



## JANUARY 2016 Part Two – Information and Briefings



*Winter soaring in Scotland (photo Roy Wilson)*

As promised, here is the second half of our first 2016 Newsletter.

### News in this issue:

EAS presidents' meeting – November 2015 .....	1
EASA communication with the aviation community .....	4
General Aviation Exhibition: aero2016 .....	5
Rulemaking Change in progress .....	5
The new Basic Regulation proposed by the Commission enters the legislative process ...	6
Occurrence Reporting .....	7
Technical Opinion on EASA A-NPA 2015-10 .....	8
Europe Air Sports General Meeting 2016 - Bordeaux 9 - 10 April 2016.....	9
Key contacts.....	10
Sign up for the newsletter! .....	10

### **EAS PRESIDENTS' MEETING – NOVEMBER 2015 - *Impressions from delegates***

#### ***Nigel Stevens, EFLEVA Vice President Vintage, and Fédération RSA Vice President International***

Since our President Roger Hopkinson was away, James Tannock (EFLEVA Vice President Consultation) and I attended the November 2015 Europe Air Sports meeting. I'm from the Fédération RSA (society of aircraft builders and collectors) in France and James is from the Light Aviation Association in the UK.

EFLEVA's main areas of interest are experimental (home built) aircraft and Vintage aircraft (factory built, over 30 years old). Most of these types are in Annex II of the Basic Regulation, although there are a significant number of Vintage machines which are under EASA, either Permit to Fly or Full C of A.

This was the first time I had attended an EAS meeting and I was impressed and heartened to see the level of expertise and experience present among the members. The range of subject issues facing EAS is extremely broad with an agenda covering a dozen very different topics. It is comforting to know that so many skilled volunteers are ready to devote their personal time and energy to defending the whole sporting aviation community in our increasingly complex regulatory environment.



I came away from the meeting with two contrasting impressions.

EAS has worked very hard to encourage both EASA and the Commission of the European Union into doing something to compensate the sport aviation community for the additional expense caused by the forced change to radios with 8.33 kHz channel spacing. Several years of hard work by EAS has resulted in the Commission allowing for applications for financial support for the retrofitting of radios under its Connecting Europe Facility (CEF) funding programme (up to 20% of eligible costs). This is an excellent outcome.

My first impression, however, was disappointment at the complexity of the application process, which is a large burden for sports organisation and over which we have no influence. To the non-expert it feels as though it could almost have been designed with the aim of making it difficult to obtain any refund!

On the positive side, the presentation by Dominique Roland, from EASA, was most encouraging. It is clear that EASA, under its new Director Patrick Ky, is seriously trying to understand and meet the needs of our sort of aviation, and Patrick Ky wants to move fast. This is to be applauded and it is a welcome contrast to what we have been subject to, for the last seven years. Dominique, along with his other tasks in EASA, now has the position of General Aviation Champion and is a key contact point for EAS.

My second, and more positive, impression is that we appear to have a window of opportunity opening for EAS to dialogue with EASA, with the object of ensuring a more proportionate regulation of our activities. Let's grasp the opportunity.

*Timo Schubert, EAS's Policy and Political Adviser, comments:*

*As the CEF is open for applications from all transport modes some of the requirements are aimed at commercial operators. This makes it extremely difficult for a European group of aeroclubs of air sports unions to stand a chance in the competitive selection process of applications which are chosen for funding. One of the reasons for this hurdle is that the European Commission always receives a lot more applications than funding is available.*

### ***Rieteke van Luijt, President of the European Microlight Federation, presents the Federation's view***

The review of Annex II of the Basic Regulation, EC No 216/2008, will be of great importance for the European Microlight Federation EMF.

In October 2015 EMF had its General Meeting and this matter was discussed. All members present stated that the most important thing is that EMF stays in Annex II. That means that the National Authorities make the rules, thus each country has its own rules for microlight flying.

