



OPEN LETTER FROM PILOTS AND CABIN CREW TO COMMISSIONER ADINA VĂLEAN

Brussels, 20/12/23

Commissioner Vălean,

We are writing regarding the discussions on pilot fatigue that took place during the Transport Council of Ministers meeting on December 4, 2023. We would like to react to some of your statements as we believe they contain several inaccuracies, which could misinform the ministers, the Parliament, and the public in general.

We agree that Flight Time Limitation (FTL) rules should be stringent, with no room for deviation by airlines, and be closely monitored by national aviation authorities. However, this is not the case; not in all airlines and not in all Member States. Many airlines treat FTL provisions not as limits but as targets, pushing rosters to the edge of legality and placing undue pressure on the crew. The recent [Baines Simmons report on fatigue among European pilots \(2023\)](#) highlights challenges and inadequacies in fatigue risk management across all EU countries, with variations in application and oversight among airlines and jurisdictions.

EU FTL rules are not "state-of-the-art". These rules resulted from political compromise. They ignored science-based provisions on critical areas for the sake of commercial flexibility. The loopholes identified in the rules are confirmed by independent and EU-commissioned studies. The eagerness of other nations to adopt the EASA FTL rules is more indicative of their commercial promise, rather than their safety merits.

Fatigue is a priority for EASA. However other economic, non-safety-related projects seem to have a higher priority. In 2018, an EASA commissioned report by NLR confirmed critical loopholes in the EU-FTL. Recently EASA has proposed soft law changes to the EASA FTL Regulation on night flights and disruptive schedules/late finishes, which we impatiently await. However, we would like to highlight that hard law changes (i.e. on the level of the Implementing Regulation) are needed to make Fatigue Risk Management a standard responsibility for any CAT operator.

Pilots and cabin crew should be able to report issues without fear. This, unfortunately, is not the case today and most certainly not with regards to fatigue reporting. The 2023 Baines Simmons report reveals a lack of trust among European pilots in their airlines to address fatigue adequately, fearing retribution. EASA's dismissive attitude towards studies and complaints by crew, contributes to the lack of trust. Cabin crew and pilots see that EASA does nothing when informed that some companies systematically call any crew member reporting fatigue to meetings with management to justify their action. Pilots and cabin crew are more afraid of losing their jobs and do not trust the Agency to defend them.

The recent TV documentary "Omerta Above the Clouds" captures this situation. It shows how the lack of trust, and the fear culture is a reality in EU aviation industry. The 2023 Baines Simmons report confirms this lack of trust among European pilots in their companies to

address fatigue adequately, fearing retribution for safety-based decisions. The concept of "Just Culture" is often treated as a formality by operators and oversight authorities. FTL is based on fatigue management rules. Without Just Culture and trust, fatigue management rules cannot work. EASA and the EU Commission can choose to ignore this or confront it.

EASA and the Commission should establish procedures to address harassment at all appropriate levels (EU, National and Company). The procedures must be enforced and monitored. They should guarantee the confidentiality of the system and include appropriate and dissuasive redress measures. This would also support aircrew members when faced with safety relevant decisions and alleviate any undue pressure that might be perceived when making these decisions.

Safety is a product of thousands of aviation professionals doing their work to the best of their abilities in an ever-more challenging environment. Ignoring their concerns and discounting them as mere "perceptions" is counterproductive to systemic safety management. An attribute of good systemic safety management is the constant effort to identify possible blind spots.

ECA and EURECCA call for a debate on aircrew fatigue. The discussions in the Council were a very positive step. A dedicated meeting with in-depth open debate leading to action would be a desirable follow-up.



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