



OCTOBER 2018



One airport – two types of aircraft. Would anyone think it is reasonable for them to be governed by the same rules?

So why would any light aircraft expect to be governed by a commercial aircraft standard?

Gliders ready to launch at Eindhoven, with AWACS taking off on the other side of the airport (Paul Garnham)

Thank you to readers who replied to the survey included in the last Newsletter. Some very helpful comments and suggestions were made. We are moving from four to six newsletters each year, aiming to make each one a little shorter. This has not been very successful in this issue, but we will aim for shorter articles, with links to more information. Abbreviations will be explained – look for the green text. We will aim to cover subjects that you requested. If you did not respond and would like to, please click [here](#).

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GA ROAD MAP 2.0: EAS SUBMITS PAPER TO EASA - Timo Schubert brings us up to date

Following the high level meeting with EASA's Executive Director Patrick Ky in summer, EAS has been working hard to signal its key priorities for the GA Road Map 2.0. This road map is now in the making by EASA and our input had been requested well ahead of its planned publication in November.

To recall, the [Road Map 1.0](#) was published by EASA in October 2014, based on a long-standing demand by EAS and the wider GA community for lighter and better rules for sports and recreational aviation. This initial road map has already brought about clear

improvements for our sector, including for example as regards maintenance, licensing, operations and training.

EASA's work on version 2.0 coincides with the recent adoption of the [new EASA Basic Regulation](#), which offers better flexibility for regulation, and which recognises specifically that aviation regulation must be proportionate to the nature and risk of each particular flying activity. Moreover, the new Basic Regulation encourages EASA to adopt performance-based requirements and procedures and to take non-binding measures, including safety promotion actions, where possible.

In its submission EAS recognises that some improvements have been made since 2014 and calls upon EASA to make the best use of the new flexibilities and the spirit of the new Basic Regulation. Among other things, the paper calls upon EASA to recognise our right to access and use airspace, in particular within the context of the planned insertion of unmanned aircraft in such airspace. Furthermore, it asks for a new rulemaking initiative to simplify and streamline the licensing regime.

Looking at Annex I aircraft (previously Annex II, and including microlights and amateur built aircraft) it asks for the recognition of hours flown towards the currency requirements of the LAPL and PPL. Furthermore, it suggests that it should be at the derogation of the individual EU Member States to decide, whether to allow training on Annex I aircraft towards the LAPL and PPL.

Other issues raised in the paper are the application of EU rules in the Member States, an insistence on very light rules for model flying.

The full paper can be obtained by [clicking here](#).

EUROPE AIR SPORTS VISION - 'ACCESS IS THE KEY WORD'

Access - what should go in the place of the X?

Michel Rocca, assisted by EAS Board members, has led the way in identifying different types of access that all pilots need, to be able to fly as freely and safely as possible. Here are his proposals as a starting point. Please have a look at this and let us know what you would like to add to the paper. Please send your ideas to our Programme Manager, Nils Rostedt, at n.rostedt@europe-air-sports.org.

