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A shared flight in Piper Saratoga of Segel- und Motorfluggruppe Grenchen (photo Salzburg Plane Spotters)

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RECAST OF THE EASA BASIC REGULATION: IMPROVEMENTS ON ALL FRONTS

Our political adviser Timo Schubert reports

Over the past months Europe Air Sports has been extremely active and successful in defending its position on the EASA Basic Regulation. Given the complexity of the EU's legislative process, activities took place in parallel at the level of the European Parliament (EP), the Council of Ministers (Member States), the European Commission and EASA.

At the time of writing, the EP and the Council have adopted provisional first reading positions, both containing considerable improvements for our sector. In early 2017 the EP and the Council will start their negotiations ("trialogues") in order to find common ground on those issues where their positions differ. EAS will continue to defend its positions as this process continues.

We are most appreciative of the high level of understanding and support by key members of the European Parliament's Committee on Transport and Tourism, including Gabriele Preuß (Socialist, Germany), Gesine Meissner (Liberal, Germany), Dr. Dieter-Lebrecht Koch (Conservative, Germany) and Marian-Jean Marinescu (Conservative, Romania).

Here is the current status of the issues of most concern:

➤ *Annex I (previously Annex II) – national aircraft*

The EP is calling to replace the excessive number of weight limits now in Annex I and to replace it with a category up to 600kg, a maximum empty weight of 350kg and a stall speed not exceeding 45 knots. At the same time it calls on the European Commission and EASA to develop more proportionate rules for aircraft used in recreational aviation. The Parliament also wants to see the mutual recognition of certificates and licenses for microlight aircraft, in order to ensure smooth travel across the EU's borders.

By contrast the Council is more reluctant to accept a considerable increase in the weight limits. There was a heated debate between those Member States that support 600 kg (among them Poland, Czech Republic, Slovenia and Germany) and those strongly opposed (on the forefront: Belgium and France).

At this point it is uncertain what the final outcome could be. However it is likely that the future will offer an improved situation compared to the current BR.

➤ *Amateur built aircraft*

The EP has adopted an amendment which better defines amateur built aircraft. In order to qualify the aircraft has to be built by amateurs by 51% or 300 hours, whichever is less. It will try to defend this amendment vis-à-vis the Council. The chances for this to be agreed are realistic.

➤ *Model flying*

The EP has adopted an amendment which recognises the great safety record of model flying organisations. It insists that in the transition from national to European rules no privileges must be lost. This will be key to ensuring no negative impact on model flying through the introduction of EU rules on the operation of drones. The chances for this to be agreed are rather good.

➤ *Commercial Air Transport*

The definition of CAT is key to ensuring that clubs can organise open days and cost-share flights. The definition has been subject to debate at EP and Council level. Both institutions are trying to recognise the very different nature of cost share flights compared to those offered by airlines or business aviation. We are hopeful of a meaningful compromise.

COST SHARING OF FLIGHTS

Recent developments in France over cost-sharing has caused concern, especially that the same idea might be adopted elsewhere. Jean-Pierre Delmas describes action taken to challenge the threat and outlines the risks that need to be managed by private pilots planning to share the cost of flights.

Europe Air Sports, with PPL/IR Europe and the European Powered Flying Union, brought a measure enacted by France on 23 August to the attention of the European Commission. This put in place additional requirements for cost-sharing flights advertised on the web, that go well beyond the EU's requirements.

We protested against this measure as it is disproportionate, not based on empirical data and contradicts the risk hierarchy manifested in the General Aviation Safety Strategy. There is no reason to believe that risks associated with cost-shared flights are greater in France than elsewhere.

The discussions around cost-shared flights originated from the business model of online platforms, which advertise cost-shared flights. Thus members of the public are made aware of a flight to be flown to a certain destination, on a certain date, for a fixed price, and invited to reserve a seat. The online platforms themselves are not operating the cost-shared flights, but take a portion of the money transferred between the operator (pilot) and the passenger.

The French DGAC invoked Article 14(1) ("immediate reaction to a safety problem") of the Basic Regulation, to impose restrictions on the pilots, the flights and the aircraft involved. The aim was to assure a higher level of safety to "members of the public" paying a share of a private flight, compared to a pilot's acquaintances flying the same private flight and paying the same amount of money. This has been presented as an intermediate level of safety, between the safety of current private flights and the safety of commercial air transport provided by airlines or air-taxi companies.

