



APRIL 2012

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GOOD NEWS FROM EASA!

Should the rules for this



be the same as for this?



Europe Air Sports says 'no' ... and now EASA agrees

The EASA Management Board (comprising representatives of European Union member states and the European Commission) has responded to a joint Europe Air Sports (EAS) and IAOPA (International Aircraft Owners and Pilots Association) paper on General Aviation (GA) and EASA rulemaking, by setting up a small group of representatives from National Aviation Authorities (NAAs), the European Commission, EASA, EAS and IAOPA, to consider how GA should be regulated at an appropriate level in future.

This welcome move followed discussions of the EAS/IAOPA paper in March 2012 at the EASA Management Board. EAS President, David Roberts, who drafted the paper, says "after many years making our position known on the need for a proportionate approach by the regulators, not only by EASA but also by the Commission and European Parliamentarians, at last we have the first signs of a significant break-through."

The EAS/IAOPA paper addressed rulemaking issues for GA aircraft, pilots, operators and other parties with aircraft up to 5,700 kg MTOM and primarily those used non-commercially. The paper referred to the 2008 Commission Communication "An Agenda for a Sustainable Future in General and Business Aviation" and the European Parliament Resolution of 2009, which set out parameters and objectives for the regulation of GA.

The paper highlighted several key strategic issues relating to the implementation of the EASA Basic Regulation and Implementing Rules (IRs).

Recognising that a different rulemaking approach is required for GA, the EASA Management Board agreed to set up the review group, which will start work in early May 2012.

Turn to pages 7 and 8 for a link to the press statement and further details.

AND MORE GOOD NEWS FROM ITALY!

Italian Property Tax on aircraft: EAS and Italian Aero Club achieve significant improvements for visiting and historic aircraft

Following interventions by Europe Air Sports at the European Commission, and through its Italian board member Sergio Calabresi and the Italian Aero Club directly with the Italian government, major improvements are on the way in relation to the Italian property tax on private aircraft owned or operated by non-Italian citizens.

In view of the European dimension of the tax EAS has been in regular dialogue with DG TAXAUD, the Commission's Directorate General for taxation questions. In addition an official letter of complaint has been filed with DG TAXAUD on the basis of the disproportionate taxation of visiting aircraft. In parallel the Italian Aero Club has had meetings with the Italian Ministry of Transport, which ultimately agreed to propose the amendments to the Italian law.

Briefly, on 22 December Italy adopted law n.214 putting forward several taxes as part of the country's efforts to reduce its fiscal deficit. Among many other things this law introduced a tax on privately owned aircraft according to their Maximum Take Off Mass (MTOM). Furthermore, it introduced a flat annual tax of €450 for gliders, motor-gliders, gyrocopters, balloons and airships. It is our understanding that Microlights were not and are not affected by the tax, as they are unregistered.

In its original version the tax applied to all Italian registered aircraft and to visiting aircraft if they stay in Italy for a time exceeding 48 hours. For a typical single engine piston aircraft, such as a C 172, the tax would amount to some €3,000, a substantial expense, easily exceeding in many cases the total amount paid already out of taxed income by a private pilot flying in a whole year. The tax also strongly discouraged the participation in FAI or national competitions in the different air sports, which are regularly held in Italy.

As a direct consequence of our interventions the Italian Parliament has now adopted amendments to law n.214. Significantly, these extend the period after which the tax is applied to visiting aircraft from 48 hours to 45 days, thus exempting visiting aircraft in most circumstances. It is understood that the maximum 45 day time period limitation is not cumulative. In other words, a second visit in a year "starts the clock" again, and downtime for maintenance in Italy does not count in the 45 days calculation. In addition the changes contain exemptions for historic aircraft registered in Italy. To what extent we can expect additional improvements for other Italian registered aircraft is uncertain. As a next step the Italian Senate needs to approve the changes, a step which many observers describe as a formality.

EAS would like to express its special thanks to our Board member Sergio Calabresi, who has played an important role in the very successful negotiations with the Italian government.

EASA GA WORKSHOP 29 TO 30 OCTOBER 2012 - ACTION NEEDED!

We have just been informed of a workshop planned for October on the design, certification and approval of aircraft, including modifications and repairs, particularly for LSA and CS 23 aeroplanes.