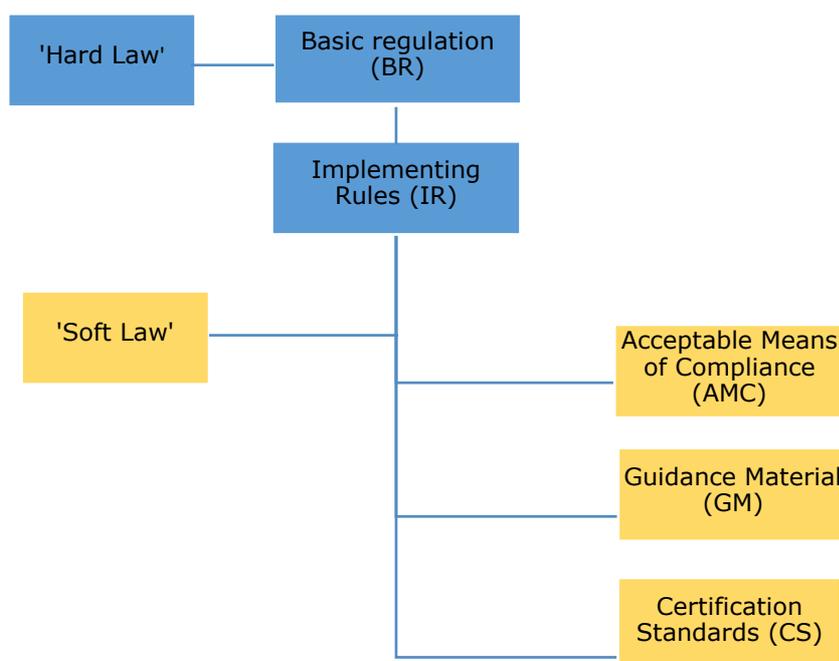
<p style="text-align: center;">Access to Aerodromes</p> <ol style="list-style-type: none"> 1. Safeguard the surroundings/ obstacle clearance on all landing sites, including with regard to wind turbines 2. X 3. X 4. X 	<p style="text-align: center;">Access to Airspace</p> <ol style="list-style-type: none"> 1. Recognise our fundamental right to access to the third dimension 2. Ensure best use of the airspace classification by Member States including operational arrangements 3. Implement more PBN approaches, including on non-instrument runways 4. X
<p style="text-align: center;">Access to Technology</p> <ol style="list-style-type: none"> 1. Recognise the diversity of GA 2. Allow installation of non-certified equipment 3. Support cheap anti-collision solutions 4. Support cheap weather data acquisition solutions 	<p style="text-align: center;">Access to Incentives</p> <ol style="list-style-type: none"> 1. Simplify administrative burden to apply for financial incentives 2. X 3. X 4. X

RULEMAKING EXPLAINED by EAS Programme Manager Nils Rostedt

PART 1. THE EASA REGULATIONS STRUCTURE

One of the main tasks of Europe Air Sports is to take part in the rulemaking activities of the European Aviation Safety Agency (EASA) and, when necessary, to influence the rulemaking for our members' benefit. To give you a better understanding of this, in this new series we take a look at the European aviation rulemaking system and try to explain how it works.

In this first article we take a quick look at the different types of regulatory publications that make up what pilots commonly call the "EASA regulations and rules". Later we will describe the rulemaking process and where Europe Air Sports comes into the picture.



REGULATIONS STRUCTURE – WHAT ARE ALL THESE DIFFERENT PUBLICATIONS?

Not all pieces of rulemaking published by EASA are equal. Some are more fundamental than others, and the most fundamental piece of aviation safety regulation is the "EASA Basic Regulation".

BASIC REGULATION

This is the top level regulation for aviation safety in Europe and is passed jointly by the European Parliament and the Council. The current revision of the **Basic Regulation** has 122 pages. These cover introductory text, 141 Articles, and Annexes covering various areas of aviation safety and also rules concerning EASA itself. These include its mandates, organisation structure, and the agency's rights and obligations.

The Basic Regulation contains the so-called **substantive requirements** for each area in a chapter III of the main Articles and then **Essential Requirements** in more detail in one of the Annexes. For example, the substantive requirements for **flight crew licensing** are found in articles 20 to 28 (which make up Chapter III Section II) and the Essential Requirements in Annex IV.

The current revision (the third) of the Basic Regulation has the designation (EU) 2018/1139 and it became law just recently on 11 September, after several years of development and debate.

IMPLEMENTING RULES

This is the second level of rules and are, together with the Basic Regulation, referred to as "hard law". They are typically initiated by EASA and published by the EU Commission. **Implementing Rules** (often called IRs ... do not confuse these with the Instrument Rating!) are developed for each major area in EASA's scope. They are a lot more detailed

than the Essential Requirements laid down in the Basic Regulation. Fortunately many of them are not of major concern for General Aviation and Europe Air Sports members.

Here is a selection of Implementing Rules important to Europe Air Sports:

- Initial Airworthiness (e.g. Part-21) (EU) No 748/2012
- Continuing Airworthiness (e.g. Part-M) (EU) No 1321/2014
- Air Crew (e.g. Part-FCL and Part-MED) (EU) No 1178/2011
- Air Operations (e.g. Part-NCO) (EU) No 965/2012

FCL – Flight Crew Licensing; MED – Medical; NCO – Non-Commercial operations with Other than complex motor powered aircraft

Let's go one level deeper in the regulations structure. Now we come to "Soft law", which are detailed rules that are developed by EASA itself and have not been formally approved by the Commission. But they are nevertheless very important in the practical aviation world.

