

Flying outside the Procedures

OPSGROUP Team

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Aviation is full of procedures. We fly by them, sometimes we kind of live by them. But other times there are situations where we need to disregard them. So when is it ok to throw the rule book out the window?

In an airplane, never.

In the literal sense anyway, given the risk of opening a window mid-flight and getting sucked out. But what about in the less literal sense?

Procedures are not there to stop us just doing whatever we want. They are there to keep us safe, to make sure everyone is operating to the same standards and to provide pilots with a guideline of what they should do in ***most situations**.

Why the asterix?

I will come back to that. But for now, that reasoning makes sense. If every airplane did what it wanted, flew how and where it wanted, the sky would be a messy mass of chaos. So, we have procedures and we have them so we know what to do, when to do it and how to do it.

More importantly, everyone else knows as well. Which brings us back to the “most situations” comment.

We cannot expect there to be a procedure in place for every possible event. They are there to offer guidelines and standards, but they are not designed to cover everything.

And they are definitely not supposed to **remove the need to think**.

So what should we think?

Well, thinking about situations where we might be without a procedure, or where there is a procedure but it no longer leads to a safe outcome is a good place to start.

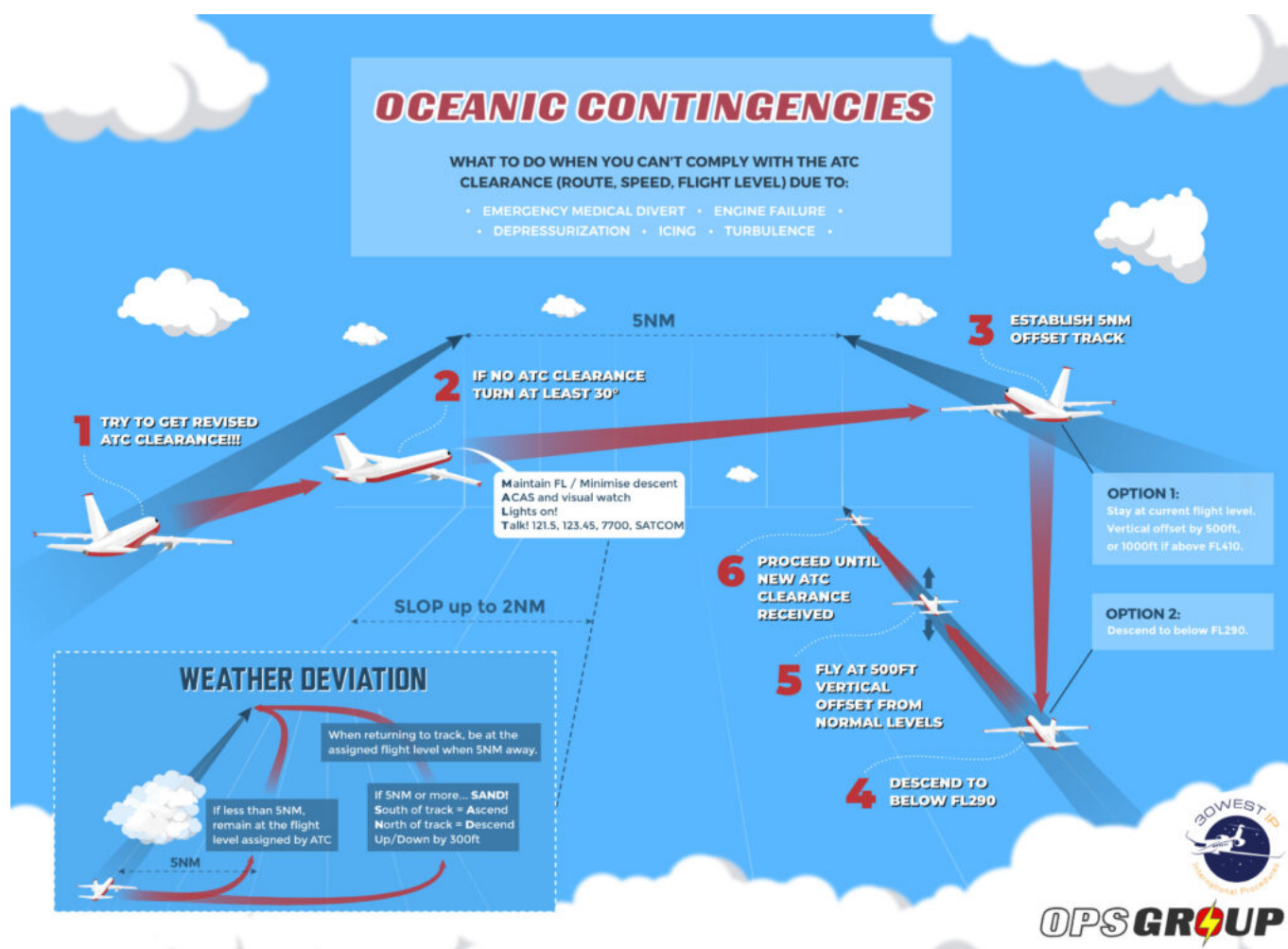
Let's take a look at **ICAO Doc 007** – the “bible” for the North Atlantic. It is quite clear on a lot of things – for example, what the **contingency procedures** are if you experience some sort of emergency while flying in the NAT.

