

NOVEMBER 2012

Welcome to the last Europe Air Sports Newsletter of this year. There is news of a number of Notices of Proposed Amendments and other developments, with some short deadlines if you want to respond. Please see the dates in red! We wish all our readers a Merry Christmas and a peaceful New Year in 2013, with many happy landings.



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EU PUBLISHES STANDARDISED EUROPEAN RULES OF THE AIR (SERA)

A success story for Europe Air Sports – Marcel Felten reports

The Standardised European Rules of the Air (SERA) have now been published in the Official Journal of the European Union and will apply from 4 December 2012. However, by way of derogation, Member States may decide not to apply the provisions of this Regulation until 4 December 2014. It is important to realise that SERA affects all air sports categories, including Annex II aircraft.

SERA harmonises the rules of the air in all EU Member States, which can be seen as a major step towards a European aviation system. It applies to all users of European airspace, including in the four non-EU EASA countries, and is therefore of high importance to Europe Air Sports' members.

Among many other things SERA presents a common European definition of airspace classes, specifying the same requirements for airspace users anywhere in Europe. This means that, for example, airspace class E and G will have the same requirements everywhere as regards the minimum visibility and distance from clouds. Furthermore, SERA introduces a common definition of VFR and IFR, and puts forward a common procedure and requirement how and when flight plans are to be filed.

The part of SERA that has been published transposes the requirements of ICAO Annex 2 (Rules of the Air) into EU law. Work on the implementation of other ICAO Annexes is ongoing and will mainly concern Air Traffic Management, which is of less direct relevance to Europe Air Sports' members. SERA is a prerequisite for the proper functioning of the Functional Airspace Blocks (FABs) that are supposed to be implemented in the EU by December 2012. The main purpose of the FABs is to optimise the routing for IFR flights in Europe, which is of limited relevance to most recreational pilots.

SERA is a true success story for Europe Air Sports, as we have been instrumental in arriving at the current version of the regulation which now takes into account the requirements of sports and recreational aviation, *mainly* for glider flying and microlights. A good example of this is that a sailplane overtaking another sailplane may alter course to the right *or* to the left and that for the purpose of this regulation the definition of sailplanes also applies to hang gliders, paragliders and other comparable craft. Without EAS's intervention these aircraft would have to divert to the right, regardless of the specific situation. This would be acceptable for powered aircraft but is entirely inappropriate and dangerous for gliders and other non-powered aircraft. EAS also persuaded the rule makers to modify their initial proposals so that certain aspects were left to national flexibility, which is beneficial to air sports.

EAS will thoroughly assess the content of this Regulation. The implications of some definitions need to be analysed like the one that hang-gliders and paragliders shall count as sailplanes. Therefore we recommend that you carefully study the Regulation and the associated NPA to identify the differences which need to be assessed and commented on. The option to comment on the NPA 2012-14 for the respective AMC material is open until Christmas. The EAS Board suggests that its members ask their competent authorities to make use of the option to postpone the entry of Regulation (EU) No 923/2012 until the offered date of 4 December 2014.

A copy of SERA can be downloaded at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:281:0001:0066:EN:PDF>

The NPA 2012-14 is available on the EASA website, the deadline is **24 December 2012**:

<http://www.easa.europa.eu/rulemaking/notices-of-proposed-amendment-NPA.php>

EASA CONFERENCE - "SAFETY OVERSIGHT: MANAGING SAFETY IN A PERFORMANCE BASED ENVIRONMENT"

This Conference, attended by nearly 300 people, took place in Cologne last month.

There were some important and interesting statements made during the two days. The most important statement of the whole Conference came from Patrick Goudou (Executive Director of EASA):

"the time has come to move from a compliance based to a performance based oversight, and to respect the basic principle of proportionality, as excessive burdens will be negative."

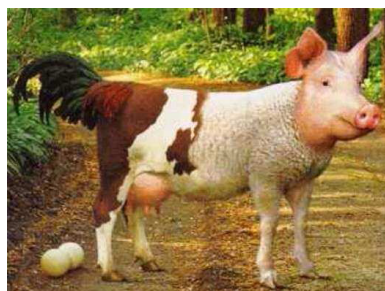
Trevor Woods, Approvals and Standardisation Director, EASA, presented "Performance and Compliance Based Oversight" and the "Total System Approach" as the best possible oversight solution.