ACCEPTABLE MEANS OF COMPLIANCE (AMC) and GUIDANCE MATERIAL (GM)

AMC and GM publications contain the most detailed descriptions of the legal requirements written in the Implementing Rules. Typically when an Implementation Regulation is published, a corresponding AMC and/or GM document is also published. It is possible for Member States (sometimes also operators, such as for Part-NCO) to develop different means to fulfil the requirements in the Implementing Rules. This instrument is referred to as AltMOC (Alternative Means of Compliance).

CERTIFICATION SPECIFICATIONS (CS)

Certification Specifications are very important in those areas of the EASA Rulemaking that deal with Product Approvals, for example the Airworthiness rules. The Certification Specifications are detailed requirements for the development, construction and production of e.g. new aircraft types and engines.



OTHER EASA PUBLICATIONS OF A REGULATORY NATURE

Consolidated versions of the regulations

Many regulations are frequently updated. Typically the updates are then published as amendments to the existing rule. This quickly makes the regulation extremely complex to read and understand. Fortunately EASA occasionally publishes consolidated versions of the regulations, with the new texts inserted so that the result is easy to read. So if you are browsing the regulations: Try to use consolidated versions, if you can find one covering your subject!

Easy access rules

In recent years EAS has provided more user-friendly publications in the form of "Easy Access Rules for..." for different subjects. These "Easy Access" booklets go one step further than the Consolidated regulations mentioned above. Not only are amendments to the Implementing Rules included, but also the relevant AMC and GM texts are inserted next to the text from the Implementation Regulation. In this way you can find, for example, all the requirements for the supply of supplemental oxygen in one place in the Easy Access for Air Operations publication. Be warned, however: this document has 2009 pages, so it pays to avoid the print button and use the Find function instead when reading.

That's the main highlights of the European Aviation legislative Structure. In the next issue, we'll have a look at the Rulemaking Process and how Europe Air Sports defends the interests of Sports and General Aviation within that process.

Links:

EASA regulations <https://www.easa.europa.eu/regulations>

Chart of EASA regulations structure https://www.easa.europa.eu/download/regulations-structure/regulations_structure.jpg

A SELECTION OF NEWS from Rudi Schuegraf

Opt out 600 kg

The new Basic Regulation, in force since 11 September 2018, allows Member States to decide to regulate aircraft below 600 kg MTOM nationally. The Federal Republic of Germany has acted fast. The Ministry of Transport sent a notification to the Commission that Germany will choose the opt-out option and regulate aircraft up to 600 kg MTOM under its national responsibility. The Commission has confirmed the receipt. It will take a few months to amend the current national law but this should be completed early 2019.

Also Czech Republic sent a notification to the Commission that they will choose the opt out for 600kg MTOM. They plan to put it into force on 1 January 2019. More countries have already started to talk with the authorities about implementing the opt out.

Part M Light

In early September, EAS asked in writing about the status of the long awaited publication of Part M Light. (*M – Maintenance*) The following reply received from EASA tries to explain the further delay which we have to accept for the moment.

As I am sure you know, the Agency issued Opinion 05/2016 in 2016 which contains Part-ML and Part-CAO. This Opinion was discussed at the EASA Committee in 2016 with positive feedback. Since then it follows the comitology process under control of the Commission. Of course we do our best to assist in the process, but the Agency is not in charge of it.

For your information, this opinion has been merged with two more opinions dealing with the implementation of SMS in Part-CAMO and Tech Records so the Member States will vote the three Opinions in one package. The Commission planned initially to vote this package this October but this planning may be modified due to several reasons, which means that the voting would take place during the EASA Committee next February. Once it is voted it takes some time (around nine months - mainly for translation purposes) until it is adopted.

As a summary and considering the available information, the amending regulation could be adopted in around one year.