In October, EASA launched a Safety action group of which EAS is a member. The Group's objective is to evaluate, first, whether cost-shared flights advertised through web-based platforms are exposed to higher risks and, second, to provide recommendations on how to mitigate those risks in order to maintain the safety levels at the current level of non-commercial operations.

There are some non-aeronautical issues which arise for private pilots and non-profit flying associations, if members of the public embark a private plane and/or pay part of the cost.

- **Financial issues:** a high proportion of cost-shared flights offered by a private pilot or an increasing proportion of income generated by cost-shared flights in an association's budget might be regarded by some tax authorities as a business activity, rather than a non-commercial activity.
- **Security issues:** authorities might have concerns with members of the general public accessing premises of aerodromes and aircraft without security checks and scrutiny completed in the way that we see, for example, in large airports.
- **Insurance issues:** insurance companies might decide that cost-sharing via internet platforms is not consistent with insurance for only private flying.

These non-aeronautical risks are manageable and can be reduced appropriately to finally enjoy cost-shared flights with participants happy to fly in and support General Aviation.

UPDATE ON EASA PROTOTYPE RULES by Dave Phipps, Europe Air Sports Technical Officer for Unmanned Aircraft

At a meeting on 10th November, the Transport & Tourism Committee (TRAN) of the European Parliament backed plans for the European Aviation Safety Agency to be granted the competence to regulate unmanned aircraft below 150Kg, including model aircraft.

The TRAN Committee also backed plans requiring some form of mandatory registration and identification for all unmanned aircraft above 250 grams.

Further details of their plans can be found here:

<http://www.europarl.europa.eu/news/en/news-room/20161107IPR50386/aviation-safety-transport-meps-back-draft-eu-rules-on-drones-and-emerging-risks>

Europe Air Sports had taken the position that model flying should be taken out of the scope of EASA, but there was no political majority for this in the Parliament. However, following strong representation from Europe Air Sports to key MEPs on the TRAN Committee, they agreed a compromise amendment which was adopted as a new version of Recital 20b. Whilst this amendment would not remove model flying from the regulations, it does provide some reassurance for the model flying community:

Recital 20 b new

Model aircraft in particular those operated within an association or a club have enjoyed a good level of safety since decades. These associations and clubs are well structured and have put in place a very good safety culture. Whilst it is recognised that model aircraft are unmanned aircraft used primarily for leisure which fall under this Basic Regulation, provisions must be included in the implementing rules or delegated acts so that model aircraft should continue to operate as they do today where under the various national systems. The implementing or delegated acts adopted under this Regulation should allow for a seamless transition from the different national systems, and should take into account existing best practices in the Member States.

The European Parliament and Council will now engage in further negotiations and it seems certain that EASA will be formally granted the competence to regulate unmanned aircraft sometime during 2017.

The feedback period for the EASA prototype rules closed on the 15th October and at a Stakeholder Meeting on 24th October, EASA reported that a 'significant' number of responses had been submitted by the model flying community and that "not all of them were polite". They also announced at the Stakeholder Meeting that they would be forming a small 'Expert Group' to work with them on reviewing, amending and developing the text of the Prototype Rules.

The constitution of the 'Expert Group' was confirmed on 16th November and includes representation from the model flying community, with Dave Phipps attending on behalf of Europe Air Sports and Bruno Delor attending on behalf of Fédération Aéronautique Internationale (FAI).

The first of four proposed meetings of the 'Expert Group' took place at EASA's headquarters in Cologne on Monday 21st November, during which EASA tabled for discussion the amendment to Article 15 of the Prototype Rules which had been submitted by Europe Air Sports & FAI. Please see <http://www.fai.org/news/42436-eas-fai-response-easa-unmanned-aircraft> for further details.

The amendment to Article 15 proposed by Europe Air Sports and FAI would allow Competent Authorities greater flexibility in defining the conditions, limitations and deviations applied to model flying at National level making it easier for them to minimise the effect of the rules on established model flying activities. The proposal appeared to be received positively.

