



Christophe Rosset
Co-chairman of the French Helicopter Association
President of the French Professional Operators Association

To

Madam Adina Ioana Vălean
Commissioner of transports
Rue de la Loi / Wetstraat 200
1049 Brussels
Belgium

May 11 2023

Dear Madam,

French helicopter operators have felt the imperative need to publish two weeks ago the alarmist editorial whose text is enclosed. Its deliberately straightforward tone was widely hailed by the profession as perfectly representative of the state of mind of its leaders, and not only in France.

They wanted to express how much European helicopter sector sustainability is at stake.

The constant increase of administrative pressure generates an augmentation of the expenses for theoretical only purposes that are no longer affordable by our industry.

The actual air safety is still properly addressed as the priority, but it is more and more impeded by the conformity management about which the oversight by national authorities is now too exclusively focused. That obviously must never become the main concern of the aviation operators' staff. Faced with an evolution that they do not approve of and that deny their valor and their knowledge, a lot of experienced specialists resign and leave the general aviation industry.

Our relations with the EASA denotes most often a real desire and even a certain enthusiasm of its staff to support the European aeronautical sector. The description of operation of the agency seems adapted to the issues and gives consultation a prominent place.

And yet, it is clear that the result is not satisfactory for everyone.

The problem may not result from EASA alone, but rather from the European regulatory system in which the agency is integrated.

EASA is not competent to coordinate all the legislation that impacts the vertical flight industry. However, the helicopter sector is dependent on national sovereign areas such as the organization and financing of relief and emergency medicine, social law, the sharing of responsibilities between the State and local communities resulting from decentralization laws

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The variety of domains in which helicopters are operated relates largely to reactive local services for which detailed international harmonization of the mode of operation does not provide sufficient advantage to justify the constraints and the expense it entails.

When a procedure, a technical solution, a local organizational model has proven its worth and gives satisfaction to operators' customers, is it essential, in the name of multinational harmonization, to impose on it radical changes of which we know at advance that they will be unsuitable for the particular case for which it was designed?

No standardized regulatory framework is really capable of taking into account the adaptation of risk-taking in the face of the challenges of the mission. However this is the daily concern of all the structures dedicated to the provision of emergency services.

Finally, the monitoring of compliance with these rules is ensured by autonomous national authorities who must reconcile them with the particularities of their own organizations, the political orientations of their respective governments and the diversity of their situations, starting with the correct interpretation of the texts in the various languages of the Union.

In the field of airlines, this can work because this activity is essentially international and single-mission: the mass transport of people and freight between two airports. On the other hand, outside this framework, and in particular for vertical flight, is it really possible to guarantee the conformity of European rules with ICAO recommendations based on the deliberations of the assembly of administrations of each country member, while those do not harmoniously share their statistics or their economic data, and do not have a common appreciation on the implementation of European regulations or on the processing of files?

The result is a regulatory edifice made up of the stacking of constraints and limitations that apply in each country. It regularly generates inconsistencies with the realities on the ground and with national legislation. Such situations induce urgent needs to be resolved by everlasting negotiations to negotiate approvals of derogation and alternative means of compliance.

All of that set a continuous increase of the administrative burden imposed on the helicopter operators.

We must urge you to engage in deep reflection in the aim to amend the structural organization of the rule-making related to helicopters includes in general aviation safety. In the meantime, the increase of the administrative constraints must be stopped. So the helicopter professional operators firmly need the regulatory break they have been demanding for 15 years.

Christophe Rosset
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Editorial – Administrative constraints and their consequences.

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To give a clear illustration of what the continuous accumulation of administrative constraints represents, we can cite one of the most recent regulatory tasks for comment. Just reading the name of the regulation is an achievement in itself. The title is:

‘NPA 2023-102 ‘Development of acceptable means of compliance and guidance material to support the Part-IS regulatory package implementation (RMT.0720 subtask 2)’.

A short extract from the commentary sent to EASA by Christian Müller, the Chairman of the [European Helicopter Association](#), is enough to indicate the likely consequences of implementing this draft regulation: ***“We would expect small and medium-sized companies to find it difficult to allocate sufficient resources, such as time, personnel and financial investment, to establish and maintain an information security management system (ISMS) that meets these regulatory requirements. Responding to them and appointing a dedicated information security officer can be particularly challenging for organisations with limited resources.”*** It is as if the European Aviation Safety Agency (EASA) and the national authorities of the member states had decided that, given the diversity of the helicopter industry, the most appropriate way of improving helicopter flight safety was to increase the administrative pressure on operators indefinitely, without considering the economic and social consequences of the regulatory framework.

EASA, which has been aware of the issue for many years, believed it was possible to solve the problem by conducting a survey of helicopter operators. For the latter, however, this means devoting their time to yet another technocratic process. In France, feedback from members of the [National Association of Helicopter Operators](#) (SNEH) led its president, Christophe Rosset, to write the following editorial:

EASA’s directors were surprised at the very low level of input from operators in the survey they had launched on administrative overload.

They complained that they had not been able to gather figures or specific examples on which to base developments and adaptations.

It is likely that they will never really get this data because the administrative burden faced by helicopter operators cannot be reduced to a few files. It is the result of structural flaws in the organisation of the regulatory process, which does not allow for a stable and adequate regulatory framework.

The resulting overflow of regulatory creativity creates a multitude of draft texts (NPAs) for analysis. However, even when users find the time and motivation to comment on them, their efforts have a negligible impact.

This causes dissatisfaction, which is all the more profound because the effort required to implement the texts in companies is undermined by constant amendments. For the most part, these amendments would not have been necessary if the opinion of the sector had REALLY been taken into account before the initial texts were published.

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“The administrative overload and frustration of DOs (Designated Officials) and staff at helicopter operators, workshops and flight schools is not necessarily related to any particular task, but is the result of the numerous published regulations that we have had to implement since the creation of EASA.”

The economic impact analysis of projects is generally compulsory in Europe. However, even when this analysis is carried out, it is clearly inadequate. If this were not the case, projects such as the CRFS (crash resistant fuel system) and the organisation of cybersecurity would never have been published in their current state, since they will generate additional investment costs and require an increase in staffing levels to offset the extra workload...

The 60-year age limit for pilots involved in passenger transport and the increased qualification requirements for mechanics have social consequences that EASA is not prepared to address.

The inclusion of mountain rescue in HEMS regulations is not adapted to the diversity of the organisation and financing of rescues in each country.

There has also been a change in the way the national authority monitors compliance with this regulatory framework. While it used to be a form of assistance, company monitoring is becoming more and more like a type of inquisition set up to impose the most restrictive interpretation of regulatory provisions that have become too complex for everyone to understand and apply coherently.

THERE IS AN URGENT NEED TO STOP DESTROYING WHAT HAS PROVED ITS WORTH IN THE NAME OF HARMONISATION, WHICH IS BECOMING SO MUCH MORE RESTRICTIVE THAN PAST PROVISIONS THAT IT THREATENS ACTUAL SAFETY.

TEXT AND PAPER do not improve the SAFETY that we must collectively seek.

For our collective SAFETY, we need a BREAK.

ONLY A REGULATORY BREAK, which we have been demanding for more than 15 years, would make it possible to avoid dragging companies and their supervisory authorities into a COLLECTIVE NOSEDIVE.

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