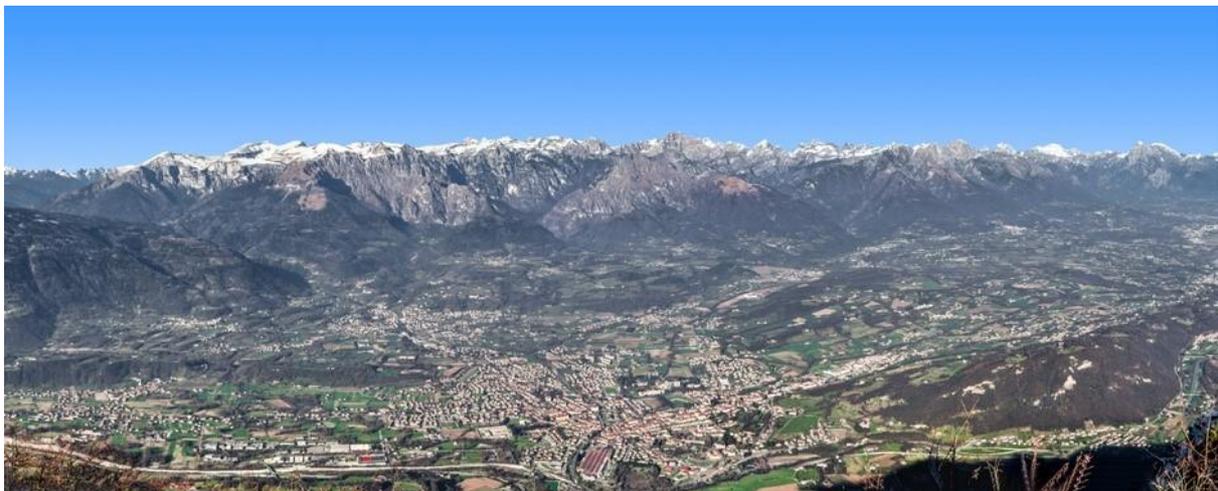




## SUMMER 2017



Monte Avena in Italy, the site of the 2017 World Paragliding Championships. The site is south-west of the Dolomite mountains in the Italian Alps. The region is very popular for its beautiful scenery and natural reserve parks. Usually flights take place towards Belluno where the highest peaks are more than 2000 m ASL.

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This Newsletter includes the latest developments on two specific air sports – gliding, which has been influenced by EASA regulation for some years, and model flying, which has only recently started to be affected following the development of drones.

## **EAS SUCCESSES: THE KNOWN UNKNOWNNS – by David Roberts, EAS President**

When this heading appeared nearly two years ago, it was a reference to the famous quote of Donald Rumsfeld, a past US Secretary of State for Defence. I used it to illustrate how difficult it can be to assess the impact of our work. But two years later there is more evidence of how much our efforts have “changed the mindset” of the EU regulatory players, whether at EASA (particularly), the European Commission or the Parliament. The fourth component where we need to encourage a change of approach is the Member States (MS) in general and this is still proving to be a barrier in certain aspects of the regulatory scene. There are notable exceptions; some MS are highly supportive of the agenda to lighten the regulatory burden on GA and air sports in particular. But others seem to be reactionary or, being charitable, not that well-informed.

Over the last two years many of our efforts have been directed at trying to influence the outcome of the proposed revision to the Basic Regulation (“BR”, currently EC 216/2008), which is the overarching framework legislation for all the rules that are generated in the name of European aviation safety. The final outcome is still some way off. The proposed revisions affecting our sector are only a minor part of the overall BR agenda, since most of it is concerned with Commercial Air Transport. Therefore it is not easy for those issues to attract sufficient attention from the decision-makers. With that in mind, it is apparent that our items have attracted significant attention because we have been active in promoting them. The main item we have been pushing for is an increase in the MTOM (Maximum Take-Off Mass) of aeroplanes falling within the schedule of those excluded from EU regulation. This is designed to enable the Light Sport Aircraft class (450 / 472.5 to 600 kg MTOM) to flourish. The proposal, which it must be emphasised does not affect microlights (below 450 or 472.5 kg), has gained support with the Parliament, but not yet with Member States. Another matter which concerns us is the definition of “Commercial Air Transport” (replacing “Commercial Operation”) and at this stage it seems that the ICAO definition will be adopted. This could cause problems in our communities unless there is a derogation to the European Commission to, in effect, make exemptions for certain GA or air sport activities that would otherwise fall foul of the ICAO definition.