"Analysing accidents is not enough to increase safety; performance needs to be monitored for early detection of unhealthy developments."

Jules Kneepkens, Rulemaking Director of the Agency, said that Rulemaking follows a pattern of continuous evolution, the change from prescriptive to performance based rules being a consequence of this reality. EASA will develop a Change Management system to allow for this.

John Vincent, EASA's Deputy Director for Strategic Safety, discussed the "Role of Data in Informed Decision Making". "From talking to doing" was his credo. It is all about well based decision making. To achieve this, data must be exchanged in order to proceed from a "reactive" to a "pro-active" behaviour of all actors. Aviation's very serious problems of today are known (CFIT, loss of control, runway incursions and runway excursions...), so decisions must be based on facts.

Capt. Stephan Eder, Head Operations Section, FOCA Switzerland spoke about Performance Based Oversight and Safety Inspector's Competence Profile. He presented a picture of a wool-producing, egg-laying cowsheepchicken, to describe the safety inspector's competence profile. He reminded us that commensurate salaries should be paid, and the fact that not only the work done by line-maintenance people is to be inspected, but also the work of the airline managers. When compliance is the centre of the inspections, the job is a relatively easy one: the result is black or white, non-compliance or compliance. When a performance is to be judged, then selection, training, culture, experience, common understanding and education suddenly play a vital role. However he said that human factors are weak indicators.



Simon Roberts, SMS Programme Manager of CAA UK also proposes the Total System Approach and says that one first has to look where the risks really are. For him, proportionality is a must; human factors and SMS go together. His final question

"Do we have the right people?"

remained unanswered, an indication that room for improvement exists.

The panel discussion, led by John Vincent, exposed some critics and sceptical words. Many people hinted and some said directly that to introduce SMS for economic reasons only would be a mistake.

SMS needs a change of thinking, it must be lived.

The link to the presentations is: <http://easa.europa.eu/conferences/pbo/>

Lessons learned

- a) Nobody is opposed to a reasonable safety oversight. Airlines' SMS are apparently much more developed than what the Agency is writing and speaking about.
- b) At last selecting the right people and delivering correct training were discussed.
- c) What Yves Morier collects with IORS is apparently not used or not available.
- d) According to John Vincent the EC is drafting a new regulation on reporting.

René Meier

MORE FROM EASA - Rudi Schuegraf reports

CONSULTATION STARTED ON LIGHT LICENCE FOR ENGINEERS

EASA has published a Notice of Proposed Amendment (NPA) which is of great interest to Europe Air Sports members. NPA 2012-15 is the result of a rulemaking group 66.027 where EAS has been involved since it first started in 2007. NPA 2008-03 opened the consultation for the first time on this subject, with an EASA Opinion delivered to the European Commission in 2009. The proposal for a light engineer's licence for aeroplanes/helicopters, sailplanes and balloons was not accepted by the Member States in the discussion in the EASA Committee. The rules were too complex, not proportionate to the risk involved and therefore not considered suitable for simple aircraft. EASA was tasked

with producing a second, more suitable version which is now published for consultation in NPA 2012–15. The deadline for delivering comments is **4 January 2013**.

It is essential to study the NPA thoroughly and to assess the implications for the maintenance rules and procedures of light aeroplanes and especially sailplanes and balloons. Once the proposals of the NPA are finally integrated into Part M and a large part of Part 66 of EC Regulation 2042/2003, all the present rules, regulations, procedures and privileges according to national legislation will cease to apply. Therefore, it is absolutely essential to come up with qualified comments to this NPA, avoiding the future effect of frustration after the amendment becomes law.

The three main issues the group was faced with during its work on this subject were maintenance licences for:

- ▣ avionics for light aircraft,
- ▣ ELA1 aeroplanes,
- ▣ aircraft other than aeroplanes and helicopters.

The task for the Rulemaking was to develop an Amendment of Regulation (EC) No 2042/2003, mainly Part-66, in order to:

- ▣ adapt the current B2 licensing requirements for maintenance of avionic and electrical systems in less complex light aircraft;
- ▣ propose a simple and proportionate system for the licensing of certifying staff involved in the maintenance of aircraft other than aeroplanes and helicopters and
- ▣ similarly, propose appropriate licensing of certifying staff involved in the maintenance of ELA1 aeroplanes.

