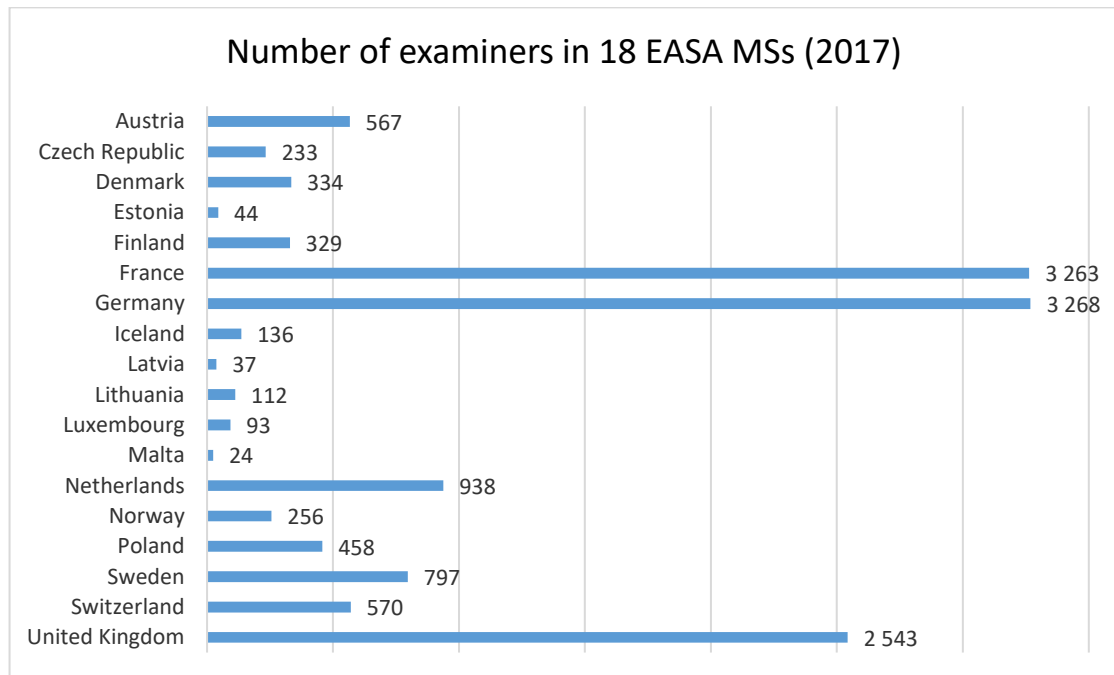
Overall the data collected and analysed in the report is considered reliable, with the exception of the data from the industry. There is one evident limitation: the industry opinion was not representative in analysing potential issues. However, the project team acknowledges that the results of the project need to be communicated and discussed with all affected stakeholders, including organisations. Therefore, forthcoming consultations with the industry on the evaluation report are recommended.

### 3. Current situation

#### 3.1 Number of examiners in the EASA MSs

According to the data from the survey received from 18 CAs in 18 EASA MSs, the total number of examiners in 2017 was **14 002**<sup>3</sup>. The information is presented in the graph below.

Figure 4: Number of examiners in 18 EASA MSs (2017)

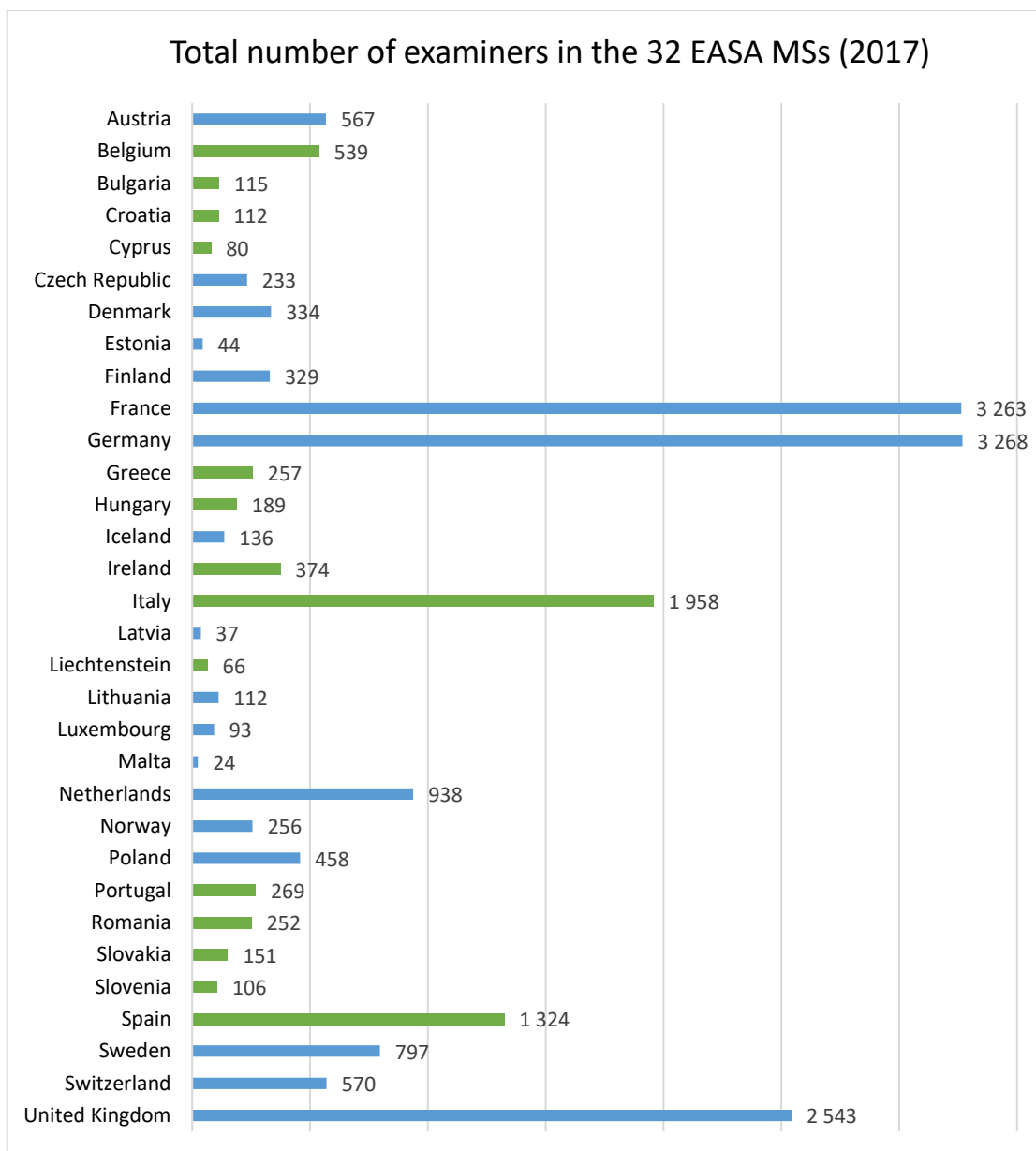


EASA further extrapolated the data on the number of examiners for all the 32 EASA MSs based on the gross domestic product (GDP) for every country<sup>4</sup>. Using that approach, the overall number of examiners in the 32 MSs is estimated at around **19 800**. The graph below presents the results.

<sup>3</sup> It should be noted that some examiners may have multiple certificates.

<sup>4</sup> Source of the data on the GDP of the EASA MSs: Eurostat 2016. GDP was chosen as a correlation coefficient due to the high correlation between the number of the examiners and the GDP of a country. The correlation coefficient is 0.9604 which is strong enough (almost 1) to be considered as a reliable parameter for the extrapolation. *The figures projected based on GDP are rounded to the nearest integer, thus they may not add up precisely to the totals.*

Figure 5: Total number of examiners in the 32 EASA MSs (2017)

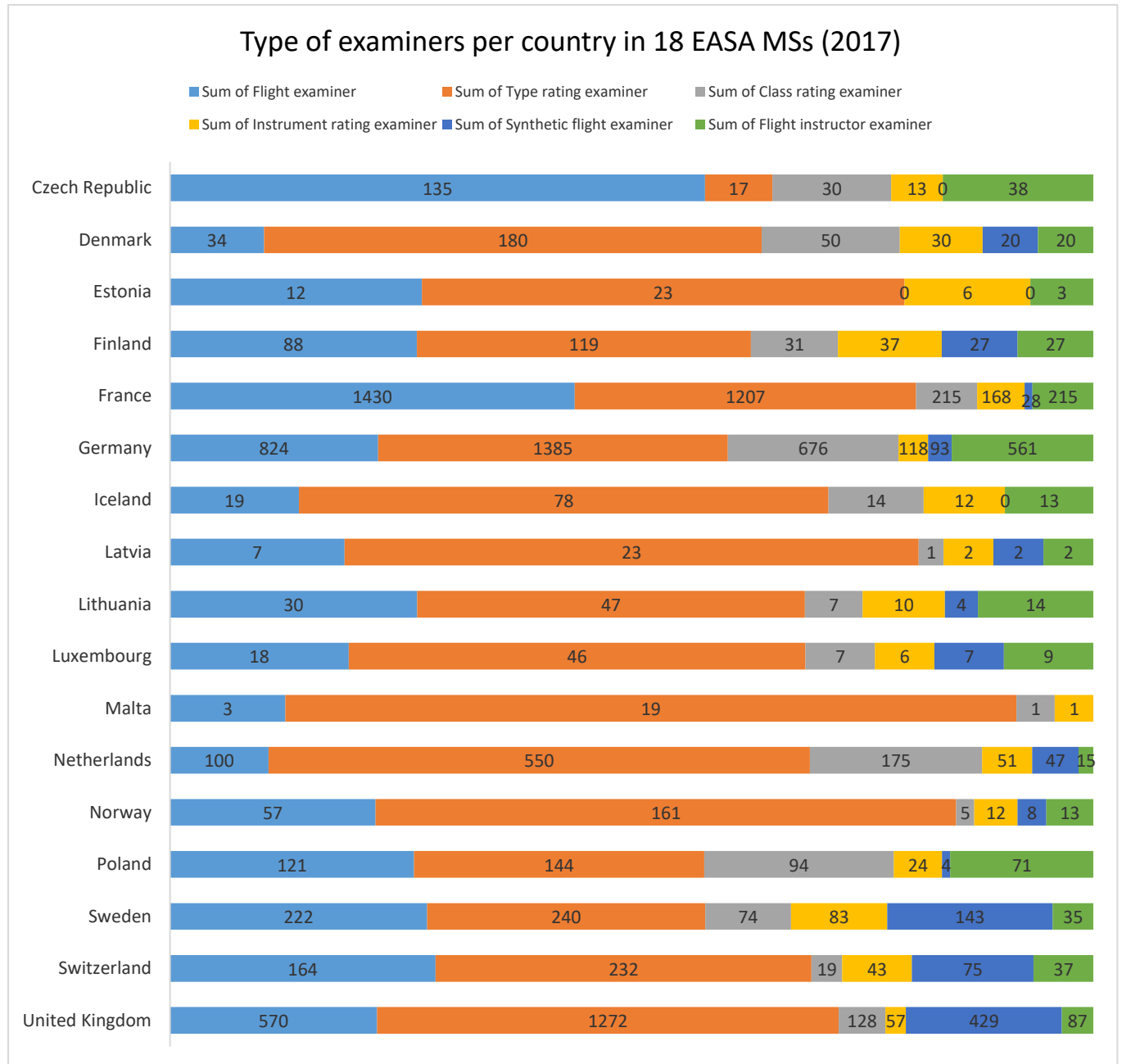


*Note: The columns in blue colour refer to the figures confirmed by the CAs of the respective countries. The columns in green colour refer to the figures projected based on the GDP for every country. The figures projected based on GDP are rounded to the nearest integer.*

### 3.2 Type of examiners in the EASA MSs

The distribution of the examiners per type in the 18 EASA MSs which participated in the survey is as follows:

Figure 6: Type of examiners per country in 18 EASA MSs (2017)



Analogically, using the extrapolation approach based on the GDP of EASA MSs, the estimated distribution of the examiners per different type is presented in the table below.



Table 1: Distribution of examiners per type for the 32 EASA MSs

Source	Country	Flight examiner	Type rating examiners	Class rating examiners	Instrument rating examiners	Synthetic flight examiners	Flight instructor examiners	Total number of examiners
Survey results	Austria*	154	242	62	28	37	43	567
	Czech Republic	135	17	30	13	0	38	233
	Denmark	34	180	50	30	20	20	334
	Estonia	12	23	0	6	0	3	44
	Finland	88	119	31	37	27	27	329
	France	1 430	1 207	215	168	28	215	3 263
	Germany	633	1 385	608	118	93	431	3 268
	Iceland	19	78	14	12	0	13	136
	Latvia	7	23	1	2	2	2	37
	Lithuania	30	47	7	10	4	14	112
	Luxembourg	18	46	7	6	7	9	93
	Malta	3	19	1	1	0	0	24
	Netherlands	100	550	175	51	47	15	938
	Norway	57	161	5	12	8	13	256
	Poland	121	144	94	24	4	71	458
	Sweden	222	240	74	83	143	35	797
	Switzerland	164	232	19	43	75	37	570
	United Kingdom	570	1 272	128	57	429	87	2 543
Estimates based on GDP	Share of the examiner type out of total	27 %	43 %	11 %	5 %	7 %	8 %	100 %
	Belgium	146	230	59	27	36	41	539
	Bulgaria	31	49	12	6	8	9	115
	Croatia	30	48	12	6	7	9	112
	Cyprus	22	34	9	4	5	6	80
	Greece	70	110	28	13	17	20	257
	Hungary	51	81	20	9	12	14	189
	Ireland	101	160	41	19	25	29	374
	Italy	531	837	213	98	129	150	1 958
	Liechtenstein**	18	28	7	3	4	5	66
	Portugal	73	115	29	13	18	21	269
	Romania	68	108	27	13	17	19	252
	Slovakia	41	65	16	8	10	12	151
	Slovenia	29	45	11	5	7	8	106
	Spain	359	566	144	66	87	101	1 324
				2 14				
	Total	5 367	8 461	9	991	1 307	1 517	19 794

Notes

\* The figures projected based on GDP are rounded to the nearest integer, thus they may not add up precisely to the totals.

\*\* Austria only provided the total number of examiners. The numbers for various examiner types were estimated based on the average share of various examiner types in the survey respondents.

\*\*\* Liechtenstein GDP figure is from 2013.

### 3.3 Evolution of the number of FCL examiners

When the FCL rules were prepared in 2008, EASA estimated that the total number of examiners in all the EASA MSs was 14 100.<sup>5</sup> During the standardisation visits carried out once the rules were in place, EASA collected data in 2010/2011 and 2012/2013 about the number of the FCL examiners in the oversight countries. Though the collected data is not complete, it was used to represent an overview of the evolution of the examiners number. The table below represents the trend in the development of that sector and is complemented with the data from the 2017 EASA survey.

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<sup>5</sup> NPA 2008-22f

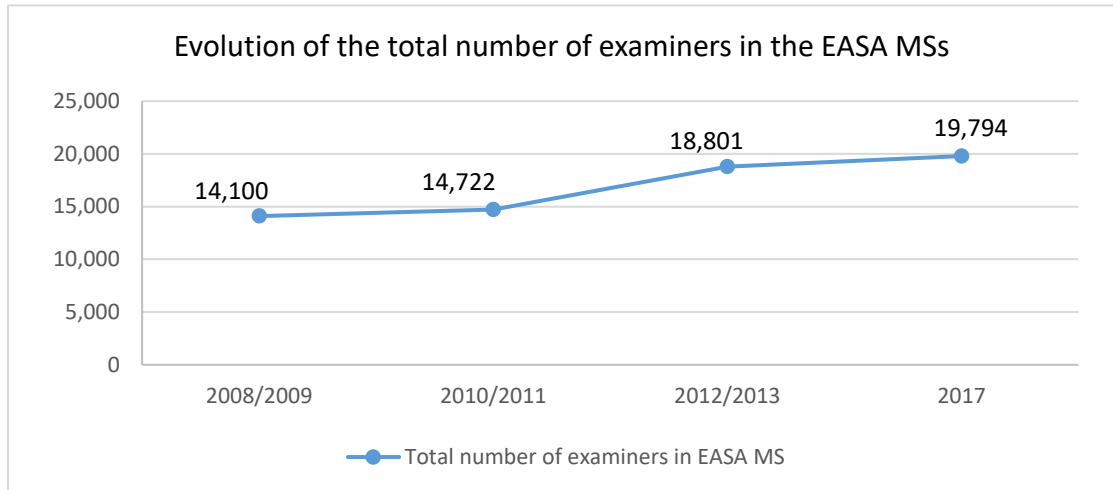
Table 2: Evolution of the examiners since 2010

Country	2010/2011	2012/2013	2017
Austria	<u>430</u>	<u>443</u>	<u>567</u>
Belgium	<u>509</u>	<u>455</u>	<u>539</u>
Bulgaria	<u>109</u>	<u>108</u>	<u>115</u>
Croatia	<u>111</u>	<u>110</u>	<u>112</u>
Cyprus	<u>5</u>	<u>81</u>	<u>80</u>
Czech Republic	<u>238</u>	<u>232</u>	<u>233</u>
Denmark	<u>104</u>	<u>354</u>	<u>334</u>
Estonia	<u>79</u>	<u>47</u>	<u>44</u>
Finland	<u>299</u>	<u>333</u>	<u>329</u>
France	<u>1 981</u>	<u>2 477</u>	<u>3 263</u>
Germany	<u>2 629</u>	<u>3 391</u>	<u>3 268</u>
Greece	<u>301</u>	<u>586</u>	<u>257</u>
Hungary	<u>174</u>	<u>41</u>	<u>189</u>
Iceland	<u>76</u>	<u>104</u>	<u>136</u>
Ireland	<u>270</u>	<u>352</u>	<u>374</u>
Italy	<u>783</u>	<u>1 952</u>	<u>1 958</u>
Latvia	<u>83</u>	<u>45</u>	<u>37</u>
Liechtenstein*	<u>66</u>	<u>66</u>	<u>66</u>
Lithuania	<u>84</u>	<u>99</u>	<u>112</u>
Luxembourg	<u>110</u>	<u>48</u>	<u>93</u>
Malta	<u>68</u>	<u>27</u>	<u>24</u>
Netherlands	<u>804</u>	<u>981</u>	<u>938</u>
Norway	<u>92</u>	<u>415</u>	<u>256</u>
Poland	<u>554</u>	<u>485</u>	<u>458</u>
Portugal	<u>301</u>	<u>263</u>	<u>269</u>
Romania	<u>222</u>	<u>123</u>	<u>252</u>
Slovakia	<u>49</u>	<u>141</u>	<u>151</u>
Slovenia	<u>103</u>	<u>195</u>	<u>106</u>
Spain	<u>672</u>	<u>1 247</u>	<u>1 324</u>
Sweden	<u>293</u>	<u>525</u>	<u>797</u>
Switzerland	<u>677</u>	<u>557</u>	<u>570</u>
United Kingdom	<u>2 446</u>	<u>2 518</u>	<u>2 543</u>
	<b>14 722</b>	<b>18 801</b>	<b>19 794</b>

Note: Data marked with green is factual data based on the standardisation inspections conducted in 2010/2011 and 2012/2013 and data from the 2017 EASA survey. Data marked in blue and underlined is estimated data based on the extrapolation of the total number of examiners in the EASA MSs. The figures projected based on GDP are rounded to the nearest integer, thus they may not add up precisely to the totals.