Places are available for representatives from the air sports sector. NACs should look out for an email from EAS and be ready to suggest possible participants.

AN INTRODUCTION TO THE EUROPE AIR SPORTS BOARD

The President and the Board are volunteers who are democratically elected by our members in the Annual General Meeting. They provide the direction, strategy and governance for the association. The Board is responsible for the overall policy direction and addresses current and future regulatory issues that are relevant to the sports and recreational aviation community.

At the recent Annual General Conference, Louis Berger (Belgium), who was a founding member of EAS, and Patrick Pauwels (Belgium) retired as Vice-Presidents after many years service to our community. In addition, Jens Feldborg (Denmark) also retired as Treasurer. Three new Board members were elected and Marcel Felten (Luxembourg) was also re-elected as a Vice President. David Roberts (UK) was re-elected as President.

New Board Members



Manfred Kunschitz (Austria) took over as Treasurer from Jens Feldborg, who has held this role for 3 years. Manfred, aged 43, trained and worked originally as a mechanical engineer and was recently appointed as Secretary-General of the Austrian Aero Club, based in Vienna. Manfred started flying when he was 16, and is a qualified power and glider pilot. He has been Treasurer and President of his local Aero Club and is now the Treasurer of the European Powered Flying Union.

Julian Scarfe (UK) is 46 and works as a technology consultant. He has been flying since 1988, holds a PPL and an instrument rating and now has 1300 hours flying time. He flies a Piper Twin Comanche for business and holiday travel. Julian is a director of PPL/IR Europe, which represents pilots who do non-commercial instrument flying. It is a member of the UK General Aviation Alliance (GA Alliance) and of Europe Air Sports.

Julian was a member of the EASA OPS Review Group 4 which worked on Part-NCO and he has recently joined the FCL.002 working group. On behalf of the GA Alliance,



he prepared responses and attended consultation workshops on Standardised European Rules of the Air and 8.33 kHz. He also worked on a group of GA and Rotorcraft experts, to ensure that the SESAR Concept of Operations took account of all airspace users.

Julian was a founding director of Aviation Briefing Ltd (AvBrief), one of the first internet-based pre-flight briefing providers for private flying and air sports.

Jean-Pierre Delmas (France) is 61 years old and a retired Chief Information Security Officer in banking. Educated in IT engineering and economics, he has experience of the conception, development and implementation of risk assessment methods and of security rules and tools, in the international environment. He has held senior office in the Fédération Française Aéronautique (the French Power Flying Federation), as leader of working groups on regulation matters for French competitions, and also at FAI, where he is the President of the General Aviation Commission which is in charge of matters relating to general aviation, including air touring and air racing. He is also the Vice-President of the FAI Air Sport General Commission whose role is to manage the statutes, by-laws and sporting code for all air sports.



With a PPL and ULM (microlight) license, a Night VFR rating and Altiports authorisation, Jean-Pierre has 1100 flying hours plus 500 hours as a Rally Flying navigator. He has flown VFR in 15 European countries. He has been a member of the medal-winning French Rally Flying and Precision Flying teams and is still a

competition organiser and a competitor. In addition to flying activities, he enjoys jogging, cross-country skiing, kayaking and cycling.

GENERAL CONFERENCE

The General Conference, including the Technical Meeting and Annual General Meeting, took place in Köln on 24 and 25 March. A total of 46 delegates from 13 nations and 6 pan-EU Air Sports Unions attended to hear reports and information on the current work being done on behalf of all sporting and recreational pilots and to receive briefings on developments coming up. Here is a summary of the presentations that were given.

Implementation of EU Commission Air Crew Regulation (FCL)

Under the Basic EU Regulation number 216 of 2008, a range of detailed Implementing Rules have been developed or will be created in the future. Some of these do not affect sporting and recreational flying. Of those that do, Regulations and Rules concerning airworthiness of aircraft have already been introduced.

Now the Regulations affecting Aircrew are being finalised and put into EU law. These Regulations include:

- Annex 1 – Flight Crew Licensing
- Annex 2 – Conversion of national licences
- Annex 3 – Licences of non-EU states
- Annex 4 – Medical certificates and standards

Annexes 5 to 7 followed recently, which also affect sporting aviation, especially on Flying Training Organisations.