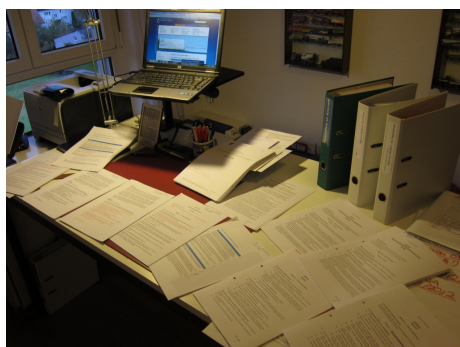
In addition to the NPA, in November EASA organised a one day Workshop to explain the content of the NPA to the stakeholders as well as the intention behind the proposal. EAS was represented by our Programme Manager René Meier and Vice President Rudi Schuegraf, with many other airsports representatives of EAS members present. We welcome this decision to organise an event to inform everyone affected before they comment on the NPA. It should help us to come up with qualified and substantial comments, making the NPA and the comments much more useful.

If you intend to comment, register with and log onto the Comment Response Tool on the EASA webpage. Please address not only the issues where EASA needs to modify and improve the text, but also let them know where they have done a good job. Please send your comments to EASA with a copy to the Programme Manager, René Meier, by **14 December** if possible: r.meier@europe-air-sports.org. He is particularly interested in your opinions about modules duration, required minimum training periods, and syllabi compositions.

You can find the NPA under the following link:

<http://www.easa.europa.eu/rulemaking/notices-of-proposed-amendment-NPA.php>

and to log on to the CRT use: <http://hub.easa.europa.eu/crt/>



The effects of "This publication should be read together with..."

(René Meier, preparing comments on an NPA)

... AND CONSULTATION STARTED ON REVISION OF PART M

There was also a workshop dedicated to NPA 2012–17, which is a review of Part M, with Phase I concerning Maintenance Programmes and Airworthiness Review. The Agency has kept its promises given by the Deputy Rulemaking Director last year after the Part M workshop in October 2011. A group of experts started to work early in 2012. EAS was represented by the President David Roberts. The group did an excellent job and delivered the NPA 2012–17, which was recently published with a commenting deadline of **29 January 2013**. The review process will be split into

Phase I: Change Part-M to provide alleviations in areas where high costs and no real safety benefits have been identified. The changes will be limited to issues not requiring a full regulatory impact assessment.

In particular:

- ▣ Maintenance Programmes
- ▣ Airworthiness Reviews

Phase II: Address other issues where further action is needed, but where more technical discussions and a full regulatory impact assessment are required, consider feedback received from the 2011 workshop. This may include:

- ▣ Rulemaking
- ▣ Standardisation
- ▣ Change Management, etc...

A key achievement is that in addition to the present rule that Maintenance Programmes (MP) can be contracted to a CAMO, a new possibility is to be introduced, namely

- ▣ The owner may be allowed to issue a declaration for his/her own aircraft's MP and
- ▣ The introduction of "Minimum Inspection Programmes" (Appendix IX to Part-M), which may be used by the owner as the basis for the declared MP.

If adopted, this option will apply to:

- ▣ ELA1 aeroplanes not involved in commercial operations
- ▣ ELA1 sailplanes and ELA1 powered-sailplanes not involved in commercial operations
- ▣ ELA1 balloons not involved in commercial operations

If the owner elects to issue a declaration for the MP:

- ▣ The owner is fully responsible for its content and, in particular, for any deviations from the Design Approval Holder's recommendations.
- ▣ The NAA and the contracted CAMO do not have any responsibility for its content.
- ▣ The owner is not required to send a copy of the MP to the NAA
- ▣ This MP will be the basis for the adequate planning of maintenance and for the airworthiness reviews and ACAM inspections.

The MP will be subject to periodic reviews:

- ▣ Annual or at the time of the airworthiness review.
- ▣ NAA notified in case of deficiencies in the content of the MP.
- ▣ The owner shall amend the MP.

This NPA is considered to be a major step forward in the direction described in the General Aviation Strategy Paper which was subject of our September Newsletter.

NPA 2012–17 can be downloaded from the EASA website at: <http://www.easa.europa.eu/rulemaking/notices-of-proposed-amendment-NPA.php>. If you send comments, please copy your replies to René Meier no later than **19 January 2013**.