When you read Annex II you will find under para (e) a range of MTOM's (Maximum Take-off Mass) for aeroplanes, corresponding to different situations. A discussion started at the EMF GM over whether it would be an idea to "clean up this mess" and harmonise it. In addition several countries voiced safety concerns about the current situation where operational practice may differ from the weight limits in Annex II (e).

The Nordic countries volunteered to start investigating this and to come back with a position paper in January 2016.

In November 2015, EAS had a meeting to brief and discuss a variety of important regulatory matters. One of the items on the agenda was the revision of the Basic Regulation including Annex II (EC No 216/2008). EMF's opinion was brought forward at the EAS meeting and here also a discussion started about para (e). Some even wondered whether, for example, the scope of Annex II should be widened until just under the 600 kg MTOM applicable to the European LSA (Light Sport Aircraft).



New information caught up with all of us on 7<sup>th</sup> December, when the European Commission released its new Aviation Strategy, including its Proposal for a new Basic Regulation COM(2015)613 with Annexes I to X, where Annex I corresponds with the current Annex II. Reading what is proposed in the (new) Annex I COM 2015/613, we find that it even lists another MTOM for the electric propulsion system, so now there are 8 different MTOM's in para (e). Maybe now is the time to harmonise this in a way that is acceptable to all.

EMF together with EAS are looking for solutions on this thorny subject.

***Significant improvements, a lot to come - Torkell Sætervadet, Advisor regulatory matters, The Norwegian Air Sports Federation (NLF)***

The Presidents' meeting in November comprised an unusually comprehensive – but still rather compact – overview of the regulatory matters that EAS is currently working on.



Dominique Roland, head of the design organisations department at EASA, gave an interesting status update on EASA's campaign "Lighter, Simpler and Better Rules for General Aviation".

It was evident throughout the meeting that this campaign as well as the overarching principles in "The roadmap for regulation of general aviation" are leading to significant regulatory improvements. For instance within the area of aircraft maintenance "Part-M Phase 1" is already implemented since July 2015, and an even lighter Part-M – "Part-ML" – is coming soon. The recent and current efforts related to training organisations offer realistic hope that the concept of ATOs (Approved Training Organisations) won't be the only path to training in the future. Whether named *Basic* or *Registered* Training Organisations, a much lighter regime is within reach.

The discussion about training organisations also revealed an inherent challenge for EAS and the air sports community. While improvements are possible within the framework of the current Basic Regulation, the regulation has also some "absolutes" that cannot be overcome until a new Basic Regulation has been put in place. For instance, the basic regulation requires a type certificate for aircraft (hence no self-declared LSA aircraft in Europe), and it requires certification for training organisations (hence a merely **registered** training organisation is perceived as incompatible). To what extent should EAS focus on short to medium term solutions within the current regulatory framework, and to what extent should the organisation concentrate its efforts on optimum long-term solutions?

As there is some truth to the saying “While the grass grows the steed starves”, the EAS core focus has been on achieving the short term fixes first. However, the work on an entirely new Basic Regulation could pave the way for further improvements within many areas, but EAS also reminded the delegates in the meeting that there are limits to what’s politically possible. The air sports community may have to opt for a strategy, where the perfect does not become the enemy of the good.

### ***Some overarching topics dealt with at the EAS Presidents’ meeting, November 2015 - by René Meier, Programme Manager***

Besides the other texts received from participants René looks at three major topics of importance from the point of view of the Programme Manager.

#### ***Proposal for a possible new Basic Regulation***

Michel Rocca explained the state of the Commission’s proposal. He spoke about the urgent need to create a common position on all issues touching the segments of General Aviation, its sport and recreational community, in particular by putting our emphasis on risk-based proportionate rules. This is our only chance for the next 10 to 12 years. We must seize the opportunity and deliver well-founded inputs when it comes to weight limits, licences and certificates and aircraft maintenance, particularly for those aircraft now under “Annex II” provisions.

#### ***Use of airspace issues***

Günter Bertram explained the very limited impact of SERA Part A and B on our activities. He added then that NPA 2015-14, whose comment period ends on 29 February 2016, contains a proposal asking for “English only” as the language requirement for airports with more than 50,000 IFR movements per year. AMC and GM (Acceptable Means of Compliance and Guidance Material) to SERA.14015 “Language to be used” should be looked at carefully: the proposals apply to aerodromes with more than 50,000 IFR movements per year, but it is also proposed that competent authorities may define an even lower limit.