The pipeline of changes to implementing rules going through the approvals process at the Member States’ EASA committee include the revision of Part M, known as Part ML or Part M Light. EAS has had a major hand in this, with leadership of the drafting group. Whilst the final text for approval is a vast improvement on what was proposed back in 2003 as Part M, it is not perfect. But in this business of representation, influencing and lobbying, success has to be measured in relative terms not absolutes. There are too many different players and agendas to have a pure ‘black and white’ choice.

*See also René Meier’s more detailed update of Part M light on page 3*

## **NEGOTIATIONS CONTINUE ON THE EASA BASIC REGULATION – An update from Timo Schubert, Europe Air Sports political lobbyist**

Despite considerable efforts by all political actors the EU was unable to reach a final agreement on the recast of the EASA Regulation before the institution’s summer recess.

Europe Air Sports has been in continuous contact with the European Commission, Council (EU Member States) and the European Parliament in order to restate the issues of specific concern to our members: weight limits in Annex I/Opt-out, definition of amateur built aircraft, exemptions for non-commercial operations, sufficient flexibility of rules.

The EU’s law making process requires agreement by the European Parliament and the Council on a final version of the regulation. Unfortunately, the negotiations have proved to be highly complex, involving the points of relevance to light aviation but importantly also many other aspects affecting commercial air transport and the powers of the EU/EASA vis-à-vis the individual Member States.

After the summer, negotiations (so called trialogues) will resume under the chairmanship of the Estonian Presidency of the Council.

Europe Air Sports will remain vigilant and act as appropriate and required in order to defend the interests of our members.

## **PART-M LIGHT 'LOST IN SPACE' - René Meier describes the situation ...**

EASA published Opinion 05/2016 Task force for the review of Part-M for General Aviation, saying

"This Opinion proposes a 'light Part-M' (Part-ML) with requirements proportional to the much lower complexity and associated risks of the lighter end of the General Aviation (GA) community, and as clear and simple as possible in order to facilitate implementation."

Alleviations were proposed for aircraft maintenance programmes, airworthiness reviews and deferment of defects, applying to aircraft which are not classified as complex motor-powered aircraft. Specifically it is to cover:

- aeroplanes of 2,730 kg maximum take-off mass (MTOM) or less;
- rotorcraft of 1,200 kg MTOM or less, certified for a maximum of up to 4 occupants;
- other ELA2 aircraft.

This means that all sailplanes and balloons are covered by Part-ML.

The Opinion also proposed a new simplified organisation approval (Part-CAO) with alleviated requirements and with combined privileges for maintenance, continuing-airworthiness management, airworthiness reviews and permits to fly. This is applicable to other-than-complex motor-powered aircraft.

Opinion 05/2016 was on the EASA Committee Meeting agenda in June 2016 for discussion, but not for a vote. Commission lawyers made negative comments on the Opinion's text, asking for more clarity in several areas. A year later, in June 2017, Opinion 05/2017 was not back on the agenda. Part-ML, urgently needed, is still delayed. We hope that a vote will be taken at the EASA Committee Meeting in October this year.

### ***The situation for B2L and L Part-66 aircraft maintenance licences is similar:***

The Terms of Reference were published in April 2011, the relevant NPA followed in October 2012, resulting in Opinion 05/2015 of 22 June 2015. Since then not much happened. So, unfortunately, both Part-ML and the B2L and L Licences are not ready by now and we continue to suffer from disproportionate rules governing the maintenance of our aircraft or for those maintaining them.



**THE EUROPEAN MODEL FLYING UNION (EMFU)**

### ***– An introduction by Dave Phipps***

Dave Phipps, Technical Officer to Europe Air Sports, has led negotiations with the European Aviation Safety Agency (EASA) for two years, on behalf of model flyers throughout Europe. Representatives from Northern European model flying associations met in October 2016 to discuss creating a pan-European 'Union' to help support and represent the interests of model flying at the European level, in respect of all relevant regulatory matters. A further meeting took place in February 2017 to progress the matter and agree the way in which the EMFU would be constituted.

The EMFU was officially formed in May 2017. Dave Phipps (UK) was elected as President, Bruno Delor (France) as Vice-President, Frank Tofahrn (Germany) as General Secretary and Haagen Valanes (Netherlands) as Treasurer. At present model flying associations from 12 countries support the EMFU.

The EMFU initially organised a workshop (in partnership with Europe Air Sports) to discuss the impact of the EASA proposals for unmanned aircraft (in NPA 2017-05 (A) and (B)) and to agree a collective EMFU response. The workshop was also attended by two key members of the EASA team responsible for the regulations (Yves Morier and Natale Di Rubbo). The EASA team explained their proposed rules and dealt with questions.

