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Title	European Commission policy initiative on aviation safety and a possible revision of Regulation (EC) No 216/2008
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René Meier, Europe Air Sports (r.meier@europe-air-sports.org) has placed **53** unique comments on this NPA:

Cmt	Segment description	Page	Comment	Attachments
79	Question 3.1.1. – (1) Do you see issues with the existing, rather prescriptive compliance-based system as described above?	7	Yes, we see problems in all areas of the aviation system, very often, rules are disproportionate. Furthermore, their widely varying application by NAAs are the main sources of frustration within our community in general.	
80	Question 3.1.1. – If yes, please identify possible policy options: (2) What measures could be taken to best address these issues?	7	<p>We urgently need proportionate, risk- and evidence-based rulemaking in order to keep General Aviation alive.</p> <p>By replacing "uniform" with "appropriate to the nature of the operation" an important step in the direction of proportionate, risk-based rulemaking could be undertaken.</p> <p>At the same time such common proportionate rules should not be interpreted at national or regional level, nothing should be added to achieve, at last, the level playing field often discussed, never achieved up to now.</p> <p>Rationale: Recital 1 of (EC) No 216/2008 requires a "uniform level of safety" as well as a "uniform protection". This surely is important for fare-paying passengers in Commercial Air Transport (CAT), but is inconsistent with the risk hierarchy developed as part of the General Aviation Roadmap. Therefore, to achieve a uniform level of safety amongst all segments of aviation is neither possible nor appropriate.</p>	
81	Question 3.1.1. – (3) What would you see as the most relevant elements of a performance-based regulatory system?	7	<p>A performance-based regulatory system is to be based on risk-based standardisation and harmonisation of all relevant rules. This would be helpful as well as an up-to-date centralised learning and retrieval system for pilots and maintenance staff to establish a common understanding of what a performance-based regulatory system should achieve .</p> <p>Official translations of AMC/GM, at least in French, German, Spanish and Italian would reduce confusion, thus would support a performance-based regulatory system.</p> <p>A minimum of common rules, appropriate to the operations, uniformly applied by all Member States' competent authorities is a further relevant element of such a new regulatory system.</p>	

			<p>RPAS operations must be integrated in such a regulatory system, clearly distinguishing them from recreational/sports activities and other tasks, e.g. aerial work.</p> <p>Rationale: Considering these four elements a level playing field would more easily be achieved.</p>	
82	<p>Question 3.1.1. – (4) To what extent should performance-based regulation be substituting or be complementary to the existing prescriptive rule system?</p>	7	<p>Performance-based regulation should apply in most areas of aviation.</p> <p>Rationale: In our view it is not reasonable to work with more than one dominant rulemaking system. There should be only one primary "credo" for all stakeholders, within the scope of a system such as EASA.</p>	
83	<p>Question 3.1.1. – (5) How do you suggest to implement the actions contained in the EASp, and which role should the different actors be given?</p>	7	<p>We believe the scope of the EASp should not affect or extend to the sports and recreational aviation end of General Aviation.</p> <p>EASA should work in close co-operation with EGAST stakeholders and member states for establishing priorities and facilitating implementation of mitigation measures.</p> <p>Rationale: The workload-split enhances progress.</p>	
84	<p>Question 3.1.1. – (6) Do you see the need for further expanding the systemic mechanism and process of data collection, analysis and report, including setting safety performance indicators and targets? Which role should be attributed to EASA in this regard?</p>	7	<p>For sports and recreational aviation we see no need for further expanding the process of data collection, analysis and report. We feel that enough safety-related data are currently collected by NAAs so as to move from a prescriptive approach to a risk-based one. In other areas the situation may be different. That is why we far prefer risk-based regulations.</p> <p>Rationale: More data do not automatically increase safety, better selection of the actors, however, would do so. More stringent selection of the actors, however, would do so. EASA's role should not be changed. Finding helpful safety performance indicators covering the operations of our community is most probably much more complex than finding Safety Key Performance Indicators for ANSP's was, considering the wide variations in our operations.</p>	
85	<p>Question 3.1.2. – (1) Do you consider that the aviation</p>	8	<p>No uniform answer covering all EASA-regulated states is possible.</p> <p>Rationale:</p>	