#### ***Occurrence Reporting***

As the Commission wishes to reveal the existence of safety hazards as well as to learn from incidents, Regulation (EU) No 376/2014 was published, and more recently Regulation (EU) No 2015/1018, with a workable list of occurrences to be reported. There are still several concerns, particularly when we think of sailplane operations in mountain areas, but I think we can live with this well-structured new regulation.

#### ***Very positive indeed...***

On the Agency’s website we find a button “Regulations” which opens the gate to all aviation related regulations ever published. This is of great help to all of us having to work in all the regulatory fields where consolidated versions are available. Many thanks to the Agency for this remarkable tool!

### ***Rudi Schuegraf briefs us on three items ...***

## **EASA COMMUNICATION WITH THE AVIATION COMMUNITY**

EASA and GA stakeholder representatives have agreed to develop the General Aviation Road Map further in 2016, especially to arrange a series of events where they will start a dialogue with the affected users to promote the project, to exchange views, to learn from each other and to present the results achieved.

Both the NAA GA Roadmap group and the GA sub-SSCC highly support this initiative which will be tailored to the specificities and needs of the different local GA communities. The events, jointly organised by EASA, NAA and local associations, will present to the regional community – in the local language – the GA Road map and the effects of the results it has achieved. The audience will also have the opportunity to challenge the presenters.

The event can be combined with other national events, it can last from half a day to one day, to facilitate the optimum outcome for the individual roadshow.

The first event is planned on 08. March 2016 in Bonn, Germany, hosted by the German Ministry of Transport and jointly organised by EASA, the German NAA Luftfahrt-Bundesamt with the support of AOPA Germany and Deutscher Aero Club. This event is dedicated to the German GA. The next one is planned for April in Vienna, followed by a major GA event, possibly during the AERO Exhibition in Friedrichshafen. About seven events will follow in 2016. Eleven others are proposed to take place in 2017 which adds up to 20 roadshows.

Europe Air Sports members are invited and encouraged to get in contact with their national authorities early to support, accompany and coordinate such events in their countries to make this EASA GA initiative a success for the GA community.

## **GENERAL AVIATION EXHIBITION: AERO2016**

Europe`s largest General Aviation exhibition will be open to public viewers from Wednesday, 20. April to Saturday, 23. April 2016. On the beautiful shore of Lake Constance and in the triangle where Austria, Germany and Switzerland meet, the interested public and the enthusiastic aviators have the chance to view the newest GA aircraft in the market, especially the newest developments in the booming sector of Light Sport Aircraft and Microlights. It is not only the exhibition which is certainly worth a visit, there is more.



Plan your trip to Friedrichshafen and the "aero2016" for the Opening day, it is the day when your Association Europe Air Sports invite you and all friends to join for a beer, wine or water and a snack. Last year`s party was a great success. Therefore, it was decided to repeat the event this year, join and meet President David Roberts and other board members at the stand of the Deutscher Aero Club which is hosting Europe Air Sports.

Note in your diary: **Wednesday, 20. April 2016 starting at 17:00 LT in hall B 4**

## **RULEMAKING CHANGE IN PROGRESS**

For 12 years, from the initial establishment of EASA until today, rulemaking processes in EASA followed the same procedures, from the start to the final rule. Much patience was needed until the respective rulemaking task was declared finished. Another lengthy process had to be started to push it through the European legal system before it could come into force. Since the Executive Director amended the EASA structure by integrating the Rulemaking Directorate in the Standardisation directorate, it was clear that Patrick Ky wanted to optimize the Rulemaking Process, speed it up and simplify it.

On 15 December 15 the EASA Management Board decided on three important issues, which modify the consultation process with the EASA aviation community and EASA. It is intended to speed up the dialogue, make it proportionate to the importance of the issue and to allow a faster publication process.