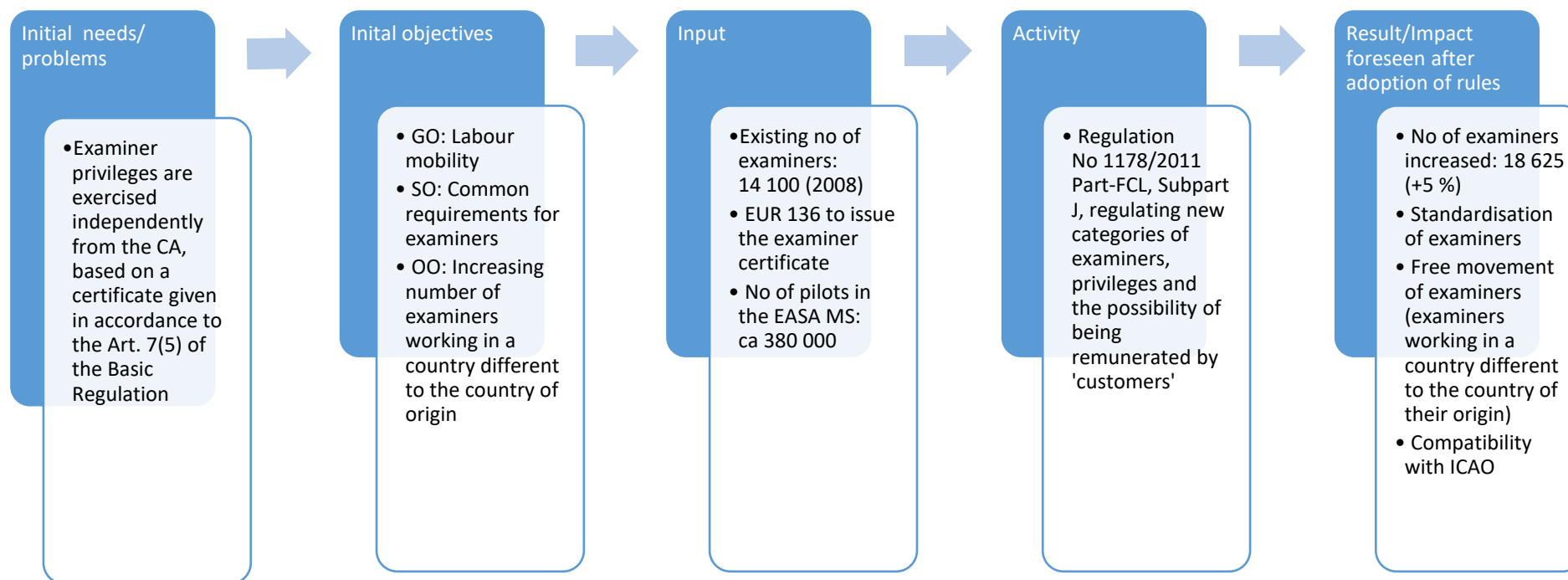
Overall, there is a growing tendency of constant increase in the number of the examiners in the EASA MSs in the period 2008-2017.

Figure 7: Evolution of the total number of examiners in the EASA MSs since 2008



#### 4. What did we want to achieve?

**Re-constructed intervention logic of the overall forecasted impact of the FCL examiners rules, adopted in Regulation (EU) No 1178/2011**



## Explanation of the intervention logic

The intervention logic is reconstructed on the basis of the regulatory impact assessment (RIA), performed in 2008, which is reflected in NPA 2008-22<sup>6</sup>. Its purpose is to explain the overall problems, objectives and desired impact of the FCL, Subpart J rules on examiners at the moment when they were drafted/adopted. It serves as a baseline to which the current situation will be compared.

The intervention logic is defined with an upwards approach, explaining how intervention activities are expected to transform inputs into outputs and outputs into outcomes and impacts through mechanisms and assumptions which hold. Assumptions are the necessary and positive conditions that allow for a successful cause-and-effect relationship between different levels of results. Risks are factors that might hinder the achievement of results. The evaluation deconstructs the expected chain of events by using a simplified model of causality. This shows how an intervention was triggered by a certain set of needs or problems occurring within a certain context and how it was designed with the intention of producing the desired changes.

### Assumptions:

After the rules are in place, the system should work on the assumptions that:

- the competence to conduct exams belongs to examiners, not to authorities;
- examiners are no longer acting on delegation by authority, they exercise the privileges given to them by the certificate they hold, which leads to attaining the principle of free movement of professionals and services in the EU;
- the standardisation of examiners in the sense of harmonised rules across the EU would lead to the improvement of safety.

## 4.1 Details on the problems/issues which triggered an action

In the joint aviation requirements flight crew licensing (JARFCL) system, examiners worked on behalf of the national aviation authorities (NAAs) and they exercised competences that were 'delegated' or allocated to them by the authority. Therefore the authority, not the market, determined how many examiners were needed. Conversely, the same authorities decided which were the requirements that they would have to comply with (although JARFCL established some requirements, many details were left to the discretion of the authority). Finally the authorities designated and allocated the examiners to concrete flight exams. This system worked on the assumption that the competence to conduct exams belonged to the authority, which delegated it to the examiners.

The system established by Article 7(5) of the Basic Regulation and paragraph 1.j.1 of the essential requirements for pilot licensing is now different. Art.7(5) explicitly mandates an examiner certificate. Article 7(6)(b) therein mandates the Commission to adopt common rules for issues related to maintaining, amending, limiting, suspending, and revoking such certificates.

Examiners draw their privilege to assess the skills of pilots directly from the Union law, when they comply with the related requirements. This is attested by a certificate which authorises

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<sup>6</sup> <https://www.easa.europa.eu/document-library/notices-of-proposed-amendments/npa-2008-22>

them to conduct skill tests and proficiency checks. Therefore, when conducting a skill test or a proficiency check, examiners are no longer acting as a delegation from the authority, but exercising the privileges that are given to them by the certificate they hold (i.e. like physicians, lawyers, chartered engineers and similar professions). With this new system, it is no longer possible for the authority to determine the number of examiners **(to do so would violate the principle of right of access to a profession)**. But it also has to be assessed whether the requirements to obtain the examiner certificate remain at the discretion of the authority, or to which degree commonality at EU level is needed to ensure a level playing field.

Another issue is the lack of proportionate rules for FCL: in some areas they have been made simpler than those for commercial air transport, and this can hinder the diversified development of aviation.

## 4.2 Initial objectives

The following objectives are retrieved from the initial draft proposal on regulating FCL examiners:

GENERAL OBJECTIVE	LABOUR MOBILITY
SPECIFIC OBJECTIVE	Common requirements for examiners
OPERATIONAL OBJECTIVES	<ul style="list-style-type: none"> <li>— Increasing number of examiners working in a country different from that of origin</li> <li>— Compliance with the International Civil Aviation Organization (ICAO)/harmonise with the Federal Aviation Administration (FAA) rules</li> </ul>

## 4.3 Inputs

In 2008, the number of examiners in the EASA MSs was estimated at 14 101, who had to examine a total number of pilots of ca 380 000 at EASA MS level, e.g. **26 pilots per examiner in the EASA MSs context**.

PILOT LICENCE	EXAMINERS IN 2008
TOTAL NUMBER OF EXAMINERS IN 13 STATES	8 185
FE(A) ON NATIONAL RULES	100
TOTAL IN 13 STATES	8 285
% OF POPULATION	53 %
% OF FLIGHTS	60 %
EXTRAPOLATION OF TOTAL TO THE EASA MSS	13 808
NATIONAL EXAMINERS (B)	44****
EXTRAPOLATION FOR EXAMINERS (B) TO THE EASA MSS	293

\*\*\*\*reported by the UK; the figure represents 12 % of the total number of examiners in the UK and 15 % of their flights.

**PILOT LICENCE**
**EXAMINERS IN 2008**

<b>TOTAL NO OF EXAMINERS</b>	<b>14 101</b>
<b>TOTAL NO OF PILOTS AT EASA MS LEVEL</b>	ca 380 000 <sup>*****</sup>
<b>NO OF PILOTS PER EXAMINER</b>	<b>ca 26</b>
<b>COST OF AN EXAMINER CERTIFICATE</b>	136 EUR <sup>7</sup>

#### 4.4 Expected results/impact:

- free movement of examiners to perform their work in another MS;
- standardisation of examiners in the EASA MSs by recognising examiners through a certificate; based on common requirements and giving examiners the same privileges across the EU (27 EU MSs and 4 European Free Trade Association (EFTA) States);
- level playing field for the internal market;
- compatibility with ICAO/FAA;
- increase of the number of examiners with 5 % after the rules are in place (e.g. 18 625).

In addition to these results, the rules were expected to bring the following social and economic impacts:

- positive social impact in the EU — 4 500 new jobs for examiners created;
- financial income for the CA 68 EUR/year for the certification of candidate examiners (this income will cover the administrative costs for the CA to issue/oversee examiners);
- safety is positively affected/raised levels of safety due to the standardisation of examiners;
- strengthen the control exercised by the CA, which was weaker before the rules.

Evaluators noticed that there was no assessment of the impact of the rules on:

- pilots (support the free movement of pilots), and
- CAs.

## 5. Results of the surveys

The results below represent the overall assessment of the current situation based on the answers received from CAs and industry.

<sup>\*\*\*\*\*</sup>extrapolated for EU 27+4, based on data from 16 MS representing 69 % of the aviation.

<sup>7</sup> NPA 2008-22f, page 121.



## 5.1 Problematic aspects of the current regulatory framework of examiners

The table below does not reflect the EASA opinion, but the point of view of CAs, and of the industry. The aspects below reveal some problems with the relevance, effectiveness, efficiency and coherence of the rules.

Problematic area	Justification (provided by the respondents)	Recommendation for improvement (provided by the respondents)
<b>Independence of examiners from the organisation they are working for (ATO, operator)</b>	<p>The EASA examiner system has become more of a business case for some individual examiners rather than a safety assurance mission on behalf of the authority. It is too easy to become an examiner. It is more a right than a privilege.</p> <p>The liability when not examining an operator, as part of an ATO, is a grey area.</p> <p>The examiners are working under commercial pressure. They are motivated to fly in unsuitable weather to ensure they are paid.</p> <p>Failing an applicant increases the available work.</p>	<p>1. Independent role in examination has to be clearly defined.</p> <p>2. Similar to liability as an employee, examiners should be protected when working as examiners for an authority.</p> <p>3. The examiners should be employees who are paid a salary.</p> <p>4. The examiner role and the ATO inspector role should be separated (should not be one person), e.g. finding a person exercising an examiner role without (or without presenting) proper credentials or licences by airport or TO operator, may cause negative impact on the organisation at a subsequent inspection performed by the same person.</p>
<b>Legal status of examiners in relation to the CA</b>		<p>5. Examiners pay for their standardisation course and air operator certificate (AoC) (which i.e. in business aviation easily can add up to EUR 20 000). Then their primary focus is on how to get back the invested money and make a profit rather than safety standards. This might result in making dodgy deals (vested interests) and/or lowering the standards. Examiners should be handpicked by the authority and the training/standardisation should be provided free of charge by the NAAs.</p>

		6. Return the legal status as it was according to JAR-FCL requirements. The examiner should be a representative of the national authority with all the legal protections and responsibilities that it entails.
<b>FCL.1000 Examiner certificates</b>	Depending on the MS, it can be hard read through an examiner certificate (finding the exact privileges, etc.)	Creation of a unique template for all the MSs.
<b>FCL.1005 Limitation of privileges in case of vested interests</b>	<p>Limitation of privileges in case of vested interests<sup>8</sup> is ineffective.</p> <p>It is problematic that an examiner negotiates the price of the check/test with the candidate. High price — very low standard (or even check only on paper.) Low price — low standard (more business for the examiner).</p> <p>The possibility for examiners to be involved in initial and recurrent training with a maximum of 25 % of the total training is not a good arrangement. Examiners are allowed to conduct refresher training even when they are the designated examiners in the upcoming check ride.</p> <p>Point (b) is not objective. There are no accurately defined criteria in the Regulation, when objectivity has to be seen as affected. The decision is completely given to examiners, if they feel that their objectivity is affected. There is one example that needs</p>	<p>1. The involvement of examiners in training should be 0 % if the examiner is actually the designated examiner for that check ride. The possibility of training should not be given. The examiner should be only involved in checking.</p> <p>2. The Regulation should define criteria under which examiners are not allowed to conduct a skill test due to vested interests. It should give the CA the competence to judge the objectivity, and not only to the examiners themselves. Examples of a situation where examiners should consider if their objectivity is affected are when the applicant is a relative or a friend of the examiner, or when they are linked by economic interests.</p> <p>3. 'EASA has confirmed that it is acceptable to limit examiners to proficiency checks only<sup>9</sup>. It would be greatly appreciated if this</p>

<sup>8</sup> FCL.1005 Examiners shall not conduct:

- a) skill tests or assessments of competence of applicants for the issue of a licence, rating or certificate to whom:
  - 1) they have provided more than 25 % of the required flight instruction for the licence, rating or certificate for which the skill test or assessment of competence is being taken.
  - 2) when they have been responsible for the recommendation for the skill test, in accordance with FCL.030(b);
- b) skill tests, proficiency checks or assessments of competence whenever they feel that their objectivity may be affected.

<sup>9</sup> It should be noted that this is a direct citation from a respondent's reply. However, EASA would like to clarify that the sentence is not correct. EASA would like to assert that it has been confirmed that it is acceptable to limit examiners to proficiency checks only through the designation of the examiners' procedure.

	<p>clarification: is an AccM, HT or CFI allowed to conduct exams of students of his or her school (without being involved in the practical training as a flight instructor (FI) and without signing the recommendation)?</p> <p>The assessment of competence of a type rating instructor (TRI) or synthetic flight instructor (SFI) should not be automatic after being an examiner for three years. This is a specialist area of expertise which does not come just with examining experience. It should be trained by becoming trained to deliver a TRI/SFI course or specific training for this function with an AoC at the end of either process. Instructor skills are the fundamental basis for good training and they should only be assessed by properly trained examiners.</p> <p>FCL.1005(a)(5) allows type rating examiners (TREs) with NO type rating instructor (TRI) tuition training to become TRI examiners. Poor standards of TRIs are being allowed to train as the TREs with 1005(a)(5) privileges have never been taught to examine TRIs.</p>	<p>was clearer in the Regulation. For information purposes, this is a vital part of our examiner system’.</p> <p>4.Change points (b)(4) and (a)(5) to add the following wording at the end of the sentence: ‘...and has had experience as a tutor on a TRI or SFI course or has received specific, relevant training for this task.’</p> <p>5.1005(a)(5) privileges are granted after the TRE has done an ATO Training the Tutors course and been observed to reach the correct standard to conduct AOCs on TRIs.</p> <p>6.Conflict/vested interest issues are historically omnipresent within our industry; and FCL.1005 currently provides acceptable, albeit sparse, guidance on the matter. There is scope for tightening the rules, but such actions (e.g. using only external/independent examiners) would seriously impact the ATO and could introduce yet another conflict. Perhaps it is best left as it is, and the focus moved towards examiner standardisation/professionalism.</p>
<b>FCL.1010 Prerequisite of examiners</b>	<p>Selection of suitable and competent examiners is not adequate.</p> <p>Lack of transparency of examiners selection process. Part-FCL defines prerequisites for examiner candidates. It does not impose limits on quantity. The examiners selection process is not known nor is it transparent.</p> <p>There is no way for CA to rule out ‘unwanted’ candidates,</p> <p>There is almost no focus on the relevance of ‘attitude’ in the position as examiner.</p>	<p>1.Define limitations if needed (although there should not be any limitations) and put down the selection procedure.</p> <p>2.Initial examiner assessment conducted by SEN EX by the CA – CAs must have other tools to measure the abilities of the candidate e.g. personality, attitude towards Regulations and standards etc.</p> <p>3.Include AoC and proof checks in the designation possibilities.</p> <p>4.The Regulation should give the CA more authority to designate individual examiners for any test.</p>

		5. Include a text which states that the examiner candidate must be acceptable to the CA.
<b>FCL.1015 Standardisation of examiners</b>	<p>Different examiner standards amongst the EASA MSs. Extensive differences of the level of examiner standards within the EASA MSs are probably due to a lack of proper background check (knowledge, personality, integrity, loyalty etc.) and/or standardisation efforts. Level of competence in this area within NAAs might also be a factor.</p> <p>The extensive differences in the examiners standards with the EASA MSs lead to considerable inefficiency of time sorting different authority requirements. There is another negative impact on the industry. The rules are burdensome and impracticable for examiners working in ATOs with multinational candidates.</p> <p>The minimum content of this course is insufficient. To train an examiner in the simulator or aircraft to observe and assess all the main categories and types of errors properly takes more time.</p> <p>Without a common flight examiner manual (FEM) it is difficult to standardise the work of the examiners.</p> <p>FCL.1015(b)(1) does not reflect that the candidate needs four test runs when an instrument rating (IR) is included in the privileges sought. This is now only mentioned in AMC1 FCL.1015(d)(6).</p> <p>The lack of standardisation of skill tests, proficiency checks and assessments of competence report forms. Depending on the MS,</p>	<p>1. Better standardisation of the examiners among MS. One core document/standard to be suitable for all authorities. Abandon the EDD regime, and enforce ONE common licencing issue rule set, (preferably electronic and centralised). Make one common rule set regarding temporary rating within all the MSs.</p> <p>2. Change 1015(b)(1) to: 'the conduct of four skill tests' etc. and change AMC1 FCL.1015(b)(2) to 'for other examiners, at least five days, divided into theoretical training (one day) and practical training in a full flight simulator (FFS) conducting role played proficiency checks and skill tests (at least four days.' Change AMC1 FCL.1015(d)(5) to '....the conduct of at least four test or check profiles....'</p> <p>3. Publish a FEM, including rationales for pass/fail.</p> <p>4. FCL.1015 has to reflect the amount of test runs needed when IR is included.</p> <p>5. Skill tests proficiency checks and assessments of competence report forms are very different in all countries and there are no clear guidelines or examples described in AMC. EASA should review AMC and provide clear information how it should look like and what information shall be filled. Creation of a unique template for all the MSs.</p> <p>6. A senior examiner with the role of standards amongst examiners.</p>

	<p>it can be hard to read through an examiner certificate (finding the exact privileges, etc.).</p> <p>Once trained, examiners receive very little further standardisation.</p> <p>An examiner standardisation course is only possible under the MS of the CA. In some cases, it is difficult to organise it because the CA in general does not hold the required expertise.</p>	<p>7. ATOs (and operators) should have the right to apply for examiner standardisation courses under their own MS.</p>
<b>FCL.1025 Validity, revalidation and renewal of examiner certificates</b>	<p>It is not described that the examiner needs practical training when renewing examiner rating. No practical training specified for renewal, compared to revalidation FCL.1025(b)(1).</p> <p>The requirements for renewal of examiner certificates are easier than for revalidation.</p> <p>1025(b)(1) often cannot be fulfilled due to organisational restrictions.</p> <p>TRE renewal - It is easier to renew a TRE certificate than to revalidate it. Many examiners use their EASA TRE to obtain TRE in States outside of EASA. They then allow their EASA examiners certificate and license ratings to lapse, whilst exercising the privileges that were based on this EASA license on another license. When they want to return to EASA, it is a very easy renewal procedure, without training or checking of the standards of examiners.</p>	<p>1. The FCL needs to specify practical training for renewal, before AoC.</p> <p>2. Revalidation requirements should be less demanding than renewal requirements.</p> <p>3. There should be an alternative means (e.g. a refresher seminar - not only a questionnaire) as substitute.</p> <p>4. TRE is the top of the safety network and should be considered as such. TRE certificates can be renewed simply by attending a seminar, whereas to revalidate you have to conduct 2 checks in the last year. Renewal process needs to be strengthened.</p>
<b>FCL.1030 Conduct of skill tests, proficiency checks and assessments of competence</b>	<p>Different procedures for performing proficiency checks on a 'foreign' licence that is European.</p>	<p>1. Implement one standard for all EU countries.</p>

<b>ARA.FCL.200 Procedure for issue, revalidation or renewal of an examiner certificate</b> (see graph to Q4)	<p>ARA.FCL.200 does not describe a way to handle the task.</p> <p>There is a lack of transparency in the examiners selection process. Part-FCL defines prerequisites for examiners candidates. It does not impose limits on quantity. The examiners selection process is neither known nor transparent.</p>	<ol style="list-style-type: none"> <li>1. Define limitations if needed (although there should not be any limitations) and put down the selection procedure.</li> <li>2. AMC requires further information and a specific approach</li> <li>3. A stronger framework on how to refuse/revoke an examiner application would be helpful.</li> <li>4. Conditions for selection of examiners must be clearly specified.</li> </ol>
<b>ARA.FCL.205 Monitoring of examiners</b> (see graph to Q8, Q9, Q10, Q11, Q12)	<p>The Regulation does not give any assistance as to how the oversight should be performed which makes all the MSs invent their own system. Different requirements of each MS (EDD). Current regulatory framework of examiners allows different interpretation of the rules which lead to the reduction of safety, thus distorting competition.</p> <p>Difficult to overview examiners whose origin is from another country of the CA country. If an examiner's certificate (from another MS) is suspended or revoked, the information is not always conveyed to us.</p> <p>Comparative pass rates indicate variations.</p> <p>There is no obligation that examinations have to be announced to the CA in advance. ARA.FCL.205 only gives the CA the possibility to define a procedure of how to determine an examiner for a skill test. But even then, once the examiner is designated, any change of time and place of the skill test needs not to be announced to the CA. For proficiency checks or assessment of competence, place and time is generally not known to the CA. Oversight is therefore not possible.</p>	<ol style="list-style-type: none"> <li>1. Create an AMC which gives assistance for the oversight over examiners.</li> <li>2. Notification of examiner certificates suspensions should be mandatory.</li> <li>3. Pooling every MS national data related to examiners (including their privileges) in a common database.</li> <li>4. A document gathering all the links to the listing of the examiners certified by each MS should be created.</li> <li>5. State of licence issue should be where the licence ST is taken.</li> <li>6. The Regulation should define that examinations have to be announced to the CA in advance, to give the CA the opportunity to take part in examinations. This announcement should include the date, time and place of the exam, and changes thereto.</li> <li>7. The Regulation should give the CA more authority to designate individual examiners for any test.</li> </ol>

Complex rules	<p>The rules are too complex.</p> <p>It is difficult to find a specific rule in the whole Regulation.</p>	1. Simplify the rules, also in terms of better content section and reduce complexity.
<b>Specific issues</b>		
Examinations for rare type ratings have become difficult and multiple time more expensive since national authorities lost the right for special authorisation	The CA was allowed to authorise examiners without the relevant instructor/type/class rating where no qualified examiner was available. There are signs of deteriorating standards in these examinations as oversight over foreign examiners is in practice difficult to organise.	1. Return similar possibility of special authorisation as in JAR-FCL 1.425 (a)(2) to CAs.
Some of the GA experience requirements are either excessive or illogical. trained via FI(A) or FI(S) courses.	For example the flight instructor examiner (FIE) experience requirements are more burdensome than TRE experience requirements regarding instructor experience (see FCL.1010.FIE(a)(3); FCL.1010.FIE(d)(3)(i) and FCL.1010.TRE(a)(4). In addition it is difficult to gather FIE experience for TMGs as TMG instructors are normally	1. Fix the specific problem areas with proportional solutions.
Section 6 - Low Visibility Operations. Rating/ revalidation/renewal/expiry of the licence proficiency check (LPC). Example -	A pilot revalidates a rating but does not complete the low visibility operations (LVO) exercises. At a later date (after expiry of the original LPC) the pilot carries out the requisite LVO check. Since the original LVO expired does the pilot require retraining and an ATO certificate of course completion? What about performance-based navigation (PBN) now also being part of the licence rating? LVO (or PBN) is not a mandatory part of a licence rating. Why is it included on the pilot's certificate of revalidation? There is a mandatory AOC operator element which should take care of specifics like LVO and PBN.	1. LVO and PBN should be recorded separately as part of an AOC/ATO authority and not part of a pilots' licence rating. Even IR for multi pilot aircraft should not be necessary as it is an integral part of the rating qualification.