CAMO - Continuing Airworthiness Management Organisation

Use of NBR Annex I aircraft for flight instruction and crediting of hours flown

[N.B. Aircraft that were listed in Annex II under the old Basic Regulation are now described as Annex I in the New Basic Regulation (NBR)]



Ikarus C42

Some of you might remember the huge Notice of Proposed Amendment 29 A and B which was published 2014. It contained provisions about crediting of flight time of Annex II aircraft; it also contained a provision to enable Training Organisations to use Annex II aircraft for Flight Instruction. Unfortunately, these provisions never became part of the Implementing Rule because the Basic Regulation did not allow this option. The new Basic Regulation (NBR) allows more flexibility. At the end of last year, EAS re-started the attempt to increase flexibility. Finally EASA was convinced and started a small group with the aim of opening the usage of Annex I aircraft for Flight Instruction in ATOs and DTOs for the issue and revalidation of PPL and LAPL licenses. Thanks to EASA Staff and participation by several Member States and Europe Air Sports, the Implementing Rule was

successfully amended. "We have an agreement on the text of the Opinion and an overhaul of the AMC text proposed by DGAC." Furthermore, the status of AMC for "crediting flight time of Annex I" proposed in NPA 2014-29 will remain valid but updated.

ATO – Approved Training Organisation; DTO – Declared Training Organisation

The relevant texts will be amended to give power to the Member States' National Authority to decide whether an Annex I aircraft is authorised to be used for flight instruction. They know best their aviation system and will assure the necessary equivalent level of safety. The NBR allows this flexibility arrangement.

The full text of the proposal will be published after a final telephone conference on 18 October amongst EASA, the NAAs and EAS. We hope it will be possible to have the document ready for the EASA Committee meeting on 24/25 October. We will keep you informed.

TRAINING - FROM 'A' TO 'D' explained by Jean-Pierre Delmas

ATO (Approved Training Organisation) was the only legal framework made available by the European Commission in its 2008 regulation, for training organisations whatever their size and purposes. From the early days of preparation of this regulation, EAS fought against the simpleton's principle of 'One size fits all'.

In 2015, three weeks before the fatal cut-off date, the Commission issued a second opt-out for 3 years and set up a task force composed of stakeholders and EASA, to write down a new regulation for training for private pilot licences, outside Approved Training Organisations.

A small group was formed of representatives of gliding, ballooning and powered flying federations, of Europe Air Sports, of two national aeronautical authorities (UK and France) and of several EASA departments. Within 6 months they delivered a comprehensive set of implementing rules, acceptable means of compliance and guidance materials, for small and very small commercial and non-commercial organisations, in charge of training student pilots toward private pilot licences. The Task Force made use of the process of 'declaration' in place of the 'approval' process. This was novel, bold and audacious in the field of training under the reign of the old Basic Regulation.



Then ... some legal reviewers from EASA, DG Move or the Commission rejected/objected/spoiled/counter-fought ... and eventually accepted the draft.

The legal washing lasted 2½ years, disregarding the opt-out deadline of 8 April 2018, so Member States were thrown into a wide legal hole from 9 April of this year.

Finally ... on 13 August 2018, the Commission published IRs (implementing rules) in the Official Journal. On 14 September, EASA issued AMC and GM (acceptable means of compliance and guidance materials). The Declared Training Organisation (DTO) was born.

Small and very small training organisations won a legal framework similar the one they had been using for decades before 2008, but enhanced with the latest advantages of safety studies and explicit risk analysis.

Lessons learnt

Fear is the worst driver for rule makers, whether their background is legal or expertise

- It leads inescapably to the accumulation of more and more detailed rules to cover outcomes of frightened imagination.
- Risk analysis is the recommended driver as it sticks with reality.

Misunderstanding of the specific role of regulation in aeronautical safety regulation

- Aeronautical safety regulation is mainly oriented to organise cooperation

between different safety players, sharing common goals and commitment to continuous improvement of their skills, methods and procedures.

- The correct driver is trust in educated, trained and committed people.

The dream of a perfect regulation, to get rid of lawsuits, is another bad driver

- It leads to rewriting of crystal clear technical provisions into legal jargon for lawyers and judges.
- It is a counterproductive policy, as aeronautical safety regulation is aimed to help first line operators and their supporting services to handle safety.
- The correct process is to submit changes, and especially last minute changes, to Task Force members to read.