Up to now, Europe Air Sports experts represented, on behalf of the members, the airports' positions in the EASA Advisory Board (EAB), the full Safety Standards Consultative Committee (SSCC) and in six sub-SSCCs. EAS is supporting the change of structure and the intention for speed-up and simplification of the rulemaking process. This is of benefit to our community, but we will closely monitor the changes to be implemented during the first half year 2016, so that we don't lose the opportunity to contribute the airports' expertise to the European Aviation system. We will publish news on this important issue in the next newsletter and keep you up-to-date.

## **THE NEW BASIC REGULATION PROPOSED BY THE COMMISSION ENTERS THE LEGISLATIVE PROCESS - *Michel Rocca brings us up to date***

On the 7 December 2015, as planned, the Commission published its proposed Basic Regulation (BR) as part of the Aviation Package.

Process-wise, as a result of the publication, the Council and the European Parliament have respectively launched discussions and negotiations in the Aviation Group and in the Committee on Transport and Tourism.

This is one of the Dutch Presidency's priorities. The time-frame is

- Adoption of the new BR between 2017/Q1 and 2018/Q1
- Entry into force between 2017/Q2 and 2018/Q3
- First new implementing rule made under the new BR between 2018/Q4 and 2020/Q4.

Content-wise, most of the EAS high level principles established with our members in 2014 are taken into account. Let's have a look at them.

### **Tailor-made rules = Keep rules simple and respectful of our rights**

Proportionality is effectively one of the pillars of the BR as proposed by the Commission. Further to the essential requirements, the Commission intends to adopt implementing rules for making detailed provisions simpler and easier for sports and leisure aviation – for pilot training organisations and for light unmanned aircraft used for recreational activities.

Among the key issues, the definition of 'commercial operations' has been deleted from the BR. Only the definition of 'commercial air transport' has been kept according to the ICAO set of definitions. In doing so, there will be no confusion between our activities or actors and CAT activities or actors.

### **Performance-based approach = Keep rules proportionate to the risk to third parties**

This fundamental principle is recalled in the explanatory memorandum. The introduction of 'a scalable framework' as identified in the GA safety strategy is precisely one of our major expectations.

The permit-to-fly is recognised as a permanent derogation to the essential requirements on airworthiness (Article 17 (2)(b)).

### **Relying on interested parties = Give responsibilities to GA stakeholders**

Under Article 58 and Annex VI of the proposal, our organisations might act as qualified entities with the legal capacity to carry out certification and oversight tasks.

A prerequisite to the accreditation by the Authority will be to implement "adequate arrangements for the prevention of conflict of interest".

### **Cost saving = Keep regulatory costs to a minimum; Contribute to make our activities affordable**

The new BR as proposed introduces an additional means to demonstrate compliance with the common rules by an organisation, personnel or an operator – by means of a declaration (see Article 3 (7)).

Wherever allowed, a declaration will be a shorter and cheaper process than the traditional certification process. But our members should also be aware that this is a two-sided issue: one is sunny, another is shady.

Some points need to be clarified. Here are some examples:

- 'Continuous airworthiness' has been changed into 'continuing airworthiness', which is questionable;
- Aeromodels are not identified as such. They are embedded in the unmanned aircraft category, which must not jeopardise recreational and sports operations;
- The list of aircraft excluded from the scope of the BR (referred to as the new Annex I) has been amended and welcomes the new category of electric light aircraft with a MTOM not exceeding 540 kg. At first sight, this is an improvement of the current list, but at second sight this might be a Pandora's box, releasing a lot of new proposals;
- The specific case of the amateur-built aircraft is not fully tackled.

Well, the new BR is promising, but it can also worry some of us.

EAS will keep a permanent relationship with its members in the coming weeks to assess what is good for them and to influence the on-going negotiation process.

### **OCCURRENCE REPORTING – a briefing from Jean-Pierre Delmas**

Dear Sport Pilot,

The regulations on *Occurrence Reporting* came into force on 15 November 2015 for General Aviation, and we now need to understand what we have to do to comply.