	sector in the EU faces an issue with the availability of adequately qualified workforce to address future needs?		<p>The school systems and vocational training institutions vary widely as regards duration, methods, and contents. We think, however, that training requirements and duration should be looked at and harmonised. Most probably a change from syllabi based on hours only to a competence-based training system would be helpful.</p> <p>We have to make the point that sports and recreational aviation provides the necessary source of motivation to young people to take up an aviation profession. The airline and the manufacturing industries rely and benefit from that system.</p>	
86	Question 3.1.2. — If yes, please identify possible policy options: (2) What measures could be taken to ensure sufficient expertise in the future?	8	<p>Harmonised and standardised training syllabi, mutual recognition of all licences and certificates; centralised question learning and retrieval system, Personnel Exchange Programmes as known within Armed Forces, were the major elements when we discussed this question.</p> <p>Rationale: Harmonisation and standardisation increase flexibility.</p>	
87	Question 3.1.2. — (3) Do you see benefits from harmonising aviation safety-related training at European level?	8	<p>Clearly yes, provided that regional particularities are being considered and that, as in airliner cockpits, one common language is used.</p> <p>However, this does not mean that all areas of General Aviation activities should require training based on EASA rules, performed in a certified training organisation. A case-by-case study should be carried out with EGAST stakeholders and NAA's.</p> <p>Rationale: The wide variation in our operations require flexible solutions.</p>	
88	Question 3.1.2. — (4) If yes, to which extent; Which aviation professions could be tackled or prioritised?	8	<p>No general answer is adequate, we think. The main objective should be to deal with the safety training of actors directly involved in the CAT-safety chain, for instance as regards major airports. Sports and recreational activities should be kept apart.</p> <p>Answering in a simplistic way would be: Put all the efforts there where the greatest need is!</p> <p>Rationale: A non-functioning General Aviation industry cannot create sufficient interest in aviation.</p>	
89	Question 3.1.2. — (5) Do you see the need for accrediting or certifying certain training providers? At which level should this be performed?	8	<p>Yes, we see this need for commercial/CAT/complex aeroplanes. But our interest is in non-commercial sports and recreational aviation where the accrediting or certification process and the requirements must be tailored to the structure of the organisation, or the individual trainers, and be proportionate to the training delivered.</p> <p>As for the domain of sports and recreational aviation, the training providers subject to an EASA-compliant certification should be limited to ATO's as currently established according to Part-ORA, namely the one's providing training to pilots.</p>	