FCL.1005.SFE Privileges	FCL.1005.SFE(a)(5) only allows assessments of competence for the issue, revalidation or renewal of an SFI certificate but the same skills need to be observed in a TRI (FFS only) so could be added to this paragraph without any degradation to safety.	1. Change FCL.1005.SFE (a) (5) to ‘...issue, revalidation or renewal of an SFI certificate or TRI (FFS only) rating...’
Part-FCL - Appendix 9	Appendix 9: too big differences/practices across.	1. Make one electronic form available for all MSs.
AMC1 FCL.740(b)(1)	Within 3 months of expiry, no supplementary requirements for renewal. However, many authorities are accepting through derogation the flying experience from an ICAO MS. This does not guarantee standards as we have no idea what the standards are. Almost every EASA MS accepts the candidate to go for a check immediately (even with more than 3 months expiry) based on recent flying experience on an ICAO license.	1. Make AMC1 as law and not apply derogations across MMSs. Ultimately, this involves safety and standards and we cannot control standards of flying outside of EASA MSs.
TRE Prerequisites	It is difficult to gain the required 50 hours of flight instruction as TRI prior to initial issue of a TRE certificate. Especially where the ATO does not conduct many type rating courses for the newly qualified TRI to participate in. The requirement for type rating courses in commercial aviation is driven by commercial market forces and the helicopter offshore sector has been in decline for a considerable period linked to the oil price. Similar commercial considerations will drive other areas of helicopter operations. Before the introduction of Part-FCL we were training and qualifying TRE’s without this requirement with success, so whilst this Part-FCL requirement may be desirable it is not essential. One of the basic philosophies of the EASA Regulations is that a course followed by the successful assessment of knowledge, skills and attitude results in a rating or certificate conferring the right to exercise the privileges. So a newly qualified TRI is	1. FCL 1010.TRE TRE – Prerequisites: either delete (b)(2)(i) entirely; or amend as follows: ‘(b)(2) for the initial issue of a TRE certificate: (i) have completed at least 50 hours of flight instruction as a TRI, FI or SFI in the applicable type or an FSTD representing that type or (ii) have completed at least 10 hours of flight instruction as a TRI, FI or SFI under the supervision of a TRE(H); or (iii) have completed at least 50 hours of flight instruction under the privileges of an instructor qualification contained within a valid third country ICAO licence. Further mitigation could be the awarding of a credit for military instructing experience under the MSs military accreditation scheme.



	<p>competent to instruct. The same principle applies to the TRE course and assessment and the successful applicant is deemed competent to examine within the privileges of the certificate. A minimum experience level as an instructor should not therefore be a required prerequisite for the initial examiner qualification. One option would thus be to delete the requirement entirely. If it is considered necessary to keep it to improve standards some mitigation could be employed to give an equivalent level of safety to cover different backgrounds and experience.</p>	
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## 5.2 Conflict of interest

Figure 8: Conflict of interest (opinion of CAs, expressed by 28 authorities)

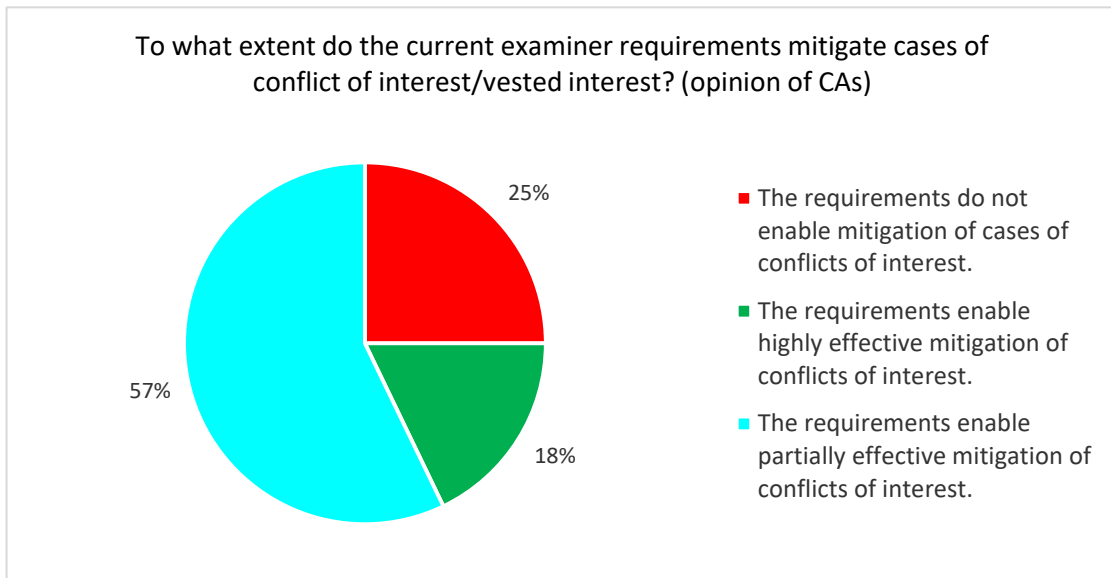
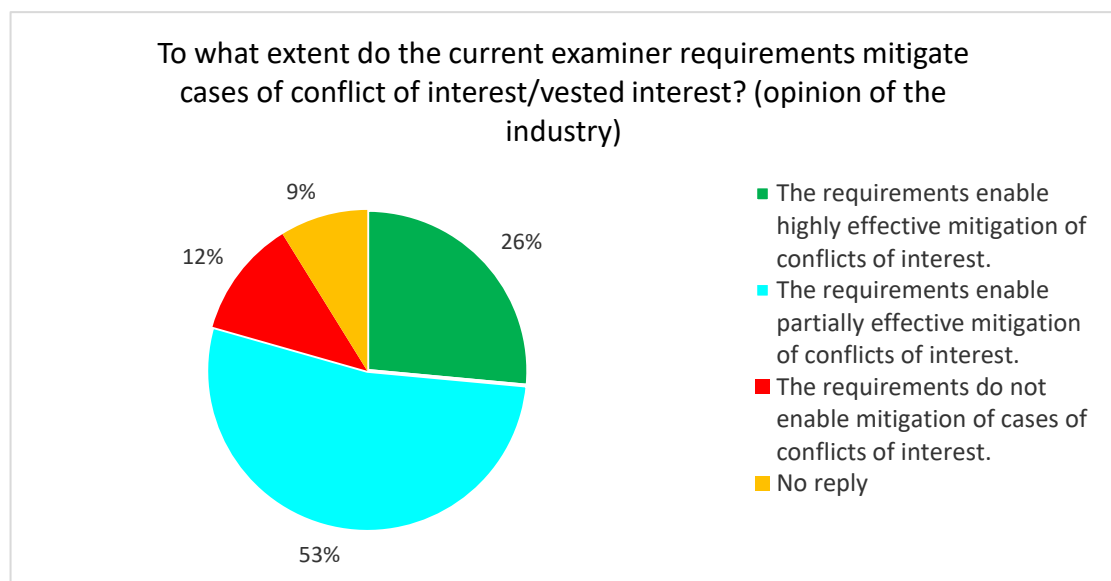


Figure 9: Conflict of interest (opinion of the industry, expressed by 34 respondents)



The majority of CAs and industry replies consider that the rules enable partially effective mitigation of the cases of conflict of interest.

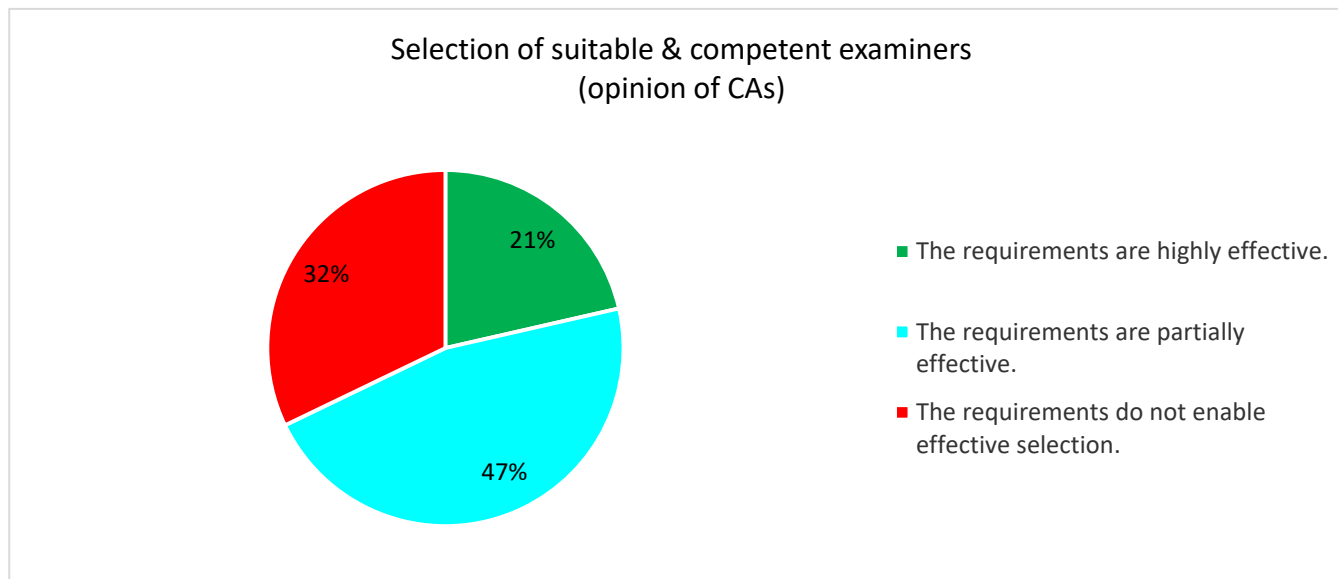
### Reasoning for ineffective/partially effective mitigation of conflict of interest, according to the survey respondents

- The Regulation does not state the exact principles and rules regarding the topic of vested interests.
- You may examine a pilot that you have trained up to 100 % before (refresher training) or up to 25 % (initial training).
- There are no explicit cases of conflict of interest/vested interest mentioned in the Regulation. The wording is vague and does not give precise information when an examination should not be conducted by an examiner.

- FCL.1005 does not mitigate cases of conflict of interest/vested interest at all:
  - It is not applicable for proficiency checks for the renewal of class and type ratings after the refresher training (FCL.740). The same person may conduct both the refresher training and the proficiency check. Therefore, there is no 'four-eyes principle' and no applicant is ever likely to fail, which can impact safety. The same applies to the '25 % rule' concerning skill tests and assessments of competence, particularly if the examiner provided the very last 25 % of the required flight instruction.
  - It contains an absolutely subjective criterion ('feeling') which is not disprovable by oversight – thus no effective oversight is possible. The requirements mostly appeal to the examiners' perception. The authority has no instrument to intervene if the examiner does not 'feel' like being objective.
- If a MS has a small industry, it is difficult to avoid conflict of interest, and it is challenging to mitigate that risk (e.g. examiner and applicant being friends).
- Examiners are becoming more dependent on their employers, which can increase issues with vested interests. This is even more pertinent with rare type rating proficiency checks that are performed with foreign examiners. If national authorities would have power to give special authorisation, CAs could nominate an examiner outside an organisation to conduct checks.
- There is commercial pressure within an airline, for example to pass pilots using lower than normal examiner standards.
- GM1 FCL.1005(b) refers to examiners linked by economic interests. This could easily be interpreted to apply to examining pilots working for the same company as the examiner, and, if applied, it would bring the industry to a standstill. Similarly, many examiners have to carry out tests and checks on pilots who are their friends and this is unavoidable.
- The system can be abused. Conflict of interest/vested interests are likely to occur in less densely populated markets, where the flight examiner density is low.
- There is no possibility to mitigate this issue. Every pilot within one company, ATO/Airline knows one another. It should be left to 'clear conscience' and responsible behaviour.

### 5.3 Selection of examiners

Figure 10: Selection of suitable and competent examiners (opinion of CAs)



#### Reasoning for ineffective/partially effective/highly effective requirements, according to the survey respondents

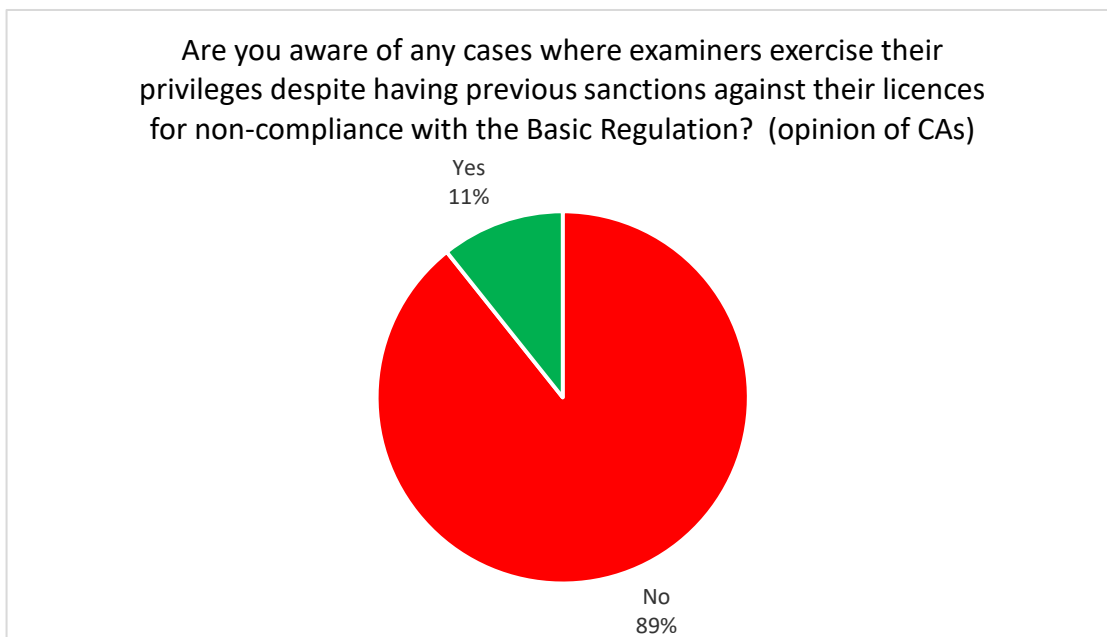
Reasoning for ineffective requirements	Reasoning for partially effective requirements	Reasoning for highly effective requirements
There are no explicit requirements with regard to an examiner's integrity/attitude mentioned in the Regulation. Everyone who holds the respective licenses and hours can apply to become an examiner.	According to ARA.FCL.205 the CA must designate examiners for skill tests. If a MS itself does not have a suitable examiner (with suitable privileges), then the designation becomes quite unimportant, as most likely the applicant will suggest who the examiner could be. The CAA will designate this examiner (as the procedure requires it) but does this kind of designation have any meaning? Is designation really necessary?	People applying for examiner privileges are highly motivated, with high integrity and attitude.

Reasoning for ineffective requirements	Reasoning for partially effective requirements	Reasoning for highly effective requirements
	In addition, there is no possibility to select examiners (apart from the skill test). If any person fulfils the requirements for an examiner certificate, this has to be issued by the CA, and this person is entitled to take proficiency checks or competency checks without further selection.	
<b>There are no responsibilities and suitable selection tools for the authority to check the attitude and integrity of the examiners for their special purpose.</b>	There is no selection criteria (quantity, age, geographic distribution and so on).	The requirements are effective but it seems unrealistic to find requirements to deal with integrity/bias, as this is a subjective criteria.
<b>Authorities have no possibility to refuse the certification of examiners if all technical requirements are fulfilled.</b>	FCL.1010 is not consistent with the AMC. The criteria for the background check must be stated more clearly in the 'hard law'. Favourably the CAs should have a wider pool in selecting examiners.	Currently no problems have been encountered using the current Regulation.
<b>The only useful requirement can be found in FCL.1010, respectively in AMC1 FCL.1010: 'When evaluating the applicant's background, the CA should evaluate the personality and character of the applicant, and his/her cooperation with the CA.' However, some NAAs are not doing it at all.</b>		
<b>Current rules have legal weakness and do not give CAs enough possibilities to select examiners. All candidates fulfilling the requirements must be approved. Therefore national authorities are practically helpless to prevent an unsuitable (integrity/attitude) candidate getting an examiner certificate if challenged in a court of law.</b>		
<b>The relevant AMC just advises the authority to check the 'character and personality of the applicant for an</b>		

Reasoning for ineffective requirements	Reasoning for partially effective requirements	Reasoning for highly effective requirements
examiner certificate' but it does not give a procedure how to do so.		
With the ability of the licence/rating applicant to shop around, we can only really object to an examiner if it is found that they are not acting in the role in an appropriate manner.		

### 5.3.1 Cases of exercising privileges despite previous sanctions

Figure 11: Cases of exercising privileges by the examiners despite previous sanctions



In a few countries there are cases where a national court decision overruled Regulation No 216/2008 and the examiner certificate was issued. In addition, the countries reported that it was difficult to find out about previous sanctions due to national data protection law.

