

POSITION PAPER

on provision FCL.065 in Annex I to Regulation (EU) No. 1178/2011¹

regarding the age of pilots

Current situation

EU regulation FCL.065 places age restrictions on pilots involved in commercial air transport, stipulating that those undertaking a multi-pilot operation involving two pilots may be up to 64 years of age, but that those in single-pilot operations must be no older than 59. In Switzerland (similar to the situation in Germany, Austria, Spain, the United Kingdom and Luxembourg), commercial helicopter flights are carried out primarily with one pilot. Therefore, pilots who have reached the age of 60 can no longer be deployed in commercial operations. This effectively prohibits pilots from working after a certain age, with the consequence that physically and mentally healthy pilots are forced into unemployment when their career ends at the age of 60.

Request

EU regulation FCL.065 should be abolished, as it is not objectively justified and contravenes the European Union Charter of Fundamental Rights, specifically Article 15 (Freedom to choose an occupation and right to engage in work), Article 20 (Equality before the law) and/or the new Article 25 (The rights of the elderly).

Reasons

There is no medical justification for implementing provision FCL.065. A scientific study commissioned by several HEMS operators has been carried out at the Institute and Outpatient Clinic of Occupational, Social and Environmental Medicine at the University Hospital in Munich². The conclusions drawn from the study are summarised as follows: **"There seems to be no scientific reason for a general grounding of pilots older than 59 years. In our opinion, a far better approach to increased flight safety would be an even more individualised medical and psychological testing of older pilots regarding medial risk factors, cognitive and real-flight performance."** This is consistent – although not substantiated to quite the same extent – with the statement issued by the Aerospace Medical Association (AsMA) in January 2004, which deviated from what AsMA had hitherto always advocated and concluded as follows: **"Upon review of the existing evidence, the Aerospace Medical Association concludes there is insufficient medical evidence to support restriction of pilot certification based upon age alone."**³

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European Commission Regulation (EU) No. 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No. 216/2008 of the European Parliament and of the Council, Official Journal of the European Union (OJ) L 311 of 25 November 2011, p. 1 in the version Regulation (EU) No. 245/2014, OJ L 74 of 14 March 2014, p. 33. This restriction was originally based on the recommendation of the International Civil Aviation Organization (ICAO), Annex 1, and applied exclusively to international commercial flights.

² Berbig/Müller/Prohn/Huster/Nowak, Age 60 – Study of age-related work demands of helicopter pilots in emergency care services, Munich June 2013.

³ http://www.age60rule.com/docs/2004_ASMA_Position.pdf

In conclusion, there is therefore no reliable scientific evidence to suggest any significant increase in the risk of pilots suddenly becoming unfit to fly or to counter the argument that the deterioration of cognitive faculties with age is (more than) compensated by experience.

The European Helicopter Association (EHA) believes that the European Aviation Safety Agency (EASA) has introduced regulation FCL.065 without taking into consideration the medical - examinations carried out on a regular basis and without reflecting on and scrutinising the expediency of this regulation and the need for increased safety in helicopter operations. For this reason, EHA is calling for FCL.065 to be rescinded.

Cologne, 2nd September 2015