We are talking some busy airspace out there, with a lot of aircraft flying on specific tracks, and so the last thing you want is aircraft barreling across them setting off TCAS warnings as they zoom off on a diversion.

So NAT Doc 007 lays out some procedures to follow. Things like turning **30 degrees off track and offsetting 5nm**. And one that says –

“When below FL290, establish and maintain 500’ vertical offset when able and proceed as required”.

Ok, great, it is pretty clear. Get yourself down to below FL290, establish on your offset, and now go where you need to go.



But...

What if our emergency is a decompression, and we are right out in the middle of the NAT where routing at 10,000ft the whole way to an airport might turn into a fuel problem?

Do we still need to get to FL95 before starting a diversion?

There might not be a black and white, right or wrong answer, **but this is the point** – there are situations where there isn't necessarily a procedure telling us what to do, or when to follow another procedure.

So this is something we should probably be thinking about a bit more. The “What If?” things that could happen.

So, what is the rule for breaking procedures?

Is there sort of **a checklist for when we can, can't, ought to or must?** Why isn't there a rule for every time you are allowed to break a rule?

Well, the reason is no-one can think through every situation, and more importantly they shouldn't try to!

The day pilots can only do something if a procedure tells them to is the day you might as well replace them with a computer. We need to retain the skill of weighing up risk and reward, consequence of actions, because there are so many situations out there which are **not going to be black and white**.

NAT Doc 007 document actually states quite clearly several times –

“The pilot shall take action as necessary to ensure the safety of the aircraft...”

And this goes for any procedure, any rule, anytime you are flying.

Just because the book says “No, don't do that!” never means you cannot do it if it is what you need to do to maintain safety.

The tragic Swissair Flight 111 accident is often raised in CRM discussions as an example of when following procedures to the book **might not lead to a safe outcome**.

But...

Not following procedures because you think there is a quicker, better, easier way to do something is probably not the best idea either.

A Qantas pilot experienced “incapacitating” symptoms after a technical malfunction where they decided to carry out their own troubleshooting, rather than following the checklist.

So, having a good reason to not follow a procedure is important because you are going to have to justify why you broke the rule. **If you need to break it for safety then break it**, but the key seems to be having a **valid, justifiable and safety related reason**.

That is airmanship, and that is why the Commander has final authority. It is also a cornerstone of our pilot licence that we “agree” to accept the ultimate responsibility for the safety of the flight.



It doesn't mean the Captain can do whatever they like...

Why are we even having this discussion?

Possibly because *we sometimes forget why we have procedures in the first place.*

Unfortunately none of us are immune to this. I can remember several times in my career when **procedure-following took over from common sense.** The time when we shut down an engine with 10 meters of taxi left, ran out of steam, and had to be towed the last 9... *But hey, we still ticked the one engine out taxi box.*

So, all of us stepping back and considering why the procedures are there, and then what we might do when we find ourselves potentially having to operate outside of them, is important.

Which brings us back to the debate about FL95 over the NAT.

Different folk might answer this question differently. It is going to depend on the day, on you and on the situation, and there probably isn't a definitive answer to be given.

What is clear is that at some point in our flying career we will all probably find ourselves in a situation where there is no procedure, no clear cut answer, no simple solution, and this is where our **experience, airmanship and judgement** will really be put to the test.

When we end up in that situation we shouldn't be asking *"What is the risk of me getting into trouble if I do?"* but rather *"What is the risk to my safety if I don't?"* because all the procedures we fall back on were not put there to be blindly followed, and were not written into stone to keep you out of trouble – they are there to be thoughtfully followed when they keep *your aircraft out of trouble.*

Brexit is here: What's the impact to ops?

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The UK officially left the EU on Jan 1st, 2021. Although it's **still a part of Europe** (the continent), it's **no longer part of the European Union** (the trade and political bit). Whereas before, the UK fell under EASA and all their rules and regulations, **the UK CAA is now in charge** of all things aviation in the UK...

So, what does that mean?

It means a **raft of changes to the rules for operators flying between the UK and EU states**. A new agreement has been drafted which applies from Jan 1. Here are the main changes:

- Essentially UK operators will **no longer be considered as EU carriers**, and will instead be 'third country' carriers, meaning they will lose their special treatment. Flights between the UK and EU will continue, but **passenger cabotage flights will no longer be allowed**. Or in more human terms, UK operators will not be able to carry fare paying pax between two EU states (and vice versa). **Cargo cabotage will still be okay** as long as the two countries involved have an agreement.
- Both sides will still have **the right to overfly each other's territory**, make technical stops, and to operate third- and fourth-freedom passenger and cargo flights between any point in the UK and any point in the EU. The fifth-freedom rights beyond the EU will continue, but only for a five-month period and with a new capacity cap.
- UK and EU airlines can also **continue codesharing**, and UK airlines can continue providing wet-leasing operations.
- There are other changes coming too, which EBAA cover here.