## 5.4 Liability of examiners

### 5.4.1 Rules regulating the liability of examiners

Figure 12: Liability of examiners (opinion of CAs)

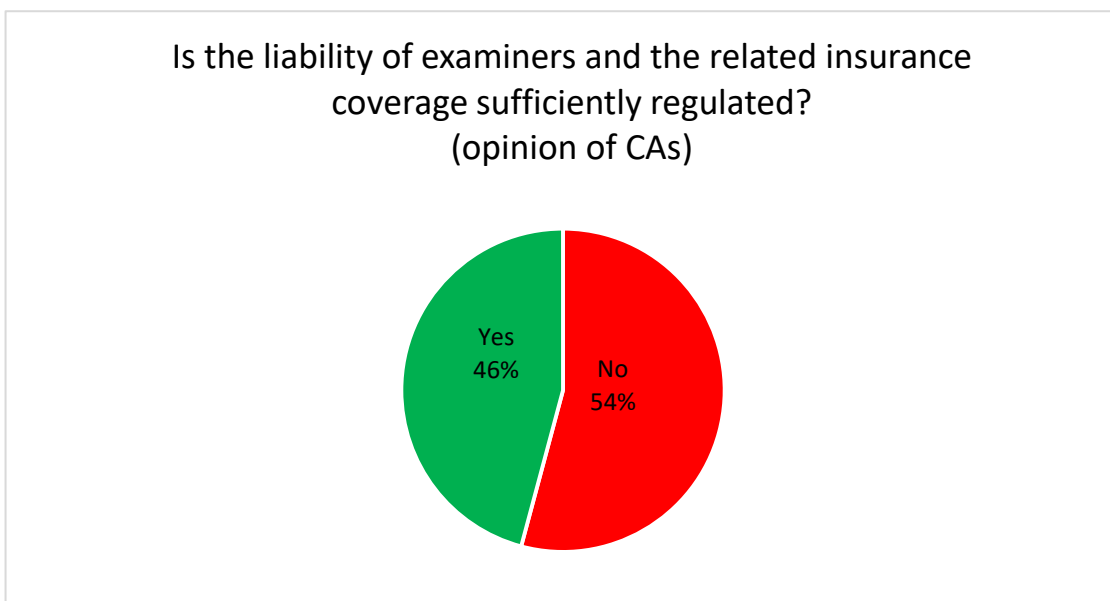
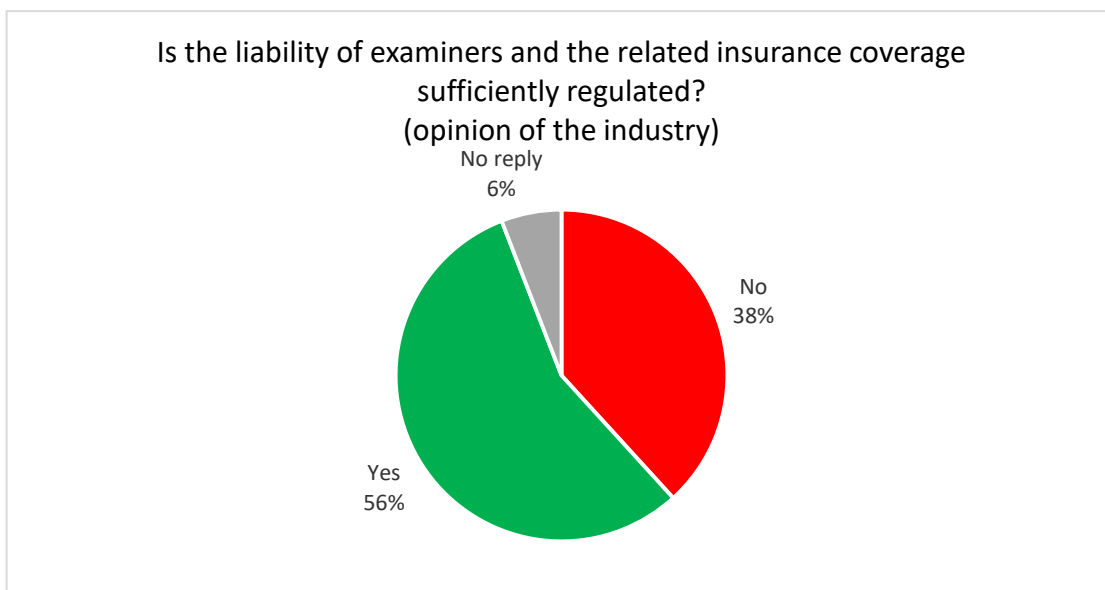


Figure 13: Liability of examiners (opinion of the industry)



Contrary to CAs, the majority of which considers that the liability and insurance coverage of examiners is not sufficiently regulated, more than 50 % of the industry members pointed their satisfaction with the level of regulation in this aspect.

#### Reasoning for the negative responses given by CAs and industry

- There is no adequate regulation known, it is only regulated by the national laws and regulations. There are too many differences between the MSs, e.g. between Germany (and even between the different German federal states) and Ireland (see Examiner Differences Document (EDD), Version 08). A clear common regulation is highly advisable. Examiners should be protected when working as examiners for an authority, similarly to an employee.
- In some countries (e.g. Switzerland) examiners are protected by State liability coverage when conducting checks with licence holders of the same country because the examiners' duty is on behalf of the authority. However, there are problems when conducting checks with other MSs licence holders from another NAA, as then examiners are required to get private insurance protection from that country, which is not obtainable. This leads to cases where examiners refused to conduct checks because of insurance coverage concerns.
- It seems that the Regulation is there, but in practice there is neither an available insurance nor an economic case for one, to protect the examiner from liability. Any examiner performing examinations outside the protection of an employer that has proper funds or insurance to cover the liability, is risking total financial ruin for a very minor fee.
- There have already been cases where examiners have refused to check an aircraft which does not have full hull insurance. In the case of helicopters, even the deductibles in insurance are way too high for an examiner's budget.
- Examiners are not covered by insurance. This is a serious issue when performing a private pilot licence (PPL(A))/Single Engine Piston (SEP) skill tests/proficiency checks.



Proper insurance is prohibitively expensive and cannot be justified when the cost is related to the examiner fees.

No justification was requested or given by the industry members and CAs that gave a positive answer.

#### 5.4.2 Free-floating examiners

Furthermore, the industry was asked whether the rules enable safety for an independent examiner (free-floating examiner) who does not have the support of CAs. As seen from the graphs below, the liability of the independent examiner is an issue. The industry respondents referred to the 'examiner shopping' case: 'some examiners from MSs with a relatively low economical standard prefer to exercise their privileges in MSs with relatively high economical standards - offering 'low cost examinations' on a low standard in order to have many applicants and to make as much money as possible'. They reported on another negative consequence: examiners were financially 'motivated' to fly in unsuitable weather conditions.

It is generally acknowledged that free-floating examiners are not subject to a strict and regular quality control. While within an ATO this quality control is well regulated and well defined and is the subject of inspection by the authority as appropriate, under the current rules, free-floating examiners are not subject to the same level of control.

The respondents also gave examples of evidence where free-floating examiners breached/violated the rules because they were not subject to strong oversight by the CAs.

According to industry understanding, examiners must be accountable and should have support of the CA if they are performing their responsibility correctly. There are also examples of some countries (e.g. Finland) where the authority supports examiners even if difference in opinion arises. However, there are also countries (e.g. Norway) where the free-floating examiners do not have the support of the CAs.

Figure 14: Liability of the independent examiner (free-floating examiner)

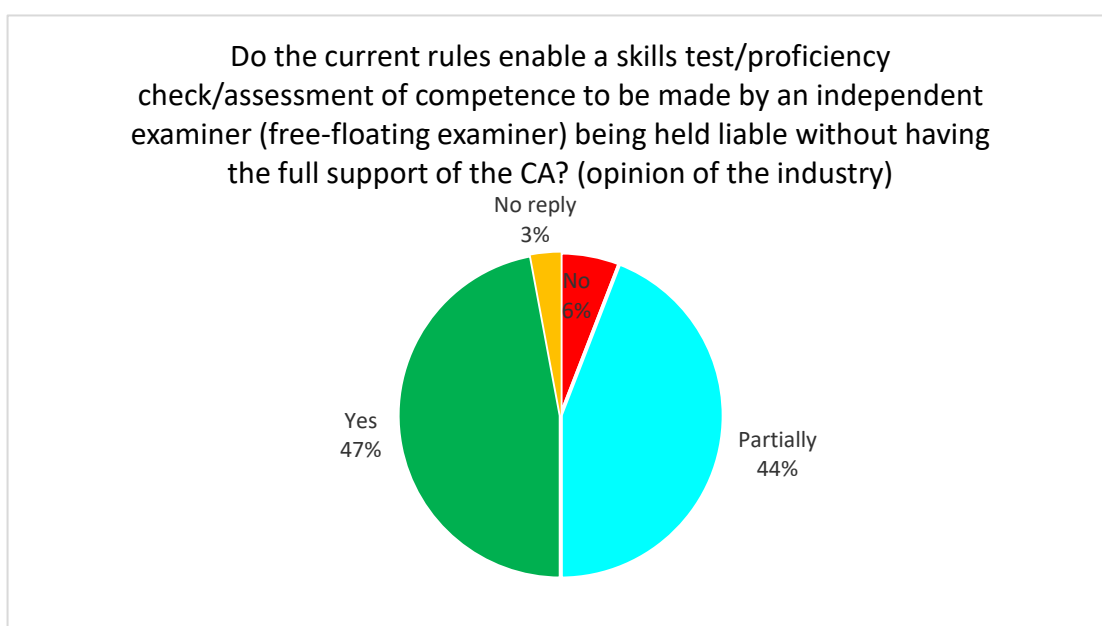
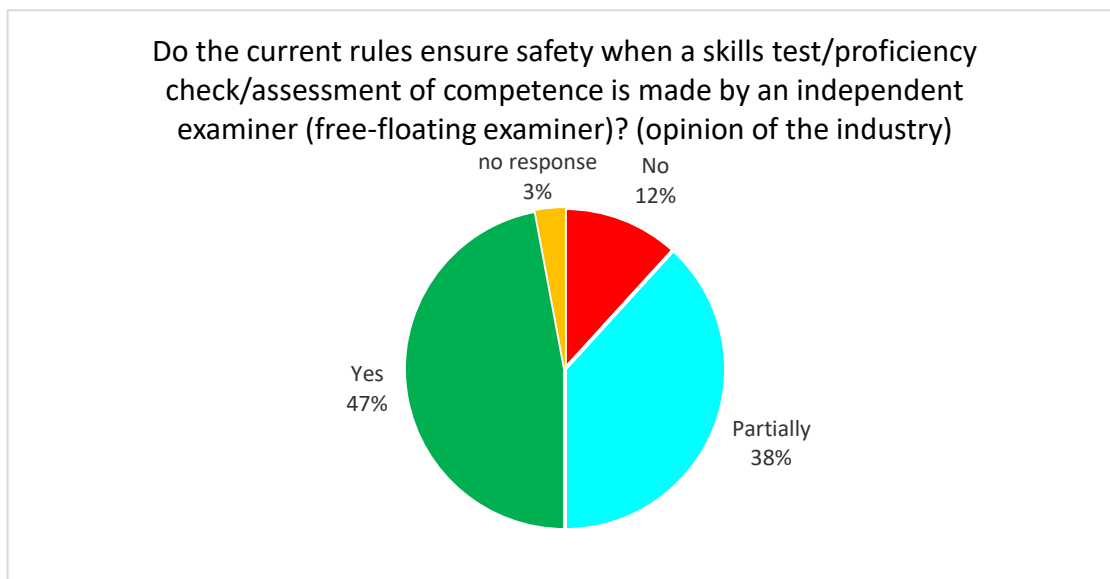


Figure 15: Safety when test/check performed by an independent examiner



## 5.5 Standardisation of examiners

Figure 16: Standardisation of examiners (opinion of CAs)

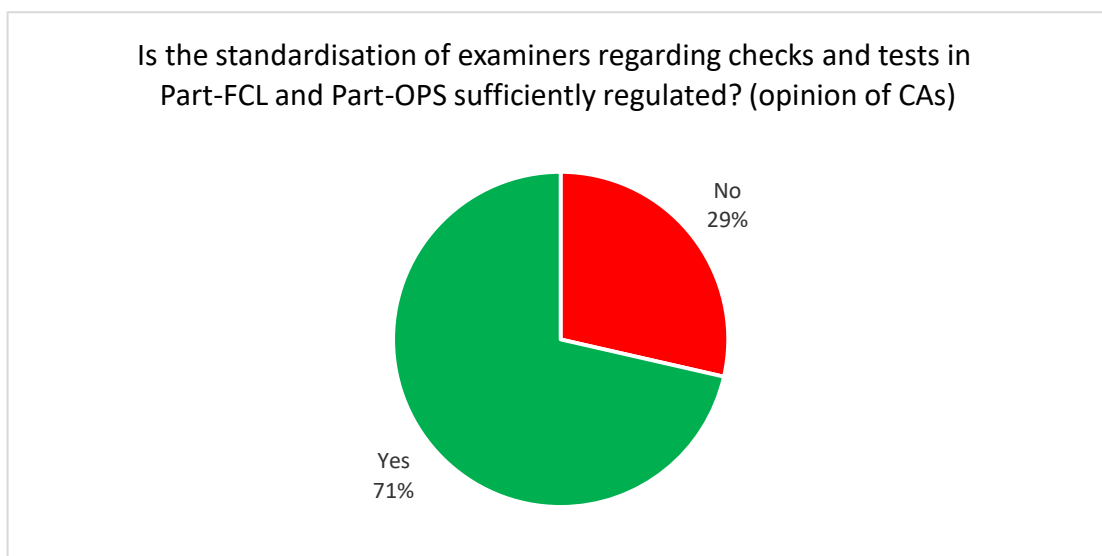
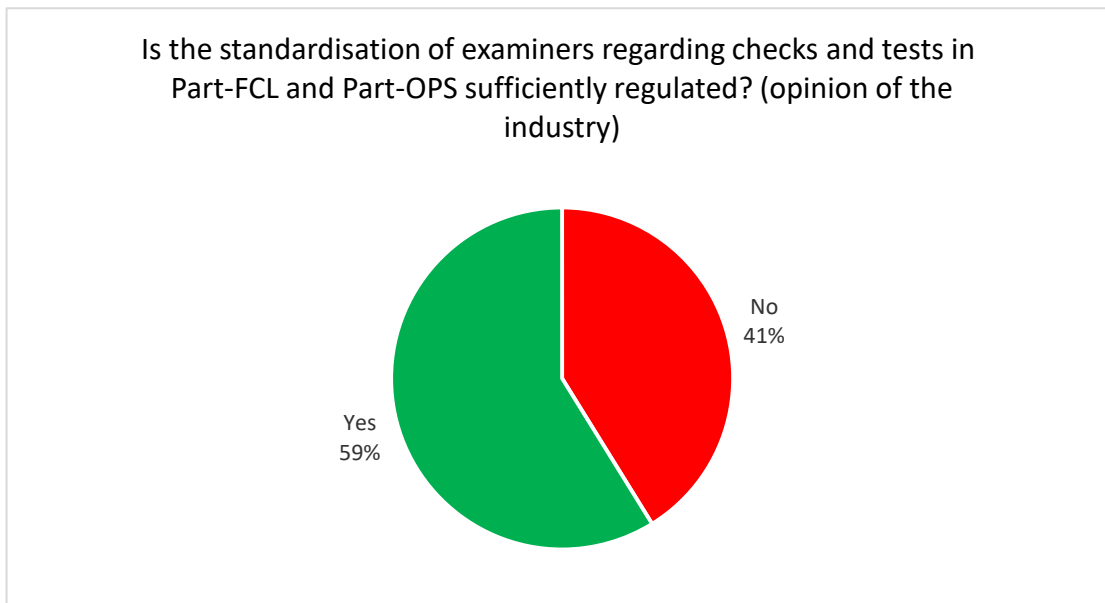


Figure 17: Standardisation of examiners (opinion of the industry)



Though the majority of CAs and industry replies consider that the standardisation of the examiners at EU level in Part-FCL and Part-OPS is sufficiently regulated, quite a significant number of them acknowledge a problem with the big differences in the examiners standards between the EASA MSs. They mentioned it as a recurrent problem which leads to considerable inefficiency both for authorities and industry (see point. 5.1. problematic aspects of the current framework).

As regards the industry, 40 % of the industry members consider that the rules are insufficient and that there is inadequate examiner standardisation because:

- only the number of checks/tests is regulated, while the required skill level of the instructing examiner is not;
- there is no sufficient focus on the important aspect of the examiners' attitude;
- there is no determining to whom examiners are responsible/liable;
- it was not updated with regard to the evidence-based training (EBT) concept;
- there are no rules on the conditions for delegation to training organisations;
- there are no rules in the AMC regarding the standardisation processes.

Apart from that, the rules are perceived as having some negative impact. The diverging rules in the administrative part of the examination are perceived as burdensome, and are often misunderstood by candidates. According to some respondents, there might even be a considerable safety issue due to the variety of the standards. Minimum legal proficiency standards are set too low, so local practices vary a lot. MSs have no capability to standardise TREs and there are too many different and inadequate MS documents regarding standardisation because every MS has its own vision of how to standardise. In some cases, MS standardisation may not work as each State has its own vision/interpretation of regulations.

There is also a request for more clarity, because there are many cases of conflicting guidance from examiners, e.g. the rules should clearly determine who is responsible for the standardisation (authority, operators, ATOs).

Another problem, mentioned by stakeholders is with the TREs who conduct skill tests and proficiency checks for type ratings on simulators with virtually no experience on type other than on the simulator.

Around 30 % of the CA respondents consider that the rules should be further clarified and standardised. More detailed information, clarification/standardisation in certain areas amongst EASA NAAs is urgently required. Some examples include: GM1 FCL.1015(c) and the training within the testing environment standards is unclear; the repeat/retest rule definition is very unclear and contradictory and the partial pass is not consistently handled amongst EASA NAAs. There are also inconsistencies with the LOFT requirements vs test item requirements, with the allowance for repositioning etc.; test tolerances vs real world, and with the current levels of automation used and encouraged. Test items are not representative of modern airplanes, and there is a need for the TRE to forbid the use of autopilot while company policy encourages it; to focus the test on compliance rather than on recognition and management; and to provide consistency/clarity on how to combine the needs of the operator proficiency check (OPC) as per Part ORO.FC.230 and the LPC.

#### 5.5.1 Examiners Differences Document

Figure 18: EDD (opinion of CAs)

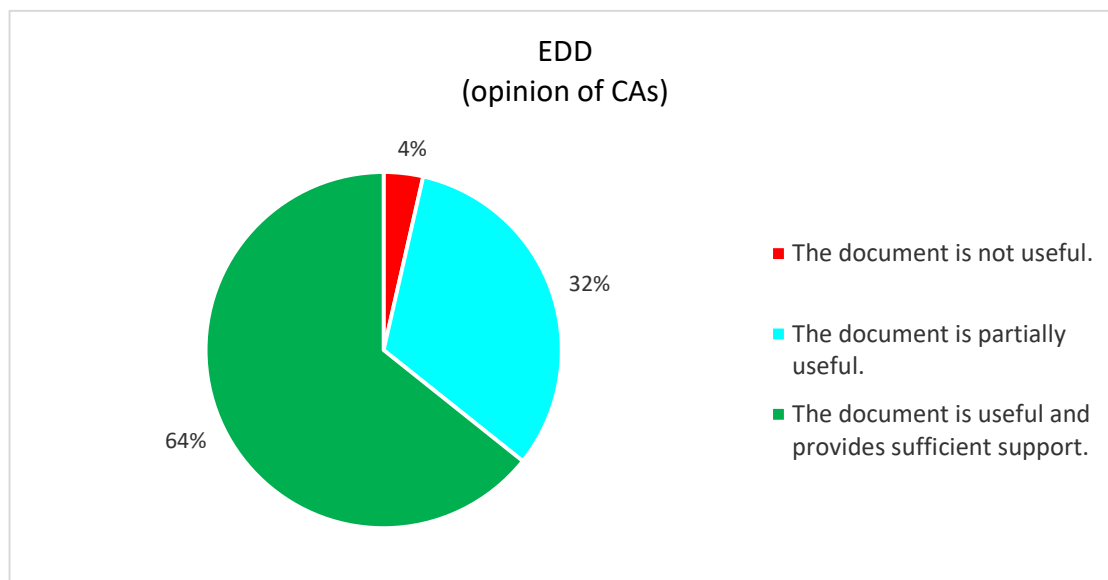
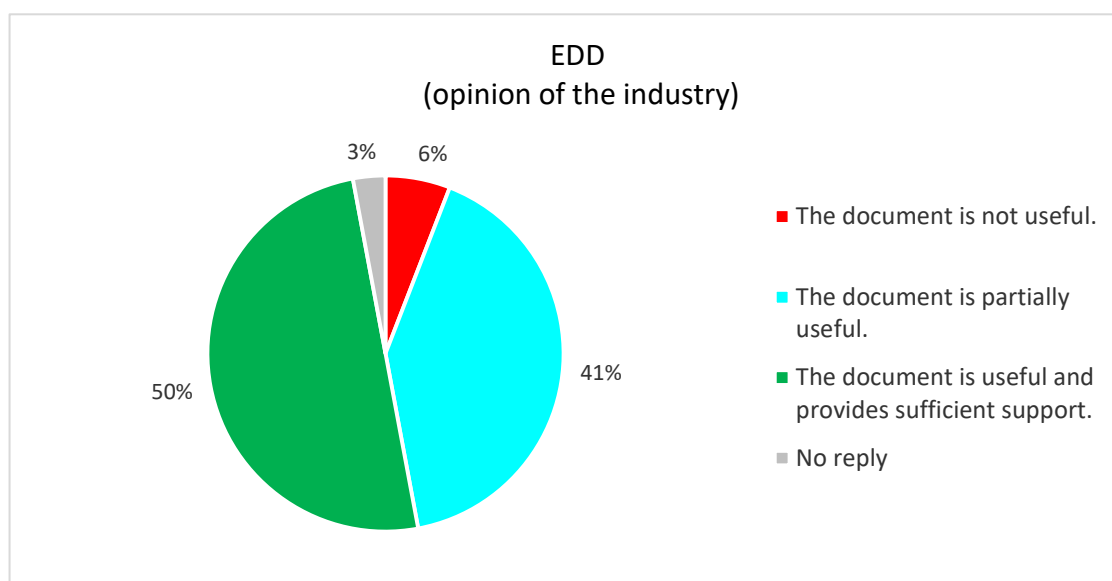


Figure 19: EDD (opinion of the industry)



Overall, there is positive feedback on the EDD from both authorities and industry, mentioning that it is a useful tool which addresses differences among the States. However, it is perceived as 'a quick fix' instead of addressing the problem of the big differences between the MSs. The EDD is seen as 'bearing a testimony to an administrative over burden'. For example, ATO examiners have to deal with a multitude of notification and designation procedures and differing post-test/check submission requirements and document formats.