The presentations of these workshops are available at:

http://www.easa.europa.eu/events/events.php?startdate=06-11-2012&page=B2L_and_L_licence_Workshop

NEW VERSION OF INITIAL AIRWORTHINESS REGULATION 748/2012

One of the first Regulations published by the EU in 2003 was repealed when EC Regulation 748/2012 came to life on 10 September 2012 with a complete new Part 21 and Part 66. A transition provision is included in article 11 which automatically construes references to the repealed regulation and its articles, to be read as references to the new regulation and its articles. This means that there is no immediate need to update any documents to comply with the rule.

This Regulation, apart from consolidating 1702/2003 and the previous amendments, also includes changes resulting from four Agency Opinions and changes introduced by the Commission. The most important main change resulting from these opinions and changes is detailed below.

EAS has pushed for many, many years to allow the use of the FAA AC 43 13 Standard repair and changes document. With the Opinion 1/2011 ELA definitions and Standard Changes and repairs were added to the Implementing Rule with important impacts on General Aviation.

They facilitate the following:

- ✦ introduction of definitions of European Light Aircraft ELA1 and ELA2 in the cover regulation;
- ✦ introduction into 21.A.14 of a third way to demonstrate design capability, by establishing a certification programme only;
- ✦ introduction of the concept of standard changes and repairs that do not need EASA or DOA approval in 21.A.90B and 21.A.431B. This concept will only become effective when EASA has issued dedicated Certification Specifications (CS) including a catalogue of changes and repairs (similar to FAA AC 43 13). The rulemaking to establish these CS is active and an NPA is expected in the spring next year.
- ✦ introduction of a new category of replacement parts that can be installed in ELA1 and ELA2 aircraft without an EASA Form 1 under the responsibility of the owner (see 21.A.307). The Agency will shortly publish a Certification Memorandum to provide intermediate guidance for the implementation of this new requirement. For the long term AMC and GM will be developed as part of the rulemaking task (RMT.0018 and RMT.0571) "Installation of parts and appliances that are released without an EASA Form 1 or equivalent".

The Regulation is available for download at the following link:

http://eur-lex.europa.eu/Result.do?T1=V2&T2=2012&T3=748&RechType=RECH_naturel&Submit=Search

FLIGHT CREW LICENSING, A NEVER ENDING STORY.

It all started in early 1993, when EAS was invited to participate in the JAA Flight Crew Licensing Committee. At that time it was an international committee laying down non-binding rules which had to be voluntarily adopted nationally by the Member States which had signed the Memo of Cyprus in 1991. Twenty years afterwards it seems that not a lot has changed. Discussions, disputes, contrary conversation and positions, agreements and disagreements are part of the day to day life of regulators, the affected pilots in the Member States and the Authorities exercising the oversight.

The Implementing Regulation 1178 and 230 were covered in the August newsletter. They lay down the detailed requirements which are required by the legislator to fly an aircraft in the European Union, which for Licensing means 31 EASA States. But more important, it means a huge number of pilots with different privileges and different motivation to fly their aircraft, aeroplanes, sailplanes and balloons, who now have to adopt and follow new rules, with a transition process which will continue for a few more years.

To cater for that, EASA established a so called Partner Group, which was intended to serve as an informal platform for communication, information exchange and interpretations of the rules for the benefit of everyone affected. The composition of the group is very similar to the old JAA FCL Committee.

This Partner Group met five times in the last two years, but recently came under fire from external positions attempting to discontinue this group's very useful work. The protests of all participating organisations, Authorities, institutions and other members have now convinced the EASA Executive Director to let it continue.

The time frame of how and when Member States intend to implement EU FCL is of current interest and importance to the members of EAS. So far, only Hungary, Switzerland and the United Kingdom have implemented the two EC Regulations 1178 and 290. All other MS have decided to use the opt-out option to apply the full set of regulation after 8 April 2013. As well as the one year postponement, the MS are also using the flexibility built into the regulation to delay the application of the annexes to the regulation. This means that MS may apply the rules for their communities differently in respect of licences and aircraft categories until at the latest in 2018. It is important to remember that the end of the opt-out period is the date by which the implementation has to be completed. This means, for example, that all European sailplane licences have to be changed to a Part FCL licence and re-issued by 8 April 2015. JAR FCL PPL A holders can sit back and relax, because their licences are considered to be issued in accordance with EASA Part FCL. They must be replaced by the new format by 2018.