Flight Crew Licensing covers:

- Subpart A – General Requirements
- Subpart B – Light Aircraft Pilot Licenses (“LAPL”)
- Subpart C – (ICAO compliant) Private Pilot’s License - Aeroplanes and Helicopters, Sailplane Pilot License and Balloon Pilot License
- Subpart G – Instrument Rating
- Subpart H – Class Ratings
- Subpart I – Additional Ratings
- Subpart J – Instructors

Of these, Subparts B and C come into effect by 2015 at the latest.

Rudolf Schuegraf provided a detailed presentation on the process, the different aspects and the future decisions in this matter.

Of the European member states affected by the changes, Switzerland and the UK have decided to start implementation of the new rules from the summer of 2012. Eight other countries (Denmark, Germany, Ireland, Latvia, Malta, Netherlands, Spain and Sweden) are delaying the commencement of the changes until 2013.

Effective dates for other sections are:

- JAR compliant licenses have to be replaced by April 2018
- Non JAR aeroplane and helicopter licenses have to take effect by April 2014 at the latest
- LAPL licences have to be implemented by April 2015 at the latest
- Third country licenses also take effect in April 2014

Rules on Operational procedures are currently reaching their final stages of review and adoption before implementation in law.

Light Sports Aircraft

Roger Hopkinson, President of the European Federation of Light, Experimental and Vintage Aircraft, gave a briefing on the Light Sports Aircraft, its evolution in the world and economic impact. The concept in total, which encompasses simplified airworthiness, manufacture, maintenance and pilot licensing, is becoming popular in other countries, but is not permitted in Europe. When proposals have been fully developed, they will be presented to EASA to consider an amendment to the relevant regulations allowing such operation.

The Basic LSA Specification encompasses:

- Small simple low performance aircraft generally below 600 Kg
- Max 2 people
- Airworthiness-Consensus Standards (ASTM) for design and manufacture
- Amateur Build or Factory built to a "Standard"
- Applicable to fixed wing, powered parachutes, weight shift, gliders, balloons, airships & gyroplanes
- Owner maintenance options
- A Sport Pilot Licence with a medical equivalent to a Driving Licence



Instrument Flying

Julian Scarfe gave a presentation explaining the work which is being done to develop new regulations for flying under Instrument Meteorological Conditions (IMC). Instrument flight rules are designed to deal with situations when aircraft may be at risk of collision with other aircraft, the ground, or other obstacles. The current status in most European countries is that the training is so expensive and time consuming that pilots are reluctant to make the commitment. In the United States of America, it is easier to obtain an instrument rating and so a larger proportion of pilots do so. Another option has been adopted in the UK, where a qualification known as the IMC rating has been used for some years. This rating is less difficult to obtain than a full instrument rating and so it is popular with many private pilots.

EASA and other organisations have campaigned for an instrument rating which would be easier and cheaper to obtain, but still equip the pilot with sufficient knowledge and skill to enable pilots to fly safely under IFR when required. In 2009, this campaign brought results, with a group (FCL.008) appointed to review the existing requirements and assess the possibility of reducing the requirements. A Notice of Proposed Amendment was published in September 2011 and this was open for consultation and comment in the last three months of 2011. It proposes a competence-based modular IR with a reduced theoretical knowledge requirement, a reduction in the number of mandatory training hours and a more flexible training regime better suited to private pilots.

In addition to this competence-based modular IR, the NPA proposes a new, sub-ICAO qualification, the Enroute IR. This qualification will entitle a pilot to fly IFR only enroute, with transition from and to VFR after take-off and before landing.

FCL.008 also reviewed the possibility of a cloud flying rating for sailplane pilots and proposals have been made for suitable training for this purpose.

The comments received have recently been reviewed by the EASA FCL.008 Working Group and the Comment Response Document will be published during this summer.

Action needed! At this stage of the process, it is important that all countries explain the value of this proposal to their Ministers, describe its potential to improve safety and ask for their support.

Operations

Julian Scarfe and René Meier gave an overview of the progress of the new regulations on Operations.

For Non-Commercial Operations (Part-NCO) the process has reached the 'Comitology' stage – that is the stage where the EU Commission presents EASA's Opinion for discussion and decision by member states and their representatives, before the final regulation is adopted. The rules for Commercial Air Transport as

applied to sailplanes and balloons are a step behind, with the Opinion yet to be published. (See Page 8 for a diagram of the European decision making process.)