There is a clear recommendation from the majority of the respondents to abandon the current approach which allows each authority to adopt different procedures and to establish common standards for all the EASA MSs. The 'Best Difference Manual is a non-existing one, because there are no differences'. Examiners would like one set of procedures and one standard form for each activity.

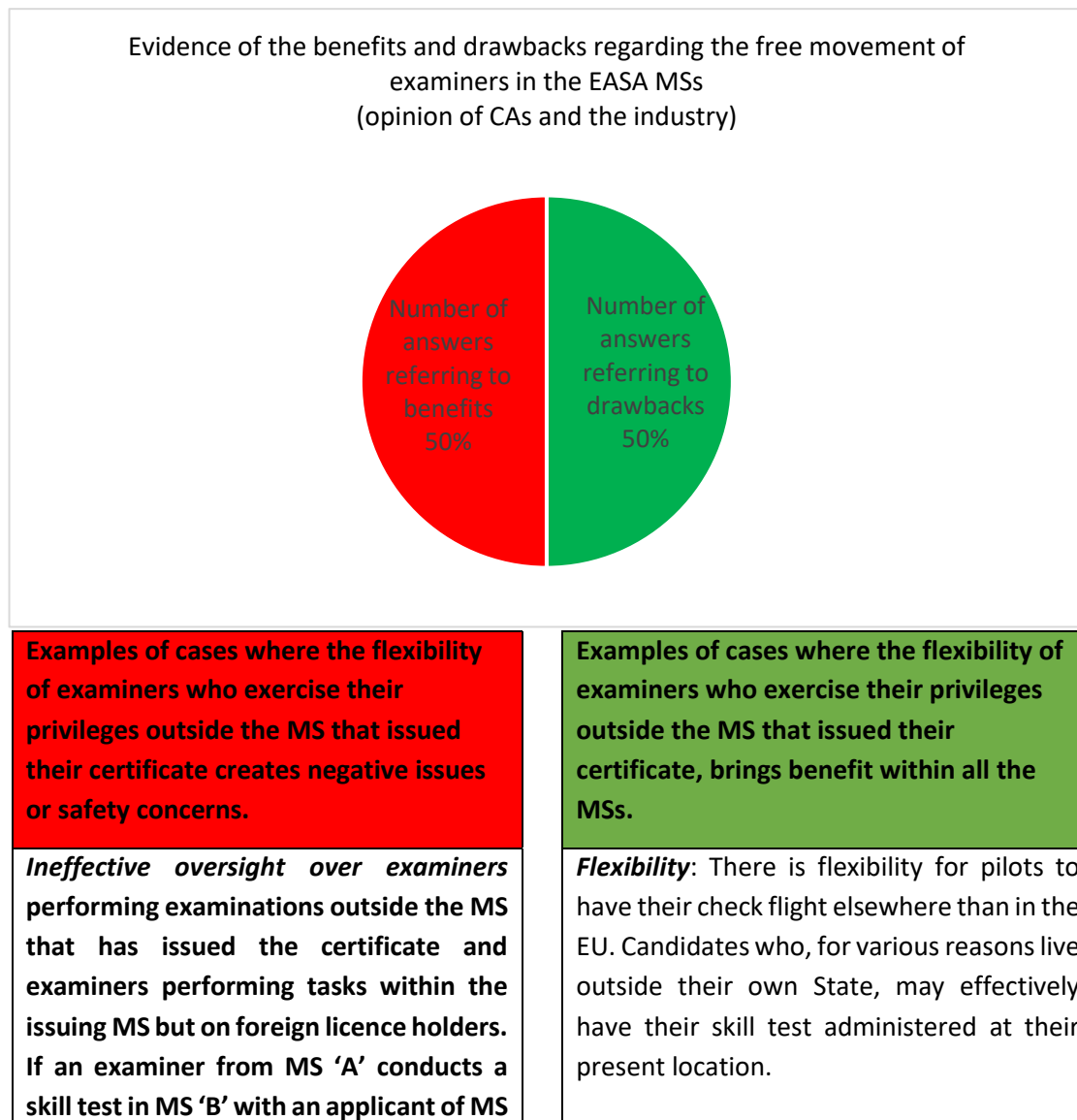
#### Reasoning for partially effective/highly effective EDD, according to the survey respondents

Reasoning for partially effective EDD	Reasoning for highly effective EDD
<b>Only 50 % of foreign examiners accomplish all the requirements described in the EDD.</b>	The EDD is a useful tool as it provides a single reference document for all the examiners and authorities. For examiners it is possible to check the different national requirements to provide proper examinations.
<b>The examiner requirements vary too much. At the moment, training centres and operators with pilots from across the EU have to deal with different forms for each NAA.</b>	The EDD is a valuable and effective administrative tool. We have much less administrative issues since the publication of the EDD.
<b>The EDD does not enable the CA to perform effective oversight over the territory where an examination is conducted.</b>	The EDD is regularly amended and each MS can give as much information about their national procedures as they find necessary.

Reasoning for partially effective EDD	Reasoning for highly effective EDD
Not all examiners are aware of the document. For those who know it, it works well.	It guarantees standardisation.
The procedures for the entry of PBN ratings should be added to the document.	Questions of examiners issued by other MSs decreased.
Internet URL-links often do not work, forms can be very difficult to find, listed contacts are often incorrect, and telephones are unanswered.	Easy to use.
It is difficult to hold this up to date as the individual MS may change the practice and then the paper has to be corrected.	

## 5.6 Free movement of examiners

Figure 20: Free movement of examiners (opinion of CAs and the industry)



'C', there is no effective oversight over the examination, and it is also difficult to conduct an unannounced oversight.

**Financial interest.** The EASA examiner system has become more of a business case for some individual examiners rather than a safety assurance mission on behalf of the authority. Some examiners from MSs with a relatively low economical standard prefer to exercise their privileges in MSs with relatively high economical standards - offering 'low cost examinations' on a low standard in order to have many applicants and to make as much money as possible (the case of 'examiner shopping').

**Possible negative impact on pilots:** If there are concerns regarding the check, it is quite difficult to correct the situation. At the same time licence holders can use the privileges granted by the examiner while legally they should not do so.

**Speculative issues:** The costs often get high when an examiner from other MSs is the only solution, for example in cases of rare types. If you have candidates that are problematic they can go somewhere where they pay and get ratings.

**Administrative burden:** The administration process (e.g. examiners or ATOs having to constantly apply to carry out checks for pilots from a different authority) creates unnecessary administrative hurdles. If both countries are fully compliant, then their examiners should be authorised to carry out EASA checks without further restrictions or administration.

**Cost-efficiency:** The system is cost-efficient and practical for the candidate and has positive environmental impacts.

**Cross-border recognition:** For a small MS it is very useful if examiners from other MSs can be used, especially if the MS does not have examiners with all the privileges needed for licence holders/applicants. Some MSs cannot provide examiners with the basis needed to cover all eventualities.

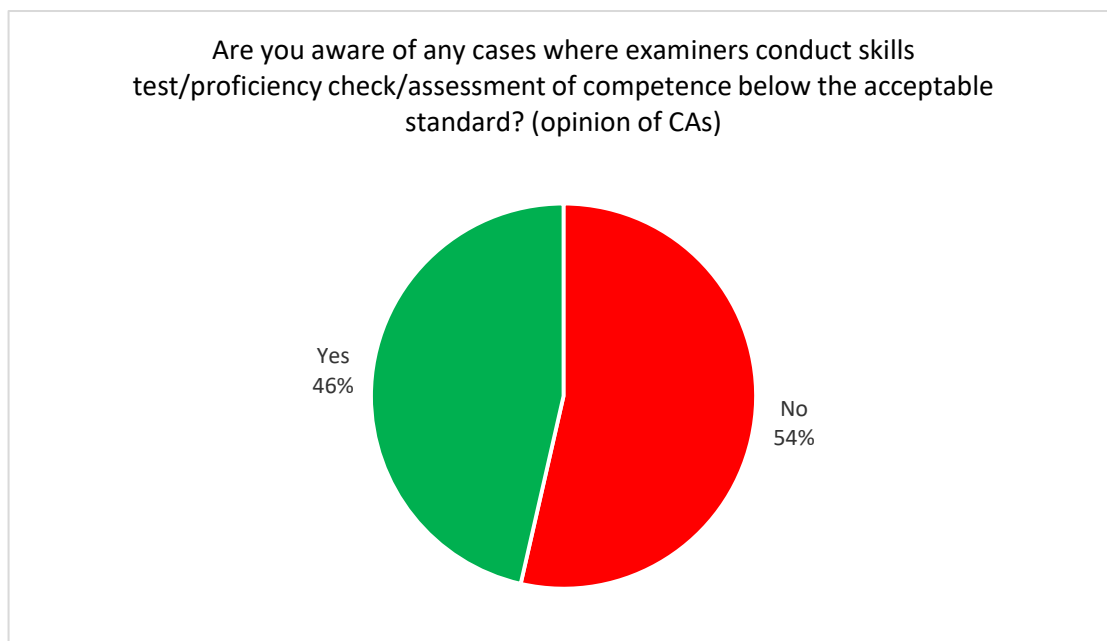
**Knowledge sharing:** Benefits include: sharing knowledge and experience, showing the constraints and limits of the system. Usually these examiners are more open to changes and new approaches. Flexibility can improve the standardisation of training/checking within MSs by providing feedback to ATOs.

**Best use of examiners:** It makes the best use of examiners, for less common types with only few examiners. However it is not easy to manage due to geographical constraints and language.

## 5.7 Conduct of skill tests, proficiency checks and assessments of competence

### 5.7.1 Cases of exercising privileges below the acceptable standard

Figure 21: Exercising privileges below the acceptable standard (opinion of CAs)



Although information about the concrete number of cases where examiners conduct a skills test/proficiency check/assessment of competence below an acceptable standard cannot be disclosed, some examples are given by authorities to support their judgement. For example, there is a case where an examiner from another MS conducted an IR proficiency check in a rare aircraft type in a country and gave positive remarks to the candidate, though the foreign examiner conducting the check did not understand the local language.

Furthermore, some authorities reported a varying standard among the examiners. The failure rate of pilots not succeeding in exams in some countries is between 8-12 %. Further data would be needed from more authorities to be able to give an overall picture in the EASA MSs.

In almost half of the cases, the authorities are aware of unacceptable performance. Here are some reasons they noted.

- Flexibility of the applicable rules sometimes allow incorrect interpretations and poor quality.
- Examiners accept below the standard performance in order to get additional business with that operator/flying club/individual pilot. In some cases, there are even falsified checks.
- The 'ground parts' (sections 1, 2 and 7) of assessments of competence are often neglected. Some examiners seem to have a lack of knowledge and/or interest in performing these parts on a suitable level.
- Some CAs act mainly as 'administrators' and do not have a proper oversight over the work of the examiners.

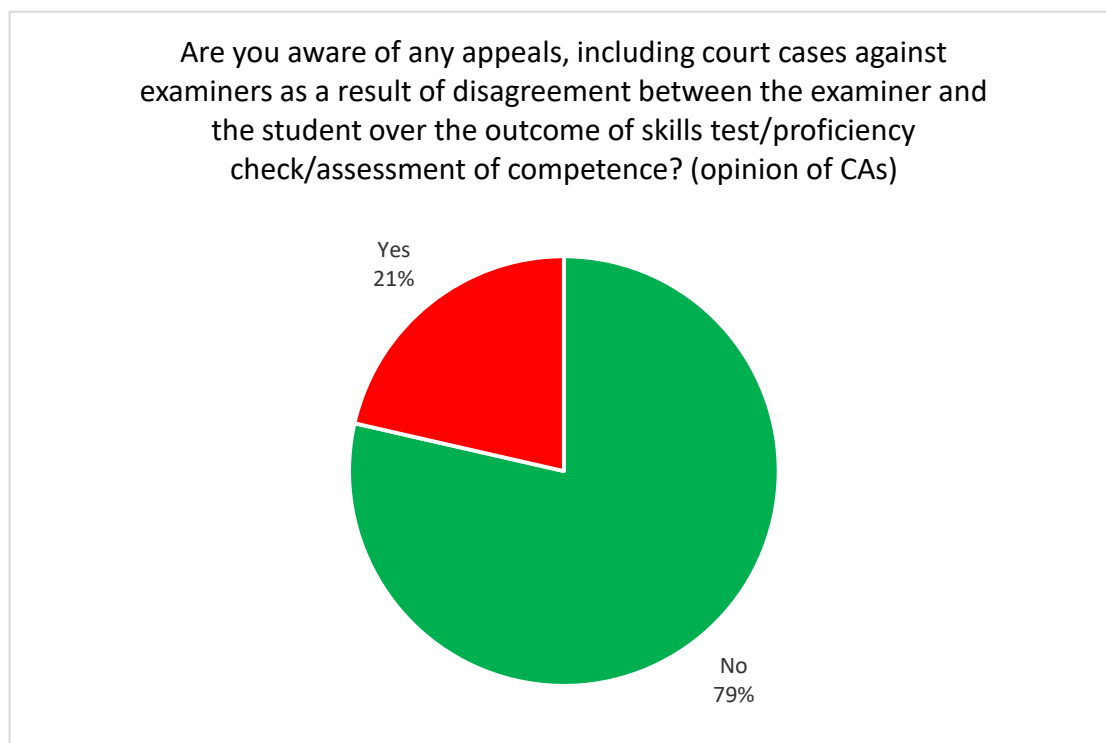


The authorities also suggest tools to mitigate this result.

- Active oversight in terms of verifying data, details, statements and unannounced inspections is required. This would also tremendously improve self-discipline within the aviation community.
- During an assessment, under the monitoring of the CA senior examiner/inspector, the mitigating tool can be a briefing of the examiner, or in extreme cases where a safety concern exists, it can be rendered invalid by a senior examiner.
- The tools could improve the cooperation between the MSs concerned, through the dissemination of check results between the MSs and cooperation meetings.
- Skill test/proficiency checks procedures must be strictly followed.

### 5.7.2 Cases of appeals against examiners

Figure 22: Cases of appeals against examiners (opinion of CAs)

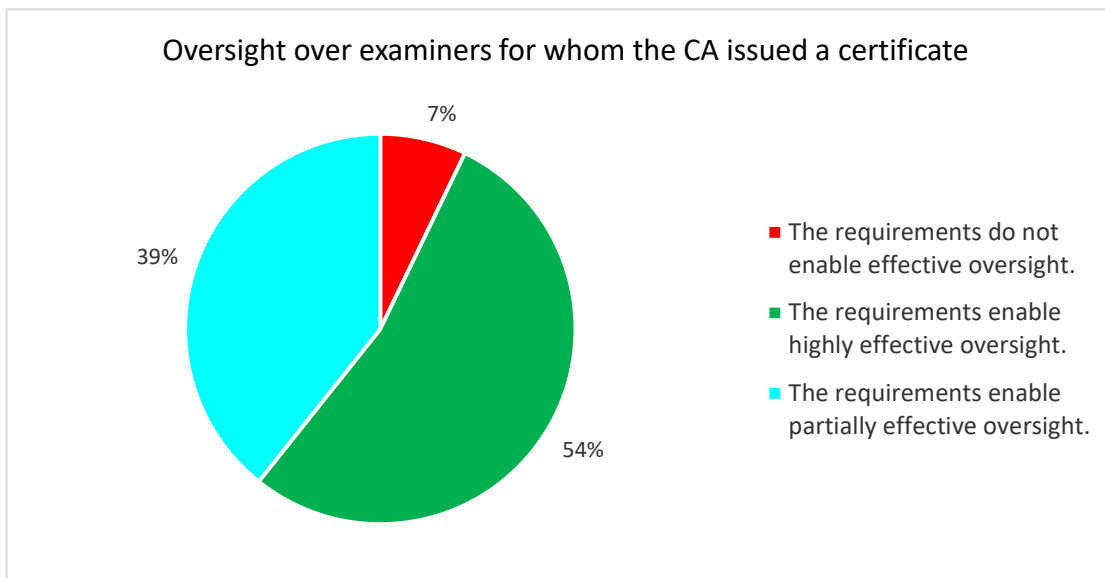


Four countries out of all respondents (Denmark, Switzerland, Finland and the United Kingdom) are aware of any appeals, including court cases, against an examiner. It is noted by some MSs that they are often requested to take a decision on candidate appeals about an examiner's work. In some cases, the appeals went to the national courts to decide on the outcome of the examination. Further details on the cases could not be disclosed due to national data protection rules.

## 5.8 Oversight over examiners

### 5.8.1 Oversight over examiners for whom the CA issued a certificate

Figure 23: Oversight over examiners for whom the CA issued a certificate

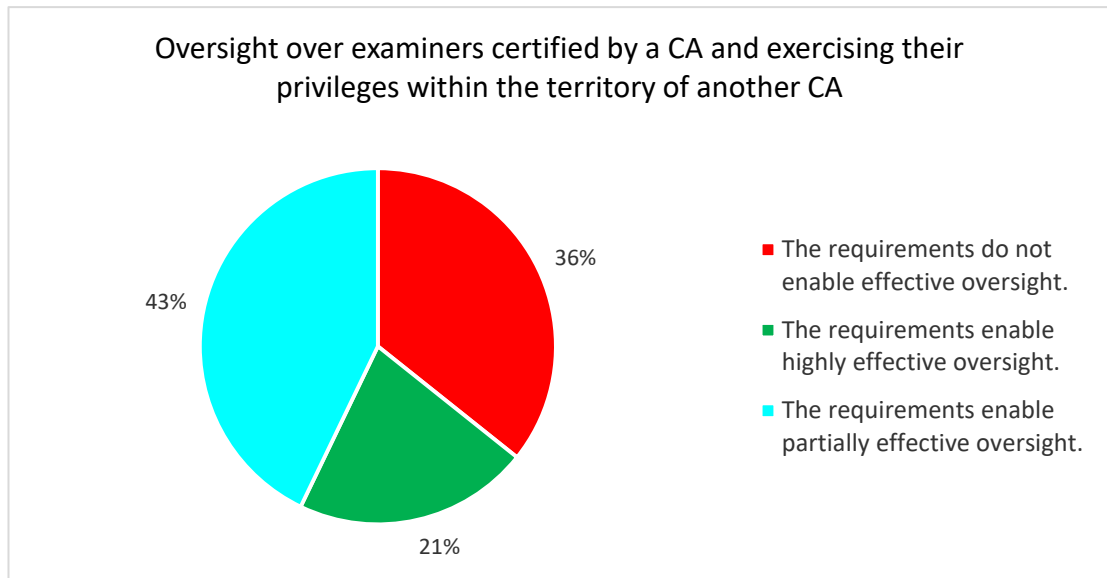


#### Reasoning for ineffective/partially effective and highly effective oversight, according to the survey respondents

Reasoning for ineffective/partially effective oversight	Reasoning for highly effective oversight
There is no standardised way for the monitoring of examiners. The rules do not give any assistance as to how the oversight should be performed. They only state that the oversight must be performed, which makes all the MSs invent their own system.	It leads to the set-up of an oversight programme that effectively identifies weak areas within the examiner group and deals with them.
Oversight and issuing capacity is unpredictable and difficult to control due to the fact that there are no limiting requirements regarding the (maximum) number of examiners per category.	The authority checks all examiner reports.
For examiners, exercising their privileges in other MSs effective oversight by the CA that issued the examiner certificate is nearly impossible.	The requirements are adequate enough. The problem lies more with the resources. This is also one reason why the CA should have more powers to nominate examiners.
There is no obligation that examinations have to be announced to the CA in advance. For proficiency checks or assessments of competence, the place and time is generally not known to the CA. Oversight is not possible in these cases.	The notification procedure enables CA to monitor the examiner programme.