But what about laws, licences, rules and regulations?

All existing EASA certs, approvals and licences valid for UK registered aircraft **will be good for another**

two years. For UK operators of EU-registered aircraft things are more complicated. The UK CAA have set up a useful website to help you get your head around what you need to do to stay compliant elsewhere in Europe, and it's a great place to start. There is also a helpful flow chart to keep things simple.

With Brexit complete, the UK CAA is now in charge of setting the rules, but they've basically said that they'll be sticking to pretty much all of the aviation law, rights and obligations that were in place before. You can read that statement, and a bit more, on the UK CAA's main regulations site.

The heads-up for passengers

Things may get complicated. UK citizens will likely lose their special EU travel privileges which means it may become harder to move around Europe thanks to everyone's favourite elephant in the room, Covid.

As a general rule, pax from the UK to Europe will need to **make sure their passport has at least six months validity** in it if they want to visit any EU country, Iceland, Liechtenstein, Norway or Switzerland. They will also need to **check their health cover** – the EHICs (European Health Insurance Cards) are still valid if issued before January 1.

If they are entering as a tourist, they can stay for **90 days** – and they can do that twice a year. But if they are entering for business purposes, they might need a visa.

All of this is on the UK Gov website if you want to take a look.

The Question of Covid

Not being part of the EU anymore means that flights from the UK to the EU will **no longer have the same Covid entry restrictions applied**. "Luckily" no-one was really letting UK flights in anyway, what with their virus mutation running rampant, so right now, any change for flights originating in the UK (and passengers for that matter) is not really relevant.

The entry rules for UK nationals in the rest of Europe are changing fast, and every country is different but in most cases **it will be harder for UK travellers to avoid Covid related rules for non-essential travel**. Don't know where to start? We don't blame you. The best place is the UK FCO website which has the most up to date entry requirements for UK nationals for every country around the world.

CO2 much?

One extra little snippet of info to know about Brexit is that the amount of emissions small, non-commercial operators can produce as "improved". If you already have an EU-ETS (emissions trading scheme) exemption then your allowance has now been doubled.

Instead of 1,000t CO2, you can now produce 2,000t CO2 – half in the EU and half in the UK.

Don't think you can get away with puffing about and no-one watching though. The UK are setting up their own scheme, and France will be monitoring the EU bit of it (apparently they won the task because UK operators tend to spend more time there than anywhere else in Europe).

If you are trying to work out what 1,000t of CO2 coming out your aircraft looks like, then there is a handy calculator you can use (but it's roughly 103,400 gallons or 391,500 litres of JET A1 burned).

The news for N-reg'ers

Well, to be honest, not a lot at this point. The main thing to know is that the UK no longer falls under EU (EASA) rules and law, so if you have any problems **you'll now be dealing direct with the UK CAA...** but currently their laws aren't actually any different to what they were at the end of December.

If you are carrying passengers from Europe to the UK (or vice versa) then there will be **different passport and entry procedures** for them now.

That's about it.

So, the really important bit... can you bring food?

Always one of the big questions for crew who want to stock up on all things delicious. Basically, no meat, milk, or dairy stuff into the EU from the UK. The UK is a bit more chilled, but you do need to declare things, and a suitcase filled with Camembert and wine probably won't go down very well.

Of course, the real good news is all those juicy **duty free goods** which travellers between the UK and EU will now be able to buy!

Australia: GPS requirements relaxed

Declan Selleck
5 July, 2021



The implementation day for Australia switching off NavAids remains the same: **26MAY2016**, but the GPS requirements are relaxed – a little – especially for foreign private operators.

If you're Australia based:

- You'll have seen this coming and will already be RNP1/2 compliant. CASA has no exceptions.

If you're a Foreign Operator and have RNP1/2:

- After 26MAY2016, if you're RNP1/2 compliant, put it in the Flight Plan (read on), and that's about it.

If you're a Foreign Operator and you don't have RNP1/2:

- Australia has a **Two Year Transition** for Foreign Operators after 26MAY
- An "Acceptable Means of Compliance" is contained in CASA EX06/16
- Notify CASA in advance using Form "Notification to operate aircraft on RNP 2 routes and/or RNP 1 procedures using GNSS based RNAV 1 & RNAV 2"
- If you are a **non-commercial operator** - ie. operating a Private flight, then compliance is not mandatory. According to CASA, through a release to IBAC, "Only commercial operators that can comply with the requirements and want RNP 1 and RNP 2 traffic services are required to apply for an exemption. "

Flight Planning:

- If you have RNP2 - put **GRZ** in Field 10a and **NAV/RNP2** in Field 18.
- If you don't, then you must operate according to Australia's "Acceptable Means of Compliance" and put **RMK/CASA RNP AMC** in Field 18.
- If you don't, and you're a private operator, probably worth a RMK/NEG RNP PVT FLT or similar.
- Keep an eye on the charts - a bunch of new 5 letter waypoints are coming, to replace the VOR's and NDB's being switched off.

Reference:

- CASA General Guidance on transition