

Editorial

Examinations exist to verify that applicants have acquired or maintained the required level of knowledge and skill or proficiency, ensuring an adequate level of flight safety. As examiners, we have a duty to conduct these examinations objectively, fairly and credibly, without compromising flight safety. Proper preparation is arguably the best moment to start working on risk mitigation measures and the best way to guarantee examination compliance, furthermore, it is a mark of professionalism.



No preparation is possible without an advanced understanding of the task requirement, both in term of depth and breadth, and of the asset to be used for the examination. Equipped with this information, it is time to verify if we have the required privileges and qualification, and consider if our level of knowledge and experience is adequate to accept the task. While one might be legally qualified to operate a specific aeroplane, it does not necessarily mean it is an intelligent option in the interest of safety or credibility of the entire examination system.

Realising during the briefing that the examination is in fact not what was expected or have prepared, always comes at a surprise and is never easy to swallow ... but it is when one should act responsibly and not let his ego dictate the next step.

Sandro Guidetti
Chief Examiner SPA

Renewal of Class or Type Ratings – IR & AMC update

Following changes in FCL.740(b)(2) ([Regulation 2018/1119](#)) and its attached AMC ([ED 2018/009/R](#)), AIC 008/2015 B had to be repealed. This AIC allowed Swiss license holders to proceed to a renewal proficiency check, without ATO recommendation, provided the rating was expired for less than three months, and the experience requirements were complied with during the validity period of the rating. Concerned pilots may still make use of this provision until September 30th, 2019; from October 1st, 2019, a refresher training, respectively a recommendation, will be required for all class or type rating renewal. The same applies for an IR renewal, as laid down in FCL.625(c)(1).

With the updated version of FCL.740, the holder of an expired SEP or TMG rating may take the required refresher training with an instructor, provided the class rating expired for no more than three years and that it is not an HPA SEP; this new provision is similar to what was possible under the JAR system earlier. The applicable AMC does not contain any more guidance regarding minimum training but set the element that the ATO/DTO, respectively instructor, shall take into account when determining the necessary amount of refresher training.

Some creative and business-driven instructors were quick to consider that with the new AMC they had the right to do, on a private basis, all class or type rating renewal refresher training. This interpretation is indeed incorrect; the applicable Implementation Rules set clearly and unambitiously the specific case in which an instructor may conduct such refresher training on a private basis. Furthermore, instructors should keep in mind that, when doing flight instruction outside an ATO/DTO, they become personally liable in case of accident or issue; therefore, it might be sensible to conduct such training within an ATO/DTO nevertheless.

Temporary Permission to act as pilot

In some instances, Examiners may issue Temporary Permissions. However, this possibility should be used with great caution, ideally only when really necessary, and such permission should definitely not be issued when the slightest doubt exists. No Temporary Permission shall be granted for a new CPL privilege or IR privilege, including CB-IR.

Updated EASA Easy Access Rule

EASA recently released an updated version of its [Aircrew Regulation Easy Access Rules](#), published on March 11th, 2019. While not being an official legal publication, it provides a single reference document with the Implementation Rules and the Acceptable Means of Compliance up-to-date at the time of publication.

When using such a document, it is essential to keep in mind that no mention is made about the entry into force of new or modified IRs, which could in some cases only be applicable way after their publication (e.g. UPRT provisions). Furthermore, new IRs are not immediately applicable in Switzerland, since they have first to go through the Comité Mixte.

FLEXCO Usage

Under ARA.FCL.205 FOCA has an obligation to monitor the conduct and performance of the examiners it has certified. Flexco has been set-up as a critical tool in the monitoring process to enable FOCA to discharge its duty and responsibility in that regard. Swiss examiners are required to register in Flexco all their tests, checks, or assessment of competence at least 48 hours ahead of the examination. In exceptional cases, a waiver may be granted by your assigned Senior Examiner.

FLEXCO entries shall be updated as necessary, in the remark section, to reflect changes in date or time; the time entry is the time at which the examination briefing should start. In cases of changes or delays exceeding 48 hours, the notification shall be deleted, and a new entry made.

FOCA takes its oversight obligation very seriously. Accordingly, failure by an examiner to comply with its notification obligation will lead to a formal investigation, resulting in finding being raised when a non-compliance is confirmed; repeated findings would lead to formal action being taken, that might include examiner authorisation suspension.

