



# Explanatory Note to Decision 2020/013/R

## Loss of control prevention and recovery training

### *Deferment of the use of aeroplane flight simulation training devices (FSTDs) qualified against 'CS-FSTD(A) — Issue 2' in air operator upset prevention and recovery training (UPRT) in relation to the COVID-19 pandemic*

RMT.0581

#### EXECUTIVE SUMMARY

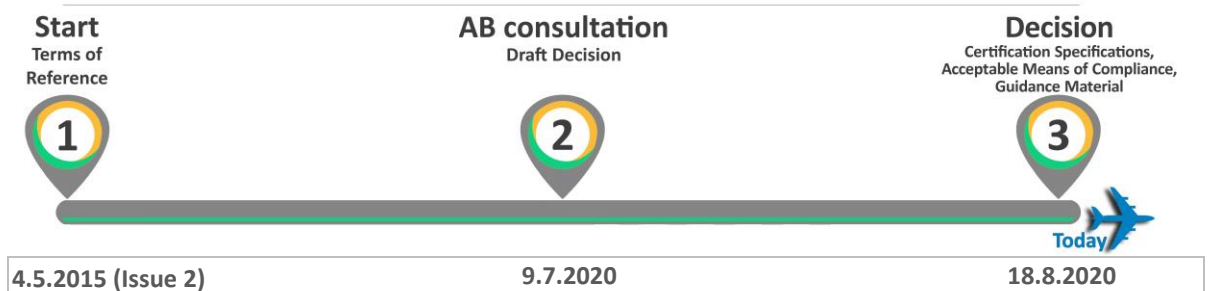
The objective of ED Decision 2020/013/R is to address an urgent implementation issue that has been identified in the field of upset prevention and recovery training (UPRT) which is delivered in accordance with Annex III (Part-ORO) to Regulation (EU) No 965/2012.

With ED Decision 2019/025/R 'AMC & GM to Part ORO — Issue 2, Amendment 16' of 17 December 2019, the acceptable means of compliance (AMC) to points ORO.FC.220 and ORO.FC.230 of Annex III (Part-ORO) to Regulation (EU) No 965/2012 were updated in order to clarify that in order to provide upset recovery training related to dynamic upsets, high-altitude stall events and icing effects, it is necessary to utilise aeroplane flight simulation training devices (FSTDs) that are updated in accordance with ED Decision 2018/006/R 'CS-FSTD(A) — Issue 2'. These amendments were set to apply from 20 August 2020 to ensure that enough FSTDs are available for use by the EU air operators, by granting FSTD manufacturers and FSTD operators sufficient time to implement the necessary updates and to receive the respective approvals from their competent authorities.

However, the COVID-19 pandemic and the resulting constraints have led and continue to lead to significant delays in the FSTD update process in accordance with CS-FSTD(A) — Issue 2. For this reason, ED Decision 2020/013/R defers the applicability date of CS-FSTD(A) — Issue 2 for providing UPRT in accordance with Annex III (Part-ORO) until 31 March 2021. This date was proposed during stakeholder consultations and it also corresponds to the date that has been agreed at ICAO level as the date where any COVID-19-related deviations from international civil aviation standards will cease to apply.

This amendment is expected to address the COVID-19-related issues regarding the implementation of CS-FSTD(A) — Issue 2 while ensuring its application without undue delay.

<b>Action area:</b>	Aircraft upset in flight (loss of control in-flight (LOC-I))		
<b>Related rules:</b>	<ul style="list-style-type: none"> <li>— ED Decision 2018/006/R 'CS-FSTD(A) — Issue 2'</li> <li>— ED Decision 2019/025/R 'Loss of control prevention and recovery training (Operator UPRT in accordance with CS-FSTD(A) — Issue 2)'</li> <li>— AMC &amp; GM to Annex III (Part-ORO) to Regulation (EU) No 965/2012</li> </ul>		
<b>Affected stakeholders:</b>	Air operators; national aviation authorities (NAAs); FSTD manufacturers; FSTD operators; flight crews		
<b>Driver:</b>	Safety	<b>Rulemaking group:</b>	No
<b>Impact assessment:</b>	None	<b>Rulemaking Procedure:</b>	Direct publication
	● EASA special rulemaking procedure milestones		



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## 1. About this Decision

The European Union Aviation Safety Agency (EASA) developed ED Decision 2020/013/R in line with Regulation (EU) 2018/1139<sup>1</sup> ('Basic Regulation') and the Rulemaking Procedure<sup>2</sup>.