EAS was represented on the Non-Commercial Operations Review Group (RG.04) and made a number of points, objecting to the lack of proportionality and clarity in the text. They warned of a danger that the continued regulation of non-commercial operations will result in confrontation and arbitrary compromises on specific issues.

These comments have resulted in some successes in Part-NCO:

- For powered aircraft up to 6-seats, a Personal Locator Beacon can be used instead of an ELT
- Alternative Means of Compliance do not require approval
- Sensible equipment requirements, so that only installed equipment, such as instruments and radios, need to be an approved type; there are no restrictions on other equipment (e.g. lifejackets, oxygen, watches, first aid kits, headsets)
- Communication and navigation equipment only required as appropriate to route and airspace

There is a long list of types of flying that are described as 'Specialised Operations' (SPO), some of which we think of as quite ordinary flying in the context of sporting and recreational aviation. Examples include parachute operations, glider towing, flying displays/aerial entertainment and competition flights.

There is a risk that SPO will be required to operate to commercial standards. EAS has succeeded in having flying instruction and training removed from the list, but there is still much work to do if other types of flying are also to be removed.

Work is also still under way to have sailplane and balloon flying removed from the description of Commercial Air Transport. EAS will continue efforts to change this Part to "commercial operations with balloons" and to delete completely any reference to "sailplanes".

Europe Air Sports' main objectives in all areas are:

Simple and liberal European Rules and only those that are necessary and in proportion to acceptable risk

What is allowed today must be allowed in the future

Grandfather Rights

Free access to airspace without unnecessary restrictions

No unnecessary costs and especially a reduction in recurring costs

More responsibility and trust in 'industry' & individuals - to reduce bureaucracy and costly NAA oversight

Separate General Aviation from Commercial Air Transport philosophy

Acceptable bureaucratic requirements

EASA standardisation to be proactive to stop 'gold plating' implementation in some countries

Part M – Maintenance

The original maintenance regulations, which were introduced in 2003 but delayed for light aviation, were criticised by EAS and this resulted in a "lighter" Part M for lower mass general aviation aircraft. Problems soon appeared after its implementation in 2008 – 2009. A European Gliding Union survey showed up many difficulties, and this was presented to EASA. The result was an EASA workshop in October 2011, attended by some 150 people, at which EAS put forward a list of criticisms and proposals.

The October workshop resulted in a task force to undertake a review, with the objective of generally simplifying the regulations and making it practical and cheaper for GA pilots to achieve appropriate maintenance of their aircraft. The task force has already been set up and it is expected to come up with proposed amendments on some of the "quick fixes" by the middle of this year. David Roberts, EAS President, is the EAS member of the Task Force.

Medical requirements for Flight Crew Licensing

Peter Saundby and Marja Osinga explained the proposed rules on Medical licenses. The plan is for

Class 1: ATPL, CPL (Airline Transport and Commercial Pilot Licences)

Class 2: PPL, SPL, BPL (Private, Sailplane and Balloon Pilot Licences)

A new class of medical for the new LAPL (Light Aircraft Pilot Licence). This will only be valid in Europe for aircraft under 2000 kg.

The LAPL will be useful to many private pilots and the medical is planned to be based on requirements that are acceptable and appropriate to flying a non-complex light aircraft for non-commercial operations. The examination can be done at a reasonable cost by an Aviation Medical Examiner or in some cases by a General Medical Practitioner.

Commercial Operations

David Roberts explained why and how EAS continues to try to persuade the EU Commission and EASA to interpret the definition of Commercial Operations (embodied in the Basic Regulation 216/2008) in such a way that it will exclude our sporting activities. It has recently been confirmed that flight training conducted within an aero club is non-commercial, but we don't know whether that would apply to all our activities. It may be best not to ask too officially in case the reply is not what we want!

Unmanned Aerial Systems (UAS)

Graham Lynn reported on a Conference in July 2011, which was attended by over 200 Delegates and aimed to brief European Parliament and Commission on UAS requirements. One outcome was that the Commission agreed to set up a series of workshops.

The Conference also concluded that there is a desire for a political initiative within Europe and that better coordination is needed. The Single European Sky (SES) remains the highest priority and there should be a place for UAS within SESAR Single European Sky ATM Research (SESAR). A High Level Group was established, which included EAS. A report on the Workshops will be made shortly.