The European Parliament, the Council and the European Commission decided to extend the existing commercial air transport system of collection and analysis of occurrences, to all General Aviation.

Grounds for that decision were mainly as follows. On one side, remaining accidents in GA are rare, but subject to investigations in many European countries. On the other side, incidents and unsafe acts are more frequent, but they are not always known and are rarely investigated. And experience has shown that accidents are often preceded by safety-related incidents and deficiencies revealing the existence of safety hazards. So safety information is an important resource for the detection of potential safety hazards.

In the October issue of EAS Newsletter, we presented to you the principles of the "Just Culture" and the "Safety Culture".

Now, ready to practise? What are you expected to do?

First, consider the correct list of occurrences relevant to your type of flying: aeroplane, helicopter, sailplane or balloon.

*Please note that almost all listed events are worth a report, according to common sense or airmanship.*

Second, find the form to fill in, on the website of your organisation or on the website of your civil aviation authority.

*Please, keep in mind when selecting the site where you are going to report: it is better to process local safety issues at a local level.*

Third, make a clear distinction between a fact which is worth an open report to the mechanics or the owner, for check or repair (in case of a bird strike, for example) and the circumstances all around the event which could be worth a confidential "Occurrence Report".

*An Occurrence Report is an occasion to draw lessons for all involved parties (ATC, airfield management, flight preparation, aircraft design...) and all aspects especially human factors.*

Fourth, note that a pilot who doesn't report is not automatically guilty.

Only 10 events, among 24 in the aeroplane list, are observable facts, for example failure of the aircraft structure, runway excursion...

The remaining 14 events are to be reported only if the pilot judges the situation is worth a report.

Example of a “near” collision: the subjective judgement made by the reporting pilot can be different to that made by the pilot of the other aircraft involved. In the case of “abnormal” vibration, or a flight control not functioning “correctly”, two successive pilots on the same plane can have different feelings and then different judgements.

What are training organisations expected to do?

For example, ATO are requested to collect and process occurrences that are reported.

But ATO are free to implement a system that they think is appropriate for collection and processing of occurrences, for example a home-made system or external ones. However, the organisation remains responsible for protection of reporters’ data and anonymity. Implementation and management of the system and procedures are part of its Safety Management System for an approved organisation.

Official documentation is available; the Regulation is [here](#) and the Implementing Regulation is [here](#). The Commission’s website on Aviation Safety Reporting is at <http://www.aviationreporting.eu/index.php?id=270>

### **TECHNICAL OPINION ON EASA A-NPA 2015-10 - Introduction of a Regulatory Framework for the Operation of Drones – Dave Phipps, Aeromodelling Adviser**

Following on from René Meier’s article in the October issue of the EAS Newsletter which outlined the EASA proposals for the ‘Introduction of a Regulatory Framework for the Operation of Drones’, the EASA Technical Opinion was published in December.

As René reported, EAS was concerned that aeromodellers (who represent by far the largest group of participants within air sports) would be swept up within any regulations brought in to try to control the proliferation in the use of ‘drones’. The suggestion made by EAS was that model flying performed safely in a club environment must remain inside “Annex II” of the Basic Regulation and thus continue to be regulated nationally.

EAS was also concerned that the future regulation of drones could potentially jeopardise the safety of members flying manned aircraft under visual flight rules (VFR). The onus



was on those developing drones for operation in manned airspace, to ensure that they were fitted with reliable see and avoid technology, able to see and avoid non-cooperative aircraft (that is, aircraft that are not fitted with equipment such as transponders).

EAS was also very clear that there should be no attempts to mandate the installation of new equipment for existing airspace users, or to introduce revised visual flight rules to the detriment of existing airspace users, in order to integrate drone operations.

Following a meeting in September of EAS Board Members and Aeromodelling representatives from some Member States, René submitted a detailed and coordinated response to the consultation on A-NPA 2015-10. In all, there were more than 250 respondents to the consultation, who submitted 3,400 comments between them.