## 5.8.2 Oversight over examiners certified by other CAs

Figure 24: Oversight over examiners certified by a CA and exercising their privileges within the territory of another CA



The authorities estimated that one of the main burdens when transiting from JAR FCL to Part-FCL is the control and quality of examiners. The fact that now 'borders' are open for all examiners by designation makes it very difficult to have the same level and quality of oversight in all the skill tests conducted by flight examiners.

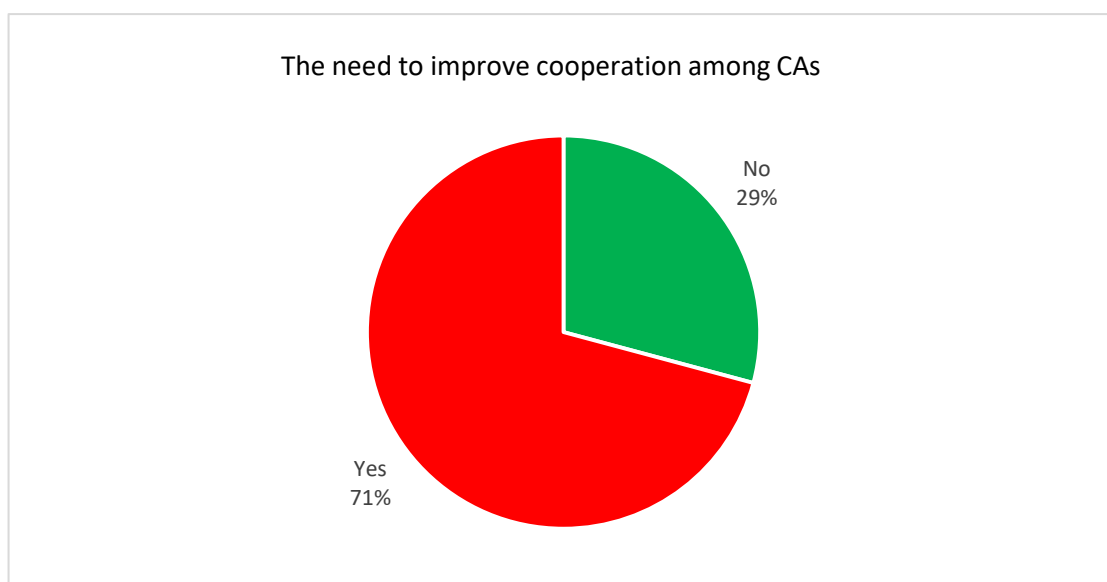
## Reasoning for ineffective/partially effective and highly effective oversight, according to the survey respondents

Reasoning for ineffective/partially effective oversight	Reasoning for highly effective oversight
The Regulation does not set many requirements for such oversight. Only if an examiner (from other MSs) is conducting a skill test for the pilot (in the current MS), the examiner must send a notification of the skill test taking place. For proficiency checks, the examiner only sends the documents after the check has taken place. If the examiner and applicant both hold the certificate and licence issued by the other MS, the current MS (on which territory the test/check takes place) has no information of the test/check whatsoever.	Even though it requires some resources, it is possible to perform effective oversight over non-national examiners.
The scope of the oversight programme is not described in the EU rules. It depends on the additional national procedures mentioned in the EDD. The key for effective oversight is the way of implementation by the respective NAA and the available qualified resources. There are big differences within the EASA MSs (also in terms of language).	The current requirements are sufficient.
There is no legal possibility for the CA to be involved and perform an oversight during any examination-flight with external examiners.  The only way to perform the oversight is to check copies of their certificates in case there is information on a proficiency check.  It is hard to know when examiners are operating in your State, so it is difficult to arrange a standardisation check.	The oversight is effective when Icetra is monitoring examiners with an examiner approval received from them.
It is difficult to perform an effective oversight over the examiner certified by another CA due to the lack of shared information between the MSs. There is also no compliance with time limits for announcing checks.	
Particularly for proficiency checks and assessments of competence where no designation procedures apply (ARA.FCL.205(c)), effective oversight by the CA for the territory where these examinations are conducted over examiners certified by other CAs is also nearly impossible because the proficiency checks and assessments of competence are not known in advance.	
Oversight requires cooperation between CAs, which makes it complicated. If non-compliance is noticed, they can only notify the MS in question.	
CAs can only perform an oversight over examiners certified by another CA if the skill test is conducted on applicants who apply for a licence of the country where the CA is placed.	

Reasoning for ineffective/partially effective oversight	Reasoning for highly effective oversight
The oversight tool of FCL.1030(b)(3) (providing that the examiner report has to also be sent to the CA of the examiner) is very helpful. However, in practice, if an examiner of MS 'A' carries out an exam on an applicant of MS 'B', and does not send the report to his CA, but only to the CA of the applicant, there is no possibility for the CA of the examiner to become aware of it.	
It is impossible to request the oversight over (or the financing of) tests conducted overseas on behalf of the NAA which is issuing the licence. Due to limited resources, it is impossible to oversee every such examination.	
Some of the examiners forget to send the exam documentation.	

### 5.8.3 Level of cooperation between the CAs

Figure: 25 Cooperation between the CAs in the oversight over examiners



The level of cooperation between CAs is not enough and it is perceived that there is room for improvement. Some of the difficulties mentioned by the authorities are:

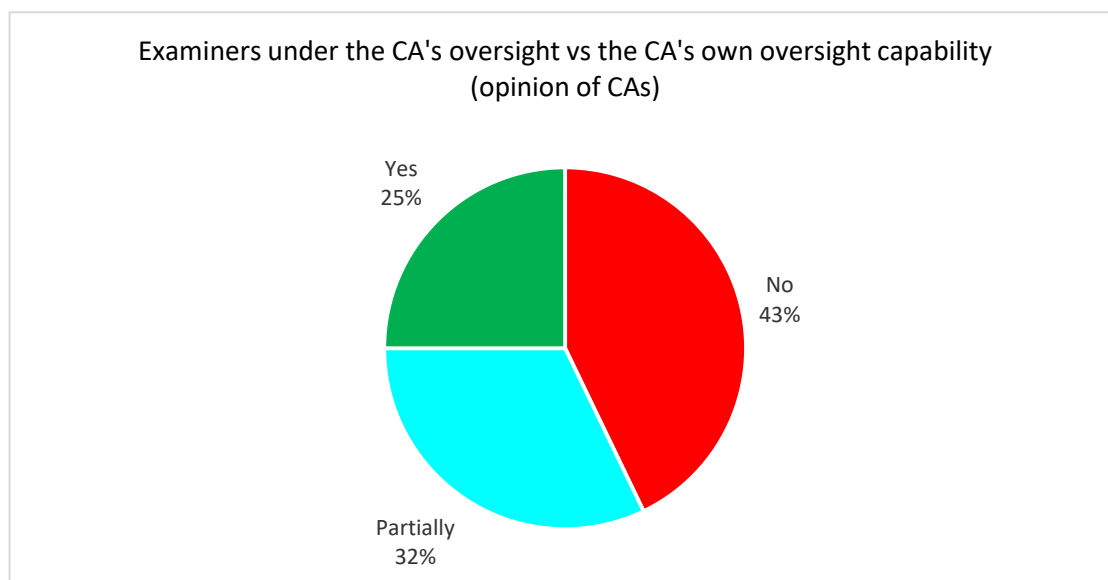
- it is difficult to find examiners lists on the websites of other countries;
- although the Regulation states that the MSs must exchange information, there is not much information about how this could be done;
- currently there are no formal structures which enable cooperation regarding the oversight over examiners;
- in numerous areas, there are different ways of interpretation and compliance;
- it would be helpful to know if there have been problems with specific examiners in other countries.

Overall, CAs recommend improving their cooperation in terms of examiners oversight towards a uniform standard amongst EASA NAAs. Some of the possible ways for improving the cooperation might be:

- the coordination of oversight programmes and mutual information;
- better communication from the licencing sections to address these issues and variations;
- specific meetings held by EASA in order to bring States closer together, as the standardisation of examiners should be a common goal, for the benefit of all pilots and those not involved in aviation (the general public);
- sharing oversight responsibilities between the authorities.

#### 5.8.4 Number of the examiners vis-à-vis a CA's oversight capacity

Figure 26: Opinion on the number of examiners under authority oversight vs the CA's own oversight capacity



**Reasoning for ineffective/partially effective and highly effective oversight capability, according to the survey respondents**

Reasoning for ineffective oversight capability	Reasoning for partially effective oversight capability	Reasoning for highly effective oversight capability
Balancing is difficult because all applicants fulfilling the requirements have to be granted examiner privileges so the number of examiners under a CA's oversight is neither predictable nor manageable.	The market for examiners is regulating itself.	It is possible to authorise senior examiners to perform their tasks on behalf of the CA.
There are no prescriptive rules that control the staffing of oversight inspectors which could counter budgetary constraints.	The number of inspectors is not enough to perform the oversight, therefore we send senior examiners to conduct the oversight.	Current requirements are sufficient.
Artificial examiner assessments of competence (role play checks) should be forbidden. This is a clear indication that there are more examiners 'on the market' than needed for the actual number of real checks.	The system is not clear enough, therefore the rules should be reviewed.	

## 5.9 Cost-efficiency of the rules

Figure 27: Cost-efficiency of the rules (opinion of the industry)

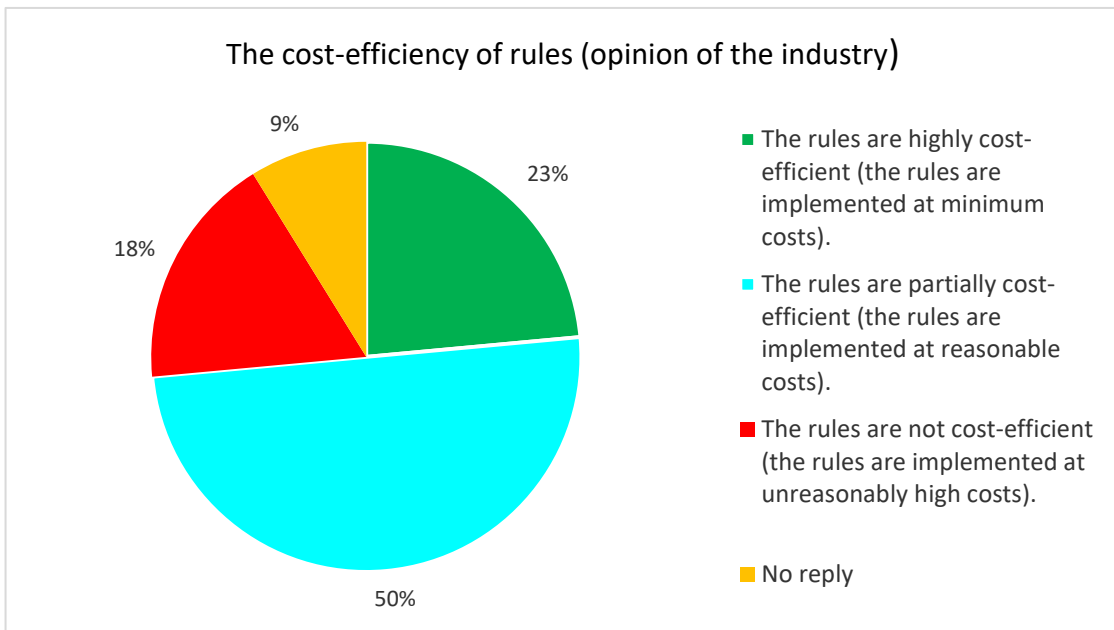
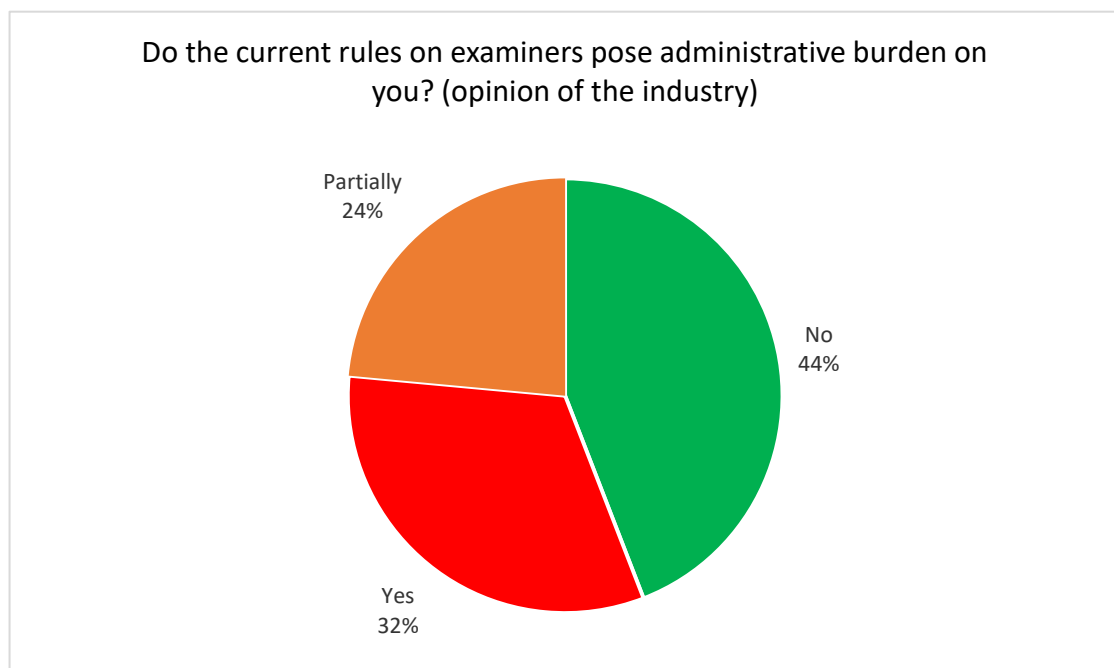


Figure 28: The administrative burden of the rules on the industry



Overall, the industry considers that the rules are partially cost-effective, but there is room for improvement. The reasons for this are indicated as follows.

- The rules are cost burdensome because of the multitude of unnecessary, duplicated/diverging administration rules, forms and their execution.
- There is no digitalisation of the forms, thus paperwork takes too much time. Submission of several forms for each check must be carried out. Many forms are not well suited to computer use, thus their composition, transmission and storage is not always simple.
- The national cost put on the examiner in some countries is very high.



- The rules are not specific, but rather general; this vacuum has to be filled by the CAs. Therefore complex processes are created, which make the examiner certificate only partly cost-efficient.
- The flight examiner seminars are in addition to the flight instructor revalidation. This creates inefficiencies because it duplicates the costs for similar content.

## 5.10 Coherence of the rules

The coherence criterion of the rules analyses how well the FCL examiner rules have worked internally (within rules in Subpart K), to achieve common objectives, or if they are complementary/contradictory to other related rules, e.g. rules in Subpart J, which may cause inefficiencies.

### 5.10.1 Subpart K

Figure 29: Coherence of the rules in Subpart K (opinion of CAs)

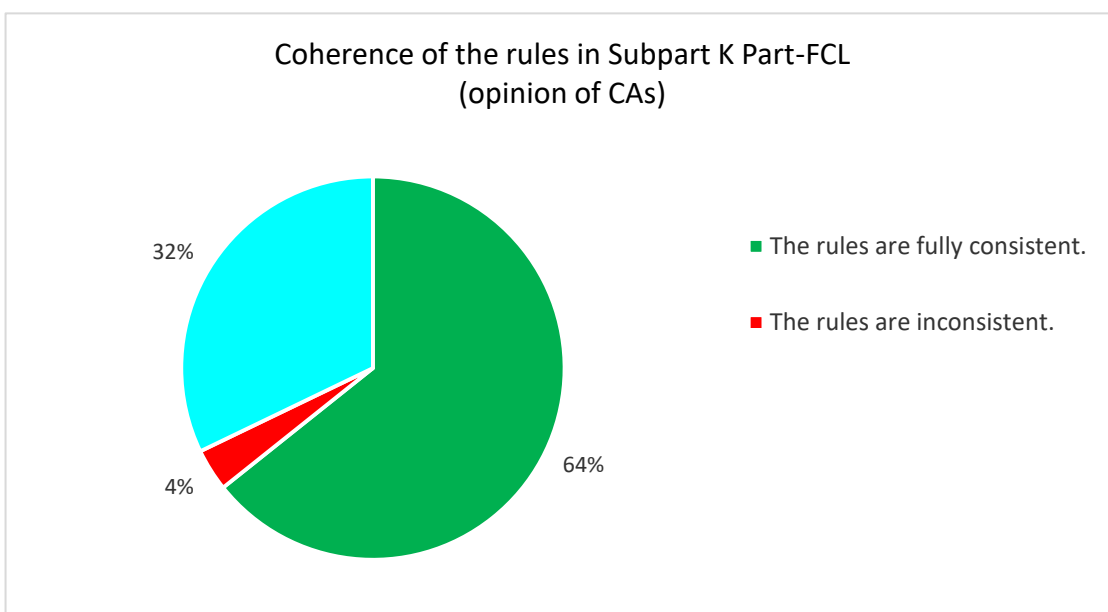
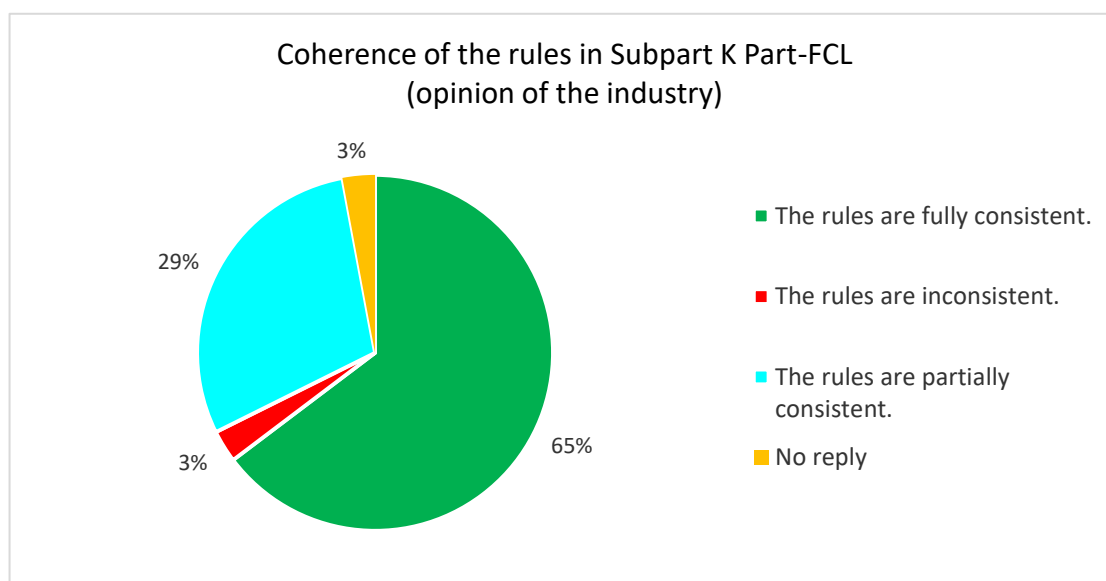


Figure 30: Consistency of the rules in Subpart K (opinion of the industry)



The majority of CAs and industry respondents consider that the rules in Subpart K are consistent with each other, though they admit that the different States interpret them in different ways and this is a source of inconsistency. Those respondents which gave negative responses pointed the inconsistencies presented below.