EASA is now working towards preparing and releasing rules for formal consultation by the end of March 2017 (rather than by then end of 2016 as originally intended) with a target for implementation of the rules in 2018.

At the 'Expert Group' meeting there was also considerable discussion on the Open Category, in particular the merits of using mass versus A.I.S. (Abbreviated Injury Scale) and training versus technical limitations to control risk. There was also discussion on where the boundary should fall between the Open and Specific Categories.



EASA HQ at night (no, not photographed from a drone!) Photo Dave Phipps

European Model Flying Union

Representatives of model flying associations from 11 member states met in Friedrichshafen on 28th October and agreed to proceed with plans to establish the European Model Flying Union (EMFU), principally to co-ordinate efforts to defend model flyers throughout Europe from the threat of disproportionate regulation.

RULEMAKING PROGRAMME & EUROPEAN PLAN FOR AVIATION SAFETY 2017-21

On 12 October EASA published "Rulemaking Programme" (RMP) and "European Plan for Aviation Safety" (EPAS) with a new focus on strategy. René Meier, our Programme Manager, studied the 100 page document.

RMP/EPAS 2017-2021 counts 107 tasks in total, 68 of them connected with General Aviation (GA) in one way or another. EASA has strengthened the strategic orientation of the document, by initiating a discussion with stakeholders on the strategic priorities for the RMP as well as EPAS, which are now published as one document.

The RMP is presented by drivers, issue category and action area. For each action area the issue, the objective and the related actions are presented. Some hints have been prepared by the Agency if you would like to study RMP/EPAS 2017-2021. EASA writes:

"The drivers are:

Safety/environment — The rulemaking projects falling under this category are driven principally by the need to increase the current level of safety or improve the current environmental performance of the aviation sector.

Level playing field — The rulemaking projects falling under this category are driven principally by the need to ensure that all players in a certain segment of the aviation market can benefit from the same set of rules, thereby promoting fair competition and free movement of persons and services. Naturally, these projects will also contribute to maintaining or even increasing the current level of safety.

Efficiency/proportionality — The rulemaking projects falling under this category are driven by the need to support technological and business advancements as well as to ensure that rules are cost-effective in achieving their objective.

An **action area** may contain several actions and types of tasks: Rulemaking (RMT), safety promotion (SPT), focused oversight (FOT) as well as research actions (RES). In the EPAS part of the document, there are also tasks included for the Member States identified as "MST" tasks.

For each rulemaking task, besides the specific issue and objective, the basic information related to responsibility, schedule and affected stakeholders is provided. The results from preliminary impact assessments (PIAs) are presented, where available. Letters 'A', 'B', and 'C' indicate strategic ('A'), standard ('B') or regular update ('C') tasks."

We already asked the Agency who will be entitled to ask for or to conduct research actions. We did so because we have identified interesting topics increasing GA safety. Among others, receiving accurate and adequate weather information is at the top of our list of priorities.

FOUR TECHNICAL REPORTS FROM EAS PROGRAMME MANAGER RENÉ MEIER

(1) REORGANISATION OF FAR PART 23 AND CS-23, INCLUDING CS-VLA

The comment period on NPA 2016-05 ended on 23 September 2016. The Agency received 318 mostly favourable comments. René Meier, our Programme Manager and member of the rulemaking group, reports.

After the comment period on the development of the new CS-23/CS-VLA closed, the next task for the rulemaking group is to review the 318 comments that were received in reaction to NPA 2016-05.

The comments received are now being studied individually by the members of the rulemaking group. In doing so the group will achieve a clear vision on what is considered substantially important for our community and will differentiate between the less important and the less urgent topics.

Boudewijn Deuss, the EASA head of the rulemaking group, hopes that in this manner the Agency can narrow down further discussions to topics that potentially have an impact on the final success of the harmonisation effort for which the Rulemaking Task RMT.0498 was created.

It was really amazing to be confronted with comments judging the proposed texts to be much too demanding for readers while other statements praised the clear wordings proposed. Highly valuable comments came from renowned aircraft manufacturers pointing at important details for the rulemaking group to take a second look at.

The combined transatlantic effort will, in my eyes, not lead to 100% compatible text. Most probably to a certain extent two different numbering systems will continue to exist, but no inconsistencies leading to misinterpretations will remain.