			<p>Rationale: Training is to be provided in accordance with the complexity of the object.</p>	
90	<p>Question 3.2.1. – (1) Do you consider that the current regulatory system puts unproportionate burden on General Aviation?</p>	9	<p>Yes indeed. General Aviation is a multidisciplinary part within the aviation system with a wide range of activities, from air sports to business aerial work, each with different risk levels requiring different levels of regulations. For the last decade regulations were implemented mainly derived from the highest level without reflecting the operational specialities of the single activity. The "one size does fit all" was applied and therefore hampered especially General Aviation at its lighter end.</p> <p>Rationale: Europe Air Sports is convinced that the new concept of the General Aviation Roadmap will help General Aviation to recover from the slowdown and the temporary standstill as long as agreed measures are effectively introduced in the regulations and implemented by all NAAs without reluctance.</p>	
91	<p>Question 3.2.1. – If yes, please identify possible policy options: (2) What measures should be taken to reduce regulatory burden on General Aviation?</p>	9	<p>First measure for our community: Review the Basic Regulation including Essential Requirements. Second measure: Create more flexibility provisions, e.g. as regards "Annex II" of the present Basic Regulation (EC) No 216/2008 and national licensing. Third measure: Increase Pilot-Owner Maintenance. Similarly, entrust users' national organisations to perform some NAA duties. Fourth measure: Rely more on individuals and their skills, not only on organisations. Fifth measure: Delete all provisions for commercial air transport with sailplanes and balloons, as there is none. Flying sailplanes and balloons may be sports, or fun, or recreation, but not air transport. Sixth measure: Reassess all what is written about age limits for all "non-CAT operations". Seventh measure: Accept request for application of flexibility provisions without reassessment, those who ask know better! Eighth measure: Allow flight training on aircraft registered in third countries. Ninth measure: Credit student LAPL and student PPL pilots with experience gained when flying any aircraft registered in an ICAO member state. Tenth measure: Limit full scale occurrence reporting as foreseen by the EU regulation to organisations performing CAT operations. Enact limited and specific occurrence reporting to the lower end of General Aviation, as per representations made in formation of EU regulation. Eleventh measure: Consider the purpose and the scope of the entity (is it a "for profit organisation" or a "not for profit organisation"?) and put all the provisions applicable to "commercial air transport" and "commercial operations" at least in-line with ICAO. Please note: The question whether an activity is commercial or not is ultimately a decision made by the fiscal and financial authorities. A definition for "commercial aviation" has no place in aviation law.</p>	
92	<p>Question 3.2.1. – (3) Which Basic Regulation</p>	9	<p>Please accept our separate file on detailed adjustments to the Basic Regulation.</p> <p>It is assumed that the review of the Basic Regulation and the</p>	

	requirements should be adjusted, and which should be prioritised?		management of the changes will take place in close cooperation with the stakeholders affected. Rationale: Number and contents of our comments would be too voluminous for this A-NPA.	
93	Question 3.2.1. — (4) Which items should be addressed within the present structure and why?	9	With the present Basic Regulation as the valid regulation it seems not possible to ask for changes, amendments or deletions. To our understanding, it seems more appropriate to accelerate the present review process as as much as possible. Rationale: The shorter the timeline for implementing General Aviation Roadmap the better it will be for the future of General Aviation.	
94	Question 3.2.2. — (1) Do you see issues emerging from the current exclusion of State services from the scope of the Basic Regulation?	10	No.	
95	Question 3.2.2. — (3) Do you see benefits from including certain State services in the scope of the Basic Regulation?	10	No. Rationale: Airspace and Air Defence are national affairs.	
97	Question 3.2.3. — (1) Do you see issues stemming from Annex II to the Basic Regulation as it stands today?	11	No, we do not see any major issue. We believe it is appropriate to keep Annex II as it is. To consider technical evolution, Member States should be enabled to make greater use of the flexibility provisions in art. 14, mainly those laid down in subparagraphs 6 and 7 Rationale: Today's Annex II is well established and widely accepted, but aviation and technology continue to evolve.	
98	Question 3.2.3. — (3) Do you see merit in adjusting Annex II by including alternative criteria?	11	The "designed before..." and "production ended before..." criteria should be changed to "all aircraft older than 40 years". Rationale: Introducing the system known in the automotive world decreases the workload of the Agency. Qualified entities or (Technical) Assessment Bodies could fulfil the required tasks.	
99	Question	11	We propose changing historic criteria to a rolling basis of 40	