- It is inconsistent that, according to FCL.1010.CRE(a), the applicants for a certification rating examiner (CRE) must hold a CPL(A), MPL(A) or ATPL(A) or have previously held it, and hold a PPL(A), whereas an applicant for a flight examiner (FE) for aeroplanes (FE(A)) certificate may hold a PPL(A) (without further/previous CPL/MPL/ATPL-requirements, FCL.1010.FE), although the privilege of an FE(A) is also to conduct skill tests and proficiency checks for single-pilot class and type ratings, according to FCL.1005.FE(a)(1). Consequently a PPL(A) should be an adequate prerequisite for a CRE certificate. The same applies analogically for the TRE(H), FCL.1010.TRE(b)(5)(ii) in comparison to FCL.1010.FE/FCL.1005.FE(b)(1) .
- According to the FCL.1025(c) definition of a renewal for an examiner authorisation: if the tests are not twice a year, is it a renewal?
- There are FCL 1025(b)(4) cases when one holds several examiner authorisations (in one aircraft category), and one is in revalidation conditions, but the others are not. Is FCL 1025(b)(4) applicable to all?
- Why is there a difference between FCL.1005.FE(a)(1) or (2) and FCL.1005.FE(b)(1) or (2): for helicopters as regards to: 'entered in a PPL(H)/CPL(H)', but this is not mentioned for aeroplanes?
- What is the procedure in cases when an FE applicant is a restricted FI who has more than 250 hours of flight instruction but less than 25 solo flights? More generally, the prerequisites for an FE applicants are not precise enough. A checklist would be more appropriate.
- A TRE(H) with a valid IR can conduct an LPC for revalidation/renewal of an IR(H) (FCL.1005.TRE) while an FE with a valid IR cannot (unless he or she is an IRE). There is a need for an alternative.

- FCL.1005.SFE(b)(2) allows a synthetic flight examiner (SFE) to revalidate/renew IR(H) if they are compliant with FCL.1010.IRE. There is a need for an exemption similar to the one already in place for aeroplanes.
- FCL 1005.SFE states that only a SFE can conduct tests on FFS, while appendix 9(c)(8) gives the possibility to conduct the test on a FTD.
- FCL 1010 IRE(a) adds to an instrument rating instructor (IRI): FI holding the privilege to provide training for the IR.
- The requirements for general aviation (GA) and commercial operations are not always proportionate (for example the instructor experience requirements are more burdensome for GA). In addition, the requirements should clearly indicate and allow reasonable crediting between different instructor ratings, also taking into account the assessments of competence.
- In general, Subpart K is quite complicated to read. For example, the AMC material for TRI training course is very confusing. The requirements for different TRI privileges are almost impossible to interpret.
- Subpart K should also take advanced technology better into account and allow wider use of advanced FSTD devices in instructor training.
- FCL.1005.SFE(a)(5)(b): the privileges of a SFE should include also assessments of competence for the issue, revalidation or renewal of an TRI, restricted to flight instruction in FFSs.
- FCL.1010.SFE(a)(3),(b)(3): for the initial SFE, an applicant has completed 50 hours of synthetic flight instruction as a synthetic flight instructor (SFI). Synthetic flight instruction as a TRI on the applicable type should also be accepted.
- The rules in the domain of non-technical skills ('airmanship') are prescribed differently to technical skills as regards objective pass/fail criteria.
- Revalidation of an SFI can be done by a TRE or SFE with the required experience but the revalidation of a TRI can only be done by a TRE even if the TRI is restricted to FFS only.

### 5.10.2 Subparts K and J

Figure 31: Coherence between Subparts K and J (opinion of CAs)

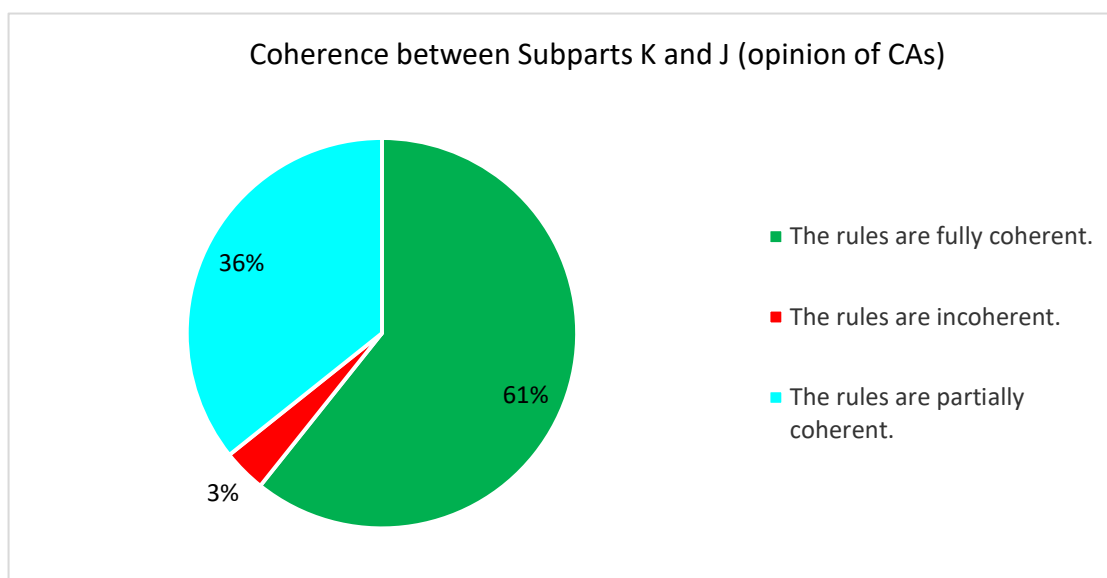
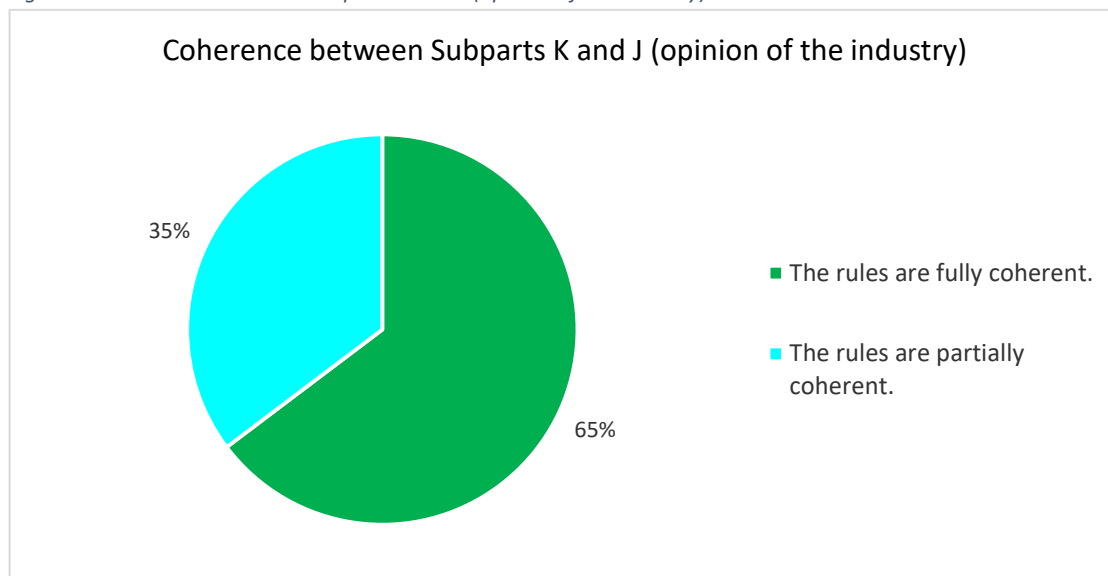


Figure 32: Coherence between Subparts K and J (opinion of the industry)



Similarly to the previous question, the majority of CAs and industry respondents find that the rules in Subparts J and K are predominantly consistent with each other. The inconsistencies are identified below.

- A derogation is required to allow an SFI/SFE to perform instrument rating proficiency checks.
- An AOC is required for TRI privileges (base-training, line flying under supervision (LIFUS), un-restricted), while for the renewal of TRI(A) this is not a requirement.
- According to FCL.1010.CRE(a) applicants for a CRE certificate shall hold a CPL(A), MPL(A) or ATPL(A) or have previously held it, and hold a PPL(A), whereas an applicant for a certification review item (CRI) may hold a PPL(A) only, FCL.915.CRI. Consequently a PPL(A) should be an adequate prerequisite for a CRE certificate.
- In order to fulfil FCL.1000(a)(1), a TREH single pilot must hold a TRIH, although an FIH has the same privilege for type ratings.
- A FIEH must hold an IRIH in order to act for an IRI, although a FIH who fulfils the requirement of FCL.905.FI(g) has the same privileges as an IRIH.
- There is an absence of SFE for a single-pilot aircraft (SFE-SP) while SFI for single-pilot aircraft does exist (SFI-SP).
- Is a CRE allowed to conduct a test in a multi-pilot environment (MPO)? There is a problem with the CRI privileges and Appendix 9.
- The requirements for GA and commercial operations are not always proportionate and the examiner experience requirements are more burdensome for the GA.
- If an instructor certificate has expired, the revalidation requires the validation for every instructor category (FI, TRI, etc.) of this certificate. However, when an examiner certificate with more than one category of examiner has expired, a combined revalidation is allowed.
- Privileges of a CRI can be extended to further classes and types; but there are no rules for the extension of the privileges of a CRE.
- When considering a multi pilot aircraft, the differences between the TRE and SFE are unnecessarily restrictive. There is no fundamental difference between the qualifications

and experience of the two examiner types especially when virtually all tests for multi pilot aircraft are carried out in a simulator. The restrictions on SFEs not being allowed to check/test/revalidate TRIs is not logical as the privileges of both TRI and SFI are identical for all simulator work.

- A TRE can test TRIs, but an IRE cannot test IRIs. This is not consistent. Likewise, a TRI can train prospective TRIs, but an IRI cannot train prospective IRIs.

## 6. Recurrent issues from the standardisation findings

The analysis also included the assessment of the most recurrent issues addressed in standardisation findings since 2013 when the rules of examiners started to be checked for compliance. The most recurrent issues are presented below.

- There is no oversight programme to monitor examiners and/or the incomplete implementation of the oversight programme. In some cases, this is due to the lack of adequately qualified staff at the CAs. In other cases, even though there is a programme, this is focused on checks at the end of the third year validity of the examiner certificate. There are no intermediate checks and no review of the documentation provided by the examiner.
- There is no oversight over individual examiners: as the survey also mentioned, the oversight over independent free-floating examiners is very difficult, especially regarding those certified by one CA and exercising their privileges in another MS.
- Examiner certificates are issued/revalidated without verifying the compliance of the examiner; this problem may be also be caused by the lack of a legal 'hook' for the authorities which would allow them to control the initial issue of an examiner's certificate.
- Examiner standardisation courses are not approved by CAs/examiners; standardisation is not in compliance with the requirements. Similarly to the survey results, the rules for the certification and standardisation of examiners are considered a weak point, because there are no equivalent criteria for passing the exams.
- There is no system to plan the necessary examiners: setting up such a system may be difficult because all applicants fulfilling the requirements have to be granted examiner privileges, thus the number of examiners under a CA's oversight is not predictable and manageable. There are no prescriptive rules that control the staffing of oversight inspectors which could counter constraints.
- There is no published list of examiners. The authorities have difficulties to publish a list of examiners because, if an examiner and an applicant both hold certificates and licences issued by (an)other MS(s), the current MS (on which territory the test/check takes place) has no knowledge of the test/check.
- CAs staff are not appropriately qualified.
- There is inadequate documentation on the standardisation course for examiners and an incomplete development of internal procedures.

## 7. Conclusions on the regulatory framework

### 7.1 Relevance

Relevance looks at the relationship between the needs and problems in society and the objectives of the intervention, and hence it touches on aspects of design.

The analysis shows that the objectives of the FCL examiners rules (see section 4.2) are still relevant, but they have some unintended negative consequences which need to be taken into account. Furthermore, the rules have to introduce new objectives to address the vacuum created due to the lack of explicit details or due to the fact that the rules do not manage the current needs of CAs and stakeholders.

- The legal status of the independent examiner (neither part of a CA, nor of the airlines, ATO) is unclear and should be further regulated/clarified.
- The current rules have legal weaknesses, as there are no explicit requirements with regard to the examiner's integrity/attitude.
- The selection of examiners is not based on the necessary number of examiners or their geographic distribution. All candidates fulfilling the requirements must be approved. Therefore national authorities are not able to prevent an unsuitable (with regard to integrity/attitude) candidate from getting an examiner certificate if challenged in a court of law.
- There is no EU regulation regarding the liability of examiners and their insurance coverage. This is only regulated in the national laws and regulations, which causes many differences between the MSs. Examiners are also not protected by the authorities.
- The content of standardisation is insufficient.

### 7.2 Effectiveness

The effectiveness analysis considers how successful EU action has been in achieving or progressing towards its objectives, by using appropriate points of comparison (including from a prior impact assessment).

The analysis shows that the intended desired results of the FCL examiners rules (see Section 4.4) have **been partially achieved**. The results achieved are indicated below.

- The number of examiners in the EASA MSs increased: the table below summarises the information already mentioned in chapter 3 to provide a quick overview of the expected results achieved.

*Table 3: Comparative results of the number of examiners before and after the rules have been implemented*

PILOT LICENCE	EXAMINERS IN 2008	EXAMINERS IN 2017	CHANGE (%)
<b>TOTAL NO OF EXAMINERS</b>	14 101	ca 19 797	+40 %

- The free movement of examiners in the EASA MSs has increased: many airlines are operating in several different countries, which leads to examiners being involved in testing pilots from many different authorities. Such flexibility can only improve the effectiveness and standardisation of all the MSs within EASA as differences in philosophy/interpretation are reduced or even eliminated.
- The free movement of pilots has been facilitated: the ability to examine pilots of other MSs is essential and companies derive the maximum benefit from the free movement of labour.
- Common requirements for examiners have been introduced.

However, some results have been partially achieved/not achieved, thus negatively affecting the effectiveness of the rules, as can be seen below.

- The free movement of examiners has some unintended negative impacts, e.g. the unclear legal status of the examiner vs the authority. There is also ineffective oversight over examiners performing examinations outside the MS that has issued the certificate. This is the case especially in regards to considerably ‘powerful’ and ‘independent’ examiners who, in some cases, can easily abuse of the system (some individual examiners consider it as a good business case, rather than a safety assurance mission on behalf of the authority, the case of the ‘examiner shopper’).
- The rules do not enable the effective mitigation of the cases of conflict of interest, based on the evidence collected in the survey. The Regulation does not state exact principles and rules regarding the topic of vested interests. The system can be abused and situations of conflict of interest/vested interests are likely to occur in less densely populated markets where the flight examiner density is low.
- The selection of suitable and competent examiners is not fully effective. The examiners selection process in some cases is neither known nor is it transparent. The CAs can neither oversee the growing market of examiners, nor can they ensure an effective selection process, because there are no responsibilities and suitable selection tools for the authority to check the attitude and integrity of the examiners for their special purpose. There is no focus on the relevance of ‘attitude’ to the position as examiner.
- The standardisation of examiners is an objective partially achieved due to the different examiner standards amongst the EASA MSs and the big differences in applying these standards. Training standards are not the same in all the MSs. According to some respondents, there might even be a considerable safety issue due to the variety of standards. This also has a negative economic impact which is analysed in the efficiency chapter.
- The oversight of the examiners is difficult and, in some cases, it is ineffective. The link between examiners and the CA is weak. The Regulation does not give any assistance as to how the oversight should be performed which makes all the MSs create their own system. The different requirements of each MS diminish safety and hinders the competition. It is impossible to oversee an examiner and an applicant which hold certificates and licences issued by another MS(s), as the current MS (on which territory the test/check takes place) has no information about the test/check whatsoever.

## ICAO compliance of FCL examiners provisions in Aircrew Regulation

According to the ICAO 9379 *Manual of Procedures for Establishment and Management of a State's Personnel Licensing System*:

Examination tasks are complex and require a high level of experience and expertise in the various areas of licensing (typically flight crew, aircraft maintenance personnel and air traffic controller). Executing the tasks also requires the highest degree of technical and ethical integrity as well as good judgement. Because such specialized, high-level skills are often scarce, some States use staff from the operations, airworthiness and air traffic control departments of the CAA to carry out examinations and, in particular, flight and practical tests. These staff members are CAA examiners who are trained, qualified and supervised for the conduct of examinations. **The tasks related to the examination function may also be delegated externally, under the oversight of the CAA, to an organization or an appropriate person (a "designated examiner" with appropriate qualifications).**

As presented in the graph below, **there is a direct link expected between the authority and what ICAO terms 'designated examiners'.** It should not be confused with the designation process mentioned in ARA.FCL.205 which refers to the designation of examiners to conduct skill tests.

Figure 33: Extract from the ICAO 9379 *Manual of Procedures for Establishment and Management of a State's Personnel Licensing System*

Part I. General Principles and Organization  
 Chapter 2. The Licensing Authority

I-2-5

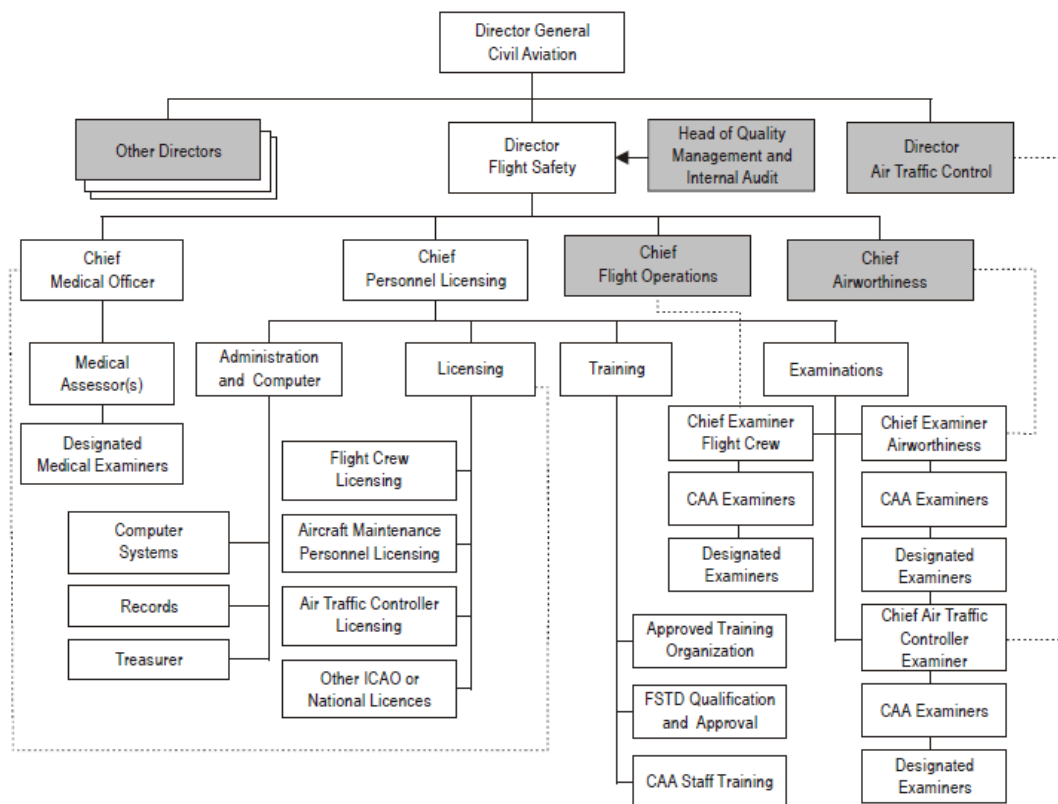


Figure I-2-1. The organizational structure of a typical large PEL Office and its relation to other CAA directorates and offices



Based on the data collected from the surveys and the opinions expressed by the CAs and industry, there is unclear link between the authority and the examiners in the current EASA system. The status of the examiners is not clear as regards their relation with the CA.

Furthermore, according to ICAO, once the CA has appointed an examiner or has designated a non-CA person as an examiner, it is responsible for closely supervising the subsequent activities of the examiner. ICAO states that there should be requirements for the minimum annual number of examinations to be conducted by each examiner, as well as requirements for the observation of the examinations on a periodic basis, especially practical checks conducted by the examiner. These requirements are not transposed into the Aircrew Regulation, thus hindering the CA from monitoring the performance of the examiners and applying remediation measures (e.g. training) as necessary.