The rulemaking group will meet early 2017 to finalise the text of the Comment Response Document (CRD) which will lead to an Agency Decision to be published later next year.

(2) EASIER ACCESS FOR GENERAL AVIATION PILOTS TO INSTRUMENT FLIGHT RULES (IFR) FLYING (NPA 2016-14 - RMT.0677)

EASA published NPA 2016-14 on 9 November 2016, and interested parties are invited to comment. The comment period ends on 31 January 2017. A dedicated Task Force (TF) prepared the proposals for an even easier way to obtain an Instrument Rating (IR) than via today's Competence-based Instrument Rating (CB-IR) and En-route Instrument Rating (EIR). René Meier, Programme Manager, reports. His text is based on official publications of the Agency.

As we know the goal of EASA's General Aviation (GA) Road Map is to work towards simpler, lighter and better rules for our communities. During the 2014 EASA Safety Conference on General Aviation, the topic of 'easier access to IFR flying' was identified as an important initiative to improve the safety and utility of our flying. This was in response to the safety concerns and to our views that the current regulations for many aspects of IFR flying should be made more proportionate.

With easier access to IFR flying, we would be able to plan A-B flights with more confidence of safe completion. We would be less vulnerable to changing weather conditions and the associated risk of visual flight rules (VFR) flights continuing into instrument meteorological conditions (IMC). As well as increasing the safety and resilience of GA flying, it will also reduce the complexity of longer flights, which often require extensive planning before the flight, re-planning in-flight, and other contingency provisions to be executed when flying under VFR.

IFR flight planning for longer A-B flights is more straightforward — thus encouraging our pilots to conduct flights that they might otherwise not attempt. This will bring safety and economic benefits. Furthermore, powerful tools are available on the market today, making the planning of IFR flights easy indeed.

Will the gaps be big enough to descend through? (Photo Diana King)



In order to create really appropriate provisions, the work of the TF was targeted across the different regulatory domains. In view of this, one of the deliverables was a comprehensive action to address relevant cross-functional issues. After an initial review, a new Terms of Reference (ToR) text, (Issue 2) was drafted, together with a Concept Paper (published on 18 December 2015), addressing the different identified issues for improvement or resolution:

- More proportionate flight crew licensing (FCL) requirements;
- IFR procedures at aerodromes;
- Air traffic management (ATM) more compatible with GA flight profiles; and
- Certification of aircraft and equipment used for IFR flying.

Aircrew issues are addressed first. Further tasks are planned, they will contain recommendations for amendments to airworthiness, ATM, and aerodrome requirements.

This is the link to the NPA: <http://www.easa.europa.eu/document-library/notices-of-proposed-amendment/npa-2016-14> for individual comments. You may also send your proposals for comments to the Programme Manager by 15 January 2017. A consolidated set will then be sent to the Agency in time.

(3) ELECTRONIC FLIGHT BAGS

Transposition of provisions on Electronic Flight Bags from ICAO Annex 6 (Notice of Proposed Amendment 2016-12)

This NPA, published on 4 October 2016, addresses the transposition of the International Civil Aviation Organisation (ICAO) Annex 6 provisions on Electronic Flight Bags (EFB), which have been applicable since November 2014, into Regulation (EU) No 965/2012 (the Air Operations Regulation).

The specific objective of this rulemaking task is to maintain a high level of safety with regard to the use of EFBs by ensuring a harmonised implementation of the current provisions published as Acceptable Means of Compliance AMC 20-25.

This NPA proposes to introduce an operational approval for the use of EFB applications by commercial air transport (CAT) operators and to introduce proportionate EFB provisions for non-commercial operations with complex motor-powered aircraft (NCC), as well as for non-commercial operations with other-than-complex motor-powered aircraft (NCO), and specialised operations (SPO) operators.

We made a first evaluation of the content of the NPA, focused on the particular needs of our community. Today, our opinion is that we shall get a set of provisions appropriate to our needs and at the same time maintaining the high level of safety that European institutions insist on.

You may submit your comments directly to the Agency by using the Comment Response Tool (CRT). This is the link to the NPA: <http://www.easa.europa.eu/document-library/notices-of-proposed-amendment/npa-2016-12>

As an alternative you are invited to send your comments to the Programme Manager by 26 December 2016. He will consolidate the contributions and ensure a timely submission.