So what are the implications for pilots?

Please check with your national Authority when and how your country introduces PART FCL and the other Parts of the Implementing Rule.

If you intend to fly to an EU country before implementation is completed it is advisable to find out the status of implementation in that country and the impact on the planned flight.

On the EASA Flight Standards page you can find a list of useful questions and answers: <http://easa.europa.eu/flightstandards/faq.html>

To answer a question that has not been answered yet on the EASA website, VP Schuegraf has drafted an AMC for EASA Part FCL which has been accepted by FCL.002.

According to the draft, all hours flown on any aircraft registered in an ICAO MS will count in full towards fulfilling the hourly requirements, as long as the aircraft match the definition and criteria of the respective Part FCL aircraft category and its class and type ratings.

If this text is finally accepted by the legislator, the EASA opinion is planned to be published late 2013 or early 2014 and all questions concerning hours flown on non EASA aircraft will be solved.

GENERAL AVIATION SEMINAR, ORGANISED BY THE EASA CERTIFICATION DIRECTORATE

This was the first General Aviation seminar, organised on 29 - 30 October by the General Aviation section of EASA. It was a two days seminar focused on certification of general aviation aircraft and with special attention to LSA aircraft, after the first types obtained the Restricted Type Certificate in April 2012. The emphasis was on hints and information for manufacturers.

The first day was dedicated to LSA aircraft, aimed especially at the LSA manufacturing industry. It included an update on Part 21 changes, lessons learnt and EASA involvement. There was industry feedback on experiences and difficulties during the certification process and also a discussion of future orientations.

The second day was split into the morning for CS-23 update and the afternoon dedicated to National Authorities to have some internal feedback on the EASA oversight and level of involvement, among other topics.

Vice-Presidents Dominique Méreuze and Rudi Schuegraf represented EAS, in company with many other air sports experts.

The presentations of that seminar can be downloaded for information from the EASA website at the following link:

http://www.easa.europa.eu/events/events.php?startdate=29-10-2012&page=General_Aviation_seminar

EU IMPLEMENTING REGULATION ON 8.33 KHZ CHANNEL SPACING PUBLISHED

Commission Implementing Regulation (EU) No 1079/2012 of 16 November 2012 was published on 17 November in the EU Official Journal. It lays down the requirements for voice channel spacing for the Single European Sky. The Regulation comes into force on 7 December and is applicable in all Member States.

In 2007 a regulation laid down the requirements for voice channel spacing above FL 195, making the use of 8.33 KHz radios mandatory to reduce frequency congestion. At that time, EAS still hoped that an extension of this requirement below FL 195 could be avoided, as it would force owners to refit their aircraft, at their own expense, with 8.33 KHz spaced radios. Many meetings of EAS representatives with other airspace users and talks with service providers and the Commission were unsuccessful in limiting the requirement to flying activities above FL 195.

In brief, the requirements of the Regulation Article 4 are as follows:

- ✘ The Regulation will apply to all radios operating in the 117,975 - 137 MHz band ('the VHF band')
- ✘ From 17 November 2013, manufacturers must ensure that all radios on the market are 8.33 kHz channel spacing capable.
- ✘ Operators must ensure that all radio equipment put into service from 17 November 2013 includes the 8.33 kHz channel spacing capability.
- ✘ Aircraft with a radio equipage requirement, for which individual certificates of airworthiness or individual flight permits are first issued in the Union from 17 Nov 2013, have to be fitted with radios with 8,33 kHz channel spacing capability.
- ✘ Member States must ensure that by 31 December 2017 at the latest, all radios have the 8,33 kHz channel spacing capability

There are two more important final requirements:

In addition to 8,33 kHz channel spacing capability, radios must be able to tune to 25 kHz spaced channels.

Member States have to ensure that, by 31 December 2018 at the latest, all frequency assignments are converted to 8,33 KHz channel spacing

The full text of the Regulation is available in all EU languages under the following link:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:320:0014:0024:EN:PDF>

To avoid a rush towards the end of the retrofit period it is wise to plan your retrofit early. Most installations will be a minor change only but will need some time and, unfortunately, money.