	3.2.3. — (4) If yes, which criteria should be used and which aircraft should be removed from or added to the Annex?		years. Rationale: We believe this is an appropriate provision for our community.	
105	Question 3.2.6. — (1) Do you see issues stemming from the fragmentation of licence and approval information in Europe?	13	No. Rationale: Licence, certification, approval information are currently available at the instant in member states in compliance with ICAO annexes. We do not see any issues connected to that information.	
107	Question 3.2.6. — (3) Could a central European repository for national licences and approvals address the issues?	13	No. What would be the costZ/benefit and to whom? A central repository database would almost certainly become unwieldy, incomplete and probably would have to be in many languages, thus defeating many of the supposed objectives of establishing such a database. Rationale: As there are no issues.	
228	Question 3.3.1.1. — (3) Do you see a possible benefit from redefining the essential requirements by including them in the Basic Regulation instead of a mere referencing to ICAO Annex 16?	14	We see no benefit, referencing to ICAO documents is sufficient. Rationale: Any duplication is to be avoided. "Copy/paste" could be a solution, provided the different numbering system does not falsify the contents.	
229	Question 3.3.1.2. — (1) Do you see issues related to the absence of essential requirements for environmental protection other than the ones applicable to products?	15	No. Rationale: Environment legislation is sufficiently covered by other regulations.	

110	Question 3.3.2. — (1) Do you see issues with the existing approach to safety and security, including cyber security, in aviation?	16	Yes, we do mostly because of lacking clear definitions and missing translation of AMC/GM Rationale: Aviation is trailing behind in IT matters. Safety Issues should be regulated on the basis put forward by the General Aviation Safety Strategy. Security, however, is a state domain, therefore a non-issue for sports and recreational aviation.	
111	Question 3.3.2. — If yes, please identify possible policy options: (2) What measures could be taken to address these issues?	16	Measure 1: Create clear definitions. Measure 2: Draw clear lines and develop sectors of responsibility.	
112	Question 3.3.2. — (3) Do you consider the possible integration of security matters a viable option?	16	The answer is clearly "no" for sports and recreational aviation. Rationale: The topics are of different nature. Safety is aviation-related, security is a domain of state politics and policies. For this reason, security should not be integrated, there would be no benefits, only duplications. Security is not a result of regulating aviation but is a clear sovereign policing activity left to the member states.	
235	Question 3.3.3. — (1) Would you see any benefit if EASA supported the SES Performance Scheme (SPS) beyond safety issues?	17	Europe Air Sports is not directly concerned by the question. Nonetheless we are vigilant on any further extension of the EASA remit. Rationale: For cost-induced reasons.	
197	Question 3.3.4. — (1) Do you see any issue with the fragmentation of research funding and coordination related to aviation safety?	17	Not for the moment. Rationale: There are so many independent competent institutions aviation can rely on that we see no need. Furthermore, fragmentation is not negative, it creates some form of competition which creates more opportunities to find solutions as well as variants on how to do things.	
196	Question 3.3.5. — (4) To which activity, if any, would you give priority for EASA to engage in?	18	Only to activities with a clear aviation operational aspect. Rationale: There are other organisations in place to deal with crises.	

	Please describe in more detail the role of EASA you would deem most beneficial.			
113	Question 3.3.6. — (1) Do you see issues with the current situation where each EASA Member State maintains its own national aircraft registry?	19	No: Today's system is good, there is no need to change anything.	
116	Question 3.3.6. — (4) Do you see alternatives to the complete shift of State of Registry obligations from Member State to European Union level by which certain advantages could be achieved whilst, at the same time, certain disadvantages be avoided?	19	As mentioned in 113, leave the system unchanged.	
117	Question 3.3.7. — (1) Do you see any issue with the representation of European Union interests in the international context?	20	Yes, of course, we see such issues, positive ones and less positive ones. On the positive side: The more and the better European interests are promoted by the EU on behalf of the Member States the higher European influence and opportunities become in ICAO. Bilaterals between the US and EU should aim at mutual recognition of licences, maintenance practices and approvals in our domain.	
118	Question 3.3.7. — If yes, please identify possible policy options: (2) What measures	20	Possible policy options: Bilaterals with other important competent authorities worldwide. Rationale: Aviation is a worldwide business encompassing several important stakeholders.	