(4) PART M LIGHT - TECHNICAL RECORDS (RMT.0276 (MDM.076), NPA and CRD 2014-04)

On 17 November 2016 EASA published Opinion 13/2016 on Technical Records. This task was started quite a while ago as "Multi-disciplinary Measure" MDM.076, becoming then Rulemaking Task RMT.0276, Notice of Proposed Amendment NPA 2014-04 and Comment Response Document bearing the same number. A short overview, by René Meier, Programme Manager

In one sentence: We opposed the amendments initially proposed by the NPA 2014-04. As a result, this Opinion does not propose any amendments to the forthcoming Part-ML (Part M Light).

Please read the Agency's summary contained in Opinion 13/2016:

"Technical records are the means to assess the airworthiness status of an aircraft and its components. This Opinion addresses a safety issue linked with a wrong airworthiness assessment of the aircraft status, due to incomplete technical records. It is additionally related to a safety recommendation from the Air Accidents Investigation Branch (AAIB) (ref.: UNKG-2007-091), which recommends that the maintenance and overhaul records must be part of the logbook and retained until the aircraft/engine/propeller/component has been destroyed or permanently removed from service.

This Opinion proposes to amend the existing requirements on technical records for assessing the airworthiness status of an aircraft, namely through:

- a re-organisation of the related requirements in Regulation (EU) No 1321/2014;
- the provision of clearer requirements on components;
- the establishment of a consistent record-keeping period; and
- the introduction of various forms of record-keeping (e.g. digital) and commonly used information technology systems.

The proposed changes are expected to make requirements on technical records clearer, thus facilitating the understanding and implementation thereof; consequently, this will raise the current level of safety and enable a level playing field. Furthermore, this will be beneficial to both industry and competent authorities, promoting the cross-border transferability of aircraft between different regulatory systems.

Nevertheless, it should be noted that the general aviation community opposed the amendments initially proposed by the related NPA 2014-04. As a result, this Opinion does not propose any amendments to the forthcoming Part-ML."

Please feel free to send your requests for further information to the Programme Manager.

CONNECTING EUROPE FACILITY – information from Timo Schubert

The Commission has announced a new call for proposals under the Connecting Europe Facility, with a deadline of 7 February 2017 for submitting proposals.

€300 million of the available funding are earmarked for aviation/SESAR and the call specifically refers to the retro-fitting of 8.33 kHz radios, which are identified as a priority area in the "General Projects" segment of this call:

"Actions that support equipage with 8.33 KHz radios in existing aircraft fleet. Regulations (EC) No 1265/2007 and (EU) No 1079/2012 require the conversion of at least one radio per aircraft to have to be capable of operating on the 8.33

KHz channel spacing. An amount of €10 million is targeted at proposals for conversions of existing aircraft fleet that currently do not have radios with 8.33 KHz channel spacing. The grant will be limited to 20% of the total cost of radio conversion, including both equipment procurement and installation costs."

Filing an application is complex and time consuming. Cross-border projects are encouraged but not mandatory. Having political support is helpful, but it does not alleviate the applicant from filing a solid application.

We would advise that professional help is needed with filing an application and work needs to commence immediately. As well as filling in the forms, a solid project plan has to be created, partners found to indicate that the project is viable and a thorough cost-benefit-analysis prepared. Radios bought and retro-fitted between 7 February and 31 December 2017 would be eligible for funding if a proposal has been successful.

Last year the UK's CAA succeeded in obtaining funding for 8.33 radios. A key factor of success was the authority's willingness to become project leader and to provide political support. You might wish to check if your national CAA would be willing to support. Applications by a NAC or a group of NACs, assisted or not by a CAA is also a possibility.

DECLARED TRAINING ORGANISATIONS – an update

This issue was on the agenda, for information only, at the EASA committee meeting held in Brussels on 26 and 27 October 2016. There was no decision at that meeting and no major objections were raised. According to news from the German Ministry of Transport, the vote on the topic will be either in December by a written voting procedure, or at the next meeting in early February.