Action needed! The workload in this area is increasing and we will need more people to help with it.

Major Successes of EAS

Significant influence on small UAS Working Group

A special working relationship has been established with Eurocae (European Organisation for Civil Aviation Equipment)

Accepted as "Significant Stakeholder" by European Commission DG MOVE (Directorate-General for Mobility and Transport)

Valued by the UAS community as a major voice of General Aviation
Regulators value our guidance particularly on "small UAS" matters



General Atomics MQ-1 UAV carrying Hellfire missiles

SERA (Standardised European Rules of the Air)

Marcel Felten said that the work done by EAS has had considerable success, with many of our concerns (such as the 500 foot rule or ridge soaring) taken into account in the final text that will be implemented. There are still two major sections of the proposed Rules to be finalised. Although these are not of great relevance to Sporting and Recreational Aviation, the whole programme will be finalised at the same time and National Aero Clubs need to be attentive to proposals on airspace, which are part of the programme.

8.33 kHz radios

Plans for changes to 8.33 kHz spacing are in the final stages with the approval of the related Implementing Rule expected before the end of April. The implementation of the Rule will in principle happen in 2012. EAS has approached the European Commission for help in funding the change as sports and recreational aviation will not draw any benefit from the implementation of 8.33 kHz. They have replied that any funding for private aviation would have to come from charging the commercial users who have been pushing for 8.33 kHz; there is no certainty that this will happen, so there is still work to be done on this. We have also asked the European Commission to check the feasibility of maintaining a dedicated number of 25 kHz frequencies for the specific use of sports and recreational aviation. They said they would look into this matter.

Airspace – Action needed!

Günter Bertram predicted that nations will need to liaise so as to develop a better understanding of the requirements in different classes of airspace. It is expected that the transition altitude will be coordinated internationally.

Günter has circulated a consultation paper and needs responses from NACs – please give this your attention!

Concerns remain about requirements for equipment such as transponders, but there has been a precedent where compulsory upgrading of equipment was paid for out of En Route charging. Could this idea be adopted for 8.33 KHz radios?

ANNUAL GENERAL MEETING

The AGM of Europe Air Sports followed the Technical Conference. Highlights from the meeting:



David Roberts, EAS President, reported on the previous year's work, including more details on the topics discussed at the Technical Conference. He also described the 2011 EAS Expo at the European Parliament, which had established EAS's credentials with, amongst many important guests, Matthew Baldwin who is the Director of Air Transport at the European Commission's DG TREN, and so is the 'top level' official responsible for all issues with which EAS is involved.

*EAS Board members with EASA officials at the EAS Expo:
Left to right: Jens Feldborg, Louis Berger, David Roberts,
Georges Bach MEP, Matthew Baldwin, Marcel Felten*

He thanked the Board and the professional advisors for their work and especially mentioned Louis Berger, Jens Feldborg and Patrick Pauwels, who retired from the Board this year.

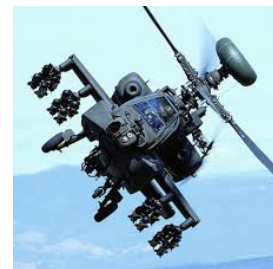
The EAS treasurer Jens Feldborg reported that the finances of EAS remained strong. Total income for 2011 was €179,000, of which €175,000 came from member subscriptions. Outgoings totalled €177,000, giving a net surplus of €2,000 and a reserve of €180,000 on the Balance Sheet. The budget for 2013 would be similar to 2012, reflecting the efforts being made to improve external communication. Subscriptions for 2012 will be maintained at their present level.

LONDON OLYMPIC GAMES

Why could these athletes' activities



mean that you could get a close-up view of this?



Roger Hopkinson warned all NACs and potential users of UK airspace during the London Olympics that strict measure are being taken to ensure security. Access to some airspace, mainly in the London area, will be prohibited for normal users without special approval. Anyone breaching the rules may be intercepted by fighters or military helicopters. More information will be circulated nearer the time.

Please make sure your members know what to do to stay away from trouble!