This rulemaking activity is included in the European Plan for Aviation Safety (EPAS) for 2020–2024<sup>3</sup> under rulemaking task (RMT).0581, which is kept active to address an urgent implementation issue that has been identified in the context of UPRT which is delivered in accordance with Annex III (Part-ORO) to Regulation (EU) No 965/2012<sup>4</sup> in relation to the COVID-19 pandemic.

The *draft* text of this Decision has been developed by EASA. The EASA Advisory Bodies were consulted through Notice of Proposed Amendment (NPA) 2020-05 DP<sup>5</sup>. 9 comments were received from all interested parties (industry and NAAs).

EASA reviewed the comments received during the Advisory Body consultation. The comments received and EASA's responses to them are summarised in Section 2.4.

The *final* text of this Decision has been developed by EASA.

The major milestones of this rulemaking activity are presented on the title page.

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<sup>1</sup> Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1535612134845&uri=CELEX:32018R1139>).

<sup>2</sup> EASA is bound to follow a structured rulemaking process as required by Article 115(1) of Regulation (EU) 2018/1139. Such a process has been adopted by the EASA Management Board (MB) and is referred to as the 'Rulemaking Procedure'. See MB Decision No 18-2015 of 15 December 2015 replacing Decision 01/2012 concerning the procedure to be applied by EASA for the issuing of opinions, certification specifications and guidance material (<http://www.easa.europa.eu/the-agency/management-board/decisions/easa-mb-decision-18-2015-rulemaking-procedure>).

<sup>3</sup> <https://www.easa.europa.eu/document-library/general-publications/european-plan-aviation-safety-2020-2024>

<sup>4</sup> Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1593703153048&uri=CELEX:32012R0965>).

<sup>5</sup> In accordance with Article 115 of Regulation (EU) 2018/1139 and Article 15 of the Rulemaking Procedure.

## 2. In summary — why and what

### 2.1. Why we need to amend the CS/AMC & GM — issue/rationale

With ED Decision 2018/006/R of 3 May 2018, EASA issued the Certification Specifications for Aeroplane Flight Simulation Training Devices (FSTDs) 'CS-FSTD(A) — Issue 2'. This Decision started applying from 20 December 2019, as clarified with the subsequent ED Decision 2019/025/R of 17 December 2019. With that latter Decision, also the acceptable means of compliance (AMC) to points ORO.FC.220 and ORO.FC.230 of Annex III (Part-ORO) to Regulation (EU) No 965/2012 were updated in order to clarify that in order to provide upset recovery training related to dynamic upsets, high-altitude stall events and icing effects, it is necessary to utilise FSTDs that are updated in accordance with CS-FSTD(A) — Issue 2. However, in order to ensure that enough FSTDs are available for use by the EU air operators, these updates (as per ED Decision 2019/025/R) were set to apply from 20 August 2020, granting FSTD manufacturers and FSTD operators sufficient time to implement the necessary updates and receive the respective approvals from their competent authorities.

In early 2020, it became visible through feedback received by EASA from NAAs and FSTD operators that the COVID-19 outbreak and the resulting constraints have led and continue to lead to significant delays in the FSTD update process in accordance with CS-FSTD(A) — Issue 2. Consequently, by the currently set end of the transitional period (i.e. 20 August 2020), the number of updated FSTDs will not be sufficient to allow full completion of the EU air operators' recurrent training. In order to avoid such a situation and its negative impacts on EU air operations, it is necessary to defer the deadline of 20 August 2020 for updating FSTDs for EU air operator UPRT in accordance with CS-FSTD(A) — Issue 2 until 31 March 2021. This date was proposed during stakeholder consultations and it also corresponds to the date which has been agreed at ICAO level for the termination of all COVID-19-related deviations from international civil aviation standards.

EASA remains convinced of the safety importance of UPRT but it is also forced to take note of the reduced implementation rate in the context of the COVID-19-related constraints as well as their operational consequences and, therefore, decided to further defer the applicability date until 31 March 2021.

