

Fight Is Heating Up in Europe Over New Pilot-Fatigue Rules

By ANDY PASZTOR

VIENNA (WSJ) -The fight over new European pilot-fatigue rules is heating up, with union leaders and Danish government officials on Thursday challenging the safety of proposed regulatory changes.

Arguments over the extent of risks posed by sleepy airline pilots-and how to rewrite longstanding limits on their flight hours and workdays-have roiled carriers, labor representatives and the European Aviation Safety Agency for months. But the latest developments highlight that European politicians and regulators face heightened pressures to revise and tighten the agency's proposals.

During a meeting of the EU's Transport Council in Luxembourg Thursday, dozens of pilots from across Europe demonstrated outside the session and distributed leaflets to underscore their argument that the proposed changes don't go far enough. Inside, the Danish Transport Minister formally raised the same issue and expressed similar concerns.

The outcome of the debate, which appears to be coming to a head, will determine pilot scheduling practices throughout the region for decades. It also will affect the competitive stance of various countries and their primary air carriers, during a period of anticipated turmoil stemming from Europe's growing passenger traffic and increasingly congested airways and airports.

The European Aviation Safety Agency's proposals would allow pilots to be routinely assigned to work some 14-hour days, a longer shift than is now typically permissible in Europe and one that is unlikely to be legal in the future in the U.S., which also is revamping outdated pilot-fatigue rules.

Released last December, Europe's approach has been criticized for failing to reflect the latest scientific findings, according to outside sleep experts and officials of the International Air Transport Association, the biggest global industry trade group.

Faced with such attacks, the European safety agency is reconsidering its stance even as it sorts through tens of thousands of comments, many apparently lobbed in as part of a coordinated labor campaign to try to scuttle the process.

One of the most controversial issues focuses on whether national regulators will be allowed to mandate tougher fatigue-prevention rules than those adopted for the region.

Since the proposal doesn't permit such deviations, it would "reduce safety standards currently in place in many EU countries," according to the European Cockpit Association, the union that organized Thursday's demonstration and represents more than 38,000 pilots. The final rule probably won't pass until 2013.

Debate over the most effective ways to combat pilot fatigue also came up here earlier in the week, during a high-level meeting of U.S. and European aviation safety officials. Chris Glaeser, a senior IATA safety official, told the group that rigid mandatory regulations, which fail to account for wide differences between airline operations, aren't the long-term answer.

"One size cannot fit all," Mr. Glaeser said, adding "you can't always hammer a round peg into a square hole, no matter how large you hammer is."

Earlier this year, Danish Transport Minister Hans Christian Schmidt wrote Sim Kallas, the EU's Commissioner for Transport, that "fatigue among pilots seems to be a more widespread problem than we have been aware of before,"

On Thursday, a spokeswoman for Mr. Kallas said "it is an issue we are well aware of," adding that Mr. Kallas "will not prejudge" the arguments and is waiting for completion of further technical analyses.

"There are many airlines in Europe that are not talking at all with pilots" about reducing risks posed by fatigue, according to Gustavo Barba, co-chair of the union group working on the issue. And Europe's longstanding system to collect incident reports from pilots, according to the Spanair captain, "doesn't include any way for crews to mention fatigue."

Highlighting splits in the industry, SAS officials last month told Danish lawmakers the airline has taken various voluntary steps to reduce fatigue hazards because mandatory restrictions aren't strict enough. From June 2010 to February 2011, SAS said, its safety officials received 183 pilot reports-or about one for every 1,000 flights-complaining about fatigue.

At Finnair, a recent survey found that that nearly 20% of pilots who responded said they already worked a 14-hour day roughly twice a month.

European pilot representatives, who have been working with Danish officials to fight the proposed rules, expect to gain leverage once the U.S. Federal Aviation Administration releases a final version of its pilot-fatigue prevention rules, perhaps as early as August. The U.S. rules will rely heavily on flexible fatigue-mitigation efforts tailored to the operations of individual carriers, an approach European regulators at this point effectively have rejected

IATA this week released its first report to help national air-safety regulators develop techniques to combat cockpit fatigue, and it's working on similar guidance documents targeted to assist individual airlines.

Unlike the U.S., European rules allow pilots flying international routes for certain airlines to sit behind the controls for longer than eight consecutive hours. Pilot union officials also complain that even when there is a third pilot onboard, the one who leaves the cockpit often doesn't have any place to rest except a seat in the economy section.