EUROPE AIR SPORTS GENERAL CONFERENCE 2017

Next year's EAS Conference will take place from Friday 17 March to Sunday 19 March at the Holiday Inn at the airport Berlin-Schönefeld, hosted by the Deutsche Aero Club. The programme will start with a sight-seeing tour for all delegates and guests on the afternoon of Friday 17 March and the Conference itself will take place on Saturday 18 and Sunday 19 March, with the Annual General Meeting of Europe Air Sports on the Sunday.

Our Secretary General, Pierre Léonard, will send more details to EAS members very soon.

WE ARE ALL IN THIS AVIATION REGULATION REPRESENTATIONAL WORK TOGETHER - OR ARE WE? EAS President David Roberts presents the case

EAS is a collective endeavour for all air sports across Europe to try and ensure an appropriate and proportionate legislative and regulatory framework for light aviation. Our work is conducted primarily through elected and appointed volunteers, supported admirably by two professional people working on a part-time paid basis and absorbing 60% of our annual budgeted costs. A further 25% is needed for essential travel to regulatory meetings, and associated accommodation and subsistence. Our income is solely from our members - the National Aero Clubs (NACs) and the pan-EU specialist air sport federations.

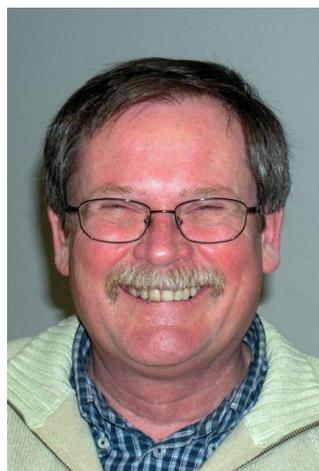
Despite holding our costs at a very steady level for many years (our professionals have had no change in remuneration for 8 years), our income has been dropping because some NACs have failed to renew membership and others have not joined us. The 2008-09 global financial crisis was perhaps an understandable reason for some NACs, but the shortfall in our income is not sustainable. We need all EU member NACs as members, subscribing to our work. Otherwise those which are not paying-members effectively get a "free ride" of the benefits, as we have no way of blocking access to those benefits.

If we have to cut back on our efforts in order to reduce costs, there is no guarantee we can fulfil our aims and objectives in this work.

It is sometimes said that individuals at “grass roots level” are paying for EAS twice - through subscriptions directly or indirectly to NACs, and through the membership of a pan-EU specialist air sport federation. But this is not paying twice; it is merely two routes to fund EAS’s total requirement. At the level of the individual pilot the annual cost of EAS is less than 35 €cents each, if all eligible NACs were paying members to EAS. About 15% of just one cup of coffee per annum!

PER WISTISEN 1950 - 2016

Helge Hald writes: Per Wistisen died Aug. 18, 2016, barely 66 years old.



By Per's death primarily Birgitte, Christian and Soeren lost a lovable husband and father, for whom the family always came first. Others lost a loyal friend for whom a person’s reputation mattered less than the mutual loyalty.

Flying society lost a prominent figure, for whom many aspects of flight illustrated Per's far too short life. First and foremost, of course, as a pilot of both powered aircraft and gliders, where it was certainly gliding that came first. Per also felt at home in powered aircraft, and for many years he served as a tug pilot.

But it was mainly the organisational work within gliding which caught his interest. He served as a member of club committees and in the Danish Soaring Association, where he held positions for about 20 years as a Vice President and Treasurer. He was also active in KDA's board as Treasurer and Vice President for many years, and for some years he was also treasurer of Europe Air Sports.

Per was very enterprising, and was a skilled negotiator when the authorities needed to be given a different view of how gliding in DK was organised, other than the one that prevailed on the mountain. It is largely through Per’s work that we have the relatively free conditions to do our sport that we actually have. Per was awarded the Paul Tissandier diploma for his contribution to Danish airsport.

The commercial aspect of flight also interested Per, and he was CEO of North Flying for well over 10 years. Again, his resourcefulness benefited his company, as he was also one of the prime drivers in the creation of ambulance helicopters in Middle Jutland. In the company he took up this task, and the company now performs many ambulance services across Europe with a nurse and doctor on board.

Per is greatly missed by all of us who knew him - the world has become poorer. We are honoured to remember Per.

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