Some key reasons that DTO rule-making was successful

- 1) The top management of EASA and task force players were committed to fix the deadly regulation for small training organisations.
- 2) All domains and disciplines were represented by field-experienced persons.
- 3) The Task Force (TF) stuck to principles of the New Safety Strategy for GA and the GA Roadmap: risk hierarchy, risk analysis, performance-based rule making, trust in certified people, etc.
- 4) TF players sorted out what the different disciplines had in common and what had to be customised. Some disciplines supported advanced privileges exclusive to other disciplines due to their particular context.
- 5) TF members were provided opportunities to present the draft proposal to limited circles of interested Member States:
 - It allowed sufficient time to engage in-depth dialogue on the most advanced provisions and then to challenge them.
 - Support for the draft proposal increased gradually.
 - It avoided the detrimental situation where a draft is presented to an audience of Member States (MS), and receives a hail of questions and doubts from 28 concerned MS at a time. This often creates a first impression of poor preparation and design of the proposed text, which then crystallises into definite unwillingness for some MS.

Proportionate rules for GA are achievable; DTO is not the only example. The New Basic Regulation confirmed the validity of the declaration process. It makes people accountable without initial burdensome audits and extra costs. All that Europe Air Sports asked, for small organisations often run by enthusiastic volunteers.

Europe Air Sports gathers expertise of all disciplines of leisure and sports aviation and will continue to lead on negotiations and collaborative work with European institutions to achieve good results wherever possible.

WORKSHOP ON THE NEW BASIC REGULATION

Michel Rocca attended this workshop to represent Europe Air Sports; he reports:

The new Basic Regulation (BR), published in July, is the final outcome of lengthy political discussions between the European Parliament and the Council.

This workshop was a training session, rather than a consultation of stakeholders or a negotiation with them. The day directly concerned people familiar with the previous Basic Regulation and also with the text of the New Basic Regulation (NBR).

An on-line tool will be available by the end of this year. Meanwhile, we can send all our

The workshop gave the opportunity for EASA to deliver its analysis of what they call the "novelties", to present how they expect the implementation roadmap to work, and to collect the first questions about the interpretation of some of these novelties.

As regards our industry sector, EASA colleagues were very supportive of GA and the main messages were that the NBR contains many tools GA should make good use of (e.g. declaration of compliance rather than certification, risk-based approach, qualified entities and total system approach).

We will report further when there is more information.

HIGHLIGHTS FROM THE PROGRAMME MANAGER'S DESK outlined by Nils Rostedt

In the last months, EASA rulemaking activities have mostly concerned larger aircraft, but there are a few new consultations that merit closer study:

- NPA (Notice of Proposed Amendment) 2018-06 All-weather operations
- NPA 2018-10 Regular update of the Certification Specifications for Standard changes & standard repairs (CS-STAN) - Issue 3

Other notable happenings during July to September have been:

- Evaluation of the recent draft EASA EPAS (European Plan for Aviation Safety) 2019-2023. *The general observation is of a slowdown in the number of regulations passing through from the NPA stage to an EASA Opinion and from there to be accepted by the Commission.*
- Evaluation of an Operations Concept for Drones by the CORUS project; **CORUS - Concept of Operations for European UTM Systems .. UTM is Unmanned Traffic Management** .. i.e. the safe traffic management of unmanned aircraft.

Finally and for the record,

- The Commission Implementation Regulation amendment (EU) 2018/1119 concerning DTO (**Declared Training Organisations**) was finally published on 13 August;
- The Commission Implementation Regulation [EU 2018/1142](#) Categories of aircraft maintenance licences, the modification of the acceptance procedure of components from external suppliers and the modification of the maintenance training organisations' privileges
- and last but not least, **the new EASA Basic Regulation** (Regulation (EU) 2018/1139 of the European Parliament and of the Council) was published on 22 August and entered into force on 11 September.

Europe Air Sports officers have been closely involved in the last two pieces of rulemaking, so at this stage a thank you to them is in order for all the work done!

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/>

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