**Hence, the current rules are not fully compatible with the ICAO examiners requirements, most notably as regards the legal status of the examiners and their relation with the CA.**

Referring to the other provisions on the qualification, initial training and responsibilities of the examiner, the Aircrew Regulation FCL provisions are compliant with the ICAO requirements.

As regards the FAA practice, in this respect it follows the ICAO model with 'designated' examiners, and the FAA controls the performance of the examiners and oversees their activities.

Overall, results achieved are compared with the initial expected results and the result is presented in the graph below.

Figure 34: Intended vs non-intended impact achieved

Result/impact intended	Result/impact achieved
<ul style="list-style-type: none"> <li>• No of examiners increased: 18 625 (+5 %)</li> <li>• Standardisation of examiners</li> <li>• Free movement of examiners (examiners working in a different country from the country of their origin)</li> <li>• Compatibility with ICAO/FAA</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Positive results / impacts:</b></li> <li>• Free movement of examiners</li> <li>• Free movement of pilots</li> <li>• No of examiners increased even more: ca 20 000</li> <li>• <b>Negative results/impacts:</b></li> <li>• The standardisation of examiners is not fully achieved due to different examiner standards amongst the EASA MSs</li> <li>• Unclear compatibility with ICAO as regards the legal status of examiner</li> <li>• <b>Other non-intended impacts:</b></li> <li>• Unclear legal status of examiners in relation to the CA</li> <li>• Current rules have legal weaknesses and do not give CAs enough possibilities to select examiners</li> <li>• Rules do not enable the effective mitigation of the cases of conflict of interest</li> <li>• Difficulties to oversee examiners, especially those certified by other CAs, who are exercising their privileges within the territory of another CA</li> <li>• Increasing number of examiners vs limited CA's oversight capability</li> </ul>

### 7.3 Efficiency

Efficiency considers the relationship between the resources used for the implementation of the rules and the changes generated by EU rules (which may be positive or negative).

The analysis of efficiency shows that, overall, the **rules are considered partially efficient**. The rules are on a general level and lack specific details in many areas. This vacuum is filled by the CAs. Therefore, complex processes are created, which make the examiner certificate only partially cost-efficient.

The big differences in examiner standards within the EASA MSs lead to considerable inefficiency, due to the time needed to sort different authority requirements. Another negative impact on the industry is that the rules are burdensome and difficult for examiners working in ATOs with multinational candidates. At the moment, training centres and operators with pilots from across the EU have to deal with a different form for each NAA.

### 7.4 Coherence

The coherence looks how well the FCL examiner rules have worked internally (within the rules in Subpart K and within other related rules, e.g. rules in Subpart J).

The analysis of the coherence of the rules in Subpart K and between Subpart K and Subpart J shows **that, overall, the rules are considered coherent**. However, there are examples given by the authorities and the industry which exemplify the inconsistencies in the rules. In addition, it is mentioned that the requirements for GA and commercial operations are not always proportionate (for example, the instructor experience requirements are more burdensome for GA). Furthermore, there are a lot of inconsistencies due to the different interpretation of the rules by the different CAs.

### 7.5 EU added value

EU added value is the analysis part of the evaluation which considers arguments about the value resulting from EU interventions that is additional to the value resulted from interventions initiated at national levels.

The analysis of the value added by the EU FCL rules shows that, overall, the rules are considered positive. They bring the desired commonality and standardisation of the examiners' work in the MSs, albeit with some weaknesses as identified above. The CAs and industry members have further identified some areas that need to be strengthened, e.g. rules which exist at national level and may be regulated at EU level, or further harmonisation of the requirements in different aspects, as indicated below.

- There is no EU regulation regarding the liability of examiners and their insurance coverage. This subject is only regulated in the national laws and regulations, which results in many differences between the MSs.
- Standardisation of examiners may be further strengthened at EU level, allowing the harmonisation of the national requirements.

## 8. Next steps

- (a) Consultation of the draft report with Aircrew TeB, FS.TeC, European Commission, and other interested stakeholders, complemented with additional data and recommendations.
- (b) EASA will discuss recommendations based on the report in close consultation with the advisory bodies to define the potential follow-up actions.
- (c) The evaluation results will be reflected in the EASA preliminary impact assessment FCL to identify possible actions, their impact and priority for implementation. The document will be consulted with the advisory bodies.

## Annexes

### Annex 1— Statistical data about examiners in the EASA MSs

Data on the reported (based on the EASA survey) and projected number of examiners in the 32 EASA MSs.

	Country	GDP (billion euros)	Total number of examiners
Survey results	Latvia	€25.0	37
	Malta	€9.9	24
	Estonia	€21.1	44
	Luxembourg	€52.3	93
	Lithuania	€39.0	112
	Iceland	€18.1	136
	Czech Republic	€176.2	233
	Norway	€334.0	256
	Finland	€215.1	329
	Denmark	€276.2	334
	Poland	€421.4	458
	Austria	€351.1	567
	Switzerland	€601.2	570
	Sweden	€462.0	797
	Netherlands	€701.2	938
	United Kingdom	€2 386.5	2 543
	France	€2 223.1	3 263
	Germany	€3 130.9	3 268
Estimates based on GDP	Belgium	€424.2	539
	Bulgaria	€48.6	115
	Croatia	€46.5	112
	Cyprus	€18.1	80
	Greece	€174.7	257
	Hungary	€114.0	189
	Ireland	€277.8	374
	Italy	€1 680.4	1 958
	Liechtenstein	€5.5	66
	Portugal	€185.1	269
	Romania	€169.9	252
	Slovakia	€80.9	151
	Slovenia	€40.5	106
	Spain	€1 119.2	1 324
Total			19 793

*The figures projected based on GDP are rounded to the nearest integer, thus they may not add up precisely to the total number.*

## Annex 2 — Further recommendations made by the CAs and industry

The recommendations below are also derived from the surveys to the CAs and to the industry.

### Differentiation between conducting assessments on commercial and GA pilots

Figure 35: Differentiation between conducting assessments on commercial and GA pilots (opinion of CAs)

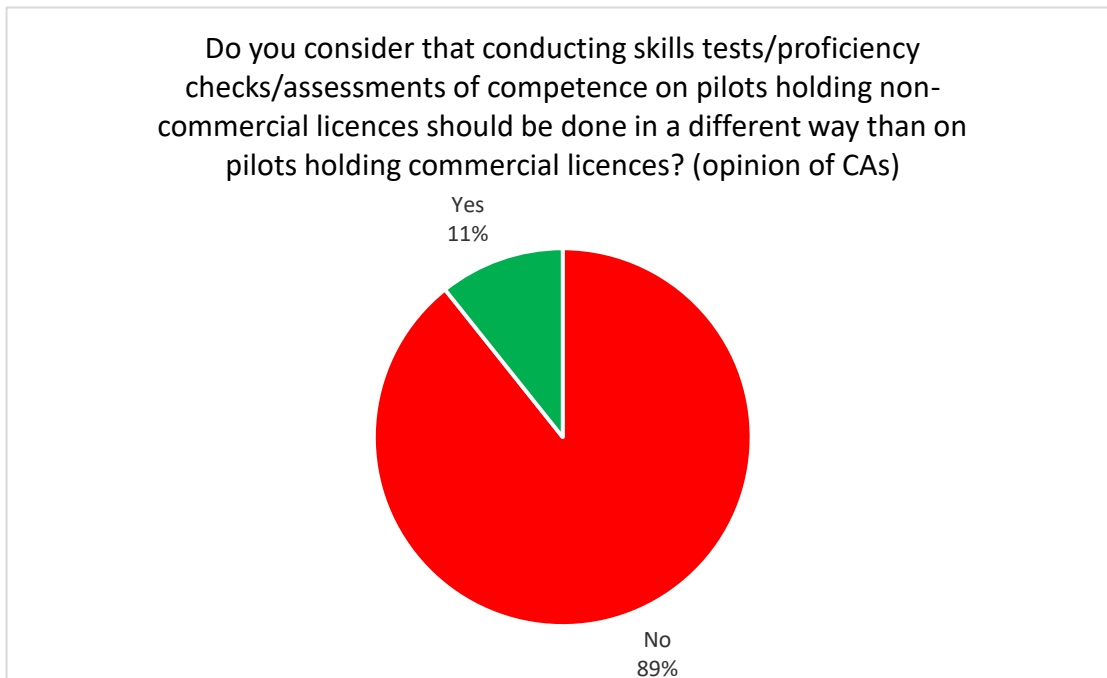
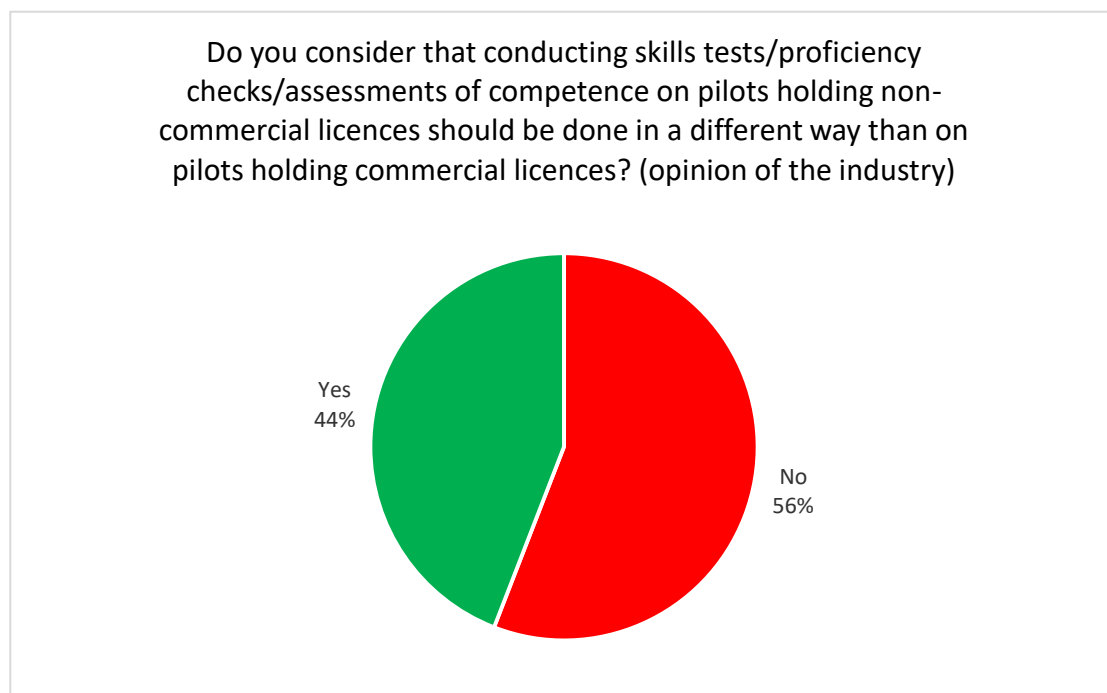


Figure 36: Differentiation between conducting assessments on commercial and GA pilots (opinion of the industry)



The majority of both authorities and industry do not support the idea of differentiating the way in which the test/proficiency check/assessment of competence is conducted on pilots holding non-commercial licences, compared to the way in which they apply it to pilots with commercial licences. They gave the arguments indicated below.

- The test system, including the pre-examination and theoretical check, should be exactly the same; however, the contents of the questions should differ. It is much easier to standardise examiners if all the tests are performed the same way.
- The contents should remain different, but the formal way to conduct the test/check should be the same.
- There should be no differences when checking the applicant/licence holder. All licence holders fly in the same airspace and the level of safety must be guaranteed.
- The competence should be the same regardless of the licence being private or commercial. The only thing that could differ is the tolerance.
- The differences between the various skill-tests are already set up by the Aircrew Regulation.
- All pilots should be tested according to the same standards.
- The requirements of the Regulation provide sufficient differentiation. Any further differences are not considered sensible from a safety point of view.
- The same rules should apply to achieve the same safety standard. The level of safety has to be the same in all cases. All pilots fly in the same airspace even if they have different purposes.

Those who support the idea of having different ways of conducting the test/check, provided the arguments below.

- In the case of skill tests, the testing should be done in a similar way. However, in the case of proficiency checks, it should be possible to take the principles of EBT into consideration. This would help operators to tackle their problem areas.
- For non-commercial operations, the processes may be more compliance-oriented than in big airlines/organisations where the checks should be SMS-oriented (to maximise flexibility – EBT and checking a promising idea).
- The test competence for a commercial pilot has to be on a higher level than for a non-commercial pilot.

## Extension of senior examiner privileges

Figure 37: Extension of senior examiner privileges (opinion of CAs)

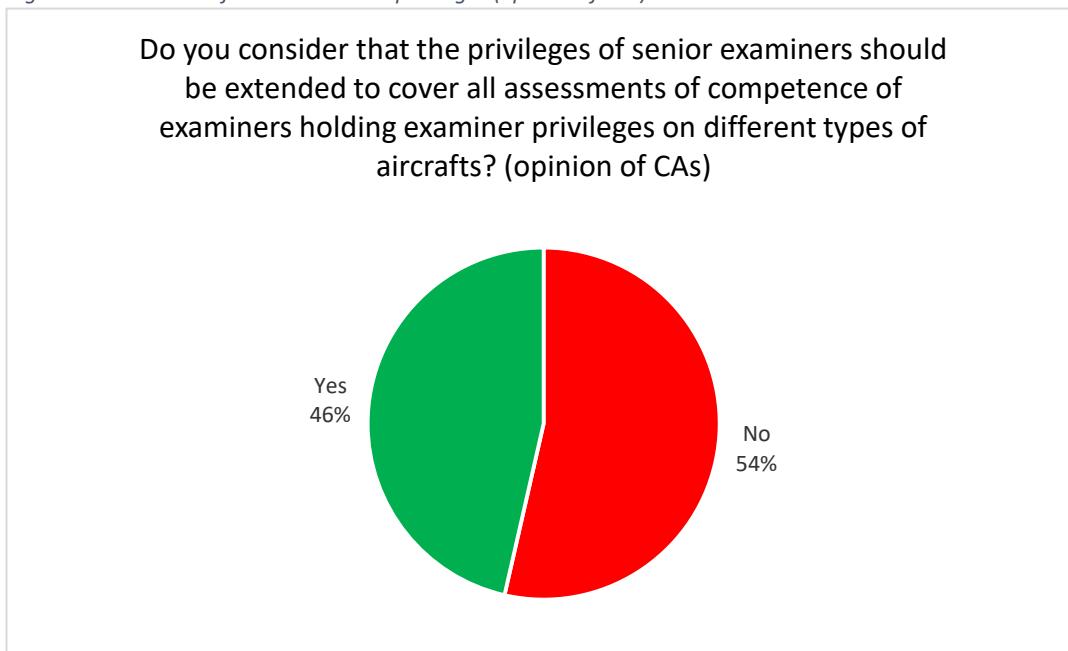
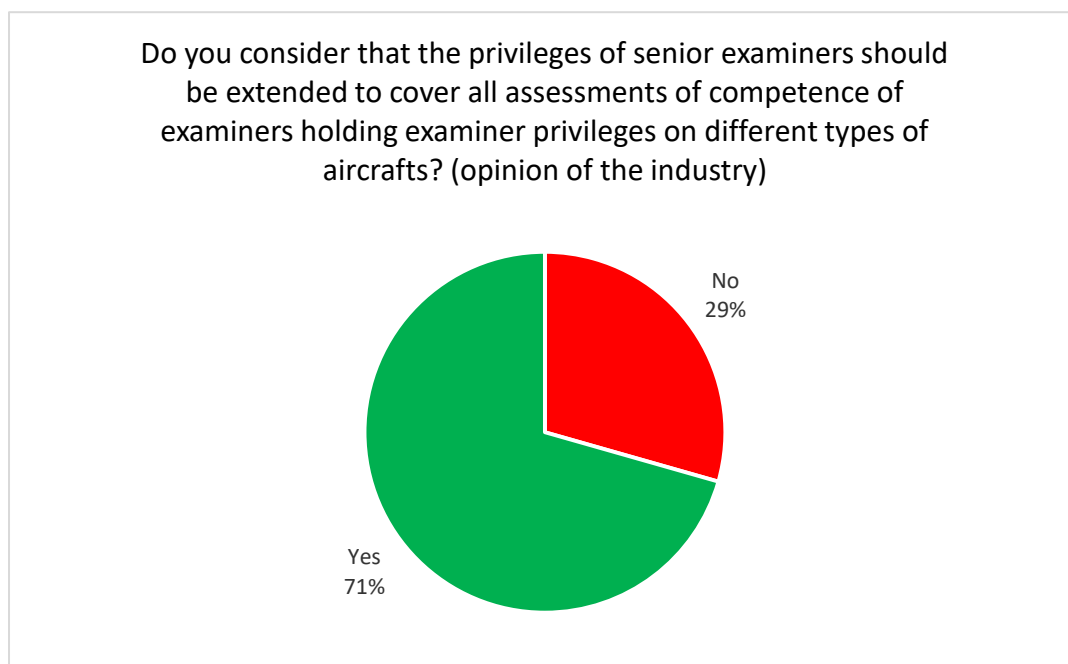


Figure 38: Extension of senior examiner privileges (opinion of the industry)



Contrary to CAs, the majority of which consider that the privileges of senior examiners should not be extended, more than 50 % of the industry members are in favour of this idea.

Those respondents who consider that the privileges of senior examiners should be extended gave the arguments presented below.

- They could be extended so that senior examiners could assess privileges on all classes/types of aircraft, within the category of aircraft for which they hold examiner privileges.



- The extension of privileges should be decided on a case-by-case basis by the CA. This is already conducted by AltMoC; however, it must be approved by the authority in each specific case.
- They should not be extended for the initial issue, but for cases of the revalidation of an examiner certificate. It is about assessing the competence of an examiner (i.e. knowledge, skills, attitude, methodology and structure). Type-specific knowledge has already been assessed during the type/class rating proficiency check and instructor assessment of competence.
- The senior examiner must be the person responsible for keeping the highest standard of performing the skill test/proficiency check/assessment of competency. Examiners need to have support in the areas that are not within their aviation skills/knowledge, such as national procedures, documentation, good contact with people, etc.
- It is required due to a lack of senior examiners, a lack of resources and a large number of different types of aircraft.
- The skills of an examiner are only partially dependent on the respective type. Therefore, a senior examiner should be enabled to assess other examiners, regardless of their type, to ensure safe operations and technical support to examiners.
- Examining is largely a non-technical skill and so it is not directly related to aircraft type. Provided that the examiner has a TRI qualification on type, then the senior examiner should be satisfied that the handling of the aircraft will be satisfactory and can concentrate on the examining aspects (which are procedural).
- The senior examiner should always work under the authority of an ATO, as this will ensure sufficient quality control of the operation of that senior examiner.
- There is no reason why senior examiners should be treated differently from authority examiners, provided that the designation for the particular assessment of competence is done by the national authority.
- The rules already allow this for ATOs, thus they should be extended to all senior examiners.

Those who do not support the idea provided the arguments indicated below.

- Senior examiners should not be able to conduct tests on all types by default, but may be authorised by the CA in specific cases.
- A senior examiner must always be able to conduct the whole assessment of competence, including the handling characteristics of the aircraft. Hence, at least a minimum of knowledge about the relevant type is deemed necessary.
- While competences may be all type specific to a certain extent, there is a need for more flexibility in the activity of senior examiners/inspectors of the authority.
- Aircraft categories are too different, with the possible exception of sailplanes/airplanes. Although the senior examiner is only supposed to assess the examiner's skills, not piloting skills, they should still be familiar with the aircraft to be able to fully assess the examiner.
- Concerning types, senior examiners should not be required to be type rated to conduct assessments within the same kind of aircraft range (multi-pilot/single-pilot).
- There is a clear need of knowledge regarding systems, procedures and so on, which cannot be covered if the senior examiner is not type rated.

- Senior examiners must hold the examiner category, licence and ratings sought by the applicant. The procedures of authorisation of a senior examiner are determined by the CA.
- Senior examiners have to observe examiner applicants conducting skill tests or proficiency checks. Senior examiners have to assess the competence of examiners; therefore they need knowledge of the various types (performance, technical etc.). In addition, the documentation (included in the examiner report for the candidate) of the first assessment of competence of an examiner applicant must be signed by the senior examiner. Consequently, the senior examiner must hold the examiner certification.
- The senior examiner is often not the person who is most up to date on Regulation and instruction.