Following detailed discussion, the consensus was that of the Associations present could operate as they do today within the proposed regulations. Several Associations thought that the EASA regulations could provide an improved situation for their model flyers.

EMFU President Dave Phipps commented "Participation in the EMFU is essential when there is an unprecedented level of interest in model flying at a political and regulatory level throughout Europe. The EASA regulations are by no means the end of the story and there are still significant challenges ahead. These include defending the rights of model flyers from any potential negative impact of the proposed U-Space (a scheme within the Single European Sky to facilitate the wider integration of unmanned aircraft into the air space)".

**David Roberts, EAS President writes:**

The EAS board is delighted to welcome its latest member, the European Model Flying Union (EMFU). An introduction to its purpose and work is provided here by Dave Phipps, its President. Dave has spent two years already as EAS's model flying expert. He took over that role from Graham Lynn who was a pathfinder in representing the model flying community's interests in Europe. Dave and his team have an important series of tasks ahead and we wish them every success in ensuring a viable future for all aeromodellers.

**René Meier outlines key points of the Workshop on NPA 2017-05 (A) and (B)**

The Workshop was intended to ensure that representative Associations for model flyers throughout Europe have a clear understanding of EASA NPA 2017-05 to enable them to brief their members accurately and to help ensure that responses submitted to the EASA consultation are based on an accurate interpretation of the NPA.

The EASA presentation concentrated on the most relevant articles.

The key words are

- Responsibilities of operators and pilots
- Registration (weight limits)
- Risk assessment
- Declaration
- Authorisation
- e-identification (not for model aircraft)
- Geo-fencing on some UAS (not for model aircraft)
- CE marking and technical requirements
- Crossborder operations
- «U-space» Unmanned Aircraft Traffic Management

The new regulation will provide flexibility to Member States mainly by allowing them to create zones on their territory where the use of UAS would be prohibited, limited or on the contrary facilitated. Attention must be paid to preventing conflicts with other users active in airspace class G.



The new regulation is expected to increase the level of safety of UAS operations, harmonise legislation among the Member States and also create a market that will reduce the cost of the UAS and allow cross-border operations.

Adoption is planned for 2018, UAS on the market are expected to comply with the regulation by 2020. Existing authorisations should be converted by 2021. Dedicated zones should be ready in 2021 as well.

In a discussion about responding to the NPA consultation, Bruno Delor concentrated on the audience views about the comments that are needed. The key statements were:

- > What is presented is much too voluminous for aeromodellers.
- > Simple activities require simple regulation, or better, no regulation at all.
- > Simple aircraft require simple documentation. Much of what we heard was overblown.

> Who will do all the work the regulation provokes at national level?

### **Useful Links**

<http://www.easa.europa.eu/easa-and-you/civil-drones-rpas>

[http://www.easa.europa.eu/system/files/dfu/NPA%202017-05%20%28A%29\\_0.pdf](http://www.easa.europa.eu/system/files/dfu/NPA%202017-05%20%28A%29_0.pdf)

<http://www.easa.europa.eu/system/files/dfu/NPA%202017-05%20%28B%29.pdf>

<https://www.sesarju.eu/u-space-blueprint>

### **INTRODUCTION OF A REGULATORY FRAMEWORK FOR THE OPERATION OF DRONES (NPA 2017-05(A)) – Dave Phipps explains the background**

The European Aviation Safety Agency began to create a regulatory framework for the operation of drones in 2015, with A-NPA 2015/10 "Introduction of a regulatory framework for the operation of drones". This appeared to offer concessions and safeguards to avoid a negative impact on model flying. Europe Air Sports provided feedback and EASA's subsequent Technical Opinion stated "the intention is to develop rules which will not affect model flying".

EASA do not currently have the authority/competence to regulate aircraft below 150Kg, so in 2016 they published "Prototype Regulation for Unmanned Aircraft Operations". Over 1000 model aircraft flyers expressing their dissatisfaction with the "Prototype Regulation".

Based on the feedback, EASA created an "Expert Group" to help improve the quality of the draft regulation and develop additional options for model aircraft activities. Model flyers were represented by Dave Phipps (Europe Air Sports) and Bruno Delor (FAI). The resulting NPA (2017-05 A) is open for feedback until 15<sup>th</sup> September. It can be viewed [here](#).

