

NEWSFLASH JULY 2014



Clear views ahead?

A fine sky and a clear day over Shobdon, a General Aviation airfield in the west of England

This is a special newsflash to members of Europe Air Sports. It covers two very important topics. Since our last Newsletter only a month ago, there has been significant progress on the proposals for regulatory change. This newsflash brings you up to date with developments and tells you how you can play your part in continuing the progress.

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IT COMES ONLY ONCE EVERY TEN YEARS - CONSULTATION FOR CHANGES IN THE BASIC REGULATION – News from David Roberts, President of Europe Air Sports

Firstly, as many will know, EASA and the European Commission have published their separate but co-ordinated consultations on possible changes to the Basic Regulation (216/2008/EC and subsequent amendments) which governs all the rulemaking by EASA over recent years. The results of these consultations will feed into the Commission’s work towards a thorough review of the regulation.

This opportunity to change the requirements of the Basic Regulation and maybe its scope is a once-in-ten-years event, so it is extremely important that EAS and its members provide the best possible collective response.

The EASA consultation can be found at <http://easa.europa.eu/system/files/dfu/A-NPA%202014-12.pdf>.

The Commission consultation can be found at http://ec.europa.eu/transport/modes/air/consultations/2014-aviation-safety_en.htm

The deadline for responses to both consultations is 15 September, not 15 August as it says in the EASA document. This was a result of EAS pointing out that aviators are flying in August and/or are on holiday!

The EASA consultation is the one which EAS is more focused in responding to, as the Commission consultation is aimed more at the general public rather than aviation professionals and active air sports participants.

The EASA document asks a variety of questions. But equally it does not ask questions on several issues in the BR which EAS has criticised for some years. For example, the definition of commercial operations, and how that is interpreted in Member States.

Some of the EASA questions are not relevant or not applicable to air sports activities, so there is no need to provide responses on those questions unless you particularly want to.

The purpose of this newsflash is therefore to alert EAS members to the following:

1. To construct your own responses as either national aero clubs, pan-EU air sports associations or their constituent individual national air sport associations, or indeed at club or individual level.
2. To meet the response deadline of 15 September using the Comment Response Tool (CRT) facility on the EASA website. If you have not used this facility before, please make sure you set up your access in good time before 15 September. Prepare your responses offline rather than typing the response online on the CRT, so that if there is a problem when using the CRT you do not lose all your text. That has happened to many of us before.
3. For all of us to 'sing the same tune' as far as possible on the critical questions and areas where we want to see changes in the BR. EAS has a strong and well respected voice at the Commission and EASA after many years of professional engagement and building relationships.
4. To keep your responses as 'high level' points. Focus on elements of the BR and avoid providing detailed arguments about a particular rule in the implementing rules, or in the Acceptable Means of Compliance (AMC) and Guidance Material (GM) - except where it illustrates the point of principle you make in relation to the BR.
5. That a review group of the EAS board is preparing a draft response on behalf of all EAS members. This group met in Brussels on 22-23 July and will be publishing to members its recommended response by the middle of August, for comments.

This last point is crucial. When you see the EAS review group's draft response we shall have only about 4 weeks to receive your feedback, assess it, and then rationalise any divergent opinions on particular points before final submission on 15 September. For example, if some EAS members say that a particular air sport activity should be moved to Annex 2 of the BR (i.e. out of scope of EASA rules) but other EAS members say the opposite - that it should remain within the scope of EASA - then we have a problem to resolve within a very short timescale. Clearly we cannot take account of comments from many individual pilots or owners, but the NAC members of EAS and the pan-EU air sports associations are the primary source of opinions on which we shall base our response.

So, the message is, **watch out for a communication from the EAS board around mid August and respond to it as soon as possible.** We shall give an internal response deadline at that time, to allow us to complete the evaluation process.

THE COMMISSION PROMOTES THE CHANGES THAT WE WANT

David Roberts reports

The second piece of news is that, when the EASA Committee of Member States (known as the comitology process) met on 8/9 July, they considered a sizeable set of **proposals** made by the Commission to lighten the burden of rules on general aviation and air sports in particular.

These *proposals* were discussed but a vote on them will not take place in the EASA Committee until October.