### 2.2. What we want to achieve — objectives

The overall objectives of the EASA system are defined in Article 1 of the Basic Regulation. This Decision will contribute to the achievement of the overall objectives by addressing the issues outlined in Section 2.1.

The specific objective of this Decision is to amend Article 4 of ED Decision 2019/025/R in order to render the updates to the AMC to points ORO.FC.220 and ORO.FC.230 of Annex III (Part-ORO) to Regulation (EU) No 965/2012 applicable from 31 March 2021.

### 2.3. How we want to achieve it — overview of the amendments

As explained in Section 2.1, ED Decision 2019/025/R updated the AMC to points ORO.FC.220 and ORO.FC.230 to clarify the need to conduct air operator UPRT solely in FSTDs that are updated in accordance with CS-FSTD(A) — Issue 2. In Article 4 of ED Decision 2019/025/R, these updates have been set to apply from 20 August 2020. With this ED Decision, the date '20 August 2020' in Article 4 is now replaced by '31 March 2021'. By deferring the applicability date, FSTD operators are given



additional time to complete the update of their FSTDs in accordance with CS-FSTD(A) — Issue 2 in the context of the EU air operator UPRT, as necessary, due to the COVID-19-imposed constraints.

#### **2.4. What are the stakeholders' views**

All comments received during the AB consultation expressed full support of the change as it was proposed with NPA 2020-05 DP.

#### **2.5. What are the benefits and drawbacks**

The main benefit of the amendment is that FSTD operators are given more time to update their FSTDs against CS-FSTD(A) — Issue 2 and to obtain the respective approvals from their competent authorities. In the context of the COVID-19-related constraints, it is impossible for a considerable number of FSTD operators to meet the currently set deadline of 20 August 2020. Considering these extraordinary circumstances, the deferment of the applicability of CS-FSTD(A) — Issue 2 in the context of the EU air operator UPRT until 31 March 2021 is both necessary and proportionate.

Therefore, with this Decision, EASA carefully weighs the COVID-19-related implementation delays against the safety importance of UPRT in mitigating the risk of loss of control in-flight (LOC-I). Whilst EASA emphasises the need to deliver UPRT in updated FSTDs, it is also forced to take note of the COVID-19-induced reduced implementation rate, primarily caused by lockdown constraints and associated difficulties to complete the FSTD update processes. The result of this assessment is the decision to postpone the implementation of CS-FSTD(A) — Issue 2 given the above-mentioned reasons.

No impact assessment (IA) has been performed other than taking note that the new implementation deadline (i.e. 31 March 2021) positively addresses an implementation challenge for a considerable number of EU air operators, as explained above.



### 3. How do we monitor and evaluate the rules

EASA will monitor the implementation of this Decision through all of the following:

- Regular updates and feedback from Member States to EASA on the ongoing implementation status (updating the FSTDs against CS-FSTD(A) — Issue 2)  
*(Advisory Body members)*
- Reassessment of the situation in 2020/Q4  
*(EASA)*



## 4. References

### 4.1. Related regulations

- Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1.)

### 4.2. Affected decisions

- Decision 2019/025/R of the Executive Director of the Agency of 17 December 2019 amending ED Decision 2018/006/R of 3 May 2018 issuing the Certification Specifications for Aeroplane Flight Simulation Training Devices, as well as amending ED Decisions 2014/017/R of 24 April 2014 and 2019/005/R of 27 February 2019 on the Acceptable Means of Compliance and Guidance Material to Annex III (Part-ORO) to Commission Regulation (EU) No 965/2012 (Loss of control prevention and recovery training (Operator UPRT in accordance with CS-FSTD(A) — Issue 2))

### 4.3. Related decisions

- Decision 2014/017/R of the Executive Director of the Agency of 24 April 2014 on Acceptable Means of Compliance and Guidance Material to Part-ORO of Regulation (EU) No 965/2012 and repealing Decision 2012/017/R of the Executive Director of the Agency of 24 October 2012 ('AMC and GM to Part-ORO — Issue 2')
- Decision 2018/006/R of the Executive Director of the Agency of 3 May 2018 issuing the Certification Specifications for Aeroplane Flight Simulation Training Devices ('CS-FSTD(A) — Issue 2')