The position taken by EAS and FAI was that model aircraft and model flying should not fall within EASA regulations at all. We lobbied for model flying to be derogated from "drone" flying and placed in Annex 1 of the Basic Regulation (leaving it within national control). Unfortunately there was insufficient political support for this, but a compromise compelled EASA to create "*dedicated provisions for recreational flight activities conducted within the framework of model clubs and associations*". As such, the NPA improves the situation for model flyers in comparison to the "Prototype Regulation".

The most relevant points contained in NPA 2017-05(A) are:

#### **Open Category Operations**

EASA's objective for the Open Category was that safe operation would be achieved by defining the technical specification and performance of the aircraft. The NPA proposes additional classifications for Open Category aircraft which would more easily permit model aircraft to be included.

Category A3 (Fly far from people) includes a number of requirements, which create major new restrictions in terms of how model flyers in most Member States operate today. However, the requirements outlined are intended for those operating as individuals outside the organised European model flying associations.

#### **Specific Category Operations**

EASA's objective with the Specific Category was to achieve safe operation by operating within an 'Authorisation' issued by the competent Authority. Model flying conducted within an organised framework should fall within the Specific Category. In this context:

1. *the competent authority may issue an operational authorisation to the model club or association on the basis of the model club's or association's established procedures, organisational structure, and management system; and*
2. *operational authorisations granted shall include the conditions and limitations of, as well as deviations from, the requirements of Annex 1 to the Basic Regulation*

The proposal should permit sufficient flexibility to allow model flyers within clubs or associations to agree an authorisation, with terms to allow them to operate as they do today. This is subject to negotiation between the model flyers and the competent authority within each Member State.

Some responsibilities are placed on model clubs and associations, relating to

- *appropriate procedures for the conditions and limitations defined in the operations authorisation;*
- *members' level of competence required to operate safely ;*
- *action required if an operation or flight exceeds the defined conditions and limitations ; and*
- *the provision of documentation for oversight and monitoring purposes.*

### **Article 12 – an additional option for model flyers**

The NPA introduces a further option to allow a Member State to designate airspace areas or special zones for model flying. These zones would be free from some of the restrictions imposed by the Open Category and without the requirement for the operational authorisation imposed by the Specific Category.

### **What next?**

In summary, the NPA 2017-05 (A) now presents three possible mechanisms to permit model flying, where the "Prototype Regulation" only contained one realistic option.

The impact of these regulations will depend a great deal on the relationship between the model flyers and the Competent Authority (the NAA), but this would have been equally true had we been successful in removing model flying from the regulations entirely.

### **PART-GLIDING – AN UPDATE by European Gliding Union President Patrick Naegeli**



*Patrick Naegeli (Ron Smith Photography)*

Spend any time at a gliding site, and you would soon understand just how relaxed and simple a sport it is. You would conclude that any similarities to heavier forms of aviation - especially business or commercial - were few and far between. Spend the same amount of time with regulators or lawyers – either in EASA or some national aviation authorities

(NAAs), few of whom have ever been to a gliding site - and you would gain the impression that any differences are irrelevant, and that gliding should be regulated in the same way as all other forms of fixed and rotary wing aviation.

It would have been better for gliding to have been kept out of EASA – there has never been a safety case for Europe-wide regulation. Any such opportunity, however, disappeared long ago and gliding has been coming to terms with EASA ever since.

In 2015, the EGU asked EASA to fundamentally review its approach to gliding. Patrick Ky, EASA Director, was receptive and seemed to agree that EASA had taken the wrong approach in regulating the 'lighter' end of sporting aviation. Since then, the EGU's focus has been the programme to rewrite the EASA regulations that govern gliding - Part-Gliding.

EGU members agree that the new rules need to achieve:

- The creation of a single EASA glider pilot's licence that removes the need for the current system of two parallel, almost identical licences
- The simplification of the process for the addition and maintenance of pilot privileges post-initial licence issue - to eliminate unnecessary authority involvement and greatly simplify the structure and operations of instructors and examiners
- The need to permit national discretion over the application of rules and the conduct of gliding activities within national boundaries

- A substantial reduction in the number and detail of the rules in the new Gliding Rulebook, with as many items being contained in AMCs and GMs as possible

The gliding community is in broad agreement about what future rules should look like. Helpfully, there appears to be support for our views in some areas of EASA. There is a real risk, however, that some NAA's, having been given responsibility for overseeing gliding, but not knowing much about it, will find it difficult to accept greatly simplified rules. If such complications are going to arise then they are likely to become clear once work enters its second phase in early 2018. Meanwhile, we continue to persuade the Part-Gliding working groups to produce draft proposals as close as possible to our original views.