	could be taken to address the issue?		
198	Question 3.3.7. — (3) Do you see a need for amplified EASA activity outside the European Union to promote safety standards and to provide assistance to States whose safety records are below the ICAO Standards?	20	<p>Yes, we see a need: LAPL and LAFI could become ICAO standards if EASA pushes hard enough and gets enough support.</p> <p>Rationale: LAPL and LAFI are solutions catering for an easy entry into aviation. Especially with the LAFI we shall have a tool to tackle with the lack of flight instructors looming on the horizon as no longer so many airline and/or air force pilots will be available for training our student pilots as in the past. CPL theory is a killer-argument preventing many young pilots from continuing as flight instructor.</p>
199	Question 3.3.7. — (4) Besides safety, do you deem it beneficial for EASA to take action to support other interests of the European aviation sector in order to strengthen and sustain its position? Which form of action would you prioritise?	20	<p>No comment from our side.</p> <p>Rationale: We are more result-oriented than governance-oriented.</p>
239	Question 3.4. — (1) Do you see issues with the availability of resources at Member State level in the mentioned context?	21	<p>Yes we see several issues, varying widely from country to country. Stating isolated descriptions of particular situations would, however, be an unfair practice.</p> <p>Centralisation will also reduce capacity and expertise at national level to handle matters previously the domain of NAAs. As a risk strategy this scores a low point. It also challenges the principles of subsidiarity and proximity.</p> <p>Rationale: Optimum resourcing of a given domain of activity needs to explore several options, not just centralisation at EASA.</p>
200	Question 3.4. — (2) Do you see issues in the way responsibilities are shared between Member States and	21	<p>Yes, of course: While the publishing of one regulation by EASA intends to regulate an issue equally in all member states it is a well known European phenomenon that due to past practice, cultural differences, national education systems and different languages the interpretation and application of the same regulation leads to different levels of oversight. This is not the intended level playing field for the aviation community. EASA should standardize the application of regulations and improve</p>

	EASA today?		the management of changes.	
240	Question 3.4. — (3) Do you see issues with the existing oversight mechanisms in addressing particularly challenging scenarios, such as 'remote operations'?	21	Probably, yes.	
241	Question 3.4. — If yes, please identify possible policy options: (4) What measures could be taken to address the issues?	21	<p>Measure 1: Translation of all documents incl. AMC/GM.</p> <p>Rationale: To make activities carried out at national and local levels more efficient.</p> <p>Measure 2: Reduce changes to the necessary minimum and only after having undertaken a safety assessment and impact assessment as well as a cost-benefit analysis.</p> <p>Rationale: To improve efficiency and effectiveness.</p>	
242	Question 3.4. — (5) Do you see benefits from and feasibility of transferring certification and/or continuing oversight tasks from a Member State to EASA?	21	<p>We think no "black" or "white" answer fits.</p> <p>Rationale: All depends on the circumstances prevailing at the moment of a request for such a transfer from any Member State to the Agency.</p>	
243	Question 3.4. — (6) Do you see benefits from and feasibility of transferring certification and/or continuing oversight tasks from one Member State to another?	21	<p>More or less comment 242 applies, however, a horizontal transfer will be less connected with an unofficially declared lack of confidence in an organisation or institution than a vertical transfer.</p> <p>For historical reasons some transfers will work well, some seem to be problematic, to say the least.</p> <p>Rationale: To create an Agency acting as optimizer is more fruitful, and for the "subjects" less painful than to create an Agency acting as equalizer.</p>	
244	Question 3.4. — (7) Which criteria for the initiation and	21	<p>Measured results in key areas of competence, keywords are:</p> <p>1) Competence. 2) Availability.</p>	