EUROPEAN COMMISSION PROPOSES REGULAR INSPECTIONS OF LIGHT TRAILERS – report by Timo Schubert

The European Commission has proposed new legislation aimed at improving road safety. Among other things the proposed legislation seeks to mandate regular roadworthiness tests for light trailers (up to 3.5 tonnes). This category is currently not exposed to inspections in a uniform European system, although some Member States already mandate roadworthiness tests for light trailers.

Europe Air Sports will monitor further developments around this, because it may impact on the organisation of air sports competitions, in particular in the field of gliding. If necessary we will approach the European legislator.

Before the legislation becomes applicable it must be approved by the European Parliament and the Council (EU Member States). Discussions in these institutions have just begun and various parties have criticised aspects of the Commission's proposal.

Europe Air Sports takes the view that proven safety data must demonstrate if, how, and to what extent inspections of light trailers might improve road safety.



Glider trailers at Aboyne, Scotland (Diana King)

EAS GENERAL CONFERENCE 2013

It is now confirmed that the General Conference will take place on 23-24 March 2013 at the Copenhagen Crown Plaza Hotel. It will be a two day meeting, with Technical and Information Exchange on Saturday and the formal General Meeting on Sunday.

Please make your hotel reservations individually via this link: [Europe Air Sports](#).

AN INTRODUCTION TO THE BOARD MEMBERS OF EUROPE AIR SPORTS

Rudolf Schuegraf (Rudi) has been with EAS since the beginning in 1992, first as the German Delegate and Technical Officer Licensing, elected Vice-president in 2003 with a two and half year period as Programme Manager and now back as a Vice-President. Aged 67, he lives in Germany and is married with two grown up children.

At 20 he started a military career, including officer training and flying training in the United States. From there he became a combat ready Fighter Bomber Pilot flying the F104 Starfighter in his country for twelve years. His last military assignment, UK stationed, was the challenge of 5½ years instructing RAF, Italian and German Air Force flying crews converting to Tornados. He retired in 1987 as a Lieutenant Colonel.

Rudi's first civilian job was as Technical Coordinator at the Deutscher (German) Aero Club (DAeC), where he was initially responsible for certification, maintenance and operations for sports aircraft of all kinds. Promotion to Deputy Secretary General followed after five years and he became the coordinator liaising with government departments and handling aviation legal matters. In 2001 Rudi became Secretary General of the DAeC and after retiring he took over the leadership of the DAeC Airworthiness Commission. While working at DAeC he was also a Coordinator and the DAeC Delegate to Europe Air Sports. Since 1993 he has represented EAS in the JAA-FCL Committee and since 2003 in the EASA SSCC (Safety Standards Consultative Committee) and many Rulemaking groups.

His encyclopaedic knowledge of all forms of aviation and his political and technical contacts make Rudi a vital link in the EAS team.

Away from aviation, Rudi enjoys classical music, outdoor life and travelling and his dogs.

Cornelis van den Burg has written his own introduction:



in general.

I am Cornelis (Cor) van den Burg and I hold a passport of the Kingdom of the Netherlands, married with one son and twin daughters. Like many youngsters I was not completely sure about my real ambitions and for the time being I made the choice to become an engineer. After receiving my licence I got a taste of the air force as an air traffic controller and I made the decision to apply for a career as a pilot. I was lucky and indeed got that career as a single seat, single engine pilot for 30 years. In the meantime I developed the wish to become more involved in the future of my air force and defence policies

I had the opportunity to do that and finished my time in the air force as a major general. Those were very good years, including the time I had the chance to serve my country as the defence and air attaché in Washington DC.

After retirement the Royal Dutch Aero club was looking for a new chairman. I held that post for 8 years. And then finally I joined EAS, where as well as the work for the board, I represent EAS in the EASA Advisory Board as the representative acting on behalf of the sports and recreation industry (in the air of course). Let me close by saying that it is a real pleasure to work for EAS under the leadership of David Roberts in the interests of more than 650,000 Europeans who have one common love: to get their feet off the ground.

GLOSSARY

CAMO	Continuing Airworthiness Maintenance Organisation
CRT	Comment Response Tool
IORS	Internal Occurrence Reporting System
MS	Member States
NPA	Notice of Proposed Amendment

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