EASA's original schedule was to have gliding flight crew licensing rules fully in place by April 2015. This was subsequently delayed by three years. In reality, it will probably be late-2020/early-2021 before the transition is complete.

## **DEVELOPMENTS AT EASA COMMITTEES**

*Jean-Pierre Delmas brings us a summary of the news and activities of the EASA committees, where Europe Air Sports contributes by sending our experts*

EAS representatives Jean-Pierre Delmas and Julian Scarfe have attended the meetings of several General Aviation (GA) EASA Committees:

- the GA CAG - *GA Collaborative Analysis Group*;
- the GA SC - *GA Sectorial Committee* (attended by Stakeholders), which holds joint meetings with ...
- the GA TeB - *GA Technical Boards* - (attended by NAAs).

The news from these meetings is:

- The stakeholder advisory body structures are still in transition (after 2 years!).
- EASA is frustrated at the lack of coordination between the NAA members of the GA TeB and their *Member States Advisory Board* (MAB) and *EASA Committee* counterparts. For example, the GA SC/TeB gave a green light in December to a project to make pilot medical requirements lighter. However this got a very rough ride at the upper level of the MAB.
- The finalised Declared Training Organisation (DTO) regulation was put on the agenda of recent EASA Committees but has not yet been formally voted on. The earliest date of publication is now autumn 2017. This halves the time available for Stakeholders and NAAs to prepare the implementation of the new rules. An extension of the Opt-out in April 2018 becomes more and more inevitable.
- Part-M is held up at EASA Committee. The Commission keeps producing objections and changes, mostly on legal and editorial issues rather than substantive ones. The Commission continues to work on the Acceptable Means of Compliance and Guidance Material and it looks as if they have taken on board feedback from Berlin.
- The balloon and sailplane rules are late because of similar issues between EASA and the Commission. Deadlines should be extended to accommodate the delays.
- Bryan Jolly presented the status of the Surveillance Performance and Interoperability regulation. The Authors of draft regulation are very focused on the potential for making ADS-B equipment compulsory, and do not consider any possible safety benefit that might come from voluntary equipage. Michel Rocca has clearly done a great job in the RMT (Rule-Making Task) of limiting the damage: the current proposal is for ADS-B to be required for VFR in class B/C airspace from 2027. Class D/E is "under review".
- Experimental implementation of the Modular LAPL is to have another chance during the summer. Some Member States (MS) want to take part, to explore solutions to attract new people to GA. MS that are not interested in the trial have been asked not to block the MS that have volunteered for the trial.

- Preparation of the next *European Plan for Aviation Safety (EPAS) 2018-2022* has been launched, with the first meeting of the *GA Collaborative Analysis Group (CAG)*, a sort of successor to the old *European General Aviation Safety Team (EGAST)*. In-depth analysis of accident data is a pre-requisite to determine the best set of Safety Promotion actions to run in 2018. A sound evidence- and data-based selection process is required.
- Instrument approaches: Implementing LPV (Localizer Performance with Vertical Guidance) for “non-instrument” runways seems very promising: it could make many more airfields accessible in IFR without ground investment!

### **NEW PROGRAMME MANAGER REQUIRED FOR EUROPE AIR SPORTS - an update**

Following information published in the April Newsletter, anticipating René Meier’s forthcoming retirement, EAS continues to look for candidates for this part-time role. We have had a few applications already but the door is still open. To see what we said in April, please visit our website for the last newsletter.

### **EU FUNDING FOR THE 8.33 CONVERSION**



It has been announced that an application for funds on behalf of General Aviation in 19 EU Member States has not been successful. The reason given is that the allocation of funds to third parties was not foreseen (or is not allowed) within the rules. It is understood that the funds that were available were four times oversubscribed.

### **PRESIDENTS’ TECHNICAL MEETING - 22 SEPTEMBER 2017**

All Presidents of Europe Air Sports members and all EAS Technical Officers should already have received an invitation to attend a meeting of EAS on Friday 22 September. The meeting will be in Brussels at the Hotel President Park Husa. Accommodation may be required for the Thursday night. The necessary details are provided separately.

The purpose of inviting Presidents and Technical Officers is to ensure that the work and the position taken by the EAS Board in matters of concern for GA reflects our members’ opinion. A detailed agenda will be provided at a later stage.

If a President or Technical Officer is unable to attend, an alternative person may do so, providing they are able to carry the delegated role as President and to take any necessary decisions - such as policies on any given topic - at the meeting.

If you have not already responded to this invitation, please do so now to Pierre Leonard.

### **KEY CONTACTS**

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