	limitation of such transfers would you recommend?		3) Cost-efficiency. 4) Minimum guarantee for fulfilling the transferred task on-time.	
5490	Question 3.4. — (8) Could a situation be identified when the need for such a transfer might get compulsory?	21	Yes, we see a situation: If a Member State's ability to perform the tasks is incapable being resolved within a sensible timescale and the end users of the missing service are being threatened irretrievably in terms of safety or economically.	
119	Question 3.5. — (1) Do you see issues with the existing funding system of EASA and with its long-term stability?	22	As long as there is consensus that EASA needs and receives funding from the EU budget for its regulatory activities there should be no threat opened. Rationale: General Aviation stakeholders cannot afford to bear additional fees and charges resulting from rulemaking, certification and oversight activities.	
120	Question 3.5. — If yes, please identify possible policy options: (2) What measures could be taken to address the issues?	22	Proposal 1: Increase efficiency, much easier said than done, we know. Proposal 2: Delegate competences to "competent authorities" and to "technical assessment bodies". Proposal 3: Harmonise and standardise all recurrent tasks. Proposal 4: Reduce Rulemaking Programmes and Tasks, skip unnecessary tasks adding noting to safety as e.g. RMT.0272! Proposal 5: Only change a rule within the first five years after its entry into force, if such a change really is necessary.	
246	Question 3.5. — (3) Do you deem it adequate to have most or all beneficiaries of the EASA system contributing directly to the EASA's funding?	22	No. It is interesting to see EASA using the term "beneficiaries" here instead of "users". EASA would subscribe to this principle as it would remove our sector from charges on us that are primarily for the benefit of CAT in the wider aviation domain.	
247	Question 3.5. — (8) Do you see any issues related to the above points (4) to (6)?	22	No.	
248	Question 3.5. — (9) Which	22	There is no perfect funding system. On the basis of funding by beneficiaries, not users, there is a strong case for funding of	

	other alternative solutions do you see for an improved funding system?		aviation regulation by airlines and/or airline passengers through ticket prices linked to routes/pax/km.	
249	Question 3.6. — (1) Do you see issues emerging from the current split of responsibilities for the different aviation aspects?	23	<p>Yes, we do, for one issue: We think the current split of responsibilities is generally adequate, any shift will add to the complexity, not reduce it.</p> <p>Rationale: RPAS at the lower end if the mass scale are of concern. The EU needs a clear set of common rules applicable to all RPAS in order to ensure safe operations for all airspace users.</p>	
250	Question 3.6. — If yes, please identify possible policy options: (2) What measures could be taken to address the issues?	23	<p>Measure 1: Increase inter-Agency communication.</p> <p>Measure 2: Create an "Early Warning System".</p> <p>Measure 3: Develop a "Concept of Common Interest" and share these with other agencies. (GSE with road transport; passenger rights with road transport, shipping, railways; freight with road transport, shipping, railways ect.).</p> <p>Rationale: Such contacts are useful when it comes to intermodal transport.</p>	
251	Question 3.6. — (3) What is your view on a future holistic aviation agency in this context? Where would you see advantages and disadvantages?	23	<p>We certainly do not oppose fundamentally to an holistic view on future aviation. We think, however, the limits of the "aviation system" should be clearly defined. As in all areas of EU law the principle of subsidiarity should prevail.</p> <p>Rationale: Advantages for the one's quickly become disadvantages for others: "PBN" is great when you fly complex motor-powered aircraft, it is an important restriction to other airspace users flying less sophisticated machines. Or: Uniform airspace classes, e.g. the same airspace G limits everywhere do not harm pilots in the flatlands, but limit heavily flight activities in mountain areas because of the limitations airspace class E puts on the operations.</p> <p>Any holistic approach encompasses the risks of wishful thinking, of creating expensive solutions, of top-down solutions like Part-M. Such exercises must be avoided.</p>	
201	Question 3.7. — (1) Do you have any additional suggestions to make pertaining to regulatory aspects of aviation, but not directly linked to EASA and to the	23	<p>We added a working paper prepared by our group of experts, it may serve the Agency as roster for developing a new Basic Regulation.</p> <p>Europe Air Sports will continue to seek a regular dialogue with the EU's institutions during the process of review of the Basic Regulation.</p>	