The Technical Opinion issued as a result of the consultation includes 27 proposals for a regulatory framework based upon the three categories of operation introduced in the NPA:

*1. ‘Open’ Category – Low risk. Safety is ensured through compliance with operational limitations, mass limitations (as a proxy of energy), product safety requirement and a minimum set of operation rules.*

2. 'Specific' Category – Medium risk. Authorisation by a national aviation authority is required, possibly assisted by a qualified entity following a risk assessment performed by the operator. A manual of operations lists the risk mitigation measures.

3. 'Certified' Category – Higher risk. Requirements comparable to those for manned aviation. Oversight by national aviation authority (issue of licences and approval of maintenance, operations, training, ATM/ANS\* and aerodromes organisations) and by EASA (design and approval of foreign organisations).

\* ATM – Air Traffic Management; ANS – Air Navigation System

EASA has made it clear in the Technical Opinion that model aircraft will **not** benefit from a distinct definition from unmanned aircraft. However, the Technical Opinion does state clearly that 'the intention is to develop rules that will not affect model aircraft flying'.

Thankfully, EASA has also taken into account the good safety record established by model flying over several decades and recognises that it is a well structured activity. The value of model flying associations is also recognised and evidently EASA consider that the education provided by such organisations, to give their members a 'minimum knowledge of aviation regulations' should be accepted as sufficient.

For the aeromodellers, a key proposal is number 21, which states that:

*'National or local arrangements for the operation of unmanned aircraft should be deemed to be approved by the competent authority ('grandfathered') or used as a basis for the issuance of an operator approval.'*

The Technical Opinion outlines an intention to 'grandfather' the national or local arrangements for model flying, possibly by issuing authorisations to model-flying associations based on existing procedures. This goes a long way towards addressing the concerns raised by EASA to protect the established rights of model flyers.

For our members operating within manned airspace, the Technical Opinion gives no indication that there will be any additional equipment requirements or changes to the VFR rules for existing airspace users in order to integrate drone operations.

The Technical Opinion represents just one step on the path to develop rules to regulate the operation of all unmanned aircraft and EASA will continue to monitor and pro-actively engage with the ongoing process.

## **EUROPE AIR SPORTS GENERAL MEETING 2016 - BORDEAUX 9 - 10 APRIL 2016**



Our General Meeting will take place this year in Bordeaux. The facilities of the "Aerocampus Aquitaine <http://www.aerocampus-aquitaine.com/>" will be used for the accommodation and meeting place. A tentative programme has been established and will be forwarded to our members soon with additional details. The agenda and the content of the presentations is also in preparation and some important guest speakers are expected, including Mr. Patrick Ky, Executive Director of European Aviation Safety Agency and Mr. Patrick Gandil, General Director of Civil Aviation France.

The tentative Agenda is as follows:

### **Saturday 9<sup>th</sup> April:**

09:00 - 12:00: First plenary session, including a coffee break

12:30 - 14:00: Lunch at Aerocampus

14:00 - 18:00: Second plenary session, including a coffee break

20:00 - 23:00: Gala dinner at "la Maison du Fleuve" on the river Garonne.

**Sunday 10<sup>th</sup> April:**

09:00 - 12:00: Final plenary session, followed by formal General Assembly and votes.

**KEY CONTACTS**

President	David Roberts	<a href="mailto:d.roberts@europe-air-sports.org">d.roberts@europe-air-sports.org</a>
General Secretary – central EAS management & administration	Pierre Leonard	<a href="mailto:p.leonard@europe-air-sports.org">p.leonard@europe-air-sports.org</a>
Programme Manager and regulatory work	René Meier	<a href="mailto:r.meier@europe-air-sports.org">r.meier@europe-air-sports.org</a> +41 79 333 63 93 Skype meierswitzerland
Newsletter Editor	Diana King	<a href="mailto:d.king@europe-air-sports.org">d.king@europe-air-sports.org</a>

**SIGN UP FOR THE NEWSLETTER!**

If you would like to receive future issues of the Newsletter direct to your inbox, please sign up on the Europe Air Sports website at <http://www.europe-air-sports.org/>