One of the key decisions of the Commission is largely due to the discussions the EAS board has had with senior officials leading up to and at the EAS conference in Istanbul. This decision is to **defer the compliance implementation date for Approved Training Organisations (ATO) from April 2015 to April 2018**. This is to provide the Commission and EASA with the necessary 'breathing space' to revisit these rules with a view to making them lighter for our end of GA, or indeed possibly to remove the training organisational requirements entirely for the training of private pilots. Interim arrangements during the three years from 2015 to 2018 will vary, according to whether they are for aeroplanes and/or helicopters, for which prior JAA Registered Facility status was applicable, or whether they are for sailplanes and balloons, for which no prior JAA status was in force.

Other than ATO-related proposed changes, some of the other key *proposed* changes to Regulation 1178/2011 and its Annexes (re aircrew) are:

1. Clarifying that the Touring Motor Glider (TMG) can be used for applying and training for a PPL A, whereas FCL.210 allowed only the use of SEP aeroplanes. Now aeroplanes or TMGs are both an option.
2. Increasing the maximum age of balloon pilots and sailplane pilots, operating under commercial air transport rules, from 65 to 70. (This has been a particular concern to our balloonist colleagues who operate in a mixed commercial/non-commercial environment. It is far less applicable in sailplanes/gliding.)
3. More flexible provisions as regards balloon envelope sizes for recency requirements for balloon pilots.
4. Maintenance of currency, for single engine piston aeroplane class ratings and TMG ratings, changes from 'flight training' to 'refresher training'.
5. Merging of revalidation requirements for ratings on single engine piston aeroplane-land class and single engine piston aeroplane-sea class.
6. Revalidation of SEP or TMG class ratings to be done on the licence by the instructor, if authorised by the relevant competent authority.
7. Alleviation of restriction on examiners who have provided instruction for students, to allow them a new proposed limit of 25% (currently nil) of the required flight instruction for the licence, rating or certificate for which the skill test or assessment of competence is being taken.
8. Acceptance by Member States of (non-EU) PPL, SPL or BPL issued in compliance with the requirements of Annex I to the Chicago Convention by a third country (i.e. non EU/non-EASA state), for a maximum of 28 days per calendar year for specific tasks of limited duration, such as competition flights or display flights. This applies provided the person concerned holds an appropriate licence and medical certificate or qualifications, issued in accordance with Annex I to the Chicago Convention, and has completed at least one acclimatisation flight with a qualified instructor prior to carrying out the specific tasks of limited duration.

This is in response to our observation that competitors coming to Europe for an international competition, and flying aircraft registered in the EU, would after the first occasion need to acquire an EU pilot licence. This we saw as impractical and a serious barrier to competitors. The same argument applies to temporary visitors to Europe from non-EU countries. The proposed change is still too restrictive and we shall be working with the Commission and EASA to provide greater alleviation, such

as the requirement for an acclimatisation flight, particularly for international competitors.

9. Organisations providing training for LAPL, PPL, SPL, BPL and associated ratings etc to be subject to oversight audits from NAAs at longer intervals than the current provisions - 4 years and possibly 6 years.
10. Detailed provisions for "special medical circumstances" reflecting advances in medical technology, medication or procedures that may justify a fit assessment of applicants who otherwise would not be able to comply with the current medical rules. This is a first important step - only just the beginning - towards EAS trying to achieve greater relaxation of medical requirements. But the draft change is still wrapped up with many bureaucratic processes.
11. In training organisations providing training only for LAPL, PPL, SPL, BPL and associated ratings etc., the safety risk management and compliance monitoring functions may be replaced with an annual organisational review (implicitly conducted by the training organisation itself).

If anyone wants further information on the above proposed changes, please contact either René Meier, Julian Scarfe or Rudi Schuegraf at EAS.

Safe flying to everyone!

David Roberts, President EAS

2014 EASA SAFETY CONFERENCE: TOWARDS SIMPLER, LIGHTER, BETTER RULES FOR GENERAL AVIATION

EASA's Annual Safety Conference addresses a different safety topic each year. The 2014 Conference focuses on General Aviation as part of EASA's re-energised focus on this topic and in particular the Agency's ongoing efforts towards creating a simpler, lighter, better regulatory framework for General Aviation.

The conference takes place in Rome on Wednesday 15 October and Thursday 16 October. A series of Panel Discussions will take place over the two days, addressing a range of important themes including Pilot Licensing, Airworthiness for small aircraft and other elements of EASA's GA Roadmap. The panels will provide a forum for fruitful discussion, with the participation of a varied group of speakers drawn from all areas of the General Aviation Community including Regulators, Clubs & Associations and Industry.

Europe Air Sports will be represented at the Conference and we encourage members also to attend. To find out more, go to <http://easa.europa.eu/newsroom-and-events/events/2014-easa-annual-safety-conference>

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