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LINKS

EAS/ IAOPA Press Statement <http://www.europe-air-sports.org/activities/>

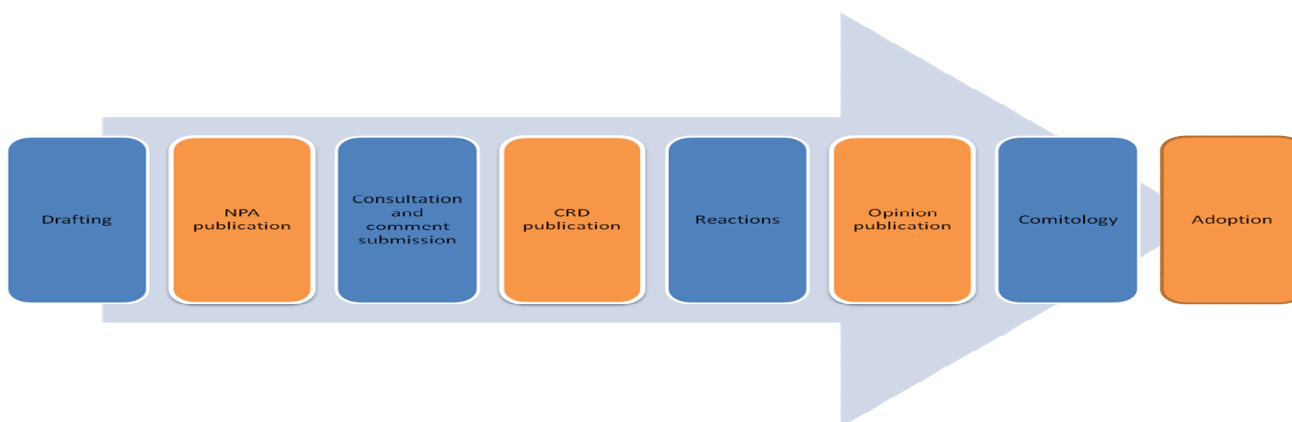
MORE ON THE REVIEW OF REGULATION OF GA

Points made in the EAS/IAOPA paper

- The primary objective of the Basic Regulation is “a high uniform level of civil aviation safety”. However, other objectives, including ‘free movement’ and a ‘level playing field’ (i.e. standardisation), often seem to take precedence over appropriate safety rules for GA, in particular the balancing of safety against cost and added bureaucracy for the end user.
- Rulemaking for safety reasons alone should be evidence-based.
- Although EASA recently seemed to recognise that rulemaking standards for Commercial Air Transport (CAT) should not be replicated for GA, there is still a need to make IRs for the lighter end of GA at an appropriate level, reflecting acceptable risk profiles in GA compared to CAT.
- Laws and rules need to have the broad consent of those who are regulated.
- Regulation and rules are only one way to encourage a safe environment. Resources devoted to other important mechanisms such as education, mentoring, awareness training and safety culture could be more productive for safety.
- We doubt that the aim for cost-efficiency in the regulatory and certification processes and the avoidance of duplication at national and European level, has been fulfilled in the GA sector. GA is facing a mini crisis, driven partly by the current economic climate but also by the EU regulatory environment. GA pilots pay for their flying mainly out of personal taxed income and thus it is discretionary spending. There must be a balance between standardisation, free movement and safety, and GA surviving the regulatory onslaught. So far the balance has not been right.
- The CAT industry and regulators should recognise the vital role that GA plays in providing the recruitment field for professional pilots, engineers and other professions. Increased regulatory costs for GA will have a negative impact on this resource.
- It is unacceptable that some pilots and owners are likely to be disenfranchised from the right to fly aircraft which fall within the scope of EU rules. Although the European Commission strives to avoid the erosion of grandfather rights, this is proving difficult to achieve, and needs to be addressed for specific cases.
- There is considerable evidence that interpretations of the rules by NAAs vary widely from state to state. In several cases this is causing considerable harm, costs, downtime and aggravation to pilots, owners and operators.
- EASA’s introduction of approvals and certificates on a wide range of topics, and the NAAs’ inability to delegate effectively to the national GA associations has led to an increase in costs and will continue to do so.

THE EASA RULE-MAKING PROCESS

This diagram lays out how the EASA Rule-making process works.



NPA = Notice of Proposed Amendment

CRD = Comment Response Document

Comitology = The stage when the EU Commission presents EASA’s Opinion for discussion and decision by member states and their representatives