Theory exams done in another EASA Member State

Since April 1st, 2019 FOCA recognises PPL/SPL/BPL theory exams of other EASA Member States, provided they comply with the applicable EU regulation; this was already the case for ATPL/CPL/IR theory examinations. The same is valid for radiotelephony exams done in other EASA Member State, on condition that they were done to the same theoretical and practical extent, as required in Switzerland.

All theory examinations passed in another EASA Member States must be confirmed to FOCA, by the applicable Competent. This confirmation must take place before the applicable skill test for the license, or IR, could take place; accordingly, an examiner shall obtain a formal FOCA “go ahead” before proceeding for the skill test, if the candidate did not pass his theory examination under the authority of FOCA.

PBN Privileges

Under Regulation (EU) 2016/539, as of 26 August 2020 all IR holders need to hold PBN privileges. Instrument Ratings without PBN privileges will be limited in their validity to 25 August 2020. As a result, pilots who could not obtain PBN privileges by then will lose their Instrument Rating privileges.

We recently reminded all Instrument Rated Pilots, who did not yet acquire PBN privileges, of the consequence of not gaining IR-PBN privileges by August next year. Nevertheless, we kindly ask you to inform pilots about this limitation and the subsequent implications when you conduct skill tests or proficiency checks without PBN.

Theory Examination and RTF

Since the end of 2018 we are pleased to have Michaela Reber and Benedikt Kissling as our new theory inspectors. You may contact them at theory-examination@bazl.admin.ch for your theory, radiotelephony and language proficiency questions.

Communication from the Head of SBFP

Dear Examiners



We were tasked with restructuring the fee schedule for examiner services and have now implemented those changes. It still isn't off the table, however. We are committed to offering you further support on the matter and can be contacted

regarding any follow-up issues that arise in connection with this change.

In March, we were also called by the Competition Commission (COMCO) regarding the situation. They consider our tariff-setting guidelines (FOCA Ordinance on Fees within the Code of Conduct) to be "coordinated interference" in the free market. According to COMCO's purist view of the situation, each and every expert should charge his or her own fees on the basis of economic considerations. This approach is at odds with the central accounting solutions employing fixed rates, which have been set up at the request of many experts. We do not need to take any action yet. I would like to request, however, that you adopt a mindful approach on the matter.

Thank you very much to all of you for your efforts and the many constructive discussions.

I would like to take this opportunity to provide you with a brief summary of developments, project launches and ongoing work from within our section:

- If EASA called for a "cool-down" in its 2017 - 2021 rule-making period, we are not noticing much of any impact here in the office. It must be added, however, that industry - with its innovations and developments - is what keeps the rule-making carousel moving.

- Voting will take place regarding several amendments to Part-FCL in the upcoming committee meetings in June and October based on Opinions 05/2017 and 01/2019. The amendments include the removal of glider and balloon requirements from Part-FCL and the creation of separate rules for these, the replacement of the current En-route IR (EIR) by Basic IR (BIR), and the creation of rules governing the use of specific aircraft from Annex 1 of the new Basic Regulation for training and testing/checking.

- A new Basic Regulation was needed to add more flexibility to the system in general, regulate the growing risks of IT security and also to prevent the regulatory situation from lagging behind with respect to the swiftly evolving drone scene. This will not affect our examiner system.

- Below we describe a change introduced in September 2018 that concerns the renewal of class and type ratings.

- We are enthusiastically working on preparing the new edition of the Examiner Guides. Hopefully, this year's publication will provide you with a practical, comprehensive, and - above all - consistent tool for use in your day-to-day work as examiners.

- EASA is expected to certify Pipistrel's electric airplane, the SW128, this summer. Several Swiss schools are using its predecessor model, the Alpha Electro AW167, as part of a test programme and want to offer basic training on the new aircraft as quickly as possible. We are working hard on formulating an exemption that would sensibly regulate the use of this type of aircraft in basic training and its crediting for the SEP.

- A binding rule finally needs to be found for former military aircraft that are currently used for civil purposes rather than only allowing them to be operated on the basis of special rules and permits. A project to this effect has already been launched.

- ICAO introduced its Language Proficiency Requirements ten years ago. Since implementation of these requirements has varied from one country to the next, this has repeatedly provoked polemics that are not entirely unjustified. EASA is collaborating with ICAO to take this opportunity to harmonise the situation within the EASA states. SBFP will actively contribute ideas within this committee. At the same time, we will also be looking for ways to make changes at the national level. We are currently engaged in a constructive dialogue with AeCS on the matter.

I hope you enjoy reading this issue, experience satisfying moments as an examiner and have a fantastic flying season.

Best regards

Hansmartin Amrein